CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, FIRST SESSION.

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VOLUME L, PART III.

CONGRESSIONAL RECORD.

SIXTY-THIRD CONGRESS, FIRST SESSION.

SENATE.

TUESDAY, *June 17, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	O'Gorman	Smith, Mich.
Bacon	Fall	Owen	Smith, S. C.
Bankhead	Fletcher	Page	Smoot
Borah	Gallinger	Perkins	Sterling
Bradley	Gronna	Pittman	Stone
Brady	Hollis	Pomerene	Sutherland
Brandegee	James	Ransdell	Thompson
Bristow	Johnson, Me.	Robinson	Thornton
Bryan	Johnston, Ala.	Root	Tillman
Burton	Jones	Saulsbury	Townsend
Catron	Kern	Shafroth	Vardaman
Chamberlain	La Follette	Sheppard	Williams
Chilton	Lane	Sherman	Works
Clapp	McLean	Shields	
Clark, Wyo.	Martin, Va.	Shively	
Colt	Norris	Smith, Ariz.	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Friday last, and was interrupted by

Mr. JONES. I understand it is the desire to take up the Indian appropriation bill as soon as the routine business is concluded. Therefore I have no objection to dispensing with the further reading of the Journal.

The VICE PRESIDENT. Is there objection to dispensing with the further reading of the Journal? The Chair hears none, and, without objection, the Journal will stand approved.

LAND PATENTS IN THE PHILIPPINES (H. DOC. NO. 89).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith Act No. 2222 of the third Philippine Legislature, entitled:

An act further to amend section 33, chapter 4, of Act No. 926, entitled "The public-land act," as amended, by providing for the granting of free patents to native settlers until January 1, 1923.

I have approved the act and submit it in accordance with provisions of section 13 of the act of Congress, July 1, 1902, entitled:

An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

I also transmit herewith a letter of the Secretary of War, explaining the act and its purposes.

WOODROW WILSON.

THE WHITE HOUSE, *June 13, 1913.*

THE BRAZILIAN REPUBLIC.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram from the vice president of the Senate of the Brazilian Republic, which will be read.

The cablegram was read and ordered to lie on the table, as follows:

RIO DE JANEIRO, *June 13, 1913.*

His excellency the PRESIDENT OF THE AMERICAN SENATE,
Washington:

I have the honor to inform your excellency that the Senate of the Brazilian Republic unanimously resolved at its to-day's session to approve the suggestion of Senator Mendes de Almeida to have presented to your excellency an expression of sincere gratitude at the demonstrations of high distinction which the great American Nation has given to the minister of foreign affairs of Brazil, Dr. Lauro Muller.

With respectful greetings,

PINHEIRO MACHADO,
Vice President of the Senate.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the Audubon Society of Buffalo, N. Y.; the Children's Museum of Brooklyn, N. Y.; and C. Robotham, of Newark, N. J., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Trade of Claremont, N. H., favoring an appropriation for suitable homes for American ministers in foreign countries, which was referred to the Committee on Foreign Affairs.

He also presented petitions of the Quaker City Chocolate & Confectionery Co., of Philadelphia, Pa.; of the Bridge City Candy Co., of Logansport, Ind.; the New England Confectionery Co., of Boston, Mass.; of Henry Heide, of New York; Frank E. Menne, of Louisville, Ky.; the Ohio Confection Co., of Cleveland, Ohio; and of the New England Mutual Life Insurance Co., of Boston, Mass., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. BRISTOW. I have a petition from the Kansas State Live Stock Association, which I should like to have printed in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I will have to object to unanimous consent.

Mr. BRISTOW. Do I understand that the Senator from Washington objects?

Mr. JONES. I do.

Mr. BRISTOW. Why does the Senator object to having the petition printed in the RECORD.

Mr. JONES. Because I have objected to other requests of a similar character.

Mr. BRISTOW. What does the Senator say?

Mr. JONES. I have objected to requests of the same character by others. That is my only reason.

Mr. BRISTOW. This is an association of live-stock men and farmers in Kansas who petition Congress in regard to legislation that is now pending. It seems to me when a Senator objects to the people of a State representing a great industry like that having their opinions and their wishes incorporated in the RECORD he is carrying his filibuster to an extreme position. Of course it will impose upon Senators the necessity of reading these petitions into the RECORD in order to give an expression from their constituents upon important legislation that is pending.

The VICE PRESIDENT. On objection, the petition will be referred to the Committee on Finance.

Mr. STERLING. Mr. President, I present memorials of citizens of Watertown, S. Dak., protesting against certain provisions of section 11 of House bill 3321—the income-tax section—and proposing an amendment thereto. All these communications are in the same form. I should like to have one of them, signed by John H. Hanten, printed in the RECORD. I make that request.

I also present a resolution of the Pierre Commercial Club, of Pierre, S. Dak., relating to residence buildings for representatives of the United States Government in foreign countries. I ask that it be printed in the RECORD.

The VICE PRESIDENT. The Senator from South Dakota asks that the memorial and the resolution indicated by him be printed in the RECORD.

Mr. JONES. I have objected to similar requests. I am very sorry, but I will have to object at this time.

The VICE PRESIDENT. There is objection. The memorials will be referred to the Committee on Finance, and the resolution will be referred to the Committee on Foreign Relations.

Mr. POMERENE. I present a preamble and resolutions in the nature of a petition adopted at a joint meeting of the Cincinnati Chamber of Commerce and Merchants' Exchange, June 11, 1913, urging upon the Congress of the United States legislation on the subject of banking and currency at the present session. I ask that it be incorporated in the RECORD without reading.

Mr. JONES. I am very sorry, but I shall have to object.

The VICE PRESIDENT. The petition will be referred to the Committee on Banking and Currency.

Mr. POMERENE. As it bears so directly upon a matter that is at present engaging the attention of Congress, I will take the time of the Senate to read it myself.

Mr. JONES. I make the point of order that under the rule the Senator can not do that at this time without unanimous consent.

Mr. POMERENE. I shall insist upon my right to read the petition as a part of my remarks on the subject.

Mr. SMOOT. Remarks are out of order at this time.

Mr. POMERENE. Very well; I will abide by the decision of the Chair.

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The VICE PRESIDENT. The ruling of the Chair as to the right of the Senator to have the paper read is that it is for the Senate to decide. All who are in favor——

Mr. JONES. I desire to suggest to the Vice President that the precedent holds that upon the presentation of a memorial it can not be read except by unanimous consent. Later on in the proceedings of to-day the Senator can take the time to read it. If I had the precedents before me I could cite them to the Vice President where the holding is that under the order of the presentation of petitions and memorials the reading of a petition or memorial can only be by unanimous consent.

The VICE PRESIDENT. The Chair finds that there is a precedent in the ruling of Vice President Stevenson in 1894 to the effect that—

during the call for petitions and memorials under Rule XII, paragraph 4, which prescribes that every petition or memorial shall be signed by the petitioner or memorialist, and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate, that it was not in order to read the petition at length, either by the Senator presenting it or by the Secretary, unless by unanimous consent.

As the Chair has a high regard for Vice President Stevenson, the same ruling will be made now.

Mr. POMERENE. I submit to the ruling of the Chair.

Mr. JONES. Mr. President, I will withdraw my objection to the requests of the Senator from Kansas [Mr. BRISTOW], the Senator from Ohio [Mr. POMERENE], and the Senator from South Dakota [Mr. STERLING] that the petitions or memorials presented by them be printed in the RECORD.

The VICE PRESIDENT. Is there any further objection to printing them in the RECORD? The Chair hears none, and they will be printed in the RECORD.

Mr. POMERENE. I was quite sure that the Senator from Washington was not really as sorry as he pretended to be in the first instance.

The memorial of the Kansas State Live Stock Association, presented by Mr. BRISTOW, was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

KANSAS LIVE STOCK ASSOCIATION,
Emporia, Kans., May 3, 1913.

At a meeting of the Kansas State Live Stock Association held in Emporia, May 3, 1913, the following resolutions were unanimously adopted:

Whereas owing to the short time until the lower branch of Congress will vote on the pending tariff bill: Therefore be it

Resolved, That the secretary of the Kansas State Live Stock Association be instructed to send the following as a night letter to each of the Kansas Members of Congress:

"The Kansas State Live Stock Association at its meeting here today protests vigorously against making meat free and placing a duty on cattle. Free meat benefits only the packer and makes his monopoly absolute. He will then control both the live and dressed animal. He will dictate the price to the producer and consumer alike. For relief from high beef give us free cattle and a tariff on meat."

Resolved further, That the secretary of the Kansas State Live Stock Association be instructed to forward a copy of the foregoing night letter, statement, and these resolutions to Senators JOSEPH L. BRISTOW and W. H. THOMPSON.

M. M. SHERMAN,
GEORGE PLUMB,
JOHN A. EDWARDS,
Committee.

First. If meat is free the packer can bid us for our cattle any price; should we remonstrate and refuse to accept his bid, he can force us to take his price; he can ship in cargoes of his foreign-killed meat and continue shipping this foreign-produced and duty-free meat, to supply his home trade, until the American cattleman accepts the price and his terms. Under the present conditions we have some little independence in the prices we receive. The packer must buy the home-raised live animals or lose his trade.

Second. It is the presumption and the intention of the new bill that foreign meat producers will ship their products freely to this country whenever meat is admitted without a tariff. Their charge would be true, perhaps, if the foreign packer was not our own American packer. He owns a large per cent of the packing houses abroad, the same as at home.

Third. Should an independent company owning slaughterhouses abroad perchance succeed in shipping dressed beef to this country our packer would prevent the sale of this foreign product. For the reason that the packer is in control or owns or dictates the home distributing points, local refrigerator plants, and little butcher shops, the foreigner would be forced to sell his beef from wagons or at the docks, or by advertising or through sympathy.

Fourth. We also fear free meat from another and even more vital standpoint—cattle carcasses can be shipped by steamers from many foreign ports to New York and along the eastern coast, or to San Francisco and along the Pacific coast, cheaper than by freight from Kansas City to the same points, and in addition these ocean-carrying vessels refrigerate the meat as they sail. They are both a transport and refrigerating plant. The ice and the water which they use is made and distilled from the brine of the sea.

Fifth. Should it be desired by Congress to protect American labor, a free-meat bill should never be passed. Thousands who find employment at the slaughter establishments of this country would soon be looking for other work if beef is killed abroad. Thousands of others now engaged in raising cattle in the United States will embark to Argentine and enter business there.

Sixth. The sentiment of "back to the cow" and of "back to the farm" has been urged, and even by those who are now declaring for free meats the propositions are inconsistent. Free meat will annihilate the effectiveness of these slogans. People will not move back under these conditions; they will move away. The American farmer and cattleman can raise, in the future as well as in the past, not only all the beef this country will require, but plenty for export, provided that he is encouraged. He is rapidly recovering from the previous ill effects of an oversupplied cattle market and the ruinous prices of a few years ago. The farmers not only of Kansas, but of Missouri and Tennessee, and the East and the North and the South, are going into the cow business again. Should the packer now by this concession to him, and to him only, be given free meat this unfair advantage will again dissipate the breeding herds; the American shortage of cattle will continue and increase.

Seventh. Another very serious and far-reaching problem and affecting practically 60 per cent of our population vitally, is that when the number of cattle in the country continues to decrease, then the value of land and farms and ranges is reduced proportionally. Millions of acres of grazing lands and pastures are made valuable, wholly by the number and the worth of the cattle which they grow and graze. With no cattle on these millions of acres the lands would be valueless and would not bring the tax levy. Millions of tons of frost-bitten grain or inferior forage crops are marketed each year with profit by means of cattle. If cattle are not bred and fed and fattened with the products of our pastures and soils, both grazing and agricultural lands will be undesirable.

Eighth. No one gains by the Nation having free meat, except the packer. The consumer does not. The packer only lowers the price of meat when forced. The packer only imports meat. He alone makes the selling price, a price which is "all the traffic will bear and still move." The immediate and practical method to make cheaper meat for the millions of consumers is to encourage and legislate so that all of our farms and ranges will fill with beef-breeding cattle. Free meat will not stock our ranches; it will fill the ranges of South America.

Ninth. No one so far from the seat of war can wage battle against this discrimination and in favor of the packer. If fairness is sought, the 10 per cent should be on the meat and not the cattle. Live cattle are imported by all classes—the cow breeder, the cattle feeder, and the ranchman, as well as the packer.

Tenth. The Government in this meat schedule should strive to benefit all the people, which is itself. Should this course be impossible, it next should consider the consumer. Provided that the consumer is too remote to be reached, then it certainly follows that the 60 per cent of our population engaged in agricultural and live-stock pursuits should be protected in this bill and not the infinitesimal part of 1 per cent engaged in the beef-packing industry. Only a short ways back into the nineties the packers were the lean kine. To-day, through favorable legislation, splendid management, and clever manipulation and concentration and court decisions (righteous beyond criticism), the packers have become the owners or controllers of immense packing establishments, both foreign and American; of great cattle herds and ranches; of powerful banks; of valuable tracts of real estate. They are supposedly strong in large holdings of railroad stocks. They dominate in the selling and refrigeration of butter, eggs, poultry, and other necessities of life. They own millions in public stockyards. Every shipper pays them tithe. Their control in hides, wool, leather, harness, and shoes is beyond comprehension.

The memorials presented by Mr. STERLING were referred to the Committee on Finance, and the memorial signed by John H. Hanten, of Watertown, S. Dak., was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SUGGESTED AMENDMENT TO THE INCOME-TAX SECTION OF THE TARIFF BILL NOW PENDING IN CONGRESS.

WATERTOWN, S. DAK., *May 3, 1913.*

To the Hon. THOMAS STERLING,
Washington, D. C.:

I desire to protest against such of the provisions of section 2 of House bill 10, being "A bill to reduce tariff duties and to provide revenues for the Government, and for other purposes," as impose a tax in any form upon mutual life insurance companies, and urge that said bill be amended so as to exempt such companies from the income tax the same as fraternal and beneficial societies are by the bill exempted from the tax. The income-tax law of 1894 contained a provision expressly exempting life insurance companies conducting business on the mutual plan from the tax imposed by that act.

I would therefore respectfully urge that you use your best efforts to secure an amendment to the exemption provisions of the pending bill by incorporating in it the following clause:

"That nothing herein contained shall apply to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policyholders or members, and having no capital stock and no stock or shareholders, and holding all its property for the benefit of and in reserve for its policyholders or members; nor to that part of the business of any insurance company having a capital stock and stock and shareholders which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policyholders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business for the benefit of and in reserve for the benefit of its policyholders and members insured on said mutual plan."

Very truly, yours,

JOHN H. HANTEN.
Policyholder in the Mutual Life Insurance Co. of New York.

The petition presented by Mr. STERLING was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolution by members of the Pierre Commercial Club, of Pierre, S. Dak.

At a meeting of the members of the Pierre Commercial Club, of Pierre, S. Dak., held on the 10th day of June, 1913, the following resolution was adopted, to wit:

Be it resolved, That—

Whereas the United States, contrary to the custom of the leading powers, does not own buildings in foreign countries for its representatives, with the result that our commercial interests suffer in competition with other nations for the expansion of our foreign trade; and

Whereas we believe that no representative of our Government abroad should be called upon to make expenditures from his private fortune, or that it should be necessary for him to have one in order to enable him to accept the appointment and to maintain our dignity in foreign countries; and

Whereas we believe that representatives should reside at a permanent home which our Government should supply, to which our citizens could point with pride, and where they may come and go with the same freedom as that existing at the White House at Washington; and believing that it reflects upon our national dignity for one representative to live in a palace and for his successor to live in a flat, and that neglect to provide residences precludes the Nation from obtaining the services of many eminent citizens: Therefore, be it

Resolved, That we are heartily in favor of the United States owning buildings that will reflect credit on the Nation, that will combine the office with the residence, and of such size that representatives may maintain them on their pay: Be it further

Resolved, That a copy of these resolutions be forwarded to our Senators and Representatives in Congress, requesting them to use their best efforts in supporting any bill that may be introduced to carry out the objects of this resolution.

We, J. L. Lockhart, president, and Albert Gunderson, secretary, of the said Pierre Commercial Club, of Pierre, S. Dak., do hereby certify that the foregoing is a true and correct transcript of the minutes of a meeting of the members of the said Pierre Commercial Club held at its rooms in the city of Pierre, S. Dak., on the day first above named.

THE PIERRE COMMERCIAL CLUB,
Pierre, S. Dak.
By J. L. LOCKHART, *President.*
By ALBERT GUNDERSON, *Secretary.*

The petition presented by Mr. POMERENE was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

CINCINNATI CHAMBER OF COMMERCE,
AND MERCHANTS' EXCHANGE.

Preamble and resolutions adopted by the board of directors June 11, 1913.

Respecting an improved banking and currency law for this Nation, the Cincinnati Chamber of Commerce believes as follows:

First. That it is of the utmost importance and interest to all classes of our people that a banking and currency law should be promptly enacted, which will be automatically responsive to the tides and volume of the business of this country, and which will furnish for the use of business an abundance of stable credit and more uniform discount rates than is possible under our present laws.

Second. That popular confidence in the absolute and constant stability of our banking and currency system would result in incalculable benefits to all classes of our people.

Third. That great injury always follows undue drawbacks and interference with the business enterprise, genius, and resourcefulness of our people, and that as far as possible it is the solemn duty of Congress to prevent them.

Fourth. That assurance that such legislation is to be consummated before the adjournment of the present session of Congress would quickly stimulate enterprise and remove the existing and, we believe, unwarranted commercial lethargy, which is prejudicial to every citizen and to every industry.

Fifth. That while imperfections are to be anticipated in so complex a subject, these do not justify longer delay in enacting such a law, for the reason that corrections can be made as experience may suggest.

Sixth. That past financial panics were largely due to the neglect of and would be hereafter largely prevented if this important subject were properly settled.

Seventh. That our people generally have exhausted the study of this proposition, are ripe for, expect, and want such legislation.

Eighth. That no other subject before this Nation is so insistent and potential for good or harm.

Ninth. That new fields of trade expansion at home and abroad throughout the world invite and press attention upon American enterprise, and that success in these fields demands facilities at least as good as those enjoyed by our powerful rivals: Therefore be it

Resolved by the Cincinnati Chamber of Commerce, That His Excellency the President of the United States and the Senators and Representatives in Congress be, and they are hereby, petitioned to do all which in their power lies to take up and promote the reform of our banking and currency system at the present extra session of Congress.

Resolved, That the secretary of the Cincinnati Chamber of Commerce is hereby authorized and instructed to invite similar action to this by all commercial bodies of the United States.

[SEAL.] M. C. WILKINS, *Executive Secretary.*

Mr. CATRON. I have three communications which have reference to matters in connection with the tariff, which I ask may be printed in the RECORD and referred to the Committee on Finance.

Mr. JONES. In view of the consent I have given with reference to other matters, I shall make no objection to the request of the Senator from New Mexico.

There being no objection, the communications were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FRANK A. HUBBELL CO.,
Albuquerque, N. Mex., June 9, 1913.

Hon. T. B. CATRON,
United States Senator from New Mexico,
Washington, D. C.

DEAR SIR: I wish to respectfully protest against the enactment of that portion of the income-tax bill which taxes the net income of mutual life insurance companies.

I hold a policy in one of these companies and know that this tax must necessarily come out of the funds of policyholders, although I understand that this is not the intention of those who drew the bill. Nevertheless it is true, as there are no other funds in a mutual company from which the tax can be paid.

It seems entirely unfair to reduce the tax on jewelry and other such luxuries and then make up the loss by taxing the small policyholders of the country.

This is evidently a blunder in the bill, and I hope you will use your influence to have it removed.

Very truly, yours, FRANK A. HUBBELL.

TEXAS SHEEP AND GOAT RAISERS' ASSOCIATION,
San Antonio, Tex., April 25, 1913.

Hon. THOMAS B. CATRON,
United States Senate, Washington, D. C.

DEAR SIR: As members of the executive committee of the Texas Sheep and Goat Raisers' Association, each of us having had from 20 to 30 years' personal knowledge of the Angora-goat raising business in Texas, and some of us not having owned a goat during the last past several years, and the majority of the members of this committee being of lifelong Democratic political affiliation, and this committee being unanimous in the opinions herein expressed, having only the welfare of our country under consideration, and wishing to encourage the upbuilding of the Angora-goat industry, respectfully wish to make known to you the needs of the Angora-goat raisers and request your influence with your committee and with Congress as a whole in an effort to induce the retention of the present 12 cents per pound import duty on mohair (alpaca and camel's hair) and the separation of mohair into a separate schedule from wool when formulating a new tariff law, for the reasons here below stated:

First. The present 12 cents import duty on mohair should be maintained in order to something near equalize the difference between the cost of labor and grazing privileges in this country (which constitute so largely the cost of producing mohair here) and the cost of labor and grazing privileges in Turkey and South Africa (the only other mohair-growing countries), where the cost of these requisites is but a trifling portion of the cost of same in this country, as is shown by all authoritative information bearing on this subject. Under the 12 cents per pound import duty the goat stock of the United States, nearly all of which are Angoras, increased from 1,870,599 head in 1900 to 2,915,125 head in 1910, being an increase of 55 per cent, as is shown by the census reports. The United States is now producing annually about 6,000,000 pounds of the 13,000,000 pounds of mohair estimated to be annually consumed in the United States, which puts the industry on a highly competitive basis, and from which the Government realizes a large amount of revenue. Reducing the import duty on mohair to a 20 per cent ad valorem rate, as has been proposed in the tariff bills that have passed the House the last two sessions of Congress, would reduce the selling price that the grower of mohair in this country would receive about 7 cents per pound. Any considerable reduction of the present rate of import duty on mohair will, in our opinion, not only stop the increase of the Angora-goat stock of this country, which has developed so rapidly during the last past 15 years, but will force the goat raisers out of business by reason of the business becoming unprofitable, causing the industry to dwindle and cease to exist. And when once allowed to perish it will be very slow reviving the flocks, owing to the laws prohibiting the exportation of the Angora goat from Turkey and South Africa, the only foreign countries possessing Angora goats of desirable quality. In addition to these facts, if we allow the Angora flocks of the United States to decrease, there will be danger of our manufacturers of mohair having to submit to the demands that will be liable to be made by monopolies controlling the mohair clip of the world, of which the people of the United States are rapidly coming to consume a very large proportion.

In addition to these facts, the proper development of the angora flocks will enable the people to utilize the nonirrigable portions of the semiarid districts of our southwestern country, where angoras thrive best, more advantageously than can be done by using it for any other kind of live stock.

Another reason why the present 12 cents per pound import duty on mohair should be maintained comes of the fact that the fabrics made from mohair constitute mainly what are termed luxuries, for the use of the well-to-do and wealthy element, who should be required to contribute most largely to the revenues required by the Government.

In addition to these reasons for maintaining the industry, we call your attention to the fact that the proper development of our angora-goat flocks will not only enable us to avoid having to pay an exorbitant price for mohair eventually—in case our flocks are allowed to go to waste, by reason of the business becoming unprofitable from want of the necessary consideration at the hands of Congress—by reason of the business of producing mohair becoming controlled entirely by South Africa and Turkey, but the goat stock of this country, properly increased, will annually produce tens of thousands of tons of choice meat of the healthiest kind at a less cost to the people than it can be produced from any other source, helping to check the advancing prices of meat.

Now, as to why mohair should be given a separate and distinct schedule from wool when formulating a tariff law, as was argued by the delegate from this association who appeared before the Ways and Means Committee in December, 1908, "Mohair should no more be scheduled with wool, when formulating a tariff law, than silk should be." The fabrics produced from mohair are worn or used by people receiving good salaries and the wealthy element almost exclusively, and are properly considered articles of luxury, and should be taxed as are luxuries. We realize that there must be levied on mohair fabrics a rate of import duty that will compensate the manufacturer of mohair for the amount of duty levied on the hair required to produce similar fabrics, otherwise he must likewise go out of business, and our growers of mohair, so long as they tried to continue in the business, would be compelled to depend on a foreign market for their mohair, which would place them on a flat footing with the mohair growers of Turkey and South Africa, which would quickly destroy the Angora goat industry in this country.

We earnestly desire and hope for your active and vigorous support of the views herein expressed.

Very respectfully submitted.

CHAS. SCHREINER,
President Texas Sheep & Goat Raisers' Association.
ALFRED GILES, *Secretary.*
C. B. HUDSPETH,
B. L. CROUCH,
JAMES MCLYMONT,
M. W. LITTLEFIELD,
IKE T. PRYOR,
Executive Committee.

TEXAS SHEEP & GOAT RAISERS' ASSOCIATION,
San Antonio, Tex., April 25, 1913.

Hon. THOS. B. CATRON,
United States Senate, Washington, D. C.

DEAR SIR: We have read a considerable portion of the arguments made before the Committee on Ways and Means on 27th and 28th of

January (hearings on Schedule K, wool and manufactures of wool) in favor of free wool, or in support of a 20 per cent ad valorem rate of import duty on wool. And while we accord to the witnesses entire sincerity in their beliefs in the opinions they expressed and assertions they made to that committee, bearing on the sheep industry relative to the needs of the industry, the cause of the increase and decrease of the sheep stock of the United States during the last past 50 years, it causes us very great regret to know that gentlemen who occupied most time discussing the subject made numerous assertions to the committee that compels us to believe that their knowledge of the business of sheep raising in the trans-Mississippi States is wholly superficial, and that their statements and assertions concerning the business were erroneous, misleading, and valueless to that committee in forming its conclusions as to the recommendations it should make to Congress concerning the woolgrowing industry. Speaking to you as members of the executive committee of the Texas Sheep & Goat Raisers' Association, each of us having had from 25 to 45 years' practical personal knowledge of the business of sheep raising in Texas in no small way, and having a superficial knowledge of the business throughout the United States, and some of us not having owned a sheep in the last past several years, and our committee being composed of Democrats and Republicans of lifelong political affiliation, the majority of this committee being of lifelong Democratic political affiliation, each and all having only a desire for the welfare of our country as a whole, and all concurring in the views herein expressed, we have to advise you that any serious departure by Congress from the conclusions compelled to be drawn from the report of the Tariff Board, as to the rate of import duty that should be levied on wool in order to something near equal the difference between the cost of producing wool in this country and in competing countries, will have a disastrous effect upon the sheep industry in Texas and of the United States as a whole.

Replying to the inquiry as to the cause of the failure of the farmers and ranchmen to maintain the 47,274,000 sheep in the country in 1893, we have to advise you that the recommendation made by President Cleveland in May, 1893, that raw material (which was considered as embracing wool) be put on the free list and that enacting the Wilson tariff law in 1894 admitting wool free of import duty caused the business of woolgrowing to become so unprofitable that the sheep stock was sent to the slaughterhouses and neglected to such an extent that the Democratic Secretary of Agriculture—Mr. Morton—reported the country as possessing only 36,819,000 sheep on January 1, 1897. During the free-wool years 1895-96 the records show that wool sold in the producing markets for about or less than one-half the prices obtained for the same class of wool during several years last preceding the adoption of the free-wool policy. It is unnecessary to recite here the ruinously low prices for which choice flocks of sheep were sold during the free-wool years by reason of the disastrously low prices of wool and the bankrupt condition to which a large percentage of former owners were reduced. The hereabove stated statistical facts, with the natural inferences to be drawn therefrom, supply all necessary evidence as to that feature of the case.

The 23 per cent decrease of the sheep stock during the application of the free-wool policy, as shown by the above statistical statements, which decrease occurred most largely in some of the best breeding districts—Texas, for example, decreasing her stock by more than 38 per cent, as shown by our State comptroller's reports—left the country at the close of the free-wool policy with her numbers of female sheep so depleted that it has been impossible for the farmers and ranchmen to supply the demands of the people of the United States for mutton and make more than temporary increase of the depleted numbers. While the Government reports show an increase of the 36,819,000 at close of the free-wool policy in 1897 to 39,852,967 sheep of shearing age in 1900—the latter number being the census report—the census report of 1910 shows 39,644,046 sheep of shearing age. The decrease that has occurred in recent years comes of the increased slaughter of sheep for domestic consumption, and especially the increased consumption of lambs of 3 to 6 months' age.

Our country possesses all the conditions requisite to enable it to successfully sustain such a number of sheep as would be necessary to supply all the clothing wool required by treble the present population. Texas alone has the capacity to successfully sustain, under the pasture system which she is now adopting, thirty or forty million sheep, and, in our opinion, would, in reasonable length of time, come to possess that number, if assured of an import duty on wool something near equal in amount to the difference between the cost of production in the United States and in competing countries. In addition to producing such necessary supply of clothing wool, a stock of sheep of such numbers would be of inestimable value as a necessary aid to maintaining the fertility of the soil of the farms of our country.

The striking off of the present 1½ cents per pound import duty on fresh meat, admitting mutton from Argentina, New Zealand, and Australia free, would also have a severely detrimental effect on the sheep industry, as it is from the sale of mutton, in addition to the fleece, that the farmer and ranchman are enabled to remain in the business of sheep raising, receiving only small compensation for their labor and money invested in same.

The frequent recurrence of the agitation of a free-wool policy deters tens and tens of thousands of farmers and ranchmen from engaging in growing sheep. The sheep industry is conducted on such a small margin of profit that any serious decrease of the amount of import duty levied on wool that the Tariff Board's report shows should be levied to equal the difference in cost of production here and in competing countries will affect the industry disastrously, particularly the merino flocks of the trans-Mississippi country, and especially the flocks located in the semiarid Southwest, and cause the present rate of decrease of the sheep stock to be rapidly increased, causing a still greater shortage in the necessary meat supply of our country, especially of mutton, which is the healthiest meat and equally as nutritious as beef.

We further wish to call your attention to the exhibit on page 4071, in part No. 20, tariff hearings January 28, entitled "Number of sheep in Australia, 1891 to date," which shows the fact (astounding to the unacquainted) that the sheep stock of Australia, the greatest woolgrowing country of the world, decreased from 106,421,068 in 1891 to 72,040,211 in 1901, and from 72,040,211 in 1901 to 53,668,347 in 1902. While the report does not show that the disastrous decrease was caused almost wholly by death from starvation, caused by drought, nevertheless drought was the cause. The facts shown in that statement, showing the sudden decrease in the sheep stock of Australia, should be sufficient to warn Congress and the people as a whole of the danger of allowing the United States to fail to become self-supplying in her necessary quantity of clothing wool.

We earnestly solicit your influence to defeat any proposition by Congress looking to a serious departure from the convictions herein expressed.

Respectfully submitted.

CHAS. SCHREINER,
President Texas Sheep & Goat Raisers' Association.
ALFRED GILES, *Secretary.*

Executive committee: B. L. Crouch, C. B. Hudspeth, James M. Symond, Geo. Richardson, J. R. Hamilton, Geo. W. Littlefield, Ike T. Pry, O. J. Woodhull.

Mr. NEWLANDS presented sundry petitions of citizens of Summit, Silverton, Mehama, Hubbard, Creswell, Eagle Point, Glendale, Stayton, and Marquam, in the State of Oregon, and engaged in the industry of goat raising, relative to the duty on mohair, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Winnemucca, Lovelock, Lovelock Valley, and Elko, all in the State of Nevada, and of the Hamilton Commercial Club, of Nevada, remonstrating against wool, cattle, and meat being placed on the free list, which were referred to the Committee on Finance.

Mr. SHERMAN presented a petition of sundry citizens of Alton, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chicago Association of Commerce, of Illinois, remonstrating against the adoption of certain proposed changes in the customs administrative law, which was referred to the Committee on Finance.

Mr. JOHNSON of Maine presented a memorial of the State Federation of Labor of Maine, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Topsfield, Me., remonstrating against a reduction in the duty on print paper and wood pulp, which was referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of Dirigo Lodge, International Brotherhood of Paper Makers, of Augusta, Me., remonstrating against a reduction in the duty on print paper and wood pulp, which was referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of the State Federation of Labor of Maine, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented resolutions adopted by State Branch No. 18, United National Association of Post Office Clerks, of Bath, Me., favoring the adoption of certain changes in the postal laws relative to the examination of clerks in the postal service, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Territories, to which was referred the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, reported it with an amendment, and submitted a report (No. 65) thereon.

Mr. OWEN. From the Committee on the Library I report back favorably with an amendment in the nature of a substitute the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress. This matter was before the Senate in the preceding Congress. I think there is no objection to it on the part of anyone, and I shall be glad to have present consideration of the bill.

Mr. LA FOLLETTE. I understood the Senator from Oklahoma to say that this is a substitute for the bill which he introduced.

Mr. OWEN. It is a substitute for the bill which I introduced, No. 1240.

Mr. LA FOLLETTE. I should like to inquire if it is identical with the bill that was reported favorably from the Committee on the Library at the last session of Congress?

Mr. OWEN. I understand it is identical.

Mr. GALLINGER. So far as its present consideration is concerned, I shall have to object. I want to examine the bill.

The VICE PRESIDENT. The bill will go to the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS.

Mr. SMITH of Arizona. I desire to introduce a bill by request.

Mr. JONES. I ask that it go over.

The VICE PRESIDENT. The introduction of the bill will go over, under objection. There are on the Secretary's desk certain bills which have been read the first time. They will be read a second time and referred.

The bills were read the second time by title and referred as indicated:

By Mr. SMOOT:

A bill (S. 2511) to provide for agricultural entries on coal lands in Alaska; to the Committee on Public Lands.

A bill (S. 2512) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; to the Committee on the Judiciary.

A bill (S. 2513) to provide for the erection of a public building at Cedar City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. BRADY:

A bill (S. 2514) for the relief of William P. Havenor; to the Committee on Public Lands.

By Mr. LEWIS:

A bill (S. 2515) to amend the interstate-commerce law and to authorize the Interstate Commerce Commission to assume the power of supervising the issuance of stock, the issuance of bonds, the matter of consolidation, amalgamation, or combination of all transportation lines doing an interstate-commerce business and all interstate concerns engaged in any form of interstate commerce, and for such other purposes as shall protect the public against watered stock and excessive bond issues, and consolidations made with the object of effecting monopoly and trust in matters of interstate commerce; to the Committee on Interstate Commerce.

By Mr. CUMMINS:

A bill (S. 2516) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the Circuit Court of the United States in and for the Southern District of New York in the suit of the United States against the American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. NEWLANDS:

A bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

Mr. NEWLANDS. I ask that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. The bill will be referred to the committee, as requested by the Senator from Nevada.

By Mr. SHAFROTH:

A bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on Public Lands.

The following bills were read twice by their titles and referred as indicated:

By Mr. SMITH of Michigan:

A bill (S. 2519) granting an increase of pension to Zera F. Etheridge (with accompanying paper);

A bill (S. 2520) granting a pension to Permelia H. McAley (with accompanying paper);

A bill (S. 2521) granting a pension to Harriet A. Frasier (with accompanying papers);

A bill (S. 2522) granting an increase of pension to Margaret W. Goodwin (with accompanying paper);

A bill (S. 2523) granting an increase of pension to William W. Campfield (with accompanying paper);

A bill (S. 2524) granting a pension to Isabell C. Dean; and

A bill (S. 2525) granting a pension to Charlotte Lewis McMahon; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2526) granting an increase of pension to Henrietta Doolittle (with accompanying paper);

A bill (S. 2527) granting an increase of pension to Maria L. Doughty (with accompanying paper); and

A bill (S. 2528) granting an increase of pension to George Kellogg (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2529) for the relief of Benjamin R. Brown; to the Committee on Military Affairs.

A bill (S. 2530) granting a pension to Barbara Henderson;

A bill (S. 2531) granting a pension to Raymond R. Hammond;

A bill (S. 2532) granting a pension to Delia Herbert; and

A bill (S. 2533) granting an increase of pension to John A. Sears; to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 2534) granting an increase of pension to John Graffam; and

A bill (S. 2535) granting an increase of pension to Hiram A. Hustus; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2536) granting an increase of pension to Daniel Sullivan; and

A bill (S. 2537) granting a pension to William N. Russell; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 2538) to repeal sections 1538 and 1539 of the Revised Statutes (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 2539) for the relief of the heirs of Mary B. Lively; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 2540) for the relief of heirs or estate of Joseph D. Hayes, deceased; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 2541) granting an increase of pension to Nannie V. Benton (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2542) to place the names of Elverton E. Fuller and Frank H. Adams on the lineal list of Infantry officers next after that of J. De Camp Hall, Fourth Regiment United States Infantry, to date from January 6, 1900 (with accompanying paper); to the Committee on Military Affairs.

The VICE PRESIDENT. Certain bills and joint resolutions on the Secretary's desk which have been noted for introduction will be read a first time.

The SECRETARY. By Mr. TOWNSEND, a bill (S. 2543) to place Michael James McCormack upon the active list of the Navy; and

A bill (S. 2544) for the relief of John K. Steedman.

By Mr. STERLING, a bill (S. 2545) authorizing the Secretary of the Interior to cancel the allotment of Irene Lydia Simmons.

By Mr. SMOOT, a bill (S. 2546) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States.

By Mr. MCCUMBER, a bill (S. 2547) authorizing the reconveyance of certain lands to the United States and authorizing the parties making such conveyance to file entry on other public lands.

By Mr. SMITH of Arizona, a bill (S. 2548) to create an additional land district in the State of Arizona.

By Mr. ASHURST, a bill (S. 2549) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands.

By Mr. THOMPSON, a bill (S. 2550) to correct the military record of Jacob Scott.

By Mr. NELSON, a bill (S. 2551) to authorize the adjustment of the accounts of Army officers in certain cases, and for other purposes.

By Mr. LA FOLLETTE, a bill (S. 2552) to further protect trade and commerce against unlawful restraints and monopolies.

By Mr. THORNTON, a bill (S. 2553) to provide for the relief of certain enlisted men in the United States Navy.

By Mr. MYERS, a joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

By Mr. DILLINGHAM, a joint resolution (S. J. Res. 42) authorizing the Commissioners of the District of Columbia to provide a public recreation center in square No. 534, District of Columbia, and for other purposes.

Mr. JONES. I ask that the second reading of all these bills and joint resolutions may go over.

The VICE PRESIDENT. The bills and joint resolutions will go over for a second reading.

Mr. GALLINGER. I introduce two bills for reference.

The SECRETARY. By Mr. GALLINGER, a bill granting an increase of pension to Caroline M. Wallace.

Mr. JONES. I ask that the introduction of the bills go over for a day.

The VICE PRESIDENT. The bills will go over.

Mr. NORRIS. Mr. President, a parliamentary inquiry. The bill just read by the Secretary is a private bill. I ask whether a Senator has a right under the rule to object to the bill being introduced? The rule provides that a Senator may present such a bill to the Secretary at the desk, and that it shall be referred without reading.

Mr. JONES. Mr. President, I desire to say that I have already stated that I have no objection to the introduction of private bills in the method provided by the rule by handing them to the Secretary. When bills are sent up in the regular way, however, I suppose they are to be considered as being introduced in the regular way.

Mr. NORRIS. This bill has been submitted to the Secretary. In fact, the Secretary has it in his possession and has read the title.

The VICE PRESIDENT. The Chair rules that the Secretary gets everything, but that this bill was presented on the floor of the Senate. It will lie over until to-morrow.

Mr. DILLINGHAM. Mr. President, I offer a joint resolution which I send to the desk.

Mr. JONES. I ask that the resolution may go over.

The VICE PRESIDENT. It will go over.

Mr. BRISTOW. I desire to present certain bills.

Mr. JONES. I ask that their introduction may go over.

The VICE PRESIDENT. The bills will go over.

Mr. TOWNSEND. I desire to present a bill for reading and reference.

Mr. JONES. I ask that the introduction of the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. FALL. I present a joint resolution and ask that it may be read and lie on the table.

Mr. JONES. I ask that the introduction of the joint resolution go over.

The VICE PRESIDENT. It will be so ordered.

Mr. GORE. I offer a joint resolution and ask its proper reference.

Mr. JONES. I ask that its introduction may go over under the rule.

The VICE PRESIDENT. The joint resolution will go over.

Mr. BANKHEAD. I offer a bill for reference to the Committee on Pensions.

Mr. JONES. I ask that the introduction of the bill may go over.

The VICE PRESIDENT. It will go over.

GRADUATED TAX ON CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I offer an amendment to the so-called tariff bill and ask that it be printed. In doing so I desire to say that I do it in part because the Finance Committee has rejected the amendment which I offered, proposing to tax the Tobacco Trust; and I offer this amendment in the hope that the Committee on Finance may still have time to consider it before agreeing upon a report.

I shall not ask to have read the amendment which I offer, but in substance it is an amendment to the income-tax section of the tariff bill. It proposes to levy an additional graduated tax on all corporations having $100,000,000 capital or more, provided they control more than 25 per cent of the product of any article in the United States.

I have provided for the levy of a 5 per cent tax on all corporations having $100,000,000 of capital that control 25 per cent of the product of any article in this country. When one of these corporations reaches such size that it controls a third of the product of any article in this country the tax rises to 15 per cent, and when the corporation reaches such size that it controls one-half of the product of any article in this country the tax which I propose to levy amounts to 25 per cent on its net annual profits.

Mr. President, I desire to commend this amendment to the members of the Finance Committee as worthy of consideration. The Democratic Party has denounced monopoly as odious. The Democratic Party has pledged itself to limit and control and destroy monopolies. The other day I offered an amendment which had for its object the limitation and the destruction of monopoly in tobacco. I think it was a legitimate amendment to the pending tariff bill. I still propose, in the Democratic caucus, and, if necessary, upon the floor of the Senate when the tariff bill comes here, to stand for that amendment and to make a fight for it. But I want to commend to the Finance Committee the new idea which I have incorporated here providing for a graduated tax on those great corporations that have attained the proportions of monopolies in the United States.

My first proposal regarding the graduated tobacco tax has been denounced by New York papers as socialistic. I am not ashamed of the appellation or the epithet. I am willing to accept it. I am willing to accept anything that is socialistic, provided it will do the work. When this country is face to face with great law-defying corporations I do not think we should be too squeamish as to the methods that we employ within the law and within the Constitution to limit and regulate them.

I hope the Finance Committee, overworked though it may be, will have some time to give to this proposal of a graduated tax on corporations which have attained $100,000,000 of capital and control already from 25 to 60 per cent of the product of the country—practical monopolies, existing and operating in defiance of law, in defiance of the steady course of legislation of Congress for 25 years, in defiance of public opinion in this country, and in defiance also of the spirit of the decrees of courts which have been entered against them.

Mr. STONE. Mr. President, is morning business concluded?

The VICE PRESIDENT. Not yet. Is there objection to the request of the Senator from Nebraska? The Chair hears none.

Mr. JONES. Mr. President, what was the request?

The VICE PRESIDENT. The request of the Senator from Nebraska was to have the amendment offered by him printed and referred to the Committee on Finance.

Mr. JONES. That is all right.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

PRICE OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, I offer a Senate resolution, asking that the Secretary of Commerce be directed to make investigation as to the price of oil in Oklahoma and report to the Senate whether or not the price is artificially fixed below the general market level of the United States, quality and transportation considered; and if so, by whom such prices are fixed, and the methods by which it is done. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I will have to ask that the resolution go over.

Mr. OWEN. I ask that the resolution lie on the table.

The VICE PRESIDENT. The resolution will lie on the table.

BANKING AND CURRENCY LEGISLATION, ETC.

Mr. NEWLANDS. I offer a resolution which I ask to have read.

Mr. JONES. Does it require unanimous consent to have the resolution read? If it does, I object.

Mr. NEWLANDS. I do not understand that it requires unanimous consent to have a resolution read.

Mr. STONE. I will ask unanimous consent, if necessary, to have the resolution read. It will take less time to read it than to discuss the question raised.

Mr. NEWLANDS. I asked that myself.

Mr. JONES. I will withdraw my objection, Mr. President, because I am very anxious that we shall reach the consideration of the Indian appropriation bill.

Mr. STONE. I just want to say to the Senator from Nevada, if he pleases, that at the last meeting of the Senate he occupied two hours or more, and prevented me from getting up the Indian appropriation bill. I hope he will not take much time to-day.

Mr. NEWLANDS. The Senator is mistaken as to the time. I took three-quarters of an hour on the former occasion.

Mr. STONE. Is it the intention of the Senator to speak to the resolution?

Mr. NEWLANDS. My intention is to make a brief statement in connection with it. It will not take more than five minutes.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 110) was read, as follows:

Resolved, That it is the sense of the Senate—

1. That in all legislation affecting the regulation of commerce regard should be had to our dual system of government which gives to the respective States control of commerce within the States and to the United States control of commerce between the States; and that all contemplated legislation should have in view not the absorption of the functions of the States by the National Government, but the full exercise of the powers of the Nation and the States under a system of cooperation authorized by law which, without impairing any of the functions of the respective sovereigns, will bring them into harmony regarding the relation of State to interstate commerce.

2. That with a view to regulating interstate exchange and preventing its interruption by bank panics the national and State banks within the boundaries of each State should be brought into union under national law in reserve associations analogous to existing clearing-house associations, the membership of the State banks in such reserve associations to be made dependent upon their complying with the requirements of the national banking act regarding capital and reserves and upon their submitting to such examination as the national banks are subjected to.

3. That such reserve associations of the respective States should be federated under national law by the organization of a national reserve board composed of nine members to be selected by the various State reserve associations, one member thereof from each judicial circuit, and of nine other members to be selected by the President of the United States from the department chiefs or otherwise; such reserve board to have such powers in bringing the various State reserve associations into cooperation for the purpose of protecting their reserves and preventing the interruption of interstate exchange as Congress may determine, and to be advisory to Congress and to the executive department.

4. That the comptroller's office, with all its officials, funds, powers, and duties should be merged in a nonpartisan national banking commission, to be appointed by the President, of which commission the Secretary of the Treasury shall be the chairman and the Comptroller of the Currency the secretary; such commission to have powers of investigation, correction, and publicity over banks engaged in interstate exchange analogous, so far as practicable, to those now exercised by the Interstate Commerce Commission over carriers engaged in interstate transportation.

5. That there should be legislation which shall bring such national banking commission into cooperation with similar commissions organized by the respective States.

6. That legislation should be enacted which will gradually diminish the percentage of the reserves of the country banks permitted to be deposited in reserve city and central reserve city banks, to be used there for purposes of speculation instead of exchange.

Mr. NEWLANDS. Mr. President, I wish to make a brief statement in connection with the resolution.

I believe immediate action should be had regarding banking laws. I think, however, that instead of organizing 15 regional reserve associations, composed of both national and State banks within certain banking zones, it would be better to organize a reserve association in each State composed of the banks, both national and State, within such State, thus accommodating our economic to our political divisions. Provision can be made for some of the smaller States by allowing the banks in such States to join the associations of adjoining larger States until they reach a certain population.

It is, of course, desirable that the reserve associations should include both the State and the national banks. One-half of the banks of the country are State banks, and one-half of the deposits of the country are in State banks. Any system intended to establish security in our banking system must include both halves and not simply one half.

It would not, in my judgment, do to put in one association the banks of half a dozen different States, with all their differences in banking laws and regulations. It is inconvenient enough to have in one association banks created and regulated by two different sovereigns without multiplying the number of sovereigns. It would be much easier to bring the national sovereignty into harmony with a single State sovereignty in a reserve association than with three or four State sovereignties.

If this were a Nation without State lines the economic zone might be the best, but as long as we have a Nation of sovereign States the economical lines should conform to the State lines. This is so now with reference to both transportation and banking. We have our national railroad commission and our State railroad commissions. We have our national comptroller's office and we have our State banking commissions. We will doubtless have trade commissions organized under both national and State laws, and in all this legislation the economic lines conform to the State lines.

I believe that the future of our Government depends upon the exercise, not the disuse, of State functions. There may be some inconvenience, but unless the State functions are exercised concurrently with the national functions the former will gradually sink into disuse, and we will have some day a centralized Government at Washington over three or four hundred millions of people—a Government that will be absolutely unwieldy and subversive of everything like home rule.

Mr. President, I ask that the resolution may lie on the table for the present. I wish to give notice that at the next session of the Senate I will speak upon it.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

PRICE OF OIL IN OKLAHOMA.

Mr. OWEN. I submit a resolution, which I send to the desk and ask to have read.

The resolution (S. Res. 109) was read, as follows:

Resolved, That the Secretary of Commerce is directed to make a thorough investigation into the price of oil in Oklahoma and report to the Senate whether or not the price is artificially fixed below the general market level in the United States, quality and transportation considered; and if so, by whom such prices are fixed and the method by which it is done.

Mr. OWEN. I ask unanimous consent for the immediate consideration of the resolution.

Mr. JONES. I ask that it may go over.

The VICE PRESIDENT. Objection being made, the resolution will go over.

Mr. OWEN. I ask that it lie on the table.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

ESTATE OF EDWARD B. BELL.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 112), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to the executor, administrator, or legal heirs of Edward B. Bell, late a member of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

UNITED STATES AGAINST THE CHANDLER DUNBAR WATER POWER CO.

Mr. BURTON. I desire to introduce a resolution to provide for printing additional copies of a Senate document and ask that it be read and referred to the Committee on Printing.

The resolution (S. Res. 111) was read and referred to the Committee on Printing, as follows:

Resolved, That there be printed 10,000 additional copies of Senate Document No. 51, Sixty-third Congress, first session.

AMENDMENT OF THE RULES.

Mr. OWEN. I have a resolution which I should like to offer.

The resolution (S. Res. 113) was read, as follows:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for a final vote upon any matter pending in the Senate: *Provided, however*, That this rule shall not be invoked to prevent debate by any Senator who requests opportunity to express his views upon such pending matter within a time to be fixed by the Senate.

"The notice to be given by the Senate under this section, except by consent, shall not be less than a week, unless such request be made within the last two weeks of the session.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XXII, XXVI, XXVIII, XXXV, and XL, are modified.

"Any Senator may demand of a Senator making a motion if it be made for dilatory or obstructive purposes, and if the Senator making the motion declines or evades an answer or concedes the motion to have been made for such purposes the President of the Senate shall declare such motion out of order."

Mr. OWEN. I ask that the resolution may lie on the table for the present.

The VICE PRESIDENT. The Chair would inquire whether this is the same amendment to the rules that was proposed heretofore by the Senator from Oklahoma?

Mr. OWEN. It is a modification of the amendment proposed heretofore. It is a substitute for it.

Mr. JONES. I desire to ask whether or not that can be done under the rules without previous notice?

The VICE PRESIDENT. This is only notice of the fact.

Mr. GALLINGER. Mr. President, I desire to record the fact at this point that when the resolution comes up for consideration I shall move its reference to the Committee on Rules.

The VICE PRESIDENT. The resolution will lie over and be printed.

GOOD ROADS.

Mr. SHAFROTH. I have a communication here from the president of the National Good Roads Association containing short extracts from speeches relating to good roads which I was requested to have printed in the RECORD. I therefore ask unanimous consent that it be printed in the RECORD and appropriately referred.

There being no objection, the matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

INTERNATIONAL GOOD ROADS CONGRESS, PANAMA-PACIFIC EXPOSITION, FEBRUARY 22–27, 1915.

2. Address by Gov. Joseph M. Brown, of Georgia, on good roads in that State.
3. Address of Bishop Charles Edward Cheney on good roads as relating to church attendance.
4. Paper by C. Gordon Reel, State superintendent of highways, New York.
5. Paper by William Bradburn, consulting engineer, Houston, Tex.
6. Resolutions adopted by Illinois State and interstate good roads convention, February 12, 1912.
7. Address by Maude E. Jones, secretary National Good Roads Association.
8. Address by Miss Alma Rittenberry, chairman Jackson Memorial Highway Commission, Birmingham, Ala.
9. Resolutions adopted by various woman's clubs of Illinois.
10. Some Illinois women's clubs affiliated with National and Illinois State good roads associations.
11. Leading editorials and resolutions.

OFFICIAL CALL FOR THE INTERNATIONAL GOOD ROADS CONGRESS, PANAMA-PACIFIC EXPOSITION, SAN FRANCISCO, FEBRUARY 22–27, 1915.

By invitation of the Panama-Pacific Exposition management and the League of California Municipalities the 1915 International Good Roads Congress will be held under the auspices of the International Good Roads & Automobile Association and the National Good Roads Association at the Panama-Pacific Exposition, San Francisco, during the opening week of the exposition, February 22–27, 1915.

Delegates, both men and women, are invited from every nation, State, and city, and all correspondence should be addressed to the secretary at the Congress Hotel, Chicago, Ill., United States of America.

From September 16 to 21, 1901, there was held in the city of Buffalo the first International Good Roads Congress, the call for which was issued from the headquarters of the National Good Roads Association at Chicago. Participation by delegates from foreign countries was invited, and such invitation was transmitted by the Department of State to the diplomatic officers of the United States throughout the world and through them communicated to the ministers of foreign affairs, with the request that it be given publicity for the information of organizations and individuals who might be interested.

April 27–29, 1903, the second International Good Roads Congress assembled at St. Louis. Hon. John Hay, Secretary of State, invited all civilized Governments to send delegates. Eleven foreign Governments were represented, and on April 29 Theodore Roosevelt, President of the United States; Hon. William Jennings Bryan; Gen. Nelson A. Miles, head of the United States Army; and many other dignitaries addressed the congress.

In 1904 the third International Good Roads Congress was held in St. Louis during the progress of the World's Fair. Many foreign Govern-

ments and more than 100 railway companies sent representatives. Hon. James Wilson, Secretary of Agriculture, represented the Government and presided at one session.

On the tenth anniversary of the first congress the fourth International Good Roads Congress was held in Chicago, September 18–October 1, 1911, and, as in the case of each of the three preceding congresses, invitations were transmitted by the Department of State to all foreign Governments, and there were official delegates in attendance from 40 States and countries.

The fifth International Good Roads Congress was held in Chicago February 26–March 2, 1913, and was made memorable by the participation of officials of the General Federation of Women's Clubs and the pledge of the president of this great organization, Mrs. Percy V. Pennybacker, that the 1,000,000 members of the general federation will lend their hearty aid to the cause of good roads both in the Nation and in the several States.

The importance of this great movement for good roads is being recognized as never before, and when the women of all nations add their influence to that of the press, school, and church a victory will have been won greater and more far-reaching in effect than any other within a generation, for it is a matter of tremendous importance that in the United States alone bad roads are directly responsible for the loss of a billion dollars a year. Surely the saving of this stupendous sum constitutes an economic question of vast importance.

When the agricultural production alone of the United States for the past 13 years totals nearly $100,000,000,000—a sum to stagger the imagination—and it costs more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good roads instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself; and the truth of the declaration of Charles Sumner, 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years, and points to the wisdom of a union of the religious, educational, commercial, transportation, and industrial interests of all nations in aggressive action for permanent roads and streets.

INTERNATIONAL GOOD ROADS & AUTOMOBILE ASSOCIATION.
NATIONAL GOOD ROADS ASSOCIATION,
ARTHUR C. JACKSON, *President.*
Miss MAUDE E. JONES, *Secretary.*
Mrs. EDWARD L. MURFEY, *Treasurer.*

—

GOOD ROADS IN GEORGIA.

(By Joseph M. Brown, governor.)

More road improvement work has been done in Georgia during the past five years, I believe, than in any other single State. More will be accomplished during the next five years, and if the present pace continues—and every indication is that it will be increased—in 15 or 20 years we will have public roads that will compare favorably with the boasted ones of Europe.

Approximately 5,000 adult male convicts are now at work building roads throughout the State. More than a million dollars a year is being spent in their maintenance, the employment of skilled labor, and for equipment.

The present system of road building was inaugurated five years ago. Since that time farm-land values have increased from 25 to 100 per cent, largely due to the betterment of rural conditions by the development of good roads. More substantial road work was done during that period than during the previous half century.

It has been found that every dollar put in road work comes back manyfold in added values. Therefore the public is in hearty sympathy with the movement.

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Address of Bishop Charles Edward Cheney, at the concluding session of the fifth International Good Roads Congress, Chicago, March 2, 1913.

It is a generally acknowledged fact that the country churches all over the United States are suffering because of several causes, such as, for example, the steady drift of population to the cities and the lack of that sort of association on the part of the young people which has proved so great an influence for good in the churches of our great towns. That the construction of such roads as one sees in England and on the Continent of Europe would have a beneficial effect in this regard can not be doubted.

Taking into consideration that Robinson Crusoe on his desert island was hardly more isolated from all human fellowship than is the individual or the family in an Illinois farmhouse, when a bog of the black mud of the prairie is the only pathway to the next neighbor's home, it is easy to see that a regular and prompt attendance upon public worship becomes almost an impossibility during a large part of the year. I am firmly convinced that the prosperity and usefulness of the scattered churches in our own State would be vastly increased if access to the place of worship were rendered not only easy, but attractive, by the comfort afforded by really good highways. In England small country churches are filled with worshipers even when the weather is far from agreeable. The reason lies in the fact that people of means can drive—whether in a motor car or a horse-drawn carriage—over a road like the best pavements of our American cities; and the people who possess but little of this world's goods can indulge the Englishman's love of walking without so much as muddying their footgear.

I am also persuaded that when we ask the question why such marvelous success attended the propagation of the Christian religion in the first three centuries, one factor is generally overlooked. Let us remember that it took but 300 years to send the religion of Jesus Christ into almost every nook and corner of the vast Empire of Rome.

We account for this in various ways. Some tell us that it was owing to miraculous powers exercised by the early disciples. Others, that the first preachers were enabled to speak in the dialects of the lands to which they carried the message, without having acquired these tongues by study. Still others regard it as proven that the higher spiritual character of those who professed the new religion commended it in an irresistible way to the heathen population of the empire.

The question which I would like to suggest is whether we have not left out of the reckoning a preparation for the spread of Christianity, which the emperors themselves had been making before Christ was born. God used the ruling powers and the politicians of Rome, without their knowing it, to carry out Divine plans and purposes. They "builded better than they knew." Just as our Government built the first Pacific railway as a political necessity, in order to bind the Pacific and the Atlantic coasts together, so for purely political and military ends did Rome bind by her wonderful roads and remote religions of the empire to the imperial city. But what they did from merely human and selfish considerations was overruled so to advance the cause of Christ's religion that in 300 years it had overspread all the lands of the wide domain of the Cæsars, and a professing Christian put on the purple and ascended the imperial throne. We congratulate ourselves when the pavement of our cities outlasts the wear of a dozen years. But there are highways in the open country of Europe, which Roman engineers constructed nearly or quite 2,000 years ago, which are in constant use to-day. In his Decline and Fall of the Roman Empire Gibbon tells us that "mountains were perforated and bold arches flung over the broadest and most rapid rivers." From the imperial city as a center, perfectly built roads extended like the spokes of a wheel to the most distant parts of the empire.

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Address before fifth International Good Roads Congress, Chicago, February 26, 1913, by C. Gordon Reel, State superintendent of highways of New York.

In bare figures, at the close of business on December 31, 1912, we had in New York 3,578 miles of highways completed and 1,627 under contract, which will give the State 5,205 miles assured. There is now $2,423,000 unobligated of the original $50,000,000 bond issue, which, at an average of $10,000 per mile, will procure 242 miles, or give, with the total obligation of the money devoted to highways to date, 5,450 miles.

Good-roads work was begun in New York State in 1898 and was carried on by the State engineer with varying success until 1905, when the demand for public improved highways became so great that a referendum act was passed by the legislature, and at the following election the people appropriated $50,000,000, to be raised by the sale of bonds, and the proceeds devoted to the construction of improved highways.

The work was carried on under the State engineer until 1908, when Gov. Hughes established the highway department, under a so-called nonpolitical highway commission made up of three members. In 1911 the department was reorganized by Gov. Dix, who placed the work under a commission also made up of three members, a superintendent of highways, to hold office at the pleasure of the governor (which office I now hold), the State engineer, an elective office, and the superintendent of public works, appointed by the governor. Again this proved unsatisfactory, principally on account of the divided responsibility and also because the two members who were also heads of other large departments could not find time to properly study the immense problems constantly to be confronted. In fact, they found it impossible to even attend the meetings of the commission, an average of four meetings being called to one actually held during the past year. Another drawback to this plan was that no sooner had a superintendent become thoroughly familiar with the work than he was liable to be replaced upon a change of administration, the term of the governor of New York being two years.

Upon Mr. Sulzer becoming governor an immediate change of plan was adopted. The senate has just passed a bill again completely reorganizing the department. Under this all highway work will be under one head, a highway commissioner, who, being appointed by the governor and confirmed by the senate, serves for a term of five years and can only be removed by the governor upon charges proven of inefficiency, neglect of duty, or misconduct in office.

There are 80,000 miles of public roads in New York. About 11,000 of these are designated as being State and county highways, and the remainder town highways. The actual road building is carried on by three deputies, who are experienced highway engineers and practical road builders. The first deputy has charge of actual construction work, the second deputy has charge of maintenance and repair, and the third deputy has charge of the 69,000 miles of town roads not in the State and county system.

When the first bond issue was passed the idea was to divide the mileage equitably amongst the different counties, each county selecting its own particular system and paying part of the cost. It soon developed that this would result in a disjointed and unworkable good-roads plan as regards the State as a whole. Therefore a system of through trunk lines was established between the centers of population, the entire cost of building to be borne by the State.

It has been my endeavor to complete these through routes, and within a year I have placed under contract or now have plans prepared for a letting in March which will give at the end of the construction season of 1913 completed highways from New York City along the eastern line of the State to Albany; from New York City on either bank of the Hudson to Albany and then on to the Canadian border line; from New York through the southern tier of counties to Lake Erie; from Albany to Buffalo; from Albany to Binghamton; etc. These, with the county systems which are now being built, also with a reference to the State routes, will form a completed network very shortly which will not only cover our own State but meet the main traffic routes from the neighboring States and Provinces.

The town highways are being steadily improved, so as to act as feeders; for however perfect the State and county system highways may be, if a farmer has to haul his produce over from 3 to 5 miles of the ordinary country road they are practically of no use to him. Of these roads on December 31 we had 3,500 miles macadamized, 8,500 improved as gravel roads, 50,000 miles shaped, crowned, and standardized as to width, and the remaining 6,000 miles put in safe condition for travel, which is remarkable, considering that the executive cost for the supervisors of this class of work by our bureau of town highways is less than one-fourth of 1 per cent.

We are building the State and county highways 16 feet in width and of a standard thickness of 9 inches. Although there have been 16 different sets of specifications in use, it is my intention to cut these down to 5 standard types of construction, viz:

Plain macadam.
Water-bound macadam with hot-oil treatment.
Asphalt macadam—penetration.
Mixed asphalt macadam and bitulithic.
Concrete and brick.

Ranging from $5,000 to $25,000 per mile. These, of course, to be used as to the traffic requirements.

The maintenance problem is to-day the most difficult that confronts us. With hundreds of miles of roads built to meet conditions that have materially changed with the increased motor traffic many hitherto perfectly satisfactory roads would go to rack and ruin in a very few

months did they not receive the most careful attention. Therefore it is my policy to increase the percentage of the permanent elements of construction, such as alignment, grade, heavy bottom course, culverts, etc., so that upon the total expenditure of the funds provided by the bond issues we will have certain perpetual results to show.

As for the actual results obtained by the expenditure of the first bond issue, that is very difficult to reduce to figures or even words. A railroad or steamship line can compute on their receipts, but the earnings of a highway are the thousand and one conveniences that can come no other way to country life. It means everything from the marketing of crops to the merest social pleasures. One thing we have seen in the State of New York, and that is the steady and permanent increase in property value all along the line of improved highways.

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Address before the Fifth International Good Roads Congress, Chicago, Ill., February 26 to March 2, 1913.

(By William Bradburn, consulting engineer, Houston, Tex.)

Public roads in Texas: Improper construction.

Need of a State law governing the width of wheel tires and the minimum live load allowable on highway bridges.

The basis of road building:

A competent engineer, not a theorist, but an engineer who has proved his ability by his works, one who is honest and conscientious, having the manhood to acknowledge and learn from his errors of judgment.

I am not advancing any new theory when I say that in any engineering work material of medium, or even poor, quality can by careful manipulation be made to produce better results than first-class material carelessly put together. Nowhere is this principle better illustrated than in the misuse of excellent material which is being made in some of our roads, where tons upon tons of first-class stone are being buried in sand and loam and called good roads.

Earth roads—machinery and implements necessary:

A 10-ton steam or gasoline roller, first-class heavy grader, slip and wheel scrapers.

The Hon. Ed. R. Kone, commissioner of agriculture for the State of Texas, who formerly was county judge of Hays County for nearly 30 years, was the first county judge who had the courage and backbone to break away from the old beaten path of using oxen or mules to the road grader and substitute a steam roller in making earth roads.

He was truly "the man of the hour," fighting against ignorance, prejudice, and the wishes and advice of his best friends, with the result that to-day other counties, not only in Texas, but all over the United States, are following his example and have better constructed and cheaper roads, for when an earth road is constructed it is ready for travel and only costs $1 a mile to reroll the same after travel during a wet spell. Contrast this with the split drag, which from actual experience in our black-waxy-gumbo soil costs $3 per mile, or 300 per cent more than the steam roller, and leaves an unsatisfactory surface.

All public roads should have a width of 40 feet between the ditch lines and have perfect drainage ditches, not only longitudinal, of sufficient depth and perfect draining, but intersected by transversals and laterals not more than half a mile apart, the principle being to take the water away from the roadbed as rapidly as possible.

CROSS SECTION OF ROADS.

First, see that the sod, with all grass, weeds, and vegetable matter, is removed. Earth will never compact as long as it contains vegetable matter. The roadbed must be high and dry, but not modeled after the roof of a house, and have a cross-section that will insure quick drainage, flattened at the top and gradually increasing in slope toward the ditches.

To illustrate: For a 40-foot road, with a fall of 12 inches from crown to bottom of ditch, working from center toward ditches, fall of 1 inch in 5 feet, 3 inches in 10 feet, 6 inches in 15 feet, and 12 inches in 20 feet. They should not be constructed during a rainy season, and a careful inspection should be made to discover springs or spots which by being spongy are unfit for travel and provision made for the drainage of such places by tiling, blind rock drains, or even poles.

A 10-ton steam or gasoline roller should be used continuously until the road is so hard the wheels of wagons will not make an impression.

SHELL, GRAVEL, OR MACADAM ROADS.

Six inches of trap rock, or crystalline limestone, is better than 10 inches of shell or gravel. Inferior rock without any binding qualities may be used in the bottom 4-inch course, but the top course, or wearing surface, of 2 inches in thickness and screenings, should be trap rock or a hard limestone which has cementing qualities. Water should be freely used on all but the first layer of the bottom course. Care should be exercised so that no rock or gravel over 2½ inches in size finds its way into the bottom course, as larger rocks, no matter how well placed, always come to the surface.

Traction engines and automatic dump cars should be substituted for wagons with mules in hauling material, as the following table will show the saving in a 20-foot roadway, using 10 inches of rock, gravel, or shell: First mile, $987; second, $1,758; third, $2,184; fourth, $2,706; fifth, $3,520—the longer the haul the more increase in cost.

Counties should purchase their own road material and deliver free on board cars at the nearest siding.

If the contractor supplies the material none but rich contractors can bid on the work, the average contractor is shut out, and there are generally two bidders—two or three blind bidders—when there should be from 30 to 40 contractors in competition. Again, the county or city pays dear for the erroneous system which retains 20 per cent until completion of work. In such cases contractors usually borrow money at a high rate of interest, and all add to their bids enough to cover this cost.

Wheel-tire law: Roads are cut to pieces with heavy loads on narrow tires, and a law should be enacted governing the width of tire in proportion to the load carried. In the State of Ohio, during the winter of 1905–6, the "20-mule borax team" were prohibited from traveling in several counties on the ground that the wheel tires were not sufficiently wide in proportion to the load carried.

BRIDGES.

As the weight of a load is in proportion to the strength of the weakest bridge, so a standard carrying capacity of all county bridges should be established by law; and please bear in mind the fact that the bridge that was good enough 10 years ago can not be traveled in safety by the vehicles of to-day, for improved roads means heavier loads.

To illustrate: I recently examined three bridges in separate counties having one common point, viz, Galveston, Harris, and Brazoria. The Galveston County Bridge would carry 20 tons, the Harris 16 tons, and the Brazoria County only 6 tons. Assuming these bridges are standards for each of these three counties, a traction engine weighing 20 tons could travel only in Galveston County and a 16-ton engine in Harris County and Galveston County.

There should be a law enacted making all county bridges capable of sustaining a minimum live load of 20 tons, as there is in the State of Ohio.

I am glad to report advancement in the good-roads movement for the State of Texas and extend a handclasp to your president, Arthur C. Jackson, my old-time comrade in arms, who fought by my side in many battles for good roads under the tongue-scarred banner of the National Good Roads Association, whose banner, though "tattered and torn," has been the educator, instructor, and means of building and beautifying good roads from the Atlantic to the Pacific.

In my address before the first Texas good roads congress, at Dallas, Tex., October 26, 1911, I said:

"The good-roads movement will never be complete and a success without the aid of woman. Man projects, invents, and builds, but it takes woman to spur him on and beautify his work.

"Our roads should be lined with shade trees in order to beautify and afford protection and comfort to the traveler.

"We commemorate the birth of Washington, the father of the grandest country on the face of the earth, where all by honest toil may have comfort, freedom, and liberty. Let us commemorate the mothers of our country by the planting of shade trees along our highways and making them beautiful."

This 22d day of February, 1913, has this prophesy been fulfilled in Harris County (see clipping from Houston Post):

"Trees to be planted to-day; official and representative citizens to be present; camphor trees will be used to line driveway between Houston and Galveston, rotary club plan."

And another:

"Every citizen of Houston is urged to plant one or more roses to-day, that in years to come Houston will be known as the rose city as well as 'Magnolia City.'"

I extend an invitation to the International Good Roads Congress to hold their next congress in Houston, Harris County, Tex.

Houston: The most progressive, hospitable, and courteous city in the State, and the only city in the world where the paved streets in the business section are torn up regularly every month to accommodate corporations and keep the business men wide awake.

Harris County: Which has more good roads and smoother roads than any county in the State, and which, on February 20, 1913, voted another million-dollar bond issue for good roads and carried the same by a vote of 7 to 1.

Texas: The largest, best, and only Lone Star State in the Union.

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Resolutions unanimously adopted at the Illinois State and Interstate Good Roads Convention, Auditorium Hotel, Lincoln's Birthday, Chicago, February 12, 1912.

Whereas the statutes of Illinois with reference to highway improvement have not been materially changed since 1883, and whereas the demand for highway improvement is imperative because of the growth of many modern inventions, and whereas the citizens of Illinois seem to be unanimously in favor of improvements of this character, but are hampered by laws which prevent a practical, economic, efficient, and systematic improvement of our highways; and

Whereas all the other progressive States of our Union, no greater in wealth and population than Illinois, have adopted modern methods for financing, building, and maintaining adequate systems of hard roads, with an equitable sharing of the expenses thereof by the people of the State and local communities; and

Whereas the date of the holding of this convention is the anniversary day of the birth of the immortal Lincoln, and were he alive he would apply the same constructive thought to this most important public necessity as characterized every move of his life: Be it therefore

Resolved, That this association, in convention assembled, urge the Legislature of the State of Illinois that the subject of good roads be made one of the important subjects for consideration at the next general assembly, and that legislation be enacted eliminating the obsolete and criminally incompetent provisions now on our statute books and substituting therefor legislation whereby an immediate and close cooperation can be had between all of the people of the State for the speedy construction of an adequate system of highways; that an appropriation be made by the State for a substantial portion of the expense thereof, to be expended under the direction of the highway commission of the State; that the powers of the highway commission of the State be amplified, and that they may be given such power as will enable them to build a complete system of modern highways throughout the State of Illinois, and that when by the development of this system of modern highways the road between Chicago and St. Louis, via Springfield, is completed it be officially known as the Lincoln Memorial Highway; be it

Resolved further, That this movement being wholly nonpartisan and nonsectarian and of equal benefit to all the taxpayers of the State, we solicit the assistance and cooperation of the women and the public press of the State of Illinois; be it also

Resolved, That we invoke the financial support of all the citizens of the State of Illinois to assist in the organization of this work and the accomplishment of its purposes; be it further

Resolved, That we recognize the great and patriotic service rendered to this cause by the president of this organization, the Hon. Arthur C. Jackson.

Judge V. V. BARNES,
W. A. SMITH,
F. FOWLER,
M. E. SPRINGER,
C. W. TERRY.

FEBRUARY 12, 1912.
Room 132-4, Auditorium Hotel.

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Address by Miss Maude E. Jones, secretary the National Good Roads Association, at the Englewood Woman's Club, Chicago, February 24, 1913.

Madam President and members of the Englewood Woman's Club, I heartily appreciate the honor of having been invited to meet with you and acquaint you with some of the work that has been done by the National Good Roads Association and some of its plans for the future.

The production of permanent public roads and streets is one of the most important problems of the century, affecting the material and social well-being of all classes and conditions of people, and the Fifth

International Good Roads Congress is hereby called to meet in Chicago, February 26–March 2, 1913.

Thomas J. Tynan, warden of the Colorado State Penitentiary, will exhibit 2,000 feet of motion picture films and many lantern slides, illustrating convict road camps and actual construction of good roads in Colorado by convicts, which have been taken 100, 200, 300, and more miles away from the penitentiary. Perhaps no man in the country has done more to demonstrate the inhumanity and uselessness of the ordinary treatment of convicts in our penitentiaries. Why should not Illinois profit by the splendid example of Colorado and other States that use large numbers of these men in building roads and rebuilding men without reference to term of sentence?

For 13 years the National Good Roads Association has advocated the use of convict labor for road construction, and one of the six original articles of association, adopted at Chicago in the year 1900, reads as follows:

"To utilize all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets."

At the Fourth International Good Roads Congress held in this city two years ago the governors of four States were present at one session, and the address of Gov. SHAFROTH, of Colorado, who will be a United States Senator from Colorado during the next six years, detailing the Colorado method of using convicts in building roads, made a profound impression. The governor showed how convicts were taken 50, 100, 200, and even 300 miles away from the State penitentiary and voluntarily gave a most devoted service to the State in return for the privilege of being in the open air and away from prison walls; that the men thus engaged worked without armed guards and were not even locked up at night, and that a stranger passing one of these convict camps, or even if he tarried long enough to examine it, could find nothing whatever to suggest that the workers were from a penitentiary. These results would appear to be almost unbelievable had they not been abundantly demonstrated. Such conditions must develop a new hope and a new life and prepare men to become useful citizens.

The secret of all this is twofold: First, a warden who is in love with his work and takes a personal interest in the well-being and the regeneration of the men in his charge, and, second, a State law which gives the convict a third of his time off when working on the roads. Thus a man who is sentenced to a three-year term may, by working on the public highways, serve but two years. Also there is in Colorado, as in some other States, what is called the indeterminate sentence. It is thus explained by Senator SHAFROTH:

"The judge will sentence a man for a term of from 10 to 20 years. The lesser is called the minimum, and the greater the maximum sentence. If the prisoner's conduct is good, he saves time even on his minimum sentence. In a 10 to 20 year sentence, if his conduct is perfect and his road work good, he can get out in four years and three months, when he is placed on parole until the end of his maximum sentence."

"We have had fewer escapes," said the governor, "under this practice than we ever had in the history of the penitentiary of the State of Colorado. There are in the State at this time 750 prisoners in the penitentiary, over 300 of whom are out at work upon the public roads. When we realize that in all States of the United States there must be at least 100,000 prisoners, it is clear that there is a force for work in the building of good roads that is enormous. Take 200 convicts and estimate their work at the rate of $2 a day each. There is $600 a day that goes into the construction of good roads. That is a very large amount. In some of the Eastern States, where the number of prisoners is very large and the territory very small, what great results could be accomplished."

"We have found," continued the governor, "that this inducement, this hope of reward, has a most salutary effect upon the conduct of the men, even after they are discharged from the penitentiary. The very fact that a man earns his liberty by his own work puts into him a spirit of independence, a hope, the knowledge that if one can get reward in a penitentiary he can surely get it in the open field of labor. Consequently there is a new-born hope in him, which is likely to make him a better man and a better citizen. It is for these reasons I feel that every State ought to pass a law giving a commutation of sentence to every prisoner who will work upon the public roads."

We have distributed many thousand copies of the address of Gov. SHAFROTH, and reached with them every State of the Union, as well foreign countries.

Here is something for us to do worth doing—something fully a million miles in advance of pink teas and bridge whist. The women's clubs of Illinois, by a united demand upon the legislature for the Colorado law in this State, can secure it, and it would be an achievement of the greatest practical value, both to the prisoners and to the State.

In this connection let me call your attention to the Lincoln Memorial Highway, planned to connect his home in Springfield with Chicago, St. Louis, and the county seat of every county in the State, and outlined in the official call for the Lincoln Birthday Good Roads Convention of last year. "A great central boulevard between these three cities, which shall surpass in beauty, usefulness, and permanency any equal mileage of highway in the world, and connecting with it from the county seat of every county in the State an equally permanent and serviceable public road, which may serve as a daily reminder of him whose greatest ambition was to serve his fellow men, as well as providing Illinois with a permanent system of roads which will be an almost inconceivable source of wealth to the State."

I think were Lincoln alive his great heart would rejoice at the thought of a work of such usefulness to all of the people, being done by the voluntary labor of those unfortunates who thus expiated in some measure their offenses against society; and I also believe that the thought of aiding in the production of such a monument to the martyred Lincoln would ennoble the work in the mind of many a prisoner engaged in it and make of him a better man.

Why not the club women of Illinois make this a reality by uniting in an aggressive demand for the Lincoln memorial road?

Address of Miss Alma Rittenberry, chairman Jackson Memorial Highway Commission, Birmingham, Ala., before Fifth International Good Roads Congress, Chicago.

I am diligently at work in the interest of the Jackson Highway, which is a Lakes-to-the-Gulf highway—a work planned and launched by the Alabama Daughters of 1812 at the Fourth National Good Roads Congress, held in Birmingham in 1911. I can best express the work in the words of Mrs. Walter W. Watts, who represented the chairman at your meeting in Baltimore last June:

"LADIES AND GENTLEMEN: In behalf of the Jackson highway committee in my own behalf as State president, and in behalf of the North Carolina Daughters of 1812, as well as in behalf of the patriotic citizenship of North Carolina, the birthplace of Andrew Jackson, I file my earnest plea for the great practical and useful monument, in the form of a public highway from the Lakes to the Gulf, which was launched under the auspices of the Alabama Daughters of 1812 in honor of the hero of New Orleans. Andrew Jackson was a man of action and one in whose veins blood ran warm and quick, therefore no monument of unfeeling stone to him, no statues of cold metal, but better yet, a great utility to honor a great utilitarian, a pulsating life-given thoroughfare, devoted to the needs and pleasures of those whose prosperity and happiness were largely made possible by the tenacity of purpose and temerity of patriotism of this great North Carolinian. Call it the Jackson Highway, build it better than Appius Claudius built the Appian Way, and, as near as possible, along the routes of the doughty old warrior's military roads, and a monument will have been built to Gen. Andrew Jackson, patriot, soldier, and statesman, that will survive longer than the Coliseum of ancient Rome, and reflect honor for the pride of posterity."

CHICAGO, ILL., *March 1, 1912.*

Resolved, That the conservation committee indorses the good-roads movement in the State of Illinois, and the proposed State highway to lead from Chicago to Springfield, and from Springfield to St. Louis, Mo., as an initial step toward the consummation of the national highway from the Atlantic to the Pacific Ocean.

* * * * * * *

CHICAGO, ILL., *March 1, 1912.*

Resolved, That in view of the proposition made to the conservation department, Illinois State Federation of Women's Clubs, by Mr. Jackson, president of the Illinois State Good Roads Association—

First. That the members of the department indorse the calling of a woman's good roads convention, to be held April 3 and 4, 1912, at the Auditorium in Chicago.

Second. That we further the proposition by asking every club to cooperate by sending representatives to the convention.

* * * * * * *

Resolved, The Englewood Woman's Club heartily indorses the movement of the National and Illinois State Good Roads Associations—to employ convict labor in the making of good roads.

Resolved, We, the Ravenswood Woman's Club, heartily indorse the movement of the National and Illinois State Good Roads Associations—to employ convict labor in the making of good roads.

Resolved, That the Park Ridge Woman's Club has unanimously decided that the club is every ready to do all in its power to assist in the much-needed work of improving the roads of Illinois, and approves of the plan of showing the respect of our great American, Abraham Lincoln, of naming a great highway which it is hoped will be soon built in honor to so noble a citizen. What more memorable monument could be erected to his memory—one that can not only be looked upon but can be of real service to thousands of people?

Resolved, That we are very desirous of being identified as life members of both the National and Illinois State Good Roads Associations.

Resolved, That the Woman's Club of Austin indorses the use of convict labor in the building of good roads, the proposed Lincoln memorial road connecting Chicago with Springfield and St. Louis and the county seat of every county in the State, and accepts life membership in the good roads association, as per inclosed blank filled out for the club.

Resolved, That the Millard Avenue Woman's Club heartily indorses the movement of the National and Illinois State Good Roads Associations to employ convict labor in the making of good roads.

Resolved, That the Garden Prairie Woman's Club heartily indorses convict labor on the public highways, to better facilitate the marketing of agricultural products; and, second, we are very much in favor of the building of a Lincoln memorial road.

Resolved, The Woman's Club of Henry indorses the use of convict labor in building good roads and the proposed Lincoln memorial road connecting Springfield with the county seat of every county in the State and also accepts life membership in the National and Illinois State Good Roads Associations.

Signed by 40 woman's clubs from different cities of Illinois.

TARIFF DUTY ON SUGAR AND WOOL.

Mr. NEWLANDS. In my remarks the other day upon the tariff I made reference to certain telegrams, extracts from speeches, platforms tentative and otherwise, and I thought I had asked leave to have them inserted in the RECORD. I find I did not, and I now make that request.

The VICE PRESIDENT. Is there objection?

Mr. JONES. In view of the fact that other matters have been permitted to be printed in the RECORD to-day I shall not object to the request of the Senator from Nevada.

The VICE PRESIDENT. There being no objection, leave is granted to print in the RECORD as requested.

CLOTURE AND DILATORY TACTICS.

Mr. OWEN. I desire to give notice that on Friday next, June 20, following the routine morning business, I shall address the Senate on the subject of cloture and dilatory tactics.

THE TARIFF (S. DOC. NO. 108).

Mr. SMOOT. I have prepared certain data relative to the amount of merchandise imported into this country for consumption from the year 1907 to the year 1912, showing the amount of importations that were free, the amount that were dutiable, the duty collected, the average equivalent ad valorem, and other information. I ask that these data may be printed as a public document.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. Mr. President, I desire to inquire of the Senator from Utah [Mr. SMOOT]—I am not objecting to his request—when he proposes to have published the matter which he submitted to the Senate probably a week or 10 days ago, to

the printing of which I objected at the time, asking for an opportunity to look into it. After examining it I became convinced they were valuable data, but the Senator desired me to return them for some corrections, stating, as I understood, that he would ask to publish the matter later. I should like very much to know when the Senator proposes to have the data published. If he can not publish them, I should like to ask if the Senator will permit me to examine them?

Mr. SMOOT. Mr. President, in answer to the inquiry of the Senator from North Carolina, I will state that I would have had this information published before this, only there has been objection raised each time I have asked to have it printed as a public document. I have, in connection with that, a separate document which I have prepared and which I desire to print with it; and I expect at the next session of the Senate to ask that that be printed as a part of the document which I have already obtained permission to print. I think by that time that I shall have the other document referred to by the Senator from North Carolina ready for the printer.

Mr. SIMMONS. I will say to the Senator that I shall be glad if he will have it printed this week. I think it is valuable information that the committee ought to have, and has been prepared, as I understand, by an official of the Department of Justice. It is a mere analysis of certain provisions of the bill, showing the connection of one section with another section. After examining it, I think it ought to be printed. I will ask the Senator whether he will not now ask for permission to have it printed?

Mr. SMOOT. Mr. President, if I had the document here and had the corrections already made, I should gladly ask permission to have it printed. I will repeat to the Senator from North Carolina now that I think I will have it ready by the next session of the Senate.

Mr. SIMMONS. The Senator from Utah can obtain permission now to have it printed and get the matter ready subsequently.

Mr. SMOOT. By the next session of the Senate I shall have it ready. I will say to the Senator that the document I now ask to have printed relates to questions that will arise in the discussion of the tariff I suppose every day during the debate. I have, therefore, asked that this small document be printed as a public document.

Mr. SIMMONS. I am not objecting to that at all; and, if the Senator will permit me, I will ask consent to have printed the other matter, so that we may have the use and benefit of it. As I have stated, it has been prepared by a Government official.

Mr. SMOOT. I do not desire the Senator from North Carolina to ask unanimous consent for that purpose. I will say to the Senator from North Carolina that I will ask unanimous consent for that purpose just as soon as the document is prepared, and I think it will be ready by the next meeting of the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina a question before he takes his seat.

Mr. SMOOT. I should like to know, Mr. President, whether there is any objection to printing this matter I have asked permission to have printed?

The VICE PRESIDENT. Is there objection to printing as a public document the matter referred to by the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina whether he can advise the Senate as to when we may expect the tariff bill from the Committee on Finance?

Mr. SIMMONS. I will say to the Senator from Michigan that we are working under high pressure. On yesterday we held three sessions—morning, afternoon, and at night. Of course the meetings of the Senate interfere somewhat with our work, but after to-day I shall ask permission of the Senate that we may hold our meetings during the sessions of the Senate, if necessary, though I do not suppose that will be necessary. I think I may say to the Senator from Michigan that some time during next week we shall be able to report the bill to the Senate.

THE THREE-YEAR HOMESTEAD LAW.

Mr. BORAH. Mr. President, I understand the Senator from Washington [Mr. JONES] has consented that we may have some memorials printed in the RECORD. In view of that fact, I want to call the attention of the Committee on Public Lands to the fact that during the last session of Congress we passed what is known as the three-year homestead law. The bill as it passed the Senate provided for a residence period of three years and for an absence from the homestead of five months out of each year. After the measure went to the House of Representatives—either in the House or in conference—there was inserted a clause which provided for the cultivation of not less than 10 acres during the second year and of 20 acres during the third year. That clause was inserted by those who were afraid of speculation in public lands, but its only effect is to work a material hardship to those who are not speculators, but who are honestly endeavoring to secure homes, but by reason of their limited means can not do so upon a great deal of the public lands. The result of this law has been to put in peril a number of homesteads throughout the West. Men who have gone upon their homesteads and have cultivated them to a certain extent now find themselves unable to comply with the law, and their homesteads in some instances are held for cancellation. So it is one of those things in regard to which it is necessary that Congress act at once if it is to serve those who are now in peril of forfeiting their homesteads.

I do not know whether the Public Lands Committee will report a bill in reference to this matter at this session, but there has been a bill introduced by myself which is now before the Public Lands Committee providing for an amendment to this law. In order that the Public Lands Committee may be informed as to the great necessity of quick action in regard to the matter, I ask to have printed in the RECORD a letter addressed to Hon. Joseph N. Teal, of Portland, Oreg., a gentleman who has taken a great deal of interest in these matters, by one who has observed, and from experience knows, the effect of this amendment which was inserted as I have stated in the new homestead law. I particularly call the attention of the Public Lands Committee to this letter, hoping that after reading it the committee will conclude to report a measure at this session for the purpose of amending this law.

Mr. SHIVELY. Mr. President, does the Senator from Idaho mean to say that the act passed at the last session of Congress was so worded that it affected the homesteader then on the land and changed his obligations?

Mr. BORAH. Yes; that is the effect of the law as it has been construed.

Mr. SMOOT. Mr. President——

Mr. BORAH. In other words, if the Senator from Utah will excuse me just a moment, under the old law there was no specific amount of land required to be cultivated, but under the new law it is required that a man cultivate not less than 10 acres the second year and 20 acres for the third year. A man desiring to avail himself of the new law must comply with its terms, of course, and, in addition to that, there has been a construction which would seem to indicate that he must comply with the new law and can not complete his proof under the old law. In any event all new entrymen must comply with the new law. So the title of a number of these homesteaders is in peril, especially in parts of Oregon and northern Idaho and other sections of the country with reference to these cut-over lands. It is just as difficult to clear the cut-over lands as it is to clear lands in the first instance; it costs from $75 to $100 per acre; and a man must have a bank account in order to comply with this provision of the law. In fact, as so clearly and fully shown by this letter, written in a most convincing way, the law, as it now stands, is impossible of compliance by men of limited means—the men who ought to be favored by homestead laws.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question to ascertain whether I understood him aright. Does the Senator say that there has been a ruling by the Interior Department that an entryman must prove up under the amended law?

Mr. BORAH. No; I did not say that. I said that the rulings were such as to indicate that the only safe course for the entryman to pursue was to prove up under the new law. There has not been a distinct ruling upon the proposition, but I will say that under the new law the Senator will remember there was a provision that under a given state of circumstances the Secretary of the Interior could reduce the amount of land required to be put under cultivation. The Secretary of the Interior preceding the present Secretary of the Interior ruled in regard to that matter in such a way that it is a dead letter, because the conditions under which the Secretary will reduce the amount of cultivation are conditions which seldom, if ever, arise. The clause had just as well have been eliminated.

Mr. SMOOT. That is not, then, the fault of the law, but is the fault of the ruling made by the Secretary of the Interior, because the law specifically provides that in certain cases and under certain conditions the Secretary of the Interior is authorized to reduce the amount of cultivation.

Mr. BORAH. Of course it is not the fault of the law in a technical sense, but we ought to make it so plain that there can be no possible avoidance of its terms.

Mr. SMOOT. Of course, Mr. President, the entryman has his choice as to which law he will prove up under—whether under the original homestead law under which the entry was made or whether he desires to prove up under the three-year homestead act.

The VICE PRESIDENT. Is there objection to printing in the RECORD the letter referred to by the Senator from Idaho [Mr. BORAH]? The Chair hears none.

The letter was referred to the Committee on Public Lands and ordered printed in the RECORD, as follows:

Hon. JOSEPH N. TEAL, *Portland, Oreg.*

DEAR SIR: In compliance with your request I give you my views as to the advisability of amending the three-year homestead law.

During the larger portion of the time between 1901 and 1910 I was engaged in surveying and looking over Government land in the interests of home seekers. While engaged in this work I entered almost every township of land in western Oregon, and became thoroughly familiar with the problems and difficulties which the homesteader has to face in this particular section. On March 14, 1910, I took up a homestead of 160 acres in Lincoln County, Oreg., which I have since occupied and cultivated.

In my entire experience I have not found a single claim of 160 acres in western Oregon upon which the average homesteader could comply with the requirements of cultivation of the three-year law. This law requires that the entryman must cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth beginning with the third year of the entry.

Under this new law the Secretary of the Interior has the power to reduce the cultivation requirement upon a "satisfactory showing" by the entryman. This phase of the law means practically nothing in the actual operation of the law to the homesteader, because the Secretary may defer action on application for a reduction in cultivation until final proof is made on the entry. During the entire life of the entry the entryman is to live in suspense, and the final result of his efforts and labors is to be a lottery until the statutory period of his entry has elapsed. And if I may judge the future by the past the entryman would find that the Land Department, for some cause or other, would cancel his entry or at least protest the same.

I say that it is impossible to comply with the cultivation requirement of the three-year law in the western part of Oregon and in many places in the eastern part of the State; also in the mountain regions of the other public-land States. The conditions in western Oregon which make this law inoperative are:

First. All the available Government lands are located in the foothills, and but a small percentage of each claim is level enough to permit actual cultivation. There are no valley lands. Actual cultivation and farming can be done only in small areas. The steep hillsides are used for grazing only, and the department has held that grazing can not be accepted as cultivated land.

Second. These lands are far removed from railroad transportation, often a considerable distance from wagon roads, and the homesteader finds that he must first open up his claim by building trails and roads. This road building and the building of a house requires all of the first year of the entry, and but very little can be done in clearing and cultivating. Material for buildings must be hewed out of timber found on the land. If there is no timber, then lumber must be hauled a long distance.

Third. Practically all of the vacant lands are located in what is known as the "burnt-over lands." This land was at one time heavily timbered, but the timber was deadened by fire many years ago.

When the homesteader goes upon this land he finds rich productive soil, but he is confronted with the trunks of the old decayed trees, which are often from 3 to 6 feet in diameter. He also finds the stumps of these monstrous trees, and in many places a very heavy undergrowth of alder, maple, ash, and fern, all of which has no commercial value. The photographs marked "A" and "B" show the condition of the land in the burnt regions.

Fourth. The expense of building trails, roads, and bridges to reach these lands is often large and must be met by one or two homesteaders. There are but few claims to be found in one location.

This work and the building of a house often requires all of the first year, and there is no time for clearing and cultivating land.

Fifth. The average homesteader is a laboring man, and has very small financial resources with which to make a home, even though the land was more accessible and more easily cleared.

Sixth. The average cost of clearing an acre of this land is $125, and sometimes exceeds $200.

The three-year law was passed June 6, 1912, and it provides that proof may be made on unperfected entries either under the old homestead law or under the new law, as the entryman may elect. In every instance the entryman elected to make final proof under the old law. This is positive proof that the three-year law does not reduce the requirements and that it imposes hardships which the old law did not. It shows that the entryman would rather make proof under the old law, although the new law gives him the right to be absent from the claim five months of each year.

The new law has caused a decrease in the number of homestead filings, and I know of numerous instances where the entryman who filed under this act relinquished his rights after learning that he could not comply with the requirements of the act. Land scrip has been filed on this same land.

I suppose Congress really intended that this law should give the homesteader relief, and that it would result in increasing entries under the homestead laws. The actual operation of the law is to the contrary. It works against the homesteader and the Government and works in the interests of the land speculator and the scrip owners and the railroad companies.

The mistaken idea of requiring a large and definite area of cultivation originated with those who sought some scheme to prevent timbered lands from being entered under the homestead laws. In the first place, there are no timberlands subject to entry. Timberlands have passed out of the hands of the Government through the timber and stone act and by scrip selections, and it is now too late to shoulder the responsibilities upon the poor homesteader and make him suffer the sins of poor management upon the part of the Government. In the Portland district, where it would be supposed that many timber and stone entries were being made, we find that during the past year only 20 entries were filed, and these have been in most instances for 40-acre tracts. This is proof that the timberlands are gone.

Should the homesteader have the good fortune to secure a claim which has some merchantable timber, it would certainly be the best thing for the Government and all concerned to have the land entered in this way, because under scrip selections the land passes to the speculator, who gives the Government nothing in return, neither does he help to open up and improve the country.

The old homestead law was a good one. All it needed was an amendment shortening the period of residence, and then a sensible construction of the cultivation requirement.

In lieu of the cultivation requirement of the new three-year law I would suggest that the entryman be required to place upon the land improvements up to a certain value each year of the entry.

The average homesteader has less than $500 in money and personal property when he enters a claim. He finds the lands as I have described. The improvements which he will be able to make the first year will be the building of trails and roads and a house. In addition to this, he will be able to clear a patch of ground, say one-fourth of an acre, and perhaps raise a small garden. At the end of the first year he will have spent $300, and his improvements will be worth at least $400. During the second year he is compelled to work away from home a part of the time, but he will succeed in clearing from 1 to 1½ acres. This he will plant and cultivate during the third year. At the end of the third year he will have improved the land to the extent of $600 to $800. He will now offer final proof. He has done all that he could do. He has made for himself a home. He has done a great deal for his country, State, and county, and there is no good reason why he should not have title to the land, although he has less than 3 acres of land actually cleared and cultivated.

It is a well-known fact that the early settlers throughout the Willamette Valley did not clear and cultivate in excess of 1 acre each year on similar lands.

My own experience in homesteading has proved to me that the three-year law is nothing short of a farce.

About one-third of my claim is creek bottom land and is covered with a heavy growth of alder and maple. The balance of the claim is hillside and has a growth of fir timber. Both the hill land and the creek bottom is rich, productive soil.

When I began my residence on this land I had $2,000, out of which I used $1,800 in improving the land. During the first six months of my residence we lived in tents, and during this time I built trails and roads, and built a house hewed from material which I found on the claim. The house is shown in the photograph marked "C." It is 22 feet by 22 feet and contains four rooms. The next six months was spent in clearing land. Beginning with the second year I had 1½ acres cleared and in actual cultivation. Beginning with the third year I had 3 acres in actual cultivation. The land cleared was on the creek bottom, and cost of clearing $130 per acre. The land cleared is shown in the foreground in the photograph marked "D," and the condition of the land before cleared is shown in the background.

At the end of the third year I had a house, small barn, woodshed, and other outbuildings and a total clearing of 3½ acres, all under fence. The total improvements cost $1,800.

I made proof under the old law. It would not have been possible for me to make proof under the three-year law.

The land which I cleared will grow almost any and all kinds of crops. Less than one-eighth of an acre produced 2 tons of cow turnips, and one-half acre produced 2 tons of timothy hay.

The homesteader with 2 or 3 acres of cleared land, and with the advantage of grazing the hill sides with his stock, will make a more comfortable living for his family than the laboring man in the city on wages of $3 per day. The stock will graze the year round, and about all the crops necessary to grow will be for the use of his family.

Senator BORAH has advocated the changing of the three-year law by inserting in lieu of the cultivation requirement an improvement requirement. He thinks that the entryman should place upon the land each year improvements to the value of $1.50 per acre. This is about what could be expected from the average homesteader, and I think it is a common-sense idea.

I trust that you will succeed in amending this law, and that I may have said something that will assist you in your efforts.

Yours, very truly,

H. A. HOSTETLER.

ROCCA, OREG., *June 9, 1913.*

INHABITED ALLEYS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 107, submitted by Mr. WORKS on the 10th instant, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to furnish to the Senate the names, residences, and occupations of all persons owning and renting houses or rooms within what are known and designated as the "inhabited alleys" of the District of Columbia.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INDIAN APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. STONE. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that the Senate proceed to the consideration of House bill 1917—the Indian appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The VICE PRESIDENT. The pending amendment is the amendment of the Committee on Indian Affairs, on page 2, line

9, to strike out "$220,000" and insert "$200,000." The Senator from Oregon [Mr. LANE] is entitled to the floor.

[Mr. LANE addressed the Senate. See Appendix.]

Mr. CLAPP. In connection with the remarks just submitted, I should like to have printed in the RECORD pages 1 and 2 and part of page 3 of the hearing before the subcommittee of the Committee on Indian Affairs of the House of Representatives held December 2, 1912.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C., December 2, 1912.

The subcommittee this day met, Hon. JOHN H. STEPHENS (chairman) presiding.

The CHAIRMAN. The first item in the bill is:

"For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians,' and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended."

The following justification has been furnished your committee for this item:

SURVEYING AND ALLOTTING INDIAN RESERVATIONS (REIMBURSABLE).

Fiscal year ending June 30, 1913, amount appropriated	$250,000.00
Fiscal year ended June 30, 1912:	
Unexpended balance from previous appropriations	65,167.44
Amount appropriated	215,000.00
	280,167.44
Amount expended	255,821.05
Unexpended balance	24,346.39

ANALYSIS OF EXPENDITURES.

Salaries and wages	$193,548.67
Transportation of supplies	3,226.78
Traveling expenses	6,048.47
Telegraph and telephone service	45.81
Miscellaneous material	3,828.13
Stationery, printing, etc	651.79
Fuel	674.37
Forage	15,175.92
Provisions	9,391.39
Equipment	6,437.14
Unclassified expenses, General Land Office	11,718.42
Power, mineral, and geologic investigation by United States Reclamation Service	4,639.15
Miscellaneous	435.01
	255,821.05

JUSTIFICATION.

ESTIMATES FOR 1914.

The estimate of the $250,000 submitted for surveying and allotting Indian reservations, reimbursable, 1914, are required for the following purposes:

Completion of allotment work, surveying of town sites, classification and appraisement of surplus lands, Colville Reservation, Wash. $25,000

It is expected that the allotment work on the Colville Reservation, Wash., will be completed next spring. The act of Mar. 22, 1906 (34 Stat. L., 80), provides that upon the completion of the allotment work the surplus lands shall be classified and appraised and opened to settlement and entry by proclamation of the President and authorizes the reservation of such tracts for town-site purposes as may be required for the future public interests and to survey such tracts into blocks and lots.

Allotment work, Pine Ridge Reservation, S. Dak. 20,000

It is estimated that it will require two allotting crews for two years to complete the allotment of the Pine Ridge Indians; $20,000 will be required to keep two crews in the field during the fiscal year 1914.

Survey work by General Land Office 125,000

The official survey by the General Land Office is the first and most important step in the allotment or other disposition of Indian lands. The reservation of tracts and erection of buildings and improvements thereon, for school or agency purposes, depends upon first procuring a proper description of the lands in terms of public surveys. Official surveys by the General Land Office must first be made before lands available for town-site purposes can be reserved and placed on the market or allotments made to Indians so that they can procure such title thereto as to warrant them in improving and cultivating their lands and establishing their homes thereon.

In this connection attention is invited to the following surveys which should be made at the earliest practicable date: Conditions on the various private land grants confirmed to the Pueblo Indians of New Mexico by the Court of Private Land Claims require that the boundaries of these grants be determined and marked with permanent monuments at the earliest practicable date. Conflicts are constantly arising between these Indians and white settlers, involving valuable timber and water rights, which can only be finally settled and avoided in the future by determining and locating the boundaries of these various pueblos. It is estimated by the General Land Office that it will cost approximately $20,000 to survey the boundaries of these pueblos and establish mile and half-mile monuments with iron posts, brass capped.

The town site of Klaxta, within the Spokane Reservation, Wash., was established on May 19, 1908, under the provisions of the act of June 21, 1906 (34 Stat. L., 377). Conditions in this part of the reservation require that reservations be made as to flowage rights, dam and mill sites pertinent to water power within the town site of Klaxta, and that the town site be surveyed into blocks, lots, streets, and alleys and lots disposed of as provided by the act of May 29, 1908 (35 Stat. L., 459). The cost of this work is estimated at $3,000.

Five thousand dollars will be required to survey 45 Indian allotments on unsurveyed lands in T. 32 N., Rs. 11 and 12 E., and T. 33 N., R. 11 E., within the Washington National Forest, Wash. This work should be done at the earliest practicable date, as there is constant conflict between the allottees and the Forest Service officials, due to the disputed location of the allotments.

Surveys to definitely determine and mark the boundaries of the Fort Spokane Military Reservation, Wash., and parts of the boundaries of the Umatilla Indian Reservation, Oreg., are urgent.

The lands patented to the several bands of Mission Indians in California should be surveyed, so that they may be allotted in severalty and the allottees placed on allotments in order to bring them under cultivation and make permanent homes for themselves at the earliest practicable date.

These surveys and others which will come up during the fiscal year 1914 will require at least $125,000 to perform.

Mineral and power-site examinations, Geological Survey $25,000

There are a large number of cases involving the sale or other disposal of Indian lands pending, awaiting the examination of the lands by the Geological Survey to ascertain their value for mineral or power and reservoir site purposes. It is estimated that it will require $25,000 to make the examinations required during the fiscal year 1914.

Allotments, Shoshone Reservation, Wyo. 10,000

It is estimated that it will require one allotting crew for 10 months to make allotments to the unallotted Indians entitled to allotment on this reservation.

Allotments, Hoopa Valley Reservation, Cal. 10,000

It is estimated that it will require one allotting crew for 10 months to allot the unallotted Indians on this reservation.

Allotments, Duck Valley Reservation, Nev. 15,000

It is estimated that it will require one allotting crew for 12 months to allot the Indians on this reservation.

Allotments, public domain 20,000

It is estimated that it will require $20,000 to provide for two allotment crews making allotments on public domain and for the adjustment of allotments heretofore filed.

Total 250,000

Mr. STONE. Mr. President, I shall not consume the time of the Senate by any reply to the quite interesting address of the Senator from Oregon [Mr. LANE]. It may be that the general administration of the Indian Bureau under the Secretary of the Interior is deserving of criticism. I think it is true that in the long stretch of years the administration of the affairs of that important bureau has been running too much in ruts, and that there ought to be some reformation in the general administration of its affairs. I have been under that impression for some years.

The Committee on Indian Affairs in this bill has reported a provision authorizing the appointment of a body to look into the whole field of the administration of Indian affairs, in the department itself and at the various agencies of the country. It will have full authority, if the provision is agreed to by the Congress, to make every possible investigation; and it will be the duty of this body to make recommendations in its report for the future action of the Congress.

The Senator from Oregon is a member of the Committee on Indian Affairs, and that committee was engaged for several weeks upon hearings. They covered almost every phase of the questions and interests involved in Indian administration. The Senator from Oregon was a member of the committee, as I have said, and was quite a constant attendant upon its deliberations. A great deal of information was called for—in fact, far more than it has been customary for that committee to call for in the consideration of Indian appropriation bills. The department supplied a great fund of information in response to the demands made. This information, in a written report, containing tabulations showing expenditures and all that, was laid before the committee and before the Senator from Oregon.

The Senator has asked for information upon this or that paragraph in the bill. It is not within my power to give any information that has not been already supplied by the department.

Now, Mr. President, I have here a document prepared by the bureau which is entitled "a statement including all claims paid on account of the fiscal year 1912 up to April 1, 1913," covering the last appropriations. I am going to ask at this point that

this document, which I send to the Clerk's desk, may be printed as a public document for general information.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be printed as a public document (S. Doc. No. 197).

Mr. STONE. Mr. President, I am not going to take up time in discussing the bill in general. I am very anxious to dispose of it. It must be disposed of speedily. There are at least two conclusive reasons why it should be done. At the end of this fiscal year, June 30, if the bill be not passed there will be no available funds for carrying on the business of this great bureau. We are now at the middle of June. The bill must go to the House of Representatives. In the bill there are numerous important amendments. We can not know whether the House will agree to them. Many of them, I think it safe to say, the House will not agree to. That may mean a more or less protracted conference.

In addition to that, as was stated this morning by the chairman of the Finance Committee, it is expected that the tariff bill, so called, will be reported to the Senate next week. I am very anxious, Mr. President, the entire committee—I think even including the Senator from Oregon—are anxious to get this matter out of the way. If I misstate the position of the Senator from Oregon——

Mr. LANE. I do not think so much of the bill that I care what happens. I prefer to starve them down a little that we may arrive at the facts, and then act on the facts.

Mr. STONE. Then the Senator from Oregon places himself alone among the members of the committee——

Mr. LANE. Yes; I think he does.

Mr. STONE. In the expression of an absolute indifference as to whether an appropriation bill of this importance shall be passed by the Congress.

Mr. LANE. Pardon me, Mr. President.

Mr. STONE. It may be that the Senator from Oregon is willing for some tangible reason of his own to hang this bill up and hang the department up and leave it with paralyzed hands and arms to carry on the business committed to it. If so, I am sure that he stands alone in the membership of the committee.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Of course I yield.

Mr. LANE. I thank the Senator very much.

Mr. President, I suggested that there is a way by which we could carry on the service. I have seen it done in legislative bodies before. They run up a deficiency now without permission or consent. They could carry on the affairs of this department just as carefully as they do now, with all the expenditures allowed month by month, until this body dug into the entrails of the service and found out the facts. You will never do it otherwise. I prefer that method.

Mr. STONE. In other words, the Senator from Oregon would like to have monthly appropriations.

Mr. LANE. Until such time as we knew the facts governing them.

Mr. STONE. And how are we to know the facts, whatever they may be, that the Senator has in mind except by some sort of a protracted investigation?

Mr. LANE. If the Senator will pardon me, I take it it can be done right here in 90 days, without moving out of the committee room upstairs; and if you did that you would not be under the painful necessity of having a puzzling deficiency, which I do not think you or any of the rest of us knew anything about and which is being sought here on this floor at this time. You would escape that.

Mr. STONE. I confess after three weeks of the time of the Senate committee being absorbed in these very investigations the other members of the committee, as a rule at least, have been unable to find out what the Senator from Oregon has in his mind and what he is trying to do. He seems to have something under his vest or shirt, but nobody else knows what it is.

Mr. LANE. Mr. President, will the Senator allow me to reply kindly to that criticism? The deficiency which is covered up in such a manner that the legislator does not know that he is providing for the payment thereof is an unusual thing. It is a matter which outside of this legislative body is considered a crime, and it ought to be so considered here.

Mr. STONE. Let me answer——

Mr. LANE. Pardon me just a moment further. I will not delay long. If what is considered a crime can be successfully carried through without the knowledge of either the committee or of this body, it does seem to me that that ought to be a slight indication to the Senator from Missouri of what I have in mind when I ask for a statement which would show such things. What in the world do you want to happen?

Mr. STONE. What is the particular item? Will the Senator give me the particular thing that he wants?

Mr. LANE. The deficiency. Your accounts do not balance. You have handed in a report in which you make no statement about the bill before the Senate. There is a deficiency that you do not account for. Your accounts do not balance.

Mr. STONE. I do not know what the Senator means.

Mr. LANE. The Senator does not know how accounts do not balance?

Mr. STONE. I do not know what the Senator is talking about.

Mr. LANE. Then I fail utterly to make myself understood.

Mr. STONE. I should like to ask the Senator what is his objection to this first section in the bill?

Mr. LANE. It is owing to the fact that you are carrying a deficiency there of an unknown quantity that was incurred years ago. You are presenting to this body an appropriation of money to be used next year——

Mr. STONE. I am talking about the first section. Let me read it.

Mr. LANE. I object to this——

Mr. STONE. Let me read it.

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

Now, what is the criticism?

Mr. LANE. If the Senator will pardon me, Mr. President, the criticism is, in the first place, that it should say, in addition to these uses which are stated in the section, money is to be expended if it carries a deficiency of a sum unknown to the committee or to the Senate, and the second objection is that it is new legislation and subject to a point of order for the reason that you have cut out one entire section of the United States from its provisions.

Mr. STONE. To show how little the Senator knows about the thing he is talking about, I will call his attention to the fact that the report shows there is an unexpended balance of $24,000 and over in that fund. The Senator has not looked into it. He is just firing off without knowing for the most part what he is talking about.

If the Senator wants the information on this subject, I have here a communication from the Indian Bureau showing how every dollar of this appropriation is to be expended. It is just as available to the Senator from Oregon as it is to me and other members of the committee or any other Senator, and for his information I am going to ask that it be inserted in the RECORD as a part of my remarks. I hope he will take occasion to read it to-morrow morning.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR.
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 14, 1913.

Hon. WILLIAM J. STONE,
Chairman Senate Committee on Indian Affairs,
United States Senate.

SIR: Referring to my telephone conversation this morning with your clerk, Mr. Hollister, I have the honor to advise you that if the appropriation of $200,000 for survey, resurvey, allotment, classification, and appraisement work, as provided in the report of the Senate Committee on Indian Affairs, is made, it will be used in the following manner, so far as the use can be determined at this time:

Completing allotment work and making the classification and appraisement of the surplus lands within the Colville Indian Reservation, Wash	$25,000
(About 800 allotments remain to be made within this reservation and thereafter the surplus lands must be classified and appraised as required by the act of Mar. 22, 1906; 34 Stats., 80.)	
Carrying on the allotment work on the Pine Ridge Reservation, S. Dak	20,000
(Nearly 6,000 allotments have been made within this reservation, with about 2,000 Indians still to be allotted. To expedite the work two crews have been on this reservation, but as the "open" or field season is short, due to snow and cold weather, the number of allotments that can be made each year is comparatively small. For a period of approximately four months in each year the crews working on this reservation are furloughed from field duty, and hence about $10,000 a year is sufficient for each crew.)	

Survey work, General Land Office, and such retracement work as may be necessary during the year $125,000

(The following work is urgent: Surveying the boundaries of the Indian Pueblos, in New Mexico, estimated to cost $20,000; surveying the town site of Klaxta, Wash., $3,000; surveying five townships in the Washington National Forest, within which some 80 Skagit Indians have selected allotments and built houses, $5,000; completing surveys within the Fort Belknap Indian Reservation, Mont., $25,000; surveying, in part, the Northern Cheyenne, or Tongue River, Reservation, Mont., $20,000; surveying about 5,000 acres of irrigable land within the Navajo Indian Reservation, N. Mex., which has been or will be irrigated from the "Hogback Canal," $3,000; additional subdivisional survey work within the Hoopa Valley Reservation, Wash., preliminary to allotment, $12,000; surveying town sites within the Pine Ridge, Colville, Fort Berthold, and other reservations, $7,000; resurveying the boundary lines of the Umatilla Indian Reservation, Oreg., $500; Warm Springs Reservation, Oreg., $500; surveying the Mescalero Indian Reservation, N. Mex., $20,000—total, $116,000—leaving $9,000 as an emergency fund for any special work of this character which might arise during the year, including public domain allotments outside Arizona and New Mexico.)

Completing allotment work on the Wind River Reservation, Wyo 10,000

(It is estimated that it will require one allotting crew for a period of 10 months to allot the unallotted Indians within this reservation. The work has been started, but can not be completed during the present field season, owing to the fact that the climate in this locality prevents active field work, except during the summer season.)

Mineral examinations, Geological Survey 10,000

(The department requires, before the issuance of a patent, either fee or trust, that the lands shall be examined by the Geological Survey in order to ascertain if any minerals or power site or reservoir possibilities exist therein. The same class of examination is also made of surplus unallotted lands within Indian reservations prior to disposal to homestead settlers. This work is done by the Geological Survey at the expense of this office when requested so to do, and expenditures of this character are paid out of funds available for the survey, allotment, resurvey, classification, and appraisement work. During the coming year examination should be made at least of lands within the Klamath Reservation, Oreg.; Quinaielt Reservation, Wash.; Crow Reservation, Mont.; the Salt River and Colorado River Reservations, Ariz.; the Yuma Reservation, Cal.; and the Fort Hall Reservation, Idaho.)

200,000

In order that you may know the basis upon which the office estimates the cost of this work on various reservations, the following statement will show the average cost of carrying the usual allotting crew for a period of 12 months:

	Per year.
1 surveyor	$2,160
1 head chainman	1,080
1 rear chainman	1,080
1 rodman	1,080
1 flagman	1,080
1 clerk	1,200
1 teamster	900
1 cook	900
Total	9,480
Salary of allotment agent	2,920
Total	12,400

Usually $15,000 is segregated for the use of each allotting crew during one year. After allowing the amounts for salaries as listed above it leaves $2,600 for miscellaneous expenditures, such as tents, wagons, teams, forage, etc. Ordinarily this is sufficient unless exceptional conditions are confronted.

The estimates made for survey work by the General Land Office are based upon reports made by the General Land Office upon the request of this office. For illustration of the manner in which this information is obtained, there is attached herewith correspondence between this office and the General Land Office with respect to surveying some 40 unsurveyed townships within the Navajo Reservation, Ariz. This is merely illustrative of the procedure followed in cases of this kind.

Respectfully,

F. H. ABBOTT,
Assistant Commissioner.

SURVEYING NAVAJO EXTENSION, ARIZ.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 21, 1910.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: The office is in receipt of a communication from Special Allotting Agent George A. Keepers regarding the necessity for surveying the unsurveyed townships within that part of the Navajo extension created by Executive orders of November 9, 1907, and January 28, 1908, in Arizona. The allotting agent mentions also the advisability of resurveying the townships there which have been surveyed originally by the Land Office, owing to obliterated corners and errors which it is believed exist in the original survey work. Mr. Keepers intimated that Surveyor Sidney E. Blout, who is now surveying the Moqui Reservation, contemplated recommending to your office that a new survey be made of the extension in Arizona so as to cover not only the townships already surveyed but also the unsurveyed part of the extension, and that he (Mr. Blout), by putting on an additional crew, could handle the survey work both within the Moqui Reservation and the extension in Arizona.

The office desires to allot the extension in Arizona at an early date, and in order to carry on this work there it is requested that you advise this office of the approximate amount required to survey the unsurveyed townships and resurvey the townships already surveyed, and also if Mr. Blout can satisfactorily handle this work in connection with the survey work on the Moqui Reservation. An early reply will be appreciated.

Very respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

ESTIMATE OF COST OF SURVEY.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 25, 1910.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: In reply to your letter dated July 21, 1910, relative to the surveys and resurveys necessary to complete the survey of the Navajo extension created by Executive orders of November 9, 1907, and January 28, 1908, in Arizona, I have to advise you that such work can be carried on under the supervision of this office during the winter months, and, as there are some 40 townships included in said extension, it is estimated that to establish the usual standard exterior and subdivisional lines would average $500 per township, or a total cost of $20,000.

If further interior subdivisional corners were required for allotment purposes, the cost would probably be doubled.

Very respectfully,

FRED DENNETT, *Commissioner.*

Mr. STONE. It is easy to get up and attack a committee of which one is a member and to make criticisms. If a Senator wants to do it without rhyme or reason, it is all right, I suppose. Each Senator bears his own measure of responsibility. But it seems to me to be absolutely unjust and unreasonable to assail the committee of which the Senator is an honorable and distinguished member——

Mr. LANE. Mr. President——

Mr. STONE. As being at all inattentive or indifferent.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Oh, yes; I will yield.

Mr. LANE. The only justification which was presented to our committee did not show up to some of us—the older members knew how to secure possession of these documents—was the report of some hearings before the subcommittee on Indian Affairs in the House of Representatives, and it is dated January 17, 1912. I could not know much, if anything, about this appropriation annually or the administration of the $900,000,000 worth of property unless I had access to some financial statement, some statement pertaining to the service and explanatory thereof. I think the same condition exists with the majority of the Members of the Senate. But as a member of the committee I was informed by that committee that here was the justification. I will not read the justification, but if you will turn over to pages 11, 12, 13, 14, and 15, you will find the sums, and you can pick them out. First, there is a balance of the appropriation of $220,000, which is called for in that item.

Mr. STONE. The Senator is not talking about the item now under discussion.

Mr. LANE. I beg pardon; then I have misunderstood the Senator.

Mr. STONE. The Senator is talking about an entirely different item.

Mr. LANE. Then I misunderstood the Senator and I beg his pardon. What were we talking about?

Mr. STONE. You were talking about irrigation.

Mr. LANE. You were talking about the first item, for a survey and a resurvey. Is that the one you were discussing?

Mr. STONE. Yes; and that is now before the Senate.

Mr. LANE. I understand the Senator to state that it is for the survey, resurvey, classification, and appraisement of land. Is that right? It is the very first item in the bill.

Mr. STONE. Yes; that is the one now before the Senate.

Mr. LANE. That is the one concerning which I was speaking. It is stated in this report on page 4 of the hearings, that Mr. Meritt said——

Mr. STONE. If the Senator will pardon me, he called attention to pages 11, 12, and 13.

Mr. LANE. Yes; that seems to be this.

Mr. STONE. Here it says:

Diminished Southern Ute Reservation, Colo.: For continuing the construction and maintenance of the irrigation ditch on this reservation.

Just below is the following:

Walker River Reservation, Nev.: For extension, maintenance, and operation of the present irrigation system.

Mr. LANE. The Senator is right about that. All I wish to call attention to in support of my statement that there was a deficiency, is the statement by Mr. Meritt in answer to the chairman. The chairman asks:

Is not this really a deficiency coming over from other years?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Did you ask for no appropriation of this kind two years ago?

Mr. MERITT. No, sir.

Then he goes on to explain the reason why. The reason was because he did not have the bill to verify it. It seems to carry a deficiency.

Mr. FALL. Will the Senator from Missouri yield to me?

Mr. STONE. I yield to the Senator from New Mexico.

Mr. FALL. The statement is made in this Indian appropriation bill report to which the Senator referred. The account balances perfectly. It shows exactly how it is balanced. It is as follows:

SURVEYING AND ALLOTTING INDIAN RESERVATIONS (REIMBURSABLE).

Fiscal year ending June 30, 1913, amount appropriated	$250,000.00
Fiscal year ended June 30, 1912:	
Unexpended balance from previous appropriations	65,167.44
Amount appropriated	215,000.00
	280,167.44
Amount expended	255,821.05
Unexpended balance	24,346.39

That is the balance. Now, they ask an additional appropriation of $220,000, and we have agreed to cut $20,000 because of the limitation put on the expenditure, as is explained in the balance of this section.

Mr. LANE. Then, if you please, Mr. President, this volume of reports from the House committee is not to be depended upon in its statement?

Mr. FALL. The Senator has the hearings before a committee and is reading from the hearings certain statements of witnesses. If he had the official report of the estimates which the committee had before it, he will find this item explained, I think.

Mr. LANE. But here, Mr. President, if you please, is the accountant of the department making this statement.

Mr. FALL. If the Senator will allow me a suggestion, I think the quickest way for him to get it is to examine that statement. I think he will find the balance exactly as the estimate itself.

Mr. LANE. Then there is a deficiency given here?

Mr. FALL. Oh, no; not a deficiency. There is a balance on hand of $24,000.

Mr. STONE. Twenty-four thousand dollars and something. That is the official statement.

Mr. FALL. Heretofore they have been asking for an appropriation of $250,000. This year they were asking for a total of only $220,000, because they have an unexpended balance of $24,000 on hand. There is no deficiency at all.

Mr. STONE. That is the very reason why we have cut down the House appropriation from $220,000 to $200,000. It is because there is a balance on hand and not a deficiency. The Senator is entirely wrong. He is proceeding upon a wrong premise, upon wrong information.

Mr. LANE. I was thinking of Mr. Meritt, who is said to be the accountant of this bureau, and his statement was that there was one. He suggested why it happened in connection with this identical item.

Mr. STONE. Mr. President, we will proceed with the bill. I just wish to say before we proceed that it is very important the bill should be passed at the earliest practicable moment.

Every day's delay interferes seriously with the efficiency of the administration in the Indian service—

I will state that I am reading from a statement furnished me by the Commissioner of Indian Affairs at my request—

Every day's delay interferes seriously with the efficiency of administration in the Indian service, because plans for carrying on the various activities can not be made definitely until it is known what funds will be available and such funds are equitably apportioned among the different agencies, schools, etc., where they are to be used. The working out of proper apportionments involves so much detail that there is scarcely enough time left, even now, to do it efficiently.

If the passage of the bill is delayed much longer, it will be impossible to do the work by the 1st of July, and tentative apportionments will have to be made, subject to change later on, which will greatly increase and complicate the work. If it is delayed beyond the 1st of July, a joint resolution extending appropriations for this year will be necessary. This would result in much confusion and possible extravagance, caused by hasty and ill-considered allotments and expenditure authorizations.

Many of the appropriations covered by the bill are required immediately after the 1st of July to continue work on projects authorized by existing law, such as making allotments to Indians and surveying lands in connection with the opening of reservations to settlement. Where work has commenced and the crews are now in the field many thousands of dollars would be lost by having to suspend operations even for a few days.

The delay in the passage of the appropriation act for the current fiscal year and the extension of the appropriations made for the previous year by joint resolution interfered very seriously with the efficient financial management of the Indian service. Such a delay would interfere seriously with the financial management of any governmental institution, but it strikes the Indian service with particular force because of the multiplicity of appropriations found necessary by Congress, which makes its financial system more complex than that of any other bureau under the Government and of some entire departments. A further delay this year in obtaining the funds required to carry on the service can only add embarrassing difficulties to a financial system already sufficiently complicated.

Mr. President, as I have already said, I do not think we ought to fritter away time in useless discussion. We must furnish the funds for the maintenance of this great bureau. It is absolutely impracticable to talk about making appropriations from month to month. The department can not work on appropriations of that kind. If it is necessary by a joint resolution to extend the appropriations for the current year over into the next year by reason of any failure of this bill, that again will leave the bureau in a state of most embarrassing uncertainty as to the apportionment of its funds and in the carrying on of important projects now in process of execution.

Now, Mr. President, I shall not say anything more. I ask that the question before the Senate may be put.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 2, line 9, after the word "law," to strike out "$220,000" and in lieu thereof to insert "$200,000."

Mr. GALLINGER. As that amendment appears to be contingent upon a further amendment submitted by the committee, I would ask the Senator from Missouri if it might not be well to pass it over until the subsequent amendment is acted upon. As I understand the matter, if New Mexico and Arizona are not exempted from the provisions of the bill $220,000 will be required, and if that exemption is made $200,000 will be sufficient. I ask the Senator from Missouri if that is correct?

Mr. STONE. That is correct.

Mr. GALLINGER. In that view would it not be well to pass over the first amendment until the second amendment is acted upon?

Mr. STONE. I have no objection to that.

The VICE PRESIDENT. The amendment will be passed over temporarily.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Indian Affairs was, on page 2, line 12, after the word "expended," to insert the following proviso:

Provided, That no part of said sum, or any other sum, shall be used for survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona under the provision of any act of Congress now in force until such survey, allotment, etc., shall hereafter be authorized by act of Congress.

Mr. GALLINGER obtained the floor.

Mr. POMERENE. Mr. President——

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. POMERENE. I was going to offer an amendment to the amendment of the committee.

Mr. GALLINGER. Let the Senator have it read.

Mr. POMERENE. Yes; I ask that it be read.

The VICE PRESIDENT. The Senator from Ohio offers an amendment to the amendment, which the Secretary will read.

The SECRETARY. On page 2, line 13, strike out the words "or any other sum," including the commas; and on page 2 strike out, beginning on line 17, the words "under the provision," and all of lines 18, 19, and 20, inclusive, in the following words:

Under the provision of any act of Congress now in force until such survey, allotment, etc., shall hereafter be authorized by act of Congress.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment proposed by the committee.

Mr. GALLINGER. If the Senator will permit me, I had in mind offering precisely that amendment. I have no doubt but that the provision is subject to a point of order, particularly from the fact that the words "or any other sum" are inserted. I am not at all sure that the provision is subject to a point of order if those words should go out, for the reason that it simply provides a method of using the fund that is voted in the bill.

I sincerely trust that the amendment submitted by the Senator from Ohio to the amendment may be agreed to. There are very serious objections from certain quarters to the amendment in its entirety. Before I vote yea or nay upon that proposition, Mr. President, I should like to ask the chairman of the committee or the Senators from the States who ask for this exemption the precise reason why New Mexico and Arizona should not be included. There is doubtless some good reason in the mind of the Senators and of the committee that I am not cognizant of. I ask merely for information.

Mr. FALL. Mr. President, there is good and we think very sufficient reason for asking the suspension of this law, which would be the effect of the adoption of the amendment, as applied to New Mexico and Arizona. The Navajo Indian Reserve in Arizona, New Mexico, Colorado, and Utah is larger than the combined States of Massachusetts and Connecticut. An enormous area of that reserve has never been allotted in severalty. The policy of the department has been heretofore to allot in

severalty to only a comparatively few of the Navajo Indians and to allow any Navajo who chose to do so to remove from that reserve, go upon the public domain among the American citizens, two, three, and four hundred miles away from his reserve, and there have allotted to him adjoining the ranch of some taxpayer, for instance, 160 acres of land.

He is not compelled to make a homestead residence or final proof, but he simply has it allotted to him under the act of 1887 whenever he chooses to withdraw from the reserve. He can remove himself entirely from all the restraints which are supposed to be placed about him whenever he chooses to do so. Under the policy of the department as it has been administered for several years past he is allowed to go upon the public domain and to choose his land, paying no taxes whatsoever. It is impossible, as the commissioner has said, for the Indian to make a living on 160 acres of land. It is absolutely impossible to do so.

Included in that portion of the Navajo Reserve which lies within the State of New Mexico there are 2,514,000 acres of land. There have been allotted to the Navajo Indians 319,000. There are approximately for their use given to them by the Government 2,211,000 acres which have never been allotted and which remain unallotted to-day.

Within the last three months, over the protest of the two Senators from New Mexico, of the Representative from New Mexico, in defiance of or despite a resolution passed by the Legislature of New Mexico, without listening to these protests, within three months the Indian Department has located 137 renegade Navajo Indians in Socorro County, N. Mex., 250 miles from the Navajo Reservation, where they have unallotted 2,211,000 acres which is used by those who have allotments.

These are some of the reasons that we have asked simply that the law with reference to the location of these Indians in New Mexico be suspended. Why? Mr. President, in 1893 a commission was appointed, made up of engineers from the Army of the United States, to make a thorough survey of the Navajo Reserve and to report upon the feasibility of allotting or setting aside to every Navajo Indian on that reserve and off of it sufficient acreage to enable him to support himself well. Including the Navajos who are off the reserve and the Navajos who are not, there are 1,100 acres to every Navajo—not to the head of a family merely, but to every Navajo man, woman, and child. Nine thousand of them are off the reserve; and, as I have said, within the last three months, in defiance of the protest of the representatives from New Mexico, the department has insisted in locating 137 Indians in Socorro County, N. Mex., alone.

Mr. GALLINGER. Mr. President——

Mr. FALL. If the Senator will pardon me a moment, the Navajos generally are good workmen; they are quiet, law-abiding, peaceable Indians, but these 137 Indians happen to represent the renegades of the tribe, who would not stay at home and work, who do not want to work, but have been leading a nomadic life for several years in the mountains of New Mexico, existing by fishing and stealing. Those are the Indians who have been located among the citizens who are compelled to pay the taxes.

I might add additional reasons, Mr. President, to those which I have already given to convince the Senate of the United States that the policy of this Government with reference to its withdrawals, with reference to its forest reserves and its Indian reserves, and its unwarranted withdrawals of land for other purposes, is a mistaken one. If that policy is not in some way checked within five years, sir, it will be necessary for this Government to make appropriations annually for the support of the new States in the Southwest.

Mr. GALLINGER. Mr. President, as I have on more than one occasion in the past when the Indian appropriation bill was under consideration frankly admitted that I knew very little about the Indian question, I make that frank admission to-day; but in view of the statement made by the Senator from New Mexico [Mr. FALL], who is always frank, I will ask him if the difficulty which seems to exist is due to lax administration of the department and is there no remedy that can be enforced outside of enacting this provision which exempts Arizona and New Mexico from the operation of a general law?

Mr. FALL. Mr. President, I want to say to the Senator from New Hampshire that we in the Southwest know that he is one of the Senators from the eastern part of this country who have always been in sympathy with the western part of the country, and we appreciate the help which he has given us on all occasions. I will say frankly to the Senator that the fault is very generally with the Congress of the United States. It lies between the Congress of the United States and the autocratic, bureaucratic methods which have been pursued in the different departments of this Government in the last few years. In 1893, as I started to say a while ago, a board of Army officers, under a resolution of Congress and by direction of the Secretary of the Interior, made a thorough examination of the entire Navajo Reserve. They made a voluminous report, which was transmitted to this body and to the other House, in which it was shown that with the expenditure of $65,000 additional to the amount of $20,000 which they then had on hand, a total of $85,000, the Navajo Reservation could be placed in a condition, by the opening of water holes and the development of small streams of water, so that it would amply support every Navajo Indian, man, woman, and child, on or off the reserve, and that the 9,000 off the reserve could be taken back to the reserve where they belonged and no longer interfere with the citizens living upon the public domain. Congress refused to act; it refused even to appropriate $65,000 for the purpose reported by this board of Army engineers. The fault, therefore, lies to some extent with Congress.

Mr. President, although we have had good friends here, New Mexico and Arizona have been wards of this Government for 60 years past. They have had no representative upon the floor of this body nor upon the floor of the other House; that is, a representative who had a vote. We have been dealt with simply by the bureaus of this Government, and it is yet almost impossible, apparently, to convince the different departments of this Government that New Mexico is now a sovereign State of this Union and should be upon an equality with all the other States. I repeat that the trouble has been very largely with Congress in not listening to the recommendations which have been made and making appropriations at the proper time for needed purposes.

Then, some man connected with a Pueblo Indian school, having no authority over the Navajos and nothing to do with any other Indians except those coming under his immediate employment, happened to be out on a hunting expedition in New Mexico and found that some of these 137 Navajos resisted arrest by the local authorities, and in resisting a man was killed and another wounded. They were finally arrested by the mounted police force of New Mexico for a violation of the laws of the State. They were punished by small fines, which were remitted because they were Indians. This gentleman finds these Indians roaming around, hunting, stealing, and butchering cattle, of course, and he thinks that they must be protected; that they are not receiving justice at the hands of the American citizens. Therefore he recommends to the department that separate allotments be allowed these Indians.

The consequence is that, with every living water hole in that country patented years ago to taxpayers who are helping to support the State government of New Mexico, these Indians are located on dry land, each having 160 acres adjoining the little homestead or the patented water hole or spring of the white settler. The Indians can obtain water by trespassing upon the land of the settler, who is compelled to buy them out at a large price or else see his ranch ruined. Those are the facts of the case.

Mr. POMERENE. Mr. President——

Mr. GALLINGER. Mr. President, the Senator from Ohio [Mr. POMERENE] having offered the amendment, I yield to him to discuss it.

Mr. POMERENE. Mr. President, I notice the remarks of the Senator from New Mexico [Mr. FALL] were directed particularly to the Navajo Indians. My understanding is that there are two classes of Indians—one on the reservation, the other on the public domain outside the reservation. I was informed this morning—and this matter was called to my attention for the first time this morning—that if the amendment reported by the committee is adopted it will deprive the Indians who dwell upon the public domain and do not have reservation rights of the privilege of having public lands allotted to them under the general legislation now upon the statute books.

Mr. FALL. Mr. President, will the Senator from Ohio yield to me a moment?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. POMERENE. I do.

Mr. FALL. I should like to know what information the Senator from Ohio has upon that subject. I believe I am very thoroughly familiar with the matter.

Mr. POMERENE. I shall be very glad to give it to the Senator as I proceed. It has seemed to me that that part of the Senate amendment which I seek to strike out by my proposed amendment is clearly new legislation, in that it seeks to modify pro tanto the present legislation upon the subject. To that extent it is clearly subject to the point of order.

Mr. FALL. I agree with the Senator from Ohio. Mr. President, I offered this amendment in the committee for myself and the Arizona Senators, knowing that it was the understanding that it might go out on a point of order, and I am willing, under protest, to accept the amendment offered by the Senator from Ohio for that reason.

Mr. POMERENE. Mr. President, I am very glad to hear the Senator from New Mexico concede the point made by my amendment; but to complete my statement, in order that my position may be known, I desire to say that it seems to me that if the contentions which have been made in favor of this proposed legislation are sound, the Senator from New Mexico is getting the benefit for the time being of the proposed reform, in that no part of the present appropriation shall be used for the purpose of making these allotments to the Indians.

Mr. FALL. Will the Senator from Ohio yield to me?

Mr. POMERENE. Yes.

Mr. FALL. I will state to the Senator that it has been shown here that there is an unexpended balance of this fund amounting to $24,000 which can be used for the location of these Indians upon the public domain. That was my reason for asking that the amendment be changed.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. POMERENE. I do.

Mr. CLARK of Wyoming. I merely want to make an inquiry of the Senator in view of one of his statements. I gather from the Senator's statement that his view is that the Navajo Indians who are off the reservation have not any rights on the reservation?

Mr. FALL. No, Mr. President; I did not mean that.

Mr. CLARK of Wyoming. My understanding is that they have the right to allotment on the reservation if they will go there and take it.

Mr. FALL. They are all reservation Indians. No power under heaven can prevent them from going on the reservation and demanding their allotments.

Mr. CLARK of Wyoming. While I am on my feet I should like to ask the Senator from New Mexico a question in order to secure a proper understanding. When, under the law, the Government furnishes to Indians off the reservation allotments upon the public domain, does that diminish the size of the reservation in any way?

Mr. FALL. Not at all, sir.

Mr. CLARK of Wyoming. In other words, it is creating an additional reservation out of the public lands that otherwise might be reserved for the settler?

Mr. FALL. Precisely; and the Indian, by blackmailing me, can force me to buy him out of his 160 acres of land to-day and to-morrow he can go back to the reserve and have set aside to him 1,100 acres.

Mr. POMERENE. In view of the discussion, I want to present some additional information to the Senate. This matter was called to my attention by a telegram from Prof. F. A. McKenzie, of the Ohio State University, and this morning I had left at my office a communication from Mr. S. M. Brosius, the agent of the Indian Rights Association, who makes this statement in his letter:

> It is stated that about 3,000 Papagos have made selections of land for allotment, and more than that number of Navajos are scheduled, a total of over 6,000 Indians who have made their homes on the public domain in these States. If the legislation is enacted into law, not one of these prospective allottees can be given a title to their homes until further legislation by Congress, where any additional supervision is necessary to complete the allotment.
>
> While the 3,000 Papagos have been scheduled for allotment, there are many other Papagos located on the public lands in Arizona who have not been scheduled, and it is estimated that there are not less than 5,000 Papagos living on the public lands of Arizona. These have no reservation provided for them, and they have always lived on the public domain.
>
> If this legislation is enacted into law, the States of Arizona and New Mexico would thus be given a preference over any other States in the Union, since the laws providing for allotment of lands to Indians apply equally at this time to all the States.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I will ask him who gives him that information?

Mr. POMERENE. I can not advise the Senator. This information was brought to me by this gentleman.

Mr. SMITH of Arizona. I ask who gave the Senator the information?

Mr. POMERENE. Mr. S. M. Brosius.

Mr. SMITH of Arizona. What organization is he connected with?

Mr. POMERENE. He is agent of the so-called Indian Rights Association, and I was placed in touch with him by Prof. McKenzie, whom I know and for whom I have very high regard.

Mr. SMITH of Arizona. I do not want to interrupt the Senator further than to say that the gentleman does not know any more of the matter to which he refers than the Indian Rights Association usually does.

Mr. POMERENE. Mr. President, that may be true. I am not taking sides either one way or the other in this matter, but it has occurred to me that it is a subject well worthy of further consideration when the proposed new legislation may be considered independently of an appropriation bill. In view of the fact that the Senator from New Mexico [Mr. FALL] has accepted the amendment, I shall have nothing further to say.

Mr. SMITH of Arizona. Mr. President, for 30 years we have been meeting just such statements as the one just read by the Senator from Ohio [Mr. POMERENE]. There is not a Papago Indian in Arizona who has not more than enough room on the reservations set aside for the Papagos in Arizona. The Papagos who are not on the reservation are off of it because they do not want to stay on it. There is not a Papago on the public lands of the United States that has not ample room for himself and family free to him within the reservations in that State.

Mr. POMERENE. I ask, for my own information, is the Senator advised as to how many acres there are in the reservation of the Papagos?

Mr. SMITH of Arizona. There are several reservations for Pimas and Papagos. I should judge that the Papagos have in Arizona probably a thousand acres apiece—perhaps more—but of the amount I am not certain, but I am sure of one thing, and that is, if these Indians were handled with more sense and less sentiment it would prove a blessing to the tribes and result in a great saving of public money.

Mr. FALL. Mr. President, it is possible that the report of the Commissioner of Indian Affairs may give a little information. It states:

Camp McDowell, Ariz.

Adults:		
Male	323	
Female	320	
		643
Minors:		
Male	290	
Female	235	
		525
Total population		1,168
Children of school age		331

AREA OF RESERVATION.	Acres.
Allotted (29.8 per cent)	21,330
Unallotted (70.2 per cent)	50,361
Total area of reservation (112 square miles)	71,691

Mr. SMITH of Arizona. I thank the Senator. Fuller information as to amount of lands in all the reservations can be easily obtained from the public records. I have the acreage in my desk, but will not consume time in searching for it. The statement just read by the Senator [Mr. FALL] substantiates my statement. Fort McDowell is, however, not a large reservation as compared with some others.

There is another proposition being everlastingly forced on the Indians themselves and constituting about the greatest lot of nonsense and folly that ever disgraced the administration of any government on earth. It is found in the effort to bring the Indians out East and educate them in a strange and unhealthy environment. I have talked of that for so many years in the other House that I will not now weary this body by further reference to it. There is a large reservation on the Colorado River occupied by some five or six hundred Indians. Their lands have been allotted. Now, it has been ordered that the Mojaves—mountain Indians, living 300 miles away—shall also be allotted lands within this agency. These Mojaves will not live on the plains. They will not fraternize with the present allottees on these lands. And the order also allows the Chimaveus, living just as far away and absolutely unacquainted with the new place, to be allotted lands on this reservation. The senselessness of this works a tragedy in the lives of these transplanted Indians, who have already suffered enough at the hands of fools trying to aid them.

Nevertheless they are attempting to put those two great tribes on this reservation, probably because of the effort which is being made to open that unallotted land to cultivation by white people. If they carry those northern mountain Indians down there, they will not live there, as I have already stated.

Mr. FALL. They can not live there.

Mr. SMITH of Arizona. They can not live there. If they bring the Chimaveus there, they will not stay—they will return to their habitat, as the Papagos have done and all others will do. Indians off the reservation are Indians who simply do not want to stay on their reservation; they do not want to work. It is easier and cheaper for them to live on the cattle and stock

belonging to other people. I want to say now that the Indians in Arizona have more valuable lands allotted to them to-day than there are left in the whole State for the white man. Other reserves take up nearly the whole valuable lands of the State.

Mr. GALLINGER. Mr. President, if the Senator will permit me—and I again plead ignorance of this question in its details—I will ask: Is there power under existing law in the Government, through the Bureau of Indian Affairs or the Interior Department, to compel these Indians to remain on the reservation?

Mr. SMITH of Arizona. Unquestionably.

Mr. GALLINGER. And they have an abundance of land?

Mr. SMITH of Arizona. They have an abundance of it.

Mr. GALLINGER. And conveniences such as would enable them to enjoy the absolute necessaries of life, such as water?

Mr. SMITH of Arizona. Much more than they have where they have been living off the reservations. As has been shown by the Senator from New Mexico [Mr. FALL], they only go into the vicinity where people have settled, where they expect to use water and break up the ranches.

Mr. GALLINGER. That being so—and I assume the Senator has definite knowledge on that point—I am very strongly inclined to the view that it is bad policy on the part of the Government to permit these Indians to go roaming over these great States outside of the reservations.

Mr. SMITH of Arizona. We have thought so always.

Mr. GALLINGER. But I think Congress ought to make liberal appropriations to provide them with all the necessaries of life on the reservations. For that reason I have considerable sympathy with the contentions of the Senators from those States on that point.

Mr. SMITH of Arizona. It is absolutely essential to the preservation, both of the Indians and of what public lands are left, that some legislation along the lines suggested by the Senator should be at once enacted.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Michigan?

Mr. SMITH of Arizona. I do.

Mr. TOWNSEND. I do not believe I quite understand the situation as the Senator from Arizona explains it. If I understand him correctly, he says that this is a matter that rests entirely within the discretion of the department. I understand that there is a statute which provides that an Indian may locate 160 acres on any part of the public domain, and that the department is absolutely powerless in that regard. I understand the Indian may locate under the statute and has an absolute right to do so.

Mr. SMITH of Arizona. Yes; I am glad the Senator corrected me. I had in mind our dealings with the Apache Indians when I made the mistake. Living right in the Apache neighborhood and observing them for all these years, I knew that there was a provision against those Indians going off their reservation. Other Indians may do so; but the law does not recognize the right of Indian agents—the law does not presume that these gentlemen shall go around and disturb and worry the Indians and tell them, "If you will come down here, I can get you a better place"; and to colonize them in that way. That is the trouble with them. The Indians do not go of their own accord; they are colonized in this way, just as they brought the old Apaches back to New Mexico a little while ago; and we will hear something from that by and by. Men born in Oklahoma and raised there have been sent back to New Mexico as neighbors of my friend, the Senator from that State, Senator FALL. The Indians in Arizona and New Mexico have been given more than enough land, and they ought to be confined to it. It is to be hoped that the present administration of the Indian Bureau and the Interior Department will listen more to the voice of reason and less to that misguided sentiment that has too long characterized its dealing with this grave question.

Mr. FALL. Mr. President, will the Senator yield to me a moment?

Mr. SMITH of Arizona. Certainly.

Mr. FALL. With reference to the question which was asked by the Senator from Michigan [Mr. TOWNSEND], I will say that I think if he will examine the statute of 1887 and the amendments thereto he will find that while the law may be construed by the department, as it has been construed, to permit an Indian entitled to an allotment on his reserve to go off his reserve and take the allotment on the public domain, I do not think that any sensible man would ever have placed that construction upon it.

In the first place, what is the sense in it? What object can there be? Indians such as the Navajos are not citizens of the United States; they are reservation Indians, not entitled to vote. On the public domain and elsewhere they can refuse and do refuse to pay taxes. They may take a thousand or five thousand or ten thousand head of sheep and run them on the range within the county adjoining my ranch; take the grass away from my cattle; occupy 160 acres each under allotment; pay no taxes, support the Government not at all; and to-morrow, if they choose to do so, after having eaten off the public range, return to the Navajo Reserve and have allotted to them in severalty 1,100 acres. It was never the intention of the Congress of the United States to give the Indians the double privilege. That is a forced construction which has been adopted by some departmental clerk, I presume, and approved without proper consideration by the head of the department.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. POMERENE] to the amendment reported by the committee.

Mr. BRISTOW. Mr. President, I should like to know just what changes the amendment proposed by the Senator from Ohio [Mr. POMERENE] makes in the provision. It has not been explained.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. In the committee amendment on page 2, line 13, after the word "sum," it is proposed to strike out the comma and the words "or any other sum"; and in line 17, after the name "Arizona," to strike out the remainder of the amendment.

Mr. BRISTOW. Now, I should like to have the Senator from New Mexico, if he will, explain the change that makes in the provision as reported by the committee.

Mr. FALL. Mr. President, I have stated that I accepted the amendment proposed by the Senator from Ohio [Mr. POMERENE] because the provision then remains purely a limitation upon the expenditure, and I do not believe is subject to a point of order. I accepted it under protest. It makes this difference, that, applying only to this annual appropriation, the law of 1887 still remains in full force and effect in New Mexico and Arizona; and at any time that Congress desires to appropriate an amount which can be used for the resurvey or reallotment of the public lands to the Indians in those States it can do so. If the amendment were adopted as originally proposed and agreed to by the committee, then it would practically repeal the law as to New Mexico and Arizona until reenactment by Congress.

Mr. BRISTOW. Is there any other fund that could be used for surveying?

Mr. FALL. There is a balance of $24,000 which is not touched by this amendment, Mr. President—an unexpended balance lying in this fund. This is an annual appropriation for the resurvey of allotments, and so forth, of public lands. There is an unexpended balance of $24,000 of this fund. The department can do exactly what it did in New Mexico in another case similar to this. Just to illustrate: The Congress of the United States refused directly to make an appropriation for the removal of the Fort Sill Apaches to the Mescalero Reserve. The matter was thoroughly discussed in the Senate, and that provision was knocked out; the Senate refused to make an appropriation for that specific purpose, but did finally agree to the conference report making an appropriation of $200,000 for the selection of the lands upon which these Indians might be placed. I consented to that because in the Mescalero Reserve in New Mexico no selections could be made. It is a tribal reserve with no allotments whatsoever, and therefore no selections could be made. Yet, in defiance of the action of the Senate in striking out that provision for a specific purpose, the Department of the Interior did remove those Indians and use that $200,000 for that purpose; but it has not yet made the selections and can not make them until they make a general allotment of that reserve. I say it was an absolute misappropriation of the fund.

I have no doubt that despite the action of the Senate now, if it adopts the suggestion of the Senator from Ohio, the former administration of the department would immediately and unhesitatingly appropriate this $24,000 unexpended balance to doing what the Senators from New Mexico and Arizona are protesting against their doing, and what they are now seeking by legislation to prevent. There is nothing remaining, Mr. President. They can use that $24,000, but I do not believe those at the head of the department at present will do it in view of the action of the Senate.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. POMERENE. My purpose was, as stated, largely to prevent ingrafting upon this appropriation bill general legislation

which changes the entire policy of the Government with respect to the Indians. In view of the suggestion made by the Senator from New Mexico, I should have no objection, speaking for myself alone, to having this limitation apply to the $24,000 as well.

Mr. FALL. I asked the Senator if he would not accept that, and I understood him to say that he did not feel that he could.

Mr. POMERENE. At the time the Senator spoke to me on the subject I did not feel that the limitation should apply, but I certainly do think no harm can come from delaying until later general legislation on this subject. Meanwhile, by the amendment which I have proposed and the qualification which I have indicated, I would be willing to accept. It seems to me the rights are protected.

Mr. BRISTOW. A point of order would lie against the limitation of which the Senator speaks, because it is not a part of this appropriation bill.

Mr. POMERENE. I have no doubt about that.

Mr. BRISTOW. I am very much opposed to general legislation of this kind in this bill, and that is the reason I made the inquiry. I should feel compelled to make the point of order if it would lie; and so I say to the Senator from Ohio that if he qualifies his amendment, I shall feel compelled to make the point of order.

Mr. CLAPP. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. BRISTOW. I yield.

Mr. CLAPP. Where the limitation applies simply to the unexpended balance of a similar previous appropriation, it hardly seems to me that the Senator ought to press the point of order. I believe the Senator from New Mexico is right in his contention. I do not believe it would be fair. As to any other sum, if there is any other sum, it might be with propriety urged by the Senator from Kansas that he ought to press his point of order. But as suggested now, to be amended by the amendment of the Senator from Ohio, the limitation would go only to this appropriation and the unexpended balance of a previous similar appropriation.

Mr. BRISTOW. I have great respect for the Senator from Minnesota, but I differ from him in regard to this matter. I am opposed to this provision. I want it out altogether. If a point of order would lie against it as amended, I should make the point; and if any phrase is injected into it that will make it subject to a point of order, I shall feel compelled to make it, because I do not think the amendment ought to be in the bill at all.

Mr. FALL. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. BRISTOW. Certainly.

Mr FALL. I want to say to the Senator that possibly he does not understand the conditions as they exist in our country. Possibly he is not aware of the fact that every year, two or three times a year, these Indians are allowed to go from their immensely rich reserves to interfere with white men, American citizens, on the public domain, causing the killing of anywhere from one to a dozen people. This is an unfortunate condition of affairs. I can say to the Senator that we people down in our section of the country can deal with these conditions if we are compelled to; but this sometimes becomes a question of all a man has—of his property rights, of protection to his family and his children. Any white man, any American citizen, will then use such force as is necessary in protecting his family. All that we seek to do is to restrict the further location of these Indians upon the public domain until Congress can act again. The committee is being appointed, and I presume this matter will be investigated. It has been investigated before, and reports made, and no action taken. But this must cease; it must stop; and I tell the Senator from Kansas that it will stop.

Mr. BRISTOW. I am perfectly willing to consider legislation affecting these Indians as general legislation. While I realize the intense local interest that there is in regard to this matter, nevertheless it is a national affair, and the people of the United States have obligations toward the Indians which they should respect. What I object to is taking the opportunity of an appropriation bill to put through legislation that affects the policy of the Government in dealing with the Indians.

Mr. FALL. Oh, Mr. President, the Senator is one of those who has most strenuously insisted, as I think he will recall, upon putting through matters of general legislation upon more than one subject when the Panama Canal bill was before the Senate for consideration.

Mr. BRISTOW. That was a legislative bill, and not an appropriation bill.

Mr. FALL. Yes; but is it not a fact that the Senator from Kansas knows that riders are put upon appropriation bills every year?

Mr. BRISTOW. I know they are, a great deal too often and a great many times when they should not be, and sometimes it seems almost necessary that they should be. But I do not think this is one of those cases.

Mr. FALL. It is a question of the point of view, Mr. President. From Kansas it doubtless seems of very little importance. From New Mexico and Arizona it is of just as great importance as any piece of legislation affecting Kansas which will be enacted or could be enacted by this Congress.

Mr. BRISTOW. As I understand, the amendment as offered simply restricts this particular appropriation?

Mr. ASHURST. That is all.

Mr. POMERENE. That is correct.

Mr. BRISTOW. I mean the amendment as offered by the Senator from Ohio to the amendment of the committee.

Mr. FALL. That is right.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. POMERENE] to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FALL. I suppose we now revert to line 9, to the question of the $10,000?

The VICE PRESIDENT. The question now recurs upon the amendment on line 9, page 2.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, line 6, after the word "liquors," to strike out "and peyote," and in line 7, after the word "Indians," to strike out "$75,000" and insert "$100,000," so as to make the clause read:

For the suppression of the traffic in intoxicating liquors among Indians, $100,000.

Mr. GALLINGER. Before that amendment is agreed to, I should like to ask the chairman of the committee what peyote is. I am seeking information now. The language of the bill is "intoxicating liquors and peyote."

Mr. STONE. I leave it to the Senator from New Mexico. He is more familiar with it than I am.

Mr. GALLINGER. I would rather hear the chairman of the committee.

Mr. FALL. The chairman insists that, being from a cactus district, I am more familiar with peyote than the chairman of the committee himself. Peyote, it seems, is made from a species of cactus which is rather common in some portions of what we used to call the Indian Territory, now Oklahoma. It is a mild narcotic or intoxicant. It seems that the chemists themselves do not know exactly what it is, but at any rate it has an exhilarating effect for the time being, yet not anything like that of whisky. It is used by certain Indians in certain religious observances. The committee was informed that to prohibit its use entirely would likely cause a good deal of trouble.

Mr. GALLINGER. In other words, the Senator is willing that the Indians should eat cactus, or drink it, if they want to?

Mr. FALL. I am more than willing that those in New Mexico should eat cactus.

Mr. GALLINGER. Mr. President, I have been enlightened, and I think I was justified in asking the question. Hereafter I shall know what peyote is.

The VICE PRESIDENT. The question is upon agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, line 16, after the word "therewith," to strike out "$1,420,000" and insert "$1,500,000," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,500,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "forests," to strike out "*Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin"; and in line 24, after "$400,000," to insert "*Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin," so as to read:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise

the Indians as to the proper care of forests; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, $400,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the words "public lands," to strike out "$2,000" and insert "$5,000," so as to make the clause read:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by United States local land officers to determine the rights of Indians to public lands, $5,000: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

The amendment was agreed to.

The next amendment was, on page 9, line 1, after the words "purpose of," to strike out "conducting hearings and taking evidence to determine" and insert "determining," and in line 7, after "$50,000," to insert: "*Provided*, That $10,000 of this appropriation may be used for the employment of clerks and other assistance in the Bureau of Indian Affairs and the Department of the Interior in this class of work," so as to make the clause read:

For the purpose of determining the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855–866), and the regulations thereunder prescribed by the Secretary of the Interior, $50,000: *Provided*, That $10,000 of this appropriation may be used for the employment of clerks and other assistance in the Bureau of Indian Affairs and the Department of the Interior in this class of work.

Mr. GALLINGER. I do not rise to oppose the amendment, but I will suggest that it should read "the Department of the Interior and the Bureau of Indian Affairs." I think the Department of the Interior should precede the bureau. It is simply changing the phraseology.

Mr. STONE. Yes; that is correct.

Mr. GALLINGER. I move that amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STONE. I offer an amendment to the bill which I send to the desk.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. In line 10, page 9, after the word "work," strike out the period and insert a colon and the following:

Provided further, That the provision in the act of August 23, 1912 (37 Stat. L., p. 396), prohibiting the employment of personal services in the Indian Office other than those specifically provided for by law, shall not apply in the expenditure of this appropriation.

Mr. CLARK of Wyoming. I should like to ask the reason for the amendment. I do not recall now what the original law was. I am asking for information.

Mr. STONE. There is a provision in the legislative, executive, and judicial appropriation bill of last year to this effect:

For the fiscal year 1914 and annually thereafter estimates in detail shall be submitted for all personal services required in the Indian Office, and after the end of the fiscal year 1913 it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation bill, except temporary details of field employees for service connected solely with their respective employments.

Now it is proposed to change that law—it is undoubtedly subject to a point of order—by authorizing the Secretary of the Interior, without reference to it, to provide clerks for this particular bureau. It can not be done without that change.

Mr. CLARK of Wyoming. I understand the situation to be that an estimate has been made for this work by the Department of the Interior. I understand that this work is provided for by preceding law; that the estimate for the services to carry out that law has been provided for and appropriated for in the legislative bill; and that the $10,000 of the $50,000 is to be distributed to other employees than those for whom appropriation has been already made.

Mr. STONE. Other than those to whom the appropriation would be distributed in payment of salaries and furnishing compensation.

Mr. CLARK of Wyoming. Let me ask the Senator a question for information. Was not an estimate made by the department for this particular work in accordance with the statute the Senator has just read?

Mr. STONE. Yes. The estimate is in this language:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855–866), and the regulations thereunder prescribed by the Secretary of the Interior, $100,000: *Provided*, That $10,000 of this amount may be used for clerk hire in the Indian Bureau.

The amount appropriated in the bill is $50,000, and it is provided that $10,000 of that may be used for a temporary force in the bureau. There are a great many of these claims pending. I think something like 40,000 are pending; and the officials of the bureau think the business would be greatly expedited and more efficient service had if they should be permitted to employ efficient clerks and experienced people to do this work. It is temporary in its character.

Mr. CLARK of Wyoming. Mr. President, I shall not make the point of order, because I am not sufficiently well informed upon the subject. Undoubtedly the Senator's statement is perfectly clear to those who understand Indian affairs, but I confess I can not see the necessity of segregating that portion of the appropriation.

Mr. CLAPP. It is necessary, because the department does not feel that otherwise it could use this fund, or any part of it, for that work, which the department thinks is very important, in view of the accumulation of these cases in the office. Officials of the department appeared before the committee, and, feeling that this prohibition applied to the act of holding the hearings, in order to have justification and full authority for using part of the appropriation in the office, asked for this separation.

Mr. CLARK of Wyoming. Yes; but the committee has struck out that part of it that relates to the holding of hearings and has cut in two the estimate of the department as to the appropriation.

Mr. STONE. Oh, no.

Mr. CLAPP. No; the committee substituted the word "determining" for the words "conducting hearings and taking evidence to determine." We struck that out and substituted the word "determining." But even then the department, subject as this department and all departments are to the criticism of using funds for purposes other than those for which they were specifically appropriated, asked that this separation might be made, so that there would be no question of its authority.

Mr. CLARK of Wyoming. Do I understand the fact to be that there are not now in the Indian service, upon the annual roll, those who are capable of making this investigation?

Mr. CLAPP. Not enough.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. I yield.

Mr. TOWNSEND. I do not understand the situation exactly as the Senator from Minnesota does. My understanding of the situation is that under the law the department has no authority to employ anybody outside of the department to do any special work. As the chairman of the committee has said, these cases involving the determination of the minor heirs have piled up to a very large extent. It is a serious problem with the department and the Indian Office to-day. Under the old custom that has heretofore existed, and that was sought to be continued by an amendment by interested parties, lawyers would take the cases of these infants and endeavor to determine them in the courts at tremendous expense. As compared with the determination of the claims of white infant heirs, the expense was something like two or three times as great.

Now, we come down to this proposition: We appropriate $50,000 for this work. That is probably sufficient; but the department, in the very nature of things, on account of the amount of work that has piled up, can not do that work with the amount of force it has on hand. It is not a question of the competency of the force there so much as it is a question of absolute inability, because of lack of time, to do the work. Feeling, as the department does, that it would have no right to take any part of this sum to employ help outside of the department, it asks that this especial provision be made for $10,000 of the $50,000 in order that it may hasten the work and complete it as it is proposed to have it completed under the provision itself.

Mr. CLAPP. That is just what I said, except that it is more explicit.

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Senator from Missouri [Mr. STONE].

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, after line 6, to insert:

To increase the salary of the Commissioner of Indian Affairs from $5,000 to $7,500, $2,500.

Mr. CHILTON. Mr. President, I should like to ask the chairman of the committee the reason for that increase of salary.

Mr. STONE. This bureau is perhaps the most important bureau connected with any of the departments. It has a larger amount and a greater variety of subjects to deal with. The commissioner is responsible for the proper conduct of a vast number of trusts, involving nearly a thousand million dollars—$900,000,000 at least—and it requires the services of an unusually capable man properly to conduct the affairs of the bureau.

There was a question in the minds of the members of the committee whether, if an increase should be made in the salary of this particular commissioner, there would not be a clamor for increases in the salaries of other commissioners. But, in the judgment of the committee, the importance of the other commissionerships as compared to this is not such as to put them on terms of equality. We felt that we could well afford to increase this salary with a view of securing the services of a man of large experience and business ability, the services of such a man being very essential, and the committee therefore unanimously recommended the increase.

Mr. CLARK of Wyoming. If the addition of $2,500 to the salary of the Commissioner of Indian Affairs will accomplish the purpose which the chairman has in mind I, for one, will not object for a moment.

Mr. STONE. We hope so; we think so.

Mr. CLARK of Wyoming. I desire to say, however, that unless there is a marked development along the line of increased efficiency, I doubt the wisdom of this increase; and I have to take issue with the Senator as to the fact of this being the most important of the commissionerships. I think all the commissioners of this kind, the heads of bureaus, are paid $5,000 per annum. I think the Commissioner of the General Land Office is paid $5,000 per annum. Of course that is an office that deals not with Indian affairs but with the affairs of hundreds of thousands of white American citizens. While I dislike to see a discrimination made between those two offices, which perhaps are of equal importance and which perhaps handle an equal amount of funds, and certainly have to do with very valuable matters, in the hope that the one may follow the other, I shall not object to this. I think the efficient management of both of these offices requires men who are worth $7,500 per annum.

Mr. CHILTON. Mr. President, it was rather as I suspected, that this is a beginning, and no doubt, later on, all the commissioners will ask for an increase in their salaries.

Mr. STONE. I did not hear the Senator.

Mr. CHILTON. I say I have not any doubt that this is the beginning; and if you make a break in it you are going to have all these people come to Congress to have their salaries increased. There are a few of us here who think we should have a little deliberation before we increase these salaries. As far as I am concerned I do not care to discuss it. We might stand here and discuss it until dark, and we will hear the same contention made. It is simply a lot of people at the head of these bureaus who want to have their salaries increased, and they will come here later demanding an increase if this is granted. As far as I am concerned I am opposed to it. We can get a competent man for $5,000. I could furnish 50 from West Virginia who would be glad to take these positions for $5,000 and who are as competent as those now in charge.

Mr. VARDAMAN. I wish to ask the Senator from West Virginia if the Commissioner of Indian Affairs has not already been appointed at a salary of $5,000?

Mr. CHILTON. I understand so.

Mr. VARDAMAN. I am opposed to any raise of the salary.

Mr. CHILTON. I rose for the purpose of saying that I want a vote by yeas and nays on this amendment. I shall at the proper time ask for the yeas and nays upon the amendment. I do not think we ought to increase the salary. I do not think there has been any good reason given.

Mr. STONE. Before the vote is taken or any discussion had, if there is to be further discussion, it has been suggested to me that at the end of line 8 the numerals "2,500" should be stricken out and the numerals "7,500" inserted.

Mr. SMOOT. No, Mr. President.

Mr. CHILTON. That would give him a salary of $12,500.

Mr. SMOOT. I wish to call the Senator's attention to the fact that in the legislative, executive, and judicial appropriation act we appropriated $5,000 for the salary of this officer, and I understand it is the object of the committee now to increase it $2,500. If so, the amount as stated here is correct.

Mr. CLAPP. That is right.

Mr. CHILTON. Unless they want him to have $12,500 it is right.

Mr. LA FOLLETTE. It is all right as it is.

Mr. STONE. Word was sent to me by an official at the desk that it was wrong.

Mr. SMOOT. I know there was $5,000 appropriated for the salary of this officer.

Mr. CLARK of Wyoming. We have already appropriated $5,000.

Mr. CLAPP. And $2,500 is added.

Mr. CHILTON. I make the point of order against the amendment that fixing the salary of this officer at $7,500 is a change in existing law and has no place in this appropriation bill.

Mr. OWEN. Mr. President, ordinarily I would not be in favor of increasing the salary of the Commissioner of Indian Affairs to $7,500. In this case I do favor it. The man who takes this office makes an important pecuniary sacrifice to take it. When you come to consider the enormous amount of property, the large interests which are involved in this office, the complicated character of the work, the delicate work that is to be carried out in the office in dealing with the Indian people, I do think that this increase is abundantly justified.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. OWEN. Certainly.

Mr. CHILTON. I just want to ask the Senator a question. I do not understand what he means by saying that the gentleman accepted the office at a sacrifice. He knew what the salary was when he did accept it, did he not?

Mr. OWEN. I assume that he did.

Mr. CLAPP. I should like to ask that Senators might take us into their confidence by speaking so that we could hear them.

Mr. OWEN. I did not hear what the Senator from Minnesota said.

Mr. CLAPP. I suggested that the Senator from Oklahoma and the Senator from West Virginia take the balance of the Senate into their confidence by speaking sufficiently loud so that we could hear them.

Mr. OWEN. I have tried to speak loud enough to be heard.

I wish to call the attention of the Senate to the fact that the property of the Indian tribes directly under the supervision of this office amounts to $900,000,000. It is a gigantic sum, and these great properties have not been sufficiently developed to be yielding any proper income to the Indians for whom we are called on to make these large appropriations every year.

Take the case, for instance, of the Yaquina Indians. They have an estate valued at $28,000 apiece, amounting to something over $130,000 for a family of five. In this bill we are appropriating money for the support and civilization of those Indians when they have a gigantic estate which is producing nothing whatever because of the inefficiency of the management of this Government. The reason why the property has not been well managed, I think, is because in too large a degree these important offices are in the control of gentlemen of good manners, of moderate experience, of ability and capacity, who want the office rather than take the office for the purpose of rendering an important public service. I think that the office ought to be made more attractive, so that it might be occupied by men who are able to earn at least as much outside of the Government service as they do in the Government service.

The reason why I think in this case the increase is justified is because the present incumbent is well worth it, and far more, and because I believe that I favor increasing this salary, believing that out of his work the Government will save the amount many times over in the appropriations which are annually made here. Take the case of the Yaquina Indians, with a fortune of $125,000 to $130,000 to a family, producing nothing whatever. Every single one of the Yaquina Indians ought to be able to make a living out of the timber on that reserve. They ought to have their own sawmills; they ought to be getting out that timber with their own labor; they ought to be making an independent fortune out of that property, and if they had the proper advice and the proper counsel and the proper support they would be doing that very thing.

Mr. GALLINGER. Mr. President——

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. For information, will the Senator state who is the present Commissioner of Indian Affairs? I think he was recently appointed.

Mr. OWEN. Mr. Cato Sells, of Texas.

Mr. GALLINGER. The Senator knows him to be a very competent man?

Mr. OWEN. I do. I know him.

Mr. CLARK of Wyoming. I should like to ask the Senator how much Mr. Sells has had to do with Indian affairs? I ask just for information.

Mr. OWEN. I think, answering the question in the spirit of the question——

Mr. CLARK of Wyoming. The spirit of the question——

Mr. OWEN. I say, better than all is a free, capable mind. I do not think he has been an Indian agent or an Indian inspector.

Mr. CLARK of Wyoming. I want to say to the Senator that the spirit of the question was not at all hostile.

Mr. OWEN. I did not take it so. I was simply about to say that I think his experience justifies the expectation that he will handle this office with efficiency.

Mr. CLARK of Wyoming. Do I understand the Senator to believe that a man with little or no experience in Indian affairs is better qualified to deal with the situation?

Mr. OWEN. It depends on the length of time he has been connected with it. If you take a man like James McLaughlin, who has been in the service 38 years and whose conclusions are drawn in his book, My Friend the Indian, I would say yes. If you take a man from Massachusetts who has been on a junketing tour in an Indian tribe for the purpose of nosing out something sensational to come back home and exploit his own virtues on at the expense of other people, I say no.

Mr. CLARK of Wyoming. I still am uninformed. I wanted to ask the Senator his view——

Mr. OWEN. I will give my view.

Mr. CLARK of Wyoming. And to ask who would probably make the most efficient Commissioner of Indian Affairs of two men of equal ability, one of whom had experience in connection with those affairs and the other who had not. Which one would probably render the most efficient service? Without knowing anything in regard to the familiarity of Mr. Sells——

Mr. OWEN. Any man who has lived in the western part of the country, who knows the condition of the Indians and has a sufficient knowledge of the Indian's characteristics to know what the problem is. It must depend on a man's sense, upon his high character, upon his penetration, upon his intellectual ability.

Mr. CLARK of Wyoming. Will the Senator inform us just how great Mr. Sells's experience has been in that direction?

Mr. OWEN. With regard to Indian management, I do not think he has had anything particular to do with the management of Indians, but he has had a good deal to do with the management of men. He has been able to handle men of all kinds very well, I am told.

Mr. CLARK of Wyoming. I do not know Mr. Sells, and I do not know what his occupation is at the present time. When I did know him——

Mr. STONE. I have known Mr. Sells for many years. He formerly lived in Iowa. He was a lawyer there and a very successful man of business. He has been in Texas for some years and has been a very successful man there in business affairs. He is a man of high character, of rather striking intelligence, and familiar with large affairs.

I agree with my friend from Oklahoma that it is not necessary that a man should have had large, direct experience in the management of Indian affairs to make a good Indian Commissioner. It may be that the Senator from Oklahoma is right when he says that it is well to take a man from the field outside who has not been connected very much with Indian affairs and put new life and new blood and new thought into the administration.

The Senator from Wyoming has not had, I imagine, much direct experience in the management of Indian affairs, but I would think that the Indian Bureau, the Interior Department, and the country would be most fortunate to secure a man of the intelligence, force of character, and general judgment of affairs that characterize the Senator from Wyoming.

Mr. CLARK of Wyoming. Mr. President, I simply wanted to say that for many years I have known nothing particular about Mr. Cato Sells. I knew of him in my earlier life. As the Senator says, he is a man of broad mind and good judgment in great affairs. He was at one time, I think, the chairman of the Democratic State committee in Iowa, and if he can manage the Indians in his administration now with one-half the ability that he managed the Democrats in Iowa he will surely make a success in this office.

Mr. ASHURST. Mr. President, I make the point of order that the point of order made by the Senator from West Virginia [Mr. CHILTON] is no longer available, because when a point of order has been discussed upon the merits of the proposition involved in the amendment all right to make the point of order is waived. That is one of our precedents.

The VICE PRESIDENT. The Chair desires to know for its information whether in the act creating the office of Commissioner of Indian Affairs the salary was fixed?

Mr. GRONNA. Mr. President, if I may have the attention of the Senator from West Virginia, I sincerely hope that he will withdraw his point of order on this question. This particular item was considered by the Committee on Indian Affairs. Everyone here knows that there is no bureau where the commissioner at its head experiences more difficulty than the Bureau of Indian Affairs.

I admit that the amendment is subject to the point of order made by the Senator from West Virginia. While it may be true that the gentleman who has been appointed to this responsible position is willing to sacrifice his time for the present salary, and while it is also true, as the Senator from West Virginia said, that there are many men who would accept it at the present salary, there are many men who would be glad to accept it at $1,000, perhaps. But the question is, Will they do the work that they are required to do?

I have been a member of various committees in both Houses of Congress, but never have I experienced as much difficulty in solving the problems that come before a committee as upon the Committee on Indian Affairs.

As this is such a responsible position, requiring exceptional ability and a great deal of work, I hope that the Senator from West Virginia will withdraw his point of order.

Mr. CHILTON. Mr. President, when I stated my objection to this amendment and made the point of order I did not know who was Commissioner of Indian Affairs, nor do I care who he is. I am willing to concede that he is a man of ability and character, perfectly competent to discharge the duties of the office. I do not intend to be drawn into a discussion of the fitness of the Commissioner of Indian Affairs. He should be a man who is competent; he should not be appointed unless he is competent; and he should not accept unless he can discharge the duties of the office well. I am speaking to the principle of continually prying up the salaries of these officials after they have accepted the office with a fixed salary. We know how this has been going on. I want to stop it, and I shall insist on my point of order.

In response to what the Senator from Arizona [Mr. ASHURST] has said, I have only this to say: Having addressed the Chair in the usual way to get his attention and made my point of order, and having then exhausted my powers as a Senator, I can not stop other Senators from addressing the Chair and speaking upon the main question. That is a matter for the Chair to take care of. It would seem to me that we are in a very peculiar position from a parliamentary standpoint if a point of order shall be made and then Senators can talk the point of order out until it becomes itself out of order. I hope there is no such ruling.

The VICE PRESIDENT. The Chair will again inquire as to whether, when the office of Commissioner of Indian Affairs was created, a salary was fixed by the statute?

Mr. CHILTON. I am unable to answer the question.

The VICE PRESIDENT. The Chair makes the inquiry for the purpose of ruling on the point of order.

Mr. SMOOT. I have not the statute here with me, but necessarily there must have been a salary fixed in the act creating the office.

Mr. CHILTON. I take it so.

Mr. SMOOT. At the time of the passage of the act for the creation of the office a salary was fixed with the office.

Mr. STONE. Mr. President, there is an appropriation made in the legislative appropriation bill each year to pay the salary of the Commissioner of Indian Affairs as the salaries of other executive officers are paid, and the appropriations made will cover the salaries fixed by law.

Mr. SMOOT. That is the case, no doubt.

Mr. STONE. I have no doubt that is true.

Mr. SMOOT. Every year in the legislative, executive, and judicial appropriation bill a sum is appropriated covering the amount fixed by law for the salaries of all the departmental officials, and among them, of course, is the office of Commissioner of Indian Affairs.

The VICE PRESIDENT. That is not the inquiry which the Chair is making. The Chair has no doubt that the salaries are always included in the appropriation bill, but the query is whether when the office was created the salary was fixed.

Mr. CLARK of Wyoming. If the President will permit me, section 462 of the Revised Statutes provides that—

> There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of $3,000 a year.

That statute was passed the 9th of July, 1832, and is the statute creating the office of Commissioner of Indian Affairs.

Mr. STONE. Then the salary has been increased by the appropriations for that purpose?

Mr. CLARK of Wyoming. The salary has been increased from time to time, I understand, in the annual appropriation bill. The appropriation has been in excess of the salary originally fixed.

The VICE PRESIDENT. Now, upon the point of order of the Senator from West Virginia——

Mr. GORE. Mr. President, before the President rules I wish to say that I share the sentiment of those Senators who have requested the Senator from West Virginia not to insist upon his point of order. As a rule I shall stand beside the Senator in resisting increases in salaries, especially unnecessary increases, but, in my judgment, we need a $7,500 man as Commissioner of Indian Affairs. I think in this instance we have a $7,500 man appointed to that station. I believe that it would be a source of great economy and that his services will entitle him to this compensation. I think this ought to constitute an exception to the Senator's rule and to my rule.

Mr. FALL. Mr. President, complaint is very often heard that it is impossible to have the business of this Government conducted as private business is conducted. The Commissioner of Indian Affairs has charge of property approximating $900,000,000 in value all over the western portion of the United States. At any rate, it covers a great variety of business. If this was a private business matter, there would be no question of a salary of $25,000 or more accompanying the duties of the office of the commissioner. The corporation or business interest receiving such services, if they were properly rendered, would consider $25,000 a very moderate amount.

I think if the Government will get good men and pay good men something like a commensurate salary, the complaint so often made heretofore that we can not get our business attended to in a businesslike way might, to some extent at least, be obviated. I join the Senators who have expressed themselves in the sincere wish that the Senator from West Virginia will withhold his point of order.

The VICE PRESIDENT. The Chair finds that on January 13, 1881, the Presiding Officer, Mr. Hoar, of Massachusetts, decided the question that an amendment was not in order, was not good, after debate had proceeded upon the merits of the amendment. There seems to have been no appeal from the decision of the Chair. The Chair as now constituted does not believe that ruling was correct. The Chair believes that in the course of the discussion on an amendment a fact may arise which indicates that a point of order should be made and should be sustained by the Chair. The Chair believes that this is general legislation, intended to increase the salary of an office where the salary is fixed by statute, and that it can not be done over an objection upon an appropriation bill.

Mr. GALLINGER. Mr. President, I desire simply to make an observation in response to a suggestion made by the Senator from Oklahoma [Mr. OWEN]. Those of us coming from Eastern States have always hesitated to take any prominent part in the discussion of Indian affairs or any matters relating to the public lands, for the reason that naturally we are not as well informed as western men. I have, however, to some extent heretofore, as I have to-day, taken an interest in the Indian appropriation bill, and I shall continue to do so as long as I remain a Member of this body.

I regretted to hear the Senator from Oklahoma sneeringly allude to men from Massachusetts who go out West nosing around and coming back and making reports on Indian affairs. It is not a proper characterization of some men in Massachusetts as well as in other States of the East.

We all remember the great services that Senator Dawes, of Massachusetts, rendered this country in relation to Indian affairs. We all remember that of the entire membership of this body Senator Dawes was looked upon as an authority for years and years, and that the work he did was of inestimable value to the people of this country.

We also, some of us, remember the work that Senator Platt, of Connecticut, did—that man of sainted memory, standing, I think, in one of these seats here, perhaps the one I occupy now, for years a member of the Committee on Indian Affairs, sometimes protesting against remaining on that committee. I say we all remember the work that man did and the great services he rendered the Government. He came not from Massachusetts, but from the contiguous State of Connecticut. He had as deep an interest in the welfare of the Indians of this country as any man who ever lived, and he rendered service that we ought not to minimize in our consideration of Indian questions.

We also remember Senator Quay, of Pennsylvania. I think the last speech he made in the Senate was a eulogy on the Indians, a speech coming from a man who seldom spoke, that brought tears to the eyes of some Members of this body. His devotion to the cause of the Indians was of a character that some of us remember and are glad to pay tribute to on this occasion.

I recall, Mr. President, the fact that when Mr. Cornelius Bliss was appointed Secretary of the Interior from the State of New York there was great trepidation in the minds of many men lest he should bring to the consideration of the great questions in that very important department of the Government narrow views on questions that more directly concern the Western States and the representatives of the Western States. Yet, Mr. President, there is not a western Senator here to-day who is familiar with the work that Mr. Bliss did in that great department who will not agree with me that the Government never had a more efficient, a more capable, and a more broad-minded Secretary of the Interior than Mr. Bliss.

Mr. President, I say this partly in apology for presuming to take any part in the consideration of the bill to-day. I do not pretend to be familiar with the details of Indian legislation or of the management of the Indian Office, but I do, Mr. President, assert here and now that I have just as deep an interest in the welfare of those wards of our Nation as any man has, no matter what State he represents.

I hope that hereafter in the discussion of this question we will not draw the geographic line and say that men living in the East must be debarred from investigating these subjects and expressing their opinions any more than shall Senators from the Western or Southern States of the Union.

The VICE PRESIDENT. The Chair has sustained the point of order upon the proposition that the amendment of the committee is general legislation on an appropriation bill. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, after line 8, to insert:

For the purpose of making thorough inquiry into conditions in the Indian service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission, to be known as the Joint Commission to Investigate Indian Affairs, to be composed of three Members of the Senate, to be appointed by the Presiding Officer of the Senate from the membership of the Senate Committee on Indian Affairs, and three Members of the House of Representatives, to be appointed by the Speaker from the membership of the Committee on Indian Affairs of the House of Representatives. The said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpœna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said commission is hereby authorized to visit any Indian agency, school, institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs, and all other officers connected with the administration of Indian affairs to aid the said commission and furnish all available information that may be demanded by said commission.

The investigation hereby provided for shall be conducted by said commission as speedily as possible, and the findings, conclusions, and recommendations of such commission shall be reported to Congress at the second session of the Sixty-third Congress. Said commission is hereby authorized to employ such clerical and other assistance, including stenographers, as said commission may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding $1 per printed page. The sum of $50,000 is hereby appropriated to pay the expenses of the said commission. Within 10 days after the appointment of the members of the commission they shall proceed to elect a chairman and secretary, and the funds hereby appropriated shall be paid out on the order of such chairman and secretary, and a full, itemized account of all such expenditures shall accompany the final report of the commission when submitted to Congress.

Mr. GALLINGER. Mr. President, I desire to ask the chairman of the committee if he has any objection to striking out, on page 11, in lines 18 and 19, the words "from the membership of the Senate Committee on Indian Affairs," and, in lines 21 and 22, to striking out "from the membership of the Committee on Indian Affairs of the House of Representatives"?

I assume that very likely the members of this commission, if it shall be appointed—and I do not object to it—will be selected from those two committees as a rule, but it might occur that for good and sufficient reasons some Senator outside of that committee or some Member of the House of Representatives outside of that committee ought to go on that commission.

I will say for myself, Mr. President, that I would not go on the commission if I received the appropriation that is included in this item; so, I do not speak from any personal consideration; but I think it is well in selecting the members of such commissions to let the matter remain open for the Vice Presi-

dent, seeking the advice, as he will, of the chairman of the committee, to make such selections as, in his judgment, he should deem wise. I shall not move to strike out the words, but I ask the distinguished chairman of the committee if he would object to doing so?

Mr. STONE. So far as I am personally concerned, I have no objection whatever to the change which the Senator suggests; and I almost feel like taking the authority of speaking for the committee and accepting the suggestion.

Mr. GALLINGER. Then I will, under that statement, make the motion, Mr. President.

The VICE PRESIDENT. The Senator from New Hampshire moves an amendment to strike certain words from the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. On page 11, in lines 18 and 19, after the word "Senate," it is proposed to strike out "from the membership of the Senate Committee on Indian Affairs," and in lines 21 and 22, after the word "Speaker," to strike out "from the membership of the Committee on Indian Affairs of the House of Representatives."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 13, after line 11, to insert:

That an agreement, made at the Navajo Springs Indian Agency, in the State of Colorado, on the 10th day of May, 1911, with the Wiminuche Band of Southern Ute Indians, belonging to the jurisdiction of the Navajo Springs Indian Agency, be, and the same is hereby, modified and amended to read as follows:

"ARTICLE I.

"The said Wiminuche Band of Southern Ute Indians hereby agrees to relinquish and surrender to the United States of America all its right, title, and interest in and to that portion of its reservation described as follows:

"Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado, where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, 'south of the Ute boundary,' intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1, said township; thence east to the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, 'south of the Ute boundary,' the place of beginning; 14,520 acres, more or less, lying and being in Montezuma County, State of Colorado.

"ARTICLE II.

"In consideration for the lands relinquished and surrendered as aforesaid the United States hereby agrees to convey to said Wiminuche Band of Southern Ute Indians in exchange therefor lands lying within the present boundaries of the Mesa Verde National Park and from the public domain, said lands to become a part of the reservation of said Wiminuche Band of Southern Ute Indians and to take on the same character and title as the rest of the land of the said reservation, of which they become a part by virtue of this agreement, and described as follows:

"Sections 1, 2, 3, 4, 5, fractional sections 8, 9, 10, 11, 12, in township 34 north, range 16 west, 'north of the Ute boundary'; also sections 25, 26, 27, southeast quarter section 28, sections 32, 33, 34, 35, and 36, township 35 north, range 16 west, containing 10,080 acres, more or less

"Also sections 5 and 6 and fractional sections 7 and 8 (unsurveyed) in township 34 north, range 17 west, 'north of the Ute boundary,' and sections 1, 2, 3, 4, 5, and fractional sections 8, 9, 10, 11, and 12 (unsurveyed), in township 34 north, range 18 west, 'north of the Ute boundary,' and sections 19, 20, 29, 30, 31, and 32, in township 35 north, range 17 west, and sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, in township 35 north, range 18 west, New Mexico principal meridian, containing 20,160 acres, more or less.

"And in case it be found that any portion of the lands herein described have been entered or patented under any of the land laws of the United States, then, and in that event, it is stipulated and agreed that public lands of an equal amount and like character and lying adjacent to the lands herein described be substituted and given to said Wiminuche Band of Southern Ute Indians, to make the total area of lands to be given in amount equal to the above-described lands, the total area in said western tract to contain 20,160 acres.

"ARTICLE III.

"Nothing in this agreement shall be construed to deprive the Indians parties hereto of any annuities or benefits to which they are entitled under existing laws and treaties.

"ARTICLE IV.

"This agreement shall become effective and binding on the parties hereto when ratified by the Congress of the United States."

SEC. 2. That the said agreement be, and the same is hereby, accepted, ratified, and confirmed as herein amended.

SEC. 3. That the Secretary of the Interior is hereby authorized to add to the area conveyed to the Indians in exchange for the lands relinquished any tracts of unappropriated public land adjoining thereto which may be necessary to make the total area of the acreage ceded to the Indians in lieu of that lost to them by any prior existing valid rights attaching thereto.

SEC. 4. That the boundary of the Mesa Verde National Park, created by the act of Congress approved June 29, 1906 (34 Stat. L., 616), is hereby extended on the south so as to include the land relinquished by the Indians in the foregoing agreement as herein provided and the boundaries of said park shall hereafter be defined as follows:

Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, "south of the Ute boundary," intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1, said township and range; thence west to the southeast corner of fractional section 12, township 34 north, range 16 west, "north of the Ute boundary"; thence north to the northwest corner of section 19, township 35 north, range 15 west; thence east to the southwest corner of the southeast quarter of section 16, said township; thence north to the northwest corner of the southeast quarter of said section; thence east to the southwest corner of the northeast quarter of section 13, said township; thence north to the northwest corner of the northeast quarter of said section; thence east to the southwest corner of section 7, township 35 north, range 14 west; thence north to the northwest corner of said section; thence east to the southwest corner of section 5, said township; thence north to the northwest corner of said section; thence east to the northeast corner of said section; thence south to the southeast corner of the northeast quarter of said section; thence east to the northeast corner of the southwest quarter of section 4, said township; thence south to the northwest corner of the southeast quarter of section 16, said township; thence east to the northeast corner of the southeast quarter of said section; thence south to the northwest corner of section 22, said township; thence east to the northeast corner of said section; thence south to the northwest corner of section 26, said township; thence east along the north section line of section 26 to the east bank of the Rio Mancos; thence in a southeasterly direction along the east bank of the Rio Mancos to its intersection with the northern boundary line of the Southern Ute Indian Reservation; thence west along said Indian reservation boundary to its intersection with the range line between ranges 14 and 15 west, the place of beginning;

And the provisions of the act of June 29, 1896, creating the park, are hereby extended over the same.

So much of the act of June 29, 1906, as provides that the custodianship of the Secretary of the Interior shall extend over all prehistoric ruins situated within 5 miles of the eastern, western, and northern boundaries of the park, as described in said act, not on lands alienated by patent from the ownership of the United States, is hereby repealed.

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," in section 2, page 21, line 4, after the words "determining the," to strike out "reasonability" and insert "feasibility," so as to make the clause read:

For continuing the investigation by the Secretary of War for the purpose of determining the feasibility and practicability of constructing a dam and reservoir at or near the vicinity of the Box Canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August 24, 1912 (37 Stat. L., pp. 518-522), $10,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 22, line 19, after the word "act," to insert "to be immediately available," so as to make the clause read:

For completion of the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 275), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, $25,000, reimbursable as provided in said act, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 23, line 4, after $65,300, to strike out "which said sum of $65,300 shall be reimbursed to the United States by the Apache Indians having tribal rights on the Fort Apache and San Carlos Indian Reservations, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Apache Indians until paid in full," so as to make the clause read:

For the construction of a bridge across the Gila River on the San Carlos Apache Indian Reservation, Arizona, $45,500; and for the construction of a bridge across the San Carlos River on said reservation in said State, $19,800, to be immediately available, said bridges to be constructed across said streams in the places and manner recommended by the Secretary of the Interior in House Document No. 1013, Sixty-second Congress, third session; in all, $65,300.

The amendment was agreed to.

The next amendment was, under the head of "California," in section 3, page 25, after line 19, to insert:

For completing the construction of the wagon road on the Hoopa Valley Indian Reservation, in the county of Humboldt, State of California, and for the purpose of repairing that part of said road already constructed under the provisions of the act of April 30, 1908, $5,000, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," in section 7, page 27, line 20, after the words "the sum of," to strike out "$4,010,75" and insert "$2,000," so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. C. Tillotson, of Topeka, Kans., the sum of $2,000, said amount being in payment for work done and expenses incurred by said Tillotson in carrying out the provisions of the treaty with the Pottawatomie Indians proclaimed April 19, 1862, and under the act of Congress approved March 3, 1909, under contract with the Secretary of the Interior, said sum to be paid on proper certificate from the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," in section 9, page 34, after line 9, to insert:

That any Indian allottee of the Fond du Lac Reservation who has not already received 80 acres of land in allotment shall be entitled to take by allotment of any unappropriated land of said reservation sufficient, with the land already allotted such Indian, to make 80 acres of land, such allotment not to interfere with existing timber contracts.

The amendment was agreed to.

The next amendment was, under the head of "Montana," in section 10, page 34, line 18, after the word "employees," to strike out "20,000" and insert "$25,000," so as to make the clause read:

SEC. 10. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $25,000.

The amendment was agreed to.

The next amendment was, on page 34, line 21, after the word "employees," to strike out "$12,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 35, line 13, after the word "estimates," to strike out "$275,000" and insert "$350,000," so as to make the clause read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans, and estimates, $350,000, to be immediately available, reimbursable in accordance with the provisions of the act of April 4, 1910.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

There is hereby appropriated the sum of $50,000, reimbursable, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Indian Reservation, Mont. The said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment; for the construction of houses for said Indians, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

The Secretary of the Interior is hereby authorized to pay to Omer D. Lewis, lease clerk at the Flathead Indian Agency, Mont., the sum of $2,573.25, for the purpose of reimbursing him for expenses incurred for hospital and doctor's fees paid and serious personal injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

The Court of Claims is hereby authorized and directed to hear and consider all claims, legal or equitable, of the Blackfoot, Blood, Piegan, Grosventre, River Crow, and Assiniboine Tribes or Nations of Indians residing on the Blackfoot, Fort Belknap, and Fort Peck Indian Reservations in the State of Montana, respectively, arising under treaties, agreements, acts of Congress, and executive orders, and all legal and equitable defenses thereto, including set-offs and counterclaims of the United States against said tribes or nations of Indians, without regard to the lapse of time, and to make findings of fact and report the same to Congress.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

There is hereby made available the balance of any tribal funds now in the Treasury of the United States to the credit of the Blackfeet Indians of Montana, or which shall hereafter be deposited to their credit, including the proceeds from the sale of surplus lands, for expenditure by the Secretary of the Interior, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing on and having tribal rights on the Blackfeet Indian Reservation.

The amendment was agreed to.

The next amendment was, under the head of "Nevada," in section 12, page 40, line 10, after the words "in all," to strike out "$73,400" and insert "$56,100," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $50,100; for general repairs and improvements, $6,000; in all, $56,100.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," section 13, page 40, after line 11, to strike out:

SEC. 13. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $3,000; new buildings, $15,000; in all, $69,900.

And in lieu thereof to insert:

SEC. 13. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $7,000; for the construction of new buildings, $46,000, as follows: Shop buildings, $14,000; domestic science building, $7,000; gymnasium and assembly hall, $25,000; in all, $121,600.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to strike out:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $4,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $75,500.

And in lieu thereof to insert:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for water supply, $1,600; for addition to girls' dormitory, to be made immediately available, $18,000; for a gymnasium and assembly hall, combined, $25,000; in all, $121,200.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

For the construction, equipment, and maintenance of a tuberculosis sanatorium on the Mescalero Reservation, N. Mex., for the treatment of tuberculous Indians, the sum of $100,000: *Provided*, That not to exceed $10,000 of this sum shall be used for the construction of a wagon road from Three Rivers, N. Mex., to the sanatorium site on the Mescalero Reservation.

The PRESIDING OFFICER (Mr. SHIVELY in the chair). The question is on agreeing to the amendment.

Mr. GRONNA. Mr. President, when the bill was before the committee I made some objection to this provision, and I made the statement, I believe, that I should raise a point of order against it in the Senate. I have since been furnished with information that an estimate has been made for the appropriation, and I shall therefore not now make the point of order.

Mr. GALLINGER. Mr. President, before the amendment is voted on—I do not propose to make a point of order against it, even if it would lie—I should like to ask for a little information from either the chairman of the committee or from one of the Senators from New Mexico concerning this proposed sanatorium. How many Indians are likely to make use of this sanatorium if it shall be established at an expense of $100,000?

Mr. FALL. I understand the proposition will finally resolve itself down to the point that they propose to take care of 500 Indians annually. As to the number with which they will start, I was informed by the commissioner that they would commence with about 100. They need this money for buildings, for the construction of roads and irrigation ditches, and to enable them to enter upon farming. I believe they propose to allow some of the Indians to conduct farming operations and that has to be done by irrigation.

Mr. GALLINGER. The sanatorium will be open to Indians from all parts of the country?

Mr. FALL. From all parts of the country.

Mr. GALLINGER. Have they means to enable them to leave their homes from distant points to get to the sanatorium?

Mr. FALL. The commissioner seemed to think that there were ample funds in the individual appropriations for the different Indian tribes and in the general appropriations to enable the Bureau of Indian Affairs to remove the Indians there and to take care of them.

I will say to the Senator that there was considerable objection to this item, which was suggested to me something over a year ago by the Commissioner of Indian Affairs. The site which he selected—he has been out there himself—and which was agreed to by the physicians who have been sent out by the department, was located on the upper head of streams which flow down through my ranch and by my home. As a matter of first impression I objected to that very seriously. The matter was argued, however, and finally the railroad company practically agreed that they would erect a separate station for the handling of the tuberculous Indians, and that they would be kept out of contact with the settlers on the three river branches—there are about 300 settlers in there—and taken up above, 8 or 9 miles away, at a place which the department considers the most ideal location, they say, in the United States for a hospital of this kind.

Mr. GALLINGER. The project is undoubtedly a proper one. We of the East, however, are usually of the opinion that the climate of New Mexico is so salubrious that tuberculosis does

not thrive there to any very great extent; that, in fact, people there are immune to a large extent; and we are in the habit of sending our patients from the East to New Mexico to be cured.

Mr. FALL. Exactly. The proposition here is to send Indians from all over the East, from the various reservations, to this hospital for treatment.

Mr. GALLINGER. That being the case, I really think the item ought to go into the bill.

I made a great—if I may use the word—fight some years ago to secure an appropriation for the establishment of a sanatorium in New Mexico for the treatment of white tubercular patients from all parts of our country. I was backed up vigorously and valiantly by the medical profession, but I did not succeed in getting the appropriation, and the project failed. I met then a good deal of opposition to that project from the people in New Mexico, who did not want tubercular patients sent into their territory, as I recall; and I sympathized, to some extent, with that feeling.

I am glad that the Indians are to be provided for, and possibly before my term ends—which is not very far in the future—I may renew the effort to find a place in that salubrious State where we can establish a sanatorium to which, the Government giving us some help, we can send poor patients from the East who, if they are to get relief, must get it from a change of climate. I shall very cheerfully vote for the proposed amendment.

Mr. CATRON. Mr. President, I think it is possible that the Senator from New Hampshire who has just finished speaking may have forgotten a little. I was a Delegate in the lower House when he made the effort which he speaks of making. His first effort was to have turned over to the country for such a hospital the military reservation which was in the city of Santa Fe, called Fort Marcy. He will remember now that I made strenuous objection to a reserve of that kind being placed right in the city of Santa Fe, and suggested to him that there was an abandoned reservation at Fort Stanton which could be taken up, and he did take that up.

Mr. GALLINGER. Yes.

Mr. CATRON. I think the reserve was established there afterwards. I do not know positively, but I am under the impression that it was done, at large expense.

Mr. GALLINGER. I think they established a sanitarium there for the marines of the Navy.

Mr. CATRON. Not for the people generally?

Mr. GALLINGER. Not for the people in whom I was more particularly interested.

Mr. FALL. That is true.

Mr. CATRON. I do not think the people will seriously object to a properly established sanitarium for that purpose for the people at large, provided it is within due limits. We recognize that we have the best climate in the United States for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 41, line 20, after "$16,500," to strike out "which said sum shall be reimbursed to the United States by the Navajo Indians, and shall remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full," so as to make the clause read:

For the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, to be immediately available, $16,500.

The amendment was agreed to.

The next amendment was, on page 42, line 2, after the words "New Mexico," to insert "to be designated by the Secretary of the Interior," so as to make the clause read:

For the pay of one special attorney for the Pueblo Indians of New Mexico to be designated by the Secretary of the Interior and for necessary traveling expenses of said attorney, $2,000, or so much thereof as the Secretary of the Interior may deem necessary.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," section 16, page 43, after line 17, to strike out:

For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $26,500; for general repairs and improvements, $5,000; for addition to barn, $2,500; for dairy cows, $1,000; in all, $35,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 22, to insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $3,000; for beautifying and improving school grounds, $1,000; for gymnasium and playground equipment, $1,500; for cement walks, $1,000; for addition to barn, $4,000; for dairy cows, $1,000; for school building, $30,000; in all, $76,700. Of the above amount all shall be immediately available except the amount appropriated for education and support of pupils and for general repairs and improvements.

The amendment was agreed to.

The next amendment was, on page 44, after line 7, to insert:

For examination of the land embraced in Sullys Hill Park to determine whether it contains valuable minerals, $1,000, or so much thereof as may be necessary.

Mr. GRONNA. May I have the attention of the chairman of the committee for a moment? I think a mistake has been made here. I believe the committee allowed $500 for this purpose. If so, I wish that to be corrected.

Mr. STONE. I think that is an error.

Mr. GRONNA. It should be reduced to $500.

Mr. STONE. It ought to be $500.

Mr. CLARK of Wyoming. What is Sullys Hill Park? Is it an Indian reservation?

Mr. GRONNA. It is a Government park.

Mr. STONE. I move that "$1,000" be stricken out and "$500" inserted.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Before the amendment as amended is agreed to I wish to get a little information. I will ask if Sullys Hill Park is in an Indian reservation or whether it is entirely separate from an Indian reservation?

Mr. GRONNA. About the year 1902, I think, approximately 780 acres of Indian land were set aside as a Government park. Before that time a survey or examination was supposed to have been made to ascertain whether or not there were any minerals in what was called Sullys Hill. The Indians have been dissatisfied with the examination. The Committee on Indian Affairs looked into this matter very thoroughly, with the assistance of Commissioner Abbott. We found that no borings, no examination, had been made except by citizens of the State—so-called prospectors. Personally I do not think there are any minerals in those hills, but the Indians believe there are minerals there. We have been told that the borings can be made for the small amount of $500, and the commissioner and the committee thought it would be money well expended.

Mr. GALLINGER. I presume the Senator has answered my question, and yet I do not quite comprehend the situation. Is this a part of an Indian reservation at the present time.

Mr. GRONNA. At the present time it is a small Government park. It belongs to the United States, but it is right in the Fort Totten Reserve.

Mr. GALLINGER. Why is not the Geological Survey the proper body to make an investigation of this kind?

Mr. GRONNA. I will say to the Senator that the Geological Survey will make this investigation.

Mr. GALLINGER. Has not the Geological Survey $500 lying around loose somewhere that it could appropriate and use for that purpose?

Mr. GRONNA. No; I will say to the Senator from New Hampshire that we looked into that matter very thoroughly.

Mr. GALLINGER. I have no objection. It is a small item.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Oklahoma," section 17, page 44, after line 15, to insert:

That the Secretary of the Interior, in his discretion, is authorized to sell upon such terms and under such rules and regulations as he may prescribe the unused, unallotted, unreserved, and such portions of the school and agency lands that are no longer needed for administration purposes, in the Kiowa, Comanche, Apache, and Wichita Tribes of Indians in Oklahoma, the proceeds therefrom, less $1.25 per acre, to be deposited to the credit of said Indians in the United States Treasury, to draw until further provided by Congress 5 per cent interest, and to be known as the Kiowa Agency hospital fund, to be used only for maintenance of said hospital: *Provided*, That by and with the approval of the Secretary of the Interior the county commissioners of Comanche County for the benefit of said county shall, for 90 days from and after the passage and approval of this act, have the preference right to buy at $1.25 per acre a suitable 160-acre tract of land to be used for county poor-farm purposes.

The hospital heretofore authorized to be constructed on the Fort Sill Indian School Reservation, Okla., for the benefit of the Indians of the Kiowa, Comanche, and Apache Tribes in that State, by the act of August 24, 1912 (37 Stat. L., p. 529), is hereby made available for any members of the Caddo, Wichita, or other Indians in the State of Oklahoma, under the jurisdiction of the superintendent in charge of the Kiowa Agency.

Mr. CLARK of Wyoming. I should like to ask one question in regard to that amendment. I hardly understand what it means, and I ask for information. Does this amendment dispose of all of the unused, unallotted lands of these four tribes? It would seem to be so indicated. If that is true, I should be glad to be informed by the chairman, or somebody who is familiar with it, as to the extent of these lands. The amendment seems to grant authority to dispose of all the lands except those that have been given in individual allotments.

Mr. STONE. The purpose of the amendment, as I understand, is to authorize the Secretary of the Interior to sell the unused, unallotted, and unreserved lands, and such portions of the school and agency lands as are no longer needed for administration purposes, embracing about 2,000 acres altogether.

Mr. CLARK of Wyoming. About 2,000 acres, and not much more than that?

Mr. STONE. I will ask the Senator from Oklahoma if that is not correct?

Mr. OWEN. Yes; there are about 2,000 acres. Nearly all their land was sold. Some of it was turned back, and there are some odds and ends there that the department thought ought to be cleaned up, and they want to use them for a hospital for these people.

Mr. STONE. I can read what is said in the report, if the Senator is not satisfied.

Mr. CLARK of Wyoming. Oh, I am perfectly satisfied. I simply desired a little information.

Mr. STONE. The matter is very fully discussed in the report.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 45, after line 16, to strike out:

That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stats, 49), and the act of February 18, 1909 (35 Stats., 637).

The amendment was agreed to.

The next amendment was, on page 49, line 10, after the name "Edward Welch," to insert "*Provided*, That the lands heretofore or hereafter purchased for said Fort Sill Indians shall be subject to the provisions of the general allotment act of February 8, 1887 (24 Stats. L., 388), as amended, and trust patents shall issue to said Indians in accordance with the said act of February 8, 1887, and the amendments thereto," so as to make the clause read:

For continuing the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Oklahoma, on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, $100,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available: *Provided*, That allotments may be purchased in Oklahoma for the widow of George Wrattan, interpreter for the Fort Sill prisoners of war, Martin Grab, and Edward Welch: *Provided*, That the lands heretofore or hereafter purchased for said Fort Sill Indians shall be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., p. 388), as amended, and trust patents shall issue to said Indians in accordance with the said act of February 8, 1887, and the amendments thereto.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, for the purpose of bringing the matter before the Senate, I desire to offer an amendment to come in as a new paragraph after the paragraph just read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. STONE. If the Senator will pardon me, unless he very much desires it, I suggest that it would be better to complete the committee amendments before individual amendments are offered.

Mr. TOWNSEND. I have no objection to following that course.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Five Civilized Tribes," section 18, page 50, line 24, after the date "nineteen hundred and thirteen," to insert "and the sum of $10,000, to be paid out of the Choctaw and Chickasaw tribal funds, is hereby appropriated for the completion of the work," so as to make the clause read:

That the act of Congress approved February 19, 1912 (37 Stat. L., p. 67), being "An act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," be, and the same is hereby, amended to provide that the classification and appraisement of such lands shall be completed not later than December 1, 1913, and the sum of $10,000, to be paid out of the Choctaw and Chickasaw tribal funds, is hereby appropriated for the completion of the work.

The amendment was agreed to.

The next amendment was, on page 53, after line 3, to insert:

For settling land suits in eastern Oklahoma, $25,000, reimbursable from fees which may be imposed in such cases by the Secretary of the Interior: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to approve any deed or contract or adjustment heretofore made by or between the parties to such suits, regardless of date, in the following cases:

Where the purchase or contract or settlement was made in good faith, without fraud, and the allottee actually paid the reasonable value of the land; or where a sum sufficient to make up the reasonable value of the land, in addition to the amount already paid to the allottee, shall be paid to the United States superintendent for the Union Agency; or where the adjustment shall be made upon such terms of settlement as the Secretary of the Interior may deem just, proper, and equitable, and under such rules and regulations as he may prescribe; and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior shall be dismissed without court costs to the defendant.

Mr. GALLINGER. Mr. President, unless I can get satisfactory information concerning this proposed amendment I shall make the point of order against it. I wish first to inquire how many of these suits are to-day in controversy, and whether or not they are in the courts at the present time.

Mr. STONE. If the Senator will refer to the report accompanying the bill he will find a departmental letter addressed to me, as chairman of the committee, covering this subject. The Secretary of the Interior states, in the fourth paragraph of the letter, that he understands there are over 20,000 of these suits. Then he proceeds to say that additional legislation is imperative to preserve to the Indians the rights which would have been theirs had the agreement and laws of Congress been strictly complied with by these defendants, and so forth.

Mr. GALLINGER. And it is proposed at one fell swoop, in an appropriation bill, to settle 30,000 cases that are now in controversy or in the courts?

Mr. TOWNSEND. And now ready for judgment.

Mr. GALLINGER. And now ready for judgment, as I understand.

Mr. STONE. Twenty thousand, not thirty thousand. The proposed appropriation is $25,000. The Secretary says:

I am of opinion, however, that the amount proposed to be appropriated, $10,000, is entirely inadequate.

The Senator from Oklahoma [Mr. OWEN] has offered an amendment to the Indian appropriation bill which has been referred to the committee. That amendment I caused to be transmitted to the Secretary for a report upon it, and the letter which I am reading came from him in response. The amendment offered by the Senator from Oklahoma was for an appropriation of $10,000. The Secretary says that he is of opinion that $10,000 will be inadequate, and he proceeds to say:

If I am charged with the duty of adjusting these numerous and important suits, I would want to appoint a board or committee of three competent persons to act for the department in the field in the prosecution of the work. To do this we should have an initial appropriation of at least $25,000.

Mr. GALLINGER. Mr. President, this matter manifestly ought not to be in an appropriation bill. Here are 20,000 or 30,000 suits—I do not know how many. There are large sums that will go to attorneys in these cases when they are settled, I presume, unless they are held on a contingent fee and they are defeated in the courts. I have here a Senate document entitled "Indian lands in Oklahoma. Decisions of the Supreme Court of the United States relative to the allotment of and taxes on certain Indian lands in Oklahoma; also relating to conveyances and the cancellation of conveyances, deeds, and mortgages thereon," which treats to some extent of this question.

In view of the fact that these cases are so numerous and, I apprehend, of considerable importance to somebody, I am quite unwilling that 20,000 or 30,000 suits should be settled by the Secretary of the Interior by a stroke of his pen. I therefore make the point of order that this is general legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 56, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to designate and set aside not to exceed 4 sections of the unallotted lands belonging to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, said reservation being for the purpose of providing land on which to build a sanatorium or sanatoria for the benefit of said tribes of Indians.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to strike out:

All contracts, written or verbal, purporting or intended to authorize any person or persons, directly or indirectly, to represent any of the Five Civilized Tribes or any member or members thereof in respect to

the payment, distribution, or any other disposition of money or other property of the said nation held by or under the supervision of the United States, shall be absolutely void and incapable of ratification or confirmation unless the consent of the Secretary of the Interior and approval of Congress shall have previously been given in writing to the person claiming thereunder to negotiate such contract, and unless such contract shall be approved as required by section 2103 of the Revised Statutes of the United States, and any person who shall secure or attempt to secure any such contract without the consent of the Secretary of the Interior, or demand or attempt to collect or receive any money payment or any other consideration under any such contract not approved as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than $500 or imprisonment for not more than six months, or by both such fine and imprisonment, at the discretion of the court: *Provided*, That this shall not apply to contracts with tribal attorneys for said tribes entered into and approved by the President in accordance with existing law.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to insert:

No contract made with any Indian, where such contract relates to the tribal funds or property in the hands of the United States, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given.

Mr. GORE. I wish to offer an amendment there, with the consent of the Senator who has the bill in charge, to save adverting to it later. I think it will be accepted. After the word "given," I move to insert "in such manner as Congress may prescribe." The amendment says "unless the consent of the United States has previously been given," but it does not signify who shall speak for the United States. I think the amendment ought to contain that provision.

Mr. CLARK of Wyoming. I will ask the Senator if the Secretary of the Interior has not customarily dealt with those matters? Is not the consent of the Secretary of the Interior necessary in all of these matters?

Mr. GORE. There is a method prescribed with reference to Indians who are not citizens of the United States. I have forgotten the section of the Revised Statutes which prescribes it. There is no law upon this point, however, and the very uncertainty of it, raised by the Senator's question, I think renders important this amendment.

Mr. CLARK of Wyoming. Of course the Senator understands perfectly that the amendment which he proposes would make it absolutely impossible for any Indian to enter into any contract of this sort. The Senator's amendment is a prohibition of the contract, I think; is it not?

Mr. GORE. I will say that this is a particular kind of contract, a contract on the part of Indians relating to undistributed tribal funds. It struck me that this provision is vague and uncertain, and that neither the Secretary of the Interior nor anybody else would have express authority to speak for the United States.

Mr. CLARK of Wyoming. I simply wanted to get the purpose of the amendment. I understand that the effect of the amendment, if not its purpose, would be to render impossible any contract of this sort, because certainly Congress is not going to undertake the business of approving contracts between individuals.

Mr. GORE. I take it that it might prescribe some method for the approval of these contracts. The Senator will see very clearly that neither the Secretary of the Interior nor anybody else would be able to give the consent of the United States without some authority being conferred upon him to give that consent, and I do not want to leave the matter in that uncertain state.

Mr. STERLING. Mr. President, it seems to me this is a very important matter. The amendment is very sweeping in its provisions, and I think time has hardly been had for sufficient consideration. I should like to ask if this amendment can not go over until to-morrow? I can see wherein an amendment like this might do great injustice to the Indians themselves in certain cases; and it is on that account, and not in the interest of attorneys, that I suggest that there may be some desire to modify the amendment.

Mr. FALL. Mr. President, the effect of this amendment, as it stands now, would be to tie the hands of the Indians. Of course, whether that is desirable or not is for the Congress of the United States to decide. My personal opinion is that it is not desirable to tie their hands so that they are in a position where, except for the assistance of attorneys appointed by the Department of the Interior, they are absolutely precluded from resisting attempts to rob them. While this matter was up for consideration in the Senate committee I suggested that at least exceptions should be made with reference to the character of contracts which they should be restricted from entering into.

Take, for instance, the Chippewa Indians: The Senator from Oregon [Mr. LANE] has objected to the provision in this bill with reference to the method by which the roll of the Chippewa Indians is to be made up. The Chippewa Indians have quite a valuable property. Of course, that property belongs to those who are justly entitled to be on the roll. There is a proposition in this bill to make a new roll by authority of a commission provided for in the bill. No one knows whether the Chippewa Indians want any such commission, or whether they want any roll; but the proposition is now that this commission shall make the roll. If the Chippewa Indians object to it—and from what I have seen of them, some of them are certainly intelligent enough to know what they want—they are absolutely precluded from employing an attorney to resist placing upon the roll one or ten thousand fraudulent Chippewa Indians to share in the tribal property. The same thing is true with reference to the reopening of the Chickasaw, Choctaw, Cherokee, Creek, or Seminole rolls in the Indian country to-day in the State of Oklahoma.

There has been a fight heretofore made to place upon the rolls men who, it was claimed, were not entitled to enrollment. There has been legislation, and under that legislation a fight has been made to purge those rolls. Several years, I believe, were taken up in this fight, which was made by a man who has been denounced as a notorious lobbyist, and whom I am not here to defend, although I do not believe he should be accused of all the crimes in the calendar, at any rate. I refer to Mr. MacMurray, about whom we have heard a good deal of talk. He apparently appeared for these Indians and resisted the attempt to put certain Indians upon the roll, and purged the roll of quite a large number of persons.

The testimony given before the committee showed that if the Indians claiming the right of enrollment had secured such right and had been placed upon the roll, it would have cost the Five Civilized Tribes from twenty-one to forty million dollars. It showed that by their ability so to enter into a contract, and thereby to prevent the enrollment of these parties whom the courts, I believe, or at least the commission, decided were not entitled to enrollment, by their ability to contract with attorneys, who received a very large fee for their services—I think $750,000—they saved to the Five Civilized Tribes from twenty-one to forty million dollars.

It developed in the hearings before the committee that there are 7,000 people claiming the right to allotment; that it is proposed now to go into a new enrollment; and that there are attorneys here seeking to secure the enrollment of these people. I think the department has stated that there are some 50 Indians who are entitled to go on the rolls, but that there are 7,000 who, under one claim or another—whether just or unjust I have no way of knowing, and I do not pretend to pass upon—allege that they are entitled to go upon these rolls.

Each allotment, as I understand, is worth to-day approximately $8,000. Seven thousand Indians, then, would take $8,000 each from the Indians who are now upon the rolls. By this amendment it is proposed to tie their hands absolutely, and to say that they shall not employ attorneys to defend their rights, but that the Indians who are not on this roll may pledge their property and employ attorneys to take the property away from the Five Civilized Tribes. You place them absolutely at the mercy of any attorney who takes a contingent fee.

I object to it, Mr. President. It is nothing to me. It is for the Congress of the United States to say whether they will be influenced by a cry that some Indian attorney—a lobbyist—is trying to make a fee out of these Indians by defending them. The sworn testimony in this case of the attorney of the Choctaw Nation is that he is receiving $5,000. He is appointed not by and with the consent of the tribe, but he is appointed by the Secretary of the Interior to represent the United States. His own testimony asserts that it was absolutely impossible for him to conduct such litigation as was conducted by MacMurray and these lobbyists through which $40,000,000 was saved to these Indians.

Now, this is a tax against them to the extent of $50,000,000, or something like that, and their hands are tied absolutely by the provision which the committee has placed in the bill. They are absolutely tied and they must stand defenseless under these Indian attorneys representing 7,000 Indians, who have been declared not entitled to enrollment. They have been declared by the court or by the commission appointed by Congress not to be entitled to enrollment. They must stand absolutely silent. They can not even lift their voice except through the puny tones of a little attorney appointed by the Secretary of the Interior, who himself confesses he can not properly defend them. These Indians stand silent and their pockets are robbed.

Mr. President, very recently a suit was decided by the Supreme Court of the United States defended by an Indian lobbyist, Mr. MacMurray, under a contract with the Choctaw and Chickasaw Indians. The result of that suit was a saving to those Indians upon the evidence shown of $21,000,000, costing the different allottees something like $10 apiece, or a total, I

believe, of about $180,000. The Supreme Court decided contrary to the determination or the advice of the Indian Department, which refused to allow the suit to be tried to defend these Indians from the taxation which was sought to be imposed upon them regardless of their treaty. The department refused to allow the department's attorney or any of its officials or the attorney appointed for these Indians to defend their suit and to represent these Indians in that taxation case coming up from Oklahoma. They were compelled to make private contracts, which they did make. The Supreme Court of the United States claimed that, irrespective of what the department had said, they had a good defense under the treaty, and they were saved something like $21,000,000, because, it is claimed, had the tax been levied on the property of the minor children the property must necessarily have been sold for taxes and gone to the State, and gone from the Indians and their heirs forever.

In this bill one of the Senators from Oklahoma has asked and has obtained an appropriation of $300,000 for the public schools of the State of Oklahoma in the eastern district, because it is said the fact that the State can not tax those Indian lands under the decision of the Supreme Court of the United States has therefore reduced the ability to conduct the public schools, and the United States to-day, through its Congress, is now appropriating $300,000 in this bill for the support of those schools.

Mr. President, I know exactly what is often said when a man in public life undertakes to make what he conceives to be a true statement about matters of this kind. It is said that he is influenced by some lobbyist. I think that I stand a little above that, but I do not fear any such criticism. No such criticism will close my mouth when I can see that injustice is being done people who are just as civilized, just as able, and just as competent citizens as any who live in the United States. Those Indians are electing United States Senators, and have two here. They are electing Congressmen, and have six in the other Hall. They are electing governors. Their governor to-day is a blood Indian. They are electing legislators who are blood Indians and Indians by marriage. They are assisting in electing the President of the United States. They cast a vote, I believe, for the present President of the United States. Are they not capable citizens, capable of attending to their own business?

Before the white men insisted that the Five Civilized Tribes should go into statehood and should have their property allotted there were no more peaceable or prosperous people on the face of this globe than those Five Civilized Tribes. Under our beneficent administration of their affairs, in throwing restrictions around them and treating them as though somebody robbed them, those Indians to-day are not worth individually nor collectively one-half what they were before. Their property was allotted and divided over their opposition.

Mr. President, taking these two suits—one for enrollment and the other resisting an illegal attempt at taxation—and then tying the hands of these Indians so that under some other guise this land may be taxed illegally, and no attorney can be employed by them or paid for out of their tribal funds to resist such an attempt, it seems to me that thus to administer the property of the Indians who think that somebody robs them is a very small business, to say the least of it, for honorable Senators to engage in, simply because some one may say that the man who has been defending them will make contracts payable out of the tribal funds and may be a lobbyist. I suppose there are a great many Indians in the Indian Territory who, if they say their prayers, thank God on their bended knees that they were able to avail themselves of the services of a lobbyist.

In the committee I offered an amendment which I thought would properly protect the Indians against a practice of this kind and enable them at least to protect themselves. It was rejected by a divided vote—4 to 4, as the record in this case will show—only 8 members of the committee being present and voting. One of the arguments used there was that unconscionable fees were charged. It was shown, as a matter of fact, that while under the MacMurray contracts, for instance, in defending the Indians they collected something like 9 per cent, I believe, for the defense, contracts are now outstanding for the enrollment of 4,000 Indians at from 25 to 40 per cent of the property which is gained. Those claiming to be Indians on the outside are not restricted. Only those who are already enrolled as Indians are restricted.

It is useless to undertake to wrangle about the word "Indian" and what it means. We all know what this means. We know exactly what the object of this is.

My attention was called to the argument used that enormous fees had been made by the attorneys representing the Indians. That absolutely is true. It is entirely true. This amendment as it appears here in the bill does not restrict the collection of such fees. Of course, if the Secretary of the Interior or the Congress of the United States did not like the particular attorney who was to have the contract, he would not be appointed under this provision. If he was a friendly gentleman, I suppose his fees might be placed at a certain figure, and they might restrict his fees.

I offered an amendment, as I said, which I thought was fair so that it would reach the proposition and at the same time protect the Indians against enormous fees. I propose to read the amendment, Mr. President, and offer it pro forma. I have no interest in the matter of any kind or character. If the Senate chooses to reject it or to adopt any other amendment it is absolutely immaterial to me; but I conceived it to be my duty, irrespective of any criticism, to have said what I have said and to do what I propose to do now in offering this amendment, which I will read:

Provided, That this prohibition shall not apply to contracts for the recovery of money or property in a suit or claim against and resisted by the United States or to a claim by or against any State or municipality, nor to a claim for services in resisting the enrollment of any Indian as a member of any tribe, which enrollment is resisted by such tribe or a majority thereof; but no claim for any such service shall be paid until same has been approved as to amount by the tribunal, court, or department finally passing upon the claim or enrollment, without respect to the agreed fee or commission mentioned in any such contract.

The PRESIDING OFFICER. There is already an amendment to the committee amendment pending. The question is on the amendment submitted by the Senator from Oklahoma [Mr. GORE] to the amendment of the committee.

Mr. GALLINGER and Mr. ASHURST. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of the committee amendment, page 57, line 24, after the word "given," and before the period, insert the words:

in such manner as Congress may prescribe.

Mr. GORE. It has been suggested by my colleague that it might obviate some objection if the amendment were modified to read:

in such manner as Congress may have prescribed or may hereafter prescribe.

I thought probably that would meet the objection of the Senator from South Dakota [Mr. STERLING].

The PRESIDING OFFICER. The question is on the amendment suggested by the Senator from Oklahoma to the amendment of the committee.

Mr. STONE. Mr. President, as a matter of information, I should like to ask either of the Senators from Oklahoma what provision has been made by Congress. The modification reads "may have prescribed or may hereafter prescribe."

Mr. GORE. I will say that this amendment is not limited to Oklahoma. My colleague suggested to me that probably that modification would meet the objection which the Senator from South Dakota had in mind. When there have been specific directions heretofore given by Congress this amendment would not interfere.

Mr. STONE. I am asking the Senator if he knows that any have been prescribed.

Mr. GORE. I do not know, I will say to the Senator. Probably my colleague might be able to give the information.

Mr. STONE. Mr. President, if we are going to make an amendment along this line, I ask the question would it not be better now to prescribe the terms upon which the contracts may be made, or that they shall be made with the approval of some particular authority, instead of leaving it to the action of some future Congress and have to go all over this again? I ask the Senator from Oklahoma if it would not be satisfactory to him if there could be inserted at the end of the amendment "if the consent of the United States has been previously given by the action of the Secretary of the Interior"?

Mr. GORE. That might be all right in some cases and in some cases I do not think it would be satisfactory. It would change the existing law in some particulars where I do not think it ought to be changed. For that reason I do not think I can accept the amendment.

Mr. STONE. Mr. President, I want to say just a word on this question. I do not care anything whatever about the personal aspects of this case, and by personal aspects I mean the personal things referred to by the Senator from New Mexico [Mr. FALL]. It does seem to me, however, that it would hardly be right to tie up the right of contract by restrictions which would make the exercise of that right impossible or impracticable. The fact is there are large numbers of Indians, not only in Oklahoma but elsewhere in different parts of the country, who are as intelligent men as you will find, who average up well with the citizenry of the country. It seems to me it would hardly be right to put a restraint upon those men to make contracts.

When this matter was before the committee it was discussed at some considerable length. I must say that I heard comparatively little of the discussion, being at that time engaged more especially with work connected with one of the subcommittees of the Committee on Finance in an adjoining room, but I heard the discussion by the members of the committee, not by those who came before the committee. As a result a subcommittee of three able, experienced men on that committee was appointed to draft a provision that might cover the ground and meet the situation. That subcommittee made a report, and that report was considered and amended and the provision as it appears in the text of the bill was agreed upon and incorporated. It was not thought by the committee—and I am speaking now for the committee—that it was wise or prudent or just to carry the restriction upon the right of contract so far with respect to intelligent American citizens, men who are exercising all the rights of American citizenship, who are holding important places of public trust in their States and in the Nation, as to deprive or in a large measure unnecessarily to restrict the constitutional right of such people to make contracts. I believe the committee was right in its conclusion.

Now, to adopt this amendment and say that the right to make a contract by one of the United States Senators sitting here in this body from Oklahoma and another equally well qualified man in the exercise of all his rights of citizenship occupying a place in the House of Representatives, that the governor of a State and men of this kind can not make a contract now, but must wait upon the pleasure of Congress at some future day, does not meet my approval and did not meet the approval of your committee.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Oklahoma [Mr. GORE] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the committee amendment.

Mr. FALL. I reoffer to the committee amendment the amendment which I read and which is on the Secretary's desk.

Mr. STONE. Let the amendment be stated.

The PRESIDING OFFICER. Is the amendment submitted by the Senator from New Mexico an amendment to the committee amendment?

Mr. FALL. It is an amendment to the committee amendment. It is simply a proviso. I ask that it be stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 57, line 24, after the word "given," before the period, it is proposed to insert a colon and the following proviso:

Provided, That this prohibition shall not apply to contracts for the recovery of money or property in a suit or claim against and resisted by the United States or to a claim by or against any State or municipality, nor to claim for services in resisting enrollment of any Indian as a member of any tribe, which enrollment is resisted by such tribe or a majority thereof; but no claim for any such service shall be paid until same has been approved as to amount by the tribunal, court, or department finally passing upon the claim or enrollment without respect to the agreed fee or commission mentioned in any such contract.

Mr. STONE. Mr. President, I feel at liberty to say that this amendment was presented to the committee as it is presented here and was there disagreed to.

Mr. FALL. I made the statement, Mr. President, in offering the amendment that it was disagreed to by a tie vote in committee, there being eight members of the committee present, four voting aye and four voting no. I reserved the right at that time to offer it here, as the record will show.

Mr. STONE. That is correct. The Senator did reserve the right to offer the amendment in the Senate.

Mr. ASHURST. On that I ask for the yeas and nays.

Mr. STONE. What for?

Mr. ASHURST. Then I will withdraw the call for the yeas and nays.

The PRESIDING OFFICER. Does the Senator insist on the yeas and nays?

Mr. ASHURST. I thought we would thereby save time.

Mr. GORE. Mr. President, I do not know whether this amendment is subject to a point of order or not, but in view of the pending provisions in the bill, I will raise the point of order and get a ruling of the Chair.

Mr. FALL. Then I will raise the point of order that the amendment itself reported by the committee is new legislation.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I will wait until the Chair rules on the point. I have been seriously considering making the very point which the Senator from New Mexico [Mr. FALL] makes in reference to the entire amendment, but I have not concluded to go so far as that.

Mr. FALL. I am perfectly willing that these contracts be restricted in every way; but I do protest against tying the hands of some people while other people are filching their profits.

Mr. ASHURST. Mr. President, I am not content to have that statement made by the honorable Senator from New Mexico [Mr. FALL] go into the RECORD without some challenge. I do not feel at liberty to advert to what took place before the committee, but I speak the language of truth and soberness when I say that some ex-Senators and some lobbyists have been seeking for years to have certain contracts approved which, in effect, would mulct the Indians out of large sums of money. I have here upon my desk a statement of the moneys paid out of Indian funds to one firm of attorneys aggregating nearly $1,000,000. It was the purpose of the committee "not to tie the hands of the Indian and rob him," but to prevent the Indian from being further plundered. It was the purpose of the committee to provide that certain contracts—which would net to this firm of lawyers $3,500,000 for no services—should not be ratified.

Mr. President, I shall not take up the time of the Senate further than to say that I wish most emphatically to record myself as being one Senator who feels it his duty and responsibility to see that the hungry and larcenous fingers of grafters and seekers of exorbitant fees shall not be extended into the trust funds belonging to the Indians.

This fund of $35,000,000 belongs to these Indians in question. No one questions the right of the Indians to these funds. Are we doing our duty to the Government and to these Indians, therefore, when we permit, without protest, legislation which might allow lobbyists or other persons to take a fee of $3,500,000 for work that he or they could not perform?

Mr. FALL. Will the Senator yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. ASHURST. Certainly.

Mr. FALL. How does the Senator arrive at the conclusion that there is a fee claimed of $3,500,000? I have seen that statement in the newspapers and heard it talked about, but how does the Senator arrive at the conclusion that there is a fee claimed by anyone of $3,500,000 or of any other amount against this $35,000,000?

Mr. ASHURST. I will be entirely within the record when I say that since the subject has been agitated and since this firm of attorneys have reached the conclusion that it can not obtain this fee they have very politely declined to accept it. Seeing that their efforts were blocked they have filed a disclaimer to it. I have some doubt as to the validity and legality of the disclaimer or waiver; that is to say, I am not satisfied that the matter should rest upon the disclaimer wholly, but Congress should make an affirmative expression against the payment of these fees where attorneys pretend to perform a service when in truth the Government has absolutely and expressly recognized the fact that it holds the money, land, or other property in trust for the Indian.

Mr. FALL. I will ask the Senator if it is not a fact that under existing law this firm of attorneys could not get 10 cents out of these tribal funds without the assent of Congress affirmatively given? The Senator knows that a dollar can not be paid from this fund without an appropriation by Congress. Therefore, if these gentlemen had not relinquished any claim, it must have required an act of the Congress to enable them to get 10 cents or any other amount. Those are the facts, I believe.

Mr. ASHURST. That is the Senator's opinion concerning the facts.

Mr. FALL. Yes, it is.

Mr. ASHURST. But every Senator is charged with the responsibility and duty of putting his own construction upon a state of facts.

Mr. FALL. Certainly.

Mr. ASHURST. I have here a statement from the former Secretary of the Interior which shows that the firm of attorneys which attempted to secure this $3,500,000, in 1901 was paid $750,000 by both the Choctaw and the Chickasaw Nations.

Mr. FALL. For what was that?

Mr. ASHURST. That was paid in connection with the so-called citizenship contract of January 7, 1901.

Mr. FALL. For resisting enrollment, was it not?

Mr. ASHURST. The fee amounted to $750,000. There was paid about the same time, or possibly a little subsequent to that time, by the Choctaw Nation to this firm $79,000, and at another time there was paid to this firm by the Chickasaw Nation $102,916, making a total of moneys paid to this one

firm of $932,848. It has not been made apparent to the committee, or to this member of the committee at least, what service these lobbyists will render for this $3,500,000. That was the reason I asked for the yeas and nays.

Mr. FALL. The Senator did not understand me as objecting to the yeas and nays, did he?

Mr. ASHURST. No; I did not.

Mr. FALL. I would welcome a roll call.

Mr. ASHURST. I have not said it was improper for the Senator to object to a roll call.

Mr. FALL. But his Senator did not object.

Mr. STONE. I objected to save time.

Mr. ASHURST. I owe a vast deal to the distinguished chairman of the committee [Mr. STONE] for his courtesies and his kindness toward me, and much as I should like to save time—as time is a valuable asset of mankind—we are charged here with the duty, and should be charged with the duty, of trying to save money for the Indians.

Mr. STONE. That is all right.

Mr. ASHURST. Indeed it is. I shall not at this time advert at length to the findings of the House committee in 1910 on this subject. The majority members found that the influence of this firm was improper and should be characterized, so the majority say, by a stronger term than "undue influence," while the minority member, Mr. STEPHENS, now a majority member and now chairman of the House Committee on Indian Affairs, found that improper means had been used or attempted to be used seeking to validate certain contracts and obtain large fees out of Indian funds.

I believe this committee amendment to be wholesome legislation. It is proper to provide by law that tribal property not belonging to the individual but to the tribe and unallotted lands in the hands of the United States Government, as trustee, should be delivered to and reach the Indians undiminished in quantity. Less than that we should not do.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] makes the point of order against the amendment submitted by the Senator from New Mexico [Mr. FALL] to the amendment of the committee on the ground that it is general legislation on an appropriation bill.

Mr. GORE. Mr. President, I wish to say merely a word or two. Waiving entirely the personal features of the discussion, I am perfectly willing that every Indian tribe and that every individual Indian should have ample and able attorneys when they are engaged in a lawsuit, when they have a claim to establish, a right to vindicate, or a wrong to redress. I may say that there are in Oklahoma five tribes, known as the Five Civilized Tribes. The Cherokee Tribe has a very able attorney at present, who receives $5,000 per annum; the Creek Tribe also has a regularly employed attorney, who receives $5,000 per year, and, I think, for the current year is receiving $10,000 in addition for some special service; the Chickasaw Tribe of Indians has an attorney who receives $5,000 a year; and the Choctaw Tribe has four attorneys, one of them receiving $5,000 and the other three receiving, jointly, $5,000. For all ordinary purposes these regularly employed attorneys would seem to be quite sufficient to protect the rights of the Five Civilized Tribes.

The amendment now pending is the outgrowth of an amendment I offered during the recent regular session; and I may say that the amendment was prepared in the Department of the Interior. When offered it was limited to the Creek Tribe of Indians. The particular circumstance which gave rise to the amendment was this: The Creek Indians have now $3,000,000 in the Treasury of the United States; it is their money; there is no question, there is no challenge to their title. Attorneys were circulating contracts in Oklahoma which would entitle them to 10 per cent on the $3,000,000 to recover it from the Government and to secure its distribution among the Indians.

The money belongs to the Creeks. It was the opinion of the Department, and it was my own opinion, that no attorney or firm of attorneys should be paid $300,000 to prevail upon Congress to distribute this money amongst the Indians who are legally and unquestionably entitled to receive it. On the floor of the Senate I submitted a motion to extend the amendment to the Five Civilized Tribes instead of limiting it to the Creek Tribe alone. That is the history of this amendment as originally presented by me in the Senate.

I will say, Mr. President, that the Senator from New Mexico was entirely correct in the statement that what is known as the tax litigation saved the Indians perhaps many million dollars. Under the treaties their allotments were exempt from taxation. Congress passed a law subsequent to statehood undertaking to subject those allotments to taxation. The Indians contested the validity of that law, won their suit, and escaped taxation for some 21 years. That undoubtedly saved them a vast amount of money. They had a right to bring that suit; they had a right to have attorneys, if they saw fit, in that sort of litigation.

I may say, however, Mr. President, that I understand individual Indians of the Chickasaw and Choctaw country made contracts with private attorneys aggregating $80,000 to resist this attempted taxation, whereas, as a matter of fact, suit was brought by the regularly employed attorneys of the Choctaw Nation, suit was brought by the regularly retained attorney of the Cherokee Nation, as I am informed, and suit was brought by the regularly employed attorneys of the Creek Nation. The first suit, which went to the Supreme Court of the United States, was a Choctaw suit in which the regularly employed attorneys of the nation represented the nation; and I have no doubt that the regularly retained attorneys of those nations would—they did in the case of three nations and would have done so in the Choctaw Nation—have protected the rights of the Indians and would have shielded them against unwarranted taxation if no contracts had been entered into with private attorneys. I make no doubt of that; and yet there can be no complaint if the Indians saw fit to engage attorneys in that sort of litigation.

Mr. President, the pending amendment is limited to contracts on the part of Indians with attorneys, such contracts relating to undistributed tribal funds. What I had in my mind was this: The Government of the United States is under treaty obligation to wind up the affairs of those tribes and to dispose of their tribal property. The treaty stipulates that it shall be done without expense to the Indians. My own feeling has been that the Government ought to carry out that treaty in good faith. It ought not to oblige, and it ought not to permit, those Indians to make contracts with reference to that tribal estate whereby anybody will receive a large fee or compensation for doing what it is the duty of the Government to do, and what I hope and believe the Government at no distant day will do in good faith.

That is what I had in my mind in connection with this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] makes the point of order against the amendment submitted by the Senator from New Mexico [Mr. FALL] to the amendment of the committee on the ground that it is general legislation. The amendment submitted by the Senator from New Mexico is palpably a substitute for that part of the bill beginning with line 21, on page 56, and ending with line 19, on page 57. That was the language which came to the Senate from the House. This being an amendment to a House provision, the Chair is impressed with the view that the point of order does not lie. It is therefore overruled.

The question now is on agreeing to the amendment offered by the Senator from New Mexico [Mr. FALL] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon agreeing to the committee amendment.

Mr. STERLING. I offer an amendment to the committee amendment.

Mr. STONE. Let the amendment be read, Mr. President.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 24, page 57, before the period, it is proposed to insert the following proviso:

Provided, The foregoing provision shall not apply to contracts made with or services rendered any Indian who is a citizen of the United States, has severed his tribal relations, and has been or is the owner in fee of lands under grant from the Government of the United States.

Mr. STERLING obtained the floor.

Mr. STONE. Mr. President, just a moment.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. STONE. I was merely going to make a request.

Mr. STERLING. I yield to the Senator from Missouri.

Mr. STONE. It is getting late, and clearly we shall not be able to conclude the bill to-night. I thought the Senator from South Dakota desired to have this matter go over, in order that he might look into it.

Mr. STERLING. That will be perfectly satisfactory to me.

Mr. STONE. If there are other amendments to be proposed to this particular provision, I should be glad to have them offered now, so that they may appear in the RECORD to-morrow morning.

Mr. OWEN. I wish to offer an amendment, in order that it may go in the RECORD of to-day's proceedings.

The PRESIDING OFFICER. The pending amendment, then, will be the amendment submitted by the Senator from South Dakota [Mr. STERLING] to the amendment of the committee.

Mr. GALLINGER. It will be printed in the RECORD?

The PRESIDING OFFICER. It will be printed, and pending.

Mr. STONE. It will be the pending amendment.

The PRESIDING OFFICER. Further amendments may be offered for printing.

Mr. OWEN. I submit an amendment to the amendment for printing, and give notice that I shall offer it at the proper time. It is as follows:

On page 57, at the end of line 24, strike out the period and add a comma and the following:

"And no contract made with any person claiming citizenship in any Indian tribe, where such contract affects the tribal funds or property in the hands of the United States, or the fee is to be paid from the claimant's portion of tribal funds or property, shall be valid, nor shall any payment for services rendered in relation thereto be made, unless the consent of the United States has previously been given."

Mr. MYERS. I offer an amendment to the bill, for the purpose of having it printed, and ask that it may lie on the table until reached.

The PRESIDING OFFICER. In the absence of objection, the amendment will be printed and lie on the table.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow afternoon at 2 o'clock.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 18, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 17, 1913.

AMBASSADOR TO ITALY.

Thomas Nelson Page, of Virginia, to be ambassador extraordinary and plenipotentiary of the United States to Italy, vice Thomas J. O'Brien, resigned.

ENVOY TO SWITZERLAND.

Pleasant A. Stovall, of Georgia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Switzerland, vice Henry S. Boutell, resigned.

COLLECTOR OF CUSTOMS.

Andrew J. King, of Montana, to be collector of customs for the district of Montana and Idaho, in the States of Montana and Idaho, in place of John G. Bair, whose term of office expired by limitation June 14, 1913.

REGISTER OF THE LAND OFFICE.

Cato D. Glover, of Gadsden, Ala., to be register of the land office at Montgomery, Ala., vice Nathan H. Alexander, term expired.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Second Lieut. Daniel D. Pullen, Corps of Engineers, to be first lieutenant from February 27, 1913, to fill an original vacancy.

Second Lieut. Carey H. Brown, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Alvin B. Barber, promoted.

Second Lieut. Oscar N. Sohlberg, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. William F. Endress, promoted.

Second Lieut. Beverly C. Dunn, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Jarvis J. Bain, promoted.

Second Lieut. Donald H. Connolly, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Thomas H. Emerson, promoted.

Second Lieut. Raymond F. Fowler, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Robert S. Thomas, promoted.

Second Lieut. David McCoach, jr., Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Roger G. Powell, promoted.

Second Lieut. James G. B. Lampert, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. John N. Hodges, promoted.

Second Lieut. Philip B. Fleming, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Arthur R. Ehrnbeck, promoted.

Second Lieut. John W. Stewart, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Harold S. Hetrick, promoted.

Second Lieut. Joseph C. Mehaffey, Corps of Engineers, to be first lieutenant from February 28, 1913, vice First Lieut. William A. Johnson, promoted.

MEDICAL CORPS.

To be captains with rank from June 15, 1913, after three years' service.

First Lieut. Albert S. Bowen, Medical Corps.
First Lieut. Ernest R. Gentry, Medical Corps.
First Lieut. Roy C. Hellebower, Medical Corps.
First Lieut. George M. Edwards, Medical Corps.
First Lieut. George B. Foster, jr., Medical Corps.
First Lieut. Joseph Casper, Medical Corps.
First Lieut. Henry Beeuwkes, Medical Corps.
First Lieut. Edward M. Welles, jr., Medical Corps.
First Lieut. Condon C. McCornack, Medical Corps.
First Lieut. William H. Thearle, Medical Corps.
First Lieut. Glenn I. Jones, Medical Corps.
First Lieut. George W. Cook, Medical Corps.
First Lieut. Charles C. Demmer, Medical Corps.
First Lieut. Charles T. King, Medical Corps.
First Lieut. Thomas H. Johnson, Medical Corps.
First Lieut. William H. Allen, Medical Corps.
First Lieut. Larry B. McAfee, Medical Corps.
First Lieut. Adam E. Schlanser, Medical Corps.
First Lieut. Carl E. Holmberg, Medical Corps.
First Lieut. John P. Fletcher, Medical Corps.
First Lieut. Joseph E. Bastion, Medical Corps.
First Lieut. Thomas D. Woodson, Medical Corps.
First Lieut. Alexander T. Cooper, Medical Corps.
First Lieut. John T. Aydelotte, Medical Corps.
First Lieut. Taylor E. Darby, Medical Corps.
First Lieut. Thomas C. Austin, Medical Corps.
First Lieut. Mark D. Weed, Medical Corps.
First Lieut. Edward D. Kremers, Medical Corps.
First Lieut. Charles W. Haberkampf, Medical Corps.
First Lieut. Harry R. Beery, Medical Corps.
First Lieut. James R. Mount, Medical Corps.
First Lieut. Royal Reynolds, Medical Corps.
First Lieut. James S. Fox, Medical Corps.
First Lieut. Felix R. Hill, Medical Corps.
First Lieut. Ralph G. De Voe, Medical Corps.
First Lieut. Wayne H. Crum, Medical Corps.
First Lieut. John A. Burket, Medical Corps.
First Lieut. Wibb E. Cooper, Medical Corps.
First Lieut. Thomas L. Ferenbaugh, Medical Corps.
First Lieut. William L. Sheep, Medical Corps.
First Lieut. Edgar C. Jones, Medical Corps.
First Lieut. Arthur O. Davis, Medical Corps.
First Lieut. Floyd Kramer, Medical Corps.
First Lieut. Edward L. Napier, Medical Corps.
First Lieut. W. Cole Davis, Medical Corps.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

George H. Emmerson,
George E. Brandt,
Robert O. Baush,
John C. Hilliard,
Karl F. Smith,
Owen St. A. Botsford,
Donald T. Hunter,
Henry B. Le Bourgeois,
Cleveland McCauley, and
Leslie C. Davis.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 11th day of June, 1913:

Edward A. Schumann, a citizen of Pennsylvania.
Robert L. Payne, jr., a citizen of Virginia.
Bruce Elmore, a citizen of Washington.
Charles C. Ammerman, a citizen of the District of Columbia.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of June, 1913:

William B. Hetfield, a citizen of New York.
Frank H. Haigler, a citizen of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 17, 1913.

JUDGE OF THE DISTRICT COURT OF ALASKA.

Frederick M. Brown to be judge of the district court of the District of Alaska, to be assigned to Division No. 3.

APPRAISER OF MERCHANDISE.

George E. Welter to be appraiser of merchandise in the district of Portland, Oreg.

POSTMASTERS.

ALABAMA.

Edward C. Barnes, Evergreen.
J. W. Barnes, Prattville.
J. F. Beatty, Atmore.
Clarence Byrd, Opp.
Josephine Carlisle, Girard.
W. H. Cleere, Haleyville.
J. W. Horn, Brantley.
Richard C. McCarty, Slocomb.

ARKANSAS.

H. R. Cantrell, Mansfield.
Stephen R. George, Magazine.
L. J. Miller, De Witt.

COLORADO.

F. F. Reinert, Fort Morgan.
Bruce Russell, Yuma.

GEORGIA.

Thomas K. Dunham, Darien.
Hattie F. Gilmer, Toccoa.
Martha E. Gorham, Crawfordville.
Josephine Hilliard, Union Point.
John N. King, Rochelle.
A. J. Lovelady, Ball Ground.
L. F. Maxwell, Cornelia.
W. A. Talley, Milltown.

HAWAII.

A. H. Silva, jr., Kahului.

IDAHO.

C. W. Greenough, Cottonwood.
Charles L. Hollar, Kellogg.

INDIANA.

Charles F. Bardonner, Cicero.
Charles E. Couch, Sheridan.
James F. Harding, Brownsburg.
William B. Vestal, Greencastle.

KANSAS.

Edward Corrigan, Effingham.
Viola Hamilton, Altamont.
Marion E. Henderson, Haven.
E. C. McDermott, Spearville.
Thomas O'Mara, Colony.
Eugene Skinner, Cherokee.

LOUISIANA.

George D. Domengeaux, Breaux Bridge.
Harry J. Geary, Lake Charles.
J. H. Houck, Gibsland.
Frank G. Hulse, Delhi.
John R. Nash, Logansport.

MAINE.

Ned W. Coombs, Castine.
Irenee Cyr, Fort Kent.
Reuben A. Huse, Kingfield.
Milford A. Waite, Canton.

MICHIGAN.

Charles W. Cargo, Bellevue.
M. S. Carney, Decatur.

MINNESOTA.

Amos F. Avery, Stewart.
George A. Blackmun, Hancock.
H. L. Buck, Winona.
Martin Christensen, Barnum.
Herman N. Dahl, Minneota.
E. L. Flaten, Moorhead.
John Flynn, Carlton.
Nels E. Hawkinson, Grove City.
Edward Hurley, La Crescent.
J. S. Jacobson, Elbow Lake.
C. E. Jude, Maple Lake.
W. P. Lemmer, Belgrade.
Paul D. Mitchell, Brooten.
Walter W. Parish, Rushford.
C. H. Phinney, Herman.
Joseph H. Seal, Melrose.
Charles L. Skaug, Crookston.
Emanuel Yngve, Cambridge.

MISSISSIPPI.

C. W. Bolton, Pontotoc.
David Walley, Richton.

MISSOURI.

W. L. Hixson, Billings.
L. M. Hutcherson, Warrenton.
Louie L. Jobe, Bloomfield.
Louie C. Mattox, Cuba.
William C. Murray, Doniphan.

NEW HAMPSHIRE.

Irving H. Hicks, Contocook.
Horace C. Phaneuf, Nashua.

OHIO.

H. E. Kinzly, Nevada.
Frank V. Lantz, McArthur.
Byron C. Porter, Kinsman.

OKLAHOMA.

J. M. Ennis, Antlers.
Francis M. Reed, jr., Afton.
Charles J. Townsend, Idabel.
Robert E. Lee Woods, Duncan.

PENNSYLVANIA.

James G. Downward, jr., Coatesville.
E. Howell Fisk, Dalton.
Stephen L. Hennigan, Old Forge.
William F. Johnston, Westgrove.
D. J. Kyle, Harrisville.
Joshua P. Lamborn, Berwyn.
Shepherd M. Lash, Herminie.
G. B. Livingston, Conneaut Lake.
Junius W. U. McBride, Beaver.
John D. Moore, Oxford.
W. H. Portser, Saltsburg.
John H. Rahn, Schwenkville.
T. Cheyney Scott, Malvern.
Samuel G. Shannon, Norwood Station.
Oscar Wolfensberger, Lemoyne.

SOUTH DAKOTA.

Rush O. Fellows, Bellefourche.
O. M. Iverson, Hudson.

TEXAS.

John J. Ball, Orange.
Ralph H. Barnett, Hereford.
Myrtle C. Bradshaw, Roxton.
Kate G. Burke, Crosbyton.
W. H. Cook, Henrietta.
M. C. Fields, Lott.
J. W. Gaskin, Jacksboro.
W. B. Hutchison, Tulia.
F. P. Ingerson, Barstow.
George P. Knight, Stephenville.
Henry L. Luckett, Toyah.
John W. Miller, Dilley.
Charles B. Moore, Lovelady.
J. L. Noel, Pilot Point.
T. J. Oden, Lindale.
B. C. Sanford, Plainview.
G. W. Smith, Sonora.
Annie Stryker, Woodville.
Green B. Taylor, Pecan Gap.
Henry Van Geem, Eastland.
J. W. Winsett, Higgins.
T. P. Woodward, Yoakum.

WASHINGTON.

F. A. Kennett, Prosser.

WEST VIRGINIA.

Wirt A. French, Princeton.
Harry B. Moore, Ronceverte.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 17, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, impress us more profoundly with the sinfulness of sin and inspire within us an admiration and fervent desire for righteousness. Sin impoverishes the soul, while righteousness enriches it. Sin weakens the moral fiber, while righteousness strengthens it. Sin alienates, while righteousness brings us in communion with Thee. Sin is a reproach to the individual, a reproach to any people. Righteousness exalteth the individual and exalteth the Nation. The moral and religious status of the Nation is measured by the moral and religious status of the individuals who compose it. Hence we pray most fervently that sin may diminish and righteousness increase, that as individuals and as a Nation we may reflect Thy glory in thought, word, and deed, and have the respect and admiration of all the people of all the world; and all the praise we will ascribe to Thee, our God and our Father. Amen.

The Journal of the proceedings of Friday, June 13, 1913, was read and approved.

SWEARING IN OF A MEMBER.

Mr. HENRY GEORGE, Jr., appeared at the bar of the House and took the oath of office.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FRANCIS, for two weeks, on account of important business.

To Mr. STEVENS of Minnesota, for three weeks, on account of important business.

To Mr. GORDON, for several days, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 4480) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was changed from the Committee on Appropriations to the Committee on Claims.

LEAVE TO ADDRESS THE HOUSE.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that on Friday next immediately after the reading of the Journal the gentleman from Kansas [Mr. NEELEY] be allowed to address the House for one hour.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Friday next, immediately after the reading of the Journal, the gentleman from Kansas [Mr. NEELEY] be permitted to address the House for one hour. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object—of course I have no desire to interfere with the gentleman speaking—but on that day, immediately after the reading of the Journal, there may be some very important matters to be considered by the House.

Mr. HENRY. That is, not to interfere with the business of the House.

Mr. SHERLEY. If that is understood, I have no objection.

The SPEAKER. The request, then, is amended so that it may not interfere with the business of the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SIZE, ACCOMMODATIONS, AND COST OF PUBLIC BUILDINGS.

The SPEAKER. Under public act No. 432, approved March 4, 1913, to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, the appointment of a commission is provided for in section 36 of that act, as follows:

SEC. 36. That a commission composed of the Secretary of the Treasury, the Postmaster General, the Attorney General, two members of the Committee on Public Buildings and Grounds of the Senate to be appointed by the President of the Senate, and two members of the Committee on Public Buildings and Grounds of the House of Representatives to be appointed by the Speaker of the House, shall, with the aid of the Supervising Architect of the Treasury, present to Congress a connected scheme, involving annual appropriations, for the construction and completion of public buildings heretofore authorized within a reasonable time, and shall frame a standard or standards by which the size and cost of public buildings shall, as far as practicable, be determined, and shall report as to the adaptability in size, accommodations, and cost of buildings hitherto authorized to the requirements of the communities in which they are to be located, and also whether the existing appropriations should be increased or diminished to meet such requirements, and that the sum of $5,000 is hereby appropriated for the expenses of such inquiry.

The Speaker appoints as members of that commission the gentleman from Florida [Mr. CLARK] and the gentleman from Tennessee [Mr. AUSTIN].

MONEY TRUST INVESTIGATION.

Mr. HENRY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 100,000 additional copies of the report of the Pujo Money Trust committee on House resolutions Nos. 429 and 504, 75,000 copies for the use of the House of Representatives, to be apportioned as follows: Five thousand to the Committee on Banking and Currency and 70,000 to the House document room; and 25,000 for the use of the Senate.

Mr. BURKE of South Dakota. Mr. Speaker, I understand that this is a request for unanimous consent?

The SPEAKER. It is.

Mr. HENRY. It is. I would like to make a statement respecting it.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to make the point of order that the resolution is not in order, being a joint resolution, and it can only be brought up through the basket. If the Speaker desires to hear me upon that I would be very glad to address myself to the Chair.

Mr. HENRY. Mr. Speaker, I will ask the gentleman to hear me for a few minutes.

Mr. BURKE of South Dakota. Very well, Mr. Speaker. I will reserve the right to object, and withhold the point of order for the present.

Mr. HENRY. Mr. Speaker, I am asking unanimous consent for the present consideration of this resolution, and the House can give unanimous consent to suspend all rules and to consider it. I wish to say this is a very important and urgent matter. There are numerous requests coming from all parts of the country for this report. My office is so flooded with requests that I can not supply one-fiftieth part of the demand. I have a letter here to-day from Collier's Weekly to this effect:

COLLIER'S WEEKLY,
901 Munsey Building, Washington, D. C., June 16, 1913.

Hon. ROBERT L. HENRY,
House Office Building, City.

MY DEAR CONGRESSMAN: Of the letters which come into this office making various requests for information and documents, we notice that there is a very great demand for the reports of the Pujo committee. I am convinced that it would serve a useful public purpose and be a very popular thing if more copies of that report were printed and made available for distribution. It is a very educational thing and deals with a subject which will be widely discussed during the coming months.

Of course we have no interest in this whatever, and I am writing this letter wholly as a suggestion which may interest you and be serviceable to the public. In my own judgment it would be very well worth while to have more copies printed and have it made known that they are available for distribution.

Cordially, yours, MARK SULLIVAN.

Mr. Speaker, I am asking for only 100,000 copies of that report now. It is my purpose to follow it hereafter if the demand increases, which I am sure will occur, and ultimately it will be necessary to print additional copies of this report. It is the fruit of months of investigation, and more than $50,000 were expended to make the investigation. It is highly important that we give to the country the result of that investigation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for a question?

Mr. HENRY. I will.

Mr. MONDELL. How large a document is that report?

Mr. HENRY. The document is about 260 pages, including the maps, charts, and so forth, but the report proper is about 160 pages. I do not ask for a reprint of the hearings; it is only the report signed by the members of the majority and the minority of the committee.

Mr. MONDELL. Does the gentleman know how much 100,000 copies of the report will cost?

Mr. HENRY. I do, and will give the gentleman the figures now. I have had the Public Printer make an estimate.

The estimate is as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, June 16, 1913.

Hon. ROBERT L. HENRY,
House of Representatives, Washington, D. C.

MY DEAR MR. HENRY: Pursuant to your verbal request for estimates on House Report No. 1593, Sixty-second Congress, third session, "Report

of the committee appointed pursuant to House resolution 429," etc., I have the honor to quote as follows:

25,000 copies	$3,238.25
50,000 copies	6,195.75
75,000 copies	9,153.25
100,000 copies	11,568.25
150,000 copies	17,128.75
200,000 copies	22,689.25
250,000 copies	28,249.75
300,000 copies	33,810.25
350,000 copies	39,370.75
400,000 copies	44,931.25
450,000 copies	50,491.75
500,000 copies	56,052.25

Respectfully,

SAM'L B. DONNELLY,
Public Printer.

Now, the demand for this document has been so great that the counsel for the Money Trust investigating committee spent $20,000 out of his own pocket in order to have it reprinted and circulated.

Mr. MONDELL. How many reports were originally printed or have been printed up to this time?

Mr. HENRY. I have not made that calculation because I do not know. All I know is that there is a demand coming to the document room and to Members of the House and to my office daily.

Mr. MONDELL. And the supply is entirely exhausted, is it?

Mr. HENRY. Entirely exhausted; only 10,500 copies have been printed, the gentleman from Kansas [Mr. NEELEY], who was a member of the investigating committee, informs me.

Mr. MONDELL. Well, now, is it the opinion of the gentleman, other than the suggestion from the editor of Collier's Weekly, that there will be a demand from now on for ten times as many copies as have already been printed?

Mr. HENRY. I will say to the gentleman I have in my office a demand for 25,000 copies now, and they are coming in every day, and I am sure other Members have demands.

Mr. MONDELL. Twenty-five thousand people have written the gentleman asking for copies of this report?

Mr. HENRY. Twenty-five thousand including suggestions to send copies to the following names, and so forth. That many can be supplied, and I am sure it will amount to more than that; but I wish the Members to understand that in my judgment this report, after having spent all this money on it, should be reprinted at the cost estimated by the Public Printer.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY. I do.

Mr. BORLAND. I agree very thoroughly with the gentleman about the demand for this document, but I would like to ask the gentleman why he has not proposed to put it in the document room rather than in the folding room?

Mr. HENRY. I have no objection to that.

Mr. BORLAND. I think it is absolutely necessary that there should be an equal distribution.

Mr. HENRY. I think the gentleman is correct about that.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wyoming?

Mr. HENRY. I will modify my request, Mr. Speaker, in that particular, so as to provide that the copies shall be placed in the folding room.

Mr. MONDELL. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. MONDELL. Is it not usual, in the case of a request for a publication so large as this, that the matter should be first referred to the Committee on Printing?

Mr. HENRY. I do not think so, when the House has full information on the subject.

Mr. MONDELL. I have no information on the subject, and I have not had a single request for the document.

Mr. HENRY. If the gentleman wishes, I will modify my request to this extent, to ask to-day for 50,000 copies, and then when that edition is exhausted, come on another day and ask for more.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield for a question or two?

The SPEAKER. Does the gentleman yield?

Mr. HENRY. Yes; certainly.

Mr. SHERLEY. These documents are purchasable, are they not?

Mr. HENRY. From the Public Printer; yes.

Mr. SHERLEY. Is it not true that there is an organized movement—and I do not use that word in an offensive way—to distribute these documents around? For instance, there are a series of articles purporting to be written by Mr. Lawson, in which there is an agitation for these documents, and now the gentleman from Texas [Mr. HENRY] presents a letter from Collier's. I have always believed that the mistake we made was in the indiscriminate free distribution of documents. I believe that men who really desire documents of this kind would not mind the small expense incident to the purchase of a copy, and I have heard right through this discussion half a dozen gentlemen around me say what has been their experience, which has been mine, of a very limited demand. I have had about five requests for this document, which I have supplied, and I have heard at least five gentlemen since the matter started say that that had been about their experience.

Of course the gentleman from Texas, through his connection with the matter, has had a special demand made upon him, and he has made a very surprising statement, that the counsel of the commission had expended $20,000 in supplying copies of the report. As I recall, his fee was only $25,000.

Mr. HENRY. His fee was only $15,000.

Mr. SHERLEY. Then he is $5,000 to the bad?

Mr. HENRY. Yes; but on an important matter like this, why require the people interested to pay for such a report?

Mr. SHERLEY. As I understand the gentleman, it costs $11,000 to print an edition of 100,000 copies?

Mr. HENRY. Yes.

Mr. SHERLEY. Then the gentleman referred to has already distributed about 200,000 copies. I mean the counsel, Mr. Untermyer.

Mr. HENRY. Something like 175,000 copies.

Mr. SHERLEY. How many has the Government printed heretofore?

Mr. HENRY. We have had printed 10,000 and something. That is the reason I am complaining. Now, we could expend some money and give some circulation to this report.

Mr. SHERLEY. I think it should have proper circulation, but the gentleman knows how many reports are sent out and never read.

Mr. HENRY. I agree with the gentleman on that, and I would not want to have printed more copies than we need. Here is the report. It embraces 165 pages—the report proper. Then there are some maps and charts and figures, and two bills are suggested, and the whole thing together is 258 pages. That is the report proper, not the hearings. I think we ought to print a sufficient number to supply the demand.

Mr. SHERLEY. So do I, provided the demand is a legitimate demand. But I do not think we ought to print documents to supply an agitated demand, and, judging from what men about me are saying constantly in conversation, their experience concerning the demand is very different from that which the gentleman has had.

Mr. HENRY. Well, there is the letter from Collier's Weekly, a public-spirited journal of this country.

Mr. SHERLEY. I understand that. Collier's Weekly is a popular publication, and I am not criticizing it. This is a question of policy. They happen to like a particular report that coincides with some particular views which they entertain. Naturally they think it advisable to have these views largely disseminated. So does Everybody's, in its publication, and it is perfectly natural that they should feed the desire as long as it does not cost these publications anything to have the reports published. What I am suggesting to the gentleman is whether we ought not to take the other course and say that in publications of this kind we will make them available to the men who really desire to get them at a nominal cost. In England there are hardly any public documents distributed free, but here we waste annually millions of dollars in printing and distributing public documents without any apparent beneficial result.

Mr. HENRY. It is true we do expend a great deal of money in publishing documents and distributing them, but it seems to me we ought to get together on this important document.

Mr. SHERLEY. I think this is an important document, but it is like very many other important documents. It is important, but perhaps my absence from having a direct relation to the creation of it has prevented me from seeing the superlative importance in it that the gentleman from Texas sees. I think it is of value, but I do not think the country is suffering from an absence of copies of the Pujo report.

Mr. HENRY. That comes, perhaps, from the fact that the gentleman has not read the report.

Mr. SHERLEY. That might be, but it so happens that that is not the fact.

Mr. HENRY. Therefore I hope the gentleman will join with me in this request in order that we may have a sufficient number of copies.

Mr. MONDELL. Will the gentleman from Texas yield?

Mr. HENRY. I will.

Mr. MONDELL. I understand it is the view of the gentleman from Texas that there should be a further investigation along the lines of that adopted by the Pujo committee.

Mr. HENRY. I do not hesitate to state to the gentleman my position. It is that this report urgently recommends the continuation of the investigation into the Money Trust by this Congress, for the reason that the power of the former committee expired when the last Congress adjourned. There were fifty-odd witnesses standing around ready to testify; there were stacks of records and proof ready to be presented to the committee if there had been time then. In my judgment the present able and strong Banking and Currency Committee should be authorized to carry out the urgent recommendations of this report and be instructed to at once take up this question of investigating the Money Trust, concurrently with the investigation by the Committee on Banking and Currency of the currency proposition, and go to the bottom of the question if it takes July, August, September, October, November, and up to the first of December to get all the light that can be procured on the subject.

I do not know of a more important thing that could be done for this country to-day than to endow the new Banking and Currency Committee with power to carry out the recommendations of the old investigating committee.

Mr. MONDELL. Is it the gentleman's view that the dissemination of 100,000 copies of this report would furnish the people with sufficient information on which to base intelligent public opinion relative to currency legislation, or is it his view that the reading of this report would increase the importance and necessity of carrying on the work of the investigation by this committee before passing currency legislation? I want to get at the gentleman's position.

Mr. HENRY. I am glad to answer the gentleman's question. This committee exhausted the inquiry in so far as the clearing-house situation and stock exchange in New York was concerned. But in this report the committee announce that they barely scratched the surface of the proposition of the concentration and control of money and credit. There is one branch of the subject entirely untouched by this committee, and they ask that the next Congress give the committee power to go into this thing. We will be to a certain extent groping in the dark in regard to currency legislation until this committee is given ample power to investigate these things showing the connection between Wall Street and the bankers and the gamblers and the stock-brokers and monopoly, and its connection with the Treasury of the United States under the last Republican administration. We want it in order to get behind that statute which gave immunity to the Comptroller of the Currency under which he refused to allow the committee to go into the affairs of these concerns and the national banks. We want to give Congress the power to go into the uttermost recesses of all these transactions so that we may know what steps to take in regard to banking and currency legislation and their interlocking with trusts and monopolies.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. HUMPHREY of Washington. Will the gentleman state how much it has cost to simply "scratch the surface"?

Mr. HENRY. I will. It has cost about $50,000 and a little over.

Mr. HUMPHREY of Washington. How much of that was paid for the attorney fee?

Mr. HENRY. I think $15,000 was paid to him. That is my understanding.

Mr. HUMPHREY of Washington. How much does the gentleman estimate it will take to get a thorough investigation if it has cost already some $50,000 to scratch the surface?

Mr. HENRY. Mr. Speaker, I think if you will amend this immunity statute behind which the Comptroller of the Currency hid and behind which the great Wall Street bankers took refuge, if the Senate will pass the resolution as we passed it almost unanimously during the last Congress, and will give this committee ample power, and they go into the question, that in less than 60 days, with an expenditure of $25,000, with nonreluctant witnesses, we can get information that will be worth untold millions and millions of dollars to the American people.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Yes.

Mr. BORLAND. I will ask the gentleman whether it is not a fact that the then Comptroller of the Currency refused to disclose to the investigating committee some very important facts that were then within his control and knowledge?

Mr. HENRY. It is.

Mr. BORLAND. Is it not possible that a Comptroller of the Currency under a different administration might take a different view and might disclose a great deal of valuable information without any further investigating committee?

Mr. HENRY. That may be true, and therefore the investigation might run along, and at the same time a Comptroller of the Currency might bring these records in. Let me give the House a little information about this, because some have not studied this report as carefully as they should. The report reads:

> Your committee was advised by Messrs. Untermyer and Farrar at the time they accepted their retainers that there could be no exhaustive inquiry such as was contemplated by the resolutions without access to the books and documents of the national banks, nor unless the official examiners appointed by the Comptroller of the Currency or expert accountants to be employed by your committee were permitted to examine into certain of the transactions of the national banks and to extract from their books and otherwise such information as might be deemed necessary. *Your committee was especially desirous of ascertaining, with the view of recommending remedial legislation, whether, and if so, in what instances and to what extent, the resources of the national banks are or were controlled or being used to further the practices or to promote the financial operations referred to in the resolutions. Without such access and information it was manifestly impossible to secure a complete exposure of the existing relations of such banks to the alleged concentration of money and credit as required by the resolutions.*

The comptroller hid behind that statute and the bankers dodged behind it, as they would do again, and refused to answer the questions while they were extracting money from the vaults of the Treasury of the United States daily and using the people's money in gambling transactions.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Yes.

Mr. PAYNE. Has the gentleman any information by which he can inform the House whether the present Comptroller of the Currency is hiding behind any statute and refusing to give any information?

Mr. HENRY. I do not know anything about that, but I know these bankers will hide behind it.

Mr. PAYNE. But you are talking about the Comptroller of the Currency. Did they not put it upon the ground that the statute makes that confidential information to the Government? And is there any difference in the attitude between the present comptroller and the former comptroller?

Mr. HENRY. No; they did not put it upon that ground. They put it on the ground that these great bankers slipped one over on the people when that part of the statute was written, in order that no power except the comptroller and courts could go into the affairs of national banks.

Mr. PAYNE. Then the gentleman has no knowledge of the attitude of the present comptroller?

Mr. HENRY. No; I have not tried to get any information about that, because I know that the former comptroller balked the committee, and the bankers would hasten to hide behind the same statute again, unless we give the people's representatives the power to inquire into such affairs.

Mr. PAYNE. But I am asking the gentleman about the present comptroller. I want to find out what his attitude is. The gentleman from Texas is seeking to make political capital out of the fact that the former comptroller did what he deemed to be his duty and refused to reveal these things that came to him confidentially, as he claimed, from the banks. I want to know whether there has been any improvement or change in the attitude of the present comptroller.

Mr. HENRY. I understand no comptroller has been named, although that makes no difference as far as this proposition is concerned. No matter who the comptroller is, whether Democratic or Republican, he ought not to have this power.

Mr. PAYNE. Then, has the gentleman put it up to the present administration and the present President as to whether it is his idea that the comptroller should refuse this information?

Mr. HENRY. Oh, my good-natured friend knows that is not germane to this question.

Mr. BORLAND and Mr. MONDELL rose.

The SPEAKER. To whom does the gentleman from Texas yield?

Mr. HENRY. I yield first to the gentleman from Missouri and then to the gentleman from Wyoming.

Mr. BORLAND. I want to call the attention of the gentleman to this: As I gather from the report he has in his hand, the committee made an examination into the New York Stock Exchange and into the clearing-house situation?

Mr. HENRY. Yes.

Mr. BORLAND. But they were unable to make an examination into the credits or loans that had been made by these big national banks and the purposes for which those loans were made.

Mr. HENRY. The gentleman is entirely correct.

Mr. BORLAND. Now, that is the place where the comptroller, as the gentleman says, balked the committee under the con-

struction of that statute. Is not all of that information, as to the big loans that the banks have made, and the parties to whom they have gone, and the relations of these parties to the banks, within the knowledge of the comptroller through his bank examiners? And if he took a different view of the situation, could he not, without any further investigation by Congress, lay that information before the committee or before Congress?

Mr. HENRY. That might be possible, but we prefer to throw the gates wide open and let in the light on these transactions. And here stood this investigating committee, saying to these bankers in Wall Street, to this Money Trust, "We do not want any facts in regard to any transaction of less than $1,000,000 in magnitude. We will not come below $1,000,000, but we want to know about transactions above $1,000,000." I say that statute ought to be amended so as to place this power back with the House and the Senate, in order that they may make investigations.

Mr. CULLOP. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. HENRY. I promised to yield to the gentleman from Wyoming [Mr. MONDELL] first.

Mr. MONDELL. Mr. Speaker, I think the gentleman's demand for this report should be met, and I am anxious to understand as to the character of the demand and its extent. I have not had information on that subject. I have had very few requests. I notice that the Washington Post, in a recent article under the caption "Under veto threat," has this to say:

> The House Banking and Currency Committee will not hold open meetings during its consideration of the Wilson-Glass currency-reform bill. The meetings will be executive.
>
> The Wilson bill is to be submitted to the committee with instructions that it shall not be changed in committee or by the House. Members of Congress interested in currency legislation have advised the President and Secretary McAdoo that any plan of currency reform must be presented in prepared form and must not be left open to amendment or change in either House or Senate. The bill as it comes from the White House will be the law.
>
> It was explained that there were too many Members of both branches who held radical ideas on the subject to admit of the possibility of sensible legislation should they be permitted to inject their individual views. The President and Secretary McAdoo concurred in this suggestion. It has been announced by an administration official that the bill to come from the House committee will be jammed through both House and Senate under threat of the presidential veto should there be a change.

What I am anxious to know is whether the gentleman from Texas is in favor of this wide distribution of this document or whether his committee is in favor of it on the theory that it will retard the legislative program outlined in the editorial I have just read.

Mr. HENRY. The gentleman is very "cute," but he can not draw me into gratifying his childlike and bland curiosity on that point. [Applause on the Democratic side.]

Mr. MONDELL. Will the gentleman yield for just one more question?

Mr. HENRY. I will.

Mr. MONDELL. Does the gentleman believe the distribution of these documents would expedite the passage of currency legislation at this session?

Mr. HENRY. Oh, I think so. I think it would expedite everything good pertaining to it.

Mr. MONDELL. Would it expedite the program outlined in the article which I have read?

Mr. HENRY. The gentleman is trying to draw me into that question again, and I beg to decline.

Mr. CULLOP. It would at least educate the people on the necessity of it, would it not?

Mr. HENRY. I should think so, undoubtedly. [Applause on the Democratic side.]

Mr. CULLOP. I should like to ask the gentleman from Texas this question: I understand from the gentleman's construction of this statute controlling national banks and the Comptroller of the Currency that it is merely directory instead of mandatory?

Mr. HENRY. Yes.

Mr. CULLOP. If that be true, could not the Committee on Banking and Currency get this information from the Comptroller of the Treasury, if he is friendly to this matter, without continuing the powers of the Pujo committee?

Mr. HENRY. No; he could not. Now I will read the statute; I have it here.

Mr. CULLOP. I have the gentleman's answer.

Mr. HENRY. No; and I will tell you why, if you will let me. Here is the reason why. The statute is section 5241 of the Revised Statutes:

> No association shall be subject to any visitatorial powers other than such as are authorized by this title or are vested in the courts of justice.

They would hide behind it, and when you ask for these facts they under that statute claim immunity.

Mr. CULLOP. That refers to banks.

Mr. HENRY. Yes. No matter who the comptroller might be or to what party he belongs.

Mr. CULLOP. If the comptroller has this information and is friendly to the opening up of this matter to the public, what is in that or any other statute that would prevent him from communicating it to the Committee on Banking and Currency as he ought to and should do?

Mr. HENRY. If my friend will read the banking and currency law, he will find that those gentlemen would hide behind a hundred stumps whenever you undertake to dig into their affairs.

Mr. CULLOP. Is there anything in the law——

Mr. HENRY. Yes——

Mr. CULLOP. Wait until I get through my question—that would prevent the Comptroller of the Currency from giving that information, as one of the heads of the department, to the Committee on Banking and Currency?

Mr. HENRY. Oh, he would give certain information and then these gentlemen would hide behind these different provisions of the law, as I said, and so obscure the issue you could not get to the bottom of it.

Mr. CULLOP. Well, is there anything in the law that prevents the Comptroller of the Currency from fully investigating and getting all the information possessed by any national bank in this country; and if so, what is that provision?

Mr. HENRY. Yes; there is a great deal in the law. The gentleman is in favor of this investigation, is he not?

Mr. CULLOP. Certainly I am and I am in favor of publishing this report, but the question with me is the best, most feasible, and quickest way to get at it, and I contend that the Comptroller of the Currency, under the law, has a right to come before the committee any day and furnish it with this information and that there is no law that will prevent him from disclosing the condition of any bank.

He also has power already provided under the law to compel national banks to disclose fully every transaction conducted by it. There is no law that would enable them to hide any transaction from him, and I contend it is his duty when called upon by the proper authority to get this information and give it to the committee. No law prevents it and public policy requires it, and if he refused to do so when properly called upon, he should be dealt with as the offense required. He would have no right to refuse such a request. It seems to me this information might well be obtained through him, and if so, additional legislation would not be necessary in order to get possession of this information.

Mr. HENRY. Mr. Speaker, I congratulate the gentleman on his patriotism.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. HENRY. I yield.

Mr. MOORE. Mr. Speaker, the gentleman said a few moments ago that if it were necessary he would be willing to stay here until September or October, or November if necessary, to pursue this currency investigation. Does the gentleman mean to indicate we are likely to be held here until November on the currency question?

Mr. HENRY. I do not know anything about that; but have not the slightest idea we will get away before the 1st of October on the tariff question.

Mr. MOORE. That is just the point. A number of gentlemen here are very anxious to have the tariff question closed, and I think there is good Democratic authority for the statement that it would be good Democratic policy, as well as good Republican policy, to have that question closed as quickly as possible.

Mr. HENRY. It seems to me the Democratic Party would promptly grant the request of the gentleman from Pennsylvania.

Mr. MOORE. Is it not a fact that there is very high Democratic authority for the statement that we ought to dispose of the tariff question before taking up the currency question, inasmuch as the people seem to be better informed on the tariff than upon the subject of currency?

Mr. HENRY. Well, that is another side issue.

Mr. MOORE. Has it not come from high Democratic authority that it would be very good policy to have the tariff question disposed of before taking up the currency question?

Mr. HENRY. Oh, the gentleman is educated, can read and construe language.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. AUSTIN. Mr. Speaker, I object.

Mr. BURKE of South Dakota. Mr. Speaker, I made a point of order.

The SPEAKER. The gentleman from Tennessee objects.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ADJOURNMENT UNTIL FRIDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARMOR PLATE.

Mr. BARTON. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution by Mr. BARTON.

Resolved, That the Secretary of the Navy be, and he is hereby, instructed to send to the House of Representatives at the earliest date possible the following information:

First. What has been the total expenditure of the United States Government for armor plate for all purposes since its introduction and use in the construction of war vessels?

Second. What portion of this amount has been paid to the Carnegie Steel Co., the Bethlehem Steel Co., and the Midvale Steel Co., and to other steel companies, if any?

Third. What is the cost per ton to the Government for armor plate purchased? What is the cost of manufacturing armor plate per ton?

Fourth. Do steel-manufacturing companies having contracts to furnish gun castings for the United States Government make contracts with foreign countries, the guns being finished wholly or in part by the United States navy yards? If so, what number of guns have been so finished and for what countries, and what compensation has the United States received?

Fifth. What would be the cost of erecting and equipping a Government plant for the manufacture of armor plate?

Sixth. A large portion of the expense of making guns being already provided for by the Government in its own plant, what would be the additional expense of enlarging the plant so that the guns could be made entirely by the Government?

Seventh. What is the cost per ton of powder now manufactured by Government plants? What is the cost per ton of powder purchased for the use of the Government? What would be the expense of enlarging the Government plant or erecting additional plants, to the end that the United States manufacture all its powder instead of only a portion, as at the present time?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to say that so far as the information affecting powder is concerned, it was all furnished to the House at the last session of Congress by the Committee on Appropriations. It seems to me that this resolution should go to the Committee on Naval Affairs or to whatever committee should have jurisdiction. I object.

Mr. BARTON. Mr. Speaker, will the gentleman from New York reserve the right to object until I can make a brief statement?

Mr. FITZGERALD. How much time does the gentleman desire?

Mr. BARTON. About two minutes.

Mr. FITZGERALD. Very well.

Mr. BARTON. Mr. Speaker, a resolution similar to this was introduced by Senator TILLMAN. While it did not take up the powder proposition, it did take up the cost of armor plate, and was considered by the Senate. I know from personal knowledge that this information can not be obtained upon application of a Member of Congress, and I feel that a Representative here should be entitled to information, if we are not transcending our rights when we are simply asking for something to act upon in future legislation.

Mr. FITZGERALD. Mr. Speaker, under the rules of the House all resolutions of inquiry, if not reported back by a committee within a week, are privileged matters, and it has been the custom always to give the committee that would have proper jurisdiction of such resolution an opportunity to determine whether the request made is sufficient, or should be broadened, or should be narrowed.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman whether the committee would have the right to report this under the rule recently adopted by the Democratic caucus, putting off action on resolutions of this kind?

Mr. FITZGERALD. Even if it did not, the right of the gentleman to move the discharge of the committee would not be affected.

Mr. PAYNE. What would a poor minority Member do? He is not a member of the Democratic caucus, and he can not protest there. He comes here and presents a resolution, and he is told to go to the committee, and the committee is prohibited from acting by the rules of the Democratic caucus.

Mr. FITZGERALD. Mr. Speaker, the members of the poor minority can properly spend their time in offering thanks to divine Providence that the people in their supreme wisdom had placed the Government in the hands of the Democratic Party in the last election. [Applause on the Democratic side.]

Mr. PAYNE. I do not think they have exhibited that wisdom here conspicuously. They seem to be afraid of themselves and afraid of their own party and they are afraid to let things take their proper course in the Congress of the United States.

Mr. FITZGERALD. I am simply asking, Mr. Speaker, that this resolution take its proper course.

Mr. PAYNE. No; the gentleman has attempted to block that proper course and stop the action of the rules of the House, and destroy the action of the rules of the House by action of your caucus. That is a so-called reform—I guess the Democratic brand of reform.

Mr. FITZGERALD. Mr. Speaker, the gentleman from New York [Mr. PAYNE] had been in Congress until he was looked upon as an antique relic before I came here, and in all the time of his service he never raised his voice to obtain any information about the many indefensible contracts of the steel corporations of the country. It is too late for him to deceive anybody into the belief that he is anxious to obtain information. All of this information that is desirable will be had.

In the last session of Congress the Committee on Appropriations, under the lead of the gentleman from Kentucky [Mr. SHERLEY] made a very exhaustive investigation into the cost of production of powder, both by the Government and by private plants, and as a result it reduced the price of powder——

Mr. BARTON. On that theory might not this reduce the price of steel?

Mr. FITZGERALD. All that information is available, and as I say, they reduced the price of powder.

Mr. BARTON. If I strike out the part pertaining to powder——

Mr. FITZGERALD. The committee recommended and Congress fixed the price of this powder at a figure less than the representatives of the Government expressed the opinion that it should be fixed.

Mr. BARTON. So long as the Democratic Secretary of the Navy has recommended this sort of proceeding, and so long as you admit that the investigation by the last committee reduced the price of powder to the Government, if I will agree to strike out the part relative to powder will you permit the portion relating to armor plate to go before the House?

Mr. FITZGERALD. I believe that the gentleman's resolution should be considered by the committee that has most information and greatest familiarity with the matter.

Mr. BARTON. Then do you object?

Mr. FITZGERALD. And if the committee does not report within a week the gentleman can test the sense of the House any day after that by submitting a privileged motion to discharge the committee from the present consideration of the resolution.

Mr. BARTON. You know I can not do that.

Mr. FITZGERALD. Oh, the gentleman can do that.

Mr. BARTON. After the 23d?

Mr. FITZGERALD. At any time after one week, if this resolution is referred to the committee to-day.

Mr. BARTON. Do you object?

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects, and the resolution is referred to the Committee on Naval Affairs.

PHILIPPINE PUBLIC LANDS (H. DOC. NO. 89).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I submit herewith Act No. 2222 of the third Philippine Legislature, entitled:

An act further to amend section 33, chapter 4, of Act No. 926, entitled "The public-land act," as amended, by providing for the granting of free patents to native settlers until January 1, 1923.

I have approved the act and submit it in accordance with provisions of section 13 of the act of Congress, July 1, 1902, entitled:

An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

I also transmit herewith a letter of the Secretary of War, explaining the act and its purposes.

WOODROW WILSON.

THE WHITE HOUSE, *June 13, 1913.*

ADMINISTRATION OF THE PUBLIC LANDS.

Mr. TAYLOR of Colorado. Mr. Speaker, on the 4th, 5th, and 6th of this month the governors of the Western States held a meeting in Salt Lake City, Utah, for the purpose of considering the question of conservation as it has been practiced by the Federal Government during the past few years.

The object of the governors was to thoroughly discuss, agree upon, and systematically show to this new administration and to Congress how and wherein the present public-land policy is seriously impeding and permanently retarding the settlement of the public-land States, and to earnestly urge upon this administration and this Congress the imperative necessity of opening the public domain to settlement, and of a more liberal and practical policy toward the public-land settlers, the miners, and the development of the West generally.

The meeting was attended by nearly all of the western governors. The First Assistant Secretary of the Interior and the Commissioner of the General Land Office were both present by special invitation, and there was a full and free three days' discussion of the Federal public-land policy. No other question was considered. The conference was perfectly harmonious, thoroughly businesslike, and most successful; and after an exhaustive presentation of the subject, representing all phases of the matter, the governors unanimously agreed upon a statement to the country in the form of a set of resolutions, which have been transmitted to me by the governor of Colorado, and I ask leave to extend my remarks by inserting those resolutions in the RECORD, and at some later time I will ask consent to discuss these various subjects more in detail.

STATE OF COLORADO, EXECUTIVE OFFICE,
Denver, June 12, 1913.

Hon. EDWARD T. TAYLOR,
House of Representatives, Washington, D. C.

DEAR ED.: I send you herewith copy of resolutions unanimously agreed to by the governors' conference at Salt Lake City. No other subject was considered, and the full three days were spent considering this matter. I found that the sentiment from other States was as strong as that from Colorado. When the proceedings are published, I will send you copies.

Yours, sincerely, E. M. AMMONS, *Governor.*

We, the governors of public-land States, in conference assembled, believing that upon the administration of the laws governing the disposal of the public lands in a very large measure depends the future prosperity of our States, do hereby agree to the following statement of what we believe should be the policy of the National Government in the administration of the public lands:

First. That the newer States, having been admitted in expressed terms on an equal footing in all respects whatever with the original States, no realization of that condition can be obtained until the State jurisdiction shall extend to all their territory, the taxing power to all their lands, and their political power and influence be thereby secured.

Second. That as rapidly as the States become prepared to take over the work of conservation the Federal Government withdraw its bureaus from the field and turn the work over to the States.

Third. The permanent withdrawal of any lands within our States from entry and sale we believe to be contrary to the spirit and letter of the ordinance of 1787, the policy of which was followed for over a century, and we urge that such lands be returned to entry and opened to sale as speedily as possible.

Fourth. Dilatory action on the part of executive departments of the Government in passing title to purchasers of public lands is unfair to the States, as it permits purchasers to occupy the lands indefinitely without the State having power to tax them.

Fifth. We believe that the best development of these States depends upon the disposal of the public land to citizens as rapidly as the laws can be complied with.

Sixth. Bona fide homestead entry within forest-reserve boundaries should be permitted in the same manner as on unreserved lands, subject only to protest where lands selected are heavily timbered with trees of commercial value or are known to contain valuable mineral deposits.

Seventh. That the Government grant to the public-land States 5 per cent of the public land remaining in each, to be administered by the States as the school lands are now administered, for the purpose of building national public highways.

Eighth. That liberal land grants be made for the purpose of establishing and maintaining forestry schools in the public-land States.

Ninth. That rights of way for all lawful purposes be granted without unwarranted hindrance or delay.

Tenth. That all mineral lands now withheld from entry or classified at prohibitive prices be reopened to entry at nominal prices under strict provision against monopolization.

Eleventh. That we express our appreciation of the splendid work done by the department at Washington in cooperation with the several States in experimentation and instruction. This assistance has been most valuable in the education of our children and the development of our States, and we commend the same principle to the administration at Washington as being the most feasible plan for the present advancement of true conservation.

Twelfth. We believe that the National Government should provide for expert experimental work in the solution of the mining problems of the mineral States in the same manner that the Agricultural Department now assists the farmers in solving the agricultural problems.

Thirteenth. We believe that the speedy settlement of these public lands constitutes the true and best interests of the Republic. The wealth and strength of the country are its landowning population.

Fourteenth. The best and most economical development of this western territory was accomplished under those methods in vogue when the States of the Middle West were occupied and settled. In our opinion those methods have never been improved upon, and we advocate a return to these first principles of vested ownership with joint interest and with widely scattered individual responsibility.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had receded from amendment No. 2 of the bill (H. R. 2441) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 99. An act to fix the times and places of holding district court for the district of Arizona; to the Committee on the Judiciary.

S. 485. An act to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 577. An act authorizing the President to appoint an additional circuit judge for the fourth circuit; to the Committee on the Judiciary.

S. 1027. An act to provide for an enlarged homestead; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2441. An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

LIFE-SAVING SERVICE IN THE OHIO FLOODS.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to have printed as a document a report made by the Life-Saving Service as to the work done by its crews in the recent floods in the Ohio Valley.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to have printed as a House document a report of the Life-Saving Service. Is there objection?

There was no objection.

ST. LOUIS & SAN FRANCISCO RAILROAD SYSTEM.

Mr. HINEBAUGH. Mr. Speaker, I ask unanimous consent to extend in the RECORD as a part of my remarks a letter from Hon. Frederick W. Lehmann, former Solicitor General of the United States, and a short letter from Hon. Charles Nagel, former Secretary of Commerce and Labor, for the purpose of correcting a mistake in the mentioning of their names in a resolution offered in relation to the Frisco Railway receivership.

The SPEAKER. The gentleman from Illinois [Mr. HINEBAUGH] asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The letters referred to are as follows:

ST. LOUIS, MO., *June 13, 1913.*

Hon. WILLIAM H. HINEBAUGH,
House of Representatives, Washington, D. C.

DEAR SIR: I have seen to-day for the first time the resolution introduced by you in the House on the 2d instant, in which you recite among other things that "the St. Louis & San Francisco Railroad system, on the application of Charles Nagel, former Secretary of Commerce and Labor, and Frederick W. Lehmann, former Solicitor General of the United States, was placed in the hands of a receiver," etc.

This is erroneous as to Mr. Nagel and myself, and indeed is the very reverse of the fact. The suit in which the receivers were appointed was by the North American Co. as sole complainant against the St. Louis & San Francisco Railroad Co. as sole defendant. I send to you under separate cover a printed copy of the record in the case, from which you will see that the application for receivership was made by the North American Co. and assented to by the railroad company; that the application was made and granted May 27, the day the suit was filed, and that neither Mr. Nagel nor myself represented either party to the suit.

Our sole relation to the matter was that at the request of a large bond-holding interest we made inquiry on May 27 and learned that an application for receivership was pending, and at the request of that same interest, without formal appearance in the case, we opposed what was done.

I regret that your resolution did not sooner come to my knowledge. Will you kindly correct the error it contains, which I observe was repeated in your remarks published in the RECORD of June 6?

Very respectfully, yours,

F. W. LEHMANN.

ST. LOUIS, MO., *June 14, 1913.*

Hon. WILLIAM H. HINEBAUGH,
House of Representatives, Washington, D. C.

MY DEAR SIR: Mr. Frederick W. Lehmann, of this city, has shown me copy of a letter which he has written to you in respect to your resolution upon the subject of the Frisco receivership.

The matter had not been called to my attention, with the exception of a newspaper clipping here or there, which I had assumed was based upon error or misunderstanding. I find now that your resolution does state that the receivers in the Frisco matter were appointed at our instance. As he says, the reverse is true. We had nothing to do with

the application or with the suggestion of the receivership. On the contrary, it was our position, when we learned of the application at the last moment, that receivers should be appointed who had in no manner been associated with the affairs of the Frisco system either as officers, directors, or otherwise, and this fact has been pretty generally noted by the press.

Knowing that you would be interested to correct a mistake which is based upon evident misapprehension, I am,

Very truly, yours, CHARLES NAGEL.

THE PHILIPPINE ISLANDS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a document issued by the Hon. Moorfield Story, of Boston, on the Philippine question.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing an article on the Philippine Islands by the Hon. Moorfield Story.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I want to call attention to the fact that this is a pamphlet of 60 pages, and hardly a proper thing to put in the RECORD.

Mr. GORDON. Mr. Speaker, at the last session of the House, without objection, an address by Bishop Brent was inserted in the RECORD, and this pamphlet is a reply to it.

Mr. FITZGERALD. I do not think that either one should be in the RECORD. To insert a pamphlet of 60 pages in the RECORD under the guise of extension of remarks is going beyond anything in reason, and I shall object.

The SPEAKER. The gentleman from New York objects.

THE FOREST SERVICE.

Mr. BRYAN. Mr. Speaker, on the 29th of May a resolution was introduced in this House by Mr. HUMPHREY of Washington, calling for an investigation or trial of the Forest Service. This resolution by inference made certain charges against the Forest Service which might be termed counts in the indictment of the gentleman from Washington leveled against the Forest Service. Briefly stated, these counts involved:

First. Fraudulent lieu-land selections and exchanges.

Second. Corrupt relationship of the Forest Service with certain big interests.

Third. Nontimbered lands wrongfully included in reservations.

Fourth. Uselessly maintained reserves in Alaska.

Fifth. Waste by allowing large quantities of timber to decay.

Sixth. Incompetency of the men employed in the service.

Thereafter, on June 3, the gentleman from Washington who introduced the resolution made a speech in this House in which he supported his indictment by a recital of grievances and charges against the Forest Service. On the following Friday this resolution was discussed, and the Forest Service defended by the gentleman from Kansas [Mr. MURDOCK] and by myself, and on last Tuesday the gentleman from Wyoming [Mr. MONDELL] addressed the House on the same subject.

It had been my intention to not further take up the time of the House with this matter, especially in view of the fact that no Member of the House had publicly lent any encouragement whatever to the resolution introduced by Mr. HUMPHREY or spoken on its behalf except my colleague [Mr. JOHNSON of Washington], who filed certain telegraphic communications and made brief comments friendly to the proposed investigation and hostile to the Forest Service.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to ask my colleague a question.

Mr. BRYAN. I will yield.

Mr. JOHNSON of Washington. I want to know if the gentleman will permit me to insert in his remarks a further statement showing that the Forest Service has issued a bulletin for general distribution on the sale of $7 worth of logs in the Appalachian Forest Reserve?

Mr. BRYAN. I will not, of course, allow the gentleman to introduce anything in my remarks; but I have no objection to his introducing it in the RECORD after I have finished my remarks.

By his remarks the gentleman from Washington intimated that conservation as practiced by the Forest Service was conservation of the "dream-book variety"; but he favored practical conservation, such as would eliminate enough lands from the reserves to permit Mason and other counties in his district to realize substantial gains in taxation.

REACTIONARY PRESS OF STATE OF WASHINGTON MAKE FALSE AND SENSATIONAL REPORTS.

The attack of my colleague, Mr. HUMPHREY, has been widely advertised, however, by the reactionary press of the State of Washington, and an impression has been made that the Forest Service has been caught in all kinds of wrongdoing, and that the wrath of Congress is about to be brought down on the heads of this bureau. This impression has been combatted by the progressive and independent press of the State of Washington, but there appears an insufficient understanding of the facts connected with these charges.

These charges of my colleague [Mr. HUMPHREY] were filed and his speech delivered only a few days prior to a conference of governors in the Northwest, by which this subject was to be considered. The result of this conference is ably set forth in an editorial in the Spokesman-Review, a great daily newspaper published at Spokane, Wash., a newspaper surely without a superior in the Northwest. The Spokesman-Review, in an editorial published June 9 concerning this meeting of the governors, makes the following comment:

It begins at last to look as if the beginning of the end to the struggle for State conservation of national forests were about to dawn.

The State conservation commission of Oregon declares as the result of prolonged and exhaustive investigation that, in its judgment, transfer of control over the national forests from the Nation to the States "is wrong in principle and would be disastrous in results." Gov. Hunt, of Arizona, tells the Salt Lake conservation conference of western governors that the western record of State conservation under what are called State rights "does not justify the attitude of defiance to national control." Gov. West, of Oregon, writes to the same conference that national conservation of natural resources is "a policy not only wise but necessary."

These statements, both separately and together, are significant and encouraging. They show that the closest and most disinterested western students of the problem have learned the lesson of experience, East and West, taught by State conservation. It is that State conservation is no conservation. It results in robbery of the people who own the natural resources and in the ruin of their property. The statements also reveal that the educational work initiated by Messrs. Pinchot and Roosevelt and pushed steadily forward by the National Forestry Service is winning the people of the West. They see through the hollowness of the claims advanced by the State conservationists, and behind these men they discern the predatory interests that seek only their own advantage.

Gov. West frankly calls attention to what he considers faults in the departmental administration of national conservation. Gov. Hunt insists on cooperation between the Nation and the States in conserving natural resources that belong to all the people. But both the governors and the Oregon commission take the true view of the conservation issue—that of the Nation, which is the point of view of the statesman. There is plenty of fighting yet to be done by the friends of national conservation; there must be no relaxation of watchfulness, but the stars in their courses fight the State conservationists and the people of the Western States are taking their stand in this matter with the national policy.

WHY SUCH A CONTRAST ON PURPORTED "NEWS"?

The Post-Intelligencer, of Seattle, concerning the same meeting of the governors, published to its readers on June 7 the following:

Governors attack Federal control of public lands—Executives agree men acquainted with conditions should be in charge of domain—Regulation of Forestry Service scored.

Evidently with a purpose to influence this meeting of the governors, my colleague's speech was widely published on the 2d and 3d of June, and, in order that the Members may see the extent to which the purported "news" of this speech and the proceedings here—I should say the lack of proceedings here—have been garbled and falsely presented to the people of my State, and particularly to those residing in western Washington, I here present some of the headlines and reports that were given out.

"NATION ROBBED," SAYS POST-INTELLIGENCER, FOR NORTHERN PACIFIC RAILWAY.

The Post-Intelligencer at Seattle gave a full page to Congressman HUMPHREY'S speech, which had been sent out in advance subject to release, and published the following headlines and comment to herald the speech:

NATION ROBBED FOR BENEFIT OF TIMBER BARONS—HUMPHREY CHARGES THAT FOREST RESERVES HAVE BENEFITED ONLY RAILROAD AND LUMBER INTERESTS—CONGRESSMAN ATTACKS THE FOREST SERVICE—TELLS CONGRESS HOW BIG CORPORATIONS, UNDER LIEU-LAND LAW, AMONG THEM THE NORTHERN PACIFIC, TRADED TREELESS WASTES FOR VIRGIN FORESTS OF THE WEST.

(By Vernon; special to the Post-Intelligencer.)

WASHINGTON, *June 2.*

Charging that the public forest reserves throughout the West are maintained for the benefit of a few railroads, for the protection of one or two large timber companies, and for the glorification of certain bureaus and Government employees, Representative HUMPHREY this afternoon, in a speech before the House of Representatives, fired the second gun in the comprehensive attack which he intends to make upon the Federal Forest Bureau.

LEDGER, TOO, ACCUSES AUTHOR OF RAINIER EXCHANGE OF "STEALING."

The Tacoma Ledger, owned by Sam A. Perkins, the Republican national committeeman of the State of Washington, who also owns quite a string of daily papers in western Washington, published the speech with the following headlines:

Charges vast timber steals—HUMPHREY declares Forest Service has been allied with private monopoly—Conservation a mask—Great reserves created, then railroads permitted to trade barren land for timber.

SEATTLE TIMES SAYS IT WAS PINCHOT, AND PUBLISHES A LIBEL.

The Seattle Times, owned by Col. Alden J. Blethen, a man who formerly resided at Minneapolis and is thoroughly posted on the methods used by the Northern Pacific Railway and the

Weyerhaeusers to get into their possession vast areas of timberland, and who is bound to know of the struggle of Gifford Pinchot and others against these unjust and wrongful lieu-land exchanges, published the speech with the following libelous and false headlines and comment.

Mr. JOHNSON of Washington. Does the gentleman intend to leave all that in his speech, as printed in the RECORD charging a man with libel?

Mr. BRYAN. Mr. Speaker, I refuse to answer the question.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. Mr. Speaker, I ask that the gentleman take his seat.

Mr. JOHNSON of Washington. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman has a right to rise to a parliamentary inquiry.

Mr. BRYAN. To take a man off his feet with a parliamentary inquiry?

The SPEAKER. Of course the gentleman has a right to make a parliamentary inquiry; it is not taken out of the gentleman's time.

Mr. JOHNSON of Washington. It was stated on the floor the other day that certain references to men in the West made on the floor during the forestry debate should remain in the RECORD. That was insisted on, and I now want to make sure that the charges of libel made by the gentleman who has the floor will remain in the RECORD, and not be stricken out, as were the references of a few days ago.

The SPEAKER. That is not a parliamentary inquiry, and the gentleman from Washington is under no obligation to answer the question unless he chooses to.

Mr. TAYLOR of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Colorado. Has a Member of the House a right to address the House and quote from newspaper articles and then cut those out of his speech when published?

The SPEAKER. The Chair will state the rule and the practice. If it is a speech in the ordinary acceptation of the term, with no dialogue, the Member has a perfect right to put in his speeches anything he pleases, provided he is not violating the rule by talking about the Senate or a Senator, is not using abusive language toward the President, is not using language offensive to any Member of the House, and is not violating any other rule. When he comes to revise his remarks, he can cut out any part of that speech he pleases, or all of it, unless there is a dialogue in it, and if there is a dialogue involved he can not change that dialogue without the consent of the interlocutor or interlocutors.

Mr. TAYLOR of Colorado. When a Member is addressing the House and quoting from a newspaper as a part of his speech, and he is asked on the floor whether he is going to let that remain in, can he refuse to answer the question and cut it out afterwards?

The SPEAKER. He may do one of two things. He may refuse to answer, or if he answers he must let his answer remain in the RECORD.

Mr. TAYLOR of Colorado. Have we not a right to know whether he is going to let this speech that he is now making stay in the RECORD?

The SPEAKER. No. The presumption is that every Member will observe the rules of the House, and one can not ascertain in advance whether he is going to violate the rules in remodeling his speech or not; but if he remodels it, even where there is no dialogue, and inserts in it language offensive to a Member of the House, or a criticism of the Senate that should be resented, or anything of that sort, under the rules and practices then the House may harness him up, and strike out that part of his speech. That was tried upon one occasion; in fact, it has been tried many times. The most notable case was that of a Member from Massachusetts, whose name I shall not call. The man is dead. He remodeled one of his speeches, and some one came in and made a motion to strike out that part of his speech which was abusive, and it took three days to get that part of the speech out of the RECORD, because the gentleman from Massachusetts was a very resourceful man.

Mr. TAYLOR of Colorado. Mr. Speaker, I have no desire to harass the Chair, but many of us believe that these headlines that the gentleman from Washington is reading are absolutely true, and we do not want them cut out of the RECORD after the speech is made.

The SPEAKER. That is his lookout and not the Speaker's lookout or that of the gentleman from Colorado.

Mr. TAYLOR of Colorado. What I am inquiring is whether he has the right to cut them out.

The SPEAKER. He has the right to remodel his speech under the rules of the House.

Mr. BRYAN. Mr. Speaker, the only reason I declined to answer the question of my colleague was because I thought it partook of the nature of a discourtesy for one gentleman to ask another gentleman on the floor whether he intended to leave his remarks in the RECORD. I will state for the benefit of the gentleman that it took me quite a little time to get up this particular part of my remarks, and I got it up more particularly for home consumption than for any other purpose. I did not have any idea that I was going to accomplish anything particular here by speaking to the gentlemen in Congress, but I prepared this especially to be read by my constituents and the people in the State of Washington, and by the constituents of my colleague, and I assure you that every word of it will go into the RECORD.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. Mr. Speaker, I decline to yield.

Mr. JOHNSON of Washington. But I think the gentleman has made a charge against me, and he ought to yield.

The SPEAKER. Does the gentleman yield?

Mr. BRYAN. Mr. Speaker, I made no charge.

The SPEAKER. Does the gentleman yield?

Mr. BRYAN. I decline to yield.

Mr. JOHNSON of Washington. But the gentleman accused me of discourtesy.

Mr. BRYAN. I made no charge against the gentleman.

Mr. JOHNSON of Washington. And the gentleman charged me——

The SPEAKER. The gentleman from Washington [Mr. BRYAN] declines to yield to his colleague, and his colleague must not interrupt.

Mr. BRYAN. The Seattle Times published the following headlines and comments:

HUMPHREY ACCUSES PINCHOT OF GIGANTIC THEFT FROM DOMAIN—HUMPHREY, IN DEMANDING PROBE OF FORESTRY SERVICE, DECLARES NATION HAS LOST $200,000,000.

WASHINGTON, *Monday, June 2.*

Congressman WILL E. HUMPHREY, of Washington, this morning created a sensation in the House when, in supporting a resolution for the appointment of a committee to investigate the forest reserves, he delivered a speech in which he virtually charged Gifford Pinchot and other leaders of the conservation movement with stealing from the Government on behalf of the Northern Pacific and Santa Fe Railroads and the Weyerhaeuser Lumber Co. timberlands valued at more than $200,000,000.

It would seem that this charge against Gifford Pinchot of an open theft of $200,000,000 worth of timber, involving not only the ordinary moral turpitude of a land grabber or timberland crook, but also involving official degradation and betrayal of trust, reaches the climax of charges made against the Forest Service and Mr. Pinchot. These charges are not only criminally libelous and false, but are made at a time when the Forest Service and Mr. Pinchot are more thoroughly vindicated in public opinion than has been the case in any period in the past.

NO INVESTIGATION IN PROSPECT, HENCE THESE FALSE STATEMENTS MUST BE CONTROVERTED.

If there was to be an investigation it would be unnecessary to pay any attention to the charges of my colleague, but if no answer is made the enemies of conservation will have scored their point, for already the charges have been circulated far and wide, while the Congressman taunts us with the interrogations, "Do you object to an investigation?" "What harm can come from an investigation?" although he knows none of the Members of this House will consider his proposition with any seriousness whatever. Still the speech and the charges are made the most of at home.

WHO IS RESPONSIBLE FOR THESE CORRUPT LIEU-LAND EXCHANGES?

My colleague, Mr. HUMPHREY, well knowing that the people of Washington resent the lieu-land transactions, in so far as they enabled men and the big interests to rob the Government of priceless timber holdings, has seized upon that fact to lend a color to the present charges, although he is bound to know that the criminal raid of the public domain in the timber regions of the West under these infamous and corruptly enacted lieu-land statutes had nothing whatever to do with the Forest Service or the men he now seeks to charge with wrongdoing. The distinguished gentleman has served in this Congress for more than 10 years past, and to say that he has not known what has gone on during that time or that he is not informed as to facts which have been so widely discussed as these lieu-land exchanges, is to accuse him of imbecility, and I certainly would not make any such accusation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. I yield to the gentleman.

Mr. MONDELL. Just a moment ago the gentleman referred to the lieu-land statute, enacted at a time when he was not in Congress, and when I was not in Congress, and he referred to it as having been corruptly enacted. Did the gentleman mean just that? I wondered if that is just what the gentleman wanted to have remain in his speech.

Mr. BRYAN. Mr. Speaker, I am willing to stand by what I have said. The other day my colleague referred to it as highway robbery in his speech, and we all agreed that it was highway robbery, and these newspapers back there that reported all say that he accused everybody of stealing, and I am certainly not going any further than he went.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. JOHNSON of Washington. Does the gentleman say in the beginning of his remarks that I am opposed to conservation?

Mr. BRYAN. I charged plainly that you said that you opposed "dream-book" conservation, but you wanted "practical" conservation.

Mr. JOHNSON of Washington. Why do you charge that I am opposed to conservation when I merely seek to obtain some relief for individual settlers in hundreds of thousands of cases where land has been taken away? What is conservation?

Mr. BRYAN. Mr. Speaker, every enemy that has ever come down here to Congress against conservation, every man that has ever come down here to help loot the public domain, has made that same talk about "settlers," and the people of this country are tired of this proposition of eliminating timber from the forest reserves for the "poor settlers."

You come from a timber country and you know the big men of your district are timberland owners, that they want this timber eliminated. They perhaps believe that it is for the good of the country, and you may believe it is for the good of the country.

The SPEAKER. The Chair will admonish the gentleman from Washington [Mr. BRYAN] that he must not under the rule address a fellow Member in the second person.

Mr. BRYAN. Mr. Speaker, I will be glad to correct my remarks in that respect and say the gentleman comes from a timber district and he knows the people of that district, the large timberland owners, want this timber eliminated, and they may believe that it is for the best interests of the country, for the best interests of the Government, and he may believe it is for the good of the Government, but the men who have always fought for the "poor settlers" have always taken that same tack and have always made that same argument here, as will be shown further in my speech, and that any quantity of timberlands have been eliminated for that pretended purpose, but the "settlers" were never able to ever cut a stick of timber; to the contrary, the big timber owners and operators got it all.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BRYAN. I decline to yield further.

The SPEAKER. The gentleman declines to yield.

Mr. TAYLOR of Colorado. Mr. Speaker, in that connection will the gentleman yield to me?

Mr. BRYAN. My time is going; if I may have a little more time yielded to me, I shall be glad to yield.

Mr. TAYLOR of Colorado. I will ask unanimous consent that the gentleman's time be extended 15 minutes longer.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent that the time of the gentleman from Washington be extended 15 minutes. Is there objection? [After a pause.] The Chair hears none. That gives the gentleman 20 minutes from this time.

Mr. TAYLOR of Colorado. I will ask the gentleman whether or not he applies that remark to the State of Colorado, where 70 per cent of the fourteen and a half million acres now in forest reserves contain not one stick of timber?

Mr. BRYAN. I do not claim to know the condition of the forest reserves in the State of Colorado, nor do I claim to be widely or thoroughly informed about the forest reserves of the various States and reservations, but I do say this, that there has come from Colorado, so far as I have heard, no persistent demand that has found expression in the membership here in Congress for the elimination or abandonment of the forest-reserve idea.

Mr. TAYLOR of Colorado. The gentleman not having served heretofore is not informed of the fight that has been going on for the past four years, in which I have been taking a part, trying to get agriculture land and nontimber land eliminated from the reserves.

Mr. BRYAN. I have examined the record thoroughly, and I have found a great deal about what has been going on, and I have tried to put these findings in my remarks.

Mr. JOHNSON of Washington. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. BRYAN. I do.

Mr. JOHNSON of Washington. I would like to ask my colleague how he knows the owners of timber in the second congressional district are not in favor of conservation, and if he knows more about the conservation situation in the second district of Washington than he apparently does about the State of Colorado?

Mr. BRYAN. Well, I am afraid, Mr. Speaker, if I should answer that question my colleague would object to it on the ground it was personal.

In order, however, that the Members of this House and those who read the RECORD may know once for all that this charge against the Forest Service is entirely without foundation, and that the crime by which the lieu-land exchanges were made was a fraud on the Government for which the political backers of the gentleman who now presents the charges, the other Representatives from the State of Washington, and the proprietor of the Post-Intelligencer, which heralds the charges, were themselves directly responsible, I desire to present a few facts

AS TO THE RESPONSIBILITY OF THE FOREST SERVICE.

Away back yonder in the eighties public sentiment was aroused on behalf of forest preservation. Men who owned large tracts of timber—seeking in the main protection from fire—and other public-spirited men formed a private association known as the American Forestry Association. Public opinion was aroused, until Congress, by act of March 3, 1891, passed a new act providing for the administration of the reservations of land containing timber by the Department of the Interior. The work was assigned to the division of the department known as Division P of the General Land Office, under which plan the forest reservations were administered without any very definite plan, except those involving the fighting of fire, and, it might be added, the passing of title from the Government to land sharks and land grabbers.

NOW LET US FIND WHO CONDUCTED THE LEADING RAIDS.

During this period the Government was robbed of millions upon millions of feet of timber. The ordinary process of obtaining timber by dummy entrymen, by looting school sections, and by taking advantage of the incompetency and, at times, I fear, the crookedness of many officers of the Government and of the States on whom the Department of the Interior and the several States had placed the duty of administering the land laws, came to be regarded as a sort of worn-out system—a retail system, as it were, when the time for wholesale transactions had arrived.

THE NORTHERN PACIFIC SEEKS A "WHOLESALE" MAN—AND FINDS HIM.

The getting of timberland by forties, by quarter sections, and by sections came to be entirely too slow a process. The Northern Pacific Railroad, presided over by James J. Hill—and I here assert that the statement that James J. Hill had ever contributed anything toward the Forest Service or is a friend of that service is entirely erroneous—with Weyerhaeusers and others, got their heads together to devise some wholesale method of railroading the timberlands into their own hands.

Mr. Hill remembered that after President Cleveland had sought for legislation by Congress to give administration to the reserves he had created, involving 17,500,000 acres of timberland in Western States and Territories, under authority of the act of March 3, 1891, that every effort at such administrative relief for the reserves had been opposed by such "conservation Senators" as Senator Clark, of Montana; Senator Pettigrew, of South Dakota; Senator John L. Wilson, of Washington; Senator Mitchell, of Oregon, and others. He remembered that when, on February 22, 1897, President Cleveland created forest reserves to the extent of 21,000,000 acres, on the recommendation of a scientific commission he had appointed to investigate the timber situation and report, that these same men did all they could to block the effort and to repeal the executive acts of the President; he also remembered that six days after the President had made his Executive withdrawal of 21,000,000 just referred to, Senator Pettigrew, of South Dakota, had, with the assistance of Senator Clark, of Montana, and Senator Wilson, of Washington, and other friends of those who were endeavoring to loot the public domain, injected into the sundry civil bill an amendment restoring these lands to public entry, which amendment read as follows:

And all lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and North Dakota set apart and reserved by Executive orders and proclamation of February 22, 1897, hereby restored

to the public domain and subject to settlement, occupancy, and entry upon the land laws of the United States the same as if said Executive orders and proclamation had not been made.

Mr. Hill well remembered how devotedly these Senators worked; that although it was known that the President would veto the entire sundry civil bill if this amendment was presented as a rider, yet, despite this fact, ignoring the importance of the sundry civil bill, in endeavoring to restore these lands to the public domain for private entry they succeeded in having the amendment adopted by the Senate.

The amendment referred to was introduced in the Senate by Senator Pettigrew, of South Dakota. The Senator declared that the amendment would give the forest reserves the administrative laws so long sought for and at the same time would give the West relief. In presenting the amendment to the Senate it was said that it was prepared by the Secretary of the Interior under the eye of President McKinley, which statement was afterwards strongly denied. In the debate it was developed that Senator Pettigrew was the sole author of the substantial features of the amendment. One section which he wrote read:

That the Executive orders and proclamation dated February 22, 1897, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reserves be and are hereby suspended and the lands therein restored to the public domain the same as though said order had not been issued: *Provided further*, That the land embraced in such reservations and otherwise disposed of shall, when the surveys of said reservations are completed, be subject to such orders as the President may make with reference to the same, so as not to disturb the rights of any actual settler upon any of the lands embraced in said reservation.

Mr. LA FOLLETTE. Mr. Speaker, will my colleague yield?

The SPEAKER. Does the gentleman yield to his colleague from Washington?

Mr. BRYAN. I do.

Mr. LA FOLLETTE. Am I to understand you are aiming to give the impression here that John L. Wilson, at the time he was Senator, had any interest in the Post-Intelligencer, of Washington—was the owner of it, or——

Mr. BRYAN. I have not said that. I said he was the owner just a short time back.

Mr. LA FOLLETTE. Your speech would clearly indicate——

The SPEAKER. The Chair admonishes the other gentleman from Washington that he must not address a colleague in the second person.

Mr. LA FOLLETTE. I beg pardon; I have not taken part in debates enough to get used to the method of procedure.

Mr. BRYAN. I will state to my colleague I do not know just the date John L. Wilson become owner of the Post-Intelligencer—when the final negotiations placed the paper into his hands—but when the name of John L. Wilson is mentioned in western Washington it is always associated with the name of the paper.

Mr. LA FOLLETTE. With the permission of the gentleman, I will inform him that Senator John L. Wilson had no connection with the Post-Intelligencer in any shape, form, or manner until after he had ceased to be a Member of Congress.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Montana?

Mr. BRYAN. In just a moment. The particular feature involving the ownership of the Post-Intelligencer by Senator Wilson or his heirs involves these headlines which were published the other day. I am not going back to that period so far as ownership is concerned. I am merely referring to those headlines. But surely the heirs of a man can not be allowed to take that man's own public acts and impute them to other men and call them "robberies."

Mr. EVANS. Do I understand the gentleman to say that Senator Clark was a Member of the Senate at that time?

Mr. BRYAN. I do so say.

Mr. EVANS. What was the date referred to—February, 1897?

Mr. BRYAN. The bill was introduced in March, 1897. I think that was the date.

Mr. EVANS. That is the date the gentleman stated.

Mr. BRYAN. I think I am not incorrect on that.

Mr. EVANS. I submit to the gentleman that Senator Clark was not in the Senate at that time, or for three or four years thereafter.

Mr. BRYAN. Well, if I am wrong in that I shall be glad to correct it, but the record I have consulted does not show otherwise, and you will find he was in the Senate during that period.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to his colleague from the State of Washington?

Mr. BRYAN. I decline, Mr. Speaker, to yield but for a brief question.

Mr. JOHNSON of Washington. Inasmuch as it has already been stated that Senator Wilson did not own the Seattle Post-Intelligencer until after he was in Congress, and since he is dead now, I can not see the reason for dragging his name in these remarks in this manner.

Mr. BRYAN. I think I will explain it before I finish my remarks. Senator Wilson was the right-hand bower of Senator Pettigrew in support of this amendment, and in the debates he said:

I do not know why the order should have been made as to the State of Washington. All of our rivers flow directly into Puget Sound. The two great rivers of the State, the Skagit and the Columbia, have their sources in British Columbia, and all the other rivers have a perpetual and everlasting supply until time shall be no more from the glaciers of Mount Rainier in addition, so that we have an annual rainfall in Washington of 108 inches. So it would seem, Mr. President, that there was no necessity, so far as preserving the watershed was concerned, for this withdrawal. All the timbers of western Washington that are merchantable are within 25 miles of the waters of Puget Sound. The timberlands withdrawn by this order do not contain merchantable timber. They only have their value, if any, for mineral purposes. I think the order extremely unfortunate.

Mr. Pettigrew of South Dakota rejoined:

We come and say that this ignorant act of a corrupt Executive shall be overturned.

This section of the amendment passed the Senate by a vote of 32 to 15.

MR. BARTLETT GOES AFTER THE "SAWDUST RING," BUT DIDN'T KNOW ITS NAME.

When the amendment reached the House an earnest effort was made by Mr. Hartman, of Montana, and others whom I might name, for its enactment. Mr. Bartlett, a Member from New York, championed the cause of the people and laid bare the purposes of the amendment and the purposes of the gentlemen who were favoring the amendment.

He said, in part:

I believe that all this opposition to the policy of forest reserves is inspired by the timber and railroad rings in our Western States and Territories. I am so informed by a gentleman of the highest credibility; so I say that we ought not to repeal this act just now. Bring it up in your new Congress. I believe that the vital force against us is the force of the men who control the timber and lumber rings [in western Washington we would say "sawdust ring"] in the States and Territories affected. I do not care to give their names, but their names are well known to the gentlemen who support this largely, and they are animated by a desire to please these lumber syndicates and are not prompted by any wish to please the settlers in their States.

AWAY WITH THE RESERVATION—THE COPPER KINGS NEED MONEY.

No doubt Mr. Bartlett was denounced and made a subject of ridicule by the reactionary press of the State of Washington. But how plain it is now as we look back to that period almost 20 years ago and consider recent events in connection with a statement made in the debate by Mr. Hartman, of Montana, who was championing the measure, to see the "paw of the beast" in the efforts of those who were then pretending to represent the people.

I want to say—

Said Mr. Hartman, of Montana—

upon the successful knocking out of this proclamation depends the great mining industries which in the city of Butte produced $212,000,000 of copper last year. On one mining property there was spent over $10,000,000 last year. This proposition of the President proposed to make it impossible for that great enterprise to be kept up.

It happened that the Anaconda Mining Co. all this time was gleefully and rapturously engaged in removing millions of feet of timber from the public domain without any adequate respect for the commandment "Thou shalt not steal."

J. J. HILL CALLS THE ROLL AND SELECTS SENATOR JOHN L. WILSON.

No roll call of men who have aided those who looked upon the public domain as a legitimate prey for acquiring by the most "practical" means that might be offered, without consideration of scruples or the public interest, is complete without the names of Senator Clark, of Montana; Senator Pettigrew, of South Dakota; and Senator John L. Wilson, of Washington; and that leader of all forest lovers and public-domain worshipers, Senator Guggenheim, of Colorado. These men seemed to actually believe that the quicker these resources were passed into private hands the better it would be for the country, and they were at times animated by sincere and honest purposes, no doubt.

Calling the roll and remembering these facts and noting particularly that John L. Wilson was still a Member of the United States Senate and was under substantial obligations to certain members of the group who desired to end the slow, cumbersome "retail" system and institute a "wholesale" method of acquiring the people's timberlands, they secured Senator Wilson's assistance. He introduced and successfully passed through Congress a bill which made possible the Mount Rainier land

grab, concerning which my colleague has attempted to cast discredit upon the Forest Service, and which the Wilson paper—the stand-pat press—and Congressman HUMPHREY all now say was robbery.

The SPEAKER. The time of the gentleman has again expired.

Mr. BRYAN. Mr. Speaker, I would like to have a few minutes more. There is a part of this that I would not like to extend without first presenting it in open session of the House.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Washington may have five minutes more.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] asks unanimous consent that the gentleman from Washington [Mr. BRYAN] may address the House for five minutes more. Is there objection?

There was no objection.

Mr. BRYAN. These awful charges having been uttered on the authority of Congressman HUMPHREY, who has made no denial of having made them; these headlines having come back here from the Seattle Post-Intelligencer and the Perkins Press, showing that Congressman HUMPHREY has accused the Forest Service and Gifford Pinchot of these thefts, and no denial having been made by the Congressman that he made any such charges, a brief review of the facts will not be out of place.

CONGRESSMAN HUMPHREY KNOWS THE FOREST SERVICE WAS WITHOUT BLAME.

I would not lay so much stress in this discussion upon this particular instance of loot except for a certain local coloring which the situation bears, through which it is impossible to believe that my colleague when he uttered the charge had any idea that it constituted a reflection on the Forest Service, but to the contrary, knew, as he knows his everyday political experiences, that the Forest Service had nothing to do with it, and that his own former political backer in the State of Washington, the man who, until his death last November, was one of the bosses of the Republican Party of the State of Washington and the proprietor of the Post-Intelligencer—a paper to which my colleague caused his speech to be sent in advance for publication—had engineered the legislative end of the loot through the United States Senate.

THE AUTHOR OF GREAT NORTHERN TIMBERLAND EXCHANGE WELL KNOWN.

I would not say a word in this debate that would hurt the feelings of those who survive one who has been summoned by that call to which we all must respond; but if it is wrong, discourteous, or unchivalrous to mention the name of a deceased citizen of my State in this connection, I lay the blame upon the shoulders of my colleague. He knew that the Mount Rainier lieu-land selections were made by the Northern Pacific Railroad under a statute passed through Congress under the leadership of Senator John L. Wilson, because the matter had been publicly discussed in my State on the stump, and the connection of the late Senator Wilson with this matter was one of the potent causes which led to his defeat by Senator POINDEXTER in 1910, when he sought reelection to the United States Senate. I shall not permit calumny to be wrongfully heaped upon an innocent man, and upon a useful bureau of this Government for a local political purpose in my State, especially when that purpose if successfully carried out will work injury to the public for all time to come. I am not referring to these matters to reflect upon the late Senator Wilson. He may have acted from his best impulses.

The Post-Intelligencer is now owned, unless recent transfer of stock has been made, by the heirs of the late Senator John L. Wilson, and yet my colleague here attempts to bring discredit and disgrace upon and render ineffective a great bureau of this Government which is handling millions upon millions of acres of the people's property by causing to be sent out in advance for publication in the Post-Intelligencer this false, misleading, and insincere charge.

SENATOR JOHN L. WILSON PUTS THROUGH THE MOST LIBERAL PERMIT TO THE NORTHERN PACIFIC.

After repeated attempts Senator Wilson got through the Senate on June 8, 1898, and the bill thus passed through the Senate became a law on March 2, 1899, the third section of which expressly gave to the Northern Pacific Railroad the right to select lands in lieu of land granted by Congress to it. The section of the bill referred to reads as follows:

That upon the execution and filing with the Secretary of the Interior by the Northern Pacific Railroad Co. of the proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have heretofore been granted by the United States to the said company, whether surveyed or unsurveyed, and which lie opposite said company's constructive road, said company is hereby authorized to select an equal quantity of nonmineral public land, classified as nonmineral at actual time of Government survey which has been made or shall be made to the United States in reserve and to which no adverse right or claim is or shall have attached or been initiated at time of the making of such selection lying within any State into or through which the railroad of said Northern Pacific Co. runs to the extent of the land so relinquished.

WHOLESALE SYSTEM BEGINS—450,000 ACRES AT A CLIP.

Then began the operation of this wholesale system. Three days after that act passed the Northern Pacific released about 450,000 acres in Rainier National Park, a large portion of which had been cut over or was worthless, and filed upon the most valuable timberland in the State of Washington, which almost immediately was transferred to the Weyerhaeuser interests.

In order to impress the utter fraud of these charges and the inexplicable condition of mind that prompted them it must be remembered that the Forest Service Bureau, against which my colleague and his stand-pat newspapers level their charges, was not in existence at all until March 2, 1901. The wholesale lieu exchanges for the Northern Pacific were made under the Wilson bill, which became a law March 2, 1899, two years before a Forest Service or bureau was born. Even when it was enacted into existence the powers of this bureau were limited to those similar to a bureau of plant industry; it had nothing whatever to do with administering the forests. It was designed purely for scientific investigation. The forests were being administered by Division P of the Interior Department.

ROOSEVELT AND PINCHOT CREATED PRESENT FOREST SERVICE IN 1905.

This Forest Service Bureau did not receive into its nostrils the real breath of life until Theodore Roosevelt and Gifford Pinchot, backed by a determined public opinion, in March, 1905, as soon as Roosevelt was President by his own right, after all lieu-land statutes had been repealed by and through the aid of his big stick, caused the administration of the forests to be transferred from the Interior Department to this bureau in the Department of Agriculture.

Yet we have the Seattle Post-Intelligencer, the Seattle Times, the Perkins Press, carrying as owner the name of Sam A. Perkins, the Republican national committeeman of Washington, who also owns a string of daily papers in western Washington and other reactionary papers in that portion of the State, heartily joining in a chorus of abusive headlines denouncing the Forest Service for these alleged lieu-land robberies, which largely occurred under the guiding spirit of the owner and editor of the Post-Intelligencer about 12 years before the Forest Service was given any power in the premises and two or more years before it was born, these awful charges being uttered on authority of Congressman HUMPHREY of Washington, who has made no denial. The newspapers referred to say my colleague made the charges. If he has been misquoted, he ought to say so.

"JUSTICE TO SETTLERS" USED AS MASK FOR LIEU-LAND LEGISLATION.

A brief statement as to the origin of the lieu-land statutes will not be out of place. In the creation of the reserves it of course became necessary in many cases to include lands that were acquired by entrymen under previous Federal statutes, and railroad and wagon-road grants were also included. In some cases there would be a homesteader in a sparsely settled valley included in the limits of a forest reserve. He was isolated, and to give such a settler relief was obviously the only solution; and to exchange his land for a similar tract outside the reserve was the fair thing to do.

But as is often the case, the just cause of the settlers was used as a mask by certain designing men. The cry made, purporting to come from the settlers, of the terrible hardships inflicted by the forest reserves, even in those days, were heard, much exaggerated, at every hand. To-day it is well known that this clamor for relief was largely manufactured not in the humble cabin of the "settlers" but in a great railroad office in the Middle West.

SENATOR PETTIGREW COMES TO THE RELIEF OF THE "SETTLER."

The lieu-land provision in Mr. Pettigrew's amendment to the sundry civil bill on June 4, 1897, read as follows:

Any person who may have acquired any lawful claim or right to land within any forest reservation, the order of which reservation shall remain in full force and effect, may, if he so desires, relinquish or reconvey the land to the United States and in lieu thereof may select and have patented to him, free of charge, a tract of land of like area, wheresoever there are public lands open for settlement.

This section passed the Senate, but when brought before the House was strongly opposed. It was substituted by an amendment in conference which is the lieu-land clause finally enacted, and which read:

That in cases in which a tract covered by an imperfect bona fide claim or by a patent included within the limits of a public forest reservation, a settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected.

A BAD COMPROMISE, BUT WAS CONSIDERED THE BEST THAT COULD BE DONE.

It will be seen that the lieu-land selection, bad as it was, at that time was a compromise to offset the effort of certain Representatives and Senators to either abolish the forest reservations or to secure a lieu-land amendment, which would let down the bars for a wholesale depletion of the reservation.

The result of the lieu-land clause was soon evident. Mountain peaks, barren hillsides, lava beds, swamp lands, and other valueless holdings of great railway companies were released and the most valuable timber, coal, and oil lands within the States throughout the country, whether surveyed or unsurveyed, were taken upon exchange. Secretary Bliss refused to allow railroad grants to be exchanged, but permitted wagon roads, school, and other grants to be exchanged. However, when Mr. Hitchcock became Secretary of the Interior, he held the lieu-land clause allowed exchange with any "owner." The doors were let down for wholesale fraud and a national scandal resulted. Congress was well aware of this looting, however, right straight along, and the burden of action was certainly upon it.

Failure to repeal the law rests with Congress. As early as 1898 protests began coming into Congress against the law. In 1899 Gifford Pinchot entered the Bureau of Forestry, a bureau for agricultural experimentation, in the Department of Agriculture. It was then a bureau without power over the forests which were being administered in Division P of the Department of the Interior. In that same year in a public address Mr. Pinchot strongly urged the repeal of the lieu-land law, and from that time on actively urged its repeal on numerous occasions. Senator Beveridge, addressing the Senate on this subject on March 1, 1907, said:

I find that it is true, as the Senator from Oregon [Mr. Fulton] described, that large tracts of land in Washington which were worthless had been released and lieu lands taken out in valuable portions of Washington, but what has this bureau (the Forest Service) to do with that? Nobody intends to accuse any man falsely or condemning any man unjustly; the truth is that was done under the construction of the law by the Land Office itself several years ago, and one of the first and strongest objections to it within the Government was made by the Bureau of Forestry, and by Gifford Pinchot personally.

MUCH OF THE BLAME LIES AT THE DOOR OF CONGRESS.

Congress was certainly aware of this looting, because it was becoming notorious throughout the country, and yet on May 31, 1900, Senator Pettigrew offered an amendment to the sundry civil bill purporting to relieve the situation, which would have made the situation worse if it had become a law. It passed the Senate, but fortunately was substituted in the House by this amendment:

That the selection of lands made in lieu of a tract covered by an imperfected bona fide claim or by a patent included within a public forest reserve as provided by the act of June 4, 1897, entitled "An act, etc.," shall be confined to vacant surveyed nonmineral public lands which are subject to homestead entry not exceeding in area the tract covered by such claim or patent, provided nothing herein contained shall be constructed to affect the rights of those who previous to October 1, 1910, shall have delivered to the United States deeds for lands within various reservations and made application for specific tracts of land in lieu thereof.

This amendment was a compromise with the Senate, as the House was obviously in favor of repealing the entire law.

On March 31, 1901, another attempt was made to repeal the lieu-land law in its entirety, but again there was active opposition in Congress, and another compromise was made. In the spring of 1902 President Roosevelt called attention to the situation and suggested that legislation should remedy the situation. On October 22, 1903, the President appointed a Public Land Commission, consisting of W. A. Richards, F. H. Newell, and Gifford Pinchot, to investigate public-land conditions throughout the country, and on March 7 a preliminary report of this commission was sent to Congress, which recommended action on the lieu-land law. In December of this same year President Roosevelt sent a message of Congress, in which he said:

The making of forest reserves within railroad and wagon-road land-grant limits will hereafter, as for the past three years, be so managed as to prevent the issue, under the act of June 4, 1897, of base for exchange or lieu selection (usually called scrip). In all cases where forest reserves in areas covered by land grants appear to be essential to the prosperity of settlers, miners, or others, the Government lands within such proposed forest reserves will, as in the recent past, be withdrawn from sale or entry pending the completion of such negotiations with the owners of the land grants as will prevent the creation of so-called scrip.

ROOSEVELT'S BIG STICK STOPPED THE CROOKED WORK AS SOON AS HE WAS ELECTED.

The President, on February 13, 1905, transmitted to Congress the entire report of the commission, and recommended in part—

the right to exchange land in forest reserves for lands outside should be withdrawn. Provision should be made for the purchase of needed private lands inside forest reserves or for the exchange of such lands for specified tracts of like area and value outside the reserves.

In April, 1904, the House reported a bill (H. R. 14622) for the repeal of the lieu-land clause. It passed and went to the Senate. It was not reported by the Senate Public Lands Committee until February, 1905, and contained the following substitute:

That the acts of June 4, 1897; June 6, 1900; March 3, 1901, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by imperfected bona fide claims of patent within a forest reserve, but the validity of contracts entered into by the Secretary of the Interior shall not be impaired.

This bill passed the Senate, and on March 3, 1905, the following conference report was made, signed by Senators Hansbrough, NELSON, and Barry; Representatives Lacey, MONDELL, and Lind:

Agreed House recede with amendment as follows: "That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issued therefor the same as though this act had not been passed, and if for any reason not the fault of the party making same any pending selection is held valid, another selection for a like quantity of land may be made in lieu thereof."

When this bill was before the House Mr. Lind stated that he felt the entire selection should be repealed, but that the conferees could not get the Senate Members to accept this provision.

SEVEN HUNDRED AND FIFTY THOUSAND ACRES ELIMINATED FROM OLYMPIC NATIONAL FOREST FOR THE "SETTLERS."

In 1901 Congressman WESLEY L. JONES, now Senator from Washington, was in the House, and evidently being taken in by the continued importuning of the settlers through Senator Wilson and the repeated editorials and flaming news items of these stand-pat newspapers, took great interest in having eliminated 750,000 acres of heavily timbered lands in the Olympic National Forests of Washington. The cry was made that the lands thus eliminated were valuable for agriculture and should be thrown open to settlers in order to permit the development of western Washington.

I notice in the list of names who profited greatly by the elimination of these lands in the Olympic Forest Reserves several corporations who own large timber interests in Mason County, and in practically every county of the congressional district of my colleague [Mr. JOHNSON], who read the other day a telegram from the postmaster of Shelton, Wash., setting forth that the county of Mason had been loser so far as taxes had been concerned on account of forest reserves.

Ten years afterwards the following "settlers" had secured these lands:

Names of "settlers."	Acres.
Milwaukee Land Co	80,630
James D. Lacey & Co	48,370
Edward Bradley	16,360
James W. Bradley	16,360
Weyerhaeuser Timber Co	15,560
Henry & Larson Land Co	13,840
Simpson Logging Co	12,360
E. K. Wood Lumber Co	10,670
Polson Logging Co	10,040
George F. Stone	8,920
Ruddock & McCarthy	7,810
Olean Land Co	6,040
Puget Mill & Timber Co	5,760
W. H. White Co	5,280
O'Neill Timber Co	5,200
Edward and Susan Lowe	5,040
St. Paul, Minneapolis & Manitoba Railroad Co	4,760
H. S. Upper	4,360
Merrill & Ring Co	4,160
Union Lumber Co	4,120
C. C. Bloomfield et al	3,720
Goodyear Land Co	3,640
George M. Barr	3,480
C. H. Davis	3,440
C. E. Burrows & Co	2,780
James Campbell	2,760
Mason County Logging Co	2,680
V. H. May	2,560
James McNealy	2,420
Lincoln Timber Co	2,280
Carstein & Earle	2,240
Total	318,640

Ten years later only about 600 acres of the entire elimination had been cultivated at all, and title to 523,720 acres had passed into the hands of large owners, with three companies holding 178,000 acres.

MOST VALUABLE LESSONS AFFORDED BY THE DETAILED RECORD OF THIS ELIMINATION.

This elimination of a half million acres of the best virgin timber in the world from the Olympic National Forest, in the State of Washington, the way it was done, and what happened to the timber as soon as it was eliminated is a record well worth reading. This data has been compiled at great expense of time and trouble.

This record shows where the shoe pinches; it shows what the land sharks are longing to do again, what they used to do in the good old days. It shows how the Washington Grand Old Party leaders have been deprived of a means of keeping precinct committeemen active. Is it any wonder Roosevelt received 50,000

majority over Taft in the State of Washington in the last election?

OLYMPIC NATIONAL FOREST—HOW A HALF MILLION ACRES, WORTH $20,000,000, WERE PASSED INTO THE HANDS OF THE BIG TIMBER BARONS.

This forest was established in 1897, with an area of 2,188,800 acres, upon the recommendation of the committee appointed by the National Academy of Sciences to report upon a forest policy for the United States. The great value of the magnificent forests in that region was clearly shown in the report of that committee, which states as follows:

THE OLYMPIC FOREST RESERVE.

This proposed reserve occupies the high and broken Olympic Mountain region in northwestern Washington and contains an estimated area of 2,188,800 acres. This is a region of steep and jagged mountains, their highest peaks clothed with glaciers and with perpetual snow. The forests here, watered by more copious rains than fall on any other part of the United States, are composed of enormous spruces, firs, and cedars, and in productiveness are surpassed in the world only by the redwood forests of the California coast region. Few explorers have penetrated far into this region, which, from the denseness of its forest covering, offers exceptional difficulties to travel, and there is no record that it has been crossed in a north and south direction. This proposed reserve no doubt contains for its area the largest and most valuable body of timber belonging to the Nation; and here is probably the only part of the United States where the forest, unmarked by fire or the ax, still exists over a great area in its primeval splendor. Toward the northwestern borders of the proposed reserve 1,532 quarter sections of land appear to have been entered, principally under the provisions of the timber and stone act; but this entered land can not be readily excluded from the reserve without seriously complicating its boundaries or without omitting a large body of unentered land which should properly belong to it.

There is no agricultural or grazing land whatever in this proposed reserve, and no traces of precious metals have yet been found in it. The character of its forests, which can be made to yield permanently vast quantities of timber, its wildness, the picturesqueness of its surface, and its remoteness make the proposed Olympic Reserve one of the most valuable of all the forest reserves which have been made or proposed.

The following year Mr. Gifford Pinchot made a report to the Secretary of the Interior upon certain of the national forests, which was published as Senate Document No. 189 (55th Cong., 2d sess.), in which he emphasized the importance of this forest, and stated that "changes in the boundaries should be wholly in the nature of an extension." He repeated the fact that "except the redwood belt of California, the Olympic Forest is finer and more productive than that of any other considerable division of the United States, and may be fairly called magnificent"; and he also pointed out that while "the heavily timbered land in the lower valleys of the streams is capable, when cleared, of producing agricultural crops," yet "the labor expended in clearing such land is altogether out of proportion to the results. Merely to fell and burn the standing trees, without extracting their stumps, would often involve an expenditure for labor, if the latter had to be hired, of more than $150 per acre, while the land itself, after clearing, is worth but a fraction of that sum."

Shortly after the establishment of the forest, however, requests and petitions for changes in its boundaries began to pour in upon the Department of the Interior from not only individuals, but from such bodies as the commissioners of Clallam and Jefferson Counties, Wash., and the Chamber of Commerce of Seattle. These petitions were also pressed with great insistence by Senator Foster and Congressman JONES, now Senator JONES.

The petitions claimed that the forest included large areas of agricultural lands, great portions of which had been surveyed and had been entered by bona fide homestead settlers, who had secured patents for them; that to hold these agricultural lands within the boundaries of a national forest was to work immeasurable injury to the settlers by arresting the development of their communities and denying to them the advantage of improved roads, schools, markets, and society, and also to the taxpayers and creditors of the counties affected, by taking from the tax rolls vast quantities of national-forest lands reconveyed to the Government through timber speculators which would otherwise be taxable for the payment of county obligations; and that it was important that the development of the agricultural resources of the counties affected should not be checked, and that Clallam and Jefferson Counties should be unhampered in their endeavor to discharge the large indebtedness incurred by them for public improvements.

The following summary regarding petitions for eliminations will show the "system" worked to get the "settlers" their due in this important case:

September 23, 1898, the county auditor of Clallam County, State of Washington, Mr. Thomas T. Aldwell, addressed a letter to Forest Supt. J. W. Cloes, transmitting a paper entitled:

Official statement from records of Clallam County, Wash., giving figures which demonstrate the great injustice which would be done to Clallam County and its creditors should the boundaries (of the Olympic Forest Reserve) not be changed.

This statement showed, in regard to Clallam County, the total debt and acreage, the acreage both inside and outside of the forest, and acreage of good farming land inside; census of schools and financial statement regarding schools and roads; and official votes cast in precincts located inside of the Clallam County portion of the forest.

On the strength of the figures shown in this statement the county auditor claimed that if the area of the forest was not reduced the portion of Clallam County included in its boundaries would become depopulated, since the people then living on those lands depended upon future growth of population for assistance in maintaining schools, roads, post offices, and so forth, and that if the farming lands included in the forest were not restored they would be unable to meet their financial obligations. He claimed that the vote cast represented "a population of over 1,400 people deriving a living on lands set apart as only fit for a forest reserve."

This showing by the county auditor was referred to Forest Supt. J. W. Cloes for examination and report.

November 2, 1898, Supt. Cloes submitted a report upon his examination of this northern portion of the forest and recommended the elimination of a considerable portion, upon the ground that it was better suited to agriculture than to forest purposes.

March 6, 1899, the Commissioner of the General Land Office made the following report to the Secretary of the Interior:

I have the honor to acknowledge the receipt, by reference from the department, for report thereon, of a letter from the Director of the United States Geological Survey, dated December 1, 1898, transmitting a letter from J. B. Hogg, treasurer of Jefferson County, Wash., in relation to securing the vacation of a part of the Olympic Forest Reserve, viz, townships 27 north, ranges 11, 12, 13, 14, and 15 west; townships 26 north, ranges 12, 13, and 14 west; and townships 24 north, ranges 11, 12, and 13 west, and also transmitting copy of a report made by Mr. Henry Gannett, of the Geological Survey, in relation to these lands.

Mr. Gannett's report shows that the townships in question are covered with heavy forests, and that the region is so remote from railroads or other means of transportation as to be of little value for agricultural purposes, and that "in this request for the relinquishment of lands from the forest reserve the presumption clearly is that the land is wanted not by the settler for agricultural use but by the lumberman."

In view of this statement by the Geological Survey in regard to the forest character of the lands in question I have the honor to report that I am of the opinion that it does not appear advisable to consider any proposal to eliminate the same from the forest reserve.

JOHN L. WILSON ON THE JOB "SINCERELY" WORKING FOR THE "SETTLER."

March 3, 1899, United States Senator John L. Wilson referred to the General Land Office a letter from the register of the local land office at Olympia, Wash., dated February 24, 1899, specifying 12 townships in the southern part of the forest which he thought should be eliminated. He stated:

This land is in many instances settled upon by actual settlers and much of it has been surveyed for many years. Many settlers have applied to this office seeking claims, and the opening up of this land to settlers would be a godsend to many deserving people.

In referring to this letter from the register, Senator Wilson stated:

I sincerely trust that the recommendations made herein can be carried out.

April 18, 1899, the register reported to the General Land Office that this recommendation was made to Senator Wilson in compliance with a personal request from the Senator to be furnished with data regarding the matter.

On March 6 and 29, 1899, respectively, the Commissioner of the General Land Office referred to the Geological Survey Supt. Cloes's report of November 2, 1898, recommending changes in the northern boundaries of the Olympic Forest, and the letter from the register of the Olympia land office, dated February 24, 1899, proposing changes in the southern boundary, and requested that the Geological Survey would consider those recommendations in connection with such information as it might possess respecting the character of the lands in question and submit an expression of views as to the advisability of making the boundaries conform to those recommendations; and also, in event the recommendations were not approved, that the director would furnish a diagram showing what he deemed advisable boundaries.

April 5, 1899, Supt. Cloes was also requested to make a personal examination of the lands which the register of the Olympia land office suggested should be taken out of the forest.

March 31, 1899, the Director of the Geological Survey repored to the Commissioner of the General Land Office as follows:

I beg to acknowledge receipt of your letter of the 29th instant concerning a recommendation made by the local land office at Olympia, Wash., that the southern boundary of the Olympic Forest Reserve be changed.

If this recommendation were carried out it would result in opening to entry or sale 22 townships, more or less, now in the southern part of the reserve.

Most of this land has been examined, and its character and the amount of timber upon it are matters of record in this office. None of this land is suitable for agricultural purposes. It is remote from all means of communication, and is so heavily forested as to preclude its

being cleared for agricultural purposes. On the other hand, it is well known to contain vast quantities of valuable timber. Upon 18 of these townships the estimated total stand of timber is 8,608,000,000 feet b. m.

It is apparent that in this case, as in other cases from this region, the purpose is not to make available for settlement agricultural lands, but to obtain for the benefit of the lumber companies and the men employed by them the timber upon these lands, which is precisely what the Government wishes to prevent in setting them off as reserves.

Timber companies are now cutting at Matlock and at other points first south of the present south line of the reserve and shipping their lumber into Shelton by rail. It is not improbable that these companies have originated this movement.

April 13, 1899, Senator A. G. Foster, of Washington, stated in a letter to the Commissioner of the General Land Office as follows:

Re the eliminations from the Olympic Forest Reserve, also my conversations with you and your letter of March 3, inclosing map of the proposed eliminations, I desire to say that I have brought your views to the attention of the people of the section interested and am glad to report that they are well pleased with the proposed plan of elimination. There are a few changes to be suggested—excluding more land for settlers, but not any large amount—but the people believe it will be for their best interest to have the eliminations proposed go into effect at once without taking up the question of further changes at this time.

April 25, 1899, the Director of the Geological Survey forwarded to the General Land Office reports from Mr. Henry Gannett, geographer, and Mr. Gifford Pinchot, Forester, upon the recommendations made by Supt. Cloes on November 2, 1898, for the elimination of lands in the northern part of the forest.

Mr. Gannett's report showed as follows:

Of this region I have maps showing the timbered, burned, and cut areas and the stand of timber. From these maps it appears that the area proposed to be taken from the reserve embraces practically all the land containing merchantable timber, leaving only the high mountains, upon which the timber is inferior in quality and stand. The total amount of timber upon the area thus proposed to be cut out of the reserve is, as derived from estimates of cruisers, 6,900,000,000 feet b. m. Of this, about one-fourth consists of tideland spruce, being probably the finest body of timber of this valuable species in the country. About one-half of it is cedar, of much value for the manufacture of shingles. The remainder consists of red and yellow fir, the staple timber of the northwest coast, and hemlock.

The stand of timber in this region is exceptionally heavy, averaging over the entire area of 450,000 acres not less than 15,000 feet per acre.

The agricultural development of this region must, under the prevalent conditions, be extremely slow, owing to the vast expense incident to clearing the land for farming, from $100 to $200 per acre, and the absolute lack of transportation facilities.

I would suggest, as a means of meeting the needs of the people involved in this matter, that, instead of reducing the area of the reserve, it be provided that all lands which can be shown to be more valuable for agricultural than for other purposes be opened to entry wherever found, the purpose of the Government being to retain the timberlands in its own hands. That purpose would be fully carried out by taking such action and the interests of the settlers will be guarded.

Mr. Pinchot reported as follows:

In accordance with your request of the 11th instant, I have the honor to submit the following statement in relation to the character of the country proposed to be excluded from the Olympic Forest Reserve by Forest Supt. Cloes in his letter to the honorable Commissioner of the General Land Office: Under instructions from the honorable Secretary of the Interior I examined, among others, the Olympic Forest Reserve and reported upon it. In the course of this examination I traversed a large part of, perhaps the larger part of, the route passed over by Mr. Cloes, and made a careful examination touching the most important points which he discusses. Abandonment of claims was at that time in full swing and had been for some time before, for the reason that the immense labor of clearing the enormously heavy forest from the land was out of all proportion to the returns the cleared land was capable of producing. The cost of this clearing is in the neighborhood of $200 per acre, and the cleared land is worth less than a fourth of that sum. Very many of the settlers were able to hold their claims only by leaving them during a large part of the year to earn money elsewhere. With the exception of the prairies referred to by Mr. Cloes, I saw no land of any extent so well suited for agriculture as for forestry. The excessive rainfall over a large part of this region adapts it poorly for farming, while the soil over a considerable part of the area is a poor gravel. The destruction of values which would be caused by the clearing of this land, over and above any possible agricultural return from it, would be very large indeed.

It is to be observed that the rights of all settlers in forest reserves are fully protected under the law, that the President has power to exclude from the reserves any land which may be shown to be more valuable for agriculture than for forestry, and that in other regions, as, for example, in the Black Hills, populations many times greater than that of Clallam County within the reserve are included by reserve boundaries. In the Black Hills, for example, an addition of nearly half a million acres has been made to the reserve since its original proclamation, with the consent and at the request of the people and their Representative in Congress. It is to be feared that the people of Clallam County do not yet thoroughly understand the effect of the law and the regulations governing the forest reserves, as was for some time the case within other reserves. The destruction of the forests which protect the watersheds in the Olympic Range will be followed by great increases in the floods, which are already of the most serious character.

In conclusion, let me say that in my judgment Clallam County will be immensely richer by the wise development of its timber resources under Government supervision than if it should succeed in this attempt to exchange great values in timber for smaller values in agricultural land.

May 11, 1899, Supt. Cloes submitted a report upon his personal examination of the lands proposed to be released in the southern portion of the forest and recommended the elimination of an extensive area. The report went into details in respect to the several townships, regarding the character of the land, the settlers on them, amount of rainfall, and so forth, and finally summarized the conclusions reached as follows:

After due consideration I am of the opinion that the future water and timber supply will always be sufficient for the coming generation. * * *

Taking everything into consideration, the excessive annual rainfall, the numerous streams that have their sources in the higher altitudes, and the impossibility of denuding the remaining portion of the reserve of timber (excepting by fire), on account of being so inaccessible, I would recommend that the above-described portions be eliminated from the Olympic Forest Reserve.

Letters were also received from time to time from settlers remonstrating against the inclusion of various areas, upon the ground that settlement was retarded thereby. One of the settlers, however, in this southern portion of the forest, Mr. R. Le Bar, of Hoods Port, Wash., addressed a letter to the Secretary of the Interior on May 28, 1899, attacking the veracity of Mr. Cloes's report as regards the lands in townships 22 and 23 north, range 5 west.

The wide discrepancies between the statements made by Supt. Cloes and the facts officially reported through the Geological Survey led the Interior Department to place the forest under the care of Supt. D. B. Sheller in May, 1899, to whom all the correspondence, both for and against the proposed eliminations, was turned over for examination of the areas and report thereon.

June 12, 1899, Supt. Sheller forwarded to the General Land Office a petition, signed by 40 settlers, for the exclusion of "all the fine agricultural lands" in the western portion of Jefferson County.

September 7, 1899, the board of county commissioners for Clallam County, Wash., and the county auditor, Thomas T. Aldwell, addressed a petition to the Secretary of the Interior urging that the boundaries of the forest be so modified as to give back the farming lands and restore to the settlers the right to have neighbors come in and assist in supporting schools, building roads, and so forth. The petition inclosed a copy of the official financial statement from records of Clallam County, showing the total debt and facts and figures regarding the schools, roads, bridges, votes, and so forth, which had been previously forwarded by Auditor Aldwell on September 23, 1898.

The petitioners enlarged upon the showing made in this statement and claimed that if the farming lands were not restored the county would be forced into bankruptcy.

This petition was promptly reenforced by the following telegram sent on September 16 by Hon. WESLEY L. JONES (then a Member of Congress, now United States Senator) to the Secretary of the Interior:

I urge modification of Olympic Forest Reserve, to leave out part of Clallam County, as per their petition of September 7.

Two days later than the date of the petition, September 9, 1899, ex-State Senator R. C. Wilson addressed a letter to the commissioner of public lands, Olympia, Wash., fortifying him with facts regarding the region in the forest lying north and west of the Olympic Mountains, along the same general lines as the petition from the board of commissioners for Clallam County, to be laid before the officials of the Interior Department by the commissioner of public lands, in person, upon making a proposed visit to Washington, D. C.

This letter, which inclosed another copy of Auditor Aldwell's statement from the records of Clallam County, in addition to discussing the impending bankruptcy claimed to be threatening Clallam and Jefferson Counties in consequence of the inclusion in the forest of lands alleged to be valuable for settlement, claimed further that the "exchange provision" in the act of June 4, 1897 (30 Stat., 34-36), was resulting in causing a further exodus of settlers. Inclosed were supporting letters and statements from the judge of the superior court of Washington for the counties of Clallam, Jefferson, and Island, the president of a bank in Port Angeles, Wash., a cruiser, locator, and surveyor, and the president of the Washington Fur Co. and certain editorial comments.

SOMETHING MUST BE DONE QUICK FOR THE "SETTLERS."

On the following date, September 10, ex-State Senator R. C. Wilson telegraphed to United States Senator A. G. Foster, at Washington, D. C., as follows:

Delay in reducing Olympic Reserve is working havoc. Settlers expect no relief. Sacrificing everything. Clallam will be utterly ruined. Homesteaders, taxpayers, creditors, politicians, all unite in praying for immediate action reducing, as recommended by Cloes or Sheller, as a starter.

Upon Senator Foster bringing this telegram to the attention of the Commissioner of the General Land Office the commissioner wired Supt. Sheller on September 11 hastening his report, and on September 16 requested the Director of the Geological Survey to have the pending survey of this forest made special, as regards the Clallam County portion, in order

to "facilitate the efforts of this office to give immediate relief to the many local interests reported to be suffering through the present inability of this office to take action in the matter."

In making this request, the commissioner stated:

I have been further advised by Senator A. G. Foster in respect to the great urgency that exists for immediate action in regard to determining whether or not the portion of this reserve lying in Clallam County shall be eliminated from the reservation.

September 26, 1899, the Director of the Geological Survey, in replying to this request, stated:

Concerning the representations which are being made, that important local interests are suffering because of the nonadjustment of the lines of this reserve, I beg to state that from information in possession of this office it is apparent that the only interests which are suffering in the slightest degree are those of the lumbermen and millmen, who are desirous, naturally, of having large areas of the best timber land in this reserve set apart from it. There is not an acre of land within the present limits of the reserve which, under existing conditions, is of the slightest value for agriculture.

The information upon which this conclusion is based has been forwarded to your office in connection with applications for the reduction of the reserve.

October 7, 1899, the board of commissioners for Jefferson County, Wash., petitioned the Secretary of the Interior for the elimination of lands in this county, basing their request upon practically the same grounds as had been urged in regard to the case of Clallam County.

On October 4, 1899, a petition, signed by 35 residents of Clallam County, was sent to the President of the United States, praying that portions of the forest where farms and homes had been established might be excluded, on the ground that Clallam County had about 200,000 acres of good farming land.

SEATTLE CHAMBER OF COMMERCE SENDS RESOLUTIONS.

November 16, 1899, the Chamber of Commerce of Seattle, Wash., forwarded to the Secretary of the Interior copy of a resolution by that body, praying that the boundaries of the forest be so modified as to exclude all lands suitable for agriculture, since to leave the boundaries unchanged would work immeasurable injury to the settlers by arresting the development of the communities through checking the growth of schools, markets, roads, and society; and also taking taxpayers and creditors of the counties, by taking from the tax rolls vast quantities of reserve lands reconveyed to the Government through timberland speculators, and which otherwise would be taxable for the county obligations.

November 23, 1899, Supt. Sheller forwarded to the General Land Office his report upon his examination, and recommended that the area of the forest be considerably reduced, and that two slight additions be made.

The submission of this official report in the matter appeared to be the signal for renewed activity on the part of Auditor Aldwell, Senator Foster, and others in bombarding the Interior Department with urgent requests for elimination of lands.

The following letter from Auditor Aldwell to Senator Foster, under date of December 7, 1899, and Senator Foster's indorsement thereon speak for themselves:

I am sending you under this cover some data for your reference on the boundary of the reserve in this county. There are four statements, as follows:

Showing lands on which final counts or patents have issued.
Showing homestead entries not yet proved upon.
Showing State and school lands in reserve.
Total lands in reserve given to State and settlers.

I have attached official certificates to all these, and am also sending you under separate cover a map illustrating these statements in colors. I think these will be useful to you in giving an object lesson to the department. I also inclose, if you require it, a list released back to the United States to November 14, 1899, 26,809 acres.

There is also on file a map with the department, showing all the post offices, roads, etc.; this is a large map and cost $100—it was submitted with Dr. Cloes's report.

For ready reference and to refresh your memory on it, I am inclosing a copy of my letter and statement to the department. I think the data will about cover what you will require. If there is any further way in which I can assist you, please advise me.

If you are successful in getting the department to take action, as I believe and sincerely hope you will be, if you wire me at my expense you will confer a great favor on

Yours, very sincerely, THOS. T. ALDWELL.

December 14, 1899, Senator Foster referred this letter with its inclosures to the Commissioner of the General Land Office indorsed:

For consideration in connection with the urgent demands for immediately releasing the valley lands and foothills from the Olympic Forest Reserve. * * * Also please notify me immediately when action has been taken regarding the subject at issue.

HUNDREDS OF "SETTLERS" WAITING FOR HOMESTEADS.

This was followed by a telegram from Auditor Aldwell to both Senator Foster and Congressman Cushman, as follows:

Hundreds of settlers waiting to file homesteads in reserve. Most advantageous order reducing boundaries would fix date of change three months ahead, and give those who make settlement during that period prior right to file homesteads within 90 days after date of opening, otherwise State selections and corporation scrip will prejudice settlers from whom land was taken and badly retard growth of country.

Senator Foster referred his telegram to the Secretary of the Interior, while Mr. Cushman referred his to the Commissioner of the General Land Office.

Senator Foster's indorsement requested:

That I be informed if it is possible to comply with the suggestions of the auditor of Clallam County, Wash., and the settlers represented by him. Also I desire to urge the absolute necessity of prompt action in this matter of excluding certain lands from the Olympic Reserve in Clallam and Jefferson Counties, in the State of Washington, as per reports of the Geological Survey and the superintendent of forest reserves for the State of Washington.

CERTAIN "NEWSPAPERS" WERE THEN, AS WELL AS NOW, HELPING THE "SETTLERS."

Mr. Cushman, in laying the matter of the telegram before the Commissioner of the General Land Office, requested as follows:

In the first place, it has been stated in the newspapers that a large reduction of the limits of this forestry reserve has been recommended. Please inform me what officers or agents of your department recommended this, when it was recommended, and at what time will your office act definitely on this recommendation?

I also desire to say that the suggestions contained in the above telegram appear to me unusually sound. Please inform me, if possible, what will be the probable action of your department on the prior filing right of settlers and the limit of time so given. Please favor me with an early answer.

On January 2, 1900, the Chamber of Commerce of Port Townsend, Wash., also called the attention of the Secretary of the Interior to the need for modifying the boundaries of this forest.

In the meantime the General Land Office received on December 16, 1899, from the office of the Secretary of the Interior a letter from the Director of the Geological Survey, dated December 13, 1899, inclosing a letter from Mr. Henry Gannett, geographer, transmitting a report from Messrs. Dodwell and Rixon, forest experts, upon the northern portion of the Olympic Forest.

January 31, 1900, the Commissioner of the General Land Office laid before the Secretary of the Interior both the report made by Supt. Sheller on November 23, 1899, and the papers received from the Director of the Geological Survey, under date of December 13, 1899, with all the other papers in the case, and transmitted the draft of a proclamation changing the boundaries of the forest to conform to the recommendation made by Supt. Sheller.

The wide difference, however, in certain respects between Supt. Sheller's report and the report from the Geological Survey led the Secretary of the Interior to personally direct the Commissioner of the General Land Office to call Mr. Sheller's attention to the differences and request an explanation in the matter. This led to the following letter being addressed to Supt. Sheller on February 13, 1900, by the commissioner, paralleling the conflicting statements:

I am in receipt of your report made November 23, 1899, submitting the findings of a personal examination made by you of certain portions of the Olympic Forest Reserve, which you recommend be excluded from the reserve.

These findings appear to be widely at variance with the report received from the United States Geological Survey under date of December 13, 1899, as shown by the following extracts from each of said reports:

REPORT FROM UNITED STATES GEOLOGICAL SURVEY, DECEMBER 13, 1899.

(Pages 158, 876.)

They (Messrs. Dodwell and Rixon) recommend the exclusion of large areas upon the west side of both these counties and on the north in Clallam County. They recommend also slight additions upon the east side of both counties. All these proposed changes are shown upon the map transmitted herewith. In the case of Clallam County the exclusions amount to 455 square miles, and in Jefferson County to 318 square miles, a total of 773 square miles. This comprises nearly all the level country now within the reserve in these two counties. This area is heavily forested, the stand of timber upon it being estimated at 7,281,000,000 feet b. m., of which 464,000,000 feet is fir, 1,921,000,000 feet is cedar, 1,808,000,000 is spruce, and 3,098,000,000 is hemlock. The spruce and cedar timber are of special value, and, indeed, form the finest body of this timber in the State.

In this report Messrs. Dodwell and Rixon appear to define as agricultural land all land which is at all level without any regard to the question whether it is forested or not. Since, according to their statement, it cost $150 per acre to

REPORT BY SUPT. D. B. SHELLER, NOVEMBER 23, 1899.

(Pages 154, 174.)

The average of the whole of the western part of the Olympic Reserve, which I examined, can be termed "comparatively level," and, in my opinion, better adapted to farming and grazing than for the timber. The timber is principally hemlock and spruce, and of a knotty and unmerchantable nature, and at present of no commercial value; but when this land is taken up and farmed, the timber removed therefrom, the future benefits derived will be of a greater value than the timber value at the present time. Of the spruce there is very little that can be considered first class. In certain spots it is good, but not of sufficient quantity to be of especial value.

TIMBER.

The greater part is hemlock, and of a stunted growth in comparison to hemlock forests in other parts of the State; especially is this true of that part near the Pacific coast, and in my opinion never could become first class and merchantable. Hemlock trees a foot in diameter in a great many places examined were found to be over 125 to 140 years old. In other localities in this same exam-

clear this land for agriculture, being several times as much as the land will be worth when cleared for agricultural purposes, it is at least an open question whether this land should be classed as agricultural land. That these lands are of little value for agriculture, even when cleared, is apparent from the fact that far the greater majority of the holdings have been abandoned, and has been abandoned before this area was included in the forest reserve.

ination the same age of timber was found to be 2 feet in diameter. Along and near the Solduck and Calawa Rivers and in the southern part of the reserve in townships 21, 22, 23, and 24 is the only good first-class merchantable fir timber in the territory examined, all or most of which is patented and no residents now living on the land. This I have invariably found to be the case on all timberlands.

This examination extends to the townships named herein omitting the east half of township 27–11 and townships 27–14, 33–14, 32–14, and north part of 31–15 and 31–16. This I could not examine owing to the condition of the trails, streams, and weather. From the information that I have received in relation to the same, I am disposed to believe that the agricultural land will average with the balance of the land examined, and that the timber can not be of value from the fact of exposure to storms and precipitation in that locality.

SETTLERS.

The settlers now living on their lands took the same with the intention to make permanent homes, and for no other purposes, as their improvements will testify, and from the fact of their living there at the present time.

The class of settlers that took good timber for homesteads have made their final proof and are gone. No settlers remained with speculative intent. A great many have sold out for what they were offered, and most of the land so sold has been returned to the United States, and should this land be reopened for settlement many a homesteader would have an opportunity to again take up these lands that have habitable building in which to make a beginning and at the expense of the settler who sold out.

From inquiry I found that these settlers sold their lands because of the great disturbance which appears to have been created by scrip speculators, there being about 26,500 acres reconveyed to the United States in Clallam County, while I find about 6,500 acres reconveyed to the United States. A portion reconveyed in the northern part and western part is in its natural state, except what has been cleared for agricultural purposes, while the greater part in the southern part of the reserve which has been reconveyed is absolutely worthless for either agricultural or timber, most of it being logged off lands and then fired from what cause I can not at present ascertain.

I could not find a single instance in which a first-class tract of 160 acres of timberland had been reconveyed to the United States. From the topography of the country I find that it will be impossible to incorporate all of the lands better adapted to forest purposes as well as to exclude all of the lands better adapted to farming purposes from the boundaries as recommended. The forest lands will not be injured to any great extent, and the settler will retain his rights. For these reasons, taken in connection with my personal examination and finding land that will in my opinion be more valuable for farming, grazing, and stock raising and giving to the people their just rights, as well as protecting the forests of Washington, I respectfully recommend * * *.

In view of the wide difference in these statements, it is desired that you will submit a report explaining whether the statements made by you are the result simply of a general survey of the region, or whether you made a close personal examination of the size, density, and value of the timber on all townships, and of the nature and value of the soil, accompanied with a careful investigation into the matter of the settlement and other claims.

Report as directed at once.

Very respectfully,

BINGER HERMANN,
Commissioner.

February 20, 1900, Supt. Sheller, in response, made a supplemental report sustaining, in effect, the substance of his report of November 23, 1899.

March 17, 1900, Mr. Henry Gannett, of the Geological Survey, addressed a letter to the Commissioner of the General Land Office, stating as follows:

I am sending to the Secretary by this mail a memorandum of the areas agreed upon for exclusion from the Olympic Forest Reserve of Washington at the conference held March 15, and inclose a duplicate of the memorandum herewith to you.

On March 29, 1900, the Secretary of the Interior returned all the papers in the case and directed that the Commissioner of the General Land Office prepare and submit to the department at his earliest convenience a draft of a proclamation releasing certain specified areas, the tracts specified being, practically, the ones designated in a duplicate memorandum furnished the General Land Office by Mr. Gannett on March 17, 1900.

A second proclamation was accordingly issued, on April 7, 1900, excluding these areas, all of which lay in Clallam County.

In drafting this proclamation the Commissioner of the General Land Office, in accordance with the suggestion received through Senator Foster and Congressman Cushman, inserted a provision to secure parties desiring to make bona fide settlements under the homestead law an opportunity to do so in advance of the lands being covered by State selections or scrip by corporations.

These Clallam County areas were, however, no sooner released than another effort was put on foot to secure also the release of lands in the southern portion of the forest.

On June 1, 1900, Senator Foster wrote a most urgent letter to the Secretary of the Interior for the elimination of Jefferson County lands, basing his request upon the various requests and petitions previously made in behalf of Jefferson County and utilizing the Clallam County exclusions as an argument in favor of similar action in Jefferson County. The letter was so urgent that the Secretary of the Interior, in referring it to the Commissioner of the General Land Office, directed him to "submit a report with recommendation on the subject matter of the letter at an early day."

June 9, 1900, the Commissioner of the General Land Office reported adversely upon this request on the ground that the Secretary of the Interior had all of the correspondence relating to the requested eliminations in Jefferson County before him for consideration when he determined upon the boundaries which were established by the proclamation issued on April 7, 1900.

Further requests followed from time to time from Senator Foster, Congressman JONES, and individuals for changes in the southern boundary; and finally, on February 15, 1901, the board of commissioners for Clallam County addressed a letter to the Secretary of the Interior urging further eliminations in Clallam County, a copy of which was also forwarded to the Commissioner of the General Land Office, on February 16, by Deputy County Auditor Thomas T. Aldwell.

This action was promptly followed up by Senator Foster, who, on February 25, 1901, wrote to the Commissioner of the General Land Office indorsing it, and urging that the whole matter of changes in boundaries not only in Clallam County but in Jefferson and Chehalis Counties as well be taken up and disposed of by issuing a further proclamation for the removal from the forest of the desired farming lands in all three counties.

February 28, 1901, Senator Foster referred to the Secretary of the Interior a petition from the Chamber of Commerce, Port Townsend, Wash., for the restoration of Jefferson County lands, based upon substantially the same grounds as previously urged.

March 11, 1901, Senator Foster requested the Commissioner of the General Land Office to furnish him as speedily as possible, for the purpose of complying with a suggestion made by the Secretary of the Interior, a brief synopsis of all pending applications for eliminations from this and all other forests in the State of Washington; adding that the delegation from the State of Washington expected to appear shortly before the Secretary of the Interior to present arguments in behalf of further eliminations from those forests.

March 13, 1901, the requested data was furnished to Senator Foster.

March 14, 1901, Senator Foster referred to the Commissioner of the General Land Office a letter from the president of the Port Townsend Chamber of Commerce and a petition signed by nearly 100 residents of western Jefferson County, praying for the elimination of that part of the forest.

March 16, 1901, Hon. WESLEY L. JONES, then Member of Congress, now United States Senator, addressed a letter to the Secretary of the Interior stating:

Complying with your personal suggestion and request of a few days ago, I desire to submit to you a statement relative to eliminations of land from forest reserves in the State of Washington.

This statement urged the elimination of the tract in the northwestern part of Clallam County which had been severed from the body of the forest by the proclamation of April 7, 1900, claiming that it was the largest area of bottom land in the county, and was of great value for agricultural purposes.

"WONDERFUL SETTLEMENT" SAYS SENATOR WESLEY L. JONES.

(See list for names of "settlers.")

The result of the elimination made last year in Clallam County has been wonderful. Many settlers have come in, and old settlers have returned, and there is a general feeling of cheerfulness and prosperity. They also wish to eliminate certain other sections and townships which are set out in another petition. They allege there is good bottom land in this portion, and much that can be used for agricultural purposes. The main reason for asking that this land be eliminated, however, seems to be on account of the principal county road running through the territory, and it is desired to have this road run through taxable property as much as possible because of the expense in keeping it up.

The statement also went on to sustain, in effect, the petitions and data filed by the authorities and citizens of Jefferson County in regard to desired elimination of lands in that county.

This letter from Congressman JONES bore the following indorsement:

I concur in the foregoing.

A. G. FOSTER,
United States Senator from Washington.

In referring this statement to the General Land Office for appropriate action the Acting Secretary of the Interior referred also a statement made to the Secretary upon the subject by Senator Foster, under date of March 14, 1901, which again recited at length the facts and circumstances claimed to necessitate the release of the lands in question.

June 18, 1901, the Acting Secretary of the Interior referred to the General Land Office for report thereon a letter from the Director of the Geological Survey, dated April 16, 1901, stating as follows:

The survey and examination of the Olympic Forest Reserve has, after three years of work by a body of cruisers, been completed, and maps and diagrams representing the topography and the stand and distribution of timber have been prepared, together with a manuscript report. In addition to this the Land Office has furnished upon a map of the reserve a statement of the lands within its limits which have been alienated by the Government.

From a study of the data above enumerated I am prepared to make recommendations for the elimination of lands from this reserve. It will be recalled that eliminations were made a year ago from the northern part of this reserve; that is, the portion contained in Clallam County. The present recommendations relate to the areas comprised in the counties of Mason, Chehalis, and Jefferson. These eliminations are, as will be seen by reference to the map, in comparatively level country that is heavily forested which may be of value for agriculture when cleared, although clearing the lands for this purpose is an expensive operation. These areas consist in great part of lands which have been disposed of by the Government.

The letter transmitted a list and map showing the lands recommended for exclusion.

On June 29, 1901, the Commissioner of the General Land Office made the following report upon the matter:

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to invite attention to a letter addressed by this office to the department under date of January 31, 1900, transmitting a report (see 1899—154, 174) made November 23, 1899, by Forest Supt. D. B. Sheller, recommending changes in the boundaries of the Olympic Forest Reserve in the State of Washington and setting forth urgent reasons for a considerable reduction in the area of the reserve. I transmit herewith a map of said reserve, marked "Exhibit 1," showing the changes recommended by Supt. Sheller.

On April 7, 1900, a second proclamation was issued in this case, eliminating a large portion of the lands so recommended. (See Exhibit 11 herewith.)

Since then petitions and requests have been received from the Washington delegation in Congress and the county officers of Clallam and Jefferson Counties and from others for yet further eliminations, which has resulted in the petitions being forwarded to Supt. Sheller for further report, which report has not yet been received.

I am now, however, in receipt, by reference from the department, on the 18th instant, "for consideration, report, and recommendation, with return of papers," of a letter from the United States Geological Survey, dated April 16, 1901 (97116), submitting a recommendation as to advisable eliminations from the portions of the reserve lying in the counties of Mason, Chehalis, and Jefferson, which proposed eliminations I have indicated upon thee above-mentioned map, marked "Exhibit 11."

A careful study of this recommendation by the Geological Survey, in connection with the above-mentioned recommendation and in the case made by Supt. Sheller, and the various requests for eliminations from the reserve convinces me that the interests of the public demand that undoubtedly a further readjustment should be made of the boundaries of this reserve, with a view of releasing therefrom additional areas which are shown to be more valuable for other purposes than for forest uses, or which contain lands which have, in large part, been disposed of by the Government.

As regards the eliminations suggested by the Geological Survey, they appear to be warranted by both the topography and general character of the country and the status of the lands involved, which have to a great extent been disposed of.

Since to effect these changes will necessitate the issuing of a third proclamation in this case, it would undoubedly be well in so doing to complete all advisable changes in the entire boundary of the reserve, as suggested by Hon. A. G. Foster (U. S. S.) in a letter addressed to this office on February 25, 1901 (31071, herewith), in which he states, in connection with the request from the officers of Clallam County, as follows.

"I am most heartily in favor of further eliminations from the Olympic Reserve, not only in Clallam County but in Jefferson and Chehalis Counties. In my opinion this whole matter should be taken up jointly as regards the desired eliminations in the three counties, with a view to providing an Executive proclamation for the removal of such lands as are suitable for farming purposes and the elimination of which is calculated to result in the further settlement and importance of the district affected."

I accordingly invite attention to the further proposed changes requested by the officers of Clallam County, as indicated on the large map of that county herewith, marked "Exhibit A," Senator A. G. Foster," and also to the elimination of the western portion of Jefferson County requested by the officers of that county and indicated on the blue print inclosed in Senator Foster's letter, herewith, dated February 28, 1901 (36372).

As regards the requested eliminations in Clallam County, I am of opinion as follows:

The tract of land lying in the extreme northwestern corner and detached from the body of the reserve does not appear to be needed as a water conservative, but Supt. Sheller's said report states that from information received regarding the same he is "disposed to believe that the timber can not be of value from the fact of exposure to storms and precipitation in that locality."

In regard to this area Hon. WESLEY L. JONES, in a letter addressed to the department on March 12, 1901 (43408 herewith), which was concurred in by Hon. A. G. Foster (U. S. S.), stated as follows:

"Data has been filed in your department relative to lands in the northwestern corner of Clallam County. This was formerly a part of the Olympic Forest Reserve, but last year your department eliminated quite a large tract of land from the Olympic Reserve, and by such elimination some of the reserve was cut off by itself. At the time it was desired to have this land also eliminated, but you stated you would leave this for further investigation. Further statement relative thereto has been filed with your department, and I feel justified in asking that this land also be eliminated. It is alleged that this is good agricultural land and it is not very heavily timbered. It is the best area of bottom land in the country and will be of great value for agricultural purposes."

The fact that holding this tract in the reserve withdraws from general use a water frontage of fully 20 miles along the Pacific coast and that of the Strait of San Juan de Fuca adds a further reason for not containing it in the reserve.

The need for the eliminations requested in township 29 north, range 11 west, and townships 29 and 30 north, range 12 west, appears to be borne out by Supt. Sheller's said report, on which point Hon. WESLEY L. JONES, in the above-mentioned letter, states as follows:

"The result of the elimination made last year in Clallam County has been wonderful. Many settlers have come in and old settlers have returned, and there is a general feeling of cheerfulness and prosperity. They also wish to eliminate certain other sections and townships which are set out in another petition. They allege that there is good bottom land in this portion and much that can be used for agricultural purposes. The main reason for asking that this land be eliminated, however, seems to be on account of the principal county road running through the territory, and it is desired to have this road run through taxable property as much as possible because of the expense in keeping it up."

As regards the further requested elimination in Clallam County of the small strip of land in township 29 north, range 6 west, the same does not seem to have been examined by Supt. Sheller, but since it is rough, unsurveyed land it does not appear to be of a character calling for its restoration to the public domain, and as it lies directly on the border of the reserve it further appears that no serious injury would result to the settlers thereon by retaining it in the reserve.

As regards the request by the officers of Jefferson County for the elimination of all that portion of the reserve lying west of the range line between ranges 9 and 10 west, I am of the opinion that the extent of territory thus proposed to be released from the reserve is far too great, since it comprises a large extent of high mountainous country. In regard to the same Hon. WESLEY L. JONES, in his said letter, states as follows:

"As I understand it, this reserve takes up about two-thirds of Jefferson County. A great many acres are along streams in the valleys and are good for agricultural purposes, and, in my judgment, should be eliminated. Indebtedness was contracted before the reserve was laid out and to-day bankruptcy threatens the county because of the establishment of the reserve."

As shown above, the eliminations suggested in this region by the Geological Survey should undoubtedly be made; and, after a study of Supt. Sheller's report, I am of the opinion that possibly it would be well to extend the same somewhat with a view to restoring to settlement the valley lands of the Hoh, Clearwater, and Queets Rivers lying west of the Olympic Mountains, and also the whole of township 21 north, range 10 west, and fractional township 21 north, range 11 west. On this point Supt. Sheller's report states:

"The question of conservative water flow should not be taken into consideration on this examination, as the precipitation west of the Olmypic Mountains is always sufficient to guarantee a good water flow, even should the timber along the streams be removed, the origin of these streams being far above where this examination was made."

THE WASHINGTON DELEGATION GETS 480,000 ACRES ELIMINATED FOR THE "SETTLERS" (SEE THE LIST).

In view of all the above-recited facts, I have indicated upon the inclosed map of the Olympic Forest Reserve, which is marked "Exhibit 111," what would seem to be advisable limits for this reserve, which, if adopted, would restore to the public domain all of the lands suggested by the Geological Survey and would further meet the urgent and insistent requests of the Washington delegation and county officers as far as it appears consistent with the public welfare to do so.

The total eliminations from the reserve, as it stands at present, would aggregate approximately 480,000 acres.

This suggested boundary would also add to the reserve two small strips of mountainous land, aggregating 36 sections, or 1 township, lying on the eastern and northern sides of the reserve, in accordance with a recommendation to that effect in Supt. Sheller's report.

The total area of the reserve, as thus modified by these proposed eliminations and additions, would be 1,466,880 acres.

I have prepared, and transmit herewith for the President's signature, the draft of a proclamation readjusting the boundaries of this reserve as above suggested.

In view of the urgency shown for the release of lands in this case, I respectfully recommend early action in this matter.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The Commissioner of the General Land Office at once advised Senator FOSTER and Congressmen CUSHMAN and JONES by wire of this recommendation to exclude nearly one-half million of acres from the forest.

The proclamation, as thus drafted, was issued on July 15, 1901.

NOW SEE THE "SETTLERS"—THE MILWAUKEE LEADING ON WITH 80,630 ACRES.

(See page 21 of this pamphlet.)

In the meantime the following telegram, dated June 29, was received in the General Land Office from Senator FOSTER:

Please wire immediately townships to be eliminated from Olympic Forest Reserve and time given settlers in which to act.

In response thereto a copy of the draft of the proposed proclamation was mailed to Senator FOSTER on July 1.

July 17 Senator FOSTER again telegraphed, as follows:

Squatters and settlers now going on lands recommended to be eliminated from Olympic Reserve. Has proclamation been signed, and when?

July 19 he was advised in reply, by wire, of the date of issuance of this third proclamation.

The following year requests began to come in to the Interior Department for a further elimination of lands in the Quinlault Valley. Before, however, final action was taken on these requests the charge of national forests was transferred to the Agricultural Department, which resulted in the lands being retained in the forest.

CONGRESSMAN GARDNER, REPUBLICAN LEADER, SAYS MR. HUMPHREY DOES NOT HAVE TO SPEAK FOR PARTY.

No gentleman except my colleague, Mr. JOHNSON, on the floor of this House has expressed himself favorable to the resolution, and the gentleman from Massachusetts [Mr. GARDNER], long a distinguished Member of this body, has most emphatically declared that my colleague [Mr. HUMPHREY] does not represent the Republican Party in his resolution and in his views as expressed on this floor, but, nothing daunted, my colleague brings forth as a witness on behalf of his charges Mr. C. W. H. Heideman, of Bonners Ferry, Idaho. This witness says of himself:

The Bureau of Education of this great Government made their boast that they would get me fired, and they did.

No reasonable, rational person can read this letter, introduced in the RECORD of June 6, from Mr. C. W. H. Heideman without coming to the conclusion that the witness, by his own admissions, passions, and prejudices, absolutely disqualifies himself for consideration or credence. But I want to call the attention of Congress to the fact that when Mr. Pinchot sent out this letter to this Mr. Heideman he at the same time sent out about 2,000 similar letters to others. I have inquired of the National Conservation Association of these facts, and I desire to insert in the RECORD a letter I received from Mr. Pinchot, president of the National Conservation Association, setting forth that 1,510 replies to these letters, being identical copies of the letter mailed to Mr. Heideman, had been received, and that the answers almost unanimously proclaimed in favor of national forests and indorsed the way they were handled on the ground that they gave the small man a chance to make a living rather than a monopoly to a big man in forest matters. The following is the letter received from Mr. Pinchot:

MILFORD, PA., *June 9, 1913.*

Hon. JAMES W. BRYAN,
House of Representatives, Washington, D. C.

MY DEAR MR. BRYAN: In accordance with your request, which has been communicated to me from Washington, I am very glad to give you the results of a recent effort to determine what the western people think of the national forests as now administered.

It has appeared to me that the most authoritative answer to this question could be had from the national forest users themselves, who are those most directly concerned. Accordingly I wrote last fall to about 2,000 persons living in or near national forests. The object was to make an impartial investigation and to get a really representative expression of public opinion. Very few of the men to whom I wrote are known to me personally. I was careful in my letter, copy of which is attached, merely to invite a frank, definite, and unbiased statement of the facts regarding the national forests as the writer might see them.

So far I have received 1,510 replies. While they still continue to come in, the total is large enough to form a very important guide to what the people who use them most think of the national forests. The replies are from settlers, stockmen, prospectors, miners, loggers, and other users of national-forest resources. While some of them come from the heads of large enterprises, the vast majority are from small men in the sense that they are men of small means. Very often the letters are written with a pen and some of them are written with pencil. Many of them come from men to whom writing is clearly an unaccustomed task. These I value most of all, for they tell what the men think who use the resources of the national forests with their own hands.

Of these 1,510 letters about 90 per cent say in substance that the national forests promote the welfare of those who live in or near them; that they encourage settlement and development; that they are handled so as to give the small man a chance to make a living rather than to give the big man a chance to make a profit; that the forest officers are courteous, zealous, and efficient public servants; and that the national forests, for the best interest of the people who use them, should be kept in Federal ownership.

About 10 per cent of the letters criticize the administration of the national forests in terms more or less severe. It is interesting and significant that the protests are largely typewritten and are in the main from those who represent big interests. It is also noteworthy that they very rarely contain alleged specific examples of maladministration, being in general devoted to broadsides aimed at the policy of national forest conservation in general.

These 1,510 letters comprise the most impressive body of evidence I have ever seen that the men whose welfare and the welfare of whose wives and children depend directly on the national forests are well content. The letters will be made readily available to anyone who may care to see them. I attach copies of a few which I think are fairly representative.

Sincerely, yours, GIFFORD PINCHOT.

The following is a copy of the letter sent out containing the questions:

Every year since it was established, the Forest Service has been vigorously attacked in Congress. During the past session the attack was renewed, and definite statements were made that a strong effort will be made next winter to cripple the service and break up the national forests. In these attacks it is charged that the Forest Service does its work badly, that its regulations and methods are tyrannical and inefficient, and that the people of the West are overwhelmingly opposed to the whole national-forest system. Whether these charges are true, or whether they are merely part of an effort to open the national forests to exploitation by the special interests, they are important. In either case the actual facts ought to be known.

Some of the charges against the national forests are the following:

1. That a national forest is a detriment to the people who live in its neighborhood.
2. That all kinds of natural resources within the national forests are withheld from use.
3. That prospecting is not allowed.
4. That valid mining claims are held up.
5. That the national forests are run so as to favor the big man and not to help the home builder.
6. That homesteads are being taken away from settlers for ranger stations.
7. That the forest officers are overbearing, opposed to the settler, and anxious to keep the country a wilderness by reporting against all claims, whether good or bad.
8. That the forest officers are incompetent eastern theorists, who know nothing about the West.
9. That timber sales are handled in the interest of monopoly for the Lumber Trust.
10. That cattle and sheep barons are given preference over settlers and small owners in range allotments.

The question whether the national forests shall continue to be administered by the National Government or shall be turned over to the States will surely be brought up at the next session of Congress, and the outcome will probably depend upon whether it is shown that the Forest Service is actually administering the national forests efficiently and honestly in the interest of all the people of the West, or that it is not.

Your name has been given to me as a representative citizen and a user of one of the national forests. Would you be willing to give me your plain and straight opinion on each of the charges mentioned above? I am anxious to know also what effect the national forests as now handled have upon your own welfare and that of your neighbors. I hope you will make your letter full and explicit, answering by numbers if more convenient. Please do not confine your answer, however, to the numbered charges if there are other matters which deserve consideration. I should be especially glad if your neighbors who agree with the statements made in your letter would sign it with you.

Sincerely, yours, ——— ———.

I now insert in the RECORD several replies which were received. These replies stand out in contrast with the Heideman letter:

FERN DELL ORCHARD,
Lakeside, Wash., October 21, 1912.

NATIONAL CONSERVATION ASSOCIATION,
Washington, D. C.

GENTLEMEN: Your letter of the 5th instant, asking me for honest opinions to certain charges against the national forests and the actual effects upon myself and neighbors of these reserves as now handled, I have no hesitation in telling all I know of any subject that pertains to the public welfare. I will answer the questions as they come by number.

First. The national forest is a blessing to the people within its borders because it affords, provides, and guarantees a supply of fuel, timber, and pasture or range for every resident. It affords us the best fire protection known. It prevents the forest cover from being destroyed, thus conserving our springs and water supply, and also keeps our steep hill and mountain sides from erosion. The Forest Service has given us roads, trails, and telephones. It is a detriment only to lawless exploitation.

Second. There is not a natural resource within this (Chelan) forest that is not offered for use and is being used as fast as people can make use of them. Logs for lumber, timbers, electric-light and telephone poles, wood, pasture for great bands of sheep, everything that can be used, is used. Only it is now looked after and the resources are sold, not stolen.

Third. This is most too silly to need answer. This forest has been dug over two or three times, and is being gone over all the time.

Fourth. I have never heard of a mining claim being held up in this reserve, although there are some that should be.

Fifth. Timber, fuel, pasture, is given to the poor man free. The big man, big sheep man, steamboat man, sawmill man, etc., pay for their privileges. Giving the lie direct to that charge.

Sixth. At the risk of being tiresome, I must tell you of our situation here. Lake Chelan is nearly 60 miles long. It is one of the most beautiful pieces of water in the world. The climate is such that you can take a blanket and go camping and sleep on the ground for months. No rain nor dew. Thousands avail themselves of this opportunity every summer. Any man, be he ever so poor, can take his wife and kids in a rowboat and spend as long as he has the time along the shores; but the only camping places, owing to the precipitous shores,

are at the mouths of the various creeks that empty into the lake. A few people have raised a big howl because they were not allowed to homestead these places. See? A dozen of these homesteads would sew up the whole thing. These places, all together, would not make a garden, but they would sell to some millionaire, and the few men would practically own the lake. We hope these places will be held for the thousands who need them. Aside from this, homesteads are being taken all the time where there is any agricultural land, and the benefit of the doubt is generally given to the applicant.

Seventh. All the forest officers and men that I have come in contact with have been courteous, polite gentlemen. I have eaten and drank with them, and I have fought fire with them, when for 6 days we put in about 16 hours a day, without very much food or water, either. Their work is hard and many times dangerous and their pay is insufficient.

Eighth. I have not met the eastern theorists. The men on the Chelan Forest, from supervisor down, are men raised in this country and have worked up from the bottom in the service here. They know their business, and there are no more sober, honest, and reliable business men in this country. Ask the banks or any business house in this country.

Ninth. The sheep range is the land way back and up that no settler could use. We have all the range we can use at our doors. All our logs for lumber have been sold to a local mill here. There are no other buyers. Wood is sold to the steamboats, given to the settlers, up to a certain amount.

You may get the idea from this letter that my warm espousal of the Forest Service is because I have profited in some way from the handling of same. I will say my home here was homesteaded long before this was a reserve. I have never even received a cord of wood. I have plenty on my own land, but my neighbors have had favors. We all know and appreciate the advantages of being in the reserve, and we don't want any State handling of it. Much better it would go back as open Government land than to let the State have any hand in it.

I am sure this is the opinion of the great majority of the people in this country, especially of those who live in the reserve. Hoping you will be able to head off any adverse legislation and that the good work will go steadily on, and if I can be of any use you will call on me, I am,

Yours, very truly,

EDWARD F. GAINES.

SKYKOMISH, WASH., *October 29, 1912.*

Mr. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: In reply to your letter of the 5th, will state—

First. The general belief here is that the national forests will prove a lasting benefit.

Second. The national resources within the national forest are withheld from speculators, but not from parties that have legitimate use for them.

Third. Prospecting is allowed without any interference from forest officers.

Fourth. Title to valid mining claims in some cases have been unnecessarily delayed by overcautious forest officers, but this does not happen in all cases.

Fifth. The national forest is conducted with equal rights to all regardless of wealth.

Sixth. I have not heard of any bona fide homesteaders or settlers being interfered with by forest officers.

Seventh. The forest officers that have been here, with one exception, have been gentlemen in every respect, and a credit to any organization. I have been informed that this one exception was dismissed from the service on very short notice.

Eighth. The foresters are mostly young men, intelligent and capable, and from the work they are doing they will prove a valuable body of men to our Government.

Ninth. The sale of timber is honestly conducted.

Tenth. I know nothing about the arrangements for grazing within the forest.

Very truly, yours,

JOHN MALONEY,
Dealer in General Merchandise.

TONASKET, WASH., *November 10, 1912.*

GIFFORD PINCHOT,
President National Conservation Association,
Washington, D. C.

SIR: Your letter of October 5th reached me in due season, though my reply has been unnecessarily delayed. I beg to state, however, that I am heartily in sympathy with the Forest Service and have been for some time. I was born and raised in this country and have used the lands now known as forest reserves the greater part of my life and my father used them before me. At the inception of the Forest Service I, with many others who had had free use of this land for many years, was against the proposed change, but from the date at which this change went into effect until now I have had nothing but the fairest treatment, and know of no case where the laws have worked to the detriment of any honest person. It seems to me that it would be almost a crime to turn this over to the State. I have found nothing in my use of the forests or business with the Forest Service officials that appears to me either tyrannical or inefficient. There may be such cases, but they can be found as exceptions in every department of the United States.

A national forest is not a detriment to the people in the neighborhood. Formerly all kinds of stock roamed at will in the forests, and people living adjacent to the reserve, or what is now the reserve, had no peace whatever from the depredations of horses and cattle which were on public range and consequently must not be molested. Their own small bands of cattle had no range near home, where now each settler adjacent to the reserve is allowed to pasture his domestic animals free of charge.

So far as I know the natural resources within the forests are not withheld from the people. Firewood, poles for fencing and other purposes, are all allowed to homesteaders without charge for a reasonable amount. Other resources are generously dealt with as in the cases mentioned.

I have prospected a good deal in the forest and find that aid is rendered rather than that prospectors are hindered in their efforts. Valid mining claims are not held up to my knowledge. There are several in the immediate vicinity.

So far as I am able to judge, the national forests are not run for the benefit of the big man but rather to help the home builder. In apportioning range for big bands of sheep or cattle on the reserves which I use, the fairest dealing is granted the small man with 10 or 20 head of cattle, and the big man is apportioned a part of the range far distant from that used by the home builder. My band of sheep have this year been ranged from 75 to 100 miles from the beginning of the reserve, on land which has not been ranged over before for some time, leaving the range nearer home to the homesteaders in the immediate vicinity who needed it for milch cows, etc.

I have never known of land being taken from homesteaders for ranger stations. In this forest the ranger stations are far from settlements and on land which has never been homesteaded and probably never would be.

The forest officials connected with the Colville Reserve are all gentlemen anxious to do all possible to assist me in my business with them, and equally anxious to please the settlers. The forest officers here are men who have either been raised in the West or have lived here long enough to see things from the western standpoint, and are not in any manner theorists. The officials in charge of the Colville Reservation are an exceptional lot of friendly gentlemen.

Little timber is sold here, and what is sold is mostly sold to small mills or to settlers adjacent to the reserve. This is so obviously ahead of the manner of treating the forests before the reserves were created that it is a great improvement. We who have spent our lives here have, times uncounted, seen the finest timber in the forests culled out and left to die and rot because of no mills to cut it, the work of timber hogs who thought it might be possible to cut it and who meant to have the best the forests held. Many million feet of logs have been wasted in this manner over this State.

I do not think cattle and sheep barons are given preference over settlers and small owners in allotments of range. I wish it understood that I am only a small sheep owner, my band numbering about sixteen or seventeen hundred head, but I have not suffered either from the officials or from complaints by homesteaders. As I explained previously, my summer range this year has been miles from home and miles from any point which could have been used by small owners of cattle, sheep, or horses. This was not a convenience to me but it was a fair deal to all and I had no complaints to make whatever. I know that the majority of citizens in this country feel as I do in this matter. We hear very few complaints, none whatever from the settler and homesteader in the vicinity of the forests and very few from any other person, unless it may be some one with a desire to grab more of this land for speculation than he is allowed to do. I sincerely hope that nothing may be done to handicap the Forest Service further, and that the management of the forests be left where it now is and where it truly belongs.

Respectfully, yours,

CLAY FRUIT.

SEATTLE, WASH., *January 14, 1913.*

Mr. GIFFORD PINCHOT,
President National Conservation Association,
Colorado Building, Washington, D. C.

DEAR SIR: In reply to your favor of October 5, 1912, I desire to say:

1. In my opinion a national forest is a benefit rather than a detriment to people living in its vicinity, because it conserves for use what they otherwise ofttimes recklessly waste.

2. As far as I know national resources are not withheld from legitimate uses, but are withheld justly from those who desire to obtain something which is not theirs by right for nothing.

3. Prospecting is allowed.

4. Valid mining claims are carefully scrutinized and improper mining claims which are intended to cover pretty nearly everything except mines are held up and very properly.

5. I have never heard in this country from those who are in close touch enough to know a statement that the forests are run in favor of the big man as against the homebuilder.

6. I know of homesteads being used as ranger stations, but I understand some of these were bought from the settlers, and I know that some were taken because the settler had no proper title. This latter fact sometimes gives rise to unwarranted criticism by the other settlers, who sympathize with their neighbors.

7. The forest officers are uniformly courteous to and generous with the settler. They are anxious to have the forest settled wherever there is land for settlement, on the ground that the settlers are of value as fire fighters and otherwise. They do not hesitate to report their honest opinion on all claims. Some of the people of the Northwest have had something for nothing for so long a time that they think any kind of a claim, good or bad, should be allowed. Certainly this is not fair.

8. The Forest Service is building up a splendid personnel, even though we sometimes here get supervisors to whom the timber of this country is new and strange, yet the chances are that no one here would be more satisfactory.

9. It is a pity that the salaries are not large enough to hold the good men that they have, but when these go to universities or other schools their influence is probably further reaching for good.

10. Timber sales are handled favorably to everyone, whether he be big or little.

11. My experience is limited in regard to range allotments, but from what I do know the settlers and owners are given a very fair chance at the range.

There is some talk in this State in regard to having the forests broken up and given to the States, but this is not by any means as strong a report as the newspapers make out, and the belief of myself and friends is that such a division would be little less than a calamity to this State and to the country at large

It is a matter of regret to me that the appropriations for the Forest Service are not larger than they are.

It will be for the good of the service, were it possible, that claims, prospects, etc., so far as they affect the Forest Service, be acted upon very promptly This, I fear, has not always been done.

I have been in every national forest from the Columbia River west to the Pacific Ocean, and also along the Columbia River both in Oregon and Washington. The above statements are based on the experience and knowledge gained in these travels. I have been and still am proud of the Forest Service.

Yours, very truly.

CHAS. ALBERTSON,
Member American Society Engineers.

OGALALLA, NEBR., *October 16, 1912.*

Hon. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Yours of the 5th received regarding the forest reserve in which I am located. This reserve, as you probably know, is composed of sand hills and is a grazing proposition only.

No. 1. All the desirable land in the reserve was homesteaded long ago, before the reserve was set aside. The part which goes to make up the reserve was subject to homestead entry all those years and not filed on, as the people could not make a living on that class of land. When the reserve was created it enabled the small cattle owners to maintain drift fences and put in suitable watering places and get the use of the grass. Before this was permitted cattle roamed at large, and in a dry season drifted in large bunches and practically destroyed the watering places. Now, under forest supervision, the users of the reserve are compelled to maintain watering places and enough of them that all the grass is utilized. In my opinion the reserve is maintaining for summer at least twenty times as many cattle as before the reserve was created. All the small or large cattlemen that were located in or adjacent to the reserve have tracts allotted to them, and there is no complaint, as far as I have ever heard; every man has had good and fair treatment by the supervisors and those in charge of the reserve. My observations are that the small man has been protected at all times. In fact, there is a clause in each lease that class A men have a preference over all. That refers to homesteaders.

Nos. 2, 3, and 4 do not apply to this reserve.

No. 5. The reserve I am located in has always been run so that the small cattlemen are looked after more carefully than the large ones, as the supervisors seem to think that the large man will look after his own interests.

No. 6. On the west and south boundary of the reserve all land next to the reserve has been taken up under what is known as the Kinkaid Act. Most of this land was taken up six years ago. I find an average of only one settler in six staying on his land after proving up. This indicates to me that the land is not suitable for farming, and the class of people taking these claims are not financially able to buy and keep stock. Those men that have stayed after proving up are those men that were able to buy small herds of cattle; and in all cases where they had enough stock to need additional grass the supervisors have allotted them a tract in the reserve and had the lessees move their fences to accommodate this class of settlers. In my opinion, the agitation about the North Platte National Reserve has been caused for advertisement purposes by politicians. I am informed that the reserve in question is to be classified. If this is accomplished it will determine the nature and class of the land located in the reserve. Where the land is such that a settler can not make a living by farming, as is proven from the fact that 80 or 90 per cent of the settlers leave their places as soon as they get title from the Government, it would seem that the land in question is put to the use it is most suitable for and is used to advantage to the most people. Again, the homesteaders around the reserve could not exist if it were not for the work furnished by the stockmen located in the reserve. The present shortage of beef and the high cost of same would indicate the necessity of encouraging the production of all the beef possible. Doing away with the national reserves would probably cut down the production one-third.

No. 7. I have found the forest officers courteous at all times, and have seen them making surveys at different times to determine the nature of the soil in different parts of the reserve.

No. 8. At present we have as acting forester of this reserve a western man who is familiar with grazing conditions. Also I have talked with the men in charge at Denver and find them fully posted as to conditions, and always willing to listen and give information.

No. 9. Does not apply to this reserve.

No. 10. I think I have already answered in full.

Respectfully submitted.

HARVEY HAYTHAIN.
SEARLE & SON,
By E. M. SEARLE, Jr.
AUGUST FINKSEN.
GEORGE MCGINLEY.

SHAINKO, OREG., *October 31, 1912.*

GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Regarding the questions sent me relating to the forest reserves, will say that I do not agree with any of them.

1. The national forests are not a detriment to the neighborhood in which they are located in, but are a benefit.

2. Not true. All the resources of the national forests are not withheld from the people. The grazing lands are given to the stock raisers to graze their stock on for a resonable fee.

Timber is sold to who might want it. Poles and wood are given to raisers to graze their stock on for a reasonable fee.

Irrigation ditches are taken out from the reserves and the water used for irrigating.

I know of small farmers taking out water as well as the big ones. The small farmer does not have any trouble to get the same treatment as a bigger one. Anyone has the right to hunt and fish in the reserves under the same conditions as they have on any Government land.

Hotels and summer homes are built in the reserves.

Trappers trap, prospectors prospect, and miners mine the same as out of the reserves.

4. Never heard of a valid mining claim being held up.

5. Not in the reserves in Oregon. A small man has a better chance than a big one. A home builder gets everything he wants from the forest free, and some of them were born and raised within 50 miles of the forests and are fairly educated.

9. The Government sells timber.

10. Untrue. The big stock men have been cut down and the little ones have increased.

I honestly believe that the national forests in Oregon are administered efficiently and honestly in the interest of the people of this State and for generations to come.

They are a benefit to the State and will be a greater benefit in years to come.

Do not believe in turning the forests over to the States. The National Government can run them at less expense and honestly. The State of Oregon could not run a forest reserve on the square and give a poor little man the same show as a big rich one.

J. W. FISHER, *Shainko, Oreg.*

CHIRICAHUA, ARIZ.

MR. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Yours of October 5 received. Note what you say in regard to the attack that will be made against Forest Service in Congress this winter. In answer to your questions as to what I know about the forest and its service.

First. That the national forest is a detriment to the people. As to myself, I think it is the greatest thing we have to-day. Were it not for the preservation of our timberlands, I can not see what the coming generation would do, and I do believe without the Forest Service in 10 years there would not be a stick of timber large enough for a fence post.

Second. That all kinds of natural resources are withheld from use is not the case in the Chiricahua National Forest nor the Pocatello Reserve, of which I am acquainted.

Third. That prospecting is not allowed is not the case on the Chiricahua nor the Paloncillo National Reserve.

Fourth. That valid mining claims are held up is not the case here.

Fifth. That the national forests are run so as to favor the big man and not the home builder is not the case here.

Sixth. That homesteads are being taken away from the settlers for ranger stations is not the case here.

Seventh. That forest officers are overbearing and opposed to settlers is not the case, but is encouraged.

Eighth. All forest officers it has been our lot to have have been western men, who have been in the West long enough to know the wants and ways of the western people.

Ninth. That timber sales are handled in the interest of monopoly, for lumber trusts, is not the case on those reserves.

Tenth. That cattle and sheep growers are given preference over small owners is not the case. If it had been so, myself, with a number of others too numerous to mention, would have been crowded off literally by the big cattle companies and goat men—as there are no sheep in this immediate vicinity, but a great many goats, which are a thousand times worse than sheep in destroying all growth of any description.

In conclusion I would say there are some little changes that could be made, but as the service is making these changes from time to time I believe everything will right itself.

Yours for the preservation of the national forest,

T. P. BLEVINS,
CHARLES JOHNSON,
J. O. FIELDMAN,
F. KLASS,
W. N. PATY.

HYANNIS, NEBR., *October 31, 1912.*

MR. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Yours received and noted. With regard to the national forests, would say my observation has been that they are a benefit to the people in general, and that the forest is not a detriment to those who live near it, but a benefit. In the national forests the looters can no longer take what they please. There is a limit now.

In my observation the national forests are producing more for the people than ever before, and they are not run to favor the big man, but the small man. And I know from personal experience that homesteads are not taken away from the settlers for rangers' stations—at least in Nebraska.

I also know that the forest officers as a whole are able and courteous gentlemen and generally efficient. I can recall but one exception since the starting of the Nebraska forests, and that did not last long; and from general observation the small cattle man is given preference over the large operations. I believe I can see a great future in the proper control of the national forests. Our children's children will thank and praise us for the conservation of the great natural resources and the benefits we are trying to bring about by reforestation.

There may be modification in areas needed. I can not say as to that; but from personal observation in Nebraska we should have had larger areas set out for reforestation than is now in use for that purpose.

Yours, very truly,

E. E. LOWE.

DURANGO, COLO., *November 4, 1912.*

HON. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Replying to your valued favor of the 5th ulto., am happy to say that it affords me much pleasure to answer all questions propounded in said communication.

First. That a national forest is a detriment to the people who live in this neighborhood.

To this I can answer most emphatically that instead of being a detriment it is a decided benefit.

Second. That all kinds of national resources within the national forests are withheld from use.

This is not true in this section of the country.

Third. That prospecting is not allowed.

Not true here.

Fourth. That valid mining claims are held up.

Not true here.

Fifth. That the national forests are run so as to favor the big man and not to help the home builder.

I have never heard such complaint, if anything along this line; and we have some of the larger owners of both cattle and sheep complain that they are restricted in increasing herds, while smaller herds are allowed to increase, which seems to me is the proper thing to do.

Sixth. That homesteads are being taken away from settlers for ranger stations.

Nothing of this kind, as far as I have ever heard. All bosh.

Seventh. That the forest officers are overbearing, opposed to the settler, and anxious to keep the country a wilderness by reporting against all claims, whether good or bad.

Instead of forest officers being overbearing all of those with whom I have come in contact are most gentlemanly, courteous, and obliging, ready at all times to render any service within their power beneficial to those who occupy any portion of the reservation; and I can say personally that in my case I am under lasting obligations to many rangers who have located cattle in out-of-the-way places, especially in the late fall, thereby giving us a chance to get them out before winter sets in. It may be possible that this section has been blessed with a peculiarly high class of foresters, but the writer has never mingled with a more obliging and gentlemanly class of men.

I have had some knowledge of claims coming up for foresters to report on and must say that so far as I know or have heard about these reports there never has been a single complaint bordering on criticism.

Eighth. That the forest officers are incompetent eastern theorists, who know nothing about the West.

Again I must say that we are in luck with our officers, as all of our foresters are practical men, and, so far as I know, all of them are

typical western men, familiar with every phase of this work, and have and do make good on all questions coming up.

Ninth. That timber sales are handled in the interest of monopoly for the Lumber Trust.

Sale of timber I am not familiar with, as I am in the stock business.

Tenth. The cattle and sheep barons are given preference over settlers and small owners in range allotments. I can only speak as a small owner of cattle and will simply say that I have no complaint whatever on this charge, as I think small owners are given preference over large owners; in fact, this is decidedly the condition existing here.

Now, as a general proposition, let me say that peace has reigned here between owners of cattle and sheep since the Forest Service has been in vogue, when before all was strife and bitterness, with some gun plays and some lives sacrificed.

And again, under the service we breed our stock, especially cattle, as we can not get the exclusive use of pure-bred bulls if we elect to purchase the same. In our community this has been largely done. For instance, say a half dozen or more owners who occupy a certain range club together and agree to purchase so many pure-bred bulls for a series of years, and have so done; and now I notice a very marked improvement in young cattle. This is very pronounced in this locality.

Again, under the old free grazing system, all ranges were overstocked and grass eaten out so much that no fat cattle left this locality for eastern markets. Now, this season plenty of beef has gone to eastern markets, and in one instance a train of cattle went from here this season and sold for the highest price grass cattle ever sold for on Kansas City market from Colorado.

It seems to me that this forest question is one sided indeed, and admits of no argument whereby the old system could be reinstated without disaster following thick and fast.

Sincerely, yours,

G. W. MELVILLE.

—

PLATORA, NEV., *November 15, 1912.*

Mr. GIFFORD PINCHOT, *Washington, D. C.*

DEAR SIR: Your letter of October 5 is received:

As a user and a home builder on a national forest I shall be glad to give you my candid opinion on such topics mentioned in your letter as I am familiar with.

1. Prior to the creation of the national forest on which I reside citizens and property holders were compelled to dispose of a good portion of their stock from the fact that noncitizens and transient sheep owners crowded our range and practically starved us out.

During the first year the forest was administered under the service something like 30,000 head of these sheep were removed from the range; every citizen and person owning property on or near the forest was given range for his stock.

I do not know of one person in this neighborhood but what will say with me that the creation of the national forest has been the salvation of our business.

2. I know of no natural resources being withheld from the public.

3. Prospecting goes on as before without any restriction whatever.

4. I do not know of any claims being held up in this vicinity.

5. I am what would be termed "one of the small-home builders," but, as far as I have been able to observe during the past two years of administration by the Forest Service, I have received quite as good if not better attention and help than have my neighbors who have larger holdings.

6. There are within a radius of 3 miles from my homestead six possessary or squatters' claims; three of these are within the boundary of the national forest; the other three adjoin the boundary. Either of these would have made an ideal ranger station, all having some improvements upon them, but the supervisor chose a vacant tract of land covered with sagebrush and with not even a tree on it for shade.

The possessary claimants are now acquiring title to their land under the forest-homestead law or act of June 11, 1906.

7. Forest officers have proven to be very considerate, and have given me every encouragement possible, and have, to the best of my knowledge, reported favorably on every claim applied for in this neighborhood.

8. Of the five officers on this forest four are western men and western educated and, in my judgment, quite competent to handle western business.

9. I will leave this question for some of my friends to answer who live where larger timber grows, as we have no saw timber on this forest.

10. I have a small band of sheep. My allotment was in the very best part of the range, and I had plenty of feed, and I consider that I fared quite as well as any other permittee.

In closing, will say that I am thoroughly satisfied with the Forest Service and its officers.

Yours, sincerely,

ALBERT REMUSAT.

—

ELK CREEK, *October 29, 1912.*

Mr. GIFFORD PINCHOT.

DEAR SIR: In answer to your letter of the 5th instant will say I am a man of moderate means and have been grazing cattle on the California National Forest ever since it was formed. I used the same range that I am now using before the California National Forest was formed. I am perfectly satisfied. You say some of the charges against the national forest are the following:

First. That the national forest is a detriment to those who live in its neighborhood.

It is not.

That all kinds of natural resources within the forests are withheld from use. They are not.

That prospecting is not allowed. I know that miners are allowed to go in the California National Forest and prospect, and are not molested by forest officers. I have never heard of a valuable mining claim being held up.

The little man is shown as much consideration as the big man.

Several homesteaders seeing that they had not fulfilled the law, relinquished their claims. Others contested and were given a fair chance and a fair trial. They were usually beaten. I do not think the national-forest officers are to blame.

That the forest officers are overbearing and opposed to the settlers and anxious to keep the wilderness by reporting against all claims, whether good or bad. I find all the officers very courteous. When I say officers I mean the gentlemen attached to the supervisor's office and the rangers.

The officers seem very well informed in regard to conditions in the West. Most of the rangers are men raised near the California National Forest.

Timber sales are handled in the interest of monopoly for the Lumber Trusts. I know of several small owners that have bought lumber from the national forest and are perfectly satisfied with the treatment they received.

That cattle and sheep barons are given preference over settlers and small owners in range allotment. I have never heard of that. Mr. Godwin, our forest supervisor, and all the rangers working under him seem very desirous of making all the settlers and the users of the forest satisfied. I used the range I am now using some eight or nine years before the California National Forest was formed and was troubled by goat and sheep men coming in on my range when the forage got short on their range. Since the national forest has been formed every man is supposed to keep his stock on the range allotted to him. I feel that the national forest is a good thing for me and every other man.

I have met and did business with Mr. Godwin, the supervisor, and find him a perfect gentleman. I am personally acquainted with Roy Walkup, chief ranger of the district where my range is situated. I find him seeking to try and satisfy the users of the forest as well as working in the interest of the national forests.

Respectfully,

C. A. LUCAS.

—

QUEEN, N. MEX., *October 28, 1912.*

Mr. GIFFORD PINCHOT.

President National Conservation Association.

DEAR SIR: I have received the letter which you wrote my father, and as he is away from home I shall endeavor to answer as I am sure he would answer.

I shall answer your questions as you have numbered them.

First. Instead of a detriment, the forest reserve has been a great help to the people of the Alamo National Forest; this is the only one in which I have had any experience.

Second. I know of no natural resources that have been withheld from use by the forest.

Third. I know of some prospecting here in the past few months which the service has not interfered with.

Fourth. I know of no valid mining claims that have been held up, although mining is very rare in our neighborhood.

Fifth. With regard to the national forests being run so as to favor the big man, can say this is absolutely false in our district.

When a man has too many cattle for his amount of range he sells the surplus, and they are not allowed to graze on other people's ranges.

Before the reservation was established the "big" cattlemen on the outside of what is now the reserve could bring their cattle, or many of them at least, on our range during the summer months, which was a great imposition on us. Now we are protected against all such proceedings.

Sixth. I have heard no complaints in regard to homesteads being taken for ranger stations.

Seventh. Our forest officers have never been overbearing in any manner, and those with whom we have had experience have tried to the best of their ability to please the people and enforce the regulations in a satisfactory manner.

Eighth. The forest officers are also practical, competent western men.

Ninth. In regard to timber sales being handled in the interest of monopoly for the Lumber Trust, we have no large timber here; therefore we have no experience of that kind.

Tenth. That cattle and sheep men are given the preference over settlers and small owners in range allotments.

That certainly can be contradicted, because one of the greatest advantages of the Forest Service is that every man has his allotted range, and no man is allowed to monopolize the country.

Now, I am sure I have voiced the sentiments of the majority of the people on the forest. Of course, there are a few who oppose it, but that class consists of two kinds—first, men who want to monopolize everything, and, second, men who have nothing whatever and are only chronic "kickers."

When the national forest was first established it was met with disapproval by many, and it was several months before the rules and regulations were fully adjusted to circumstances. Now our country is in better condition than it has been for many years, principally because the cattle have been cut down to the proper number, and every man knows his allotment and furnishes sufficient water for same.

I have shown your letter to some of the leading stockmen here and told them what I have written in reply, and they approve of this reply.

I will be glad to give any further information that I am able to give.

I saw Mr. Ares to-day, and he said he would get the people to sign his answer to your letter to him, so it will not be necessary to get them to sign this one.

Yours, very truly,

LEWIS MEANS.

—

EDIE, IDAHO, *October 18, 1912.*

Hon. GIFFORD PINCHOT.

DEAR SIR: In answer to your letter will say that the people around here are mostly engaged in stock raising. We have a forest reserve on the timber and higher hills, and the valleys and lower foothills are free range. There is always trouble on the free range, but none on the reserve. The sheepmen drive their sheep among our cattle on the free range, which we have used for cattle for years, and trample out the grass; but when we get on the reserve there is no trouble. Their range is given to them, and they stay where they belong. The forest officers are not overbearing and opposed to the small settler, at least in our district. I am well acquainted with our supervisor, Mr. Huddle. He is always courteous and anxious to give us all a square deal. I know six of his assistants, and they are like him—always obliging and eager to help and encourage the small settler. Perhaps they came from the East; but if they did, they soon learned western ways.

I do not know about mining claims nor timber sales, as we have no mines nor timber sales around here.

This reserve is not run to help the big man, but rather to help the small man. I have never heard of a homestead being taken from a settler for a ranger station. Cattle and sheep barons do not get the preference in this district.

We are mostly small cattle owners on this creek, and we have no complaint with the forest officers.

But what we hope Congress will do is to make the Forest Service a branch of the Interior Department and give the forest officers control of all the public lands, to handle as they do the forest reserves at present. The forest officers could handle all the public lands easier and with not much more expense than they can small pieces here and there. It would also stop range wars between sheep and cattle men. It would also give all a square deal. At present some people pay for

range; others have free range. But it will be a sad day for small settlers if the public lands are turned over to the States. Big stockmen and grafting State officers will rake everything, and the small rancher had better get out of business. Writing for others and myself, we earnestly hope you will fight hard to increase the forest reserves and keep them under national control.

Yours, sincerely,

GEO. B. EDIE.

FIGURE 4 RANCH,
Austin, Colo., October 25, 1912.

MR. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Your letter of the 5th instant at hand. My experience with the National Forest Reserve is limited to the Battlement Reserve, Delta County, Colo., where I run several hundred cattle. None of the charges cited in your letter are true so far as my observation goes.

The supervisor is an experienced western man. The rangers are the same; all of them most considerate of the rights and conveniences of those using the forest.

Those who have known the Battlement Reserve for years all agree that the feed and general conditions are much better to-day than at any time since the very early days when, of course, there was abundant room for every one.

I have seen no discrimination in favor of the large cattle owner. Quite the contrary, the small owner has always been given his limit of cattle (50 head) before the older settler and larger owner was given permit. The lumber business and prospecting I know nothing about. There is a sawmill near me, a small affair, which I understand is successful and doing better than before the days of restriction.

The only thing about the management of the forest that I could suggest is in the division of district which, I think, should in the cattle country conform as much as possible to the natural range of cattle. The districts being divided by natural barriers rather than to be arbitrarily divided; this, however, bears in no way upon the policy of administration. Under State supervision the forest reserve would be a failure for most of us at least, and I hope that such a misfortune is not going to befall us. The chief objection that I hear to the forest as a whole comes from old settlers who despise any kind of restriction and most of the complaints are sentimental rather than real. I consider that the protection given the grass and watershed tributary to our ranch adds at least 25 per cent to the value of our valley land, where we have abundant water to raise feed for the cattle that run on the forest during the summer.

If I can be of any service in maintaining the present conditions, I hope that you will call upon me.

Sincerely, yours,

F. GILPIN.

P. S.—The protection of game and fish here is not good. I should take interest in seeing this improved.

F. G.

MONUMENT, GRANT COUNTY, OREG.,
October 31, 1912.

MR. GIFFORD PINCHOT,
Washington, D. C.

DEAR SIR: Your letter of October 5 is received, and will try and answer your questions by numbers to the best of my knowledge.

No. 1. It's the best thing that ever happened for the small settler.

No. 2. As far as my knowledge goes it is false, as we can get all the building material and wood we want by asking for it.

No. 3. Do not know.

No. 5. It is wrong, as far as this community is concerned; it favors the little man in his place.

No. 6. It has not occurred here.

No. 7. I have not found that the case here; our forest ranger is the most obliging man.

No. 8. Not to my knowledge.

No. 9. Am not in position to say.

No. 10. The cattle and sheep barons are cut down to give the small holder a chance to build up.

I hope the forest reserve will continue, as it is the only thing that saved the little man from being frozen out by the sheepmen, who are all opposed to the reserve; until it was created, I used to begin to feed some of my cattle in October to keep them alive. Now I can go on the range any time up to Christmas and get a beef.

I remain, dear sir,

Yours, respectfully,

THOMAS HAYWARD.

BEAUDRY, ARK., *October 29, 1912.*

NATIONAL CONSERVATION ASSOCIATION,
Washington, D. C.

DEAR SIR: I have lived in the Arkansas National Forests ever since it became a law; I will answer the questions as to what I know about the forest.

1. The national forest has been a help to me.

2. I am using the forest range as I always used them; I know the national forest is a good thing; I can get a permit to get timber for my own use.

3. As to prospecting, there hasn't been any objections made; it goes on as same as it always did.

4. There are no mining claims held up here.

5. The national forest has been run so as to favor the small man here; we can get as small amount of timber as we want; that favors the small man and helps the home builder.

6. No homesteads have ever been taken away from anyone in this part of the forest.

7. The forest officers have treated the people right here; they have offered everything in their power to help build up this part of the forest.

8. The forest officers, I think, have used good judgment in this part of the forest.

9. The timber sales have been in the poor man's interest here.

10. People here have free use of the range, as they always did.

The national forest is a great help to me in several respects; it has kept the fire out of the range; I think it is a good thing for the people of the West.

Yours, truly,

TOM L. JOHNSON.

The SPEAKER. The time of the gentleman from Washington has again expired.

Mr. BRYAN. Mr. Speaker, I ask for one more minute.

The SPEAKER. The gentleman from Washington asks for one more minute. Is there objection?

There was no objection.

Mr. BRYAN. I now close my remarks with this suggestion, upon which a book might be written: I believe the real purpose underlying this agitation against the Forest Service at this time, whether my colleague is aware of it or not, is a conspiracy to transfer to private ownership the vast coal deposits of the Government in Alaska and the water-power privileges of inestimable value in the Western States.

We have come upon a period of public ownership. One may call it paternalism, socialism, or what you will, but the people are not going to give up their remaining timber holdings, their coal lands, their water-power sites, as they have done in the past.

The people of the West want to own and operate their own railways, especially municipal railways, and they want these power sites retained in the hands of the people. They are not going to permit them to be transferred perpetually and without consideration from their hands to men of great wealth and representatives of the great interests. [Applause.]

[NOTE.—During the course of these remarks the gentleman from Montana [Mr. EVANS] suggested that I was in error about the date of the activity of Senator Clark, of Montana. I promised to correct if I was in error. Upon investigation I find that Senator Clark, while in the Senate during the greater portion of the time mentioned and always aiding the efforts against conservation, as stated, was not an actual Member of the Senate until January 28, 1899. He resigned on May 11, 1900, after a resolution had been reported on April 23, 1900, declaring his election void. He was reelected, however, in November, 1900, and renewed his activities on behalf of the "settlers."]

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter from President Finley, of the Southern Railway, in connection with this debate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BURKE of South Dakota. Reserving the right to object, I believe the gentleman stated that his request was for the purpose of printing a letter in the RECORD.

Mr. AUSTIN. Yes.

Mr. BURKE of South Dakota. With that statement, I have no objection.

Mr. AUSTIN. President Finley's name has been mentioned in this discussion.

The letter referred to is as follows:

SOUTHERN RAILWAY CO.,
Washington, D. C., June 14, 1913.

HON. R. W. AUSTIN,
United States House of Representatives, Washington, D. C.

MY DEAR MR. AUSTIN: Absence from Washington has delayed my reply to your letter of the 7th instant, calling my attention to speeches made by Representative HUMPHREY of Washington on Forest Service on the 5th and 6th instant, in which my name was used.

I thank you very much for bringing these speeches to my attention, and also for what you said with reference to Mr. HUMPHREY'S mention of me. As you know, a large proportion of the available timber of the United States is in the Southeastern States. I have believed it to be to the best interest of our section that the southeastern forests should so be managed as to insure a perpetual supply of raw materials for southeastern woodworking industries. I have absolutely no personal interest in timber lands anywhere, and the only interest of the Southern Railway Co. in the matter is in the adoption by forest owners in the Southeast of such forestry practice as may tend to advance the general prosperity of the territory along the company's lines.

With sincere regards and best wishes, I am,

Yours, truly,

W. W. FINLEY, *President.*

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p. m.) the House, under the order previously made, adjourned until Friday, June 20, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the various departments for the service of the fiscal year ending June 30, 1914, and deficiencies in appropriations for prior years (H. Doc. No. 88); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a communication from the Acting Secretary of Commerce and Labor of March 3, 1913, submitting a sworn statement of Allan Simanson, seaman, of the value of his personal effects lost by the wrecking of the lighthouse tender *Armeria*, May 20, 1912

(H. Doc. No. 86); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter dated March 18, 1912, transmitting a draft of a bill providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army (H. Doc. No. 87); so much as relates to the Public Health and Marine-Hospital Service, to the Committee on Interstate and Foreign Commerce, and so much as relates to the Army, to the Committee on Military Affairs, and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a memorial from the Legislature of Alaska relative to certain deficiency appropriations for the mileage of members of the Territorial legislature (H. Doc. No. 90); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, relative to the erection of an immigration station at Boston, Mass. (H. Doc. No. 91); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a statement relative to the deficiency estimates for public-building work and the Office of the Supervising Architect (H. Doc. No. 92); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, relative to the construction of a new assay office building in New York City (H. Doc. No. 93); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HINDS: A bill (H. R. 6134) to amend the act authorizing the construction of a public building at Biddeford, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6135) for the purchase or construction of a vessel or launch for the customs service at and in the vicinity of Portland, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 6136) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. PROUTY: A bill (H. R. 6137) for the acquisition of a site and the erection thereon of a public building at Knoxville, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6138) for the acquisition of a site and the erection thereon of a public building at Winterset, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6139) for the acquisition of a site and the erection thereon of a public building at Indianola, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6140) for the acquisition of a site and the erection thereon of a public building at Nevada, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 6141) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 6142) for the safeguarding of passengers on interstate railways from loss of life or personal physical injury; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 6143) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

By Mr. LINDBERGH: A bill (H. R. 6144) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: A bill (H. R. 6145) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

By Mr. COPLEY: A bill (H. R. 6146) to further regulate interstate and foreign commerce by prohibiting interstate transportation of the products of certain forms of child labor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 6147) providing that agents be sent into the South American Republics and into China and Japan for the purpose of inquiring into our trade relations with those countries and urging the use of American cotton goods; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6148) to regulate the shipment of cotton in bales between the States and Territories and foreign countries, and requiring the marking of the tare on each bale, and prescribing penalties for deducting excess of weight as tare; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: A bill (H. R. 6149) to abolish the Ozark National Forest; to the Committee on the Public Lands.

By Mr. HARRISON of Mississippi: A bill (H. R. 6150) to require street railways carrying passengers in their cars within the District of Columbia to provide equal but separate accommodations for the white and colored races and to prescribe punishments and penalties for violating its provisions; to the Committee on the District of Columbia.

By Mr. KREIDER: A bill (H. R. 6151) authorizing the Secretary of War to donate to the town of Middletown, in the State of Pennsylvania, two bronze or brass cannon or field-pieces; to the Committee on Military Affairs.

By Mr. AIKEN: A bill (H. R. 6152) to acquire certain land in Washington Heights for a public square, to be known as Columbia Square; to the Committee on the District of Columbia.

By Mr. BYRNS of Tennessee: A bill (H. R. 6153) authorizing the Secretary of War to acquire the hill in or near the city of Nashville, Tenn., comprising about 54 acres, which was the site of Fort Negley, one of the salient points of the Federal line in the Battle of Nashville, and to restore and reconstruct said fort and fortifications and make of said land a national park, and making appropriation therefor; to the Committee on Military Affairs.

By Mr. QUIN: A bill (H. R. 6154) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the taking of private property and damages thereto as a result of the improvement of the Mississippi River for navigation; to the Committee on the Judiciary.

By Mr. MORGAN of Louisiana: A bill (H. R. 6155) for the erection of a Federal building at Donaldsonville, La.; to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 6156) fixing the compensation of Members of Congress elected to fill unexpired terms; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CAMPBELL: A bill (H. R. 6157) reducing the number of Members of the House of Representatives, and providing for the apportionment of Representatives in Congress among the several States under the Thirteenth and subsequent decennial censuses; to the Committee on the Census.

By Mr. DOOLITTLE: A bill (H. R. 6158) to establish a bureau for the institution of a system to loan money to farmers upon agricultural lands as security; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 174) placing clerks of certain committees on the annual roll; to the Committee on Accounts.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 175) that the Committee on Labor be instructed to investigate labor conditions on the Panama Canal relative to American citizens employed under certain agreements; to the Committee on Rules.

By Mr. BARTON: Resolution (H. Res. 176) instructing the Secretary of the Navy to transmit to the House of Representatives certain information; to the Committee on Naval Affairs.

By Mr. RUCKER: Joint resolution (H. J. Res. 97) proposing an amendment to the Constitution of the United States changing the presidential term to six years; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WALKER: Joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion, to be held at Brunswick, Ga., in July, 1913; to the Committee on Military Affairs.

By Mr. HENRY: Concurrent resolution (H. Con. Res. 9) authorizing the printing of additional copies of the report of the Pujo Money Trust committee; to the Committee on Printing.

By Mr. CARY: Memorials of the Legislature of Wisconsin, favoring the loaning of postal-savings deposits to farmers on real estate security; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 6159) granting an increase of pension to Nathan M. McCoy; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 6160) granting a pension to Coles Abrams; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 6161) providing that the title of Leonard Thibodeaux, Albert Barras, and Amelina Barras be confirmed to a certain tract of land; to the Committee on the Public Lands.

By Mr. BYRNS of Tennessee: A bill (H. R. 6162) granting a pension to Sara S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6163) granting an increase of pension to George D. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6164) for the relief of W. T. Vaughan; to the Committee on War Claims.

By Mr. CURRY: A bill (H. R. 6165) granting a pension to Frank L. McNamara; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 6166) granting a pension to Florinda Butler Evans; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 6167) granting a pension to Sallie W. Willard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6168) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 6169) granting a pension to Joseph Dean; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 6170) granting a pension to August Gruenwald; to the Committee on Pensions.

Also, a bill (H. R. 6171) granting a pension to Max Garber; to the Committee on Pensions.

Also, a bill (H. R. 6172) granting a pension to Helen Hascall Woodward; to the Committee on Pensions.

Also, a bill (H. R. 6173) granting a pension to Angelina Fischer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6174) granting a pension to Patrick Burke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6175) granting a pension to Johanna Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6176) for the relief of Walter E. Murphy; to the Committee on Claims.

Also, a bill (H. R. 6177) for the relief of James Bartlett; to the Committee on Military Affairs.

Also, a bill (H. R. 6178) to correct the military record of James H. Campbell; to the Committee on Military Affairs.

Also, a bill (H. R. 6179) to correct the military record of John Quinn; to the Committee on Military Affairs.

Also, a bill (H. R. 6180) to remove the charge of desertion standing against Servello J. Dematos; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 6181) for the relief of Mrs. Herbert Williams; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 6182) granting a pension to Mary C. Schach; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 6183) granting an increase of pension to Paulina Kerr; to the Committee on Invalid Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 6184) granting an increase of pension to Willard W. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 6185) granting a pension to Laura A. Graham; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 6186) for the relief of estate of Joseph D. Hayes; to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 6187) granting a pension to Elmer E. Ripley; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 6188) granting an increase of pension to Lida Jane Harrington; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 6189) for the relief of John Jakes; to the Committee on Military Affairs.

Also, a bill (H. R. 6190) for the relief of Thomas Duke; to the Committee on Claims.

Also, a bill (H. R. 6191) to appoint Wilbur F. Cogswell an assistant engineer in the Navy and place him on the retired list; to the Committee on Naval Affairs.

By Mr. SPARKMAN: A bill (H. R. 6192) for the relief of A. Ramirez & Co.; to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 6193) for the relief of Nora Davidson; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 6194) granting an increase of pension to Wilhelmina D. Ballard; to the Committee on Pensions.

Also, a bill (H. R. 6195) granting an increase of pension to William Holgate; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 6196) for the relief of Rittenhouse Moore; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 6197) for the relief of John Duggan; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 6198) granting an increase of pension to Willis S. Mahon; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Paper to accompany bill for the relief of W. T. Vaughan; to the Committee on War Claims.

Also, papers to accompany bill granting a pension to Sara S. Smith; to the Committee on Invalid Pensions.

Also, papers to accompany bill for increase of pension to George D. King; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of the Order of Railway Conductors of America, favoring an increase of appropriation for the Interstate Commerce Commission sufficient to admit of increasing the force of inspectors of safety appliances; to the Committee on Appropriations.

By Mr. GARNER: Petition of sundry citizens of Corpus Christi, Tex., protesting against the passage of House bill 33, for a committee on public health in the House; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of Local Union No. 934, of the United Mine Workers of America, relating to mine and labor conditions in the West Virginia coal fields; to the Committee on Labor.

Also, petition of the Washington Bankers' Association, favoring speedy action on currency-reform legislation; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Seattle, Wash., with reference to land grants to the Oregon & California Railroad Co.; to the Committee on the Public Lands.

Also, petition of the Commercial Club of Mabton, Wash., favoring an appropriation by Congress for building of storage reservoirs to impound the waters of the Yakima River for irrigation purposes on the Yakima Indian Reservation; to the Committee on Indian Affairs.

By Mr. LEVY: Petition of Calaveras-Alpine Live Stock Association, relating to the transfer and turning over of the national forest to the State of California; to the Committee on the Public Lands.

Also, petition of the National Association of Quartermen and Leadingmen of the New York Navy Yard, relative to ameliorating the rules governing quartermen and leadingmen; to the Committee on Naval Affairs.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., protesting against the passage of House bill 4653, relating to pure drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, against the clause including life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Southern New England Textile Club, protesting against the reduction of the duty on cotton goods; to the Committee on Ways and Means.

Also, petition of the Medical Society of the State of New York, favoring the passage of House bill 33, to establish a committee on public health; to the Committee on Rules.

Also, petition of a citizen of Brooklyn, N. Y., against the passage of House bill 33, for a committee on public health; to the Committee on Rules.

Also, petition of the Chamber of Commerce of the State of New York, favoring the purchase of buildings for embassies; to the Committee on Foreign Affairs.

By Mr. MOORE: Petition of sundry business men of the United States and Manila, relating to the establishment of a direct line of steamships between some Pacific coast port of the United States and Manila, P. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kansas State Osteopathic Association, protesting against House bill 33, to create a committee on public health in the House; to the Committee on Rules.

Also, petition of the National Association of Quartermen and Leadingmen, against article 69 of the rules and regulations governing navy yards; to the Committee on Naval Affairs.

Also, petition of the Connellsville (Pa.) Chamber of Commerce, relative to the establishing of Federal residences for United States ambassadors; to the Committee on Foreign Affairs.

Also, petition of Quaker City Commandery, No. 22, Ancient and Illustrious Order Knights of Malta, of Philadelphia, Pa.,

protesting against the setting aside of October 12, Columbus Day, as a national holiday; to the Committee on the Judiciary.

By Mr. POU: Petition of Wake County Branch of the Farmers' Educational and Cooperative Union of America, of Raleigh, N. C., favoring the establishment of a rural organization service; to the Committee on Agriculture.

By Mr. RAKER: Petition of sundry citizens of Placerville, Cal., protesting against the Owen bill creating a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Petition of the Business Mens' Association of Julesburg, Colo., favoring the establishment of a 1-cent letter-postage rate; to the Committee on the Post Offices and Post Roads.

By Mr. TREADWAY: Petition of the Massachusetts Real Estate Exchange, protesting against the proposed method of collecting the income tax included in the tariff bill; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of sundry citizens of the second congressional district of North Dakota, favoring a change in the interstate-commerce laws of the United States relative to concerns selling goods direct to consumers; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *June 18, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a resolution adopted by the Oakland Rotary Club, of Oakland, Cal., favoring a reduction in the rate of postage on first-class mail matter to 1 cent, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Los Angeles, San Pedro, Hollywood, and Burbank, all in the State of California, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. GOFF presented petitions of Louis F. Krebs, of Morgantown; Guy S. Furbee, of Mannington; E. C. Flaccus, of Wheeling; John H. Summers, of Walton; C. H. Vossler, of Maysville; Lafayette C. Crile, of Clarksburg; C. A. Robinson, of Wheeling; E. L. Griffin, of Williamstown; Robert G. Turney, of Huntington; Harry G. Fisher, of Keyser; Jacob C. Smith, of Wick; B. W. Peterson, of Wheeling; A. K. Thorn, of Clarksburg; and R. B. Naylor, of Wheeling, all in the State of West Virginia, and of J. W. Martin, of Haines, Alaska, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 533) to consolidate certain forest lands in the Ochoco National Forest, Oreg., reported it with an amendment and submitted a report (No. 66) thereon.

Mr. CHAMBERLAIN. I am directed by the Committee on Public Lands, to which was referred the bill (S. 1929) for the relief of Jesus Silva, jr., to report it adversely, and I submit a report (No. 68) thereon. I ask that the bill be postponed indefinitely, as the act approved July 31, 1912, is in identically the same terms.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 103) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation in Arizona, reported it without amendment and submitted a report (No. 67) thereon.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 103 to annul Senate resolution adopted February 20, 1885, providing for furnishing to Senators pamphlet printed copies of the decisions of the Supreme Court of the United States, submitted by himself on the 5th instant, reported it without amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

The VICE PRESIDENT. There are on the Secretary's desk certain bills and joint resolutions which have been read the first time. They will be read a second time and referred.

The bills and joint resolutions were read a second time by title and referred as indicated.

By Mr. TOWNSEND:

A bill (S. 2543) to place Michael James McCormack upon the active list of the Navy; to the Committee on Naval Affairs.

A bill (S. 2544) for the relief of John K. Steedman (with accompanying paper); to the Committee on Claims.

By Mr. STERLING:

A bill (S. 2545) authorizing the Secretary of the Interior to cancel the allotment of Irene Lydia Simmons; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 2546) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States; to the Committee on Finance.

By Mr. McCUMBER:

A bill (S. 2547) authorizing the reconveyance of certain lands to the United States and authorizing the parties making such conveyance to file entry on other public lands; to the Committee on Public Lands.

By Mr. SMITH of Arizona:

A bill (S. 2548) to create an additional land district in the State of Arizona (with accompanying papers); to the Committee on Public Lands.

By Mr. ASHURST:

A bill (S. 2549) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on Public Lands.

By Mr. THOMPSON:

A bill (S. 2550) to correct the military record of Jacob Scott; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 2551) to authorize the adjustment of the accounts of Army officers in certain cases, and for other purposes; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 2552) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on Interstate Commerce.

By Mr. THORNTON:

A bill (S. 2553) to provide for the relief of certain enlisted men in the United States Navy (with accompanying paper); to the Committee on Naval Affairs.

By Mr. MYERS:

A joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation; to the Committee on Public Lands.

By Mr. DILLINGHAM:

A joint resolution (S. J. Res. 42) authorizing the Commissioners of the District of Columbia to provide a public recreation center in square No. 534, District of Columbia, and for other purposes; to the Committee on the District of Columbia.

The VICE PRESIDENT. Certain bills and joint resolutions on the Secretary's desk which have been noted for introduction will be read a first time.

The SECRETARY. By Mr. GALLINGER, a bill (S. 2554) granting an increase of pension to Caroline M. Wallace; and

A bill (S. 2555) relative to the carrying or displaying of certain flags within the District of Columbia.

The bills and joint resolutions were read a second time by title and referred as indicated:

By Mr. GALLINGER:

A bill (S. 2554) granting an increase of pension to Caroline M. Wallace (with accompanying papers); to the Committee on Pensions.

A bill (S. 2555) relative to the carrying or displaying of certain flags within the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRISTOW:

A bill (S. 2556) granting a pension to William C. Cashell;

A bill (S. 2557) granting an increase of pension to Daniel M. Freeman; and

A bill (S. 2558) granting a pension to Daisy D. Knox; to the Committee on Pensions.

A bill (S. 2559) to authorize the enlargement of the site of the public building at Ottawa, Kans., and to make an appropriation therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 2560) authorizing the Secretary of War to donate to the Grand Army of the Republic Post No. 45, of Smith Center, Kans., two cannon or fieldpieces; and

A bill (S. 2561) authorizing the Secretary of War to donate to the city of Hays, Kans., one cannon or fieldpiece; to the Committee on Military Affairs.

A bill (S. 2562) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans.; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 2563) for the relief of Rebecca C. Pepper; to the Committee on Public Lands.

By Mr. SMITH of Arizona (by request):

A bill (S. 2564) to amend chapter 18 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. GORE:

A bill (S. 2565) for the appointment by the President of a commissioner to the Five Civilized Tribes of Indians; to the Committee on Indian Affairs.

By Mr. BANKHEAD:

A bill (S. 2566) granting an increase of pension to Mary E. McAuley; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 2567) granting a pension to Taylor Garrison; and

A bill (S. 2568) granting an increase of pension to Oakaley Randall; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 2569) granting an increase of pension to Nathan Long (with accompanying papers); and

A bill (S. 2570) granting an increase of pension to Malinda Skinner (with accompanying papers); to the Committee on Pensions.

A bill (S. 2571) for the relief of Jefferson Tongate (with accompanying papers); and

A bill (S. 2572) for the relief of William H. Kline (with accompanying papers); to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A joint resolution (S. J. Res. 44) transferring office furniture, equipment, etc., heretofore used by the Immigration Commission to the Department of Labor; to the Committee on Immigration.

By Mr. GORE:

A joint resolution (S. J. Res. 45) to authorize the Secretary of the Interior to employ an accountant to report on the fiscal affairs of the Five Civilized Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

EXPORTATION OF ARMS, ETC.

By Mr. FALL:

A joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, etc.

Mr. FALL. I would ask, if there is no objection, that the joint resolution might be read in full for information, printed, and lie on the table.

The VICE PRESIDENT. If there is no objection, that action will be taken, and the Secretary will read the joint resolution. The Chair hears no objection.

The joint resolution was read at length, as follows:

Whereas the provisions of the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms and munitions of war under certain circumstances, and the proclamation of the President of the United States, issued on the 14th day of March, in the year 1912, under the authority of said resolution, have been and are now being so construed by the authorities charged with the enforcement of the same as to prohibit the exportation of arms and munitions of war to one or more of the contending factions in the Republic of Mexico, and to authorize and permit such exportation of arms and munitions to one or more of such contending factions; and

Whereas there has been for more than two years last past continuous strife and armed conflict between various contending factions within the Republic of Mexico and the different States thereof; and

Whereas the enforcement of such law and the proclamation putting same in effect has, as is shown by the evidence taken by the Senate committee under Senate resolution No. 335, Sixty-second Congress, second session, caused attacks upon American citizens residing or temporarily being in Mexico, the destruction of the property of such American citizens, the holding of such citizens for ransom, and has resulted in engendering between such and other American citizens and the great mass of Mexicans feelings of antagonism and distrust, and is destroying the traditional friendship between the people of the two countries; and

Whereas it is the desire of the Government of the United States to remain entirely neutral and to take no part directly or indirectly in the internal affairs of the Republic of Mexico, and to restore and maintain the friendship and good feeling heretofore existing between the citizens of the two countries: Therefore

Resolved, etc., That the joint resolution of March 14, 1912, amending the joint resolution of April 22, 1898, authorizing the President to prohibit the exportation of arms and material of war, etc., be, and the same is hereby, repealed.

The VICE PRESIDENT. The joint resolution will be printed and lie on the table.

THE TARIFF.

Mr. WORKS submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

UNION PACIFIC AND SOUTHERN PACIFIC RAILROAD COS.

Mr. NORRIS. Mr. President, I submit a resolution that I ask be read at the Secretary's desk.

The resolution (S. Res. 114) was read, as follows:

Resolved, That the subcommittee of the Committee on the Judiciary of the United States Senate appointed pursuant to Senate resolution 92, Sixty-third Congress, first session, being a resolution instructing the Committee on the Judiciary of the United States Senate to investigate the charge that a lobby is maintained to influence legislation pending in the Senate, be, and is hereby, instructed to subpœna and bring before it Robert S. Lovett, the president and the chairman of the executive committee of the Union Pacific Railroad Co., to give testimony before said committee relative to the charges and statements contained in his published statement issued in New York City on June 17, 1913, wherein said Robert S. Lovett charges that he and his associates have been approached by emissaries claiming to be able to exert great influence over Congress and public officials in connection with the suit involving the dissolution and proposed reorganization of the Union Pacific and Southern Pacific Railroad Cos. heretofore and now pending in the Supreme Court of the United States; and that said committee be, and is hereby, further instructed to subpœna before it any and all persons whose testimony, in its judgment, may be necessary to fully and completely expose all persons and influences claiming to exercise power and control over the settlement and adjudication of said litigation.

Mr. NORRIS. Mr. President, several years ago the Attorney General began a suit in the United States court having for its object the dissolution of the Southern Pacific and Union Pacific Railway Cos. This suit finally reached the Supreme Court of the United States, and the position taken by the Government was sustained. The dissolution was ordered. Since that time various plans of reorganization have been proposed by the railroad company, some of them, I think, objected to by the Attorney General; and the case now stands, as I understand it, in that condition, with a reorganization plan submitted and not yet acted upon.

Judge Lovett, the president of the Union Pacific, or, at least, the chairman of its board of directors, gave out a statement in New York City recently in which he charged that various persons had approached him and his associates at various times, and were continually approaching them, suggesting that if they would employ the right kind of attorneys here in Washington they would have no difficulty in bringing about almost any kind of a reorganization that they wanted to bring about.

The committee now investigating the lobby, it seems to me, is peculiarly authorized to investigate this particular subject. In this connection, I send to the Secretary's desk and ask to have read a statement which appears this morning in the morning papers, publishing the statement issued by Mr. Lovett in connection with this charge. I ask the Secretary to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows from the Washington Post of Wednesday, June 18, 1913, page 4:

ROADS SCORNED LOBBY—NEWSPAPER RUMORS FOLLOWED, SAYS PACIFIC HEAD—SCOUTS CONTROL BY BANKERS—JUDGE LOVETT ISSUES STATEMENT DECLARING EMISSARIES HAVE PROMISED TO EXERT INFLUENCE IN CONGRESS, PROVIDED CERTAIN LAWYERS WERE EMPLOYED—NO DESIRE TO DOMINATE BALTIMORE & OHIO.

NEW YORK, *June 17.*

Judge Robert S. Lovett, chairman of the Union Pacific Co., issued a long statement in New York this afternoon, saying in effect that the Union Pacific and Southern Pacific authorities have been approached by various persons unnamed professing to have influence which they would bring to bear in the matter of the Union Pacific-Southern Pacific dissolution proceedings provided the railroad people employed certain lawyers.

He added that these offers were invariably rejected, as the result of which presumably many rumors were circulated reflecting on the Union Pacific-Southern Pacific management and motives.

"GREAT INFLUENCE" PROMISED.

"Every time that we have had any plan connected with Union-Southern Pacific dissolution," said Judge Lovett, "I think that without a single exception we have had calls from parties purporting to be able to exert great influence with Congress and in other places.

"All sorts of emissaries have come to me with the story that they could accomplish all sorts of things for us if we would employ certain lawyers.

"I have refused to see any of these parties, and I do not believe a single word they have said about what they can accomplish for us. Following these communications there was generally some sort of a rumor appearing in the press which I could not help but connect with these parties."

NO DESIRE TO CONTROL BALTIMORE & OHIO.

With reference to the proposed deal with the Pennsylvania Railroad whereby the Union Pacific was to trade $38,000,000 of Southern Pacific stock in return for stock of the Baltimore & Ohio Railroad of substantially the same value, Judge Lovett explained that there was "no desire on the part of the Union Pacific to control the Baltimore & Ohio," adding that if such control resulted it would be "merely incidental." The

exchange, if consummated, he said, would give the Union Pacific about 38 per cent of Baltimore & Ohio stock.

Judge Lovett scouted the idea that the proposed deal with the Pennsylvania was a forerunner to bringing that road, the Union Pacific, the Southern Pacific, and the Baltimore & Ohio under the control of one banking house.

THINKS STORY PREPOSTEROUS.

"So far as Union Pacific is concerned," he said, "Kuhn, Loeb & Co. is interested to a large degree, but I can not imagine anything more preposterous than the story that this is a scheme to get all these roads under the control of one banking house."

He added that at present there were no negotiations under way for the disposal of any more Southern Pacific stock to any other railroad system, although he would not commit himself as to what might be done in the future. He had no recent communication from the Attorney General, he said, as to whether he approved exchange of Southern Pacific stock for Baltimore & Ohio.

Mr. NORRIS. Mr. President, these charges apply directly to Members of Congress and to other Government officials who have to do with the pending suit in the Supreme Court for the dissolution and reorganization of these great railroad companies. If it be true that people are representing to the interested litigants in that suit that they are able to bring about a settlement satisfactory to them through their influence with Congress or through their influence with members of the Cabinet, then it seems to me it is the worst and most disreputable and dishonorable kind of lobby that can possibly exist, and the committee now investigating the subject could not do better than to go to the bottom of these charges, ascertain who it is that is making these representations, and what power and what influence they claim to possess.

You will notice also, Mr. President, that Judge Lovett says that whenever these men approach him and make these representations various articles appear in the newspapers about the same time relating to the subject matter; so that it seems these persons have some control, at least sufficient to gain publicity in the newspapers. It is something which the Senate can not pass over lightly, and, inasmuch as it is investigating the question of lobbying, here is an opportunity, it strikes me, for the right kind of an investigation. I ask, Mr. President, unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from Nebraska whether the committee has not already full power to investigate this phase of the question? As I understood, when we armed the committee with whatever authority it now has we undoubtedly intended that it should have authority to look into all questions of alleged corrupt or corrupting influence upon legislation.

Mr. NORRIS. Mr. President, I think the Senator from Mississippi is correct. I believe the committee now has the authority, but I desire by this resolution expressly to instruct the committee to investigate this particular charge.

Mr. WILLIAMS. I have no objection to the resolution, except that it struck me we were doing rather an unnecessary thing. Still, whether unnecessary or not, it will not be harmful; it will be merely carrying out the intentions of Congress already expressed.

Mr. NORRIS. I think it is carrying out the intention of Congress, but if we do not pass the resolution the committee would not be required to investigate the subject. With this resolution passed, of course it will be their duty to investigate the matter.

Mr. OVERMAN. Mr. President, my attention was called to that article this morning, and my idea was to have action in this matter without a resolution. Of course, we should like to have the resolution passed, but if we are to extend the scope of the present investigation there is no telling where it is all going to end. There is lobbying galore in this country. We have not yet finished with the sugar lobby. We have been sitting from 10 o'clock in the morning until 6 in the evening, and in many instances from 8 to 10 at night. But if the Senate desires us to go fully into this matter they will have to extend the time allowed the committee to report beyond the 28th of June. We are doing all we can. It is a very interesting subject, and much information is now being developed which will astonish the country. If this resolution is passed, of course, as I have said, we will have to have an extension of time within which to report.

I desire to say that the idea which the Senator has embraced in his resolution has indirectly been suggested by some letters which have been presented in another matter.

Mr. NORRIS. Mr. President, I would be very glad that the committee should have all the time they think is necessary to make the investigation; but I believe the Senator from North Carolina will agree with me when I state that if the charges which are made by Mr. Lovett, the head of the Union Pacific Railway Co., are true, they present a matter that is as serious as any proposition that has come or can come before the committee.

Mr. OVERMAN. I fully agree with the Senator. Not only that, but there are other matters which probably the committee ought to pursue, and I know this is one of them. The committee, however, is subject to the orders of the Senate. We were instructed to report by the 28th of June, and I do not see how it will be possible to do so under the circumstances.

Mr. CLARK of Wyoming. Mr. President, I am not sure whether I fully understand the resolution or not. I understand it to be based on an alleged interview given by Judge Lovett, the president of the Union Pacific Railroad Co., in regard to the proposed reorganization of the railroad. I do not understand that that is a matter now pending before Congress.

Mr. NORRIS. No.

Mr. CLARK of Wyoming. Hence, if it is not a matter now pending before Congress, my view would be that a resolution of this kind or something like it would be necessary to give the committee jurisdiction, notwithstanding what the Senator from North Carolina [Mr. OVERMAN] has said.

Mr. NORRIS. I should like to say to the Senator from Wyoming that this interview specifically charges that these emissaries claim to have influence with Congress.

Mr. CLARK of Wyoming. Exactly.

Mr. NORRIS. And the case is pending in the Supreme Court of the United States.

Mr. CLARK of Wyoming. I am for the Senator's resolution.

Mr. NORRIS. Certainly; I understand that.

Mr. CLARK of Wyoming. But I think this resolution is necessary, and that the chairman of the committee is somewhat in error as to the authority granted under the original resolution.

Mr. OVERMAN. If the Senator will allow me to interrupt him, I did not hear the resolution read, but I thought it did extend our authority beyond that granted in the original resolution, and that is the reason I said I was in favor of it.

Mr. CLARK of Wyoming. It does; but I was called to my feet by the remark of the Senator that the committee were going into that investigation, whether or not this resolution was passed.

Mr. OVERMAN. The Senator misunderstood me. I said it occurred to me after reading the article this morning that we ought to go into that matter; that it ought to be considered and probably we would consider it, and that if we thought any such lobbying as that was going on in the present Congress it was our duty to look into it.

Mr. CLARK of Wyoming. No; I shall have to differ from the Senator there. My understanding of the original resolution is this: It provides in so many words that the committee are—

To investigate the charge that a lobby is being maintained in Washington or elsewhere to influence proposed legislation now pending before the Senate.

There is no legislation pending before the Senate upon the subject matter to which the Senator from Nebraska [Mr. NORRIS] has called attention; and, hence, if the committee is to have authority to act, it must be given authority under some such resolution as that proposed by the Senator from Nebraska.

Mr. OVERMAN. If there is any person attempting to influence legislation, or if there is a railroad lobby in regard to any bill pending—not this special bill but any bill pending—the committee could investigate it.

Mr. CLARK of Wyoming. But there is no bill pending.

Mr. OVERMAN. I do not know whether there is or not; there are legislative matters pending here.

Mr. CLARK of Wyoming. There is no legislative matter pending regarding the reorganization of the Union Pacific Railroad.

Mr. OVERMAN. But there is railroad legislation pending.

Mr. CLARK of Wyoming. But this refers specifically to this one particular matter. If the Senator's committee does not want this added authority, I am perfectly content.

Mr. OVERMAN. I especially said I wanted the resolution passed.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. NEWLANDS. Mr. President, the question of the dissolution of the consolidation accomplished by the Union Pacific Railroad, embracing as it did the Southern Pacific Railroad with its subsidiaries, is a matter of so much importance to the State which I in part represent that I can not let this opportunity pass without saying a few words regarding it. Many

years after this consolidation was accomplished an action was brought by the Attorney General to dissolve this union into its constituent parts. A suit was therefore brought under the Sherman Antitrust Act to annul this consolidation and to separate the Southern Pacific system from the Union Pacific system, upon the contention that the Union Pacific lines and the Southern Pacific lines constituted parallel competing lines, and that any union accomplished by those systems would be in violation of the Sherman Antitrust Act. The court has decreed that the combination was in violation of that act, and is now engaged in the difficult task of "unscrambling the eggs," as Mr. Morgan so aptly phrased it. We find that work accompanied by great difficulty. So far as the Southern Pacific road itself is concerned that would not be difficult, but the Southern Pacific system has purchased the control of the Central Pacific system, which is to the north of the Southern Pacific system and which was originally designed as a part of a through transcontinental line from the Missouri, of which the Union Pacific was to be another part, under legislation which contemplated a final union of those two roads into one transcontinental road.

The question has arisen before the court as to what disposition shall be made of the Southern Pacific stock; whether that stock, or any part of it, can be acquired in any way by the stockholders of the Union Pacific, or whether the Central Pacific system can be acquired by the Union Pacific Railroad, thus carrying out the original intention of Congress.

Mr. President, so far as I am concerned, I have always thought that it would be to the advantage of my State if the Central Pacific Railroad were joined to the Union Pacific Railroad, thus constituting a through line from the Missouri to the Pacific; and I had hoped that in time some road to the East would be acquired, either the New York Central or the Pennsylvania system or the Baltimore & Ohio Railroad system, so that we would eventually have a through transcontinental line from coast to coast. I favored some form of national organization, either through a national incorporation act or through a national holding-company act, under which consecutive, not competing, lines from coast to coast could be organized under one corporate control, and thus we would have a system in the North, embracing the Northern Pacific and possibly the New York Central; a system farther south, embracing the Central Pacific, the Union Pacific, and the Pennsylvania; a system farther south, embracing the Atchison, Topeka & Santa Fe, and the Baltimore & Ohio; and a system farther to the south, embracing the Southern Pacific Railway and the Southern Railway Co., of the Southern States; so that in this way eventually we would have four great transcontinental lines from coast to coast, each with its branch lines reaching out into each other's territory, and thus securing not only an efficient through service from ocean to ocean, but an admirable competitive service between these giant systems

I must confess that recently my view as to where the Central Pacific system should be placed in this readjustment of lines has been somewhat affected by the approaching completion of the Panama Canal. The Panama Canal will make San Francisco the great distributing point of the western coast, and it is a question whether the interest of Nevada does not lie rather in maintaining the Central Pacific system as a part of the Southern Pacific system, thus giving that system a radial distribution toward the east from San Francisco, rather than in connecting it with the Union Pacific system, which involves absentee control far off in New York instead of practical home rule through the Southern Pacific system, which has its home office at San Francisco.

I mention this matter now because I wish it brought to the attention of the people of my State, so that they may hold counsel with each other as to where their interest lies and whether they should unite with the railroad commission of California in their insistence that the Central Pacific shall remain a part of the Southern Pacific system. I am inclined to think that the future development of Nevada will come from San Francisco rather than from eastern centers. I believe that the opening of the Panama Canal will establish a tide of immigration that will settle that entire coast and will embrace Nevada within its scope. I believe that it will open up lines of freight transportation that will be of vast advantage to that coast and that Nevada and Arizona will, so far as their economic future is concerned, be more nearly allied to San Francisco and its energies, stimulated as they will be by the Panama Canal, than with the eastern interests in control in New York. I am desirous of accentuating this matter now, so that the people of my State may reflect upon it and come to a wise conclusion as to which arrangement they will favor.

Right here I may say the inquiry might be made as to what Nevada has to do with this question. It is now pending before a court between parties of whom Nevada is not one. My answer is that I regard the methods now existing for the determination of these questions by the courts as most ineffective. I believe that ultimately we shall be compelled to throw the adjustment of these dissolutions and reorganizations into the hands of the Interstate Commerce Commission, and that legislation will be required which will enable the Interstate Commerce Commission to act in aid of the courts not only as experts in ascertaining the facts, but as experts in indicating what lines of dissolution and reorganization the decree should take.

Mr. President, experience has shown that the courts are not organized for this kind of work. Under the Sherman Antitrust Act the people have secured triumphant decisions declaring that great combinations, such as the Oil Trust and the Tobacco Trust, are in violation of the Sherman antitrust law, and the courts have rendered sweeping decisions decreeing the dissolution of those trusts. They have heard evidence relating to the form and the manner of those dissolutions, but the dissolutions have been accomplished without satisfaction to the American people and without securing relief from the burdens under which the American people have suffered. We all know that the courts themselves have been subjected to criticism; that the Attorney General's office has been subjected to criticism; and yet we all know that it is utterly impossible for a body of men trained as lawyers, trained in the law, not experts in all these intricacies and industries and businesses, to undertake the great work of restoring to their original elements these enormous combinations, embracing numerous corporations and enormous capitalizations, so interwoven that it is almost impossible to separate them.

Mr. President, for a long time I have been an advocate of the creation of an interstate trade commission, with a view to their making all the preliminary inquiries that are now made by the Attorney General's office with reference to the existence of trusts and combinations, and with a view to their summoning recalcitrant corporations before them and ordering them to dissolve their combinations upon certain practical lines which experts in commerce can lay down; then, if they fail to do it, carrying the matter into the courts, and, after securing a decree of dissolution, aiding the courts in dismembering these great corporations. Thus we will have the courts moving hand in hand with a trained commission of experts—experts when they take office, experts by reason of the experience which they acquire in office—who can secure a dissolution of these great trusts and combinations in a businesslike way that will satisfy the public and relieve the public from existing burdens.

It seems to me that principle should be applied to the cases that are now pending in the courts for the dissolution of the combination of railway systems under the Sherman Antitrust Act. We have to-day an Interstate Commerce Commission consisting of nine men, all of them of long experience and training in all the problems that relate to transportation. All we lack is legislation which will enable them to act in aid of the Supreme Court or of the circuit courts in the dissolution of the combination formed by the Union Pacific road and the reorganization in lawful form of their constituent parts. Their powers would be advisory. The matter would be referred to such a commission as it would be to a master in chancery. Their views would be given to the court in the shape of a report. Then the court itself, after hearing counsel upon both sides, could either accept or reject the report or modify it as it saw fit.

We are now having an interminable controversy over the dissolution of the Union Pacific system. The court itself must be in doubt. The Attorney General himself must be in doubt, for I do not think he claims to be an expert in transportation. The roads themselves are all in confusion as to what should be done, the Union Pacific on the one hand claiming that the original contemplation of this legislation should be carried out, and that the Union Pacific and the Central Pacific should be united in one system, the Southern Pacific on the other hand claiming that the Central Pacific is a valuable portion of its system, and will enable it, with a radial system stretching north and south and east from San Francisco, to meet the great transportation requirements of that region to its entire satisfaction. In this contention the California Railroad Commission sustains the Southern Pacific.

So far as I am concerned, from my knowledge of the transportation of that region, I am in doubt, though I am inclined to think that we of Nevada should change the view which we once entertained that the Central Pacific ought to be united with the Union Pacific and that the considerations which the building of the Panama Canal now present to us should be carefully weighed.

I hope that some time during the session we shall be able to take up this great question, first, of giving the Interstate Commerce Commission power to aid the courts in the dissolution of these great railway systems where a dissolution is decreed by the courts to be necessary; second, giving that commission the preliminary power of inquiring into the question as to whether these great systems have violated the Sherman Act and, without litigation, requiring them to make adjustments that will relieve them from the charge of an unlawful conspiracy in restraint of trade; then, if the corporation should still remain recalcitrant, itself bringing suit in court and conducting the case there as an ally of the Attorney General and as an equal of the Attorney General's office in the administration of the law.

So far as interstate trade is concerned, I hope we shall organize a great commission of experts analogous to the Interstate Commerce Commission that will inquire into the problems of interstate trade just as that commission has inquired into all the problems of interstate transportation, and that, without the power to fix prices, can inquire into practices that are in restraint of trade, and, without the clumsy procedure of the courts, give prompt relief to the people of the country, thus bringing the corporations of the country into line with the law without the tedious process of suits in court, and without the failures of justice which thus far, without attaching responsibility to anyone, simply by reason of conditions that were difficult of control, have resulted in decrees that were without satisfaction either to the parties concerned or to the American people.

Mr. GALLINGER. Mr. President, I would not halt the favorable consideration of this resolution if I could. Yet I can not help wondering where we are going to end in this investigation if we undertake to chase down every newspaper interview and newspaper rumor that comes to our attention. Perhaps it is well to let the dance go merrily on and engage the attention of the Senate during the summer months in a matter that a committee now has under consideration.

I notice that Judge Lovett says that he has not seen any of these men and that he does not believe they could have done what it is represented they said to somebody they could do. I apprehend that when Judge Lovett is brought before this committee it will be found that some irresponsible men have said to some other irresponsible men that there was somebody in Washington who could do great things for this corporation if he was only engaged to do them. That is my notion about what the result will be so far as summoning Judge Lovett before this committee is concerned.

It is very probable that to-morrow there will be another newspaper interview stating that somebody has said to somebody else that there is a lobby in Washington that can do something for some other enterprise, good or bad; and, of course, we will send that to this committee, which is working so assiduously and honestly to ferret out the evil doings on the part of the so-called lobby in Washington. I fear that if we continue along those lines, instead of accomplishing a great good we may bring this whole matter into disrepute.

As I said in the beginning, I have no objection to the passage of the resolution. Indeed, having been offered, it ought to pass; and there is a bare possibility that some information may be obtained that will be of value to us. But the fact is that at the present time there is nothing before the Senate relating to the reorganization of the Union Pacific Railroad. There is not even a resolution, and it is a rare thing for us to be without a resolution on some subject. There is not a proposition of any kind here relating to it; and I can not help seriously thinking that we are chasing something the result of which will not be of any great importance either to the Senate or to the people of the country.

If it be true that certain men have been engaged in this business so far as this great corporation is concerned, it is of some interest to the country to know that fact; and yet I can not, for the life of me, understand precisely what we can do about it if we ascertain that to be the case. If they have made these propositions to Judge Lovett, or through other parties to him, concerning this matter, they must relate to some prior occurrence or some prior condition; because, as I have said, at the present time there is nothing at all before the Senate concerning the subject.

That is all I care to say about this matter, Mr. President. I really hope we will be careful in loading down this committee with so much extraneous matter that they will find it utterly impossible to accomplish the task which was first given to them to do. Already the chairman says we must extend the time for the hearings, and of course we will do that if the committee asks for it; but it seems to me we ought to keep the matter within reasonably circumscribed lines and try to ascertain the facts that were first called to the attention of the Senate by the Chief Executive, and determine whether or not the suggestions made were well grounded.

I shall vote for the resolution, but I am somewhat fearful that Judge Lovett may disclaim his interview. That very often happens. I presume the Senator from Nebraska, who is a very diligent Senator and a very frank Senator, has not taken the trouble to ascertain whether or not Judge Lovett admits that he gave out the interview. We have had so many interviews in the newspapers one morning to be denied the next that I am somewhat afraid that when we come to investigate this matter we will find that the interview is a newspaper "fake." It may not be so. If it is not, of course no harm can come from getting all the information that is possible; but I can not see that very much good will come from it in any event.

Mr. NORRIS. Mr. President, I am really surprised that the Senator from New Hampshire should take the view that he does and belittle the proposed investigation. This is not a rumor of some man telling some other man something. We have pending in the Supreme Court of the United States a suit perhaps as important, and involving as much money and as many people, as any case that ever was brought to that court, in which the reorganization of two of the greatest railroad companies in the world is involved. That suit is now pending there.

The president of the Union Pacific Railroad Co. makes this statement and this charge. It is not any ordinary charge, picked up on the street, as the Senator from New Hampshire would have us believe. If it be true that this sort of thing is going on, involving the settlement of that great litigation, involving the honor of Members of Congress and of members of the Cabinet, and particularly the Attorney General's office that has direct connection with this litigation, then it seems that whether we can do anything or not we ought to know what the truth is, and the country ought to be given an opportunity to know all there is in it. When we know what there is in it, it will be time enough to decide whether we can or whether we want to do anything. Perhaps publicity will be sufficient. That is the greatest cure of all, after all.

I should like to say to the Senator from New Hampshire that I have had no direct communication with Mr. Lovett. If it had not been that we had a committee now appointed that it seemed to me was peculiarly equipped for this investigation, I, perhaps, would have communicated with him before I introduced the resolution. But this statement is couched in language inclosed in quotation marks, and purports to give the exact language of Mr. Lovett and the charges that he makes. If an investigation should show certain conditions, the matter might, perhaps, become a subject of inquiry by the Supreme Court of the United States. I take it that if the things are true that are charged by Mr. Lovett, it may develop that the parties guilty of them are guilty also of contempt of the highest tribunal in the land.

It seemed to me that there was only one thing for the Senate to do when it had a committee now investigating this question, and that was immediately to inquire into this charge, which, in my judgment, is more severe and more important than anything that so far has been brought to the attention of the committee or that has been charged in connection with the investigation.

Personally I shall be glad if it shall develop that there is nothing in it. For the honor of our country and our fellow citizens I would rather there were no truth in the charge; so I shall not be displeased if it develops that such is the case. But the Senate, with a committee now investigating lobbyists, can not afford to let pass this particular charge, coming from the source that it does, the president of a great railroad company now involved in litigation in our own Supreme Court.

Mr. WORKS obtained the floor.

Mr. GALLINGER. Mr. President, if the Senator will permit me a word——

Mr. WORKS. Certainly; I yield to the Senator from New Hampshire.

Mr. GALLINGER. I simply want to assure the Senator from Nebraska that I have no disposition to belittle this matter at all. If the Senate wants to investigate this newspaper allegation, certainly I, as I said in the beginning, have no objection to the passage of the resolution.

The Senator calls attention to the fact that this matter is before the Supreme Court of the United States. The Senator surely does not believe that any man would approach the head of a great railroad corporation with the suggestion that if he employed certain men the decision of the judges of the Supreme Court could be in any way influenced in determining a great case?

Mr. NORRIS. Will the Senator yield to me there?

Mr. GALLINGER. Certainly.

Mr. NORRIS. I do not think that at all; but the Senator must remember that the Attorney General of the United States represents the United States in that litigation.

Mr. GALLINGER. Certainly.

Mr. NORRIS. I take it that if the Attorney General agreed to a proposition of reorganization by the railroad companies the court itself would agree to it, and would enter the proper order. So I presume that if there is anything in this charge, it means that the people have influence, either directly or indirectly, with the Attorney General or those attorneys representing the Government in the suit. Since it speaks of Congressmen, I suppose they expect to reach other officials through Members of the Senate or House of Representatives.

Mr. GALLINGER. Mr. President, I recall the fact that a good many years ago it was said of a certain gentleman that he took contracts to deliver the votes of Senators on certain bills. He sat in the gallery and had a contingent fee in the voting of a particular Senator. If the Senator chanced to vote his way, he got the fee, and if he did not he did not lose anything; but he never communicated with the Senator. We can readily see how that might happen.

The present Attorney General has made a great reputation for himself. He is a great lawyer, and, as I have read his accomplishments before the courts, he has never failed to do his duty in the cases that have come before him before he became Attorney General. I think it would be rather love's labor lost for anybody to undertake to influence that gentleman's views on a great question of this kind through some local attorney, who perhaps was gambling on the decision that might be reached in this case.

Mr. NORRIS. Will the Senator allow me?

Mr. GALLINGER. Certainly; I yield to the Senator.

Mr. NORRIS. I do not believe it is a question as to whether the Attorney General could be influenced. That is not the real gist of this investigation, as I understand it. I am not claiming that he could be influenced. If there are people who are making propositions of that kind, that they can influence public men, even though all the claims be without foundation, their conduct is even more detestable, in my judgment, than that of the man who can make good his representation.

Mr. GALLINGER. I quite agree with the Senator on that point, Mr. President, and I agree with the Senator that every rascal ought to be hunted down and punished, but it is a great big task when we undertake to accomplish that result.

I content myself, Mr. President, by simply adding that I have no disposition to obstruct or defeat this resolution, but I felt like uttering a warning word as to the path we are entering upon and expressing a little wonderment as to precisely where we are going to come out at the end of the journey.

Mr. WORKS. Mr. President——

Mr. STONE. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STONE. I desire to know what question is before the Senate.

The VICE PRESIDENT. The resolution offered by the Senator from Nebraska [Mr. NORRIS].

Mr. STONE. Is that under consideration?

The VICE PRESIDENT. It is under consideration by unanimous consent.

Mr. WORKS. Mr. President, we have entered upon this investigation, and I think it should be made thorough and complete. But I agree with the Senator from New Hampshire that we ought to be careful and not load down the investigation by running out after newspaper reports of what may have occurred. I do not regard this particular matter as seriously as the Senator from Nebraska seems to do. There is no intimation in the interview which took place on the part of Judge Lovett that any effort had been made to influence Congress or the Department of Justice. It is a mere statement that some people he had not been willing even to see had pretended to him that they had influence in certain directions. Still I have no objection to entering upon that matter to find out what the fact is with respect to it.

But, Mr. President, I have never believed that the courts of this country should have taken upon themselves the duty or obligation of reorganizing these corporations after they have been declared to exist in violation of law. I do not believe that that responsibility should be placed in the first instance upon the Attorney General. I do not believe that the Supreme Court of the United States should be called upon to determine how these corporations shall be reorganized or that they should take upon themselves that responsibility. In my judgment, when these combinations are decreed to have existed in violation of law and a decree dissolving them has been entered by the court, they should be left to reorganize themselves, and if they fail to do it the decree will stand against them as declaring that they are exercising their powers in violation of law.

When this course is taken, and the Attorney General, acting in a capacity that I do not believe he ought to act in at all, consents that these corporations may reorganize, and that consent is accepted by the Supreme Court of the United States, the result is that we have a corporation or a number of corporations organized in such a way that nobody can inquire in the future as to the legality of the combination as authorized by the decree of the Supreme Court of the United States. I believe it is a great mistake.

Why should the Supreme Court of the United States help to organize corporations that it has held are acting in violation of law? But, Mr. President, we have entered upon that course, mistakenly I think. Some may have claimed that they have some influence with the Attorney General in order to bring about a reorganization satisfactory to the railroad companies. If so, I think it is entirely proper to inquire into that question.

There is nothing now before Congress relating to that subject, but there may be. I think it is quite possible that in view of the course taken by the Supreme Court of the United States it may be necessary for Congress to legislate with respect to this very question. And it is a very important one.

I agree thoroughly with the Senator from Nebraska that the subject matter of the interview on the part of Judge Lovett is a very serious and important one. But what has been said by him with respect to it does not seem to me to be of very much consequence. Yet I am not going to enter any opposition to the resolution, because as it has been introduced I think it should be followed up and the investigation made.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

PRICE OF OIL IN OKLAHOMA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 109, submitted by Mr. OWEN on the 17th instant, as follows:

Resolved, That the Secretary of Commerce is directed to make a thorough investigation into the price of oil in Oklahoma and report to the Senate whether or not the price is artificially fixed below the general market level in the United States, quality and transportation considered; and if so, by whom such prices are fixed and the method by which it is done.

Mr. OWEN. I ask for the adoption of the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. SUTHERLAND. I should like to ask the Senator from Oklahoma on what theory he thinks the Department of Commerce should inquire into the price of oil within the State. It does not seem to me, as I gathered the sense of the resolution, that it applies to commerce between the States, but only as to the price within the State of Oklahoma.

Mr. OWEN. Mr. President, the State of Oklahoma has a large oil field and gas field, an extension of the great field discovered in Kansas, and which has since then extended to Texas. There are three pipe lines running from that field to the seacoast—one to the Gulf near Beaumont, one to New Orleans, and one to Bayonne, N. J., by way of Whiting, Ind. The price of oil in Oklahoma has been as low as 32 cents a barrel and then 40 cents a barrel. Recently it has increased. It is now selling approximately at 88 cents a barrel, while oil of like quality is selling for almost a dollar a barrel more in Pennsylvania. The transportation by pipe lines is very cheap. It is perfectly obvious that there is some mysterious power fixing the price of that oil regardless of the question of quality and the cost of transportation. It is of great interest to the people of the United States in dealing with this oil. It is an interstate commodity which is being shipped by these pipe lines across the States of Oklahoma, Texas, and other States to the seaboard. It is of great importance to the people who use oil to know why it is that this price is artificially fixed and by what method.

Mr. SUTHERLAND. The question I wanted the Senator to answer was whether or not the oil from the wells in question is being transported from the State of Oklahoma to other States.

Mr. OWEN. By interstate pipe lines. It is an interstate commodity by pipe lines going out of our wells to the seaboard.

Mr. SUTHERLAND. Then I can see some foundation for it.

Mr. OWEN. The Department of Commerce have the machinery by which this inquiry can be easily and economically made. I thought that was the proper place where the inquiry should be made.

Mr. SUTHERLAND. I have no objection to the resolution whatever if the article is being transported from the State of Oklahoma to another State.

Mr. OWEN. It passes right out of these wells by three interstate pipe lines to the seaboard.

Mr. BRANDEGEE. When the Senator speaks of the price of oil does he refer to the price paid by the owners of pipe lines to the owners of the oil wells?

Mr. OWEN. Yes, sir; as well as to the prices paid by anyone in the field for crude oil.

Mr. BRANDEGEE. Not to any retail price which may exist in the State of Oklahoma?

Mr. OWEN. No; the wholesale price only.

Mr. GALLINGER. I will ask the Senator if he will not agree to amend the resolution so as to have it read:

The price of oil in Oklahoma which enters into interstate commerce.

Mr. OWEN. I have no objection.

Mr. GALLINGER. So that we might not have it appear that we are investigating a State matter. If the Senator will accept that amendment, I will offer it.

Mr. OWEN. Let it read "transported by interstate pipe lines."

Mr. GALLINGER. Very well.

The VICE PRESIDENT. The Secretary will so modify the resolution.

Mr. SUTHERLAND. I will say that my only anxiety was that we should not set a precedent for examining purely a State matter.

Mr. OWEN. In line 3, after the word "Oklahoma," insert "transported by interstate pipe lines."

Mr. STONE. Question!

The VICE PRESIDENT. The question is on the adoption of the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Secretary of Commerce is directed to make a thorough investigation into the price of oil in Oklahoma transported by interstate pipe lines and report to the Senate whether or not the price is artificially fixed below the general market level in the United States, quality and transportation considered; and if so, by whom such prices are fixed and the method by which it is done.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. BRISTOW. I should like to call up Senate resolution 102.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent to call up and dispose of Senate resolution 102. The Secretary will read it.

Mr. STONE. When was this resolution presented?

The VICE PRESIDENT. It is on the calendar.

Mr. BRISTOW. I should like to say to the Senator from Missouri that the resolution provides for the expenses of the lobbying committee. There has been no provision made yet for paying the expenses, and the financial clerk can not pay any of them until the resolution is passed.

Mr. STONE. I have no objection to the passage of the resolution, but we have just had up one resolution which ought to have been passed in a minute, and it took an hour of useless discussion.

Mr. BRISTOW. I think this resolution will pass in half a minute, if the Senator will allow it to be considered.

Mr. STONE. I am afraid if the Senator gets up the resolution we will have another hour expended in that way, and I want to go on with the appropriation bill. Can not the Senator from Kansas let it go over until to-morrow?

Mr. BRISTOW. If it leads to any discussion I will withdraw it. I think it could have been passed by this time. There is no objection to it that I know of.

Mr. STONE. Very well.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read Senate resolution 102, reported by Mr. WILLIAMS from the Committee to Audit and Control the Contingent Expenses of the Senate on the 10th instant, as follows:

Resolved, That the expenses of the investigation of the charge of a "lobby being maintained in Washington," ordered by the Senate under resolution of May 29, 1913, be paid out of the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman of the Committee on the Judiciary or the chairman of the subcommittee thereof.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. The committee proposes to add at the end of the resolution the words:

To employ a stenographer at a compensation of not to exceed $1 per printed page.

The amendment was agreed to.

Mr. BRISTOW. I move to amend the resolution by striking out in line 5 the words "miscellaneous items of the."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 5, before the words "contingent fund," strike out the words "miscellaneous items of the."

Mr. SMOOT. I merely wish to ask the Senator a question. Is not that language usually in such resolutions? Such resolutions generally provide that the money shall be paid out of the miscellaneous items of the contingent fund.

Mr. BRISTOW. The financial clerk advised me that it was unusual, and that the words ought to be stricken out. I simply moved the amendment at his suggestion, so that the resolution might be in the usual form.

Mr. SMOOT. I thought the resolution was in the usual form. I may be mistaken, however.

Mr. BRISTOW. No; it is not in the usual form.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

The resolution as amended was agreed to.

AMBASSADOR TO SPAIN.

Mr. O'GORMAN. I ask unanimous consent for the consideration of the bill (S. 2319) authorizing the appointment of an ambassador to Spain. It is an emergency bill. It simply provides for raising the legation in Spain to an embassy. It was reported unanimously by the Committee on Foreign Relations.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to Spain, who shall receive as his compensation the sum of $17,500 per annum.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. STONE. Mr. President, I ask unanimous consent that the Indian appropriation bill be now laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from South Dakota [Mr. STERLING] to the amendment of the committee on page 57. The amendment to the amendment will be stated by the Secretary.

The SECRETARY. On page 57, at the end of the proposed committee amendment at the bottom of the page, it is proposed to insert:

Provided, That the foregoing provision shall not apply to contracts made with or services rendered any Indian who is a citizen of the United States, has severed his tribal relations, and has been or is the owner in fee of lands under grant from the Government of the United States.

Mr. STERLING. Mr. President, the reading of the amendment proposed by the Committee on Indian Affairs will disclose the sweeping and drastic nature of its provisions. It reads:

No contract made with any Indian, where such contract relates to the tribal funds or property in the hands of the United States, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given.

We know something of what is meant by the term "Indian" as used in the statutes relating to Indians and the Indian service or Indian affairs, and we thus know who will be included within the sweeping provisions of this amendment. Depending somewhat upon conditions, as I understand, any person having any trace of Indian blood in his veins is an Indian within the meaning of the Federal Statutes. Of course tribal relations and the question of adoption into an Indian tribe sometimes determine, indeed, whether one having a small trace of Indian blood in his veins is in fact an Indian; but I think it is generally conceded that all those who have one-fourth Indian blood in their veins are Indians under all statutes and decisions, State or Federal.

Among the part-blood Indians and, I may say, among those that are full-blood Indians there are men who are most intelligent and well qualified to enter into any contract respecting their individual property or respecting any tribal funds or property over which the Government has control. Many Indians, as

we know, have occupied the highest positions; their presence has graced the Chamber of the Senate as well as that of the House of Representatives. Yet under the sweeping provisions of this amendment no Indian can make a contract relative to any tribal fund or any tribal property. It makes no difference what his necessities are, what his qualifications are, or what would suit his convenience, he is unable to make a contract in regard to that property unless he has the consent of the United States.

Mr. President, by reference to section 2103 of the Revised Statutes, we find the most sweeping provisions in regard to contracts made with Indian tribes or with Indians who are not citizens of the United States. Section 2103 provides:

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of or in reference to annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

The statute then provides that the contract shall be executed in writing and in duplicate; that it shall be executed before a judge of a court of record and bear the approval of the Secretary of the Interior and Commissioner of Indian Affairs. It further provides—

that it shall contain the names of all parties in interest, their residence, and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority shall be given specifically; that the contract shall have a fixed limited time to run, which shall be distinctly stated.

The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time—

And so forth.

And then provision is made that any contract made in violation of the provisions of this statute shall be null and void. So, then, in any action by an attorney, for example, upon a contract made with an Indian not a citizen, the showing that the statute had not been complied with would be a complete bar in any court to the action thus brought. Any excess which may have been paid on an unauthorized contract over and above the amount approved by the Secretary and commissioner can be recovered back. Besides this, any person receiving money from an Indian contrary to the statute is liable to criminal prosecution. So we see that here is ample protection given all Indians not citizens of the United States. Nothing could give them greater protection than this statute.

With reference to Indians who are citizens of the United States the amendment which I have proposed reads:

Provided, The foregoing provision shall not apply to contracts made with or services rendered any Indian who is a citizen of the United States, has severed his tribal relations, and has been or is the owner in fee of lands under grant from the Government of the United States.

This proposed amendment to the committee amendment goes further than to simply provide that Indian citizens of the United States may be able to enter into such contracts. It provides that before the citizen may make such a contract he shall be the owner in fee of lands under grant from the United States.

I submit, Mr. President, that when a patent has been issued first in trust to an Indian for a period of 20 or 25 years, he not to receive the patent in fee for all that length of time, unless the Secretary of the Interior shall within that time find him a competent Indian and, in his discretion, issue the patent to him before the expiration of 20 or 25 years, that when he has thus proven his qualifications to receive a patent he has also proved himself competent to make and enter into a contract affecting his interest in tribal funds or tribal property.

It may be asked, Mr. President, what the objection is to requiring that the consent of the United States be previously given? Suppose, for example, it is an adverse claim against the United States, an attempt upon the part of some Indian to establish his rights in an allotment or to tribal funds, he must get the consent of the adverse party before he can make a contract with an attorney to institute the proceeding against the United States to enforce his rights.

How shall the consent of the United States be given? Shall it be given by an act of Congress, or is the consent of the Secretary of the Interior to be deemed the consent of the United States? The amendment as proposed by the committee does not say in what way the consent of the United States shall be obtained. An emergency may arise, and the necessity for immediate or speedy action exist on the part of this qualified Indian to make a contract with an attorney to institute proceedings in his behalf, and yet under the committee amendment no proceedings can be instituted until the matter has been presented to the Secretary of the Interior, and perhaps a hearing had before he will determine whether or not to give his consent to the making of a contract or an agreement.

It may be claimed, Mr. President, that this is not meant to guard the rights of qualified and competent Indians, but only to guard the rights of those who are citizens of the United States, but who are incompetent to make a contract. There may be now and then an Indian not competent to safely contract, but I think, Mr. President, in regard to contracts of this kind that public sentiment now has something to do and will in the future have something to do in Oklahoma, in South Dakota, and in other States of the Union where there are Indians in regard to the kind of a contract that any attorney or agent may make with the Indians, and public sentiment itself will have much to do in preventing contracts that work oppression and hardship upon the Indians. I believe that in a comparatively short time this matter will take care of itself, especially in the limited class of cases to which my amendment applies, and that in these it will be a rare thing to hear of an unjust contract made in relation to Indian funds or property.

So, Mr. President, here is a simple amendment providing that any Indian who is a citizen of the United States and has severed tribal relations, who has a home of his own, of course, and has received a patent to Government land may be enabled to enter into a contract. While now and then the amendment proposed by the committee may protect some one, yet it will work or is apt to work an injustice to a great number of Indians. We do not educate, we do not ennoble the Indian by always saying that he is irresponsible and that he must be under a condition of tutelage or wardship to the Government. The way to ennoble and educate the Indian is to make him feel his responsibility and put him more fully on his own resources, and surely when he is qualified and competent after 20 or 25 years at any rate to receive a patent to Government land under the supervision of the Secretary of the Interior he should then be given the right that any other citizen possesses—the right to make and enter into a contract in regard to his property, be it property in the custody of the Nation or property aside from that.

So, Mr. President, after reading section 2103 of the Revised Statutes and sections following and seeing how all Indians not citizens and how all tribes are there protected, and then noting the safeguard here in regard to Indian contracts and the qualifications that must be possessed by any Indian before he can enter into any contract with relation to his tribal property, I can not help but think that this amendment should prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota to the amendment reported by the committee.

Mr. FALL. Mr. President, I have no desire to take up any time in further argument of this matter, but I do desire to correct one or two statements which are in the RECORD of yesterday. For instance, during the course of my remarks I referred to a tax case recently decided by the Supreme Court of the United States, and it seemed to be the impression of one of the Senators from Oklahoma that the regular tribal attorneys were responsible for the result in that case. I hold in my hand the decision of the Supreme Court of the United States in the October term, 1911, in the case of Choate and others against Trapp, secretary of the State board of equalization, and others. I merely desire to call attention to this case, Mr. President, for the purpose of showing that it was brought under a contract by the celebrated lobbyist, McMurray, and put through the Supreme Court of the United States. The case to which the Senator from Oklahoma referred was one of limited character, affecting taxes on homesteads alone, which was, however, passed upon in the Choate case and went off on an opinion of five or six lines of the Supreme Court of the United States.

I made the statement as to how this case was won, and I said that something like $21,000,000 were saved to the Indians by the services of this lobbyist. I desire to call attention to the Supreme Court decision in the case for the purpose of verifying my statement.

I made a statement also that the fees paid to certain lobbyists which were spoken of as so enormous had been passed upon by more than one tribunal. In the case of McLish against Shaw and others in the Supreme Court of the District of Columbia the matter of the fees was passed upon. It was not necessary for the decision in the case, but nevertheless the judge in rendering the decision in that case did refer to the services which had been performed and passed upon the amount of the fee as being reasonable.

The statement made by myself in the RECORD that less than 9 per cent was paid to the attorneys was incorrect in that the percentage was approximately 4½ per cent of the value of the property saved by the attorneys. Judge Anderson, in his decision, says:

So far as the reasonableness of this compensation is concerned, I agree with the Assistant Attorney General that this is not a matter before this court. If it were, and I were called upon to pass upon that question, either as a court or as a juror sitting to try that question, I do not hesitate to say that in the light of the facts now before the court I would have no difficulty in concluding that the fees allowed were in every way reasonable.

I have here, Mr. President, a report of a statement made by Gov. D. H. Johnston, of the Chickasaw Nation, to the Treaty Rights Association of the Chickasaw and Choctaw Nations last year. I am not inclined to take up the time of the Senate, and unless I can have consent to have this statement published I regret to say that there is no other method of getting it before the public. It should be made public, because if it were read by Senators or if they would listen to the reading of this statement by Gov. Johnston concerning the actual necessities of the case, why they seek to employ attorneys, the limitation on their compensation, what services these contracts provide shall be performed and for which payment is made, no sensible man, unless he was governed by some motive of personal antagonism rather than by his duty as a Senator, would, in my judgment, find any earthly cause of complaint.

I asked the Senator from Arizona [Mr. ASHURST] on yesterday if it were not his opinion that not one cent of money could be paid out upon these contracts or any similar Indian contracts without an act of Congress. He seemed to be in doubt upon that subject. I desire to call his attention to the provisions in the general deficiency appropriation act approved June 25, 1910 (36 Stat. L., 808), the Indian appropriation act approved March 3, 1911, and the Indian appropriation act approved August 24, 1912, and to the fact that there are in this bill now exactly similar words to those contained in the provisions of the acts referred to. Under the terms of every one of these separate acts it is impossible for any attorney to get out of these tribal funds a single dollar of all this great, wonderful wealth that they speak of without direct action of Congress.

That is all I have to say, Mr. President, except that I should like to ask unanimous consent that this statement of Gov. Johnston, who is an official representative of his people, may be printed in the RECORD as part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the matter will be printed in the RECORD.

The matter referred to is as follows:

To the Members of the Treaty Rights Association of the Chickasaw and Choctaw Nations:

As chairman of the permanent organization known as the Treaty Rights Association of the Chickasaw and Choctaw Nations (and also as governor of the Chickasaw Nation) I have called you together in mass convention to consider and act upon important matters vitally affecting the rights and interests of the Chickasaw Nation and people at this time.

Under conditions heretofore existing, since the removal of our people to their western home more than three generations ago our legislative body assembled each year at our capital to not only pass laws but to make known to our guardian, the great Government of the United States, the wishes of the Chickasaws relative to the administration and disposition of their trust property and moneys.

During the whole term of my service as governor, until very recent years, the responsibility of taking necessary action for the protection of our nation and people when their rights and interests have been assailed from within and from without has been shared with our legislative body. This responsibility our legislative body shared with a degree of courage, patriotism, and statesmanship not excelled by a like body of any State; and whatever credit is due for what has been accomplished throughout this most strenuous and thrilling period of our tribal history should be generously divided among those devoted members who saw service for many long years upon the firing lines and open fields of our nation's battles.

Now, however, this body no longer has legal existence. It is not for us to now question the justness or fairness of the changes recent years have brought about in our tribal affairs. When the Government of the United States in its wisdom saw fit to practically abolish our tribal government, it was doubtless in the belief that the passing of tribal autonomy would witness an actual closing up of tribal affairs and a distribution per capita of tribal properties and moneys.

Events have shown this belief not to have been well founded. Millions upon millions of dollars in value of tribal property remain undivided and undisposed of. We are still being attacked from many quarters by those who would wrongfully share in this property when disposition and division finally comes. There still remain unconsidered and unsettled claims and controversies running into aggregate sums of money almost beyond the belief of those not familiar with the history of our affairs. Some of these matters are now pending and some are still to be presented to the courts, the executive departments, and to Congress.

If the rights and interests of the Chickasaws are to be adequately protected, constant and devoted service upon the part of the accredited representatives of the tribe is required.

I am not willing to bear these responsibilities alone when they may be shared with those who are vitally and individually affected, and I know of no better plan than to call together in mass convention the leading citizens of the tribe.

I shall in this communication lay before you such information as I have upon the subjects requiring consideration and action at your hands, together with my suggestions and recommendations, and in whatever action you may take I am confident that you will be moved by sentiments of the loftiest patriotism and devotion to the best interests of the Chickasaw Nation and people.

REMOVAL OF RESTRICTIONS.

The interests of our people demand that there be a revision of the laws relating to the removal of restrictions upon the alienation of Indian lands.

Under existing law there are three classes of citizens, in so far as alienation of lands is concerned—the unrestricted, the semirestricted, and the restricted.

Those of less than one-half Indian blood are unrestricted, and may alienate their lands without supervision. Those of one-half Indian blood are semirestricted. They may sell their surplus land without supervision, and their homestead allotments, if found competent by the Secretary of the Interior. Those having more than one-half Indian blood are wholly restricted, as regards the alienation of their lands. They may sell no part of their allotments without the approval of the Secretary of the Interior.

The present system is not effective. The laws are complicated and difficult of application. The facilities of the Interior Department are neither adequate nor sufficient for the administration of these laws.

I believe that all the lands of those having less than three-fourths Indian blood should be made alienable at once and that there should be an immediate distribution of all moneys due them now held by the Government.

This view is justified when we consider that the matter of the competency or incompetency of an individual having less than three-fourths Indian blood is not dependent upon the fact of Indian blood. If competent, there can be no objection to the removal of restrictions. If incompetent, such incompetency undoubtedly arises out of causes other than Indian blood, and the status of such person would parallel before the laws of the land that of all other races similarly situated.

I believe all will concede that those of three-fourths or more of Indian blood should be surrounded with proper safeguards and restrictions upon the alienation of their lands. Such persons are full bloods for all practical purposes, and their lack of familiarity with business conditions and the language and customs of the white man gives rise to the necessity for adequate protection of their property rights.

I know of no better plan than a practical continuance of the present system of supervision by local agents of the Interior Department. These officials are on the ground, can personally know of the competency of the Indian and the value of the property sought to be disposed of, and are also free from local political influence, so harmful in many instances to the discharge of their official duty. These agents can only be efficient and of benefit to those whom it is their duty to serve under the law if given proper facilities. I think we should urge that Congress make sufficient appropriation for this purpose.

LEASED DISTRICT.

No matter now pending approaches in magnitude and importance the claim of the Chickasaws and Choctaws for compensation for those western lands known as the "leased district."

For many years other matters then pressing demanded the undivided efforts before Congress and the departments of the representatives of the tribes. I have special reference to the settlement of citizenship claims, the suit for compensation for lands allotted Chickasaw freedmen, and the suit to prevent the taxation of Indian lands made nontaxable by treaty provisions.

I have always realized the justice of the demand of the Chickasaws and Choctaws for compensation for the "leased district" land and the magnitude of the sum of money to which the members of the tribes were entitled upon a fair settlement of the claim, and the time is now at hand for the Chickasaws and Choctaws to make known their appeal in dignified and solemn terms for such a settlement of this great claim as in equity and justice should be accorded a helpless ward by a strong and powerful guardian.

Under the treaty of 1866 the Chickasaws and Choctaws "ceded" these western lands to the United States for certain specific purposes. These purposes were, among other things, for the settlement of friendly Indians, for the removal of the Chickasaw and Choctaw freedmen, and also for the settlement of such members of the tribes as might desire to remove thereto. The treaty also provided for a fund of $300,000, which was to be held in trust by the United States pending the removal or adoption of the freedmen. It was provided that the Chickasaw and Choctaw freedmen were to be removed if the tribes failed to adopt them within two years, in which event the $300,000 was to be used for such removal. If the tribes adopted such freedmen within the time specified, they were to have the benefit of the $300,000.

The Chickasaw freedmen were never adopted. That tribe has never claimed nor has it ever received any part of the consideration. As to whether the Choctaw freedmen were legally adopted has always been a question, and that question has no bearing upon our present claim.

Certain friendly Indians were settled on these lands under the provisions of the treaty. The right of the Choctaws and Chickasaws to additional compensation for the land so used has been established by the action of Congress in its direct appropriation of money for the payment of same to the tribes. This money was paid out per capita in 1893, and is referred to as the "leased district" payment. The lands for which compensation is now asked were comprised in the same area. These lands aggregate some 6,000,000 acres (a part of the same area "ceded" in 1866 for the same specific purposes). They are included in the State of Oklahoma, and were disposed of by the United States to settlers upon the public domain for many millions of dollars.

In the case of The Choctaw and Chickasaw Nations *v.* The United States and the Wichitas and affiliated bands of Indians the meaning of the treaty of 1866 in "ceding" these lands to the United States was passed upon by the Court of Claims and the Supreme Court of the United States. The decision of the Court of Claims was in favor of the tribes. It held that the treaty of 1866 constituted a lease, and that when the United States ceased to use the land for the specific purposes therein set forth title reverted to the tribes. Upon appeal the Supreme Court of the United States reversed the Court of Claims and held that the cession in the treaty of 1866 was a conveyance, and that the tribes had no legal title to the land.

The Supreme Court, however, stated that any equitable claim for compensation on behalf of the tribes should be presented to Congress. It was certainly in the mind of the Supreme Court that there was an equity in favor of the Indians worthy of the substantial consideration of Congress. The Supreme Court does not use language idly and with-

out meaning. Its view undoubtedly was our view at this time: The word "cede" has a definite legal meaning which the Supreme Court could not avoid, that the parties did not intend to convey title or to receive title; that the employment of the word "cede" was unfortunate and not expressive of the intentions of the parties, and that a duty rests upon Congress to make reparation by paying a fair value for the lands so taken.

In view of this decision our claim is based on equity, and we only ask such a settlement as any court in the civilized world would require a powerful guardian to make with its helpless ward.

The arguments in support of our claim for compensation for these lands would appear to be irresistible. The Indians say they understood the treaty to be a lease and not a conveyance. The Court of Claims, in an able and exhaustive opinion, sustained this view. The Supreme Court held to the contrary. These two great courts differed. The language of the treaty was sufficiently uncertain to support conflicting opinions of two great courts.

The whole line of decisions of the Supreme Court of the United States from the famous case of the Cherokee Nation v. Georgia down to the tax decision in our favor of only a few months ago, holds that Indian treaties must be construed as the Indians understood them, and that any doubtful meanings must be construed in their favor.

Did the United States mean to acquire title and did the Indians mean to convey it? The Supreme Court has said that the language employed amounts to a conveyance, but it appears to be clear that the parties intended a lease and not a conveyance. If it had intended to take title the United States would have permitted no conditions, as to use, to encumber the title. It would not have agreed to use the land for certain definite purposes. The Choctaws and Chickasaws were leasing their land for a nominal consideration for the accomplishment of certain things desirable to them, to wit, the settlement of friendly Indians as a protection against the wild and warlike tribes to the west, and to be relieved of their freedmen. This very treaty under which these lands were "ceded" also provided that any Choctaws or Chickasaws desiring to do so might remove to and settle on these lands. If the Indians were selling and the United States buying these lands, would this privilege have been required by the tribes or granted by the United States?

The whole series of transactions attending the making of the treaty and up to the present day tend to show that the Indians did not mean to part with the title and that the United States did not mean to acquire it, but that these lands, then far removed from civilization, were being used for the convenience of both the United States and the Choctaws and Chickasaws, and that the matter of title did not enter into the plans of either one of the parties to the treaty.

After all of this the only question now arising is: What final settlement is the United States, as guardian, willing to make with its wards, the Choctaws and Chickasaws? If both parties were properly before a court of justice, what settlement, under all the facts and transactions, would the United States be required, in equity and good conscience, to make?

That is the basis of our claim. The Government of the United States is made up of an aggregate of individuals, having human experiences and actuated by sentiments of fairness and justice; and I have perfect confidence in our ability to secure such a settlement of this claim as will be fair and just, both to the Government of the United States and to the Choctaws and Chickasaws.

MINOR CHOCTAW FREEDMEN.

In 1906, upon the request of the Chickasaws and Choctaws, the citizenship rolls were reopened for the enrollment of "new-born" children of regularly enrolled citizens and members.

The "supplementary agreement" of 1902 (sec. 3) definitely defines the terms "citizens and members" as follows:

"The word 'member' or 'members' and 'citizen' or 'citizens' shall be held to mean members or citizens of the Choctaw or Chickasaw Tribe of Indians in Indian Territory, not including freedmen."

Notwithstanding the use of these terms in the act of 1906 and its definition by the treaty of 1902, the Government of the United States saw fit to hold that the "new-born" children of Choctaw freedmen were entitled to enrollment; and accordingly approximately 500 have been enrolled and given 40-acre allotments. These allotments aggregate in value several hundred thousand dollars. The law is so plain and the rights of the Chickasaws and Choctaws have been so clearly violated that I have no doubt of our ability to reach a fair adjustment of the controversy when properly presented and considered.

CONCLUSION.

It is with distinct pleasure that I call your attention to the sentiments and harmony and friendship existing between the citizens of our tribe (who are also citizens of the great State of Oklahoma) and the other citizens of the State. This you already know more fully than I can here set forth.

With the passing of the tax litigation there are now no matters, either of sentiment or of property rights, over which differences could properly arise. That controversy was merely a difference of opinion in the construction of laws and treaties. This association authorized the institution of litigation testing the question as to the legal right of the State to impose taxes upon Indian lands exempted from taxation by treaty provisions. That litigation is now ended, and the decision of the Supreme Court of the United States sustaining the contentions of the Indians causes the whole matter to pass into history.

If the measures now so earnestly advocated by us are carried into laws and made effective, we will not only be directly benefited, but every citizen of the State will likewise be benefited. I refer to the early sale of all surplus and unallotted lands, the removal of restrictions upon the alienation of the lands of those competent to manage their own affairs, the collection from the United States of just claims now pending, and the distribution, per capita, among the Chickasaw people of all moneys due them.

The direct benefit to the State will be the placing upon the tax rolls of a vast acreage of land not now taxable and the distribution throughout the State of a vast volume of money, amounting to many millions of dollars now useless and idle in the hands of the United States Government.

I say these conditions of common interest lead to harmony and friendship between the Indian citizens and the white citizens. These conditions have already led to these relations. Many of our most prominent Indian citizens hold responsible official positions, from township to State government, and also in the Congress and the Senate of the United States. Our children attend side by side with the children of our white fellow citizens the schools of the State, from neighborhood school districts to the highest institutions of learning; and the relations thus formed have already led, are now leading, and will lead in the future to a mutual understanding and regard of great advantage to both races and the whole State.

I now suggest, in conclusion, that you proceed to the organization of this convention by the election of necessary and proper officers, and that after organization you proceed to consider and act upon the matters presented to you in this communication and such other matters affecting the rights and interests of our Nation and people as may properly come before you to the end that I, in my official capacity as governor, may usefully and effectively represent you.

Respectfully submitted.

D. H. JOHNSTON,
Governor of the Chickasaw Nation and
Chairman of the Treaty Rights
Association of the Chickasaw and Choctaw Nations.

The VICE PRESIDENT. The question is upon the adoption of the amendment offered by the Senator from South Dakota [Mr. STERLING] to the amendment of the committee.

Mr. SUTHERLAND. Mr. President, I am quite in sympathy with the purpose of the proposed amendment. I served on the Indian Affairs Committee for a good many years, and my experience and observation there convinced me that restrictions of some sort ought to be thrown about the making of contracts with these Indians. I desire, however, to ask the chairman of the committee whether or not he thinks it is wise to provide in the amendment that the contract shall be void unless it receives the consent of the United States. That, if I understand correctly, would mean that it would be necessary in every case to procure an act of Congress. I do not know how frequently it may be necessary to make contracts with Indians; but I can conceive that there may be contracts of a perfectly legitimate character that ought to be made in the interest of the Indians themselves, and that there ought to be some easier way of determining whether the contract is a proper one than that of coming to Congress and procuring an act of Congress.

Mr. STONE. Mr. President, the amendment proposed by the Senate committee relates to tribal funds or property in the hands of the United States, and the limitation or restriction put upon the right of contract concerns only such trust funds or property in the hands of the United States.

It was thought by the committee that where the Government held a large sum of money, for example, belonging to a given tribe of Indians, which it was bound in good faith to administer and distribute in accordance with treaties or statutory requirements, it would not only be unnecessary that attorneys should be employed to importune the Government to perform its duties and exact large compensation for that supposed service, but in a way it would be an impeachment of the good faith of the administration.

The committee thought—I do not speak for myself, but I speak for the committee—that this particular class of property and these particular funds should be so hedged about as to make the making of such contracts with regard to them practically impossible. In my opinion an Indian who is a citizen in the full enjoyment of all his rights has a constitutional right to make contracts, and I am not so sure that he could not make a contract with reference to funds of this character. Nevertheless, the abridgment relates to these particular funds, as a matter of public policy.

Mr. SUTHERLAND. The Senator thinks the rights of the Indians would not be sufficiently safeguarded if the law should provide that the consent should be given by the Secretary of the Interior?

Mr. STONE. For myself, I should have no objection to having the consent of the United States expressed in that way, through the Secretary of the Interior.

Mr. SUTHERLAND. Unless there are some special or peculiar reasons why this other course should be adopted, it seems to me it would be quite sufficient to provide that the contract shall receive the assent of an executive officer of that character.

Mr. STONE. I will say to the Senator that the committee thought there ought not to be any contract made.

Mr. SUTHERLAND. If that is true, then we should provide in express terms that no contract of that kind should be valid.

Mr. STONE. That might be done; but the committee thought that possibly some peculiar case might arise that would be exceptional.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. STERLING] to the amendment of the committee. [Putting the question.] The Chair is in doubt.

Mr. CATRON. I call for a division.

There were, upon a division—ayes 8, noes 18.

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Lippitt	Smith, Ga.
Bacon	Fletcher	McLean	Smith, Md.
Bankhead	Gallinger	Myers	Smith, S. C.
Bradley	Goff	Norris	Smoot
Brady	Gore	Owen	Sterling
Brandegee	Gronna	Perkins	Stone
Bristow	Hitchcock	Pittman	Sutherland
Bryan	Hollis	Poindexter	Thomas
Catron	Hughes	Pomerene	Thompson
Chamberlain	James	Robinson	Thornton
Chilton	Johnston, Ala.	Shafroth	Tillman
Clapp	Jones	Sheppard	Vardaman
Clark, Wyo.	Kern	Sherman	Williams
Colt	La Follette	Shively	Works
Crawford	Lane	Simmons	
Dillingham	Lea	Smith, Ariz.	

Mr. DILLINGHAM (when Mr. PAGE's name was called). I desire to announce that my colleague [Mr. PAGE] is unavoidably absent from the Chamber.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city.

Mr. CLAPP. I rise to a parliamentary inquiry. I understood that awhile ago there was a rule adopted here that after the first call of the roll a Senator could not explain the absence of a colleague until a second call. I observe that the Secretary is about to report the result of the call. If I am in order, I desire to state that my colleague [Mr. NELSON] is unavoidably detained from the Chamber upon business of the Senate. I wish this announcement to stand for all the roll calls of the day.

Mr. GALLINGER. I take the liberty of announcing that the junior Senator from Maine [Mr. BURLEIGH] is detained from the Senate by protracted illness.

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT]. I wish this statement to stand for the day.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present. The question is upon agreeing to the amendment offered by the Senator from South Dakota [Mr. STERLING] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now recurs upon the amendment of the committee.

The amendment was agreed to.

Mr. OWEN. I offer an amendment, to follow line 24, page 57, which I had printed in the RECORD yesterday, on page 2047:

> And no contract made with any person claiming citizenship in any Indian tribe, where such contract affects the tribal funds or property in the hands of the United States, or the fee is to be paid from the claimant's portion of tribal funds or property, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given.

Mr. CLARK of Wyoming. The amendment of the committee was adopted?

Mr. OWEN. Yes.

Mr. CLARK of Wyoming. This is proposed as a substitute for the amendment?

Mr. OWEN. No, sir; as an addition to it.

Mr. CLARK of Wyoming. I desire to ask the chairman of the committee whether it would not be well to consider the committee amendments first?

Mr. STONE. I made that suggestion some time ago, and we have proceeded on that theory. I suppose it would be just as agreeable to everyone.

Mr. OWEN. I would just as soon defer offering my amendment until after the committee amendments have been disposed of, but while attention was on this subject I thought I would dispose of it.

Mr. CLARK of Wyoming. My only purpose was that I thought there were one or two committee amendments that might be disposed of, while this one might perhaps cause some discussion.

Mr. STONE. I should prefer to go on.

Mr. OWEN. Very well; go ahead. I will withdraw my amendment for the present.

Mr. CRAWFORD. I could not hear the conversation that just took place, and I am not able to understand just what the program is at present. Is it to act simply upon the committee amendments at this time?

Mr. CLARK of Wyoming. Yes; and to defer the presentation of others until the committee amendments have been disposed of.

Mr. STONE. The suggestion that I made, which seems to have been generally concurred in, was that we proceed first with the committee amendments, until we reach the end of the bill.

Mr. CRAWFORD. After the committee amendments have been acted upon, the bill from the first part through will be open to such amendments as Senators may desire to offer?

Mr. STONE. Yes.

The VICE PRESIDENT. It will. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning with line 1, page 58.

The next amendment of the Committee on Indian Affairs was, on page 59, after line 4, to insert:

> That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the Choctaw and Chickasaw Indians entitled thereto of $100 each, and to the Cherokee citizens entitled thereto of $15 each, out of the tribal funds of said nations now on hand, and to cover the expense of making said payment the said Secretary is authorized to use not to exceed $10,000 out of the interest which has accrued from the funds of said tribes on deposit in the State and national banks of the State of Oklahoma.

Mr. WILLIAMS. I wish to make a point of order against that paragraph.

The VICE PRESIDENT. The Senator from Mississippi will state his point of order.

Mr. WILLIAMS. It is that it is general and new legislation upon an appropriation bill.

Mr. OWEN. Before the Chair passes upon that matter——

The VICE PRESIDENT. The Senator from Oklahoma is recognized.

Mr. OWEN. I do not think that this item of the bill can be properly construed to be general legislation. I call attention to the precedent on page 54 of Gilfry's Precedents, published by the Senate:

> The Century Dictionary says:
> "General legislation, that legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities.
> "Local legislation, local statute, such legislation or statute as is in terms applicable not to the State at large, but only to some district or locality and to the people therein."
> Bouvier (vol. 1, p. 877): "General law (legislation), laws which apply to and operate uniformly upon all members of any class of persons, places, or things, requiring legislation peculiar to themselves in the matters covered by the laws." "Statutes which relate to persons and things as a class. Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. * * *
> "'General,' with reference to the subject matter of the statute, is synonymous with 'public' and opposed to 'private,' but with reference to the extent of territory over which it is to operate, is opposed to 'local' * * * and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction." * * * "Further, when used in antithesis to 'special' it means relating to all of a class instead of to men only of that class." * * * "In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves and the purpose of the legislation is germane thereto, they will be considered as a separate class and legislation affecting them will be general, but if the distinctive characteristics of the class have no relation to that purpose of the legislature, or if objects which would approximately belong to the same class have been excluded, the classification is faulty and the law not 'general.' The effect, not the form of the law, determines its character."

In this case this proposed appropriation is of moneys which have been pledged to these people by the statutes of the United States, which agreed to pay to them the proceeds of certain property held by the United States in trust for them for distribution. This amendment, therefore, is "carrying out previous existing law." It is not changing existing law, but carrying out existing law. It is not general legislation, but it is special, belonging only to this particular group of people, paying to them that which is confessedly due to them by the United States, and due to them under a treaty agreement.

Mr. WILLIAMS. Mr. President, I do not think it is necessary to argue the point. The Century Dictionary and Bouvier's Law Dictionary do not establish the rules of the Senate. This is general legislation on an appropriation bill. It applies to the Choctaw and the Chickasaw Indians, the Cherokee Indians, and all the Indians in the State of Oklahoma, and it is new legislation which is not a part of the appropriations for the support of the Indians in any sense.

That is all I desire to say.

Mr. OWEN. Mr. President, I should like to have inserted in the RECORD a statement of the attorneys representing the Choctaws and Chickasaws in regard to this matter.

The matter referred to is as follows:

> The Atoka agreement between the Choctaw and Chickasaw Tribes of Indians and the United States is found in section 29 of the act of Congress, approved June 28, 1898 (30 Stat. L., 495–513).

In regard to the tribal funds in the hands of the United States held in trust for these Indians it provides as follows:

"It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw Tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands."

By the same act the tribal governments of the Choctaw and Chickasaw Nations were continued for eight years from March 4, 1898.

The act of July 1, 1902 (32 Stat. L., 641), is the supplemental agreement entered into between the Choctaw and Chickasaw Nations and the United States, which was approved and ratified by the tribes on September 25, 1902. This agreement was negotiated with the tribes by the Dawes Commission for the purpose of providing a comprehensive scheme for the enrollment of their members, the allotment of their lands to them in severalty, and the final winding up of their tribal affairs. Sections 27 to 44 of this agreement provide specifically how the rolls of citizens shall be made. Section 35 provides that:

"No person whose name does not appear upon the rolls prepared as herein specified shall be entitled to in any manner participate in the distribution of the common property of the Choctaw and Chickasaw Tribes, and those whose names appear thereon shall participate in the manner set forth in this agreement."

Section 14 makes provision for the disposition of the surplus tribal property and provides how it shall be distributed. This section is as follows:

"14. When allotments as herein provided have been to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes."

The Atoka agreement and the supplemental agreement, while providing the exact manner in which the rolls of citizenship of these two tribes should be made, did not provide a time for the completion of this work. It, of course, was necessary that some definite date be fixed for the completion of these rolls in order that the remaining tribal property undistributed could be disposed of and the proceeds paid over to the Indians whose names appeared on these rolls. Accordingly, the act of Congress, approved April 26, 1906 (34 Stat. L., 137), was passed. It is entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes." Section 2 of this act set a time for the completion of the rolls of citizenship, which provision is as follows:

"*Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

The act further provided for the disposition of all of the tribal property of the Choctaw and Chickasaw Tribes, except the coal and asphalt segregation, which was reserved from sale until further action by Congress, largely on account of conditions existing at that time, which seemed to make the sale of this segregation unwise for business reasons.

Section 16 provided "that when allotments as provided for by this and other acts of Congress have been made to all members and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, the residue of lands in each of said nations not reserved or otherwise disposed of shall be sold by the Secretary of the Interior under rules and regulations to be prescribed by him, and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes."

Section 17 provided "that when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of such tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior."

There was great delay in carrying out the provisions of this act as to the disposition of the tribal property of the several tribes. However, at this time nearly all of the unallotted lands of the Choctaw and Chickasaw Tribes have been sold, with the exception of the so-called timber segregation, which was reserved from allotment by Executive order, embracing about 1,300,000 acres, and the coal and asphalt segregation, embracing about 450,000 acres, the latter of which can not be sold until further action by Congress.

From the time of the passage of the act of July 1, 1902, which was the supplemental agreement with the Choctaw and Chickasaw Tribes, these Indians have been led to hope that their tribal affairs would be speedily wound up and the money derived from their tribal property would be paid over to them for the purpose of improving their allotments, as promised by the Atoka agreement. That Congress had the same idea, i. e., that the tribal affairs of these Indians should be speedily wound up, is evidenced by the appropriation act for the year 1908 (35 Stat., 91), where, in making an appropriation for this work, it provided as follows:

"For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $143,410, said appropriation to be disbursed under the control of the Secretary of the Interior, and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1909."

A similar provision was placed in the appropriation act for the year 1909 (35 Stat., 804), which is as follows:

"For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $140,000, said appropriation to be disbursed under the control of the Secretary of the Interior, and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1910."

Notwithstanding these express provisions of Congress directing the completion of this work, the sale of the unallotted tribal lands of the Choctaw and Chickasaw Tribes was not completed until the spring of this year, and the timber reserve and coal and asphalt segregation, embracing lands worth many millions of dollars, are still withheld from sale.

In the appropriation act for the year 1911 (36 Stats., 1070), it was provided:

"That the net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expenses of advertising and sale, may be deposited in national or State banks of the State of Oklahoma, in the discretion of the Secretary of the Interior, such depositories to be designated by him and under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor as he may prescribe. The interest accruing on such funds may be used to defray the expenses of the per capita payments of such funds."

The members of the Choctaw and Chickasaw Tribes have never objected to depositing this money in banks, as provided by this law, but they think that it ought only to be left in the banks while it is in process of being collected, and that as soon as a sufficient amount is on hand it should be paid out to the Indians entitled thereto. This provision is quoted principally for the purpose of showing by the last clause thereof that it was the intention of Congress that it should be paid out per capita as soon as a sufficient amount was on hand to warrant doing so.

The funds belonging to the Choctaw and Chickasaw Indians now in the hands of the United States Government are as follows:

CHICKASAW.	
In the Treasury	$603,460.06
On deposit in State and national banks	852,939.88
Total	1,456,399.94
CHOCTAW.	
In the Treasury	1,918,798.69
On deposit in State and national banks	2,274,439.19
Total	4,193,237.88
Grand total	5,649,637.82

The unallotted lands of these two nations which has been sold during the last two years brought a total of $10,137,094.85, of which there has been paid by the purchasers $4,891,310, leaving a balance due on deferred payments of $5,245,784.85.

In the hearings before the Senate Committee on Indian Affairs, Sixty-second Congress, third session, on H. R. 26874, pages 313 and 314, J. George Wright, Commissioner of the Five Civilized Tribes, February 8, 1913, testified that the property of the Choctaw and Chickasaw Tribes undisposed of was worth approximately as follows:

Sale of surface of coal and asphalt lands	$4,000,000
Value of mineral deposits in coal and asphalt segregation	12,000,000
Value of timber reserve	3,500,000
Total	19,500,000

Adding to this the total cash now on hand, $5,649,637.82, and the deferred payments still due on the sale of the unallotted lands, amounting to $5,245,784.85, makes the total tribal property of these two tribes amount to $30,395,422.67.

At the same hearing Mr. Wright testified that it required yearly for the tribal government and schools of the Choctaw and Chickasaws the following amounts:

CHOCTAW.	
Tribal officers and attorneys	$25,000
Tribal schools	85,000
CHICKASAW.	
Tribal officers and attorneys	20,000
Tribal schools	32,000
Total	162,000

There are about 27,000 persons enrolled as citizens of the Choctaw and Chickasaw Tribes entitled to share in these funds, and a payment of $100 per capita, as provided by the present Indian appropriation bill, will amount to approximately $2,700,000. If this payment is authorized, there will still remain over $27,500,000 worth of tribal property yet undisposed of.

The deferred payments on the unallotted lands are all due and payable not later than November 15, 1914.

Since 1902, when the supplemental agreement was entered into, and in which the promise was made that a speedy settlement would be made with these Indians, the following per capita payments have been made to them:

	Per capita.
1904, town-site money	$40
1906, town-site money	35
1908, town-site money	20
1911, from general funds	50

Mr. OWEN. I will not detain the Senate further than to read the language of the previous statute to which I referred—Thirtieth Statutes at Large, page 495—in regard to the tribal funds in the hands of the United States held in trust for these Indians. It provides:

It is further agreed that all the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw Tribes, shall be capitalized within one year after the tribal government shall cease, so far as the same may legally be done, and be appropriated and paid by some officer of the United States appointed for the purpose to the Choctaws and Chickasaws (freedmen excepted), per capita to aid and assist them in improving their homes and lands.

So this appropriation is in pursuance of existing law, and is just as much a proper part of this bill as any of the appropriations in the Indian appropriation bill carrying out existing treaties with other tribes.

Mr. WILLIAMS. The title of the bill is "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914." I do not think there is any doubt about the point of order.

Mr. GALLINGER. Mr. President, I am very strongly opposed to this provision in the bill. If it shall be determined that the point of order lies, I shall have nothing to say about it. If, on the contrary, it is ruled that the point of order does not lie, then I will take the privilege of discussing the proposition at some length.

I will call the attention of the Chair and the Senate to the fact that last year a similar point of order was made against a similar provision. It was made by the senior Senator from Massachusetts [Mr. LODGE]. That point of order was debated at considerable length, and the then Vice President suggested that in view of the fact that there was such a wide difference of opinion on the part of the Senate he would avail himself of the privilege to submit the matter to the Senate. This he did, and by a small majority the Senate decided that the point of order was well taken, and the provision went out of the bill last year.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry. Is the point of order being made to the amendment that is printed in the bill, or is it a point of order made against an amendment now offered by the Senator from Oklahoma?

Mr. WILLIAMS. No; it is made to the amendment of the committee inserted in the bill.

Mr. STONE. On page 59.

Mr. WILLIAMS. In this connection I wish to say just a word in explanation. I would have no objection to this legislation if it were fair and included all the people who ought to be entitled to share in this fund. I should vote for a bill to do that very readily and very quickly; but the committee has left out of all consideration, in my opinion with great injustice, some thousand or more Choctaws in the State of Mississippi, who by the fourteenth article of the Dancing Rabbit treaty of 1830 were guaranteed their rights to every privilege of the Choctaw Nation, except a share in the annuities. The treaty expressly provides that if they still remain in the State of Mississippi they shall be members of the Choctaw Nation and share in every privilege except that.

Persons who claim under this article—

I read a part of the fourteenth article—

shall not lose the privilege of Choctaw citizens, but if they ever remove they shall not be entitled to any portion of the Choctaw annuity.

That is the only exception. Now, no act of Congress can abridge that treaty right nor has the Choctaw Nation ever asked that it should be abridged. Nothing except a new treaty between the United States and the Choctaw Nation would have any effect upon this question. The tribe has never attempted to abridge or change in any way the Dancing Rabbit treaty, which was effected under Andrew Jackson's régime.

Congress has already treated these people very unfairly. I secured some legislation in the House some years ago, and under that legislation Congress went some distance to do them justice, but it required that they should move to the Indian Territory, as it was at that time, in order to be entitled to their rights as citizens of the Choctaw Nation.

Not only is it true, Mr. President, that the treaty expressly reserved to them their rights as citizens of the Choctaw Nation, but if there had been no treaty to that effect it is a general principle of law that citizenship in barbarous or semibarbarous tribes, as they were at that time, is a matter of blood relationship and not a matter of geographical boundary. That has been the case at all times. After some rights had been given these people Congress took the matter up later. The first statute passed was this:

Said commission shall have authority to determine and identify the Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, September 27, 1830, and make report to the Secretary of the Interior.

That was in 1893, I believe; it was in my first or second term in Congress I know.

Then later on, in 1902, Congress passed some other provision and, amongst other things, used this language:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who receive a patent to land under the said fourteenth article of the treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior—

Prior—

to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, etc.

This act of Congress said that no person should be enrolled "whose ancestors had not received a patent from the Federal Government." The Dancing Rabbit treaty entitled these people upon certain proof to receive a patent. A man by the name of Ward was sent down there. It was a notorious scandal at the time, so much so that the Congress of the United States subsequently acted upon the matter. A commission was sent down to investigate what this man had done, and it was reported that his action was in every way discreditable and wrong. He remained drunk all the time, and after he had made up a file of the people who were entitled to entries of 160 acres of land on loose foolscap paper he used a great deal of it for shaving paper later or tore it up. It was a regular scandal.

Now, then, this cunning law with the language which I did not notice at the time, put upon the statute books at the instance and under the approbation of a noted law firm in the State of Oklahoma—the Indian Territory it was at that time—thus confined the Mississippi Choctaws to the descendants of only 143 Mississippi Choctaws. This man Ward had managed to lose or destroy or drunkenly misplace the names of all except 143 of them, and those 143 or the descendants of them are now the only ones who can apply under that law as it was.

We tried to get in the Indian Affairs Committee an amendment to this amendment so as to include these people. I did not draw it up there, but left it to be worded, and it was worded in a bill introduced by the Representative from the sixth district of the State of Mississippi, Mr. HARRISON. That, if it came in here at all, would come in at about this place.

On page 59, line 7, after the word "Indians," I would put in something like I suggest, and if the committee would do that I would be very glad to withdraw the point of order, but otherwise we are in this fix.

Here you are distributing the dividends of a concern without permitting a part of the stockholders to be entered upon the list as stockholders and to receive their share of the dividends. If you begin it, you will go through with it little by little until there will be nothing left, and then the Mississippi Choctaws could get no relief at all, unless they got it by going back and disturbing the allotments in the Territory, because they would have to sell the lands that have been allotted in order to get the money for them. So it is in the interest of the Indians there as well as of the Mississippi Choctaws that their rights should be considered before this is passed upon. The language that I would put in at the place designated would be this:

Including such Mississippi Choctaws as have established or may prior to January 1 next establish their right to be registered or listed as Choctaws; and the Secretary of the Interior shall make rules and regulations whereby evidence may be taken within that time to determine what persons in Mississippi are by blood entitled to be enrolled as Choctaws under article 14 of the treaty of 1830 between the United States and the Choctaw Nation.

I thought it due to myself to explain why I made the point of order, because I do not want to be understood as objecting to the distribution of this Indian fund among the Indians, provided that everybody who is entitled to a part of the distribution shall have a proper day in court.

Mr. CRAWFORD. Will the Senator from Mississippi permit me a question?

Mr. WILLIAMS. Yes, sir.

Mr. CRAWFORD. Are there a number of these Choctaws in the State of Mississippi related to these Oklahoma people and do they not enjoy any Government aid or participate in any way in the tribal fund?

Mr. WILLIAMS. None.

Mr. CRAWFORD. I ask for information.

Mr. WILLIAMS. And they are all blood Choctaws; and, by the way, they are a very interesting and a very honest folk. I was telling the committee the other day that if you send a white man or a negro to split rails for you you have got to count your rails before you pay for them; but you never have to count the rails made by a Mississippi Choctaw. They are the most honest people I know of, and they deserve a great deal of sympathy.

Mr. CRAWFORD. I ask the Senator how many of these Choctaws are in the Senator's State?

Mr. WILLIAMS. I am informed there are about 1,600 of them; but I do not know.

Mr. CRAWFORD. They have no reservation there?

Mr. WILLIAMS. No; they have no reservation. I will state to the Senator that Andrew Jackson was very anxious to get all the Indians west of the Mississippi River. The United States Government sent people down there, who used money and who used whisky and who used everything else, until a majority of the Choctaw Nation agreed to go west of the Mississippi River; but they lived in the Yiogehnougheny, the Leaf, and the Pearl River bottoms, where almost the best fishing and the best hunting in the world was, and a great many of

them would not go. They could not get this treaty through without putting on it the fourteenth article, permitting those who did not want to go to remain in the State of Mississippi. That treaty never could have been effected unless the fourteenth article had been adopted; and here is the way it reads:

Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention—

By the way, they never did become citizens of the State, because Mississippi never made them citizens; they were inhabitants. It reads:

Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him, over 10 years of age, to join the location of the parent. If they reside upon such lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens, but if they ever remove they shall not be entitled to any portion of the Choctaw annuity.

Now, that is the treaty.

Mr. CHAMBERLAIN. May I interrupt the Senator, Mr. President?

Mr. WILLIAMS. Certainly.

Mr. CHAMBERLAIN. I would like to know if those who remained in Mississippi took advantage of the grant made under the fourteenth article of the treaty?

Mr. WILLIAMS. Very few of them did so. This man Ward was sent down there. Then the United States Government, hearing of this agent's action, sent a board of commissioners to investigate. Here is a part of their report:

From the great mass of proof offered to the board, there can be no doubt of the entire unfitness of the agent for the station. His conduct on many occasions was marked by a degree of hostility to the claims calculated to deter the claimants from making application to him. His manner to the Indians coming before him for registration was often arbitrary, tyrannical, and insulting, and evidently intended to drive them west of the Mississippi against their will and in violation of the letter and spirit of the treaty.

The agent of the Government, Col. Ward, unfortunately so managed this business that it is left almost entirely to oral testimony to prove the names of those who applied for registration within the six months and the signification of their intention to remain and become citizens of the States. That he kept a book, about foolscap size, containing two or three quires of paper, and which was almost filled with the names of persons registered, is proved, and it is also proved that this book was afterwards partially torn up and used as shaving paper, etc.

Mr. CRAWFORD. Mr. President——

Mr. WILLIAMS. One word further. I want to get the date when this commission made its examination. The agent was sent down there in 1831. I thought I had the date when the commission made its examination.

After making these investigations Congress passed a law in 1842 allowing such Mississippi Choctaws as wanted to go out West scrip and things of that sort to be used in locating land, showing that Congress recognized the injustice. The act passed in 1902 was most shrewdly worded. I was in Congress at the time, and I did not then see any joker in it, but the joker came to the front after a while. Every Mississippi Choctaw thought that after he was enrolled by the Dawes Commission he would be entitled to final enrollment. Then along comes the act of 1902 and knocks the ground out from under him entirely. I am informed, though of that I am not certain—I am told by one of my colleagues in the other House that the act which contained these jokers probably was prepared, and if not, it was submitted to and approved, by the man who was employed to keep the Mississippi Choctaws from being enrolled.

Mr. CRAWFORD. Mr. President, will the Senator permit me to interrupt him now?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. WILLIAMS. I do.

Mr. CRAWFORD. I have some curiosity to know as to the sixteen hundred and odd Choctaws in Mississippi, who apparently have never received any aid, have not participated in the tribal funds, and have not inherited any of the Oklahoma grants, in what condition they are. Are they self-sustaining to-day? Have they made any progress, or are they paupers?

Mr. WILLIAMS. Some of them own their little homes, and some of them are tenant farmers. A great many of them do job work of various kinds. They get out shingles, get out boards, and get out rails, but they do not do any regular work. I repeat that a great many of them own their little homes and have owned them for quite a long while, but only 143 of them out of over 4,000 in Mississippi at that time who remained in Mississippi because of the action of this man Ward, ever came into their right to 640 acres of land. Congress long afterwards had the matter investigated and found that it was by the fault of this man, but the rolls were so confused that the wrong could not be remedied.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. WILLIAMS. Certainly.

Mr. GALLINGER. The Senator from Mississippi is giving us information concerning the Mississippi Choctaws. Has the Senator looked into the question as to whether or not the Cherokee Indians who are not on the roll, who are likewise named in this amendment, have a large number of children who will be deprived of their rights?

Mr. WILLIAMS. I know nothing about that. The Dancing Rabbit treaty applies only to the Choctaws. The Chickasaws, the Seminoles, and the Creeks have nothing to do with that, nor were any of those people in my State. So I know nothing about them.

Mr. GALLINGER. I think an investigation will determine——

Mr. WILLIAMS. There were only two tribes of Indians in Mississippi—the Chickasaws, who lived up in the northern part of the State, and the Choctaws, who lived in the southern and eastern part of the State. The Chickasaws went West upon a different treaty, and they all went. Those who left, at any rate, had no treaty rights.

Mr. OWEN. Mr. President, not only did the act of June 20, 1898, confirming the agreement between the Choctaws, the Chickasaws, and the United States provide that the proceeds of these lands might be made per capita, but under the treaty of July 1, 1902 (32 Stats., p. 641), it is provided——

Mr. WILLIAMS. Is the treaty to which the Senator is now referring the so-called McMurray treaty?

Mr. OWEN. I do not know of any McMurray treaty.

Mr. WILLIAMS. It was referred to in the other House. What is the date—1902?

Mr. OWEN. July 1, 1902.

Mr. WILLIAMS. Yes; that is the act I said was so cunningly worded.

Mr. OWEN. Mr. President, it is the agreement of 1902 pledging a per capita—I am not referring to the Mississippi Choctaws' case at present, but only to the treaty pledge of a per capita.

Mr. WILLIAMS. No; the Senator is referring to a treaty and not to an act of Congress.

Mr. OWEN. I am referring to a treaty between the Choctaws and the Chickasaws and the United States, enacted by Congress in a statute and then ratified by a vote of the Choctaws and Chickasaws. It appears on the statute books, approved July 1, 1902, from which the Senator made a quotation a while ago; but the quotation which I desire to make has no reference to his discussion. I am merely pointing out that that agreement by its terms in article 14 provided that the proceeds of this property should be paid to the Choctaws and Chickasaws per capita as of the roll. The language is this:

And the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

This so-called Indian appropriation bill on its face and in its caption provides that it is "a bill making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes," and so forth.

This amendment, therefore, is germane; it is for carrying out existing law; it is not general legislation; and the point of order is not well taken.

The Mississippi Choctaws, for whom the Senator from Mississippi pleads, by the same act of July 1, 1902, in sections 41, 42, 43, and 44, I believe, were recognized in a limited way; that is to say, they were permitted, under certain conditions, to be identified and enrolled for participation in the distribution of these funds. The history, in brief, of the Mississippi Choctaws, is this: These original Indians had the right, under the fourteenth article of the treaty of 1830, to membership in the Choctaw Tribe if they should remove west, but they did not move to the Choctaw country west, and all the original parties of 1830 are dead. The present claimants are claiming as the descendants of Mississippi Choctaws who did not move west.

Seventeen years ago the Congress of the United States determined to close these tribal governments and distribute the property. Congress then passed an act providing for the making up of the rolls of the Five Tribes.

It was provided that it should be done by the Dawes Commission, headed by the Hon. Henry L. Dawes, of Massachusetts, a man of great ability and high character, who was much re-

spected by the Indian people because of his friendship for them. They began making these rolls and worked at them for 10 years, and finally, after 11 years, they concluded the making of the rolls in 1907.

Six years ago, March 4, 1907, the rolls were concluded by act of Congress approved April 26, 1906. After having been a matter of very tedious discussion, and appeal after appeal for 11 long years, Congress closed the rolls, because it was believed that the 100,000 Indian citizens of that country had a right to their peace at some time; and it took 11 years before the rolls were closed. When the Choctaw-Chickasaw agreement of 1902 was passed it was found that the Mississippi Choctaws not having any English patronymics, having no names as in white families, but each individual having an Indian name, keeping no proper record or registry of births or deaths and no proper family record, the full-blood Mississippi Choctaws, descendants of the Choctaw ancestors of 1830, were unable to furnish any proof adequate to convince the commission that they were actually entitled to enrollment; but, as a matter of grace and as a matter of compromise, the agreement of July 1, 1902, provided that those who were full-blood Choctaw Indians, upon proof of that fact, might be enrolled for allotment if they would within a limited time comply with the conditions of this agreement and move to the Choctaw and Chickasaw country west.

I thought the conditions were onerous; I thought they were unfair; but they were the conditions imposed by the United States Government and by the Choctaw-Chickasaw people, and they had a legal right to impose these conditions.

Mr. WILLIAMS. Will the Senator pardon me?

Mr. OWEN. Just a moment, if the Senator pleases. They were conditions imposed by the United States as the conditions of this grant, and as a condition of the waiver of the demand for evidence sufficient to show that they were entitled to be enrolled.

Mr. WILLIAMS. Now, if the Senator will pardon me, the Senator remembers, of course, the act in which he and I both were somewhat concerned, the first act recognizing these men. The act of 1902 not only made the conditions which the Senator has mentioned, but it provided, furthermore, that these Choctaws must prove that they were descendants of people who had received land grants from the Federal Government. Is not that true?

Mr. OWEN. I do not think it is the whole truth. I have already stated the facts, and the right to prove descent from a patentee was an additional right to the full-blood rule of evidence.

The VICE PRESIDENT. The Chair must ask Senators to address the Chair, so that the Chair can hear what is being said. The Chair expects to rule upon this matter and can not hear what is being said.

Mr. WILLIAMS. Very well; it is rather difficult, however, to address the Senator to whom I have been speaking and at the same time address the Chair.

Mr. STONE. Mr. President, the argument now going on has no relation whatever to the point of order, and the Chair loses nothing by not hearing.

Mr. WILLIAMS. I want merely to call attention to the language of the act of 1902. My recollection is—I will have the act here in a moment—that it is confined to those who can prove that they were descended from somebody who received patents to land.

Mr. OWEN. There was such a provision, but the primarily important provision in the bill, under which most of them were admitted, was that if they should prove that they were full-blood Choctaws they might be construed to be fourteenth-article claimants and might remove West for allotment. In addition, it was provided that those who could prove that they were the descendants of some one who received a patent might also remove and be allotted. What the Senator from Mississippi has stated is, of course, true, that there were only a few of the original ancestors who got patents, but many of them got scrip, and scrip was construed by the Secretary, Ryan, as the same as patents.

Mr. WILLIAMS. One hundred and forty-three patents were issued.

Mr. OWEN. Practically a negligible number, but very many received scrip; but all that does not bear upon the point before the Chair. The only matter before the President of the Senate is, Is the point of order well taken?

The VICE PRESIDENT. The Chair desires to ask the Senator from Oklahoma how this money got into the banks of the State of Oklahoma. Was it by a treaty between these tribes and the United States?

Mr. OWEN. Some of the money belonging to the Choctaws and Chickasaws went into the banks by act of Congress authorizing it to be placed there, and a large part of it is in the Subtreasury of the United States at St. Louis. There is only a part of it in the banks in the State of Oklahoma, and that is there earning interest.

The VICE PRESIDENT. Was it put into the banks by virtue of an act of the Congress of the United States?

Mr. OWEN. Yes; a part of the fund was deposited on interest by permission of act of Congress.

The VICE PRESIDENT. And the residue was deposited under treaty stipulations or agreements?

Mr. OWEN. About $3,000,000 are on deposit in the subtreasury at St. Louis, and out of this money in the subtreasury at St. Louis, I take it, the per capita can be made.

The VICE PRESIDENT. Now, the Chair desires to inquire whether, under the treaty, there was any stipulation that this money was to be divided among the Choctaw and Chickasaw Indians?

Mr. OWEN. Yes; under the fourteenth article of the treaty of July 1, 1902, which I read a few moments ago.

Mr. WILLIAMS. The Senator refers to article 41.

Mr. OWEN. No; I mean article 14. I read it, and I will read it again.

Mr. WILLIAMS. That is all right; it is article 41 in the act of Congress.

Mr. OWEN. The Senator is talking about a different matter entirely, not the per capita. I will read article 14. It is as follows:

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

So that this is carrying out an existing law and an existing treaty and is entirely germane to and proper under this bill.

Mr. WILLIAMS. If the Senator will pardon me, I have now the act to which I referred. This is the act of 1902, and this is the language which is used:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article 14 of the said treaty—

The Dancing Rabbit treaty.

In other words, this act was so cunningly worded that only the descendants of these 143 people whose names Ward left on his torn list could make any proof at all that they were Mississippi Choctaws. Only they shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of a solemn treaty entered into by the United States Government; and in that treaty it was expressly said that these people who remained in Mississippi should have all the privileges of Choctaw citizenship, except that they were not to share in the annuity.

I say this amendment is general legislation—very general at that—and that it is new legislation, and that so far from carrying out existing law it is in contravention of a solemn treaty.

The VICE PRESIDENT. The Chair is of opinion that the citation of authorities from Bouvier's Law Dictionary is not of any value in construing the rules of the Senate. The definitions have to do with constitutional enactments with reference to general and special and public and private legislation. But from the statement made by the Senator from Oklahoma [Mr. OWEN], accepting that to be the fact about the matter, that this is money which is to be distributed in accordance with treaty stipulations, and the title of the bill providing that it is for fulfilling treaty stipulations with various Indian tribes, the Chair holds that it is not general legislation. Whether or not it is germane to the subject matter of the bill, however, is a question that, under section 3 of Rule XVI, should be submitted to the Senate and decided without debate.

The question is, Is the amendment germane to the bill? [Putting the question.] The ayes seem to have it.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I withhold my vote.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence, perhaps I should withhold my vote. If at liberty to vote, I should vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the junior Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. GALLINGER (when Mr. PERKINS's name was called). The senior Senator from California [Mr. PERKINS] is paired with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of Maryland (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. MCCUMBER] and therefore withhold my vote.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is absent from the city. He is paired with the senior Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am satisfied that if he were here he would vote as I shall vote. I therefore take the liberty of voting. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is detained from the Chamber on important business. I desire this announcement to stand for the rest of the day.

Mr. COLT (after having voted in the affirmative). I am paired with the junior Senator from Delaware [Mr. SAULSBURY] and therefore desire to withdraw my vote.

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the senior Senator from Maine [Mr. JOHNSON] and will vote. I vote "yea."

Mr. CHILTON. I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. NORRIS. Mr. President, I came into the Chamber since the calling of the roll began. I am informed that the roll call is on a question of parliamentary law submitted by the presiding officer to the Senate for its decision. Since I have not heard the argument, and do not know just what the point is, I desire to be excused from voting.

Mr. BANKHEAD. I am paired, but I understand my pair, if present, would vote the same way that I do, and therefore I will vote. I vote "yea."

The result was announced—yeas 36, nays 15, as follows:

YEAS—36.

Ashurst	Fall	Martin, Va.	Sheppard
Bacon	Gore	Myers	Sherman
Bankhead	Gronna	O'Gorman	Shively
Borah	Hitchcock	Owen	Smith, Ariz.
Brady	Hollis	Pittman	Smith, S. C.
Bryan	James	Poindexter	Sterling
Catron	Jones	Pomerene	Stone
Chilton	Kern	Robinson	Thompson
Crawford	Lea	Shafroth	Works

NAYS—15.

Bradley	Gallinger	Lippitt	Tillman
Brandegee	Goff	Ransdell	Vardaman
Bristow	Johnston, Ala.	Smoot	Williams
Clark, Wyo.	La Follette	Thornton	

NOT VOTING—45.

Burleigh	Jackson	Oliver	Smith, Mich.
Burton	Johnson, Me.	Overman	Stephenson
Chamberlain	Kenyon	Page	Sutherland
Clapp	Lane	Penrose	Swanson
Clarke, Ark.	Lewis	Perkins	Thomas
Colt	Lodge	Reed	Townsend
Culberson	McCumber	Root	Walsh
Cummins	McLean	Saulsbury	Warren
Dillingham	Martine, N. J.	Shields	Weeks
du Pont	Nelson	Simmons	
Fletcher	Newlands	Smith, Ga.	
Hughes	Norris	Smith, Md.	

The VICE PRESIDENT. The Senate decides that the amendment is germane to the subject matter contained in the bill.

Mr. WILLIAMS. I now offer an amendment to the amendment, which I send up to the Secretary's desk, except that I shall ask the Secretary to read it as being inserted after the word "each," on line 7, instead of after the word "Indian."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, line 7, after the words "$100 each" and the comma, it is proposed to insert:

Including such Mississippi Choctaws as have established or who may, prior to January 1 next, establish their right to be registered or listed as Choctaws, and the Secretary of the Interior shall make rules and regulations whereby evidence may be taken within that time to determine what Choctaws in Mississippi are by blood entitled to be enrolled as Choctaws under article 14 of the treaty of 1830 between the United States and the Choctaw Nation.

Mr. OWEN. I make the point of order against that item.

Mr. WILLIAMS. What is the point of order?

Mr. OWEN. The point of order is that it changes existing law.

Mr. WILLIAMS. If it changes existing law at all, the paragraph to which it is an amendment changes it.

Mr. OWEN. No.

Mr. WILLIAMS. Because the paragraph says that this money shall be distributed amongst these people. All that is provided by this amendment to the committee amendment is that in determining who are the distributees, such of the Mississippi Choctaws as have established or shall establish their rights shall be considered. I agree with the Senator from Oklahoma that it is general legislation and new legislation; but it having been ruled that the paragraph itself is not general legislation and not new legislation, necessarily this extension of the meaning of the paragraph can be neither.

The VICE PRESIDENT. The point of order is not sustained.

Mr. WILLIAMS. I do not want to detain the Senate, Mr. President; but there are some Senators present now who were out of their seats when I offered the amendment. I merely want to say that if the amendment which the Secretary has just read is adopted, it will be carrying out article 14 of the Dancing Rabbit treaty, or give an opportunity for it to be carried out, in good faith; and that if the amendment is not adopted, this fund will be distributed without giving these people who are entitled to their share in it under article 14 of the Dancing Rabbit treaty any opportunity to share in it at all. I have worded the amendment so that the Secretary of the Interior shall fix the rules and regulations under which they are to present their claims and under which it is to be determined what persons in the State of Mississippi are Choctaws under the provisions of article 14 of the Dancing Rabbit treaty. I have fixed it so that it must be done before the 1st of January next. Surely that is asking very little.

I hope the amendment will be carried, or if the amendment is not carried then when it comes to a vote upon the committee amendment that the committee amendment will be voted down as a piece of arrant, patent, obvious, plain, and unmistakable injustice and in violation of treaty rights.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. OWEN. I should like to ask the President of the Senate to consider a moment Rule XVI. I am sure that the Chair did not fully appreciate the fact that the laws of the United States have closed these rolls. They were closed by an act of Congress April 26, 1906, as of the 4th of March, 1907. This proposal reopens those rolls. It opens Pandora's box. It is the most vicious piece of legislation I ever heard of. After the rolls affecting 100,000 people have been closed for over six years by act of Congress that an amendment paying a part of the money due to the people on the registered rolls should then be reopened by an item of this character on an appropriation bill, when the rules of the Senate forbid it, is incomprehensible. I am sure that the Chair did not realize that the laws of the United States forbade these rolls to be opened to any new names after March 4, 1907.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the junior Senator from Mississippi?

Mr. OWEN. I yield very gladly to the Senator.

Mr. VARDAMAN. The Senator from Oklahoma says that this is a vicious piece of legislation. Who suffers an injustice by reopening these rolls?

Mr. OWEN. The people who have been promised the fund.

Mr. VARDAMAN. Is it not a fact that the Choctaws of Mississippi are equally entitled to a share in this benefaction?

Mr. OWEN. My answer to that is that they are not; that they were given the opportunity by the act of July 1, 1902, under certain conditions imposed by Congress, and they did not comply with the conditions and were therefore barred from the rolls.

Mr. VARDAMAN. Does that affect their moral right?

Mr. OWEN. We are not discussing moral rights. We are discussing the law of the land.

Mr. VARDAMAN. I think we ought to consider the moral right. This is a lawmaking body, and if a wrong has been done to them it occurs to me that this is the place where that wrong should be corrected.

Mr. OWEN. This is not the place, on an appropriation bill, to correct wrongs done in years past in treaties passed by Congress.

Mr. VARDAMAN. But the Chair has held that this amendment is in order.

Mr. OWEN. The original committee amendment is in order, because the treaty itself provided for the payment of this money to the men on the registered rolls. It is carrying out existing law and an existing treaty. The amendment to the amendment changes existing law and is not in order under Rule XVI.

Mr. VARDAMAN. But the Chair has decided that the amendment offered by the senior Senator from Mississippi is in order.

Mr. OWEN. I am calling the attention of the Chair to the fact that the laws of the United States closed these rolls on March 4, 1907, and that this is changing existing law by an amendment on an appropriation act.

Mr. VARDAMAN. I should like to suggest to the Senator from Oklahoma that a right which surely belongs to the Choctaws of Mississippi should not be defeated by invoking a mere technicality.

The VICE PRESIDENT. The Chair ruled originally that in the opinion of the Chair this was not general legislation, upon the statement of the Senator from Oklahoma that it was a treaty matter, not some statute of the United States, that fixed the question.

The Chair would have ruled that it was general legislation if the Chair had known any statute of the United States had anything to do with it. The Chair having ruled that it was general legislation and the Senate having decided that it is germane to this matter, the Chair now declares that the amendment is in order.

Mr. OWEN. Mr. President, it is with great reluctance that I am compelled to appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair be sustained? Are the yeas and nays called for?

Mr. OWEN. No.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair be sustained? All in favor of sustaining the ruling of the Chair will say "aye." [Putting the question.] The "ayes" have it. The ruling of the Chair is sustained.

Mr. GALLINGER. Mr. President, a single word at this point. I regret that the amendment submitted by the Senator from Mississippi does not go further, because I think there are other Indians besides the Mississippi Choctaws who should be included in this distribution. But as to the Mississippi Choctaws, I want to say a word, and I find my warrant for saying it in a lengthy report of last year, long after the statute was enacted that the Senator from Oklahoma lays such stress upon. It is a report signed by Joseph W. Howell, assistant attorney, who made a very exhaustive investigation. It will be found in Senate Document No. 1139, Sixty-second Congress, third session. Mr. Howell said:

> In respect to the Mississippi Choctaws I find that there was an error of construction on the part of the Commissioner to the Five Civilized Tribes which must have caused many children to lose the rights of citizenship.

That is a recent declaration by an officer of the Government, who gave a very exhaustive investigation covering 140 pages. Mr. Howell concludes by saying:

> I have attempted in this report to state all material facts fully and fairly as the same are known to me, and it is my conclusion that there are many persons, some of whom are full-blood Indians, who are entitled to enrollment as citizens or freedmen of the Five Civilized Tribes who have failed to secure the right to share in the lands and moneys which are justly theirs, and that such failure is chargeable in a large measure to the laws and to the administration of the laws relating to the subject.

Mr. President, I have no doubt in my own mind that the Mississippi Choctaws who are not enrolled and who have a right to enrollment ought to be included in this distribution. I am equally of the opinion that there are a large number of Cherokees who are not now enrolled and who are likewise entitled to enrollment and to a distribution of these funds. To my mind it will be a great injustice to pass the amendment that has been submitted by the committee and which has been ruled as being germane to the bill and in order.

If the amendment offered by the Senator from Mississippi is agreed to, I will endeavor, before the bill goes into the Senate, to draft a more comprehensive amendment, including other Indians who, I think, are equally entitled with the Mississippi Choctaws.

For the present, Mr. President, I am content with saying just those few words. Unless the amendment submitted by the Senator from Mississippi, which I shall hope will be enlarged, is agreed to, I trust the Senate will reject the amendment of the committee.

Mr. CLAPP. Mr. President, I regret exceedingly to have to take a position here against the position taken by the Senators from Mississippi. This is an old matter. It has been considered often by the committee. I for one would vote to reject the original amendment of the Senator from Oklahoma rather than in this way and without proper restraints and limitations open up this question of the rolls in Oklahoma. There are some 48, I think, who it is generally conceded——

Mr. WILLIAMS. Mr. President, will the Senator pardon me?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. CLAPP. Yes.

Mr. WILLIAMS. If the Senator listened to my amendment, he saw that it only opens up the rolls until the 1st of January next.

Mr. CLAPP. Yes; but as the Senator from Oklahoma well said, it is the opening of Pandora's box in Oklahoma. There is no question in my mind but that there are, I think, 48 entitled to enrollment in Oklahoma who were not enrolled owing to the sudden closing of action by the department at the end of the time fixed by the law for enrollment. There is another group there, as I now recall, of about one hundred and fifty odd who have a very strong claim. A good deal has been said before the committee and a good deal may be said in favor of the claim of the Mississippi Choctaws, but I do believe that it would be a serious mistake in this bill to open up these rolls in this general way without language more carefully guarded. Rather than see the amendment of the Senator from Mississippi prevail I for one will vote against the amendment reported by the committee and championed by the Senator from Oklahoma.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the committee.

Mr. OWEN. Mr. President, this is a matter of such vast importance that it will necessarily lead to a long discussion. It will be necessary to call to the attention of the Senate the various laws which have been passed by Congress in connection with the matter. I have in my hand, for instance, a memorial of the Choctaw and Chickasaw chiefs, a book of 44 pages, bearing upon the rights of the Mississippi Choctaws alone. That is only a part of the Choctaw citizenship question. There were altogether about 200,000 applicants for citizenship in the Five Tribes of Oklahoma.

If this question of these citizenship rolls is to be submitted in this fashion, by an item making a change in the existing law by putting this amendment upon the per capita provision brought in by the committee, it will require considerable discussion. The item offered by the Senator from Mississippi is a totally different matter. It means not a per capita or recognized citizens, but an opening up of the roll of citizenship. It means the providing for the taking of evidence with regard to the claims of certain persons to be enrolled after those persons have already had their claims adjudicated. If this matter is to be disposed of in this way, it will be far better, as the Senator from Minnesota [Mr. CLAPP] says, to have this item with regard to the appropriation of the per capita go out of the bill and let this matter come up on a proper procedure, let it be referred to a proper committee, and let it be there discussed and considered and reported to the Senate. To take snap judgment in this way, when the Senate is not really advised as to the scope of it, would be a fatal error, in my opinion.

Mr. POINDEXTER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. POINDEXTER. I should like to ask the Senator from Oklahoma if the circumstances recited by the Senator from Mississippi about the misconduct of the Indian agent—Ward, I believe his name was—and his failure to perform his duties properly or to perform them at all in part were ever presented to the Dawes Commission and considered by them before the final report was made and the final rolls concluded?

Mr. OWEN. Oh, yes; fully. That was before the authorities in every case.

Mr. POINDEXTER. Was the misconduct of this man Ward investigated and considered by the Dawes Commission?

Mr. OWEN. It was. That action was in 1830. It was nearly 100 years ago when this man Ward failed to make a proper register of the Choctaws. This fault was amended by Murray and Vroom in 1840. Under the authority of the act

of Congress of July 1, 1902, the Mississippi Choctaws were not required to prove ancestry or anything else where they could show they were full-bloods and observed certain conditions by which they might have citizenship in the Choctaw country. They did not avail themselves of the right given by Congress, and therefore were by their own action barred from the Choctaw rolls.

Now, not desiring this matter to be disposed of in this way, I should like to move to lay the amendment of the Senator from Mississippi upon the table.

Mr. STONE. Oh, no; there is no need to do that.

Mr. WILLIAMS. Mr. President——

Mr. OWEN. I should like to hear the opinion of the chairman of the Committee on Indian Affairs as to this matter. He is perfectly familiar with it, and I think, on behalf of the Committee on Indian Affairs, he should express his opinion about it.

Mr. STONE. Mr. President, this matter was brought before the committee during the consideration of the pending bill and was fully considered. The senior Senator from Mississippi [Mr. WILLIAMS] and one of the Representatives in the House from that State in whose district I understand most of the Mississippi Choctaws reside——

Mr. WILLIAMS. A good many of them.

Mr. STONE. Appeared before the committee and discussed at considerable length the very question now before the Senate. In addition to that, an attorney who is interested in opening up these rolls appeared before the committee and also spoke at considerable length. In other words, there was a somewhat exhaustive hearing.

Not only that, Mr. President, but during my service of something over 10 years on this committee I think I am safe in saying that the question of opening up these rolls has been before the committee at every session of Congress. It is not new, therefore.

Mr. President, with all respect to the Chair and the Senate, I take leave to say that the ruling just made against the point of order made by the Senator from Oklahoma is—I will not say indefensible, but unfortunate. A treaty with an Indian tribe when adopted by Congress is nothing more nor less than a law of Congress. It is in effect—and has been so ruled—a statute; it has the force and effect of a statute. But in addition to that a statutory provision adopted in 1902—a deliberate statute of the United States—provided that these Indians we are now talking about in Mississippi or anywhere else—Choctaws—might have the privilege under the requirements and limitations of that statute to make their claims and secure their rights, but that at a certain date thereafter—March 4, 1907—the rolls should be considered as closed.

Mr. President and Senators, as I have said, this is an old question. It has been dragging along through the Congress for years and years, and I have thought, as others have, that there ought to be an end to it at some time. The Congress thought so and made statutory provision to bring about a final conclusion and an end to it, March 4, 1907, being fixed as the date.

Mr. CHAMBERLAIN. May I interrupt the Senator a moment?

Mr. STONE. Yes.

Mr. CHAMBERLAIN. I should like to know, for my own satisfaction, what notice was ever given to the Choctaw Indians in Mississippi of the act of 1902 which enabled them to avail themselves of the benefits of the law? I understand that sometimes these notices are given in such a way that not only can the white people of the country not understand them but that the Indians as well can not understand them, and I should like to know if the Indians down in Mississippi ever had any notice at all?

Mr. OWEN. The matter was one of general notoriety, and a great many of these Indians under the act of Congress applied. There were 1,600 of them actually enrolled, and all of them had an opportunity. It was a matter of such general notoriety that they could not possibly have failed to know.

Mr. WILLIAMS. The 1,600 were enrolled prior to the act of 1902 and not under that act, as I understand.

Mr. OWEN. They were enrolled under the act of 1902, and not before, although there was an enrollment before, which did not prove valid. On the 4th day of March, 1907, the roll of 1899 was declared invalid by the Secretary of the Interior, a new roll having been made under the act of 1902.

Mr. WILLIAMS. Yes; but those were the people who had been enrolled then under the Dawes Commission and who are on the roll now.

Mr. OWEN. The enrollment of 1899 was declared invalid by Secretary Hitchcock.

Mr. STONE. Mr. President, I do not state it as a fact, for I do not know with certainty, but I would be almost willing to venture to state as a fact that the Mississippi Choctaws have been represented in some form by attorneys before the Committee on Indian Affairs for 10 years or more. Of course, I can not recall the details of these matters, but I can well recall that session after session of Congress attorneys have been before the Indian Affairs Committee concerning this very business. They assumed to represent—and I presume did represent—the Mississippi Choctaws. My friend from Minnesota [Mr. CLAPP] was for some years chairman of that committee, and he knows that to be the fact. So, when this statute was passed, in 1902, Mr. President, aside from the general policy universally accepted that a public statute passed by Congress or a legislature gives general notice to everyone, these people had special representatives who, for fees to be derived for their services, were interested in giving notice. At any rate, the law was passed.

It is writ into the statute books of this day. The rolls were closed, and now, six years after the rolls have been closed, it is proposed by the amendment offered by my friend from Mississippi [Mr. WILLIAMS]—and there is no Senator in this body whose wish I would be more reluctant to antagonize—to open the whole door again, notwithstanding the appeals of the Indians in Oklahoma who have been begging Congress on bended knees for years and years to fix some time and some way to settle their business affairs, so that they might know what they own and so that the property might be disposed of and distributed amongst them. At last, after years of struggle, the matter was determined. The time limit expired six years ago, and now you propose to again reopen the whole question on an appropriation bill.

Mr. President, these Indians have about $7,000,000——

Mr. OWEN. Thirty million dollars.

Mr. STONE. In cash?

Mr. OWEN. In cash or in its equivalent.

Mr. STONE. No; but they have some $7,000,000 in money.

Mr. OWEN. That is right; they have about $7,000,000 in cash.

Mr. STONE. These Indians have about $7,000,000 in money to their credit in the Treasury of the United States or under the supervision of the Treasury of the United States in bank depositories.

If this amendment should be agreed to, it will take about $2,000,000 of that money to make the distribution to these Choctaws, leaving approximately $5,000,000 of the cash possessions of this tribe still in the hands of the Government as a trust fund. In addition to that——

Mr. OWEN. And $25,000,000 of property more.

Mr. STONE. In addition to that, the Senator from Oklahoma says that they have a large estate. He states that it amounts to $25,000,000. At any rate, the total of their tribal possessions in lands and money—of course, outside of the money, to some extent it is an estimate—but they will have money to the amount of $7,000,000 or thereabouts, and other property of the value of approximately $25,000,000. Now, here is a proposition to take $2,000,000 under the circumstances I have detailed out of the moneys in the Treasury of the United States and distribute them to these Indians.

Mr. President, if it is the judgment of the Senate that these rolls should be again opened, it will entail another long, tedious hearing and struggle. I do not know what the result will be; I am measurably indifferent as to that. If these people are entitled to share in these interests, undoubtedly they should share in them; but there must be an end to things. Statutes of limitation are passed with a view to composing and ending things. The law of 1902 was, in fact, a statute of limitation. It fixed a date after which the rolls were to be closed; but if they are to be reopened, then I insist that it ought to be done with great care and deliberation. If the judgment of the Senate, yielding to the persuasive argument of the Senator from Mississippi [Mr. WILLIAMS], is that they should be reopened, then I prefer to have the provision under consideration, the amendment of the committee, go out of the bill until Congress can have time to deliberate upon the matter.

Mr. WILLIAMS. Mr. President, I do not want the Senate to misunderstand me. I am not fighting the distribution of this money. I am merely contending that the right distributees shall have a chance at it. It is not fair to put my amendment in any other attitude than that. Nor am I undertaking to inaugurate what the Senator from Missouri [Mr. STONE] called a long and tedious something or other. I am merely undertaking to say that they shall have until the 1st of January next, under such rules and regulations as the Secretary of the Interior may

prescribe, the opportunity to establish their rights as Choctaws by blood under article 14 of the Dancing Rabbit treaty.

Senators say the Mississippi Choctaws "had their day in court." Mr. President, what sort of a "day in court" was it for the Choctaw Indians, very many of them illiterate, to be required to prove 100 years after the fact that they were the descendants of ancestors who had received patents of land from the United States Government? Moreover, what sort of a "day in court" was it, when you consider the fact that, under the manner in which this man Ward had conducted the duties of his office, only 143 of them had ever received such patent out of over 4,000 who were at that time in the State of Mississippi? I do not want my argument misrepresented here.

Nor is it true that the Mississippi Choctaws ever waived anything; nor is it true that the Mississippi Choctaws by their own action ever consented to the act of Congress to which the Senator has referred.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. Certainly.

Mr. OWEN. I will ask the Senator from Mississippi if it is not a fact that when Murray and Vroom made an inquiry into the neglect of Agent Ward as to the enrollment of these Indians for patent they did not make a thorough and exhaustive examination into the matter and award the Mississippi Choctaws scrip? And is it not also a fact that those who received scrip were treated by the department in fixing Choctaw citizenship as if they had received patents?

Mr. WILLIAMS. Mr. President, it is true that subsequently Congress, in recognition of the great wrong which had been inflicted, did partially right it. They did say that such of the Choctaws as would go west to the Indian Territory should receive scrip; but article 14 of the Dancing Rabbit treaty had guaranteed to those people certain rights if they remained in Mississippi, and Congress never remedied the wrong, except to the extent of issuing scrip to some of them to go to the Indian Territory. That scrip was turned into land. Those who received that scrip never had anything to do with this matter at all. They went to the Indian Territory, and the descendants of those who went to the Indian Territory and secured land are now the very people who want to keep this money and not give any of it to the descendants of those who remained in the State of Mississippi.

The Senator from Missouri [Mr. STONE] says that those people have $7,000,000 in cash. That is what is the matter. They want to put it all into their own pockets and not let the Mississippi Choctaws have any of it.

Talk about the Mississippi Choctaws having "a day in court" and about certain conditions being imposed on them! The Senator said that they might have the privilege under the act of 1902 to come in and by a certain time establish their rights; and yet the act of 1902 gives them, when you sum it up, the poor privilege, and nothing else, of proving that they were the descendants of men who had received patents of land from the United States Government. Anybody who knows the Mississippi Choctaws knows that it would be impossible for a Mississippi Choctaw to prove who was his ancestor in 1830.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. Certainly.

Mr. OWEN. I want to ask the Senator from Mississippi if he does not recall that the agreement of 1902 not only provided for those who could prove that they were the descendants of patentees, but also provided for those, whether or not they could prove they were the descendants of patentees, who could establish the fact that they were full-blood Choctaws and then were willing to move to the Choctaw country west and comply with the conditions of residence? Were they not, in fact, taken care of by section 41 of the agreement of July 1, 1902?

Mr. WILLIAMS. Mr. President, I will read the provision, and then, I presume, the Senator can understand it. This, I suppose, is the part to which the Senator refers. It provides:

All persons duly identified—

And, by the way, this proves that I was right a moment ago in saying that those who did go upon the roll went there prior to the act of 1902, and all the act of 1902 did was to confirm them as being there—

All persons duly identified by the Commission to the Five Civilized Tribes—

That was the Dawes Commission—

under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of the said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws entitled to allotment—

And so forth.

In just that far, and that far only, is it true that any Choctaw could have had any right there unless he proved that he was the descendant of somebody who received a patent of land in 1830.

Congress had already sent the Dawes Commission there. The Dawes Commission had enrolled those people as being Mississippi Choctaws. A citizen's court, I believe, or some other court, found that those enrollments were not final and they invalidated them. Congress said that as to those Indians enrolled by the Dawes Commission they should be placed upon the roll; but now let us go on and see what sort of a chance it gave the remainder of them. It is for the remainder of them I am fighting here. Listen to this:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who receive a patent to land under the said fourteenth article of the treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws.

You talk to me about giving these Indians "a day in court." Suppose they had not been required to prove that they were descendants of somebody who got a patent? There were only 143 of those patents. Suppose you had said to those people—I am not reflecting upon them, but they are altogether without knowledge of the law—"You can have 140 acres of land in the Indian Territory or in Oklahoma provided you prove who your ancestor was in 1830," do you suppose one in a hundred of them could have done it? That is the way they have been treated. My amendment, which is not opening up a long, tedious something or other, is simply this, and that is all there is in it: That there shall be included amongst the distributees those of the Mississippi Choctaws who have hitherto established, or who may, prior to the 1st of January next, establish, their right to be counted as Choctaws, under such rules and regulations as shall be made by the Secretary of the Interior himself. That is all there is to it.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

Mr. WILLIAMS. Yes.

Mr. FALL. As I understand the Senator's point, it is that these Choctaws whom he now wants to see take part in this distribution have not had their day in court. I think a reference to the testimony taken in the hearing at this session of the Senate will show that they were represented by attorneys and that they are now represented by attorneys.

Mr. WILLIAMS. Oh, no; the Senator misunderstood my point. I did not mean that they had not had any lawyers and had not been in court; but I say that the restrictions and conditions thrown around the proof of their rights were such as to amount not to giving them any day in court.

Mr. FALL. Then how could they get back without changing the law in some way? You would have to change the entire law under which these rolls were made up and adopt other restrictions.

Mr. WILLIAMS. This amendment changes it all I want to change it. I just want them to prove that they are full-blood Choctaws.

Mr. FALL. I simply desire to call the Senator's attention to the fact that there are other contracts than those that have been referred to in the argument as far as it has gone. There are to-day in the hands of one attorney in the city of Washington, claiming the rights for these Choctaws, contracts with 4,000 persons on the basis of from 25 to 50 per cent of what he can recover. Those contracts are made legal by the action taken here to-day, while the hands of these other Chickasaws and Choctaws are absolutely tied and they can not again employ attorneys. As I say, there are existing to-day in Washington contracts with 4,000 Choctaws. Each allotment is estimated to be worth $8,000 if they can get in on these rolls, or a total of $32,000,000. One attorney here in town would receive under his contracts from 25 to 50 per cent of the amount recovered, as he testified; so that on the basis of 25 per cent of the total he would receive $8,000,000 as his fee.

Mr. WILLIAMS. Those are some other Indians. They are not Mississippi Choctaws.

Mr. FALL. A large number of them are. There are over 7,000 claimants altogether, and included among those are the Mississippi Choctaws.

Mr. WILLIAMS. Yes; but the Mississippi Choctaws could not take that much.

Mr. FALL. No; but there are 7,000 claimants.

Mr. WILLIAMS. I do not know what part of the $7,000,000 the Mississippi Choctaws will get if this is carried out, but I suppose perhaps they may get $300,000 or $400,000 as their share. I do not know exactly what it will amount to.

Mr. FALL. May I ask the Senator how many there are?

Mr. WILLIAMS. I say, that depends entirely upon how many there are.

Mr. FALL. Is it not a fact that it is claimed by the attorneys that there are something like 4,000 who would receive benefits under the provisions of the Senator's amendment?

Mr. WILLIAMS. I do not know; but if it is claimed, that is not my understanding of the fact. That must include those in other States than Mississippi, because there are not 4,000 Indians in Mississippi.

Mr. ROBINSON. Will the Senator yield to me for a moment?

Mr. WILLIAMS. Certainly.

Mr. ROBINSON. The statement was made by Representative HARRISON before the Committee on Indian Affairs that there were 4,172 who were identified and who he claimed were entitled to be enrolled, but when the final rolls were made up they were left off and were not included.

Mr. FALL. That is correct, Mr. President. The mistake of the Senator from Mississippi, if he will allow me, is that in his argument he has in mind only the Mississippi Choctaws remaining in Mississippi; but the treaty Mississippi Choctaws in Mississippi and in Oklahoma aggregate something over 4,000.

Mr. WILLIAMS. That may be.

Mr. FALL. Those are the people that would recover $32,000,000 worth of property and whose attorneys would divide from $8,000,000 to $12,800,000, and they can do it under the action of the Senate to-day.

Mr. WILLIAMS. I yielded to the Senator for a question. Mr. President, perhaps the Senator is right in saying that the phrase "Mississippi Choctaws" would cover some Choctaws in Oklahoma, and perhaps in Arizona or somewhere else. I do not know. But it is utterly absurd to leave the impression that out of a total of $7,000,000 to be appropriated here these Mississippi Choctaws are going to get $32,000,000. They could not do that. They will get their proportion. I do not know how many Choctaws there are, all told. About how many are there?

Mr. OWEN. There are 27,000 Choctaws and Chickasaws.

Mr. WILLIAMS. Then, if there were 4,000 of these, they would have four twenty-sevenths; so you can figure that out. But I do not want the Senate to misunderstand the plain proposition.

The plain proposition is—and that is all there is to it—that there shall be included among these distributees such Mississippi Choctaws as have already established, or can by the 1st of next January establish, their right to be classed and listed and enrolled as Choctaws. Nobody can dispute the fact that the fourteenth article of the Dancing Rabbit treaty reserved to them all the privileges of Choctaw citizenship, save in the one respect which was excepted, to wit, a share in the annuity. That is a plain case, and I could not make it any plainer if I spent a week in talking about it.

I hope the amendment will be adopted.

Mr. OWEN. Mr. President, I call attention to Rule XVI, and I wish to read it:

All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely:

I invite the attention of the Presiding Officer particularly to this part of the rule, and would be glad if he would read it.

The bill making appropriations for rivers and harbors, to the Committee on Commerce * * *; the Indian bill, to the Committee on Indian Affairs; * * * and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill—

The provision offered by the Senator from Mississippi would increase the appropriation already adopted by the Senate to the extent of $100 apiece for every individual who might be so enrolled, and therefore is obnoxious to Rule XVI, and I make the point of order against it. The proposal of the Senator from Mississippi is not saved by anything in the remaining part of the rule, which provides:

or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law—

There is no existing law that it is proposed to carry out—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

The proposal of the Senator from Mississippi is not in pursuance of an estimate of a department. It has not been moved by direction of a standing or select committee of the Senate. It does not propose to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution; and it does propose to increase the appropriation by $100 per capita for everyone who can be added to the rolls. Therefore it is obnoxious to Rule XVI. I make the point of order under Rule XVI.

Mr. GALLINGER. Mr. President, it strikes me as a most remarkable contention that a provision in a bill which proposes to distribute certain moneys belonging to the Indians can be construed as being an appropriation. It certainly is nothing of the kind. We are not appropriating money out of the Treasury. We are simply distributing, or it is proposed to distribute, certain moneys belonging to the Indians in the custody of the Government, some of which is deposited in banks in the State of Oklahoma.

Mr. WILLIAMS. And all my amendment does is to say that a certain plan shall be pursued in ascertaining who are the distributees.

Mr. GALLINGER. That is all. It is not an appropriation at all.

Mr. OWEN. I make the point of order under Rule XVI.

The VICE PRESIDENT. The Chair was informed originally by the Senator from Oklahoma [Mr. OWEN] that this amendment was to carry out a treaty stipulation, and so the Chair held that it was not general legislation. Had the Chair at that time been advised of all the facts which subsequently appeared in the argument, the Chair would have ruled that this amendment was not germane to the bill. Not being a baseball umpire, but simply desiring to rule correctly, the Chair believes he will withdraw all former rulings and hold that the amendment of the committee to the bill is not germane. From that an appeal may be taken, if desired.

Mr. STONE. Mr. President, I have no objection to that. The truth is, I should be very glad to have it all go out under the circumstances, and that would end it; but the Senate has decided that it is germane.

The VICE PRESIDENT. I do not mean germane; I mean under the first clause, which puts upon the Chair the duty of ruling.

Mr. WILLIAMS. That it is general legislation?

The VICE PRESIDENT. That it is general legislation. That duty is put upon the Chair.

Mr. STONE. On that theory it is all right.

The VICE PRESIDENT. It is the duty of the Chair to rule upon the question whether or not it is general legislation. Whether or not it is germane is for the Senate to determine. The Chair rules that it is general legislation.

Mr. STONE. And the Chair rules out the committee amendment?

The VICE PRESIDENT. The Chair rules out the committee amendment. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning on line 18, page 59.

The next amendment of the Committee on Indian Affairs was, on page 59, after line 13, to insert:

The Secretary of the Interior is hereby authorized to expend from Choctaw tribal funds the sum of $500 for the erection of a suitable monument to the memory of Green McCurtain, late deceased chief of the Choctaw Nation.

The amendment was agreed to.

The next amendment was, under the head of "Utah," section 22, page 65, after line 6, to strike out:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Washington," section 33, page 66, line 21, after the word "hundred," to insert "and fifty," and in line 23, after the word "superintendent," to strike out "$50,000" and insert "$60,000," so as to make the clause read:

For support and education of 350 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $60,000, said appropriation being made to supplement the Puyallup school funds used for said school.

The amendment was agreed to.

The next amendment was, on page 67, after line 15, to strike out:

For a commission to investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system on the Yakima Indian Reservation to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation and for the use and benefit of the Indians of said reservation, such an amount as may be necessary to be paid as hereinafter directed: *Provided*, That said commission shall consist of two members of the Senate Committee on Indian Affairs to be appointed by the chairman of said committee and two Members of the

House of Representatives to be appointed by the Speaker of the House of Representatives; and said commission shall have full power to make the investigation herein provided for and shall have authority to administer oaths, take testimony, incur expenses, and do and perform all acts necessary to determine upon a definite plan for the construction of said proposed irrigation system and shall report to Congress thereon on or before the first Monday in December, 1913: *Provided further*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of this commission, shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission.

And to insert:

That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $900,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service.

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 64,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

That other lands under Indian ownership to the extent of 38,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that portion of said waters provided for in the preceding paragraph, which proportionate cost shall be a charge and lien against the undivided tribal property of the allottees thereof, to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

That the claims for water of the owners of the remaining area of 18,000 acres, more or less, of irrigable Indian land, the Indian title to which has been extinguished, shall be equitably adjusted by the Secretary of the Interior: *Provided*, That any payments by owners of said lands on account of said storage works shall be deposited in the Treasury to the credit of the United States.

That the owners of irrigable lands within the project shall pay the proportionate cost of the distribution and drainage systems upon such terms as may be fixed by the Secretary of the Interior: *Provided*, That no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, as herein provided for, or for deliveries of water thereto in excess of the deliveries appropriate under the limitation to 147 second-feet, shall be undertaken until at least 80 per cent of the allotted and a like per cent of the patented lands of said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works, nor until all other claims for or arising out of water rights shall have been properly waived by the allottees or owners so pledging their lands, and no benefit from the works constructed on the faith of such pledges shall accrue by enlarged deliveries of water or otherwise to any lands within the unit not so pledged with waiver.

Mr. POINDEXTER. Mr. President, on page 69, line 7, I move to strke out the word "four" and insert the word "eight."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 69, line 7, before the words "hundred cubic feet," it is proposed to strike out "four" and in lieu thereof to insert "eight," so as to read:

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 64,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 800 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

Mr. POINDEXTER. I should like to make a brief explanation of the amendment, Mr. President.

As originally drawn, this amendment provided for the free irrigation of 32,000 acres of land allotted to Indians on the Yakima Reservation. But, subsequently, here in the Senate, after quite a full discussion, and by agreement between the opposing contentions in the matter, the 32,000 acres was increased to 64,000 acres, but the amount of water was not increased.

Mr. STONE. If the Senator will pardon me, speaking for the committee, I will accept the amendment.

Mr. POINDEXTER. It simply doubles the amount of water, because the amount of land was doubled.

Mr. JONES. I desire to add that the same provision was in the amendment I introduced May 7, and I think it was inadvertently made "4" instead of "8."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. JONES. I see the committee has made the amount $900,000. The estimate was $1,800,000.

Mr. STONE. Yes; that is right.

Mr. JONES. Would the chairman have any objection to amending the amendment so as to give the amount estimated by the department? If it stands as it is it will simply require an additional amount hereafter.

Mr. CLAPP. I will say to the chairman that the Senator from Washington is correct. The estimate was $1,800,000.

Mr. STONE. Mr. President, I will consent as far as I am concerned and let it go into conference, where we can consider it.

Mr. OWEN. I make the point of order on that.

Mr. JONES. I suggest that the point of order comes too late. The amendment has been agreed to.

Mr. OWEN. I will reserve the point of order if necessary until the bill comes into the Senate. If it is in order now, I will make the point of order now.

The VICE PRESIDENT. The point of order must be sustained.

Mr. STONE. The point of order is sustained?

The VICE PRESIDENT. It must be sustained under the rule.

Mr. JONES. That does not go to the part of the amendment striking out the provision of the House.

Mr. STONE. If the point of order is sustained, I move that the provision of the House be restored.

Mr. JONES. If the Senator from Oklahoma insists upon the point of order, I should like to have the House text restored.

The VICE PRESIDENT. The point of order was on the amendment to the amendment seeking to change $900,000 to $1,800,000. That was the only point of order the Chair sustained.

Mr. STONE. Then it is left at $900,000.

The VICE PRESIDENT. At $900,000.

Mr. OWEN. I now make the point of order against the entire proposal, under Rule XVI.

The VICE PRESIDENT. Will the Senator state the reason why the amendment is not in order under Rule XVI?

Mr. OWEN. It is not estimated for by any proper department, it is new legislation, and it is general legislation upon an appropriation bill. Otherwise it is all right.

Mr. STONE. If this is going to lead to debate——

The VICE PRESIDENT. The point of order is not sustained. It was in the bill originally as it came from the House and is simply changing the language. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading the bill was continued.

The next amendment of the Committee on Indian Affairs was, on page 71, line 23, after the word "thirty-five," to insert "and the sum of $500 is hereby appropriated to the Colville Indians for reimbursement," so as to make the clause read:

That the patent in fee heretofore issued in the name of Deborah A. Griffin, June 30, 1906, for lots 1 and 2 and the northeast quarter southeast quarter, section 6, and lots 1 and 2, section 5, township 36 north, range 27 east of the Willamette meridian; and a similar patent issued in the name of Mary J. Griffin, November 21, 1910, for the southeast quarter of the southwest quarter, and lots 5, 6, and 9 of section 31, township 37 north, range 27 east of the Willamette meridian, all situated in Okanogan County, Wash., be, and the same are hereby, confirmed and declared valid, notwithstanding the previous allotment of a portion of this land under Moses agreement allotment No. 35, and the sum of $500 is hereby appropriated to the Colville Indians for reimbursement.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," section 24, page 72, after line 15, to strike out:

That the Secretary of the Interior be, and he hereby is, authorized to sell the merchantable timber on all unallotted lands within the Bad River Reservation, Wis., under such rules and regulations as he may prescribe, the net proceeds derived therefrom to be distributed per capita among the unallotted members of the band and deposited to their individual credit as individual Indian moneys are now deposited, and subject to expenditure for their benefit under the supervision of the Secretary of the Interior: *Provided, however*, That said lands shall be allotted to unallotted members of the band under existing laws; said allotments to be made subject to the sale of the timber and distribution of the proceeds as herein provided: *Provided further*, That patents for said allotments shall not issue until the merchantable timber has been cut and removed from the lands allotted, whereupon the title to such timber as remains on the lands allotted shall then pass to the respective allottees with the issuance of patents for their allotments: *And provided further*, That before said per capita distribution is made the Secretary of the Interior shall, and he is hereby authorized and directed to, make a roll of the names of the Indians who are entitled to receive allotments on the Bad River Reservation, Wis., and said per capita payments shall be made in accordance with the roll herein provided for after the same has been approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 76, after line 9, to insert as a new section the following:

SEC. 26. Before any funds appropriated or otherwise made available for the Indian service are obligated, encumbered, or expended, it shall be the duty of the Secretary of the Interior to obtain from the Commissioner of Indian Affairs, and the duty of the Commissioner of Indian Affairs to obtain from the superintendents of Indian agencies and from other officers under whose jurisdiction the expenditures are authorized to be made, a detailed estimate of amounts required for each purpose, which estimates made by each such officer shall show an analysis of the proposed cost or expenditure within his jurisdiction, the estimated cost of each activity or class of work, project, or purpose, so subdivided as to show the estimated cost of administration, operation, upkeep of property, new or additional property and equipment, and other expenditures. And with respect to each of the foregoing subjects, there shall also be reported the estimated expenditure for salaries and wages; for services other than personal, such as transpor-

tation, telegraph and telephone service, advertising, etc.; for materials, supplies, equipment, lands and buildings, as well as the estimated amount to be expended for such specified purposes as support, payment of treaty obligations, etc.

Upon these estimates having been received it shall be the duty of the Commissioner of Indian Affairs to recommend to the Secretary of the Interior the amounts to be allotted for each activity or class of work, project, or purpose, and on such recommendation he shall itemize for each said activity or purpose the amounts to be allotted for administration, operation, upkeep of property, cost of new properties and equipment, and other expenditures in relation thereto; and the Secretary of the Interior shall thereupon make allotments in the same detail, which allotments when made will have the same binding force upon the superintendents of Indian agencies and other officers under whose jurisdiction the expenditures are to be made as if said allotments were detailed items of appropriation, with this exception: That in case it may be desired to modify or change any of the allotments so made, such modification or change may be made upon recommendation of the Commissioner of Indian Affairs in the same manner as the original allotment, and when so made shall have the same binding force: *And provided further*, That this requirement shall not operate to prevent the incurring of obligations and the payment of the same within the fiscal year ending June 30, 1914, prior to the time when such allotments are made, but the obligations incurred and the payments made within said fiscal year shall be included and applied against the allotments when made.

To the end that Congress, the Secretary of the Interior, and the Commissioner of Indian Affairs may have before them the information necessary for an intelligent consideration of estimates for appropriations, as well as estimates for allotments, accounts shall be kept in such form as to provide a complete analysis of all expenditures under the jurisdiction of the Bureau of Indian Affairs, which analysis shall show the total amounts expended by each superintendency or other organization unit each month, analyzed in such manner as to show the cost of each activity or class of work, project, or purpose, for administration, operation, upkeep of property, cost of additional property and equipment, and other expenditures, and each of these subjects further analyzed so as to show the amounts expended for salaries and wages, services other than personal (such as transportation, etc.), materials, supplies, equipment, and in the same detail and classification as is required for the purpose of submitting the detailed estimates as a basis for allotment of the appropriation above described.

It shall be the duty of the Commissioner of Indian Affairs to submit to the Secretary of the Interior each month a comparative summary statement of cost which shall enable him to know not only by monthly comparison the amounts expended by each agency or other jurisdiction, subdivided by activities or classes of work, projects, or purpose carried on by them, but also the amounts expended by monthly, quarterly, and annual totals for the whole service for schools, irrigation, health, and the various other classes of activities or purposes conducted or contributed to at public expense, and in submitting estimates for appropriations to Congress it shall be the duty of the Secretary of the Interior to make available to Congress all of the comparative summaries of cost, as well as the schedules of detail supporting each of the said summaries of cost, so arranged that they may be considered in relation to the estimates which are submitted with the request for further appropriation; and in like manner, when the Commissioner of Indian Affairs shall make request of the Secretary of the Interior for allotment or for amendment or change of prior allotment, the data of expenditures shall be so arranged and submitted that they may be considered in comparison with allotments or modification of allotments.

It shall be the duty of the Commissioner of Indian Affairs to have returned to him by the several agencies under whose jurisdiction the expenditures were made, such physical and operation statistics and other data as will enable him to determine and to have stated the cost of performing each class of service or kind of work in terms of standards of cost, which shall be established as a basis of judgment as to efficiency and management of economy of result. The cost or expenditure, together with the operation and other data thus obtained under the jurisdiction of the Bureau of Indian Affairs, and in the detail above described, shall be included in and made a part of the annual report of said bureau, which shall be submitted by the Secretary of the Interior to Congress in printed form on or before the 1st day of December following the closing of the fiscal year for which the report is made. To the end that the Bureau of Indian Affairs may be provided with the facilities for keeping accounts and making the reports and estimates in the manner herein described, a further sum of $12,000 is hereby appropriated, for the purpose of making the changes in methods and procedure necessary to carry the requirements of this act into effect. And this amount may be expended as a special fund for the employment of experts to be appointed by the Secretary of the Interior without certification to the Civil Service Commission.

The amendment was agreed to.

Mr. CRAWFORD. On page 61, line 11, I move that "$5,000" be stricken out and "$10,000" inserted. I will send to the desk and ask to have printed in the RECORD a letter from the superintendent of the Indian school at Flandreau, for which this appropriation is made, showing the necessity for the increase.

Mr. STONE. Mr. President——

Mr. CRAWFORD. Will the Senator permit me just a word to finish my statement?

Mr. STONE. I was going to accept the amendment.

Mr. CRAWFORD. I did not receive the letter until it was too late to present the matter.

The matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
United States Indian School, Flandreau, S. Dak., May 28, 1913.

HON. COE I. CRAWFORD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: You are no doubt aware of the fact that I have returned to the Flandreau School, succeeding Dr. L. F. Michael here on the 14th of February last.

I find in making a thorough examination of the plant that there are very much needed improvements that should be made next year, and which can not be very well made with the $5,000, which, I understand, the Indian appropriation bill now carries for repairs and improvements for this school.

A new gymnasium is being erected and the steam plant extended, so that in order to give satisfactory service, additional boiler capacity must be furnished. In order to arrange for this additional boiler capacity, the boiler house will have to be enlarged, the roof raised, and the building generally improved. I wish also to install a 100-horsepower high-pressure boiler for developing power to operate our new electric-light plant, which I have recently purchased.

For a great many years we have been pumping our water by steam, but now that we are to have a larger electrical plant, I am satisfied that we can save not less than $800 a year if an electric pumping apparatus were installed.

I am therefore writing you to see whether it will be possible to increase the amount allowed by the House for general repairs and improvements to $10,000 while the bill is before the Senate.

In justification of this request, I would state that the Indian bill has carried $5,000 for general repairs and improvements at this place for a number of years. However, during the past two years only $4,464 were expended and $5,536 turned back to the Treasury. It will therefore readily be seen that the school has not used the appropriation to which it was entitled, and I believe that if this amount can again be secured for us that I can put the plant in excellent condition.

I know that I am rather late in making this request and do not know but the bill may have passed through the Senate before this will reach you. However, I will greatly appreciate any efforts you may be able to make toward securing us the $10,000 for repairs and improvements for the coming fiscal year.

Thanking you in advance, I am,

Very respectfully,

CHAS. F. PEIRCE,
Superintendent.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from South Dakota [Mr. CRAWFORD].

The SECRETARY. On page 61, line 11, strike out "$5,000" and insert in lieu "$10,000," and in the total strike out "$66,500" and insert "$71,500," so as to read:

For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $61,500; for general repairs and improvements, $10,000; in all, $71,500.

Mr. STONE. I accept the amendment. The committee agrees to the amendment.

The amendment was agreed to.

Mr. CLAPP. At the bottom of page 25, I move to insert the item I send to the desk. I will state that it is the case of Stanley, who was killed in an outbreak in California. The Senate put it on the Indian appropriation bill at the last session, but it went out in conference. I now move that it be inserted.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, after line 26, insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School in California, who lost his life in the discharge of his duty; also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. STONE. Let the amendment be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota [Mr. CLAPP].

The amendment was agreed to.

Mr. CLAPP. On page 39, line 2, after the word "respectively," I move to insert "and the Indians of the Fort Berthold Agency, N. Dak."

I will state that this provision allows a number of Indians to go to the Court of Claims simply for a finding of fact. It does not establish any judgment.

Mr. STONE. Let the amendment be agreed to.

The VICE PRESIDENT. The Chair rules that the amendment of the committee having been agreed to, the vote must be reconsidered if the amendment is to be changed.

Mr. CLAPP. I move pro forma to reconsider the vote by which the amendment of the committee was agreed to.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 39, line 2, in the committee amendment, after the word "respectively," and the comma, insert "and the Indians of the Fort Berthold Agency, N. Dak."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. On page 64, after line 15, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 64, after line 15, insert:

To reimburse Eugene H. Baldwin for traveling expenses incurred by him under instructions from the Commissioner of Indian Affairs in returning to his home at Syracuse, N. Y., from Pierre, S. Dak., where he was employed as supervisor of construction and furloughed indefinitely, because weather conditions would not permit of any construction work, $39.69.

The amendment was agreed to.

Mr. JONES. I desire to offer an amendment to come in at the close of page 71.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 71, at the foot of the page, insert as a separate item the following:

That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the State of Washington the tract of land used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400, or so much thereof as may be necessary, to carry out this provision.

The amendment was agreed to.

Mr. JONES. I should like to have inserted in the RECORD the letter I send to the desk so as to show the reason for the amendment.

The VICE PRESIDENT. If there is no objection, the letter will be printed in the RECORD. It is so ordered.

The letter referred to is as follows:

PURCHASE OF CEMETERY FOR SKAGIT INDIANS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 17, 1913.

Hon. WESLEY L. JONES, *United States Senate.*

SIR: I have the honor to acknowledge the receipt by your reference of a letter from F. W. Mansfield, of the firm of Sherwood & Mansfield, attorneys, in Everett, Wash., concerning a small cemetery situated on a ranch owned by Mrs. Hilts Rinker, the widow of a white settler, which cemetery tract the Skagit Indians are anxious to acquire.

It appears from the correspondence in this matter that this small tract, which was used by the Indians as a tribal burying ground, was found, after the survey had been corrected, to lie within the boundaries of the homestead of a white settler, and that the widow of this settler is willing to convey title to the tribe for what she considers a proper compensation. There is no authority of law or any appropriation at present available for this purchase, and the Indians themselves are unable to raise the money. The draft of a bill to be offered at the last session of Congress was referred to this office for a report. An amendment thereto was suggested, making the draft read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the State of Washington the tract of land used by them as a tribal burial ground, and there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $400, or so much thereof as may be necessary, to carry out the provisions of this act."

So far as the office is informed neither the bill as at first proposed nor the suggested amendment were ever introduced, and no amendment has been made to the Indian appropriation bill for 1913 which covers the matter.

Should a bill along the lines indicated above be proposed and referred to this office for report, the office would be guided by its former action, no reason to the contrary appearing. Messrs. Sherwood & Mansfield were so advised by office letter of January 13, 1913.

Mr. Mansfield's letter is herewith returned.

Respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

Mr. MYERS. I offer the amendment proposed by me on yesterday to come in on page 39 of the bill.

The VICE PRESIDENT. The amendment submitted by the Senator from Montana will be stated.

The SECRETARY. On page 39, after line 16, insert:

That so much of the Indian appropriation act of 1908, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908" (34 Stat. L., pp. 1035–1039, inclusive), approved March 1, 1907, relating to the disposal of the lands within the Blackfeet Indian Reservation, be, and the same hereby is, amended to read as follows:

"SECTION 1. That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to cause an examination of the same to be made by the United States Geological Survey; and if there be found any lands bearing coal, oil, or other valuable minerals, the Secretary of the Interior is hereby directed to reserve such lands from entry, sale, or other disposition, except allotment, until further action by Congress; and he shall cause allotments to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation. That there shall be allotted to each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes, or, at the option of the allottee, the entire 320 acres may be taken in land valuable only for grazing purposes. For constructing irrigation systems to irrigate the aforesaid allotted lands $300,000 is hereby appropriated, $100,000 of which shall be immediately available, the entire cost of said work for the irrigation of allotted lands to be reimbursed from the proceeds of the sale of the lands within said reservation: *Provided*, That when said irrigation systems are in successful operation the cost of maintaining and operating the same shall be equitably apportioned upon the irrigable lands thereunder, payment to be made annually by allottees or other owners of the land: *Provided further*, That any such charges not paid by allottees may be deducted from any funds deposited to their credit under the jurisdiction of the Secretary of the Interior, and when no such funds are on deposit such charges may be advanced out of tribal funds, to be later reimbursed by such allottees or deducted from their individual shares of the tribal funds: *And provided further*, That when said Indians have become self-supporting to the annual charge shall be added an amount sufficient to pay back into the tribal fund within 30 years the cost of the work done in their behalf; and should any allottee dispose of his allotment or any part thereof, there shall be deducted from the purchase price and deposited to the tribal fund a sum sufficient to meet all unpaid balances for such construction charges: *And provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding 280 acres to any one religious society; also such tract or tracts of timberlands as he may deem expedient for the use and benefit of the Indians of such reservation in common, the protection of slopes, and the preservation of the water supply, said timber reserve to be subject to the provisions of section 7 of an act entitled 'An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes,' approved June 25, 1910 (36 Stat. L., p. 857): *Provided*, That the lands so set aside, or any part thereof, may be disposed of from time to time by the Secretary of the Interior, under such rules and regulations as he may prescribe: *Provided*, That there is hereby granted 320 acres each for the Holy Family Mission on Two Medicine Creek, to the Bureau of Catholic Indian Missions, and also to the mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon: *Provided further*, That not to exceed nine townships be reserved as a tribal grazing reserve; and the Secretary of the Interior is hereby authorized to cause allotments of 320 acres of land within said grazing reserve to be made to each child born after the closing of the allotment rolls and so long as said lands remain reserved: *And provided further*, That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one representative of the Indian Bureau, and one resident citizen of the State of Montana.

"SEC. 2. That within 30 days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed $5 per day. That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land.

"SEC. 3. That said commissioners shall be paid a salary of not to exceed $10 per day each and necessary expenses, exclusive of subsistence, while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

"SEC. 4. That when said commission shall have completed the classification and appraisement of all of said lands, and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the general provisions of the homestead and town-site laws of the United States, except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, are lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians, for the lands in said sections 16 and 36 so granted, or the lands within said reservation selected in lieu thereof, the appraised value thereof.

"SEC. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of 60 days from the time when the same are opened to settlement and entry: *Provided*, That the lands irrigable under any irrigation project or unit thereof constructed or to be constructed on said reservation shall not be opened to settlement or entry prior to the completion of such project or unit, the time when and the manner in which such irrigable lands shall be opened to be announced by proclamation of the President, and the entryman of such lands shall pay in addition to the appraised value of the lands, and the other payments provided for herein, the proportionate cost of the construction work for the irrigation thereof in 15 annual installments, which payment shall be deposited to the credit of the tribal fund: *Provided further*. That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than $2.50 per acre for agricultural and grazing lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence; and shall have made all the payments required herein, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price is $1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

"SEC. 6. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects, deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value as provided in this act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians: *Provided, however,* That all lands hereby opened to settlement remaining undisposed of at the end of five years from the date set in the President's proclamation for opening said lands shall be sold to the highest bidder for cash, at not less than $2.50 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold 10 years after said lands shall have been opened to entry shall be sold to the highest bidder for cash, without regard to the minimum limit above stated: *Provided,* That not more than 640 acres of land shall be sold to any one person or company.

"SEC. 7. That after deducting the expenses of the commission of classification, appraisement, and sale of lands and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe, to draw interest at the rate of 4 per cent per annum, the principal and interest to be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians and in their education and civilization.

"SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than $100,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and reserved for agency and school purposes, at the appraised value thereof; also the sum of $75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sum to be reimbursable out of the funds arising from the sale of said lands: *Provided,* That the several amounts appropriated herein shall not be considered as additional to the appropriations made in the act of March 1, 1907, except the amount in excess of $65,000 necessary to pay for lands granted to the State of Montana.

"SEC. 9. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or the equivalent, in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned, or to dispose of said land, except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

"SEC. 10. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided,* That any person who at the date when the appraisers commence their work upon the land shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter any time prior to the day fixed for the public sale and at the appraised value thereof such lot and any one additional lot of which he or she may also be in possession, and upon which he or she may have substantial and permanent improvements: *Provided further,* That before making entry of any such lot or lots the applicants shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *And provided further,* That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however,* That no lot shall be sold for less than $10: *And provided further,* That said lots when surveyed shall approximate 50 by 150 feet in size.

"SEC. 11. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, granted to the State of Montana, or otherwise disposed of shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress."

Mr. STONE. I make the point of order on that amendment.

The VICE PRESIDENT. The Chair thinks that it is general legislation, and the point of order is sustained.

Mr. MYERS. I should like to be heard for a minute. I offered the amendment, I think, at the suggestion of the Senator from Missouri, the chairman of the committee. It was an amendment the Secretary of the Interior sent to the Senator from Missouri, the chairman of the committee, recommending that it be adopted. It reached the chairman just a little after the consideration of the bill had been closed, and the chairman turned it over to me, as it relates to Montana matters, and as it is recommended——

Mr. STONE. I will withdraw the point of order and let the amendment go in the bill. We will consider it in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. MYERS].

The amendment was agreed to.

Mr. ROBINSON. Yesterday the Senator from Michigan [Mr. TOWNSEND] gave notice of an amendment which he would today propose. He is unavoidably absent from the Senate on important public business and requested me to state that upon mature deliberation of the matter he had decided not to press the amendment.

Mr. STONE. I was requested by the Senator from Colorado [Mr. THOMAS] to present, in his name and on his behalf, without any expression of approval or disapproval on my part, an amendment to the bill which would authorize the Court of Claims to hear and determine and render final judgment, with the right of appeal, in any action which may be brought in said court by any Indian nation, tribe, or band which has been recognized as such nation, and so on.

Mr. President, it is quite a long amendment, and as I have information to the effect that a point of order will be made against it, and it is clearly subject to the point of order, I will not present it. I am stating this merely that the RECORD may show that the Senator from Colorado, who is necessarily absent from the Senate on important public business, desired to have the matter presented; but because of the pressure of time and the lateness of the hour I am not going to present it, for I know a point of order would be made against it and would be well taken.

Mr. CRAWFORD. I should certainly make a point of order against an amendment that would allow a judgment to be rendered absolutely by the Court of Claims.

Mr. STONE. That is the language of the proposed amendment.

Mr. STERLING. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. On page 56, after line 2, it is proposed to insert a new paragraph, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from the date of the award, May 25, 1883, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846, and which award was approved by the Secretary of the Interior August 29, 1883, reaffirmed by decision dated September 16, 1884, and again reaffirmed by decision dated April 26, 1886.

Mr. STONE. Mr. President, I make the point of order against that amendment that it is a private claim, has not been estimated for, and has no place on this bill.

Mr. STERLING. Mr. President, if I may be heard just a moment on that, this is an amendment for the purpose of carrying out a treaty stipulation, and I think is in order under Rule XVI. The same point was made when a similar amendment was offered at the last session, on February 25 last, and it was then ruled that, being for the purpose of carrying out a treaty stipulation, it was in order.

Mr. GORE. Mr. President, I should like to correct the Senator from South Dakota. As I recollect, at that time this amendment was reported by the committee and was incorporated in the bill. Having been reported from a standing committee of the Senate, it was on that footing, I think, that the Chair sustained the amendment.

The VICE PRESIDENT. The Chair rules that it is not general legislation; that it seems to be in accordance with a treaty with the Cherokee Indians, and proposes to take money out of their fund.

Mr. STONE. Then I will agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, I desire to ask leave to insert in the RECORD a letter from Mr. Edgar B. Meritt relating to a statement that was made to the Senate yesterday concerning hearings had on the Indian appropriation bill, and to call attention to the fact that the hearings referred to were on the bill for the fiscal year 1913, the hearings being had in 1912, instead of in connection with the consideration by the committee of the pending bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 18, 1913.

Hon. JOSEPH T. ROBINSON,
United States Senate.

MY DEAR SENATOR: I notice in to-day's RECORD, on page 2316, that Senator LANE quotes me in support of his statement that there was a deficiency in the appropriation for surveying and allotting Indian reservations.

I wish to invite your attention to the fact that Senator LANE quoted from the hearings before the House Committee on Indian Affairs on the Indian appropriation bill for the fiscal year 1913, which has nothing to do whatever with the current Indian appropriation bill. In substantiation of this statement I am transmitting herewith the hearings dated January 17, 1912, before the Committee on Indian Affairs of the House of Representatives on the Indian appropriation bill for the fiscal year 1913, and attention is invited to pages 3 to 10 of said hearings, which contain justifications for the appropriation for survey and allotment work on Indian reservations, as provided in the Indian appropriation act approved August 24, 1912. (37 Stat. L., 518.)

It is plainly apparent, of course, that the hearings in question, which refer to last year's appropriation bill, would not be applicable to the Indian bill now under consideration by the Senate.

I should appreciate very much if the RECORD could be corrected so as to show the facts in regard to this matter.

Very respectfully,

E. B. MERITT.

Mr. GORE. I desire to offer two or three amendments. On page 51, line 18, after the name "Oklahoma," I move to insert the words "including such schools in the Quapaw Agency."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 51, line 18, after the words "Seminole Nations in Oklahoma," it is proposed to insert "including such schools in the Quapaw Agency."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. GORE. I offer the amendment which I send to the desk, to come in on page 13, after line 11.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, after line 11, it is proposed to insert as a separate paragraph the following:

To enable the Secretary of the Interior to employ a chartered and certified accountant for the purpose of preparing, under the direction of said Secretary, a complete fiscal and financial history and statement of the affairs of each of the Five Civilized Tribes of Indians, $10,000, or such part thereof as may be necessary.

Mr. STONE. I will accept that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 50, line 16, it is proposed to insert the following:

Provided further, That the Commissioner to the Five Civilized Tribes of Indians in Oklahoma shall be appointed by the President by and with the advice and consent of the Senate.

Mr. STONE. I will accept that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The VICE PRESIDENT. The question is, Shall the amendments be ordered to be engrossed and the bill read a third time?

Mr. CLAPP. Mr. President, before the final formal vote, I desire to ask leave to insert in the RECORD a statement showing the property of the Indians, the irrigation projects where the appropriations have been reimbursable, and the extent to which they have been reimbursed, the revolving fund and the extent to which the revolving fund has been repaid, the industrial work of the Indians, their status in the matter of farming, and the school attendance of the Indians.

Mr. STONE. Mr. President, may I ask the Senator if that document was prepared by him?

Mr. CLAPP. This document was prepared by myself from the report published by the Indian Office. There is nothing original in it except one expression of my own bearing upon the importance of the increase of Indian attendance upon the public schools. The remainder is simply a compilation.

Mr. STONE. That is important information, and the Senator from Minnesota has been so long identified with Indian work that that fact attaches additional value to the compilation. I suggest that it be also printed as a document.

Mr. CLAPP. I would have no objection to that, and if it were not so late I should like to make some remarks in connection with it, but, owing to the lateness of the hour, I simply ask to have it printed in the RECORD.

Mr. STONE. I will ask that it be printed as a document as well as printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the paper will be printed in the RECORD and also as a public document.

The matter referred to is as follows:

STATEMENT OF STATUS OF INDIAN CONDITIONS (S. Doc. No. 109).

PROPERTY.

On the 30th day of June, 1912, the property of the Indians, tribal and individual, was estimated as follows:

Tribal:	
Land, exclusive of timber	$127,893,467
Timber	72,110,067
Funds in Treasury	44,519,533
Live stock	21,711
Other property not classified	287,775
Total	244,733,563
Individual:	
Land, exclusive of timber	343,504,293
Timber	11,745,510
Funds	10,093,276
Homes, barns, etc	7,183,292
Furniture, tools, machinery, etc	3,734,682
Stock	22,216,531
Other property not classified	472,898
Total	398,950,482
General total	643,684,036

(Pages 290, 291.)

The above is exclusive of property consisting in part of coal and timber, which the Government has taken over under an agreement to dispose of the same and account to the Indians for the proceeds. It would be difficult to estimate the amount of such property.

Total estimated property of Indians valued at	$643,684,036.83
Total expenditures of Indian Service, with the single exception of per capita payments to Indians	11,270,343.92
Cost of administration, estimated on above as basis	1.75 per cent.

Reimbursable.

Land, coal, and timber.

Uinta Reservation, Utah, is the only reservation where the Government has been entirely reimbursed for irrigation projects from the sale of land.

In many cases complete reimbursement has been made on account of reimbursable appropriations for surveying and other purposes, but sufficient funds have not accrued to make a complete reimbursement for the expenditures under the appropriations. This is illustrated in the case of Colorado River and Flathead.

Up to June 30, 1912, the Government had been reimbursed over $6,300,000 out of reimbursable appropriations, part of which is for irrigation.

REVOLVING FUND.

The sum of $30,000 was appropriated by the act of March 3, 1911 (36 Stat. L., 1058–1061), for the purpose of encouraging industry among Indians, and this money was apportioned in various amounts, ranging from $1,000 to $5,000, to 15 different reservations. Expenditures have been made in the purchase of farming implements, equipment, wagons, and horses and other breeding stock, and while the actual number of Indians who participated in the use of the money on the various reservations is not known at the present time, the reports received indicate that the money is serving a very useful purpose.

The act of April 4, 1910 (36 Stat. L., 269–277), appropriated the sum of $15,000 for the purpose of encouraging industry among the Indians residing on the Tongue River Reservation in Montana. The entire sum appropriated for this reservation has been expended in the purchase of breeding and work stock, seeds, and agricultural equipment, which have been sold to 251 Indians of this tribe on a deferred-payment plan, and $6,884.15 have been repaid, with not a single beneficiary of this fund delinquent under the terms of the agreements. The purchases of the Indians from this fund have made many of them self-supporting. The freighting of Government supplies 55 miles to the agency is now done largely by Indians, who have purchased their horses from this fund.

The act of April 30, 1908 (35 Stat. L., 70–83), appropriated the sum of $25,000 to be used as a reimbursable fund at the Fort Belknap Reservation for the purchase of machinery, tools, implements, and other equipment and animals to enable the Indians to engage in the raising of sugar beets and other crops. There are approximately 154 accounts outstanding against the Indians on this reservation by reason of their participation in the use of the money appropriated.

The accounts involve the purchase of agricultural implements, fence wire, and seed.

The total expenditure made under the appropriation since its establishment amounts to $29,768.26, and more than $15,000 has been already repaid by the Indians and is being again used for a similar purpose under the provisions of the act of March 3, 1909 (35 Stat. L., 781–795), which provides that the money repaid shall be available for reexpenditure until June 1, 1915.

EMPLOYMENT OF INDIANS.

During the year ending June 30, 1912, there were employed by the Indian Office 14,936 Indians, engaged in various matters, whose total earnings amounted to $1,164,996; and there were employed during that period by private parties 5,113 adults and 2,375 minors and outing students, whose total earnings amounted to $775,418, or a grand total of $1,940,414. (P. 165.)

Of the 14,936 Indians employed through the Indian Office, 1,905 males and 521 females are in regular service, while 11,479 males and 941 females are employed at intervals.

FARMING.

June 30, 1912, reports were made grouping reservations advanced in farming and stock raising, and of 28,544 male adult Indians of the first group there were 24,489 farming for themselves, and of 65,639

able-bodied Indians of the second group 20,178 were raising stock as their principal means of support. (P. 12.)

Of all the Indians engaged in farming (exclusive of the Five Civilized Tribes) there were a total of 39,901 farming 558,503 acres of land, producing a crop value of $3,250,000, of which $2,800,000 was for grain, hay, etc., and the balance for vegetables. (Pp. 146 and 150.)

There were engaged in stock raising 51,380 Indians, of whom 26,014 made it their principal means of support; 25,306 made it a partial means of support. The total acreage was 30,070,240 and the total value of stock grazed was $22,238,241. (Pp. 152–153.)

INDUSTRIES.

During the year 1912 there were engaged in other work than farming, with a value of products of such work, as follows:

	Number.	Amount.
Basket making	3,336	$36,150
Beadwork	3,588	23,038
Blanket making	2,871	592,458
Fishing	3,258	150,280
Lace making	196	9,635
Pottery	2,049	5,375
Woodcutting	3,066	233,010
Other work not classified	4,198	160,587
Total	22,564	1,211,433

June 30, 1912, there were 16,679 Indians of all classes who were receiving rations, of which a large proportion were receiving rations issued in payment for labor performed.

SCHOOLS.

June 30, 1912, there were 65,093 Indian children able to attend school. Of these, 24,341 were in Government schools, 4,621 in mission schools, 158 in private schools, and 17,611 in the public schools, or a total of 46,131 in school and 18,962 not attending school. (P. 188.)

In 1901 the average attendance in public schools was 98, and perhaps no phase of the Indian situation is so suggestive of progress on the part of the Indians as the increase from 98 in 1901 to 17,611 in 1912 in attendance in public schools. (P. 11.)

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FOREIGN TARIFF SYSTEMS AND INDUSTRIAL CONDITIONS.

Mr. SMOOT. I desire to give notice that on Saturday next, June 21, following the routine morning business, I shall submit some remarks on the report prepared by the Bureau of Foreign and Domestic Commerce of the Department of Commerce at the request of the chairman of the Committee on Ways and Means on "Foreign tariff systems and industrial conditions."

ADJOURNMENT TO SATURDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Saturday next at 12 o'clock m.

The motion was agreed to.

SALARY OF COMMISSIONER OF INDIAN AFFAIRS.

Mr. BACON obtained the floor.

Mr. VARDAMAN. Mr. President, I desire to ask the Senator from Georgia if he will not permit me to make a statement? I will occupy only a moment.

Mr. BACON. Certainly.

Mr. VARDAMAN. Mr. President, on yesterday, when the question of fixing the salary of the Commissioner of Indian Affairs was under consideration, I called attention to the fact that he had already been appointed. It has been suggested to me that possibly my objection to increasing the salary might be construed as an expression of hostility to the distinguished gentleman who, I understand, has been named for that place. I want to say, Mr. President, that no such thought was in my mind. I know Mr. Sells quite well, and I desire here to pay the tribute of my very high regard and admiration of him both as a man and as an officer. If I should have favored increasing the salary of any one, I should have done so for Mr. Sells. My purpose in objecting to that was that I believe in the economical administration of public affairs, and I am also very much opposed to the policy of fixing salaries or making any other law with reference to the individual who happens to occupy the office at the time, and my objection was in no way a reflection upon the worth of Mr. Sells.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 7 o'clock p. m.) the Senate adjourned until Saturday, June 21, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 18, 1913.

COLLECTOR OF INTERNAL REVENUE.

Edward J. Lynch, of Minnesota, to be collector of internal revenue for the district of Minnesota, in place of Frederick von Baumbach, superseded.

MINISTER.

Meredith Nicholson, of Indiana, to be envoy extraordinary and minister plenipotentiary of the United States of America to Portugal, vice Cyrus E. Woods, resigned.

RECEIVERS OF PUBLIC MONEYS.

John S. Hunter, of Camden, Ala., to be receiver of public moneys at Montgomery, Ala., vice John A. Steele, term expired.

A. M. Ward, of Clarksville, Ark., to be receiver of public moneys at Little Rock, Ark., vice John E. Bush, removed.

REGISTER OF THE LAND OFFICE.

John W. Allen, of De Witt, Ark., to be register of the land office at Little Rock, Ark., vice Guy W. Caron, term expired and resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 16, 1913.

Philip Kingsworth Gilman, of California.
Eugene Franklin McCampbell, of Ohio.
Norman Daniel Morgan, of California.
John Coleman O'Gwynn, of Alabama.
Henry Roth, of New York.
Martin John Synnott, of New Jersey.
Rufus Adrian Van Voast, of Ohio.

POSTMASTERS.

ALABAMA.

J. F. Frazer to be postmaster at Lafayette, Ala., in place of W. E. Bosworth, removed.

H. I. Johnson to be postmaster at Sheffield, Ala., in place of George W. McFall. Incumbent's commission expired June 2, 1913.

S. W. Riddle to be postmaster at Gadsden, Ala., in place of Thomas H. Stephens. Incumbent's commission expired December 16, 1912.

Harlow S. Sharretts to be postmaster at Summerdale, Ala. Office became presidential January 1, 1913.

ARIZONA.

W. S. Adams to be postmaster at Jerome, Ariz., in place of Frank E. Smith. Incumbent's commission expired March 29, 1913.

Horace P. Merrill to be postmaster at Benson, Ariz., in place of Leonard D. Redfield. Incumbent's commission expired February 11, 1913.

Jesse J. Rascoe, jr., to be postmaster at Morenci, Ariz., in place of John L. Keister, resigned.

Paul A. Smith to be postmaster at Tombstone, Ariz., in place of Francis D. Crable, resigned.

ARKANSAS.

N. J. Hazel to be postmaster at Marked Tree, Ark., in place of Clarence A. Dawson, removed.

Charles C. Stewart to be postmaster at Greenwood, Ark., in place of John W. Bell, resigned.

CALIFORNIA.

Thomas C. Stoddard to be postmaster at Alameda, Cal., in place of Theodore W. Leydecker, deceased.

O. C. Williams to be postmaster at Dinuba, Cal., in place of Manson M. Cochran. Incumbent's commission expired May 17, 1913.

COLORADO.

W. J. Brown to be postmaster at Rocky Ford, Colo., in place of Henry W. Lance. Incumbent's commission expired December 16, 1912.

Clark Cooper to be postmaster at Canon City, Colo., in place of Robert S. Lewis. Incumbent's commission expired December 16, 1912.

CONNECTICUT.

W. S. Clarke to be postmaster at Milford, Conn., in place of W. S. Clark, to correct name.

DELAWARE.

Elijah E. Carey to be postmaster at Millsboro, Del., in place of Fred H. Burton. Incumbent's commission expired January 25, 1913.

FLORIDA.

Marcy B. Darnall to be postmaster at Key West, Fla., in place of Charles S. Williams. Incumbent's commission expired April 28, 1913.

G. N. Denning to be postmaster at Winter Park, Fla., in place of Leland M. Chubb. Incumbent's commission expired February 9, 1913.

W. H. Hoffman to be postmaster at Dunnellon, Fla., in place of George W. Neville, resigned.

Joseph H. Humphries to be postmaster at Bradentown, Fla., in place of John B. Leffingwell. Incumbent's commission expired March 2, 1913.

Edward C. Lewis to be postmaster at Marianna, Fla., in place of Louis Wiselogel. Incumbent's commission expired January 13, 1913.

Alma P. Martin to be postmaster at Melbourne, Fla. Office became presidential January 1, 1913.

Lula Newton to be postmaster at Winter Garden, Fla. Office became presidential January 1, 1913.

Samuel M. Wilson to be postmaster at Bartow, Fla., in place of Enoch E. Skipper. Incumbent's commission expired January 6, 1913.

GEORGIA.

Alice B. Bussey to be postmaster at Cuthbert, Ga., in place of Alice B. Bussey. Incumbent's commission expired March 25, 1913.

IDAHO.

Claude V. Biggs to be postmaster at Buhl, Idaho, in place of Alson H. Nihart. Incumbent's commission expired April 10, 1913.

F. H. Bradbury to be postmaster at Rathdrum, Idaho, in place of John M. Repass, removed.

George W. Harris to be postmaster at Burke, Idaho, in place of Blanch S. Rowe, declined.

Edgar T. Hawley to be postmaster at St. Maries, Idaho, in place of Thomas C. White, resigned.

Emil L. Mueller to be postmaster at Kamiah, Idaho. Office became presidential January 1, 1913.

J. J. Nickles to be postmaster at Plummer, Idaho. Office became presidential July 1, 1912.

John J. Presley to be postmaster at Wallace, Idaho, in place of Alfred J. Dunn. Incumbent's commission expired May 8, 1913.

ILLINOIS.

Alonzo Boren to be postmaster at Herrin, Ill., in place of W. A. Perrine. Incumbent's commission expired February 9, 1913.

W. E. Clayton to be postmaster at Johnston City, Ill., in place of Eva J. Harrison, resigned.

Arthur M. Kloepfer to be postmaster at Winnetka, Ill., in place of Elmer E. Adams, removed.

Joseph H. Knebel to be postmaster at Pocahontas, Ill. Office became presidential October 1, 1912.

F. Marion Martin to be postmaster at Noble, Ill., in place of Amzi A. Junkins. Incumbent's commission expired January 26, 1913.

Thomas J. Mowbray to be postmaster at Bradford, Ill., in place of Eugene A. Foster, deceased.

Harry L. Reinoehl to be postmaster at Flat Rock, Ill., in place of William L. Tohill. Incumbent's commission expired May 13, 1913.

Porter B. Simcox to be postmaster at Patoka, Ill., in place of George W. Gaultney. Incumbent's commission expired May 13, 1913.

INDIANA.

Lewis E. Chowning to be postmaster at Dugger, Ind. Office became presidential January 1, 1913.

IOWA.

Willard Bucklen to be postmaster at Marble Rock, Iowa. Office became presidential January 1, 1913.

Charles K. Coontz to be postmaster at Lineville, Iowa, in place of Charles H. Austin. Incumbent's commission expired January 13, 1912.

Andrew J. Mullarky to be postmaster at Allison, Iowa, in place of John H. Hunt. Incumbent's commission expired December 14, 1912.

KANSAS.

Frank S. Foster to be postmaster at Ellsworth, Kans., in place of Joseph A. Schmitt, deceased.

John C. Girk to be postmaster at Halstead, Kans., in place of E. J. Bookwalter. Incumbent's commission expired March 1, 1913.

KENTUCKY.

A. B. Tilton to be postmaster at Carlisle, Ky., in place of Homer B. Bryson, resigned.

LOUISIANA.

S. S. Gullatt to be postmaster at Ruston, La., in place of Lou S. Flournoy. Incumbent's commission expires June 26, 1913.

J. M. Melton to be postmaster at Bernice, La., in place of Charles C. Dow. Incumbent's commission expired May 14, 1912.

W. T. Pegues to be postmaster at Mansfield, La., in place of Arthur F. Clement. Incumbent's commission expired June 14, 1913.

MAINE.

William G. Harmon to be postmaster at Old Orchard, Me., in place of M. E. Hill. Incumbent's commission expired January 5, 1913.

E. A. Prescott to be postmaster at Monmouth, Me. Office became presidential July 1, 1912.

MASSACHUSETTS.

Dennis J. Dullea to be postmaster at Peabody, Mass., in place of William F. Wiley. Incumbent's commission expired December 14, 1912.

MICHIGAN.

Charles Curtis Jackson to be postmaster at Algonac, Mich., in place of C. C. Smith. Incumbent's commission expired December 14, 1912.

Michael L. Gillen to be postmaster at Adrian, Mich., in place of Thomas A. Dailey. Incumbent's commission expired April 5, 1913.

James Guinan to be postmaster at Dearborn, Mich., in place of Thomas T. Woods, deceased.

Barton R. Osborn to be postmaster at Tekonsha, Mich., in place of Ben F. McMillen. Incumbent's commission expired January 14, 1913.

Clare E. Rann to be postmaster at Perry, Mich., in place of Charles H. Stevens. Incumbent's commission expired February 9, 1913.

Albert J. Raymond to be postmaster at Memphis, Mich. Office became presidential January 1, 1913.

Harry L. Shirley to be postmaster at Galesburg, Mich., in place of Oliver D. Carson. Incumbent's commission expired January 12, 1913.

MINNESOTA.

G. O. Bergan to be postmaster at Sacred Heart, Minn., in place of Peter O. Roe. Incumbent's commission expired February 9, 1913.

Simon P. Brick to be postmaster at Little Falls, Minn., in place of Wheaton M. Fuller, deceased.

Emil Eriksen to be postmaster at Lakefield, Minn., in place of Marion G. Crawford. Incumbent's commission expired December 14, 1912.

MISSISSIPPI.

Ruby Barnes to be postmaster at Summit, Miss., in place of James N. Atkinson. Incumbent's commission expired January 29, 1913.

W. P. Cassedy to be postmaster at Brookhaven, Miss., in place of E. F. Brennan. Incumbent's commission expired January 29, 1913.

MISSOURI.

James L. Smith to be postmaster at New London, Mo., in place of Blanche G. Smith. Incumbent's commission expired May 15, 1912.

J. H. Turk to be postmaster at Ash Grove, Mo., in place of James R. Dyer, resigned.

NEBRASKA.

C. G. Fritz to be postmaster at Hooper, Nebr., in place of John Ring. Incumbent's commission expired May 26, 1912.

NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, N. H., in place of Adelia M. Barrows. Incumbent's commission expired January 26, 1913.

NEW YORK.

Charles H. Beeby to be postmaster at Central Square, N. Y. Office became presidential January 1, 1913.

James S. Clark to be postmaster at Croton on Hudson, N. Y., in place of Ezra C. Ferris. Incumbent's commission expired March 2, 1913.

George Coon to be postmaster at Stillwater, N. Y., in place of Frank Stumpf. Incumbent's commission expired December 16, 1912.

John H. Coon to be postmaster at Stanley, N. Y. Office became presidential January 1, 1913.

B. A. Curtiss to be postmaster at Camden, N. Y., in place of Theron A. Farnsworth. Incumbent's commission expired March 16, 1913.

Henry Dicks to be postmaster at Fort Terry, N. Y. Office became presidential October 1, 1912.

Edward J. Hughes to be postmaster at Schuylerville, N. Y., in place of Orley W. Closson, removed.

William Jennings to be postmaster at Dolgeville, N. Y., in place of Frantz Murray. Incumbent's commission expired January 11, 1913.

Daniel H. Keating to be postmaster at Fort Edward, N. Y., in place of Fred A. Davis. Incumbent's commission expired December 16, 1912.

George L. Krein to be postmaster at Dansville, N. Y., in place of Jonathan B. Morey. Incumbent's commission expired December 16, 1912.

Joseph J. Maher to be postmaster at Staatsburg, N. Y., in place of Edwin B. Hughes. Incumbent's commission expired January 29, 1913.

John J. Maloney to be postmaster at Aurora, N. Y., in place of Henry Morgan. Incumbent's commission expired December 16, 1912.

George M. Miller to be postmaster at Andes, N. Y. Office became presidential October 1, 1912.

John G. More to be postmaster at Walton, N. Y., in place of Flora E. Bassett. Incumbent's commission expired December 16, 1912.

Peter J. O'Neill to be postmaster at Bay Shore, N. Y., in place of Ivans L. Hubbard. Incumbent's commission expired June 9, 1913.

Edward E. O'Rourke to be postmaster at Ellicottville, N. Y., in place of Charles M. Walrath. Incumbent's commission expired March 29, 1913.

Arthur Rappleye to be postmaster at Interlaken, N. Y., in place of Frank H. Johnson. Incumbent's commission expired January 11, 1913.

J. C. Rossman to be postmaster at Mohawk, N. Y., in place of James N. Bellinger. Incumbent's commission expired January 11, 1913.

Arthur E. Russ to be postmaster at Phoenix, N. Y., in place of Charles K. Williams. Incumbent's commission expired December 16, 1912.

Edward F. Ryan to be postmaster at Lyons Falls, N. Y., in place of C. M. Waters. Incumbent's commission expired January 5, 1913.

Charles H. Seeley to be postmaster at Sidney, N. Y., in place of George A. McKinnon. Incumbent's commission expired January 21, 1913.

John H. Ten Eyck to be postmaster at Black River, N. Y., in place of Charles J. Sweet. Incumbent's commission expired January 5, 1913.

George C. Tranter to be postmaster at Port Richmond, N. Y., in place of Henry Fackner, resigned.

William Van Alstyne to be postmaster at Fultonville, N. Y., in place of John N. Van Antwerp, deceased.

A. F. G. Zurhorst to be postmaster at Oakfield, N. Y., in place of Charles H. Griffin. Incumbent's commission expired April 8, 1913.

NORTH DAKOTA.

J. G. Boatman to be postmaster at Milnor, N. Dak., in place of Anton Berger. Incumbent's commission expired April 23, 1913.

Joseph Deschenes to be postmaster at Walhalla, N. Dak., in place of H. A. Mayo. Incumbent's commission expired April 15, 1913.

Anthony Hentges to be postmaster at Michigan, N. Dak., in place of Maggie Fox. Incumbent's commission expired January 11, 1913.

Edith M. Holm to be postmaster at Ryder, N. Dak., in place of Ole J. Bye, resigned.

H. A. Holmes to be postmaster at Towner, N. Dak., in place of Alice Gilbertson. Incumbent's commission expired January 11, 1913.

Jacob R. Houx to be postmaster at Rolette, N. Dak., in place of Albert E. Hurst. Incumbent's commission expired March 1, 1913.

Carl Jahnke to be postmaster at New Salem, N. Dak., in place of Henry Engelter. Incumbent's commission expired January 11, 1913.

Guy A. Kopriva to be postmaster at Bowbells, N. Dak., in place of Thomas B. Hurly. Incumbent's commission expired March 1, 1913.

John Long to be postmaster at Page, N. Dak., in place of William Berry, deceased.

Frank McGraw to be postmaster at Cogswell, N. Dak., in place of John K. Soule. Incumbent's commission expired March 1, 1913.

Nelle W. Moellring to be postmaster at Ray, N. Dak., in place of Christ Fuoter. Incumbent's commission expired December 18, 1910.

W. T. Reilly to be postmaster at Milton, N. Dak., in place of J. W. Pratten, resigned.

S. V. Saunders to be postmaster at Ellendale, N. Dak., in place of James M. Bunker. Incumbent's commission expired April 26, 1913.

OHIO.

O. E. Curl to be postmaster at West Mansfield, Ohio, in place of Elmer L. Godwin. Incumbent's commission expired May 16, 1912.

Clement V. Lash to be postmaster at Edon, Ohio, in place of John M. Shafer. Incumbent's commission expired June 12, 1913.

J. E. Rubin to be postmaster at Payne, Ohio, in place of Don C. Corbett, resigned.

OKLAHOMA.

J. W. Chism to be postmaster at Medford, Okla., in place of Jacob P. Becker, resigned.

William Barrowman to be postmaster at Purcell, Okla., in place of L. D. Dickerson, resigned.

James E. Wallace to be postmaster at Broken Bow, Okla. Office became presidential April 1, 1913.

OREGON.

W. A. Richardson to be postmaster at Heppner, Oreg., in place of Wallace W. Smead. Incumbent's commission expired December 18, 1911.

PENNSYLVANIA.

Julia C. Gleason to be postmaster at Villanova, Pa., in place of Julia C. Gleason. Incumbent's commission expired January 11, 1913.

Emory K. Eichelberger to be postmaster at Hanover, Pa., in place of Aaron Hostetter, deceased.

Frank C. Fisher to be postmaster at Cheltenham, Pa. Office became presidential January 1, 1913.

M. L. Griffin to be postmaster at Vandergrift Heights, Pa., in place of Charles C. Craig. Incumbent's commission expired December 11, 1911.

Joseph Nelson to be postmaster at Fayette City, Pa., in place of A. C. Alton, deceased.

Frederick E. Obley to be postmaster at West Newton, Pa., in place of Walter L. Stevenson. Incumbent's commission expired February 11, 1913.

Charles E. Putnam to be postmaster at Linesville, Pa., in place of Clara Brown. Incumbent's commission expired May 7, 1913.

Andrew Wahl to be postmaster at Evans City, Pa., in place of Lily Watters. Incumbent's commission expired June 12, 1913.

RHODE ISLAND.

William R. Congdon to be postmaster at Wickford, R. I., in place of George E. Gardner, deceased.

S. Martin Rose to be postmaster at Block Island, R. I., in place of Edward S. Payne. Incumbent's commission expired January 11, 1913.

SOUTH CAROLINA.

Herman H. Brodham to be postmaster at Manning, S. C., in place of Eliza Appelt, resigned.

Smith L. Johnston to be postmaster at St. George, S. C., in place of Joseph H. Abbey. Incumbent's commission expired January 29, 1913.

TENNESSEE.

W. J. Allen to be postmaster at Wartrace, Tenn. Office became presidential January 1, 1908.

Knox Tate to be postmaster at Bolivar, Tenn., in place of John Redd. Incumbent's commission expired March 3, 1913.

TEXAS.

A. H. Ables to be postmaster at Terrell, Tex., in place of Frank L. Irwin. Incumbent's commission expired June 12, 1913.

Robert W. Bennett to be postmaster at Kenedy, Tex., in place of Virgil A. Smith. Incumbent's commission expired January 27, 1913.

Alice C. Cheney to be postmaster at Mount Pleasant, Tex., in place of Michael A. Rickard. Incumbent's commission expired April 28, 1912.

A. S. Farmer to be postmaster at Graham, Tex., in place of John T. Cunningham. Incumbent's commission expired June 7, 1910.

Annie F. Higbee to be postmaster at Slaton, Tex., in place of George F. Higbee, deceased.

Edward Kennedy to be postmaster at Anson, Tex., in place of Clara A. Boynton, deceased.

D. P. Porter to be postmaster at De Kalb, Tex., in place of L. A. Smith. Incumbent's commission expired April 28, 1912.

L. H. Salter to be postmaster at Stanton, Tex., in place of William B. Montgomery. Incumbent's commission expired April 28, 1912.

Thomas A. Stafford to be postmaster at Robstown, Tex. Office became presidential January 1, 1913.

Tom R. Stewart to be postmaster at Whitney, Tex., in place of Henry C. Ford. Incumbent's commission expired April 28, 1912.

UTAH.

Joseph Anderson to be postmaster at Lehi, Utah, in place of Stephen W. Ross, resigned.

W. W. Browning to be postmaster at Ogden, Utah, in place of L. W. Shurtliff. Incumbent's commission expired January 11, 1913.

H. C. Smith to be postmaster at Price, Utah, in place of Charles A. Guiwits. Incumbent's commission expired January 22, 1913.

WASHINGTON.

Jefferson F. Canon to be postmaster at Tenino, Wash., in place of Angus D. Campbell. Incumbent's commission expired February 11, 1913.

James O'Farrell, jr., to be postmaster at Orting, Wash., in place of James R. O'Farrell. Incumbent's commission expired February 11, 1913.

WEST VIRGINIA.

C. A. Bailey to be postmaster at Berwind, W. Va. Office became presidential January 1, 1913.

Henry W. Early to be postmaster at Kimball, W. Va., in place of William T. Morrison. Incumbent's commission expired December 11, 1911.

A. A. Meredith to be postmaster at Sistersville, W. Va., in place of Lynn Kirtland. Incumbent's commission expired January 12, 1913.

R. V. Shanklin to be postmaster at Gary, W. Va., in place of William B. Hensel, resigned.

WISCONSIN.

Annie W. Bartholomew to be postmaster at Delafield, Wis., in place of A. J. W. Nixon. Incumbent's commission expired January 29, 1912.

John Blake to be postmaster at Mellen, Wis., in place of Robert Johnson. Incumbent's commission expired December 14, 1912.

F. A. Ferriter to be postmaster at Hillsboro, Wis., in place of Charles F. Fine. Incumbent's commission expired February 18, 1913.

Birt E. Fredrick to be postmaster at Augusta, Wis., in place of James R. Shaver. Incumbent's commission expired January 28, 1913.

T. J. Griffin to be postmaster at Prescott, Wis., in place of Frank K. Havens. Incumbent's commission expired January 12, 1913.

Albert Hess to be postmaster at Arcadia, Wis., in place of Isa Faulds. Incumbent's commission expired December 14, 1912.

Robert Horneck to be postmaster at Elkhart Lake, Wis. Office became presidential July 1, 1910.

F. W. Keuper to be postmaster at Union Grove, Wis., in place of Alvin P. Colby. Incumbent's commission expired May 13, 1913.

Frank Leuschen to be postmaster at Marathon, Wis. Office became presidential January 1, 1911.

A. H. Long to be postmaster at Prairie du Chien, Wis., in place of James E. Harris. Incumbent's commission expired March 2, 1913.

F. C. O. Muenich to be postmaster at Argyle, Wis., in place of George G. Gaskill. Incumbent's commission expired January 27, 1912.

Joseph A. Paustenbach to be postmaster at Abbotsford, Wis., in place of J. H. Paustenbach, to correct name.

Thomas Wilson to be postmaster at Belleville, Wis., in place of Fred P. Harmon. Incumbent's commission expired March 1, 1913.

WYOMING.

Mary E. Hurst to be postmaster at Greybull, Wyo. Office became presidential January 1, 1913.

Nels Simpson to be postmaster at Cambria, Wyo., in place of Harvey Springer, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 18, 1913.

CIVIL SERVICE COMMISSIONERS.

Charles M. Galloway to be a Civil Service Commissioner.
Hermon W. Craven to be a Civil Service Commissioner.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. Carl Reichmann to be lieutenant colonel.
Capt. Thomas F. Schley to be major.

CHAPLAIN.

Chaplain Washington W. E. Gladden to be chaplain with the rank of captain.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):
Howard M. Lammers.
Samuel S. Payne.
The following-named midshipmen to be ensigns:
William H. P. Blandy.
Everett Le R. Gayhart.
George A. Andrews.
Henry L. Abbott.
James C. Jones, jr.
Herman E. Keisker.
Thomas M. Searles.
Glenn B. Davis.
Bruce G. Leighton.
Earl F. Enright.
Frederick G. Crisp.
Palmer H. Dunbar, jr.
Cullen H. Want.
Roy J. Wilson.
Charles P. McFeaters.
Carl E. Hoard.
Harold C. Van Valzah.
Charles N. Ingraham.
Thomas M. Shock.
Adolph von S. Pickhardt.
Stewart F. Bryant.
Paul A. Stevens.
Kenneth R. R. Wallace.
George W. Wolf.
William B. Jupp.
Robin B. Daughtry.
William I. Causey, jr.
Walter Seibert.
James T. Mathews.
Frank L. Johnston.
Richard H. Knight.
George L. Greene, jr.
Hugh L. White.
Reginald S. H. Venable.
Charles C. Helmick.
Norman C. Gillette.
John A. Brownell.
Thomas Shine.
Roy Dudley.
Laurence Wild.
Lloyd R. Gray.
Herbert K. Fenn.
George D. Hull.
James E. Brenner.
Solomon H. Geer.
Paul Hendren.
Chapman C. Todd, jr.
Henry M. Briggs.
Paul Cassard.
Walter O. Henry.
Clay L. Pearse.
John N. Kates.
Carl T. Hull.
Thomas G. Berrien.
Jesse R. Henderson.
Eric F. Zemke.
George M. Tisdale.

Edward J. O'Keefe.
Bernard T. Hunt.
William L. Wright.
Hamilton V. Bryan.
Elroy L. Vanderkloot.
Wilbur J. Ruble.
John R. Palmer.
John Le V. Hill.
Hartwell C. Davis.
Robert H. Grayson.
Terry B. Thompson.
John L. Hall.
Laurance T. Du Bose.
James H. Strong.
Arthur G. Robinson.
Frederic W. Dillingham.
Walter E. Doyle.
Hardy B. Page.
Karl E. Hintze.
George B. Junkin.
William W. Meek.
Justin McC. Miller.
Oliver L. Downes.
Ellsworth E. Davis.
Harry R. Gellerstedt.
Charles J. Parrish.
Paulus P. Powell.
Roy Pfaff.
Benjamin H. Lingo.
Earl H. Quinlan.
Louis J. Roth.
George S. Dale.
Clarke Withers.
Samuel N. Moore.
Tunis A. M. Craven.
Stuart E. Bray.
William G. B. Hatch.
Arthur S. Walton.
Paul J. Searles.
Samuel S. Thurston.
Arthur W. Dunn, jr.
Valentine Wood.
Philip C. Ransom.
Leo H. Thebaud.
Jerome A. Lee.
Leman L. Babbitt.
Henry A. Seiller.
James R. Webb.
Alfred H. Donahue.
Horace W. Pillsbury.
John D. Jones.
Walker Cochran.
William Masek.
Thomas W. McGuire.
Julian B. Timberlake, jr.
Edmund S. McCawley.
Laurence W. Clarke.
Langdon D. Pickering.
Robert D. Kirkpatrick.
Michael Hudson.
Andrew L. Haas.
Gordon Hutchins.
Arnold Marcus.
Franklin B. Conger, jr.
Henry F. Floyd.
Ligon B. Ard.
Raymond Asserson.
Joseph H. Hoffman.
Jesse H. Smith.
David R. Lee.
Harold P. Parmelee.

POSTMASTERS.

CONNECTICUT.

J. A. Leahy, Plainfield.
Frederick H. Smith, Darien.

FLORIDA.

Charles E. Kettle, Hastings.

NORTH CAROLINA.

E. H. Avent, East Durham.
A. N. Bulla, Randleman.
G. W. Hill, Vineland.
A. H. Huss, Cherryville.
D. J. Kerr, Canton.
H. D. Lambeth, Elon College.
J. H. Lane, Leaksville.
S. S. Lockhart, Wadesboro.
E. T. McKeithen, Aberdeen.
Robert S. McRae, Chapel Hill.
J. W. Noell, Roxboro.
W. L. Ormand, Bessemer City.
C. D. Osborn, Oxford.
L. M. Sheffield, Spray.

OHIO.

L. S. Baker, Weston.
B. E. Custer, Montpelier.
Emile F. Juillard, Stryker.
Neal M. Osborn, Burton.
H. M. Pomeroy, Maumee.

PENNSYLVANIA.

Charles A. Hoff, Lykens.
William E. Schaak, Lebanon.

SOUTH CAROLINA.

Rufus G. Durham, Landrum.
William M. McMillan, Clinton.
T. M. Mahon, Williamston.
John H. Rothrock, Inman.

TENNESSEE.

R. E. L. Brasfield, Dresden.
C. B. Bowden, Martin.
R. D. Hunt, Sharon.
J. F. Johnson, Watertown.

TEXAS.

S. W. Thomas, Aspermont.

WITHDRAWAL.

Executive nomination withdrawn June 18, 1913.

POSTMASTER.

Michael Finigan to be postmaster at Norwich, N. Y.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 20, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Jehovah, King of Kings and Lord of Lords, our God and our Father, our life, our light, our faith, our hope, our inspiration. Let Thy blessing descend upon us to quicken the angels of our better self that we may respond to every call toward the ideals promulgated and exemplified in the incomparable life and character of the Son of God, whose spirit has found its way into the hearts of millions, working in and through them the works of righteousness. To the glory and honor of Thy holy name. Amen.

The Journal of Tuesday, June 17, 1913, was read and approved.

JOINT SESSION OF THE TWO HOUSES OF CONGRESS.

Mr. UNDERWOOD. Mr. Speaker, I move the adoption of the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 10.

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 23d day of June, 1913, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

Mr. UNDERWOOD. Mr. Speaker, I am advised by the President that he desires to submit to the two Houses of Congress his views in reference to currency legislation, and that he would like to meet the two Houses on Monday next at 1 o'clock. It is for that purpose that I offer the resolution to invite the Senate to be present at 12 o'clock and 30 minutes.

The resolution was agreed to.

COMMITTEE ON INSULAR AFFAIRS.

Mr. JONES. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 177.

Resolved, That the Committee on Insular Affairs be authorized to have such printing and binding done for the use of the committee as may be necessary during the Sixty-third Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2319. An act authorizing the appointment of an ambassador to Spain.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 1917. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1620. An act to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes; to the Committee on Appropriations.

S. 1864. An act for the relief of the contributors to the Ellen M. Stone ransom fund; to the Committee on Claims.

S. 1689. An act authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations; to the Committee on Claims.

S. 2319. An act authorizing the appointment of an ambassador to Spain; to the Committee on Foreign Affairs.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 1917, the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if it was agreed some time previously that this matter should be taken up?

Mr. STEPHENS of Texas. This bill was one of those specifically mentioned in the agreement as excepted.

Mr. MURDOCK. It was excepted in the agreement which was adopted by unanimous consent.

Mr. STEPHENS of Texas. The agreement was to hold out all business until the 23d of this month; but this was one of the bills that was excepted.

The SPEAKER. Does the gentleman from Kansas make a parliamentary inquiry?

Mr. MURDOCK. No, Mr. Speaker; I was asking the gentleman from Texas a question, and reserved the right to object. I have no objection.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to ask unanimous consent to address the House for 10 minutes on the subject of the Indian appropriation bill.

The SPEAKER. Does the gentleman from South Dakota reserve the right to object?

Mr. BURKE of South Dakota. Yes.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Will the gentleman from South Dakota allow me first to ask for unanimous consent with reference to adjournment?

Mr. BURKE of South Dakota. Certainly.

ADJOURNMENT UNTIL MONDAY.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Alabama.

There was no objection.

INDIAN APPROPRIATION BILL.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. BURKE] to address the House for 10 minutes on the Indian appropriation bill?

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, I am not going to object to this bill going to conference. Before unanimous consent is given, however, I desire to have the chairman of the committee, who I assume will be on the conference, give the House some assurance that before some of the amendments are agreed to there shall be an opportunity in the House for a separate vote upon them.

This Indian appropriation bill was passed in the House in the last session of the Sixty-second Congress, after very full consideration by the Committee on Indian Affairs and after full consideration in the House. It went to the Senate, and for the information of the House I will say that the bill as it passed the House carried $8,262,928, or about $3,000,000 less than the estimates. It came back from the Senate with amendments aggregating $5,488,000, and besides there were amendments containing important legislation and providing for recognizing certain claims. After considerable deliberation in conference the conferees agreed on a report making the bill about $10,000,000. In other words, the conference eliminated $3,672,000 in round figures and also eliminated practically all of the claims and much of the legislation.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MURDOCK. Will the gentleman explain what the remaining $2,000,000 appropriated by the Senate and added to the House bill was for?

Mr. BURKE of South Dakota. It was mostly increases for practically all purposes, but the largest amounts were in connection with irrigation projects. I think the largest increase was in connection with irrigation. I remember one distinctly, the Yakima irrigation project in the State of Washington, for which $1,800,000 was added.

Mr. MURDOCK. Is the gentleman satisfied that all of the objectionable items to which he alluded were eliminated?

Mr. BURKE of South Dakota. I think so. I was about to say that the bill which passed the House in this Congress is the bill exactly as agreed to in conference in the last Congress, without change in the slightest particular. We passed the bill, as the House will remember, under a rule not subject to any amendment, and passed it exactly as we had agreed to in conference. The conferees agreed and all signed the report. During the time of the conference the conferees were informed that unless it put into the bill some legislation which the committee had no jurisdiction to put in, the bill would not be permitted to pass. I am not going to state who it was that sent that notice to the conference committee, but I will say that it was not a member of the committee.

Notwithstanding that threat, the committee did not put in the legislation demanded. The conference report was never adopted, notwithstanding several days elapsed between the time that the report was submitted and when Congress adjourned. I merely mention this as one of the instances that constantly and frequently happen where important appropriation bills are defeated simply by the power of one person somewhere who has not been permitted to have his way in something that he thinks he ought to have, and I hope the time will come when it will not be possible in any legislative body, here or elsewhere, for one Member to prevent important legislation and defeat appropriation bills during the closing days of a Congress, or at any other time, when the business of the country requires the appropriations to be made.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. Is there much new legislation in the Senate amendments?

Mr. BURKE of South Dakota. In the amendments to the pending bill?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. Not very much; but there is some, and some that may be considered important legislation.

Mr. FITZGERALD. I merely want to call attention to the fact that in the other body there has been much acrimonious criticism of this body in respect to placing legislation on appropriation bills, and I desired to see what effect those remarks had upon the body in which they were made.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MONDELL. I simply rose to ask the gentleman if he proposes to inform the House in regard to the important changes made by the Senate. I understand that he does?

Mr. BURKE of South Dakota. Mr. Speaker, as I stated, this bill passed the House following the precedent established when the House passed the sundry civil appropriation bill, both bills being passed under a rule. The sundry civil appropriation bill when it came back to the House contained only one amendment, barring perhaps a couple of amendments that were merely to correct some errors in the bill. The one amendment that I

referred to was unimportant. The bill went to conference. The other body later receded from its amendment and the bill has gone to the White House, I am informed. This bill when it left here was considered for a number of weeks in the committee of the other body and was materially amended, and there was added to it in new appropriations two millions and a half dollars in round numbers. There has also been added some legislation, and, as usual, when an Indian appropriation bill passes the House and returns it contains a few claims, though not as many as usual.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. Is the gentleman aware that the John W. West claim, which has been defeated several times in this House, has been put on this bill?

Mr. BURKE of South Dakota. I understand that it is one of the amendments.

Mr. STEPHENS of Texas. Is it not a fact that we sent the bill to the Senate containing a provision that a committee should be appointed by the House for the purpose of ascertaining what should be done with reference to the irrigation of the Yakima Reservation in Washington, and that instead of adopting that provision the Senate has appropriated $1,800,000 for that purpose?

Mr. BURKE of South Dakota. The bill, I may say, has been amended, adding an item of $1,800,000 in lieu of the provision which was agreed to in conference in the last Congress that a commission consisting of two Senators and two Members of the House be appointed to visit the Yakima Reservation for the purpose of making a report. In other words, an important amendment which was in the bill, eliminated in conference in the last Congress, is again in the bill.

Mr. STEPHENS of Texas. Is not it also a fact that there is an appropriation of $100,000 for the purpose of opening a large reservation in the State of Montana—the Blackfoot Reservation, I believe—and that it contains a great deal of legislation?

Mr. BURKE of South Dakota. Well, I have not examined in detail what that amendment is, but there is an amendment of some importance affecting a reservation in Montana. Mr. Speaker, my purpose in discussing this matter briefly at this time is simply to bring to the attention of the House the situation as it exists so far as this bill is concerned. I am in favor of the bill going to conference; I hope that it may be permitted to go to conference without delay, notwithstanding the fact that the amendments have not yet been printed. There are only a few days remaining before the close of the fiscal year, and in justice to those who will be appointed on the conference committee, in order that they may have an opportunity to meet and fully consider the amendments and in order that a report may be submitted and the bill enacted into law by July 1, it ought to go to conference at the earliest possible time, which will be to-morrow if the request of the gentleman from Texas is granted. But before consenting to unanimous consent, I want the chairman of the Committee on Indian Affairs, who will head the conference committee appointed by the House, to give us some assurance that before an agreement is reached by which many of these amendments may be accepted that the House will be given an opportunity to have a separate vote upon some of them; and. Mr. Speaker, I want to say for the chairman of the committee that, so far as I am personally concerned, I have no doubt whatever and no concern whatever as to what his position will be, because I have served with him on conferences on former occasions and I think I know what his attitude is toward the amendments that are now in the bill; but I think it is due to the House that he make some statement before unanimous consent is given to allow the bill to go to conference, that before agreeing to certain amendments he will come back to the House and allow opportunity to discuss and consider them and permit, if demanded, a separate vote to be taken upon them.

Mr. STEPHENS of Texas. Mr. Speaker, in answer to the gentleman's question I desire to state I do not believe that the proper thing for any conference committee to do is to bring in a report or agree to a report from any other body that carries new legislation that had not been before the House and considered by the House. For three men representing the House to meet the conferees from another body and agree to material amendments upon a bill and report back to the House provisions for legislation that had never been considered by this House would be an assumption of more authority than I am willing, as one of the conferees, ever to take [applause]; and therefore new legislation that amounts to a large expenditure of money or the establishment of a new precedent or anything of that kind or character that the House had never considered should not be passed upon favorably by the conference committee, but the matter should be reported back to the House for its action. That is the position I now take and have always stood upon in regard to these conference matters.

Mr. JOHNSON of South Carolina. Mr. Speaker, may I ask the gentleman from Texas a question?

Mr. STEPHENS of Texas. The gentleman from South Dakota [Mr. BURKE] has the floor.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. STEPHENS of Texas. Then I will yield to the gentleman.

Mr. JOHNSON of South Carolina. The bill as it passed the Senate provides for clerks in the city of Washington. I would like to have the gentleman state if he will either disagree to the amendment or give the House an opportunity to vote upon it.

Mr. STEPHENS of Texas. Is it new legislation?

Mr. JOHNSON of South Carolina. It is a provision that invades the jurisdiction of the legislative bill. We have provided for the clerical force in the District of Columbia such a sum of money and such a number of men as we believed the bureau ought to have. This bill carries a lump-sum appropriation in addition to what we have provided.

Mr. STEPHENS of Texas. Then I understand that it is the desire of the gentleman that we should report a disagreement upon that item and have it passed upon by the House?

Mr. JOHNSON of South Carolina. Yes. There is also a provision in this bill repealing a section in the legislative bill requiring the Indian Bureau to send in estimates specifically for the number of people needed in the bureau in Washington.

Mr. STEPHENS of Texas. Has the gentleman any objection to that provision?

Mr. JOHNSON of South Carolina. I have.

Mr. STEPHENS of Texas. Why?

Mr. JOHNSON of South Carolina. I will say to the gentleman it is impossible for those whose duty it is to provide clerical assistants for all the departments in Washington to do the work intelligently if other committees are appropriating lump sums to enable them to employ a force that we know nothing about.

Mr. STEPHENS of Texas. I will state to the gentleman, Mr. Speaker, that I do not know that I shall be on that conference; but if I am I shall adhere to the rule that we have laid down, that new legislation that would be inconsistent with existing laws and that would be contrary to the established usage of the House would not be agreed to unless satisfactory to all parties.

Mr. JOHNSON of South Carolina. I want to say to the gentleman that I did intend to object to his bill going to conference until the Senate amendments were printed, but in view of the fact that he has stated that we are to have separate votes upon the important amendments, I am not going to object. But I will say this: That if the Committee on Indian Affairs brings in a conference report that provides lump-sum appropriations for clerical help in the Indian Bureau, the conference report will not be adopted without a fight or without a quorum of the House.

Mr. STEPHENS of Texas. Was the original bill satisfactory to the gentleman?

Mr. JOHNSON of South Carolina. It was in that respect.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman from South Carolina [Mr. JOHNSON] if, as a matter of fact, the Committee on Indian Affairs has refrained, so far as this end of the Capitol is concerned, from consenting to any legislation that does conflict with the jurisdiction of the Committee on Appropriations in making appropriations for the Indian Bureau?

Mr. JOHNSON of South Carolina. I will say to the gentleman from South Dakota [Mr. BURKE] that I have found that the gentleman himself and the gentleman from Texas [Mr. STEPHENS] are in sympathy with my views upon this question. But I simply wanted to warn the gentleman from Texas that he must not yield to the importunities at the other end of the Capitol.

Mr. FITZGERALD. Mr. Speaker, do I understand the gentleman from Texas [Mr. STEPHENS] to say that there will be an opportunity to vote on these amendments?

Mr. STEPHENS of Texas. On the new legislation?

Mr. FITZGERALD. Not only on the new legislation, but particularly the amendments mentioned by the gentleman from

South Carolina [Mr. JOHNSON], whether those will be reported as disagreements?

Mr. STEPHENS of Texas. I understand so. We do not desire, I will say, Mr. Speaker, to come in conflict with any other committee of this House. We have always tried to avoid that heretofore, and will do so in the future.

Mr. FITZGERALD. Unless the gentleman will make a statement to the effect that these two amendments will not be agreed upon without an opportunity being given to the House to discuss and pass upon them, I shall have to insist upon a separate vote upon the two amendments.

Mr. STEPHENS of Texas. We will agree to that, then.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I simply want very briefly to emphasize what the gentleman from South Dakota [Mr. BURKE] has said with regard to the procedure of the conferees in connection with the consideration of this bill.

There are a number of important amendments, a number of which I believe personally to be objectionable, at least on an appropriation bill. The bill which is under consideration is a bill which should have been enacted into law in the last Congress, and unless there is some very urgent reason why there should be some change from the legislation as the last Congress agreed upon it there should be no such departure, at least no important change.

Therefore, I want to emphasize the suggestion that the House shall have the opportunity to pass upon any of these new important matters before they are agreed to by the conferees on the part of the House. I understand that the gentleman from Texas [Mr. STEPHENS] and the gentleman from South Dakota [Mr. BURKE], both of whom will probably be members of the conference, are agreeable to that view, and with that understanding and with the hope and expectation that the gentleman from Oklahoma [Mr. CARTER] also shares that view, I shall not object.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

ANNIVERSARY CELEBRATION, BATTLE OF GETTYSBURG.

The SPEAKER. The Chair lays before the House a letter in the nature of an invitation to the House, which the Clerk will report.

The Clerk read as follows:

The Commonwealth of Pennsylvania and the Fiftieth Anniversary of the Battle of Gettysburg Commission request the honor of the presence of the Members of the House of Representatives of the United States at the reunion celebration at Gettysburg, Pa., July 1, 2, 3, and 4, 1913.

JOHN K. TENER,
Governor of Pennsylvania.
J. M. SCHOONMAKER,
Chairman Fiftieth Anniversary of the Battle of Gettysburg Commission.

The favor of an answer not later than June 20, 1913, is requested to Lieut. Col. Lewis E. Beitler, secretary, Pennsylvania commission, Capitol, Harrisburg, Pa.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 179.

Resolved, That the invitation of the Commonwealth of Pennsylvania and the Fiftieth Anniversary of the Battle of Gettysburg Commission to the House of Representatives to attend at the reunion celebration at Gettysburg, Pa., July 1, 2, 3, and 4, 1913, is accepted.

That a committee consisting of the Speaker and 14 Members of the House to be designated by him be appointed to attend said reunion celebration on behalf of the House of Representatives, and that the expenses of said committee be paid out of the contingent fund of the House of Representatives upon vouchers to be approved by the Speaker and audited by the Committee on Accounts.

Mr. UNDERWOOD. Mr. Speaker, the invitation coming from the Commonwealth of Pennsylvania to this House is to join in a celebration by the veterans on both sides of the Civil War. I think it only proper and appropriate that this House should recognize that celebration by sending a committee of the House to be present as the representatives of this body.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Alabama if there is any reason why this resolution might not be passed on Monday next as well as to-day?

Mr. UNDERWOOD. I can only say to the gentleman that I see no reason why it should not be passed to-day as well as on Monday.

Mr. BURKE of South Dakota. The resolution incurs an expense, and the Republican minority leader [Mr. MANN] is absent; and under the arrangement made before he went away it might be considered that this is going outside of what was contemplated.

Mr. UNDERWOOD. The letter to the Speaker requested an answer as to whether this House would accept the invitation or not not later than the 20th of this month. I think I myself can speak, if the gentleman from South Dakota is not willing to do so, for the patriotism of the gentleman from Illinois. The expense incident to the going of a committee from this House to Gettysburg to this celebration and return will be very small. I think this is a proper recognition of the occasion, and as the gentlemen in charge of the ceremony have requested us to answer their invitation not later than the 20th, I am inclined to think this resolution ought to go through to-day. Of course, it will have to go through if there is to be any answer.

Mr. BURKE of South Dakota. Mr. Speaker, I am in entire accord with the resolution. I interrogated the gentleman simply for information, and I am entirely satisfied with the statement that he has made. I have no objection.

Mr. UNDERWOOD. The Speaker has made a suggestion to me in regard to the number of this committee. In order to properly accommodate both sides of the House and at the same time take care of the old soldiers on both sides of the House who ought to go on this committee, I ask leave to change the number from 14 to 20.

The SPEAKER. The gentleman asks leave to change the number from 14 to 20. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SISSON. Mr. Speaker, I was on my feet. I do not know that I want to object. Is this committee to be composed of 20 Members of the House?

Mr. UNDERWOOD. Twenty is the number now. There are a number of old soldiers on the two sides of the House, and in order to take care of them and at the same time give proper representation to the minority it is necessary to increase it to 20.

Mr. SISSON. I did not hear the reading of the resolution. I have just come in.

Mr. UNDERWOOD. The original resolution read 14, but I asked to change it to 20.

Mr. SISSON. Are all the expenses to be paid out of the contingent fund?

Mr. UNDERWOOD. I think so. I think that is absolutely proper in an instance of this kind. Not that these gentlemen would have any objection to paying their own expenses, but I think it is appropriate that the House should give this recognition.

Mr. FITZGERALD. We have already appropriated $150,000 to pay a part of the cost of the celebration, and I doubt if the expense will be very much, as the fare is not over $7 or $8.

Mr. SISSON. As long as we have paid that much, if the management of the Gettysburg celebration wanted a committee to come there, why could they not pay the expenses out of that $150,000?

Mr. UNDERWOOD. I will say to my friend from Mississippi that the matter strikes me in this way: The expenses will be very small. The fare up there and back is only $6 or $7.

Mr. KIRKPATRICK. Five dollars and five cents.

Mr. UNDERWOOD. I am informed that it will be $5.05. The fare of 20 Members will be about $100, and their hotel expenses will be comparatively small. I think in a matter of this importance to the Nation the committee ought to go not only with the authority of the House, but go with their expenses paid by the House, to show that they fully represent this House in every respect.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

The SPEAKER. The Chair will appoint the committee later.

Subsequently the Speaker appointed the following committee: The SPEAKER, Mr. SHERWOOD, Mr. TALBOTT of Maryland, Mr. GOULDEN, Mr. STEDMAN, Mr. KIRKPATRICK, Mr. TAYLOR of Alabama, Mr. RICHARDSON, Mr. JONES, Mr. ESTOPINAL, Mr. GRAHAM of Illinois, Mr. SHERLEY, Mr. BOOHER, Mr. DIXON, Mr. MANN, Mr. PAYNE, Mr. BURKE of South Dakota, Mr. AUSTIN, Mr. MONDELL, Mr. HULINGS, and Mr. DYER.

COMMITTEE ON LABOR.

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 178.

Resolved, That the Committee on Labor be authorized to have such printing and binding done for the use of the committee as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

THE BUDGET SYSTEM.

The SPEAKER. The gentleman from New York asks unanimous consent that on Tuesday next, after the House has transacted the routine business and such privileged matters as may come before it, he be allowed to address the House for one hour on the subject of appropriations.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this is to be a discussion of the budget?

Mr. FITZGERALD. I want to present some views that I have been working on for some time.

Mr. MURDOCK. The reason I ask is that I am reading in the newspapers every day that there is to be a report from the budget committee that has the subject in charge.

Mr. FITZGERALD. The Democratic caucus has appointed a committee to do certain things imposed upon it, but it is not my purpose to discuss that. I wish to discuss——

Mr. MURDOCK. Appropriations generally?

Mr. FITZGERALD. No; I want to be fair with the gentleman. I want to discuss a proposition that I have had in mind for some time, and discuss the resolution introduced by the gentleman from Kentucky [Mr. SHERLEY] at the last session.

Mr. MURDOCK. On the budget system?

Mr. FITZGERALD. Yes. I made a statement at the time that in the near future I hoped to be able to make some remarks upon it.

Mr. BARTON. Mr. Speaker, reserving the right to object, I can hardly conceive of any discourse that would be more instructive to this body than the question submitted and propounded to the Secretary of the Navy at the last meeting of the House, but as I take the position that this body can not gain too much information on any question, I shall refrain from objecting to this request.

Mr. FITZGERALD. I stated to the gentleman from Nebraska the other day that his matter being highly privileged he could, any time after Monday, move to discharge the committee and discuss it. It was simply in the interest of the orderly conduct of business that the objection was made.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEENERSON, for 30 days, on account of important business.

To Mr. MONTAGUE, indefinitely, on account of illness in his family.

MONOPOLY OF PETROLEUM OIL.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BURKE of South Dakota. Reserving the right to object, will the gentleman state upon what subject?

Mr. SMITH of Minnesota. On the subject of the monopoly of petroleum oil.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

TICKETS FOR HOUSE GALLERIES.

The SPEAKER. Under a special order of the House the gentleman from Kansas [Mr. NEELEY] is to have an hour to address the House. Before he begins the Chair desires to make a statement which interests every Member of the House.

President Wilson is to address both Houses of Congress on Monday next. On the last occasion, without much study of the situation, two tickets were issued to each Member of the House. They were delivered and sent out and could not be returned. After they had been sent out some one, Mr. UNDERWOOD, Mr. MANN, or Mr. FITZGERALD, called my attention to the fact that no provision had been made for the admission of families of Senators to the gallery. It was too late to get the tickets back, and there were not enough seats in the gallery for them. All we could do under the circumstances was to issue to the Senate its proportionate share by issuing additional tickets. The consequence was that we found ourselves in the condition of having two tickets out where there was only one seat. There was a good deal of confusion and some bad temper one way and another.

A few days subsequent Senator OVERMAN, chairman of the Committee on Rules, came to see me and said that there was some dissatisfaction about it, and that on such occasions the Senate set aside a part of the Senate gallery for the House.

The matter slipped my mind until yesterday, when notice was given that the President was coming on Monday to deliver another message. The Chair got the Doorkeeper and called in the leaders of the three parties in the House and tried to figure out some scheme or proposition, and the one we propose to try is this: The corner on the left of the Speaker in the southwest corner of the gallery has 100 seats, and it is proposed to set that aside for the families of the Senate. There are practically 100 seats in that section, and one ticket for each seat will be issued to the Members of the Senate. Then there will be issued one ticket for each Member, the tickets to Senators and Representatives. In addition to that, the President has absolute control of the entrance into the Executive gallery, as has the diplomatic corps into the diplomatic gallery. That will prevent as large a crowd as on the other occasion when the President delivered his message. Everyone who has a ticket will get a seat. The Chair thought it best to make this announcement.

Mr. AUSTIN. Mr. Speaker, may I be permitted to suggest that the officers of this House who have control of the galleries proceed as early as possible to number every seat in the gallery, and when tickets are issued let the numbers upon the tickets correspond to the numbers upon the seats in the galleries. We could thus avoid what has occurred for years when more tickets have been issued than we have seats and when the holders of tickets have been unable to realize upon their tickets.

The SPEAKER. We considered that also.

Mr. LLOYD. Mr. Speaker, the last time there were quite a number of people who got into the galleries who had no tickets. I desire to call this to the attention of every Member of the House. On the last occasion people were able to get in who had no ticket, and I hope that every Member of the House will see to it that every officer of the House attends to his duty and permits no man or woman to enter the galleries who is not entitled to a seat.

Mr. CAMPBELL. Mr. Speaker, I want to say a word in behalf of the doorkeepers. I am sure that if there were any persons who thus entered the galleries it was because Members took their friends without tickets and practically said to the doorkeeper, "Stand aside and let in these friends of mine or the friends of my family." I know of instances in which that was done, in violation of the rules of the House and without tickets. It was not the fault of the officers of the House, but the fault of the Members of the House.

Mr. AUSTIN. Mr. Speaker, I will say to the gentleman that if the coupon system which I suggest is adopted, when a person holding a ticket appears and some one else is occupying the seat for which the ticket calls, that person may be ejected. That is the only way in which this matter can be remedied. I had two tickets on one occasion for members of my family, and they could not obtain seats in the gallery because every seat was taken.

Mr. MONDELL. Mr. Speaker, how many tickets do I understand are issued under the arrangement which has been perfected—that is, how many more tickets than there are seats?

The SPEAKER. There are 440 Members of the House, including Delegates. There are 556 seats in the galleries, but people can sit on the steps. That is the only way in which we can eke out one ticket for each Member and one for each Senator. Of course, the Doorkeeper ought to issue, and will issue, one ticket to each Cabinet officer and to each member of the Supreme Court.

Mr. MONDELL. Then there is no considerable excess of tickets over the number of seats?

The SPEAKER. Practically none.

Mr. MONDELL. In this connection I want to say, in line with what has been said by the gentleman from Tennessee [Mr. AUSTIN], that there has been a good deal of difficulty in the past in the families of Members securing seats in the galleries. I do not know who has been responsible, but we have had a condition of affairs under which unless the families of Members were here immediately upon the opening of doors it was impossible to get in, even when there was no considerable excess of tickets above the number of seats. I trust that with the new arrangement we shall have no more of that difficulty.

The SPEAKER. Heretofore we have always issued two tickets for each Member on any occasion when it was expected

that great curiosity to see the House in session would bring a large number of visitors. There never has been a time when the galleries had two seats in it for each Member. Of course, they sit upon the steps, which is nearly as good a place to sit as in one of those chairs. We have undertaken to work this out so that there would be as little confusion and heartburning as possible. If Members will assist the officers, there will not be any trouble about it.

The gentleman from Kansas [Mr. NEELEY] is recognized for one hour.

MONEY-TRUST INVESTIGATION.

Mr. NEELEY. Mr. Speaker, in order that none may mistake my position, I desire in the very beginning to state as emphatically as I may be able that I favor currency reform at the earliest possible date, not only to meet present-day needs but to be built upon a foundation broad enough to care for the emergencies of the future.

No person conversant with present conditions will dispute the necessity for this action, and I have full confidence that this Democratic Congress, acting in conjunction with the President, will be able to devise a plan free from the control of special and profit-expecting interests ample to meet the demands of the country and conserve the interests of all our people alike. The good faith of the Democratic Party is pledged to do this as soon as we may, even though it be necessary to remain here the entire summer and until the regular session convenes in December to accomplish the task before us.

I also believe the disclosures in the recent Money Trust investigation should be kept constantly in mind and the work immediately pushed to its completion. There is no good reason why this investigation should not be continued either by a subcommittee of the Banking and Currency Committee or perhaps a special House committee; but the country is entitled to know the secrets of stock juggling, of manipulation and financial crookedness, the methods pursued to accomplish the desired ends by these manipulators, and has the right to insist that these public enemies be prosecuted for their crime.

Mr. Speaker, I confess to certain old-fashioned notions of honesty and to the inability to comprehend some of the fine distinctions sometimes drawn.

It has always been my belief that if the man who steals a measly calf is a thief and should be sent to the penitentiary, then the man who takes advantage of his position to rob a bank, plunder an insurance company, or manipulate a stock-juggling scheme, is a much greater criminal, and his punishment should be in proportion to the crime committed. [Applause.]

Not every man who violates the law is a criminal. Some violate the law through ignorance, some because of misfortune beyond their control, some for one reason, and some for another; but the individual who engages in the game of high finance goes into it with his eyes open and with the deliberate intention of fleecing the public, and it is for the purpose of calling the attention of the House in particular and the country in general to some of the disclosures of the recent Money-Trust investigation, and to urge its immediate continuance that I have sought this opportunity to present a short statement of its work.

THE STOCK EXCHANGE.

The present New York Stock Exchange was organized in 1869. Its business has grown from a gross sale of 75,000,000 shares of stock and $413,000,000 of bonds in 1879 to 129,324,169 shares of stock and $664,942,420 of bonds in 1912, with loans frequently aggregating in excess of $50,000,000 in a single day.

When the present exchange was first organized a seat was valued at from thirteen to fifteen thousand dollars, but with the increase of business and the added importance of the exchange, the value of a membership increased until it reached the high-water mark at $95,000, with the membership limited to 1,100 members. The only method of obtaining a seat is by purchasing from a member or acquiring a vacancy, and in addition to this the applicant must be elected to membership by the assent of two-thirds of the members, pay an initiation fee of $2,000, and agree to pay dues of $100 per year.

The rules of the exchange arbitrarily require both the buyer and seller to pay the broker's commission of one-eighth of 1 per cent on each $100 of face value of stock, regardless of the actual value, and gives exchange members preference in the payment of debts in case such broker becomes insolvent.

Let us suppose that John Smith sends $1,000 to his broker in New York to invest in stocks selling at 10 cents on the dollar. The order is executed, and Smith, as well as the seller of the stock, must each pay a broker's commission, not upon the $1,000 invested, but upon the $10,000 face value of the stock. The rule also provides that if the broker for either the seller or purchaser should charge less than this amount of commission, for the first offense he is suspended from his privileges for from one to five years, and for the second offense is completely barred and his seat confiscated, and all this notwithstanding the fact that the rule absolutely prohibits all competition between the members of the exchange.

Suppose, again, that the broker who executes Smith's order receives instructions from his client to place the stock in his vault and hold it until it advances to 25 and then to sell, and suppose in the meantime the broker should have need of ready money, the rules of the exchange permit him to take the stock of his client, Smith, hypothecate it without Smith's knowledge or consent, use the money thus borrowed for any purpose he may desire, and if in the meantime the broker should become a bankrupt the equity in the stock after the payment of the loan, together with the value of the brokers' seat on the exchange, may all be expended and used for the payment of debts due to his fellow brokers before the actual owner of the stock or any other creditor gets a single cent.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. NEELEY. Yes.

Mr. SHERLEY. In the case which the gentleman has cited, is the purchase of the stock an outright purchase or a marginal purchase?

Mr. NEELEY. It is an outright purchase.

Mr. SHERLEY. Does the gentleman understand that in all outright purchases of stock the purchaser has the right to the delivery of the stock from the broker and usually it is delivered?

Mr. NEELEY. Not in the case I have supposed; I have supposed an entirely different situation.

Mr. SHERLEY. Mr. Speaker——

Mr. NEELEY. Mr. Speaker, I decline to yield further.

Mr. SHERLEY. All right.

The SPEAKER. The gentleman declines to yield further.

Mr. BURKE of Pennsylvania. Even though it were a marginal purchase, does not the purchaser have the right to designate the bank to which the securities may be sent, and it is taken out of the control of the broker, and is it not entirely optional with the purchaser of the stock whether or not the broker shall have control over it from that time?

Mr. NEELEY. When a contract is made the parties thereto have the right to designate any kind of terms they care to make, but I am supposing it a case where the stock is left with instructions to sell at a certain price. I decline to yield further.

Mr. HARDY. Will the gentleman yield for just one question?

Mr. NEELEY. I do.

Mr. HARDY. I understand the proposition of the gentleman from Kansas to be a case where the purchaser leaves the stock with the broker voluntarily as a trust——

Mr. NEELEY. That is the proposition, exactly.

Mr. HARDY. The stock directed by the owner to be held until it reaches a certain price and then sold?

Mr. NEELEY. Yes.

Mr. HARDY. Now, notwithstanding the rule of this exchange allowing the broker to hypothecate this stock, would that obviate his actual violation of the statute against embezzlement in the State of New York in case he did do so?

Mr. NEELEY. I did not understand from the statement of one of the witnesses that there was any statute in the State of New York that applied to this particular instance.

Mr. HARDY. In the State of the gentleman and my State and other States it would be a plain case of embezzlement.

Mr. NEELEY. I do not know what the law of the gentleman's State is, but I apprehend what it will be in my State. We have no such exchange in Kansas, and therefore we are free from any such influence.

Mr. HARDY. The gentleman thinks the law in New York would not apply to such a case?

Mr. NEELEY. I think there is a woeful absence of law on this subject; in fact, I know that to be true.

Mr. BURKE of Pennsylvania. I am very glad to hear the gentleman's statement. Does the gentleman make that statement as a fact, that the rehypothecation of such securities or their misuse or embezzlement is not punishable by the statutes of New York?

Mr. NEELEY. I have stated that there is no offense committed. I can not state any supposed case.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. NEELEY. I do.

Mr. TALCOTT of New York. Does the gentleman refer in his remarks to the pages of the testimony taken?

Mr. NEELEY. No; I think the gentleman appreciates the fact that in a speech of this kind it will be practically impossible to include matters of that kind.

No stock may be sold on the exchange until it is passed by the stock-list committee, which committee has, and frequently

uses, arbitrary power in granting or denying listing privileges, and from whose action there is no legal redress, no matter how grievous the wrong. This committee also has the power to direct that any security be immediately stricken from the stock list and further dealings prohibited, and for wrongful action in so doing there is no legal redress. These provisions are frequently used by the owners of the bulk of stock to squeeze out minority stockholders, as instanced in the organization of the Tobacco Trust by the consolidation of the American Tobacco Co. and the Continental Tobacco Co. under the name of the Consolidated Tobacco Co. The Consolidated agreed to pay 25 per cent of the value of the 30,000,000 shares of the two old concerns at 200 and par, respectively, and the exchange of stock proceeded until the trust had acquired all but 11,500 shares of the stock of the old American company, when Thomas F. Ryan demanded that the stock be stricken from the list. His demand was acquiesced in and the value of the entire list practically destroyed. The same thing took place in the organization of the Southern Railway Co. by J. P. Morgan & Co., when certificates representing over 183,000 shares whose holders were unwilling to resign their voting power were summarily removed from the stock list, taken from the market, and practically the entire value destroyed, all without right of review by a court of competent jurisdiction and without any justification except that the reorganization had secured complete control and might, with the acquiescence of the exchange, do as they pleased in the matter.

The New York Exchange also controls the New York Telephone Co., and prohibits any other service to its membership. If any member of the exchange has any communication of any kind by telephone, telegraph, letter, or messenger, or otherwise, with any member of either of the other two exchanges located in New York City, it is presumed they discussed business matters, and for the first offense such member is fined $5,000; for any subsequent offense his seat, valued at $52,000, is confiscated and he is barred from the exchange. No stock listed on either the Consolidated or the Produce Exchange may be sold on the New York Exchange. No member of either of these exchanges may become a member of this exchange, and no member of this exchange may accept a commission or engage in any kind of business with or for the members of either of the other two exchanges.

THE CALIFORNIA PETROLEUM CO.

The methods pursued by the California Petroleum Co. appear to be fairly typical of general stock-exchange manipulations.

Mr. CAMPBELL. Before the gentleman leaves that point, I would like to ask him a question.

The SPEAKER. Does the gentleman from Kansas yield to his colleague?

Mr. NEELEY. I yield.

Mr. CAMPBELL. May or may not a man belong to or hold membership in more than one of the exchanges?

Mr. NEELEY. He may not.

Mr. CAMPBELL. I have an entirely different understanding from that.

Mr. NEELEY. That is a fact, according to the admission of the president of the New York Stock Exchange under oath.

Mr. CAMPBELL. Of the New York Stock Exchange?

Mr. NEELEY. Yes.

Mr. CAMPBELL. I think I had a man on the stand here some time ago, before a committee of the House, a man who was a member both of the New York Exchange and of the stock exchange.

Mr. NEELEY. That may have been true at one time, but it is not true now.

This concern was organized in May, 1912, as a holding and not an operating company, to hold the stocks of the American Petroleum Co. and the American Oil Fields Co., both California corporations, limiting their activities entirely to that State. Neither of these concerns nor its subsidiaries owned or controlled any pipe lines or refineries, or sold or refined oil, and the prospectus and other literature presented to the committee, together with the evidence, clearly indicated that the assets consisted principally of "wildcat" and other undeveloped properties, and that its promotion was purely a speculative venture.

The authorized capital stock of the petroleum company was $35,000,000, of which $17,500,000 was preferred stock and an equal amount common stock. Of this $12,500,000 of the preferred stock and $15,000,000 of the common stock was immediately issued and a campaign planned to place it on the market. On the 21st of September a promoting syndicate was formed, composed of Lewisohn Bros., William Solomon & Co., and Hallgarten & Co., to unload as much of the stock as possible on the New York Exchange, the balance to be disposed of in London and Paris. This syndicate acquired five millions of preferred and two and one-half millions of common stock in their first deal, and succeeded so well that they subsequently acquired five millions of each the preferred and common stock, making a total of seventeen and one-half millions unloaded there.

The stock of this concern was listed on the exchange on the 3d of October, and being an unknown oil proposition had practically no value whatever. It was agreed among the members of the syndicate that all persons connected therewith were to remain undisclosed except Lewisohn Bros., who manipulated the campaign on the exchange.

They immediately secured the services of a number of stock brokers and began a system of bogus sales back and forth to create an appearance of activity and attract the attention of purchasers, having at one time 19 different brokerage firms thus engaged.

When the operations began they listed 105,779 shares of this stock, and so successful were their manipulations that when the campaign closed on the 27th of October, 1912, 362,270 shares of this unknown stock had been traded in during the three weeks of manufactured activity and the entire capital stock of the concern had been bought and sold nearly three and a half times over, thereby permitting the promoters to escape with between seven and eight million dollars of profits.

Our committee found that—

The contention of the New York Stock Exchange that it is not engaged in business and that its sole function is to supply a meeting place where its members may deal with one another under prescribed rules is not borne out by the facts, as hereinbefore stated.

It is the market place of the entire country and of foreign countries for securities and the only public market in the United States where money is loaned and borrowed.

The business transacted by its members comes to them from almost every corner of the civilized world. Its hall mark as to the genuineness of a certificate of interest in a corporation passes current everywhere and is rightly supervised with jealous care and at considerable expense to the corporations concerned.

The committee further found that—

It has appeared that sales of stocks on the New York Stock Exchange average $15,500,000,000 annually.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Kentucky?

Mr. NEELEY. I do.

Mr. SHERLEY. What action, may I ask the gentleman, was taken by the stock exchange touching this petroleum company that the gentleman speaks of? Were those "wash" sales discovered by the exchange, and was any action taken to deny to the stock the privilege of the exchange?

Mr. NEELEY. No; and the stocks are still being dealt in.

Mr. SHERLEY. And the gentleman says there is proof that they were "wash" sales, pure and simple. Was that admitted, or is it a matter of controversy?

Mr. NEELEY. The facts were admitted by Mr. Fred Lewisohn, a member of the firm. He admitted on the stand that, by reason of manipulation, they forced the price from practically nothing to 111½ and made a profit of between seven and eight million dollars.

Mr. SHERLEY. I have no controversy with the gentleman from Kansas, but I am trying to get at the facts that are agreed facts.

Mr. NEELEY. That is what I say.

Mr. SHERLEY. That they were "wash" sales, and that that was the price at which the stock was unloaded on the public?

Mr. NEELEY. Of course, if they had all been "wash" sales, they could not have unloaded it. What I meant to say by "wash" sales was that they gave to the stock the appearance of genuine commercial activity, and were thereby enabled to attract actual purchasers to unload the stock, and that as a result they made somewhere between seven and eight million dollars thereby.

Mr. SHERLEY. The gentleman says they unloaded the stock by creating a fictitious market for it by "wash" sales?

Mr. NEELEY. That is the fact.

Mr. SHERLEY. Were the stock-exchange officials cognizant of this fact?

Mr. NEELEY. I am not certain that there is any evidence of that fact.

Mr. SHERLEY. The reason I am asking the question is that I am trying to see where the fault lay, if there was any fault, and what the remedy is.

Mr. NEELEY. The stock-exchange officials admitted on the stand that they knew there was a very unusual activity in this stock, and from their experience of many years in this kind of business they assumed there was a reason for it.

Mr. SHERLEY. One other question: Is there not a rule of the stock exchange touching "wash" sales, and are not the members prohibited from making such sales, and are not the

parties guilty of making such sales subject to action by the exchange?

Mr. NEELEY. Yes; there is a rule against it; but the investigation disclosed that the violation of the rule has been winked at, and that the rule has not been enforced.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Pennsylvania?

Mr. NEELEY. I do.

Mr. BURKE of Pennsylvania. Do I understand there were practically no actual sales of this stock?

Mr. NEELEY. No. In the beginning, when they were building up a market, practically all the sales were bogus, but later investors were attracted by the unusual activity.

Mr. BURKE of Pennsylvania. Was not the matter of the "wash" sales brought to the attention of the exchange? Or was the evidence not disclosed until it was disclosed for the first time by Mr. Untermyer?

Mr. NEELEY. It was shown that these things were openly and notoriously done, and the stock exchange made no endeavor to prevent it.

Mr. BURKE of Pennsylvania. Then it was a matter of general public knowledge?

Mr. NEELEY. Yes.

Mr. BURKE of Pennsylvania. And in the face of that public knowledge of the facts the public came in and with its eyes open bought that stock and was victimized?

Mr. NEELEY. I say it was well known in the sense that it was well known to the members of the exchange. But the average man who purchases a speculative stock on the exchange may safely be assumed to have little general knowledge of such facts although he possesses the desire to get rich as quick as he can, and that is the reason why they get so many lambs and shear them so clean.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. NEELEY. With pleasure.

Mr. BUCHANAN of Illinois. Is it not a fact that the evidence of the officials of the New York Stock Exchange bears out what the gentleman states there?

Mr. NEELEY. Absolutely. I do not make any statement here relative to this matter that is not borne out by the records and sworn testimony.

Mr. BUCHANAN of Illinois. Therefore it is clear that the officials of the stock exchange knew that these "wash" sales were made, and consequently it was not necessary for anybody to bring it to their attention, because they already knew it was being done?

Mr. NEELEY. Yes.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Wyoming?

Mr. NEELEY. I will yield to the gentleman for a question.

Mr. MONDELL. Did the gentleman from Kansas follow the history of these oil stocks to which he has referred, so that he knows what the final outcome was?

Mr. NEELEY. At this time?

Mr. MONDELL. Yes.

Mr. NEELEY. Not since the investigation closed, except what I have read in the newspapers.

Mr. MONDELL. The query was whether it was developed that there was any real value or any considerable value.

Mr. NEELEY. I understand that the price has been very considerably depressed since this disclosure was made.

Mr. BURKE of Pennsylvania. The gentleman never knew of an oil stock, of a new company especially, that did not have attached to it a speculative value, involving the possibility of very large profits or unusual losses.

Mr. NEELEY. That is exactly my statement; that it was a speculative venture.

Mr. BURKE of Pennsylvania. And the gentlemen who engaged in it undoubtedly knew that fact in dealing with these stocks. Is not that true?

Mr. NEELEY. I decline to yield further, Mr. Speaker.

The committee further found that—

It has appeared that sales of stocks on the New York Stock Exchange average $15,500,000,000 annually; that whilst another part represents wholesome speculation, a far greater part represents speculation indistinguishable in effect from wagering and more hurtful than lotteries or gambling at the race track or the roulette table because practiced on a vastly wider scale and withdrawing from productive industry vastly more capital; that as an adjunct of such speculation quotations of securities are manipulated without regard to real values, and false appearances of demand or supply are created, and this not only without hindrance from but with the approval of the authorities of the exchange, provided only the transactions are not purely fictitious.

In other words, the facilities of the New York Stock Exchange are employed largely for transactions producing moral and economic waste and corruption, and it is fair to assume that in lesser and varying degrees this is true or may come to be true of other institutions throughout the country similarly organized and conducted.

The committee accordingly recommended the enactment of legislation by Congress requiring the incorporation of every stock exchange under the laws of the State or Territory where located under such regulations as would be approved by the Postmaster General; that before any security would be listed, quoted, or dealt in on the exchange the corporation seeking to sell should expose the value of its assets, together with its liabilities, obligations, and net earnings year by year for at least three years next preceding the filing of such statement; should file a copy of every contract and agreement for the disposition of such stocks, together with a statement of the fees, profits, charges, commissions, and so forth, to be paid, and make a detailed statement of the business of such corporation at least once a year both to the secretary of the exchange and the Postmaster General.

It is further recommended that stocks listed, quoted, or dealt in on the exchange should not be stricken from the stock list without notice, and that such actions should be reviewable by a court of competent jurisdiction; that all manipulations of securities and fictitious purchases and sales should be prohibited; that members of the exchange be prohibited from hypothecating the securities of their customers in excess of the amount owed them or from lending securities pledged with them, and that they be required to keep full and accurate books of account of transactions on the exchange, which books should be open to inspection; that no order for the purchase of stock should be executed until 20 per cent of the value thereof be paid in cash; that no security be listed, quoted, or dealt in unless the charter or by-laws of the corporation contain express prohibition against the sale of same by any officer or director of which he is not the owner, and authorizing the Postmaster General to withhold the privileges of the mails from any exchange failing to comply with these provisions.

The committee further recommended that violation of these provisions be punished by fine and imprisonment; that telegraph and telephone companies be made amenable to the law and criminally liable in the same manner; and on the 17th of April I accordingly introduced H. R. 2971, recommended by the committee to correct the abuses. If these recommendations are adopted by Congress, the stock exchange will become a market instead of a shearing pen, and the man who makes a purchase of stock, bonds, or commodities on that market will do so with his eyes open and with a means of obtaining accurate information disclosing the condition of the affairs of the concerns in question, while the man who makes false representations will be prosecuted the same as in any confidence game.

THE CLEARING HOUSE.

The New York Clearing House was organized in 1853, with a total membership of 52, and has therefore been in existence about 60 years. Its average daily clearances have mounted from nineteen million to three hundred and five million, a net increase of over fifteen times the amount of its clearances for the first year.

During the same time the population of New York City has increased from 700,000 to 5,000,000; the assessed valuation of its property has mounted to the stupendous sum of $8,216,600,000; yet, notwithstanding this unparalleled increase of business, population, and wealth, the New York Clearing House Association actually has two less members than it had when it was first organized.

No bank belonging to this association may clear with any bank not a member unless such nonclearing bank consents to all the terms of the contract to which the member bank agrees, including the right of inspection of its assets. No bank may become a member of this association until three-fourths of its membership consents thereto, until its officers agree in writing to abide by all the rules and regulations then in force or that may thereafter be adopted, pay an initiation fee of from $5,000 to $7,500, and agree to pay annual dues amounting to $5,000.

Our committee found that the average daily out-of-town clearances of this association for the year 1899 was approximately $55,000,000, and that of this amount the association had levied a collection charge averaging one-seventh of 1 per cent and producing a daily revenue of $78,500, or a little more than $23,500,000 annually, counting 300 business days as a year, every dollar of which was collected from the commerce of the country, notwithstanding the provisions of the Sherman antitrust law that—

Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal.

An example of clearing-house methods may be found in the case of the Oriental Bank. This bank had a capital of $750,000, was organized in 1853, and was one of the charter members of the clearing-house association. Its president was Richard W. Jones, jr., formerly of the American National Bank, of Kansas City, and who had put all of his western energy and force into the business, with the result that the deposits were increased to ten and a half million dollars; the bank accumulated a cash surplus of $1,200,000, its stock was worth $275 per share, and it was paying its stockholders an annual dividend of 12 per cent.

The Oriental cleared for three nonmember banks—the Brooklyn Bank and the Borough Bank, both of Brooklyn, and the Chelsea Bank, of New York City—and was rapidly forging to the front when the president, Jones, was notified to discontinue clearing for the two Brooklyn banks. He protested that these institutions carried large deposits with his bank, and that to immediately deprive them of clearing privileges would result in the prompt withdrawal of these balances; that since the rules of the association required that his bank guarantee the items passed for clearance a committee be appointed to examine his bank and determine whether or not they were able to comply with the rules of the association. This committee consisted of Mr. Wiggins, vice president of the Chase National Bank; Mr. McGarrah, president of the Mechanics and Metals Bank; and Mr. Porter, president of the Chemical Bank, now a partner in J. P. Morgan & Co. This committee began its work at the close of the day's business, and by 3 o'clock the next morning had finished its task, when they presented a bill of $27,000 for their 12 hours' work, which was promptly paid. They reported that the bank was sound and solvent and in good condition; that it was doing a legitimate business; was being neither used nor abused by anyone, but required that it discontinue its clearing relations with the two Brooklyn banks. The result was that the Brooklyn Bank and the Borough Bank promptly closed their doors.

The story of duplicity in connection with the Oriental Bank is best told by an open letter issued to its depositors and stockholders by the board of directors, in part as follows:

On November 27 last the operations of certain Brooklyn financiers were the subject of investigation by the district attorney of Brooklyn, who requested the attendance of President Jones, of the Oriental Bank, as a witness in the matter. Mr. Jones was ill at his home with pneumonia and could not respond. A story was at once manufactured and spread that he was shamming illness, and this was quickly followed by a rumor that he was in danger of indictment. It has since transpired that he was never in the position of an alleged criminal facing indictment, but that he was simply required as a witness. His testimony was afterwards taken while he was lying upon his bed during his recovery, and nothing has been heard of the matter since.

In the meantime a number of gentlemen of high place in financial affairs had sat in judgment upon him, their fellow member, and concluded their deliberations with the following sentence, viz: That the board of directors of the Oriental Bank must meet at once, accept Mr. Jones's resignation of the presidency, and elect another president in his place.

Thus, in a moment, without excuse other than the statement without foundation in fact, that Mr. Jones was either already indicted or would be indicted that day, was a fair reputation blasted, and the work of a lifetime of energy, application, and honest dealing destroyed. Mr. Jones, in obedience to the demand, resigned, and Mr. Hugh Kelly was elected in his place. Mr. Kelly, who had returned from Europe only two days previously, sought a hearing before the gentlemen who had thus condemned Mr. Jones and with a committee of three directors of the Oriental Bank protested with energy against the summary treatment which it was proposed to measure out to their colleague while he was ill and unable to defend himself. This protest being of no avail, Mr. Kelly demanded to know how far he could rely upon the protection and aid of the clearing house if he accepted the presidency, and was told in unqualified terms that he and the bank would be protected to the end of the trouble. Under no other circumstances would he have accepted the office, which he did without salary and with no hope of reward other than the satisfaction to himself and his fellow directors of safeguarding the depositors of the bank. How the pledge given at that time has been carried out is easily told by the bank's suspension two months later, on January 31, while in a condition of absolute solvency. Its assets had been minutely examined on December 31 and were marked down in a manner probably unparalleled in banking history in New York. The book value of its stock was voluntarily marked off from 270 per cent to 207 per cent, in the effort to make it superlatively clean. If the banking department of the State of New York were permitted to speak publicly on matters of this kind it could tell you how courageously and how honestly this process was carried out. From November 27 onward its business was conducted conservatively, and more or less under the advice of influential members of the clearing house, who actually pronounced the "Oriental now as safe as the Chemical."

Then, without previous warning or discussion of the subject with the officers of the Oriental, came the demand, publicly announced, for the retirement of the outstanding clearing-house certificates before February 6. In previous periods of financial uneasiness certificates had been permitted to run for six months or more. In this instance the larger institutions had recovered their deposits and their equilibrium in a shorter term, and then the situation resolved itself into a case of "the divil take the hindermost." The fatal blow had been struck at the Oriental, and the run, both over the counter and through the exchanges, which followed compelled the closing of its doors. Subsequent events prove the monstrous injustice that was done to it and to its president personally. The latter was made use of to satisfy a condition that threatened not merely the Oriental, but every clearing-house bank in New York at the time. When that condition was past the engagements made with him were forgotten.

Within 10 days of the closing of the bank the depositors have been provided for and paid and its clearing-house loan certificates retired, all by its own resources. Thus is its solvency proven. The only ones now concerned with its affairs are its stockholders, and they alone suffer the consequences of its treatment at the hands of those whose care it should have been to protect it for their own sakes. From this time forward it is only a memory among New York banks, but its honorable record of 55 years entitled it to this eulogy.

Mr. MURDOCK. Will the gentleman yield for a question?

Mr. NEELEY. I yield to my colleague.

Mr. MURDOCK. The gentleman has made the rather astonishing statement—astonishing to me, at least—that three men examined the bank between the hours of 3 in the afternoon and 3 in the morning, and that they made a charge of $27,000, or $9,000 apiece. Did I understand him correctly?

Mr. NEELEY. That is the amount, but not the division. My recollection is that the chairman of that committee got $12,000, and the other two gentlemen divided the balance.

Mr. MURDOCK. Did anything come out in the testimony which would offer anything to satisfy your mind as to the warrant they had for making that sort of a charge?

Mr. NEELEY. Nothing, except that they presented a bill for their services, representing the association, and got the money.

Mr. MURDOCK. You said it was promptly paid.

Mr. NEELEY. Yes.

Mr. MURDOCK. Paid by whom?

Mr. NEELEY. By the bank.

Mr. MURDOCK. Out of the funds of the bank?

Mr. NEELEY. Out of the funds of the bank.

Mr. MURDOCK. Was it paid to these men as individuals or as representatives of the association?

Mr. NEELEY. I do not know. It was paid to them for their services.

Mr. MURDOCK. Does the gentleman know who got that exorbitant sum?

Mr. NEELEY. The testimony was that the three gentlemen got it.

Mr. MURDOCK. Personally?

Mr. NEELEY. They got it. You can call it personally, or anything else.

Mr. MURDOCK. Did they get it in such a manner that they could deposit it to their own personal credit?

Mr. NEELEY. I am not advised on that, but certainly assume as much.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. NEELEY. On condition that I get more time. A considerable part of my time has been occupied in answering questions.

Mr. BURKE of Pennsylvania. I am very much interested in the discussion. I wish to ask the gentleman if the clearing-house certificates to which the gentleman refers had not all been gathered in except those issued through the Oriental Bank?

Mr. NEELEY. I do not know that I understand exactly what the gentleman means.

Mr. BURKE of Pennsylvania. As I understand, one of the reasons why the Oriental Bank failed was that it was called upon peremptorily to redeem these clearing-house certificates, which ordinarily run for the period of six months, and that by reason of this peremptory order the bank really was compelled to close its doors.

Mr. NEELEY. That is a part of the reason. They were singled out, and the demand was made against them while the market was in such a condition that no bank could liquidate at that time. The officers of the Oriental Bank took the position that they were used as a scapegoat to save other banking institutions; that somebody had to pay the penalty of bankruptcy and they were selected as the ones to be put out of business.

Mr. BURKE of Pennsylvania. That is what I want to get at. Now, had not the clearing-house certificates issued to other banks all been retired except in this case?

Mr. NEELEY. Not by any means. The City National Bank and other banks had large sums of these certificates, large amounts of which were still outstanding.

In liquidating the affairs of the Oriental it became necessary to make a contract with the Metropolitan Trust Co. to take over the assets of this concern and pay the depositors in cash, without waiting to wind up the receivership. For this service they paid the Metropolitan Trust Co. $200,000 in cash. They paid all of the expenses of the receivership, amounting to $245,000 more—a total of $445,000. They have since paid stockholders dividends amounting to 37½ per cent, and had on hand at the time the investigation was conducted over $1,500,000 of assets left untouched, showing that at the time the bank was forced out of business by the gang of Shylocks who wrecked it that it actually had in its hands assets that have since paid more than 200 per cent at forced sale.

But this was not the tragic part of the story. Not only did they wreck the Brooklyn Bank and the Borough Bank, bankrupt Jones, and plunder the Oriental, but they blasted the reputation of Kelley, chairman of the board of directors, broke his heart, and he died in less than a year.

Mr. Speaker, this is only one of the many instances that could be given. One hundred and ten banks and trust companies have been bought out, consolidated, or forced to the wall in New York City in the last 10 years by this gang of financial pirates, who have sought the complete domination of the commercial interests of this country for their own aggrandizement.

So well have they succeeded that to-day 180 men hold 385 directorships in 41 banks and trust companies having total resources of $3,832,000,000 and total deposits of $2,834,000,000; 50 directorships in 11 insurance companies have total assets of $2,646,000,000; 155 directorships in 31 railroad systems have a total capitalization of $12,193,000,000 and a total mileage of 163,200; 6 directorships in 2 express companies and 4 directorships in 1 steamship company have a combined capitalization of $245,000,000 and a gross annual income of $97,000,000.

These same men hold 98 directorships in 28 producing and trading corporations having a total capitalization of $3,583,000,000 and total gross annual earnings in excess of $1,145,000,000; 48 directorships in 19 public utilities corporations have a total capitalization of $2,826,000,000 and total gross annual earnings of excess of $470,000,000. In all, these 180 men hold 746 directorships in 134 corporations, having total resources or capitalization of $25,325,000,000, and at the top of this financial heap were three supreme overshadowing and directing forces in control of the financial policy of the United States, J. P. Morgan, George F. Baker, and James Stillman, having under their immediate and actual control more than nine times all the wealth located within the boundaries of the great State of Kansas, and constituting one-fifth the total wealth in the Federal Union.

Since the filing of this report Mr. Morgan has died, but under the system he so ably built and developed, his successor had long since been named and the work of accumulation and concentration goes merrily on.

THE COMMITTEE'S PROPOSAL.

The committee believe that no national bank should become a member of any clearing-house association until such association becomes a body corporate; that membership in such association be limited to incorporated banks and trust companies; and that any solvent bank or trust company doing business within the prescribed boundaries of the association and having a capital stock not less than that of a national bank in the same locality, should become a member thereof upon payment of reasonable fees and compliance with reasonable regulations; that no member be suspended or expelled without the approval in writing of the superintendent of banks or other like official in the State where the association is organized, or of the Comptroller of the Currency if the member be a national bank; and that the courts have the right of review for unjust or arbitrary action by such association.

It recommended that clearing-house associations be authorized to issue emergency currency for use among its members only, in the payment of debit and credit balances only, on condition that it be the joint and several obligation of the association and redeemable on due notice and approval of the Comptroller of the Currency or the superintendent of banks, as the case may be, and that the charter or articles of corporation or law under which the clearing house is organized provide for the voluntary resignation or withdrawal of such member, subject also to judicial review; and that the association be prohibited from dictating to member banks the manner in which the business of such banks should be conducted, together with the charge or collection fee, commission, or other compensation for the collection of drafts, checks, notes, and so forth, as well as the regulation of interest, discounts, or rates of exchange, and that examination of books of account of any member of such association be made by the Comptroller of the Currency or the State banking department.

The committee also recommended that banks be prohibited from lending money or credit to or for persons or corporations for use in connection with or aid in participating in any combination, conspiracy, trust, agreement, contract, or understanding to affect the price or supply of any commodity or article of commerce, and that they be prohibited from lending money on securities issued in pursuance thereof. It recommended that minority stockholders be represented on boards of directors, three-fourths of whom must have resided in the State for at least one year preceding their election and must own the stock in their own names and right; that loans on the signature or indorsement of bank officers or of any partnership or corporation of which such officer is a member be limited to 10 per cent of the capital stock; and that officers and directors of banks be precluded from guaranteeing or underwriting securities and prohibited from engaging in promotion schemes. In accordance with these recommendations, on the 21st of last April I introduced H. R. 3397, designed to correct these evils.

In many respects the stock exchange and clearing house are similar. They are both unincorporated, are controlled by the same men, prohibit competition among their members and foster concentration in every possible manner, deny that the Legislature of the State of New York and the Congress of the United States have any right to either regulate or control them, and deny that any court in the land, State or Federal, has the power to either restrain or punish them for any of their acts, no matter how arbitrary or wrongful they may be.

On the 10th instant the gentleman from Illinois [Mr. HINEBAUGH] introduced a resolution providing for an investigation of the recent Frisco receivership. This resolution requested the appointment of a committee to conduct such investigation and report the facts and their conclusions to the House, all of which is entirely unnecessary.

Beginning on page 148 of the Money Trust report is a discussion of the plan pursued in such cases in the following language:

SECTION 11. RAILWAY REORGANIZATIONS AS AN INSTRUMENT OF CONCENTRATION.

Our archaic, extravagant, and utterly indefensible procedure for the reorganization of insolvent railroads has furnished these banking groups the opportunities, of which they have not been slow to avail themselves, of securing the dominating relation that they now hold to many of our leading railroad systems. At one time or another within the past 30 years the bulk of our railways have gone through insolvency and receivership. The proceedings are sometimes instigated by the management through a friendly creditor—and are then generally collusive in their inception—or through the trustee for bondholders with the cooperation of the company. The railway company admits its insolvency, consents to the receivership, and one or more of the officers under whose administration insolvency was brought about, or their nominees, is made a receiver, and sometimes the sole receiver. Neither creditors nor stockholders, who are the parties really interested, are notified or have an opportunity to be heard either on the question of insolvency or of the personnel of the receivers. The stage has been set in advance, and so we find that simultaneously with the appointment of the receivers, or perhaps before, a self-constituted committee is announced, frequently consisting of men well known in the financial world, most of whom have no interest in the property, selected by a leading banking house. They invite the deposit of securities for mutual protection.

This committee in due course presents a plan for the reorganization of the property. If the security holders do not like it, their only alternative is to form another committee, if they can arrange to combine their scattered forces and find influential men who have the courage to oppose the banking house and who can finance the cash requirements of these colossal transactions in hostility to the banking house that was first in the field. It is not easy to find such men. It is becoming daily more difficult, and it is well-nigh impossible to find rival banking houses to lead the opposition.

The usual outcome has been that the defenseless security holders take whatever plan is offered, however unjust, as against the alternative of being entirely wiped out through the sale of the property under foreclosure. There have been rare exceptions before the power of these banking houses became irresistible, when the security holders have wrung concessions through revolt.

* * * * * * *

During all this time the property is in the possession of the court through the receivers. The reorganization proceedings are purely extrajudicial. The court has nothing to do with them. Meantime the court authorizes the receivers to borrow money for all sorts of purposes and to issue receivers' certificates, which are usually negotiated through the committee or its bankers, who have in the interim gathered in the bonds and stock of the security holders, who have nowhere else to go.

Generally, after years of delay, the property is put through the form of a sale, but there is no bid except that of the committee, which pays by surrendering deposited securities. If a security holder has failed to deposit with the committee, he gets nothing or whatever pittance may represent his infinitesimal share of the upset or minimum price fixed by the court. The cost to the security holders of the proceeding in any of the cases named is estimated to be anywhere between $500,000 and $1,000,000 for receivers, bankers, committee fees, lawyers, etc.

Nowhere is any protection offered to the security holder against oppression or injustice in the plan or its execution or otherwise. No constituted authority supervises the vast expenses he is required to pay. The bankers and the committee are made the sole judges on that and on every other conceivable question, including their own commissions and charges and those of the committee. The court has nothing to do with the arrangement and is powerless to control it.

Our committee recommended a plan to forever put an end to such transactions in the following language:

Enact the procedure provided under the "Companies Acts of Great Britain," whereby the plan on reorganization is placed under the direction and control of the courts. If the plan is just and receives the consent of three-fourths of each class of security holders, it becomes binding on the others. If it is unjust, a single share can defeat it. No foreclosure or pretended sale is necessary. The years of delay that disgrace our administration of these properties by the courts is unknown. The receivers instead of being selected, as is usually the case with us, by a combination of the choice of the discredited management and nominee of the court, in which real owners of the property have no voice, is selected under the English law by the votes of those interested in the property. If they fail to agree, the official receiver acts at a comparatively nominal cost. No sale of the property is involved. The reorganization is accomplished without it. Six months is the average

duration of such a proceeding in England, and the cost is well below 10 per cent of what it is with us. The owners of the property get back their property, and with it their right to control it, and no voting trusts are found necessary.

The SPEAKER pro tempore (Mr. CULLOP). The time of the gentleman from Kansas has expired.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the gentleman may be allowed to conclude his speech.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the gentleman from Kansas may conclude his speech. Is there objection?

There was no objection.

THE BANKS OBJECT.

Mr. NEELEY. Our committee had hardly begun its work when it was confronted with a woeful lack of power. We found that stock-juggling operations were invariably conducted through some private, State, or National bank or trust company. The Morgan bank was a private concern, and therefore not subject to either State or National examination. The Comptroller of the Currency hesitated when requested to disclose information of monumental stock-jobbing operations conducted through national banks, and referred the matter to President Taft. President Taft directed the Attorney General to prepare an opinion on the question of whether or not the Comptroller of the Currency could grant the committee the privileges desired. After repeated endeavors to secure an opinion from the Attorney General, Mr. Wickersham finally decided against us and our request was denied.

The committee thereupon reported H. R. 24153, designed to amend the law so as to confer authority upon a committee of either House of Congress to exercise visitorial powers with regard to national banks. This bill was reported for passage on the 17th of May, 1912, under a special rule giving it precedence over other legislation.

It was forthwith taken up, unanimously passed by the House, and sent to the Senate, where it was referred to the Finance Committee, whose chairman was Senator PENROSE, of Pennsylvania. PENROSE was away from Washington campaigning in behalf of President Taft, and Senator Bailey, of Texas, smeared with the smell of Standard Oil from his head to his heels, was the ranking Democratic member. Bailey was opposed to the bill and did everything in his power to defeat it, with the result that we were unable to get it favorably reported by the committee, although finally an adverse report was made, which gave Senator HOKE SMITH, of Georgia, an opportunity to file a minority report, thus getting the bill on the Senate calendar.

Congress remained in session until the 24th of August and adjourned. It reconvened December 2 and remained in session until it expired by operation of law on the 4th of last March, having been in session for more than six months after this bill amending the law so as to give the Money Trust committee its earnestly desired and much-needed power was unanimously passed by the House and sent to the Senate, and during all of this time the two Republican United States Senators from Kansas, representing the most enlightened and progressive constituency in the Union, sat silent in their seats and neither raised their hands nor lifted their voices in behalf of this bill, designed to authorize the exposure of the stock-jobbing crookedness of Wall Street and put the gamblers on the rack. [Applause.]

The gentleman from Texas [Mr. HENRY] recently reintroduced this bill, which was referred to the Committee on Banking and Currency. It is highly important that it be immediately reported for passage and pass this House. A Democratic Senate sits at the other end of the Capitol now, and a Democratic President guides the political destiny of the Nation. If reported for passage, it will be promptly passed here, be sent to the Senate and as promptly passed there, be signed by the President, and become a part of the law. Its terms are ample to authorize the most searching inquiry by a committee of either House of Congress, and with the prompt appointment of a new committee determined to expose the crookedness of bank partnerships in stock-jobbing operations an era of individual responsibility will come into existence in this country and the halcyon days of the plunderbund be at an end. [Applause.]

PRINTING THE REPORT.

A resolution was recently offered in this House to print 100,000 copies of the Money Trust report. This was done in response to a demand by the country to know the facts on the people's side of the case. Both J. P. Morgan & Co. and Standard Oil Co. have for years maintained a thoroughly equipped and highly specialized publicity bureau in their New York offices. Manager Kellogg, of the Morgan office, is reputed to receive a salary of $25,000 per year for his services; Manager Clark, of the Standard Oil bureau, is reputed to receive an annual salary of $20,000 for his services; and these two publicity departments have bent every energy to discredit and bring this investigation into disrepute. On the Morgan staff is an attorney of wide and varied experience, whose duty it is to examine articles subsequently distributed for publication in order that this bureau may not subject itself to the liability of prosecution for criminal libel. Articles tending to mold public opinion favorable to the ends of these two great corporations are supplied to newspapers and magazines in various parts of the country, and, in addition thereto, thousands of personal letters are sent out weekly to prominent business and professional men of the country, including Members of this House.

This same organization has printed and sent broadcast to newspapers, magazines, banks, business and professional men throughout the entire United States copies of a letter from Messrs. Morgan & Co. to the money-trust committee, purporting to have been submitted in response to the committee's invitation to present such facts and arguments as they thought germane to the subject matter, but which were not distributed until after the Morgan bureau knew the committee report was printed and it was therefore impossible for the committee to answer their fallacious arguments. This letter contained many statements substantiated by no witness who appeared before the committee, yet 477,000 copies of it were sent broadcast throughout the United States to poison the business public against the honesty and good intentions of this committee in an attempt to bolster up a system that is indefensible. In contrast to this distribution of the Morgan letter we have the fact that Congress has been so parsimonious that it has provided for the printing and distribution of but 10,500 copies of this report, a report that discloses a condition without parallel in the history of the United States.

COST AND BENEFITS.

The objection is frequently made that the investigation cost $57,000 without any appreciable beneficial financial results. The individual who makes that statement certainly does so without an understanding of the facts.

On the 16th of last May the committee began its investigation of the Coffee Trust. It found that in the Province of Sao Paulo, in the Republic of Brazil, was located the coffee production center of the world, producing during the crop season of 1906–7 approximately 14,000,000 bags of coffee; that in 1899 the world's visible supply of coffee was 6,000,000 bags, which gradually increased to 7,000,000 bags in 1900, and by the 1st of January, 1912, amounted to between 13,000,000 and 14,000,000 bags. We found that notwithstanding this constantly increasing supply, the price had steadily advanced from 6½ cents per pound in 1900 to 15½ cents per pound at the time of the hearing, and that on the 3d of October, 1905, a law was enacted by the Province of Sao Paulo authorizing it to enter into an agreement with the Brazilian Government, and other Governments of coffee-producing provinces, for the adoption of measures to assure the valorization of coffee, and that as a result of the enactment of this law in December, 1906, a loan of $5,000,000 was negotiated, due in one year. When this loan became due it was taken up by another loan of $15,000,000, negotiated by Mr. Herman Sielcken, of New York, for J. Henry Schroeder & Co., of London, and the National City Bank, of New York City. Of this amount the London firm advanced $10,000,000 and the New York firm $5,000,000. It was agreed that to enable the parties in interest to manipulate the production and price of coffee that the Province of Sao Paulo should contract with the coffee merchants for not to exceed 500,000 bags of coffee each year, which coffee was stored and manipulated in such way as to produce the desired result.

When the $15,000,000 loan became due the valorization scheme had not yet been consummated, so that the second loan was taken up by another loan of $75,000,000, of which amount the National City Bank, J. P. Morgan & Co., and the First National Bank of New York took $10,000,000, while certain bankers in London and Paris took the balance of the loan. The security for this loan was threefold: First, about 7,000,000 bags of coffee; second, the guaranty of the Government of Sao Paulo; and, third, the guaranty of the Federal Government of Brazil. It was also agreed that the exportation of coffee should not exceed 9,000,000 bags the first year, 9,500,000 bags the second year, and 10,000,000 bags the third year; that the old law providing for the purchase and storage or destruction of the 500,000 bags of coffee per year should remain in full force and effect, and that a law should be passed prohibiting the planting of any more coffee orchards, although they might replace dead coffee trees in orchards already growing.

The 7,000,000 bags of coffee was delivered to a valorization committee consisting of seven members, who were to have the exclusive control of it under the provisions of the contract. The

contract provided that the coffee should be taken to New York, London, and Paris and stored in warehouses there, and that the sale should not exceed 500,000 bags the first year, 600,000 the second year, and so on until the entire amount had been disposed of, giving the committee authority, however, to prohibit sales altogether if such course was necessary to accomplish their purpose.

This information was obtained on Thursday, May 16, and on Saturday of the same week the Attorney General of the United States brought a suit in the United States district court in New York City asking for an injunction to restrain the consummation of the valorization scheme, for the reason that it constituted a monopoly in restraint of trade, was in violation of law and in derogation of the rights of the people of the United States. He requested the appointment of a receiver to take charge of the coffee still stored in this country, amounting to some 920,000 bags. A preliminary hearing was had on this application, and, finally, as the result of the information gained in this investigation, the 920,000 bags of coffee have been forced on the market, resulting in a market decline in the price of coffee of 2¾ cents per pound.

Mr. AUSTIN. May I ask the gentleman a question right there?

Mr. NEELEY. I will yield to the gentleman.

Mr. AUSTIN. Is it not a fact that the whole matter was disclosed in this House by the gentleman from Nebraska, Mr. NORRIS, now a Senator, many, many months before the appointment of the Pujo committee?

Mr. NEELEY. That is true as to a part of the facts, but the crux of the whole thing lay in the fact that the illegal contract was made with representatives of a foreign government, the Republic of Brazil, and the Department of Justice was unable to do anything, for the reason that it had nobody upon whom it could operate until we were successful in procuring the attendance of Mr. Sielcken before the committee and from him wrung the admission that he was a participant in this deal, on his own responsibility, and had made a profit as a participant, which was such an admission of guilt as to cause steps looking to his prosecution to be taken by the Department of Justice, resulting in an adjustment with the Brazilian Government and the consequent decline in the price of coffee.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. NEELEY. Certainly.

Mr. BURKE of Pennsylvania. Do I understand that the Federal Government had jurisdiction after this investigation was made?

Mr. NEELEY. They had jurisdiction of the person, but very little, if any, proof until our counsel wormed it out of him.

Mr. BURKE of Pennsylvania. When they secured the admission and had absolute proof of his guilt they discontinued the prosecution and did not proceed further.

Mr. NEELEY. I do not say that; I say when we secured the facts a settlement was made.

Mr. BURKE of Pennsylvania. With the consent of the Department of Justice? This is a very interesting chapter.

Mr. NEELEY. I do not know the how, but I know it was made.

Mr. BURKE of Pennsylvania. It was made evidently without the objection of the Attorney General?

Mr. NEELEY. I can not say; I was not in the confidence of the Attorney General of the last administration.

Mr. BURKE of Pennsylvania. The present Attorney General—this was in May—was it not?

Mr. NEELEY. Mr. Speaker, I decline to yield further on the proposition. I have made the statement of facts as they are.

Mr. BURKE of Pennsylvania. Does the gentleman mean to say that this proceeding was discontinued under the last Attorney General? Was it not during the incumbency of the present officer? I have no controversy with the gentleman.

Mr. NEELEY. My understanding is that the proposition was made by the representatives of Mr. Wickersham, and an arrangement agreed to—whether with his knowledge or consent or assent I do not know, but by his representatives from the Department of Justice—resulting in the dismissal of the suit in New York upon condition that the coffee be immediately placed on the market; and with that understanding the contemplated prosecution was withdrawn and the entire matter closed, resulting in the decline in the price of coffee, as I have stated, of 2¾ cents a pound.

Mr. SIMS. Will the gentleman yield?

Mr. NEELEY. Certainly.

Mr. SIMS. So that the people, in lowering the price of coffee alone, had a benefit far in excess of this investigation?

Mr. NEELEY. I think so; but I will discuss that in a moment.

The consumption of coffee in the United States approximates 6,500,000 bags annually, so that the Money Trust investigation into this valorization scheme disclosed facts resultant in the saving of over $20,000,000 annually to the consumers of coffee in the United States, all at a total expense of about $57,000.

If gentlemen insist on actual cash returns for the outlay made, they certainly have it in this instance, and should be willing for the printing and distribution of such a number of these reports as will fully inform inquiring minds as to the actual facts and conditions developed.

PUSH THE INVESTIGATION.

An argument sometimes made against continuing the investigation is that there is not sufficient time, and Members of the House are so busy with their other duties that it is impossible to add this burden. Let us see what are the facts: Over 200 Members of this House are now absent from their post of duty either caring for their own private business or on vacation, and the greater part of the balance of the membership is performing only the routine duties of their office. Few of the House committees have been organized since this session began. Some of them have held no meetings at all, and even the much-discussed Banking and Currency Committee has held but one session since this Congress began, and that meeting was for the sole and only purpose of organizing the committee, and no other business was transacted thereat. Not a particle of business has been transacted by this committee as a committee since this Congress began, and should it be necessary for it to spend weeks in conducting hearings and investigations into the merits and demerits of any bill that may be presented, there are still over 350 Members of this House marking time, with nothing to do but the performance of the ordinary routine business of their office. There is neither justification nor excuse for this condition, especially in view of the willingness of the membership of this House to perform every duty incident to the full discharge of their legislative obligations.

We should reform the currency system to meet the modern demands of the country, but while we are doing this should remember that these two mighty institutions, the clearing house and the stock exchange, have no direct law to govern them or regulate their transactions, but that the business of the country must trust entirely to the honesty and fairness of men whom experience has shown in many instances have humanly taken advantage of their opportunities. There is no more reason why the arrogance of the system should be permitted to exercise unbridled license in the management of the stock exchange and the clearing house than that the present financial system should be continued with all its faults.

Let us amend the law by taking away the present temptation for unjust clearing-house regulations and dishonest exploitation by placing a premium on legitimate and honorable action; let us continue the investigation to its legitimate end; let us turn the light of publicity into the places of dishonest and unfair banking methods. The people have a right to know the whole truth relative to the control of the finances of this country, and the Congress should demand it, that they may intelligently legislate for the protection of the heritage of ourselves and our posterity. [Lour applause.]

Mr. BURKE of Pennsylvania. Right there, Mr. Speaker, will the gentleman answer this question: Does he believe that the Banking and Currency Committee should, as a matter of wisdom, proceed further with a Money Trust investigation, so called, prior to the enactment of the proposed currency bill? I would like to have his views about that.

Mr. NEELEY. I believe that it should proceed at once.

Mr. BURKE of Pennsylvania. To which?

Mr. NEELEY. To the further investigation along the lines of the recommendations made by the committee.

Mr. BURKE of Pennsylvania. With reference to a further investigation at the expense of the enactment of a currency bill?

Mr. NEELEY. At no expense to anything or anybody—that the investigation should be immediately begun and pursued to its legitimate end.

Mr. BURKE of Pennsylvania. I understand it now. This committee must do one of two things. It must either proceed with this investigation at the expense of the consideration at this time of the currency bill or it must proceed with the consideration of the currency bill and postpone the so-called investigation. Which does the gentleman prefer? I have not expressed any preference. I am seeking wisdom.

Mr. NEELEY. I do not say that it is necessary to do either one of them. I say, as already indicated in my speech, that if the Banking and Currency Committee is so engrossed with its duties in the consideration of the currency measure that it is impossible for it to select a subcommittee from that committee

to pursue this investigation that there are 350 other Members of this House who are thoroughly competent, eminently able, many of them entirely willing to conduct this investigation, and that it should be conducted immediately.

Mr. BURKE of Pennsylvania. By a committee outside of and apart from the Committee on Banking and Currency?

Mr. NEELEY. If the Banking and Currency Committee finds it can not consider the currency bill at the same time the Money Trust hearings are held, then I would say that we should have a special committee at once. That is a matter about which I think they should be consulted.

Mr. BURKE of Pennsylvania. The gentleman went all through that.

Mr. NEELEY. Yes, sir; that is my position, and I think fully answers your question.

Mr. BURKE of Pennsylvania. This is an important matter, and I would like to have some light upon it.

Mr. NEELEY. Well, the gentleman has it, so far as my position is concerned.

Mr. BURKE of Pennsylvania. The gentleman is experienced in this matter. Does he believe that the Banking and Currency Committee can not consistently and with wisdom proceed with the so-called investigation of the Money Trust cotemporaneously with the consideration of a financial measure?

Mr. NEELEY. I do not know that I am called upon to answer a question of that kind.

Mr. BURKE of Pennsylvania. The gentleman is one of those designated for that service.

Mr. NEELEY. I was not aware of that, but careful consideration should be given the two plans, and then select whichever is proper.

Mr. WINGO. Mr. Speaker, a few moments ago the gentleman called attention to the fact that many of the Members were at home attending to private business or else on vacation, and he further called attention to the fact that the Committee on Banking and Currency had had but one meeting. I hope the gentleman does not mean to leave the impression in the RECORD that any members of that committee are away from the city neglecting their duties.

Mr. NEELEY. I mean to leave the impression just as I stated it. I have only stated the facts.

Mr. WINGO. Is it not true—I know it is of myself, as one member of that committee—that many members of the committee have kept themselves at all times here ready at the call of the administration. I know that I have. I have not yet seen any administration bill, and I am ready for it, and I am willing to work all the summer on any legislation the President deems necessary. I do not think the gentleman ought to put us in the attitude of being neglectful.

Mr. NEELEY. I have no intention or desire to do that. I think the common understanding is that committee meetings are usually called by the chairman, and so far as I know there has never been but one call for a meeting of this committee.

Mr. WINGO. The gentleman does not wish to leave the impression that the rank and file of the committee are not ready to begin work?

Mr. NEELEY. I think they are entirely willing, so far as I have any knowledge of the matter.

Mr. WINGO. Personally, I am ready to go to work and have been keeping myself here in readiness all of the time, and have abandoned my law practice to the end that I can be in attendance to consider the proposed administration bill. If necessary, I am willing to stay here all summer and even until hog killing time to pass needed legislation.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 2441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

EXTENSION OF REMARKS.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the subject of the Indian appropriation bill going to conference.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until Monday, June 23, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the purchase and operation of a motor boat to be used in the enforcement of the laws relating to the navigation and inspection of vessels (H. Doc. No. 95); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the Bureau of Fisheries of that department for the fiscal year 1914 (H. Doc. No. 96); to the Committee on Appropriations and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact and conclusion filed by the court in the case of Thomas Sexton *v.* The United States (H. Doc. No. 97); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact and conclusion filed by the court in the case of Alfred Wilson *v.* The United States (H. Doc. No. 98); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GARRETT of Tennessee: A bill (H. R. 6199) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

Also, a bill (H. R. 6200) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. WHITACRE: A bill (H. R. 6201) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ADAMSON: A bill (H. R. 6202) providing for the disposition of effects of deceased patients of the Public Health Service and of certain deceased officers and men connected with the Army; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 6203) providing for the agricultural entry of oil, gas, and phosphate lands; to the Committee on the Public Lands.

By Mr. ADAMSON: A bill (H. R. 6204) to promote the efficiency of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 6205) providing for supplemental patents without limitation; to the Committee on the Public Lands.

Also, a bill (H. R. 6206) for the relief of entrymen under the enlarged homestead law and defining the meaning of the term "qualified entryman" as used in the said act; to the Committee on the Public Lands.

Also, a bill (H. R. 6207) providing for second homestead entries; to the Committee on the Public Lands.

Also, a bill (H. R. 6208) providing for second homestead and desert entries; to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 6209) to authorize the entry of lands chiefly valuable for sand, gravel, or clay under the placer-mining laws; to the Committee on the Public Lands.

By Mr. J. I. NOLAN: A bill (H. R. 6210) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOULDEN: A bill (H. R. 6211) providing for the establishment of the United States National Bank of America in the city of Washington, D. C.; to the Committee on Banking and Currency.

By Mr. CANDLER of Mississippi: A bill (H. R. 6212) to refund to lawful claimants the cotton tax collected for the years 1863, 1864, 1865, 1866, 1867, and 1868; to the Committee on War Claims.

Also, a bill (H. R. 6213) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907, and to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending

June 30, 1907," approved June 30, 1906; to the Committee on Agriculture.

Also, a bill (H. R. 6214) in aid of the common schools in Mississippi; to the Committee on the Public Lands.

Also, a bill (H. R. 6215) to extend the limits of Shiloh National Military Park; to the Committee on Military Affairs.

Also, a bill (H. R. 6216) to prevent the sale of intoxicating liquors in any ship, naval station, or building used, controlled, or owned by the United States Government; to the Committee on Alcoholic Liquor Traffic.

Also, a bill (H. R. 6217) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

Also, a bill (H. R. 6218) to prohibit the receipt, delivery, or transmission of interstate or foreign messages or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in any wise depend upon, margins as a part thereof, and for other purposes; to the Committee on Agriculture.

By Mr. BORLAND: A bill (H. R. 6219) to amend section 1608 of the act of Congress entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the act of Congress approved February 23, 1905; to the Committee on the District of Columbia.

By Mr. YOUNG of North Dakota: Memorial of the Legislature of North Dakota, urging Congress to support any measure for the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 6220) for the relief of Hosea Stone; to the Committee on Military Affairs.

Also, a bill (H. R. 6221) granting a pension to Sarah C. Wilson; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 6222) for the relief of Francis L. Flanders; to the Committee on Claims.

Also, a bill (H. R. 6223) granting an increase of pension to Annie L. Stimson; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 6224) for the relief of Levi Poling; to the Committee on War Claims.

Also, a bill (H. R. 6225) granting a pension to Isaac D. Caldwell; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 6226) granting a pension to John M. Cornelison; to the Committee on Pensions.

Also, a bill (H. R. 6227) granting a pension to Walter Hudgins; to the Committee on Pensions.

Also, a bill (H. R. 6228) for the relief of heirs or estate of Jesse Mabry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6229) for the relief of the heirs of David R. Hubbard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6230) for the relief of heirs of E. C. Cornelius, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6231) for the relief of the estate of Henry Mitts, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6232) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture; to the Committee on Claims.

Also, a bill (H. R. 6233) to carry into effect the findings of the Court of Claims in the matter of the claim of the Christian Church of Corinth, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 6234) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Church of Kossuth, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 6235) to carry into effect findings of the Court of Claims in the case of the Methodist Episcopal Church of Corinth, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 6236) to carry into effect the findings of the Court of Claims in the case of the Baptist Church of Corinth, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 6237) to carry into effect the findings of the Court of Claims in case of Presbyterian Church of Corinth, Miss.; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 6238) for the relief of Peter A. Bratton; to the Committee on War Claims.

By Mr. DONOVAN: A bill (H. R. 6239) for the relief of William B. Bristol; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 6240) granting a pension to Marcella Rowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6241) granting a pension to Mary J. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6242) granting a pension to Sophia C. Lother; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6243) granting a pension to Martha L. Hume; to the Committee on Pensions.

Also, a bill (H. R. 6244) granting a pension to Bennit Hisler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6245) granting a pension to James E. Whipple; to the Committee on Pensions.

Also, a bill (H. R. 6246) granting an increase of pension to William Bales; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6247) granting an increase of pension to Richard Woodland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6248) granting an increase of pension to William Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6249) granting an increase of pension to William Syers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6250) granting an increase of pension to Michael Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6251) granting an increase of pension to Joseph C. Stoddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6252) granting an increase of pension to Hiram Neville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6253) granting an increase of pension to Orin P. McCreedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6254) granting an increase of pension to Elisha D. Ely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6255) granting an increase of pension to Henry G. Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6256) granting an increase of pension to Samuel P. Foy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6257) granting a pension to Rhoda L. Goreham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6258) to remove the charge of desertion against George Hull; to the Committee on Military Affairs.

By Mr. HELGESEN: A bill (H. R. 6259) granting a pension to Flora May Baker; to the Committee on Pensions.

Also, a bill (H. R. 6260) for the relief of Hyacinthe Villeneuve; to the Committee on the Public Lands.

By Mr. JONES: A bill (H. R. 6261) for the relief of Aden Carpenter; to the Committee on War Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 6262) granting an increase of pension to Nathan W. Fitz Gerald; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 6263) granting an increase of pension to Mary C. Whitson; to the Committee on Pensions.

Also, a bill (H. R. 6264) granting an increase of pension to David S. Downey; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 6265) granting a pension to Myrtle May Hoffman; to the Committee on Pensions.

By Mr. McDERMOTT: A bill (H. R. 6266) granting a pension to Edward A. Mueller; to the Committee on Pensions.

Also, a bill (H. R. 6267) granting a pension to Joseph Mulholland; to the Committee on Pensions.

Also, a bill (H. R. 6268) granting an increase of pension to Gus Bell; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6269) granting an increase of pension to Erastus P. Daggett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6270) granting an increase of pension to Sarah R. Stutler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6271) granting an increase of pension to Hiram Lyons; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 6272) granting a pension to John W. Merriman; to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 6273) granting an increase of pension to Daniel L. Watson; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 6274) granting an increase of pension to Charles H. Hines; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 6275) granting an increase of pension to Samuel P. Beck; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Philadelphia Chamber of Commerce, Philadelphia, Pa., favoring the passage of legislation for the National Government to assume control of the Mississippi River for the purpose of aiding navigation, etc.; to the Committee on Rivers and Harbors.

Also (by request), petition of the St. Louis Lumbermen's Club, St. Louis, Mo., protesting against the passage of the Stan-

ley bill relative to the ownership of any line of transportation or common carrier; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of W. S. Salloday and 6 other merchants, of Tatoskola, Ohio, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of West Virginia: Papers to accompany bill for the relief of Levi Polings; to the Committee on War Claims.

By Mr. DALE: Petition of D. Boosing, Buffalo, N. Y., favoring the passage of legislation adopting a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of sundry citizens of Utah, protesting against H. R. 4653, relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of the Oakland (Cal.) Rotary Club, favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of sundry citizens of San Francisco, Cal., favoring the bill relating to granting the Hetch-Hetchy sources of water supply to the city of San Francisco; to the Committee on the Public Lands.

By Mr. ROGERS: Petition of the Boston Automobile Association, favoring the passage of H. R. 4322, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Idaho: Papers to accompany bill granting an increase of pension to Charles H. Hines, late of Company C, Seventy-eighth Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. WILLIS: Papers to accompany bill (H. R. 6198) granting an increase of pension to Willis S. Mahon; to the Committee on Pensions.

SENATE.

SATURDAY, *June 21, 1913.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on request of Mr. CLARKE of Arkansas and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REUNION CELEBRATION AT GETTYSBURG, PA.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Commonwealth of Pennsylvania, which will be read.

The Secretary read as follows:

The Commonwealth of Pennsylvania and the Fiftieth Anniversary of the Battle of Gettysburg Commission request the honor of the presence of the Members of the Senate of the United States at the reunion celebration at Gettysburg, Pa., July 1, 2, 3, and 4, 1913.

The favor of an answer, not later than June 20, 1913, is requested to Lieut. Col. Lewis E. Beitler, secretary Pennsylvania commission, Capitol, Harrisburg, Pa.

JOHN K. TENER,
Governor of Pennsylvania.
J. M. SCHOONMAKER,
Chairman Fiftieth Anniversary Battle of Gettysburg Commission.

The VICE PRESIDENT. The Chair would ask the Senate what action is to be taken with reference to the invitation of the Commonwealth of Pennsylvania touching the attendance of Members of the Senate at the Gettysburg reunion. For the information of the Senate the Chair will state that the House of Representatives has accepted the invitation and appointed a committee of 20 Members.

Mr. NELSON. I move that the matter be referred to the Committee on Military Affairs.

The VICE PRESIDENT. It is moved by the Senator from Minnesota——

Mr. KERN. I hope the Senator will not press the motion.

Mr. NELSON. I will withdraw the motion.

Mr. KERN. I was about to move that the invitation be accepted by the Senate——

Mr. NELSON. Very well; that is a great deal better than referring it to the committee.

Mr. KERN. And that the Vice President appoint a committee of eight to represent the Senate on the occasion.

Mr. CLARKE of Arkansas. I second that motion.

Mr. NORRIS. Mr. President, I am not, of course, opposed to the motion. I think it very appropriate that it should be adopted, but in connection with it I want to call the attention of the Senate, particularly of the Senator from Virginia [Mr. MARTIN], the chairman of the Committee on Appropriations, to a statement that appears this morning in the daily press, purporting to come from the Secretary of War, in which he calls attention to the fact that the money appropriated for the purpose of caring for the soldiers who will come to the reunion at Gettysburg is not sufficient to meet what he thinks will be the demand, owing to the large number of soldiers who will visit there.

It strikes me, Mr. President, that the number expected is 50,000, although I looked at it hurriedly, and that the Secretary is not prepared to care for that number of soldiers of the two armies who were engaged in that battle or who are survivors of the war; that he will not have money enough to take care of them.

It seems to me that it is rather a serious proposition coming as it does at the very hottest season of the year, and that we ought to make no mistake but see that proper preparation is made there for caring for the large number of old soldiers who will probably be in attendance. On account of the time of the year, if there is liable to be any overcrowding, it may result in a great deal of discomfort and perhaps in a good many deaths if proper preparation is not made.

I should like to suggest that if we do not have money enough appropriated to meet what will be the proper demands of the old soldiers there, we ought to give proper authority to the Secretary of War by an appropriate resolution to meet any emergency that might arise.

Mr. MARTIN of Virginia. Mr. President, I did not notice the article in the newspapers to which the Senator referred, and I have received no communication from the War Department with reference to this matter. I am without any information on the subject. I can only say to the Senator that the Committee on Appropriations will look into the matter immediately, and I am sure the committee will give it prompt attention.

Mr. NORRIS. I hope the Senator does not imagine that I supposed he would not give it proper attention.

Mr. OVERMAN. Mr. President, I desire to state that the amount appropriated is entirely in charge of the State of Pennsylvania. My recollection is that the State of Pennsylvania appropriated $250,000 and requested an appropriation on the part of Congress of $150,000, which we promptly appropriated. I think it was the idea of the Secretary of War to call the attention of the State of Pennsylvania to the fact that there might not be enough tents. The State of Pennsylvania has the matter in charge and not the Government, as I understand it.

Mr. NORRIS. I think it is rather a joint responsibility, is it not?

Mr. OVERMAN. No; I do not think so. I do not think anybody is connected with it on the part of the Government except the Secretary of War, who is charged with furnishing the tents, and so on, in joint action with the State of Pennsylvania.

Mr. NORRIS. I should like to have the Secretary of War equipped with sufficient means to meet any emergency.

Mr. OVERMAN. I suppose if the Secretary of War needed more money he would have sent an estimate to the Committee on Appropriations. He has not done so. Therefore I take it for granted that the $250,000 the State of Pennsylvania appropriated and the $150,000 Congress appropriated will be amply sufficient. I presume the only thing the Secretary of War is doing is calling our attention to the fact that there are not sufficient tents on hand. I take it there will be enough tents provided.

Mr. JOHNSTON of Alabama. I wish to state to the Senator from Nebraska that I as chairman of the Committee on Military Affairs received a communication from the Secretary of War this morning stating that there would be a deficit and asking Congress to consider it. I am sure he did not refer entirely to what Pennsylvania has done to take care of the increased attendance of veterans that it now appears will be there.

Mr. SHIVELY. Mr. President, I think the article which appeared in the press this morning indicated that the committee in charge of the arrangements was to receive tents from the War Department on the basis of an attendance of 40,000, and this was in accordance with the provision made by Congress. But since that time invitations have gone out for enlarged numbers, so that the arrangements will require tents for 50,000. That is where the alleged deficiency arises, as the War Department under the appropriation could furnish tents to supply only 40,000.

Mr. NORRIS. I think the Senator is right. I am glad to hear the statement of the Senator from Alabama. I hope the Committee on Military Affairs will give the matter prompt consideration.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senator from Indiana [Mr. KERN] to the fact that the resolution passed in the other House, House resolution 179, provides that the expenses of the committee appointed by the House shall be paid out of the contingent fund of the House of Representatives. Therefore, if the expenses of the committee appointed by the Senate are to be paid, some provision should be included in this motion. Of course, in order to do that it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARKE of Arkansas. That will not take long.

Mr. SMOOT. It will take only a very few minutes to report it back from the committee. I think if the House committee's expenses are to be paid out of the House contingent fund the Senate committee's expenses ought to be paid out of the contingent expenses of the Senate.

Mr. KERN. I will submit a resolution to that effect.

The VICE PRESIDENT. The Senator from Indiana moves that the Senate accept the invitation of the Commonwealth of Pennsylvania to attend the fiftieth anniversary of the Battle of Gettysburg, that a committee of eight Senators be appointed by the Chair to represent the Senate.

Mr. NORRIS. May I have the attention of the Senator from Indiana? It will be remembered that the House resolution provided that the Speaker should be a member of the committee. I suggest to the Senator from Indiana that he modify his motion so that the Vice President will be a member of the committee of the Senate.

Mr. KERN. I am very glad to make the motion that way. I move that a committee of eight Senators be appointed, of which the Vice President shall be chairman.

Mr. NORRIS. Yes.

The VICE PRESIDENT. The Chair would inquire whether that is compulsory.

Mr. CLARKE of Arkansas and others. Yes.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

Mr. KERN submitted the following resolution (S. Res. 115), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the invitation of the Commonwealth of Pennsylvania and the Fiftieth Anniversary of the Battle of Gettysburg Commission extended to the Senate of the United States to attend the reunion celebration at Gettysburg, Pa., July 1, 2, 3, and 4, 1913, be accepted by the Senate.

That a committee, consisting of the Vice President of the United States and eight Senators, to be named by him, be appointed to attend said reunion celebration on behalf of the Senate of the United States, and that the necessary expenses of said committee be paid out of the contingent fund of the Senate upon vouchers to be approved by the Vice President.

Mr. WILLIAMS, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

VALORIZATION OF COFFEE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 20th ultimo, information having specific reference to certain litigation in New York in respect to valorized coffee.

Mr. NORRIS. I should like to have the communication read.

The VICE PRESIDENT. The Secretary will read the communication.

The Secretary read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 19, 1913.

To the PRESIDENT OF THE SENATE.

SIR: I have the honor to reply to a resolution of the Senate, dated May 20, 1913, having specific reference to certain litigation in New York in respect to valorized coffee.

In a communication to you, dated May 6, 1913, so far as seemed compatible with the public interest, I endeavored to comply with the resolution of the Senate dated April 21, 1913, on this general subject. A large number of papers—principally the originals—relating to the matter in question were sent to you at that time, and in reference to them I said:

"These are all the material papers on file in the department relating to the subject matter of the resolution, except the correspondence between this department and the State Department, and by direction of the President I beg to say that, in my opinion, it is not compatible with the public interest to transmit to the Senate copies of said correspondence."

Among the papers transmitted was file No. 186⅔ of this department, dated April 16, which contains the following language touching the disposal of the coffee once held in New York:

"Good-faith assurances have been presented by the Brazilian Government that the understanding was fulfilled in letter and spirit, and the entire amount of coffee disposed of to 80 dealers in 20 States. These assurances are accepted."

The fifth paragraph of the resolution of April 21, 1913, asked "the names and addresses of the parties purchasing the coffee involved in said suit, together with the price and the amount purchased by each." Answering this categorically, allow me to say that I do not know and have never known the names or addresses of the parties who purchased the coffee, or the price paid, or the amount purchased by any of them.

As to "what assurances have been given concerning the alleged sale of said coffee, by whom given, and, if in writing, that copies thereof be sent to the Senate," permit me to say: I received assurance from the State Department that representations had been made to it by the Brazilian Government, the good faith of which it accepted, to the effect that the coffee in question had been sold to many bona fide purchasers in different States. This assurance to me was in writing, but, as stated to you in my former letter, "in my opinion it is not compatible with the public interest to transmit to the Senate copies of the said correspondence."

Very respectfully, yours, J. C. MCREYNOLDS.
Attorney General.

Mr. NORRIS. Mr. President, I think in the Attorney General's reply he has very frankly stated what it seemed to me he ought to have stated in the prior communication; that is, that he did not have in his possession and never did have the names of the purchasers or alleged purchasers of this coffee, the amount they paid, or the quantity they purchased. There was nothing among the papers which gave any information on this subject, and, as he concedes, nothing from the State Department which gave any information on that particular point.

The agreement by Attorney General Wickersham with the attorney representing the defendant in that suit, Mr. Sielcken, was that he would dismiss the suit if there was a bona fide sale made of the coffee in dispute. The suit was afterwards dismissed by the present Attorney General on the assurance, as he states, that representation had been made to the State Department by the Brazilian Government that the coffee had been actually sold to a vast number of dealers in several different States. It always seemed to me——

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I want to inquire if it is not a fact that debate on this matter can not proceed without unanimous consent?

The VICE PRESIDENT. The Chair was assuming that unanimous consent had been given. Is there objection?

Mr. CLARKE of Arkansas. I shall be compelled to object. The program for to-day does not contemplate a very extended session of the Senate.

Mr. NORRIS. I did not hear the Senator.

Mr. CLARKE of Arkansas. I say the program we have laid out for to-day does not contemplate a very extended session of the Senate.

Mr. NORRIS. I will say to the Senator from Arkansas that I am going to detain the Senate but a few moments.

Mr. CLARKE of Arkansas. Of course, I will not insist, in the face of that statement, that the rule be applied. So far as I am concerned, I am perfectly willing to indulge the Senator from Nebraska for a reasonable time.

Mr. NORRIS. I do not know to what program the Senator from Arkansas has reference.

Mr. CLARKE of Arkansas. It would not interest the Senator at this stage if he knew it.

Mr. NORRIS. I do not understand, then. If the Senator has some secret arrangement——

Mr. CLARKE of Arkansas. It is not a secret arrangement, but it is an arrangement that does not include the Senator from Nebraska.

Mr. NORRIS. I move that the communication of the Attorney General be referred to the Judiciary Committee.

Mr. CRAWFORD. Will the Senator from Nebraska permit me to interrupt him?

Mr. NORRIS. Yes.

Mr. CRAWFORD. The Senator from Nebraska [Mr. NORRIS] has given assurance that his statement will be very brief.

Mr. CLARKE of Arkansas. I have not objected.

Mr. CRAWFORD. I am sure it is one in which every Member of the Senate will be interested, and I hope the Senator may be permitted to finish.

Mr. CLARKE of Arkansas. I have not objected to the Senator proceeding for a few minutes, as he said he intended to do, but if any extended debate should follow I should, of course, object.

Mr. NORRIS. I can not understand the Senator.

Mr. CLARKE of Arkansas. I can not state it any plainer. The Senator from Nebraska has made the statement that he does not intend to occupy the floor more than a few minutes in a mere statement concerning the communication which has just been received from the Attorney General. I have no objection to that, but I thought possibly from the way he started that there was likely to be extended debate on the question.

Mr. NORRIS. I do not think so. I will not detain the Senate, in my judgment, to exceed 10 minutes——

Mr. CLARKE of Arkansas. I will not object.

Mr. NORRIS. But I believe I am entitled to debate the motion I have made.

Mr. CLARKE of Arkansas. No; the Senator is not entitled to proceed to debate anything in the morning hour.

The VICE PRESIDENT. If there is objection, the Chair will rule that the Senator from Nebraska is not in order. If there is no objection, the Senator from Nebraska may proceed. Is there objection?

Mr. CLARKE of Arkansas. I would not object to the Senator from Nebraska making a statement not to exceed 10 minutes at the outside. If it is his purpose to limit his remarks to 10 minutes, I would not enter an objection; but he may say something that will induce others to debate the matter.

Mr. NORRIS. My own judgment is that it will not take me 10 minutes. I think, had I not been interrupted, I would have been through by this time. If I am further interrupted, it may take longer. I do not know what may occur, and as I may not be able to get through, I do not want the Senator from Arkansas to take my assurance if he wants to exercise his right of objection.

Mr. CLARKE of Arkansas. I think that on some more opportune occasion, when the Judiciary Committee shall have made a report concerning the matter covered by the Attorney General's letter, opportunity will be afforded for debate. I believe I will object, Mr. President. I object.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. Is not my motion to refer the communication to the Judiciary Committee open to debate?

Mr. CLARKE of Arkansas. Not in the morning hour.

The VICE PRESIDENT. The Chair holds that during the morning hour the motion is not debatable. The Chair will state, for the information of the Senator from Nebraska, that the Chair rules that the communication from the Attorney General can lie on the table, and the Senator from Nebraska can call it up at the proper time and proceed to discuss it.

Mr. NORRIS. In order to get the parliamentary situation settled for future reference, when it may be desirable to enforce this rule, if it is to be established, I want to inquire in the best of faith if a motion to refer a communication to a committee after the morning hour is debatable?

The VICE PRESIDENT. It is.

Mr. NORRIS. Would the Chair kindly state why——

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that my colleague from Nebraska be allowed 10 minutes in which to present the motion to refer.

Mr. NORRIS. Mr. President, that is very kind of my colleague, but from what has been said by the Senator from Arkansas [Mr. CLARKE] I would rather that the request would not be made. I will be able to take advantage of the parliamentary situation at some other time; but if this is to be the rule I want to find it out. I do not ask for any leniency. If the motion is not debatable, it will save the Senate a great deal of time in the future by having debate shut off on similar motions.

Mr. HITCHCOCK. I desire to say to my colleague that it is important for the public business that the session of the Senate to-day be made short; but there is no objection on this side to a 10 minutes' presentation of the case by him and the reference of the matter to the committee.

Mr. NORRIS. The Senator from Arkansas has already objected, I will say. I do not know why it is desirable to make the session short.

Mr. HITCHCOCK. There is no objection to a 10 minutes' explanation by my colleague.

Mr. NORRIS. I think the Record will show that the Senator from Arkansas has formally objected.

The VICE PRESIDENT. Does the Senator from Nebraska desire the communication referred to the Committee on the Judiciary, or does he desire that it lie on the table?

Mr. NORRIS. If my motion is not debatable, I withdraw it, and ask that the communication lie on the table.

The VICE PRESIDENT. The communication will lie on the table.

INHABITED ALLEYS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 112).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, acknowledging the receipt of the resolution of the Senate of the 17th instant directing the Commissioners of the District of Columbia to furnish to the Senate the names, residences, and occupations of all persons owning and renting houses or rooms within what are known and designated as "inhabited alleys" in the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes: Irving Holcomb v. United States (S. Doc. No. 111) and Francis M. Magee v. United States (S. Doc. No. 110).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, June 23, 1913, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

JOINT SESSION OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 10) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 23d day of June, 1913, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

Mr. KERN. I move that the Senate concur in the House resolution just read.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STONE. I move that the Senate insist upon its amendments and consent to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. STONE, Mr. MYERS, and Mr. CLAPP conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I have a communication signed by the professors of the State University of North Dakota, with reference to the proviso in Schedule N of the pending tariff bill. I ask that the body of the communication, including one signature, that of the Hon. Frank L. McVey, president of the university, be printed in the RECORD.

There being no objection, the communication was referred to the Committee on Finance, and the body thereof, including one name, was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF NORTH DAKOTA,
DEPARTMENT OF BIOLOGY,
Grand Forks, N. Dak., June 13, 1913.

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned, earnestly request you to use your influence in support of the proviso in Schedule N of the new tariff bill now pending before the United States Senate, as follows:

"*Provided,* The importation of aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds, either raw or manufactured and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to feathers of domestic fowls of any kind."

Very respectfully,

FRANK L. MCVEY
(And others).

Mr. NELSON presented a resolution adopted by the Commercial Club of Sauk Center, Minn., favoring a reduction in the rate of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Northern Minnesota Development Association, favoring an appropriation for the construction of drainage ditches, roads, and fire breaks upon those portions of the ceded Chippewa lands still owned by the United States, which was referred to the Committee on Indian Affairs.

Mr. ASHURST. On May 29 I introduced a joint resolution, being Senate joint resolution 40, appropriating funds to pay expenses of all those delegates to the conference in this city of landowners and water users under the several reclamation projects. Since introducing that joint resolution I have received a resolution unanimously adopted by the board of governors of the Salt River Valley Water Users' Association, remonstrating against the appropriation or use of any part of the reclamation fund for the purposes contained in the joint resolution. I ask that the remonstrance be referred to the Committee on the Irrigation and Reclamation of Arid Lands.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PERKINS presented a resolution adopted by the Berkeley Open Forum, of Berkeley, Cal., favoring the enactment of legislation prohibiting the use of the mails by any concern dealing in stock-exchange gambling, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented memorials of 4,496 textile overseers and operatives, citizens of Massachusetts, Maine, New Hampshire, Rhode Island, New York, and Pennsylvania, remonstrating against the adoption of the proposed wool and cotton schedules in the pending tariff bill, which were referred to the Committee on Finance.

Mr. WEEKS presented sundry papers to accompany the bill (S. 1593) granting an increase of pension to Leucrecia M. Hodge, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1592) granting a pension to Robert Richards, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2241) granting a pension to Eliza F. Andrews, which were referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

(By request.) A bill (S. 2573) for the relief of the estate of William Stanley; to the Committee on Claims.

A bill (S. 2574) granting an increase of pension to John J. Schneller; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 2575) for the relief of the estate of Edward J. Spaulding (with accompanying paper); to the Committee on Claims.

By Mr. STERLING:

A bill (S. 2576) for the relief of John Q. Adams; to the Committee on Public Lands.

By Mr. KENYON:

A bill (S. 2577) to regulate the franking privilege; to the Committee on Post Offices and Post Roads.

A bill (S. 2578) granting an increase of pension to John How; and

A bill (S. 2579) granting an increase of pension to John J. Porter; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2580) regulating the use and occupation of buildings along alleyways in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 2581) for the relief of certain enlisted men of the Navy; to the Committee on Naval Affairs.

A bill (S. 2582) granting a pension to Rudolph Kals; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 2583) to regulate lobbying and the employment and registration of legislative counsel and legislative agents, defining legislative counsel and legislative agents, and prescribing penalties for the violation of the provisions herein; to the Committee on the Judiciary.

A bill (S. 2584) for the relief of James L. Wallace, his heirs or assigns; to the Committee on Claims.

By Mr. CLARK of Wyoming:

A bill (S. 2585) for the relief of Henry B. Freeman; to the Committee on Military Affairs.

By Mr. MARTINE of New Jersey:

A bill (S. 2586) for the relief of Mollie Quirk; to the Committee on Claims.

By Mr. POINDEXTER:

(By request.) A bill (S. 2587) to provide for the organization of the unemployed into an industrial army of the United States, and the maintenance of same; to the Committee on Education and Labor.

A bill (S. 2588) for the relief of Napoleon Le Clerc; to the Committee on Public Lands.

A bill (S. 2589) for the relief of Peter McKay; and

A bill (S. 2590) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses; to the Committee on Claims.

A bill (S. 2591) granting an increase of pension to Margaret Kuster; and

A bill (S. 2592) granting a pension to Mary A. Tozier; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 2593) making an appropriation to increase the salary of the Commissioner of Indian Affairs; and

A bill (S. 2594) authorizing and directing the Secretary of the Interior to deposit funds belonging to Indian tribes in Oklahoma in the banks of said State; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 2595) for the relief of the estate of William Kelly;

A bill (S. 2596) for the relief of Katherine A. Smith;

A bill (S. 2597) for the relief of James Jackson; and

A bill (S. 2598) for the relief of Valentine M. C. Silva; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 2599) for the relief of the estate of Augustine McIntyre; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 2600) for the relief of Moses Harris; to the Committee on Military Affairs.

A bill (S. 2601) for the relief of the estate of Napoleon B. McLaughlen and others; to the Committee on Claims.

By Mr. WEEKS:

A bill (S. 2602) for the relief of Mary R. P. Robins; to the Committee on Claims.

A bill (S. 2603) granting an increase of pension to John Ryan; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2604) granting an increase of pension to Eva D. Peck (with accompanying papers);

A bill (S. 2605) granting an increase of pension to Laura Garriett (with accompanying papers);

A bill (S. 2606) granting an increase of pension to Celestia A. Beebe (with accompanying papers); and

A bill (S. 2607) granting an increase of pension to Mary B. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A joint resolution (S. J. Res. 46) authorizing the delivery to the proper authorities of the city park in the city of Aberdeen, in the State of Washington, two condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls; and

A joint resolution (S. J. Res. 47) authorizing the delivery to the Dan McCook Post, No. 105, Grand Army of the Republic, of one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. JOHNSTON of Alabama:

A joint resolution (S. J. Res. 48) to continue in effect the provisions of the act of March 9, 1906 (Stat. L., vol. 34, p. 56); to the Committee on Military Affairs.

By Mr. OWEN:

A joint resolution (S. J. Res. 49) for the maintenance, management, protection, and improvement of Platt National Park, Okla. (with accompanying paper); to the Committee on Appropriations.

MANUFACTURE AND SALE OF INTOXICATING LIQUOR.

Mr. WORKS. I introduce a joint resolution, which I ask to have read.

The joint resolution (S. J. Res. 50) proposing an amendment to the Constitution prohibiting the sale, manufacture, and importation of distilled liquor containing alcohol, except for mechanical, scientific, and medicinal purposes under proper regu-

lation by Congress, was read the first time by its title and the second time at length, as follows:

Whereas the consumption of strong alcoholic liquor is increasing at an alarming rate, thereby undermining the public morals, inflicting disease and untimely death upon many of our citizens, and blighting with degeneracy their posterity, thus threatening the integrity and life of the Nation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring), That the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States: After the last article add a new article, as follows:

"ARTICLE XVIII.

"SECTION 1. The sale, manufacture, and importation of distilled liquor containing alcohol, except for mechanical, scientific, and medicinal purposes, under proper regulation by Congress, shall be prohibited in the United States on and after a period of three years next succeeding the ratification of this article by the legislatures of three-fourths of the States.

"SEC. 2. Congress shall have power to enforce by appropriate legislation the provisions of this article."

Mr. WORKS. Mr. President, I have long been convinced that the only way to deal effectually with the liquor traffic is to prohibit the manufacture or importation of intoxicating liquors. But I have realized that such an extreme measure of reform could not be accomplished at one stroke. It would confiscate or destroy the value of too much property and throw too many men out of employment.

Mr. WILLIAMS. Mr. President, I dislike very much to call for the regular order of business, but we on this side of the Chamber have reasons for holding a short session of the Senate to-day.

Mr. WORKS. I am going to make only a brief statement.

Mr. WILLIAMS. If we make distinctions at all, every Senator who desires to debate a matter should have equal opportunity. I especially dislike to object when my friend from California is addressing the Senate, but I do call for the regular order.

Mr. WORKS. Mr. President, I was only desiring to make a statement, which will not take five minutes, to accompany the joint resolution which I have introduced. However, if the Senator is willing that I may print this matter in the RECORD——

Mr. WILLIAMS. I am perfectly willing.

Mr. WORKS. I will be very glad to accept the suggestion.

Mr. WILLIAMS. I am not only perfectly willing, but will be very glad to have the Senator do that. If we play favorites, it will not do.

Mr. OVERMAN. Mr. President, is it proposed by the Senator to print his remarks in the RECORD without reading?

Mr. WORKS. That is what I proposed to do in case there was objection.

Mr. OVERMAN. I prefer that we should not break the old rule which has obtained here for years, and that the Senator should proceed with his remarks rather than that there shall be printed in the RECORD remarks that were not made on the floor of the Senate. I should certainly object to that.

Mr. WORKS. I said to the Senator from Mississippi that what I was about to say would not take five minutes—not so long as the time we have consumed in the discussion of the matter.

Mr. WILLIAMS. Mr. President, I dislike to be put in the attitude of insisting upon the enforcement of a rule and then making an exception for the benefit of one Senator; but, inasmuch as the Senator from California has begun his remarks, I will withdraw my objection to his proceeding. I, however, give notice that I shall insist upon the regular order as soon as he has finished.

Mr. WORKS. I am greatly obliged to the Senator from Mississippi.

Mr. President, the joint resolution I now offer affects only the manufacture, sale, and importation of distilled liquors, the most dangerous and life destroying of their kind. This method of reaching this great evil was not devised or first thought of by me. It is the conception of Mr. S. Benson, now a resident of my State, but formerly of Oregon. He has been a large employer of men, and has witnessed the devastating effect of alcoholic liquor on laboring men, especially of the lower grades, destroying their efficiency and often their lives. He is a man of large means, and is devoting a liberal portion of it to the effort to remedy the evil. Objection may be made that this proposed amendment, if adopted, will deprive men of their property and their employment and the Government of part of its revenue. This is to weigh money and property against health, happiness, and life. But considering it from this material point of view its effects will not be nearly so serious as most people would suppose.

Mr. Benson has, at his own expense, employed Mr. E. E. Coovert, an able and competent lawyer, to gather data relating to the manufacture and sale of liquors, capital invested, number of men employed therein, and other information bearing on this important question. Mr. Coovert has performed this service. I have his statement of the facts and figures on the subject. It shows, to begin with, that for the year ending June 30, 1912, 178,249,985 taxable gallons of distilled spirits were produced in the United States, not counting brandy and other liquors produced from fruit, the largest in the history of the country. This, in view of all the efforts made to suppress and curtail the traffic, is a startling, an appalling fact. Out of this the Government has realized the handsome sum of $146,715,203 on whisky and alcohol and $2,694,264 on brandy, or a total of $149,409,467. The showing for the first 10 months of the fiscal year of 1913 is still worse. The increase for that time over 1912 is 6,552,848 gallons, thus increasing the revenue of the Government by $7,208,133.59 over last year. I know it seems hard to give up this large revenue. But after all it is no better than blood money. The wrecked lives of the victims of strong drink, the widows and orphans it has made, and the crowded prisons and asylums should cry out against this attempt for hire to legalize a business so terrible in its consequences. Besides, if the cost to the Government and the States in prosecuting and caring for criminals, made so by alcoholism, and the paupers and insane that must be cared for as a result of the use of alcoholic drinks were deducted, probably there would be no gain, but a positive loss to the public. Let this be as it may, whatever loss shall accrue to the Government from the taking away of the tax on distilled liquors should be made up by an increased tax on fermented liquors by which it could easily be borne, and I believe would be willingly.

The statement of facts to which I have referred shows a surprisingly small amount of capital invested and number of men employed in the manufacture of distilled liquors. The amount invested in distilleries is only $72,450,000, while in breweries there is invested in the manufacture of malt liquors $671,158,000, and in wineries $27,908,000, making a total investment not affected by this proposed amendment of $699,066,000. The number of men employed in breweries and the wine industry in 1911 was 54,579, while in distilleries it was only 6,437. There is other interesting data in this statement of Mr. Coovert that I will submit to the Senate in a moment.

It appears that the sacrifice of property and deprivation of employment will be comparatively small if this amendment is adopted.

Mr. President, this proposed amendment is not just as I would have submitted it if I had drawn it on my own account. It excepts from its effects liquors used for mechanical, scientific, and medicinal purposes. I do not believe that alcohol or distilled liquors are necessary for any of those purposes. I would make no such exceptions. I would make the prohibition absolute. But others will not agree with me, and I have, for the present, deferred to the views of others who are earnestly seeking this legislation. I hope it may receive the early consideration and conscientious attention of Congress.

I ask to make the statement of Mr. Coovert a part of my remarks, without reading.

The VICE PRESIDENT. In the absence of objection, permission to do so is granted.

The statement referred to is as follows:

WASHINGTON, D. C., *June 20, 1913.*

DATA IN SUPPORT OF PROPOSED AMENDMENT TO CONSTITUTION PROHIBITING MANUFACTURE, SALE, OR IMPORTATION OF DISTILLED LIQUORS.

(By E. E. Coovert.)

Proposed constitutional amendment prohibiting the sale, manufacture, and importation of distilled liquor containing alcohol after a limited period, say, of three years, after the ratification by the States, excepting for mechanical, scientific, and medicinal purposes under proper regulation of Congress, and giving Congress the power to enforce the same by proper legislation, the idea being not to interfere with the manufacture of fermented liquors, but placing upon such liquors the burden of supplying the revenue lost to the Government by reason of the suppression of the distilleries.

The following data will show this plan to be feasible, and from an economic standpoint highly desirable, eliminating entirely the moral equation.

CONSUMPTION OF WHISKY INCREASING.

On page 10 of the Report of Commissioner of Internal Revenue for the fiscal year ending June 30, 1912, we find that 178,249,985 taxable gallons of distilled spirits were produced in the United States, not counting brandy and other liquors produced from fruit. This is the largest in the history of the country, and exceeds all previous productions by 2,847,590 gallons.

The amount withdrawn from the bonded warehouses, which measures the amount consumed of such distilled spirits, not counting fruit brandy, was 133,259,147 gallons. This exceeded the withdrawals of the year previous by 1,200,511 gallons.

The amount of revenue paid to the Government for the year 1912 for whisky and alcohol was $146,715,203, and for brandy $2,694,264.

A comparison of these figures will show the relative proportion of each manufactured and consumed.

The increase of revenue from whisky and alcohol over the previous year is $1,332,440. (See p. 30, Report of Commissioner of Internal Revenue.)

The figures for the fiscal year ending July 1, 1913, are still more startling.

The Internal-Revenue Office shows that the receipts for distilled liquor for the first 10 months of the fiscal year ending May 1, 1913, were $135,167,534.86, while for the corresponding period last year same were $127,959,401.27, an increase of $7,208,133.59, which, at $1.10 per gallon, equals 6,552,848 gallons.

The amount of whisky produced for the year 1898 was only about 80,000,000 gallons.

Thus it will be seen that the production and consumption of spirituous liquors is increasing at a tremendous ratio.

DRY TERRITORY INCREASING.

The following table shows the large increase of prohibition States and dry territory under local option. This was obtained from the secretary of the National Brewery Association, New York City. I have checked this report, so far as I am able, and find it fairly accurate, although, of course, changes are constantly being made from dry territory to wet, and vice versa.

Local option States.	Dry towns and counties.	Wet towns and counties.	Population under dry territory.
California	647 towns		600,000
Delaware	2 counties	1 county	80,000
Florida	37 counties	8 counties	658,271
Michigan	35 counties	48 counties	750,000
Missouri	66 counties	49 counties	1,210,860
Montana		All counties	
Ohio	45 counties	43 counties	2,300,000
Arkansas	63 counties	12 counties	1,435,000
Arizona		All counties	
Colorado	10 counties; 7 cities	48 counties	435,602
Connecticut	87 towns	81 towns	200,000
Kentucky	97 counties; 3 cities	22 counties	1,721,000
Illinois	30 counties; 8 cities	72 counties	704,809
Louisiana	30 parishes	29 parishes	850,000
Massachusetts	49 towns; 15 cities		1,061,589
Minnesota	Half villages are dry		1,060,000
New Hampshire	2 counties	8 counties	238,536
New York	412 no-license towns; 155 partial-license towns.	366 full-license towns	646,710
Maryland			450,000
Idaho	17 counties; 3 cities	10 counties	217,159
Oregon	4 counties; 4 no-license cities.	29 counties	230,000
Rhode Island	7 towns		16,850
South Dakota	17 counties		400,000
Texas	243 counties	171 counties	3,409,474
Vermont	7 counties; 6 cities	7 counties	284,862
Virginia	75 counties	25 counties	1,500,000
Wisconsin	47 dry towns	731 towns and villages	586,144
Iowa	81 counties	11 counties	1,718,752
Indiana	27 cities; 300 towns		1,755,569
Utah	87 towns	23 towns	125,000
Washington	6 counties; 1 city	30 counties	480,500
Total			25,126,689

New Jersey: All wet; no local option.
Pennsylvania: No local option.
Wyoming: All wet, except country districts.
South Carolina: Dispensaries.

Population of prohibition States.

Constitutional prohibition:	
Maine, 1884	742,371
Kansas, 1880	1,690,949
North Dakota, 1890	577,056
Mississippi, 1908	1,797,114
Tennessee, 1909	2,184,789
North Carolina, 1909	2,206,278
West Virginia, June, 1914	1,221,119
Statutory:	
Georgia, 1907	2,609,121
Oklahoma, 1907	1,657,155
Total	14,685,952
Adding, then, the total population in local-option dry territory	25,126,689
Brings the total population under dry territory in the United States at the present time to	39,812,641

The total population in the United States is approximately 95,000,000.

With these facts of the increase of consumption of whisky and the increase of prohibition States and local-option territory, the conclusion is irresistible that prohibition in the States does not prohibit, that the States and local government are impotent to enforce the law, and that if the United States is to be saved from alcoholism the remedy must be applied at the root of the evil, and that is to abolish the distilleries and the importation of spirituous liquors.

ECONOMIC LOSS FROM DISTILLED LIQUOR.

The retail price paid by the consumer for spirituous liquors in the United States during the fiscal year of 1912 was approximately $1,000,000,000—a total loss to the consumer and his dependents. This is based upon an estimate of 135,659,000 gallons retailing over the bar at $7.50 per gallon—$1,017,442,000.

PRESENT POWERS OF CONGRESS LIMITED.

Congress has not the power under the present Constitution of the United States to stop its manufacture. The powers of Congress enumerated in the Constitution do not include the regulation of police power within a State, and when not so enumerated is reserved to the States under the eighth amendment.

So, it will take such an amendment as above proposed in order to accomplish the result desired.

FERMENTED LIQUORS AND TOTAL LIQUOR REVENUES.

The production of fermented liquors (beer) during the fiscal year ending June 30, 1912, was 62,176,694 barrels, a decrease of 1,106,429 barrels from the previous year. (See p. 13, Report of Commissioner of Internal Revenue.) This produced a revenue of $1 per barrel. The receipts on beer for the first 10 months this year were $52,217,423.55. The receipts for corresponding period last year were $49,893,406.41, an increase this year of 2,324,017 barrels.

The amount of whisky imported last year was 5,567,833 gallons. This paid a duty of $6,463,228. (See World Almanac, 1913, p. 249.)

Total receipts are estimated as follows:

Tax on whisky and alcohol	$146,715,203
Tax on brandy	2,694,264
Duty on importations	6,463,228
Tax on beer	62,176,694
Total	218,049,389

So it will be seen that the immediate suppression of the manufacture and importation of all liquors, including fermented liquors, would lose to the Government $218,049,389 per annum, besides the license fees.

This, of course, would be impracticable and would not be considered by Congress. The plan above suggested, however, minimizes to a large degree the evil effects of liquor and at the same time does not reduce the Government's revenue by leaving beer to stand the revenue thus lost, which will amount to approximately $150,000,000 per annum. The beer industry can and should stand this loss. If 63,000,000 barrels per annum is produced, by doubling the revenue upon this and continuing the tax on whisky or spirituous liquors at the same or increased rate for the limited period after the constitutional amendment shall have become effective, it is assumed that sufficient revenue would be produced to take care of the deficiency. The profit in a barrel of beer is so enormous that the increased tax will be absorbed by the manufacturer and retailer and thus remain the same price to the consumer.

I am assuming that the evil effects of beer and wine are greatly less than those produced from the use of spirituous liquors.

I am also taking into consideration the immense amount of capital and labor represented in the beer and wine industries of the country.

COMPARATIVE PERCENTAGES OF ALCOHOL IN FERMENTED AND DISTILLED LIQUOR.

From Dr. John Billing's work on The Liquor Problem, a standard authority, volume 2, page 337, we find that the average percentage of alcohol contained in the different liquors is as follows:

	Per cent.
American beer	3.8
German beer	4.7
English ale	5
American champagne	8
French claret	8
Rhine wine	8.7
American red wine	9
Champagne	10
French white wine	10.3
Madeira	15
Sherry	17.5
Port	18
SPIRITUOUS LIQUORS.	
Gin	39
Whisky:	
American, common	35
American, best	43
Scotch	49
Brandy	47
Absinthe	51
Rum	60

This percentage is by weight; the percentage of alcohol by bulk would be larger.

RELATIVE AMOUNT OF CAPITAL AND LABOR EMPLOYED.

The number of breweries operating in the United States is 1,461. (See p. 13, Report of Commissioner of Internal Revenue.)

The amount of capital invested in the manufacture of malt liquors is $671,158,000, not counting cooperage and bottling industry, and it is the sixth industry in capital invested in the United States. The capital invested in wineries is $27,908,000, which would bring this amount up to $699,066,000, while the amount invested in distilleries is only $72,450,000. (See U. S. Census Bureau Bulletin, 1910, p. 80.)

The number of men employed in breweries is 54,579, in wine industry 1,911, while the number of men employed in distilleries is only 6,450.

The wages paid out in the manufacture of whisky is $3,074,000 per annum. The wages paid out for the manufacture of beer is $41,206,000 per annum, and for manufacture of wine $972,000 per annum. (See Prohibition Yearbook for 1912, p. 39.)

The amount of grain used in the manufacture of whisky is only about one-half of 1 per cent of the total product of grain producing liquor in the United States. The total crop for 1910 of grain was 5,143,187,000 bushels. (World Almanac, p. 163.) Of this amount the following was used in distilled liquor in 1911:

Barley	3,407,325
Wheat	21,765
Rye	5,376,018
Corn	23,247,004
Oats	13,172
Total (being one-half of 1 per cent of total)	32,065,284

(See Prohibition Yearbook for 1912.)

The number of distilleries now in operation is as follows:

Grain	417
Molasses	17
Fruit	386
Total (a decrease of 103 over the previous year)	820

In 1908 there were in operation 1,587. (See Internal Revenue Report, 1912, p. 12.)

These comparisons are made for the purpose of showing the small injury to the welfare of the people that would result from the suppression of spirituous liquors as compared to the fermented.

Last year it will be seen the number of distilleries was decreased 103. As the amount manufactured has increased, it must be assumed that the capacity of those remaining has been increased.

It will be seen that the amount of whisky imported and the amount of brandy manufactured is nominal.

The time may come when fermented liquor should also be put under the ban of the Government, but the enormous good to be derived from the experiment above outlined and at the same time preserving the revenue to the Government for the present justifies the discrimination above mentioned.

The main object of the time extension is to get rid of the immense supply on hand without confiscation and to increase the revenue from the production of whisky pending the period and to increase it permanently on beer, so as to take care of the deficit occasioned by the suspension of its manufacture.

After such a resolution has been properly ratified by 36 States, it would then be an easy matter for Congress by appropriate legislation to regulate the manufacture of sufficient quantities of alcohol or brandy for the uses set forth in the above exception. Similar regulations are now in force in many ways, and there could be nothing complicated or difficult in the enactment of such provisions.

The provisions of the Federal law regulating distilleries, the sale of machinery to the same, the provisions under which bonded warehouses are operated, and the denaturizing of alcohol, and regulations for the sale of opium for medicinal purposes, which are in force now, are fair samples of the method Congress could use in the adoption of "appropriate legislation" to carry out the provisions of the exceptions set forth in the proposed amendment.

Mr. WORKS. I move that the joint resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

THE TARIFF.

Mr. CLARKE of Arkansas submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

STATUE OF ZACHARIAH CHANDLER.

Mr. TOWNSEND (for Mr. SMITH of Michigan) submitted the following resolution (S. Res. 119), which was read and referred to the Committee on the Library:

Resolved, That exercises appropriate to the reception and acceptance from the State of Michigan of the statue of Zachariah Chandler, erected in Statuary Hall in the Capitol, be made the special order for Monday, July 28, 1913, after the conclusion of the routine morning business.

PROPOSED INCOME TAX.

Mr. BURTON submitted the following resolution (S. Res. 118), which was read and referred to the Committee on Printing:

Resolved, That there be printed in pamphlet form for the use of the Senate 1,000 copies of section 2 of H. R. 3321.

ADDITIONAL CLERKS TO SENATORS.

Mr. JONES. I submit a resolution which I ask may lie on the table and be printed.

The resolution (S. Res. 117) was ordered to lie on the table and be printed, as follows:

Resolved, That the Vice President be authorized and directed to appoint a committee of five Senators to consider what clerical help should be allowed Senators and Senate committees. Such committee is instructed to consider and report to the Senate within 30 days from the passage of this resolution what clerical assistance should be allowed Senators to do their individual official work and what help should be allowed the different Senate committees to do committee work and the compensation which in their judgment should be paid such help, with a view to securing economy, efficiency, and fair treatment in the performance of the public business of the Senate and Senators.

Mr. JONES submitted the following resolution (S. Res. 116), which was ordered to lie on the table and be printed:

Resolved, That during the remainder of the present session and during the next session of the Sixty-third Congress, until otherwise provided by law, each minority Senator having fewer than three employees shall be allowed one additional employee to be paid at the rate of $1,200 per annum out of the contingent fund of the Senate.

THE PUBLIC LANDS.

Mr. SHAFROTH. I have here resolutions of the governors who met in conference in Salt Lake City last week. They adopted certain resolutions with reference to the policy of the Government as to conservation, and I ask unanimous consent that they may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolutions will be read.

The resolutions were read and referred to the Committee on Public Lands, as follows:

We, the governors of public-land States, in conference assembled, believing that upon the administration of the laws governing the disposal of the public lands in a very large measure depends the future prosperity of our States, do hereby agree to the following statement of what we believe should be the policy of the National Government in the administration of the public lands:

First. That the newer States having been admitted in expressed terms on an equal footing in all respects whatever with the original States, no realization of that condition can be obtained until the State jurisdiction shall extend to all their territory, the taxing power to all their lands, and their political power and influence be thereby secured.

Second. That as rapidly as the States become prepared to take over the work of conservation, the Federal Government withdraw its bureaus from the field and turn the work over to the States.

Third. The permanent withdrawal of any lands within our States from entry and sale we believe to be contrary to the spirit and letter of the ordinance of 1787, the policy of which was followed for over a century, and we urge that such lands be returned to entry and opened to sale as speedily as possible.

Fourth. Dilatory action on the part of executive departments of the Government in passing title to purchasers of public lands is unfair to the States, as it permits purchasers to occupy the lands indefinitely without the State having power to tax them.

Fifth. We believe that the best development of these States depends upon the disposal of the public land to citizens as rapidly as the laws can be complied with.

Sixth. Bona fide homestead entry within forest-reserve boundaries should be permitted in the same manner as on unreserved lands, subject only to protest where lands selected are heavily timbered with trees of commercial value or are known to contain valuable mineral deposits.

Seventh. That the Government grant to the public-land States 5 per cent of the public land remaining in each, to be administered by the States as the school lands are now administered, for the purpose of building national public highways.

Eighth. That liberal land grants be made for the purpose of establishing and maintaining forestry schools in the public-land States.

Ninth. That rights of way for all lawful purposes be granted without unwarranted hindrance or delay.

Tenth. That all mineral lands now withheld from entry or classified at prohibitive prices be reopened to entry at nominal prices under strict provision against monopolization.

Eleventh. That we express our appreciation of the splendid work done by the department at Washington in cooperation with the several States in experimentation and instruction. This assistance has been most valuable in the education of our children and the development of our States, and we commend the same principle to the administration at Washington as being the most feasible plan for the present advancement of true conservation.

Twelfth. We believe that the National Government should provide for expert experimental work in the solution of the mining problems of the mineral States in the same manner that the Agricultural Department now assists the farmers in solving the agricultural problems.

Thirteenth. We believe that the speedy settlement of these public lands constitutes the true and best interests of the Republic. The wealth and strength of the country are its land-owning population.

Fourteenth. The best and most economical development of this western territory was accomplished under those methods in vogue when the States of the Middle West were occupied and settled. In our opinion, those methods have never been improved upon, and we advocate a return to these first principles of vested ownership with joint interest and with widely scattered individual responsibility.

A. PIATT ANDREW'S ADDRESS ON CURRENCY.

Mr. WEEKS. Mr. President, I ask unanimous consent to have printed as a public document an address delivered by Hon. A. Piatt Andrew in the Page lecture course at Yale University, entitled "The Crux of the Currency Question."

Dr. Andrew was formerly an Assistant Secretary of the Treasury, was a professor in the economics department of Harvard University, and was connected with the National Monetary Commission in its work for four years. I think this address states the principles of the currency question as well as they have been stated by anyone, and I think it would be of general service if this address were printed as a public document.

Mr. OVERMAN. Mr. President, I move to amend the request by providing that not more than 2,000 copies shall be printed for the use of the Senate and House.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts.

Mr. BRISTOW. I object, Mr. President.

HOTEL ON FORT HUACHUCA MILITARY RESERVATION, ARIZ.

Mr. SMITH of Arizona. I ask unanimous consent to call up Senate bill 103, authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation in Arizona. It is a matter of importance, to which there is no objection.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the present consideration of a bill which will be read by the Secretary.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CLARK of Wyoming. I should like to ask a question of the Senator from Arizona. The bill authorizes the Secretary of

War to grant permission for the erection of a hotel on a military reservation?

Mr. SMITH of Arizona. Yes; and it is recommended by the Secretary of War.

Mr. CLARK of Wyoming. That is what I wanted to ask, if it was agreeable to the War Department.

Mr. SMITH of Arizona. It is recommended by the War Department as an essential to the post.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMBERS OF PUBLIC BUILDINGS COMMISSION.

The PRESIDENT pro tempore. Under the provisions of section 36 of an act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, approved March 4, 1913, the Chair, for the President of the Senate, announces the appointment of Mr. SWANSON and Mr. SUTHERLAND as members from the Committee on Public Buildings and Grounds of the commission provided for in the act.

FOREIGN TARIFF SYSTEMS AND INDUSTRIAL CONDITIONS.

Mr. SMOOT. I understand that morning business is closed?

The PRESIDENT pro tempore. Morning business is closed.

Mr. SMOOT. Mr. President, the work of a Government bureau should be free from anything akin to partisan bias——

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I should like to inquire what motion is before the Senate, or by what right the Senator from Utah is addressing the Senate.

Mr. SMOOT. Mr. President, I gave notice that on June 21, 1913, at the conclusion of the routine morning business, I should submit remarks upon foreign tariff systems and industrial conditions.

Mr. NORRIS. I wish to inquire what right that notice gives to the Senator, Mr. President.

Mr. SMOOT. I was recognized by the Chair at the close of the morning business, and this is the regular order.

Mr. NORRIS. Does giving notice that at the conclusion of the morning business a Senator intends to make a speech give him the right to the floor, without any motion pending before the Senate?

The PRESIDENT pro tempore. The practice is a general one. It has grown into a rule. The remarks of the Senator, according to the notice given, are directed to foreign tariff systems. A bill on the subject of the tariff is before the Senate; that is to say, it is before a committee of the Senate; and according to the universal rule the course adopted by the Senator from Utah entitles him to address the Senate at this time.

Mr. NORRIS. Does it not follow that unanimous consent must be given for it?

The PRESIDENT pro tempore. That has not been the rule heretofore. It would require some change in our practice.

Mr. NORRIS. If that were the case, all those who give notices—and there are several notices on the calendar similar to the one the Senator from Utah gave—could consume in that way, without any motion being before the Senate, all the time of the Senate.

The PRESIDENT pro tempore. Whenever the practice grows into an abuse the Chair takes it for granted the Senate will take notice of it and will make provision for remedying it.

Mr. NORRIS. I would rather take notice of it now, Mr. President. I desire to inquire whether an objection now to the Senator proceeding without any motion being before the Senate would not cut him off?

The PRESIDENT pro tempore. The Chair rules that it would not, according to the precedents of the Senate. There is no positive rule that covers that matter, but the universal custom in the Senate has been in accordance with the practice to which the Senator from Utah is now conforming.

Mr. NORRIS. Do I understand the Chair to say that if the practice went so far as to become obnoxious an objection then would cut off a Senator, or would it take a new rule in order to prevent Senators doing what the Senator from Utah is now doing?

The PRESIDENT pro tempore. The Chair is inclined to believe he will conform to the precedents of the Senate at the present time and will not undertake to reverse them. The Chair does not feel called upon to make a declaration as to whether the observation of the Senator from Nebraska is timely. The Senator from Utah is recognized and will proceed.

Mr. SMOOT. Mr. President, as I was proceeding to say, the work of a Government bureau should be free from anything akin to partisan bias. Fortunately it is rare that a charge has been made to the contrary, but I hold in my hand a 66-page publication, which purports to be a report prepared "by the Bureau of Foreign and Domestic Commerce of the Department of Commerce at the request of the chairman of the Ways and Means Committee," which contains statements that are not founded on fact, and which should never have appeared in the report of any bureau. New converts are generally conceded to be overzealous. Perhaps that may be the explanation of this report. There is a good deal in what is said about foreign tariff systems and other things to which no objection can be made, but there are a number of tables with reading matter and explanation which are open to serious objection. The first table purports to give the average ad valorem duties imposed in Canada and six European countries. It is said that "comparisons of this kind between imports and duties, while indicative of the general level of duties, are liable to misconstruction," and it adds:

> It is particularly unsafe to compare variations for single years without examining the statistics in detail, since an abnormally heavy or light importation of a few articles, subject to specially high or low rates, may be responsible for the variation. The comparison between similar returns for different countries is even more liable to misconstruction; in some countries the bulk of the imports may be highly finished articles on which the rates are naturally higher than on raw products, which may be the chief imports of some of the other countries considered.

This liability to misconstruction is very clear in the table of the alleged ad valorem rates of different countries. No such rates are given for France and some other countries on dutiable imports alone, but an average ad valorem on all imports is given, apparently with the purpose of showing how much higher the rates are in the United States. Every one of the six countries for which these alleged ad valorem rates are given imposes specific duties on nearly every class of goods imported. Take France as an illustration. No effort whatever is made to appraise the value of imports in that country at the customhouse. The value is of no importance in assessing custom duties. But once a year a commission appointed by the Government assembles and estimates the value of all imports according to the average of prices for the preceding year. Of course, such an estimate is the rankest kind of guesswork. Consul General Mason, at Paris, and other American officials have repeatedly shown how these estimates are entirely worthless. It may be of value to France for political reasons to overvalue imports or undervalue exports, but it is impossible for such a commission to give anywhere near the actual values. French statistics of values, in regard to trade with the United States, are wholly at variance with our statistics. This fact in relation to the way values are assessed in countries imposing specific duties shows how utterly absurd is this table of ad valorem rates furnished by this bureau.

BOLSTERING UP THE SECRETARY'S HOBBY.

The genial head of the Department of Commerce, Secretary Redfield, as we all know, has a hobby, if I may so call it, about the alleged greater efficiency of labor, machinery, and so forth, in this country as compared with other nations, which, in his opinion, obviates the necessity of a protective tariff. Of course we on this side do not agree with that theory and think that the facts are directly to the contrary. But some one in the Bureau of Foreign and Domestic Commerce evidently thought it was wise to try and bolster up the Secretary's theories.

I am aware that during political campaigns it is considered very popular by many partisan speakers to appeal to the vanity of the American laboring man with statements claiming that an American workman can do more work in eight hours than an Englishman, Frenchman, or German can do in two or three times that length of time. The most casual investigation proves the falsity of such a statement, and I have had many American workmen say that they are not deceived by such political claptrap. Many laboring men have worked in foreign factories as well as American factories, both institutions making the same class of goods, and have testified before committees of Congress that they produced in a given time as much of the manufactured product in their native countries as they produced in the same line of work in America. It is true that in a few lines of manufacture there is no doubt but that the American laboring man produces more of the finished product in a given time than the foreigner, for the reason that he is furnished with greater facilities, but this applies only to a limited number of industries.

The British Government, in 1907, undertook, for the first time, to make a census of production in that country. Our

Census Bureau makes a census of manufactures every five years. The census of production in the United Kingdom and the census of manufactures in this country are very different in a great many respects. This is partially explained in this report by the following statement:

In the British returns are represented many activities that are not generally understood as pertaining to manufactures, and are not embraced within this term as defined by the American and Canadian censuses. Building and other construction work, traction and the operation of telegraphs and telephones, and some other public utilities are included in the British as well as exploitation of mines and quarries and the operation of laundries.

Statistics for mines and quarries and steam laundries, and also for sawmills and gristmills, and such things, are excluded from the totals of our census returns. The British returns also take account of custom work and repairing carried on by small establishments, excluded from our census. Then the British returns fail to show the number of establishments in the country, or their capital, or miscellaneous expenses, all of which are given in our census returns. These facts will go to show how utterly impossible it is to make any comparison between the British returns and those in this country, but the Bureau of Foreign and Domestic Commerce has made such a comparison, and a fearful and wonderful affair it is.

The British returns include Government work, navy, dock yards, and so forth, but our census does not include work of that kind. In their census of mechanical power they include all engines, whether used or not. If an establishment purchases its motive power, but has facilities for providing its own in the case of accidents or otherwise, the full capacity of such facilities is contained in the census, and also the purchased motor power is included in the returns of the corporation that furnishes it. Then, motor power for lighting purposes and for all other purposes is included. In this and other ways there is a wide difference between the British returns and those of our own Government, but that does not seem to interfere in the least with the comparison got out by the Bureau of Foreign and Domestic Commerce.

MANIPULATING THE FIGURES.

A table is given showing for every $100,000 added by manufacture the capacity of the engines in the United States and the United Kingdom, the number of wage earners, and for every $1,000 added by manufacture the amount of wages paid. In explanation of these figures it is said:

For 1906 the board of trade made a series of elaborate investigations into the general subject of earnings and hours of labor. A number of more important industries were investigated separately and returns obtained from the establishment employing a proportion of wage earners in each group of industries. While no general average of wages for all industries can be given, it is believed that the figures of each separate industry may safely be used for comparison with the corresponding census returns of the United States.

That might appear reasonable to the uninitiated reader, but it is not correct, and the comparison is absolutely worthless. The report of the British Board of Trade on the cost of living distinctly states that "the English wages are the standard time rates recognized by the unions concerned, and the American rates, on the other hand, are on reports obtained from employers of actual earnings and from workers, public officials, and from other sources." It should be borne in mind that the British wages given in the report of the board of trade as to the cost of living are not the average of wages paid in any industry in that country, but are entirely the rates fixed by trade-unions. Only 14 men were employed in securing the returns for the volume on the cost of living and wages, and only the wages paid by the trade-unions in the building trades, foundries and machine shops, and hand compositors on job work in the printing trade were included.

DEFECTS IN THE BRITISH WAGE RETURNS.

A separate investigation was made of wages paid in various industries, but it was not a return such as is made by the census of the United States. For instance, in the textile trades returns were obtained for only 44 per cent of the workers, and those returns were furnished voluntarily by the employers. Home workers in those trades were not included. In the census returns in the United States full reports are received without any exception, and the wages paid are taken from the books by Government agents. In the clothing trades the British returns cover only 29 per cent of the employees, and those are all factory employees, and the returns were made by the employers. There are 1,500,000 persons employed in that industry in the United Kingdom, but only 789,000 work in factories and workshops.

This British return of wages is not made for any separate establishment, and the number of establishments is not given, making a comparison as to the cost of production, such as that given in this table by the Bureau of Foreign and Domestic Commerce, altogether untrustworthy.

EVIDENCE FROM A ROYAL COMMISSION.

The British Government in 1906 appointed a royal commission, composed of eminent men and women, to investigate the poor laws and relief of distress in that country. That commission was engaged for some years in making a thorough investigation of the subject, and its report is contained in 41 volumes, a single volume containing 1,288 folio pages, and they are all of about the same size. There was no limit as to expenditures of this commission, and no question has ever been raised, so far as heard, of the thoroughness of its investigations and reports. The board of trade publishes every month the percentage of persons unemployed in Great Britain. This British commission, referring to that report of the board of trade, says:

The percentage of persons unemployed, regularly published by the board of trade, relates only to about 600,000 men out of about 2,000,000 trade-unionists and 12,000,000 adult wage earners, the 600,000 being those entitled to ordinary out-of-work pay; and there is reason to assume that this small sample includes an altogether exaggerated proportion of workmen, especially among shipbuilding and engineering trades, liable to great fluctuations of employment. Of this relatively small group of highly organized trade-unionists, in good years about 4 men out of 5 get almost constant employment, in bad years about 3 out of 5, while the minority who are unemployed suffer severely, even to being out of work for months at a time. This insufficient data tells us nothing as to the condition of the mass of wage earners. There are no statistics which enable us to compute even within the hundred thousands how many persons are at one time simultaneously in distress from unemployment.

The commission goes on, by way of illustration, to relate that the Amalgamated Society of Carpenters and Joiners, an old and highly organized trade-union established in 1860, pays unemployed benefits, but finds it an increasingly heavy burden. In 1908 it amounted to 1s. 10½d. (45 cents) a week, irrespective of sickness, superannuation, burial, and strike pay. In 1908 that organization lost nearly 100 persons a week, and there are four times as many carpenters outside of that organization as within it. The commission says there are at least 1,250,000 men—possibly twice that many—out of employment.

Dr. Downes, one of the members of that commission, who is the senior medical inspector for poor-law purposes of the local government board for England, in his report said:

The most disquieting index of urban pauperism is the increase in the proportion of able-bodied men in health who are dependent upon the poor rates and the growing percentage of applications to committees under the unemployed workmen act.

ENORMOUS NUMBER OF PAUPERS IN UNITED KINGDOM.

The British Government also publishes each month the number of paupers relieved, to show the number existing in the United Kingdom. This royal commission reporting on these published returns says:

These figures do not give an adequate idea of the numbers brought under the influence of the poor law authorities within a specified time. They are the number relieved on a given day and take no account of those relieved at other times. The number of persons, excluding lunatics in asylums and casual paupers, under the care of guardians of the poor in the year ending September 30, 1907, was 1,709,436, or 2.15 times greater than the mean of numbers relieved on January 1 and July 1. The rate of pauperism was 47.7 per 1,000, as against 22.7 per 1,000, shown by the counts as published by the Government for the same year. Omitting insane and casuals, 1 out of every 47 was a pauper on July 1, 1907, and 1 out of every 44 on January 1, 1908. Not only has there been a progressive increase in the number of men in receipt of indoor relief, but the rate of male pauperism to male population of the same age was higher in 1901 than in 1891 at every age from 45 years upward, and the break widens as age increases. The rate for 1906 is higher than for 1901 at every age group.

The commission then shows how greatly lacking is an estimate of unemployed when founded on the returns of the trade-unions, which only relate to such persons in the unions as receive pay for unemployment. In the same way the Government reports as to pauperism are absolutely worthless, not showing one-half the number, according to this royal commission's report, and in the same way the Government reports as to wages, founded altogether on the wages fixed by the trade-unions, which do not embrace more than 16 per cent of the adult workers in the United Kingdom, are also worthless. But when for comparison the British Government reported on wages in this country it did not confine itself to trade-unions by any means. In fact, they had very little to do with the reports.

A FICTITIOUS POWER CALCULATION.

The table given in the report of the Bureau of Foreign and Domestic Commerce not only gives motor power which is largely fictitious, but it gives wages for every $1,000 added by manufacture that are absolutely fraudulent. For instance, it states, to add $1,000 by manufacture of cotton goods in the United Kingdom $597 are paid out as compared with $516 in the United States, and that in the same way in the production of cutlery

and tools $640 is paid out in the United Kingdom as compared with $490 in this country, but in the production of gloves we are alleged to pay out $457 as compared with $439 in the United Kingdom. There is hardly a department store in the United States that does not have English gloves on sale, which pay duty at an equivalent, according to the Ways and Means Committee, of 44.15 per cent ad valorem. Yet, notwithstanding this fact, our free-trade opponents assert that it costs more to manufacture them in England; hence they propose to reduce the duty and enlarge the market here for British gloves. In shipbuilding, for instance, it is said that $679 is paid out in the United Kingdom as compared with $600 in this country. Any intelligent man knows that the British shipbuilding industry is one of the most efficient in the world. They construct ships at very much less cost than in this country, which no one will dispute, but according to this ridiculous statement of the Bureau of Foreign and Domestic Commerce it costs in wages $79 more for every $1,000 added by manufacture in the production of ships in the United Kingdom as compared with this country. It only illustrates the ridiculous character of this table and the report relating to it. Mr. President, I wish every Senator had a copy of this report and could turn to page 39 and follow me as I call attention to some of the statistics presented, and may be quoted by some to prove that $1,000 of manufactured goods can be produced in the United States with a less wage cost than in the United Kingdom. It attempts to show another unbelievable thing, that $1,000 of manufactured goods of nearly every variety can be produced in Canada with a less wage cost than in the United Kingdom. I ask that the table be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. BRISTOW in the chair). The Chair hears no objection, and it is so ordered.

The table referred to is as follows:

Industry.	For every $100,000 added by manufacture.					For every $1,000 added by manufacture.		
	Capacity of engines.		Number of wage earners.			Amount of wages.		
	United States.	United Kingdom.	United States.	Canada.	United Kingdom.	United States.	Canada.	United Kingdom.
	Horse-power.	*Horse-power.*						
Paints and varnishes	122	126	31	28	104	$180	$142	.....
Soap and candles	73	123	34	38	101	161	151	.....
Brick, tiles, and pottery	365	340	108	104	265	542	373	.....
Wire and manufactures of wire	222	367	73	59	165	401	305	[1] $408
Tin plate	134	105	88	.....	205	545	.....	744
Cutlery and tools	192	170	92	73	214	490	408	[2] 640
Agricultural implements and machines	117	.....	59	86	.....	333	463	.....
Clocks and watches	62	34	90	.....	239	538	.....	617
Automobiles, bicycles, motorcycles, and parts	66	77	65	90	166	419	303	[3] 544
Railway cars	233	182	96	82	156	604	423	505
Carriages and wagons	162	78	90	81	219	482	400	.....
Furniture	169	118	98	103	185	500	426	[4] 559
Sugar	415	254	39	50	107	234	272	.....
Flour and grist milling	762	596	34	22	93	185	106	.....
Baking	41	42	63	71	175	374	294	.....
Butter, cheese, condensed milk, and oleomargarine	254	205	47	49	136	282	141	.....
Brewing	125	34	20	32	34	148	205	.....
Cotton goods	504	114	47	118	255	516	416	597
Bleaching, dyeing, and finishing	223	382	91	48	191	440	209	506
Linen, jute, and hemp goods	394	414	128	128	320	454	299	490
Woolen and worsted goods	223	358	109	142	283	474	493	552
Silk goods	110	224	111	101	358	433	365	601
Hosiery and knit goods	115	56	144	124	312	498	390	583
Clothing, handkerchiefs, and millinery	17	23	90	119	283	410	460	[5] 456
Paper, paper goods, and wood pulp	839	487	60	75	220	311	340	.....
Printing, binding, and publishing	56	70	48	75	163	307	392	.....
Boots and shoes	53	51	110	104	269	547	421	[6] 594
Gloves	28	24	109	103	212	457	338	439
Leather, and manufactures of, not specified	137	106	75	40	188	392	232	.....
Explosives, firearms and ammunition, and fireworks	132	184	63	41	163	372	202	.....
Shipbuilding	209	145	90	99	198	600	533	679

[1] Wire drawing and working.
[2] Edge tools, spades, files, etc.
[3] Cycle making and repairing.
[4] Cabinetmaking and allied trades, including shop fitting and chair making.
[5] Not including custom work.
[6] Ready-made only.

Mr. SMOOT. Before passing from this I will take the time to call particular attention to a few of the industries. For every $100,000 added by manufacture, the report claims, it takes engine capacity as follows:

	United States.	United Kingdom.
Sugar	415	254
Silk goods	110	224
Paper, paper goods, and wood pulp	839	487
Cotton goods	504	114
Woolen and worsted goods	223	358

Mr. STERLING. Will the Senator permit me to ask him what report he refers to? I was not in the Chamber when the Senator began his remarks.

Mr. SMOOT. It is the report on foreign tariff systems and industrial conditions prepared by the Bureau of Foreign and Domestic Commerce of the Department of Commerce at the request of the chairman of the Committee on Ways and Means.

Again, to produce the same amount, the report states that the following number of wage earners are required:

	United States.	Canada.	United Kingdom.
Brick, tile, and pottery	108	104	265
Tin plate	88	.....	205
Clocks and watches	99	.....	239
Sugar	39	50	107
Butter, cheese, condensed milk, and oleomargarine	47	49	136
Cotton goods	47	118	255
Bleaching, dyeing, and finishing	91	48	191
Linen, jute, and hemp goods	128	128	320
Woolen and worsted goods	109	142	283
Silk goods	111	101	358
Hosiery and knit goods	144	124	312
Paper, paper goods, and wood pulp	60	75	220
Shipbuilding	96	99	198

Again, for every $1,000 added by manufacture it requires the payment of the following amount of wages:

	United States.	Canada.	United Kingdom.
Cotton goods	$516	$416	$597
Linen, jute, and hemp goods	454	299	490
Woolen and worsted goods	474	493	552
Silk goods	433	365	601
Shipbuilding	600	533	679

The British Government in reporting on wages in this country as compared with the United Kingdom, notwithstanding that it only took trade-union wages in the latter country, reported that the average weekly wage in this country was approximately two and one-third times greater than the wages in England and Wales, two and five-sixths times greater than the wages in Germany, three and one-half times the wages in France, and three and three-fourths times the wages in Belgium. It also found that the hours were shorter in this country. It found that in Germany there was an average increase in wages of 9 per cent between October, 1905, and March, 1908, but in England and Wales the level of wages in the building trades was the same in 1908 as in 1905, and in the engineering trades—that is, foundries and machine shops—the increase in that time was only 1½ per cent. There was a very marked increase in the wages in the United States, which only serves to show the difference between wages in a protective-tariff country, as in this country and Germany, and in free-trade England. As to the cost of living, the British report excludes London, though it includes New York and other cities in this country in making a comparison, but it finds a ratio of 138 for the United States, as compared with 100 for England and Wales, London excluded; but bakers' bread is a very large item in the British cost of living, amounting to 22 pounds a week in the average workingman's family in that country, whereas in the United States bakers' bread is not used at all in the great majority of workingmen's families, and in none of them to any large extent. It is acknowledged that the consumption of meat is larger in the United States, as well as the consumption of vegetables, and the reports state that "the dietary of the American workingman's family is more liberal and more varied than that of the corresponding families in the United Kingdom."

THE TESTIMONY OF MR. GOMPERS.

The truth is that the situation in Europe is very well shown by Samuel Gompers in writing about the result of his investiga-

tions in England, France, and Germany in 1909. Speaking about this subject he stated:

The deepest impression that England made upon me comes from its poverty. Physically thousands have become unfortunate and are almost irreclaimable from idleness. Vice and the result of idleness make of them ready victims of death. Poverty is on view in all parts of London; figures in dirt and rags slouch along amid gay and well-attired promenaders in the park. With regret I must confess that I came away from London with a sense of depression; from time to time since those numbers of degraded objects which ought to have been men and women have formed in my mind's eye a procession moving along together past me, mournful, helpless, a disgrace to our boasted civilization. The Old World is not our world. In the procession America is first.

In speaking of the work in the shipyards of England and Scotland, Mr. Gompers says that wages range from $6 to less than $9 per week. In American shipyards the highest-class labor is paid almost that much in a day. But if the statistics of the Bureau of Foreign and Domestic Commerce were considered wages would be higher in England. Mr. Gompers said that in the matter of the cost of living that if an American workingman would live the same as the European wage earner is compelled to do, the cost of living would be about the same, and that is the fact which is not upset in any way by the British report, because it is acknowledged in that report that in bakers' bread and one or two other things not used in this country, but used extensively in the United Kingdom, the difference is made up.

GREATER EMPLOYMENT OF FEMALES IN GREAT BRITAIN.

Another fact which does not appear in this comparison of the Bureau of Foreign and Domestic Commerce is the greater employment of female and child labor in the United Kingdom. In the pottery industry, for instance, the percentage of female labor as compared with male labor in this country is 100 males to 20 females; in England, 100 males to 80 females; in Germany, 100 males to 300 females. Sixty-two per cent of the textile employees in England are females, while in the United States in the wool and worsted industry 41.3 per cent are females, and in the cotton industry 38.7 per cent of those over 16 years of age. In the wool and worsted industry in England 56.7 per cent are females, and in the hosiery industry 74.6 per cent, and in the silk industry 68.7 per cent. This large employment of women and children in England may make the average number employed seem larger, although women are paid very much less in England in proportion to the male pay than is the case in the United States.

WHAT COMMERCIAL AGENTS FOUND.

It is said in this report of the Bureau of Foreign and Domestic Commerce that the investigations of the United States commercial agents bear out the assertions as to the greater efficiency of labor, machinery, and so forth, in this country. But that is not true. Reports of commercial agents depend largely upon the men employed. I am sorry to say that a few agents who have gone abroad were not competent for the work which they undertook, and in at least one case were not even able to write the English language correctly. Capt. Carden, of the Revenue-Cutter Service, was detailed as a commercial agent, and made a thorough inquiry as to the large establishments of Europe and showed himself entirely competent to do the work. He found the same machinery in use in Europe that is used in the United States and the same effective methods of administration. The only difference he found in favor of this country was in the larger establishments, in some cases, which devoted themselves exclusively to one product, in that case producing it at a less cost than an establishment which manufactures several different articles at the same time. But that is not the case in everything by any means. For instance, in chemicals we are far behind Europe. One establishment in Germany employs 10,000 persons, which is exclusive of their numerous agencies. A chemical establishment in England employs 7,000 persons, and is interested in several other establishments; one in France has a large number of establishments and employs a force much greater than in any similar establishment in the United States. Then, the trusts and syndicates control the chemical industry in Europe and dump their surplus products in this country. In the chemical industry we are deficient as compared with Europe for the reason that sufficient protection has never been given fine chemicals to establish the industry in this country.

EFFICIENCY OF LABOR ABROAD.

As to efficiency of labor, while it is customary for some of our free-trade friends to assert that because of this superior efficiency we do not need any tariff in this country, when we have to compete with Europe the facts demonstrate quite to the contrary. A large proportion of the labor in this country came from Europe, particularly skilled labor. The European mills are filled with workmen who make the business a life study and stay in one place, thus producing greater efficiency. In this country it is customary to move about, and the apprenticeship system is not developed here to the extent that it is in Europe, while Government assistance is given there in the way of technical schools and other educational advantages for trades much greater than is the case in the United States.

Charles Delaney, president of the National Association of Glue & Gelatin Manufacturers, testified before the House Ways and Means Committee that the subject of the efficiency of wage earners in this country as compared with Europe has been repeatedly discussed in that association, and it was the experience of men in his business, who had knowledge of European conditions, that labor was not more efficient here.

The imports alone would demonstrate the falsity of the assertion that labor is more efficient here than abroad. Joseph Benn & Sons, who have a mill at Greystone, R. I., and another one at Bradford, England, announce that they will close their mill at Greystone if the rates proposed in the Underwood bill on wool and woolen goods take effect, for the reason that they can produce so much cheaper in Bradford that they could not afford to operate the mill at Greystone. They have already thrown some 400 workmen out of employment, and are ceasing to do any work except on orders, because of the menace of this Democratic tariff bill. Julius Forstman, a German who has been in the manufacturing business in Germany and who was a member of the tariff commission which formed the last tariff in that country, has a mill in Passaic, N. J. Mr. Forstman is a man of large experience, and he ridicules the talk of greater efficiency of labor in this country as compared with Europe. He finds it difficult to get reliable, competent labor in this country, but had no such difficulty in Germany. Legislation based on any talk of greater efficiency of labor, in many of the industries in the United States as compared with Europe, would be based on as false an assumption as are the statistics given in this report of the Bureau of Foreign and Domestic Commerce.

EVIDENCE FROM BRITISH INVESTIGATORS.

Arthur Shadwell, M. A., M. D., made a long investigation as to the efficiency of labor in England and in other countries, including the United States, which was published by Longmans, Green & Co., of London, and a new edition was issued in 1909 after further investigation by Dr. Shadwell. In this last edition he says:

During the winter of 1907 and 1908 I went through a large number of workshops in several of the most important manufacturing centers in England, including some which I had visited five years before. The change was very noticeable. I found workshops reconstructed, reorganized, and reequipped, old appliances replaced by new, the most recent tools and machinery installed, and a general air of renovation. * * * British manufacturers took up the American idea of high-speed steel and machinery tools with great energy. Sheffield is without a single rival. British makers have recovered their lost ground and are once more ahead. Their machinery tools to-day are more varied and more economical than those of the United States. British makers are well ahead in actual speed for some classes of machinery. * * * Boot making by machinery is wholly an American development. English manufacturers not only equip their factories with machinery, but also adopt American styles and have succeeded in turning out goods equally attractive and cheap and of better quality. The factory trade was revolutionized. The whole situation has been changed by the patent act of 1907, nullifying the boycott agreements in leasing arrangements, and compelling American makers of boot machinery to manufacture in this country so that English makers can now compete on fair terms. This act is having a substantial effect in increasing productive employment in this country. The boot trade is only one of several affected by it.

Lord Brassey, an eminent Englishman, wrote a book a number of years ago on Foreign Work and English Wages. In 1908 Mr. S. J. Chapman, M. A., professor of political economy in the University of Manchester, issued two volumes, which were published by Longmans, bringing up to date the work previously done by Lord Brassey, who wrote an introduction to these books, in which he said:

In home industries labor-saving machinery has been increasingly used and better methods of work have been adopted. To-day the master builders of London can hold their own with every other great city at home or abroad, whether in workmanship, rate of progress, or lowness of cost.

COST OF LIVING NO LESS IN ENGLAND.

Speaking of the cost of living in England and efficiency of labor, as compared with this country, Lord Brassey says—and he made a personal investigation:

The cost of living is about the same here as in the United States. The rough work around blast furnaces is not attractive to Americans. The workers in that branch (in the United States) are mostly foreigners, inferior in efficiency to the skilled men in British establishments. We possess unrivaled advantages in shipbuilding. Our workmen are second to none. The cost of a steamship in the United States, according to Mr. Chapman, is 15 per cent to 25 per cent greater than with us. In the manufacture of locomotives, in efficiency the English makers can hold their own. English makers retain the leadership in cotton and linen machinery. British machine-tool makers hold their own even in competition with the United States. The cotton industry of Great Britain has been long in a commanding position. Factory operatives are trained from childhood. We have an advantage in the humidity of our climate. American operatives are a migratory body, recruited from every nationality. In silk the French are preeminent.

In chemicals and dyes we have allowed our German competitors to pass ahead. They have succeeded through the care and liberality bestowed by their Government. French exports of chemicals are only about one-half those of England; but the exports of the United States are little more than half those of France. It is satisfactory to know that Great Britain, the pioneer in the construction of railways, has maintained an ever-advancing standard of efficiency. British workmen are second to none.

NO DIFFERENCE IN EFFICIENCY OF LABOR.

That is the testimony of an eminent Englishman who has been honored by his own and other Governments, and who speaks of the efficiency in that and other countries from personal inquiries. With just as efficient workmen, trained for life in their callings, the British employers have all of the advantages of machinery, the same as an American manufacturer, and pay wages that are in many cases two-thirds less than the rates paid in the United States, and that is substantiated by the report of the British Government. In the volume issued by the British Government reporting wages in that country it is stated that bricklayers in the United States in 1905 received an average for several hours less work a week than their British competitors of 110s. 6d., but the average paid in the building trades in Great Britain for full time for men was 32s., while the highest paid in any industry under that classification was 40s. a week, paid only to 13 per cent of the workers. In the same way a mason is credited with receiving 96s. in the United States as compared with less than 30s. in Great Britain. As a matter of fact, these wages quoted for the United States are much below the rates paid in New York and some other cities. The British Government credits plumbers with receiving 94s. in the United States, and compositors in printing offices 95s. as compared with wages in similar industries in the United Kingdom of less than a third as much.

In the building trades, according to British official returns, in the United Kingdom 5 per cent of the men working full time receive less than 20s. a week—$5—and 37 per cent of them received between 20 and 30s.—between $5 and $7—a week, while the average in all the building trades for full-time summer work is a little over $7 a week. In some of the trades in this classification in the United States men earn almost that much in a day. It is admitted that the pay in Great Britain is less in the winter than in the summer.

WOMEN IN THE BUILDING TRADES.

Women are employed in the building trades there, and the average rate of wages for them is $3.10 a week, while boys under 20 years of age get $2.28 a week. It is stated in this official British report that since 1900 there has been no change in wages in building trades; that is, the "general level" is the same; but in the United States there has been a very marked increase in that period. Of course rates of wages differ in various parts of the United Kingdom. The average earnings of a man in full time in the building trades, in United States money, in Ireland is $6.66 a week. That includes plumbers, masons, bricklayers, carpenters, and various other workers in that line, and serves to show the absurdity of asking the American workman to compete with such wages. Locomotive engineers receive on an average $9.22 a week. Men working full time in machine joinery, sawmills, and so forth, average in the United Kingdom $6.56 a week, while boys under 20 years who are employed in the same work average $2.98 a week. Thank God women are not employed in such work as the building trades in the United States, and I never want to see the day arrive when they will be. These are official British Government returns, concerning which there can be no dispute.

These returns state that in the public utilities service—roads and sanitation, gas, electricity, tramways, and omnibuses—the average pay for men in the United Kingdom is $6.48 a week, and for boys under 20 years of age, $2.88 a week. Men at work on the roads and in sanitary employment in the rural districts receive $4.30 a week on the average. Men at work on tramways or street cars and omnibuses receive on the average $7.32 a week. The situation is much worse in the agricultural districts, where men working full time, including everything allowed them, receive in the summer in England an average of $4.40 a week and in Ireland $2.70 a week. It is difficult to believe that able-bodied men can live on such wages. Those wages include all allowances of any kind for living purposes, as stated in the British report. In five counties in Ireland, according to this report, the average wages for men on farms employed full time is $2.40 a week. The highest pay in any county in Ireland for farm labor is $3.36 a week and the lowest $2.32 a week. In Oxfordshire, England, the average farm pay for men working full time is $3.92 a week, and the hours of employment are from 11 to 12 a day. It is no wonder that there has been such an enormous decrease in the number of farm laborers in England and that millions of acres of land have ceased to be cultivated. How anyone can live on such wages while the cost of living, according to such an eminent authority as Lord Brassey, is practically the same as in the United States is hard to understand. It is further stated that there has been no change in farm wages since 1902.

WHAT SOME TRADE WORKERS ARE PAID.

The average pay for boot and shoe workers, full time of from 52½ to 54 hours a week, in England is from $6.22 to $7.20 a week. The British reports show a decrease of 20 per cent of the land under cultivation in Ireland in 1906 as compared with 1851, and a further large reduction in England. In the cotton industry 16 per cent of the men working full time earn less than 20 shillings a week, or $5, while there is nearly the same percentage in the woolen industry. Forty-four per cent of the men in the linen industry earn less than 20 shillings a week, 49 per cent in the jute industry, 51 per cent in the hair industry, 19 per cent in the silk industry, and 22 per cent in the hemp industry. Nearly 44 per cent of the men in the cotton industry earn between 20 and 30 shillings a week, or from $5 to $7.20. Thirteen per cent of the women in that industry working full time earn less than $2.40 a week, while 39 per cent earn between 10 and 15 shillings, or between $2.40 and $3.60 a week. The average for women working full time in the woolen and worsted industry is $3.32 a week, and in the linen industry $2.58 a week, and in the hemp industry $2.62 a week, and so on in other industries. How women can live on such wages passes understanding in this country. Boys under 20 years of age working full time in the linen industry receive $2.02 a week and in the woolen industry $2.44 a week. Girls under 18 years of age in the linen industry receive $1.76 a week, and they are paid still less in the hemp industry and little more in the woolen and cotton industries. The average hours of labor in the cotton industry are 55.5 a week and in the silk industry 54.5. In the clothing industry, which, under the proposed new tariff bill will be afforded little, if any, protection in the United States, the average men's earnings in England, according to the Government report, are $6.78 a week, while the average for women is $3.12 a week, with correspondingly low wages for boys and only an average of $1.36 a week for girls under 18 years of age. Even then the employment is irregular. The full average wage for women in millinery, clothing, artificial flowers, gloves, furs, and so forth, is only $3.24 a week. But women predominate in nearly all of these industries, and there are 38,000 in the boot and shoe industry alone. Over 21 per cent of the women in this industry earn less than $2.40 a week for full time.

In 1889 there were 49,000 persons employed in boot and shoe factories, but in 1904 there were 102,489. This was the result of improved machinery and of doing the work in factories instead of in private houses. It would be easy to go on quoting from these Government statistics to show the remarkably low wages paid in the United Kingdom, and it must not be forgotten that our British friends claim that the wages are higher in that country than in some of the other countries of Europe. But when a comparison is made with the United States and the fact considered that it is proposed to cut down the tariff rates to the great extent contemplated by this Democratic tariff bill, no one need be surprised over the fact that there has been a loss in a few months of hundreds of millions of dollars in the values of stocks and bonds of corporations in this country.

Whenever statistics are gathered from the realm of speculation, and with no other object in view than to demonstrate some pet idea, the information sought to be conveyed by them necessarily becomes misleading, and such a practice should be condemned, no matter by whom indulged in. I leave the Senate to judge if this report should not be condemned.

OKANOGAN RIVER BRIDGE, WASHINGTON.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. JONES. Will the Senator consent to yield to me to ask unanimous consent for the consideration of a bridge bill? It will take but a moment.

Mr. STONE. I withdraw the motion at the request of the Senator.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 1353) to authorize the board of county commissioners of Okanogan County, Wash., to construct and maintain a bridge across the Okanogan River at or near the town of Malott.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. STONE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 1 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, June 23, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1913.

MINISTER.

John D. O'Rear, of Missouri, to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia, vice Horace G. Knowles, resigned.

CONSUL.

Philip Holland, of Tennessee, now consul at Saltillo, to be consul of the United States of America at Basel, Switzerland, vice George Gifford, resigned.

COLLECTORS OF INTERNAL REVENUE.

John L. Pickering, of Illinois, to be collector of internal revenue for the eighth district of Illinois, in place of Frank L. Smith, resigned.

Andrew C. Gilligan, of Ohio, to be collector of internal revenue for the first district of Ohio, in place of Bernhard Bettman, resigned.

MINISTER.

Henry Van Dyke, of New Jersey, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg, vice Lloyd Bryce, resigned.

UNITED STATES ATTORNEYS.

George W. Jack, of Louisiana, to be United States attorney for the western district of Louisiana, vice E. H. Randolph, resigned.

Lewis M. Coleman, of Tennessee, to be United States attorney for the eastern district of Tennessee, vice James B. Cox, whose resignation has been accepted.

COMMISSIONER OF PATENTS.

Thomas Ewing, jr., of New York, to be Commissioner of Patents, vice Edward B. Moore.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert T. Frazier, of Nashville, Tenn., to be First Assistant Commissioner of Patents, vice Cornelius C. Billings.

RECEIVER OF PUBLIC MONEYS.

Edward C. Hargadine, of Montana, to be receiver of public moneys at Glasgow, Mont., vice Walter Shanley, term expired.

REGISTER OF THE LAND OFFICE.

Thomas R. Jones, of Glasgow, Mont., to be register of the land office at Glasgow, Mont., vice Truman M. Patten, term expired.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Frank K. Chapin, Ninth Cavalry, to be first lieutenant from June 20, 1913, vice First Lieut. Harry B. Jordan, Eighth Cavalry, detailed in the Ordnance Department on that date.

Second Lieut. Henry L. Watson, First Cavalry, to be first lieutenant from June 20, 1913, vice First Lieut. Frederick E. Shnyder, Eighth Cavalry, detailed in the Ordnance Department on that date.

COAST ARTILLERY CORPS.

First Lieut. Philip H. Worcester, Coast Artillery Corps, to be captain from June 20, 1913, vice Capt. Glen F. Jenks, detailed in the Ordnance Department on that date.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 12, 1913.

Corps of Engineers.

Cadet Francis Kosier Newcomer.
Cadet Charles Francis Williams.
Cadet Gordon Russell Young.
Cadet Richard Ulysses Nicholas.
Cadet Myron Bertman.
Cadet Leo Jerome Dillow.
Cadet James Archer Dorst.
Cadet Rufus Willard Putnam.
Cadet Lunsford Errett Oliver.

Cavalry Arm.

Cadet Allen G. Thurman.
Cadet George Wessely Sliney.
Cadet Eugene Tritle Spencer.
Cadet Willis Dale Crittenberger.
Cadet Alfred Bainbridge Johnson.
Cadet Falkner Heard.
Cadet Roland Louis Gaugler.
Cadet Stuart Warren Cramer, jr.
Cadet Thoburn Kaye Brown.
Cadet Silas Miram Ratzkoff.
Cadet Geoffrey Keyes.
Cadet Frederick John Gerstner, jr.
Cadet Clarence Earl Bradburn.
Cadet Joseph Wadsworth Viner.
Cadet John Arthur Considine.
Cadet David Beauregard Falk, jr.
Cadet Earl Lindsey Canady.
Cadet Louis Aleck Craig.
Cadet George Edward Lovell, jr.
Cadet Desmore Otts Nelson.

Field Artillery Arm.

Cadet William Chalmers Young.
Cadet William Carey Crane, jr.
Cadet William Bleecher Rosevear, jr.
Cadet Carlos Brewer.
Cadet David Edward Cain.
Cadet John Eugene McMahon, jr.

Coast Artillery Corps.

Cadet Francis Augustus Englehart.
Cadet William Ashley Copthorne.
Cadet Selby Harney Frank.
Cadet Robert Heber Van Volkenburgh.
Cadet Samuel John Heidner.
Cadet Junius Wallace Jones.
Cadet Manning Marius Kimmel, jr.
Cadet Vern Scott Purnell.
Cadet Robert Meredith Perkins.
Cadet Lawrence Babbitt Weeks.
Cadet William Cooper Foote.
Cadet Stewart Shepherd Giffin.
Cadet Ward Elverson Duvall.
Cadet James Brown Gillespie.
Cadet Charles Lawrence Kilburn.
Cadet Redondo Benjamin Sutton.
Cadet Paul Duke Carlisle.
Cadet Francis Joseph Toohey.

Infantry Arm.

Cadet Lewis King Underhill.
Cadet Harold Smith Martin.
Cadet John Huff Van Vliet.
Cadet Leland Swarts Devore.
Cadet Charles Addison Ross.
Cadet Douglass Taft Greene.
Cadet Clarence Hagbart Danielson.
Cadet James Nixon Peale.
Cadet Francis Reuel Fuller.
Cadet Clinton Warden Russell.
Cadet William Richard Schmidt.
Cadet George Lester Hardin.
Cadet Otis Keilholtz Sadtler.
Cadet William Henry Jones, jr.
Cadet John Erskine Ardrey.
Cadet Carlyle Hilton Wash.
Cadet Henry Pratt Perrine, jr.
Cadet Dennis Edward McCunniff.
Cadet Henry Balding Lewis.
Cadet Henry Barlow Cheadle.
Cadet Wyndham Meredith Manning.
Cadet Samuel Alexander Gibson.
Cadet Paul Woolever Newgarden.
Cadet Harley Bowman Bullock.
Cadet Charles Andrew King, jr.
Cadet Dana Palmer.
Cadet Alexander McCarrell Patch, jr.
Cadet Charles Bishop Lyman.
Cadet Robert Lily Spragins.
Cadet George Washington Krapf.
Cadet Charles Harrison Corlett.
Cadet Hans Robert Wheat Herwig.
Cadet Howard Calhoun Davidson.
Cadet William Lynn Roberts.
Cadet William Alexander McCulloch.
Cadet Bernard Peter Lamb.
Cadet William Augustus Rafferty.
Cadet Lathe Burton Row.
Cadet John Flowers Crutcher.

POSTMASTER.

KANSAS.

John H. Shields to be postmaster at Wichita, Kans., in place of William C. Edwards. Incumbent's commission expired January 21, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21, 1913.

AMBASSADOR.

Thomas Nelson Page to be ambassador extraordinary and plenipotentiary to Italy.

MINISTERS.

Pleasant A. Stovall to be envoy extraordinary and minister plenipotentiary to Switzerland.

William E. Gonzales to be envoy extraordinary and minister plenipotentiary to Cuba.

Benjamin L. Jefferson to be envoy extraordinary and minister plenipotentiary to Nicaragua.

Edward J. Hale to be envoy extraordinary and minister plenipotentiary to Costa Rica.

RECEIVER OF PUBLIC MONEYS.

Harry L. Gandy to be receiver of public moneys at Rapid City, S. Dak.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

George H. Emmerson.
George E. Brandt.
Robert O. Baush.
John C. Hilliard.
Karl F. Smith.
Owen St. A. Botsford.
Donald T. Hunter.
Henry B. Le Bourgeois.
Cleveland McCauley.
Leslie C. Davis.

MEDICAL RESERVE CORPS.

The following-named citizens to be assistant surgeons:

Edward A. Schumann.
Robert L. Payne, jr.
Bruce Elmore.
Charles C. Ammerman.
William B. Hetfield.
Frank H. Haigler.

POSTMASTERS.

GEORGIA.

Adiel R. Scott, McDonough.

KENTUCKY.

Jordan W. Crossfield, Lawrenceburg.

NEBRASKA.

W. C. Bartlett, Elmwood.
V. W. Clayton, Wisner.
J. B. Lane, Blue Hill.
Frank D. Strope, Orchard.

NORTH CAROLINA.

J. H. Bowen, West Durham.

OKLAHOMA.

A. Tarlton Embree, Henryetta.
Simon Peter Treadwell, Ryan.
J. Lee Wilemon, Rush Springs.

SENATE.

MONDAY, *June 23, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Saturday last was read and approved.

REUNION CELEBRATION AT GETTYSBURG, PA.

The VICE PRESIDENT. Under the resolution of the Senate, adopted on Saturday last, the 21st instant, the Chair appoints as the committee on the part of the Senate to attend the reunion celebration at Gettysburg, Pa., July 1, 2, 3, and 4, Mr. NEWLANDS, Mr. BANKHEAD, Mr. SHIVELY, Mr. THORNTON, Mr. NELSON, Mr. WORKS, Mr. BRADLEY, and Mr. DU PONT.

PETITIONS AND MEMORIALS.

Mr. WORKS. I have received several telegrams from the Chamber of Commerce of Stockton, from grape growers and business men of Lodi, and from Chester H. Rowell, in my State, relative to the proposed change in the tariff bill imposing a tax on spirits contained in California sweet wines. I ask that the telegrams be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FRESNO, CAL., *June 21, 1913.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Proposed change tariff bill imposing internal-revenue tax on spirits contained in California sweet wines would practically ruin the industry; would not produce more than small fraction of the revenue estimated, since little fortified wine would be produced. Sugar instead of alcohol would be added and the alcohol produced by complete fermentation of sugar in grapes in place of present incomplete fermentation; fortification of wines is primarily for purpose of increasing sugar rather than alcohol. Amendment is proposed primarily to give unfair advantage to sophisticated Ohio wines and to eastern alcoholic products used in patent medicines. Proposed tax would be staggering blow to Fresno grape industry already sufficiently menaced by decrease in raisin tariff and proposed reduction Zante currant tariff to 1 cent. Hope you can urge restoration of both wine and currant schedules to figures of House bill.

CHESTER H. ROWELL.

STOCKTON, CAL., *June 21, 1913.*

Senator JOHN D. WORKS,
Washington, D. C.:

Grape growers appalled at magnitude of disaster threatened by repeal of sweet-wine law. Please do all in your power to impress upon Congress, and especially Finance Committee, that repeal of the sweet-wine law will add only a paltry sum to internal revenues; the imposition of tax of $1.10 would be practically prohibitive, and while a little wine might be made and sold at very high prices, the bulk of our business would be lost and the Government would fail to get its revenue; would be impossible to compete with foreign wines fortified with free brandy. San Joaquin County has 40,000 acres of grapes affected by sweet-wine industry; tax would amount to $25 per ton on grapes, which would be fatal to the industry. The sweet vineyards of this State have been planted under the belief that brandy would continue to be subject only to a very nominal tax necessary to reimburse Government for its cost of gauging. You can appreciate the situation, and insist upon at least a proper hearing being accorded by the Finance Committee to the grape growers of California.

STOCKTON CHAMBER OF COMMERCE,
By LOUIS S. WETMORE, *President.*
By JOHN P. IRISH, Jr., *Acting Secretary.*

LODI, CAL., *June 21, 1913.*

Senator JOHN D. WORKS,
Washington, D. C.

DEAR SIR: Our business men and grape growers were astonished at the action of the Finance Committee of the United States Senate in introducing a measure in the Underwood tariff bill providing for the repeal of the sweet-wine law, and feeling the vital interest which this community has in the sweet-wine industry of this State, a mass meeting of the grape growers of this district was called at our theater today. We were again astonished at the tremendous response to our call and the size and magnitude of the meeting. The grape growers here are very much excited, as they all realize the disaster that threatens them should the sweet-wine law be repealed. The following resolutions were passed unanimously with great enthusiasm at the mass meeting, and we have been requested to forward them to you by wire:

"Whereas there are in this district more than 15,000 acres of wine grapes devoted to the manufacturing of sweet wines; and

"Whereas there are in this district more than 15,000 acres of table grapes, a large part of which are used in the production of California sweet wines; and

"Whereas we were induced to engage in the business of growing both table and wine grapes, believing that our outlet through the manufacture of sweet wines was assured by the passage of the sweet-wine bill of 1890: Be it

"Resolved by the grape growers of Lodi and northern San Joaquin County in mass meeting assembled, That we protest against the great injury which will be done to this community if our present sweet-wine law is repealed. It takes many years to bring a vineyard into bearing, and our investments represent at least $9,000,000. The revenue which will be derived by the United States Government is entirely overestimated in the Senate committee, because the amount of wine which would be produced under a tax of $1.10 as proposed would be very small."

We sincerely hope that your efforts in this matter will accomplish something and that our industry here will be protected.

Very respectfully, yours,

GRAPE GROWERS AND BUSINESS MEN OF LODI,
By C. E. LAWRENCE, *Chairman.*

Mr. NELSON presented a resolution adopted by sundry citizens of Duluth, Minn., property owners in the Isle of Pines, West Indies, favoring the retention by the United States of the sovereignty over the Isle of Pines, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of the Audubon Society of Bridgeport, Conn.; Augusta M. Kennedy, of Whitman, Mass.; the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal.; the Wild Flower Club, of Concord, N. H.; the fish and game commissioners of Trenton, N. J.; the Board of Game Commissioners of Harrisburg, Pa.; E. H. Jewett, of Detroit, Mich.; and from Elsa Tudor de Pierrefeu, of Lakeside, Mich., praying for the adoption of the clause in Schedule N of the pending tariff bill, prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Watertown, S. Dak., praying for the exemption of commercial organizations not organized for profit from the operations of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. CHAMBERLAIN. I have received telegrams from the Chamber of Commerce of Stockton, Cal., and from the grape growers and business men of Lodi, Cal., relative to the proposed repeal of the sweet-wine law. I ask that the telegrams be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STOCKTON, CAL., *June 21, 1913.*

Senator GEORGE CHAMBERLAIN,
Washington, D. C.:

Grape growers appalled at magnitude of disaster threatened by repeal of sweet-wine law. Please do all in your power to impress upon Congress, and especially Finance Committee, that repeal of the sweet-wine law will add only a paltry sum to internal revenues. The imposition of tax of $1.10 would be practically prohibitive, and while a little wine might be made and sold at very high prices, the bulk of our business would be lost and the Government would fail to get its revenue. Would be impossible to compete with foreign wines fortified with free brandy. San Joaquin County has 30,000 acres of grapes affected by sweet-wine industry; tax would amount to $25 per ton on grapes, which would be fatal to the industry. The sweet-wine vineyards of this State have been planted under the belief that brandy would continue to be subject only to a very nominal tax necessary to reimburse Government for its cost of gauging. You can appreciate the situation and insist upon at least a proper hearing being accorded by the Finance Committee to the grape growers of California.

STOCKTON CHAMBER OF COMMERCE,
By LOUIS S. WETMORE, *President.*
By JOHN P. IRISH, Jr., *Acting Secretary.*

LODI, CAL., *June 21, 1913.*

Senator GEORGE E. CHAMBERLAIN,
Washington, D. C.

DEAR SIR: Our business men and grape growers were astonished at the action of the Finance Committee of the United States Senate in introducing a measure in the Underwood tariff bill providing for the repeal of the sweet-wine law, and feeling the vital interest which this community has in the sweet-wine industry of this State, a mass meeting of the grape growers of this district was called at our theater to-day. We were again astonished at the tremendous response to our call and of the size and magnitude of the meeting. The grape growers here are very much excited, as they all realize the disaster that threatens them should the sweet-wine law be repealed.

The following resolutions were passed unanimously, with great enthusiasm, at the mass meeting, and we have been requested to forward them to you by wire:

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"Whereas there are in this district more than 15,000 acres of table grapes, a large part of which are used in the production of California sweet wines; and

"Whereas we were induced to engage in the business of growing both table and wine grapes believing that our outlet through the manufacture of sweet wines was assured by the passage of the sweet-wine bill of 1890: Be it

"*Resolved by the grape growers of Lodi and northern San Joaquin County in mass meeting assembled,* That we protest against the great injury which will be done to this community if our present sweet-wine law is repealed. It takes many years to bring a vineyard into bearing, and our investments represent at least $9,000,000. The revenue which will be derived by the United States Government is entirely overestimated in the Senate committee, because the amount of wine which would be produced under a tax of $1.10, as proposed, would be very small."

We sincerely hope that your efforts in this matter will accomplish something and that our industry here will be protected.

Very respectfully, yours,

GRAPE GROWERS AND BUSINESS MEN OF LODI,
By C. E. LAWRENCE, *Chairman.*

Mr. NORRIS. I have received resolutions adopted by the Nebraska Association of Postmasters, recommending certain changes in the postal service. I ask that the resolutions be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY NEBRASKA ASSOCIATION OF POSTMASTERS.

The Nebraska Association of Postmasters, in its eleventh annual convention assembled, reiterates its purpose to be the betterment of and progress in the Nebraska postal service. To this end it pledges itself as an organized body and its individual members to exercise the utmost effort to the end that the standard of postal-service efficiency shall ever be raised, regardless of any change in the generalship under which we serve, and to the further end that we leave to our successors an organization that shall be a source of greatest possible aid to them, and that those who follow us individually may promptly and effectively take up the tasks with which we have hitherto been engaged. Pursuant to this, our definite aim, be it

Resolved, That the conviction repeatedly expressed by this organization, and reiterated in 1912, with reference to civil-service extension, still voices the opinion of this body. We are firmly persuaded that civil service should be extended to postmasters of all classes in manner similar to its recent application to fourth-class offices; and it is desired again to call the attention of the public and the press to the merits of such extension, not, however, without the emphatic declaration at this time that such extension should apply and can reasonably be expected to apply only to our successors. We recommend that after these shall have been appointed the general features of the German mayoralty system in connection with our own civil-service regulations be provided by Congress, eventually permitting the promotion of assistant postmasters, superintendents, railway and local clerks and carriers, upon merit and efficiency system purely, from the lowest to the highest position in the service.

Resolved, That both economy and accuracy in accounting suggest the utmost simplification of the stamp system possible rather than a multiplicity of designs and denominations, and that we respectfully convey to the department our conviction that parcel-post or other distinctive stamps should at least be issued in the same decimal-sheets form used as to first-class postage.

Resolved, That money-order fees be reduced to the same basis upon which other great systems of exchange are conducted.

Resolved, That we recommend the consolidation of the third with the present parcel-post class of mail.

Resolved, That we favor a reduction of the strictly local parcel-post rate.

BILLS AND A JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Maryland:

A bill (S. 2608) granting an increase of pension to Mary C. Whitson; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2609) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; to the Committee on Commerce.

By Mr. PERKINS:

A bill (S. 2610) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on Public Lands.

By Mr. BRADLEY:

A bill (S. 2611) to carry out the findings of the Court of Claims in the cases of Louis Landram, administrator of William J. Landram, deceased, and the legal representatives of James Harvey Dennis; and

A bill (S. 2612) to carry out the findings of the Court of Claims in the cases herein enumerated by payment of the several sums mentioned to those named herein; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 2613) for the relief of Marian E. Gibbon; to the Committee on Claims.

By Mr. JONES:

A bill (S. 2614) granting a pension to William M. Swart; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2615) granting an increase of pension to William A. Custer (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2616) to promote the efficiency of the Public Health Service; to the Committee on Public Health and National Quarantine.

By Mr. JONES:

A joint resolution (S. J. Res. 51) authorizing the delivering to the Dan McCook Post, No. 105, Grand Army of the Republic, at Wenatchee, Wash., of one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls; to the Committee on Military Affairs.

RAILROADS IN ALASKA.

The VICE PRESIDENT. The morning business is closed.

Mr. CHAMBERLAIN. I ask unanimous consent for the consideration of the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and——

Mr. OVERMAN. Let the bill be read.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

Mr. OVERMAN. Before unanimous consent is given I should like to hear the bill read.

The VICE PRESIDENT. The bill will be read.

The SECRETARY. The Committee on Territories report to strike out all after the enacting clause of the bill and to insert:

That the President of the United States is hereby authorized and directed to cause to be located such main lines for railroads from points on tidewater to the interior as will, in his judgment, best promote the settlement of Alaska, develop its resources, and provide adequate and suitable transportation for coal for the Army, Navy, and other Government services; of troops, arms, and munitions of war; of the mails, and for other Government and public uses, together with such branch lines, feeders, sidings, switches, and spurs as he may deem necessary; and

when such line or lines are located he is hereby authorized to cause to be constructed, completed, equipped, and operated thereon (until otherwise provided by Congress) a railroad or railroads, with the necessary equipment, docks, wharves, and terminal facilities: *Provided*, That the President may cause said road or roads to be operated by contract or lease, but no contract or lease shall be for a longer period than 10 years.

SEC. 2. That to enable the President to construct and operate the railroad or railroads and works appurtenant and necessary thereto, as provided in this act, he is hereby authorized to employ, in the ascertainment of the location of said railroad lines and in the construction, completion, equipment, and operation of the same, any of the engineers of the United States Army, at his discretion, and likewise to employ any engineers in civil life, at his discretion, and such other persons as he may deem necessary for the proper and expeditious prosecution of said work. The duties, powers, and compensation of such engineers and other persons employed under this act shall be fixed by the President. The official salary of any official appointed or employed under this act shall be deducted from the amount of salary or compensation provided for or which shall be fixed under the terms of this act. The officers or other persons placed in charge of the work by the President shall make to the President annually and at such other periods as may be required by the President or by either House of Congress full and complete reports of all their acts and doings and of all money received and expended in the construction of said work and in the operation of said work or works, and in the performance of their duties in connection therewith. The annual reports herein provided for shall be by the President transmitted to Congress. The President may acquire, by purchase or condemnation, all property he may deem necessary for the purpose of carrying out the provisions of this act, and he may exercise in the name of the United States the power of eminent domain in the courts of Alaska in accordance with the laws now or hereafter in force for that purpose. A right of way over the lands of the United States in Alaska shall be acquired for such railway lines upon filing in the General Land Office a map or maps approved by the President showing the line of the railroad or railroads and the boundaries of the lands reserved for such road or roads, and the President may, in this manner or otherwise, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable; and he may utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama; and the said Isthmian Canal Commission is hereby authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in section 5 of this act.

SEC. 3. Subject to the approval of the President the Interstate Commerce Commission shall have the power to fix, change, and modify rates for the transportation of freight and passengers on any railroad or railroads constructed and operated under the provisions of this act, which rates shall be the same to all.

No free transportation or passes shall be permitted and no discrimination as to rates shall be made in favor of the Government or its officers or agents: *Provided*, That the provisions of the interstate commerce laws relating to the transportation of employees and their families shall be in force as to lines constructed under this act.

SEC. 4. That any line of railroad designated and constructed under the provisions of this act may connect with the line of any railroad existing or which may hereafter be constructed in Alaska, or with any steamship line for joint transportation of freight and passengers, and in such case the lines thus connected shall be operated as a through route with through rates upon a fair and reasonable apportionment of revenue and expenses.

SEC. 5. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditure, the sum of $40,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States, in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest, payable quarterly in gold coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be used for carrying out the provisions of this act, including the expense of preparing, advertising, and issuing the bonds herein authorized, to continue available until expended: *Provided*, That so much of the said sum of $1,000,000 as shall have been expended shall be reimbursed to the Treasury out of the first proceeds of the sale of said bonds.

SEC. 6. That there is hereby created a redemption fund in the United States Treasury, to be known as the "Alaska railways redemption fund," into which shall be paid 75 per cent of all moneys derived from the sale or disposal of any of the public lands in Alaska, or the coal or mineral contents thereof, or the timber thereon, and into which fund shall be paid the net earnings of said railroad or railroads above maintenance charges and operating expenses; the said redemption fund, or any part thereof, may be used from time to time, upon the order of the President, to pay the interest on the bonds authorized and issued under the provisions of this act, and to redeem, cancel, and retire said bonds, under such rules and regulations as the President may establish.

SEC. 7. That it is the intent of this act to authorize and empower the President to do any and all things necessary to carry out and accomplish the purposes of this act.

Mr. OVERMAN. Mr. President, I feel compelled to object to the consideration of the bill, because it involves the Government ownership of railroads and a large expenditure of money. I think it ought to be considered at another time. I hope the Senator from Oregon will not insist upon the consideration of the bill now. It is one of the most important measures that can possibly come before the Senate.

Mr. CHAMBERLAIN. Mr. President, it is for that very reason I asked that the bill might be considered. I will say that if the Senate will consent to the consideration of the bill now neither I nor any of the friends of the measure would have it interfere with the business for which this session of Congress was convened, and we would be glad to lay it aside at any time when other matters were pressing for consideration.

I may say in this connection, Mr. President, that the Committee on Territories of the Senate has had this bill under consideration for more than a month; it has given extensive hearings to all parties interested, not only private interests, but officials of the Government as well, and the report on the subject is printed and is accessible to all Members. I think the report will furnish all the information necessary for an intelligent consideration of the measure.

I believe I can safely say, without violating any confidence, that the President of the United States himself, while not committed to any bill, favors the construction of a railroad in Alaska by the Government of the United States, and, in a communication received by the Committee on Territories from the Secretary of the Interior, he expresses his full approval of a measure which will authorize the construction of a railroad into Alaska by the Government.

I know, Mr. President, that there are Senators and there are Representatives who do not approve of the Government construction of railroads in Alaska or elsewhere, but I think it is proper for me to say that Alaska is sui generis. It has practically been bottled up from development by the Congress of the United States and by the Executive by the creation of different sorts of reserves, so that private capital has not been invested in Alaska as it ought to be. To some of us at least it seems that for the development of this magnificent empire, the gold and mineral storehouse of the United States, Government assistance and action will be absolutely necessary.

Mr. President, while, as I said, there are Members of Congress who oppose the construction by the Government of a railroad in Alaska, it is not essentially different from the course which the Government has pursued in days gone by. While it is true the Government itself has not constructed a railroad in any part of the country, nevertheless, Mr. President, vast areas of the public domain have been granted to railway corporations for the construction of railroads; and if the United States itself, instead of granting lands to the Northern Pacific, the Union Pacific, the Central Pacific, and other great railway corporations in the country, had saved the lands and expended the moneys which might have been realized from their sale the Government might have sold the land for more than enough to have constructed those or any other railroads in the country.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. CHAMBERLAIN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I desire to ask the Senator from Oregon if this report was unanimously agreed to by the Committee on Territories.

Mr. CHAMBERLAIN. I will say that it was, so far as the quorum present was concerned. There were a few members who were not able to be there on account of other business.

Mr. GALLINGER. I do not find that any minority report has been filed.

Mr. CHAMBERLAIN. There is no minority report. I will state that the Senator from Minnesota [Mr. NELSON], the Senator from Montana [Mr. WALSH], and possibly one or two others were engaged on other committee work and they would have preferred to have been heard, but they have filed no protest or minority report.

Now, Mr. President, as I said a while ago, in view of the fact that Alaska is practically owned by the Government of the United States, in view of the fact that it contains the coal reserve for the Government, which, in case of trouble, must be utilized by the Government itself for the proper equipping of our Navy, in view of the fact that efforts have been made to acquire valuable mineral deposits in that country by private interests, it seems to me that, owning it as it does, the Government itself ought to enter upon the construction of a railroad in Alaska.

I do hope, Mr. President, in view of the importance of this measure, that the Senate will at this time give consent that the bill may be taken up for consideration. I promise that at any time I will gladly lay it aside for the consideration of the other important bills which the Senate will have to consider.

Mr. NELSON. Mr. President, being a member of the Committee on Territories, from which this bill was reported, I beg leave to state that while I have filed no minority report, I was not present when the bill was agreed to be reported by the majority of the committee, and though I am in favor of giving Alaska aid to a reasonable extent in building railroads, I am utterly opposed to the Government embarking upon the construction and operation of railroads. Therefore, I am opposed to the bill in its present form; but I am not opposed to giving the people of Alaska reasonable and proper aid in securing railroads in that country. However, this is an entirely new proposition, involving the expenditure of $30,000,000 by the Government in building a road in a country as large as Alaska.

Mr. LODGE. Mr. President, I ask if the morning business has been concluded.

The VICE PRESIDENT. It has.

Mr. OVERMAN. I believe I objected to the consideration of the bill, and all debate is out of order, I think.

Mr. LODGE. Yes; it is. I ask for the regular order.

Mr. BRISTOW. I beg the Senator's pardon; I understood that unanimous consent was given for the consideration of the bill.

Mr. OVERMAN. I only gave consent with the understanding that I would first hear the bill read, and then I would object. That was the understanding. After the bill had been read I interposed an objection. So unanimous consent was not given.

The VICE PRESIDENT. There is objection to the present consideration of the bill.

Mr. BRISTOW. Do I understand that the Senator from North Carolina objects to its consideration?

Mr. OVERMAN. Yes; I object to its present consideration.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

ASSIGNMENT OF DISTRICT JUDGES.

Mr. O'GORMAN. I ask unanimous consent for the consideration of an emergency bill. It is the bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code. There is a great accumulation of business in the Federal Court for the Southern District of New York, in the city of New York, owing to the insufficient number of judges. There is no request for an increase of judges, but the bill provides that the Chief Justice of the Supreme Court, on the request of the senior circuit judge in any circuit, may assign a justice from another circuit to hold court for a limited time. I ask that the bill may be considered.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill which he has indicated. It will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That chapter 1, section 18, of the Judicial Code be amended by adding thereto the following:

"Whenever it shall be certified by any senior circuit judge of any circuit, or, in his absence, by the circuit justice of the circuit in which the district lies, that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within the circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented, in writing, to such designation and appointment: *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify, in writing, that the business of the district of such judge will not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed. Each of the said district judges may, in the case of such appointment, hold separately, at the same time, a district court in such district, and discharge all of the judicial duties of the district judge therein."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. O'GORMAN. I may say, Mr. President, that the Judiciary Committee has unanimously recommended the passage of this bill.

The VICE PRESIDENT. The Chair hears no objection to the request for the present consideration of the bill.

Mr. REED. What is the bill, Mr. President? It has been impossible on this side of the Chamber to hear what has been going on.

Mr. O'GORMAN. The bill provides that whenever there be an accumulation of business in any circuit and the local judges are not able to cope with it, the Chief Justice of the Supreme Court may, on the request of the senior judge of the circuit, appoint a district judge from some other circuit to hold court for a limited time.

Mr. REED. In the circuit court or the district court?

Mr. O'GORMAN. In the district court.

Mr. REED. That he shall designate a circuit judge or a district judge?

Mr. O'GORMAN. A district judge. It requires the approval of the senior circuit judge in each of the two circuits and then the approval of the Chief Justice of the Supreme Court. The bill has been very carefully considered by the entire Judiciary Committee and has its approval.

Mr. REED. When was this bill before the committee?

Mr. O'GORMAN. Some weeks since. There is a crying urgency for this relief at the present time.

Mr. REED. I was not present at the meeting of the committee when the bill was considered.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. REED. There may not be, if the Vice President will be patient just a moment. [A pause.]

Mr. O'GORMAN. Mr. President, I understand there is no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLARKE of Arkansas. I enter a motion to reconsider the votes by which the bill which has just been passed was ordered to be engrossed for a third reading, read the third time, and passed, so as to leave the bill on the calendar until I can look into it.

The VICE PRESIDENT. The motion of the Senator from Arkansas will be entered.

PRESIDENT'S ADDRESS—PROPOSED CURRENCY LEGISLATION.

Mr. KERN (at 12 o'clock and 25 minutes p. m.). Mr. President, I move that the Senate repair to the Hall of the House of Representatives in accordance with the terms of the concurrent resolution heretofore agreed to.

The VICE PRESIDENT. The Senator from Indiana moves that the Senate repair to the Hall of the House of Representatives.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Thereupon the Senate, headed by the Sergeant at Arms and the Assistant Doorkeeper, and preceded by the Vice President and the Secretary of the Senate, proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 1 o'clock and 15 minutes p. m.

The address of the President of the United States, this day delivered to both Houses of Congress, is as follows:

Mr. Speaker, Mr. President, gentlemen of the Congress, it is under the compulsion of what seems to me a clear and imperative duty that I have a second time this session sought the privilege of addressing you in person. I know, of course, that the heated season of the year is upon us, that work in these Chambers and in the committee rooms is likely to become a burden as the season lengthens, and that every consideration of personal convenience and personal comfort, perhaps, in the cases of some of us, considerations of personal health even, dictate an early conclusion of the deliberations of the session; but there are occasions of public duty when these things which touch us privately seem very small; when the work to be done is so pressing and so fraught with big consequence that we know that we are not at liberty to weigh against it any point of personal sacrifice. We are now in the presence of such an occasion. It is absolutely imperative that we should give the business men of this country a banking and currency system by means of which they can make use of the freedom of enterprise and of individual initiative which we are about to bestow upon them.

We are about to set them free; we must not leave them without the tools of action when they are free. We are about to set them free by removing the trammels of the protective tariff. Ever since the Civil War they have waited for this emancipation and for the free opportunities it will bring with it. It has been reserved for us to give it to them. Some fell in love, indeed, with the slothful security of their dependence upon the Government; some took advantage of the shelter of the nursery to set up a mimic mastery of their own within its walls. Now both the tonic and the discipline of liberty and maturity are to ensue. There will be some readjustments of purpose and point of view. There will follow a period of expansion and new enterprise, freshly conceived. It is for us to determine now whether it shall be rapid and facile and of easy accomplishment. This it can not be unless the resourceful business

men who are to deal with the new circumstances are to have at hand and ready for use the instrumentalities and conveniences of free enterprise which independent men need when acting on their own initiative.

It is not enough to strike the shackles from business. The duty of statesmanship is not negative merely. It is constructive also. We must show that we understand what business needs and that we know how to supply it. No man, however casual and superficial his observation of the conditions now prevailing in the country, can fail to see that one of the chief things business needs now, and will need increasingly as it gains in scope and vigor in the years immediately ahead of us, is the proper means by which readily to vitalize its credit, corporate and individual, and its originative brains. What will it profit us to be free if we are not to have the best and most accessible instrumentalities of commerce and enterprise? What will it profit us to be quit of one kind of monopoly if we are to remain in the grip of another and more effective kind? How are we to gain and keep the confidence of the business community unless we show that we know how both to aid and to protect it? What shall we say if we make fresh enterprise necessary and also make it very difficult by leaving all else except the tariff just as we found it? The tyrannies of business, big and little, lie within the field of credit. We know that. Shall we not act upon the knowledge? Do we not know how to act upon it? If a man can not make his assets available at pleasure, his assets of capacity and character and resource, what satisfaction is it to him to see opportunity beckoning to him on every hand, when others have the keys of credit in their pockets and treat them as all but their own private possession? It is perfectly clear that it is our duty to supply the new banking and currency system the country needs, and it will need it immediately more than it has ever needed it before.

The only question is, When shall we supply it—now, or later, after the demands shall have become reproaches that we were so dull and so slow? Shall we hasten to change the tariff laws and then be laggards about making it possible and easy for the country to take advantage of the change? There can be only one answer to that question. We must act now, at whatever sacrifice to ourselves. It is a duty which the circumstances forbid us to postpone. I should be recreant to my deepest convictions of public obligation did I not press it upon you with solemn and urgent insistence.

The principles upon which we should act are also clear. The country has sought and seen its path in this matter within the last few years—sees it more clearly now than it ever saw it before—much more clearly than when the last legislative proposals on the subject were made. We must have a currency, not rigid as now, but readily, elastically responsive to sound credit, the expanding and contracting credits of everyday transactions, the normal ebb and flow of personal and corporate dealings. Our banking laws must mobilize reserves; must not permit the concentration anywhere in a few hands of the monetary resources of the country or their use for speculative purposes in such volume as to hinder or impede or stand in the way of other more legitimate, more fruitful uses. And the control of the system of banking and of issue which our new laws are to set up must be public, not private, must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative.

The committees of the Congress to which legislation of this character is referred have devoted careful and dispassionate study to the means of accomplishing these objects. They have honored me by consulting me. They are ready to suggest action. I have come to you, as the head of the Government and the responsible leader of the party in power, to urge action now, while there is time to serve the country deliberately and as we should, in a clear air of common counsel. I appeal to you with a deep conviction of duty. I believe that you share this conviction. I therefore appeal to you with confidence. I am at your service without reserve to play my part in any way you may call upon me to play it in this great enterprise of exigent reform which it will dignify and distinguish us to perform and discredit us to neglect.

DIFFERENCES BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. Mr. President, are reports from committees in order?

The VICE PRESIDENT. The morning business has closed. If there be no objection, however, the report will be received out of order.

Mr. NEWLANDS. In behalf of the Committee on Interstate Commerce, I make a favorable report upon the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, the members of the committee reserving the right to offer amendments on the floor.

I will state, Mr. President, in connection with this report that the bill presented has the sanction of the various brotherhoods connected with the employees of the railways of the country and of the Civic Federation and the railway managers. It has also the approval of Judge Knapp, presiding judge of the Commerce Court, and of Mr. Neill, the former Commissioner of Labor, who figured so conspicuously in labor disputes between the railway companies and their employees.

The members of the committee, in view of the preparations that are being made for a strike regarding differences between the railroad companies and their employees, thought it of the highest importance that this effort of the parties interested to arrange a method of conciliation and arbitration should receive the immediate sanction of Congress, and that the methods selected by the parties interested should be adopted, unless they were in conflict with the public good.

I will state that the Secretary of Labor, Mr. Wilson, whilst in sympathy with the general purposes of the bill, has suggested certain amendments, and those amendments will be taken up within a day or two under the auspices of the Civic Federation by the employees and the managers of the railways in consultation with Secretary Wilson.

The view of the railway employees seems to be—and they are very fixed and determined in that view—that the board of mediation and conciliation should not be attached to any department. They fear that political complications may in some way arise in the future, though they have the highest confidence in the man who now presides over the Department of Labor, and they desire these matters to be under the jurisdiction of an independent board, just as Congress has seen fit to give the jurisdiction relating to railroad rates of freight and fare to an independent commission not connected with any department. That is the sole question of difference, I believe, between the Secretary of Labor and the railway employees.

I imagine that within a few days this matter will be adjusted, I hope to the satisfaction of all, and I shall urge at an early day the consideration of this bill. It is hoped in case any amendments are desired by the railway employees that they will be presented at an early date; otherwise it might be advisable to pass the bill in the Senate immediately and have it go to the House, where a similar bill has been presented to the Judiciary Committee of that body, and where all questions of difference between the Secretary of Labor and the railway employees may be thrashed out.

I will state further, Mr. President, that at an early day I shall file a report upon this bill.

I ask unanimous consent to have printed in the RECORD the authorization to report and the bill as reported by the committee.

There being no objection, the authorization of the committee and the bill were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE COMMERCE,
June 23, 1913.

The undersigned, members of the Committee on Interstate Commerce, hereby authorize a favorable report on Senate bill No. 2517, providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, reserving the right to offer amendments on the floor.

FRANCIS G. NEWLANDS.
ALBERT B. CUMMINS.
FRANK B. BRANDEGEE.
HENRY F. LIPPITT.
JAS. HAMILTON LEWIS.
MOSES E. CLAPP.
WILLARD SAULSBURY.
WM. H. THOMPSON.
ATLEE POMERENE.
T. P. GORE.
JOE T. ROBINSON.
H. L. MYERS.
E. D. SMITH.

A bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier

shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

A common carrier subject to the provisions of this act is hereinafter referred to as an "employer," and the employees of one or more of such carriers are hereinafter referred to as "employees."

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the board of mediation and conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest, the board of mediation and conciliation may, if in its judgment such action seem desirable, proffer its services to the respective parties to the controversy.

In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act either party to the said agreement may apply to the board of mediation and conciliation for an expression of opinion from such board as to the meaning or application of such agreement and the said board shall upon receipt of such request give its opinion as soon as may be practicable.

SEC. 3. That whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in the preceding section, such controversy may be submitted to the arbitration of a board of six, or, if the parties to the controversy prefer so to stipulate, to a board of three persons, which board shall be chosen in the following manner: In the case of a board of three, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; and the two arbitrators thus chosen shall select the third arbitrator; but in the event of their failure to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the board of mediation and conciliation. In the case of a board of six, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators, and the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators; but in the event of their failure to name the two arbitrators within 15 days after their first meeting, the said two arbitrators, or as many of them as have not been named, shall be named by the board of mediation and conciliation.

In the event that the employees engaged in any given controversy are not members of a labor organization, such employees may select a committee which shall have the right to name the arbitrator, or the arbitrators, who are to be named by the employees as provided above in this section.

SEC. 4. That the agreement to arbitrate—

First. Shall be in writing;

Second. Shall stipulate that the arbitration is had under the provisions of this act;

Third. Shall state whether the board of arbitration is to consist of three or six members;

Fourth. Shall be signed by duly accredited representatives of the employer or employers and of the employees;

Fifth. Shall state specifically the questions to be submitted to the said board for decision;

Sixth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award;

Seventh. Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings;

Eighth. Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That this period shall be 30 days unless a different period be agreed to;

Ninth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force;

Tenth. Shall provide that the respective parties to the award will each faithfully execute the same;

Eleventh. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record;

Twelfth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve another arbitrator shall be named in the same manner as such original member was named.

SEC. 5. That for the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February 4, 1887, and the amendments thereto.

SEC. 6. That every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or a clerk of the district or the circuit court of appeals of the United States, or before a member of the board of mediation and conciliation, the members of which are hereby authorized to take such acknowledgments; and when so acknowledged shall be delivered to a member of said board or transmitted to said board to be filed in its office.

When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the controversy, the board, or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board, and advising them of the period within which, as provided in the agreement of arbitration, they are empowered to name such arbitrator or arbitrators.

When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the board of mediation and conciliation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act they shall, at the expiration of such period, notify the board of mediation and conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

If the parties to an arbitration desire the reconvening of a board to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the board of mediation and conciliation, and shall state in such written notice the question or questions to be submitted to such reconvened board. The board of mediation and conciliation shall thereupon promptly communicate with the members of the board of arbitration, or a subcommittee of such board appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it.

SEC. 7. That the board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the board of mediation and conciliation, to be filed in its office. The clerk of any court of the United States in which awards or other papers or documents have been filed by boards of arbitration in accordance with the provisions of the act approved June 1, 1898, providing for mediation and arbitration, is hereby authorized to turn over to the board of mediation and conciliation, upon its request, such awards, documents, and papers. The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor are hereby authorized to turn over to the Board of Mediation and Conciliation, upon its request, any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of said act.

SEC. 8. That the award, being filed in the clerk's office of a district court of the United States as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of 10 days from such filing, unless within such 10 days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom.

At the expiration of 10 days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during said 10 days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 9. That whenever receivers appointed by a Federal court are in the possession and control of the business of employers covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than 20 days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

SEC. 10. That each member of the board of arbitration created under the provisions of this act shall receive such compensation as may be fixed by the board of mediation and conciliation, together with his traveling and other necessary expenses. The sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to continue available until the close of the fiscal year ending June 30, 1914, for the necessary and proper expenses incurred in connection with any arbitration or with the carrying on of the work of mediation and conciliation, including per diem, traveling, and other necessary expenses of members or employees of boards of arbitration and rent in the District of Columbia, furniture, office fixtures and supplies, books, salaries, traveling expenses, and other necessary expenses of members or employees of the board of mediation and conciliation, to be approved by the chairman of said board and audited by the proper accounting officers of the Treasury.

SEC. 11. There shall be a commissioner of mediation and conciliation, who shall be appointed by the President, by and with the advice

and consent of the Senate, and whose salary shall be $7,500 per annum, who shall hold his office for a term of seven years and until a successor qualifies, and who shall be removable by the President only for misconduct in office. The President shall also designate not more than two other officials of the Government who have been appointed by and with the advice and consent of the Senate; and the officials thus designated, together with the commissioner of mediation and conciliation, shall constitute a board to be known as the United States board of mediation and conciliation.

There shall also be an assistant commissioner of mediation and conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be $5,000 per annum. In the absence of the commissioner of mediation and conciliation, or when that office shall become vacant, the assistant commissioner shall exercise the functions and perform the duties of that office. Under the direction of the commissioner of mediation and conciliation, the assistant commissioner shall assist in the work of mediation and conciliation, and when acting alone in any case he shall have the right to take acknowledgments, receive agreements of arbitration, and cause the notices in writing to be served upon the arbitrators chosen by the respective parties to the controversy, as provided for in section 5 of this act.

The act of June 1, 1898, relating to the mediation and arbitration of controversies between railway companies and certain classes of their employees, is hereby repealed: *Provided*, That any agreement of arbitration which, at the time of the passage of this act, shall have been executed in accordance with the provisions of said act of June 1, 1898, shall be governed by the provisions of said act of June 1, 1898, and the proceedings thereunder shall be conducted in accordance with the provisions of said act.

The VICE PRESIDENT. The bill will be placed on the calendar.

DECISIONS OF UNITED STATES SUPREME COURT.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of Senate resolution No. 103, which has heretofore been reported.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent for the present consideration of Senate resolution No. 103, which the Secretary will read.

The Secretary read the resolution, as follows:

Resolved, That Senate resolution, adopted on the 20th day of February, 1885, providing for furnishing to Senators pamphlet printed copies of the decisions of the Supreme Court of the United States be, and the same is hereby, annulled.

Mr. SMOOT. I will ask the Senator to let the resolution go over to-day.

The VICE PRESIDENT. Objection is made. The resolution will go over.

ADJOURNMENT TO THURSDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Thursday next at 2 o'clock in the afternoon.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until Thursday, June 26, 1913, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1913.

PUBLIC PRINTER.

Cornelius Ford to be Public Printer.

REGISTERS OF THE LAND OFFICE.

Wade H. Fowler to be register of the land office at Douglas, Wyo.

Cato D. Glover to be register of the land office at Montgomery, Ala.

RECEIVER OF PUBLIC MONEYS.

John S. Hunter to be receiver of public moneys at Montgomery, Ala.

POSTMASTERS.

ALABAMA.

J. F. Frazer, Lafayette.
H. I. Johnson, Sheffield.
S. W. Riddle, Gadsden.
Harlow S. Sharretts, Summerdale.

FLORIDA.

Marcy B. Darnall, Key West.
W. H. Hoffman, Dunnellon.
Edward C. Lewis, Marianna.
Alma P. Martin, Melbourne.
Lula Newton, Winter Garden.

ILLINOIS.

Thomas Moyer, Paris.

INDIANA.

Lewis E. Chowning, Dugger.

KENTUCKY.

A. B. Tilton, Carlisle.

MICHIGAN.

John S. Hardy, Honor.

MINNESOTA.

Simon P. Brick, Little Falls.
John Deviny, Owatonna.
Charles H. Dietz, Mapleton.
G. A. Earhuff, North St. Paul.
John F. Flynn, Worthington.
Michael Hollaren, Ellsworth.
F. W. Kramer, Lewiston.
Mark T. Randall, Amboy.
Enoch E. Ritchie, Howard Lake.
Hugh Toohey, Fulda.

MONTANA.

J. S. Pearson, Belt.

NORTH CAROLINA.

J. H. Carter, Mount Airy.
P. J. Caudell, St. Pauls.

OHIO.

Rufus R. Kurtz, Sycamore.
Clement V. Lash, Edon.
Arthur L. McCarthy, Franklin.
J. E. Rubin, Payne.

OKLAHOMA.

William Barrowman, Purcell.
J. W. Chism, Medford.
James E. Wallace, Broken Bow.

PENNSYLVANIA.

Matthew M. Cusack, Steelton.
Frank C. Fisher, Cheltenham.

TEXAS.

A. H. Ables, Terrell.
Robert W. Bennett, Kenedy.
Alice C. Cheney, Mount Pleasant.
A. S. Farmer, Graham.
Annie F. Higbee, Slaton.
Edward Kennedy, Anson.
D. P. Porter, De Kalb.
L. H. Salter, Stanton.
Thomas A. Stafford, Robstown.
Tom R. Stewart, Whitney.

VIRGINIA.

W. A. Broocks, Chase City.
J. D. Crenshaw, Cambria.
Lula M. Ray, Mount Jackson.
J. R. Williams, Brookneal.

WEST VIRGINIA.

C. A. Bailey, Berwind.
Henry W. Early, Kimball.
A. A. Meredith, Sistersville.
R. V. Shanklin, Gary.

WISCONSIN.

A. H. Long, Prairie du Chien.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 23, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O righteous God, our heavenly Father, we bless Thee that we can come to Thee in prayer, detaching ourselves for the moment from the visible world, entering into the invisible; that we may commune with Thee, be strengthened, purified, ennobled, and passing from the mount of transfiguration down into the valley where with renewed zeal and energy we may do the work Thou hast given us to do, and receive Thy benediction; so receive us, so bless and guide us that we may be Thy servants now and always, in the spirit of the Master. Amen.

The Journal of the proceedings of Friday, June 20, 1913, was read and approved.

CONTESTED-ELECTION CASE—WILLIAM J. MACDONALD AGAINST H. OLIN YOUNG.

The SPEAKER. The House will be in order. The Chair will admonish the occupants of the galleries that they are there

through the courtesy of the House; and a very little talk on the part of each one in the galleries makes a tremendous uproar down here upon the floor of the House.

The Chair lays before the House the following letter from the Clerk of the House, with accompanying documents.

The Clerk read as follows:

JUNE 23, 1913.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: I have the honor to lay before the House of Representatives the contest case of William J. MacDonald against H. Olin Young, twelfth district of Michigan, for a seat in the House of Representatives for the Sixty-third Congress of the United States, notice of which has been filed in the office of the Clerk of the House, and also transmit herewith all original testimony, papers, and documents relating thereto.

The Clerk has opened and printed the testimony in the above case. In compliance with the act approved March 2, 1907, entitled "An act relating to contested-election cases," such portions of the testimony in the above case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest and the answers thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the case have been mailed to the contestant and the same number to the contestee.

SOUTH TRIMBLE,
Clerk of the House of Representatives.

The SPEAKER. The Clerk informs the Chair that there are about 500 copies of this evidence, and so forth, printed, and therefore there does not seem to be any necessity, unless some gentleman thinks there is, of printing any more copies; and the case is referred to the Committee on Elections No. 1.

SWEET WINES.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to print some telegrams in the RECORD.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. Mr. Speaker, reserving the right to object, what is the matter the gentleman has?

Mr. RAKER. Telegrams in relation to the repeal of the sweet-wines law of 1890.

Mr. MURDOCK. Mr. Speaker, will the gentleman tell us what he desires, as we can not hear him over here?

The SPEAKER. Does the gentleman yield to the gentleman from Kansas [Mr. MURDOCK]?

Mr. RAKER. I do.

Mr. MURDOCK. I merely ask the gentleman to speak so we can hear him over here. The gentleman from Illinois asked the gentleman from California in regard to what he desired to extend his remarks, and the gentleman from California answered, but we could not hear him.

Mr. RAKER. I desire to extend my remarks by inserting some telegrams I have received from various associations, organizations, and so forth, of grape growers in California in relation to the tariff bill as it has now gone before the Senate caucus committee in reference to the repeal of the act of 1890 relative to sweet wines.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The telegrams are as follows:

STOCKTON, CAL., *June 21, 1913.*

Hon. J. E. RAKER,
Congress Hall, Washington, D. C.:

Grape growers appalled at magnitude of disaster threatened by repeal of sweet-wine law. Please do all in your power to impress upon Congressmen, and especially Finance Committee, that repeal of the sweet-wine law will add only a paltry sum to internal revenues. The imposition of $1.10 would be practically prohibitive, and while a little wine might be made and sold at very high prices, the butt of our business would be lost, and the Government would fail to get its revenue; would be impossible to compete with foreign wines fortification with free brandy. San Joaquin County has 30,000 acres of grapes affected by sweet-wine industry. Tax would amount to $25 per ton on grapes, which would be fatal to the industry. The sweet-wine vineyards of this State have been planted under the belief that brandy would continue to be subject only to a very nominal tax, necessary to reimburse Government for its cost of gauging. You can appreciate the situation and insist upon at least a proper hearing being accorded by the Finance Committee to the grape growers of California.

STOCKTON CHAMBER OF COMMERCE,
By LOUIS S. WETMORE, *President.*
By JNO. P. IRISH, Jr., *Acting Secretary.*

SAN FRANCISCO, CAL., *June 21, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

The proposed tax of $1.10 on brandy to fortify wines will vastly increase the cost and will positively decrease the consumption to a great extent. This will in reality constitute the confiscation of vineyards in California, as it will paralyze the industry, and the revenue to Government will therefore fall far below the estimated amount. We earnestly urge you to oppose the tax to utmost.

FULTON WINERY CORPORATION.

SAN FRANCISCO, CAL., *June 21, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

The proposed tax of $1.10 on brandy to fortify wines will vastly increase the cost and will positively decrease the consumption to a great extent. This will in reality constitute the confiscation of vineyards in California, as it will paralyze the industry, and the revenue to Government will therefore fall far below the estimated amount. We earnestly urge you to oppose the tax to utmost.

MADERA VINEYARD & WINE CO.

SAN FRANCISCO, CAL., *June 21, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

The proposed tax of $1.10 on brandy to fortify wines will vastly increase the cost and will positively decrease the consumption to a great extent. This will in reality constitute the confiscation of vineyards in California, as it will paralyze the industry, and the revenue to the Government will therefore fall far below the estimated amount. We earnestly urge you to oppose the tax to utmost.

ITALIAN-SWISS COLONY.

LODI, CAL., *June 21, 1913.*

Hon. J. E. RAKER, M. C.,
Washington, D. C.

DEAR SIR: Our business men and grape growers were astonished at the action of the Finance Committee of the United States Senate in introducing a measure in the Underwood tariff bill providing for the repeal of the sweet-wine law; and feeling the vital interest which this community has in the sweet-wine industry of this State, a mass meeting of the grape growers of this district was called at our theater to-day. We were again astonished at the tremendous response to our call and of the size and magnitude of the meeting. The grape growers here are very much excited, as they all realize the disaster that threatens them should the sweet-wine law be repealed. The following resolutions were passed unanimously with great enthusiasm at the mass meeting, and we have been requested to forward them to you by wire:

"Whereas there are in this district more than 15,000 acres of wine grapes devoted to the manufacturing of sweet wines; and

"Whereas there are in this district more than 15,000 acres of table grapes, a large part of which are used in the production of California sweet wines; and

"Whereas we were induced to engage in the business of growing both table and wine grapes, believing that our outlet through the manufacture of sweet wines was assured by the passage of the sweet-wine bill of 1890: Be it

"Resolved by the grape growers of Lodi and northern San Joaquin County in mass meeting assembled, That we protest against the great injury which will be done to this community if our present sweet-wine law is repealed. It takes many years to bring a vineyard into bearing, and our investments represent at least $9,000,000. The revenue which will be derived by the United States Government is entirely overestimated in the Senate committee, because the amount of wine which would be produced under a tax of $1.10, as proposed, would be very small."

We sincerely hope that your efforts in this matter will accomplish something and that our industry here will be protected.

Very respectfully, yours,

GRAPE GROWERS AND BUSINESS MEN OF LODI,
By G. E. LAWRENCE, *Chairman.*

SAN FRANCISCO, CAL., *June 21–22, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

The proposed tax of $1.10 on brandy to fortify wines will vastly increase the cost and will positively decrease the consumption to a great extent. This will in reality constitute the confiscation of vineyards in California, as it will paralyze the industry, and the revenue to Government will therefore fall far below the estimated amount. We earnestly urge you to oppose the tax to utmost.

SEBASTOPOL WINERY.

SAN FRANCISCO, CAL., *June 21–22, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

The proposed tax of $1.10 on brandy to fortify wines will vastly increase the cost and will positively decrease the consumption to a great extent. This will in reality constitute the confiscation of vineyards in California, as it will paralyze the industry, and the revenue to Government will therefore fall far below the estimated amount. We earnestly urge you to oppose the tax to utmost.

CLOVERDALE WINE CO.

SAN FRANCISCO, CAL., *June 21, 1913.*

Hon. J. E. RAKER,
House of Representatives, Washington, D. C.:

A tax of $1.10 on brandy used for fortification of sweet wines will increase their cost 150 per cent, curtailing consumption to an extent ruinous to the grape growers and winemen of California. The industry can not carry this burden and the Government will not be able to collect the estimated revenue. Earnestly appeal to you to oppose the imposition of this tax and save grape growers from loss of investment in their vineyards.

CALIFORNIA WINE ASSOCIATION.

SAN FRANCISCO, CAL., *June 21, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Amendment to Underwood bill which would repeal act of 1890 allowing use of free brandy in fortification of sweet wines would absolutely ruin California's vitacultural industry. It would make the cost of sweet-wine production so great that sale would fall off two-thirds and no sweet wine could be exported. As a result, cheap, inferior dry wines would be made in Sacramento and San Joaquin Valleys and counties south of Tehachapi, thus demoralizing the dry-wine production and

lowering standard of our dry wines. Price of grapes would drop to nothing and thousands of acres of vines would be pulled up. Please talk over matter with other members of delegation and advise us.

GRAPE GROWERS' ASSOCIATION OF CALIFORNIA,
E. M. SHEEHAN, *President.*
H. F. STOLL, *Secretary.*

MARSHALL ARNOLD.

Mr. RUSSELL. Mr. Speaker——

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a well written and a deserved tribute to the life, character, and memory of the late Hon. Marshall Arnold, written by his lifetime friend and neighbor, Albert de Reign.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting a tribute to the life, character, and memory of the late Hon. Marshall Arnold, written by Albert de Reign. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, Mr. Arnold was formerly a Member of this House, serving in the Fifty-second and Fifty-third Congresses. He was one of Missouri's most brilliant sons, an able lawyer, a gifted orator, faithful to every trust, a noble character, and a true friend.

A TRIBUTE TO THE MEMORY OF MARSHALL ARNOLD, BY ALBERT DERREIGN.

"Hon. Marshall Arnold, ex-Congressman of the fourteenth congressional district of Missouri, and for 40 years one of the leading lawyers of southeast Missouri, after a lingering illness of about two years' duration, died at his home in Benton, Mo., on June 12, 1913.

"He was a native of St. Francois County, Mo., where he was born October 21, 1845. Elisha Arnold, his father, as well as his mother, were natives of Virginia. The early boyhood days of 'Marsh,' as he was familiarly called by his numerous friends and acquaintances, were spent upon his father's farm and in the acquirement of such rudimentary education as the country schools of that day afforded. While yet in his teens he served in the Confederate Army shortly before the close of the Civil War. After the close of the war he returned to farming and working in the mines of his native county for a short time, when he received an appointment as deputy circuit clerk of St. Francois County. He was also deputy county and probate clerk of said county. His father, Elisha Arnold, a man of marked integrity, held the office of sheriff and collector of St. Francois County, and he assisted him in that office about this period of his life.

"At an early age Marshall attended Arcadia College, which was at that time one of the leading educational institutions in the State, where he rapidly distinguished himself as a brilliant and hard-working student. He graduated with honor at the college, and became one of its instructors, holding the position of professor of mathematics until he severed his connection with the institution to enter other fields of endeavor.

"During the time that he held the office of deputy circuit clerk he was studying law in the office of Mr. Bush, at that time one of the leading lawyers of St. Francois County, and in 1870 Marshall obtained his license to practice law at the St. Francois County bar.

* * * * * * *

"His experience was that common to most young lawyers having little or no capital beyond their brains and ambition, and while waiting for the patronage of prospective clients and to enable him to meet the demands of his livelihood he taught school for a term or so. * * * He took up his residence at Commerce, at that time the county seat of Scott County. Here he soon attracted the favorable attention of the best citizens by his attractive personality, his scholarly attainments, his ability as a lawyer, his eloquence as a public speaker, and his all-round qualities for good citizenship. Joseph T. Anderson, one of the Democratic leaders in southeast Missouri, then holding the office of sheriff and collector, at once began to interest himself, his friends, and the public in behalf of the young lawyer, and but a short time elapsed when through his political influence Marsh was elected prosecuting attorney of Scott County. At this period in the history of Missouri, particularly the southeastern portion, public affairs were miserably out of joint. 'The body politic,' as George Vest would say, was having sores all over it. The country had just been subdued by the loyal legions of the North. When these had returned to their homes and laid down their arms there followed in their wake a swarm of cormorants, known as carpetbaggers, who in the name of the Republican Party took charge of the county government and made their headquarters at Commerce. They removed the county seat away from Benton, where it had been for 40 years, in fact ever since the organization of the county, and took it to Commerce. They sold the county's public lands and made way with the proceeds. Exorbitant taxes were exacted from the citizens, yet the treasury was habitually empty. County warrants were hawked about and sold for a few cents on the dollar. Persons who had been in the rebel army or who had sympathized with the late rebellion were disfranchised, their property looted, their peace destroyed by threats and intimidations.

"Gangs of horse and cattle thieves, murderous robbers, midnight assassins, thugs, and unscrupulous gamblers infested the western borders of the Mississippi River for hundreds of miles along its tortuous shores. It was during this abnormal condition of public affairs in the early seventies that the reform element under the ensign of the Democratic Party, with such leaders as Joe Anderson and Marsh Arnold, often at the risk of their lives, met in the public arena the forces of corruption battling under a grand old party that then ruled the country and swept them from the field of action. This defeat was so thorough that more than 40 years have elapsed and the said grand old party still suffers for the evils of its long-ago vanquished partisans.

"From the moment of his installation into the prosecuting attorney's office Marsh Arnold instituted a vigorous crusade against lawlessness. Gangs of horse thieves, who had regularly established stations for hundreds of miles up and down the Mississippi River, were ferreted out and sent to the penitentiary in droves. Murderers were tried, convicted, and hung. Many of those who had enriched themselves by looting the county's funds departed for other sections of the common country, and law and order assumed the reign over a county that had for several years suffered the tortures of a terrible nightmare of lawlessness and political and official corruption. It must not be assumed that this reform was brought about by ordinary effort. On the contrary, it required herculean powers to clean this Augean stable. It could not have been performed by other than such men as Marsh Arnold. 'It took the highest degree of courage, the greatest integrity, and the sublimest powers of oratorical persuasion to turn the corrupted, timid, and discouraged political tide back into the proper channels of orderly government. Numerous threats of bodily harm and death were openly and clandestinely conveyed to him to deter him from his vigorous prosecution of criminals. It is needless to say that all such agencies fell short of their purpose. It was thus developed to the law-abiding element of the county, to their agreeable surprise, that there was such a thing as government by the law, and that they had within their midst an avowed champion pledged to its enforcement with all the powers of a born leader of men.

"It is, perhaps, needless to add that the successful conduct of the prosecuting attorney's office, as indicated above, permanently established the fame of Marshall Arnold as a lawyer and advocate of the first rank. Clients flocked to his office from all directions. At the age of 35 years he had, perhaps, as great a clientage as any lawyer in the State. His services were eagerly and anxiously sought in important causes in Scott, Mississippi, Cape Girardeau, New Madrid, Pemiscot, Stoddard, and other counties in the southern end of the State. Not only were his legal services in great demand, but the charm of his eloquence as a public speaker was so infectious and had spread with such rapidity over a large section of the State that he constantly had to decline many importunities for addresses and political speeches for lack of time.

"He was one of the most powerful advocates before a jury or popular audience within the State. He had a voice of great volume and splendidly modulated, an incisive and distinct articulation, a naturally dignified posture, and the serious manner of his beginning an address, the magnetic flashes of his eyes as the whirlwind of his eloquence neared its zenith to end in a thunderous peroration often wrought like hypnotism upon his hearers. He was the most successful jury lawyer the writer ever knew. For many years, in jury trials, it was not a question before the local courts as to the merits of the case, but usually 'on which side is Marsh Arnold?' That settled it, for the fellow who got Marsh was sure going to win the case. This supremacy as a jury lawyer before the courts in southeast Missouri, for the last 30 years at least, I think is cheerfully conceded by all his confrères at the bar. With all this fame as a leader of his chosen profession, he was with all the personification of modesty and simplicity, and lived up to the high ethics of the profession of law to the admiration and emulation of the legal fraternity of his acquaintance. But he did not believe in Quixotic ethics, such as have been caricatured by humorous artists in personations of 'Alphonse and Gaston.' As an illustration of this I call to mind an incident which happened some years ago. Marsh was passing through the courthouse one day when a stranger stepped up to him and said:

"'Would you please tell me who is the best lawyer in Benton?'

"'Certainly,' replied Marsh. 'His name is Arnold.'

"'Would you kindly tell me where I can find him, for I have an important matter to submit to him?'

"'Certainly—you are talking to him right now.'

"After consulting with the stranger about his case, Marsh declined the employment. The stranger said he was sorry that he couldn't get him and asked for the next best lawyer in town. 'Here he comes now,' Marsh replied, as he good-humoredly introduced the writer and related what he had just told the stranger.

"In making this claim to first rank in his profession Marsh was simply saying of himself what he knew to be the judgment of a vast majority of the people of the community. In his active years of practice in the courts, as well as in his declining ones on account of ill health, he held the continuous respect and esteem of all members of the bar. He was the friend of the young and inexperienced lawyer making his first venture into the legal arena, and acts of assistance to such in the trials of their first cases are no doubt remembered by many. While somewhat reserved in his manner by nature, he was, nevertheless, one of the most companionable men with his associates. He was an interesting conversationalist upon all questions of human concern—historical, scientific, religious, political, literary, or forensic.

"He was by education and heredity a Democrat of the Jeffersonian type. Simple and unaffected in his habits, he enjoyed the society of the farmer, the artisan, and the common laborer. As a result of his interest in their welfare and the welfare of the county as a whole, as evidenced by the great reforms he had brought about as prosecuting attorney, he was at the age 32 elected a member of the Thirty-first General Assembly of Missouri in 1877 and reelected to the same body in 1879. As a legislator he immediately distinguished himself, both in important committee assignments and upon the floor of the house. His services as a member of the legislature brought him a State-wide acquaintance with the leading men of the State, and the many friends he made there among men who, like himself, afterwards distinguished themselves as Congressmen, United States Senators, governors, etc. In 1880 he declined further service in the legislature, but accepted the appointment of presidential elector of the fourteenth congressional district tendered him by his party in convention, on account of his distinguished qualifications as a party leader and popularity as a public speaker. He made a canvass of the entire district, one of the largest at that time in the State, consisting of 17 counties, and the result of his labors was evidenced by the tremendous majority his party received at the polls on the day of election. This success naturally furthered his ambition to enter the National Congress, and in 1884 he became a candidate for Congress before the Democratic convention. But the fourteenth district at that time had several ambitious and worthy sons who desired to serve their country in that distinguished office, and after a long and hotly contested convention, where each aspirant was long and loyally supported by his delegates, the choice fell to William Dawson, of New Madrid.

"In 1886 he was again enthusiastically put forward by his numerous friends for the same office, but the gods of war and of politics again handed the nomination to one of his rivals, James P. Walker, of Stoddard County. Finally, in 1889, his popularity had made such successful headway that he obtained the nomination almost unanimously and was elected by a good majority to the Fifty-second Congress and with a like good fortune to the Fifty-third in 1893. In 1894 he was again unanimously nominated by the Democrats of the district, but at the election which followed, which, by the way, was one of the most disastrous in the history of the party, brought about by division of opinion on the currency question, he suffered defeat at the hands of his Republican opponent, N. A. Moseley. His defeat was not the result of want of confidence in him personally, for the entire Missouri Democratic delegation to Congress were defeated that year, and he but shared the fate of such eminent leaders in Congress as Richard P. Bland, David A. De Armond, CHAMP CLARK, Cowherd, and others. After this defeat Marsh retired from active politics and devoted his time and energy to the practice of his profession, which he practically abandoned during his activities in the field of politics. His short career in Congress, however, demonstrated the wisdom of the people in sending him there as their Representative. He was faithful, as he had ever been, to the trust they had reposed in him. His voice and his vote were at all times in favor of such measures as he and his party believed were for the general welfare of all. His reported speeches made before Congress on the tariff, currency, and other questions are models of deliberate effort.

"From 1894 to 1910, a period of 16 years, Arnold declined all political offices and devoted his time to the practice of the law. It is true his party interest did not flag during that time. He was sent as a delegate to various State and National conventions, and was one of the delegates to the national convention at Chicago when Bryan won the nomination for President over Dick Bland by his 'Cross of Gold—Crown of Thorns' speech. He made many political speeches during campaign years. His last stand for public office was made at the earnest solicitation of his many friends in 1910 when he became a candidate for the Democratic nomination for the office of circuit judge of the twenty-eighth judicial district. And though he received a majority in four of the five counties in the circuit he could not overcome the popularity of his distinguished opponent, Hon. Charles B. Faris, now a member of the supreme court.

"He was now 65 years old, and the relentless disease which was destined to carry him to the grave had fastened its fangs upon him. With his Spartan fortitude, without complaint to those about him, throughout long days and nights of weariness and pain, he was at last forced to surrender to that inexorable decree denounced upon our first parents in the garden of Eden, and under the doom of which we all rest: 'Dust thou are and to dust shalt thou return.'

"Thus passed from the scene of action a native Missourian who had for more than 40 years wielded the best that was in him to steer aright the great ship of state, both local and national, and who was prominently identified with every progressive movement for the betterment of mankind in the home and county of his adoption.

"In early manhood Marshall Arnold was married to Miss Annie E. Parrott, an only daughter of Col. James M. Parrott and Maria Parrott, who survives him. Col. Parrott was a brave and gallant officer of the Confederate Army and lost his life on the field of battle. Of this marriage the following children were born: Eva M. (Mrs. Burton), Surry A., Blanche (deceased), James M., Lucile, Robert Lee (deceased), and Irene (deceased), all of whom now living have arrived at their respective majorities. To his wife and children Marsh Arnold was one of the kindest and most affectionate husbands and fathers. I have known him intimately for 33 years, and I have never heard a cross word, even in the way of reprimand, to any member of the family.

"Before disease had made its inroads upon his body he was a man of commanding appearance. Though small of stature, his figure was impressive, somewhat of the Napoleonic type, particularly when he was animated in forensic argument. He had that notable magnetism of the eyes peculiar to great leaders of men. The writer has on many occasions noted this distinguishing feature of orators in the persons of Daniel Voorhees, John J. Ingalls, Senator George G. Vest, Sam Jones, and others. I mention these celebrities because Marsh Arnold belonged to their type both in the matter of temperament and style of oratory. He had a discriminating literary taste. His intimate familiarity with the best works of the great masters of prose and poetry was notable. Blessed with a wonderfully retentive memory, I have heard him on many occasions reproduce the masterpieces of Shakespeare, Tennyson, Byron, Poe, Burns, Longfellow, Bryant, Prentice, Webster, Calhoun, Kent, and others without break or hesitation long years, no doubt, after he had committed them to memory.

"Thus in the life and character of Marshall Arnold we have a notable example of the rewards of industry, perseverance, courage, fortitude, honesty, and patriotism by the high estimation in which he was held by his many friends and the well-earned fame he achieved in the minds of the people of his native State.

"And thus amidst the fragrant scent of flowers, the hum of bees, the sweet songs of care-free birds, the myriad murmurs of insect life, commingled with the solemn requiem of funeral rites and tears of those who loved him, under the opal sky of this glorious morn in June, with the majestic sun looking down in all his undiminished splendors—the same as 'when first the flight of years began'; among the graves into whose open, yawning mouths the dead friend had often gazed with the same sad thoughts we entertain to-day, his Masonic brethren, in the presence of a large throng of friends, committed his frail body to its mother earth to await the glad clarion of the resurrection day."

CURRENCY.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. In relation to what matter?

Mr. LEVY. In relation to the currency question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the bill introduced by me in the last as well as the present Congress amending the national banking laws, together with the remarks made by me before the Banking and Currency Committee of the House in support of my bill during the Sixty-second Congress and an editorial which appeared in to-day's New York Times on the financial problem. I consider the currency question of vast importance to the prosperity and welfare of our country, and the bill introduced by me would give prompt relief to the people without causing any uneasiness in the financial community, as it is permissible instead of compulsory.

The matter referred to is as follows:

A bill (H. R. 1937) to amend the national banking laws.

Be it enacted, etc., That any holder of any obligation of the United States bearing interest at the rate of 2 per cent per annum may present the same to the Treasurer or any Assistant Treasurer thereof and receive in exchange therefor an equal amount of noninterest-bearing certificates of deposit in appearance and form similar to the present gold and silver certificates and in denominations of $5, $10, $20, $50, and $100 each, at the holder's option. Such certificates shall be receivable at their face value for all taxes, debts, and demands due the United States, and when so received may be reissued.

SEC. 2. That the holder of any such certificate may, at his option, present the same to the Treasurer of the United States and receive in exchange therefor, when presented in multiples of $500, interest-bearing obligations of the Government to the face value of such certificates, bearing interest from the date of such exchange at the rate of 2 per cent per annum, and payable on the same terms and conditions as the original obligation represented by such certificates.

SEC. 3. That the exchange of interest-bearing obligations for certificates of deposit and the reexchange thereof shall be subject to such rules and regulations as the Secretary of the Treasury may adopt in order to facilitate the free exchange thereof.

SEC. 4. That any United States note when presented in multiples of $500 may be converted at par into United States bonds bearing 2 per cent interest per annum, and payable at the option of the Government, and when so converted shall be canceled and destroyed.

SEC. 5. That any national banking association may, upon application, receive from the Comptroller of the Currency circulating notes to the full amount of its capital stock, provided such notes are secured either by a deposit of United States bonds, as now required by law, or by a gold coin reserve of 50 per cent of the amount not thus secured by United States bonds; of such gold coin reserve, at least one-half shall always be kept with the United States Treasury, to the credit of such banking association, available for the redemption of its circulating notes upon presentation. Certificates of deposit for gold coin, issued by the United States Treasury, shall be considered as equivalent to gold coin.

SEC. 6. That all circulating notes issued under the provisions hereof shall constitute a prior lien on all the assets of the issuing bank, and in case of liquidation, whether voluntary or involuntary, all such outstanding notes shall be redeemed and canceled, or a sufficient amount therefor deposited with the United States Treasurer, before any division of assets among other creditors. In the event there should be insufficient assets to pay the outstanding circulating notes of the liquidating bank any deficit shall be assessed and paid pro rata by all other banks having outstanding circulating notes under the provisions of this act at the time of such assessment.

SEC. 7. That the act of May 30, 1908, is hereby amended as follows: In section 1 the word "National," where it first appears, is hereby erased, and in section 1 and section 3 the words following the word "outstanding" are hereby repealed and erased, to wit, "secured by the deposit of bonds of the United States to an amount not less than 40 per cent of its capital stock." Section 20 of said act of May 30, 1908, limiting its duration, is also hereby repealed.

SEC. 8. That all circulating notes issued under the provisions of the act of May 30, 1908, shall be subject to the same rate of taxation as was provided by section 5214 of the Revised Statutes prior to the passage of said act, for circulating notes issued against a deposit of United States bonds bearing 2 per cent interest.

SEC. 9. That for the purpose of the daily exchange of checks and drafts among the bank members composing a national currency association, such members may assume, by a majority vote, the functions necessary for such exchanges, thus constituting themselves a clearing-house association, under such rules and regulations as they may adopt for their own governance, subject to the approval of the Secretary of the Treasury.

SEC. 10. That any national currency association may issue certificates of indebtedness to any bank member of such association against a deposit of satisfactory security, which indebtedness shall bear interest at the rate of 6 per cent per annum, chargeable to the bank member receiving the same. Such certificates shall be receivable at par by other bank members of all such associations in settlement of clearing-house debit balances, and for a period not exceeding 60 days from the date of issuance may be counted as a part of any bank's legal reserve, not exceeding 25 per cent thereof.

SEC. 11. That whenever the available cash balance in the Treasury shall exceed the sum of $30,000,000 it shall be the duty of the Secretary of the Treasury, in his discretion, to require such excess to be distributed equitably and deposited to the credit of the Treasurer of the United States in such designated banks as may by him be selected. Such deposits shall bear interest as may be determined by competitive bids, and are to be payable on demand to the order of the Treasurer, or such person as he may designate, and are to be limited in amount as to any one bank to 50 per cent of its capital and surplus, but the Secretary shall require, before any deposit is made, adequate security to the full extent of such deposit. They may be secured by a deposit with the Treasurer of bonds which are a legal investment for postal savings banks, or by approved commercial bills or notes maturing within four months, indorsed by the depository bank, with the right of substitution, the face value of such notes to be at least 50 per cent in excess of the amount secured thereby. Such deposits may also be secured by the guaranty or indorsement of the National Currency Association (organized under the act approved May 30, 1908), of which the depository bank is a member. In case of voluntary or involuntary liquidation, and in the event the collateral security held therefor is insufficient, such deposits shall constitute a prior lien on all the assets of the depositary bank, after the payment of the circulating notes has been provided, as specified in section 6 of this act.

SEC. 12. That any national banking association having a paid-up capital and surplus amounting to $5,000,000 may establish one or more places of business in the capital or a seaport city of any foreign country, or dependencies of the United States, for the purpose of facilitating exchanges, granting commercial letters of credit and incident thereto accepting time drafts, dealing in gold coin or bullion, and such other business as is authorized by its charter; but such association shall not issue or receive from the Comptroller of the Currency circulating notes in any other unit of value than the dollar of the present standard, though it may be expressed upon the face of such circulating note the equivalent in foreign gold coin at which it is redeemable on presentation. Such place of business shall be denominated a foreign department or branch, and shall be subject to the same visitorial and other powers as are now conferred by law on the Comptroller of the Currency for all national banking associations; any additional expense attending the periodical examination of such foreign department or branch or the issuance of its circulation shall be assessed and paid by the parent institution.

SEC. 13. That it shall be lawful for any national banking association to loan of its assets not exceeding in the aggregate 25 per cent of its capital and 75 per cent of its surplus upon real estate security.

SEC. 14. That all provisions of the national-bank act allowing balances due from other banks located in designated reserve cities to be counted as a part of a bank's "legal money reserve" are hereby repealed.

SEC. 15. That the total liabilities of any national banking association (exclusive of its capital stock and surplus) now required by law to keep 15 per cent lawful money reserve shall not exceed 5 times its capital and surplus, and the similar liabilities of any national banking association now required by law to keep 25 per cent lawful money reserve shall not exceed 10 times its capital and surplus, unless in each case such excess liabilities are fully covered by additional cash assets equal to such excess, but any such association may voluntarily elect to keep 25 per cent lawful money reserve and be entitled to assume liabilities to the extent of 10 times its capital and surplus.

SEC. 16. That the Treasurer or any Assistant Treasurer of the United States is hereby authorized to transfer funds without charge from any depository bank or subtreasury to another against a deposit with him of gold coin or currency, and hereafter it shall be unlawful for any national banking association to make any charge for exchange in making similar domestic transfers.

SEC. 17. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

BANKING AND CURRENCY REFORM.

STATEMENT OF HON. JEFFERSON M. LEVY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK.

"Mr. LEVY. Mr. Chairman, in considering the matter of currency reform and the legislation necessary to remedy the evils of the system, or want of system, under which our monetary affairs are conducted, I feel sure that in reflecting upon the various suggestions which have been made to you you must have found the necessity of fixing some guiding principles to direct your thoughts, or else you would be lost in the maze of varied standpoints from which the subject is considered and treated by those who have appeared before you.

"I have tried to put myself in your place and consider the question from the standpoint exclusively of the welfare of the whole country, irrespective of benefit to any particular interest.

"It appears to me that the problem to be solved is this: To legislate whereby the debts of the banks may be safely substituted by the people for coin in their daily interchange of property and service with a reasonable profit to the banks.

"There is much confusion of thoughts in the public mind and in our minds about many banking terms, such as 'money,' 'deposit,' and 'credit,' unless we look into fundamental facts and be sure we mean the same thing when we use them.

"Let us eliminate the idea that the business of this country, or of any country, is done with 'money,' used in the sense of the thing which cancels debt. It is the 'substitute for money' which is used—'credit' it is usually called; 'debt' it is in reality. Credit can not exist unless debt is created.

"All banking everywhere is but a transfer and interchange of debts, except where the ownership of coin is changed, and coin is not thus used to the extent of 1 per cent of such interchange.

"I have said we must legislate whereby the debts of the banks may be safely substituted for coin. These debts are 'deposits' and 'circulating notes.' Deposits are utilized through the medium of checks, and circulating notes by delivery without recourse. The former constitutes about 95 per cent of the medium of exchange, and the latter less than 5 per cent. These are called 'credit instruments,' but the 'credit' comes from the people who accept them—they are in reality the debt of the banks which create them, and are accepted by the people as a 'substitute for coin.'

"Now, our problem is that the people may safely make this substitution with a reasonable profit to the banks.

"In the bill, H. R. 27139, now before you I have endeavored to offer a solution for this problem. In my remarks before the House on January 11 last, I have already considered in detail each of the provisions of the bill, and I would respectfully call your attention to them as a part of what I say to-day.

"The general scope of the provisions of the bill may, however, be stated in principles involved and recapitulated as follows:

"First. To restore the bank function of note issue.

"I maintain that banking is a business necessity in every commercial community, and that its functions are the growth and development of that necessity. These functions are called 'discount,' 'deposit,' and 'circulation,' and all of them are the various modes of interchange of debts between the banks, its customers, and the public.

"I maintain that the function of 'circulation' or note issue is as much a necessity to the public as is the function of 'discount' or 'deposit,' and that we have destroyed the function of note issue by the 10 per cent prohibitory tax of the national-bank act.

"I maintain that the present bank note, or 'bond-secured currency' is not an exercise of the bank function of note issue, because it does not come into being in response to a trade demand; that it is a mere certificate of indebtedness, which represents an assumed debt of the Government, by the banks, or, in other words, an exchange of debts; that the real debt is the Government bond pledged as security for the bank note. The Government's necessity required that the bank function of note issue should be destroyed in order that the Government debt would be carried by the people, and such debt is now carried in the form of the existing bank note, though the necessity no longer exists. The public is the creditor, the Government is the debtor, and the bank is the go-between, or medium of transfer.

"This condition should be remedied by allowing the true relations between the parties to be restored and the bank to resume its normal functions. This can be done by getting rid of the bond-secured bank currency, or by allowing the banks to issue circulating notes in addition to those outstanding, and hence in excess of their capital stock.

"It has appeared to me that the former plan is best, and by the method I have suggested, to wit, the interchangeable bond, we retain this Government debt, where it now is carried by the people in the form of a circulating note, as a certificate of deposit issued by the Government. We save the Government interest on the debt when in the form of a circulating note, and we pay the same interest as now when the debt is in the form of bonds. We leave the public to determine in what proportions the debt shall be carried in response to business demands, i. e., whether in the form of bonds or bond-currency certificates, and thereby establish to the extent of the present outstanding 2 per cent bonds a Government elastic currency.

"This currency is fixed as to its maximum amount by the authorized amount of 2 per cent bonds which can be issued. There are now outstanding about $730,000,000 of these bonds, of which about $698,000,000 are held by the Treasury as security for bank notes and public deposits. Those held by the Treasury for bank notes, about $684,000,000, can not be exchanged into bond certificates until the bank notes for which they are now held are canceled or their redemption otherwise provided for, and hence in practice the initial exchange of nearly all the bonds into bond certificates must be made by the banks themselves.

"The bill allows banks to issue circulating notes, against a gold reserve of 50 per cent, of which at least one-half must be kept with the United States Treasurer for their redemption upon presentation. This allows the banks to resume the bank function of note issue under restrictions which afford ample protection to the public, and at the same time gives them an inducement in the way of profit about 1 per cent better than the present bond-secured currency offers, figuring on the basis of a 6 per cent interest rate.

"The effect of these two provisions will be that the present bond-secured bank currency will be gradually replaced by the bond-secured Government currency. A proper bank currency on a gold basis can then be utilized by the public as the demands of trade require, responsive in volume to those demands through the redemption feature at the Treasury. The United States Treasury will become the clearing house for all bank debts in the form of circulating notes, and they will have the same elasticity that bank debts in the form of deposits now have, through the daily cancellation of checks by means of bank clearing houses.

"Second. To remove from our statutes the evidences of fruitless efforts to create values by legislation.

"Value with us must be fixed as it is with the rest of the world by the ratio between demand and supply. We can not override commercial laws, and time only serves to demonstrate that all efforts in this direction are attended with penalties which enforce themselves and prove the futility of the effort. I may recall some of these inconsistencies, viz:

"We have legislated that governmental 'paper promise to pay' (greenbacks) shall be accepted in discharge of private debts, whether the promise is kept or broken, and we have declared this law unconstitutional and then reversed the decision.

"We have legislated that this Government circulating note shall be paid off, retired, and canceled, and then legislated it shall not be.

"We have legislated that silver shall be purchased and coined into dollars at a fixed sum per month, and, finding they would not circulate, have legislated that paper representatives shall be given for these coins; then by legislation have doubled the monthly purchase, and then repealed both laws.

"We have legislated that silver bullion shall be purchased and held in order that the paper representative of such purchase might be used as a circulating medium, and then called an extra session of Congress to repeal such legislation.

"We have bought our own bonds in the market at a high premium for cancellation, virtually prepaying interest to maturity, in order to get our paper promises into circulation, and then been forced to sell new bonds at a lower premium in order to retire these paper promises without discredit.

"We have been forced by the necessities of the case to provide a gold reserve for the redemption of our money and to pledge our good faith that such reserve shall be held inviolate.

"We adopt another fiction as a corollary of this fiction and say 'paper promises' and debts due by certain banks shall be 'legal reserve' for the people's deposits in other banks. We know that the proper reserve against all indebtedness must be the thing which finally cancels and discharges debt, and that this thing is gold; and yet we attempt to deceive ourselves by affixing before the word 'reserve' the word 'legal' and imagine thereby we have created value.

"I want to do away with these fictions and let our banking system be founded on sound, economic principles which the experience of mankind has demonstrated to be sound.

"The bill provides that greenbacks may be funded into 2 per cent bonds (made interchangeable as indicated), and that 'Due from reserve agents' shall not be counted as any part of a bank's reserve.

"We might fund greenbacks into a bond paying a higher rate of interest, but it has appeared to me it would be wiser to allow the privilege of converting them into these 2 per cent interchangeable bonds, for the reason that greenbacks now form a part of the circulating medium, and it would be unwise to interfere with the volume thereof, except as business interests may automatically adjust it.

"You will see from the provisions of the bill that greenbacks would be gradually replaced by bond-currency certificates as the demands of trade might require, and that the exchange or funding is entirely voluntary.

"My remarks of January 11 show conclusively, I think, the pernicious effects of allowing the debts due from banks located in reserve cities to be considered as a part of the required reserve of country banks.

"It seems to have been a strange inconsistency in the framers of the national-bank act to draw a distinction between the debt of a bank located in the city from that of the bank located in the country, especially when this differentiation was made in the same law, simply by calling these cities 'reserve cities.'

"It may have been intended, in view of the fact that it was provided that circulating notes of country banks should be redeemable by the 'reserve agent,' that the reserve of the country bank would be partly kept with such agent, losing sight of the fact that such reserve, when converted into a 'deposit' with the city bank, was no longer the reserve of the country bank but only the debt of the city bank.

"As country bank notes are no longer redeemable by reserve agents, the supposed reason for this provision does not now exist, and I feel sure you will approve the suggestion of doing away with the fiction that 'due from reserve agents' constitutes a proper 'reserve.'

"Third. To provide some reserve source of credit.

"Experience has shown us that in periods of financial disturbances, which periods seem to be inseparable from the frailties of human nature, and to come as a result of overtrading and speculative excesses, that in order to preserve the commercial organism we must have some reserve source which will maintain credit and allay panic. We have found this source in clearing-house certificates. These, as you know, are the joint obligations or debts of the banks which compose clearing-house associations, and have always served the purpose of their issuance without loss to anybody.

"The act of May 30, 1908, legalizes this issuance of joint indebtedness, and under it national currency associations have been organized with an aggregate capital and surplus of over $575,000,000, which means that practically more than one-fourth

of the national banking capital of the country is already combined, and thereby provided the necessary machinery for meeting panicky conditions.

"This law expires by limitation in 1914, which provision it is necessary to repeal, and also the provison requiring an outstanding issue of 40 per cent of capital in bond-secured notes before its benefits can be availed of. In addition to this there is a prohibitory tax of 5 per cent per annum, increasing additionally at the rate of 1 per cent per month.

"H. R. 27139 repeals these clauses and leaves the measure available as a reserve source of credit. Since the introduction of this bill subsequent reflection and consultation with others has induced me to suggest a further amendment of the act of May 30, 1908, so as to allow the banks composing the national currency associations to legally issue a joint 'certificate of indebtedness' available only for the settlement of clearing-house balances, and hence confined in circulation among themselves. This will enable the banks composing the association to pool their assets in identically the same manner as clearing-house associations have heretofore found it necessary to do (when clearing-house certificates were issued), and thus adopt the remedy which has heretofore been effective without calling upon the public for the general circulation of emergency notes, as is contemplated in the act of May 30, 1908.

"With such provision the banks would be in the position to adopt either remedy in whole or in part, as in their combined judgment would be best, and they necessarily are best qualified for such decision.

"The proposed amendment is as follows:

"[Amendment, act of May 30, 1908.]

"Any national currency association may issue certificates of indebtedness to any member of such association, against a deposit of satisfactory security, which indebtedness shall bear interest at the rate of 6 per cent per annum, chargeable to the bank member receiving the same, and shall be receivable at par by other bank members of such association in settlement of clearing-house debit balances, and for a period not exceeding 60 days from its date may be counted as a part of the bank's required reserve, not exceeding 25 per cent thereof.

"This act of May 30, 1908, contemplates the exercise of the bank function of note issue only in times of emergency. It has been suggested that the corporate powers of the national currency associations should be enlarged so that the bank function of note issue may be confined to these associations, and that the reserves of other banks may be consolidated and kept with them, or, following the same idea, that zones or territories should be designated in which all the banks of each zone may be consolidated into one association for the purpose of note issue and to hold the reserves of other banks in that zone. This follows somewhat the Aldrich idea of centralization of the banking power, though not to so great an extent. I believe the plan is open to some, though not all, of the objections to a central bank.

"We must remember that the concentration of reserves into one or more banks necessarily implies that the debt of the reserve or zone bank shall be considered the reserve of the depositing bank. It may be argued that this concentration of reserves will prevent competition among the banks themselves for increased reserves in times of panic; but if the law provides an ample minimum reserve to be held in the banks' vaults and the banks know that there is always available a reserve credit through the national currency associations, there will be no occasion for this competition or struggle to increase individual bank reserves.

"The competitive struggle has been occasioned in the past by the nonexistence of sufficient total reserve in the whole country to meet the requirements of the law in times of shaken confidence. This insufficiency was due to the fact that 'due from reserve agents,' though legally called 'a reserve,' was found to be, temporarily, an unavailable debt in the form in which it was needed.

"Again, it is argued that these zone banks will afford opportunity or market for rediscounting paper by individual banks through the issuance of circulating notes by the zone banks. It must be remembered that the circulating note, whether issued by the zone bank or the individual bank, represents a debt for which the credit must be supplied by the public, and that the coin reserve for such debt must come from somewhere. If the individual banks are to supply this coin, wherein is the advantage to the individual bank or the public over issuing its own notes and retaining the coin reserve in its own vaults? Besides this, I doubt the wisdom or expediency of encouraging the rediscount of paper under normal conditions. I consider the facilites ample to-day for rediscounting paper through bank connections for all ordinary business requirements. We can not create capital by legislation, and the fact that a bank continuously wants paper rediscounted indicates that it is trading beyond its normal resources and requires additional capital.

"I am inclined to the opinion that it is wiser and better to preserve the individual units of our banking system by strengthening them with the ability to utilize all normal bank functions—'discount,' 'deposit,' and 'note issue'—under reasonable restrictions consistent with the public welfare, and to provide the opportunity for them to voluntarily combine legally in financial emergencies in order to meet the necessities of industrial crises or commercial panic.

"If I have stated the problem correctly, I believe the provisions of the bill (H. R. 27139) will furnish a reasonable and rational solution that will conform to the business interests of the country, and one which its industrial, commercial, and unselfish banking representatives will indorse.

"I leave you to examine critically the provisions of the bill in detail, to each of which I have referred in my remarks of January 11. I think the three general propositions which I have announced and commented on cover the essential features of the measure.

"There are other provisions which, though perhaps not involving principles, will, in my opinion, be highly advantageous as affecting the mechanism of banking and conducive to its safety as well as to the benefits the public will derive therefrom. These may be briefly summarized as follows:

"First. Limit the amount which the circulating medium of the country may be reduced through the collection of revenues by fixing a maximum amount for the 'working balance' of the Treasury, beyond which the excess is to be deposited with the banks.

"Second. Allow banks of fixed minimum capital to establish branches in foreign countries for the purpose of encouraging and facilitating foreign trade, enlarging the powers of these banks so as to enable them to follow the necessary requirements of this trade.

"Third. Allow loans upon real estate security to a limited extent so as to meet the requirements of banks established in agricultural communities, in accordance with the expressed wish of a majority of the banks.

"Fourth. Establish some reasonable limit of indebtedness by the banks in proportion to capital and surplus, as a matter of security to the public, so as to fix a safe point beyond which they may not be used to foster overtrading and inflation through excessive loans or discounts and the deposits thereby created.

"Fifth. Consider what provision is necessary to establish the circulation of checks at par everywhere, as is now the case with circulating notes. I have suggested and provided in the bill the prohibition of any 'exchange' charge, which, I believe, will lead to the establishment of one central clearing house to be composed of other clearing-house associations.

"At the time the Committee on Rules was considering the resolution providing for an investigation of the so-called Money Trust, I appeared before that body and told them that what we needed was remedial legislation and not investigation, and that statement has proven to be correct. Even though the committee appointed by the House to investigate the so-called Money Trust spent large sums of money, they have learned very little, if anything, of importance, and what they did ascertain could and would have been furnished without an investigation if a written request had been made of the witnesses who appeared before the committee.

"The investigation has created great disturbance in the financial world. The effects have been far-reaching and will take a long while to overcome. As yet no remedial legislation, such as the proposition I have before you, has been adopted, and, in my judgment, the consideration of this bill alone would have been of much more service to the country than all the investigations which have taken place.

"I thank you, gentlemen, for your attention and assure you that it is my most earnest desire to contribute everything in my power toward the proper solution of this monetary question, which I believe to be the most important in its far-reaching results and benefits of any now before this Congress or likely to come before the next."

[From the New York Times, Monday, June 23, 1913.]

POLITICAL FINANCE.

The party in power is construing its mandate on the tariff into a mandate for enacting the sort of finance with which it is connected historically, and which the country has rejected even oftener than it has voted for the revision of the tariff. It is necessary to admit that the bill contains some good things and that it is better than the Democratic platforms of the last several campaigns. But not for that reason should the banking of the country be submitted to the strain through which its business interests are passing. Politics makes strange bedfellows, and fairness of discussion makes it necessary to admit the necessity which compelled the President to allow his partners to make the experiment of the proposal of Government—that is, of political—finance.

The result is a welcome demonstration that the country will have none of it, not even to secure at that price much that it wants. The country never had a sounder or stronger appreciation of the fact that

banking and business both require less governmental interference rather than more. There are specific reasons in the case of banking, but the underlying principles are stronger and broader than banking alone. The tariff is under revision because of the excess of paternalism, and it is at the time that the evils of paternalism are under demonstration and illustration in the case of general business that the party which represents opposition to paternalism proposes to set it up in exaggerated form for banking. The party of opposition to centralization of government, and which is offended by the name "central bank," proposes to establish a form of banking which is more centralized than even the Aldrich proposal and which leaves the United States Bank "tied to the post" as an illustration of speed in getting away from ancient party traditions.

The country is in no mood for such mockery. It has repudiated the Republicans' preposterous proposal to guarantee profits by the tariff, and it knows exactly what to do with a Democratic proposal to give the Government "absolute control" of the national banking system with a view to "promote a stable price level." No owner of bank shares is going to give absolute control to anybody else. A bank is not a helpless public utility like a railroad, and there is no necessity that any national bank should remain in the system. Those who appreciate the situation are already plainly declaring that their capital will not participate in the plan. Nor is the proposal to regulate prices any happier. The regulation of prices is no more a suitable function of government than the regulation of profits or of wages. Every man has a right to profits or wages as high as he can make in compliance with the customs imposed by that universal conscience called the common law. Limitation of profits or wages is handicapping of efficiency at unendurable loss to the total welfare. The regulation of prices is artificial disturbance of prices. At what level shall prices be stabilized? Shall "a rate of discount be made mandatory" to keep prices up or down, and how is it that this simple expedient has not been discovered before? How shall discount be made both mandatory and different for different Federal reserve banks? Shall the mandate be applied to the banks alone; and if so, to what purpose? What is the use of a mandate to regulate discount by the banks unless there is also a mandate that borrowers shall pay the mandate rate?

These questions are asked in the hope that they will suggest the broader principles which are of as specific application to banking as to other business. Power and responsibility should never be separated, because all action should be with regard to the consequences of the acts done. The idea that the banking of the Nation should be at the mercy of politicians of second or third class caliber rather than in the care of bankers whose interests are inextricably bound up with the prudence of their management is foolish beyond expression. Not less absurd is the idea that good banking is the product of statutes. The world's best banking is where banking is most free from interference except by laws applying to all trade. In China there is a custom that when a bank fails the officers' heads shall be thrown in among the assets. If the Government's appointees as bank managers should submit themselves to a similar requirement they would act under a sense of responsibility which might make them as careful as the men representing those who own the capital they administer. We are seeing the railways administered with indifference to the woes of their owners, and we are seeing the trusts disintegrated with especial severity against the largest and best of them. To expect the owners of banking capital to allow themselves to be subjected to the experiences testified to by Mr. Gary and Mr. Perkins is to expect the impossible. The proposal carries with it the possibilities of greater embarrassments than are being experienced with such disillusionment in the industrial world. Stop it, gentlemen, before you suffer through the country's suffering.

ANNIVERSARY CELEBRATION, BATTLE OF GETTYSBURG.

Mr. BARTON. Mr. Speaker, I rise for information. An editorial printed in the Washington Times of yesterday, under the caption "The Gettysburg Danger," says:

It would be disgraceful carelessness if the great reunion of the blue and the gray on the battlefield of Gettysburg a few days hence should be turned into a tragedy of suffering and very likely deaths for want of adequate preparation.

That is the very condition that Secretary of War Garrison plainly fears. He has notified the commission managing the reunion that the Government appropriation is inadequate to care for more than 40,000. Beyond that number the veterans will be without housing or rations, and after they are dumped off the railroad trains at the battlefield it will be of small benefit to them that their pockets may be well filled with money if the money will buy nothing.

It goes on further and says:

The weather right now suggests the awful possibilities of such a situation. It is impossible, of course, to know how many people will be attending, but the Secretary of War fears that the number will be far in excess of provision for care. It would be a national scandal if this semicentennial of the great battle should bring another slaughter of veterans on that immortal field. Not many more times will there be such reunions, for there will be none to reunite.

Now, is this true that the appropriation is not adequate and that the Secretary of War is asking for more money?

The SPEAKER. What is it that the gentleman wants to know?

Mr. BARTON. I desire to know whether the Secretary has filed any complaint or request for an additional appropriation or any bill with the committee or with the Speaker of the House.

The SPEAKER. He has not filed any with the Speaker of the House.

Mr. MANN. Mr. Speaker, I submit there is only one way in which the Secretary of War can communicate with the House, and that is by a communication to the Speaker.

The SPEAKER. No such communication has come to me.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1353. An act to authorize the board of county commissioners of Okanogan County, Wash., to construct and maintain a bridge across the Okanogan River at or near the town of Malott; and

S. 103. An act authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation in Arizona.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 1917) making appropriations for the contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STONE, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 10.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 23d day of June, 1913, at 12.30 in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 103. An act authorizing the Secretary of War to grant permission for the erection of a hotel on Fort Huachuca Military Reservation in Arizona; to the Committee on Military Affairs.

OPIUM.

Mr. HARRISON of New York. Mr. Speaker, by direction of the Committee on Ways and Means, I desire to submit a report on the bill H. R. 1967 (H. Rept. 22).

Mr. MANN. Mr. Speaker, I ask that it be reported from the Clerk's desk, so that we may know what it is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill (H. R. 1967) regulating the manufacture of smoking opium within the United States, and for other purposes.

Mr. MANN. Mr. Speaker, I think it should be referred to the Union Calendar.

The SPEAKER. It will be referred to the Committee of the Whole House on the state of the Union.

RECESS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12.25 p. m.

Mr. MANN. Make it 12.30.

Mr. FITZGERALD. Then I will make it 12.30.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the House stand in recess until 12.30 p. m. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 14 minutes p. m.) the House stood in recess until 12.30 p. m.

At the expiration of the recess the House resumed its session.

JOINT SESSION OF SENATE AND HOUSE.

At 12 o'clock and 30 minutes p. m. the Doorkeeper announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The VICE PRESIDENT took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. The Chair announces as a committee on the part of the House to wait upon the President Representatives UNDERWOOD, FITZGERALD, and MANN. The Vice President will announce the committee on the part of the Senate.

The VICE PRESIDENT announced as the committee on the part of the Senate Senators KERN, REED, and GALLINGER.

At 12 o'clock and 55 minutes p. m. the President of the United States, attended by members of his Cabinet and escorted by the joint committee of Senators and Representatives, entered the Hall of the House, standing at the Clerk's desk, amid applause on the floor and in the galleries.

The SPEAKER. Senators and Representatives, I present to the Sixty-third Congress the President of the United States.

The PRESIDENT. Mr. Speaker, Mr. President, gentlemen of the Congress, it is under the compulsion of what seems to me a clear and imperative duty that I have a second time this session sought the privilege of addressing you in person. I know, of course, that the heated season of the year is upon us, that work

in these Chambers and in the committee rooms is likely to become a burden as the season lengthens, and that every consideration of personal convenience and personal comfort, perhaps, in the cases of some of us, considerations of personal health even, dictate an early conclusion of the deliberations of the session; but there are occasions of public duty when these things which touch us privately seem very small; when the work to be done is so pressing and so fraught with big consequence that we know that we are not at liberty to weigh against it any point of personal sacrifice. We are now in the presence of such an occasion. It is absolutely imperative that we should give the business men of this country a banking and currency system by means of which they can make use of the freedom of enterprise and of individual initiative which we are about to bestow upon them.

We are about to set them free; we must not leave them without the tools of action when they are free. We are about to set them free by removing the trammels of the protective tariff. Ever since the Civil War they have waited for this emancipation and for the free opportunities it will bring with it. It has been reserved for us to give it to them. Some fell in love, indeed, with the slothful security of their dependence upon the Government; some took advantage of the shelter of the nursery to set up a mimic mastery of their own within its walls. Now both the tonic and the discipline of liberty and maturity are to ensue. There will be some readjustments of purpose and point of view. There will follow a period of expansion and new enterprise, freshly conceived. It is for us to determine now whether it shall be rapid and facile and of easy accomplishment. This it can not be unless the resourceful business men who are to deal with the new circumstances are to have at hand and ready for use the instrumentalities and conveniences of free enterprise which independent men need when acting on their own initiative.

It is not enough to strike the shackles from business. The duty of statesmanship is not negative merely. It is constructive also. We must show that we understand what business needs and that we know how to supply it. No man, however casual and superficial his observation of the conditions now prevailing in the country, can fail to see that one of the chief things business needs now and will need increasingly as it gains in scope and vigor in the years immediately ahead of us is the proper means by which readily to vitalize its credit, corporate and individual, and its originative brains. What will it profit us to be free if we are not to have the best and most accessible instrumentalities of commerce and enterprise? What will it profit us to be quit of one kind of monopoly if we are to remain in the grip of another and more effective kind? How are we to gain and keep the confidence of the business community unless we show that we know how both to aid and to protect it? What shall we say if we make fresh enterprise necessary and also make it very difficult by leaving all else except the tariff just as we found it? The tyrannies of business, big and little, lie within the field of credit. We know that. Shall we not act upon the knowledge? Do we not know how to act upon it? If a man can not make his assets available at pleasure, his assets of capacity and character and resource, what satisfaction is it to him to see opportunity beckoning to him on every hand when others have the keys of credit in their pockets and treat them as all but their own private possession? It is perfectly clear that it is our duty to supply the new banking and currency system the country needs, and it will need it immediately more than it has ever needed it before.

The only question is, When shall we supply it—now or later, after the demands shall have become reproaches that we were so dull and so slow? Shall we hasten to change the tariff laws and then be laggards about making it possible and easy for the country to take advantage of the change? There can be only one answer to that question. We must act now, at whatever sacrifice to ourselves. It is a duty which the circumstances forbid us to postpone. I should be recreant to my deepest convictions of public obligation did I not press it upon you with solemn and urgent insistence.

The principles upon which we should act are also clear. The country has sought and seen its path in this matter within the last few years—sees it more clearly now than it ever saw it before—much more clearly than when the last legislative proposals on the subject were made. We must have a currency, not rigid as now, but readily, elastically responsive to sound credit, the expanding and contracting credits of everyday transactions, the normal ebb and flow of personal and corporate dealings. Our banking laws must mobilize reserves; must not permit the concentration anywhere in a few hands of the monetary resources of the country or their use for speculative purposes in such volume as to hinder or impede or stand in the way of other more legitimate, more fruitful uses. And the control of the system of banking and of issue which our new laws are to set up must be public, not private, must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative.

The committees of the Congress to which legislation of this character is referred have devoted careful and dispassionate study to the means of accomplishing these objects. They have honored me by consulting me. They are ready to suggest action. I have come to you, as the head of the Government and the responsible leader of the party in power, to urge action now, while there is time to serve the country deliberately and as we should, in a clear air of common counsel. I appeal to you with a deep conviction of duty. I believe that you share this conviction. I therefore appeal to you with confidence. I am at your service without reserve to play my part in any way you may call upon me to play it in this great enterprise of exigent reform which it will dignify and distinguish us to perform and discredit us to neglect. [Applause on the floor and in the galleries.]

At 1 o'clock and 6 minutes p. m. the President and his Cabinet retired from the Hall of the House.

The SPEAKER. The joint convention is dissolved.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

The SPEAKER. The House will be in order.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 11 minutes p. m.) the House adjourned to meet to-morrow, June 24, 1913, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 1967) regulating the manufacture of smoking opium within the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 22), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WILSON of Florida: A bill (H. R. 6276) for releasing and quitclaiming of all claims of the United States to arpent lot No. 28, in the old city of Pensacola, Fla.; to the Committee on the Public Lands.

By Mr. WICKERSHAM: A bill (H. R. 6277) to authorize the Secretary of the Treasury of the United States to cause to be sold at auction to the highest bidder a certain wharf site, wharf and buildings thereon, and other tracts of land situate at Sitka, in the Territory of Alaska; to the Committee on the Public Lands.

Also, a bill (H. R. 6278) to provide for the preliminary examination and survey of the mouth of Snake River and the harbor of Nome, Alaska, to cause plans and estimates to be made for the improvement thereof, to make an appropriation to pay for the same, and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6279) to authorize the Secretary of the Treasury to erect a public building at Fairbanks, Alaska, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 6280) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by conferring jurisdiction on the Interstate Commerce Commission over certain contracts and combinations; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 6281) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. HARRISON of New York: A bill (H. R. 6282) to provide for the registration of, with collectors of internal reve-

nue and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes; to the Committee on Ways and Means.

By Mr. TEMPLE: A bill (H. R. 6283) to create a national rivers commission; to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: A bill (H. R. 6284) providing for a survey for a military and post road from the city of Washington, D. C., to Indianhead, Charles County, Md.; to the Committee on Military Affairs.

By Mr. KAHN: Resolution (H. Res. 180) instructing the Attorney General to transmit to the House of Representatives copies of all correspondence and other memoranda and papers relating to the postponement or delay of trial of cases against the Western Fuel Co.; to the Committee on the Judiciary.

Also, resolution (H. Res. 181) instructing the Attorney General to transmit to the House of Representatives copies of all correspondence and other papers and memoranda relating to the prosecution or trial of Maury Diggs and Drew Caminetti; to the Committee on the Judiciary.

By Mr. HINEBAUGH: Resolution (H. Res. 182) directing the Judiciary Committee to investigate fully and completely the facts in the case of the resignation of United States District Attorney John L. McNab and report their findings to the House of Representatives; to the Committee on the Judiciary.

By Mr. BARTLETT: Joint resolution (H. J. Res. 99) to repeal the provisions of the sundry civil act approved August 24, 1912, relating to vacancies upon the commissions in charge of military parks, and for other purposes; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 100) to continue in effect the provisions of the act of March 9, 1906 (Stat. L., vol. 34, p. 56); to the Committee on Military Affairs.

By Mr. MURRAY of Oklahoma: Joint resolution (H. J. Res. 101) for the maintenance, management, protection, and improvement of Platt National Park, Okla.; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 6285) to carry into effect the findings of the Court of Claims in the claim of the legal representative of James Millingar, deceased; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 6286) granting an increase of pension to David N. Carmedy; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 6287) granting a pension to Daniel Smith; to the Committee on Pensions.

Also, a bill (H. R. 6288) granting an increase of pension to Constantine Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6289) granting a pension to Sudie Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6290) granting a pension to Penelope A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6291) granting a pension to Sanford P. Cutler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6292) granting a pension to Robert J. Branch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6293) granting a pension to Martha J. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6294) granting a pension to Thompson P. McCluney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6295) granting a pension to Sanford P. Cutler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6296) granting a pension to Virginia Hager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6297) granting a pension to William H. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6298) granting a pension to Joel Harreford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6299) granting a pension to Roseannah Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6300) granting a pension to Thomas G. Butner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6301) granting an increase of pension to James F. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6302) granting an increase of pension to James Hudgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6303) granting an increase of pension to Joseph L. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6304) granting an increase of pension to Eleazar Spyres; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6305) granting an increase of pension to John Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6306) granting an increase of pension to Robert A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6307) granting an increase of pension to Taylor Hulin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6308) granting an increase of pension to George W. Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6309) granting an increase of pension to Robert L. McMurtry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6310) granting an increase of pension to Daniel Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6311) granting an increase of pension to Patriok Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6312) granting an increase of pension to Samuel S. Brand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6313) granting an increase of pension to Samantha E. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6314) granting an increase of pension to James K. Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6315) granting an increase of pension to Simon S. Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6316) granting an increase of pension to Sarah J. Drummond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6317) granting an increase of pension to Samuel Owings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6318) granting an increase of pension to James W. Jackson, alias William Beverly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6319) granting an increase of pension to William J. McGhee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6320) granting an increase of pension to Charles McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6321) granting an increase of pension to John C. Bridges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6322) granting an increase of pension to Oliver Tennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6323) granting an increase of pension to Levi Covey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6324) granting an increase of pension to Carrick McCain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6325) granting an increase of pension to John Bridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6326) granting an increase of pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6327) granting an increase of pension to Osborn Parrish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6328) granting an increase of pension to John W. Hall; to the Committee on Pensions.

Also, a bill (H. R. 6329) granting an increase of pension to Fields B. Glenn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6330) granting an increase of pension to Lee W. Putnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6331) granting an increase of pension to William M. Gregg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6332) granting an increase of pension to John H. Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6333) granting an increase of pension to Claudius L. Pyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6334) granting an increase of pension to Christian B. Old; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6335) granting an increase of pension to Vernon L. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 6336) granting an increase of pension to William Bybee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6337) for the relief of the estate of St. Clair Ogg; to the Committee on War Claims.

Also, a bill (H. R. 6338) for the relief of William R. Coble; to the Committee on War Claims.

Also, a bill (H. R. 6339) for the relief of James M. Mock; to the Committee on Military Affairs.

Also, a bill (H. R. 6340) for the relief of the legal representatives of Oliver C. Joyce; to the Committee on War Claims.

Also, a bill (H. R. 6341) for the relief of the legal representatives of James M. Lindsay; to the Committee on War Claims.

Also, a bill (H. R. 6342) for the relief of Benjamin F. Follin; to the Committee on Military Affairs.

Also, a bill (H. R. 6343) for the relief of the heirs of Joseph F. Brooks, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6344) for the relief of L. D. Force, alias L. D. Foree; to the Committee on War Claims.

Also, a bill (H. R. 6345) for the relief of Mrs. William C. Lucas; to the Committee on War Claims.

Also, a bill (H. R. 6346) for the relief of Alonzo Rich; to the Committee on Military Affairs.

Also, a bill (H. R. 6347) for the relief of Ivory F. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 6348) for the relief of Dewitt C. Blanchard; to the Committee on Military Affairs.

Also, a bill (H. R. 6349) for the relief of James Cahalan; to the Committee on Military Affairs.

Also, a bill (H. R. 6350) for the relief of James T. Ellis; to the Committee on Military Affairs.

Also, a bill (H. R. 6351) to correct the military record of William J. McGhee; to the Committee on Military Affairs.

Also, a bill (H. R. 6352) to carry into effect the findings of the Court of Claims in the matter of the claim of John B. Harrelson, administrator of the estate of Nathan E. Harrelson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6353) to carry into effect the findings of the Court of Claims in the matter of the claim of Elijah B. Hammontree, administrator of the estate of John Hammontree, deceased; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 6354) for the relief of James D. Hutton and others; to the Committee on the Public Lands.

By Mr. HENSLEY: A bill (H. R. 6355) for the relief of Irenus Hovis; to the Committee on War Claims.

Also, a bill (H. R. 6356) for the relief of the heirs of Alexander Ward, deceased; to the Committee on War Claims.

By Mr. KELLY of Pennsylvania: A bill (H. R. 6357) granting a pension to D. C. Creese; to the Committee on Pensions.

Also, a bill (H. R. 6358) granting a pension to Anna K. Rhoades; to the Committee on Pensions.

Also, a bill (H. R. 6359) granting a pension to Catherine E. McDonald; to the Committee on Pensions.

Also, a bill (H. R. 6360) granting a pension to John L. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 6361) for the relief of Revilow N. Spohn; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 6362) granting an increase of pension to Calvin S. Mullins; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 6363) granting an increase of pension to John W. Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6364) granting an increase of pension to Andrew Moran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6365) granting an increase of pension to Robert F. Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6366) to correct the military record of James Boyd; to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A bill (H. R. 6367) for the relief of the heirs of Edgar H. Bates; to the Committee on Claims.

By Mr. TAVENNER: A bill (H. R. 6368) granting a pension to Henry M. Rulon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6369) granting an increase of pension to James N. Fugate; to the Committee on Invalid Pensions.

By Mr. WILSON of Florida: A bill (H. R. 6370) granting a pension to John J. Boggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6371) for the relief of H. W. Reddick; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE: Petition of the Turlock irrigation district, Turlock, Cal., protesting against the diversion of any and all waters from the watershed of the Tuolumne; to the Committee on Rivers and Harbors.

By Mr. DICKINSON: Petition of Lycurgus Fooch, of Chilhowee, Mo., protesting against additional pension at this time; to the Committee on Invalid Pensions.

By Mr. HELGESEN: Petition of sundry business men of Egeland, Rollette, Starkweather, Cando, and Alice, N. Dak., all favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. HENSLEY: Petition of sundry citizens of Fredericktown, Mo., protesting against the passage of House bill 4653; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of the people of the Turlock irrigation district, to protect waters of the Tuolumne; to the Committee on Rivers and Harbors.

By Mr. ROGERS: Petition of the Jewelers' Association of Boston, protesting against the provisions of House bill 2972 which forbids the guaranteeing of watchcases to wear for a term of years; to the Committee on Interstate and Foreign Commerce.

By Mr. TAVENNER: Petition of R. E. Swanson, Rock Island, Ill., protesting against exempting mutual life insurance companies from the income-tax bill; to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of the Socialist Party of the State of New Jersey, relating to deprivation of the rights of a citizen of the United States; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 24, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of all souls, preserver of life, source of all good, keep these Thy servants and their respective families in health and strength that as representatives of a great people they may render faithful and efficient service to their country; that the measures they enact into law may reduce evil and promote the influence of good; that the hearts of our people may rejoice in peace and prosperity, and everlasting praise we will give unto Thee in gratitude and love; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRAZIL.

The SPEAKER. The Chair lays before the House a letter from the Secretary of State, transmitting a communication from the president of the Chamber of Deputies of the United States of Brazil. The Secretary of State has been kind enough to have attached to the original communication, which is in Portuguese, a translation of it into English. There being no one in the House who understands Portuguese, the Clerk will read the letter of the Secretary of State and also the translation of the communication from the president of the Chamber of Deputies of Brazil.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, June 17, 1913.

The Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: The inclosed message addressed by Senhor Sabino Barros, president of the Chamber of Deputies of the United States of Brazil, to the President of Congress was forwarded to this department from the White House, where it appears to have been erroneously delivered.

I have the honor to inclose it, with a translation into English, for the information of the House of Representatives.

I have the honor to be, sir,
Your obedient servant,
W. J. BRYAN.

[Translation.]

PRESIDENT CONGRESS, *Washington, United States:*

I have the honor to apprise Your Excellency that the Chamber of Deputies of the United States of Brazil at its session of to-day, on the motion of the diplomacy committee, supported by Deputy Coelho Netto, approved the following resolution:

"We desire that through its officers the Chamber of Deputies express by telegram to the American Congress the gratitude of the Brazilian people for the gracious reception given on the territory of the United States to Dr. Lauro Muller, ambassador of the Brazilian Republic, on a mission of friendship."

I avail myself of this opportunity to present to Your Excellency my personal salutations.

SABINO BARROS,
President Chamber Deputies.

The original communication is as follows:

[Telegram.]

RIO JANEIRO, *June 13, 1913—10.05 p. m.*

PRESIDENTE CONGRESSO,
Washington, Estados Unidos:

Tenho a honra de communicar a v. ex. que a camara dos snrs. deputados dos Estados Unidos do Brasil na sessão de hoje por proposta da commissão de diplomatia justificada, pelo snr. deputado Coelho Netto, approvou a seguinte moção: Requeremos que por intermedio da nosso camara dos deputados demonstra por telegramma ao Congresso Americano a gratidão do povo brasileiro pela gentileza com que foi acolhido no territorio dos Estados Unidos o Dr. Lauro Muller, ambaixador da Republica brasileira, em missão de amizade. Aproveito o ensejo para apresentar v. ex. as minhas saudações pessoaes.

SABINO BARROS,
Presidente Camara Deputados.

Mr. MANN. Mr. Speaker, should not that communication be referred to the Committee on Foreign Affairs?

The SPEAKER. The Chair thinks perhaps it should. Anyway, it will do no harm to refer it, and the Chair will do so.

ANNIVERSARY CELEBRATION, BATTLE OF GETTYSBURG.

The SPEAKER. It turns out that four of the gentlemen who were appointed members of the committee to attend the Gettysburg celebration—Messrs. SHERLEY, RICHARDSON, SHERWOOD, and MANN—can not attend; and the Chair has appointed Mr. THOMAS, of Kentucky, Mr. LEE, of Pennsylvania, Mr. FLOOD, of Virginia, and Mr. MOORE, of Pennsylvania, in their stead.

Mr. UNDERWOOD. Mr. Speaker, the Chaplain of this House is a former soldier, wounded on the battle field, and I ask unanimous consent that the Chaplain be added to this committee. [Applause.]

Mr. FITZGERALD. And the Postmaster.

The SPEAKER. The Chair wishes the gentleman from Alabama [Mr. UNDERWOOD] would include in that motion one of the pages, who usually attends the Chaplain.

Mr. HARDWICK. And also the Postmaster.

Mr. UNDERWOOD. I also ask that the Postmaster, who was likewise a soldier, be included, and one of the pages to attend Dr. Couden.

The SPEAKER. The gentleman from Alabama moves that Dr. Couden, Chaplain of the House, of whom we are all very fond, and the Postmaster of the House, who was a Confederate soldier, both of them badly maimed, and the page who usually attends the Chaplain, be added to this committee of 21.

The motion was agreed to.

The SPEAKER. The Chair requests the members of this Gettysburg committee to meet in the Speaker's room this afternoon at half past 4, so that we can determine when we are going and when we are coming back.

THE PRESIDENT'S ADDRESS (H. DOC. NO. 103).

The SPEAKER. Yesterday, when the President read his message or address, he carried it away with him, and there was no way that the Chair could think of to refer it to a committee, but it seems to the Chair that it ought to be referred. Therefore the printed copy that is in the CONGRESSIONAL RECORD this morning will be referred to the Committee on Banking and Currency.

COMMITTEE ON PRINTING.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the immediate consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 184.

Resolved, That the Committee on Printing be authorized to have such printing and binding done as shall be necessary for the discharge of the work of said committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ZACHARIAH CHANDLER.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 185.

Resolved, That exercises appropriate to the reception and acceptance from the State of Michigan of the statue of Zachariah Chandler, erected in Statuary Hall in the Capitol, be made the special order for Monday, July 28, 1913.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

JOHN L. M'NAB.

The SPEAKER. The Chair desires to submit a request for a change of reference.

The Clerk read as follows:

The Committee on the Judiciary is hereby discharged from further consideration of House resolution 182, directing the Judiciary Committee to investigate fully and completely the facts in the case of the resignation of United States District Attorney John L. McNab, and report their findings to the House of Representatives, and the same is referred to the Committee on Rules.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is that a request from the Judiciary Committee?

Mr. HARDWICK. If the gentleman will pardon me, this is a resolution directing the Committee on the Judiciary to make an investigation, and under the rules and the unbroken precedents it belongs to the Committee on Rules.

Mr. GARRETT of Tennessee. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RAILROAD EARNINGS AND DIVIDENDS.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial which appeared in the Washington Post of this morning on the earnings of railroads.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD, as indicated. Is there objection?

There was no objection.

The editorial is as follows:

EARNINGS AND DIVIDENDS.

Railroad earnings for April foot up $238,000,000, a gain of $22,900,000 over the same month last year, or 10 per cent per mile of line. July interest and dividend disbursements will exceed $263,000,000, a gain of upward of $11,000,000 over a year ago. Truly, we have in these actual performances irreparable proof of national solvency and earning power on an ascending scale. We are not slowing up but going forward.

The universal story of bounteous crop growth gives assurance that railroad earnings in 1914 will run ahead of this year's magnificent showing. So, too, as regards disbursements on dividend-paying account. The tendency is upward, but as the funds thus distributed naturally flow back into the banks the wherewithal to meet the larger outlay will be on hand then as now.

The foreign demand for American products climbs steadily to new high levels. Europe is hard pressed to pay for what she buys abroad, but her wants are imperative. The alternative is to let go of the vast accumulation of American securities which had been purchased as an investment. Repurchased on this side at bargain-counter prices, future dividends will be kept at home.

Europe's steady and at times enormous liquidation of American stocks has extinguished the big balance of trade in our favor and permitted a serious raid on our gold reserve, but at a heavy cost to herself ultimately. It is our good fortune also to be in a commercial position better and better calculated as time goes on not only to overcome outside developments, but to combat inside political instrumentalities that militate against business confidence here and there. How long can the sporadic cases of doubt and hesitation prevail against the combined influence of a series of banner-crop years with the product quoted at the highest wholesale prices in 30 years?

THE COMMERCE COURT.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SIMS. Mr. Speaker, no caucus action is sought or needed to ascertain the position of Democrats in the House or Senate as to the abolishment of the Commerce Court. No caucus can make its abolition more binding upon Democrats than the unanimous votes of the Democrats in the House when the court was created and when the yea-and-nay votes were taken on the direct question of abolishing the court in the Sixty-second Congress, and also by the action of the House in refusing to appropriate for the expenses of the court for the fiscal year 1913–14.

When the court was created, in spite of all the pressure that was brought to bear from the White House and from the Department of Justice, the chairman of the Committee on Interstate and Foreign Commerce, Hon. JAMES R. MANN, and the present ranking Republican member of that committee, Hon. FRED. C. STEVENS, both voted in the committee for an amendment offered by the then ranking Democratic member and now its distinguished chairman, Hon. W. C. ADAMSON, striking out the first six sections of the bill creating the court, as did every Democratic member of the committee except Judge RUSSELL, who was paired in favor of the amendment with Mr. Hubbard, a Republican member, who was absent.

When the bill was being considered in Committee of the Whole the same motion was made and, although the House had a Republican majority of about 50, the vote was a tie. On this motion every Democrat who was present voted in the affirmative.

When the bill was reported from the Committee of the Whole to the House Mr. ADAMSON made a motion to recommit the bill with instructions to report the same back forthwith with all the Commerce Court provisions stricken out. There was a yea-and-nay vote on this motion, and every Democrat who voted voted for the motion, there being 157 yeas to 176 nays, or only 19 majority against the amendment. On this vote 9 Republicans voted with the Democrats.

Coming down to the Sixty-second Congress, every Democratic member of the Committee on Interstate and Foreign Commerce voted to report a bill favorably to abolish the court, except Mr. BROUSSARD. After the action of the Committee on Interstate and Foreign Commerce in reporting a bill to abolish the court, Hon. JOHN J. FITZGERALD, chairman of the Committee on Appropriations, introduced a resolution making committee amendments to the legislative and judicial appropriation bill in order

that otherwise would have been subject to a point of order. The resolution was reported favorably from the Committee on Rules and was adopted by the House, and as a result of the adoption of this rule the said appropriation bill was reported to the House with legislative provisions abolishing the Commerce Court, which bill was passed by the House by a large majority far in excess of the Democratic majority. The same bill passed the House three times by overwhelming majorities, the last time over the veto of the President by a majority of three to one, with only one Democrat voting against the bill.

The same bill passed the Senate over the veto of the President by a substantial majority, but less than the required two-thirds, in order to make it a law notwithstanding the veto. On this vote only one Democratic Senator voted against the bill.

The Democratic caucus having limited legislation during the pendency of the tariff bill to certain specific matters, it is thus necessary to have the permission of the caucus to act on Commerce Court legislation, as there is no appropriation for its continuance beyond the 1st day of July, 1913.

No sort of caucus action can make the abolition of this court more of a party mandate than has already been done by the uniform and repeated votes of the Democrats of both the House and Senate in former Congresses. Only 12 cases on appeals from the Commerce Court have been decided by the Supreme Court of the United States, and the Commerce Court has been reversed in all of the 12 but 2. Some persons who were in favor of creating this court, and are now in favor of continuing it, have been clamoring for uniformity of decisions in the class of cases of which the Commerce Court has jurisdiction. Well, they have had uniformity of decision, I am ready to admit, but it is uniformity of error, and it takes too much of the time of the Supreme Court to correct these erroneous decisions, and it costs the taxpayers of the country too much money to defray the expenses of a court that has been reversed in more than 80 per cent of the cases appealed from it that have thus far been passed on by the Supreme Court.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, during the absence of the gentleman from Illinois the other day it developed here as the practice on the floor, for the first time at least, of requesting each gentleman to make known the subject matter upon which he was to extend remarks. I would like to ask the gentleman from Illinois upon what subject he expects to extend his remarks?

Mr. MANN. I am not able to say at present.

Mr. MURDOCK. I object.

THE CURRENCY.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD, with a few observations on currency legislation, and also for the purpose of incorporating in the RECORD an article by the deputy comptroller of the city of New York on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CALDER]?

There was no objection.

The article above referred to is as follows:

BANKING ECONOMICS WITH PARTICULAR REFERENCE TO BANKING AND CURRENCY LEGISLATION.

[By Edmund D. Fisher, deputy comptroller, city of New York, before Finance Forum, New York City, Apr. 9, 1913.]

"In approaching the subject of banking economics with particular relation to banking legislation it is necessary to emphasize a few primary principles. When men individually produced and consumed all that was required to maintain life there was no necessity for any medium of exchange because they had nothing to exchange. Division of labor has been coincident with the advance of civilization and now men largely confine themselves to the production or manufacture of single things. Consequently single things in volume now have to be exchanged for many things, and a common medium as the basis of this exchange, generally acceptable to all, is therefore necessary. That medium must be a commodity unit of a definite value, or representative of it and exchangeable for it.

"Banking is the business of handling and developing the mediums of exchange, and a bank the center through which those mediums are transferred or transported for the account of the individual owner who is its customer.

"The history of exchange has been an evolution from the use of the less convenient forms of value to those most easily handled. The present mediums are money (both a medium and a standard of exchange) and credit based upon commodities sold or to be sold—expressed in banking in the terms of money and represented by deposits of the proceeds of notes, bills of exchange, or collateral loans. Both money and credit are largely used for exchange purposes through the instrumentality of the check.

FUNCTIONS OF BANKING.

"The modern bank is, in the first instance, a warehouse for the storage of money, ownership being expressed by entries in pass books which are in the nature of receipts. Transfers of money are made through the medium of a check. Another view of the bank is that it is a manufacturing establishment. It can not manufacture money in the strict sense of the word, but it can manufacture that which is exchangeable for money, namely, deposit currency. It makes loans based upon actual value, discounting future payments, and credits the amounts of those loans to the account of the borrower. These deposit credits can also be transferred by means of checks in a manner similar to the transfer of actual money. It will thus be readily seen that commodities in various forms, shares of corporate business, dwelling houses, and other evidences of value are brought into competition with gold as mediums of exchange. Good bankers, however, are cautious in making loans on these fixed investments. Practice has decreed that all transactions shall be in the terms of actual money and that there shall be a certain relation between the actual money in the bank and the volume of credit thus manufactured, which is, under banking practice, exchangeable for it. Thus the principle of banking reserve, which is a fixed relation of cash to deposit credit, has been developed.

"From still another standpoint banking may be considered as public bookkeeping—the function of recording shares of ownership in circulating wealth and, in the case of savings banks, in recording shares in fixed wealth.

"The principle of clearing is expressed in the practice of banks making a single debit and credit transaction between themselves cover the many individual transactions between the banks concerned and their customers. This practice reduces the labor of the payment and collection of individual transactions to a minimum, and is usually effected daily. The banks settle the aggregate difference involved in the many transactions by paying to, or receiving from, the clearing house which represents them all the aggregate difference in cash. After the 'clearing' has been effected, each bank charges up the separate items drawn upon it to the respective depositors.

BANKING INSTRUMENTS.

"The two great mediums of exchange, therefore, are money, which is actual value, and credit, which generally is presumed to represent actual value and is usually exchangeable for money. From the standpoint of ideal banking all reserve money should be gold, because that commodity is equally desirable in all parts of the world. It is for this reason that it is used as the medium for effecting international exchanges. Credit expressed in the terms of money takes the form of notes issued either by governments or banks, or deposits resulting from the storing of actual money, the transfer of funds from other banks, and the proceeds of loans.

BANKING RELATIONS.

"The relations of a bank to its customers are those of agent and principal. As deposits may be withdrawn by the customer upon demand, or at a stated time, they are under the control and ownership of the customer. The bank simply acts as an agent in loaning amounts deposited by its customers which are not likely to be demanded. The bank acts as a principal only to the extent to which it loans money or purchases securities for investment with money which is the property of its shareholders; that is to say, its capital or surplus.

COLLATERAL FUNCTIONS.

"As the bank is the intermediary between the individual and the community in providing the means for effecting exchanges of commodities, it is evident that its function is one of a quasi-public character. Consequently the principle of government oversight and control over banking is logical and in the interest of the community. The good banker fully realizes this relation and endeavors, as far as possible, to maintain the equilibrium of business and meet the legitimate demands of his customers at all times. He is confronted with difficult problems, however, among which are the relation of banking to speculation, the relation of banking to prices, the relation of banking to investments, and the maintenance of adequate reserves. Business in the aggregate is more or less chaotic. His

task is not simple by any means. Inevitably he looks to the dominant banking forces in the nation for advice and assistance in times of difficulty.

INTERNAL MANAGEMENT.

"The banker who thoroughly understands his business can do much as an individual unit to prevent those difficulties which are more or less inherent in banking and business life. He must have full knowledge of the relations between 'fixed' and 'fluid' capital. As his deposits are largely on demand, he must make loans which are likely to be promptly paid. He must discriminate against those which are slow in payment and must suggest to prospective borrowers that requests for such accommodation should more properly be made to those who have permanent funds to invest. He must see that loans made on collateral security, the calling of which in the aggregate will affect the price of securities or the commodities on which they are based, are offset by time deposits that can not be drawn. He must have a definite knowledge of how the bank's funds can be profitably used, be in close touch with the business conditions of his community, and have an intimate knowledge of the wealth, ability, and responsibility of individual borrowers.

BANKING AND BUSINESS.

"Modern business is largely conducted through the banks, and the total 'clearings'—the aggregate of daily exchanges—of any period of business activity is fairly expressive of the grand total of business. It is therefore evident that the problems of banking and currency are of vital moment to the business community and that the condition of business is the direct concern of the banker. The merchant wants undisturbed credit relations with the banker. The banker wants continuing ability to meet the legitimate demand of the merchant. Experience shows, however, that this ideal is far from being realized. There are certain elusive difficulties which are inherent in all periods of business activity. In this country we have no central banking organization to analyze even the simple facts.

PSYCHOLOGICAL ELEMENT.

"The average business man, and oftentimes the supposedly skilled banker, is affected psychologically. Business is active, men are making money, prices are going up. It is very hard to get men under such conditions to do anything to stop production and speculation. They do not realize as reserves increase and deposit currency increases, and there is more to spend, that prices correspondingly increase in automatic preservation of the banking and business balance; that it is a relation based upon inflation, and that there must be a point where the balance will be upset. There comes a time in our American practice when the basic reserves fail to support the credit structure, either because the structure is growing too rapidly or the support is in part being withdrawn. In the fall, for instance, when there are many crops to be moved, and there is not enough money or credit for the purpose, people finally say, 'This thing must stop; we must have more money.' Rates for money go up, and with the impetus of demand there is, sometimes, inability to get money at any rate. Then comes the strain and forced liquidation.

MARGINAL CONTROL.

"Through the lack of definite regulations in our existing system the 'straining point' is often the 'breaking point,' and is invariably followed by a great force of deflation, with the consequent disastrous banking and commercial failures and serious disturbance to prices and wages. In countries where credit principles are more thoroughly understood there has been developed what may be termed 'marginal control' of credit inflation and deflation, tending to stability in the mediums of exchange and resulting in a minimum of financial and commercial difficulty. The Bank of England and the Bank of France are merely automatic regulators upon the great machines that manufacture the mediums of exchange in their respective countries.

"A comparison of the results of regulation and nonregulation, based upon the experience of 30 years preceding 1910, shows that during this period the Bank of France maintained an average relation of liabilities to reserves of 1.46 to 1; the Bank of England 2.19 to 1; and the associated banks of New York 3.57 to 1. During this 30-year period the discount rate of the Bank of France fluctuated from a minimum of 2 per cent to the extreme of but 5 per cent; the rate of the Bank of England from 2 to 7 per cent, while the dominant but nonregulating call rate of the New York money market fluctuated from one-half to 1,100 per cent, with commercial paper ranging from 2½ to 15 per cent.

"On December 30 and 31, 1912, it was difficult to sell commercial paper in New York at 7 per cent. Only three days later, on January 2 of the present year, the rate had dropped to an average of from 4½ to 5 per cent. During the first week of January, 1913, New York banks received from out-of-town correspondents $15,000,000 and during the second week $20,000,000. These large amounts were unavailable in New York during December when sorely needed, and were absolutely useless in the districts from which they came.

"The extremes of New York experience, of course, indicate that under our inflexible system of banking reserves there is great stringency as deposits reach the reserve limit with no means of regulating the strain, whereas the 'marginal' expansion and contraction in foreign systems, meeting all the demands of good business, form a basis for readjustment without undue interest costs or commercial disturbance.

THE COMPOSITE DOLLAR.

"The volume of inflation and deflation in our alternate periods of business activity and depression has been mainly developed through the medium of bank deposits, which are now generally understood to be largely a credit form. In order to establish this more definitely, however, attention is directed to the following analysis of the growth of deposits in the United States during the past 10 years, taken in round numbers from the last published report of the Comptroller of the Currency:

Ten years' growth in deposits		$3,570,000,000
Ten years' growth in cash	$350,000,000	
Ten years' growth due from banks	470,000,000	
Ten years' growth in loans	2,750,000,000	
		3,570,000,000

"Deposits, therefore, have grown from amounts credited to the accounts of individuals, corporations, and banking institutions in three different ways, namely, through deposits of cash including bank-note credit, checks deposited, being transfers of credit, and the deposit of the proceeds of loans, which, of course, constitute 'borrowed' credit. As there is ability, under ordinary banking conditions, to exchange deposit credit for actual money, it is evident that in using the check we have a composite medium of exchange of which not more than 10 per cent is cash and not less than 90 per cent credit. It will thus be seen that the problems connected with the reform of general banking methods include the elimination of inflexibility from the currency element in our money and of inflation from the credit element, with the ability of both currency and credit to expand under legitimate trade requirements and to contract under prompt clearing. The great growth in deposits during the last decade has been largely coincident with the growth of industrial corporations, and it is a matter of common knowledge that much of the loan fabric developed during this period has had for its basis the securities of these corporations. This has been one of the causes of price inflation.

"Without attempting, as a part of this subject, to analyze the bearing upon prices of the vast additional supply of gold during the past 20 years, it certainly is true that the active mediums of exchange—bank notes and deposit currency—depreciate as their own supply increases, and that with this depreciation commodity prices inevitably rise, following the ordinary principle of supply and demand. With these considerations in mind, banking reform from this viewpoint may be regarded as involving the preservation of the solidarity of the composite dollar, and its proper relation, so far as the volume of its activity is concerned, to commodity prices. In normal times the solidarity of the composite dollar is well preserved, but in the crisis periods which follow intervals of credit inflation the cash and the credit elements in the dollar are virtually disintegrated. Gold premium, or premiums on legal tender, mean depreciation of the credit deposit currency, which under such conditions is temporarily distrusted. Radical liquidation, by attacking the most questionable assets supporting deposits, acts as a purifying agent and reduces the volume of deposits. Confidence is thus ultimately restored with the reintegration of the composite dollar. All this inflation and deflation, with the increasing and decreasing clearings, directly disturbs the stability of prices.

BANKING AND PRICES.

"From 1887 to 1897 the deposits of the country increased 51 per cent, while clearings increased but 4 per cent. During this period the population grew 22 per cent and the volume of commodity production 18 per cent. It is evident, therefore, that the slight increase in clearings was not relatively great enough to supply the relative amount of mediums of exchange without affecting the status of prices during the period. As a consequence stock prices went off 20 per cent and commodity prices 21 per cent. The 10-year period following, from 1897 to 1907, tells quite a different story. It was a time of great business activity, with much inherent inflation. Deposits increased 160 per cent, clearings 185 per cent, stock prices 49 per cent, and commodity prices 44 per cent, while the actual volume of commodities rose 30 per cent. A careful scanning of these figures

develops the interesting fact that the ordinary relations of the supply and demand of commodities were not the direct factors in the increase or decrease of prices, but that the changes were caused by the increase or decrease of the volume of deposit currency actually used during the respective periods. This is evidenced by the fact that the average increase in the volume of commodities for the first 10 years, which was less than the percentage increase in population, would seem to have resulted in an increase of commodity prices. The reverse, however, was true, and commodity prices declined, while in the latter 10-year period, during which the actual volume of commodities increased 30 per cent, with a population increase of but 20 per cent, the increased volume of commodities did not result in lowering prices. On the contrary, prices went up 44 per cent. A dissection of shorter periods shows that the same general principles prevailed, viz:

	Clearings.	Stock prices.	Commodity prices.	Commodity volume.
1899-1900	−25	− 8	− 9	+ 1.3
1900-1901	+72	+90	+ 7.8	+ 8.8
1906-1908	−38	−39	−14	− 5.5
1908-9	+50	+66	+16	+15.3

"During these briefer periods an analysis of the supporting facts shows that the increase in clearings and stock prices, with increased loans on securities, occurred almost simultaneously and were the composite cause of ultimately increasing commodity prices six months to a year later. The constant repetition of this experience emphasizes the truth of the statement that the variation in deposit clearings is a direct and the chief cause within a given decade of the rise or fall of commodity prices. As deposit currency is manufactured almost at will in various sections of the country, without regard oftentimes to the relation between liquid and nonliquid assets, recurrent inflation and deflation is inevitable without some measure of intelligent control.

BANKING AND BUSINESS BALANCE.

"The banking and business balance—that is, the theoretical and in part the practical relation between the banks and the community—may roughly be expressed by a simple equation representing a year's business:

The banks.			The community.	
A—Commercial bills B—Collateral and miscellaneous loans C—Cash	D Deposits	E Investments	F Costs	G Savings

RULE: An increase or decrease of any of the items on one side of the equation would increase or decrease one, or all, of the items on the other side.

"An increase in the amount of commercial bills (A) would indicate an increase in the volume of costs (F); that is to say, would mean an increased volume of business, but would not cause higher prices. Commercial bills largely represent completed transactions, with the prices fixed, which clear themselves by payment at maturity and consequently do not cause inflation. To the extent that there is surplus profit in such business savings (G) would be increased.

"An increase (permanent) in the amount of collateral and miscellaneous loans would increase costs (F) in the aggregate from the standpoint of prices. The use of the money thus borrowed would 'bull' the market for stocks or commodities in proportion as it was used. The loans being on fixed value (nonliquid) would have no inherent ability to clear themselves. The result would be inflation. During a period of forced liquidation and the payment of loans the results would be reversed.

"An increase in cash (C) (permanent), either from new gold supplies or through bank notes that are not 'cleared,' would increase costs through higher prices by direct use or more seriously by increasing deposits through collateral and miscellaneous loans impelled by increased reserves.

"Deposits (D) are the medium, through the use of checks, by which the forces of increase or decrease of A, B, and C are made effective.

BANKING AND INVESTMENTS.

"Investments (F) and savings (G) are interchangeable and balance each other in the equation of banking and business. No difficulty is developed until investments are used as the basis for new loans or savings are squandered. Except for the investment of capital or surplus, fixed capital should not be confused in banking with circulating capital. Investment banking has its place, but it is not the function of commercial banks. The only possible justification for collateral loans is when they are strictly offset by time deposits that can not be used indirectly for exchange purposes.

GUARANTEE OF DEPOSITS.

"A consideration of economic principles brings a realization of how heterogeneous banking practice really is in this country, with its lack of standardized methods and with no principle of central control. A sound banking system with central reserves would be inherently the best 'guarantee of deposits.' Bankers would be compelled to have a quality of credit that could be rediscounted. This would give a strong impulsive force to good business. There would be the realization on the part of the banker that his paper would have to be submitted to trained judgment. That is the chief strength of the whole foreign credit fabric. The Credit Lyonnais, for instance, invests its funds chiefly in that class of bills which can be rediscounted at the Bank of France. Such credit can be instantly converted in case of need into actual money. The principle of guaranteeing deposits is regarded by bankers as a fallacy. The chief element of restriction to bad banking must come from depositors. They give an automatic inspective tendency through the principle of choice. The bad banker is generally put out of business. If we should unify our system of $15,000,000,000 of deposits under a guaranty, depositors throughout the country might say, 'We do not care now where we put our money; it is all guaranteed.' It would be much better to have an occasional failure by an individual bank than to sometime have the entire system assailed. The advocates of the guaranty principle make much of the common origin of the deposit and the bank note, both of which in practice are interchangeable. It is argued that if there is any justification for guaranteeing the bank note by making it a prior lien on all assets or securing it in some other fashion, such as the deposit of Government bonds, deposits should also be secured. Deposit credit and bank-note credit should both grow out of commercial loans, should both be supported by adequate reserves, and should, of course, be interchangeable. They have, however, different functions, and there is a tremendous variance in their volume. The check is presumed to be presented promptly for payment, whereas the bank note, at least under our practice, may remain out for a year or for many years. It is therefore natural that the trend of habit has been to have it more definitely safeguarded. The check involves only the single relation of the creditor and debtor, that of the depositor to his bank. The holder immediately presents it for payment, and if refused still has a legal claim upon the depositor for the amount. The bank note, however, passes as money into the hands of many, mainly in the payment of wages, and should have all the qualities of gold, should be payable in gold, and should not be affected by bank failures.

"The banks, however, as has been stated, are in a quasi-public position, having the function of manufacturing deposit credit currency, and we should safeguard its manufacture by inspection, regulation, and control.

BANKING REFORM.

"The necessity for 'continuing' as well as 'marginal' control by some unit or units with adequate banking powers at once becomes apparent. There can be no effective control, however, without central control. The present-day problem is, how can such control be best developed? This has in the past been generally regarded as a question of some political difficulty. It has been felt that some sort of 'money trust' would inevitably dominate any mechanism that might be developed. The fact has been entirely overlooked that such a power, if it exists, must have been in control for many years. There is no evidence in our financial history of any such power that has been successful, either in promoting a continuity of prosperity or in preventing destructive panics which would undoubtedly be harmful to itself. Look at the record. Summarizing our financial and commercial history for the 50 years following 1856, they may be said to include 24 prosperous years, 18 dull years, and 8 crises years. Politics should be forgotten in coming legislation. Banking reform is now admittedly a nonpolitical question, and any false notes of the past coming from the platforms of any political party should not be taken seriously. Platform-plank utterances can not be presumed to be authority for prejudging the results of patient investigation and analysis with the final establishment of correct principles.

"Intelligent opinion, however, is divided as to whether there shall be central control through the medium of a central bank with branches developed along well-established European lines or a new plan of control and reserves presumed to be better suited to the habits and prejudices of the American people. To satisfy the latter idea there was suggested to the Glass subcommittee of the House Committee on Banking and Currency something along the following lines:

THE NEW PLAN.

"It is proposed that there be organized a minimum number of separate regional reserve banks which are to have branches,

such reserve banks to be subscribed to in capital and supported in deposits by the banks of their respective districts. These regional banks should be given such banking powers as would enable them to maintain effective local control. Their deposits and reserves should be interchangeable at the discretion of a national board and should be subject to such regulations as to uniformity of method and discount rates as may be imposed by said board. These regional banks should be managed by local boards of directors elected on a basis fairly representative of the sections of the country they would serve. They should be vested with the power to issue and redeem a uniform and standardized currency under appropriate restrictions, coincident with the gradual retirement of all national-bank notes, all of which functions, however, should be subject to the supervision of the national board. These notes should be a first lien on the combined assets of all the regional banks, based upon their consolidated reserves and with a proper relation to their consolidated commercial credits. Such currency should be printed by the United States Government and issued and retired under such conditions and regulations as may be provided by law under the direction of the national board and under the audit of the Comptroller of the Currency, who should have a resident representative in each of the regional banks. Subscribing banks should be allowed to count their balances in regional banks as reserves and should have the privilege of rediscounting their commercial paper. The functions of the reserve banks should be developed along such banking lines as would make their 'continuing' and 'marginal' control effective.

BALANCED BOARD (A PUBLIC-SERVICE COMMISSION FOR BANKING).

"The public-service commission is a modern type of control over public-service corporations. Something of the same nature was suggested as the centralizing principle in banking. It included, however, both banking and Government representatives. It was called a 'balanced board,' because it was planned to keep an equilibrium between the two classes. Its organization is as follows:

National board organization.

BANKERS.	
Chosen by a committee elected by the various State bankers' associations	7
MERCHANTS.	
Appointed by the President	3
GOVERNMENT.	
To hold office by virtue of their positions:	
Secretary of the Treasury	1
Treasurer of the United States	1
Comptroller of the Currency	1
Secretary, Department of Commerce	1
Who shall be president or comptroller of the board, appointed by the President and confirmed by a majority vote of the above-named 14, making a maximum of 15	1
Total	15

"It was suggested that the central board consist of 15 directors, because that is a sufficient number for effective work. The members of such board should be chosen because of inherent ability rather than from the standpoint of sectional availability. They should not act or vote from any local consideration, but from a desire to protect the interests of all. Then, again, actual business would be handled by the regional banks in sections where it originated. The development of the suggested board of 15 is logical, viz, 7 bankers to be chosen by bankers, 3 merchants to be appointed by the President, and 4 Government officials. At this point the bankers constitute half the board and the Government the other half. The choice of the fifteenth member, to be appointed by the President and confirmed by a majority of the fourteen, makes a balanced board, a happy fusion of business, banking, and Government elements, and still leaves the Government with a technical majority. Should a deadlock occur among the fourteen in choosing the fifteenth, an additional vote could be given to the merchants, or it should be lawful for one of the fourteen, who shall be chosen by lot, to cast two votes.

"The members of such a board should have a long tenure of office and good salaries. They should be men of the class that would bear the relation to banking that members of the Supreme Court of the United States bear to the bar of that court. There has been a senseless reiteration of our inability in this country to find good men for a central banking board. This expresses distrust of American manhood and of the genius that has made our Nation great.

CONCLUSION.

"In conclusion, emphasis should again be given to the necessity of central control. Reference has previously been made to 'continuing' as well as 'marginal' control. Both are essential. We give the Government power to coin the gold dollar 900 fine (25.8 grains), and the entire country would receive a financial shock if it were found that the gold was being coined 500 fine. Yet we vest the banks of the country with power to manufacture deposit currency in exchange for this gold, without governmental ability to provide even approximately whether it shall be 100 per cent fine or 100 per cent rotten. We require a large decree of 'insight' as well as 'oversight.' The regional banks, through the principle of self-examination for all contributing banks, will give the insight, and the central board will consolidate the necessary facts for purposes of oversight and control. Panics are the means by which we now occasionally attempt, without realizing it, to make our currency 'fine.'

"A chain is as strong as its weakest link, but the weakest link in a unified banking system can transmit its strain to the strongest, and with the wise, helpful guidance and cooperative control which new legislation will develop much will have been done to promote the best interests of all the people."

COST OF MANUFACTURING ARMOR PLATE AND POWDER.

Mr. PADGETT. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following report, to accompany House resolution 176:

The Committee on Naval Affairs, to whom was referred House resolution 176, calling for information as to contracts for armor and powder, etc., having had the same under consideration, report the same favorably with the following amendments:

Page 2, lines 13 and 15, strike out the word "ton" and in lieu thereof insert the word "pound."

Page 2, strike out all after the word "powder" in lines 18 and 19.

As amended the committee recommend that the resolution do pass.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House resolution 176.

Resolved, That the Secretary of the Navy be, and he is hereby, instructed to send to the House of Representatives at the earliest date possible the following information:

First. What has been the total expenditure of the United States Government for armor plate for all purposes since its introduction and use in the construction of war vessels?

Second. What portion of this amount has been paid to the Carnegie Steel Co., the Bethlehem Steel Co., and the Midvale Steel Co., and to other steel companies, if any?

Third. What is the cost per ton to the Government for armor plate purchased? What is the cost of manufacturing armor plate per ton?

Fourth. Do steel-manufacturing companies having contracts to furnish gun castings for the United States Government make contracts with foreign countries, the guns being finished wholly or in part by the United States navy yards? If so, what number of guns have been so finished and for what countries, and what compensation has the United States received?

Fifth. What would be the cost of erecting and equipping a Government plant for the manufacture of armor plate?

Sixth. A large portion of the expenses of making guns being already provided for by the Government in its own plant, what would be the additional expense of enlarging the plant so that the guns could be made entirely by the Government?

Seventh. What is the cost per ton of powder now manufactured by Government plants? What is the cost per ton of powder purchased for the use of the Government? What would be the expense of enlarging the Government plant or erecting additional plants to the end that the United States manufacture all its powder, instead of only a portion, as at the present time?

Mr. MANN. Mr. Speaker, I reserve a point of order against the resolution being privileged.

The SPEAKER. The gentleman from Illinois makes the point of order that the resolution is not privileged.

Mr. MANN. I will reserve it for the present. I would like to ask the gentleman from Tennessee what is the purpose of the resolution? It is not very easy to get at it from hearing it read.

Mr. PADGETT. The resolution was introduced the other day by the gentleman from Nebraska [Mr. BARTON], who wanted it referred to the committee. We have reported it in order to get the information.

Mr. MANN. I do not think it is a privileged motion, although it might be ruled otherwise.

Mr. PADGETT. I supposed that a resolution directing the head of a department to furnish information was privileged.

Mr. MANN. A resolution directing the head of a department to furnish information in that department is privileged, but asking for an opinion from a department is not privileged, and an estimate of what an armor-plate plant will cost is purely a matter of opinion. Is it the general purpose of the resolution to ascertain the cost of an armor-plate factory owned by the Government?

Mr. PADGETT. I presume that is one of the objects of the gentleman who introduced the resolution.

Mr. BARTON. Mr. Speaker, if I may be permitted, the resolution is simply for information for Members who have not had the large experience of older Members in this body, and the opportunity of gaining information that is at hand in the Departments of War and the Navy, so that they will not have to dig down through the musty volumes of the past. Also, it has been recommended by the Secretary of the Navy that an armor-

plate factory be constructed. We want this information to guide us when the consideration of that matter is up. When I brought the matter before the House the other day and asked unanimous consent for its present consideration the gentleman from New York [Mr. FITZGERALD] claimed that it was a privileged matter and that it should be referred to the committee and reported back and taken care of at that time. Believing that he knew the situation, I yielded.

Mr. MANN. But that does not make any difference.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move that the committee amendments be agreed to.

Mr. MANN. It does not require any motion, if the matter is before the House.

The SPEAKER. Does the gentleman make his point of order?

Mr. MANN. Mr. Speaker, I think I will make the point of order, as the matter comes up in this way, without any opportunity to see what the resolution does provide. Of course that part of the resolution asking for information as to the cost of armor plate and powder would be privileged by itself. No one could have any objection to it, anyway. How far we ought to permit the department to express an opinion at this time by direction of the House as to the cost of an armor-plate factory, where ordinarily the Committee on Naval Affairs has full opportunity to examine the department officials in ordinary hearings, is problematical.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BUCHANAN of Illinois. Mr. Speaker, I hope that my colleague will not object to this resolution. I desire information along this line, and I believe there are a great many of the Members of Congress who are thinking about matters of this character who desire that information. In fact, there have been press quotations of the Secretary of the Navy in regard to manufacture of war munitions, and probably he has some information that he would be glad to give the Members of the House which would be of important interest.

Mr. MANN. Mr. Speaker, my distinguished colleague is a member of the Committee on Naval Affairs. That committee is very diligent in reference to its work. It carries on long examinations of department officials and can obtain all of the information which the department has in the ordinary course of the work before the committee. The Navy Department at any time, through the President or the Secretary of the Navy, can send a communication or estimate to Congress providing for the establishment of an armor-plate factory.

The SPEAKER. The gentleman from Illinois makes the point of order.

Mr. GARDNER rose.

The SPEAKER. Does the gentleman from Massachusetts desire to be heard? The Chair is ready to rule.

Mr. GARDNER. Mr. Speaker, if the Chair is ready to rule, I do not.

The SPEAKER. The Chair is ready to rule. Part of this resolution is in order and part of it is not. The Chair listened carefully to the reading of the resolution when it was before the House a day or two since, and wondered then that some gentleman who takes an interest in parliamentary matters did not raise the point of order at that time. Wherever a resolution requires the expression of an opinion it is out of order.

Mr. PADGETT. Mr. Speaker, I withdraw the resolution.

The SPEAKER. The gentleman from Tennessee withdraws the resolution.

ADJOURNMENT UNTIL THURSDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next. A meeting of the Democratic caucus is called for to-morrow at 2 o'clock, and that will take up most of the day.

Mr. MANN. Why not meet on Friday?

Mr. UNDERWOOD. Mr. Speaker, there are some matters here that it is necessary to attend to. These opium bills have been reported back to the House, and that will probably take the time of the House on Thursday.

Mr. MANN. Could not that just as well be done on Friday?

Mr. UNDERWOOD. I think there are other matters that will come up on Friday. I will say to the gentleman from Illinois that if it is possible to do so I would like to get rid of the pending business before the House this week and then try to make an arrangement with himself and the gentleman from Kansas [Mr. MURDOCK] to adjourn over the Fourth of July. There are some matters here that need attention, and I think it is better to meet on Thursday if we want to get through with them this week.

Mr. MANN. Of course that requires another meeting on Monday.

Mr. UNDERWOOD. If we can reach an agreement to adjourn, it will be only for a few minutes.

Mr. GARDNER. Mr. Speaker, is it the gentleman's intention to bring up all three of the opium bills on Thursday?

Mr. UNDERWOOD. The gentleman from New York [Mr. HARRISON] has the matter in charge. I understand that he desires to bring up one of them this afternoon and the other two on Thursday.

Mr. HARRISON of New York. That is correct.

Mr. GARDNER. I want to ask the gentleman from New York whether it is his intention to bring up the bill on Thursday which involves the question of whether there is an exemption in the Massachusetts statute respecting the sale of cocaine. The gentleman understands to what I allude.

Mr. HARRISON of New York. If the gentleman from Alabama will yield to me, I will state that it was my hope that I could call up and perhaps secure the passage of the first one of these bills, which was reported yesterday, this afternoon.

Mr. MANN. That is the manufacturing bill?

Mr. HARRISON of New York. Yes; and that then we may proceed at the next session of the House to call up the bill, which will then under the rules be on the calendar, the bill which strengthens the opium-exclusion act, and at the conclusion of the consideration of that bill I had hoped we may proceed at once to the consideration of the bill requiring the registration of persons dealing in narcotics, to which the gentleman from Massachusetts [Mr. GARDNER] now refers.

Mr. GARDNER. I rather hope the gentleman will not bring that up on Thursday, because, although I know the gentleman is very accurate, I never saw that bill until this morning, and many Members of the House have never seen the bill at all, and, though I know the information we will have from the gentleman will be very full, there is a good deal in that bill on which I should not be prepared myself to vote on Thursday.

Mr. HARRISON of New York. I will say to the gentleman from Massachusetts I have a copy of the act of the State of Massachusetts about which inquiry was made——

Mr. GARDNER. I have sent for one myself, but I hope the gentleman will not press that matter on Thursday.

Mr. UNDERWOOD. Mr. Speaker, there may be some other matters necessary to be disposed of on Thursday, certainly one of these bills, and in order that we may try to clean up all pending business and get away over the Fourth of July I renew my request that when the House adjourns to-day it adjourn to meet on Thursday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BURKE of Wisconsin was granted leave of absence, for 10 days from this date, on account of illness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. KREIDER was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Charles Harris (H. R. 18900, 62d Cong., 2d sess.), no adverse report having been made thereon.

THE JEW IN ROUMANIA.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to address the House at the conclusion of the remarks of the gentleman from New York [Mr. FITZGERALD] for 10 minutes on the subject of the Jew in Roumania.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 10 minutes when the gentleman from New York [Mr. FITZGERALD] gets through, his subject being the Jew in Roumania. Is there objection? [After a pause.] The Chair hears none.

PROHIBITING THE IMPORTATION AND USE OF OPIUM, ETC.

Mr. HARRISON of New York. Mr. Speaker, by direction of the Committee on Ways and Means I desire to submit a privileged report (H. Rept. 24) on the bill H. R. 1966.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

The SPEAKER. Ordered printed and referred to the Union Calendar.

REGISTRATION OF PERSONS DEALING IN OPIUM, ETC.

Mr. HARRISON of New York. Mr. Speaker, by direction of the Committee on Ways and Means I desire to submit another privileged report (H. Rept. 23) upon the bill H. R. 6282.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6282) to provide for the registration of with collectors of internal revenue and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

GETTYSBURG REUNION.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

A resolution for the appropriation of $4,000 to defray the expenses of the soldiers of the Civil War now residing in Washington, D. C., from Washington, D. C., to Gettysburg, Pa., and return.

Resolved by the House of Representatives in Congress assembled (the Senate concurring therein), That the sum of $4,000, or so much thereof as may be necessary, be, and is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the soldiers of the Civil War now residing in Washington, D. C., from Washington, D. C., to Gettysburg, Pa., and return, for the purpose of permitting such soldiers to attend the fiftieth anniversary of the Battle of Gettysburg, to be held July 1, 2, 3, and 4, 1913.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask my colleague whether this is a joint or a concurrent resolution?

Mr. FOWLER. It is a joint resolution.

Mr. MANN. The language of the resolution is in the form of a concurrent resolution and not in the form of a joint resolution. It ought to be changed to read, "Resolved by the Senate and House of Representatives."

Mr. FOWLER. I concede it ought to be.

Mr. MURDOCK. May I ask the gentleman from Illinois [Mr. FOWLER] a question? Is it a fact that the State of Pennsylvania has made a similar appropriation applying to the State of Pennsylvania?

Mr. FOWLER. I understand that Pennsylvania has not only done this, but a majority of the States throughout the country have done the same thing.

Mr. MANN. Our State has done so, I know.

Mr. CULLOP. Indiana has done likewise.

Mr. FOWLER. Illinois has done likewise, and has also instructed the counties of the State to give $10 each to the soldiers.

Mr. MOORE. Will the gentleman yield?

The SPEAKER. To whom does the gentleman from Illinois [Mr. FOWLER] yield?

Mr. FOWLER. I have already yielded to the gentleman from Illinois [Mr. MANN]; but if he has finished, I will yield to others.

Mr. BURKE of Pennsylvania. Is it not a fact that the present estimate of attendance of the soldiers of the Civil War at Gettysburg is 10,000 in excess of those for whom funds have been provided?

Mr. FOWLER. I have been so informed.

Mr. BURKE of Pennsylvania. And is it not a fact that there is a deficit now in the matter? Whether it is to be met by the Federal Government or the State of Pennsylvania is not yet determined.

Mr. FOWLER. I understand through the press that that is true. There has been no arrangement to take care of the soldiers who reside in the District of Columbia, and that is the object of this resolution.

Mr. BURKE of Pennsylvania. Would not the gentleman consent to an amendment to extend this beyond those of the District of Columbia, it being a Federal Government matter, and allow sufficient appropriation to cover the deficit arising?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say this to the gentleman, namely, that this resolution as it is drafted does not seem to be in the form that would really carry an appropriation if it went through. More than that, it does not provide how the money shall be expended or to whom paid, and, more than that, it provides for any soldier, whereas the provisions that have been made heretofore by the State of Pennsylvania and the other States relate only to soldiers who took part in the Battle of Gettysburg. Under those circumstances, Mr. Speaker, I think the resolution ought to be sent to a committee to be put in proper form and, therefore, I insist on the reference of the resolution.

Mr. CULLOP. Will the gentleman from Alabama yield?

Mr. UNDERWOOD. Yes.

Mr. CULLOP. I understood the gentleman from Alabama to say that the appropriation of other States only applied to the soldiers who were engaged in the Battle of Gettysburg?

Mr. UNDERWOOD. That is my understanding.

Mr. CULLOP. That is not correct as to Indiana. It applies to all the soldiers of the rebellion on both sides.

Mr. UNDERWOOD. What I wish to call the attention of the gentleman to is that I think the resolution ought to be put in proper form before being passed by the House. The Committee on Appropriations can have a session on Thursday, when the House will be in session, and that will be ample time. I think the resolution before being passed by the House ought to be properly amended, so that I shall insist, Mr. Speaker, upon its going to committee.

Mr. MOORE. Mr. Speaker, will the gentleman yield for one moment?

The SPEAKER. Does the gentleman yield?

Mr. FOWLER. I will.

Mr. MOORE. A moment ago the gentleman from Illinois [Mr. MANN], who comes from the third great State of the Union——

Mr. MANN. The first. [Laughter.]

Mr. BURKE of Pennsylvania. The fourth.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] has the floor.

Mr. MOORE. I asked the gentleman to yield to me for a moment.

Mr. FOWLER. I yield to the gentleman.

Mr. MOORE. The gentleman from Illinois [Mr. FOWLER] is a defender of the faith. He believes in doing honor to the veterans of the great Civil War, whether they come from the North or from the South. His colleague from Illinois [Mr. MANN] believes in the same thing, but he hesitates to give any credit whatever to the great Commonwealth of Pennsylvania, second only to the Empire State of this Union, which has made ample appropriation to take care of the visitors from the various States of the Union on the anniversary of the Battle of Gettysburg. The gentleman from Illinois has indulged in one of his usual little flings that characterize him occasionally when he feels in the humor of going after somebody outside of the State of Illinois.

Now, in regard to all these soldiers who are to go to Gettysburg from the various States of the Union in excess of 40,000 provided for by the United States to the extent of $150,000, the State of Pennsylvania has applied $35,000 additional. This was provided for by the governor and the Legislature of Pennsylvania last night, in order that these overflow visitors might be taken care of. And I desire to say that this $35,000, added to what has already been provided by the Commonwealth of Pennsylvania, now makes the total appropriation $450,000 which the State of Pennsylvania is expending for this memorable national purpose. And I desire to add, inasmuch as the gentleman from Illinois [Mr. MANN] has had his little dig, that Pennsylvania has not fallen behind her splendid reputation for hospitality in this matter. Aside from what the Government of the United States has done, Pennsylvania has not failed to make ample appropriations. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the presumption of the gentleman from Pennsylvania on this occasion has never been equaled in the history of the United States. They asked Congress to appoint a joint committee to cooperate with the State of Pennsylvania in devising plans for the commemoration of the Battle of Gettysburg. At first they assured Congress that it would not cost the Federal Government a dollar, and yet, under the same old practice, once the camel got his nose under the tent, he follows with his whole body. Congress appropriated $150,000 as a contribution, estimated as accurately as could be estimated, of one-half of the expense of the celebration. Now the gentlemen come here and speak of the inadequacy of the appropriation made by the Federal Government to take care of these men who are going to Pennsylvania at the invitation of the State of Pennsylvania——

Mr. MOORE. On a national battle field——

Mr. FITZGERALD. To commemorate a great historical event in that State, ostensibly, but in order to advertise the State of Pennsylvania more than anything else. It is time that these gentlemen understood that some of us at least have not forgotten what happened in the past.

And let me say to the gentleman [Mr. MOORE] that there was no action on the part of anybody from Pennsylvania that

resulted in the giving of this additional $35,000 by the State of Pennsylvania to take care of these soldiers. An attempt was made to have the Secretary of War issue supplies in excess of the amount authorized under the joint resolution, in order to take care of them. I received a communication, and I think as a result of the conference I had with the Secretary of War he realized that it was necessary for him to obey the law. The matter was taken up then in the State of Pennsylvania, and it provided the additional money, instead of shouldering it off on the Federal Treasury, as seems to be the popular thing to do to-day in all these matters.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield to the gentleman.

Mr. BURKE of Pennsylvania. Now that the chairman of the Committee on Appropriations has adverted to the fact the Secretary of War had brought the matter to his attention and has suggested that there was an effort made by somebody, presumably State officials in Pennsylvania, to have the Secretary exceed his authority——

Mr. FITZGERALD. I did not say that——

Mr. BURKE of Pennsylvania. To make an expenditure not authorized by law, is it not a fact that the commission of Pennsylvania notified the Secretary of War, who has charge of these arrangements——

Mr. FITZGERALD. Yes.

Mr. BURKE of Pennsylvania (continuing). Who has charge of these arrangements on the battle field for the entertainment and care of these veterans who fought on both sides of the Civil War? Is it not a fact that they made known to the Secretary of War on Thursday afternoon that there would be an excess of 10,000 over the estimated number of these visiting veterans? Is it not a fact that that was the full extent to which the Pennsylvania commission went? And in view of the fact that the gentleman has suggested that the Secretary of War brought this to his attention, may I ask did the Secretary of War make any suggestion beyond the fact of conveying to him, as chairman of the Committee on Appropriations, the information that there would be this deficit? And is the chairman of the Committee on Appropriations willing to admit that he, as the fiduciary leader of the Democratic Party——

Mr. FITZGERALD. Whatever that may be——

Mr. BURKE of Pennsylvania. Gave the Secretary of War to understand that the Democratic Party would not stand for meeting a deficit created by the attendance of men who fought in the blue and in the gray on the greatest battle field of the Republic? Is not that a fact?

Mr. FITZGERALD. Does the gentleman wish me to answer his question?

Mr. BURKE of Pennsylvania. I do.

Mr. FITZGERALD. Or is the gentleman simply trying to orate for the benefit of Pennsylvania?

Mr. BURKE of Pennsylvania. I shall be delighted to hear from the gentleman from New York.

Mr. FITZGERALD. I do not know what the commission appointed by the State of Pennsylvania said or did or conveyed to the Secretary of War. I do not speak as representing any party when I communicate with officials in the departments; but I stated to the Secretary of War that as one Representative in this House I would not acquiesce in the action of the head of any department, whether he were a Republican, a Democrat, or a Murdockian [laughter], presuming under any pretense to do something that he was not authorized by law to do, because whenever any head of a department gets it into his mind that he can do that we have no longer a government of law, but we have a government of men; and the gentleman from Pennsylvania [Mr. BURKE] need not imagine that by indulging in these rhetorical flights about the old soldier he can cover up violations of law, or that he can cover up illegal acts by trying to spread the flag of our country over them. I would not acquiesce in it in this administration any more than I would in the past administration, when the gentleman's party was in power. The sooner that is understood by all heads of executive departments, regardless of what administration is in power, the better it will be for the country.

Mr. BURKE of Pennsylvania. Was it not the Secretary of War's suggestion that an appropriation be properly made for this purpose?

Mr. FITZGERALD. No; he did not suggest that, exactly. He suggested that he would go ahead and issue supplies——

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Is there any way by which the Chair can obtain a truce between these hostile gentlemen here, so that they will not fight over again the battle between the Government and the States?

The SPEAKER. The Chair can not regulate what gentlemen say on the floor, unless they use opprobrious or unparliamentary language.

Mr. MANN. Will my colleague, Mr. PAYNE, yield to me for a moment?

Mr. PAYNE. Yes.

Mr. MANN. Mr. Speaker, whenever the General Government undertakes an affair, it provides the money that is necessary, and there is no man in this Chamber who would hesitate for a moment to provide all the money that was necessary to take care of any of the old soldiers on the Union or Confederate side, at any affair which was undertaken on the invitation of the Government. But the State of Pennsylvania, a great State, with great wealth and great people, undertook to provide a celebration to be held on the battle field of Gettysburg. They asked some assistance from the General Government in the form of a commission, and a resolution was passed here providing for a commission. The plans were agreed upon. It was the invitation of the State of Pennsylvania, for which she deserves credit.

Subsequently they came before us and asked Congress to pay a portion of the expense, and the gentlemen then and now representing the State of Pennsylvania on the floor of the House agreed to a proposition that the expense of the General Government should be confined to the appropriation made in the bill, which, I believe, was $150,000; and they said—then, not now—that the State of Pennsylvania would take care of any extra expense; that if the General Government would appropriate $150,000, and provide various officers of the Army to look after things at Gettysburg, the State of Pennsylvania would pay the remainder of the expense. But as usually is the case wherever anyone sees a chance to put his hand into the Treasury of the United States instead of the home treasury, they came here after a while and said they would like to have more money. I am glad that finally the State had the manhood to live up to its obligations, and to pay the expense without insisting that Congress should increase the amount originally provided, though I am sorry that the distinguished gentleman, in stating the facts, should still be crying about it. [Laughter.]

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. UNDERWOOD. Still reserving the right to object, I wish to say to the gentleman from Illinois that it is manifest that if this resolution were to pass in its present form, it would accomplish no result, because the money could not be drawn out of the Treasury upon it. I have no doubt that there is a sentiment among us all in the House to give an opportunity to these old veterans to go to the battle field of Gettysburg, but the resolution ought to be passed in a form in which the money can be drawn. It will have to be signed by the President. This resolution would not go to the President if passed in its present form. In the next place, there is in the resolution no safeguard that this $4,000 will not be used by other people besides the veterans, and no provision is made in the resolution for the proper expenditure of the money or for a proper report to be made as to how it has been expended. Now, I reserve the right to object, and ask the gentleman if I do not object if he will consent to allow the resolution to be referred to the Committee on Appropriations with instructions to report it back on Thursday in proper form?

Mr. FITZGERALD. I shall object to that direction myself.

Mr. UNDERWOOD. Then, I will ask if he will consent that it be referred to the Committee on Appropriations?

Mr. FOWLER. Mr. Speaker, the resolution itself provides for the appropriation of $4,000, or so much thereof as may be necessary to defray the traveling expenses of the soldiers residing in the District of Columbia. That is as definite as language could make it.

Mr. BARTLETT. Will the gentleman yield?

Mr. FOWLER. In a moment. I desire to say, Mr. Speaker, that I have investigated and find that there are about 700 soldiers of the blue and the gray who reside in the District of Columbia. I have also been informed through an official channel that between 400 and 500 of them will be able to go to the anniversary of the Battle of Gettysburg and that it would take less, perhaps, than the amount the resolution calls for.

I think, Mr. Speaker, the resolution is ample to provide for the object for which it was intended, and that is to give these old soldiers an opportunity once more to meet each other on that battle field, not in battle, but in a spirit of common brotherhood, recognizing one flag and commemorating that memorable event which took place there 50 years ago in that mighty struggle for supremacy in this country. I say, Mr. Speaker, that this resolution, drawn without form and in haste, has some little discrepancies in it that can be cured by one simple amend-

ment. To refer it to the Committee on Appropriations means nothing but its death. I know that the sentiment of this House is in favor of defraying the expenses of these veterans of the Civil War, those of the South as well as those of the North, because we have come now to a common understanding that there is no North, no South, but one country, for the good of mankind, marching on to higher levels, inviting other nations to a higher civilization.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I shall object, unless the gentleman takes some measure to put the resolution in proper form.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that I may withdraw the resolution and prepare it in proper form and submit it at the next regular-session day of the House.

Mr. MOORE. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question.

The SPEAKER. The gentleman from Pennsylvania reserves the right to object.

Mr. FOWLER. I will yield to the gentleman from Pennsylvania.

Mr. BARTLETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Has not the gentleman from Illinois the right to withdraw the resolution?

The SPEAKER. He has, by unanimous consent; but the gentleman from Pennsylvania wants to ask him a question, and the gentleman from Illinois yields.

Mr. BARTLETT. One further parliamentary inquiry. This resolution is not in order except by unanimous consent?

The SPEAKER. That is true.

Mr. BARTLETT. Does it require unanimous consent to withdraw a resolution which is not in order except by unanimous consent?

The SPEAKER. The Chair was going to put the question, and the gentleman from Pennsylvania impinged on the scene with a question to the gentleman from Illinois, who seems to be willing to answer it.

Mr. BARTLETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to submit the question if the gentleman from Illinois can not withdraw his request for unanimous consent?

The SPEAKER. Of course he can.

Mr. BARTLETT. Nobody has a right to object to that. The resolution is not before the House, and he withdraws his request for unanimous consent, and that ends it.

The SPEAKER. The gentleman from Georgia overlooks the element that the gentleman from Illinois asked unanimous consent not only to withdraw the resolution but to put it in proper form and report it at the next session of the House.

Mr. BARTLETT. The resolution is not before the House; he asks unanimous consent to consider it.

The SPEAKER. But his request included the proposition of giving it the right of way on the next day that the House meets. It would not take unanimous consent to withdraw a proposition which is not before the House, but he couples it with this further request.

Mr. MANN. Why not let the resolution go to the committee?

Mr. FOWLER. Because that will be the end of the resolution.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw his resolution and put it in proper form and give it the right of way on the next day that the House meets.

Mr. FITZGERALD. Mr. Speaker, I object. Let the gentleman withdraw it and then offer it on Thursday next.

Mr. FOWLER. Very well. I withdraw the resolution.

The SPEAKER. The gentleman can withdraw his resolution and does withdraw it.

Mr. MANN. It is not yet before the House.

The SPEAKER. Technically the gentleman from Illinois is correct.

EXTENSION OF REMARKS.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD?

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object. The gentleman from Kansas [Mr. MURDOCK] objected to a similar request of mine a moment ago. The gentleman from Kansas is now in the Chamber, but I shall not object to the request made by the gentleman from Pennsylvania. I thought possibly the gentleman from Kansas might desire to do so.

Mr. MURDOCK. I have no objection, if the gentleman will state the subject matter of his remarks.

Mr. KELLY of Pennsylvania. I was going to state the subject matter. I wish to extend my remarks by printing a memorial from certain citizens of Pennsylvania with remarks thereon.

Mr. MURDOCK. Upon what subject?

Mr. MANN. What is the subject of the memorial?

Mr. KELLY of Pennsylvania. Mr. Speaker, I will revise that request by asking unanimous consent to address the House for five minutes by having this memorial read and then making a few remarks upon it.

Mr. MURDOCK. Reserving the right to object, what is the subject matter of the memorial?

Mr. FITZGERALD. Mr. Speaker, I asked to be permitted to address the House to-day after the routine business had been concluded, and I received that permission.

The SPEAKER. The gentleman from New York by special order of the House is entitled to an hour.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is to recognize the gentleman from New York for an hour.

APPROPRIATIONS.

CONTROL OF FEDERAL EXPENDITURES THE DUTY OF THE HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, the rapid increase in the cost of the Federal Government is attracting universal attention. Many thoughtful men regard our profligate fiscal arrangements as the greatest menace to the permanency of the Union, and the proper solution of the many problems involved is complicated by the good-natured indifference of the people. While a Treasury surplus is maintained by a system of indirect taxation so ingeniously devised that individual burdens are not readily appreciated but are assiduously proclaimed as blessings, it will be difficult to awaken the mass of the people to the importance of the questions involved.

Many attempts have recently been made to stir the country to an interest in the problems. Students of our political system, officials in the executive departments, and Members of the Congress, who have been compelled to deal more particularly with the finances of the Government, have agreed at least in one conclusion—that some radical change is imperatively required in the Federal system if evils of alarming proportions are to be avoided.

In proposing remedies for existing or impending evils much misunderstanding results from lack of knowledge of the present fiscal system of the country and of its growth and development. Much confusion also follows from the indiscriminate use of the term "budget" by many whose conception of the term varies radically and whose "budget" schemes are irreconcilable.

When the Constitution of the United States was adopted, in 1787, the budget, as known to-day in Great Britain, had not been developed and nowhere existed in definite form. Pitt was then working out the system of control upon which the present budget system of Great Britain is based, and at the very time of the adoption of our Constitution he was establishing the consolidated fund, or the general treasury fund, out of which all grants are now made, though with certain priorities established.

WISE FORETHOUGHT OF THE FATHERS.

The framers of the Constitution, with the knowledge then available, provided (Art. I, sec. 9, par. 7) that:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

This provision was designed to retain in the representatives of the people, or in the legislature, control of the public money and to insure full publicity of all financial transactions in which the Government is involved. They are two essential elements of control of public money in the representatives of the people in every constitutional government whatever form the budget takes.

In order to insure such control of the purse, the Committee on Ways and Means of the House was established in 1789. At first a select committee, in 1802 it was made a standing committee. During the first 76 years of the Government this committee had jurisdiction of all revenue measures and of all the appropriation bills. Until 1844 the appropriations were all carried in one bill, but in 1847, nine separate bills were reported and from time to time the number has been increased until there are now 13, including the general deficiency bill.

In 1865 a movement was initiated to divide the jurisdiction of the Committee on Ways and Means. Various proposals were submitted; the most alarming among them apparently were those to create a Committee on Banking and Currency and a Committee on Internal Revenue, and to transfer from the Ways and Means Committee jurisdiction over the subject matters indicated generally by the titles of the committees.

The various proposals were referred to the Committee on Rules, which reported in favor of the creation of the Committee on Appropriations, to which was given jurisdiction of all the appropriation bills, and a Committee on Banking and Currency, to which was given jurisdiction of banking and currency legislation, and all revenue legislation was left with the Committee on Ways and Means.

Perusal of the debate leads to the conclusion that the arrangement had been worked out to the satisfaction of the Committee on Ways and Means. The report was submitted by Mr. Cox of Ohio, a Democrat, and one of the minority, and the recommendations were acquiesced in with singular docility by the members of the Committee on Ways and Means. Thaddeus Stevens, of Pennsylvania, quit the chairmanship of that committee to become chairman of the new Committee on Appropriations.

No change was made in the jurisdiction of the committees until 1880.

In the year previous the Committee on Rules commenced the most noted revision of the rules of the House in its history. It was an unusually strong committee, consisting of Speaker Randall; Alexander H. Stephens, of Georgia; Blackburn, of Kentucky; Garfield, of Ohio; and Frye, of Maine.

EFFORTS TO DISTRIBUTE APPROPRIATION BILLS.

During the consideration of their report in 1880 numerous efforts were made to distribute the appropriation bills among various committees, but with the exception of the agricultural bill and the river and harbor bill all were left with the Committee on Appropriations. The debate discloses that in giving the river and harbor bill to the Committee on Commerce the House had undoubtedly been influenced by the fact that for a number of years the Committee on Commerce, at the request of the Committee on Appropriations, had prepared the river and harbor bill, which, when reported, was immediately referred to the Committee on Appropriations.

In 1885 a new movement was initiated under the leadership of Mr. Morrison, of Illinois, which resulted in the present assignment of appropriation bills, as a result of which eight separate independent committees of the House consider departmental estimates and prepare appropriation bills for the consideration of the House. While such an illogical, unscientific, and universally condemned system prevails attempts at reform will be futile, and an effective remedy for the resulting evils is impossible.

DEMAND FOR A "BUDGET."

The most common demand that has come from recent agitation is for a "budget." I am frequently asked whether I favor a "budget," and my invariable reply is a request to be informed as to what is meant by a "budget." The answers indicate the confusion that prevails even among those most interested as to the meaning of the expression, and the difficulty is not lessened by the fact that plans have been formulated for us from a consideration of the systems in vogue in various countries where the parliamentary or some other responsible government exists, without any careful consideration of the inaptness of such system in our existing institutions.

The Wisconsin State Board of Public Affairs last year issued a very interesting publication entitled "The Budget."

The first essential—

It is stated therein—

In the preparation of any budgetary plan for legislative consideration is the compilation of estimated costs for the fiscal period under consideration. These estimates should, as a rule, be prepared by the administrative departments, because they are versed in the details of their respective offices and familiar with the expenses which may occur in the performance of their duties. * * * An essential element in budgetary consideration involves the formulation of a plan in fiscal affairs. * * * There should be a budget balance—a correlation between estimated revenues and expenditures of the State. These should be exhibited so that their relative amounts may be examined and a comparison made between them. Not only is it necessary to secure a comparison between the total expenditures and revenues, but a comparison should be possible between the various purposes of expenditures, so that it may easily be determined how much it is proposed to grant for one object in comparison with the amount available for another service. * * * As Stourm says, the budget should give not one total but all of the receipts and disbursements, so that a comparison may be easily made at a glance between the various items.

H. C. Adams, in The Science of Finance, insists that the budget should be a comprehensive document picturing the general conditions of the country's finances and at the same time making possible an accurate opinion upon any definite proposal.

He suggests that—

It is necessary that a budget statement begin by an exhibit on a single page of the aggregate or actual receipts and expenditures for the current year, in order that they may be compared with the receipts and expenditures to be provided for by laws yet to be enacted.

He conceives of a budget "so formulated as the principal means by which the administration is held in check and the general policy of government controlled."

It must be remembered that Wisconsin has no budget or any fiscal system whatever worthy of such a characterization.

The practice—

It is stated in the publication mentioned—

of voting appropriations as it exists at present in Wisconsin is lacking in many of these essentials. With respect to the preparation of estimates very little has been done. * * * There has been heretofore no adequate provision for auditing of public accounts. Many of our departments have never been audited at all.

In working out a plan for the State of Wisconsin which "does not involve a budget at all, as that term is frequently used—that is, where the entire expenditures of the State are voted periodically in one bill"—the information to be assembled and submitted to the legislature will contain—

First, a history of the past appropriations, information as to what the appropriation was, the actual cost of each department for the one complete year for each of the various services performed by the department, and the unexpended appropriation.

Secondly, it will show the request of the departments and the estimates of their needs for the ensuing biennium, will give citations to statutes authorizing payments to be made from the treasury in favor of each department, and the recommendations of the board with respect to the appropriations to be made by the legislature.

DEFINITION OF THE "BUDGET."

In the report of the so-called Commission on Economy and Efficiency made to the President under date of June 19, 1912, under the title "Definition and purpose of the budget," it is said:

As used in this report, the budget is considered as a proposal to be prepared by the administration and submitted to the legislature. The use of a budget would require that there be a complete reversal of procedure by the Government; that the executive branch submit a statement to the legislature which would be its account of stewardship as well as its proposals for the future. A national budget thus prepared and presented would serve the purpose of a prospectus. Its aim would be to present in summary form the facts necessary to shape the policy of the Government as well as to provide financial support. The summaries of fact included in the budget would also serve as a key or index to the details of transactions and of estimates, which would be submitted with the budget or which would be contained in accounting records and reports.

If it be assumed that the essentials of any budgetary plan are accurately stated in these statements, it is difficult to understand the reckless denunciation of the Federal system which its critics so freely voice.

President Taft, in his message of February 26, 1913, said:

The Government is not only in the position of having gone along for a century without a budget, but, what is at this time even more to the point, it has not the organic means either for preparing or for considering one. In the executive branch there is no established agency which may be utilized for assembling the data required for the preparation of budget summaries. The law governing estimates requires that they be prepared and submitted by various heads of departments and independent establishments without executive review or revision. *This makes it impossible to submit a budget unless the President does it on his own initiative.*

This statement of President Taft epitomizes the criticisms of our present system. I believe such criticisms to be not well founded. No legislation has been more carefully considered nor more effectively worded than the laws regulating the preparation and submission of estimates.

In accordance with the various statutes all annual estimates for the public service must be submitted to Congress through the Secretary of the Treasury and included in the Book of Estimates. The estimates must be transmitted only through the Secretary of the Treasury, and he is required to have them properly classified, compiled, indexed, and printed. The estimates must be prepared and submitted by the heads of the various departments and other officers required to make estimates to the Secretary of the Treasury on or before the 15th day of October. If they be not so submitted, the Secretary of the Treasury must cause to be prepared in the Treasury Department on or before the 1st day of November estimates for such appropriations as in his judgment shall be requisite in every such case and include them in the Book of Estimates. Estimates, except those for sundry civil expenses, must be prepared and submitted according to the order and arrangement of the appropriation acts for the year preceding, and any changes in such order and arrangement and transfers of salaries for one office or bureau to another office or bureau or the consolidation of offices or bureaus desired by the head of any executive department may be submitted by note in the estimates.

DUTY OF THE SECRETARY OF THE TREASURY.

The Secretary of the Treasury is required to rearrange any estimates submitted to him which do not conform to the order and arrangement of the prior appropriation act. All estimates are required to be included in the estimates submitted to the Secretary of the Treasury for insertion in the Book of Estimates and special or additional estimates for that fiscal year must only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case

the special or additional estimate must be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

In communicating estimates of expenditures and appropriations to Congress, the heads of departments must specify as nearly as may be convenient the sources from which such estimates are derived, and the calculations upon which they are founded, and must discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They must also give references to any law or treaty by which the proposed expenditures are authorized, specifying the date of each and the volume and page of the Statutes at Large, or the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

All estimates for the compensation of officers authorized by law to be employed must be founded upon the express provision of law and not upon the authority of executive discretion. If the head of a department, when about to submit the annual estimates, finds that the usual items of such estimates vary materially in amount from the appropriations ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and if new items not theretofore usual are introduced into the estimates for any year, he must accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required and the different items added.

Not only is the amount believed necessary to be appropriated required to be stated in the estimates, but the Secretary of the Treasury must annex to the estimates a statement of the appropriations for the service of the preceding year which may have been made by former acts. He is also required to submit a statement specifying in detail the number and class of officers and employees of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to conduct properly the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports and for such additional expenses of the service as can not be otherwise specifically provided.

REVENUES MUST BE ESTIMATED.

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government the Secretary of the Treasury must estimate as accurately as possible the revenues of the Government for the next ensuing fiscal year, and he is also required, in his annual report to Congress, to prepare and submit estimates of the public revenue and expenditures for the current fiscal year and for the fiscal year next ensuing, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year.

There are several other requirements, none of which, with one exception, need be recited. The other important provision will be discussed later.

A careful examination of the requirements of the various statutes, stated here almost *in haec verba*, discloses the minute and detailed information required and obtained by Congress.

If the information transmitted to Congress is inadequate, improperly arranged, misleading, or confusing, responsibility does not rest with Congress. Everyone who is familiar with the history of the enactment of the various statutes compelling the furnishing of the information required by the law knows that it has been a continual struggle on the part of Congress to compel the executive departments to furnish the necessary data to enable the Congress to make proper appropriations, and that there has been ample authority, if the Executive desired to exercise it, to furnish the most complete information possible. Had such an attempt ever been made it would have been welcomed by Congress.

OPINION OF HON. JAMES BRYCE.

Mr. Bryce, in the American Commonwealth, says:

In the United States the Secretary of the Treasury sends annually to Congress a report containing a statement of the national income and expenditure and of the condition of the public debt, together with remarks on the system of taxation and suggestions for its improvement. He also sends what is called his annual letter, inclosing the estimates framed by the various departments of the sums needed for the public services of the United States during the coming year. So far the Secretary is like a European finance minister except that he communicates his statement on paper instead of making his statement and proposals orally. But here the resemblance stops. Whatever remains in the way of financial legislation is done by Congress and its committees, the President having no further hand in the matter, though he may send messages pressing Congress to vote money for some purpose which he deems important.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. SHARP. Mr. Speaker, I desire to ask the gentleman a question, though I do not want to break into the continuity of his argument. Does not the gentleman think it would be a good practice, in order that Members on the floor may know better and get more information of the necessity of making appropriations—taking the river and harbor bill as one illustration and also the public-building bill as another, and possibly the new good-roads bill a little later on—to print upon the bill itself in the form of a footnote, or in whatever form it may take, opposite or below each appropriation, some statement which will show the amount of money already appropriated for that specific object and the purpose of it? I think myself that as far as the river and harbor legislation is concerned it would be an eye opener to many of the Members who have no means of getting knowledge upon the merits of these appropriations.

Mr. FITZGERALD. Mr. Speaker, eliminating certain features of the river and harbor bill and of the public-building bill, all of the information which the gentleman mentions is required to be submitted, and is submitted, in the annual Book of Estimates and is available to every Member if he desires that information.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I prefer not to enter into a general discussion of the matter at this time.

Mr. MANN. We will give the gentleman more time. As to the river and harbor bill, is not all of the information to which the gentleman from Ohio refers contained in the annual report of the Chief of Engineers?

Mr. FITZGERALD. Yes.

Mr. MANN. Which every gentleman has the opportunity to examine. If we were to print the same information as a footnote at the bottom of every item in the bill, then the bill would be so long that no more Members would read the bill than evidently read the annual report.

Mr. SHARP. Is it not true that the hearings are not printed upon the river and harbor bill?

Mr. SPARKMAN. Mr. Speaker, if the gentleman will yield, I desire to say that the same information——

Mr. FITZGERALD. Mr. Speaker, I think the gentleman from Illinois [Mr. MANN] has covered what the gentleman from Florida has in mind.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to make an explanation in this connection, if I may.

Mr. FITZGERALD. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. The hearings before the River and Harbor Committee are nearly always printed. The gentleman from Ohio is mistaken in that statement. Whenever there is a new project that is not fully reported on in the report of the Chief of Engineers it is fully reported on in a separate document, and in the body of the river and harbor appropriation bill this particular document is referred to by number.

Mr. FITZGERALD. In a note in the revised edition, Mr. Bryce states that the Book of Estimates has become a bulky document, and that the Secretary of the Treasury neither indorses nor criticizes the estimates. He indulges in no caustic denunciation of the inadequacy of the information furnished Congress, nor does he take the same gloomy view of the situation because Congress obtains what has been so freely characterized as "meager," "illy arranged," and "confusing" statements. If such were the fact, this keen observer and frank commentator upon our institutions would not have failed to have noted such glaring defects if they existed.

In 1909 Congress enacted the so-called Smith amendment, section 7 of the sundry civil act, approved March 4, 1909. The provision is as follows:

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency. (Mar. 4, 1909, Stat. L., vol. 35, p. 1027, sec. 7.)

Whatever may have been said of our system so far as the Executive is concerned, there can be no dispute now as to the extent of the responsibility placed upon the Executive.

OPINION OF H. J. FORD.

In the Cost of Our National Government, Prof. Henry Jones Ford, of Princeton, speaking of this provision, says that Congress has taken—

a step toward connection of the powers, and has thus unwittingly started a movement of profound constitutional importance. The real hope of establishing budget control, and with it a genuine constitutional system, lies in the flow of political force in the channels thus opened.

He adds that the action taken by Congress making it the duty of the President to coordinate income and expenditure, as provided in the Smith amendment, "is the salvation of representative government in the United States."

Prof. Ford had in mind the principle of executive responsibility in budget making prevalent in the English system. But, as he points out, it is not peculiar to the English system. In Switzerland, which is a Federal Republic like the United States, the system is even more drastically applied.

If the principle enunciated by Mr. Gladstone be accepted as sound—that the constitutional duty of a legislative chamber is not to augument but to decrease expenditure—the solution of all problems confronting us may readily be solved. A few simple changes in our system will completely establish the system of responsible executive control of our budget, while retaining complete control of the Treasury in the representatives of the people.

To bring about this result two things are necessary—the duty should be imposed upon the Secretary of the Treasury to revise the various estimates to be submitted to Congress, and Congress should be deprived of the power to augment any request for money or to originate legislation imposing obligations upon the Treasury. Such is the rule in Great Britain as well as in Switzerland, where this system has been developed to its highest perfection.

These suggestions are radical, but not shots at random. When the Democratic members of the Committee on Rules had been selected for the Sixty-second Congress I proposed a rule prohibiting amendments to appropriation bills which would increase the committee recommendations above the departmental estimates or which proposed appropriations for which no estimates had been submitted. It was a suggestion along lines that reform in the House must eventually follow; but it was not adopted, as the committee was unwilling to recommend a rule that would have deprived the individual Member or the Committee of the Whole House on the state of the Union of rights enjoyed by committees which prepare appropriation bills. I should have supported such a rule if it extended to the committees, and I am convinced that in time even more radical changes will be imperative, even though the individual Member be deprived of many privileges which he now enjoys.

The oldest standing order of the House of Commons, dating back to 1713, is that—

This House will receive no petition for any sum relating to public service or proceed upon any motion for a grant or charge upon the public revenue * * * unless recommended by the Crown.

FRAMERS OF THE CONFEDERATE CONSTITUTION.

I have heretofore referred to the undeveloped condition of the present-day budget at the time of the adoption of the Federal Constitution. The experiences of 74 years of Federal existence was not ignored by the men who framed the Confederate constitution. They were men of affairs and of marked capacity for government, and they included in the constitution of the Confederate States the following provision, which is an enduring tribute to their comprehension of the evils of our system.

In article 1 of section 9 is the following:

Congress is forbidden to appropriate money from the treasury except by a vote of two-thirds of both houses unless it be asked by the head of a department and submitted by the president or be asked for the payment of its own expenses or of claims against the Confederacy declared by a judicial tribunal to be just.

As the time is not ripe even for the consideration of such radical and fundamental changes in our institutions, it is necessary to consider the changes that are advisable as well as possible under the existing order.

Years of investigation have convinced me that one change is essential in the methods of this House preliminary to any other reform. Unless this step be taken all other efforts at reform will be futile. It is necessary to return to the practice of the House during the first 93 years of the Union and to concentrate in one committee control of all of the general appropriation bills. The present method under which the appropriation bills are distributed among eight independent committees of the House is universally condemned by disinterested students of our Government.

OPINIONS OF EMINENT AUTHORITIES.

* * * Before any adequate control is possible—

Says S. Gale Lowrie, author of The Budget—

some method must be devised for the centralized control of all financial measures in a single congressional committee and for the elimination of the promiscuous and irresponsible methods of amending financial bills upon the floor of Congress which now obtains.

Prof. Henry Jones Ford says:

Thus we find in the House of Representatives a budget situation which parallels that which has heretofore existed in the executive branch—a distribution of powers among separate and independent authorities without provision for any unified control coordinating income and expenditure.

An examination of the debates in prior Congresses, when it was proposed to distribute the appropriation bills among a number of committees, is instructive.

In 1865 Mr. Cox, of Ohio, said:

I need not dilate upon the importance of having hereafter one committee to investigate with the nicest heed all matters connected with economy. The tendency of the time is to extravagance in private and public. We require of this new committee their whole labor in the restraint of extravagance and illegal appropriations.

In 1879 Mr. Garfield said:

Let me state that the proposition to divide the Committee on Appropriations to scatter its bills as suggested, and as was once moved, indeed is, in my judgment, although I think it is not pending, an utterly ridiculous proposition. I believe it would cost this Government $20,000,000 if the appropriations were scattered to the several committees. * * * I do say, sir, without the slightest question in my own mind of the truth of the statement, that the scattering of these appropriations as suggested by the gentleman here will be absolutely breaking down all economy and good order and good management of our finances. It can not be otherwise.

While in 1885 Mr. Reed, of Maine, joined with those who combined to scatter the appropriation bills among various committees, yet in 1880, when the same acute political condition did not exist in the House and a revision of its rules was under consideration without partisan alignment, Mr. Reed, in speaking of the abuse that had resulted from the constructions placed upon the Holman rule, said that—

a large minority of the House are disposed to break down the work of that committee (Appropriations) and put a portion of it in the hands of several committees, the effect of which will be to add to the expenses of the Government more than this rule (the Holman rule) ever saved.

In the report to the Forty-sixth Congress of the Committee on Rules, the membership of which has been heretofore given, is the following:

* * * It follows as a logical sequence that if any other committee is to take charge of one of the general appropriation bills the interest involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.

JUDGMENT OF SAMUEL J. RANDALL.

Mr. Randall said:

If you undertake to divide all these appropriations and have many committees where there ought to be but one you will enter upon a path of extravagance you can not foresee the length of or the depth of until we find the Treasury of the country bankrupt.

Mr. Whitthorne, of Tennessee, the chairman of the Committee on Naval Affairs in the Forty-sixth Congress, said:

When I first entered Congress, in the Forty-second Congress, Gen. Coburn, of Indiana, was a member of the Committee on Appropriations. He at that time proposed to divide the labors of that committee as is now proposed by the gentleman from Pennsylvania [Mr. Shallenberger] and by others. At that time I was heartily in favor of that proposition. But during all these years that I have been here my experience and observation have led me to believe that if we turn loose a half dozen committees upon the subject of appropriations it will be impossible to control the amount of these appropriations. I believe that it is for the interest of the people that the subject of appropriations should be committed mainly to one committee. I say this is not out of any feeling with respect to my own committee, because if I considered that I should be jealous of its rights and should speak jealously of its intelligence and its power of comprehending the duty before it. But, speaking in the interest of the people, in the interest of the Public Treasury, in the interest of the proper control of public expenditures, I may say, what has been forced upon me contrary to my original convictions, that it is the duty of this House to have the subject of appropriations controlled by one committee.

Mr. Robeson, of New Jersey, said:

I do not believe that the various committees to whom is intrusted the legislation of this country should also be interested with the appropriation of money, because this last I hold to be the province of the Appropriations Committee, a committee which not only adds, multiplies, and subtracts, as my friend from Connecticut [Mr. Hawley] said yesterday, but a committee which must investigate and take into consideration the results of the action of all committees.

They must examine the work of Congress as a whole. * * * No individual committee which has in hand only the interests of its own business can possibly know what are the results of the work of all the other committees. This is not their province and it is not expected of them. Therefore it is that this Appropriations Committee is necessary. It is a sort of universal solvent that deals with the results of the action of all other organized committees and puts them in a systematic policy for which the party which they represent is responsible.

Mr. Young, of Tennessee, said:

There are, I think, few Members of this House who have had more cause, real or imaginary, of complaint against the Committee on Appropriations than I have had, though I am glad to number every member of it among my personal friends. * * * I know, sir, whenever we relax that rigid grasp which the Appropriations Committee can alone

keep on the purse strings of the Government; whenever we wrest from it the key of the National Treasury, we will at once enter upon a vast field of public expenditure that has no bounds and embark upon a turbid ocean of public extravagance which will soon swallow up our entire public resources.

Mr. Simonton, of Tennessee, said:

We have been told that if there was a distribution of the powers and duties of the Appropriations Committee there would not be any increase of the expenditures of the Government. * * * Why must the Committee on Agriculture say what amounts shall be appropriated for the Department of Agriculture, or the Committee on Military Affairs say what amount shall be appropriated for the maintenance or the support of the Army? Is it not because Members are not satisfied with the amounts given by the Appropriations Committee? Now, if the Appropriations Committee should give too much, gentlemen can very easily move amendments to cut down the amount proposed. I have never known an amendment offered to cut down the amount proposed.

Mr. Blackburn, of Kentucky, said:

They (the committees) are appointed that they may guard the interests of the particular department committed to their care. That is the theory of the construction of the committees of the House; and it is a proper theory.

The Committee on Appropriations stands in a very different attitude. Because of no special relation to any department, selected as a fair and impartial arbiter, with no more concern for the Navy or the Army than for the Interior Department or the Post Office Department, it has been selected as the one grand reservoir into which all these proposed disbursements of money should pour, in order that fairly, judiciously, impartially, it may make its recommendations to the House.

Mr. Keifer, of Ohio, said:

I believe, Mr. Chairman, that if you transfer to the various committees of this House the duties of preparing the several appropriation bills there will be a strife between those committees, * * * each striving to obtain the most appropriations for the department of the Government directly under its charge, and in that way we will necessarily augment the annual appropriations beyond the ordinary revenues of the Government.

These statements were all made prior to the action of the House in 1885 distributing the appropriation bills to the various committees. The question at times during the same period was discussed at length in the Senate, and such Senators as Beck, Hoar, Edmunds, Sherman, Plumb, Morrill, Bayard, Dawes, Call, and Hale expressed vigorous opposition to the proposition that the appropriation bills should be considered in the Senate by committees other than the Appropriations Committee.

VIEWS OF ABLE SENATORS.

I shall quote from the statements of a few Senators who participated in the debate.

Senator Edmunds said:

I think it would be injurious to the interests of the Treasury and to the interests of the people who supply the Treasury of the United States to send appropriation questions for reports of sums to be appropriated to the various committees that have charge of the classes of the public service about which appropriations must be made, and that the practical result would be, if we divide them up, that the sum total of appropriations would be enormously increased. If there be a standing order of the Senate which says that all appropriations respecting the judicial establishment of the United States should be sent to the Committee on the Judiciary, the relations between the Committee on the Judiciary and the Department of Justice and the judicial establishment are of such an intimate and friendly character that we should be quite likely to be acting under a bias and to be more liberal in the money that we would recommend to be expended for the judicial establishment than a body of men not under such a bias would be likely to be. And I confess that I do not see any distinction between the matter of the District of Columbia and any other of the various branches of the public service—the Army, the Navy, Indian affairs, post offices and post roads, public lands, and every one of the scores of separate subjects of public expenditure. I think that we should find in the main that the aggregate of public expenditure would be largely increased, on account of the necessary fact in human nature that committees charged with particular subjects and in direct communication with the particular branches of the public service get to be impressed with the ideas of the special departments with which they have to do, and feel with the departments that the public service would be better promoted with still larger appropriations to carry it on.

Senator Sherman said:

I would not do anything at all to weaken the restraint or power of the Committee on Appropriations. I believe it is necessary, as my friend from Vermont says, to bring all the items of expenditure for the Nation under the eye and control of one committee, so that they may limit the amount of expenditure.

Senator Hale said:

I know from my own experience that the tendency of the mind of a member of either of the other committees calling for appropriations each year—the Military or the Naval Committees—I will speak of the latter because I have had service upon that committee—is to gain all the power in appropriating money possible, and connected with that is the unerring result of desiring to have the power to appropriate more money. There has never been any exception to that. I think few Senators will dispute the statement that if all the business of the Committee on Appropriations was taken from it and given to the several committees we should then be confronted with a general scramble upon the part of each committee for more money. The Senator from Vermont [Mr. Edmunds] urged that point much more forcibly and clearly than I can, and his experience, never a member of the Appropriations Committee, but belonging to other committees here, taught him that.

In 1885 the proposition to distribute the appropriation bills was discussed at great length. It is well established that the success of the proposition was due to two causes.

When the Morrison horizontal reduction tariff bill was before the Forty-eighth Congress, Mr. Randall, the chairman of the Committee on Appropriations, with 40 other Democrats, voted with the Republicans to strike out the enacting clause and thus defeated the bill. Randall and his associates were thereafter referred to by Mr. Morrison as "Randall and his 40 thieves." Mr. Morrison presented the resolution in the Forty-ninth Congress to distribute the appropriation bills, and it was supported by such low-tariff advocates as Springer, of Illinois, Mills and Reagan, of Texas, and Hatch, of Missouri.

FORESIGHT OF JAMES A. GARFIELD.

The other cause was the abuses which had grown up from the constructions placed upon the Holman rule and the proceedings thereunder. With prophetic vision Mr. Garfield predicted six years earlier the inevitable result of the rule as construed and operated.

In an article in the North American Review in 1879 he wrote:

The construction given to this amended rule has resulted in putting a great mass of general legislation upon the appropriation bills and has so overloaded the committee in charge of them as to render it quite impossible for its members to devote sufficient attention to the details of the legislation proper.

If this rule be continued in force, it will be likely to break down the Committee on Appropriations and disperse the annual bills to several committees, so that the legislation on that *subject* will not be managed by any one committee nor in accordance with any general comprehensive plan.

It is of the first importance that one strong, intelligent committee should have supervision of the whole work of drafting and putting in shape the bills for the appropriation of public money.

It is to be noted that it was the general legislation placed upon the appropriation bills under the rules which overtaxed the committee, and that there was no contention even upon the part of those favoring the distribution of the bills, that a single committee was overburdened with the matters of appropriation alone.

Among those who opposed the distribution in 1885 were Holman of Indiana, Cannon of Illinois, Herbert of Alabama (afterwards Secretary of the Navy), Blount of Georgia, McMillan of Tennessee, McAdoo of New Jersey, Storm of Pennsylvania, Caswell of Wisconsin, and Phelps of New Jersey.

Through all the debates on the proposition those opposing the distribution insisted that if the plan were adopted it would result in a material and unusual increase in the sums appropriated.

RESULTS OF THE DISTRIBUTION OF MONEY BILLS.

I have had some figures compiled which shed considerable light upon this phase of the question. In the 12-year period from 1901 to 1912, while the bills are prepared by many committees, the total regular appropriations exceeded those for the last 12 years prior to the distribution—that is, from 1875 to 1886—by $6,461,290,923.20, or by 270.8 per cent. Exclusive of pensions, the increase in the total regular appropriations was $5,232,919,707.66, or an increase of 292.5 per cent. Upon the same basis of comparison the population of the United States increased 35,546,750, or 70.9 per cent; the wealth—true valuation of real and personal property—$43,471,214,000, or 80 per cent; farms and farm property, $20,152,995,484, or 190.8 per cent; capitalization of national banks, $319,305,959, or 61.4 per cent; deposits in savings banks, $2,452,293,671, or 237.4 per cent; imports of merchandise, $653,997,764, or 111.9 per cent; exports of merchandise, $1,249,559,929, or 209.5 per cent; domestic exports, $1,232,767,003, or 211.6 per cent; and miles of steam railroad in operation, 123,293, or 117.2 per cent.

The following table gives the per capita values under the same titles for the respective periods ending in 1912 and in 1886:

Per capita values.

	Period ending with 1912.	Period ending with 1886.
Total regular annual appropriations	$103.23	$47.07
Total regular annual appropriations (except pensions)	81.93	35.97
Wealth	1,234.51	967.79
Farms and farm property	358.40	240.22
Capitalization of national banks	9.89	10.37
Deposits in savings banks	40.66	20.39
Imports of merchandise	14.45	11.65
Exports of merchandise	21.54	11.89
Domestic exports	21.18	11.62

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. Is the gentleman able to give the percentage of the increase in those periods, the latter period over the former, for the Post Office Department?

Mr. FITZGERALD. I think I have the information in my committee room. The statement which I have made is based on certain tables I had prepared, and I then asked the Census Bureau to make the calculations so as to show the percentage of

the increase in appropriations as compared with the percentages of certain elements that would indicate the growth and development of the country.

Mr. MANN. But I take it the increase in the Post Office Department would be much larger than any increase the percentage of which the gentleman has given, and I think no one has charged that the Post Office Department or the postal service has grown simply because there was a Post Office Committee reporting a post-office bill.

Mr. FITZGERALD. I think a good many expenditures have unnecessarily been increased because of that fact. I think that is the experience of the gentleman from New York, myself, and many others who have been on this floor.

Careful study of these statistics makes it clear that, considered from any standpoint of the growth and development of the country during the periods mentioned, the increase in expenditures of the Federal Government are out of all proportion to the country's growth.

In an article in the Review of Reviews for September, 1910, Mr. Tawney, a former chairman of the Committee on Appropriations, said:

This division of jurisdiction and responsibility in the matter of initiating appropriations has contributed more than any single cause to the enormous increase during the recent years. It was predicted at the time by Mr. Randall and Mr. Cannon that the amendment to the rules dividing the responsibility for appropriations would soon cost the people $50,000,000 annually. Our experience under this rule has demonstrated the wisdom of these men in opposing the adoption and the correctness of their judgment as to its responsibility for greatly increasing appropriations for public expenditures.

Mr. Bryce, in the American Commonwealth, says:

Under the system of congressional finance here described America wastes millions annually. But her wealth is so great, her revenue so elastic, that she is not sensible of the loss. She has the glorious privilege of youth, the privilege of committing errors without suffering from their consequences.

The history of mankind is conclusive that for the excesses of youth a penalty is inevitably exacted.

PROPOSED AMENDMENTS TO THE RULES.

Convinced that the appropriation bills should all be placed in one committee, I have prepared certain amendments to the rules which, in my opinion, are necessary if such a reform is to be effective.

These amendments are as follows:

Amend Rule X so as to provide that the Committee on Appropriations shall consist of 30 members, including the chairmen of the Committees on Military Affairs, Naval Affairs, the Post Office and Post Roads, Foreign Affairs, Agriculture, and Indian Affairs.

Amend Rule XI, clause 3, so as to read as follows:

3. To appropriation of the revenue for the support of the Government, *including appropriations for improvement of rivers and harbors authorized by law;* to the Committee on Appropriations.

Amend Rule XI, clauses 10, 11, 12, 13, 14, 16, so as to deprive the committees named therein of power to report appropriations.

Amend Rule XXI, clause 2, so as to read as follows:

No appropriations shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

Amend clause 8 of Rule XI to read as follows:

8. To the improvement of rivers and harbors, *other than appropriations therefor;* to the Committee on Rivers and Harbors.

Amend clause 12 of Rule XI to read as follows:

12. To the Military Establishment, *including the increase or reduction of commissioned officers and enlisted men and their pay and allowances,* the militia and the public defense; to the Committee on Military Affairs.

Amend clause 13 of Rule XI to read as follows:

13. To the Naval Establishment, *including the increase or reduction of commissioned officers and enlisted men and their pay and allowances and the increase of ships or vessels of all classes of the Navy;* to the Committee on Naval Affairs.

Amend Rule XXI by inserting as an additional clause the following:

6. No appropriation shall be reported in any bill other than a general appropriation bill for the support of the Government or be in order as an amendment thereto, and objection to any such bill may be interposed at any time before the consideration thereof has commenced.

Amend clause 6 of Rule XXIII so that it shall read as follows:

The committee may, by the vote of a majority of the members present, close general debate at any time *after two hours shall have been consumed therein, and* at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment to be decided without debate.

Amend clause 9 of Rule XVI so that it shall read as follows:

At any time after *the House shall have devoted one hour to the consideration of the unfinished business or business in order in the morning hour,* it shall be in order by direction of the appropriate committees to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills: *Provided, That during the last two weeks of the session such motions shall be in order at any time after the reading of the Journal.*

Amend clause 4 of Rule XXIV by adding thereto the following:

Whenever the call of committees shall have been completed and any bill which requires consideration in the Committee of the Whole House on the state of the Union is called up by direction of the appropriate committee, the House shall immediately be resolved in the Committee of the Whole House on the state of the Union if such bill has at any time been considered therein.

Amend Rule XX by adding thereto the following:

2. *Any amendment of the Senate to a general appropriation bill which would be obnoxious to the provisions of clause 2 of Rule XXI, if said amendment had originated in the House, shall not be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.*

[NOTE.—Matter in italics indicates new matter proposed to be added.]

EFFECTS OF PROPOSED CHANGES.

The effects of these changes would be to enlarge the Committee on Appropriations sufficiently to enable its work to be properly done. It would place on that committee the chairman of the committees which now have annual supply bills, so that they could continue in touch with the respective bills now committed to legislative committees over which they preside. This would largely reintroduce a practice which was followed from the creation of the Committee on Appropriations in 1865 till the end of the Fourty-fourth Congress of having as conferees on the respective supply bills two members of the Committee on Appropriations and one member of the legislative committee having jurisdiction of the legislation affected by the bill.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee [Mr. AUSTIN]?

Mr. FITZGERALD. I do.

Mr. AUSTIN. The gentleman states a proposed amendment to the rules providing for a membership of 20 for the Committee on Appropriations——

Mr. FITZGERALD. Thirty.

Mr. AUSTIN. And the gentleman indicates how the majority of that committee will be increased by the selection of the chairman of these various committees. Now, what provision is made for making an increase in the minority representation on that committee?

Mr. FITZGERALD. I assume that the same proportion that now prevails will continue, and that the minority will be given one-third of the membership of that committee, which would make the minority have 10 members and the majority 20. At the present time the majority has 14 and the minority 7, and by making this increase of 9 it will take in the 6 chairmen and make provision for 3 minority men.

No legislation of any character could be incorporated in any appropriation bill. This practice seems to be universally condemned in theory, but advocated whenever the proposed legislation is satisfactory to those urging its inclusion in a supply bill.

The House should rigidly enforce the rule, and to eliminate the abuse, if such it be, the rule is proposed prohibiting managers representing the House in conference on any appropriation bill from agreeing to any amendment proposed by the Senate which incorporates new legislation unless authority to do so be specifically given by the House by separate vote upon each proposition.

The question of the naval program could not be determined upon the appropriation bill. The number of officers, men, and vessels of every character would be provided in separate bills reported by the Committee on Naval Affairs, as would the increase or reduction of the commissioned officers and enlisted men and their pay and allowances be reserved for separate action by the Committee on Military Affairs.

Appropriations could not be reported in any bill other than a general appropriation bill, and objection could be made at any time before the consideration of the bill commenced.

CONCENTRATION OF APPROPRIATIONS.

The effect of these amendments would be to concentrate in one committee all questions of appropriations and leave the authorizations with legislative committees to which such authority properly belongs. It would be the logical, scientific, and proper arrangement. The only thing to be determined by the Committee on Appropriations would be the respective sums to be appropriated for various services and purposes within the limits of the authorization fixed by law.

If this method were adopted, the consideration of appropriation bills would be considerably shortened in the House. The various legislative committees of the House would have ample important legislation to occupy their abilities and their time, and

it would not lessen their importance nor minimize their influence if the appropriations were not committed to them. Two of the most important committees of the House—the Judiciary Committee and the Interstate and Foreign Commerce Committee—do not have jurisdiction over the appropriations for the various important services and departments with which they are most closely identified, yet the duties of those committees have not been insignificant nor the legislation enacted on their recommendation been unimportant. In fact, those committees have recommended most of the important legislation enacted for many years.

To insure, however, better opportunity for the consideration of legislation and bills other than revenue and appropriation bills the amendments proposed by me would enable the Committee of the Whole House on the state of the Union to close general debate upon any bill after two hours have been consumed therein and would revitalize the morning hour, so that every day excepting Mondays, Wednesdays, and Fridays, which are now set apart for special business, there should be at least one hour given to business under the call of committees. Relief of some character is necessary, and I believe that with the elimination of legislation from the appropriation bills the changes here proposed would be sufficient.

I am not alone in the belief that the concentration of appropriation bills in one committee is the essential reform for this House.

REMEDY PROPOSED BY JAMES A. TAWNEY.

Mr. Tawney served 18 years in the House, and during the last 6 years of his service was chairman of the Committee on Appropriations. In his article in the September number of the Review of Reviews for 1910 he said:

> The real remedy for unnecessarily increasing appropriations lies in the adoption of a rule upon the organization of the House in the Sixty-second Congress, authorizing the appointment of one committee sufficiently large to represent all sections of the country, vested with exclusive jurisdiction over all estimates for appropriations. This would be a genuine reform in the rules of the House, one that would be of practical benefit to the people. It would save to the Federal Treasury from fifty to seventy-five millions of dollars annually.

Why such a reform was imperative he pointed out by showing that during the preceding session of Congress—Sixty-first Congress, second session—the appropriations reported to the House by the Committee on Appropriations were $16,933,925.24 less than the estimates over which that committee had jurisdiction, while the appropriations reported by all the other appropriating committees were $27,931,402.10 in excess of the estimates.

The reason is not that there is any peculiar virtue possessed by the Committee on Appropriations or the members thereof, but it is because committees dealing with a single department of the Government acquire in time a special bias for the department with which it specially deals.

The reason is well pointed out by Dr. Harlan Updegraff, of the Bureau of Education, in the American School Board Journal for May, 1912, which I have quoted upon a former occasion, and which will bear repetition. In explaining the failure to obtain large appropriations for the Bureau of Education he wrote as follows:

CONGRESSIONAL PROCEDURE A HINDRANCE.

> If, during the past 40 years, the Commissioner of Education had been granted lump-sum appropriations from which he could have paid salaries fairly commensurate with those paid by local public and private agencies throughout the United States, and had it been possible for him to set aside proper amounts for traveling expenses, the bureau would have made a far greater impress upon educational policy and practice. In consequence of the higher appreciation which would have resulted, it is also quite probable that the Congress would have increased its appropriations from year to year until their magnitude would have become more nearly commensurate with the high regard in which all Americans hold their public schools.
>
> However, there is an underlying cause for this situation in the business procedure of each of the two Houses of Congress. Under this procedure the estimates for some departments are acted upon by their friends at court, while the estimates for other departments are passed on by a tribunal whose main object is economy. All appropriation bills for the Department of Agriculture are prepared in the House Committee on Agriculture, and are reviewed in the Senate by the Committee on Agriculture and Forestry. This same practice also holds with the appropriations for the Diplomatic Service, the military service, the naval service, and the postal service. On the other hand, the appropriations for the other branches of the executive departments are prepared by the Committee on Appropriations of the House and are referred in the Senate to its committee of like name. Quite naturally the attitude of these Committees on Appropriations toward the estimates submitted by their respective branches of the executive department is distinctly different from that shown by the committees which recommend the appropriations for a single department or bureau. Members of the latter class of committees have their attention centered on one particular set of governmental activities, which they hold in growing appreciation as their knowledge of the work increases. On the other hand, members of the Committees on Appropriations have their attention divided among several departments and independent offices and commissions, all of which are more or less desirous of increased funds. Strong attachment to the work of any branch of the Government service is not fostered by such a condition. Moreover, the numerous insistent demands that come upon them develop a controlling idea in the minds of these Appropriations Committees—not the great good that may come to the people through any branch of the service, but rather the desirability of cutting appropriations to the lowest possible limit in order that the party in power will not be held accountable for large expenditures. In brief, all the appropriations for the Department of Agriculture, and the principal appropriations for the War, Navy, and Post Office Departments, are in the hands of their friends, while those of the remaining Government offices must come before a tribunal the chief aim of which is to keep the total appropriations, including those framed by the special committees, within certain fixed limits. It follows from this that the liberal appropriations recommended by the special committees have a tendency to lower the appropriations for the other departments, which are drawn directly by the Appropriations Committees. Had the estimates of the Commissioner of Education during the past 40 years been referred in the House to the Committee on Education and in the Senate to the Committee on Education and Labor there would undoubtedly be to-day a far different story to tell. If such a reform in the procedure of the Houses could be carried out to-day, an increased participation of the National Government in the educational development of the country would probably result.

After six years' service at the head of the Committee on Appropriations Mr. Tawney retired from Congress on March 4, 1911. On that day he made his last statement to the House and reviewed in a comprehensive manner the expenditures of the Government. He entitled his speech "Review of the money bills, with suggestions and reflections thereon, based on six years' personal experience in their preparation."

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have leave to conclude his remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from New York may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I am indebted to the House. I think I shall take about 15 or 20 minutes to complete what I have to say.

In the course of that statement, the last to be uttered by him in the House, of which he had been so distinguished a Member, he said:

> Mr. Speaker, to my mind no other reform in the rules and procedure of this House is so essential to the future welfare of the people and to the economical appropriation and expenditure of their money for the public service as the consolidation of the appropriating jurisdiction of the House under a single committee of sufficient size to be representative of all sections of the country and of every branch of the public service. * * * This division of responsibility over the aggregate of the appropriations between eight committees of the House has year by year since its adoption * * * in 1885 resulted in an abnormal growth of public expenditures. As I have said before, ours is the only Government on earth which tolerates such a system of divided responsibility, the only Government which has established and maintains such a system of utter irresponsibility with reference to the initiation of authority for drawing drafts upon the Public Treasury for public expenditures. This system, too, has begotten extravagance and a wide difference in the manner of authorized expenditures between the respective branches of the public service, a difference which is actually grotesque in its inequalities.

EXPERIENCE OF JOSEPH G. CANNON.

Mr. Cannon ended 38 years' service in this House on the 4th of March last. He was in the Forty-sixth and Forty-ninth Congresses, when it was proposed to distribute the appropriation bills to various committees. He opposed the suggestion on both occasions. On March 4, 1913, about to quit the scene of his many years of activity, he made his final speech to the House. Speaking of the distribution of appropriation bills in 1885 he said:

> Mr. Speaker, that change, in my judgment, based upon intimate knowledge and observation, has cost this country many, many millions of dollars in needless appropriations and expenditures. * * * No matter what the stress of circumstances may bring about in our national life now or hereafter, or how necessary it may become to apply the pruning knife, it can never be done without harsh and inequitable results through the medium of many committees as now provided under our House rules.
>
> I speak with deep and firm conviction in these premises, and after many years of somewhat arduous labor as a member of the Committee on Appropriations when it controlled all of the bills, both under Democratic and Republican Houses, and as its chairman when it controlled only a portion of the bills, and as a member of it under Democratic Houses under like conditions.

A short time ago it was suggested that I write to former Gov. Sayers, of Texas, and request his photograph to add to the collection possessed by the Committee on Appropriations of its former chairmen.

Gov. Sayers answered my request, and I take the liberty of reading his letter to me:

APRIL 21, 1913.

> Complying with your request, I will on to-morrow express, charges prepaid, to Mr. Courts my photograph framed.
>
> My best wishes are for you, politically and personally.
>
> Having served on your committee for 12 years continuously, I am always much interested in its doings, and have indulged the hope that it would be again charged with all the appropriations of whatever character. Until this shall have been done, it can not be reasonably expected to accomplish much in the direction of economy—an ancient watchword of the Democratic Party.

SIMILAR VIEWS BY JOSEPH D. SAYERS.

Gov. Sayers is personally known to few Members of this House other than the members of the Texas delegation. He served 12 years in the House, and was chairman of the Committee on Appropriations in the Fifty-third Congress, leaving that committee and his service in this body to become the chief executive of his State. On the committee with him were such well-known men as Holman, of Indiana, and Dockery, of Missouri, later governor of Missouri for two terms and recently appointed Third Assistant Postmaster General. The most significant thing about this statement, volunteered without any suggestion, is that Gov. Sayers in 1885 voted to take some of the supply bills from the Committee on Appropriations.

The opinions of men of the capacity and standing of those whom I have quoted, as well as my own experience, observation, and study, have led me to the conclusions which I have stated to the House.

It is said, however, that this reform is impossible of attainment. The gentleman from Kentucky [Mr. SHERLEY], in his speech of February 28, 1913, stated the objection usually advanced. He said:

I do not for a moment believe that the members of these other committees will ever consent to give up their power over the details of these supply bills.

It may be that the House will not adopt the reform suggested, but I am unable to believe that Members of the House will vote to retain control of appropriations in committees of which they are members for that reason alone.

In my opinion this House will endeavor to do what is right and best for the public service and for the country and will not approach the consideration of the question with an unalterably fixed intention to vote against the proposed reform merely because of membership on certain committees which now have jurisdiction of certain appropriations as well as of legislation affecting the departments for which they appropriate. If it could be demonstrated, which I do not believe possible, that such is the attitude of all of the members of such committees, then I should remind the House that they constitute a minority of 147 in a membership of 435, and that they have not the power in themselves to prevent the House from effecting this reform if upon full consideration it is believed to be the one required.

PROPOSED COMMITTEE ON EXPENDITURES.

The only alternative to the plan here suggested that has been proposed is contained in the resolution offered in the last Congress by the gentleman from Kentucky [Mr. SHERLEY] to create a committee on estimates and expenditures, to consist of certain members of the Ways and Means and Appropriations and the chairman and one other member of the committees having jurisdiction of the annual appropriation bills. This proposed committee is to report the available revenue for the next ensuing year and to apportion to the respective committees that part of the revenue that may be distributed by it in the respective supply bills.

I do not favor such a committee, because I do not believe it either practical or that it can be effective in its operations.

Such a committee was created in the Senate in March, 1909. It had 20 members, including the chairmen of the Committees on Appropriations, Finance, Military Affairs, Naval Affairs, Post Offices, Agriculture, and Indian Affairs. The composition was very much as proposed in the resolution of the gentleman from Kentucky. The heads of all the spending committees were brought together for the purpose of coordinating their action. Prof. Henry Jones Ford, speaking of this committee in the fall of 1909, said:

All that the movement amounts to is the creation of a new committee subject to the same conditions of action as the old committees, and there can be no sensible expectation of much better results.

Mr. SHERLEY. If the gentleman will permit, is it not true that the Senate committee had absolutely no power——

Mr. FITZGERALD. I am going to call attention to what I state is a very emphatic and significant difference.

His observation was accurate; the committee made one report setting forth certain well-known truths affecting the Government's business and expenditures and accomplished nothing.

The proposal of the gentleman from Kentucky differs essentially from the Senate scheme in one important respect. It is this very difference which, in my opinion, makes the plan impracticable.

Before any committee having jurisdiction of an appropriation bill can do its work the proposed committee on estimates and expenditures must report a resolution, which must be acted upon by the House, defining the sum that the appropriation bills may carry. I express the opinion, based upon 14 years' service in this House, all of the time upon committees which have had jurisdiction of appropriation bills, and during eight of the years upon the Committee on Appropriations, that no one, and no committee, at the outset of any session of Congress, without careful investigation involving extensive hearings, can even approximate what the annual supply bills should carry. If this proposed committee is to have hearings upon the proposal to distribute the revenue, then it will determine all of the important questions to be solved by the committees making up the bills and leave to those committees merely the routine and drudgery to do.

ERRONEOUS PRINCIPLES INVOLVED.

The scheme, in my opinion, is based upon an erroneous principle. Under our system our revenue is not adjusted annually in accordance with our expenditures.

Tariff legislation enacted by the Republican Party has not had as its primary function the obtaining of revenue, but rather has been designed chiefly to protect American manufacturers.

With the exception of a comparatively few years, the revenues have been in excess of the expenditures since the Civil War. With such a plan in operation, I believe that the appropriations would have been augmented instead of lessened, because the constant tendency of the legislature is to absorb all of the revenues in advancing projects in which the members are interested.

The one thing above all others that made specie payments possible was the rigid economy enforced by a Democratic House of Representatives. It also made possible the casting off of the burdens of the taxes resulting from the war.

Should the plan proposed by the gentleman from Kentucky be adopted, what will prevent the House from increasing bills, reported by the committees within the limitation, beyond the amounts determined upon by the report of the Committee on Estimates and Expenditures? There are few of the appropriation bills that can not be so framed within certain limits as to insure their increase upon consideration by the House.

Another fatal defect to the plan is the failure to take into consideration the action of the Senate. All writers upon our system emphasize the fact that the necessity of submitting the supply bills to two bodies with equal powers to augment them is the most perplexing difficulty to be met, and yet, after all the consideration and determination of the House, the Senate would be free to exercise unrestrainedly its right of amendment.

VIEWS OF PRESIDENT WILSON.

President Wilson, in his "Congressional Government," speaking of the situation, says:

But unfortunately the dealings of the Senate with money bills generally render worthless the painstaking action of the House. The Senate has been established by precedent in the very fullest possible privileges of amendment as regards these bills no less than as regards all others. * * * The upper House may add to them what it pleases, may go altogether outside of their original features of legislation, altering not only the amounts but even the objects of expenditure, and making out of the materials sent them by the popular chamber measures of an almost totally new character. As passed by the House of Representatives, appropriation bills generally provide for an expenditure considerably less than that called for by the estimates; as returned from the Senate they usually propose grants of many additional millions, having been brought by that less sensitive body up almost, if not quite, to the figures of the estimates.

The gentleman from Kentucky admitted that this was a weakness in the plan proposed by him, but expressed the belief that the focusing of public attention upon the consideration of the committee's report would stop most of the abuses that now exist. I am unable to share in this belief. In my opinion both the Senate and the public would have long forgotten what had been said and done in the House before the supply bills were acted upon in the Senate.

From 1901 to 1912 the Senate increased the appropriation bills, exclusive of pensions, by $304,314,167.73. In 1908, exclusive of pensions, the increases amounted to $44,944,465.31; and in 1909, the increase made by that body to annual supply bills, except pensions, as passed by the House, aggregated $66,146,443.38, which resulted in the abortive attempt to check the increase of appropriations by the creation of the Committee on Public Expenditures.

Instead of checking the tendency of the Senate to increase bills, in my opinion, it will compel the Senate to amend even more freely than at present.

This result will be more marked when the Houses are in different political control.

There is a political objection to the plan, which, while it should not be controlling, nevertheless should not be ignored.

Let it be assumed that such a committee is in existence; that it has reported resolutions to the House fixing the limits of various bills; that such resolutions have been agreed to by the House; and that the supply bills pass within the limitations fixed. If at the end of the session the appropriations,

when finally agreed upon, exceed the sums stated in the resolutions agreed to upon the report of the proposed committee, then the party in power has written a most conclusive indictment of its incompetency. The opposition need only to exhibit the resolutions as showing the promise and the total of the appropriations as showing the performance.

WEAKNESS OF THE "BUDGET COMMITTEE" PLAN.

In a short session of Congress the plan can not possibly work. At the last session I had the subcommittee in charge of the legislative, executive, and judicial bill meet before Congress convened. With considerable difficulty advance proofs of the estimates were obtained in confidence from the Treasury Department, so that it was possible to report and pass that bill within the first 10 days of the session. It is always important, in the short session, to send to the Senate at least two of the appropriation bills before the holiday recess. If the committee had to wait upon the proposed committee to complete its investigations and deliberations, and the action of the House upon its report, the appropriation bills, in my opinion, would either fail or be passed under a procedure defensible only under extraordinary circumstances by the suspension of the rules. This would preclude amendment and debate, and would make the committees the real legislative authority.

It is said that the defects of this plan are common to the one which I have advanced; that the Appropriations Committee would prepare its bills in subcommittees for the consideration of the full committee and, in effect, there would be separate and independent committees in charge of the respective bills. I deny the accuracy of the contention. The experience of the House does not justify the claim. The routine portions of all bills, the matters fixed by law about which there is no discretion, would be adjusted by the subcommittee and ignored by the full committee; but the important questions in every bill involving policies, in so far as they might be determined by the sums appropriated to conduct a particular service, would be determined by the entire committee. In reaching a conclusion upon all such matters the various members would have in mind the different projects and services for which provision must be made in other bills, and thus would always be acting with a wide vision and more clear comprehension of the entire governmental business.

Moreover, a policy could be tacitly agreed upon and carried out by the committee. It was done so in the last Congress, but every plan to effect economies was rendered futile by different policies in other committees.

With the creation of the proposed committee the differences continually arising from conflicts over jurisdiction and inevitably resulting either in unnecessary appropriations or ill-advised legislation would not be eliminated. The situation is well illustrated by the condition of the Indian appropriation bill to-day. Senate amendments to that bill provide lump-sum appropriations for additional clerical services in the Indian Bureau in Washington, although ample provision has been made for the clerical force of the bureau in the legislative bill, and it is even proposed to repeal a statute which requires detailed estimates of the number of persons required in the bureau to be submitted to Congress for consideration. Such conditions rarely arise affecting bills in the Committee on Appropriations, and when they do it is much easier to prevent the supplemental appropriations in the manner mentioned.

Should the proposed committee be appointed, I believe it will have a tendency—which should be resisted—to include all appropriations in a single bill. Compelled to investigate and to hold hearings, in time the inevitable result would be more extensive hearings and investigations, until practically all of the functions of the eight committees having jurisdiction of the appropriation bills, so far as appropriations are concerned, would be absorbed. This would give impetus to such a movement to include all the appropriations in a single bill, and to do so would require the rearrangement of many items which would remove many of the most salutary checks upon expenditures found in our statutes.

I shall not discuss at length this phase of the question. It will suffice to quote very briefly from a competent and disinterested authority. The Wisconsin Idea, published in 1912, was written by Mr. Charles McCarthy, chief of the Wisconsin legislative reference department. In the introduction to the book, written by Col. Roosevelt, it is said:

> This book is a book which in my judgment every reformer just at this time should have in hand.

In the preface, Mr. McCarthy says:

> Because of my duties as librarian of the legislative reference department and as a member of the faculty of the University of Wisconsin, I can say truly that I have had opportunities to see events in this State from a different standpoint than any other man.

STUPIDITY OF POLITICAL ECONOMISTS.

Occupying such a position with the encomium already quoted upon the work, I desire to quote briefly from it.

In the opinion of the writer—

Says Mr. McCarthy—

> Wisconsin has been fortunate, on the whole, in not having what is known as a "budget bill." Trained as a student of economics it was rather difficult for him to reach this conclusion, but a thorough investigation of the procedure in other States and some first-hand knowledge of such procedure in foreign countries have convinced him of the wisdom of this plan. * * * The budget bill—meaning one inclusive bill containing all appropriations—belongs in a responsible cabinet government, and not in a government such as ours. A cabinet government may present its estimates and recommend expenditures and permit the legislative body to fight over them within limits, but the administration as a result of its acceptance or rejection stands or falls, consequently the party member is whipped into line and supports those who make the estimate, unless the protest from public opinion is so great that he dare not do so. If he does not stand by those estimates his party goes out of power and a new administration comes in to make a more acceptable and popular budget. That American States have adopted the budget bill stands as a monument to the stupidity of political economists who have recommended it to American legislatures in the past.

Mr. Speaker, it is natural that there should be differences of opinion as to what improvements, if any, can be made in our present system. Able men differ radically with me in the remedy I urge. To them I concede the utmost honesty and sincerity of purpose. It would be strange, indeed, if everyone were in agreement as to the changes necessary in our procedure.

CONCENTRATION OF APPROPRIATION BILLS JUSTIFIED BY LONG EXPERIENCE.

I suggest nothing novel, untried, or experimental. The changes here urged are those which withstood the assaults and vicissitudes of 93 years of our existence. It has the approval and indorsement of many men who towered as giants among their contemporaries and whose fame is not as flickering as the feeble candle's light, but steady and resplendent as the noonday sun.

The questions involved will require the exercise by the House of its highest talents and most discriminating judgment, and I know that whatever is done will be with the patriotic determination to act only for the best interests of the people and of the country. [Loud applause.]

Mr. SHERLEY. Mr. Speaker, I would like a half a minute to make a statement to the Members here present. At the close of the last session I made a speech dealing with the same subject with which the gentleman from New York has so splendidly dealt to-day. Inasmuch as this matter will come before the Democratic caucus to-morrow, and inasmuch as it will doubtless come before the House shortly thereafter, perhaps with some of the features suggested in that speech of mine, I have taken the liberty of sending to-day to each Member of Congress a copy of that speech that they may at their leisure see the proposals and the reasons advanced in support of those proposals.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] is recognized for 10 minutes under the special order.

THE JEWS IN ROUMANIA.

Mr. MOORE. Mr. Speaker, at the instance of certain of my constituents who are students of international conditions, I have introduced a resolution requesting the Secretary of State to inform the House with respect to the prospects of an adjustment of the problem of the Jews in Roumania. Since the Russo-Turkish War and the Berlin treaty of July, 1878, there have been frequent reports of the failure of the Roumanian Government to observe that clause of the treaty which provided that citizenship should not be denied on account of religion. It is claimed by Jews who have migrated to the United States that the citizenship clause was inserted on the motion of the French plenipotentiary, M. Waddington, seconded by Lord Disraeli, of England, especially with a view to the rights of those natives of Roumania who responded to the Jewish faith. It appears that these complaints were officially recognized by John Hay, the Secretary of State, in 1902, and that there was considerable diplomatic correspondence with reference thereto, without effectuating relief. As late as 1904 it was reported to the Secretary of State that a better feeling existed as between the so-called "indigenous Jews" and the Government and that certain of the Jewish newspapers advised "against any measures from outside in behalf of Roumanian Jews."

Little appears to have been done since 1904 by the United States or any other country to induce the Roumanian Government to place itself in harmony with the other powers signatory to the Berlin treaty on the Jewish citizenship question. The attitude of the Roumanian Government, hedged about as it is by contending and ambitious powers, appears to have been directed toward keeping the Roumanian nationality free from possible Jewish assimilation. It was estimated by Mr. Hay in 1902 that the number of Jews in Roumania all told did not

exceed 400,000. It appeared, however, that the Roumanians, numbering 7,000,000 or 8,000,000, were fearful of being overrun, and that this constituted the real objection to the observance of the Berlin treaty with regard to the Jews. The adoption of any naturalization agreement which would enforce the recognition of Jews not indigenous to Roumania seems to have been objected to upon the same ground.

The failure of Roumania to treat with the United States in this matter might be excused, because the United States was not a party to the treaty of Berlin. At first blush it must be conceded that notwithstanding the human rights involved, to say nothing of the breach of treaty stipulations, the United States has no right to meddle in this affair. Apparently this thought has been in the minds of diplomats, who, with the exception of Mr. Hay, have hitherto approached the question with great delicacy. While Mr. Hay was characteristically diplomatic, he was also extremely frank, and did not hesitate in his instructions to the American minister to Greece and Roumania to point out the political disabilities of the Jews in Roumania and the effect of Roumanian oppressive measures upon their manhood. Mr. Hay even maintained that by reason of the conditions prevailing in the country of their birth many of them emigrated to the United States, upon which an additional responsibility was imposed because of such immigration. He raised the rather novel point that—

"human beings so circumstanced have virtually no alternatives but submissive suffering or flight to some land less unfavorable to them"—

And that—

"such emigration is necessarily for a time a burden upon the community upon which fugitives may be cast."

Continuing, Secretary of State Hay said:

"Self-reliance and the knowledge and ability that evolve the power of self-support must be developed and at the same time avenues of employment must be opened in quarters where competition is already keen and opportunities scarce. The teachings of history and the experience of our own Nation show that the Jews possess in a high degree the mental and moral qualifications of conscientious citizenhood. No class of emigrants is more welcome to our shores when coming equipped in mind and body for entrance upon the struggle for bread and inspired with the high purpose to give the best service of heart and brain to the land they adopt of their own free will. But when they come as outcasts, made doubly paupers by physical and moral oppression in their native land, and thrown upon the long-suffering generosity of a more-favored community, their migration lacks the essential conditions which make alien immigration either acceptable or beneficial. So well is this appreciated on the Continent that even in the countries where antisemitism has no foothold it is difficult for these fleeing Jews to obtain any lodgment. America is their only goal."

Since this important declaration by one of the greatest of our Secretaries of State there has been a steady flow of Roumanian Jew immigration to the United States, until it is estimated that not more than 250,000 or 300,000 indigenous Jews continue to reside in Roumania. This is indicative of their lack of opportunity and the great disadvantages under which they continue their Roumanian residence.

In May last the Federation of Roumanian Jews of Philadelphia, at an open meeting in that city, passed resolutions urging Congress to again take up the troublesome problem.

And here I want to interpolate that a meeting of Roumanian Jews was held in New York City a week ago at which considerable feeling was manifested. An organization was perfected, for which as honorary chairman was named the distinguished Speaker of this House, the Hon. CHAMP CLARK, of Missouri. Others who were mentioned as being officers of that federation are our colleagues, Messrs. GOLDFOGLE and LEVY, of New York, and our former colleague, William S. Bennet, Judge Rosalski, and others.

Mr. CALDER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New York [Mr. CALDER]?

Mr. MOORE. I do.

Mr. CALDER. Will the gentleman advise the House how many Jews there are in Roumania at this time?

Mr. MOORE. It is said there are about 250,000 or 300,000 remaining there. The correspondence of Secretary Hay in 1902 indicated that there were 400,000.

Mr. CALDER. Can the gentleman state if the Jews in Roumania are allowed to attend the public schools?

Mr. MOORE. They are allowed to do so after all of the Roumanian children are provided for, but usually there is no room after the Roumanian children are taken care of. As a rule, they build schools and pay taxes, but they have no citizenship, no right to hold office, no right to certain employments, no right to own lands, and no right to ask protection of any Government. They are regarded as aliens without a country; yet they are indigenous, born to the soil.

Mr. CALDER. Are they compelled to serve in the army?

Mr. MOORE. They are compelled to serve in the army and to endure all the rigors resulting therefrom. And they are in some respects frowned upon by the population of Roumania, who regard them as ambitious and who think that if any opportunities were given to them at all they would overflow the country.

Mr. HARRISON of New York. Is the gentleman aware that there is a committee now forming in New York, composed of American citizens, to present to our country the views the gentleman is so ably expressing upon the floor?

Mr. MOORE. Yes; I know that to be the fact. There was a large meeting there last week, at which a permanent organization was formed, to give expression to various grievances of the Jews who have left that country. It is a natural feeling of those who have left Roumania to aid those who have been left behind.

Mr. SABATH. Will the gentleman yield?

Mr. MOORE. I will.

Mr. SABATH. Is it not true that those born in Roumania are not recognized as citizens?

Mr. MOORE. That is true, and there is no way for them to become citizens, even though the treaty of Berlin required that they should not be prejudiced by reason of their religion, except as I have stated.

They have only the right to go to Parliament itself, and Parliament, of course, is a very large body, and, in a smaller degree, like the Congress of the United States, which, of course, would not have much time or inclination to deal with the naturalization of an individual. A very small proportion of them have obtained the right in this way.

Mr. SABATH. Is it not also true that Roumania has violated the Berlin treaty time and time again?

Mr. MOORE. There is no doubt about that. The Roumanian Government desires to avoid dealing with other nations on this question at all. I have quoted Secretary Hay as showing one point upon which it might be possible for the United States to intervene. In 1902 the Secretary did undertake to have the signatory powers approach Roumania; but it is not certain that any of them did this with any enthusiasm, although every one of the signatory powers to the Berlin treaty except Roumania did live up to the agreement, which provided that Jews should not be debarred from citizenship.

Mr. GOLDFOGLE. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Pennsylvania be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman now yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. MOORE. I do.

Mr. GOLDFOGLE. Did not Secretary Hay, while of course conceding that America was not a party to the treaty, take the ground that the United States might well appeal to the powers to require the observance of the Berlin treaty upon principles of international law and principles of natural justice?

Mr. MOORE. He took that ground substantially, and was even a little more specific. He indicated that inasmuch as the effect of the oppression of the Jews by the Roumanian Government was to make them restless and drive them out, in consequence of which many of them came to the United States, that therefore the United States had an interest in them and in the rights which they claimed were denied them.

Mr. GOLDFOGLE. Following the line of questions put before to the gentleman from Pennsylvania, I would like to ask the gentleman whether it is not a fact that freedom of worship is denied to the Jew in Roumania and that the Jew there is in this position: That while born there, he is, nevertheless, regarded as an alien and is at the same time denied all foreign protection?

Mr. MOORE. That is substantially true. He is a native and still without the protection of any country on earth. He was born in Roumania. He has been there since the eighth century, and yet he has no right of citizenship, except as parliament shall grant that right to the individual, and he is still amenable to any punishment that may be imposed upon him by the Gov-

ernment. He has not the right to appeal to a foreign power. He stands alone—"a man without a country."

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE. I do.

Mr. MANN. The gentleman refers to the Roumanian Jew as "a man without a country" while he is in Roumania. How does he become a citizen of the United States?

Mr. MOORE. He becomes a citizen of the United States when he has been here five years, if he applies——

Mr. MANN. "A man without a country" can not become a citizen of the United States from anywhere.

Mr. MOORE. I am frank to say that if the laws of the United States were strictly enforced in regard to Roumanian Jews who were not citizens of Roumania it would be difficult for them to foreswear their country.

Mr. MANN. The laws of naturalization are strictly enforced, I may say to the gentleman.

Mr. MOORE. Then the question of humanity arises and the effect upon the United States Government, which thus has received within its borders men who have no country at all.

Mr. GOLDFOGLE. Mr. Speaker, may I interrupt the gentleman from Pennsylvania in order to make a suggestion to the gentleman from Illinois?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. MOORE. Yes.

Mr. GOLDFOGLE. In the eyes of the law, as the gentleman from Illinois well says, the individual Jew born in Roumania is a subject of the King of Roumania, so that when he comes here and applies for naturalization in due time he may well be regarded in the eyes of our law as a subject of the King of Roumania and foreswear his allegiance to him.

Mr. MANN. Of course there is no doubt about it, and I simply thought the gentleman from Pennsylvania was using a little hyperbole when he was talking about "a man without a country" when he was born in Roumania.

Mr. GOLDFOGLE. That is the practical effect.

Mr. MOORE. I will quote what was given to me as to the political status of the Jew of Roumania. As regarded by that Government, he is "an alien, not subject to any foreign protection." I think to a certain extent that answers the gentleman's question, apart from the legal part of it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Does the gentleman yield?

The SPEAKER. To whom does the gentleman from Pennsylvania yield?

Mr. MOORE. I will yield first to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I have no doubt the gentleman has quoted correctly, but I would doubt the correctness of the authority. If the Jew is a Roumanian when he comes here, there is no way by which he could become a naturalized citizen of the United States. I do not think that that is the case.

Mr. MOORE. The fact remains that the Roumanian Jew is not a citizen of Roumania unless he is specially qualified by the Parliament.

Mr. MANN. I question that.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MOORE. Yes.

Mr. MONDELL. Would it not be more accurate to say, on the basis of the facts that the gentleman has stated, that the Roumanian Jew is a man without citizenship who can become naturalized under our law because he is unquestionably a subject of Roumania, but not a citizen of Roumania; but as a man who, without possessing citizenship, is still a subject, he may thus become naturalized under our laws?

Mr. MOORE. I thank the gentleman for distinguishing between a citizen and a subject. The two gentlemen who have addressed this question to me are lawyers and qualified to pass upon naturalization questions.

Mr. MONDELL. The gentleman who last spoke is not a lawyer.

Mr. MOORE. It is not the most lucrative practice at the bar and it is a kind of practice which most lawyers hesitate to indulge in, with the result that possibly there may be quibbles when great lawyers undertake to decide these questions.

Mr. MONDELL. The gentleman who last spoke is not a lawyer.

Mr. MOORE. He talks like a lawyer, and just as well as a lawyer.

Mr. MANN. He talks better than a lawyer, but he is not one. Both the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Wyoming [Mr. MONDELL] talk better than lawyers—and talk more. [Laughter.]

Mr. MONDELL. What I have said is merely the opinion of a layman.

The SPEAKER. Both gentlemen not only talk well, but both talk at once, which is contrary to the rule. [Laughter.]

Mr. MOORE. I desire to conclude this address in 10 minutes, having promised not to occupy the time of the House longer than that, and so I ask at this point to revise and extend my remarks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, I shall append to these remarks some of the statements authorized by the officers of the federation. They plead for the friendly intercession of the United States on behalf of their brethren who have not been so fortunate as to pass from the Roumanian borders to the United States. It is in their interest that I have introduced the resolution requesting the Secretary of State to inform the House whether it is not time to renew the effort to do an act of simple justice to the unfortunate Jews of Roumania. [Applause.]

BASIS OF THE GRIEVANCES.

From a statement submitted to me by the Federation of Roumanian Jews of Philadelphia, of which Dr. M. Y. Belber is president, A. B. Goldenberg, secretary, and Samuel Shoyer, treasurer, these chief points of grievance are taken:

First. At the Berlin congress of 1878 the high contracting powers decreed in article 44 of the treaty that religion shall bar none from the full enjoyment of the rights and privileges of citizenship in Roumania.

Second. The Roumanian Government has to this date failed to execute the provisions of article 44 of the Berlin treaty by denying its native subjects of the Jewish faith the rights and privileges of citizenship enjoyed by the rest of the population.

Third. The present political status of the native Jews of and within Roumania is defined by the Roumanian Government as "aliens not subject to any foreign protection," thereby expatriating them from their land of nativity, denying them allegiance to or protection from any other government.

Fourth. Over 200 governmental restrictions are now in force against the native Jewish inhabitants, which deny them every human right and close to them almost every avenue of earning a livelihood in Roumania.

The statement of detailed facts submitted by the federation also constitutes the argument for the friendly intercession of the United States. It is as follows:

STATEMENT OF FACTS ABOUT THE JEWISH QUESTION IN ROUMANIA.

"When the Russo-Turkish War broke out in 1877, Russia claimed that her only object in fighting the Turks was to free the Christians from Mussulmanic oppression. Roumania, then a tributary State of Turkey, fought by the side of Russia for the same reasons.

"On the 1st day of July, 1878, while the peace congress was in progress at Berlin, remembering that the Jews of Roumania were the subject of persecution under the Roumanian rule, as were the Christians under that of the Turks, M. Waddington, the French plenipotentiary, arose and moved that religion shall be no bar to the enjoyment of all civil and political rights in Roumania. The motion was seconded by Benjamin Disraeli [Lord Beaconsfield] for England. A similar motion was made for Servia, Bulgaria, and Montenegro by M. Waddington for France and seconded by Bismarck for Germany and de Launay for Italy. As regards Roumania, the provision is incorporated under article 44 of the treaty of Berlin. Roumania was given independence under article 43 of the same treaty, subject to the faithful observance of article 44.

"The treaty was signed by England, France, Germany, Russia, Austria, Italy, and Turkey.

"Servia, Bulgaria, and Montenegro had faithfully observed the mandate of the powers. Roumania alone ignored it.

"After peace was concluded, Roumania amended article 7 of her constitution, which reads, in substance and effect, that Parliament alone shall confer the rights of citizenship, and that only upon individual applications. The Jews were not to be enfranchised en masse, as was the sense of the treaty. Since 1878 until the beginning of the present Turko-Balkan War about 200 Jews were naturalized by this method and only a couple hundred more since the last two months, which, of course, is only intended to throw dust in the eyes of Europe.

THE RESTRICTIONS.

"Jews have no right to vote or hold public office, be it ever so humble. They are not given any contract work by the Government, even if they do it 5 per cent cheaper than the Roumanians. They can not be employed in the railroad, postal, telephone, or telegraph service. They can not own land, live or do business in villages, or even hire out as laborers upon farms.

They are not admitted into the State's schools until all the children of the Roumanians are accommodated, and then only upon the payment of a tax. There are not many schools there, so the Jewish children are generally left out. So they must maintain their own schools, and yet pay taxes to support the Government's schools. From certain State schools, such as manual training, the Jewish children are excluded altogether.

"The law prohibits any factory, even if it be owned by a Jew, to have in its employ more than one-third Jews of the entire personnel. Jews may not be lawyers, not even clerks to lawyers; they may not own pharmacies; they may not engage in the sale of tobacco or matches—Government monopoly; Jews must serve in the army, but may hold no rank higher than private; they are subject to expulsion within 12 or 24 hours for anything said or written politically displeasing to the Government, and other restrictions, over 200 in number; they must pay all taxes the same as the rest of the population who are citizens.

"Let it be understood that there are no laws in Roumania against 'Jews,' but only against 'aliens.' The law reads that only Roumanians or naturalized Roumanians may do this or that or the other. The Jews are considered 'aliens not subject to any foreign protection.' Before the Berlin congress the Jews of Roumania were considered as Roumanian subjects.

"The condition of the Jews in Roumania is worse to-day than it has been previous to the Berlin congress.

"The position of the Jews in Roumania is worse than that of the Jews in Russia. The latter enjoy in Russia many rights which are denied to the Jews in Roumania. The Russian Jews are Russian citizens, with the right to vote and be represented in the Duma; in fact, Jews have served as deputies in the Duma of Russia.

"The Jews have lived in Roumania for centuries—their history there dates back to the eighth century.

"The Jews have helped develop the country. To them alone belongs the credit of Roumania's present commercial and industrial life. They have given her the best in its literature and drama.

"Strange as it may seem, the statesmen who oppose the enfranchisement of Jews are not themselves of pure Roumanian blood. Most of them are the descendants of the Greek, Russian, Bulgarian, and Armenian invaders of old who exploited the poor Roumanian peasants to the last drop of their blood. The King of Roumania is himself a foreigner—Charles, a prince of the German house of Hohenzollern-Sigmaringen, imported to Roumania in 1866.

"Roumania has a population of 7,000,000, of which 250,000 are Jews. About 70 per cent of the population is engaged in agriculture, except the Jews. It is a constitutional monarchy; has a Parliament with two branches, a chamber of deputies and a senate. The cabinet is responsible to Parliament. There is free speech and free press. The Jews are prohibited these privileges; that is, they may make speeches and publish newspapers, but may not say anything displeasing to the Government on penalty of expulsion.

"The Government fosters and encourages anti-Semitic agitations. The Jew can not lay much claim to protection from the mob at the hands of the Government. Anyone may abuse a Jew. Some time ago a colonel in the Roumanian Army slapped a civilian four times across the face in a street car and then offered the apology, "I thought you were a Jew," after he discovered that his victim happened to be a gentile.

"A highwayman was recently tried at Botoshany, Roumania, and his defense was that he only robbed Jews. The public prosecutor in vain attempted to prove that his victims were also gentiles, but the court acquitted him."

THE RESOLUTION.

To this statement I append a copy of the resolution drawing the attention of the State Department to this problem and asking for information.

[House resolution 183, Sixty-third Congress, first session.]

IN THE HOUSE OF REPRESENTATIVES,
June 24, 1913.

Mr. MOORE submitted the following resolution, which was referred to the Committee on Foreign Affairs and ordered to be printed:

Resolution requesting the Secretary of State to inform the House as to the Berlin treaty of 1878 with respect to Jews in Roumania.

Whereas it is reported that the Roumanian Government has failed to observe that article of the treaty of Berlin (1878) which provides that religion shall be no bar to the rights and privileges of citizenship in Roumania; and

Whereas the failure of the Roumanian Government to observe the provisions of the Berlin treaty would be discriminatory as against the native Jews of Roumania, affecting them prejudicially in matters of employment and preferment: Therefore be it

Resolved, That the Secretary of State be requested to inform the House whether any communication has been had with the Roumanian Government or the powers signatory to the treaty of Berlin in relation to the observance of said treaty, or with respect to a naturalization convention between the United States and the Roumanian Government; and if so, and no conclusions have been reached thereon, whether the United States has such interests with respect to said treaty and the operation thereof as to make further diplomatic negotiations desirable.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GOLDFOGLE. To ask unanimous consent that I may address the House for three minutes.

The SPEAKER. If the gentleman will suspend, the Chair promised to recognize the gentleman from Pennsylvania [Mr. KELLY].

FREEDOM OF THE PRESS.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLY] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Speaker, I should like to have read as a part of my remarks the following memorial.

The SPEAKER. If there be no objection, the memorial which the gentleman sends up will be read as a part of his remarks.

The Clerk read as follows:

To the Congress of the United States of America:

Whereas the freedom of the press is the foundation of personal and political liberty, and any attempt to impair that freedom is a blow at republican institutions and a crime against the American people; and

Whereas recent instances of intimidation of newspapers and attempts to coerce editorial opinion through financial pressure have been brought to the attention of the reading public, and the punishment of newspaper editors through attacks on their credit has created widespread comment; and

Whereas a concrete illustration of this abuse of credit has been brought to the attention of the citizens of Scranton, Pa., and vicinity through the financial ruin of the Tribune-Republican and its proprietor, although it was a going, growing, and prospering institution: Therefore be it

Resolved, That this memorial be presented to the Congress of the United States setting forth the facts in the case of the Scranton Tribune-Republican, as mentioned above, and praying an investigation into this growing evil as part of the inquiry into the abuse of credit through the Money Trust; and

Resolved, That this memorial be presented to Congress through the Hon. M. CLYDE KELLY.

William Wilhelm, Schuylkill County; Gifford Pinchot, Pike County; Mahlon H. Meyers, Cambria County; Thomas Robbins, Philadelphia County; John T. Murphy, Philadelphia County; W. F. Remppis, Berks County; Charles L. Van Scoten, Susquehanna County; George W. Wagenseller, Snyder County; D. W. Seigrist, Lebanon County; W. W. Shannon, Columbia County; A. Nevin Deitrich, Franklin County.

Mr. KELLY of Pennsylvania. Mr. Speaker, the memorial which has just been read was presented to me by a number of citizens of Pennsylvania who believe that it touches on the problem that this House will soon undertake to solve, concentrated control of credit, a problem greater than that of banking and currency, which will also be before us. The President, in his able manner, gave us a splendid address yesterday, in which he told us that even personal considerations should not outweigh the need for immediate legislation to deal with this credit-control situation.

When we realize that the control of credit has a potential influence upon every business in this Nation, it becomes a manifest peril if it is allowed to continue without some check upon it. Worse and more dangerous than all is the influence of the control of credit on the press of the country. The case of the Scranton Tribune-Republican, which is referred to in this memorial, is an instance which is peculiarly flagrant. Four or five years ago, when this paper was a practically worthless property, it was taken over by a new management, and a circulation at that time of 5,000 copies has been built up to 32,000 copies at the present time, and its annual receipts from $32,000 a year to $152,000 a year. Last year the paper made a clear profit of about $40,000, and during the early months of this year the profits had been at the rate of $50,000 a year. But in spite of that, and although it was a growing and prosperous concern, obligations were demanded by certain banks, credit was curtailed, and just recently a receivership was demanded and secured. The judge who succeeded Judge Archbald appointed two bankers as receivers, and they are at the present time conducting the institution.

Mr. MOORE. Will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. KELLY of Pennsylvania. I have only a minute, and I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. KELLY of Pennsylvania. I want to say that the management which built up this success, which made this paper prosperous, because it filled a public want, has been completely overthrown, the policy of the newspaper has been changed, and it is at the present time a part of the controlled press of the Nation. So it is worth while to bring this memorial to the attention of Congress, as these citizens of Pennsylvania have done, asking Congress to consider it in connection with the control of credit in the hands of the few. In itself it may be of comparatively little importance, but as a type it is of vast importance. The freedom of the press, which was assured in the first amendment to the Constitution in the Bill of Rights, is imperiled by the power of money-credit control in this country. There is a real peril in such power lodged in the combination of crooked politics and crooked business which in past years has made Pennsylvania especially a hissing and a byword in this Nation.

Mr. MOORE. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes on this subject.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may extend and revise my remarks in the RECORD.

Mr. MANN. Mr. Speaker, the gentleman who makes such statements on the floor of the House and declines to yield for a question has no right to extend remarks in the RECORD, and I shall object.

The SPEAKER. The gentleman from Illinois objects to the extension of the remarks.

Mr. KELLY of Pennsylvania. Mr. Speaker, the only reason that I refused to yield to the gentleman was because I only had a moment left at the time.

Mr. MANN. The gentleman had all the time that he asked for, and he was making serious charges.

Mr. MURDOCK. The gentleman from Pennsylvania only had five minutes.

The SPEAKER. If any gentleman wants to ask for an extension of the gentleman's time, the Chair will entertain the request.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania have five minutes more.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the gentleman from Pennsylvania may have five minutes more. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Now I will yield to the gentleman from Illinois for his question.

Mr. MANN. It was the gentleman from Pennsylvania who wanted to ask the gentleman a question when he declined to yield.

Mr. KELLY of Pennsylvania. I thought that the gentleman from Illinois desired to interrogate me.

Mr. MANN. I did until the gentleman declined to yield to his colleague.

Mr. MOORE. Does the gentleman from Pennsylvania care to answer the question now?

Mr. KELLY of Pennsylvania. I will yield.

Mr. MOORE. The gentleman is comparatively a new Member of the House. I ask him if he knows of any instance in his study of congressional life where an investigation of this kind has been started in this way because some one lost money.

Mr. KELLY of Pennsylvania. The memorial clearly sets out the purpose and asks that it be taken up in the study of the money credit and control.

Mr. MOORE. Does the gentleman know that certain banks in Philadelphia, New York, Chicago, and elsewhere are now calling their loans for various other enterprises upon which they seem to think there is some reason for uncertainty?

Mr. KELLY of Pennsylvania. I repeat that the only purpose is to inquire why these loans were called, on the ground that there was no good and sufficient reason for such action. In this particular case there is more than that, and the inquiry in connection with the money credit and control would establish that fact.

The SPEAKER. The Chair will state to both gentlemen that putting this petition into a speech does not call upon the House to do anything about it. If the gentleman from Pennsylvania [Mr. KELLY] desires that the House shall pay any attention to it, he will have to put it in the basket.

Mr. KELLY of Pennsylvania. I understand that thoroughly, Mr. Speaker, but I deemed it necessary to say a word or two in explanation.

Mr. HARDWICK. Will the gentleman from Pennsylvania yield?

Mr. KELLY of Pennsylvania. Certainly.

Mr. HARDWICK. Has the gentleman any personal knowledge as to the truth of the facts contained in the memorial?

Mr. KELLY of Pennsylvania. I would say that I was in the city of Scranton last Friday night, and was directly in touch with those who had personal knowledge of this situation. I can say further that the persons friendly to this newspaper and its progressive policy offered to raise $100,000 and pay every claim dollar for dollar within reasonable time and it was refused.

Mr. HARDWICK. Then it is the gentleman's idea that these banks deliberately throttled the paper because it did not like the policy?

Mr. KELLY of Pennsylvania. Acting under political influence and with the power had over credits. I want to say further, during the time I have——

Mr. MANN. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Certainly.

Mr. MANN. Does the gentleman know how much this paper owed?

Mr. KELLY of Pennsylvania. The paper had recently increased its indebtedness through the purchase of an additional newspaper that had been paying on its capitalization a profit at the rate of 6 per cent on $800,000, or 12 per cent on $400,000, having made between $40,000 and $50,000 in the last year. Its indebtedness was something like $400,000, but the demand that immediate payment be made was the only difficulty. Few business enterprises can meet a sudden demand for the payment of their entire obligations. I doubt if there is even a bank in the country that could stand up under the demand for the immediate payment of every dollar of its indebtedness. For that reason I maintain that the banks should be especially careful of the manner in which they invoke forces against other business institutions which they themselves could not withstand.

Mr. MANN. Does the gentleman think it surprising that a paper of that sort, with that circulation in a town of that size, owing $400,000, should be asked to pay some of its obligations or that it is to be considered as having been imposed upon because somebody asked it to pay a portion of its indebtedness?

Mr. KELLY of Pennsylvania. Mr. Speaker, I think without a doubt that it was surprising, under the circumstances and in view of the fact that three valuable newspaper properties, including real estate, were owned by this corporation, another having been recently purchased, which increased the indebtedness but which added greatly to the assets also. The demand was not for a small amount, but amounted to practically all the newspapers' indebtedness.

Mr. MANN. I understood the petition to say that there was a claimed profit of $40,000 on this paper last year.

Mr. KELLY of Pennsylvania. I said between $40,000 and $50,000.

Mr. MANN. And that the receipts in a few years increased from $32,000 to $152,000?

Mr. KELLY of Pennsylvania. One hundred and fifty-two thousand dollars last year. It was higher than that during the first months of this year.

Mr. MANN. If the paper made $40,000 profits out of receipts amounting to $152,000, does the gentleman think he ought to charge it to bankers because they could not get any money? Why did not the gentleman and his friends loan the paper money? If you can make $40,000 profit out of receipts of $152,000, that is going some.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. KELLY of Pennsylvania. Mr. Speaker, I want to answer the gentleman from Illinois. I will say that the memorial did not mention any amount of profit whatever, but that that profit was made and it is being made, or was being made in the early months of this year, at the rate of $50,000 a year. Those facts can be easily verified. I believe that it is not a matter of common business policy to crush out of existence a paper which is a prosperous and growing concern, even though its obligations may seem large, especially when it is making a profit of 6 per cent on twice the amount of its capital.

Mr. MANN. Mr. Speaker, will the gentleman yield for a correction?

Mr. KELLY of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. I understood the gentleman to say a moment ago, or the memorial to say, that the profit last year was over $40,000?

Mr. KELLY of Pennsylvania. Yes.

Mr. MANN. Was that an error?

Mr. KELLY of Pennsylvania. I made that statement. The memorial did not.

Mr. MANN. I thought the gentleman just now said that he did not make it.

Mr. KELLY of Pennsylvania. Oh, no.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. KELLY of Pennsylvania. I would like to finish one or two sentences.

Mr. MONDELL. Just a question for information.

Mr. KELLY of Pennsylvania. I yield.

Mr. MONDELL. Do I understand the gentleman to state that this newspaper watered its stock from $100,000 to $700,000?

Mr. KELLY of Pennsylvania. There was no such statement as that made or dreamed of. I refuse to yield further to the gentleman. I would like to add a word or two along this line. The profits which have been made by this newspaper were sufficient to prove it a prosperous concern, and it was deliberately and arbitrarily throttled. I would like to say that it was forced into a receivership and that the manager who had built up the newspaper into such a successful proposition was summarily discharged without an hour's notice, thereby losing every dollar that he had put into the paper. I want to call attention further to the fact that this whole matter is a point in issue in another question being considered by this Congress.

Mr. CULLOP and Mr. MURDOCK rose.

Mr. KELLY of Pennsylvania. I yield to the gentleman from Kansas.

Mr. MURDOCK. Mr. Speaker, the point has been made that by merely offering the memorial to be read from the Clerk's desk, no specific action is to be taken upon it. I understand it is the gentleman's purpose to have this memorial introduced through the basket and have it referred if he can to the Committee on Banking and Currency?

Mr. KELLY of Pennsylvania. That is correct.

Mr. MURDOCK. Where it is pertinent to refer it to a committee.

The SPEAKER. Of course, if the gentleman introduces a resolution the Chair will refer it to some committee.

Mr. MANN. Or if he drops the memorial in the basket.

Mr. KELLY of Pennsylvania. I refuse to yield any further, Mr. Speaker. President Wilson stated yesterday, and stated truthfully, that the question of banking and currency is an important one; but I believe that the people of this country are no more interested in banking and currency than in the question of credit control, and that any power which can throttle and destroy a business institution without right or reason is a power that is a peril to this Nation. I believe that all the banking and currency legislation which this Congress may enact will be useless unless there be something done to curtail the power of concentrated control of credit.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. SHERLEY. Has the gentleman any program by which he can compel credit to be given? I should like to know of such a plan, where we can find it.

Mr. KELLY of Pennsylvania. That program is a possibility, and I am confident that the people of this Nation will never rest satisfied until it is put into operation. The question will never be settled until it is settled right. The first step is to see that justice is done and equal opportunity be given every citizen and every business enterprise. Especially to see that every citizen shall have his inherent right to write and print his opinions on every subject without previous restraint and to assure the people through a free press unbiased and impartial information upon all subjects of public concern.

The SPEAKER. The time of the gentleman has again expired. The gentleman from New York [Mr. GOLDFOGLE] asks leave to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

CONDITION OF JEWS IN ROUMANIA.

Mr. GOLDFOGLE. Mr. Speaker, I rise to express my hearty concurrence in the action of the distinguished gentleman from Pennsylvania [Mr. MOORE] in introducing the resolution concerning the treatment of Jews in Roumania. For centuries these people have been most grievously oppressed and made the victims of inhuman laws, which rendered their lot one of abject misery, of sorrowful helplessness, and frequently wretched poverty. They were, as they still are, the objects of bitter persecution, for the malignant hatred of the bigot found expression in laws which placed them under the ban of cruel despotism and, it may be said, barbaric tyranny. The details are harrowing. They shock the moral sense of humanity. They stir the soul to pity.

So grievous and deplorable were the conditions that they called forth the sympathy, as well as the remonstrance, of the American Government. Secretary of State John Hay, in his masterly letter written in 1902, for presentation to the signatories to the Berlin treaty, said:

> The condition of a large class of the inhabitants of Roumania has for many years been a source of grave concern to the United States. I refer to the Roumanian Jews, numbering some 400,000. Long ago, while the Danubian principalities labored under oppressive conditions, which only war and a general action of the European powers sufficed to end, the persecution of the indigenous Jews under Turkish rule called forth in 1872 the strong remonstrance of the United States. The treaty of Berlin was hailed as a cure for the wrong, in view of the express provision of its forty-fourth article, prescribing that in Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and religious rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever, and stipulating freedom in the exercise of all forms of worship to Roumanian dependents and foreigners alike, as well as guaranteeing that all foreigners in Roumania shall be treated, without distinction of creed, on a footing of perfect equality.

It is these treaty stipulations that Roumania disregards and persistently continues to violate. She still lays her heavy hand on her Jewish victim as banefully as before. She still pursues her discriminatory conduct despite the Berlin treaty. She still enforces and enacts her repressive and proscriptive laws and enforces her policy of legalized ostracism. For the purposes of to-day's discussion the particulars making clear the violation by Roumania of the Berlin treaty, pointed out by the gentleman from Pennsylvania [Mr. MOORE], need not be enlarged on at this time.

It is almost inconceivable that, in this twentieth century, which we boast to be the age of civilization and enlightenment, any country calling itself civilized should still persecute a people for no reason other than their fidelity to their religious faith and their loyalty to conscience. Such a condition, thank God, is repugnant to every true American heart and revolting to every American mind.

Mr. Speaker, I am deeply mindful of the fact that this country was not a party to the Berlin treaty to which we made reference. We can not directly interfere. I am appreciative of what Secretary Hay said of this situation. He said:

> The United States may not authoritatively appeal to the stipulations of the treaty of Berlin, to which it was not a signatory—

But, sir, he also added these strong and significant words—

> But it does earnestly appeal to the principles consigned therein, because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, etc.

So, then, let our great and good Government, which is ever foremost in the march of human progress, "lend its moral support," in the language of Hay, in the earnest hope that the powers who are signatories to that treaty may require of Roumania an observance of its obligations. [Applause.]

While our appeal in the past has gone unheeded and our Nation's protest has not met with the accomplishment of its purpose, let us not despair of success. With the growing and ever increasing power of this Government and its forefront standing among the countries of the world our Nation's voice is more potential than it ever was before when raised in the cause of justice, of righteousness, of peace, and humanity. Let our efforts be renewed with heartfelt earnestness to bring about an observance of the Berlin treaty stipulations, through means of which the distressing conditions of an unoffending people may be relieved from a suffering so grievous that it awakens sympathy in every heart that beats responsive to humanity's call.

OPIUM TAX.

Mr. HARRISON of New York. Mr. Speaker, I desire to call up the bill (H. R. 1967), Union Calendar No. 2.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

> A bill (H. R. 1967) to amend the act of October 1, 1890 (26 Stat., p. 1567), regulating the manufacture of smoking opium within the United States.

Mr. HARRISON of New York. Mr. Speaker, I desire to ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Oh, I think we had better go into committee.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be considered in the House as in Committee of the Whole House, and the gentleman from Illinois objects.

Mr. HARRISON of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the immediate consideration of the bill H. R. 1967.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House

on the state of the Union for the consideration of the bill mentioned.

Mr. HARRISON of New York. And, Mr. Speaker, pending the putting of that motion, I want to ask the gentleman from Pennsylvania [Mr. MOORE] if we can not reach some agreement as to time?

Mr. MANN. Mr. Speaker, I can not answer myself for the gentleman from Pennsylvania, but I do not see any occasion for trying to reach an agreement as to general debate. Probably nobody will desire time, but if they do they ought to have it.

Mr. HARRISON of New York. I quite agree with the gentleman, and if he desires to consume time in general debate——

Mr. MANN. If so, I will take the floor when the time comes. In the meantime I shall object to any agreement to close general debate.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1967, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1967, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1967) to amend the act of October 1, 1890 (26 Stat., p. 1567), regulating the manufacture of smoking opium within the United States.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HARRISON of New York. Mr. Chairman, this is the first one of a series of three bills which have been recently agreed upon by the Committee on Ways and Means and reported unanimously by that committee with a favorable recommendation to the House. This bill is designed to impose so severe a tax upon the manufacturers of smoking opium as to discourage that manufacture. The opium-exclusion act of February, 1909, absolutely forbade the importation into the United States of smoking opium.

But under the terms of the tariff act of 1890 smoking opium may be manufactured in the United States upon the payment of a tax of $10 a pound and upon the furnishing of a bond of $5,000. Of course, it is no longer possible under the opium-exclusion act to import into the United States crude opium for the purpose of manufacturing it into smoking opium, but it is possible to grow the poppies commercially for the purposes of manufacturing opium in the States of the Pacific coast, and the profits of the illicit trade in smoking opium are so high that it is probable persons will be tempted to undertake the production of the poppy for that purpose.

Now, this bill before the committee is designed to impose so heavy a tax upon that manufacture as to discourage such practice. It raises the tax of $10 to $200 a pound, and raises the bond from $5,000 to $100,000, and greatly increases the penalties for infractions of the act. It is substantially a reenactment of those provisions of the act of 1890 which cover the manufacture of smoking opium within the United States, the chief difference being the great increase in the amount of the tax and in the penalties for the infringement of the act.

Now, Mr. Chairman, unless some gentlemen wish to question me on the matter——

Mr. MANN. Will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. If the gentleman will permit me to say, I am in full sympathy with the purpose not only of this bill but of the series of bills which the gentleman has introduced, because I was the first one to introduce a bill on the subject in reference to the importation of opium and shipment of opium.

Mr. HARRISON of New York. If I may interrupt the gentleman, I want to say, not for the purpose of spiking his guns, but because I think it is honestly due him, that I think he has done more than any other Member of this Congress in the last decade to put on the statute books laws reforming the health and morals of our people, and I know he is in sympathy with these bills.

Mr. MANN. Of course I can not ask any awkward questions after that. There seems to be no repealing clause in this bill, and I want to ask the gentleman whether it would not be desirable to repeal directly the provisions of the act of 1890 relating to the manufacture of smoking opium?

Mr. HARRISON of New York. Mr. Chairman, while this act would, by implication, repeal that act, I could see no objection to the addition of a paragraph repealing specifically the provision of that act if the gentleman from Illinois [Mr. MANN] should desire to offer it by way of amendment.

Mr. MANN. Of course, there is no doubt that this act would repeal the act of 1890 by implication, but both would still remain on the statute books without being marked "repealed." I think the gentleman ought to offer an amendment providing that "so much of the act of 1890 as relates to the manufacture of opium is hereby repealed," or something of that sort.

Mr. HARRISON of New York. If the gentleman should care to offer that amendment, I would be very glad to accept it.

Mr. MANN. If the gentleman will pardon me a question, at the bottom of page 1 it says:

Who has not given the bond required by the Commissioner of Internal Revenue.

Of course, section 2 provides for a bond. I suppose, from reading this, that this language is copied from the language in a law in some other place where there had been some previous reference to a bond to be given to the collector of internal revenue or required by the collector. This statute, of course, is a criminal statute, and while I do not suppose it will ever be invoked, the passage of it will be sufficient. I do not know how that language got there.

Mr. HARRISON of New York. I think the language of section 1 might be amplified by saying "hereinafter referred to," or some such phraseology; but as a matter of fact, however, we have just copied verbatim the language of the statute that exists, and I think that question is very unlikely to arise.

Mr. MANN. Do I understand that the purpose of this bill is not to raise revenue, in fact, but to prevent the establishment of any manufactories in the United States for the purpose of making smoking opium?

Mr. HARRISON of New York. Mr. Chairman, that is correct, and it is the only way that I know by which Congress can accomplish that purpose.

Mr. MANN. Of course, there is no doubt about that.

The gentleman referred to some danger of raising poppies or seed for making opium in California. Is there any real danger of that, or is the real purpose—and I ask for information—of the passing of this law to prevent opium-manufacturing establishments or to put this country on record in its international relations as having taken the position that it will not permit even the importation of smoking opium or the manufacture of smoking opium within our territory?

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Illinois has very well stated the phase of this matter to which I first made reference. The International Opium Congress meets on the 1st of July at The Hague. The United States was the instigator of these series of commissions and congresses trying to settle this matter in its international aspects, and our own good faith as a nation is strengthened by the adoption of these bills, showing our own purpose to stamp out this matter.

Mr. MANN. Mr. Chairman, I am very glad that so able a gentleman as the gentleman from New York [Mr. HARRISON] has taken hold of this subject, and I hope he will prevail with all of his bills.

Mr. HARRISON of New York. Mr. Chairman, I reserve the balance of my time.

Mr. MOORE. Mr. Chairman, before the gentleman takes his seat——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. HARRISON of New York. With pleasure.

Mr. MOORE. Is he informed as to the value of opium per pound now?

Mr. HARRISON of New York. I can only answer the question of the gentleman from Pennsylvania by saying that it is a difficult matter to ascertain, because the trade in smoking opium is entirely illegal as it exists to-day, and I think the prices of it are probably anything that the dealers can get, and they may run as high as $25 to $50 per pound.

Mr. MOORE. Suppose we take up only opium used for medicinal purposes. I wanted the gentleman to state what the value was, so that the House, or rather the committee, could appreciate what it means to fix the tax at $200 per pound.

Mr. HARRISON of New York. The price of medicinal opium at the customhouses has increased in the last few years. It has gone up to over $8 per pound now. Of course that contains 9 per cent of morphia, and it is a much higher form.

Mr. MOORE. The rate of $200 a pound, as fixed in the bill, would make the manufacture prohibitive?

Mr. HARRISON of New York. Yes; that is the effect.

Mr. RODDENBERY. Mr. Chairman, will the gentleman from New York yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. RODDENBERY. Section 3 of the bill provides that opium prepared for smoking and manufacturing purposes in the United States should be stamped. The gentleman does not anticipate that under the provisions of this bill, as a matter of fact, there would be any such opium to be stamped?

Mr. HARRISON of New York. No. I think the gentleman from Georgia will admit that the provisions proposed by this bill will entirely prohibit the manufacture of smoking opium in the United States, and it is the only way I know of that we have the constitutional power to accomplish that purpose.

Mr. RODDENBERY. And that section supplies the machinery that would go along with the bill?

Mr. HARRISON of New York. Exactly. It is merely a reenactment of existing law, an international revenue provision.

The CHAIRMAN. If there is no further general discussion on the bill, the Clerk will report the bill for amendment.

The Clerk read as follows:

A bill (H. R. 1967) to amend the act of October 1, 1890 (26 Stats., p. 1567), regulating the manufacture of smoking opium within the United States.

Be it enacted, etc., That an internal-revenue tax of $200 per pound shall be levied and collected upon all opium manufactured in the United States for smoking purposes; and no person shall engage in such manufacture who is not a citizen of the United States and who has not given the bond required by the Commissioner of Internal Revenue.

SEC. 2. That every manufacturer of such opium shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $100,000; and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

SEC. 3. That all opium prepared for smoking manufactured in the United States shall be duly stamped in such a permanent manner as to denote the payment of the internal-revenue tax thereon.

SEC. 4. That the provisions of existing laws covering the engraving, issue, sale, accountability, effacement, cancellation, and the destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by the preceding section.

SEC. 5. That a penalty of not less than $10,000 or imprisonment for not less than five years, or both, in the discretion of the court, shall be imposed for each and every violation of the preceding sections of this act relating to opium or any person or persons; and all opium prepared for smoking wherever found within the United States without the stamps required by this act shall be forfeited and destroyed.

With a committee amendment:

Amend, page 3, line 5, by striking out the word "or" and inserting in lieu thereof the word "by."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HARRISON of New York. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1967) to amend the act of October 1, 1890 (26 Stat., p. 1567), regulating the manufacture of smoking opium within the United States, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, will the gentleman from New York yield?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. Does the gentleman think there would be any objection to adding a new section, repealing the existing act?

Mr. HARRISON of New York. None whatever—a section directly repealing the act. Is that what the gentleman from Illinois refers to?

Mr. MANN. Yes.

Mr. HARRISON of New York. Has the gentleman from Illinois [Mr. MANN] prepared an amendment?

Mr. MANN. No; I have not. I suggest that a new section, to be numbered section 6, should be added, providing that "the provisions of the act of October 1, 1890 (26 Stats., p. 1567), in so far as they relate to the manufacture of smoking opium, are hereby repealed."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Add, as a new section, on page 3, the following:

"SEC. 6. The provisions of the act of October 1, 1890 (26 Stats., p. 1567), in so far as they relate to the manufacture of smoking opium, are hereby repealed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill regulating the manufacture of smoking opium within the United States, and for other purposes."

On motion of Mr. HARRISON of New York, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p. m.) the House adjourned, under the order previously made, until Thursday, June 26, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Steinhatchee River, Fla. (H. Doc. No. 99); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the harbor at Cedar Keys, Fla. (H. Doc. No. 100); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Wills Creek, Ala. (H. Doc. No. 101); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of harbor of refuge at or near Scituate, Mass. (H. Doc. No. 102); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, reported the same without amendment, accompanied by a report (No. 23), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, reported the same with amendment, accompanied by a report (No. 24), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 6372) to extend the pension laws of the United States to the soldiers engaged in the Utah expedition of 1857 and 1858, and to the widows and children of such soldiers; to the Committee on Pensions.

Also, a bill (H. R. 6373) to extend the provisions of the pension acts of June 27, 1890, and of February 6, 1907, to the Enrolled Missouri Militia and other militia organizations of the State of Missouri that cooperated with the military or naval forces of the United States in suppressing the War of the Rebellion; to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 6374) to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; to the Committee on Rivers and Harbors.

By Mr. COLLIER: A bill (H. R. 6375) to establish a fish-hatching and fish-culture station at a point near the city of Jackson, in the State of Mississippi; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 6376) for the erection of a military post at or near the city of Vicksburg, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. KETTNER: A bill (H. R. 6377) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 6378) to authorize Robert W. Buskirk, of Matewan, W. Va., to bridge the Tug Fork of the Big Sandy River at Matewan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; to the Committee on Interstate and Foreign Commerce.

By Mr. RODDENBERY: A bill (H. R. 6379) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

Also, a bill (H. R. 6380) for the reduction of postage on first-class matter to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

By Mr. DYER: A bill (H. R. 6381) providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton, in Arlington National Cemetery, in the State of Virginia; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 6382) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McCOY: A bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 6384) making an appropriation to increase the salary of the Commissioner of Indian Affairs; to the Committee on Appropriations.

By Mr. QUIN: A bill (H. R. 6385) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the destruction of private property and damage thereto as the result of the construction of levees along and other improvements of the Mississippi River; to the Committee on the Judiciary.

By Mr. HOLLAND: A bill (H. R. 6386) authorizing the equipment of the Norfolk Navy Yard, at Portsmouth, Va., for the repair and construction of battleships and other vessels, and making an appropriation therefor; to the Committee on Naval Affairs.

Also, a bill (H. R. 6387) to establish an immigration station on Hampton Roads, in the State of Virginia, purchase a suitable site therefor and erect thereon suitable buildings for such a station; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6388) authorizing the construction of a new dry dock at the Norfolk Navy Yard, at Portsmouth, Va., and making an appropriation therefor; to the Committee on Naval Affairs.

By Mr. MOORE: Resolution (H. Res. 183) requesting the Secretary of State to inform the House as to the Berlin treaty of 1878 with respect to Jews in Roumania; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRODBECK: A bill (H. R. 6389) to correct the military record of Robert Herr; to the Committee on Military Affairs.

Also, a bill (H. R. 6390) to correct the military record of Jacob Shultz; to the Committee on Military Affairs.

Also, a bill (H. R. 6391) granting an increase of pension to William Bittinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6392) granting an increase of pension to Oliver T. Everhart; to the Committee on Pensions.

Also, a bill (H. R. 6393) granting an increase of pension to John H. Hector; to the Committee on Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 6394) granting a pension to Annie M. Lunn; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 6395) for the relief of the heirs of Andrew Reece, deceased; to the Committee on War Claims.

By Mr. COLLIER: A bill (H. R. 6396) for the relief of the city of Jackson, Miss.; to the Committee on Claims.

Also, a bill (H. R. 6397) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry; to the Committee on Claims.

By Mr. CRISP: A bill (H. R. 6398) for the relief of F. M. Barfield; to the Committee on Claims.

Also, a bill (H. R. 6399) granting a pension to Ardilicy Braining; to the Committee on Pensions.

By Mr. DECKER: A bill (H. R. 6400) for the relief of the county of Barton, State of Missouri; to the Committee on War Claims.

By Mr. GILLETT: A bill (H. R. 6401) for the relief of Archibald McElroy; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 6402) granting an increase of pension to Albert S. Towne; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 6403) for the relief of the legal representatives of Malcom Campbell Lamont, deceased; to the Committee on War Claims.

By Mr. HOLLAND: A bill (H. R. 6404) for the relief of the heirs or estate of Samuel Tucker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6405) to waive the age limit for admission to the Pay Corps of the United States Navy for four years in the case of Paymaster's Clerk Henry Guilmette; to the Committee on Naval Affairs.

By Mr. KETTNER: A bill (H. R. 6406) granting an increase of pension to Elizabeth A. Hinman; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 6407) granting a pension to Jessie E. Kerr; to the Committee on Pensions.

Also, a bill (H. R. 6408) granting a pension to Catherine Troutman; to the Committee on Pensions.

Also, a bill (H. R. 6409) granting a pension to Margaret Ann Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6410) granting a pension to Sarah E. Duffield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6411) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6412) granting an increase of pension to Darwin Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6413) granting an increase of pension to Merritt Hauver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6414) granting an increase of pension to Charles C. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6415) granting an increase of pension to Mark Clinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6416) granting an increase of pension to William H. Winter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6417) granting an increase of pension to Ransom Van Camp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6418) granting an increase of pension to James Masher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6419) granting an increase of pension to Thomas J. Lease; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6420) for the relief of Ella M. Ewart; to the Committee on Claims.

By Mr. KREIDER: A bill (H. R. 6421) for the relief of Thomas M. Jones; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 6422) granting a pension to Ellen McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6423) granting an increase of pension to John Williams; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 6424) granting a pension to Fredericke Schnert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6425) granting a pension to R. Mandana Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6426) to amend the military record of Carlos Baker; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 6427) granting an increase of pension to Charles L. Konollman; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6428) granting an increase of pension to Lyman D. Bogue; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 6429) for the relief of Bridget McGrane; to the Committee on Claims.

By Mr. SHARP: A bill (H. R. 6430) granting an increase of pension to Jennette A. Wickham; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 6431) to pay Isaac W. Airey for services rendered to the United States Army during the late Civil War; to the Committee on War Claims.

By Mr. WHITACRE: A bill (H. R. 6432) granting a pension to Harrison P. Taylor; to the Committee on Invalid Pensions.

By Mr. HOWARD: Resolution (H. Res. 186) to appoint W. H. Bell a special officer to serve in and about the House Office Building; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the Sykes-Horn and 9 other merchants of Canal Dover, Ohio, favoring a change in the interstate-commerce laws; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of 78 citizens of Lincoln and Flathead Counties, Mont., praying for the settlers of that section under the homestead laws; to the Committee on the Public Lands.

Also, petition of the St. Louis Lumbermen's Club, protesting against legislation to divorce industry from transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of the South Side Motor Boat Club, of St. Louis, Mo., favoring the passage of the bill licensing power boats; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missouri Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of 78 citizens of Lincoln and Flathead Counties, Mont., praying for a speedy congressional investigation of the Forestry Department and the alleged Lumber Trust in that section; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of the Pierre Commercial Club, Pierre, S. Dak., favoring the passage of legislation making an appropriation for the purpose of building diplomatic and consular buildings, etc., in all foreign countries; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: Petition of sundry citizens of Emporia, Kans., protesting against the passage of House bill 33, relative to a committee on public health; to the Committee on Rules.

By Mr. DYER: Petition of sundry business firms of the State relative to a committee on public health; to the Committee on the Post Office and Post Roads.

Also, petition of State of Missouri, department of education, favoring passage of Senate joint resolution 5, relating to appointment of a commission by the President to study the educational problem; to the Committee on Agriculture.

Also, petition of the Lumbermen's Club of St. Louis, Mo., relative to the Stanley bill to separate industry from transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of sundry citizens of Springfield, Ill., protesting against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Pennsylvania, favoring the passage of legislation to investigate the control of credit; to the Committee on Banking and Currency.

By Mr. PROUTY: Petition of sundry citizens of Winterset, Carlisle, Indianola, Ames, Ankeney, Cambridge, Dallas, Center, Elkhart, Granger, Grimes, Huxley, Kelley, Minburn, Nevada, Perry, Polk City, Sheldahl, Slater, Woodward, all in the State of Iowa, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Bondurant, Conger, and Orillia, all in the State of Iowa, favoring the passage of legislation granting additional compensation to railroads for carrying the mails; to the Committee on the Post Office and Post Roads.

By Mr. SHARP: Petition of Cigar Makers' International Union of America, Local Union No. 86, Mansfield, Ohio, protesting against any increase of internal-revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of the Amalgamated Lace Operators of America, Branch No. 17, Elyria, Ohio, protesting against any reduction in the present rate of duty on Nottingham laces; to the Committee on Ways and Means.

By Mr. TUTTLE: Petition of the board of health of the State of New Jersey, favoring the establishment of a committee on public health; to the Committee on Rules.

By Mr. YOUNG of Texas: Petition of sundry citizens of the third congressional district of Texas, favoring the passage of House bill 5308, relative to changing the interstate-commerce laws; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 26, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a schedule of books, papers, and so forth, on the files of the office of the Auditor for the Post Office Department which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Edward D Meier *v.* United States (S. Doc. No. 115); and

James N. Hill, sole heir and representative of Joshua Hill, deceased, *v.* United States (S. Doc. No. 116).

The foregoing findings were, with the accompanying papers, referrred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 1967) regulating the manufacture of smoking opium within the United States, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the Brandle & Smith Co., of Philadelphia, Pa.; the Commercial Club of La Grande, Oreg.; and the Lovell & Covel Co., of Boston, Mass., praying for the exemption of organizations not organized for profit from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented petitions of Cora Pincott, of Buffalo, N. Y.; R. L. Walker, of Carnegie, Pa.; of the Illinois Federation of Women's Clubs; the League of American Sportsmen of New York; and of the fish and game commissioners of New Jersey, praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the congregation of the Methodist Episcopal Church of Ravenswood, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Springfield, Ill., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

IMPORTATION OF PLUMAGE OF WILD BIRDS.

Mr. GALLINGER. I have a most interesting letter from Dr. W. T. Hornaday, director of the New York Zoological Park, in reference to a so-called feather provision in the Underwood tariff bill. I ask unanimous consent that the letter with the accompanying memorandum may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter and accompanying memorandum were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NEW YORK ZOOLOGICAL SOCIETY,
NEW YORK ZOOLOGICAL PARK,
New York, June 19, 1913.

Hon. JACOB H. GALLINGER,
United States Senate.

DEAR SIR: The New York Zoological Society strongly protests against the adoption of the feather millinery trade's amendment to the clause in the tariff bill—Schedule N, paragraph 357—which is designed to prohibit the importation of the plumage of wild birds for milliners' use. We ask you to vote against all amendments that have been or that may be offered to the bird protective clause now in the bill.

There are now on file with your Finance Committee briefs which show that the milliners' amendment, harmless in outward appearance, will, if adopted, keep open our doors to the commercial use of the plumage of hundreds of species of the most important birds of the world. The list will include many song birds killed as food, and offer a premium on the destruction of each species that is desired by the feather trade. The surest way to exterminate any species of bird or quadruped is by putting a price on the heads of its members.

We denounce the milliners' amendment as dangerous and destructive to the birds of the world. We insist that it is contrary to the wishes of 99 per cent of all the American people who have paid attention to this subject. We condemn it because there is not one good and sufficient reason why it should prevail.

We oppose it because the cruel slaughter of wild birds for money profit has become utterly repulsive and intolerable. The fact that the feather trade "wants the money" is no justification for wild-bird slaughter.

We have pointed out that hand embroidery easily can be made to take the place of feather ornaments for women's hats, and furnish employment for a far larger number of working people than now are occupied in arranging feathers. The rapidity with which embroidery is now coming into use on women's hats proves that our contention on this point is well founded.

We ask you to vote against the feather trade's amendment both in the caucus and on the floor of the Senate and prevent its adoption. We feel that the wishes of 24 New York millinery firms should not prevail against the wishes of the millions of American people who now strongly desire to stop the slaughter of wild birds for the money to be derived by traffic in their plumage.

Respectfully submitted.

HENRY FAIRFIELD OSBORN,
President New York Zoological Society.
MADISON GRANT,
Chairman Executive Committee.
W. T. HORNADAY,
Director New York Zoological Park,
Author of Our Vanishing Wild Life.

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WHAT THE FEATHER TRADE'S "AMENDMENT" REALLY MEANS TO THE BIRDS OF THE WORLD—2,342 SPECIES OF BIRDS INVOLVED, NOT COUNTING ANY SONG BIRDS KILLED AS "FOOD" OR AS "PESTS."

A small and innocent-looking "amendment" to the clause in the new tariff bill prohibiting the importation of wild birds' plumage for milliners' use is now before the United States Senate (Schedule N, sec. 357). Already the majority of the Senate Finance Committee has approved it—it looks so harmless and reasonable!

It provides that the feather trade shall have the right to import the feathers of all birds killed as "game" for food, and of all birds killed because they are "pests." As a matter of fact, there is no commercial product consisting of the feathers of hawks and owls that have been shot because they are "pests." But, for the moment, we will pass that point.

Let us proceed in this matter with our eyes wide open. How many species of foreign "game" birds and "pest" birds would be subject to slaughter for the feather trade in case that "amendment" prevails and finally is enacted into law?

A LIST OF THE SPECIES ENDANGERED.

(Prepared by Lee S. Crandall, assistant curator of birds, New York Zoological Park, from the British Museum Catalogue of Birds.)

Game birds of the world, exclusive of the United States.

	Species.
Tinamous	71
Upland game birds:	
Megapodes, or brush turkeys	28
Curassows, guans, and chachalacas	59
Ptarmigan and grouse	26
Old World partridges and quail	153
Pheasants	92
Jungle fowl	4
Peafowl	3
Guinea fowl	23
Turkeys	1
New World quail	59
	448
Hemipodes or button quail	27
Sand grouse	15
Pigeons and doves	540
Rails and gallinules	195
Shore birds	242
Cranes and their allies	20
Ducks, geese, and swans	54
Total	1,622

"Pest" birds of the world, exclusive of the United States.

Eagles, hawks, kites, and falcons	437
Owls	283
Total	720
Grand total of species available under the amendment demanded by the feather trade	2,342

No wonder the feather trade is satisfied with their little three-line amendment!

Now the question is: Are the American people and the Senators of the United States willing to leave the 2,342 species of birds listed above subject to slaughter by the head-hunters of the feather trade?

The way to preserve the birds of the world is to stop the killing of them!

W. T. HORNADAY.

NEW YORK ZOOLOGICAL SOCIETY, *June 20, 1913.*

W. D. M'LEAN.

Mr. KENYON, from the Committee on Military Affairs, to which was referred the bill (S. 1829) for the relief of W. D. McLean, alias Donald McLean, reported it without amendment and submitted a report (No. 69) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 2617) granting an increase of pension to Isabel T. Congo (with accompanying paper);

A bill (S. 2618) granting an increase of pension to Elizabeth Hartleben (with accompanying paper); and

A bill (S. 2619) granting an increase of pension to Samaria Liddle (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 2620) for the relief of the estate of John I. Adair;

A bill (S. 2621) for the relief of the estate of Robert Ayres and others;

A bill (S. 2622) for the relief of Adalena Ripley; and

A bill (S. 2623) for the relief of the estate of Robert H. Montgomery; to the Committee on Claims.

A bill (S. 2624) granting an increase of pension to George Lindsay (with accompanying papers);

A bill (S. 2625) granting an increase of pension to John Haines (with accompanying papers); and

A bill (S. 2626) granting an increase of pension to George C. Willis (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2627) granting an increase of pension to Otto Weber; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2628) granting an increase of pension to Allison W. Pollard (with accompanying paper); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 2629) for the relief of John J. Brereton and others; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 2630) for the relief of Clarence Hazelbaker; to the Committee on Indian Affairs.

A bill (S. 2631) granting an increase of pension to Abel Williams (with accompanying papers);

A bill (S. 2632) granting an increase of pension to Jonathan R. Thomas (with accompanying papers); and

A bill (S. 2633) granting an increase of pension to Emma Sickler (with accompanying paper); to the Committee on Pensions.

By Mr. BRYAN:

A bill (S. 2634) granting an increase of pension to A. Fannie Prevatt (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2635) granting an increase of pension to Frances E. Brown; and

A bill (S. 2636) granting a pension to Fannie S. Douglass; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2637) to waive the age limit for admission to the Pay Corps of the United States Navy for four years in the case of Paymaster's Clerk Henry Guilmette; to the Committee on Naval Affairs.

A bill (S. 2638) for the relief of the heirs or estate of Samuel Tucker, deceased; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 2639) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. JOHNSON of Maine:

A bill (S. 2640) waiving the age limit for appointment as assistant paymaster in the United States Navy in the case of Paymaster's Clerk George W. Masterton, United States Navy; to the Committee on Naval Affairs.

A bill (S. 2641) granting an increase of pension to James Rolfe (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2642) for the relief of the estate of Thomas Britton, deceased; to the Committee on Military Affairs.

By Mr. SMITH of South Carolina:

A bill (S. 2643) directing the Secretary of the Treasury to deposit in the banks of the cotton-growing States the amount of money now held in the Treasury accruing from the sale of seized cotton; also the amount of money collected on cotton as a revenue tax; to the Committee on Agriculture and Forestry.

By Mr. O'GORMAN:

A bill (S. 2644) for the relief of Frank E. Garrett and others; to the Committee on Claims.

A bill (S. 2645) for the relief of William E. Farrell; to the Committee on Naval Affairs.

By Mr. FLETCHER:

A bill (S. 2646) to provide for a site and the erection of a public building at Starke, Fla. (with accompanying paper); to the Committee on Public Buildings and Grounds.

(By request.) A bill (S. 2647) for the relief of A. Purdee; to the Committee on Public Lands.

By Mr. SHIVELY:

A bill (S. 2648) granting an increase of pension to Jesse Merical; and

A bill (S. 2649) granting an increase of pension to Joseph Thornberg (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 2650) authorizing and directing the Secretary of the Interior to deposit funds belonging to Indian tribes in Oklahoma in the banks of said State; to the Committee on Indian Affairs.

By Mr. BRYAN (by request):

A joint resolution (S. J. Res. 52) to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy; to the Committee on Military Affairs.

By Mr. BRADLEY:

A joint resolution (S. J. Res. 53) authorizing the delivering to the town of Somerset, Ky., of one condemned bronze or brass cannon or fieldpiece with carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. SMITH of Georgia:

A joint resolution (S. J. Res. 54) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913; to the Committee on Military Affairs.

THE TARIFF.

Mr. JONES. I submit an amendment intended to be proposed to the pending tariff bill. I should like very much to have it referred to the Democratic caucus, but I am unable to find anything in the rules permitting such a reference. So I move that it be printed and referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

EGYPTIAN COTTON (S. DOC. NO. 113).

Mr. FLETCHER. I have a copy of a report by J. S. Williams, chairman, and Clarence Ousley, subcommittee to study the production and marketing of Egyptian cotton, made to the American commission to investigate such agricultural credit and cooperation. It is estimated that the cost for printing the report will be about $30.74. I ask that it be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

FREDERICK WILLIAM RAIFFEISEN (S. DOC. NO. 114).

Mr. FLETCHER. I have a copy of an address by David Lubin, delegate of the United States to the International Institute of Agriculture, delivered before the American commission on the occasion of its visit to the monument and house of Raiffeisen, the father of the rural-credit system, near Coblenz, Germany, June 12, 1913. The estimate furnished for the printing of this address is $17.86. I ask that it be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

STATUE OF ZACHARIAH CHANDLER.

Mr. GALLINGER (for Mr. SMITH of Michigan) submitted the following concurrent resolution (S. Con. Res. 4), which was ordered to lie on the table and be printed:

Resolved by the Senate (the House of Representatives concurring), That the statue of Zachariah Chandler, presented by the State of Michigan to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Michigan.

Mr. GALLINGER (for Mr. SMITH of Michigan) submitted the following concurrent resolution (S. Con. Res. 5), which was ordered to lie on the table and be printed:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zachariah Chandler, presented by the State of Michigan, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Michigan.

COTTON STATISTICS.

Mr. LIPPITT submitted the following resolution (S. Res. 120), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Commerce be directed to furnish, for the use of the Senate, detailed information:

First. To show how the figures referring to cotton goods in the table on page 39 of the report of the Department of Commerce entitled "Foreign Tariff Systems and Industrial Conditions" were obtained; and

Second. To establish, if possible, the correctness of the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom, and that 47 wage earners in the United States add as much to the value of cotton goods as 255 do in the United Kingdom.

SENATE FOLDING ROOM.

Mr. OVERMAN. I submit a resolution which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 121) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized to continue to rent for a period not to exceed 12 months from July 1, 1913, and at a rental not to exceed the sum now being paid, the warehouse now occupied as storage rooms for the folding room of the Senate on B Street SW., the expense thereof to be paid out of the contingent fund of the Senate.

Mr. OVERMAN. I desire to have the accompanying letter read.

There being no objection, the letter was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
June 26, 1913.

Hon. LEE S. OVERMAN,
Chairman Committee on Rules, United States Senate.

DEAR SENATOR: The lease on warehouse used as Senate folding room, located at First and B Streets SW., expires on June 30, 1913.

It has been impossible to comply with the law requiring vacation of said building by that time, for the following reasons:

None of the old buildings located in blocks lately purchased by the Government could store the immense volume of documents in the warehouse, and further, this is in conflict with another section of the law that provides for the demolishing of all buildings in these blocks, beginning July 1, 1913. The Senate Office Building has not available space sufficient to store the same, and until such time as the large surplus can be disposed of I recommend that the occupancy of warehouse be continued.

I find that there are 461,214 miscellaneous documents and pamphlets, in sets and single volumes, old, and to the credit of no one—much of the stock consisting of old departmental reports, dating as far back as 1870.

There are over 350,000 old documents remaining to the credit of Senators, which have either been overlooked or are valueless.

The Government Printing Office has over 300,000 documents to deliver to the Senate, and there is no available room for storing the same in this warehouse.

I understand that there are 110,000 Yearbooks alone to be delivered.

The above is respectfully submitted for your information and consideration.

Very respectfully, CHARLES R. HIGGINS,
Sergeant at Arms United States Senate.

DISPOSITION OF DOCUMENTS.

Mr. OVERMAN. I introduce a resolution bearing on this subject and ask that it be referred to the Committee on Rules.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 122) was read as follows:

Resolved, That certain old documents and pamphlets now in the Senate folding room known as "surplus documents" and not credited to the account of any Senator shall be disposed of under the direction of the Sergeant at Arms as follows:

First. From a schedule thereof to be furnished by the Sergeant at Arms each Senator shall be entitled to select and distribute such of said documents and pamphlets as he may desire, the same to be taken from the Senate folding room within a period of six months from the date of the adoption of this resolution. At the expiration of that period of time the Sergeant at Arms is hereby authorized to dispose of the residue of said documents to the several executive departments, bureaus, offices, and commissions of the Government which may desire the same, or to sell the same as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That said surplus documents and pamphlets shall be subject to the order of Senators in the order in which applications therefor are filed with the Sergeant at Arms.

Second. That certain obsolete documents and pamphlets in the folding room, described in a schedule prepared under the direction of the Sergeant at Arms now to the credit of Senators and which are seldom drawn upon and for which there is little demand, be disposed of under the direction of the Sergeant at Arms as follows: At the expiration of eight months from the date of the adoption of this resolution such of the said documents and pamphlets as are not disposed of and taken from the folding room by the Senators to whom they are credited shall be disposed of by the Sergeant at Arms to the several executive departments, bureaus, offices, and commissions of the Government or be sold as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That none of the documents and pamphlets provided to be disposed of by this resolution shall be hereafter returned to the Senate folding room from any source.

Mr. SMOOT. I ask the Senator from North Carolina to allow the resolution to go to the Committee on Printing, and I will state briefly why.

Mr. OVERMAN. I have no objection to the reference of the resolution to that committee.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The resolution will be referred to the Committee on Printing.

Mr. GALLINGER. Before the reference is made I am going to suggest that it might be well if it were enlarged so that the Sergeant at Arms might communicate with each Senator and ask what documents to his credit he is willing to surrender.

Mr. OVERMAN. That the resolution provides for.

Mr. GALLINGER. It does provide for it?

Mr. OVERMAN. It provides that each Senator shall be consulted, and also that a catalogue of the documents shall be made and a statement submitted to each Senator, and that the documents Senators do not desire shall be sold as waste paper.

Mr. GALLINGER. That is very proper, because I know I have more than a thousand documents that I should like to get rid of.

Mr. SMOOT. I wish to say to the Senator, however, there are only about a million documents now, and we have this same matter occurring every two or three years. We have had thousands of tons of these documents sold as waste paper. If we could only get the other House to act upon the printing bill which the Senate has already passed, every particle of this difficulty would be obviated.

WOMAN SUFFRAGE PARADE.

Mr. THOMAS submitted the following resolution (S. Res. 124), which was read and referred to the Committee on Printing:

Resolved, That 10,000 additional copies of the hearings before the Senate Committee on Woman Suffrage be printed for the use of Senators.

HEIRS OF ANGELO ALBANO (H. DOC. NO. 105).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to the case of Angelo Albano, an Italian subject, who, on September 20, 1910, was, while in custody on a charge of crime at Tampa, Fla., seized by an armed mob and killed; and I recommend that, as an act of grace and without reference to the question of the liability of the United States, Congress make suitable provision for the heirs of the Italian subject thus killed, the proceeds to be distributed by the Italian Government in such manner as it may deem proper.

WOODROW WILSON.

THE WHITE HOUSE, *June 26, 1913.*

HOUSE BILL REFERRED.

H. R. 1967. An act regulating the manufacture of smoking opium within the United States, and for other purposes, was read twice by its title and referred to the Committee on Finance.

INDIAN APPROPRIATION BILL.

Mr. STONE. I submit a report of the committee of conference on House bill 1917, the Indian appropriation bill.

The Secretary proceeded to read the report.

Mr. STONE. Mr. President, after the conference report on the Indian appropriation bill was agreed upon, it was left to some secretaries and clerks to write it up and to prepare it. I have just been informed that by some oversight one of the items has been left out. I apologize to the Senate, and ask to withdraw the report for the time being, that the item to which I refer may be inserted.

The VICE PRESIDENT. The report is withdrawn.

LEGISLATIVE DRAFTING BUREAU.

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. CLARK of Wyoming. Let the bill be read for information.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on the Library report to strike out all after the enacting clause and to insert:

That there is hereby created a bureau to be known as the legislative drafting bureau.

SEC. 2. That the said bureau shall be under the direction of an officer, to be known as the chief draftsman, to be appointed by the President of the United States, by and with the advice and consent of the Senate, without reference to party affiliations, and solely on the ground of fitness to perform the duties of the office. He shall receive a salary of $7,500 per annum, and shall hold office for the term of 10 years unless sooner removed by the President upon the recommendation of the Judiciary Committees of both Houses of Congress, acting jointly.

SEC. 3. That there shall be in said bureau such assistants as Congress may from time to time provide. They shall be appointed by the chief draftsman solely with reference to their fitness for their particular duties.

SEC. 4. That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President, any committee of either House of Congress, or of 8 Members of the Senate or of 25 Members of the House of Representatives. The Judiciary Committees of both Houses of Congress acting jointly may, from time to time, prescribe rules and regulations for the conduct of the said bureau, including provision for drafting and revision upon such other requests as may be deemed advisable.

SEC. 5. That the chief draftsman shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the said bureau, and shall make to Congress at the beginning of each regular session a report as to the affairs of the said bureau for the preceding fiscal year, which shall include a detailed statement of appropriations and expenditures.

SEC. 6. That the Librarian of Congress is authorized and directed to establish in the Library of Congress a division to be known as the legislative reference division of the Library of Congress, and to employ competent persons therein to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, to render such data serviceable to Congress and committees and Members thereof and to the legislative drafting bureau, and to provide in his annual estimates for the compensation of such persons, for the acquisition of material required for their work, and for other expenses incidental thereto.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the present consideration of the bill.

INDIAN APPROPRIATION BILL.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I yield to the Senator.

Mr. STONE. I desire to present the conference report on the Indian appropriation bill.

The VICE PRESIDENT. The Chair would inquire whether the Senator from Missouri desires to have the conference report reread or whether the particular omitted item can be pointed out to the Secretary and that be read?

Mr. STONE. I would be perfectly satisfied if I could have consent to have the complete report printed in the RECORD.

Mr. GALLINGER. Does the Senator from Missouri ask that the conference report be considered to-day?

Mr. STONE. I shall ask to have it considered now.

Mr. GALLINGER. As the report was read it occurred to me that it contained a great deal of new matter that had not heretofore been considered by either House. I may be mistaken about that, but, if that be so, I think we ought to have the privilege of looking at the report.

Mr. STONE. I do not think there is very much new matter in the report. There are very slight increases in the appropriation.

Mr. GALLINGER. Of course, the Senator from Missouri is aware of the fact that under the rule of the Senate there ought to be no new matter in a conference report.

Mr. STONE. Does the Senator mean new matter in the appropriation bill?

Mr. GALLINGER. I refer to any new matter that has not been considered heretofore by either of the two Houses of Congress.

Mr. STONE. I had supposed that if the Senate desired to increase an appropriation or to decrease an appropriation it could do so, and I had supposed that even if other matters, legislative in their character, had been agreed to in the Senate and referred to the committee of conference, that committee would have jurisdiction to take up those amendments and to dispose of them even by way of amendment.

Mr. GALLINGER. Mr. President, I fear the Senator from Missouri misunderstood me. What I meant to suggest was that matter not heretofore considered and incorporated in the House bill or put into the bill as an amendment in the Senate could not properly, under our rules, be incorporated in a conference report, and I stated that I feared that there was a good deal of such matter in the Senator's conference report.

Mr. STONE. Does the suggestion of the Senator from New Hampshire go to the point of supposing that the conference committee has inserted in their report entirely new matter in no wise connected with the bill as it was sent to them?

Mr. GALLINGER. I should consider that it was altogether irregular and beyond the power of the conference committee to do that.

Mr. STONE. The conference committee has done nothing of that kind, I will say to the Senator. No new matter not considered either in the House or in the Senate has been introduced. There have been some little changes in clauses that were referred to the conference committee; that is to say, the House would recede or the Senate would recede with an amendment.

Mr. GALLINGER. That undoubtedly is entirely proper if the amendment was not entirely original matter.

Mr. STONE. I think I feel warranted in assuring the Senator that there has been introduced no new matter not entirely appropriate.

Mr. GALLINGER. I am not going to be insistent or technical about the matter; but as the report was being read I caught a list of the salaries or appropriations for some purpose that occurred to me had not heretofore been considered. Am I correct as to that?

Mr. STONE. I do not know to just what the Senator refers. There is nothing of that kind, so far as I know.

Mr. GALLINGER. I appreciate the importance of having action on this bill, and, upon the statement made by the Senator from Missouri that I am laboring under a misapprehension in that regard, I will not object to the present consideration of the conference report.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. LANE. Mr. President, I do not wish to delay the passage of the bill. I wish to make a correction of an error that I committed when the bill was last under consideration in the Senate, when I characterized the first item of appropriation in the bill as covering a deficiency. In this I was mistaken. The deficit, it seems from the report, occurred in that item the year before. The report and the justification which were handed to the committee this year to accompany the bill in their consideration of that measure called attention, in a small way, to another deficit which exists in the appropriation of $300,000, amounting to one-third thereof. So far as I can ascertain from reading the report, there is no mention made of the matter; and I wish to call attention to the irregularity, to say the least, of the Senate providing for deficits in current appropriations without having full information concerning such deficiencies and the assumption of legislative authority by the executive department in appropriating money from the public funds without authority from the legislative branch of the Government to do so. It may be necessary, and at times it may be the wise thing, perhaps, for the department to act in this way, but it should not do so without giving Congress full and detailed justification concerning the matter.

The item to which I refer will be found upon page 33 of the report of a hearing held on December 2, 1912, before a subcommittee of the Committee on Indian Affairs of the House of Representatives, and has to do with the present appropriation providing for purchase and transportation of Indian supplies. Matters are urgent. The necessity for these appropriations is actually existent. I am not trying to interfere with the passage of the bill, but I do want to call attention to what seems to me to be a sort of carelessness which has grown up upon the part of certain departments of the executive branch of the Government, in that they do not do full justice or courtesy to the legislative branch in the way of giving the legislative branch full information concerning the necessity for the appropriation of public funds. I consider such information to be a matter of vital importance and absolutely necessary. I say this in no spirit of criticism of any Member of the Senate or House or of the Indian Committee; yet it seems almost to have grown into a custom, for I find traces of it in several different appropriations.

I make this statement to correct an error which I made the last time we discussed the bill, and to call the attention of this body to the necessity of demanding full justification for all appropriations, more particularly of expenditures which have been made without authority. Appropriations covering deficits should specifically state that they are made for that purpose.

Mr. STONE. Mr. President, has the Senate entered upon the consideration of the conference report?

The VICE PRESIDENT. The Chair so understands. There was no objection.

Mr. FALL. Mr. President, I shall not make any objection to the consideration of the conference report. I understand that a portion of it has been read. I should like to ask for information as to two items, one Senate amendment 28 and the other Senate amendment 29, on page 53 of the Senate print. I should like to know, for my own information, just what was done in regard to those items, and what sums they now contain.

Mr. STONE. As to those items, amendments 28 and 29, the Senate conferees receded.

Mr. FALL. And the action of the House still stands as it was? Mr. President, I am willing to take any responsibility that is necessary for my own——

Mr. STONE. If the Senator will allow me to interrupt him for a moment, the Senate conferees receded with an amendment.

Mr. FALL. The usual procedure, of course, would be to have this conference report printed. There will not be many more bills passed in this way, Mr. President.

Mr. STONE. Amendment No. 28 is as follows:

For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $5,000; new buildings, $15,000, in all, $88,600.

Mr. FALL. And as to 29?

Mr. STONE. Amendment 29 is as follows:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for girls' dormitory, $18,000; in all, $77,500.

Mr. FALL. Did the chairman leave out an item of $1,660 for waterworks, or is it in the report? I ask because this is the only source of information I have.

Mr. STONE. Mr. President, I will withdraw the report, as I find another mistake in it. I will bring it up again to-morrow.

Mr. FALL. Mr. President, I believe I have the floor, and I wish to occupy it for just one moment. I have no desire to retard in any way immediate action upon this bill or its passage. I am a member of the committee, however, and one of the Senators who must pass upon this matter, and the chairman of the committee is the only source of information I have.

Mr. ROBINSON. Mr. President, I should like to inquire of the chairman of the committee, if the Senator from New Mexico will yield for that purpose, whether this conference report can not be printed, so that Senators may have the advantage of knowing what it contains?

Mr. STONE. Yes; I will ask now to have the report printed.

The VICE PRESIDENT. The Chair understood the Senator to withdraw the report.

Mr. STONE. It ought to be printed in the RECORD.

Mr. SMOOT. Not if it is withdrawn.

Mr. STONE. I withdraw it, and it had better not be printed at all until it is corrected.

Mr. FALL. I think that by far the better course, Mr. President. Then we will know what is in the report.

Mr. ROBINSON. I suggest to the chairman of the committee that it may be printed for the use of the committee. In a matter of this importance Senators would like to have an opportunity to know what it contains, especially those of us who have devoted a good deal of study and consideration to the bill.

Mr. STONE. Mr. President, I can easily do that. I will now go to the committee room myself and go over the manuscripts and see that the report is correct. When that is done I will have it printed on the order of the committee.

Mr. GRONNA. Mr. President, may I ask what has become of the Indian appropriation bill?

The VICE PRESIDENT. It is in the hands of the chairman of the conferees on the part of the Senate. The conference report has been withdrawn.

Mr. GRONNA. With the request that it be printed in the RECORD?

Mr. OWEN. It will be printed by the order of the committee.

The VICE PRESIDENT. The Chair will be compelled to rule that nothing can be printed when there is nothing before the Senate.

Mr. GRONNA. There was so much confusion that I was not sure what had been done.

The VICE PRESIDENT. The Senator from Missouri said he would have it printed when finally prepared.

LEGISLATIVE DRAFTING BUREAU.

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1240, to establish the legislative reference bureau of the Library of Congress.

Mr. GALLINGER. I desire to give a little more consideration to the bill for which present consideration is asked by the Senator from Oklahoma, and I shall be constrained to object this morning. I assure the Senator that in the near future I shall be quite willing to have it brought up and discussed. I do not believe in the bill, and I have some observations to make concerning it, but I would rather not make them this morning.

The VICE PRESIDENT. The bill will remain on the calendar.

DECISIONS OF UNITED STATES SUPREME COURT.

Mr. SHAFROTH. I desire to call up Senate resolution 103, and ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Colorado asks for the immediate consideration of a resolution which the Secretary will read.

The Secretary read the resolution (S. Res. 103) reported by Mr. SHAFROTH on the 18th instant from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That Senate resolution adopted on the 20th day of February, 1885, providing for furnishing to Senators pamphlet printed copies of the decisions of the Supreme Court of the United States be, and the same is hereby, annulled.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, I do not see that there is a report upon the resolution. It is quite important, and I should like to ask the Senator from Colorado if a report has been submitted?

Mr. SHAFROTH. No; not a written report. The committee considered the resolution, and ordered me to report it favorably, just as reports are usually made upon matters referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Of course generally resolutions referred to that committee are those calling for the payment of money for some particular item that is needed immediately. This resolution proposes to change existing law, and I think there ought to be a written report upon it.

Mr. SHAFROTH. The committee has had this matter under consideration for some time, and Senators have discussed it for some time. It is not complicated. It is simply a question as to whether we shall keep in force an old resolution, passed in 1885, which provides that there shall be furnished to each Senator copies of the Supreme Court decisions, at a cost of 80 cents per printed page. The committee thought that was an outrageous price, and therefore that the resolution ought to be annulled.

Mr. SMOOT. I agree with the Senator that 80 cents per printed page is an outrageous price, but I should like to ask him if the price thus charged is not taken into consideration with the contract itself, and whether it is not virtually an advance upon the contract rather than a direct charge upon these few additional copies?

Mr. SHAFROTH. I will say to the Senator that I was told by the clerk of the Supreme Court that the contract which the printers have with the Supreme Court provides for a charge of $2.95 per printed page, and that this is an additional charge. It seemed to me that that price was very high, but we had no jurisdiction over that subject, it being contained in a general appropriation bill.

Mr. SMOOT. So that I may be understood by the Senator, he having looked into this question later than I, I will state my understanding is that in order that these copies shall be delivered to Senators and Members of the House of Representatives ahead of the regular printing provided by law, the additional price, which is an exceedingly high price, is paid for them, but that it is taken into consideration with the general price that would have been charged if they had all been printed at one time. Has the Senator looked up that question?

Mr. SHAFROTH. No; but the price for the copies is so outrageous that it seems to me it can not be taken into consideration as a part of the general price for publishing all of the Supreme Court decisions.

I want to say to the Senator that I do not believe one Senator out of fifty reads these decisions. I have asked a number of Senators, and I have not found one who has said that he has read the decisions, or any considerable number of them. In fact, I have failed to find a Senator who said he had read a decision.

Mr. SMOOT. I will say to the Senator that I have read a decision.

Mr. SHAFROTH. I admit there may be a few; but the Senator will concede that when any important decision is rendered by the Supreme Court, somebody rises in the Senate or in the House and asks that it be made a public document. What is the necessity of having copies of the pamphlet edition distributed to each Senator when there is no general use of them? It may be that a few Senators do read them.

The thing that called our attention to this matter was a bill which was rendered, and which I hold in my hand now, providing for payment for these decisions from February 6, 1913, to April 30, 1913. It amounts to $468.80, at the rate of 80 cents a page. I want to say to the Senator that the West Publishing Co. prints in pamphlet form every one of the decisions of the Supreme Court; and we could subscribe for each Senator for that entire edition, which they issue in pamphlet form, at a less annual cost than the amount of this one bill for three months. We can get them for $5 a year. They are sent in pamphlet form soon after the decisions are rendered, and after the pamphlet forms are delivered they are bound, and there is sent to each for nothing a permanent bound edition. For this same amount of money a volume of the temporary pamphlets and the bound volume for an entire year can be furnished to each one of the Senators.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for a question?

Mr. SHAFROTH. Certainly.

Mr. VARDAMAN. Why could not these pamphlet copies be printed at the Government Printing Office at cost?

Mr. SHAFROTH. I will tell the Senator why. It is understood that the Justices of the Supreme Court desire that the decisions shall be printed by some person in whom they have entire confidence, so that there shall be no "leak" as to the decisions.

Mr. VARDAMAN. Could not that be arranged at the Government Printing Office?

Mr. SHAFROTH. I do not know. At any rate, that is their reason. In order to make any change it would be necessary to go and make some kind of negotiations. At any rate, they do not seem to want the Government Printing Office to publish the decisions.

It seems to me that if we want to have copies of the decisions furnished to the Members of the Senate, the best thing to do is to subscribe for a copy of the decisions for each Member of the Senate, to be furnished by the West Publishing Co. Then you will get every decision in pamphlet form soon after it is rendered, and you will also get a bound volume containing the decisions for the entire year, for the $5 which will have to be paid to the West Publishing Co.

Mr. CHAMBERLAIN. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I desire to ask the Senator if it is not a fact that the Senators who take pleasure in reading the decisions of the Supreme Court do not keep the pamphlets in such a condition that they can refer to them when they want them, and in the final analysis they go to the Supreme Court or to the Library in order to get a decision to read?

Mr. SHAFROTH. I do not believe there are half a dozen Senators who have copies of these temporary decisions in such form that they can turn to a decision, where there are some 20 or 30 pamphlets together. I have asked a number of Senators what they do with their copies of the decisions, and they have said: "I let them accumulate until I get quite a bunch and then I send them to John Jones, an attorney in my town." I have asked a number of Senators whether they have read the decisions, and I have failed yet to find one who had read the decisions.

Mr. CLARK of Wyoming. The Senator forgets that this Senator told the Senator from Colorado the other day that he did read them as they came out, and that he considered the publication of them in this form to be very valuable.

Mr. SHAFROTH. I do not remember it, if that is the case; but I am satisfied that no considerable number of Senators read the decisions, and it seems to me that the price is entirely too high.

Mr. CLARK of Wyoming. May I interrupt the Senator? The Senator will remember, when this matter was up some days ago,

the price was spoken of, and it was suggested to the Senator from Colorado whether it would not be possible to make some different arrangement. Has the Senator attempted to do anything of that sort so as to keep the price within what he thinks is a reasonable price?

Mr. SHAFROTH. No, I have not; and I will state the reason why I have not done so. It is possible that the members of the Judiciary Committee of the Senate ought to have these pamphlet copies. It seems to me if they do, that for the 18 members of that committee it would be a great deal cheaper to send to the West Publishing Co. for these temporary sets and also have the permanent sets remain in the office. I thought that would be a more economical way of doing it, and if the Senator will prepare a resolution of that kind, I am quite sure that the Committee to Audit and Control the Contingent Expenses of the Senate will agree to it. But under the conditions that are here, charging 80 cents a printed page, when we have no proposition to furnish them at any less, it seems to me that the only way is to annul the resolution of 1885, and if the printer wants to make a different contract let him come to us.

Mr. NELSON. Mr. President, I am very sorry to see the Senator from Colorado assume the attitude he takes in reference to this matter. I think he is laboring under a misapprehension.

The decisions of the Supreme Court are printed in pamphlet form, and we generally have them sent to us within three or four days or a week after they have been announced. We could not possibly get them through any legal periodical published at distant points in that time.

I wish to say to the Senator from Colorado that for years and years I have been a constant reader of those decisions, and it is about the only part of the law that I have had a chance to keep track of. If Senators would read the decisions of the Supreme Court from day to day as they are issued, they would find what a variety of cases the court passes upon and how much valuable instruction and advice we may get from all those cases. The only objection I have to them is that they are not provided with a syllabus, and you have oftentimes to read a good part of a decision before you get into the meat of the subject and ascertain the questions involved.

Now, we are sitting here as legislators, working from day to day with many important legal questions constantly addressed to us. I can not conceive of any equipment that we need more than the decisions of our highest court. Senators must remember that the Supreme Court of the United States in passing upon great public questions is different from any other court in the land, and its decisions are more than those of any other court. They not only have to pass upon technical legal questions, but oftentimes great cases like the Minnesota case, that has lately been passed upon, and there are many other cases which involve great fundamental questions that concern the welfare of the country.

Take the Minnesota case. The direct question involved there was whether the States have any power at all left to them to regulate commerce within a State.

A short time ago we had important decisions on the water-power question in reference to the waters of the Sault Ste. Marie Canal. We have another decision relating to the dredging of some oyster beds in Long Island Sound, and constantly in the decisions of the Supreme Court new questions arise and are disposed of. Of all the public documents printed by the Senate, that I have occasion to examine, there is no Senate document from which I get as much benefit and as much valuable advice and instruction.

When the Senator says there are very few who read these decisions I am loath to believe it. I think there are a great many Senators in this body who even if they are not lawyers are glad to read those decisions.

It may be that the cost of printing the decisions is too high. As to that question, I have nothing to say, but I have this to say: If the price is too high, make it reasonable, but, for God's sake, do not deprive the Senate of the United States of the benefit of those decisions. We need them more than we need anything else in the shape of literature in this body.

Therefore, Mr. President, I move that the resolution be recommitted to the committee with instructions to amend it so as to provide for reasonable compensation for printing the decisions. I agree with the Senator from Colorado that the price is too high, and if it is too high we ought to make it moderate and proper, but we should never totally rescind the resolution and deprive the Senate of the value of those decisions. I think if Senators will reflect on this matter they will see that it is of more importance and more far-reaching than any of us are aware of. It is not a Mrs. Winslow's soothing sirup almanac affair. It is a matter that concerns the fundamental principles of the Government. If there is any class of men who need to be fully informed by the current decisions of the Supreme Court it is we who are legislating for the entire body of the American people.

Mr. CLARK of Wyoming. Mr. President, I wish to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Wyoming. I should like to ask the parliamentary situation of the resolution.

The VICE PRESIDENT. The Senator from Colorado has asked unanimous consent for its present consideration.

Mr. CLARK of Wyoming. I shall object.

The VICE PRESIDENT. Objection is made.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. OVERMAN. The time fixed for the "lobbying" committee to investigate the "lobby" to make its report was on the 28th, which will be next Saturday. Since that time was fixed the Senate has added new labors to the committee and extended its investigations. I am therefore compelled to ask that the Senate extend the time of the committee in which to make its report.

The VICE PRESIDENT. The Senator from North Carolina, from the Committee on the Judiciary, asks consent for an extension of the time of the committee to make its report on the alleged lobby investigation.

Mr. GALLINGER. What extension does the Senator ask?

Mr. OVERMAN. I thought we would get through by the 28th when I asked that that date be fixed. I want to make it indefinite now. We will report just as soon as we can.

The VICE PRESIDENT. Is there any objection to the request of the Senator from North Carolina? The Chair hears none. The motion prevails, and the time is extended.

The motion as agreed to was reduced to the form of a resolution (S. Res. 123), as follows:

Resolved, That the time when the Committee on the Judiciary was instructed to report to the Senate under the terms of Senate resolution 92, agreed to on May 29, 1913, be extended.

RAILROADS IN ALASKA.

Mr. CHAMBERLAIN. I ask unanimous consent that the Senate take up for consideration the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of the bill which he has indicated.

Mr. SMOOT. I am quite sure that the bill can not be passed to-day. I do not like to object, but I shall have to object to its present consideration.

The VICE PRESIDENT. Objection is made.

Mr. CHAMBERLAIN. I ask unanimous consent that a definite time be set for the consideration of the bill by the Senate—one week from to-day. I will say in this connection, Mr. President, that if the Senate will consent to take up the bill providing for the building of railroads in Alaska, whenever the tariff bill comes up, or if the proposed currency measure comes up for consideration, so far as I am concerned I will consent to the laying aside of Senate bill 48.

Mr. CLARK of Wyoming. Inasmuch as the Democratic majority in the House of Representatives have decided officially to take up no general legislation at this session of Congress, I do not see that any great object could be gained by taking it up here. I shall therefore withhold my consent for any arrangement of that kind.

Mr. CHAMBERLAIN. Then I move that the bill be taken up for consideration, notwithstanding the objection, and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The Senator from Oregon, notwithstanding the objection, moves that the Senate proceed to the consideration of Senate bill No. 48.

Mr. CHAMBERLAIN. I ask for the yeas and nays, Mr. President.

The VICE PRESIDENT. Is the request for the yeas and nays seconded by one-fifth of those present? [Putting the question.] The Chair rules that the request is not seconded by one-fifth of the Senators present.

Mr. CHAMBERLAIN. I ask for a division.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 5 minutes spent in executive session the doors were reopened.

DIFFERENCES BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and in that connection I wish to make a statement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. GALLINGER. I suggest to the Senator that I should very much like him to make his statement. I assume this is an enlargement of the so-called Erdman Act. Am I correct?

Mr. NEWLANDS. Yes.

Mr. President, the Senate is entirely familiar with the Erdman Act.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I yield.

Mr. SMOOT. I notice from the bound calendar of bills on the desks of Senators that there is no print of the bill. Does the Senator know whether or not the bill has been printed?

Mr. NEWLANDS. The bill is here and will be put on the desks of Senators.

Mr. SMOOT. Was a report made on the bill?

Mr. NEWLANDS. There has been no report except a verbal report which appears in the CONGRESSIONAL RECORD of June 23, accompanied by a signed statement of 13 members of the Interstate Commerce Committee authorizing a favorable report of the bill.

Mr. OVERMAN. I notice the Senator from Nevada states that this is an extension of the Erdman Act.

Mr. NEWLANDS. It is an extension or an enlargement of the Erdman Act.

Mr. OVERMAN. The Erdman Act has been administered without having a $7,500 officer and a $5,000 officer. Why can we not extend it without having these great offices created with these large salaries?

Mr. NEWLANDS. If the Senator from North Carolina will listen to me for a few moments, I will make a brief statement which, I think, will be satisfactory to him.

Mr. SMOOT. I understand that unanimous consent for the consideration of this bill has not yet been granted, pending the statement of the Senator from Nevada [Mr. NEWLANDS]?

The VICE PRESIDENT. Unanimous consent for the consideration of the bill has not yet been granted.

Mr. NEWLANDS. Mr. President, the Senate is familiar with the Erdman Act and the various proceedings under it with a view to adjusting the differences between railroads and their employees, and the very conspicuous part that Justice Knapp, of the Commerce Court, and Mr. Neill, the Commissioner of Labor, have taken in all these matters of mediation. Their action in this important work of mediation and conciliation has absolutely won the confidence of both the employees and the employers. That act, however, has been found to be unsatisfactory by both parties, and for a long period of time an enlargement and extension of the act has been under consideration by the various brotherhoods connected with the railways, by a committee of railway presidents, consisting of five or six of the presidents of the greatest railway systems of the country, by conspicuous members of the Civic Federation, by Justice Knapp, and by Mr. Neill. The result of their deliberations has been a bill—Senate bill 2517—which I have introduced, and which has received the indorsement of all the railway brotherhoods in the country. The gentlemen forming this committee appeared——

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Yes.

Mr. KERN. How long has it been since the final draft of this bill was prepared?

Mr. NEWLANDS. The final draft has been prepared within the last 3 or 4 weeks and was presented to the Interstate Commerce Committee about 10 days ago. It was introduced on June 13, 1913, and was published in the CONGRESSIONAL RECORD.

Mr. KERN. Do I understand the Senator from Nevada to say that within that time the labor unions of the country have had an opportunity to examine the bill and to give it their approval?

Mr. NEWLANDS. As I understand, the approving action of the railroad brotherhoods was secured before the bill was introduced. The fact is, the bill has been drawn by the committee composed, as I have stated, of the heads of various brotherhoods, five or six of the railway presidents of the most prominent railway systems in the country, whose operations involve the employment, I believe, of 90,000 employees, the committee consisting also of a delegation from the Civic Federation and of Justice Knapp and Mr. Neill, former Commissioner of Labor. This bill embodies their unanimous report, which, as I understand, prior to its being offered as a bill, had the approval of the various railroad brotherhoods.

Mr. KERN. Does the Senator from Nevada intend to ask unanimous consent for the passage of this bill this afternoon?

Mr. NEWLANDS. I do.

Mr. KERN. Without giving to Senators the opportunity to study the bill? It is a very important measure.

Mr. NEWLANDS. I will state, with reference to that, that that is my purpose, and I want to state the condition of urgency which requires such action. We all know——

Mr. KERN. If the Senator will excuse me, as I understand, there is not even a written report accompanying the bill, setting forth either its merits or its demerits.

Mr. CUMMINS. Mr. President, may I interrupt the Senator from Nevada a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. CUMMINS. There are but two changes of any importance in the Erdman Act proposed by the bill introduced by the Senator from Nevada [Mr. NEWLANDS]. The first is enlarging the board of arbitration. The Erdman Act provides for a board of arbitration of three members. That has been found to be impracticably small. Neither the men nor the railroad companies are willing to submit great controversies to a board of arbitration consisting of three men.

Second, the appointment by the President of a distinct official known as a "mediator" instead of employing men already in the service of the Government.

There are other changes, but they are of no consequence whatever. Those are the two provisions intended by this bill to be added to the Erdman Act.

I may say, in supplement to what has already been stated, that this subject has been up for a long time and has been under consideration by those who are immediately concerned in it, namely, the railroads and their employees. The bill has been drawn through the joint efforts of the committees of the interested parties, aided by the present board of mediation, namely, the Chief Justice of the Commerce Court and the former Commissioner of Labor, Dr. Neill.

Mr. ROBINSON. Mr. President, will the chairman of the committee yield to me?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. NEWLANDS. Gladly.

Mr. ROBINSON. In connection with the statement which the Senator from Iowa [Mr. CUMMINS] has made, I call attention to the fact that there is another rather important change in the law proposed by this bill. In addition to enlarging the board of arbitration and creating the two salaried officers referred to, this bill provides that when an award has been made, and a difference arises between the parties as to the construction of the award, the question may be sent back to the board of arbitration to obtain the opinion or construction of the board as to its meaning. That has been considered to be a very important provision in that in the last case of great importance in which the Erdman Act was invoked an award was made, and the two parties to the award, the labor organization and the railroad companies, construed it very differently, and the award has not gone into effect for that reason. One party to the award, the railroad companies, has refused to consent, there being no authority of law for the matter to be referred back to the arbitrators.

Mr. NEWLANDS. Mr. President, I wish to state that there was a full hearing upon this subject by the Interstate Commerce Committee of the Senate, and that members of the Judiciary Committee of the other House, to which committee a similar bill introduced by Mr. CLAYTON, of the House, had been referred, attended those hearings. At those hearings the chiefs of the various railroad brotherhoods, prominent railway presidents, Judge Knapp, and Mr. Neill were fully heard. They all urged the passage of this bill without amendment.

The Secretary of Labor was present at that hearing, and whilst in sympathy with the bill, he objected to that provision which made the board of mediation absolutely independent of the Department of Labor. The representatives of the brotherhoods of the railroads insisted that that was an essential feature; that they desired the board of arbitration appointed by the President to be as independent of any department as is the Interstate Commerce Commission itself, and that, if it were subject to the direction and control of the head of a department, its usefulness would be seriously impaired.

Later on a meeting was held of the Judiciary Committee of the House; Secretary Wilson was further heard, and certain amendments were there presented by him to this bill, not materially altering its character but simply retaining the Chief of the Bureau of Labor and Statistics as a member of the board of mediation, thus maintaining its connection with the Labor Department. That was the most important amendment that he had to offer.

Mr. OVERMAN. That is as it has been.

Mr. NEWLANDS. That is as it has been; and that is where the various federations objected to its being.

Mr. OVERMAN. They want the board of mediation separated entirely from any department of the Government?

Mr. NEWLANDS. They want it to be independent.

Mr. OVERMAN. And the Government to have no control over these officers.

Mr. NEWLANDS. The President appoints them, and can remove them, of course, but the bureau itself is an independent bureau.

Mr. OVERMAN. Is not the purpose of the bill to give somebody a $7,500 office?

Mr. NEWLANDS. I do not think so, Mr. President. My belief is that they are absolutely sincere in the conviction——

Mr. OVERMAN. The man who is to be appointed——

Mr. NEWLANDS. One moment, if the Senator will hear me through. I believe they are sincere in the conviction that the operations of this board of mediation should be absolutely separated from any political department, just as the Interstate Commerce Commission itself is an independent commission not connected with any department. The Senator will realize that if the Interstate Commerce Commission were connected with the Department of Commerce, and its members subject to the direction, possibly, of a political department, its usefulness would be greatly impaired.

Mr. CUMMINS. Mr. President, will the Senator from Nevada yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. I believe that there is great urgency for the passage of this bill. I hope that in determining whether we will take the bill under consideration we will not float into a debate upon possible amendments to it. What the Senator from Nevada is now saying relates to an amendment that has been suggested outside, but is not in the bill as reported by the committee. If we once get into a debate concerning amendments that may be offered, I fear we will never reach a consideration of the bill itself. Let us postpone them until the bill is taken up for consideration.

Mr. NEWLANDS. I will read a telegram which I have received from Mr. Seth Low, the head of the Civic Federation, regarding this matter. The telegram reads:

NEW YORK, *June 26, 1913.*

Hon. FRANCIS G. NEWLANDS, *Washington, D. C.:*

Judge CLAYTON informs me that House caucus unanimously authorized action upon our bill as amended by his committee. In accordance with my understanding with Judge CLAYTON I am telegraphing to ask you to pass Senate bill, as reported by you, without change. If I can bring about perfect accord on House bill, it can be substituted for yours. If not, the two bills will go to conference and the two Houses can choose between them. Please acknowledge in care of National Civic Federation, New York.

SETH LOW.

I wish to say that Mr. Low and certain others appeared before the House committee and agreed to the amendments suggested by Secretary Wilson; but they have not as yet been acted upon by the brotherhoods, and he is engaged now in communicating with them for the purpose of ascertaining their views.

Mr. OVERMAN. Mr. President——

Mr. NEWLANDS. If the Senator will permit me to make my statement without interruption, I think he will be much better satisfied.

Mr. OVERMAN. It is in regard to his statement that I desire to interrupt the Senator. I want to say that I understand the House of Representatives in its caucus has indorsed the bill, with the provision for the appointment of the two officers stricken out. Will not the passage of the measure be hastened if the Senator will let the bill come over here from the House? The House bill is practically the same as that reported by the Senate committee, with the exception of the provision with regard to the two officers; and would it not be better for the House to act first and then let the Senate pass the House bill than to have each body pass a bill and have them cross?

Mr. NEWLANDS. I do not think so, Mr. President. The Senate is now in session, and if it passes this bill as it has been recommended by the federations, it will go to the House. If the House adheres to the amendments suggested by the Judiciary Committee, those amendments will be put on, and then the bill will go to conference.

Now, I wish to state that it is of the highest importance that immediate action should be taken upon this question. We all know that there is the greatest dissatisfaction upon the part of the railway employees of the country on account of the high cost of living, and that for some period they have been agitating for an increase of their wages.

Negotiations have been going on between the railways and the brotherhoods with reference to an increase of wages, and a vote is now being taken by the railway brotherhoods as to whether or not they will strike. The announcement of that vote will be made about the 4th of July.

It seemed to the Interstate Commerce Committee of the highest importance that a contention which would tie up the commerce of the country should be avoided. It seemed to the Interstate Commerce Committee that the course of the railway employees, through their brotherhoods, and of the railway officials, and of Justice Knapp and Mr. Neill and of the Civic Federation, should be commended as in the line of industrial peace, and that whatever suggestions they made with reference to a composition of these difficulties should be approved by congressional action. Certainly nothing whatever that they suggested was in conflict with the public good. They simply desire an independent tribunal, free from any political influence, which will act as a medium of conciliation between the employers and the employees. We thought we ought to accept their suggestion with hospitality, and we unanimously reported their bill to the Senate.

Mr. ROBINSON. Mr. President, will the chairman of the committee yield to me for a short statement?

Mr. NEWLANDS. Certainly.

Mr. ROBINSON. Referring to the imminence of a possible strike, the hearings before the committee disclosed the fact that all the railroads east of Chicago, employing approximately 90,000 men, and the employees thereof are involved in a controversy concerning wages, and that committees representing the organizations of employees and the railroads have agreed to disagree; have reached the conclusion that under the circumstances they can not mediate or arbitrate under the Erdman Act; and they have reached a further agreement that they will arbitrate or mediate under this act if it be passed. The proposed bill represents a measure which we are assured by representatives of all of the leading organizations and the leading railroads concerned in this controversy will avert a strike that in all probability will occur unless the bill is passed. This strike will tie up the commerce of the entire eastern part of the United States.

Such are the representations made before the committee at a hearing, at which were represented many of the important railroad systems of the eastern part of the United States and all of the leading organizations of railroad employees. As stated by the chairman of the committee, unless some assurance is given that this bill will speedily pass, a strike probably will be ordered about the 4th of July.

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BRANDEGEE. Mr. President, I am not sure but that this matter has received attention in my absence. If not, I desire to call the attention of the chairman of the committee to some misprints.

On page 9, in line 12, there are two letters at the end of the word "arbitration" that should not be there I think.

Mr. NEWLANDS. Yes; that should be corrected.

Mr. GALLINGER. Mr. President, in the same connection, for the purpose of calling attention to some very bad proof reading at the Government Printing Office, I will suggest that the word "party," in line 8, page 1, should be "partly."

Mr. NEWLANDS. Yes; I see the place to which the Senator refers.

Mr. GALLINGER. Let that be corrected. Then, on page 2, the word "*Provided*" is improperly spelled, and the proof reader did not discover that.

Mr. BRANDEGEE. What line?

Mr. GALLINGER. Line 17. The letter "i" is left out. I presume there may be other typographical mistakes, which, of course, will not invalidate the bill; but I call attention to these simply for the purpose of suggesting to the Public Printer that he has at least one very incompetent proof reader.

Mr. NEWLANDS. I move that section 1, page 1, line 8, be amended——

The VICE PRESIDENT. The Chair rules that typographical errors will be corrected without any motion being made.

Mr. OVERMAN. Mr. President, I favor the bill, but I am opposed to paying this officer $7,500 per annum when the work will not take all his time. Probably one day he will have nothing to do, and the next day he will be busy. His sole function will be the settlement of these difficulties. I do not see why we should pay an officer $7,500 a year for performing such duties when he can transact other business. If I understand correctly, he will be called upon only to settle these troubles, and yet it is proposed to pay him just as much as a Senator is paid who works here day and night.

Mr. NEWLANDS. Does the Senator wish to amend the bill by inserting a smaller sum in lieu of $7,500?

Mr. OVERMAN. I do. I move to amend——

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. OVERMAN. I yield.

Mr. POMERENE. If I may be permitted, I want to suggest that it appeared at the hearings that Mr. Commissioner Neill and Mr. Justice Knapp had had under their supervision during the time they acted as mediators about 60 different cases. Mr. Commissioner Neill's time for a large part of the last year was occupied with two of these controversies, as I remember the testimony.

The thought is that there should be mediation commissioners who should be absolutely independent of the Department of Labor, so that the public and the parties to the controversy might feel that the mediators would be where they could act entirely independently of any influence either for or against either of the parties to the controversy. I feel entirely in sympathy with that proposition.

Mr. OVERMAN. I agree with the Senator; but that does not affect my proposed amendment.

Mr. POMERENE. It does to this extent: This is work of such a character that only men of the highest order of ability and discretion can perform it. Whether the salary is a little too large or a little too small does not concern me one-half so much as to have this legislation in the form in which it was presented by the several parties and to which they agreed. It represents the consensus of opinion of the laboring organizations, the railway organizations, and the Civic Federation.

Mr. OVERMAN. May I ask the Senator whether, if Mr. Neill is appointed to this place, he proposes to continue his employment with Mr. Guggenheim?

Mr. NEWLANDS. Let me say, upon that question, that Mr. Neill announced at the hearing that he would not under any conditions accept this appointment, that the work had been so trying that he would not undertake it another time for double or even treble the salary. Upon the statements made by him and by Justice Knapp, and by all the members of these brotherhoods, with reference to the exacting character of these duties, I was impressed with the very grave character of the service required and the necessity of adequately compensating it.

Mr. OVERMAN. I said that only to illustrate my position.

Mr. ROBINSON. May I ask the Senator from North Carolina a question?

Mr. OVERMAN. Yes.

Mr. ROBINSON. What is the amendment which the Senator proposes? I have not heard it offered yet.

Mr. OVERMAN. I was about to offer it when I was interrupted.

Mr. ROBINSON. I should like to hear it.

Mr. OVERMAN. I wish to state the reason why I asked the question. I did not apply it especially to Mr. Neill, but only as an illustration.

Mr. Neill acted under the Erdman Act for $10 a day when he had 60 cases, and ran the Bureau of Labor at the same time. Judge Knapp received a salary as judge of the Commerce Court, and he acted at the same time under the Erdman Act. I know, and Senators know, that this work is not going to take all the time of any man. Probably it might occupy him two or three times a year or half a dozen times or even sixty times a year, but he could carry on other business.

In answer to the Senator from Ohio, I will say that I think a salary of $5,000 is sufficient, and any good man will take the appointment at that figure, because he can transact other business at the same time. I think it is paying too much in comparison with what other men are getting from the Government. Senators work all the time during the entire year and they get only $7,500, and here it is proposed to pay a man $7,500 who will not have to work half his time.

Mr. ROBINSON. Will the Senator yield to me for a brief statement?

Mr. OVERMAN. Yes, sir.

Mr. ROBINSON. The record discloses that after the Erdman Act was passed in 1898 it was not availed of until 1906. During the less than seven years that have passed since that time there have been 60 cases, some of them of the very greatest importance.

Mr. OVERMAN. Sixty cases in seven years!

Mr. ROBINSON. But the Senator from North Carolina must bear in mind the fact that these cases have involved the very greatest of complications——

Mr. OVERMAN. Why, of course.

Mr. ROBINSON. And, in some instance at least, the work has required successive days and weeks and even months of negotiation.

Mr. OVERMAN. Yes.

Mr. ROBINSON. The labor is a very arduous one, in the very nature of things. There must be confidence reposed in the mediators on the part of both the employers and the employees, and it does seem to me that if an office is to be created at all, a salary of $7,500 is a reasonable one.

If the Senator from North Carolina will pardon me for a further statement, I think it quite probable, or at least possible, that this provision will go out of the bill before it finally becomes a law. We are in this situation: The bill as presented here represents an agreement between committees from the railroads and from their employees. As can be easily understood by every one familiar with the conditions, there is always a degree of suspicion upon the part of both parties to such controversies that the other party is trying to secure the advantage. The necessity for passing this bill in its present form lies in the fact that it will be of no value whatever unless it is acceptable to both the railroads and their employees. It might be said that this amendment would not make it objectionable; but, singularly, it was disclosed during the hearings that a change in the number of arbitrators agreed on, the number being six, would make it absolutely objectionable.

Mr. OVERMAN. That would be a material change.

Mr. ROBINSON. Yes.

Mr. OVERMAN. This is only a matter of detail.

Mr. ROBINSON. But if the Senator will pardon me, in view of the fact that negotiations are now being conducted between the representatives of the Civic Federation, the railroads, and their employees, with a view to eliminating entirely this feature of the bill, if it can be done without in their judgment impairing the usefulness of the measure and thus not imposing any additional expense on the Government, it seems to me it is of the greatest importance that we should not spend much time here in considering whether the salary should be $5,000 or $7,500. The importance of these duties has increased every year, and will continue to increase in the future. I submit to this body that if, as a result of its deliberations, a tribunal can be created with a reasonable certainty of averting the now pending and threatened strike, the importance of the results that will be thus accomplished will minimize into insignificance the question of a salary of $7,500 or of $5,000, to say nothing of what it means for the future.

Mr. OVERMAN. I know it means a great deal, and I am in favor of the bill in its principles and everything about it, except that I do not want to pay a man $7,500 a year to settle 60 cases in seven years. I think it is too much money; and, representing the taxpayers of the country, I move to amend by striking out "$7,500" and inserting "$5,000."

Mr. KERN. Mr. President, I hope the amendment offered by the Senator from North Carolina will not prevail. I think it would be far preferable to have a salary of $10,000 rather than to reduce the proposed salary to $5,000.

The responsibility resting upon the incumbent of the position is of the highest order. It is of the highest importance that the decisions of such a man should command instant respect on the part of both parties to the controversy. The duty is not confined merely to sitting at a judge's desk and hearing evidence now and then. It will be necessary to find a man who is familiar with the general situation, in the first place, and who, in addition to this, is of such mental training and ability that he will be able to comprehend the subject matter in controversy and to do justice between the parties, and who is of such high character and exalted reputation that his decision will command instant respect. He must take time to familiarize himself with the entire economic situation in the country.

This bill, as I understand it, calls for the services of a high-grade man. I hope the President will not be required to look out into the field for a high-grade man for whom a low-grade salary has been provided.

Mr. BRANDEGEE. Mr. President, as a member of the committee which considered the bill and reported it, I hope the amendment offered by the Senator from North Carolina will not prevail.

In addition to the well-founded arguments that have been already presented justifying this amount of salary, I think Sen-

ators should bear in mind the fact that the work of the commissioner of mediation and conciliation is almost emergency work. In addition to requiring a man who is beyond any suspicion whatever and is an absolutely impartial judge, the duties of the office almost necessarily require that he shall not be engaged in any other business. An emergency suddenly arises, and the commissioner, as one of the members of this tribunal, may have to depart suddenly, upon receipt of a telegram at midnight, for any part of this country, and he may have to remain for weeks upon the ground where the seat of the trouble is.

It seems to me that if it is the purpose of the bill to create a tribunal which will command the confidence of both employers and employees in the railroad service all over this great country, the duties of the office necessarily preventing the commissioner engaging, steadily at least, in any other kind of business, $7,500 a year is little enough to pay for a man who must maintain some seclusion, some such judicial attitude as a judge maintains.

Mr. OVERMAN. May I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. Judge Knapp presided over the Commerce Court and tried all his cases, and he was able to go and attend to these matters, and he was willing to go for a compensation of $10 a day.

Mr. BRANDEGEE. Mr. President, if I may interrupt the Senator——

Mr. OVERMAN. Are there any more duties than mere arbitration? Are there any more duties devolved upon him than those under the Erdman Act?

Mr. BRANDEGEE. I will state what I think the situation would be. The testimony before the committee was that both Mr. Neill and Judge Knapp had been taken away for long periods of time from the duties which they ought to have been performing here, and in order to perform these duties they had abandoned their other duties and had to work nights and Sundays for weeks to get up with the duties of their offices here.

The testimony was also that in some of these arbitrations it had been two months before the award had been filed. It seems to me that to take a man from Washington to the Pacific coast and make him stay there two or three months, and in the meantime have his service demanded in another section of the country, perhaps as soon as he has returned, and to keep himself posted and equipped by the necessary study and familiarizing himself with all the phases of these difficulties, $7,500 a year is not excessive in these times, in the way that first-class men should be paid, as compensation for this office.

If there is adequate necessity for the creation of this board at all, I think a reasonable salary should be paid, salary enough to warrant a man in leaving a respectable employment in the capital of the Nation, and salary enough to insure his adequate support from this office, and not make it necessary for him to seek other means of maintaining himself and his family.

I hope the amendment will not prevail.

Mr. SMITH of South Carolina. Mr. President, as a member of the committee, observing the zeal and almost the enthusiasm with which both sides of the great question of employer and employee spoke for this bill and the offices created under it, looking toward the mediation of questions that might arise between them, committing themselves as they did to this method of settling their difficulties, the thought occurred to me then, and it has impressed me more since, that where such stupendous issues are at stake, involving as they do the very commerce of the country, organized now on the part of labor with, of course, organization on the part of capital, if we may put it in that form, the cheapest possible investment, in my opinion, that the United States can make is to pay $7,500 for that combination of brain and character which will not only invite but will retain the confidence of both parties and bring about from time to time a settlement of questions that would otherwise cost millions of dollars and hundreds of lives from an antagonism between two forces that the Government has used every means within its power in a legitimate way to reconcile.

To my mind it was a hopeful sign when the parties representing the two great elements of our industrial life on one common ground devised means which, in their judgment, will meet and obviate the terrible conditions that have existed heretofore. They recommended upon their own initiative a salary of $7,500 for a man who they hope will sit as the great mediator between the contending forces. For us to get a man who is not worth that amount would be worse than to get none at all. It would be a disaster to both parties if we were to attempt to get a cheap man, a man who could not comprehend the equity involved in any case that might come before him. As has been suggested by the Senator who has just taken his seat, it will necessitate that the man should familiarize himself with the conditions that exist.

Mr. OVERMAN. May I ask the Senator a question?

Mr. SMITH of South Carolina. Certainly.

Mr. OVERMAN. We have had two good men heretofore, have we not?

Mr. SMITH of South Carolina. As has been suggested, their duties were divided.

Mr. OVERMAN. They were paid $10 a day when doing the work.

Mr. SMITH of South Carolina. I understand that, Mr. President, but that does not enter into this question. It is a distinct function that is now proposed to be created for one of the most delicate positions that a man can possibly be placed in. If these parties should be so unfortunate as to get a man who by mental and moral capacity is unfit to discharge the duties the office would naturally impose upon him, he would be a dear man at any expenditure, and if we get one who will adequately fill the place he would be a cheap man even at a fabulous salary.

In view of that fact and in view of the delicate relations, distinct from almost any other that we could possibly form here, I, for one, as a member of the committee, shall vote for the salaries as they are now set forth in the bill.

Mr. CUMMINS. Mr. President, I do not quite understand the question just put to the Senator from South Carolina by the Senator from North Carolina. One of the mediators under the act as it is now is the former chairman of the Interstate Commerce Commission, now justice of the Commerce Court. Does the Senator from North Carolina understand that he received but $10 per day?

Mr. OVERMAN. I understood that while he was receiving $7,500, I believe it is, or $6,500, as judge of the Commerce Court, he was appointed to act under the Erdman Act as a mediator, and when he was on that business he was allowed $10 a day while he was serving the country as a judge, and as a judge he received a salary of $7,500.

Mr. CUMMINS. But he received his salary as a member of the Interstate Commerce Commission throughout the year, and he received whatever was received under the Erdman Act in addition.

Mr. OVERMAN. Ten dollars a day.

Mr. CUMMINS. So the Senator's conclusion that a fit man could be secured for $10 a day——

Mr. OVERMAN. Not at all.

Mr. CUMMINS. Is hardly warranted by the facts.

Mr. OVERMAN. No; I said that these gentlemen—Judge Knapp and Mr. Neill—received their salaries and did this extra work for $10 a day. You may get an inferior man for $100,000 a year and you may get a good man for $5,000 a year. The point I was making is that a man undertaking this work would not be compelled to devote all his time to this particular work, because probably one of these strikes would not occur in three months or six months or a year, and in case no strikes should occur in the year he would get $7,500 for doing nothing.

Mr. CUMMINS. Mr. President, I understand now what the Senator from North Carolina meant. Personally I am very much in favor of the appointment of a distinct mediator who fills that office and no other, and I have confidence enough in the President of the United States to believe that he will select a man who will perform not only with great fidelity but with high competency the very difficult duties of this place.

Hitherto the Erdman Act has been an experiment. It was an experiment when the chairman of the Interstate Commerce Commission and the Commissioner of Labor were designated as mediators. It has happened that those two men, who were originally selected for other duties, have rendered an invaluable service to the people of this country in mediating between the employer on the one hand and the employees upon the other.

Personally I believe the work which those men have done for the people of the United States is more valuable in conserving peace as well as property than the work of any other men in the same time under our institutions. Now, those men are passing out, and it will become necessary, if the bill is passed in its present form, for the President to select another man and an assistant as well, because the bill provides for an assistant at $5,000 a year, who will endeavor to carry on the very honorable as well as valuable service which those men have rendered.

I think the selection of that man will call on the part of the President of the United States for a keener insight into human nature than he has ever been compelled to exercise in the work that he has hitherto done. He must select, first, a man who has the respect of the railways of the country and who has the respect of the railway men of the country—a man in whom both sides in this mighty controversy that is going on continually

have confidence, because without complete respect and without absolute confidence their service will be of no consequence whatever. I do not believe that you can find such a man who would be willing to leave whatever employment he may now have and enter this service, with all its vexations, with all its hardships, with all its opportunities to be misunderstood, for $5,000. I think it would be disparaging the man, to begin with, to ask him to render this service for $5,000 per year.

Mr. OVERMAN. I agree that we ought to have a first-class man—such a man as the Senator describes. I hope the President will get him. But I see that the bill makes the term seven years. It is a fixed term for seven years. Suppose you get one who was not that kind of a man. You have him for seven years. What are you going to do about it?

Mr. CUMMINS. He is removable.

Mr. OVERMAN. The President might remove him for misconduct; but suppose he is guilty of no misconduct, yet he is not the kind of a man to conform to the Senator's idea.

Mr. CUMMINS. Mr. President, that is one of the hazards which we all must incur in a Government like ours. That is true of every judicial appointment as well. The appointing power may make a mistake.

Mr. OVERMAN. But the idea I want to bring out is why the term is made seven years instead of four, the ordinary term.

Mr. CUMMINS. I am not responsible for that, Mr. President, and I would have no great objection on my part to a shorter term of office. However, my fear of a mistake is not so great as to induce me to change the term, although I would not oppose it.

But I do want the Senate to reflect seriously before it undertakes to secure a man who will be worthy of the confidence that I have attempted to describe for a salary of $5,000. We will not be apt to secure him.

I agree with the Senator from Indiana [Mr. KERN] that the salary ought to be $10,000 per year, rather than $7,500 per year. If the President is able, as I hope he will be able, to select the right man for the place, he will earn for the people of this country his salary a hundred times over every year. I have no doubt that the mediation which has been carried forward by Judge Knapp and by Dr. Neill, followed by the arbitrations which sometimes ensue, have saved to the people of this country millions and millions of dollars.

Our difficulty, as stated by the Senator from Arkansas [Mr. ROBINSON], is that we are confronting one, if not two, of the most momentous strikes the country has ever seen. We can not secure arbitration between the railway companies and the men, because at least the railway companies are not willing to submit their cause to a board of three men. Both sides have agreed that if not the board of mediation but the board of arbitrators can be increased to six or nine men, then they will submit the questions in controversy to the board and abide by the award, whatever it may be. That fact constitutes the urgency of this measure.

But after all, the arbitration which may follow is not more important than the mediation which precedes the arbitration and very often settles the controversy. Let us therefore give the President the range at least in selecting a man that this fairly adequate salary will give him. Let us not confine him in the selection to men who are willing to labor for the public for $5,000 per year. I feel confident that if we enlarge the field in which he may make his selection we will be abundantly compensated for it in the outcome of our work.

Mr. POMERENE. Mr. President, I am in favor of this bill as it is written, and though in some respects I would prefer to see a change I will not vote to change a single word in it, and for the reason I shall state.

It appeared before the committee that the railway companies, through their presidents and representatives, and the railway men's organizations, through their chiefs, said that this bill represented months of work; that while there were slight differences of opinion they all agreed to accept it as a solution of the problem. A number of the witnesses, when interrogated before the committee, said, in substance, that if the bill was passed as it was written they did not believe there would be a single railroad or a single organization that would refuse to accept the plan of settlement here adopted.

It stands to reason that when they come before the Congress asking that this plan be incorporated into a statute no one of these parties would be in a position where he could honorably say, "I will not accept the plan of mediation or of arbitration which is therein contained."

My friend from North Carolina [Mr. OVERMAN] raises the suggestion that if we get an undesirable man we can remove him only for cause. That, perhaps, is true, but if he becomes so objectionable that these parties will not use him the remedy lies with Congress to repeal the law or to refuse to vote the necessary funds with which to carry on the work of the department.

For this reason and because of the imminency of the situation that is before us, I hope there will not be a single objection raised to any provision in the bill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Carolina [Mr. OVERMAN].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NEWLANDS. With reference to the bill just passed, I should like to state that it is important that it should go to the House to-morrow morning.

Mr. BRANDEGEE. I desire to suggest that the Secretary correct an error in spelling in the bill.

The VICE PRESIDENT. The Secretary has been directed to correct errors in spelling and other clerical errors.

Mr. BRANDEGEE. I desire to call the Secretary's attention to an error that has not yet been noticed. The word "absence," on page 14, line 5, is misspelled and ought to be corrected.

Mr. GALLINGER. There is also a semicolon after the word "years," in line 17, page 13, which ought to come out.

The VICE PRESIDENT. The corrections will be made.

ASSIGNMENT OF DISTRICT JUDGES.

Mr. O'GORMAN. Mr. President, a few days since the Senate by unanimous consent considered and passed Senate bill 2254, which provides for the relief of certain Federal courts throughout the country. The senior Senator from Arkansas [Mr. CLARKE] immediately after the passage of the bill gave notice of a motion to reconsider. At his suggestion I shall consent to the insertion of the words "as to the trial of causes" after the word "powers," in the second line of the second page. The notice to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed having been entered, I make that motion.

The motion to reconsider was agreed to, and the Senate resumed the consideration of the bill.

Mr. O'GORMAN. I offer the amendment to insert the words "as to the trial of causes" after the word "powers," in line 2, page 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 2, after the word "powers," it is proposed to insert "as to the trial of causes."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. O'GORMAN].

Mr. SUTHERLAND. I inquire of the Senator from New York what will be the effect of that amendment?

Mr. O'GORMAN. It proposes to confine the work of the judge who may be assigned from one district to another solely to the trial of causes. That is all we require. The Senator from Arkansas [Mr. CLARKE] had some objection to judges from other districts coming in and granting ex parte injunctions and appointing receivers. The only relief which is actually sought is the aid of judges from other districts to dispatch and dispose of pending litigation.

Mr. SUTHERLAND. Would the amendment prevent the judge temporarily assigned to the district from passing upon a demurrer, for example?

Mr. O'GORMAN. Not if it should arise in the trial of a cause. Such judge is vested with all the power possessed by a resident judge in the trial of a cause.

Mr. SUTHERLAND. The Senator, as I understand, says that the amendment simply limits the power of the judge so designated to the trial.

Mr. O'GORMAN. Yes.

Mr. SUTHERLAND. I would have some doubt about a judge having power under such a provision to dispose of any preliminary matter such as a demurrer.

Mr. CUMMINS. Such a judge certainly ought to have the power to make up the issue. He ought to have the power to hear a motion that may arise on the pleadings.

Mr. O'GORMAN. The issues are framed by the pleadings, and the only purpose of this legislation is to secure the aid of judges from other districts to go into districts where there may be an accumulation of business to aid in the trial of causes.

Mr. SUTHERLAND. Mr. President, I dislike to interfere with the passage of this bill, because I consider it a very important and a very necessary measure, but I think there is under the amendment proposed some danger of limiting the power of such a judge too much. We certainly do not want to provide by law that the judge can do nothing but try the case

when it may be quite necessary before the trial is entered upon to dispose of preliminary matters. It might, at any rate, raise some grave question as to the power of the judge.

Mr. O'GORMAN. The language, as I view it, is free from any doubt. We only need, particularly in the city of New York at this time, judges from other districts to try causes. The local judges can attend to the ordinary preliminary applications.

Mr. NELSON. Mr. President, if the Senator will yield to me, has he considered the question whether a judge under such circumstances would have the power, after the trial term was over, to sign a bill of exceptions? That is a very important matter. Would a judge from another district, coming there under the provisions of the pending bill to try a case, have a right after the trial to sign a bill of exceptions?

Mr. O'GORMAN. The fact is that the amendment suggested was the only one insisted upon by the Senator from Arkansas [Mr. CLARKE], although in the last paragraph of the bill there is a provision that a judge so assigned shall possess all the powers ordinarily conferred upon a resident judge.

Mr. NELSON. Is the Senator clear that he would have a right to sign a bill of exceptions?

Mr. O'GORMAN. Under that provision, yes. Perhaps, if the Secretary will read the bill, the objection may be found to be groundless.

Mr. SUTHERLAND. Before that is done let me make the further suggestion, in view of what the Senator from Minnesota [Mr. NELSON] has suggested, as to whether or not the judge would have the power to pass upon a motion for a new trial. The Senator from New York understands how important it is that the judge who tries the case should pass upon the motion for a new trial, if one is made.

Mr. O'GORMAN. Yes.

Mr. SUTHERLAND. Will we, by the language the Senator proposes to insert, so limit his power that he can not do that?

Mr. O'GORMAN. Whatever limitation is imposed upon the functions of the judge by the amendment suggested by the Senator from Arkansas is, in my judgment, absolutely neutralized by the last paragraph of the bill; and if Senators will allow the Secretary to read I think they will agree with me as to that. I ask that the Secretary read the bill, Mr. President.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the bill, as follows:

Be it enacted, etc., That chapter 1, section 18, of the Judicial Code be amended by adding thereto the following:

"Whenever it shall be certified by any senior circuit judge of any circuit, or, in his absence, by the circuit justice of the circuit in which the district lies, that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within the circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented in writing to such designation and appointment: *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify, in writing, that the business of the district of such judge will not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed. Each of the said district judges may, in the case of such appointment, hold separately, at the same time, a district court in such district, and discharge all of the judicial duties of the district judges therein."

The VICE PRESIDENT. The proposed amendment will be stated.

The SECRETARY. The proposed amendment of the Committee on the Judiciary is, on page 2, line 2, after the word "powers," to insert "as to the trial of causes," so as to read:

The Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court, and to have and exercise within the district to which he is so assigned the same powers as to the trial of causes that are vested in the judge thereof.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. BRANDEGEE. Mr. President——

Mr. O'GORMAN. If there is any defect, it can be cured in conference.

Mr. BRANDEGEE. I desire to ask the Senator from New York if there would be any damage done by delaying this matter until the Senator from Arkansas [Mr. CLARKE] can be present?

Mr. O'GORMAN. No.

Mr. BRANDEGEE. I myself think if the amendment be adopted it will be a serious limitation upon the power of the judge who is sent to take the place of the local judge. The amendment would simply give him such power as the local judge has in the trial of a cause and no power to rule upon possible amendments to the pleadings or on a motion to set aside the judgment or a motion for a new trial or any of the many interlocutory or subsequent motions which might arise. While I am not prepared to vote against the bill now, and should not do so, unless there is immediate necessity for its passage, I should prefer to have the Senator from Arkansas explain what he thinks the effect of the amendment will be.

Mr. O'GORMAN. I have no objection to the bill going over for the present.

The VICE PRESIDENT. The bill will go over.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until to-morrow at 2 o'clock in the afternoon.

The motion was agreed to.

EXPORTATION OF ARMS.

Mr. FALL. Mr. President, I desire to give notice that immediately after the morning business at the next session of the Senate I shall address the Senate on the joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, and so forth. I give this notice subject to the consideration of the conference report on the Indian appropriation bill, not wishing to interfere with it.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 27, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 26, 1913.

CONSUL.

Nathaniel B. Stewart, of Georgia, now consul at Durban, to be consul of the United States of America at Milan, Italy, vice Charles M. Caughy, resigned.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Oliver P. Newman, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years, vice Cuno H. Rudolph.

F. L. Siddons, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years, vice John A. Johnston.

COMMISSION ON INDUSTRIAL RELATIONS.

Frank P. Walsh, of Missouri.
John R. Commons, of Wisconsin.
Mrs. J. Borden Harriman, of New York.
Frederic A. Delano, of Illinois.
Harris Weinstock, of California.
S. Thruston Ballard, of Kentucky.
John B. Lennon, of Illinois.
James O'Connell, of Washington, D. C.
Austin B. Garretson, of Iowa.

MINISTERS.

Albert G. Schmedemann, of Wisconsin, to be envoy extraordinary and minister plenipotentiary of the United States of America to Norway, vice Laurits S. Swenson, resigned.

Benton McMillin, of Tennessee, to be envoy extraordinary and minister plenipotentiary of the United States of America to Peru, vice H. Clay Howard, resigned.

SECRETARY OF EMBASSY.

J. Butler Wright, of Wyoming, now secretary of the legation at Brussels, to be secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice George B. Rives.

SECRETARY OF LEGATION.

Fred Morris Dearing, of Missouri, now Assistant Chief of the Division of Latin-American Affairs, Department of State, to be secretary of the legation of the United States of America at Brussels, Belgium, vice J. Butler Wright, nominated to be secretary of the embassy at Rio de Janeiro, Brazil.

COMMISSIONER OF IMMIGRATION.

Lawson E. Evans, of Mississippi, to be commissioner of immigration, San Juan, P. R., Department of Labor.

ISTHMIAN CANAL COMMISSION.

Richard Lee Metcalfe, of Nebraska, for appointment as a member of the Isthmian Canal Commission, provided for by act of Congress approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," vice Maurice H. Thatcher, resigned.

UNITED STATES ATTORNEY.

Summers Burkhart, of New Mexico, to be United States attorney for the district of New Mexico, vice Stephen B. Davis, jr., resigned.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Daniel Sparks Baughman to be assistant suregon in the Public Health Service, to take effect from date of oath. (New office.)

James Burnett Laughlin to be assistant surgeon in the Public Health Service, to take effect from date of oath. (New office.)

Harry Michael Thometz to be assistant surgeon in the Public Health Service, to take effect from date of oath. (New office.)

REGISTER OF THE LAND OFFICE.

Brice B. Hudgins, of Harrison, Ark., to be register of the land office at Harrison, Ark., vice William N. Ivie, term expired.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Clifford J. Boush to be a rear admiral in the Navy from the 15th day of June, 1913.

Commander George F. Cooper to be a captain in the Navy from the 15th day of June, 1913.

Lieut. Commander Christopher C. Fewel to be a commander in the Navy from the 26th day of March, 1913.

Lieut. William V. Tomb to be a lieutenant commander in the Navy from the 9th day of November, 1912.

Lieut. Charles R. Train to be a lieutenant commander in the Navy from the 26th day of March, 1913.

Lieut. Hugo W. Osterhaus to be a lieutenant commander in the Navy from the 30th day of March, 1913.

Lieut. (Junior Grade) Edward D. Washburn, jr., to be a lieutenant in the Navy from the 23d day of March, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Edward J. Foy,
Francis W. Rockwell,
Arthur S. Carpender, and
Edmund W. Strother.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 28th day of March, 1913:

James A. Bass, and
Griffith E. Thomas.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 18th day of June, 1913:

George W. Calver, citizen of District of Columbia.
John S. Saurman, citizen of District of Columbia.
William W. Hargrave, citizen of Virginia.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Oscar Smith, jr.,
Haller Belt,
Edward H. Loftin,
John E. Iseman, jr.,
William C. Owen,
Francis Cogswell,
Schamyl Cochran,
Philip Seymour,
Charles M. Yates,
William H. Pashley,
Fred T. Berry,
Ernest F. Buck,
Selah M. La Bounty,
William H. Dague, jr.,
Paul J. Peyton,
Harry H. Forgus, and
Henry D. McGuire.

POSTMASTERS.

ALABAMA.

Henry I. Goff to be postmaster at Hartford, Ala., in place of John B. Daughtry, removed.

ARKANSAS.

John E. Bradley to be postmaster at Warren, Ark., in place of Hiram F. Butler. Incumbent's commission expired January 22, 1913.

CALIFORNIA.

James T. Clayton to be postmaster at Elsinore, Cal., in place of James T. Clayton. Incumbent's commission expired January 20, 1913.

COLORADO.

Herbert D. Barnhart to be postmaster at Creede, Colo., in place of William C. Sloan. Incumbent's commission expired February 9, 1913.

Alexander Gray to be postmaster at Ordway, Colo., in place of Milton E Bashor, resigned.

Judith Nichols to be postmaster at Ridgway, Colo. Office became presidential July 1, 1912.

CONNECTICUT.

Patrick C. Cavanaugh to be postmaster at Burnside, Conn., in place of L. H. Forbes. Incumbent's commission expired June 22, 1913.

Thomas J. Quish to be postmaster at South Manchester, Conn., in place of Walter B. Cheney, deceased.

DELAWARE.

Alfred Lee Cummins to be postmaster at Smyrna, Del., in place of Thomas Jefferson. Incumbent's commission expired January 9, 1912.

GEORGIA.

H. O. Crittenden to be postmaster at Shellman, Ga., in place of Sarah J. Anthony. Incumbent's commission expired March 3, 1913.

IDAHO.

Frank S. Harding to be postmaster at Weiser, Idaho, in place of Albert J. Hopkins. Incumbent's commission expired February 12, 1912.

H. E. King to be postmaster at Nampa, Idaho, in place of Claude H. Duval. Incumbent's commission expired June 25, 1913.

ILLINOIS.

H. E. Buckles to be postmaster at Le Roy, Ill., in place of Earl D. Riddle, resigned.

Robert L. Cantrell to be postmaster at West Frankfort, Ill., in place of William A. Kelly. Incumbent's commission expired December 14, 1912.

August Droll to be postmaster at Troy, Ill., in place of Thomas Millett, jr. Incumbent's commission expired January 11, 1913.

James T. Hinds to be postmaster at Newman, Ill., in place of Moses S. Smith. Incumbent's commission expired June 16, 1913.

Dewey T. Queen to be postmaster at Auburn, Ill., in place of William W. Lowry. Incumbent's commission expired June 9, 1913.

Samuel Shockey to be postmaster at Ramsey, Ill., in place of Fred M. Stoddard, resigned.

INDIANA.

Clarence E. Schaeffer to be postmaster at Howe, Ind., in place of James E. Zork. Incumbent's commission expired June 22, 1913.

Walter H. Smith to be postmaster at Versailles, Ind., in place of Joseph E. Gordon. Incumbent's commission expired January 13, 1913.

IOWA.

Frederick S. Anderson to be postmaster at Stanton, Iowa, in place of Andrew F. Newquist. Incumbent's commission expired May 13, 1913.

Fred C. Boeke to be postmaster at Hubbard, Iowa, in place of William M. Boyland. Incumbent's commission expired March 1, 1913.

Harry A. Cooke to be postmaster at Eagle Grove, Iowa, in place of John Buchanan. Incumbent's commission expired January 11, 1913.

Edward L. Hall to be postmaster at Chelsea, Iowa. Office became presidential October 1, 1912.

Michael J. Harty to be postmaster at Lone Tree, Iowa, in place of J. M. Lee, resigned.

D. E. Horton to be postmaster at Lime Spring, Iowa, in place of Samuel H. Hall. Incumbent's commission expired May 11, 1913.

J. J. McDermott to be postmaster at Manilla, Iowa, in place of R. C. Saunders. Incumbent's commission expired January 26, 1913.

Charles S. Marshall to be postmaster at Deep River, Iowa, in place of Ross Grier, resigned.

KANSAS.

F. W. Boyd to be postmaster at Phillipsburg, Kans., in place of Irwin C. McDowell, resigned.

W. B. Ford to be postmaster at Oskaloosa, Kans., in place of J. M. Gibbs. Incumbent's commission expired April 15, 1913.

George A. Griggs to be postmaster at Marquette, Kans., in place of Charles J. Nordstrom. Incumbent's commission expired February 4, 1912.

A. F. Hamm to be postmaster at Nortonville, Kans., in place of Almond P. Burdick. Incumbent's commission expired April 21, 1913.

Paul A. Jones to be postmaster at Coffeyville, Kans., in place of Joseph McCreary, removed.

Owen McLean to be postmaster at West Mineral, Kans., in place of James D. Smith, deceased.

R. A. Watt to be postmaster at Edna, Kans., in place of Frank W. Elliott. Incumbent's commission expired January 28, 1913.

KENTUCKY.

Mayme D. Cogar to be postmaster at Midway, Ky., in place of Charles W. Parrish, removed.

Sara W. Simms to be postmaster at Springfield, Ky., in place of William A. Waters, resigned.

Robert C. Stockton to be postmaster at Richmond, Ky., in place of Coleman C. Wallace, resigned.

LOUISIANA.

T. J. Perkins to be postmaster at De Quincy, La., in place of Hugo Naegele, declined.

MASSACHUSETTS.

James G. Cassidy to be postmaster at Sheffield, Mass., in place of E. A. Burtch. Incumbent's commission expired December 14, 1912.

Joseph J. McMahon to be postmaster at Randolph, Mass., in place of Arthur W. Alden. Incumbent's commission expired June 14, 1913.

MICHIGAN.

George Arthur to be postmaster at Elkton, Mich., in place of Aaron Cornell, resigned.

William S. Drew to be postmaster at Augusta, Mich. Office became presidential October 1, 1912.

Joseph Fremont to be postmaster at Bad Axe, Mich., in place of George M. Clark resigned.

John J. Galster to be postmaster at Boyne Falls, Mich. Office became presidential January 1, 1913.

Paul Harrison to be postmaster at Bloomingdale, Mich., in place of Gilbert H. Hudson. Incumbent's commission expired June 23, 1913.

Henry M. Jacobs to be postmaster at Hamtramck, Mich., in place of X. A. Jones, resigned.

George B. McIntyre to be postmaster at Fairgrove, Mich. Office became presidential January 1, 1911.

Perry H. Peters to be postmaster at Davison, Mich., in place of Lewis Gifford. Incumbent's commission expired April 9, 1910.

John J. Sleeman to be postmaster at Linden, Mich., in place of Alonzo B. Hyatt. Incumbent's commission expires June 26, 1913.

Charles A. Standiford to be postmaster at Athens, Mich., in place of Newton E. Miller. Incumbent's commission expired January 12, 1913.

MINNESOTA.

William H. Franklin to be postmaster at Dodge Center, Minn., in place of Peter J. Schwarg. Incumbent's commission expired January 27, 1913.

P. O. Fryklund to be postmaster at Badger, Minn. Office became presidential January 1, 1913.

Alfred W. Johnson to be postmaster at Sebeka, Minn., in place of John Anderson, resigned.

E. S. Scheibe to be postmaster at Cloquet, Minn., in place of Fred D. Vibert. Incumbent's commission expired January 22, 1913.

Louis A. Schwantz to be postmaster at Evansville, Minn., in place of J. T. Larson. Incumbent's commission expired February 11, 1913.

MISSISSIPPI.

Jonathan H. McCraw to be postmaster at Sardis, Miss., in place of David G. Dunlap. Incumbent's commission expired January 26, 1913.

Jesse D. Smith to be postmaster at Poplarville, Miss., in place of James J. Scarborough, resigned.

Nannie S. Smith to be postmaster at Batesville, Miss., in place of Laura M. Gowdy. Incumbent's commission expired February 9, 1913.

NEBRASKA.

Anton J. Ruzicka to be postmaster at Belgrade, Nebr. Office became presidential January 1, 1913.

NEW JERSEY.

David C. Brewer to be postmaster at Toms River, N. J., in place of W. Burtis Havens. Incumbent's commission expired December 18, 1911.

Patrick H. Ledger to be postmaster at Stockton, N. J., in place of Theodore S. Moore. Incumbent's commission expired May 11, 1912.

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of Ada B. Nafew. Incumbent's commission expired January 14, 1913.

John A. Reddan to be postmaster at Hopewell, N. J., in place of Farley F. Holcombe. Incumbent's commission expired January 11, 1913.

H. G. Stull to be postmaster at Milford, N. J., in place of Charles G. Melick. Incumbent's commission expired June 25, 1913.

Harvey Thomas to be postmaster at Atlantic City, N. J., in place of Harry Bacharach, resigned.

NEW YORK.

James V. Crawford to be postmaster at Morristown, N. Y., in place of John M. Gilmour. Incumbent's commission expired January 11, 1913.

John E. Hoffnagle to be postmaster at Westport, N. Y., in place of Dana Brasted. Incumbent's commission expired January 11, 1913.

Henry D. Nichols to be postmaster at Mexico, N. Y., in place of Wilfred A. Robbins, resigned.

Joseph T. Norton to be postmaster at Allegany, N. Y., in place of Frederick S. Welch. Incumbent's commission expired April 1, 1913.

Frederick A. Ray to be postmaster at Herkimer, N. Y., in place of Daniel F. Strobel, resigned.

James J. Smith to be postmaster at Griffin Corners, N. Y., in place of Durward B. Kelly. Incumbent's commission expired December 16, 1912.

Gilson D. Wart to be postmaster at Sandy Creek, N. Y., in place of Melvin D. Herriman. Incumbent's commission expired February 20, 1913.

NORTH CAROLINA.

Finley T. Croom to be postmaster at Burgaw, N. C., in place of E. McN. Moore. Incumbent's commission expired May 29, 1912.

C. L. Harris to be postmaster at Thomasville, N. C., in place of Charles M. Hoover. Incumbent's commission expired March 1, 1913.

John V. Johnston to be postmaster at Farmville, N. C. Office became presidential October 1, 1911.

Samuel V. Scott to be postmaster at Sanford, N. C., in place of Samuel M. Jones. Incumbent's commission expired May 16, 1912.

F. L. Williamson to be postmaster at Burlington, N. C., in place of Jasper Z. Waller. Incumbent's commission expired March 1, 1913.

S. P. Wilson to be postmaster at Fairmont, N. C. Office became presidential January 1, 1912.

NORTH DAKOTA.

Pearl Miller to be postmaster at La Moure, N. Dak., in place of C. I. Hutchinson, resigned.

Frank Reed to be postmaster at Bismarck, N. Dak., in place of Agatha G. Paterson, removed.

Sophie Sherman to be postmaster at Donnybrook, N. Dak., in place of John King, resigned.

Charles A. Baker to be postmaster at Germantown, Ohio, in place of Harry M. Wolfe. Incumbent's commission expired June 12, 1913.

James M. Fitzpatrick to be postmaster at Bethel, Ohio, in place of George H. Willis, resigned.

Clarence A. Flanagan to be postmaster at Pleasant City, Ohio, in place of William D. Archer. Incumbent's commission expired May 8, 1913.

Charles C. Fowler to be postmaster at Canfield, Ohio, in place of Joseph R. Taber. Incumbent's commission expired February 9, 1913.

Andrew Hiss to be postmaster at Norwalk, Ohio, in place of Ford H. Laning. Incumbent's commission expired January 26, 1913.

Adam H. Meeker to be postmaster at Greenville, Ohio, in place of W. E. Halley. Incumbent's commission expired February 11, 1913.

Clate A. Wagner to be postmaster at Kenmore, Ohio. Office became presidential January 1, 1913.

OKLAHOMA.

Charles Amspacher to be postmaster at Apache, Okla., in place of Charles D. Campbell. Incumbent's commission expired March 20, 1912.

J. S. Barham to be postmaster at Wewoka, Okla., in place of Don R. Fraser. Incumbent's commission expired February 20, 1913.

Peter H. McKeown to be postmaster at Billings, Okla., in place of Joshua F. Ferris, resigned.

W. A. Prince to be postmaster at Crescent, Okla., in place of A. B. Holliday. Incumbent's commission expired December 17, 1912.

C. J. Woodson to be postmaster at Okarche, Okla., in place of A. J. Thompson. Incumbent's commission expired December 17, 1912.

OREGON.

H. B. Ford to be postmaster at Bend, Oreg., in place of F. O. Minor. Incumbent's commission expired May 22, 1913.

PENNSYLVANIA.

Finley H. Failing to be postmaster at Shinglehouse, Pa., in place of Arthur W. Briggs. Incumbent's commission expired April 15, 1913.

Thomas W. Gilroy to be postmaster at Norwich, Pa. Office became presidential April 1, 1913.

John H. Kensinger to be postmaster at Martinsburg, Pa., in place of Charles A. Straesser, resigned.

William A. Shear to be postmaster at Coudersport, Pa., in place of Martin Joerg, deceased.

Solomon H. Smith to be postmaster at Smithton, Pa., in place of George W. Torrence, resigned.

James F. Timlin to be postmaster at Taylor, Pa., in place of John P. Thomas. Incumbent's commission expired April 9, 1913.

RHODE ISLAND.

Edward Reynolds to be postmaster at Harrisville, R. I. Office became presidential April 1, 1913.

SOUTH DAKOTA.

James R. Fonger to be postmaster at Gary, S. Dak., in place of Arthur W. Bartels. Incumbent's commission expired February 9, 1913.

William J. Quirk to be postmaster at Kimball, S. Dak., in place of John B. Long, deceased.

TENNESSEE.

Luke C. Peak to be postmaster at Jefferson City, Tenn., in place of Ira M. Colle, resigned.

TEXAS.

S. Anderson to be postmaster at Knox City, Tex., in place of John E. Clarke. Incumbent's commission expired December 16, 1912.

Jefferson Johnson to be postmaster at Austin, Tex., in place of N. C. Schlemmer. Incumbent's commission expired June 14, 1913.

B. B. Lanham to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expired February 11, 1913.

W. E. McKay to be postmaster at Huntsville, Tex., in place of Mary S. Parish. Incumbent's commission expired March 29, 1913.

Lula E. Willis to be postmaster at Daingerfield, Tex., in place of D. H. McCoy. Incumbent's commission expired January 27, 1913.

VERMONT.

C. M. Boright to be postmaster at Richford, Vt., in place of Alma H. Ayer. Incumbent's commission expired February 24, 1913.

VIRGINIA.

George L. Roberts to be postmaster at Exmore, Va. Office became presidential October 1, 1911.

WASHINGTON.

Preston F. Billingsley to be postmaster at Ephrata, Wash. Office became presidential July 1, 1910.

Jefferson P. Buford to be postmaster at Kelso, Wash., in place of William P. Ely. Incumbent's commission expired January 5, 1913.

Nellie B. Burke to be postmaster at Mansfield, Wash. Office became presidential October 1, 1912.

Mary Dillabough to be postmaster at Conconully, Wash., in place of Walter W. Cloud, resigned.

Charles E. Guiberson to be postmaster at Kent, Wash., in place of Lewis E. Hardy, resigned.

Theo Hall to be postmaster at Medical Lake, Wash., in place of Theo Hall. Incumbent's commission expired December 16, 1912.

Guy A. Hamilton to be postmaster at Leavenworth, Wash., in place of John C. Davis. Incumbent's commission expired February 9, 1913.

Howard W. Hare to be postmaster at Mabton, Wash., in place of Jesse T. Stewart, resigned.

Ethel R. Joslin to be postmaster at Port Orchard, Wash., in place of L. S. Pendleton. Incumbent's commission expired April 8, 1913.

Archie Manson to be postmaster at Cashmere, Wash., in place of Thomas Bollman. Incumbent's commission expired January 10, 1911.

Robert Montgomery to be postmaster at Puyallup, Wash., in place of G. W. Edgerton. Incumbent's commission expired December 16, 1912.

S. J. Mothershead to be postmaster at Edmonds, Wash., in place of Samuel F. Street. Incumbent's commission expired January 6, 1913.

Joseph O'Neill to be postmaster at Castlerock, Wash., in place of A. W. Carner. Incumbent's commission expired January 20, 1913.

Garrett R. Patterson to be postmaster at Malden, Wash., in place of James Cadzow, removed.

A. J. Peters to be postmaster at Deer Park, Wash., in place of Jacob T. Grove. Incumbent's commission expired January 28, 1913.

Jacob P. Pyles to be postmaster at Sumner, Wash., in place of De Witt C. Hostetter, resigned.

Harlan E. Rupp to be postmaster at Bothell, Wash. Office became presidential January 1, 1913.

Edwin Schauble to be postmaster at Kalama, Wash., in place of William H. Imus. Incumbent's commission expired May 18, 1913.

Benjamin L. Smith to be postmaster at Okanogan, Wash., in place of Harvey S. Irwin, resigned.

Martha E. Sprague to be postmaster at Ilwaco, Wash. Office became presidential January 1, 1913.

C. G. Thomas to be postmaster at Cle Elum, Wash., in place of F. W. Martin. Incumbent's commission expired January 28, 1913.

WEST VIRGINIA.

Warren D. Cline to be postmaster at Williamstown, W. Va., in place of Paul H. Metcalf. Incumbent's commission expired January 11, 1913.

Oliver C. Sweeney to be postmaster at St. Marys, W. Va., in place of Joseph Williams. Incumbent's commission expired January 6, 1913.

WISCONSIN.

Hedley G. Bannerman to be postmaster at Redgranite, Wis., in place of Altie B. Barnard. Incumbent's commission expired December 14, 1912.

Elizabeth Croake to be postmaster at Albany, Wis., in place of Louisa Whitcomb, resigned.

E. A. Drotning to be postmaster at Stoughton, Wis., in place of Christian A. Hansen. Incumbent's commission expired March 29, 1913.

Herman H. Fiedler to be postmaster at Cuba, Wis., in place of Joseph Longbotham. Incumbent's commission expired May 14, 1912.

John F. Flanagan to be postmaster at Oconomowoc, Wis., in place of John G. Garth, removed.

Agnes Scholl to be postmaster at Pewaukee, Wis., in place of James B. Weaver, resigned.

WYOMING.

Elizabeth W. Kieffer to be postmaster at Fort Russell, Wyo., in place of John F. Crowley, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 26, 1913.

DIRECTOR OF THE CENSUS.

William J. Harris to be Director of the Census in the Department of Commerce.

MINISTER.

John D. O'Rear to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia.

CONSUL.

Philip Holland to be consul of the United States of America at Basel, Switzerland.

POSTMASTERS.

ARKANSAS.

Charles C. Stewart, Greenwood.

CONNECTICUT.

W. S. Clarke, Milford.

ILLINOIS.

Alonzo Boren, Herrin.
W. E. Clayton, Johnston City.
Arthur M. Kloepfer, Winnetka.
Joseph H. Knebel, Pocahontas.
F. Marion Martin, Noble.
Thomas J. Mowbray, Bradford.
Harry L. Reinoehl, Flat Rock.
Porter B. Simcox, Patoka.

IOWA.

Frank Carpenter, Estherville.
Charles K. Coontz, Lineville.

David D. Darby, Hamburg.
Jacob S. Forgrave, Farmington.
Thomas Geneva, What Cheer.
Edward F. Glau, Charter Oak.
John W. Hanna, Winfield.
Charles W. Harris, Coin.
A. D. Hix, Zearing.
Bradley B. Hopkins, Forest City.
Eva Keith, Goldfield.
Thomas J. McCaffrey, West Bend.
Sam T. Manatt, jr., Kalona.
Stephen C. Maynard, Grand Junction.
Charles N. Nelson, Bedford.
Robert M. Reid, Lake City.
Rudolph W. Schug, Strawberry Point.
Fred S. Stoddard, Jesup.
Bessie C. Swan, Story City.
A. E. Thomas, Buxton.

KANSAS.

Frank S. Foster, Ellsworth.
John H. Shields, Wichita.
P. D. Spellman, Plainville.

NEBRASKA.

Edward J. Brady, McCook.

NEW JERSEY.

Samuel H. Chatten, Pennington.
John J. Foley, Bernardsville.
Joseph Mark, South River.

NEW YORK.

Edwin Clute, Schenectady.
Jacob L. Hicks, Highland Falls.
Andrew Mealey, Greenwich.
Fred L. Merrell, Copenhagen.
W. S. Waterbury, Ballston Spa.

NORTH DAKOTA.

T. H. Woldy, Edmore.

OREGON.

C. W. Brown, Canyon City.

WITHDRAWALS.

Executive nominations withdrawn June 26, 1913.

MINISTER.

Meredith Nicholson, of Indiana, to be envoy extraordinary and minister plenipotentiary of the United States of America to Portugal.

UNITED STATES MARSHAL.

Edward W. Exum, of Alaska, to be United States marshal for the District of Alaska, division No. 3.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 26, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we come to Thee with open hearts, praying that Thy spirit may enter in and abide with us, that we may be in harmony with Thee as we journey on toward the goal for which we all long in our better moments; a life so pure, so noble, so generous, so godlike, that the angels round the throne may join in the everlasting chorus, "Rejoice, for the Lord brings back His own." For Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL.

The Journal of the proceedings of Tuesday, June 24, 1913, was read.

The SPEAKER. If there be no objection, the Journal will be considered as approved.

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice that in the Journal it is recited that—

> Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows.

Then it recites the two privileged bills reported by the gentleman from New York [Mr. HARRISON] Tuesday on the floor.

Under clause 2 of Rule XIII, only those bills are reported which are not privileged and not entitled to be reported from the floor.

The SPEAKER. What is the clause under which they ought to have been reported? Is it clause 56——

Mr. MANN. Clause 56 of Rule XI, I believe. Those bills were reported on the floor as privileged bills.

The SPEAKER. Yes.

Mr. MANN. They do not belong under clause 2 of Rule XIII.

The SPEAKER. The gentleman is entirely correct.

Mr. MANN. I call attention to it, as the Clerk probably did not know, so that hereafter he may leave it out of the RECORD in that place where it does not belong, and not put it in the Journal.

The SPEAKER. The correction suggested by the gentleman from Illinois will be made, and as corrected, if there be no objection, the Journal will stand approved.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill, H. R. 1917, and ask that it be printed under the rule.

The SPEAKER. The gentleman presents a conference report for printing under the rule. The Clerk will report the title.

The Clerk read the title of the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The conference report and statement of the managers on the part of the House are as follows:

CONFERENCE REPORT (NO. 28).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 5, 8, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 40, 41, 45, 46, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 12, 15, 18, 27, 32, 34, 37, 39, 42, 43, 44, 47, 48, 49, 52, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"*Provided*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs or from the estate of such deceased Indian or deducted from the proceeds from the sale of the land of the deceased allottee or from any trust funds belonging to the estate of the decedent, the sum of $15, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein directed"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, strike out the word "thorough"; and in lines 36 and 37 of the amendment, strike out the words "at the second session of" and insert the word "during"; and in line 43 of the proposed amendment, strike out "$50,000" and insert "$25,000"; and the Senate agree to the same.

Amendment numbered 11½: That the House recede from its disagreement to the amendment of the Senate numbered 11½, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "complete," insert the word "separate"; and the Senate agree to the same.

Amendment numbered 11¾: That the House recede from its disagreement to the amendment of the Senate numbered 11¾, and agree to the same with an amendment as follows: In line 15 of page 4 of the proposed amendment strike out the words "Sec. 2" at the beginning of the line; and in line 17 of page 4 of the proposed amendment strike out the words "Sec. 3" at the beginning of the line; and in line 1 of page 5 of the pro-

posed amendment strike out the words "Sec. 4" at the beginning of the line; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement of the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the words "the balance" and insert "$50,000," and in lines 3, 4, and 5 of the proposed amendment strike out the words "or which shall hereafter be deposited to their credit, including the proceeds from the sale of surplus lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 13. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $5,000; new buildings, $15,000; in all, $88,600."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $77,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; for addition to barn, $2,500; for dairy cows, $1,000; in all, $43,700"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 9 of the proposed amendment strike out the word "five" and insert "four" in lieu thereof; and in line 17 of the amendment strike out the period and insert a colon and the following: "*Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant to settlers a preference right to purchase for 90 days from and after notice, at the appraised price, exclusive of improvements, such lands as were occupied by such settlers in good faith on January 1, 1913"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the amendment of the Senate insert the following: "That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no additional extension shall be granted: *And provided further*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stat., p. 49), and the act of February 18, 1909 (35 Stat., p. 637)"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the proposed amendment of the Senate, insert the following: "A commission consisting of two members of the Senate Committee on Indian Affairs, to be appointed by the chairman of said committee, and two Members of the House of Representatives, to be appointed by the Speaker, is hereby created for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation and for the use and benefit of the Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpœna and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January 1, 1914: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 3 of the proposed amendment insert the word "actually" after the word "land," and strike out "$400" in line 7 of the amendment and insert "$250" in lieu thereof, so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the State of Washington the tract of land actually used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250, or so much thereof as may be necessary, to carry out this provision."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 26. On or before the 1st day of July, 1914, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on, the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures if, in his judgment, he shall deem it advisable.

"Annually, after July 1, 1914, a detailed statement of expenditures as hereinbefore described, shall be incorporated in the annual report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December.

"Before any appropriation for the Indian Service is obligated or expended, the Secretary of the Interior shall make allotments thereof in conformity with the intent and purposes of this act, and such allotments shall not be altered or modified except with his approval.

"After July 1, 1914, the estimates for appropriations for the Indian service submitted by the Secretary of the Interior, shall be accompanied by a detailed statement, classified in the manner prescribed in the first paragraph of this section showing the purposes for which the appropriations are required."

And the Senate agree to the same.

JOHN H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

WM. J. STONE,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The department estimates for the fiscal year ending June 30, 1914, amounted to $11,303,316.53.

The bill as it passed the House carried appropriations as follows:

Gratuity	$7,196,869.98
Reimbursable	1,588,700.00
Treaty	625,560.00
Trust funds	454,000.00
Total	9,865,129.98

The bill as it passed the Senate carried appropriations as follows:

Gratuity	$7,738,272.17
Reimbursable	2,961,900.00
Treaty	625,560.00
Trust funds	464,500.00
Total	11,790,232.17

The bill as agreed upon in conference carries appropriations as follows:

Gratuity	$7,242,559.67
Reimbursable	1,618,709.00
Treaty	625,560.00
Trust funds	562,575.07
Total	10,049,394.74

This is a reduction of $1,740,837.43 over the bill as it passed the Senate and an increase of $184,264.76 over the bill as passed by the House.

The Senate conferees have receded on the following amendments: 5, 8, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 40, 41, 45, 46, 50.

The House conferees have receded unqualifiedly on the following amendments: 1, 2, 3, 4, 6, 7, 9, 11¾, 12, 15, 18, 27, 32, 34, 37, 39, 42, 43, 44, 47, 48, 49, 52, 54.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Is a decrease of $20,000 in said appropriation and which will not be needed on account of amendment 2.

No. 2. Is a proviso that none of said appropriation shall be used for allotment work in New Mexico and Arizona.

No. 3. The words "and peyote" are stricken out for the reason that the Indians claim this peyote is used in their religious worship and would cause a great deal of contention.

No. 4. Is an increase of $25,000 for the suppression of liquor among Indians, and from statements made it was badly needed.

No. 6. The provision covered by this amendment was in the wrong place in the paragraph and is changed to proper one by amendment 7.

No. 7. Merely places the proviso, as indicated by amendment 6, at the proper place in the paragraph.

No. 9. Is only to correct the phraseology.

No. 12. Changes the phraseology.

No. 15. Is for the completion and repair of a road in the Hoopa Valley Indian Reservation, Cal., and which has heretofore been appropriated for.

No. 18. Does not carry an appropriation, but provides that any Indian allottee on the Fond du Lac Reservation in Minnesota who has not received 80 acres of land as an allotment may now take additional acreage to amount to said 80 acres.

No. 27. Is to correct the totals.

No. 32. Does not carry any additional appropriation, but provides that said attorney shall be designated by the Secretary of the Interior.

No. 34. Is a much needed appropriation to ascertain if the lands embraced in Sullys Hill Park, N. Dak., contain valuable minerals.

No. 37. That the Apache prisoners of war who were recently released from the Fort Sill Military Reservation, Okla., and who elected to stay in Oklahoma, and an appropriation heretofore made to purchase deceased Indian allotments in Oklahoma for them, may be allotted their land so purchased.

No. 39. Is an appropriation of $10,000 for the purpose of completing the appraisement and classification of the coal and asphalt lands of the Choctaw and Chickasaw Nations in Oklahoma, so that the surface may be sold.

No. 42. Is for the purpose of setting aside four sections of land belonging to the Choctaw and Chickasaw Nations and to be used for sanatorium purposes for the benefit of said tribes.

No. 43. Provides that no contract made with any Indian, where such contract relates to tribal funds or property in the hands of the United States, shall be valid for payment for services rendered in relation thereto unless the consent of the United States shall be previously given.

No. 44. Appropriates $500 out of the tribal funds of the Choctaw Nation for the purpose of erecting a monument to the memory of Green McCurtain, late deceased chief of the Choctaw Nation, and appropriated at request of said nation.

No. 47. To reimburse Eugene H. Baldwin for traveling expenses incurred by him under instructions of the Indian Office in returning to his home.

No. 48. Strikes out a $50,000 appropriation for irrigation.

No. 49. Does not carry additional appropriation, but provides for additional 50 pupils at the Cushman Indian School in Washington.

No. 52. Provides for reimbursement to the Colville Indians for certain lands.

No. 54. To withhold the sale of the timber on the Bad River Reservation in Wisconsin.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 10. Requires that an amount not to exceed $15 may be charged against the estate of a deceased Indian for the purposes of defraying expenses to determine the rightful heirs.

No. 11. Provides for the appointment of a joint commission to be composed of three Members of the Senate and three Members of the House of Representatives, to investigate and recommend changes in the administration of Indian affairs.

No. 11½. To enable the Secretary of the Interior to employ an expert accountant for the purpose of preparing a complete separate fiscal and financial history of each of the Five Civilized Tribes.

No. 11¾. Is for the purpose of making an exchange of lands in Colorado and now owned by the Indians for lieu lands so that some historic grounds may be perpetuated or created into a park and in accordance with a treaty heretofore made.

No. 21. Is a much needed increase for continuing the construction of the irrigation system on the allotted lands of the Indians on the Flathead Reservation in Montana.

No. 25. Appropriates $50,000 out of the tribal funds now on deposit in the Treasury to the credit of the Blackfeet Tribe of Indians in Montana to be used for the promotion of civilization and self-support among said Indians.

No. 28. An increase of attendance from 300 to 400 pupils at the Indian school in Albuquerque, N. Mex., and an increase of $2,000 for much needed improvements in caring for said increase of pupils.

No. 29. An increase of $2,000 for much needed improvements at Sante Fe (N. Mex.) Indian School.

No. 33. Provides for increase of attendance and care of said pupils at Wahpeton (N. Dak.) Indian School.

No. 35. Authorizes the Secretary of the Interior to sell the unused and unallotted or remnant lands belonging to the Kiowa, Comanche, Apache, and Wichita Indians in Oklahoma, and the proceeds thereof to be used for the maintenance of a hospital heretofore appropriated for and for the use and benefit of said Indians; also it gives the actual settlers a prior right to purchase at the appraised value.

No. 36. Provides for an extension of time to purchasers of certain town lots sold in Lawton, Okla., for a term of one year and upon the payment of interest due.

No. 51. Provides for a joint commission consisting of two Members of the Senate and two Members of the House of Representatives to investigate the necessity and feasibility of procuring impounded waters, and for irrigation on the Yakima Indian Reservation in the State of Washington; also the feasibility of equipping and maintaining a tuberculosis hospital in New Mexico.

No. 53. For the purchase of a tract of land for the Skagit Indians used by them as a burial ground.

No. 53. Requesting the Secretary of the Interior to establish a system of bookkeeping in the Indian Bureau in order to give more detailed information in regard to the expenditures of money for said bureau.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, as I understand, this conference report has first to be acted on in the Senate.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. It is expected that it will be disposed of in the Senate to-day?

Mr. STEPHENS of Texas. I understand they intend to try to dispose of it to-day. That is the intention of those in charge of it.

Mr. MANN. Is it the intention of the gentleman from Texas to ask for a session of the House to-morrow?

Mr. STEPHENS of Texas. I think it would be advisable to have a session to-morrow for the purpose of disposing of this conference report.

Mr. MANN. Has that been determined upon?

Mr. STEPHENS of Texas. It has not. It is advisable to dispose of this conference report so that the bill may go to the President, as the 1st of July is next Tuesday.

Mr. MANN. I asked the question while a large number of Members were present, so that we might be informed if it had been determined upon.

Mr. STEPHENS of Texas. It has not, because we do not know what the Senate will do.

ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent that all bills which have heretofore been introduced relating to the construction and maintenance of roads, which were referred to various committees before the Roads Committee was created, may be returned to the Speaker and let him refer them de novo to the proper committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. SHACKLEFORD. Yes.

Mr. MANN. Is there not some way of ascertaining the numbers and titles of the bills? How could the gentleman's object be attained without the record showing the numbers and titles of the bills?

Mr. SHACKLEFORD. There are some 50 of them, and it occurred to me that if the Speaker could get them back from the committees to which they have been referred, they could then be referred to the appropriate committee.

The SPEAKER. The Chair wishes gentlemen would speak so they can be heard.

Mr. MANN. How will the Speaker know what bills they are unless he has at least the numbers of them?

Mr. SHACKLEFORD. There is some force in the suggestion of the gentleman from Illinois.

Mr. MANN. Of course no one has any objection to the gentleman's proposition, but it seems to me that it would be desirable, in order to protect the employees of the House, for some one to get the numbers of these bills.

Mr. SHACKLEFORD. Mr. Speaker, I will withdraw the request for the present.

The SPEAKER. The Chair will state that if any of the committees have bills that ought to go to the Roads Committee they can bring them into the House and have a change of reference made, as is frequently done.

LEAVE OF ABSENCE.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent that the leave of absence of my colleague, Mr. MANAHAN, be extended for three weeks, on account of important business.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the leave of his colleague, Mr. MANAHAN, be extended for three weeks, on account of important business. Is there objection?

There was no objection.

BIRTHDAY OF HON. SERENO E. PAYNE.

The SPEAKER. While there is nothing in the rules to justify it, the Chair will take the privilege of extending congratulations to the distinguished gentleman from New York, the Hon. SERENO E. PAYNE, the father of the House, on having reached his seventieth birthday in such fine kelter, both mentally and physically. [Applause.]

Mr. PAYNE. Mr. Speaker, I desire to thank the Speaker of the House for this kindly recognition and kind congratulations, and also to thank the Members of the House for the manner in which it has been received by them.

The most prominent thought that comes to me on this my seventieth birthday in connection with the House is the fact that I have seen so much of good in my fellow men, that I have seen so many men in this House during the 30 years which I have been a Member, on both sides of the aisle, without distinction of party, who appear to me to be honest, patriotic, able, trying to do according to the light they had the duty that was before them, and striving for what each one thought was for the best interests of the country. The thought that comes to me to-day is one of gratitude that I have had the opportunity of associating with so many men of that high character who have become lifelong friends during the years I have been here. [Applause.]

PROVIDING EXPENSES OF DISTRICT OF COLUMBIA VETERANS TO GETTYSBURG.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War and of all soldiers of the Confederate armies who rendered honorable service therein, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the Fiftieth Anniversary of the Battle of Gettysburg, to be held at Gettysburg July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission consisting of the Secretary of War; Col. Thomas S. Hopkins, past commander of the Department of the Potomac, Grand Army of the Republic; and Capt. D. B. Mull, ex-commander of a post in Georgia, United Confederate Veterans, residents of the District of Columbia. That said commission is authorized to adopt such rules for the determination of the persons entitled to the transportation hereunder as they may deem proper.

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

CONFEDERATE REUNION AT BRUNSWICK, GA.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that House joint resolution 98, introduced by my colleague, Mr. WALKER, providing for the loaning of tents for the Confederate reunion, to be held at Brunswick, Ga., be taken up for immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution 98 (H. Rept. 26).

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in the month of July, 1913, such tents, with necessary poles, ridges, and pins as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and J. G. Weatherly, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said J. G. Weatherly a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

Mr. FOWLER. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. HOWARD. Mr. Speaker, I want to request——

The SPEAKER. That is the end of it. A Member has the right to object to anything that is called up by unanimous consent, without giving any reason whatever.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of both of these resolutions which have been called up this morning and to which objection has been made.

The SPEAKER. The gentleman from Illinois asks unanimous consent that both of these resolutions be considered by unanimous consent. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I made objection to the first one a while ago.

The SPEAKER. That is true; but this is a new request.

Mr. CALLAWAY. Mr. Speaker, I make the same objection now.

Mr. MANN. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. CALLAWAY. I will reserve the objection for a moment; yes.

The SPEAKER. The House will be in order. The Chair requests the occupants of the gallery to be in order. They are here by courtesy of the House. A conversation between two or more occupants of the gallery, however unthoughtedly it may be indulged in, if indulged in generally throughout the gallery, adds very much to the confusion in the House.

The gentleman from Illinois is recognized.

Mr. MANN. Mr. Speaker, I have much the same feeling that the gentleman from Texas [Mr. CALLAWAY] has in reference to the expenditures of the public money on matters of this sort; and yet it has become the practice of Congress, whether right or wrong, to loan tents under the control of the War Department for the meeting of Union or Confederate soldiers. In the last Congress the Senate added an amendment to a resolution relating to that matter, providing that it should never be done hereafter, to which the House disagreed. That is one proposition. This resolution is called up at this time and unless acted upon now will undoubtedly result in the failure of the meeting of a few or more Confederate veterans at this particular place.

On the other hand, there is this meeting at Gettysburg of Union and Confederate veterans. Nearly all of the States have already provided for the payment of the traveling expenses of these Union and Confederate veterans to Gettysburg. The State of Pennsylvania and the National Government combined have provided for their care, support, feeding, sleeping, and all other accommodations while at Gettysburg. The resolution introduced by my colleague [Mr. FOWLER] involves the possible expenditure of $4,000. That is probably more than can be expended for this purpose to send those Union and Confederate veterans who live in the District of Columbia to Gettysburg, as is done elsewhere by the States. We have heard a great deal on different occasions in this House about a reunited country, especially

since the Spanish War, and it seems to me that at this time, on the first occasion recognized by the General Government where Union and Confederate veterans are asked to meet together upon a bloody battlefield, as an evidence of final and complete reconciliation of themselves and of the different parts of the country, we might well authorize the expenditure of $4,000 to send these old men over to Gettysburg. Soon they will go over the road to the far beyond and we will be at no further expense on their account, and I hope the gentleman from Texas will permit these resolutions to be considered by the House at this time. [Applause.]

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BARTHOLDT, indefinitely, on account of illness in his family;

To Mr. HELVERING, for 10 days, on account of important business;

To Mr. BEALL of Texas, indefinitely, on account of illness in his family.

To Mr. HAYDEN, for three days, on account of important business.

UNITED STATES JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

Mr. BARTLETT. The bill is on the Speaker's table, is it not?

Mr. CLAYTON. No; it was taken from the Speaker's table and referred to the Committee on the Judiciary. I brought the report in this morning, but it has not yet gone through the basket. Hence, it is a matter that requires unanimous consent. It is the Philadelphia judgeship matter. My proposition is to disagree to the two amendments which the Senate placed upon the bill, one of which strikes out the Cullop amendment requiring the President to give the names of the indorsers of a judge, and the other being a provision for the appointment of an additional circuit judge in the fourth circuit. Now, the Committee on the Judiciary has disagreed to both the Senate amendments, and I am simply asking unanimous consent that the matter may be——

Mr. BARTLETT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. CLAYTON. Certainly.

Mr. BARTLETT. Mr. Speaker, I am not going to object to the gentleman's request; of course I would not, I very rarely do so; but because I do not object I do not want to be put in the position of consenting to the disagreement to the Senate amendment in striking off what is known as the Cullop amendment. I would like very much to vote on that as I voted when it was offered. I voted against it, and I am prepared to vote against it at all times and on all occasions.

Mr. CLAYTON. It will be so construed——

Mr. BARTLETT. I do not want to object.

Mr. CLAYTON (continuing). The gentleman's position is well known and appreciated, and the conference committee, if it is authorized, will report back to the House.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. Mr. Speaker, I wish to reserve the right to object. I desire to call the attention of the House to this: For some reason, which the ordinary man can not understand, there is this determined concerted action to have added an additional judge to our retinue of judges in these United States. If they had the interest of the administration of justice at heart, they would fill the vacancy that now exists instead of adding an additional one. A judge died several months ago, nearly a year, and yet there is no effort on the part of these very able gentlemen to fill the vacancy, but for political purposes, and you can attribute it to that and nothing else, they are determined to get another judge in that district. Mr. Speaker, I object.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] objects.

Mr. CLAYTON. I hope the gentleman is happy since he has delivered himself.

Mr. DONOVAN. Mr. Speaker, I rise to a parliamentary inquiry, and that is that the distinguished gentleman from Alabama should address the Chair in addressing the House.

The SPEAKER. Well, the Speaker has no control over the gentleman from Alabama when he is making a private remark to some of his cronies.

Mr. CLAYTON. May I again observe I hope the gentleman from Connecticut is happy?

Mr. DONOVAN. Mr. Speaker——

Mr. BARTLETT. Mr. Speaker, regular order.

The SPEAKER. The regular order is the gentleman from New York [Mr. HARRISON].

Mr. HARRISON of New York. Mr. Speaker, I will withhold my motion for a moment in order that the gentleman from Florida may prefer a request.

CHANGE OF REFERENCE.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that this bill may be referred to the District of Columbia Committee.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3380) providing for the construction of a bridge across the Anacostia River in the District of Columbia.

The SPEAKER. The gentleman from Florida asks unanimous consent for a change of reference of that bill to the District of Columbia Committee.

Mr. MANN. From what committee?

Mr. CLARK of Florida. From the Committee on Public Buildings and Grounds. It is a bill providing for the construction of a bridge across the Anacostia River here in the District.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PROHIBITION OF THE IMPORTATION OF OPIUM.

Mr. HARRISON of New York. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1966.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

Mr. HARRISON of New York. Mr. Speaker, pending the putting of that motion, I wish to ask unanimous consent for the limiting of general debate.

Mr. PAYNE. Mr. Speaker, I will say to the gentleman I do not know of any opposition to the bill on this side of the House, as no gentleman has asked me for any time. I think if the gentleman will move to go into the Committee of the Whole House on the state of the Union the debate will exhaust itself very soon.

Mr. HARRISON of New York. Under those circumstances I will withdraw my request.

Mr. MANN. Mr. Speaker, I may say that I have some observations to make on the bill, and I shall object to any agreement to close the time.

Mr. GARDNER. Mr. Speaker, I should want to have an opportunity to discuss a provision of section 7, in regard to the penalty.

Mr. MANN. The gentleman has withdrawn his request.

Mr. HARRISON of New York. I withdraw my request.

The SPEAKER. Has the gentleman come to any conclusion?

Mr. HARRISON of New York. No.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 1966.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1966, a bill to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, with Mr. SIMS in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON of New York. Mr. Chairman, before we proceed to the discussion of the bill itself, I wish to yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I want to say to the gentlemen of the committee that certain publications in various papers of the country this morning do myself and various Members of the majority side a grave injustice, I think. Because certain Members of the majority side, and a majority of those Members, are opposed to a particular plan of establishing a budget committee, these papers have seen fit to classify us as "pork-barrel" statesmen. For one, I do not rest very lightly under that charge. I recall when only two gentlemen on this side of the Chamber were heard at all to protest against a certain bill that some of us regarded as unwise in some of its provisions, that those two gentlemen were the gentleman from New York [Mr. FITZGERALD] and myself. I have never been on one of these so-called "pork-barrel" committees. I have never tried to get through, and have never been concerned in any such movement, either special or general, in this House, if, indeed, there has been such a movement.

Mr. Chairman, it is absolutely unfair and unjust to me and to many of the gentlemen who voted the same way as I did on this question to contend that because we opposed a particular proposition that would concentrate unheard-of power in certain gentlemen on this side we are opposed to any reasonable, just, and fairly constructed budget-committee plan. There was one fatal defect in the budget-committee plan that these newspapers referred to. There was absolutely no check whatever on the appropriating committees of this House under the plan presented by the gentleman from Alabama [Mr. UNDERWOOD], and if his plan had been adopted and the Committee on Military Affairs, for instance, through its representatives on the budget committee, combined with the Committee on Naval Affairs and the Committee on Post Office and Post Roads, and so on—all the appropriating committee representatives, in other words, combined against the few Members provided who are not members of appropriating committees, there could easily have been organized a "hog combine" that would have been the worst this country has ever seen. In my judgment, before this House will ever consent to a budget committee there must be some balance provided between the appropriating committees and nonappropriating committees of this House. It was utterly unfair to the gentlemen who had been elected to committees under a caucus rule that they should not serve on any other committee, that they should attempt to put themselves on the most powerful committee in this House, under the action proposed to the caucus. If we can have a budget committee that is fairly constructed, that will have practically the powers proposed by the gentleman from Alabama [Mr. UNDERWOOD], and that will not concentrate in the hands of one man the two most important chairmanships in this House, and the members of which can be elected in a free and open caucus without strings of any sort tied to them and without previous nomination from any committee, then I am for a budget committee.

But never will I support a proposition of the kind reported to the Democratic caucus yesterday by the gentleman from Alabama [Mr. UNDERWOOD], because if we were to adopt such a proposition it would result in an intolerable concentration of power and authority in the hands of the gentleman from Alabama and just a few other men; that is most undemocratic, most unreasonable, and most unjust. We would have enthroned a system of czarism beside which Cannonism would have been a most benevolent and liberal system.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield to me for an interruption?

Mr. HARDWICK. With pleasure.

Mr. DONOVAN. Is the distinguished gentleman from Georgia washing his dirty office linen here?

Mr. HARDWICK. I do not see how dirty Democratic linen would interest the gentleman from Connecticut. [Laughter.]

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. HARDWICK. No; not for such a purpose. I do not see how the washing of dirty Democratic linen could hurt the feelings of the gentleman from Connecticut. My only wonder is that he should be on the Democratic side at all. [Laughter.]

Mr. DONOVAN. Mr. Chairman, will the gentleman from New York [Mr. HARRISON] yield to me for a couple of minutes?

Mr. HARRISON of New York. I do not want to do any discourtesy to the gentleman from Connecticut, but I would like very much to proceed with the legislation in hand.

Mr. DONOVAN. The gentleman refuses to yield?

Mr. HARRISON of New York. I do not like to be put in the position of refusing to yield.

Mr. CLAYTON. Mr. Chairman, may I say that I hope we are all happy now? [Laughter.]

Mr. MANN. I will assure the gentleman from Connecticut that he can get time later on.

Mr. HARRISON of New York. Mr. Chairman, the bill H. R. 1966 is reported by the Committee on Ways and Means by a unanimous vote of the committee. It is the second one of a series of three bills attempting to regulate the traffic in opium and other narcotics both at home and between our country and foreign countries.

I thought that perhaps the use of a little narcotic talk just now might be useful on our side, and that is why I refused to yield a moment ago to the gentleman from Connecticut [Mr. DONOVAN].

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Connecticut?

Mr. HARRISON of New York. I will yield for a question with pleasure.

Mr. DONOVAN. Oh, I do not simply want to ask a question. I can appreciate, though, that the intellectual gentleman from New York [Mr. HARRISON], as well as the distinguished character who appears in this House as a Representative from Georgia [Mr. HARDWICK], with all their intellect, may have much to fear from what I might say. [Laughter.]

The CHAIRMAN. Does the gentleman from New York yield?

Mr. HARRISON of New York. Mr. Chairman, I will yield with pleasure for a question, but the gentleman does not now ask me to do so.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. HARRISON of New York. Mr. Chairman, as I was stating, this is the second one of our series of three bills to regulate the traffic in narcotics. This bill deals with the international side of the question. It is a reenactment of the opium-exclusion act of February 21, 1909, with the addition of some more drastic provisions, and with a further provision prohibiting the exportation of opium from the United States under certain circumstances.

The matter was first called to the attention of the Congress during the sitting of the International Opium Commission, which met in Shanghai in 1909, and which was attended by the representatives of most of the leading powers of the world. The meeting was instigated by the United States for the purpose of putting an end, if possible, to the international traffic in opium.

Shortly after we acquired the Philippines we found that the people of those islands were suffering very much from the traffic in opium, and that is what caused us to start this series of international commissions and conventions. We found, however, that although the commissions met primarily at our request we ourselves were open to some reproach in these matters, inasmuch as we permitted the importation of smoking opium into the United States, and during the preceding 50 years we had actually collected about $27,000,000 of revenue upon this drug. So when that was called to the attention of Congress we passed the opium-exclusion act, which absolutely forbade the importation of smoking opium into the United States. That went into effect on April 1, 1909.

It was soon found that it was difficult to enforce that act, and that the smuggling of smoking opium, beginning on the 1st of April, 1909, had been growing ever since, in spite of all the efforts of the Government to stop it; and this act is designed to cure the defect in the opium-exclusion act and to stop that smuggling.

The committee hopes to effect that purpose in two respects. One of these is in casting the burden of proof upon anybody who has any smoking opium in his possession in the United States to show that it was imported before April 1, 1909, the date after which such importation was prohibited. Now, the reason why that became necessary was because the smugglers, by a very ingenious device, contrived to take the stamps off the containers and fill the containers with smuggled opium and put the stamps back again, and then sell it as if it had been imported legally before the 1st of April, 1909.

It was difficult, if not impossible, to secure the evidence to refute the face value of the stamp itself. This bill proposes to cast the burden of proof upon the possessor of smoking opium in that respect.

Then there is another way in which the opium-exclusion act was found to be inefficient. As soon as the importation of smoking opium was absolutely prohibited, it was found that vessels were bringing it into San Francisco Harbor, and in the harbor transferring it to other vessels which would go down to the west coast of Mexico, and then it would come into

the United States in great quantities overland. The matter was submitted to the Department of Justice for its decision, and the Attorney General, who was Mr. Wickersham at that time, gave an opinion that this practice, so far as it related to the transshipment from ship to ship in San Francisco Harbor, was not illegal, because there was no importation there. The importation was forbidden, and no importation was actually taking place there. So the Secretary of the Treasury issued a regulation that all this opium was to be transshipped and gotten out of our harbors within 15 days; but the smuggling went on.

Now, this act, in a manner which I will discuss when we come to that, proposes to put an end to that also, by forbidding absolutely anybody within the jurisdiction of the United States, upon any vessel or any railroad car, or any conveyance coming into the United States, having any smoking opium in his possession; casting the burden of proof on him to show that he did not obtain it illegally, and providing penalties for the infraction of the act.

There is just one other matter that I should like to discuss very briefly now in the general debate, and that is the question of the prohibition of the exportation of opium from the United States.

The committee to which the bill was referred gave a great deal of consideration to the constitutional question, namely, as to whether we have any constitutional right to prohibit the exportation of anything, and some time was devoted by members of the committee to a study of the law, to see if any precedents could be found affecting that constitutional question.

We discovered that there are no adjudications exactly in point, and there is certainly no decision of the Supreme Court which would prohibit this clause of the bill as being unconstitutional. So, in the absence of any unfavorable decisions by the courts, we proceeded upon the belief that the commerce clause of the Constitution is sufficiently broad to permit us, in the regulation of commerce, to prohibit exportations absolutely. There are dicta of the court in the Northern Securities case which state clearly what I believe we all know, that the commerce clause of the Constitution is very broad, and that in the application of it laws may be passed which do amount to the prohibition of exports.

Now, although it may not be exactly in point, it has been the custom, as gentlemen are well aware, to prohibit the exportation from the United States of various articles which are known as contraband of war during times of foreign disturbance. Generally we have proceeded in that matter under neutrality treaties, but in the case of our dealings with Mexico last year a joint resolution passed the Congress, in which no limit was placed as to countries with which we had neutrality treaties; but a general permission was given to the President of the United States to prohibit the exportation of arms and munitions of war whenever any internal disturbance exists in any American country. Certainly, if that act was constitutional, I am satisfied that this act is constitutional. The House, as I recollect, amended that resolution by extending the prohibition to the exportation of coal as well as munitions of war.

The embargo act of 1807 absolutely forbade exportations at all, and I have never heard the constitutionality of that act questioned.

Further in point, perhaps, may be the prohibition found in the law against the exportation of obscene literature and other offensive matters through the mails.

Mr. MILLER. Will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MILLER. This act forbids the exportation of smoking opium. I should like to know to what countries that exportation from this country now goes on.

Mr. HARRISON of New York. It is improbable that any smoking opium is legally exported from the United States to any country, and almost all the civilized countries of the world prohibit its importation; but I am informed that we do export medicinal opium and other narcotics in some quantities to Canada, Mexico, and perhaps to some of the South American countries, as well as the West Indies.

Mr. MILLER. Is it intended by this prohibition to permit the exportation of medicinal opium?

Mr. HARRISON of New York. It is an absolute prohibition of the exportation of smoking opium and a qualified exportation of medicinal narcotics to those countries which regulate or prohibit those articles.

Mr. MILLER. Why would it not be a good thing to allow the exportation of smoking opium and get rid of it and let it be handled about on the high seas?

Mr. HARRISON of New York. That is the precise object the international convention set out to accomplish to get rid of opium all over the world, and these clauses of the bill I am discussing are put in in conformity to article 4 of last year's convention for that very purpose.

Mr. MILLER. Has the committee thoroughly considered the prohibition of exports? It seems to me that it is not parallel at all between articles which are contraband of war and opium or anything else.

Mr. HARRISON of New York. That was the question which I was discussing when the gentleman from Minnesota first interrupted me.

Mr. MILLER. I thought the gentleman had concluded.

Mr. HARRISON of New York. I have practically concluded; I had only one other matter to call to the attention of the committee, and that was the so-called white-slave act known as the Mann bill, prohibiting the exportation of persons for immoral purposes; that perhaps is in point in the legal consideration of the question.

Mr. MILLER. Does that prohibit the exportation of such a person?

Mr. HARRISON of New York. It does.

Mr. MILLER. But a person is not a commodity, if the gentleman will permit.

Mr. HARRISON of New York. I think if that is constitutional, the other is, whether it is a person or commodity which is exported. The law seems to be clear that you can not put a tax or impost upon exports themselves, and in conformity to that state of the law we struck out of the third of our narcotic bills all reference to exporters, because that bill proposed to collect a license tax on exporters. A review of the authorities convinced the committee that a license tax on an exporter might be construed to be a tax on the exports themselves. So we struck that out. This, however, is based on the commerce clause of the Constitution, and I think that clause regulating commerce is sufficiently broad to allow us to prohibit the export, which is what this bill proposes to do.

Mr. SISSON. Will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. SISSON. I was not here when the bill was taken up. Is this H. R. 6202 or H. R. 1966?

Mr. HARRISON of New York. The latter.

Mr. SISSON. Is it the purpose of the bill to raise revenue?

Mr. HARRISON of New York. The purpose of the bill can hardly be said to raise revenue, because it prohibits the importation of something upon which we have heretofore collected revenue.

Mr. SISSON. The gentleman bases the right of Congress to make this legislation upon the interstate-commerce clause of the Constitution?

Mr. HARRISON of New York. I do.

Mr. SISSON. Does the gentleman believe that the regulation of interstate commerce under the decisions of the Supreme Court will permit a law to absolutely prohibit commerce entirely?

Mr. HARRISON of New York. The gentleman is submitting a question as to the interstate-commerce clause to which I have given as much attention in this connection as the question of the foreign commerce. If he will permit me to read the language of the court in the Northern Securities Cos. against the United States, One hundred and ninety-third United States——

Mr. SISSON. I am familiar with the decision, but I do not know to what particular portion the gentleman refers.

Mr. HARRISON of New York. I have here a brief excerpt which I will read:

By the express words of the Constitution—

Says Justice Harlan—

Congress has power to regulate commerce with foreign nations and among the several States and with the Indian tribes. In view of the numerous decisions of this court, there ought not at this day to be any doubt of the general scope of such power. In some circumstance regulation may properly take the form of and have the effect of prohibition. Again and again this court has reaffirmed the doctrine announced in the great judgment rendered by Chief Justice Marshall for the court in Gibbons *v.* Ogden (9 Wheat., 1, 196 and 197), that the power of Congress to regulate commerce among the States and with foreign nations is the power "to prescribe the rule by which commerce is to be governed; that such power is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution"; that "if, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States"; that a sound construction of the Constitution allows to Congress a large discretion "with respect to the means by which the powers it confers are to be carried into execution, which enables that body to perform the high duties assigned to it in the manner most beneficial to the people"; and that if the end to be accomplished is within the scope of the Constitution "all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, are constitutional."

Mr. SISSON. If the gentleman will permit, I am familiar with the doctrine in that case, but in this bill are you not seeking to do under one clause of the Federal Constitution what is specifically prohibited in another clause of the Constitution, to wit, to levy an export duty? In other words, are you not endeavoring under the interstate commerce clause of the Federal Constitution to levy an export duty, which is a direct violation of another clause of the Constitution?

Mr. HARRISON of New York. We are not proposing to levy any impost or duty. We are prohibiting the export. We are not attempting to collect revenue, but to regulate commerce.

Mr. SISSON. I am endeavoring to get the distinction which is suggested sotto voce by my friend from Texas [Mr. GARNER], how it is that you have no right to levy an export duty on an article and at the same time you have a right to prohibit the exportation of that article.

Mr. HARRISON of New York. One clause of the Constitution relates to the raising of revenue, and that we are not attempting to change; and the other clause of the Constitution gives us police power by giving us control of our foreign commerce.

Mr. SISSON. The gentleman now gets at the point of the case. Does the gentleman believe that the Constitution construed as a whole ever contemplated that Congress would exercise either of these powers in the exercise of a police power? The purpose of this bill—and we are all in sympathy with it—is to prevent the use of opium in the United States, destructive as it is of human happiness and human life; but the question now is whether or not the purpose you desire to reach is a purpose that would be permitted under any clause of the Constitution?

Mr. GARNER. Mr. Chairman, may I interrupt there?

Mr. HARRISON of New York. Certainly.

Mr. GARNER. Is not this about the status of this particular phase of this bill, that you propose in this bill to prohibit the exportation, but do not propose to levy an export duty, and that the courts have never specifically determined that you could not prohibit exportation?

Mr. HARRISON of New York. Not only that. Not only have they not so decided, according to my reading of the decisions, but the matter has actually been already done by acts of Congress in the cases which I specified in my remarks.

Mr. SISSON. I understand, however, that the real purpose of the bill is to regulate among the people the manner in which they may get opium. That is the real purpose of the bill.

Mr. HARRISON of New York. Among the different peoples of the world, in this case.

Mr. SISSON. But the principal purpose of the bill is as it affects the people of the United States. You are not attempting to legislate for the other nations of the world.

Mr. HARRISON of New York. I admit it would be presumptuous for us to attempt to legislate for any other country, but the gentleman is perhaps now thinking of the third one of the bills which deals with the domestic traffic in narcotics. We are at present considering the second bill, which is merely carrying out pledges that we assumed in the last international convention, substantially all of the countries agreeing to enact similar provisions.

Mr. SISSON. I am in entire sympathy with the bill, but I would like to be able, if I could do so, to get from the committee, and especially from the gentleman who has charge of the bill, the exact position which the committee assumes, so that we may be able, if the question is raised, to defend it upon constitutional grounds.

Mr. HARRISON of New York. I know no Member of this House who would be better able to make that defense if he be convinced of the constitutionality of it than the gentleman from Mississippi, and I had hoped that by this time I had convinced him.

Mr. SISSON. I will be very frank with the gentleman and say that I did not hear all of his argument, because I was endeavoring to read the bill. I see the difference between the bills, and the bill now under consideration is the bill to regulate the opium traffic between nations or between our Nation and other nations. In our effort to reach a desired result we are attempting under the interstate-commerce clause of the Constitution, which permits us, of course, to deal with foreign nations, to bring about a certain result. It is under that clause only that we can deal with foreign nations, that being prohibited to the States. Now, that being true, if you, in reference to opium, shall prohibit the exportation of opium entirely from the United States, upon the same reasoning why could you not prohibit the exportation of other articles?

Mr. HARRISON of New York. Well, I consider that was actually done under the second administration of Mr. Jefferson in the embargo act.

Mr. SISSON. Well, the embargo act was placed, however, as I conceive it, upon a different principle; but there is this in many of the decisions of the court, that the regulation of these things which are deleterious to the human family is peculiarly within the powers of the State if it affects them internally, and so far as external relations of the United States are concerned, I do not know of a decision where the Supreme Court has said that if the use of those article should be deleterious in international affairs that the delegated powers to the Federal Government would give the Federal Government today a right to do what the States may do under their police powers.

Mr. HARRISON of New York. Well, I should like to call the attention of the gentleman from Mississippi once more to the line of argument which, perhaps, escaped his attention—that the question of exportation of arms and munitions of war, which he contends is not in point because they are generally based upon neutrality treaties, was not so based in the joint resolution which passed Congress last year in relation to the importation of those articles into Mexico, because that resolution, presented to the Senate by the senior Senator from New York, one of the most distinguished lawyers in the United States, who drew it, specifically gave the President the power to prohibit the exportation of those articles, without any reference by name to neutrality treaties but whenever cases of internal disorder in any American country are found to exist, and that I conceive to be broad enough to be in point in this argument.

Mr. SISSON. I recollect the resolution referred to by the gentleman from New York, but I do not know I am in entire sympathy regarding the conclusions reached by the Senator from New York; but this thing is largely to be determined by the viewpoint that we take of the Federal Constitution. Some of the political schools give it a very broad construction, and those who belong to the school to which I belong would give it a restrictive construction; and I believe that restrictive construction of the Constitution would, perhaps, except to a war measure, prevent that sort of legislation, though it has been done and there has been no question raised. But I desire to state to the gentleman from New York I am in entire sympathy with the purposes of the bill, but I have some grave doubts about its constitutionality.

Mr. GARDNER. May I ask the gentleman from Mississippi a question?

Mr. SISSON. Yes.

Mr. GARDNER. Under what clause of the Constitution does the gentleman think the importation of impure teas is forbidden, or obscene literature.

Mr. SISSON. There is a difference between the constitutionality of a provision in reference to imports and exports. The Congress specifically has the power to levy a tax upon imports.

Mr. GARDNER. But not to prohibit imports?

Mr. SISSON. I do not believe that Congress has the right to prohibit imports.

Mr. PAYNE. I want to say to the gentleman right now that a party has got about $20,000 worth of tea that is about to be dumped into the Hudson because of our law prohibiting the importation of any impure tea.

Mr. SISSON. True; I will say to the gentleman from New York——

Mr. PAYNE. And there is a good chance for a lawsuit there.

Mr. SISSON. That may be true——

Mr. PAYNE. And none of their lawyers have discovered that law was unconstitutional or raised that question. They have raised every other question, and the litigation has been going on for a long time.

Mr. SISSON. I will say to the gentleman from New York, notwithstanding the fact we may now be compelled to submit to whatever decision the court makes in reference to that matter, I am not willing to concede the righteousness of the decision under the Constitution.

Mr. PAYNE. I helped pass the law—I think I reported it—and I thought it was right to do it under that clause giving us power to regulate commerce. It certainly was not under the clause allowing us to put an import tax upon teas or any other articles because that is specific.

Mr. SISSON. The difference between the gentleman from New York and myself is as to the construction of the word "regulate." As to whether the word "regulate" can be construed to mean "prohibit" or not is a question that has been discussed for a number of years.

Mr. PAYNE. We thought it was a proper construction when we passed that law, and no one has raised the constitutional question, although there is a case now under it that has been in litigation for three years.

Mr. BURNETT. Has not the court decided time and time again that the word "regulate" does not mean "prohibit"?

Mr. SISSON. I want to say to the other gentleman from New York that my reason for raising this question is this: If under the guise of a bill of this character Congress shall assume the right to prohibit the exportation of articles from the United States, it sets a precedent where the discretion of Congress then becomes the constitutional provision rather than the limitation within the Constitution itself.

Mr. PAYNE. No. The court determines that question as to whether Congress has the discretion or not. Congress may exercise what they believe to be their right, but the court finally determines it.

Mr. SISSON. I do not concede that Congress has the right to pass any law with the idea that the court will put us right. We ought to be right ourselves before the court puts us right. I doubt extremely whether or not it is ever wise for the Supreme Court of the United States—and I agree with Jefferson—to so declare, when we ought to have construed it for ourselves.

Mr. PAYNE. Congress was early given that right, that it might be construed by able lawyers.

Mr. SISSON. I will say to the gentleman from New York that before the Supreme Court ever did reach that conclusion it took the reasoning of Justice Marshall, who had as much ingenuity as any lawyer who ever lived; and I have failed, in all the powerful reasoning of his mighty brain, to find one single peg on which to hinge it, and the gentleman knows that was the cause of the breach between Jefferson and the then Chief Justice of the Supreme Court of the United States.

Mr. PAYNE. Whatever the cause, I thank God for John Marshall.

Mr. MANN. Will the gentleman from New York [Mr. PAYNE] permit me to ask a question of the gentleman from Mississippi?

Mr. PAYNE. I will.

Mr. SISSON. I will answer the question if I can.

Mr. MANN. I understood the gentleman to raise a question as to how far Congress had the power to provide for the importation of articles and denied that Congress had that power. Of course, the gentleman is familiar—although I presume it escaped his attention for a moment—with the fact that the pure-food law absolutely forbids the importation into this country of any article of food from any country which forbids the importation of the same article into that country, on the same lines as this opium bill now before the House, but reversed.

Mr. SISSON. The opium bill takes the other end of that.

Mr. MANN. I say, reversed. That law has been sustained by the Supreme Court of the United States in every particular, and, I think, determines the question.

Mr. SISSON. I do not exactly agree with the statement that when you take the reverse of the proposition it necessarily follows that the reverse of the proposition is true.

Mr. MANN. That may be, but I had understood the gentleman to say that we did not have the power to prevent the importation of articles into this country.

Mr. SISSON. No; I did not say that.

Mr. MANN. I thought that the gentleman was misunderstood.

Mr. SISSON. No. I was taking the position that we did not have the same power over exportation that we did over importation, and that if this bill shall establish the precedent that Congress may not levy an export tax but that Congress may prevent the exportation of articles, you are doing by indirection what the Constitution says you can not do directly. In other words, Congress is doing a great deal more and going a great deal further when Congress prohibits the exportation of an article than when Congress simply levies an export tax on an article.

Mr. MANN. Then will the gentleman from Mississippi permit me to quote again from the pure-food law, which has been sustained?

Mr. SISSON. Certainly.

Mr. MANN. The law provides: "The shipment to any foreign country of any article of food or drug which is adulterated or misbranded within the meaning of this act is hereby prohibited"; and then there is a penalty provided for doing it.

Mr. SISSON. That is because they are misbranded. In other words, there is a great deal of difference between the regulation of commerce and a prohibition on commerce.

Mr. MANN. But here is a prohibition of the shipment abroad of misbranded or adulterated articles.

Mr. SISSON. That is true.

Mr. MANN. If the gentleman raises the question whether we could properly forbid the exportation of grain under ordinary circumstances, I would not discuss it with him, because I am uncertain. But opium stands on another ground.

Mr. SISSON. I will say to the gentleman from Illinois [Mr. MANN] that I am absolutely sure that the law, which simply regulates and requires an article to be properly branded, is sound and valid, and I believe we could have gone further than that and could have provided to make it apply to clothing, for example, and forbid an article of clothing to be branded as all wool when it was part cotton. That provision to which the gentleman refers forbids the misbranding of articles.

Mr. MANN. It goes beyond misbranding. It forbids the exportation of certain kinds of articles, whether properly or improperly branded. It forbids their exportation. It forbids the exportation of a drug that has opium in it.

Mr. SISSON. I am frank to say that the pure-food law has gone to the very limit, if it has not exceeded the originally construed powers of the Constitution.

Mr. MANN. Most of the gentlemen on that side of the House thought it did exceed the limit when we were passing the bill, but fortunately there were enough on this side, along with some on that side, to pass the law, and the Supreme Court has upheld it.

Mr. SISSON. I am afraid, however, that the infection has gotten over on this side of the House, and that there are very few people now who believe that there is anything prohibited to Congress in the Constitution, or who refuse to admit that Congress may not do anything on earth that it wants to.

Mr. MANN. The wisest and best man is he who is willing to learn. Fortunately gentlemen on that side of the House, or at least some of them, are willing to learn. I am sure the gentleman from Mississippi [Mr. SISSON] would be, and I know that the gentleman from New York [Mr. HARRISON] is.

Mr. SISSON. I will say to my friend from Illinois that "as long as the light holds out to burn" we may, perhaps, get some good lessons into the minds of our good Republican friends, and you may eventually acquire some respect for the Constitution.

Mr. HARRISON of New York. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 20 minutes remaining.

Mr. HARRISON of New York. I reserve the balance of my time, Mr. Chairman.

Mr. MANN. Mr. Chairman——

Mr. RODDENBERY. Mr. Chairman, before the gentleman from Illinois [Mr. MANN] proceeds, may I ask the gentleman from New York a question?

Mr. HARRISON of New York. With pleasure.

Mr. RODDENBERY. Of course, if the gentleman from Illinois prefers to proceed now, I can do that later. Section 4, line 15, provides that—

> Whenever on trial for violation of this section, the defendant is shown to have or have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

That language is identical with the language appearing in section 2; but immediately following the language in section 4 is a proviso beginning "Provided, however." What is the object of putting in the "Provided, however," clause in view of the provision just preceding?

Mr. HARRISON of New York. The provision in section 4, which, as the gentleman from Georgia correctly states, is the same provision to be found in the old law and in section 2 of this bill, refers to "any person subject to the jurisdiction of the United States who shall have or conceal," and so forth, "any opium upon any railroad train or vessel," and the proviso which limits the operation of this burden of proof is extended to the master of the vessel or the conductor of the railway car, so that he is permitted to show that he did not have knowledge that he was not privy to the crime.

Mr. RODDENBERY. The language "unless the defendant shall explain the possession to the satisfaction of the jury," as it exists in the line just above, would not that give him the right of proof and the right of judgment or acquittal as fully as the clause following "Provided, however," does?

Mr. HARRISON of New York. I do not know whether it would be a sufficient protection for him, since he might be made to suffer for the crime of another, because the language of the lines 12 and 13 requires the persons who have knowledge to make report to the master of the vessel or the conductor of the train, and I think he is entitled to this special exemption in view of that.

Mr. RODDENBERY. If the person having the knowledge of the presence of the opium on the vessel discloses that fact to the master of the vessel, then if the master of the vessel can explain his conduct to the satisfaction of the jury his rights will be preserved, will they not?

Mr. HARRISON of New York. Yes.

Mr. RODDENBERY. Now, if the person having knowledge of the presence of the opium on the vessel or the car does not communicate it to the master of the vessel or the person in charge of the car, would not the provision as to making a satisfactory explanation to the jury be covered without the proviso?

Mr. HARRISON of New York. That might be true if it were not for the further provisions of section 8, which is a reenactment of the existing navigation laws as to manifesting commodities on board vessels. The officers of the vessel are liable for having an article on board the vessel if it is not manifested.

Mr. RODDENBERY. Would not the gentleman's observation be true if it were not for this specific provision in section 4:

Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

Mr. HARRISON of New York. That is correct. The gentleman's contention is right.

Mr. RODDENBERY. Of course, everyone desires to see a defendant given every proper right, but you have left it to be adjudged by the jury on the facts, and I doubt if we should provide for him a cumulative defense. And it seems to me that the provision with reference to the defendant explaining the possession to the satisfaction of the jury leaves a wide discretion in the jury, and under it the jury will be the judge in every case, each case standing on its own merits, whether or not the defendant should be convicted.

This section provides to give the defendant that right, and in addition thereto specifically provides that if he shall satisfy the "jury that he had no knowledge, and that he used due diligence to prevent the presence of such article in or on such carrier," and so forth. What occurs to me is that it extends the special form and privilege of defense which, if placed in this section, should apply to every other section, and if it applies to this statute should be applicable to similar statutes generally.

Mr. HARRISON of New York. Mr. Chairman, I appreciate the force of the argument of the gentleman from Georgia; but when we are proceeding in a manner which probably rather horrifies the legal Members of this body, to destroy the ordinary presumption of innocence in a criminal proceeding, I think it is only due to the persons from whom their presumption of innocence is taken by the operation of this bill, that they be given an opportunity, even if it is a cumulative opportunity, to explain away that burden of guilt.

Mr. RODDENBERY. I do not want to consume the gentleman's time, or to extend a controversy, for I have no controversy with him; but I should like to pursue my inquiry a little further.

Mr. HARRISON of New York. With pleasure.

Mr. RODDENBERY. If it was not provided under the section as it now exists that the defendant could make this defense, I should quite agree with the gentleman. But under the section, without the additional provision, if the master of the vessel shows the use of due diligence to prevent the presence of such article, and so forth, the jury under the law, if they think the explanation satisfactory, may acquit without this proviso.

Mr. HARRISON of New York. I have already said to the gentleman from Georgia that it might not be necessary to make any special mention of the master of the vessel or the conductor of the railroad train, if it were not for the fact that the statute casts upon him the burden of knowing something which he may not be able to discover. He may become involved in the wrongdoing of another without any offense of his own.

Mr. RODDENBERY. If he sets up that defense and explains it to the satisfaction of the jury, would he not have a complete defense without this proviso?

Mr. HARRISON of New York. If the gentleman's argument is correct and my argument is wrong, the most that can be said of this proviso is that it is a redundancy, a pleonasm; and even if the gentleman is correct in his contention, there is nothing here that offends his sense of right or justice.

Mr. RODDENBERY. I do not know but that I will agree with the gentleman in that, with the additional statement that without the proviso it leaves the jury the widest latitude, and with the provision it restricts the jury, or rather instructs the jury.

Now I will ask this question: In similar statutes does the gentleman have a knowledge of any provision such as is contained, beginning in line 20, down through the page?

Mr. HARRISON of New York. Section 2, page 2, lines 18 to 23 is all existing law, being a part of the opium exclusion act of February 21, 1909. That is the precedent for which the gentleman was inquiring.

Mr. RODDENBERY. "Provided further," on page 3, line 20, and what follows it?

Mr. HARRISON of New York. No; I know of no precedent for that; it is an extension of the same principle.

Mr. RODDENBERY. Does this "provided, however" clause appear in the bill as it was introduced in the House in the first instance?

Mr. HARRISON of New York. It does.

Mr. RODDENBERY. I know the gentleman has looked into the matter, and I desire to call attention to it and reflect my own views. I am of opinion that that provision should be stricken from the bill; but unless it was manifestly apparent that other gentlemen had similar views, I would not take up the time to make a motion to that effect.

Mr. HARRISON of New York. Now, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. GARDNER. Mr. Chairman, the minority members of the committee unanimously favor the enactment of this bill. We feel that the bill is constitutional. We considered that question very carefully and came to the same conclusion as did the majority.

There is only one matter on which I at all disagree with the gentleman from New York, and that is in respect to section 7 of the bill. Under section 7 of the bill one-half of the fine or one-half of the bail foreiture goes to the informer. I suggest to the gentleman from New York the question as to whether it would not be wise to limit that provision in some way so that no officer or employee of the United States should be rewarded as an informer. It seems to me it is a step backward to pay a Government inspector for information which results in a successful prosecution. I have read what the gentleman from New York says in his report, and I am aware of the slackness of some inspectors, but does the gentleman think that this is the proper way to encourage inspectors to do their duty?

Mr. HARRISON of New York. The gentleman from Massachusetts, of course, discussed this question in the committee and reserved to himself the right to oppose on the floor upon this point, which I understand he would have had anyway. The question, I believe, was not voted on in committee, although there were some gentlemen present who apparently agreed with the gentleman from Massachusetts. If the gentleman from Massachusetts will present an amendment when the time comes, I would be glad to have him express his opinion.

Mr. GARDNER. I will read the amendment which I contemplate. Will the gentleman please think it over?

Mr. HARRISON of New York. May I remark right there that the gentleman did not state very fully the reason for the proposition of giving half of the fee to the informer. Under the provisions of section 2 of the bill the opium when seized is destroyed, and there is no fund on hand from which informers could be paid, unless it is provided that they may be paid from the fine itself. I understand that the gentleman from Massachusetts contends that should not apply to Government officials, but it is only fair to the framers of the bill to state in what way it might apply to other informers.

Mr. GARDNER. I intended to state the case fully. When I reserved my right to raise the question on the floor of the House, I had not yet read the gentleman's report. The gentleman in his report says:

Under the February act opium prepared for smoking may not be sold after seizure to the highest bidder, but must be destroyed. Therefore, the Treasury Department has no fund from the sale of the seized opium with which to reward vigilant inspectors or informers, and this has led to some slackness on the part of the inspectors.

Now, it seems to me that is the wrong way to go about the matter, to pay your inspectors for doing their duty by encouraging them to become informers. Perhaps it may be necessary to encourage informers. However, I do not think we ought to encourage our inspectors to become informers. I shall suggest at the end of section 7 to add this proviso:

Provided, That no payment under section 7 shall be made to any officer or employee of the United States.

If that is satisfactory I will be glad to have the gentleman offer that amendment.

Mr. HARRISON of New York. Amendment is not in order at the present time.

Mr. GARDNER. I understand that, but I mean at the proper time. I reserve the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the Chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive

departments," for the disposition of useless papers in the Treasury Department.

PROHIBITION OF THE IMPORTATION OF OPIUM.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I would like to inquire if the gentleman from Connecticut [Mr. DONOVAN] now desires any time?

Mr. DONOVAN. Mr. Chairman, I thank the gentleman for his courtesy, but I do not at this time. The distinguished gentleman whom I hoped to entertain intellectually has departed from the room.

Mr. MANN. Mr. Chairman, this is one of the real measures of reform, and I am again glad to congratulate the gentleman from New York [Mr. HARRISON] upon his introduction of the series of bills, which have been reported from the Committee on Ways and Means, designed to prevent the manufacture of smoking opium in the United States, designed to prevent the importation of smoking opium into the United States or the exportation from the United States, and designed to regulate the sale and manufacture of opium, cocaine, and so forth, in the United States. Habit-forming drugs are one of the worst evils in our country, and while I am not sure that the provisions of these bills even go far enough, they probably go as far as could profitably or properly be expected at this time. I had the honor to introduce the original bill preventing the importation of smoking opium, and while the bill which I introduced was not the one which was passed, still it was the occasion for obtaining a favorable report from the Committee on Ways and Means, which did not desire to have its jurisdiction interfered with and which preferred to report a bill rather than to have a motion which I had made to take it away from the committee come up; and the bill passed. Gentlemen now say in their report that it has not been fully effective. I presume that is true; but I congratulate myself upon the fact that I happened to be in a position at the time where I was asked to introduce the original bill, which in the first place was prepared by the State Department, as I presume these bills have been, in part at least. I think it is Dr. Wright, in the State Department, who has been doing work under the General Government for years in relation to the international traffic in opium.

That, however, Mr. Chairman, is not the only bill which I congratulate myself upon having the honor to have introduced. The prevention of the importation of smoking opium and the control of narcotic drugs is of great importance; but there is another measure to which I wish to direct the attention of the House for a moment, which I had the honor to present to the House, and that is the white-slave-traffic bill, a law now upon the statute books, supported, I am glad to say, by the distinguished gentleman now occupying the position of Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. SIMS], who was one of two Democrats on the Committee on Interstate and Foreign Commerce who favored the bill, notwithstanding the constitutional objections which were made to it by the other Democratic members of that committee. Judge Russell, of Texas, a Member of the House at that time, and Mr. SIMS both stood favoring that bill. Judge Russell, of Texas, then a member of that committee, had the honor afterwards to write an opinion holding the bill to be constitutional, and he told me of a conversation which afterwards occurred, when he came back on the floor of the House while on a visit in the city of Washington. One of the other Democratic members of that committee, who had declared that the bill would be declared unconstitutional if enacted, had a conversation with Judge Russell, and the judge said to him, "Ah, but that bill has been held by the courts to be constitutional." The other gentleman said, "But by what courts? I have not heard of it." Judge Russell replied, "By my court; I have written the opinion"; and I am proud, Mr. Chairman, that he had the honor of doing it. The Supreme Court upheld Judge Russell.

But, Mr. Chairman, in order to make a law effective it must first be put upon the statute books, it must be constitutional, and it must be enforced by the administrative officers through the aid of the courts; and when we find that the chief law officer of the country and the Chief Magistrate of the country have permitted themselves to be used to prevent the enforcement of a great moral reform law like this we have a right to make inquiries and give consideration to the case. We are all familiar with the telegram sent to the President of the United States upon the 21st day of this month by the United States district attorney of the northern district of California, Mr. McNab, tendering his resignation for the reasons stated in his telegram.

The President on June 24, after he had waked up from his dream, through the activity of the people of the country without regard to partisan politics, accepted the resignation of Mr. McNab, and in the course of his telegram accepting the resignation he made these remarks:

I greatly regret that you should have acted so hastily and under so complete a misapprehension of the actual circumstances, but since you have chosen such a course and have given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior, I release you without hesitation and accept your resignation to take effect at once.

"Have given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior officer!" And the Attorney General, in writing a letter to the President, said:

Mr. McNab, as United States attorney, held a position of peculiar trust and confidence, demanding the utmost loyalty to the department. If, as such an officer should do, he had availed himself of the opportunity to send a dispatch recalling my attention to the peculiar conditions which he thought rendered the proposed action inadvisable, as I had always theretofore done—

That is poor English, by the way—

I should have given earnest consideration to his suggestions, and, with this before me, could have acted with the local conditions fresh in my mind. Instead of pursuing this manifestly proper course he waited until June 20, and then published the sensational telegrams wherein he imputed base motives to me. His conduct has, of course, made it impossible for him to continue in the prosecution of this case.

"Wherein he imputed base motives to me!" Let us see what were the facts in the case. On May 16 the Attorney General wired to Mr. McNab asking him to make a full report of these cases. That reply was made under date of May 21, and reached the Attorney General on May 27. On May 27 the Attorney General wired to Mr. McNab, approving the course which he had pursued and asking to proceed with the cases. On June 18 a former distinguished colleague of ours, the Secretary of Labor, telephoned to the Attorney General and asked to have this case postponed. What the date of the telegram from the Attorney General to Mr. McNab was is not given, but it could not have been before June 18 or after June 20. It must have been June 18 or June 19 that the Attorney General directed Mr. McNab to continue these cases. The Attorney General received the telephone message from Mr. Wilson on June 18. The President received the resignation of Mr. McNab on June 20, but meanwhile the Attorney General had directed Mr. McNab to postpone the cases, and then the Attorney General says:

Instead of pursuing this manifestly proper course, he waited until June 20.

"He waited until June 20!" That is a pretty hasty place up in the Attorney General's office to say he waited before he did what he did. Here the district attorney, receiving the telegram on June 19 from the Attorney General, replied to it with his resignation on June 20, and the Attorney General blames him because he waited so long to pursue his remedy!

But did Mr. McNab accuse the Department of Justice of wrongdoing or impute base motives to the Attorney General? He did not. What was the telegram of resignation which Mr. McNab sent? Remember that there were two cases pending in the district court of the northern district of California, one against a man by the name of Diggs and one against a man by the name of Caminetti for violation of the white-slave act under circumstances and conditions, if the facts charged are true, which would make men blush that they are men. Caminetti was a youthful boy of 27 years, with, I believe, several children, and it was desirable to have his father at the trial to protect him in his guileless innocence, having only seven lawyers to do so, and his father not being a lawyer, I presume. Well, they say his father is a lawyer, probably the same kind I am—has been admitted to the bar. His father had been appointed Commissioner General of Immigration, one of the duties of which office is to enforce both the Mann and the Bennett white-slave laws in reference to the deportation of aliens brought here for the purposes of prostitution, a fine man to place in that position, whose principal object is to leave his office in order to go to the side of his 27-year-old son under trial for a white-slave offense. Is he a proper man to be in charge of the decision of questions as to the deportation of aliens brought here for the purposes of prostitution? And the district attorney, McNab, charges the Department of Labor, the Bureau of Immigration, and the Department of Justice with refusing to deport some alien prostitutes.

And I demand that they shall make public the information which has been sent by Mr. McNab to either one of the departments on this subject, so that we and the public may determine whether there has been any other crooked work in reference to the deportation of these prostitutes. Mr. McNab received his order to continue these two cases. And, by the way, there were two cases. These men, both married, had run off with two young girls, less than 20 years of age, but each one was in-

dicted separately. What reason was given or is given by anyone for the postponement of the trial of the Diggs case? Was Mr. Diggs with his seven attorneys also in the need of the influence and advice of father Caminetti? Why should the Diggs case be postponed? They were two separate cases. The district attorney had warned the Attorney General that every effort would be made to prostitute justice, to perjure witnesses, to buy away the witnesses, to thwart the ordinary administration of law, and then the district attorney sends a telegram to the President.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I yield.

Mr. KAHN. Has the gentleman seen the statement from the United States attorney at San Francisco, published in the papers this morning, that on three separate and distinct occasions he called the fact to the attention of the United States Attorney General that there was danger of perversion of justice by reason of the fact that his witnesses were being tampered with?

Mr. MANN. I thank the gentleman. I have the statements all here:

I have the honor to tender my resignation as United States attorney for the northern district of California, to take effect immediately.

There is nothing in that impugning base motives to anyone in the Department of Justice.

I am ordered by the Attorney General over my protest to postpone until autumn the trials of Maury Diggs and Drew Caminetti, indicted for a hideous crime which has ruined two girls and shocked the moral sense of the people of California, and this after I have advised the Department of Justice that attempts have been made to corrupt the Government witnesses, and friends of the defendants are publicly boasting that the wealth and political prominence of the defendants' relatives will procure my hand to be stayed through influence at Washington.

What is there in that to impute base motives to the Department of Justice or to accuse the Department of Justice of wrongdoing? Here is the statement that the district attorney had notified the Attorney General that the friends of these defendants were boasting that they would procure "his hand to be stayed." Is that a reflection upon the Department of Justice? That is a mere statement of a real fact.

Mr. KAHN. Mr. Chairman, will the gentleman yield again for a further question?

Mr. MANN. I yield.

Mr. KAHN. Is the gentleman aware of the fact that Mr. Diggs, the other defendant, is the nephew of a Democratic State senator of California, and the political influence referred to in the United States attorney's letter may probably have some bearing on that.

Mr. MANN. Of this fact I am absolutely sure, that the great mass of Democrats in public or private life neither condone an offense of this character nor the effort to postpone the speedy trial of offenders. [Applause.]

Then the district attorney says:

In these cases two girls were taken from cultured homes, bullied and frightened into going into a foreign State and were ruined and debauched by the defendants, who abandoned their wives and infants to commit the crime.

And then, after a reference to the Western Fuel directors case, which has no insinuation or reflection in it, the district attorney says:

Before I could send my resignation I received another telegram from the department ordering me to postpone the case against certain defendants of the Western Fuel Co. and not to try them unless ordered by the department.

No reflection or imputation of base motives there; no accusation of wrongdoing, at least.

In bitter humiliation of spirit I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influence which will cripple and destroy the usefulness of this office.

It must be upon this statement that the President says the district attorney accused the Attorney General of wrongdoing, and the Attorney General says the district attorney accused him of base motives.

I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influence which will cripple and destroy the usefulness of this office.

He makes no accusation of wrongdoing. He imputes no motives in the statement, but says that he now believes "the department is yielding to influence which will cripple and destroy the usefulness" of his office. Is that true? There is nothing else in the telegram of the district attorney, sending his resignation, making accusation of wrongdoing or imputing motives. The district attorney stated certain facts. He was ordered by the Attorney General to postpone the cases. That order, now they find, will destroy the usefulness of the office out there, and they run to cover to change the order. [Applause.] Frightened rabbits never got away quicker than the President and the Attorney General when this matter was brought up; but they might have excused themselves to the world if they had said, "The Attorney General acted under a misapprehension, a little carelessly, perhaps," and then withdrawn what they have done and commended the officer under him who dared to call the attention of the public to the facts. That would have been a manly course. We all, of course, excuse mistakes, and we all admire manliness; but we all hate hypocrisy, and this action now taken is pure hypocrisy. [Applause on the Republican side.]

What did the district attorney do that he is objectionable? He called the attention of the President, in the only way it would have received attention—through a resignation—to the fact that the Attorney General's office had been imposed upon. They now admit that it was imposed upon. They now vacate the proceedings which had been taken. They now revoke the order of postponement. They now admit that the cases demand speedy trial.

But unfairly, unjustly, and with pure hypocrisy they accuse the officer who called their attention to the circumstances and say that he is at fault. Manliness, such as I would have expected from the Christian, moral gentleman occupying the White House, would have required him to ask the district attorney to withdraw his resignation and try these cases, he being most familiar with them. They have now accepted the resignation of the district attorney and have dismissed the white-slave-act officer who worked up the case.

I suspect the elder Caminetti and possibly the junior Caminetti may be quite willing to have the case speedily tried, when the few men who were familiar with the case and who have worked it up are fired out of the service before anyone else has time to learn all the circumstances of the case.

But what was the excuse offered by the Attorney General for his order? The Attorney General admits that he received a report from Mr. McNab stating that there might be attempts to interfere with the due course of justice by improper influence. He admits that he has such records on his files. If he had admitted the truth complete he would have admitted that he had several letters, as I am informed, from Mr. McNab to the same effect and tenor. But he received a telephone message from another Cabinet officer.

Mr. Chairman, it is one of the peculiarities of service in the House of Representatives that Members here after a while take all public officials as somewhat in the nature of a joke, and never give too serious importance to the man and his office, with the possible exception, which I hope is generally true, that of the office of the President and the man occupying it, because we all bow respectfully before the office of President and the man who occupies the place, whoever he may be, though usually it is better for a man occupying the place not to give out too many newspaper statements or interviews if he does not desire to be criticized. But the new Cabinet officers up here seem to have an exaggerated importance in their own eyes and an exaggerated idea of the influence of each, and when a former Member of this House, a distinguished Member, who might telephone to 40 Members of this House and then go and see them if he wanted to—they would be treated upon terms of equality—he telephones to the Attorney General's office, and the Attorney General says that—

Without stopping to go through the files and so refresh my recollection concerning any particular circumstances of the case, I sent the following telegram to the district attorney ordering him to postpone the case.

What sort of a Department of Justice is it; what kind of an Attorney General is it who, having on file from the district attorney statements to the effect that people were endeavoring to thwart the administration of justice and to bribe or buy the witnesses of the Government, on a telephone message from so great a man as even a Cabinet officer, without investigation, without reference in his department, without stopping, as he says, to examine the files, orders the case postponed, which in all probability would have meant to have the case dismissed or ended? No doubt the Attorney General is a great lawyer and a great man. But if the Democratic administration intends to proceed upon the theory that when a Cabinet officer telephones the Attorney General, or when some wealthy defendant, as happened in the Western Fuel case, walks into the office of the Attorney General and asks to have a case postponed, it is done, there will not be many Democratic administrations in the next hundred years. [Applause on the Republican side.]

We demand the enforcement of these laws. We demand that the Attorney General, before he sends an order to drop or postpone a white-slave case or other case, shall stop to examine the files in his office. What kind of an excuse would that be if

offered by a clerk in the law office of one of the gentlemen here? What kind of an excuse would it be for one of the gentlemen here, practicing law, to give to his client, "I dismissed your case. I did not stop to examine the files in the office to see whether you had a good case or what the circumstances were"?

The excuse offered is worse than the offense, and offered for the purpose of casting ignominy upon one official in the Department of Justice who has had bravery, who has had courage, who has known how to do things. [Applause on the Republican side.] This district attorney might have sent a letter to the Attorney General, as he suggests, reiterating what he had already said two or three times, and he would have been dismissed for refusing to obey the directions of the Attorney General. But Mr. McNab, rising superior to place, looking up to more lofty heights than drawing a salary, knew that the way to attract the attention of the country and to obtain consideration by the administration was to do what he did, flash his resignation over the wires to the President, calling attention to the facts; not imputing motives, not accusing the office of wrongdoing, but calling attention to the facts which he had already reported to the Department of Justice. And by so doing he has made the President and the Attorney General not only to beg the question but to eat their words. [Applause on the Republican side.] He deserves a tribute from the good people of this country, which I have no doubt he will at least receive in their hearts. [Applause.]

Mr. HARRISON of New York. Mr. Chairman, if no other gentleman desires to address the committee, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

SEC. 4. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, receive or have in his possession, or conceal on board of or transport on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or on any such vessel, water craft, or vehicle of such article, shall not report the same to the principal officer thereof, shall be subject to the penalty provided in section 2 of this act. Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury: *Provided, however*, That any master of a vessel or other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such carrier, and any such article shall be forfeited and shall be destroyed.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this section provides—

That any person subject to the jurisdiction of the United States—

And section 6 has the same provision. This section relates to the carrying of these drugs upon a foreign or domestic vessel, wherever it may be, as I take it, bound to or from the United States, and limits the control to a citizen of the United States. Now, section 6, using also the words—

Subject to the jurisdiction of the United States—

relates to the question of exportation. If there is a reason, as I can see there might be, for our legislating as to persons who are citizens of the United States, thought they may be in the China Sea, what reason is there for permitting a foreigner to export opium from the United States when we forbid a citizen of the United States to export opium?

Mr. HARRISON of New York. As I read the bill, that would not be the case, because if a foreigner were in this country or in any of our possessions he would then be subject to the jurisdiction of the United States

Mr. MANN. Well, not necessarily.

Mr. HARRISON of New York. Of course, the gentleman understands the use of that phrase. It avoids the question as to whether a Filipino or a native of Porto Rico has any right to citizenship.

Mr. MANN. Take section 5. You have not avoided that.

That no smoking opium or opium prepared for smoking shall be admitted into the United States for transportation to another country.

Mr. HARRISON of New York. Smoking opium would not be admitted into the Philippines under the opium-exclusion act.

Mr. MANN. That may all be, but supposing it is there. It is not admitted into the United States. The same reasoning is as true of one as of the other.

Mr. HARRISON of New York. This only relates to the question of transshipment.

Mr. MANN. I understand that you do not want to permit transshipment from the Philippines any more than from here. It is much more likely to be transshipped from the Philippines, near to China, than it is from the United States. I think that could be corrected by adding, after the words "United States," on page 4, line 4, the words "or any possession thereof."

Mr. HARRISON of New York. I think the gentleman's contention is correct, and if he will offer that amendment I will accept it.

Mr. GARDNER. I suggest in lieu of that that the words "from territory under its control or jurisdiction" be substituted. That covers more than "possession thereof."

Mr. MANN. In some places in the bill they have it one way and in some the other. Has the gentleman from Massachusetts a proposition concerning that?

Mr. GARDNER. I simply suggest it.

Mr. MANN. Now, may I ask one more question? At the bottom of page 3, in reference to transportation of these articles by carriers, it says—

Shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such articles in or on such carrier.

The word "carrier" there may be correctly used, although in all my experience on the Committee on Interstate and Foreign Commerce, where carriers were under constant discussion from the 1st of January until the 31st of December, I never heard the term "carrier" applied to the vehicle by which the article was carried.

Mr. HARRISON of New York. Does the gentleman from Illinois maintain that it is not a correct use of language?

Mr. MANN. I am afraid it is not a correct use of a legal term, and I wondered whether it would not be possible, at the risk of duplication, to insert the language "vessel, water craft, car, or other vehicle."

Mr. HARRISON of New York. I think that would be a reasonable amendment.

Mr. MANN. The gentleman from New York and I both know that a bill of this sort when it becomes a law is submitted to every legal critical test which the ingenuity of high-priced lawyers can devise. You are not going to stop the smuggling of opium, you are not going to stop the smoking of opium, you are not going to control opium by any legislation; all you can do, at best, is to go as far as you can. There will be people prosecuted constantly.

Mr. HARRISON of New York. Mr. Chairman, a parliamentary inquiry. Is there another amendment pending?

Mr. MANN. I have moved to strike out the last word; that is all. Mr. Chairman, I move to amend, at the top of page 4, by striking out the word "carrier," in the first line, and inserting in place thereof the words "vessel, water craft, car, or other vehicle."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, by striking out the word "carrier," in the beginning of line 1, and inserting the words "vessel, water craft, car, or other vehicle."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was considered and agreed to.

The Clerk read as follows:

SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States for transportation to another country, nor shall such opium be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or any other purpose.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 4, insert, after the words "United States," the following: "or into any territory under the control or jurisdiction thereof."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word, to call attention of the gentleman to the fact that there is no penalty provided for section 5. Of course it is worthless without a penalty.

Mr. HARRISON of New York. It does not permit the admission of opium at all into the United States. There is a penalty under section 2 for the introduction of smoking opium into the United States.

Mr. MANN. Section 1 prohibits smoking opium being imported into the United States, and that is all this does.

Mr. HARRISON of New York. This has reference entirely to the shipping in bond, and if the customs officials are not allowed to receive it in bond that is the end of it.

Mr. MANN. I thought possibly it referred to that part of the bill which is set out in the report where they bring vessels within the 3-mile limit and take the opium from one vessel and put it upon another. The report says that that was a common practice. If it be a common practice, the opium is not imported into the United States except for transportation, and I suspect I may be wrong about that.

Mr. HARRISON of New York. I should suppose, Mr. Chairman, that the provisions of section 4 would provide a sufficient penalty. Persons who are attempting to do this transshipping would fall under the provisions of section 4, and be submitted to the penalties therein provided.

Mr. MANN. Of course, section 4 does not apply to Chinamen out on the Pacific coast who do not get into the United States. If they get the opium and go to Mexico, you can not punish them for anything that they have done.

Mr. HARRISON of New York. No law that we could pass would apply to them, and I would say to the gentleman from Illinois that there are very few of them out there who do not get into the United States.

Mr. MANN. Oh, yes; a law would apply to them. Of course, we would have to catch them before applying the law, but we can apply it within the 3-mile limit or anywhere within the United States.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 6. That hereafter it shall be unlawful for any person subject to the jurisdiction of the United States to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, to any country which prohibits their entry or to any country which regulates their entry: *Provided*, That opium or cocaine and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under regulations to be prescribed by the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce.

The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of laws and regulations promulgated in their respective countries which prohibit or regulate the importation of the aforesaid drugs, and when received advise the Secretary of the Treasury and the Secretary of Commerce thereof; whereupon the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall make and publish all proper regulations for carrying the provisions of this section into effect.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask why we should not prohibit absolutely the exportation of opium and cocaine from the United States to any other country anywhere in the world and then follow it with the provision that to the countries that have regulations for its admission we may export it?

Mr. HARRISON of New York. Mr. Chairman, that was the language of the original act as I believe it was drawn by the gentleman from Illinois, and he may contend that it is better form, but I think the same purpose is accomplished by the language here.

Mr. MANN. I am not so entirely certain that it is possible in a criminal proceeding—and I believe this is a criminal proceeding—to indict and convict a man for shipping opium to some country, the right to do so depending upon what the law in that country is to-day, which law may be changed to-morrow—not depending upon the law of this country, but depending upon the law of another country—without any knowledge perhaps on the part of the person who ships the opium. If you would make an absolute prohibition, that question can not arise, and then it could be followed with the provision permitting the exportation to those countries which do permit the importation of opium under regulation. I do not think we ought to send it to any country where it is not admitted under regulations. In that event you would have the whole question covered.

Mr. HARRISON of New York. I am inclined to think the gentleman from Illinois is incorrect in stating that this language would submit an exporter of the United States to a penalty under a change in a foreign law. It is not the foreign law which makes him a breaker of our law, but it is an infringement after the promulgation of that foreign law and of the domestic regulation which is here made by the three Cabinet officers selected by the bill.

Mr. MANN. The gentleman is mistaken. Here is a prohibition. That is the law that is violated. The rest is a permission to violate it under certain circumstances, and if you indict a man you must indict him on the ground that he is exporting the opium to another country which prohibits its entry or to a country which regulates its entry.

Mr. HARRISON of New York. Mr. Chairman, I am inclined to think the gentleman from Illinois is correct, and if he will propose an amendment to that effect, I will accept it.

Mr. MANN. I would suggest to prohibit the exportation to any other country, and then strike out the provision which prohibits their entry or to any country which regulates their entry.

Mr. HARRISON of New York. I think that would cover the case.

Mr. MANN. Mr. Chairman, I move to amend by inserting, on page 4, line 15, before the word "country," the word "other," and by striking out lines 15, 16, and 17, down to and including the word "entry."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, line 15, by inserting, after the word "any," the word "other," and by striking out the remainder of the line after the word "country" and the lines 16 and 17 down to and including the word "entry," being the language "which prohibits their entry or to any country which regulates their entry."

Mr. GARDNER. Mr. Chairman, my attention was distracted for a moment and I did not hear the reasons which the gentleman from Illinois advanced in behalf of his amendment.

Mr. MANN. With the amendment I have offered it prohibits the exportation of opium to any other country. That is a prohibition. Then it permits the exportation to countries which permit its importation. Now, without that, if you take the language as it stands, you have to indict a man for the violation of a prohibited thing, and I doubt whether you could make it stick, so that a man could be indicted for shipping opium to a country which prohibits its entry to-day and perhaps does not prohibit it to-morrow, or does not prohibit it to-day and does to-morrow. My amendment prohibits the exportation, but whenever they make their regulations permitting the exportation, then you can export to those countries.

Mr. GARDNER. Well, Mr. Chairman, the gentleman's idea is that the language is redundant. The way the gentleman suggests amending it, then, makes the language in lines 19 and 20 redundant. "The importation of which is hereby absolutely prohibited" becomes redundant, applying to smoking opium.

Mr. MANN. Oh, I think not.

Mr. GARDNER. As this bill is drawn it prohibits the exportation of all kinds of opium except to countries which regulate?

Mr. MANN. Yes. Oh, it is possible it might be redundant, but still you have to put in the words "smoking opium."

Mr. GARDNER. I do not see any objection to making the change, but I felt a little hesitation. I remember that the question came up in the committee. We did not go very thoroughly into the question as to the reason for that apparently redundant language. Does the gentleman from New York [Mr. HARRISON] remember that that question was raised in the committee? Is it the opinion of the gentleman from New York that the point of the gentleman from Illinois is well taken?

Mr. HARRISON of New York. It satisfies me that the gentleman from Illinois is correct and that this cures what otherwise might be an evasion of the law.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That any person who exports or causes to be exported any of the aforesaid drugs in violation of the preceding section shall be fined in any sum not exceeding $5,000 nor less than $100 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this act may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this act may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of section 7 the following: "*Provided*, That no payment for any information shall be made to any officer or employee of the United States."

The question was taken, and the amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the gentleman from New York. It has just been called to my attention that under section 7 the minimum penalty for the exportation of drugs is made $100, whereas by section 2 the minimum penalty for the importation of drugs is made $50. I have been asked the reason for that apparent discrimination and am unable to explain it.

Mr. HARRISON of New York. Well, there is no explanation except they are different offenses, and it is possible we might provide different penalties for their infraction of the laws.

Mr. GARDNER. Then, it is presumably a greater offense to export narcotics than to import them?

Mr. HARRISON of New York. Well, measured by the minimum penalty, the gentleman is logical at least.

Mr. MANN. Mr. Chairman, there being no logic in the comparison suggested by the gentleman from Massachusetts, as

admitted by the gentleman from New York, author of the bill, leads me to suggest that probably this difference was in the original draft of the bill that came from the State Department. One would suppose so distinguished a body as the under officers of the State Department, which publishes the laws and has them in their control, would learn in the course of time what is the policy of Congress concerning certain forms of legislation. When we passed the penal code, a few years ago, with the aid of a number of distinguished gentlemen, including the gentleman from Kentucky [Mr. SHERLEY], we struck out of it all minimum penalties and there was no place in the penal code that provides a minimum penalty. There is no place for a minimum penalty at the best; provide a maximum penalty and leave the rest to the courts. And, were it not for my great affection for this bill, I should have moved at the outset to strike out the minimum penalty in the first section where it appears, because we usually have done that in every bill since the time the penal code was passed. There is no sense in it. The rest of the penal code does not have a minimum penalty.

Mr. HARRISON of New York. The gentleman from Illinois [Mr. MANN] is perfectly correct in reference to the present policy of Congress on these matters, and, recognizing that, I struck out of the third bill the minimum penalty which it originally had contained when first introduced by the late Mr. Foster, of Vermont. It is only through inadvertence that a minimum penalty at all is carried in the section to which the gentleman is now addressing himself. But inasmuch as there is a minimum penalty under the old opium-exclusion act, which penalty we can not change in this legislation without the danger of making ex post facto laws, I think we had better carry a minimum penalty in here, only I believe it would be proper to make it the same amount as the minimum penalty in section 2 of the bill, and I therefore move to amend section 7 by striking out in line 12 the sum "$100" and inserting in place thereof the sum "$50."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 12, by striking out "$100" and inserting in lieu thereof "$50."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, the amendment which is offered by the gentleman from Massachusetts [Mr. GARDNER] was a proviso amendment. That left in line 21 a period after the word "case." I suggest the punctuation ought to be changed so that the period would have a brother just above it, making it a colon.

The CHAIRMAN. The Chair is informed that the change has already been made.

Mr. FOWLER. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest, as is provided by sections 2806 and 2807 of the Revised Statutes, such vessel shall be liable for the penalty prescribed in section 2809 of the Revised Statutes and may be subject to seizure and forfeiture in default of the payment of such penalty.

Also the following committee amendment:

Amend, page 6, line 3, by inserting after the word "penalty" the words "and forfeiture."

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Also the following committee amendment:

Line 4, after the word "statutes," strike out the comma and the remainder of the section up to the period.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. HARRISON of New York. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, and directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

HEIRS OF ANGELO ALBANO (H. DOC. NO. 105).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to the case of Angelo Albano, an Italian subject, who on September 20, 1910, was, while in custody on a charge of crime at Tampa, Fla., seized by an armed mob and killed, and I recommend that, as an act of grace and without reference to the question of the liability of the United States, Congress make suitable provision for the heirs of the Italian subject thus killed, the proceeds to be distributed by the Italian Government in such manner as it may deem proper.

WOODROW WILSON.

THE WHITE HOUSE, *June 26, 1913.*

REGISTRATION OF PERSONS DEALING IN OPIUM, ETC.

Mr. HARRISON of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 6282.

The SPEAKER. The gentleman from New York [Mr. HARRISON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 6282. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, with Mr. CULLOP in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6282, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman that the first reading of the bill be dispensed with? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HARRISON of New York. Mr. Chairman, this is the third and last one of this series of bills attempting to control and regulate the traffic in narcotics, and in some particulars it is of more importance to the people of the United States than either of the two other bills which have just been passed by the House.

The bill H. R. 6282 is the outcome of a long series of conferences between members of the Committee on Ways and Means and officials of the State and Treasury Departments and representatives of the various trades which will be affected by the enforcement of the provisions of this bill.

The legislation, as I recollect it, was first proposed to the House by bills introduced, respectively, by the gentleman from Illinois [Mr. MANN] and the gentleman from Vermont, Mr. Foster, now deceased. The first was a bill regulating interstate commerce in narcotics, and was therefore referred to the Committee on Interstate and Foreign Commerce, and the bill introduced by the late Representative Foster, of Vermont, attempted to regulate these matters by the taxing power of the Government, and was therefore referred to the Committee on Ways and Means. Upon the decease of the gentleman from Vermont, who was one of the most useful and most admired and one of the finest Members of this House, I was asked by the representatives of the State Department, who had kept in touch with the legislation in all its phases, to introduce the same bill, and I did so in the last Congress.

From time to time I have introduced new bills, as the plans of those who were studying this matter were further developed; and the bill H. R. 6282, introduced on the 23d of June, 1913, and reported out the same day, or the next day, to the House with a favorable recommendation, upon a unanimous vote of the Committee on Ways and Means, is the last and, I hope, the final draft of the legislation which so many persons have painstakingly worked to perfect.

Mr. MANN rose.

Mr. HARRISON of New York. Does the gentleman wish to interrupt me?

Mr. MANN. I wanted to ask the gentleman about one provision of this bill. Perhaps it is unnecessary. The bill provides that the collector of internal revenue shall furnish blank forms for ordering all these drugs, and that he has to put upon each blank, as he sells them, the name of the purchaser, so that if a man has a drug store on one corner he must use the blank with his name on it when he buys any of these drugs. He can not loan his blank to the man who has a drug store on another corner, although the blank is identical and the same. Now, why is it not perfectly sufficient to sell these blanks so that wholesale or distributing houses will buy them and furnish them to their customers?

Mr. HARRISON of New York. Mr. Chairman, the only objection I can see to that would be that it would relax slightly the restrictions which we are placing upon the trade; and, in my opinion, the bill has already in its final form conceded all the reasonable requests of the different trade interests in so far as they do not prejudice the principles which we are trying to enact. I should very much regret to see the bill still further relaxed.

Mr. MANN. Here is a bill which is extreme, necessarily extreme, and which proposes that no man can buy opium unless he is registered, and no man can sell opium unless he is registered; and no man can buy opium unless he buys it on a blank which he purchases from the Government and sends to the person from whom he purchases, keeping a copy of his order, so that each one has a copy of the order. Now, that, to that extent, would be the most drastic legislation that ever was enacted in this country for the purchase and sale of any article. But to say, in addition to that, that he not only has to make his order on a blank printed by the Government and furnished to him, but he has also to pay a dollar and buy blank orders with his own name written or printed on them in the first place would really seem to me as though we were running almost to the point of absurdity.

Mr. HARRISON of New York. Mr. Chairman, curiously enough, the representatives of the trade interests were very anxious to have us substitute the duplicate-order system for the system which was carried in the original bill.

Mr. MANN. I am not criticizing the duplicate-order proposition.

Mr. HARRISON of New York. They thought that was much more lenient and much more practicable than the stamping and marking provision which we had incorporated from similar provisions of the pure-food act, of which the distinguished gentleman from Illinois [Mr. MANN] was the author.

Mr. MANN. The pure-food act was drawn all the way through so as to inconvenience as little as possible the men who are doing business. Here, under this provision, if I am a druggist on the corner and I send down for a dollar's worth of blanks—how many I can get for a dollar I do not know, but I can not get less than a dollar's worth—I have my name on these blanks; and if I lose the blanks, as I certainly would if I were a druggist, then if I want to buy some opium I can not borrow another blank from another druggist, although track of it could be kept just as well in that way. What difference does it make? The name of the purchaser must be on the blank when he buys the drug. He has to keep a copy of that, and the wholesaler or the jobber has to keep a copy of it.

Mr. HARRISON of New York. I have already said to the gentleman—and I do not believe I can add anything to the strength of my statement—that it is only to tighten it all up.

Mr. MANN. The original bill that was drawn in reference to getting an internal-revenue tax upon the sale of opium was brought to me to introduce, I believe, several years ago, and I declined to introduce it. Of course, it imposed a considerable tax. I said to Dr. Wright and other gentlemen who were interested in it that there was no use figuring upon that, that they could never pass a law which put a $5 or $10 tax upon every retail druggist in the country if he sold opium, in addition to the other internal-revenue taxes which the druggist had to pay. I said it was not sensible, that it was not fair, and whether it was or not did not make any difference, that the retail druggists would have influence enough in this body to defeat it.

Mr. HARRISON of New York. Of course, we have not got that provision in this bill.

Mr. MANN. I understand that, but if you make this law onerous, so that the retail druggists can not work conveniently under it, you will find that they will repeal it.

Mr. HARRISON of New York. Mr. Chairman, in answer to the very point raised by the gentleman from Illinois, I will give the committee the names of the associations whose delegates and representatives actually took part in the framing of this law.

It is probably true that every law reforming drug and medical practice has proceeded originally from the drug trade or the doctors themselves; and representatives of the leading drug houses of America not only appeared before our committee advocating legislation but they actually took part in the framing of the bill. Representatives of Lehn & Finck and Schieffelin & Co., of New York; of Powers & Weightman, of Philadelphia; of Parke, Davis & Co., of Detroit; and Dr. Dohme, of Sharp & Dohme, of Baltimore, were among those who have cooperated with us, as well as delegates from the National Association of Manufacturers of Medicinal Products, the American Association of Pharmaceutical Chemists, the National Wholesale Druggists' Association, the American Pharmaceutical Association, and the National Association of Retail Druggists.

There is an executive committee of the National Drug Trade Conference. They have held two conventions in Washington within the last six months, and their representatives have been to see me a number of times, and have worked most earnestly to frame a bill which will be practical, which will not be too onerous upon the drug trade, and which still will accomplish the very worthy and laudable purpose of this legislation.

The bill as it stands in its final form is the outcome of a conference about a month ago in my office, at which the representatives of most of these associations were present, and when we finally agreed upon the bill, a statement was attached to it by Mr. John C. Wallace, of Pennsylvania, chairman of the executive committee of the National Drug Trade Conference, and countersigned by Mr. Charles M. Woodruff, the secretary of that same committee, stating that the bill had their thorough support and approval.

I say to the gentleman from Illinois that I agree entirely with the statement he has made. The original provisions for internal-revenue tax with the requirements for registration and stamping were impracticable, and were so objectionable to the druggists that they would have been strong enough and reasonable enough in their arguments to prevent their passage through Congress. We have eliminated all of those difficulties. We have reduced the bill in its last analysis to the simplest form that we could, and we have the hearty cooperation and active support of all the leading drug trades. These gentlemen have gone to their homes, and they have told me that they would do the best they could to help create sentiment favorable to the bill, just as it stands. I represented to them the dreadful fate which overtook Members of Congress whenever we tried to introduce a reform measure imposing unreasonable restrictions on the trades interested, and I depicted to them the avalanche of protests and letters that Members of Congress would receive if we did not get a bill to which all could agree to give their support. They told me that they would do their best to spare us in that department of our public duties, by going home and supporting the bill, because it was workable and was the only bill that we found that was workable.

Mr. MANN. Mr. Chairman, I again congratulate the gentleman from New York on his successful handling of the matter. The fact that it has been a successful handling is shown and proven by the fact that we have not been overwhelmed with an avalanche of protests from retail druggists throughout the country. I called attention to what I did merely for the purpose of attracting the attention of the gentleman from New York; and if he is under a sort of agreement not to interfere with these portions of the bill I have no desire to interfere with them.

I want to call attention at this time to a provision in the bill which has just been passed in reference to having opium in possession on board vessels, water craft, railroad cars, or other vehicles. I just sent for a copy of the Revised Statutes in order to look up the definition of "vehicles." I find that the word "vehicles" includes every description of carriage, or other artificial contrivance, "used or capable of being used as a means of transportation on land." When that description was written in the Revised Statutes it was in conjunction with a description of a vessel, which included all kinds of water craft on sea; but we have now a new means of communication which is neither on water or on land, which it is perfectly feasible to use for the importation of opium in both Canada and Mexico.

This bill ought to include in this provision in reference to finding opium on vessels any form of air vessel. I hope that if it is not done here the gentleman will have it done in the Senate.

Mr. HARRISON of New York. Mr. Chairman, the point raised by the gentleman from Illinois was discussed during the progress of writing these bills; and I was not as wise as the gentleman from Illinois, because I did not make the research that he has just made, my contention being that the word "vehicle" would cover an airship, a balloon, or any other craft.

Mr. MANN. The gentleman was perfectly natural in that, but having a recollection in my mind, owing to my long service in respect to interstate transportation, that there was a definition of that word, I sent and obtained it. It does no include airships.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. SISSON. I would like to ask the gentleman a question in reference to the administrative features of the bill, on page 4. I notice there a provision respecting physicians, dentists, and veterinary surgeons registered under this act. What machinery is necessary to require a physician to be registered under this act?

Mr. HARRISON of New York. The registration provision, which is one of the two principal features of the bill, is found in the first section of the bill.

Mr. SISSON. It speaks of the physician, dentist, and veterinary surgeon. Does it require the physician, dentist, and veterinary surgeon who may administer these drugs to be registered?

Mr. HARRISON of New York. It does.

Mr. SISSON. Then it requires in the same section, on lines 8, 9, 10, and on page 4, that the physician, dentist, or veterinary surgeon shall be in personal attendance upon such patient. Suppose a patient were sick or were addicted to the use of the drug, would it be necessary for the patient to have a doctor to come and visit him, and in addition to that have a prescription written, and then take the prescription to the druggist and have each prescription filled attached to a physician's bill?

Mr. HARRISON of New York. No; because the exemption of this proviso allows the physician to acquire the drug, and that is the only way in which it is lawful to acquire it, namely, by registration.

Mr. SISSON. That is true. Perhaps I did not make myself plain; but would the patient have to have a new visit from the doctor and a new prescription and be compelled to pay for it every time he went to him?

Mr. HARRISON of New York. I know of no better way to control it than that, and I will say to the gentleman from Mississippi that that probably would be found in almost all State laws.

Mr. SISSON. That is true. In most of the State laws there is provision for the refilling of a prescription without a new visit of the doctor. For this reason: You have an unfortunate person, an unfortunate woman, who may be addicted to the use of morphine or some such drug in some form, and the physician, in addition to the first fee he gets—this patient perhaps could not live without the use of it; I do not know that it would produce death—but the physician prescribes it, and under this bill in order that the party may get the drug which they will have it simply means the impoverishment of these people to a certain extent, and the physician and the druggist get the benefit of filling a prescription which is usually higher than the refilling of a prescription, and the patient would be compelled to pay for that visit.

Mr. HARRISON of New York. Mr. Chairman, I share the sympathy of the gentleman from Mississippi for the unfortunate class of persons to whom he has just made reference, but if I were able to restrict their access to the drug by the provisions of this bill, rendering it more difficult and more expensive for them to get the drug, I would be willing to do so.

Mr. SISSON. Well, I think that the bill ought to provide that where the physician gives one prescription and makes one visit then the patient may have an opportunity to have that refilled. Now, it might not affect very many people, but it would affect, I am sure, quite a number, and many of them are very unfortunate, and they appeal of course to our sympathies greatly, and I am unwilling to place an additional penalty to the already fearful condition they are in for the profit of the physicians and the druggists. In other words, suppose a physician had prescribed small quantities of the drug to one person, then there would be repeated visits and expense in only administering a certain small amount, and it would mean that these unfortunates who get the drug would have to pay enormous doctors' fees, which would be vastly more than the drug itself would cost.

Mr. HARRISON of New York. Mr. Chairman, one of the witnesses before the hearings in 1911 in reference to this legislation was Dr. Alexander Lambert, one of the most prominent physicians in New York, and he stated it as his opinion that over half of the cases acquired the habit from doctors' prescriptions, and I invite to the consideration of the gentleman from Mississippi the misfortune that would come in permitting an unrestricted refilling of old prescriptions by persons who in that way acquired the drug habit. There are two horns of this dilemma, and I think we have chosen the lesser.

Mr. SISSON. I realize that the purpose of this bill is to do that which perhaps the States have not already done; I realize that Congress is reaching out for power it was never dreamed Congress should exercise; I realize that this bill goes into the private business of every druggist; I realize, as the gentleman from Illinois says, that it is the most drastic bill Congress has ever passed in reference to the regulation of any trade; I realize fully that the necessity for the legislation is pressing perhaps upon the hearts and consciences of many people; I realize fully the other horn of the dilemma, that when those conditions prevail the Constitution never has within the last 50 years and never will stand in the way; I know that the Constitution will be brushed aside, and positive provisions of the laws will be absolutely ignored; but when we find in a bill of this kind that it may work a very great hardship upon unfortunate children and inmates of the homes, because in many cases they have to furnish the opium to the unfortunate mother or the unfortunate father of the unfortunate member of the family, that in addition it is proposed to impose upon them the right of the physician to charge a fee for the prescription which may not be more than enough to serve two or three days, and therefore you penalize the unfortunate to that extent, I do not believe that ought to be included in a bill of this sort. I think something ought to be left to the discretion of the physician. He would not give a prescription with authority for it to be refilled unless it was one of those cases where he thought the necessities of the case required it.

Therefore it seems to me that a provision in the bill authorizing physicians under certain conditions to refill the prescription might be a great relief to many poor families where they are unfortunate enough to have an inmate of this kind.

Mr. HARRISON of New York. Mr. Chairman, I do not think I can strengthen the argument we have already advanced. I think we have chosen the lesser of two evils, and the good to be accomplished by stopping the ready access to the drugs overbalances all the conditions just pointed out by the gentleman from Mississippi.

Mr. SISSON. So the gentleman will not be willing to agree to an amendment of that kind?

Mr. HARRISON of New York. Not just at this time.

Mr. SISSON. I will state to the gentleman that I feel rather keenly on this proposition. There is one other matter I want to ask him about, and that is in reference to the cost of administration under this bill. Did the committee go into that?

Mr. HARRISON of New York. The Commissioner of Internal Revenue under the last administration, Mr. Cabell, estimated the original bill which was then before him would cost from $125,000 to $150,000 a year to enforce, but that bill was one which also provided an internal-revenue tax and very vexatious stamping features, and was vastly more expensive than the administration of this bill. I am informed that the small fees charged for the stationery and order blanks ought to pay for the printing.

Mr. SISSON. It is, of course, dependent upon the amount of espionage which the Government desires to make on this trade. If they go at it with a vengeance it seems to me that there is practically no limit to the cost.

Mr. HARRISON of New York. We have no control over that. The gentleman's Committee on Appropriations would prevent any excessive or undue expenditure.

Mr. SISSON. Do you make any provision here for paying the expenses under this bill?

Mr. HARRISON of New York. Yes. We have a provision in section 11 of $150,000, but I think I may with confidence state to the gentleman from Mississippi that the bill will produce at least $200,000 a year in revenue.

Mr. SISSON. You think the bill, then, as far as this appropriation is concerned, will produce sufficient income to wipe out the expenses?

Mr. HARRISON of New York. That is my idea.

Mr. SISSON. Of course, I have not had any opportunity to investigate it, and have no information at all, but the gentleman

from New York can at once see if the espionage is very great the expenses would very rapidly outgrow this appropriation here—I mean would outgrow the income from these small fees charged here. I would like, if the gentleman would do so, that he would accept an amendment so as to leave it within the discretion of a physician as to whether he would give a patient a prescription to be refilled.

Mr. HARRISON of New York. I would not be disposed to accept that amendment. Of course, it is not in order just now; so the gentleman from Mississippi and I will have time for further reflection while the bill is proceeding on its course.

Mr. COOPER. Will the gentleman permit one question?

Mr. HARRISON of New York. With pleasure.

Mr. COOPER. Can the gentleman tell me whether there is a provision in existing law or in the bill requiring that opium imported shall have the word "opium" upon the package outside?

Mr. HARRISON of New York. The opium-exclusion act of 1909 prohibited the importation of any opium, and then went on to say "except medicinal opium under regulations to be prescribed by the Secretary of the Treasury," and those regulations are specific as to the strength of the opium. It must not have less than 9 per cent of morphia. But I am unable with perfect confidence to state what the gentleman asks, although I think the container and the stamp are distinctive, so that people know what it is.

Mr. COOPER. Mr. Chairman, if the gentleman will pardon me, the bill provides now, for example, as follows:

Provided, That any master of a vessel or any other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such an article in or on such carrier—

And so forth.

It would be very difficult, indeed, to prove that the hands on a railroad train would know there was any opium in a package or box that did not contain the word "opium" on the outside. And I was of the opinion after reading it that there ought to be a specific requirement of the law that each package shall be so branded, and anyone failing to so brand the package shall, because of that fact alone, be amenable to punishment.

Mr. HARRISON of New York. That would be a very wise provision, in my opinion, as to imported opium in bulk, and I believe it is in the regulations of the department. But as to all these subdivisions and compounds of the drugs mentioned in this bill, the printing and marking of them, which we so much desired to have in the bill, were found after an exhaustive investigation to be utterly impracticable. It was stated, I think, that the house of Parke Davis & Co. alone make some 3,600 different preparations which would each have to have a different, distinctive mark under the provisions of the bill as it was when first introduced, and it certainly would have caused such vexation among the trade as practically to defeat the whole purpose of the contemplated reform.

Mr. COOPER. There might be some wisdom in not requiring the whole 3,600 to be specifically branded, but there would be great wisdom in requiring that opium and its ordinary derivatives, like morphine and other things of that sort, should be marked on the back, if imported, with the word "opium" or "morphia," because otherwise you could not prove that these people did not use due diligence in trying to ascertain what was in the package.

Mr. HARRISON of New York. We shift the burden upon the defendant to show that he did.

Mr. COOPER. Oh, he might say he asked the man who put it in the cars what it contained, and he replied that it was something of a harmless character. That is all you require of him. He asked the man who sends it, and that man lied to him, and that man is in China and the other man is over here.

Mr. HARRISON of New York. He has to do that to the satisfaction of the jury.

Mr. COOPER. Then, Mr. Chairman, there is another section in the bill about which I wish to inquire. Section 8 provides that—

whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest—

there shall be certain penalties inflicted. Now this opium can be brought in in a vessel that comes from a Canadian port into a United States port, and it can come in on a train of cars from Canada, and there is no provision about inflicting a punishment for the introduction of opium imported on a train of cars from Canada, making the train or the company liable as you make the owner of a vessel liable.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Wisconsin, I believe, is addressing himself to the previous bill which just passed the House. Those matters were under discussion during the consideration of that bill, and the point that the gentleman from Wisconsin now makes was made then, though perhaps not quite so clearly as he now makes it. I suppose this difference or distinction as to ships rested upon the fact that our navigation laws have always given the administration, the executive department, more control over vessels than the Government has ever had over railroad trains. I suppose the very nature of the boat makes that possible and advisable.

Mr. COOPER. Mr. Chairman, I want to say, in conclusion, that those provisions as they stand would, it seems to me, exactly suit any person who intends to smuggle opium into this country.

Mr. HARRISON of New York. The law as it stands at present seems to exactly suit a great many smugglers, and those are the people we are trying to get after.

Mr. Chairman, I think the questions asked by the gentlemen of the committee have brought out all the information that I intended to state to the committee, but I do not want to conclude my general remarks without making some reference to Dr. Hamilton Wright, of the State Department, to whom is due, more than anybody else, I think, whatever credit may come from these great reforms as to the control of narcotics. Dr. Wright was our commissioner on the International Opium Commission, and is one of our delegates at our international congress, and he has worked hard and efficiently to get these bills in the shape they are now in.

Now, Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. On page 4, under the head of "(C)" there is exempted from the provisions of the section opium which is exported or sold for export. Do I understand that a man who ships opium or sells it for export is not required to make any report?

Mr. HARRISON of New York. This section relates to the provision giving duplicate order blanks, and it is not reasonable to expect that the foreigner, for instance sending to the house of Schieffien & Co., of New York, for medicinal opium, should send that order upon one of our internal-revenue blanks. That is the reason for the exemption.

Mr. MANN. It struck me that possibly whenever anybody had opium in his possession you could trace it into his hands, and if you could not find it, all he would have to do would be to say that he had exported it; because you have no way of tracing what is exported.

Mr. HARRISON of New York. We originally had in the bill a tax upon an exporter of narcotics, and the committee struck out that proposed tax upon the exporter upon the ground that a license tax upon an exporter is a tax upon the exports themselves, which seems to be the weight of authority established by the case of Brown against Maryland, in 1837, and reaffirmed a few years ago in the United States Supreme Court in the case of Fairbank against The United States. In the latter case, an internal-revenue stamp upon a foreign bill of lading, under the Spanish War revenue act, was held to be a tax upon the goods exported, and therefore held to be unconstitutional. We devoted a good deal of time to the study of that, and very reluctantly I was compelled, in deference to the views of the committee, to reintroduce the bill with the word "exporter" left out, for fear it might be unconstitutional.

Mr. GARDNER rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. HARRISON of New York. Certainly.

Mr. GARDNER. I thought the gentleman had concluded. I rise in my own right.

The CHAIRMAN. The Chair thought the gentleman from Massachusetts was rising to interrogate the gentleman from New York.

Mr. GARDNER. Mr. Chairman, the minority members of the committee unanimously approved this bill, as they did its two predecessors.

Since the bill was reported there have been one or two small matters arise which I now call to the attention of the gentleman from New York [Mr. HARRISON]. My attention has been called to the definition of the word "person," on page 2, where it says:

That the word "person" as used in this act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person.

The question has been asked of me whether this act would not make it very difficult for hospitals to perform their ordinary functions in the dispensing and prescribing of drugs con-

taining these narcotics, to which I replied that I thought hospitals would be excluded under the definition of the word "person"; that the word "person" would not include a hospital. It has been pointed out to me that hospitals are quite often corporations. Is that so?

Mr. HARRISON of New York. It is true that hospitals are often corporations, and it has been said that they are generally so; but I believe they are included in the language of this bill. I will state to the gentleman that it was intended they should be. We exempted them in the previous bills when we had under consideration the stamping and branding and internal-revenue provisions, which were so much more onerous; but we thought, when we had this simple form of ordering on internal-revenue blanks, that there is no hospital in the United States that can not afford to pay a tax of $1 a year. And when they dispense opiates to the patients in the hospital they always do it upon the prescription of a physician. If you open the door any wider than that to hospitals, some institutions might be organized as hospitals for the real purpose of being drug joints.

Mr. GARDNER. Suppose it is a municipal hospital. Would that be included under the word "person"?

Mr. HARRISON of New York. Yes; I think it would be.

Mr. GARDNER. Under which subdivision?

Mr. HARRISON of New York. Under "association," perhaps.

Mr. GARDNER. That question was asked me. I have no amendment to offer.

Mr. HARRISON of New York. I think most of the hospitals in New York City are corporations, anyway.

Mr. GARDNER. I reserve the balance of my time.

Mr. MANN. Before the gentleman takes his seat, may I ask him a question in connection with his question in reference to hospitals, and so forth? On page 4, under "a," in section 2, it is provided that the requirement that a person shall give an order before he can get any of these drugs shall not apply—

to the dispensing or distribution of any of the aforesaid drug to a patient by a * * * veterinary surgeon registered under this act in the course of his professional practice only: *Provided, however,* That such * * * veterinary surgeon shall be in personal attendance upon such patient.

In section 4 there is another provision in reference to the delivering of drugs, and so forth:

Provided, That nothing contained in this section shall apply to common carriers engaged in transporting the aforesaid drugs, or to any employee within the scope of his employment, or any person who shall have registered and paid the special tax as required by section 1 of this act, or to the written prescriptions of physicians, dentists, and veterinary surgeons who have registered under this act to those who are under the immediate personal care of such physicians, dentists, and veterinary surgeons.

Who is the patient? Who is under the care of the veterinary surgeon, and who gets the opiate, the cat or the owner, the horse or the man? Certainly the owner of the horse is not the patient. He is not the one who is under the immediate personal care, and you can not deliver the drug to the horse until you get ready to give it to him.

Mr. WILLIS. And then sometimes you can not.

Mr. MANN. And then sometimes it is difficult.

Mr. GARDNER. Mr. Chairman, is the gentleman asking me this question?

Mr. MANN. Yes.

Mr. GARDNER. If the gentleman will draft an amendment which meets the objection that he has raised, I would be very glad to submit it to the consideration of the gentleman from New York. I reserve the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs except in pursuance of a written order of the purchaser or person to whom such article is given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs, shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, and municipal officials named in section 5 of this act. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned. Nothing contained in this section shall apply—

(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this act in the course of his professional practice only: *Provided, however,* That such physician, dentist, or veterinary surgeon shall be in personal attendance upon such patient.

(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a pharmacist to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under this act: *Provided, however,* That such prescription shall be dated and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: *And provided further,* That such pharmacist shall preserve such prescriptions for a period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

(c) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within the United States of America to any person in any foreign country.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall cause suitable forms to be prepared for the purposes above mentioned, and shall cause the same to be distributed to collectors of internal revenue for sale by them to those persons who shall have registered and paid the special tax as required by section 1 of this act in their districts, respectively; and no collector shall sell any of such forms to any persons other than a person who has registered and paid the special tax as required by section 1 of this act in his district. The price at which such forms shall be sold by said collectors shall be fixed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, but shall not exceed the sum of $1 per hundred. Every collector shall keep an account of the number of such forms sold by him, the names of the purchasers, and the number of such forms sold to each of such purchasers. Whenever any collector shall sell any of such forms, he shall cause the name of the purchaser thereof to be plainly written or stamped thereon before delivering the same; and no person other than such purchaser shall use any of said forms bearing the name of such purchaser for the purpose of procuring any of the aforesaid drugs, or furnish any of the forms bearing the name of such purchaser to any person with intent thereby to procure the shipment or delivery of any of the aforesaid drugs. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said articles or in the legitimate practice of his profession.

Mr. SISSON. Mr. Chairman, I move to amend section 2, subsection (a), in line 9, by striking out the word "personal," being the last word in the line.

The Clerk read as follows:

Amend, page 4, line 9, by striking out the word "personal."

Mr. SISSON. Mr. Chairman, my purpose in offering that amendment is simply this: If that section with the word "personal" in it should be construed to mean that the physician would have to make a visit to the patient before he could prescribe the drug, this sort of condition might arise: Suppose a man lives 8 or 10 miles in the country, or suppose he lives in the city, for that matter; the physician has put the patient upon a certain treatment, and if he has got to be in personal attendance on such patient at the time he writes the prescription it would necessitate his going and making another visit. He would have to be personally present and look at the patient, and in the country where physicians ride 8 or 10 or 12 or 15 miles, the physician having put the patient under certain treatment, charging—as I believe they do in my country—$2 a mile up until the visit is $10, and then a dollar and a half for each additional mile, if the patient be 10 miles away he would have to pay $15 or $16 in order that the physician might prescribe the very prescription that he knows he is going to give him before he goes out to see the patient the second time. I do not know that any physician had anything to do with this. I do not believe a reputable physician would be a party to this sort of thing, but it might be construed to mean that he would have to be personally present when he administered the drug. If he shall be in attendance upon the patient, if he is going to be construed to be his physician attendant upon the patient, and he has determined or diagnosed the case and has given a remedy which is a drug the essential element of which is opium, it would only be necessary then for him to write a prescription, which is an additional burden that I do not think ought to be placed upon the man getting the prescription filled; but if you put the two burdens on him and require the physician not only to write the prescription again, but to go and see the patient personally, then it might require and might be construed to mean that he would have to be in personal attendance; that he must be actually, physically present with the patient. We must not lose sight of the fact that at last under this bill it will depend upon the physician as to whether he is reputable and knows whether he is giving the drug for an honest purpose or not. You have to trust the physician. Then why not leave it so?

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. Certainly.

Mr. MANN. Does the gentleman think that the provision is really subject to the interpretation which he fears may be given to it?

Mr. SISSON. I think so.

Mr. MANN. That the physician must go in person to visit the patient at a particular hour or minute?

Mr. SISSON. I think so.

Mr. MANN. The gentleman thinks if I have a physician or dentist in town to whom I occasionally go or send that that person is not in personal attendance upon me as a patient?

Mr. SISSON. I think not.

Mr. MANN. I have great respect for the gentleman's opinion, but I am inclined to think that he is wrong. Look at this side

of it. Without that language any man in a large city who wants to do it, who has ever been admitted as a horse doctor or equally disreputable of some other kind, can advertise "opium cure," or something of that sort; not only can do it but do do it now, and issue a doctor's prescription to anyone throughout the Union. Now, that is not a fanciful proposition; that has been done; is being done now in a large degree, meeting the ordinary provision that you could only furnish these drugs upon a physician's prescription, and it is furnished upon his prescription. Now, if you strike out the word "personal," it means, in my opinion, that you ruin the bill as far as that is concerned. Nobody here desires to have it fixed so that every time you give a prescription to a man you know what is the matter with, you have to go and make a new personal examination of him.

Mr. SISSON. Now, Mr. Chairman, I want to state that I believe that the words "shall be in attendance upon such patient" means that he must be physically present. I am perfectly willing that the bill——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. SISSON. I will state to the gentleman who has charge of the bill that I have absolutely no objection to the bill clearly showing and clearly stating that it must be a physician in attendance; that he must be a reputable doctor; that he must be a doctor who is waiting on the patient or his family physician, so that there can not be any subterfuge or any dodging of the issue; that the physician shall be a reputable physician, licensed in the community and not doing this business merely for the profit it would be to him; but I am unwilling that this language should remain so that it would be susceptible of this construction that it is necessary that a man shall be personally or officially present at the time when the prescription is issued. And I will not vote for it, and I state to my friend that whatever objections I may have to this bill I would like to have a provision in here that a reputable physician may issue a refill prescription. I realize that after reflection——

Mr. MANN. Will the gentleman yield?

Mr. SISSON. In a moment. I realize, after reflection, that there are many physicians throughout the country who might take advantage of this and might give these refill prescriptions where reputable physicians would not do it and actually avoid the provisions of this bill, and therefore I shall not insist upon it, but I will insist upon this amendment unless they will shape the bill so that it clearly indicates that a reputable physician may be in attendance upon the patient without having to go personally and visit him.

Mr. MANN. Would this satisfy the gentleman from Mississippi to change that language so it would read "or personally attend upon such patient"?

Mr. SISSON. Well, now, does the gentleman believe that would mean that if he had made one visit and given a prescription he would not be forced to make a second visit for the giving of another prescription?

Mr. MANN. Oh, I do not think myself it would force him to make a new visit to the patient if he was giving his personal attention, was his family physician, or something of that sort, but without some word in there requiring personal attention why there is no use in a bill in this respect at all, because, as I say, the present practice will be continued. Quack, bogus, physicians having a degree advertise the sale of prescriptions containing opium as a cure for the opium habit, and that is the usual way they get their lists.

Mr. SISSON. I will say to the gentleman in charge of the bill that I am in sympathy with the object and purpose of it, but the language in the bill should be so framed that when a physician is in attendance upon a person who is sick, and it is necessary for him to administer opium in any form, and he believes it is necessary to do it, it will not require him to make another additional visit unless he sees it is proper to do so, from a physician's standpoint and not because he is compelled to do it by this proposed law; because I am unwilling that the people of my district who send for physicians who live long distances shall be penalized in this way, because they would be compelled, if my construction of this is a correct one, to pay 10 times what the prescription would be worth in order to get it.

Mr. TEMPLE. I would like to call attention to the fact that this does not apply to the prescriptions at all. That is covered in (b). Subsection (a) applies to the dispensing of the drug directly from the physician to the patient, and I think it is right he should be in personal attendance at that time. It is in the next section that the writing of the prescription is provided for.

Mr. SISSON. You will have to construe the two together. The first applies to physicians, the second applies to drugs; one to the regulation of the doctors and the other to the regulation of druggists.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SISSON] has again expired.

Mr. TEMPLE. Mr. Chairman, in my own time, then, I will continue.

Mr. GARDNER. As a member of the committee, Mr. Chairman, I take the floor.

The CHAIRMAN. The gentleman from Massachusetts has the prior right as a member of the committee.

Mr. GARDNER. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Mississippi, although I see perfectly well his point. I see what a hardship might arise. Perhaps a physician in the country pays one visit to a sick man, knows perfectly well what is the matter with him, gives him four or five pills which contain opium, and perhaps three days later, when the pills are exhausted, the patient telephones to his physician. If the patient says, "I am no better; I am just as I was when you saw me; send me five more of those pills," then, in the opinion of the gentleman from Mississippi, this section would prevent the physician from acceding to the request. I admit it can not be done under this act, unless the court construes that that is a personal attendance. On the other hand——

Mr. SISSON. Will the gentleman permit just one interruption? Does not the gentleman believe this language, reasonably construed, means the physician must personally observe his patient prior to the time he issues the prescription?

Mr. GARDNER. And reasonably construed, he must from time to time view that patient, so as to convince himself that the patient is in the same condition.

Mr. SISSON. If the physician is a reputable man, and you have got to trust him at last, his failing to make the visit, if he knows that that trouble continues, would be just as good if you had a disreputable physician to go and actually make the visit.

Mr. GARDNER. Unfortunately not all physicians are reputable men. A large number of men in all walks of life are dishonest. If we strike out the word "personal" we impale ourselves on a very much worse horn of the dilemma than by putting it in. But I admit that if the courts take an extreme view of the meaning of the word "personal" a very great hardship will arise in country districts until the law is modified. If the worst comes to the worst, if a doctor perceives that his patient from time to time over a long period is likely to need these medicines, he can dispense enough beforehand. The very fact that he has not dispensed a sufficient number of pills in the first instance shows that the disease is taking a different course from what he anticipated, and makes it exceedingly probable that before very long he ought to make another visit to his patient.

Mr. SISSON. Then, you would compel the physician, in order to be sure, to have his patient buy a great deal more of the drug than was necessary?

Mr. GARDNER. No; but you presuppose that the physician, not foreseeing the length of the patient's illness, dispenses an insufficient amount of a drug.

Obviously, if he can foretell the length of a patient's illness before his next necessary visit, he can dispense a sufficient amount of the drug. But the very fact that he dispenses an insufficient amount shows that at all events the patient will very scon need another visit.

Now, I admit that often when sick I have been given some kind of medicine which gave out before my recovery. If the courts hold that a physician with whom I consult over the telephone is not in personal attendance on me, a hardship would arise.

Mr. SISSON. What would the gentleman say of a case where they did not have telephones?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SISSON. Mr. Chairman, I ask that the gentleman from Massachusetts [Mr. GARDNER] may be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks that the gentleman from Massachusetts [Mr. GARDNER] proceed for five minutes more. Is there objection?

There was no objection.

Mr. SISSON. What about those communities that do not have telephones? You will find a great many rural communities where they do not have long-distance telephones.

Mr. GARDNER. I admit that if the courts give that construction to this word "personal" there will be hardships, and patients will be subjected to a certain expense; but——

Mr. SISSON. Why not make the remedy now? I do not believe anybody in the Chamber——

Mr. GARDNER. I can not state the danger as well as the gentleman from Illinois [Mr. MANN] stated it, but——

Mr. SISSON. There is not anybody in this Chamber, I believe, who wants a patient to be compelled to pay two doctor's bills or be compelled to pay for two or three or four or five visits when one would be all that is necessary.

Mr. GARDNER. That is true; and there is nobody in this Chamber who desires to make it possible for a mail-order physician to distribute drugs all over the United States. Rather than permit a mail-order physician to distribute drugs all over the United States, to put an extreme case, I prefer that some patients should be forced to pay for two or three or even five more doctor's visits than may be necessary.

Mr. SISSON. In other words, a sick woman who is suffering, and who has had no sort of bad habits with reference to the use of drugs, who finds it necessary that she must have an opiate, must be penalized? Would the gentleman from Massachusetts penalize her?

My district is a rural one, and I myself was raised quite a distance from a town or a city. Frequently we have communities where there is only one physician within a radius of several miles, and the physician may have a large number of calls. It is almost impossible for those people to get the rapid and quick attention that people in the cities may get. Therefore in the administration of this law we ought not to lose sight of the condition that exists in a great many sections of this country. This law will apply not only in those sections where you have close telephone connections, but it will also apply all over the country.

Mr. GARDNER. If we could do good without some admixture of evil, we should be usurping the functions of the Deity.

Mr. SISSON. That is true; but when we do know that certain evils will arise from the bill, and that certain evils are bound to arise from the bill, why not cure the thing now?

Mr. FOSTER. Mr. Chairman, I realize the position that the gentleman from Mississippi [Mr. SISSON] is in. He is trying to correct what he believes a defect in the bill that might cause considerable dissatisfaction and trouble to people who are located a considerable distance from a physician, or cause an extra expense that ought not to be imposed upon them. But it has occurred to me that this provision in the bill has reference more particularly to a physician who is in attendance. I mean by that that he is the family physician. It does not necessarily mean that he must go and see this particular patient each time in order that he can prescribe for him or her.

Mr. SISSON. I will say to the gentleman from Illinois that if I thought it meant that I would have no objection to it.

Mr. FOSTER. There is no question, in my judgment, that it does mean that. We talk about some one being a man's "personal physician." It does not mean necessarily that every time a physician is in attendance he has to go and visit the patient in order to make such a prescription. I do not think it requires that.

Mr. MANN. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. FOSTER. Certainly.

Mr. MANN. My colleague suggested a while ago to change the form of language from "personal attendance upon the patient" so that it will read "the physician shall personally attend on the patient."

The gentleman from Mississippi seems to think that the words "in attendance" mean personally there at the time.

Mr. SISSON. The gentleman from Massachusetts [Mr. GARDNER], a member of the committee, agrees with me that it means the physician has got to be there.

Mr. GARDNER. No; I said if the court took such an unreasonable view.

Mr. SISSON. I beg the gentleman's pardon. I did not think he himself had taken such an unreasonable view.

Mr. MANN. If you say "personally attend upon the patient," I think that would cover it. A man in New York City prescribing for a man in San Francisco, or some other place far distant, would not be personally attending upon the patient. But it does not mean that the physician has to be at the bedside of the patient holding the patient's hand, whether the patient be a man or a woman, when he writes the prescription.

Mr. SISSON. I think the language here, however, would be construed that every time he wrote a prescription he would have to personally visit and personally make an observation of the patient.

Mr. FOSTER. I do not believe the language of this bill means that. I will say to the gentleman frankly that if I thought so I would not vote for it, because I think it would be a hardship on a patient who was employing a physician and who had for a long time employed that physician. In such a case the physician knows the peculiarities of that patient. As the gentleman from Mississippi [Mr. SISSON] said a while ago, there are those unfortunate people who possibly require some of this drug. Possibly they can not be cured, and unfortunately they are in that situation. Now, the physician of that family knows that particular case, as all physicians do in reference to cases of that kind. I do not believe it is the intention of this bill—if I thought it was I would not be for it—that every time that patient needs morphine or opium the physician shall be compelled to drive to that patient's home and see that patient in order to prescribe it. But what I do mean is that if a man comes into a physician's office and says, "Some member of my family needs an opiate," I do not believe the physician is justified in prescribing opium without personal attendance and knowing the conditions as to that patient. But in this case I believe it simply means that when a physician is called upon to prescribe he shall have that personal knowledge of the patient, and that this provision of the law simply means that where there is a physician of a family he does not have to go each time he prescribes and visit the patient before doing so. It might mean a patient who was not under his regular supervision, a patient who was a member of another family, that possibly he knew well, but of whom he was not the regular physician. I think that is all it means. For that reason I am perfectly willing to let the matter stand as it is.

Mr. SISSON. If I thought that was all it meant I would have no objection to it, but it seems to me that if it says he is in attendance upon the patient that is all that is necessary. It ought not to mean his personal attendance. He ought not to have to be at the bedside of the patient every time he writes a prescription.

Mr. FOSTER. The great difficulty is that spoken of by my colleague a while ago, that if you say "in attendance" these people will advertise cures for the opium habit in order to get these patients there, and then will prescribe opium for them.

Mr. SISSON. Such a physician would not be in personal attendance on the patient.

Mr. FOSTER. I believe it is all right now.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. SISSON. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The Chair will count.

Mr. SISSON. Mr. Chairman, the gentleman from New York [Mr. HARRISON] is anxious to have this bill passed, but I feel very keenly on this matter. I do not want this imposition upon the people of my district and the other districts that may be affected by it. I am willing to withdraw this point of order with the understanding that my amendment be agreed to, if we can get unanimous consent, and if the gentleman from New York will ask it. Then, if the Senate shall believe that I am wrong about the matter, I have no objection to its being cured in conference, because I do not expect to put myself in the attitude of being an obstructionist over a mere technicality. But I do believe that this language means just that much to the country.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his point of no quorum?

Mr. SISSON. I will do it if I can get unanimous consent that the amendment be agreed to.

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman's amendment, which he is now seeking to have inserted or agreed to, is to strike out the word "personally," so that a prescription by a physician would not have to be issued by the physician personally attending upon the patient. I do not consent by unanimous consent to an amendment of that sort, because in my opinion, with that provision stricken out, we may as well throw the bill in the wastebasket. Why not take the language which I suggested, which covers both points?

Mr. SISSON. What is the language suggested by the gentleman?

Mr. MANN. It is the following:

Provided, That such physician, dentist, or veterinary surgeon shall personally attend on such patient.

Mr. SISSON. If it is perfectly clear that he would not have to make a second visit when it was not necessary, solely for the purpose of making a prescription, I have no objection to the language if it means that.

Mr. MANN. Of course, I long since have gotten beyond the point where I would undertake to say what either a petit judge or a petit jury would do, but a physician who is personally attending upon another does not mean that every time he writes a prescription he must be at his bedside.

Mr. SISSON. There is a distinction between that language and the language contained in the bill.

Mr. MANN. I can see that the language in the bill "in personal attendance" might be construed to mean that the physician had to be there in person when he wrote his prescription, but the other language could not be so construed.

Mr. SISSON. Mr. Chairman, if the chairman of the committee will accept that amendment I will be very glad, if we can get unanimous consent to accept the suggestion of the gentleman from Illinois, to withdraw the point of order of no quorum.

Mr. HARRISON of New York. Mr. Chairman, under all the circumstances I shall not only accept the amendment but express to the gentleman from Illinois my gratitude for having evolved it from his fertile brain.

The CHAIRMAN. The Clerk informs the Chair that he already has the amendment proposed by the gentleman from Illinois. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 9, after the word "surgeon," strike out the words "shall be in personal attendance upon such patient" and insert in lieu thereof "shall personally attend upon such patient," so that the line will read: "Physician, dentist, or veterinary surgeon shall personally attend upon such patient.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York permit a question?

Mr. HARRISON of New York. Certainly.

Mr. COOPER. Does not the gentleman from New York think that paragraph B should be amended in two particulars—that after the provision that the prescription shall be dated there should be added the words "on the day on which it is signed"? A corrupt physician might antedate a prescription for a year.

Mr. HARRISON of New York. Mr. Chairman, I think that is a reasonable amendment, and if the gentleman will offer it I will accept it.

Mr. COOPER. Then there is another amendment which should follow that. There is a provision that such pharmacist shall preserve such prescriptions for a period of two years. When shall that period of two years begin? After the date of the prescription or from the date on which it is presented?

Mr. MANN. He could not preserve the prescriptions until after he received them.

Mr. COOPER. But suppose the prescription to be antedated.

Mr. MANN. The bill provides that the pharmacist shall preserve it for two years. Those two years must begin with the day he gets it.

Mr. COOPER. Suppose it were not properly dated.

Mr. MANN. That would not make any difference.

Mr. COOPER. The pharmacist could say that he got it on that date, and then the statute of limitations only run for one year, where it would run for two years if it were correctly dated.

Mr. FOWLER. Mr. Chairman, will the gentleman yield to me for a moment——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the word "dated," in line 16, page 4, the words "as of the day on which signed."

The question was taken, and the amendment was agreed to.

Mr. COOPER. Now, I still think there should be after the word "years," in line 19, on page 4, an amendment by inserting the words "from the day on which such prescription is filled."

Mr. HARRISON of New York. Mr. Chairman, of course the gentleman from Wisconsin knows that most of the States which have antinarcotic laws have some provision for the retention by the druggists of the physicians' prescriptions; but, of course, that is not an answer to his suggestion. If he thinks there is an uncertainty and an amendment is offered really for the purpose of making more certain what the committee is trying to do, I will be very glad, for my part, to accept it.

Mr. FOWLER. Will the gentleman yield to me for a moment?

Mr. COOPER. Mr. Chairman, has this last amendment been reported?

The CHAIRMAN. It has not. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 19, after the word "years," insert the words "from the day on which such prescription is filled."

Mr. COOPER. And the date of such day shall be preserved or shall be recorded by such pharmacist——

Mr. HARRISON of New York. I think, Mr. Chairman, that is invading the province of the States, and to some extent they regulate these matters themselves, and I think it is safe to leave to the State laws matters of that sort.

Mr. COOPER. Well, if there is such a provision, all right. I am only endeavoring to perfect it, so there can be no evasion. Let the Clerk report the amendment without the last clause, requiring it to be recorded.

The Clerk read as follows:

Page 4, line 19, after the word "years," insert the following: "From the day on which such prescription is filled."

Mr. FOWLER. Mr. Chairman, I think that could all be cured very easily if the pharmacist was required to stamp on the prescription the date on which he receives it, and I am inclined to think that is what ought to be done; and that being the case, there would be no question about the time when the two years began to run, because he is required to place on the prescription the date upon which he received it; then, certainly, the time would begin to run from the date of the reception of the prescription.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. HARRISON of New York. Suppose that the pharmacist intended to evade the law in some respect. Would he then not incorrectly date it? After all, you are only offering to perfect what amounts to a question of evidence, anyway, and I do not believe that would bring about the result the gentleman intends.

Mr. FOWLER. That is true if he would place a false date thereon, the same as the one writing the prescription may place a false date thereon; but if that be true, the amendment offered here would not cure that defect in any wise whatever. Absolutely, if the pharmacist was corrupt, as suggested by the gentleman from New York who has charge of this bill, then it could be false as to the date when he received it and false as to the date that was on the prescription coming from the hand of the one who wrote the prescription; but if he is required to stamp on the prescription the date he receives it, his honor is at stake and he is compelled to put the date thereon correctly or falsify his honor, and I think, Mr. Chairman, that it would cure the defect.

Mr. COOPER. In reply to the gentleman from Illinois [Mr. FOWLER], I wish to suggest that it is not an uncommon circumstance for a person to take a prescription to a pharmacist and request the return of the prescription after it has been filled.

Mr. FOSTER. A reputable pharmacist does not give him the original prescription but gives him a copy of it always.

Mr. COOPER. He gets something, and there is not anything here to provide for the return of the copy. Then we would have to leave it, as I understand the gentleman from New York desires it to be left, "from the day on which the prescription is filled."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the provisions of this act shall not be construed to apply to the sale, distribution, giving away, or dispensing of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-twelfth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce; or, if a solid or semi-solid preparation, in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only: *Provided*, That such remedies and preparations are sold, distributed, given away, or dispensed as medicines and not for the purpose of evading the intentions and provisions of this act. The provisions of this act shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

Mr. GARDNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 2, after the word "only," insert the words: "Except liniments, ointments, and other preparations which contain cocaine or any of its salts, or alpha or beta, eutaine, or any of their salts, or any synthetic substitute for them."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, on line 24, page 8, I move to strike out the semicolon and insert a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 24, strike out the semicolon after the word "ounce" and insert in lieu thereof a comma.

Mr. HARRISON of New York. I would like the gentleman from Massachusetts to explain the effect which that will have on the provisions of the act.

Mr. GARDNER. Probably it will have no effect whatever. The sentence in this section, "or, if a solid or semisolid preparation, in 1 avoirdupois ounce" refers to the whole preceding clause. It is all one connected clause and should not be disjoined by a semicolon. The meaning of the clause is that persons who so desire shall be permitted to sell certain preparations if they contain only a small amount of opium or morphine or heroin or codeine per fluid ounce. If these preparations are solid or semisolid, then the amount shall be reckoned per ounce avoirdupois instead of per fluid ounce. It is a preferential punctuation to carry out the purpose of the act.

Mr. HARRISON of New York. I would not devote any attention to the matter except sometimes it so happens that a punctuation of this sort changes the law, and I want to be sure. Of course, the gentleman from Massachusetts does not want to widen the scope of these exemptions.

Mr. GARDNER. Now, the Massachusetts act, which the gentleman has in his hand, has a semicolon where I propose to insert a comma. On the other hand, the Massachusetts act has no comma after the word "or." I think the punctuation wrong in both cases. My attention was called to this detail by the gentleman from Illinois [Mr. MANN], who is not on the floor at this moment. I am not so familiar with statutory interpretation as he is. He expressed an opinion that the punctuation ought to be changed, although he doubted whether it would make any difference in the interpretation. He asked me what the meaning of the section was. I told him that the intention was to exempt from the duplicate-order requirement preparations containing a moderate amount of morphine, codeine, heroin, or opium, the amount of narcotic to be calculated by the fluid ounce in the case of liquids and by the avoirdupois ounce in the case of solids and semisolids. Whereupon the gentleman from Illinois said that in that case the punctuation ought to be a comma instead of a semicolon. I quite agree with him.

Mr. HARRISON of New York. Well, Mr. Chairman, the combined authority of the gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. GARDNER] satisfies me.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York a question. On what medical authority was it that the committee authorized the exemption from the provisions of this act of articles containing not more than 2 grains of opium to 1 fluid ounce, for example?

Mr. HARRISON of New York. Mr. Chairman, this was one of the controversial features of the law, and I am glad to say that the bill is more drastic in this respect than even some of the model State laws, like the law of the State of Massachusetts. It is customary in these antinarcotic laws to exempt from the provisions of the act preparations which contain so small an amount of a narcotic as to make it impossible for them to become habit-forming drugs. If we did not do this, we would limit, if not entirely eliminate, the additional use of narcotics in the channel in which it is perhaps legitimate.

Mr. COOPER. A fluid ounce is a very small quantity of fluid, and I would like to ask my distinguished friend from Illinois [Mr. FOSTER] whether the habit of using narcotics would be developed from the drinking, as a regular thing, of 2 grains of morphine in a fluid ounce?

Mr. FOSTER. I think if you take a harmless preparation from which he could take as much as two grains of opium in a fluid ounce you would produce a habit in the patient for the drug. But the gentleman from Wisconsin loses sight of this fact, that this bill provides against the putting up of any preparation which might in itself be put up for the purpose of supplying these patients or people who want to get morphine.

Now, then, if you are compounding remedies, the chances are nine hundred and ninety-nine out of one thousand—or one out of a million, I might say, of your putting up a medicinal preparation where the patient will be taking an ounce at a dose. You can readily see what a quantity he would have to have if he were taking it with any degree of rapidity.

Mr. COOPER. Suppose it was an ounce of water?

Mr. FOSTER. Yes; suppose it was an ounce of water. But this provides that that can not be done. Here is what the bill says:

Provided, That such remedies and preparations are sold, distributed, given away, or dispensed as medicines and not for the purpose of evading the intentions and provisions of this act.

Mr. COOPER. Oh, does the gentleman think that that amounts to anything against men who want to sell a habit-forming drug?

Mr. FOSTER. I supposed that it did amount to something.

Mr. COOPER. How much will that control a man who thinks more of money than he thinks of anything else in the sale of drugs?

Mr. FOSTER. I will agree with the gentleman that probably it will be very hard to stop the infraction of this law entirely.

Mr. COOPER. What I want to get at is this: Could a man get up something composed of water and opium, in the proportion of 1 ounce of water to 2 grains of opium, and sell it by the pint under this law and name it anything he pleased?

Mr. FOSTER. If it is a medicinal preparation, he could.

Mr. COOPER. He may label it a sure cure for bronchitis.

Mr. FOSTER. Oh, we have a law now—a law on the statute book—which I think prevents the labeling in that way of remedies of that kind.

Mr. COOPER. Suppose he calls it any name he pleases. We had a remedy here—gotten up in Chicago a few years ago—and they showed by chemical analysis that it was 98 or 99 per cent water, with a little bit of something in it to color it and something to give it an odor more or less fetid. They sold it for a dollar a bottle, and the people who prepared it made about $125,000 in a year and a half, and on being exposed they went out of business. I want to know whether, under the provisions of this bill, which says it shall not apply to 2 grains of opium in 1 fluid ounce——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have five minutes more.

The CHAIRMAN. The trouble about that is that all of this discussion is out of order. There is nothing pending.

Mr. COOPER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] moves to strike out the last word.

Mr. HARRISON of New York. Mr. Chairman, will the gentleman from Wisconsin yield to me?

Mr. COOPER. Just in one moment, and then I will yield with pleasure to the gentleman. This bill, as I understand, is to prevent the sale and use of habit-forming drugs. I wish to know whether by exempting the use, the habitual use, and the sale of 2 grains of opium in a fluid ounce—it may be an ounce of water—you are not exempting the very thing you do not want to exempt?

Mr. FOSTER. If you are doing it with water, that would be so; but this bill provides expressly that that shall not be done.

Mr. COOPER. Where does it say that?

Mr. FOSTER. It says, "Such remedies as are sold for the purpose of evading the law.".

Mr. COOPER. Why can not that be called a remedy?

Mr. FOSTER. It will be for the purpose of evading the law.

Mr. MANN. If the gentleman from Wisconsin will permit, Mr. Chairman, I may say that we amended the pure food and drug act last August, not covering this matter but in a way that would cover it, by putting in this provision—that the drugs misbranded would be subject to a penalty if the package or label shall bear any statement or design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein that is fraudulent—so that anyone who puts out a preparation and calls it a medicinal preparation falsely, and fraudulently stating its effects, will find that his article is misbranded and subject to the provisions of the pure food and drug act.

Mr. COOPER. Suppose a man should go to a druggist, and the druggist had a pint of water with opium in it in the proportion which I have mentioned, and he should say to the druggist, "I am troubled with insomnia," and the druggist should hand to him this pint of water with the opium in it. Would that be handed to him as a medicine under the language on page 9—that such remedies and preparations are sold, distributed, given away, or dispensed as medicines?

Mr. FOSTER. In the first place, the druggist has no right to prescribe, and he could be prosecuted for prescribing.

Mr. COOPER. He does not prescribe. The man goes to the druggist for it.

Mr. FOSTER. He says, "I am troubled with insomnia. I want you to prescribe something for it."

Mr. COOPER. Not at all. He goes there and asks for Insomnine. The druggist has it there, put up in pint bottles. The druggist does not prescribe. The man just goes and asks for it. This law will expressly permit the manufacture and sale of habit-forming drugs, because in response to my first question the gentleman from Illinois [Mr. FOSTER], who is a distinguished physician, says that the sale of 2 grains of opium in a fluid ounce of water might permit the sale of a habit-forming drug.

Mr. FOSTER. Certainly; if you take it as a dose.

Mr. COOPER. The gentleman from Illinois says, "Certainly, if you take it as a dose." What is to prevent a man from taking an ounce of that water in a dose, if he has been accustomed to that amount of opium?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. I think the point raised by the gentleman from Wisconsin [Mr. COOPER] is a very proper point to raise. Soothing sirup, and various other proprietary medicines which contain opium, probably ought to be abolished; but this bill, which will be a very effective remedial agent, will very likely be passed without objection. Unfortunately I am forced to believe that if we should attempt in this way to attack all the proprietary medicines which contain opium, the bill would have a rocky road to travel, and would be consigned to oblivion. That may not be a very good excuse, but, after all, it is practical.

The pure-food law requires that on all medicines which contain opium or any of these habit-forming drugs the label on the package shall state the amount of the habit-forming drug which it contains. I apprehend that the babies of the country would be just as well off, if not better off, if all soothing sirups which were used to quiet and put them to sleep were abolished; but I am sure it would not be done. Let us attack that evil at some other time and in some other way, and we will do good with this bill, anyhow.

Mr. GARDNER. I move to strike out the last two words.

Mr. Chairman, it is a mistake to suppose that this provision in the bill permits druggists to sell anything which they can not sell now. It simply exempts them from the necessity of making a duplicate record of sales of preparations and patent medicines which contain only a certain restricted proportion of narcotics. If this were a question of forbidding the sale, without prescription, of opium, and if it was proposed to exempt from the law all proprietary medicines which contain less than 2 per cent of opium, I am inclined to believe that such an exemption would be excessive unless justified from the point of view of being that half loaf which most sensible people prefer to no bread. As has been pointed out, we are struggling with the practical question of getting through a law providing for the registration of persons who sell these drugs, and requiring the keeping of duplicate orders of sales. As a matter of policy, to insure the passage of this bill in this Congress, I believe that the proposed exemption is permissible. If this exemption is refused, interminable delay is in store for the bill.

Now, not that it bears a great deal on the question, but only to illustrate the fact that you can not in matters of legislation do all that you wish to do as quickly as you would like, I call attention to the fact that in matters of pure food and drug legislation the Massachusetts statutes have been copied and quoted a great deal. Yet in time we shall go still further in that direction. We are now operating in Massachusetts under chapter 271 of the act of 1910, so far as the regulation and sale of morphia and other narcotic drugs are concerned. So far as cocaine is concerned, there is a later statute.

This Massachusetts statute of 1910 does not deal with the registration of druggists or of purchasers of narcotics, nor does it deal with the registration of sales of drugs, but it deals with the sales themselves. Under this Massachusetts law preparations which contain as high as 2½ grains of opium per ounce may be sold without a physician's prescription. I hope to see that amount reduced to 2 grains, which is the maximum specified in this bill. Next, I hope that it will be reduced to 1 grain, and finally to an even less amount. So far as we have been able to go as yet, proceeding from step to step, as we must, 2½ grains per ounce of opium content has been made the Massachusetts maximum. I refer, of course, to sales without a physician's prescription. For these reasons I believe that we shall be wise to pass the bill with the exemptions as provided.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last word. Beginning at the bottom of page 8 it says "or to liniments, ointments, or other preparations which are prepared for external use only." Is it intended that percentage of narcotic applies to that also?

Mr. HARRISON of New York. I will say to the gentleman from Georgia that the exemption is from the provisions of the bill and not as to the amount of the narcotic used at all. The purpose of the bill is, as it is in similar State laws, to provide that ointments and liniments from which it would be impossible to form a habit for opiates are to be excluded from the provisions of this law. Otherwise every druggist who sells a porous plaster would be obliged to come under the provisions of this act. And, if I may be permitted by the gentleman from Georgia, to use a personal illustration, I will say that during the course of this debate in which I have been denouncing the use of narcotics, I have been compelled to wear on the back of my neck a porous plaster which I have no doubt has opium in it, but I can assure the gentleman it is impossible to get an appetite for the drug in that manner.

Mr. RODDENBERY. The statement of the gentleman is that it is not intended to apply to ointments, liniments, and so forth, which are capable of internal use. But does the language used limit it to such preparations as are incapable of internal use; in other words, liniments, ointments, and other preparations which are purely for external use only?

Mr. HARRISON of New York. This is a copy verbatim of the model statute laws on the question which have been found to have had that effect there. We further limited it by an amendment presented by the gentleman from Massachusetts excluding cocaine entirely, because a discussion arose in the committee as to whether cocaine snuffed up the nose was a preparation for external or internal use.

Mr. RODDENBERY. Does not the adoption of the amendment of the gentleman which was an exception increase the uncertainty?

Mr. HARRISON of New York. I have an idea that, if they are prepared for external use, they are incapable of being used as habit-forming drugs.

Mr. GARDNER. Will the gentleman permit me to answer that?

Mr. RODDENBERY. Certainly.

Mr. GARDNER. As far as I can ascertain by asking a number of physicians, the situation is this: Unless, perhaps, some preparation of cocaine, no liniment, ointment, or other preparation made bona fide for external application, even if used excessively, can be dangerous. That is to say, no habit can result from the surface use of narcotics. In the case of cocaine, however, the situation is different, as I understand it. Cocaine may be combined with alcohol and menthol, for instance, with the intention of making a liniment for external use. Yet the purchaser of that liniment, instead of applying it externally, may spray it over the mucous membrane in his nostrils if he is a victim of the cocaine habit. Most doctors would classify such spraying as an internal use of the drug, but the courts might think otherwise. Hence my amendment requiring a record of every sale of any preparation containing cocaine, even if the preparation is designed bona fide for external use.

The case is different, however, with morphine, codeine, heroin, and opium. I am told that no preparation of these narcotics, if intended for external use, could possibly be used internally. Any preparation which could be used internally would on its face be a fraud if alleged to be for external use.

Mr. RODDENBERY. Does not the gentleman think that between the words "are" and "prepared," at the top of the page, the words "bona fide" would be helpful?

Mr. GARDNER. Anything of that sort would be satisfactory to me, as far as I am concerned.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 21, strike out "two" and insert "one"; line 21, strike out "one-fourth" and insert "one-eighth"; line 22, strike out "one-twelfth" and insert "one twenty-fourth"; line 23, strike out "one" and insert "one-half."

Mr. RODDENBERY. Mr. Chairman, the object of this amendment is to reduce by one-half the amounts of opium and other narcotics, so that where preparations contain more than the amount covered by the amendment manufacturers will be compelled to register and otherwise comply with the statute. It is evident from the statement of the gentleman from Illinois, Dr. FOSTER, and the gentleman from Massachusetts, Mr. GARDNER, who are thoroughly familiar with the subject, that preparations containing the amounts of opium and other narcotics as now provided are capable of hurtful use. While gentlemen here clearly explained that this bill is not a direct legislative restriction to be enforced by the Government and does not interfere with appropriate State legislation, nevertheless the allowing of preparations to be exempt from the provisions of the bill containing so high a proportion of opium will constitute an indirect way by which Congress will encourage these habit-

forming drug manufacturers to so fix up their modified preparations with the noninhibited or nontaxable percentage and place them on the market. It is done now, but we give them a guide, possibly, by which they may safely proceed and profitably operate. I fear we will multiply to a great extent a number of these deleterious agencies in the form of ointments and liniments, under which come teething powders and soothing sirups, which, as the gentleman from Illinois intimated, should be prohibited, and I have no hesitancy in going further and saying it should be entirely prohibited. But if we reduce the percentage of opium, and so forth, and require the registry and records on a basis of this lower percentage, we do not change the purpose and the scope of the act, but we do bring it down to accomplish more nearly the result that the Congress has in mind. This amendment will undoubtedly discourage and stand in the way, not of the honest, square manufacturer, who compounds for medicinal and proper uses, but that type of manufacturer who puts his habit-forming goods off as ointments and liniments, to be purchased, used, and consumed by the unfortunate dope fiends of every kind, in the absence, under the law, of being able to get something that more nearly fills the bill. I recognize the objection made by the gentleman from Massachusetts and others that this amendment might present some difficulties in the way of the easy passage of the bill. That is true, but I do not regard them of sufficient consequence to prevent the House from adopting this amendment if it so desires.

Mr. HARRISON of New York. Mr. Chairman, if after listening to the debate which was so ably conducted by the two gentlemen—the gentleman from Illinois and the gentleman from Massachusetts—the gentleman from Georgia [Mr. RODDENBERY] has made up his mind to offer and press this amendment, realizing as I do that there is no man who is more competent and who knows better how to use the rules than he does——

Mr. RODDENBERY. Mr. Chairman, I desire to advise the gentleman to act entirely freely with reference to this amendment. If the committee are not in accord with the amendment, I shall raise no parliamentary obstruction.

Mr. HARRISON of New York. I think that is a very fair proposition, and the spirit of it I will accept. I have no sympathy with these proprietary or patent medicine people. I would like to exclude the use of narcotics entirely from every one of these patent medicines if I thought we could do it, and if I vote against the amendment of the gentleman from Georgia it is simply upon the ground, that is so well stated by the gentleman from Illinois, that we want to get all we can out of this legislation, and he is proposing more I believe than we can get. These exemptions in our bill are all considerably less than those in the model State laws, and with that I am content.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York [Mr. HARRISON] answer a question?

Mr. HARRISON of New York. Yes.

Mr. COOPER. Section 6 provides that the provisions of this act shall not be construed to apply to the sale of any of the preparations mentioned in the section. Does that mean that one can sell these drugs who is not registered?

Mr. HARRISON of New York. Yes.

Mr. COOPER. So that a man can sell two grains of opium, which is a dose of opium, and an ounce of water to anybody who comes to his store and asks for it, whether he may be a grocer or any sort of a business man, and he even may not have a license at all?

Mr. RODDENBERY. He can sell an ounce preparation of peppermint and water and opium to a drug fiend who goes into any drug store so far as the national——

Mr. FOSTER. The gentleman from Georgia is wrong.

Mr. RODDENBERY. I understand so far as this bill is concerned——

Mr. FOSTER. The gentleman has not read the whole of it.

Mr. RODDENBERY. Yes; I have read the entire bill.

Mr. COOPER. The point to which I directed the attention of the gentleman from New York is that one can sell 2 grains of opium in an ounce of water, which is a dose of opium, and he need not be registered.

Mr. HARRISON of New York. Under the provisions of this act he is pretty apt to get tangled up with the pure-food law or with the qualifications provided in the latter part of this section.

Mr. COOPER. We are enacting a statute which to the various State legislatures means that so far as the Congress of the United States is concerned it is content that a nonregistered, unlicensed pharmacist may sell grocers, as they do frequently, a dose of opium at any time or to anybody who asks for it, and what effect will that have upon the State legislatures if somebody in a State legislature will rise and protest that the bill then presented opens opportunity for the use of habit-forming drugs and it is said, "Oh, no; the Congress of the United States has exempted us grocers and business men."

Mr. HARRISON of New York. The gentleman will find upon examination that our bill in Congress has a more drastic and severe provision than State laws on this subject.

Mr. COOPER. Well, but this permits the sale of 2 grains of opium, and that is a dose, in an ounce, and it permits it to be sold to anybody upon his request and as a proprietary medicine, and the man who sells it is exempted from the provisions of this act, which requires registration and license.

Mr. MANN. Mr. Chairman, the practical effect of this exemption I think is in one way stated by the gentleman from Wisconsin, but not fully stated in another way. The practical effect of this exemption is to permit retail druggists to sell a proprietary medicine without requiring the purchaser to make out a written order a copy of which is required to be retained for two years, one by the purchaser and one by the seller. In other words, without these exemptions if any one goes into a drug store and buys any proprietary medicine with these drugs in the medicine you have to make out a regular order, which order has to be preserved both by the purchaser and the seller, the order being in duplicate.

Now, gentlemen know very well that this act prescribes a good many onerous conditions upon the retail druggists of the country as it stands, conditions which I am happy to believe at present they are quite willing to accept. I am very confident if everyone who went into a drug store to buy one of these proprietary medicines—very numerous in numbers, and I wish they were less—had to make out a written order, the act would be so unpopular that it would soon be repealed.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. HARRISON of New York. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, the Chair will put them in gross.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE CURRENCY BILL.

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 190.

Resolved, That 25,000 copies of the currency bill, H. R. 6454, be printed for the use of the House, of which 5,000 copies shall be delivered to the Committee on Banking and Currency, and the balance distributed through the folding room.

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia a question. By this resolution are these to be distributed through the folding room or the document room?

Mr. GLASS. Through the folding room.

Mr. CULLOP. So that each Member will have a pro rata share for his own use?

Mr. GLASS. Yes.

Mr. MANN. Will the gentleman yield?

Mr. GLASS. I will.

Mr. MANN. This bill was introduced to-day?

Mr. GLASS. Yes.

Mr. MANN. Did the gentleman make inquiry to see what 25,000 copies would cost?

Mr. GLASS. No; I did not.

Mr. MANN. I assume it would come within $500. Of course, the House can not make an order that would extend over the cost of $500.

Mr. GLASS. I was told by the person in charge of the folding room that that was the limit that could be asked for. I assume that he had that figure in mind.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GLASS. Mr. Speaker, I also ask unanimous consent for the consideration of another resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 191.

Resolved, That the Committee on Banking and Currency of the House of Representatives be, and is hereby, authorized to sit during the sessions of the House and during the recesses of the Sixty-third Congress, and to employ such expert and other assistance as may be required in the transaction of its business, the expenditure for this purpose not to exceed the sum of $5,000.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, will the gentleman yield?

Mr. GLASS. Yes.

Mr. MANN. Is the purpose of this resolution to permit the Committee on Banking and Currency to make full investigation of the banking and currency measure which may be reported?

Mr. GLASS. The purpose of it is to confine any investigation to the banking and currency measure to be reported.

Mr. MANN. This resolution as now presented is not for the purpose of reopening the investigation that was being carried on in the last Congress?

Mr. GLASS. Not at all.

Mr. MANN. I take it that the committee needs considerable help, probably expert help and otherwise?

Mr. GLASS. That is true.

Mr. MANN. I noticed the other day that the distinguished Chief Magistrate of the country, when he did us the honor to appear in the Hall of the House and deliver his message to the joint assembly of the House and Senate, stated that the Committees on Banking and Currency of the two Houses had been at work on a banking and currency bill. I got the impression from what he said that not only the distinguished gentleman from Virginia [Mr. GLASS], in whom we all have confidence and whom we all honor, had been called upon by the Chief Magistrate, but that the balance of the House Committee on Banking and Currency had also been in consultation with the President. I did not know but that the Committee on Banking and Currency had been at work for some time and had made all this investigation. But with the understanding, from the information furnished to me, that the information conveyed by the President was erroneous, and that the Committee on Banking and Currency has not had any meeting and has made no investigation, I shall not object to the resolution.

Mr. GLASS. I will say to the gentleman that I assume that the President meant to say that the members of the Banking and Currency Committee of the other House and the chairman of the Committee on Banking and Currency of this House had given some consideration to the matters referred to, but not full consideration by any manner of means.

Mr. MANN. I do not know what the President meant. The President has an unusual command of clear English. I know of no one who can state that which he knows more clearly than the President. The President's statement to the House and to the Congress was that the Committees on Banking and Currency of both Houses had been at work preparing the bill. Sometimes those who can use English most readily are least careful about their facts. In this case the President was not careful about his facts.

Mr. GLASS. I may say, Mr. Speaker, that the President was not so far wrong about his facts in that regard. The House Committee on Banking and Currency of the Sixty-second Congress had very exhaustive hearings upon this proposition, and we considered this proposition, and the bill introduced here today had as its basis largely the hearings held then.

Mr. MANN. Well, that was not the statement of the President. The President's statement to the House and to the country was in effect that the Committees on Banking and Currency of the two Houses had prepared a bill. Now, I have the highest regard for the distinguished gentleman from Virginia [Mr. GLASS], but I recall the fact that the Committee on Banking and Currency of the House consists of majority and minority Members, and that it is erroneous for the President or any one else to say that the House Committee on Banking and Currency has been considering matters simply because our distinguished colleague from Virginia has been using his gray matter on the subject.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. Is it not customary, when speaking of a committee preparing a bill, to do so when, as a matter of fact, the minority has not been overworked in that regard? [Laughter.]

Mr. MANN. It is not the custom so to speak. On the contrary——

Mr. FITZGERALD. I will call the attention of the gentleman to the fact that the Payne tariff bill was prepared——

Mr. MANN. By the majority members of the committee, and whenever reference was made to it in that Congress or reference is made in this Congress to the Underwood bill it has been stated that the majority members of the committee prepared the bill.

Mr. FITZGERALD. No; I think the gentleman is in error to this extent: When authority was given to disburse an amount of money placed at the disposal of the majority members of the committee, in order that there might be no misunderstanding it was distinctly stated that it should be expended by the majority members, and that had been the custom.

Mr. MANN. Oh, the money that was placed at disposal was placed at the disposal of a single individual. There was not a committee at all at that time.

Here is the language of the President:

The committees of the Congress to which legislation of this character is referred have devoted careful and dispassionate study to the means of accomplishing these objects. They have honored me by consulting me. They are ready to suggest action.

But they have not had a meeting.

Mr. FITZGERALD. Does the gentleman think that anybody has misled the President into believing that it was prepared by the committee?

Mr. MANN. Oh, I think the President is too careless with his facts and too free with his English.

Mr. FITZGERALD. Mr. Speaker, I have examined the House resolution. It is a simple House resolution, authorizing the employment of experts, to cost not to exceed $5,000. Of course, it can not appropriate the money, because that would require a joint resolution. The money could not be paid out of the contingent fund because there is no resolution to that effect.

Mr. MANN. If the gentleman will permit, as I understood this resolution it was offered in order to provide authority to the committee to engage experts, but it would require a subsequent resolution from the Committee on Accounts to pay the money out of the contingent fund.

Mr. FITZGERALD. I think that is true. Was that the intention?

Mr. GLASS. It was.

Mr. LLOYD. Mr. Speaker, this resolution in its present shape does not authorize the payment of any money.

Mr. MANN. No. It was not intended to. That was my understanding.

The SPEAKER. If it is not intended to fix it so that you can pay for it, of what good is it?

Mr. MANN. Why, it authorizes the employment at once and gives an opportunity to the Committee on Accounts to prepare a resolution, which, I take it, the House would direct them to do, to provide for the payment out of the contingent fund.

Mr. FITZGERALD. Mr. Speaker, I am not certain that the gentleman would be justified in employing persons, under authority to employ, unless provision had been made for their payment. Nobody in an executive department would be able to employ a person authorized by law for certain services unless the appropriation were actually made. While I have not looked into this situation, it might be very doubtful whether the gentleman could employ anybody.

Mr. MANN. If the gentleman will permit, that may be the case; but in the last Congress, after the House had given authority to this committee to engage in an investigation, with a limit of cost of $25,000, the first thing the committee did was to employ one man at a cost of $15,000; and it ran up bills of over $50,000 without any authority, in direct contradiction to the action of the House, and we provided for it out of the contingent fund; and the gentleman from New York [Mr. FITZGERALD] brought in a bill to add to the amount in the contingent fund so that it could be provided for.

Mr. FITZGERALD. Yes; but I voted against authorizing the payment of certain bills that were illegally incurred.

Mr. MANN. That may be; but there were enough gentlemen on that side who voted to pay them, so they were paid. All of us on this side voted against it.

Mr. LLOYD. The purpose I had in rising was to call attention to the fact that this does not authorize the payment of money, either out of the Treasury of the United States or out of the contingent fund, and I do not wish the Committee on Accounts to be placed in the position in which it was placed last year, to which the gentleman from Illinois has referred. If there is to be an authorization here for the payment of money out of the contingent fund, I hope the resolution will so provide, and that no expenditure will be made beyond the amount that is authorized in the resolution.

Mr. GLASS. Mr. Speaker, the House may be very well assured of the fact that there will be no expense beyond the amount authorized by the resolution.

Mr. LLOYD. But this resolution authorizes no payment by anybody. If this resolution passes, there can not be one dollar paid out of the contingent fund on account of it.

Mr. GLASS. I should like to have the resolution modified so as to authorize it. The matter is entirely new to the chairman of the Committee on Banking and Currency. The resolution was submitted to the majority leader and to the minority leader, with the expectation that they would know what I wanted and would aid me in accomplishing it.

Mr. FITZGERALD. This does not give you any money. You might employ people and never get the money to pay them.

The SPEAKER. It takes a joint resolution to pay it in any way except out of the contingent fund.

Mr. FITZGERALD. I think this is a mistake. It ought to provide for the payment.

Mr. MANN. Very well. Here is a contingency. If this resolution provided for the payment of money out of the contingent fund, it would have to go to the Committee on Accounts under the rule. Now, in view of the emergency——

Mr. FITZGERALD. It could be done by unanimous consent.

Mr. MANN. In view of the emergency the resolution authorizes the committee practically to engage some experts. I take it that the committee are going to work with a view to getting an early report. It seems to me that we might pass the resolution and leave it to the Committee on Accounts to provide for the payment out of the contingent fund.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Now, if the gentleman wants to offer an amendment, this is the time to do it.

Mr. CULLOP. Mr. Speaker, it seems to me that the proper way would be to use language in the resolution so that it would authorize the employment; then the Committee on Accounts or the Appropriation Committee can take care of the manner in which it is to be paid. That authorization might be made so as not to exceed a certain sum which the committee might incur. That seems to me to be the proper way in which this matter should be disposed of.

THE COMMERCE COURT.

Mr. MANN. Mr. Speaker, I would like a moment to propound an inquiry to some gentlemen on the other side of the House with reference to the caucus action yesterday concerning the Commerce Court. The appropriations for the Commerce Court will expire on the 30th of June, 1913. After that date there is no other court in which any person can appear concerning an order made by the Interstate Commerce Commission. They are all required to go to the Commerce Court. The Commerce Court judges will continue, I apprehend, to receive their salaries, but other officials of the Commerce Court will be without pay, and after the 1st of July, under the law, are forbidden to give their services free.

Has the Democratic caucus on this 23th day of the month, with to-morrow, Saturday, and Sunday coming, with the two bodies of Congress in session, made any provision for taking care of the Commerce Court business of the country, affecting all the shippers of all the railroads in the country, or is it expected to wait until next August or next September before any action is to be taken?

Of course, as long as you do the business of the House in a secret Democratic caucus, the only way that we have of obtaining information is by begging for it on the floor of the House, and I beg for it now.

Mr. FITZGERALD. Why does not the gentleman join the Democratic Party?

Mr. MANN. It would break up the Democratic Party.

COMMITTEE ON BANKING AND CURRENCY.

Mr. GLASS. Mr. Speaker, I offer the following amendment to the resolution which is pending.

The SPEAKER. The Clerk will read the original resolution and then read the amendment.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency of the House of Representatives be, and is hereby, authorized to sit during the sessions of the House and during the recesses of the Sixty-third Congress and to employ such expert and other assistance as may be required in the transaction of its business, the expenditure for this purpose not to exceed the sum of $5,000.

Add to the end of the resolution the following:

And to be paid out of the contingent fund of the House on the order of the Banking and Currency Committee, and evidenced by the indorsement of the chairman thereof and approved by the Committee on Accounts and evidenced by the indorsement of its chairman.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the resolution as amended.

The resolution as amended was agreed to.

TENTS FOR CONFEDERATE REUNION AT BRUNSWICK, GA.

Mr. FOWLER. Mr. Speaker, to-day when the gentleman from Georgia [Mr. HOWARD] asked unanimous consent for the present consideration of the resolution to supply one of the Confederate posts down in Georgia with tents and other things I offered an objection. Mr. Speaker, I can not afford to go on record offering an objection to any favor which may be conferred on the soldiers of this country, and I therefore withdraw my objection thereto and ask for the present consideration of that resolution.

The SPEAKER. The gentleman from Illinois withdraws his objection made to the resolution offered by the gentleman from Georgia [Mr. HOWARD] and asks for its present consideration.

JOINT COMMITTEE ON PRINTING.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Accounts from the consideration of the following concurrent resolution, and ask for its immediate consideration.

The Clerk read as follows:

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Printing be, and hereby is, authorized to employ a stenographer, compensation at the rate of $75 per month, to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House, until otherwise provided for.

Mr. FITZGERALD. Mr. Speaker, I reserve the point of order against the resolution.

Mr. MANN. It is a request for unanimous consent.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Accounts from further consideration of the resolution and consider the same at this time.

Mr. LLOYD. Mr. Speaker, in order to explain the necessity for this resolution I ask that the following letter from Senator FLETCHER, who is chairman of that joint committee, be read by the Clerk.

Mr. MANN. Mr. Speaker, I reserve the right to object.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

SENATE OF THE UNITED STATES,
JOINT COMMITTEE ON PRINTING,
June 3, 1913.

Hon. JAMES T. LLOYD,
Chairman Committee on Accounts,
House of Representatives.

DEAR MR. LLOYD: I desire to call your attention to the inclosed resolution (S. Con. Res. 2) providing for a stenographer, at $75 per month, for the Joint Committee on Printing. This resolution was introduced by me on behalf of the joint committee, and I most earnestly recommend its favorable consideration by your committee. The resolution was reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate and agreed to by the Senate on June 2, 1913 (CONGRESSIONAL RECORD, p. 2089).

The Joint Committee on Printing, as provided for by law (28 Stat. L., 601), consists of three Members of the Senate and three Members of the House. Its organization and duties are separate and distinct from those of the Committee on Printing of either House. The joint committee is, in fact, a board of directors for the Government Printing Office. Its principal duties, as prescribed by statute, are:

1. To fix upon standards of papers for the public printing and binding.
2. To receive bids and award contracts for the purchase of paper. (Under these contracts about $1,250,000 worth of paper is bought annually.)
3. To authorize open-market purchases of paper.
4. To hear and decide appeals relating to paper.
5. To authorize purchases of machinery and equipment in excess of $1,000 in any one instance.
6. To authorize contracts for illustrations in excess of $1,200.

7. To supervise award of contracts for materials and supplies.
8. To authorize contracts for storage room for the Printing Office.
9. To control the arrangement and style of the CONGRESSIONAL RECORD and the indexing of the same.
10. To supervise the compilation of the Congressional Directory, memorial addresses, abridgment of messages and documents, and various other publications which Congress from time to time orders printed under the direction of the Joint Committee on Printing.
11. To supervise the publications of the Patent Office.
12. To supervise illustrations for the Agricultural Yearbook.
13. To issue orders for reprints within $200 limit of cost.
14. To select bindings for extra copies and for congressional and library sets of public documents.
15. To regulate editions in which congressional documents shall be printed.
16. To determine charges against the congressional allotment for printing in certain cases.
17. To regulate the sale of stereotype plates.
18. To remedy any neglect or delay in the public printing and binding.

For a number of years up to last August the clerk of the joint committee was assisted in his work by an assistant secretary and a stenographer in the employ of the Printing Investigation Commission. Since the discontinuance of that commission the joint committee has had only one clerk to do its work. It is impossible to keep the work of the committee up to date without the assistance of a stenographer who should be capable of performing certain other clerical duties. The joint committee of necessity has its own office in the Capitol and is required to keep extensive records and files. The clerks of the Senate and House Committees on Printing have their own duties to perform and are not available for the work of the joint committee, which keeps its clerk busy in Washington throughout the entire year.

If you have any hesitation or doubt about the matter, I would thank you for an opportunity to submit additional argument. Thanking you for an early consideration of the resolution I beg to remain,

Very respectfully, yours.

DUNCAN U. FLETCHER, *Chairman.*

Mr. FITZGERALD. Mr. Speaker, I desire to inquire of the gentleman from Missouri if he knows just what help the Joint Committee on Printing has?

Mr. LLOYD. They have one clerk.

Mr. MANN. And what help the Senate and House Committees on Printing have?

Mr. LLOYD. Prior to the present time they have had a clerk, an assistant clerk, and a stenographer.

Mr. FITZGERALD. And Congress, in the investigation of conditions, eliminated these employees?

Mr. LLOYD. Eliminated the assistant clerk and the stenographer.

Mr. FITZGERALD. And now it is proposed to restore the stenographer and the clerk—to restore both?

Mr. LLOYD. Not both.

Mr. FITZGERALD. To restore one. Mr. Speaker, this matter is one which was very carefully investigated by the Committee on Appropriations in connection with the legislative bill.

A situation was disclosed which resulted in these positions being eliminated. I do not propose to discuss what the situation was, but the same men constituting a commission on printing, a Joint Committee on Printing, and two separate Committees of the House and Senate on Printing—the same individuals doing work that was so related that it had to be practically done by one organization—under the guise of these four different organizations, three, at least——

Mr. MANN. Two committee of the House and of the Senate—one Committee on Printing and a joint commission.

Mr. FITZGERALD. Under each one of these different guises obtained clerical assistance, claimed to be rendered necessary. Regardless of the merits of this proposition, which I do not care to discuss at this time, I have never known of an attempt being made to fasten a charge upon the contingent fund of the House by resolution requiring the concurrent action of the Senate, and I am not willing that we should initiate such a thing at this time, even if we can do so.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman recall any instance where the House out of its contingent fund has paid an employee named by a distinguished Member of the Senate, or vice versa?

Mr. FITZGERALD. No.

Mr. MANN. Of course there can only be one stenographer. He will be named by either the House Committee on Printing or the Senate Committee on Printing, and in either case they are calling upon the contingent fund of the other body to pay the salary.

Mr. LLOYD. This joint committee, as I understand it, is a committee composed of members of both Houses, three from each. I do not know, of course, whether this stenographer which is claimed to be necessary will be selected by the House members or by the Senate members.

Mr. FITZGERALD. Mr. Speaker, in view of what transpired in the past, after careful investigation of the committee of the two Houses, we were unwilling to continue the employees that had been provided by Congress for this joint committee.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is the gentleman from Missouri able to say to the House now what employees the House Committee on Printing has and what employees the Senate Committee on Printing has?

Mr. LLOYD. The House Committee on Printing has that which they are authorized to have under the concurrent law.

Mr. MANN. What are they?

Mr. LLOYD. Just at this moment I can not answer; I know they have at least a clerk.

Mr. MANN. A clerk and a janitor, and the Senate committee has a clerk, an assistant clerk, and a janitor. Now, what duties does the House Committee on Printing have apart from the duties of the Joint Committee on Printing?

Mr. LLOYD. Mr. Speaker, as I understand the matter, the House Committee on Printing is a distinct organization of the House. There is a Senate committee that is a distinct organization of the Senate, and then there is a joint committee, which is composed of the committee of the House and the committee of the Senate, and that makes the joint committee. Now, whether they do business separately or not I am not in a position to say; I do not know.

Mr. MANN. Well, the House Committee on Printing and the Senate Committee on Printing combined constitute the Joint Committee on Printing.

Mr. LLOYD. That is right.

Mr. MANN. The House Committee on Printing reports on resolutions concerning the printing of documents occasionally, and has some work in that connection. The Senate committee does the same thing. Those are all the individual duties that they have to perform. The rules only provide for the standing Joint Committee on Printing, to consist of three members. The only provision under the rules for the House committee at all is the joint committee. Now, as a matter of fact, three members on the part of the House joint committee act separately on resolutions relating to printing that are reported to the House, and it is idle to say that the employees of the House Committee on Printing, the House joint committee, and the Senate joint committee are not supposed to do the work of the joint committee. That is what they are there for.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects.

LOANING CERTAIN TENTS FOR THE USE OF THE CONFEDERATE VETERANS' REUNION, BRUNSWICK, GA.

The SPEAKER. The Chair lays before the House House joint resolution 98, which the gentleman from Georgia [Mr. WALKER] introduced, which the gentleman from Georgia [Mr. HOWARD] called up, and to which the gentleman from Illinois [Mr. FOWLER] objected; and he having withdrawn his objection, it is called up on motion of the gentleman from Illinois [Mr. FOWLER], who asks unanimous consent for its immediate consideration. The Clerk will report the joint resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in the month of July, 1913, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and J. G. Weatherly, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said J. G. Weatherly a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The Clerk read the following committee amendment:

Page 1, line 7, after the word "pins," insert the words "and also such cots and blankets."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask any member of the Committee on Military Affairs here whether the inclusion of the words "cots and blankets" is a new proposition, or whether it has been customary in the past to provide them along with the tents? I should dislike to see Congress go any further in reference to the loan of tents.

The SPEAKER. The gentleman from Georgia [Mr. HUGHES] is a member of the Committee on Military Affairs. He has just come in the Hall and probably knows.

Mr. HUGHES of Georgia. I am not now a member of that committee, Mr. Speaker.

Mr. MANN. Mr. Speaker, I shall not object, but I say if this is an innovation with reference to the loan of blankets, I think the next time the matter comes up on a request for unanimous consent objection will be made to it.

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, reserving the right to object, a number of these resolutions have passed through since I have been a Member of the House without this amendment. If the gentleman from Illinois will offer the resolution without that amendment in reference to cots and blankets, I shall not object. I do object to the cots and blankets business, because I think it is an innovation.

Mr. HARDWICK. What is the objection to it? There is nothing wrong in it.

Mr. CALLAWAY. Oh, I think there is——

The SPEAKER. The gentleman from Texas serves notice on the gentleman from Illinois that unless he leaves the amendment out he will object.

Mr. MANN. I suggest to the gentleman from Texas that my colleague from Illinois calls this matter up as a matter of courtesy, without having charge of the resolution in the way of being reported, and he can not make any agreement very well in reference to it. The committee amendment could be voted down or adopted. I do not see how anybody could make any agreement about this.

The SPEAKER. The amendment would have to be voted down to comply with the demand of the gentleman from Texas [Mr. CALLAWAY]. Of course, it would be necessary to have the unanimous consent first. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

GETTYSBURG REUNION.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution introduced by the gentleman from Illinois [Mr. FOWLER], relative to the payment of the expenses of certain soldiers to the celebration at Gettysburg on July 4, 1913.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War and of all soldiers of the Confederate armies who rendered honorable service therein, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held at Gettysburg July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission consisting of the Secretary of War; Col. Thomas S. Hopkins, past commander of the Grand Army of the Republic, Department of the Potomac; and Capt. D. B. Mull, ex-commander of the United Confederate Veterans, of a post in Georgia, residents of the District of Columbia.

That said commission is authorized to adopt such rules for the determination of the persons entitled to transportation hereunder as they may deem proper.

The SPEAKER. Is there objection?

Mr. CALLAWAY. I object.

Mr. FOWLER. Mr. Speaker, I trust the gentleman will withhold his objection for a couple of minutes.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] requests the gentleman from Texas to withhold his objection for a couple of minutes.

Mr. CALLAWAY. I can not do that.

ADJOURNMENT.

Mr. FOWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Friday, June 27, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, submitting a schedule of useless papers in the Treasury Department (H. Doc. No. 104), was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913, reported the same without amendment, accompanied by a report (No. 25), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913, reported the same with an amendment, accompanied by a report (No. 26), which said joint resolution and report were ordered to be printed.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, reported the same without amendment, accompanied by a report (No. 27), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, reported the same with the amendments of the Senate, accompanied by a report (No. 29), which said bill and report were referred to the Union Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6141) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, reported the same with amendment, accompanied by a report (No. 30), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 6433) to relocate the headquarters of the customs district of Florida; to the Committee on Ways and Means.

By Mr. HUGHES of Georgia: A bill (H. R. 6434) providing $30 per month as expenses for rural letter carriers and granting them 30 days' leave per annum; to the Committee on the Post Office and Post Roads.

By Mr. MILLER: A bill (H. R. 6435) to amend an act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce"; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: A bill (H. R. 6436) to amend section 4 of the act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893; to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: A bill (H. R. 6437) appropriating money for the improvement of the Connecticut River between Hartford, Conn., and Holyoke, Mass.; to the Committee on Rivers and Harbors.

By Mr. CRISP: A bill (H. R. 6438) to provide additional compensation to letter carriers of the Rural Delivery Service for the maintenance and upkeep of horses and vehicles used in the discharge of their official duties; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: A bill (H. R. 6439) to amend sections 1 and 2 of the act of March 3, 1905, providing for judges in the northern district of Illinois; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 6440) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: A bill (H. R. 6441) to provide for recognizing the services of certain members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion and retirement, and for other purposes; to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 6442) to erect a monument over the grave of Col. Benjamin Hawkins, located in Crawford County, Ga.; to the Committee on the Library.

By Mr. BELL of Georgia: A bill (H. R. 6443) to establish in the Department of Agriculture a bureau to be known as the bureau of public highways, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 6444) for the relief of the State of Georgia; to the Committee on War Claims.

Also, a bill (H. R. 6445) authorizing the erection of a post-office building at Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6446) authorizing the erection of a post-office building at Toccoa, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6447) to establish a fish hatchery and fish station in the ninth congressional district of Georgia; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 6448) authorizing the erection of a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6449) authorizing the erection of a post-office building at Winder, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6450) authorizing the erection of a post-office building at Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6451) authorizing the erection of a post-office building at Buford, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KIRKPATRICK: A bill (H. R. 6452) to authorize the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. POST (by request): A bill (H. R. 6453) to authorize the adjustment of the accounts of Army officers in certain cases, and for other purposes; to the Committee on Claims.

By Mr. GLASS: A bill (H. R. 6454) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. WALSH: Resolution (H. Res. 187) authorizing and directing the Speaker of the House of Representatives to appoint a committee to investigate the possibility and advisability of installing in the House of Representatives a practical electrical and mechanical system of voting; to the Committee on Rules.

By Mr. RUCKER: Resolution (H. Res. 188) to authorize the chairman of the Committee on Election of President, Vice President, and Representatives in Congress to appoint a clerk to said committee; to the Committee on Accounts.

By Mr. ADAMSON: Resolution (H. Res. 189) to make in order legislation to abolish the Commerce Court and to provide for its jurisdiction; to the Committee on Rules.

By Mr. HAY: Joint resolution (H. J. Res. 102) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Mirza Mohammed Ali Khan, of Persia; to the Committee on Military Affairs.

By Mr. MAPES: Memorial of the Legislature of Michigan, favoring the calling of a convention to propose an amendment to the Constitution of the United States prohibiting polygamy; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 6455) granting a pension to Willard A. Farmer; to the Committee on Pensions.

Also, a bill (H. R. 6456) granting a pension to Sarah Ann Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6457) granting a pension to F. A. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6458) granting a pension to Louisa L. Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6459) granting an increase of pension to George R. Huntly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6460) granting an increase of pension to Henry H. Kellogg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6461) granting an increase of pension to Minot Stebbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6462) granting an increase of pension to Charles Schlaburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6463) for the relief of Charles J. Callahan; to the Committee on Military Affairs.

Also, a bill (H. R. 6464) for the relief of Charles R. Grant; to the Committee on Military Affairs.

Also, a bill (H. R. 6465) to correct the military record of Edward R. Vanderslice; to the Committee on Military Affairs.

Also, a bill (H. R. 6466) to correct the military record of W. S. Krake; to the Committee on Military Affairs.

Also, a bill (H. R. 6467) to correct the military record of Benjamin F. Lovett; to the Committee on Military Affairs.

Also, a bill (H. R. 6468) to correct the military record of Walter N. Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 6469) to correct the military record of Robert J. Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 6470) to correct the military record of John C. Springer; to the Committee on Military Affairs.

Also, a bill (H. R. 6471) to remove the charge of desertion against Adam B. Ackerman; to the Committee on Military Affairs.

Also, a bill (H. R. 6472) to correct the military record of Charles Sloat; to the Committee on Military Affairs.

Also, a bill (H. R. 6473) to amend the muster roll of Company B, Ninth Regiment Pennsylvania Volunteers, so as to include the name of William C. Armstrong thereon; to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 6474) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Rufus B. Langsford; to the Committee on Naval Affairs.

By Mr. TRIBBLE: A bill (H. R. 6475) granting a pension to Robert Wilson; to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 6476) granting a pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 6477) granting a pension to Toliver W. Corn; to the Committee on Pensions.

Also, a bill (H. R. 6478) granting a pension to James N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 6479) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 6480) granting a pension to William J. Shedd; to the Committee on Pensions.

Also, a bill (H. R. 6481) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6482) granting a pension to Willis S. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6483) granting a pension to Eliza A. Woody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6484) granting a pension to Sanford A. Pinyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6485) granting a pension to Pinckney P. Chastain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6486) granting an increase of pension to Susan M. Lampkin; to the Committee on Pensions.

Also, a bill (H. R. 6487) granting an increase of pension to Robert C. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 6488) for the relief of Joseph M. Davis; to the Committee on War Claims.

Also, a bill (H. R. 6489) for the relief of Mrs. F. E. Chandler; to the Committee on War Claims.

Also, a bill (H. R. 6490) for the relief of William J. Cochran; to the Committee on War Claims.

Also, a bill (H. R. 6491) for the relief of Steven Pittman; to the Committee on Military Affairs.

Also, a bill (H. R. 6492) for the relief of Julius Pickett; to the Committee on War Claims.

Also, a bill (H. R. 6493) for the relief of the heirs of W. W. Fleming; to the Committee on War Claims.

Also, a bill (H. R. 6494) for the relief of the heirs of John B. Graham; to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 6495) for the relief of the heirs of William Woods; to the Committee on Claims.

By Mr. BELL of Georgia: A bill (H. R. 6496) to correct the relative rank of Lieut. Frederick S. L. Price, Fourteenth Regiment of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 6497) for the relief of the estate of Robert Dinkins; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 6498) granting an increase of pension to John M. Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6499) for the relief of Andrew Gaffney; to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 6500) for the relief of Augusta G. Evans; to the Committee on Military Affairs.

Also, a bill (H. R. 6501) granting a pension to George A. Ryan; to the Committee on Pensions.

Also, a bill (H. R. 6502) granting an increase of pension to Robert F. Thorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6503) granting an increase of pension to William Duffus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6504) granting an increase of pension to Peter Dowdle; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 6505) granting an increase of pension to Thomas Hayes; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 6506) for the relief of James T. McKenney; to the Committee on Claims.

By Mr. DALE: A bill (H. R. 6507) granting a pension to Mary McBride; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 6508) for the relief of Joseph B. Riley, alias Thomas B. Keesy; to the Committee on Military Affairs.

By Mr. FARR: A bill (H. R. 6509) granting an increase of pension to Walter S. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6510) granting an increase of pension to Sylvester Knapp; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 6511) granting an increase of pension to John W. Scott; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 6512) granting a pension to Alicia J. Flynn; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 6513) granting an increase of pension to Zylpha Raymond; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 6514) granting an increase of pension to James Herman; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 6515) for the relief of John Farrell; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 6516) granting an increase of pension to Sarah A. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6517) granting an increase of pension to Regina Allison; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 6518) granting an increase of pension to Calvin C. Hussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6519) granting an increase of pension to Adeline M. Hannaford; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 6520) to correct pension certificate No. 678122, issued by the Commissioner of Pensions on the 1st day of April, A. D. 1909, to Margaret Barron, as guardian of Mary W. Barron, a minor child of Mahlon Barron, deceased, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, entitling said minor child to a pension under the act of June 27, A. D. 1890, until it attained the age of 16 years, beginning on the 17th day of August, A. D. 1908, so as to entitle the said child to such pension beginning on the 22d day of July, A. D. 1907; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6521) granting an increase of pension to Alonzo Dyke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6522) granting an increase of pension to W. H. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6523) granting an increase of pension to Catherine Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6524) granting an increase of pension to Henry Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) to reimburse Martha A. Walker for the loss of certain property; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 6526) granting a pension to Robert A. Talbott; to the Committee on Pensions.

Also, a bill (H. R. 6527) granting an increase of pension to Robert Layman; to the Committee on Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6528) granting an increase of pension to Polly Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6529) granting an increase of pension to Nellie C. Downs; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 6530) for the relief of Michael F. O'Hare; to the Committee on Claims.

Also, a bill (H. R. 6531) for the relief of Paul Butler; to the Committee on Claims.

By Mr. SHARP: A bill (H. R. 6532) granting a pension to Susan E. Nash; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 6533) granting a pension to Emma Ewing; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of stockholding employees of the United States Steel Corporation and subsidiary companies, protesting against the passage of legislation for the dissolution of the United States Steel Co.; to the Committee on the Judiciary.

By Mr. BEALL of Texas: Petition of the Texas Bankers' Association, Galveston, Tex., favoring the passage of the Newlands bill for the Government to control the waters of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Robert Dinkins; to the Committee on War Claims.

By Mr. DYER: Petition of the Stinwinder Wine Co. and the Missouri Wholesale Liquor Dealers' Association, of St. Louis, Mo., protesting against the passage of the sweet-wine bill; to the Committee on Ways and Means.

By Mr. HAWLEY: Petition of the First National Bank of Corvallis, Oreg., relative to certain changes in the monetary system; to the Committee on Banking and Currency.

By Mr. HINDS: Petition of J. and C. Gray, P. E. Priest, and W. H. Soper, committee of the business men of Colon, Me., favoring a duty on paper and asking for the repeal of that part of the Canadian reciprocity act which admits paper free of duty; to the Committee on Ways and Means.

By Mr. KEISTER. Petitions of 146 stockholding employees of the Buckeye Mine, 262 of the Southwest No. 3 Mine, 101 of the Central Mine, 386 of Baggaley Mine, 295 of the Hecla No. 2 Mine, 261 of the Alverton Mine, 175 of the Dorothy Mine, 669 of the Standard Mine, 190 of the Scotdale Mine, 304 of the United Mine, 302 of the Southwest No. 1 Mine, 277 of the Marguerite Mine, 251 of the Calumet Mine, 253 of the Brinkerton Mine, 88 of the Mammoth Mine, 112 of the Mutual Mine, 448 of the Hecla Nos. 1 and 3 Mines, 53 of the Southwest No. 2 Mine, all of the H. C. Frick Coke Co.; 365 of the Whitney Mine and 344 of the Hostetter Mine, of the Hostetter-Connellsville Coke Co., protesting against a dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the board of governors of the Commercial Club of Salt Lake City, favoring providing adequate quarters for our foreign representatives; to the Committee on Foreign Affairs.

By Mr. LEVY: Petition of sundry citizens of Turlock, Cal., protesting against the passage of any legislation for the diversion of the waters of the watershed of the Tuolumne River; to the Committee on Irrigation of Arid Lands.

Also, petition of D. Boosing, Buffalo, N. Y., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post-Roads.

By Mr. MANN: Petition of Charles D. Boyles, vice president of the Hoboken Shore Road, Hoboken, N. J., favoring the passage of House bill 1723, for the purpose of improving the Consular Service; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: Petition of the city council of Boise City, Idaho, favoring the passage of legislation granting to Boise City the Boise Barracks for park and other benevolent purposes; to the Committee on Military Affairs.

By Mr. WILLIS: Petition of the National Eclectic Medical Association, protesting against the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *June 27, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. STONE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1966. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909;

H. R. 6282. An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon

all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes;

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return; and

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

PETITIONS.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the establishment on the Pacific coast of an agency of the Bureau of Foreign and Domestic Commerce, Department of Commerce, which was referred to the Committee on Commerce.

Mr. LA FOLLETTE. I present a joint resolution of the Legislature of Wisconsin, which I ask may be printed in the RECORD, and referred to the Committee on Banking and Currency.

There being no objection, the joint resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress to amend section 5219 of the Revised Statutes of the United States, relating to the taxation by the several States of shares of stock in national banking associations.

Whereas under the provisions of the national banking act the several States are permitted to include all the shares in any national banking association in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by the authority of the State within which the association is located; and

Whereas it is the policy of this State to substitute for the system of direct personal property taxation upon intangible property a system of income taxation; and

Whereas it is but just and right that all corporations engaged in banking should be assessed in the same manner and at the same rate as domestic corporations whose income is derived from intangible property and moneyed capital: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize the Congress of the United States so to amend the national banking act as to permit those States in which a system of income taxation shall have been substituted in whole or in part for direct personal-property taxation upon intangible property to assess and tax the income of national banking associations in the same manner and at the same rate as shall be provided in respect to the income of domestic corporations derived from intangible property or moneyed capital: Be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and to each of the Senators and Representatives of this State.

MERLIN HULL,
Speaker of the Assembly.
H. C. MARTIN,
President of the Senate.
C. E. SHAEFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry; to the Committee on Public Lands.

By Mr. BRISTOW:

A bill (S. 2652) granting a pension to Mary A. Pierce; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 2653) for the relief of the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as the Santee Sioux Indians; to the Committee on Indian Affairs.

A bill (S. 2654) granting an increase of pension to Louisa Graham; and

A bill (S. 2655) granting an increase of pension to Louise Compton; to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. STONE. Mr. President, I present the conference report on House bill 1917, the Indian appropriation bill.

The VICE PRESIDENT. The Secretary will read the report.

Mr. GALLINGER. The report has already been read in full. I ask unanimous consent that it be not read again.

The VICE PRESIDENT. The reading will be dispensed with, if there be no objection.

Mr. STONE. Mr. President, I was going to ask that the reading of the report be dispensed with, for the reason that it was printed this morning in the RECORD of the House proceedings, and for the further reason that a printed copy of the report has been laid on the desk of each Member of the Senate. However, I wish to make a very brief statement, that it may appear in the RECORD. On yesterday I presented this report, and found after the reading of it had been commenced that through the error of a stenographer who had written it up one of the amendments had been omitted, and I asked to withdraw it that the correction might be made. I again presented it, and on being interrogated by the Senator from New Mexico [Mr. FALL] I stated that another error in the report had been discovered, and I withdrew it the second time. That was my mistake. The item about which the Senator from New Mexico inquired, as a matter of fact, was already incorporated.

I desire, in justice to the clerks of the Senate committee, to say that the mistake at that time was my own entirely. I will take this occasion to say that I think those officials are among the most efficient in the service of the Senate.

Now, Mr. President, if there is nothing more to be said, I move that the report of the conference committee be agreed to.

Mr. GALLINGER. Mr. President, before the vote is taken on agreeing to the conference report, I wish simply to say that yesterday I interrogated the Senator from Missouri [Mr. STONE] as to whether or not any new matter had been inserted in the conference report. The Senator gave assurances that so far as he knew no new matter had been incorporated in the report. I have examined it with a good deal of care, Mr. President, and I find that while there are one or two inconsequential matters that might be questioned the report is not subject to any criticism on that point.

There is one other matter, Mr. President, I want to call attention to. When the bill was under consideration in the Senate a paragraph was in the House bill reading as follows.

Mr. LA FOLLETTE. On what page?

Mr. GALLINGER. On page 4:

For the suppression of the traffic in intoxicating liquors and peyote among Indians, $100,000.

The Senate committee recommended that the words "and peyote" be stricken out. I took occasion to inquire what peyote was, believing that very few Senators had any more knowledge on the subject than I had. The Senator from New Mexico [Mr. FALL] gave what he thought was a correct definition of the term, saying, in substance, that it was a medicinal plant that the Indians use for purposes of exhilaration if not intoxication. The explanation was satisfactory to me, but in the morning mail I received a letter from Frank W. Clancy, an old friend of mine, who was a Delegate from the Territory of New Mexico some years ago and who is now the attorney general of the State of New Mexico. Mr. Clancy, having noticed the inquiry I made, in this letter illuminates the subject, and I am going to ask consent to have it read for two purposes. First, for the purpose of informing all Senators as to precisely what this herb is; and, second, for the purpose of testing the well-known abilities of our accomplished reading clerk to correctly pronounce a good many words he will find in the letter. I ask unanimous consent that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read as follows:

STATE OF NEW MEXICO.
OFFICE OF THE ATTORNEY GENERAL,
Santa Fe, June 23, 1913.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR.: In recent dispatches I have noticed that on the floor of the Senate you asked for information as to what "peyote" is, and while the answer given is correct as far as it goes, it was not sufficient to give you a full idea of the character and uses of this plant. It is, of course, not a matter of great practical importance, but sometimes a man may take greater interest in such things than in those of more serious import and I can imagine that your professional experience might prompt you to a desire to have knowledge of such dangerous vegetable growths.

The word is not Spanish and I do not believe that it can be found in any standard Spanish dictionary. I have examined at least three without finding it. The only place where I have found anything about it is in the Diccionario de Aztequismos, a very remarkable work by Cecilio A. Robelo, of Cuernavaca. He gives it in two ways, "peyote" and "piote," the original word being "peyotl." He defines it as being a medicinal plant which has various and pleasing (or perplexing) uses, and says that some medical men consider it a substitute for cocaine.

In a note as to this word he says that Father Sahagún, speaking of certain herbs which are intoxicating, says, "There is another herb like prickly pears which is called peiotl, is white, and grows toward the northern portions; those who eat or drink it see visions terrifying or laughable; this drunkenness lasts two or three days and then stops; and it is a common food of the Chichimecas, as it nourishes them and gives courage to fight and takes away fear, thirst, and hunger; and they say it guards them against all danger." The author further says that Dr. Hernandez alone enumerates two kinds of peyote, that of Xochimilco and that of Zacatecas; but at the present time it has been found in many parts of the Republic. In their physiological effects they are quite different. Pharmacy has extracted from the peyote of Zacatecas (*Anhalonium lewinii*) as many as four alkaloids. The Indians of Tepic use it as a strengthening medicine. They rub themselves with the ground root along the joints (or articulations), and thus they are able to travel great distances without fatigue. It is also stated that the technical Latin names for this plant, evidently of several varieties of it, are *Anhalonium fissuratum, Anhalonium williamsi,*

Senecio callophyllus, Senecio cardiophyllus, Senecio petasitis, Senecio hartwegii, and *Cotyledon cæspitosa.*

The effects of peyote are so serious that the Spanish authorities prohibited its use, as will appear by reference to one of the old Spanish archives which are now in the Library of Congress, which contains the record in eight folios of a prosecution against an Indian of Taos for having drunk the herb called peyote. The record of this proceeding covers 9 or 10 days, from February 3, 1720, to February 12, 1720, and is numbered 306 in an index which was made by Prof. Bandelier, but the arrangement and numbering in the Library of Congress are different. If you have any curiosity about it you can readily obtain a copy or translation, or both, from the Library. It is many years since I saw this document and I do not recall any of the details, but remember only that it was clearly a criminal offense for the Indians to make use of peyote.

Yours, very truly, FRANK W. CLANCY.

Mr. GALLINGER. Mr. President, I wish to express my gratification at the charming and satisfactory manner in which the reading clerk read that document.

I wish further to say, Mr. President, that had I received that letter before we agreed to strike out the words "and peyote" in the Indian appropriation bill I think I should have made a strenuous effort to have retained them. Manifestly it is a dangerous drug. It seems that it makes Indians "see visions," and we all know what people are liable to do when they see visions. But as the matter has progressed to the point of having a conference report submitted, and it is impossible to make any amendment to the bill, I will content myself by expressing gratification that it has been my privilege to give so much instruction to the Senate as to what peyote really is.

Mr. STONE. I should think, Mr. President, that anything so mysterious as that described in that letter ought to appear in some bill somewhere.

Mr. FALL. Mr. President, in view of the fact that my explanation of the ordinary use of peyote brought forth this learned paper from a gentleman for whom I have the very highest respect as a legal authority, I will say that if I had known that peyote had so many different names I might possibly have been more impressed with the subject myself.

Peyote, as it is called in our southwestern country, is a prickly pear. It is the bud of the prickly pear. I have never heard that it had any cocaine nor was it so claimed by the surgeons or physicians in the Indian Department who have investigated the matter, but it undoubtedly has some intoxicating effect. It is used in religious observances.

Mr. STONE. I renew my motion, Mr. President, that the conference report be agreed to.

Mr. GRONNA. Mr. President, I do not rise for the purpose of delaying action on the bill more than a single moment. I know that the chairman of the committee has been most patient in his work; I simply wish to express my disapproval of the language as it is expressed in the report in changing section No. 26——

Mr. LA FOLLETTE. On what page?

Mr. GRONNA. It is on page 89 of the bill.

Mr. STONE. Will the Senator advise me again to what amendment he refers,

Mr. GRONNA. I refer to section 26, the new section added by the Senate committee.

While I do not intend to delay the adoption of the report, I simply want to express my disapproval of the change of that amendment.

Mr. STERLING. Mr. President, I do not rise to oppose at all, or to obstruct in any way, the adoption of the report, but in view of my connection with an amendment introduced, which was adopted by the Senate and which was stricken out in the conference, I wish to call attention to some statements that have been made in the RECORD. I refer to the amendment providing for the payment of the claim of the heirs of John W. West.

I find, on referring to the RECORD of the 20th, during the course of some remarks by Congressman BURKE, of South Dakota, this colloquy:

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?
Mr. BURKE of South Dakota. Yes.
Mr. STEPHENS of Texas. Is the gentleman aware that the John W. West claim, which has been defeated several times in this House, has been put on this bill?
Mr. BURKE of South Dakota. I understand that it is one of the amendments.

The Indian appropriation bill was then under discussion in the other House, and inquiry was being made as to certain amendments which had been adopted by the Senate. This is the colloquy with reference to this particular amendment.

Mr. President, the statement implied in the question and in the answer is altogether misleading, and, in order that no person may be misled in the future in the other House or in the Senate in case this amendment should ever again be introduced, I wish briefly to call attention to an abstract of the record in regard to this claim. Instead of this amendment as it appears here having been defeated several times in the other House, as might be inferred from this colloquy, this, in a few words, is the history of the claim in the other House and in the Senate: The bill has been many times before Congress. It was before Congress at every session from the Forty-eighth to the Fifty-fourth Congress, both inclusive. During the Fiftieth Congress the senior Senator from Minnesota [Mr. NELSON], then a Member of the House, introduced the bill and it was favorably reported by the committee, but no action was taken by the other House, no vote being reached.

In the Fifty-fourth Congress H. R. 4515 was reported from the committee unanimously and favorably by Mr. Little, of Arkansas.

As to the other bills introduced during these several Congresses, they were referred to committees, and there were no reports upon them. No other bills covering this matter were introduced until the Sixty-first Congress, and then there was the only adverse report ever made on this bill.

Why was that adverse report made? The bill was not considered on its merits at the time. The report shows that the evidence submitted at that time was incomplete and fragmentary. While there was then a subcommittee appointed to consider the bill, the subcommittee never made a report on the bill; at least, it never made any written report. If there was a report made, it was simply an oral report to the full committee.

A bill was introduced in the Sixty-second Congress, referred to a subcommittee, and received a unanimous report at the hands of that subcommittee and was favorably reported to the House. Another bill was introduced and favorably reported by a subcommittee in January, 1913, but the bill never reached a vote in the other House. It was then agreed that the matter should be referred to the Court of Claims. The agreement made at that time was a compromise agreement reached in the House committee, the bill having passed the Senate in the shape of an amendment to an appropriation bill.

It was not, however, referred to the Court of Claims. It came before the Senate in this Congress first in a bill introduced by myself; secondly, in an amendment to an appropriation bill submitted by the Senator from North Dakota [Mr. MCCUMBER], and then as an amendment finally proposed by myself to an appropriation bill.

What, then, has been its course in the Senate? It passed first in the Sixty-first Congress, once as a bill and again as an amendment to an appropriation bill. It passed the Senate twice in the Sixty-second Congress, and passed once again in the Senate in the Sixty-third Congress.

So it has been reported favorably not less than four times by a House committee and has passed the Senate five times.

I think this makes a complete answer to the statement that this bill has been several times defeated.

Now, Mr. President, I simply want to submit in connection with what I have said a short extract from the report of the House subcommittee that last passed upon this bill, that report having been made in January, 1913, and will ask to have it printed in connection with what I have said.

The VICE PRESIDENT. If there is no objection, that will be done.

The extract referred to is as follows:

This judgment or award, final and conclusive under the treaty and binding upon all parties, has never been paid. The doctrine of res adjudicata clearly applies to this award, whether considered from a judicial, executive, or legislative point of view. That doctrine amounts simply to this, that a cause of action once finally determined between the parties on the merits by a competent tribunal can not afterwards be litigated by a new proceeding either before the same or any other tribunal (100 Mass., 409); it is a general principle that a decision by a court of competent jurisdiction of matters put in issue by the pleadings is binding and conclusive upon all other courts of concurrent power and between the parties and their privies (168 U. S., 48); and it is a principle of public policy as well as a matter of private right (34 N. J. Eq., 535).

The rate of interest fixed in the bill, namely, 5 per cent per annum, is the same rate allowed the Cherokee Nation on its claims against the United States Government, arising in part out of the same treaty, by the Supreme Court of the United States in Cherokee Nation *v.* United States (202 U. S., 101), wherein the court allowed interest from the date the Government took the property of the Cherokee Nation.

The United States was a party to the treaty. It guaranteed fulfillment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. The Government of the United States is in honor bound to see that this award is paid.

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The delay in the payment of the award has been due to the failure of the House of Representatives to concur in legislation directing its payment, which has frequently come before it for action. On account of the long delay, for

which Congress alone is responsible, your committee urges action at this session in order that the beneficiaries—Cherokee Indians—who have already waited for justice at our hands for many years, may no longer be subjected to the injustice which they have so long endured.

A. W. RUCKER.
H. T. HELGESEN.
THOMAS F. KONOP.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 8, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 40, 41, 45, 46, and 50.

That the House recede from its disagreements to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 12, 15, 18, 27, 32, 34, 37, 39, 42, 43, 44, 47, 48, 49, 52, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"*Provided*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs or from the estate of such deceased Indian or deducted from the proceeds from the sale of the land of the deceased allottee or from any trust funds belonging to the estate of the decedent, the sum of $15, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein directed."

And the Senate agree to the same,

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the word "thorough"; and in lines 36 and 37 of the amendment strike out the words "at the second session of" and insert the word "during"; and in line 43 of the proposed amendment strike out "$50,000" and insert "$25,000"; and the Senate agree to the same.

Amendment numbered 11½: That the House recede from its disagreement to the amendment of the Senate numbered 11½, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "completed," insert the word "separate"; and the Senate agree to the same.

Amendment numbered 11¾: That the House recede from its disagreement to the amendment of the Senate numbered 11¾, and agree to the same with an amendment as follows: In line 15 of page 4 of the proposed amendment, strike out the words "Sec. 2." at the beginning of the line, and in line 17 of page 4 of the proposed amendment strike out the words "Sec. 3." at the beginning of the line, and in line 1 of page 5 of the proposed amendment, strike out the words "Sec. 4." at the beginning of the line; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the words "the balance" and insert "$50,000"; and in lines 3, 4, and 5 of the proposed amendment strike out the words "or which shall hereafter be deposited to their credit, including the proceeds from the sale of surplus lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 13. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $5,000; new buildings, $15,000; in all, $88,600."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $77,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; for addition to barn, $2,500; for dairy cows, $1,000; in all, $43,700"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 9 of the proposed amendment strike out the word "five" and insert "four" in lieu thereof; and in line 17 of the amendment strike out the period and insert a colon, and insert the following: "*Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant to settlers a preference right to purchase for 90 days from and after notice, at the appraised price, exclusive of improvements, such lands as were occupied by such settlers in good faith on January 1, 1913"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the amendment of the Senate insert the following: "That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no additional extension shall be granted: *And provided further*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stat., p. 49), and the act of February 18, 1909 (35 Stat., p. 637)"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the proposed amendment of the Senate, insert the following: "A commission consisting of two members of the Senate Committee on Indian Affairs, to be appointed by the chairman of said committee, and two Members of the House of Representatives, to be appointed by the Speaker, is hereby created for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Washington, for the reclamation of the lands on said reservation and for the use and benefit of the Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpœna and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January 1, 1914: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission." And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 3 of the proposed amendment insert the word "actually" after the word "land" and strike out "$400," in line 7 of the amendment, and insert "$250" in lieu thereof, so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the

State of Washington the tract of land actually used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250, or so much thereof as may be necessary, to carry out this provision."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 26. On or before the 1st day of July, 1914, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures if, in his judgment, he shall deem it advisable.

"Annually, after July 1, 1914, a detailed statement of expenditures, as hereinbefore described, shall be incorporated in the Annual Report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December.

"Before any appropriation for the Indian service is obligated or expended, the Secretary of the Interior shall make allotments thereof in conformity with the intent and purpose of this act, and such allotments shall not be altered or modified except with his approval.

"After July 1, 1914, the estimates for appropriations for the Indian service submitted by the Secretary of the Interior shall be accompanied by a detailed statement, classified in the manner prescribed in the first paragraph of this section, showing the purposes for which the appropriations are required."

And the Senate agree to the same.

WM. J. STONE,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

JOHN H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 1966. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; and

H. R. 6282. An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

EXPENSES OF DISTRICT VETERANS TO GETTYSBURG, PA.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution received this day from the House of Representatives, which the Secretary will read.

The joint resolution (H. J. Res. 103) appropriating $4,000 to defray traveling expenses of soldiers of the Civil War now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, was read twice by its title.

Mr. KERN. Mr. President, I ask unanimous consent for the present consideration of the joint resolution just laid before the Senate.

Mr. FALL. Mr. President, I do not know that I have any objection to that joint resolution, but on yesterday I gave notice that I would call up Senate joint resolution No. 43 at the close of morning business, not, however, to interfere with the consideration of the conference report on the Indian appropriation bill.

Mr. KERN. This is a joint resolution to appropriate $4,000 to pay the expenses of certain veterans to the Gettysburg celebration.

Mr. FALL. I have no objection whatever to that.

Mr. SMOOT. Mr. President, I simply want to say to the Senator that I think the proper procedure would be to have the joint resolution referred to the committee and let the committee speedily report it to the Senate. Joint resolutions and bills coming from the other House are always referred to a committee. If the Senator from Indiana has no objection, I think that would be the proper course to pursue as to this joint resolution. I think it can be reported back from the committee in a very few minutes as I know of no objection whatever to it.

Mr. KERN. To what committee should the joint resolution be referred?

Mr. SMOOT. To the Committee on Appropriations, I think.

Mr. KERN. The chairman of that committee is not now present.

Mr. BRISTOW. I should like to inquire of the Senator from Indiana if this joint resolution provides for paying the expenses of the veterans in the District of Columbia to Gettysburg and return?

Mr. KERN. I understand that is the purpose of the joint resolution.

Mr. BRISTOW. Why should the expenses of the veterans in the District of Columbia be paid any more than those of veterans living in the States?

Mr. VARDAMAN. The States have made similar provision as to their veterans.

Mr. KERN. The States have done so.

Mr. BRISTOW. If the States have paid such expenses, then, of course, I think the District should do so; but if the National Government pays the expenses of veterans from the District, it seems that all veterans in the States ought to be treated in exactly the same way.

Mr. KERN. I am quite sure that the Indiana Legislature has made an appropriation for the payment of the expenses of the veterans living in that State.

Mr. GALLINGER. Most of the States have done so.

Mr. KERN. Most of the States have done so. The Southern States have also made appropriations for this purpose.

Mr. NORRIS. The joint resolution provides that one half the expenses shall be paid out of the District funds and the other half out of the Government funds.

Mr. BRISTOW. It is the same as though it came from a State treasury.

Mr. NORRIS. The same as if it came from a State.

Mr. VARDAMAN. If the Senator from Indiana will pardon the suggestion, I will say, in reply to the question of the Senator from Kansas [Mr. BRISTOW], that almost all of the States of the Republic have paid the expenses of the veterans attending the Gettysburg reunion. Mississippi is paying the expenses of her representatives there, and almost all the States in the Republic, so far as I know, are paying such expenses. I think the District of Columbia should pay the expenses of the veterans from this District.

Mr. BRISTOW. I have not the slightest objection to that. All I wanted was for the veterans in the States to have exactly the same treatment as the veterans in the District will receive.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I am not going to object to the present consideration of the joint resolution, but I want it distinctly understood that this is not to be considered as a precedent established by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 103) appropriating $4,000 to defray the traveling expenses of soldiers of the Civil War now residing in the District of Columbia from Washington to Gettysburg, Pa., and return.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War, and of all soldiers of the Confederate Armies who rendered honorable service therein now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held at Gettysburg, July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission, consisting of the Secretary of War, Col. Thomas S. Hopkins, past commander of the Grand Army of the Republic, Department of the Potomac, and Capt. D. B. Mull, ex-commander of the United Confederate Veterans, of a post in Georgia, residents of the District of Columbia.

That said commission is authorized to adopt such rules for the determination of the persons entitled to transportation hereunder as they may deem proper.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION, BRUNSWICK, GA.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution received this day from the House of Representatives, which will be read.

The joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' reunion, to be held at Brunswick, Ga., in July, 1913, was read twice by its title.

Mr. SMITH of Georgia. Mr. President, a couple of words have been left out of that joint resolution which it ought to contain, and, if there is no objection, I should like to have the joint resolution taken up and acted on now and to offer an amendment of two or three words to it.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideraton of the joint resolution.

Mr. GALLINGER. I will ask the Senator if the consideration of the joint resolution is a matter of urgency, or whether it might not go over without injury to anyone?

Mr. SMITH of Georgia. I understand that the tents will be needed probably next week, though I am not sure about it. The joint resolution says in July, but the exact date in July I do not know.

Mr. GALLINGER. The only point I would make is the same as that made by the Senator from Utah [Mr. SMOOT] a moment ago, that if there is time to refer the joint resolution to a committee and have it reported back, it would be a better method of legislative procedure.

Mr. SMITH of Georgia. Then, I ask that the joint resolution be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

THE CURRENCY.

Mr. OWEN. I desire to ask for the adoption of an order to print 25,000 copies of the proposed currency bill for distribution, 10,000 to go to the document room and 15,000 to the committee.

The VICE PRESIDENT. The Secretary will read the order.

The Secretary read as follows:

Ordered, That there be printed 25,000 additional copies of Senate bill No. 2639, "A bill to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording a means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes," of which 10,000 shall be placed in the Senate document room for distribution and 15,000 shall be for the use of the Committee on Banking and Currency.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to ask the Senator if he has an estimate as to the cost of this printing?

Mr. OWEN. It comes within the $500 limit, I will say to the Senator.

Mr. SMOOT. The Senator assures me that the expense will be under $500, and therefore I have no objection.

Mr. NORRIS. Mr. President, if the Senator from Oklahoma will yield to me, I should like to inquire of the Senator if he would not be willing to change his resolution so as to provide for the printing of a larger number of copies.

Mr. OWEN. The resolution now provides for 25,000 copies.

Mr. NORRIS. I am satisfied that 25,000 copies will not come anywhere near supplying the demand.

Mr. OWEN. We could easily enlarge the number afterwards from the plates, if necessary.

Mr. NORRIS. Has the Senator made any inquiry——

Mr. OWEN. I will say to the Senator that we can not under the $500 rule go beyond the number provided for in the order.

Mr. NORRIS. Without the Committee on Printing passing upon it.

Mr. OWEN. It would have to go to the Committee on Printing, which would delay the matter, and there is already a very urgent demand for a considerable number of copies.

Mr. NORRIS. I think the Senator will find that we need at least twice that many.

Mr. OWEN. Then there can be a reprint.

Mr. SMOOT. In order to have more than that number printed it would have to be a concurrent resolution, and not only pass the House, but the Senate. I will say to the Senator from Nebraska that the House has already ordered 25,000 or 50,000 copies of this bill—I forget which.

Mr. OWEN. Twenty-five thousand copies.

Mr. NORRIS. But those 25,000 copies are not for the use of the Senate, as I understand.

Mr. OWEN. No.

Mr. NORRIS. The members of the Senate will not be given any of that number.

Mr. SMOOT. I will say, Mr. President, that by a resolution which was passed in the Senate not long ago, I think authority was given to the chairman of the Committee on Banking and Currency to have done what printing was necessary for the committee. Therefore, I suggest to him that if he provides 25,000 copies for the use of the Senate he has authority under that resolution to print whatever additional number the committee may need, and the matter may be arranged in that way better than to have another resolution passed.

Mr. NORRIS. That being true, if the committee has authority to print what they need, why can not the order provide that the whole 25,000 copies shall be for the use of Senators?

Mr. OWEN. I question the authority under that resolution, and that is the reason I ask the Senate now to adopt the order I have presented.

Mr. NORRIS. But 15,000 of the 25,000 copies provided for under the order which the Senator has presented will go to the committee, and will not be for distribution among Members of the Senate.

Mr. OWEN. I will be very glad to have that reversed, so that 15,000 copies will go to the document room and 10,000 to the committee.

Mr. NORRIS. I will be glad if the Senator will do that.

Mr. OWEN. I ask to modify the order in that way.

The VICE PRESIDENT. In the absence of objection the order will be so modified. The question is on agreeing to the order.

The order was agreed to.

Mr. OWEN. I ask to have printed as a Senate document for the convenience of the Senate a statement or abstract prepared in regard to the bill (S. 2639) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes, which was introduced by me on the 26th instant. I ask that the statement be referred to the Committee on Banking and Currency to accompany that bill.

The VICE PRESIDENT. Without objection, it is so ordered. (S. Doc. No. 117.)

EXPORTATION OF ARMS TO MEXICO.

Mr. FALL. Mr. President, I gave notice on yesterday that this morning I would call up Senate joint resolution No. 43. I now do that for the purpose of addressing the Senate as briefly as I possibly can upon a subject which I think is of the utmost importance, and which should receive, as it undoubtedly, in my judgment, merits, some immediate consideration in view of the very critical condition of affairs, growing more critical every moment, upon our southern border.

The VICE PRESIDENT. The Secretary will read the joint resolution called up by the Senator from New Mexico.

The Secretary read the joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, etc., as follows:

Whereas the provisions of the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms and munitions of war under certain circumstances, and the proclamation of the President of the United States, issued on the 14th day of March, in the year 1912, under the authority of said resolution, have been and are now being so construed by the authorities charged with the enforcement of the same as to prohibit the exportation of arms and munitions of war to one or more of the contending factions in the Republic of Mexico and to authorize and permit such exportation of arms and munitions to one or more of such contending factions; and

Whereas there has been for more than two years last past continuous strife and armed conflict between various contending factions within the Republic of Mexico and the different States thereof; and

Whereas the enforcement of such law and the proclamation putting same in effect has, as is shown by the evidence taken by the Senate committee under Senate resolution 335, Sixty-second Congress, second session, caused attacks upon American citizens residing or temporarily being in Mexico, the destruction of the property of such American citizens, the holding of such citizens for ransom, and has resulted in engendering between such and other American citizens and the great mass of Mexicans feelings of antagonism and distrust, and is destroying the traditional friendship between the people of the two countries; and

Whereas it is the desire of the Government of the United States to remain entirely neutral and to take no part, directly or indirectly, in the internal affairs of the Republic of Mexico, and to restore and maintain the friendship and good feeling heretofore existing between the citizens of the two countries: Therefore

Resolved, etc., That the joint resolution of March 14, 1912, amending the joint resolution of April 22, 1898, authorizing the President to prohibit the exportation of arms and materials of war, etc., be, and the same is hereby, repealed.

Mr. FALL. Mr. President, Senate joint resolution No. 43 provides for the repeal of a resolution adopted by the Congress of the United States on March 14, 1912.

I desire to call the attention of the Senate, first, to the fact that the resolution of March 14, 1912, was evidently adopted under a misunderstanding of the effect of the resolution itself or of the law then in force, which it was sought to amend; second, that the object of the adoption of the resolution at that time, as expressed upon the floor of the Senate, has not only not been attained, but that the results have been diametrically opposed to those which the persons who offered the resolution stated they desired to bring about.

The preamble of Senate joint resolution No. 43 largely expresses its purpose, and I shall not take up the time of the Senate to read either the resolution or the preamble.

The joint resolution of March 14, 1912, as it has operated, has changed the law of the United States as it existed from the inception of this Government down to that date. Not only has it changed the statute law of the United States, but it has changed the policy of the United States, and has changed the rules of international law, as understood and followed by the United States and by every other country on the globe, without an exception, so far as I know. There certainly has been no action taken by The Hague tribunal, nor by the declaration of Paris, nor by any other body of which I have any knowledge, which has initiated in any country on this globe any such policy as we initiated by the passage of the resolution of March 14, 1912.

I am not going to read the debate upon this question in the Senate, which was very short. When the resolution was offered, on March 14, it was taken up for discussion immediately and was passed on the same day. It was stated in the debate at that time that the resolution of March 14, 1912, was an amendment to the neutrality laws of the United States then in force; that it was intended so to be; and that instead of increasing or enlarging the powers of the President under the act to which it was intended to be amendatory it really restricted the powers of the Executive to some extent. The statement was made that by a change of the resolution passed on April 22, 1898, a portion of our antiquated neutrality laws would be amended so as to bring those laws up to date.

The statement was also made at that time that the necessity for the passage of the resolution was that American citizens across the border in Mexico were fleeing for their lives, and that the continued exportation of arms and ammunition into Mexico would jeopardize the lives, the liberty, and the property of American citizens across the border.

I wish to touch upon these two propositions. The resolution itself, the law as it stands, provides:

That the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, approved April 22, 1898, be, and hereby is, amended to read as follows:

Remember, Mr. President, that in the statement of the case this resolution of April 22, 1898, was directly referred to as a part of the neutrality laws of the United States, and that it was sought by the resolution of March 14, 1912, to amend those neutrality laws.

That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Section 2 has been recently passed upon directly, and its meaning explained, in a case before the Supreme Court of the United States, decided within the last three weeks. That section is as follows:

That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding $10,000 or imprisonment not exceeding two years, or both.

Instead of being part of the neutrality laws, the resolution of April 22, 1898, was a war measure. It was no part of the neutrality policy of this Government at all. It was adopted by the two Houses of Congress two days after the resolution was passed recognizing the independence of Cuba and authorizing and directing the President of the United States to use the land and naval forces of the United States to carry out the purposes of that resolution. It was for the purpose of preventing the exportation of coal from the seaports of this country to places where it might fall into the hands of the Spaniards, against whom war was declared directly on the same day. It was only about 10 days after the McKinley message calling the attention of the Congress of the United States to the fact that it was the duty of this Government to intervene in the war between Spain and Cuba, or at least in so far as the troubles then existing in Cuba were concerned. It was purely a war measure for the protection of our own Government, never dreamed of as a neutrality measure. Yet, possibly through some misunderstanding, this resolution was treated as a neutrality law, and amended so that an American person selling goods in St. Louis, Mo., to his regular customer in Matamoras, Mexico, Juarez, Naco, Nogales, Veracruz, the City of Mexico, or anywhere else, under the decision of the Supreme Court of the United States, rendered in the Chaves case within the last three weeks, is guilty of a crime for which he may be punished by two years' imprisonment in the penitentiary and the infliction of a $10,000 fine.

Mr. BACON. Mr. President, I presume the Senator will not object to interruptions?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. Certainly. I do not object to interruptions.

Mr. BACON. If the Senator will investigate the history of the resolution to which he has referred, I think he will find that while it is true that the resolution was passed through the two Houses of Congress on the date stated by him, it was introduced some time prior to that.

Mr. FALL. Which resolution—that of April 22?

Mr. BACON. Yes.

Mr. FALL. No; that is not the case.

Mr. BACON. When was it introduced?

Mr. FALL. It was introduced in the Senate of the United States on Saturday. On Monday, I think, or Tuesday the 22d day of April, Mr. Quay reintroduced the same resolution, and it passed the Senate on that day, and passed the House on that day.

Mr. BACON. When was it first introduced in the House?

Mr. FALL. The resolution which passed was the Senate resolution. It was introduced, and then for some reason was withdrawn because of the objection of Senator Gorman, of Maryland, was reintroduced by Senator Quay, of Pennsylvania, and passed on the 22d of April, as a war measure.

Mr. BACON. I do not speak from any definite recollection.

Mr. FALL. I have before me an extract from the RECORD.

Mr. BACON. My impression is that the Senator will find that the resolution was introduced in the House some time prior to that, and that its original purpose was to enforce our neutrality laws. I am not definite in my recollection, but it is my general recollection that it originated in the House.

Mr. FALL. Mr. President, I am absolutely definite in my recollection and in my statement.

Mr. BACON. I do not understand the Senator to be definite in reply to my inquiry as to when the resolution was originally introduced in the House.

Mr. FALL. I have stated as definitely as I could. I do not know whether the resolution had been introduced in the House on Saturday or not. I know that this resolution was introduced on the 22d, and passed, and the purpose of it was expressed in the debate in the Houses of Congress. I have before me extracts from that debate, on pages 4170 and 4171, where Mr. Gaines stated "That the object of the resolution was to stop sending coal supplies to nations that are friendly with Spain," while Mr. Hull said, "That it puts it in the power of the executive department of the Government to stop the shipment of coal or war ammunitions to any place where they may likely reach the Spanish Government."

Mr. McEwan asked, "If it would not be better to prevent the exportation of these materials from any point in the United States? This simply prevents exportation from any seaport. There is remaining the Mexican frontier and the entire Canadian border."

Mr. Dockery asked, "If the resolution would apply to provisions," and Mr. Hull replied, "It would apply to anything used in war." Mr. Dockery stated that his reason for asking was "That a number of shipments have been recently made to the Spanish army by certain merchants in New York, and I was in hopes that it would be far-reaching enough to stop the trade in army supplies." Mr. Hull answered, "That will be in the discretion of the President."

Mr. President, the question as to whether this was or was not a war measure is absolutely settled by the debate in both bodies. It is immaterial whether it was introduced after the receipt of the McKinley message and after the introduction of the resolution providing for the freedom of Cuba and authorizing and directing the President of the United States to use the land and naval forces to bring that about. The resolution for the freedom of Cuba was then under consideration in both branches of Congress and was pending. It makes no difference whether the debate was on the 20th, the 21st, or the 22d. As I have stated, this was a protective measure for the Government and not a neutrality policy to be inscribed on the laws in opposition to the policy which had been ours since 1793. Yet it was stated here, and the resolution was passed by the Senate undoubtedly on the assumption, that the resolution of March 14 was an amendment to the resolution of April 22, as a neutrality measure.

I wish to call the attention of Senators on the other side to some of the expressions of opinion as to the policy of the Government, which were so lightly set aside, I think, by mistaken action. I call this matter to the attention of Senators on the other side and Senators on this side, because the neutrality laws of this Government of ours have never constituted a partisan question.

In 1793 Thomas Jefferson wrote upon this subject to the British minister, who had made complaint that merchants and others in this country were supplying arms and munitions of war to the enemies of Great Britain. Mr. Jefferson said, on May 15, 1793:

> Our citizens have been always free to make, vend, and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, does not require from them such an internal disarrangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned and that, even private contraventions may work no inequality between the parties at war, the benefit of them will be left equally free and open to all.

Right here I want to call the attention of the Senate to the fact that that policy, as announced by Jefferson, has been followed by every prominent man, by every statesman, by every official who ever spoke upon this subject, so far as I have been able to read; certainly in every declaration of every such statesman or official when such declaration was necessary upon an inquiry from any foreign power or when the question was raised on either side of the legislative branch of this Government. Never until last year, on March 14, was a contrary policy advocated for even one moment by anyone of whom I have read, or anyone of whom I have heard. The law of nations, of every other Nation but this, is now that the citizens of a nation can sell to the citizens of any other nation, whether they are at war or not. If the thing sold is contraband of war, then, of course, such contraband is subject to seizure by either of the belligerents.

But what is the condition here? Our citizens are arrested within the confines of their own country by the armed forces of the United States and sent to the penitentiary without warrant of law. The houses and the stores of our own citizens on American soil are being broken into, without warrant of seizure, by the armed forces of the United States, as happened recently in El Paso County, Tex. In that case arms and ammunition, still in the original cases, for their own protection against a threatened attack of Mexican raiders from the other side, against which we are not protected, were broken open, and such arms and ammunition were seized and taken away from the owners by the military forces of the United States. Within the last 10 days this seizure has been set aside, by order of the Secretary of War. Within the last three weeks the Supreme Court has declared that if that merchant, or any other merchant anywhere in the United States, consigns to Mexico in the ordinary course of trade a bill of goods containing arms or munitions of war, he is liable to two years' imprisonment and $10,000 fine.

Instead of leaving it to Mexico to protect herself the taxpayers of the United States have been required within the last two years to expend millions of dollars to maintain the land forces of the United States upon the Mexican border and the naval forces of the United States along the coast of Mexico, to protect some faction of Mexicans fighting some other faction of Mexicans.

Mr. SMITH of Arizona. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. FALL. With pleasure.

Mr. SMITH of Arizona. It is interesting in the line of what the Senator is discussing to advert to a dispatch in the morning paper to the effect that a man has been called from Oregon or Washington down to the town of Phoenix, because he carried an aeroplane across the border into Mexico. Because of that act he was brought that distance at the expense of the United States.

Mr. FALL. I thank the Senator from Arizona for calling my attention to that instance. I will say further that I am not going to instance one case after another, but the policy is that the American cattleman on his cattle ranch along the border today does not dare to live on the other side or undertake to do business on the other side with any dependence except upon himself for protection, because he knows that the United States Government has disavowed him. The consequence is that this man with his six-shooter swung around him, carrying it on the other side for the protection not only of his property but of his children and his wife, by crossing the line and depositing his six-shooter on this side and undertaking to return on business to his family, taking his six-shooter from the place where he has deposited it, is arrested by United States troops without warrant of law and turned over to the United States Government and sent to the penitentiary for two years and fined $10,000.

That is the way this remarkable neutrality law fastened on the people of the United States is operating. I shall refer as I proceed to the operation of it within Mexico itself.

Mr. President, following Mr. Jefferson, on August 4, 1793, three or four months after Jefferson's doctrine was enunciated and sent out to the people of the world, Hamilton, in his Treasury circular, wrote:

> The purchasing within and exporting from the United States by way of merchandise articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war and is not to be interfered with.

The same doctrine was repeated by Mr. Pickering, Secretary of State, during the course of his correspondence with Mr. Adet, minister of France, on January 20 and May 25, 1796.

It has been laid down by the Supreme Court of the United States in the *Santissima Trinidad* case (7 Wheat., 283) and in all the other cases which came before it prior to the Chavez case.

Mr. Clay to Mr. Obregon, April 6, 1827, reiterated the same doctrine, and it has been held to be the law and the policy of the United States, as well as its international law, from that day down to March 14, 1912.

President Pierce, in his message on December 3, 1854 (see p. 957); Mr. Seward, Secretary of State, in a communication to Mr. Romero on December 15, 1862; Attorney General Speed, in an opinion in 1865; John Quincy Adams, in his Memoirs; Mr. Fish, Secretary of State, to Mr. Lopez Roberts, Spanish minister, in 1869, and again in a note to Mr. Cushing, our minister to Spain, in 1876; Mr. Bayard, Secretary of State, to Mr. Garland, Attorney General, in 1885, as well as to Mr. Becerra, in the same year; Mr. ROOT, then United States attorney at New York, to Mr. Garland, Attorney General, a case in which Attorney General Garland calls the attention of the then district attorney of New York, Mr. ROOT, to the fact that it was reported a ship was sailing from one of the harbors in the city of New York loaded with arms or munitions consigned to some person or firm in Colombia. Mr. ROOT promptly replied to him that, in accordance with his desire, he would issue a warrant for the arrest and detention of the ship, but that under the law and policy of the United States in the event it was disclosed that the arms and munitions of war were bought in the ordinary course of business from citizens dealing in such arms, then there was no authority of law under which the ship could be held.

It was so decided by the court; it was so decided by those charged with carrying out the policy of the Government at that time; it was so decided by Mr. Bayard.

Mr. Blaine to Mr. Lazcano, in 1891; Mr. Foster to Mr. Peraza, in 1892; Mr. Harmon, Attorney General, in 1895; Mr. Olney to Mr. Dupuy de Lome, on July 15, 1896, and every other official or statesman in this country without any exception until the act of March 14, 1912, which I now ask the Senate to repeal, was foisted upon this people under the statement, at least undoubtedly believed by the Senators who made it, that the exportation of arms and munitions of war to the Orozco forces in northern Mexico might tend in come way to injure Americans.

Mr. President, I called the attention of the Senate at an early day after my entrance into this Chamber to the operation of this law and the effect it was having upon the interests of Americans in Mexico and to the fact that up to the time of the enforcement of this law there had been little or no loss of American life or American property in Mexico. Only in a few isolated cases had there been any attempt to interfere with Americans in the full enjoyment of their property rights and of their liberty. Not an American up to that time had been seized by either of the contending factions in Mexico or held for ransom. Since that time I could fill the CONGRESSIONAL RECORD to overflowing with the names and dates when Americans have been seized and held for ransom by the partisans of one or the other contending factions, and in arresting them invariably the statements were made that it was in retaliation for the action of the United States in the enforcement of the act of March 14, 1912.

The whole policy of this Government, Mr. President, as was stated before in this Chamber by myself with reference to the policy of the last administration, has been absolutely wrong, clearly wrong; wrong to the people of Mexico and outrageous to the citizens of the United States who have been there and who are there.

It is said, Mr. President, that if you go across the border of the United States you take your life in your hands. We attempt to extend the trade of this great country. We tell the Japanese, the Chinese, and all the nations of the world that we would like to have their trade. "We will let you have any article of commerce at almost any price you choose to pay for it." But when our merchants send out their representatives,

their business men, to reside in South America, Central America, Japan, China, or anywhere else, they go there with the understanding that "dollar diplomacy" is a thing of the past and that "grape-juice" diplomacy has taken its place. What the difference may be, I can not say; I do not know. I do know, however, that when you do state definitely to the other nations of the world the fact that American citizens residing in their boundaries can be attacked with impunity, that they can be despoiled of their property with impunity, then you strike the deadliest blow which was ever given to the trade of the United States—this great commercial Nation.

Mr. President, I am not going to take up the time of the Senate to go into matters in detail. I promised to close as rapidly as I possibly could; but I want to call the attention of Senators to the records in this case.

A committee was appointed by this body to investigate matters along the Mexican border and in Mexico in connection with an investigation as to whether American citizens had anything to do with inciting or fomenting the revolution against the Government of Diaz in Mexico. In the course of that investigation statements were obtained which are published as a Senate or a Senate committee document. Nine hundred and eighteen pages of statements were taken and are published in this record, statements of American citizens in Mexico, and every American citizen who testified upon the subject testified to the effect that prior to the passage of the resolution of March 14, 1912, their property had been practically exempt from seizure; that their lives had been safe throughout Mexico; that none at least of the armed forces upon either side—and there are a dozen different sides in Mexico—had interfered with Americans because they were Americans; that if there had been any interference it was only incident to some sporadic case of looting or robbery; that subsequent to the passage of the joint resolution American property has been endangered in every State of the Republic of Mexico, particularly in the States along the American border; that as was stated to the witnesses by the Mexican leaders, the officers of both the federal army and the revolutionists, it was due entirely to the fact that they intended to retaliate upon Americans in Mexico and hold them responsible for the action of this Government in unwarrantedly intervening as they were doing in the protection of one faction against the other; that they proposed to make the Americans there pay for the cartridges which they had to pay three times the regular price for because they could not get them across the border except at an enormous cost by smuggling.

Salazar wrote a letter which is embraced in this statement. He is the federal now at Juarez, who is leading the defense of that city against the attack of troops of Villa. Salazar has a letter here which was handed to the then President of the United States, Mr. Taft, in which he says that Americans must not come back across the border to attend to cattle branding and other business. Why this action of Salazar? Because three days before he had attacked the federal post at Palomas, which is a port of entry in Mexico, and had killed or taken prisoners all the garrison who were within a mile of our line. The federal garrison had been getting supplies, arms, and munitions from this country; it had been getting flour, meat, and all the supplies which they needed and were able to pay for. When Salazar took charge of the port and sent his wagons and teams across into the United States to buy arms and munitions and to pay with his gold for flour to feed his starving men his flour was seized by the armed forces of the United States and confiscated and the men were put in the military prison and his teams were confiscated and sold. Do you wonder, then, that when they get an unprotected American on the other side they make him pay in some measure for the damage which this Government is directly inflicting upon them?

I am speaking now of the Mexicans, but, Mr. President, I can certainly appeal to the Senate in behalf of the trade of the United States with Mexico. It is not an illegitimate trade. It is one which we have always been engaged in, one which is recognized as legitimate by every other nation in the world, and by this has been recognized as absolutely legitimate until the passage of the joint resolution.

I am simply going to put into the RECORD citations to the evidence of certain witnesses who appeared before this committee to corroborate my statement and I will not read the evidence itself. There is the testimony of E. C. Houghton, page 9. Mr. Houghton is the representative of E. D. Morgan & Co., the Bliss estates, and others in New York, and manages large, rich ranch property in Mexico. He was driven away from it, and can not go back there. He can not brand his cattle, although he was informed by a man close to the former administration that he had better make a private deal with the bandit, Salazar. He did so, and he paid Salazar $7,500 to allow him to brand his calves. After the money was paid, Salazar drove the calves off, sold them, and put the money in his own pocket. On page 65——

Mr. BACON. I should like to inquire of the Senator, with his permission——

Mr. FALL. Certainly.

Mr. BACON. If he has a copy of the proclamation issued by the President under the joint resolution?

Mr. FALL. It is simply warning the people of the United States. I have it, but not here before me.

Mr. BACON. What I wished to ask the Senator is whether any exception was made in that proclamation.

Mr. FALL. I will have it in a moment. The Senator from Ohio is courteous enough to look for it. The proclamation, however, simply recites this act. There had been a neutrality proclamation, as in all cases of this kind. It has always been the custom of any administration to issue a proclamation to its citizens that they must observe neutrality when there was war between two foreign countries. That, of course, was issued.

Following that was the proclamation of the President of March 14, to which I have referred and which I am now discussing. Under that, millions of dollars of American property have been destroyed and 80 American lives have been lost, almost entirely attributable to this law and to this proclamation.

Mr. BACON. Mr. President——

Mr. FALL. Sixty-two million dollars, Mr. President, admitted damage had been done to American property five months ago, when I saw the last consular or embassy report—that was about the estimate.

Mr. BACON. The Senator did not catch the purport of my prior inquiry.

Mr. FALL. I understood the Senator to inquire as to this proclamation.

Mr. BACON. No; the Senator was urging that the joint resolution, which is a law, was operating unjustly to some people.

Mr. FALL. Yes, sir.

Mr. BACON. And that some were made to suffer under it while others had relief.

Mr. FALL. Oh, Mr. President——

Mr. BACON. If the Senator will pardon me a moment.

Mr. FALL. All right.

Mr. BACON. For that reason I asked the Senator whether the proclamation made any exceptions in favor of either party or whether if such exceptions were in practice found they were without regard to the proclamation. I have sent for the proclamation with a view to seeing whether any exceptions were made.

Mr. BURTON. It makes no exception, I will state to the Senator.

Mr. BACON. No exception?

Mr. BURTON. It seems to make no exception.

Mr. BACON. Very well. If there are no exceptions it is not the fault of the law if any injustice has been done to anyone.

Mr. FALL. I wish to call the attention of the Senator to the fact that he asked me some questions along this line when I spoke here in August, and I stated to him at that time and told the Senate that there were exceptions; that the Madero government was being absolutely protected and allowed to get arms and ammunition wherever it pleased; that the insurrectionists against the Madero government could not get them; and that American citizens were being shut up for selling them through a port which to-day belongs to the Madero adherents and to-morrow belongs to Orzoco, or to-day to Huerta and to-morrow to Villa; selling them in the ordinary course of business, shipping to merchants in Mexico; to-day you would be damned for selling and to-morrow praised.

Mr. NORRIS. Mr. President——

Mr. FALL. I will call the attention of the Senator on this point to a specific instance. Here is an official communication from the Chief of the Coast Artillery and Acting Chief of Staff under date of June 18, 1913:

> In answer to your letter of the 17th to Gen. Wood, who is out of town, I have the honor to inform you that the arms, equipments, etc., which were turned in by the Mexican Federal troops at Nogales and Naco, were shipped to the American consul at El Paso.

We do not recognize the Huerta government, and still this Government not only allows its citizens to sell to the adherents of Huerta in violation of good faith, as I understand it, but this Government itself directly violates neutrality, as I understand the term, by delivering arms to the Huerta government. The day before yesterday—I may say to the Senator I will get the facts if he wants them—128 rapid-fire guns and two or three carloads of ammunition for shipment, through sales by American merchants, for Matamoros, Mexico, were seized by the armed force of the United States on this side and confiscated.

Why? Because Matamoros is in the hands of Carranzistas in opposition to the Huerta government. Those are the exceptions. The Senator stated two or three of them here.

Mr. BACON. If the Senator will pardon me, the only exception recognized by the law is the exception made by the President of the United States.

Mr. FALL. The Senator knows that the proclamation forbids the shipment of arms intended to incite or foment domestic disturbance contrary or against the constituted government of Mexico. That is what the proclamation says, and that is what the law says, that whenever the President in his discretion may find shipments of arms and munitions from this country which may tend to incite revolution against the recognized government of an American State, he has it in his power to prevent it. Naturally, he has construed it not to direct him to exclude the shipments to a recognized government.

Mr. LODGE. Then, I understand the Senator to state that the examples prove the statement that we permitted arms to be shipped to the Madero government?

Mr. FALL. You did.

Mr. LODGE. But not to those in insurrection against it; and now we are permitting arms to be shipped to one government but not to the other in Mexico.

Mr. FALL. That is it exactly.

Mr. LODGE. That, I understand, is the Senator's position.

Mr. FALL. That is it exactly. I have an instance occurring under the former administration. I have in the office files an official document showing that a ship with arms going to Vera Cruz was seized by United States authorities under this very proclamation, but by order of Mr. Taft, over his own signature, was released because it was going to the Madero government ports for the use of Madero.

While this administration has not recognized the Huerta government, under the direction of somebody arms and ammunition surrendered to our troops on this side are being returned to the Huerta government, while arms and munitions bought in the ordinary course of trade, destined to a port which happens to be in charge of the Carranzista government—which is the government of the State of Coahuila and all the States in secession—shipped to Matamoras by our citizens on this side are seized; and if they choose to bring an indictment against the merchants who sold the arms in the ordinary course of trade, under the decision in the Chavez case they are subject to imprisonment in the penitentiary and a $10,000 fine.

I say to you, Mr. President, that the whole course of this Government—and I speak of this administration as well as of the last administration—has been ruinous to American interests and has been shameful, and that this act now upon the statute books is a stain upon such statutes and upon the laws of this country.

Mr. NORRIS. Will the Senator yield to me there?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. Certainly.

Mr. NORRIS. I should like to inquire of the Senator what the effect would be if we pass his resolution repealing the present law? Would our merchants then have a right to sell to any one of the factions?

Mr. FALL. To anyone who would come and give his good gold; and then it would be his lookout as to whether he got them across the line. If our merchants sold them to be delivered at Juarez, and Salazar should seize them before they were delivered, our merchants would lose them, if they were to be paid for on delivery; on the other hand, if they were destined for the Huerta faction, and Mr. Carranza should seize them, our merchants would lose them. Under the neutrality law they are contraband of war and subject to be seized by either of the belligerents; but the doctrine which I am insisting upon, Mr. President, is the American doctrine, and the doctrine of the civilized world, that our merchants should be free to sell wherever they please, to whomsoever they please, taking simply the responsibility of dealing in contraband of war, which is subject to seizure by either belligerent.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. FALL. With pleasure.

Mr. WILLIAMS. I want to suggest to the Senator from New Mexico—I do not know whether he has dwelt upon it or not—that the doctrine he is trying to reinstitute was the doctrine of this Government under George Washington's administration and has been ever since. We declared at that time that our merchants sold at their own risk, but they had a right to sell.

Mr. FALL. I am glad the Senator has made his statement. I will state to the Senator, for his information, that I have just read an extract from the official communication of Thomas Jefferson, dated May 15, 1793, to the British minister, and then Mr. Hamilton's circular, and the communications to the French minister and to all other nations and all other people. The Hague tribunal has never sought to go any further than simply to provide for the seizure of contraband of war. It has never sought to provide that any nation should not sell freely to any other nation, whether at war or not, except under that penalty.

Mr. LODGE. They sell at their own risk.

Mr. FALL. They sell at their own risk, of course, just as Jefferson said, touching contraband of war; our merchants sell at their own risk; aside from that, they shall not be curtailed in their right to sell.

I had commenced to read when I digressed, Mr. President, from the testimony in this case in the document of the committee to which I have referred, appointed under Senate resolution No. 335. I want to call attention—and I want to get this in the RECORD, so that Senators, if they so desire, can see it for themselves—to the sworn testimony of reputable American citizens as to what has been the effect of the maintenance of this resolution upon our statute books.

E. C. Houghton, page 9; Julius Romney, page 65; David Gough, page 33; Charles M. Newman, pages 39 and 43; George A. Laird, page 14; H. S. Stephenson, page 372 and also 811; William N. Fink, page 692; Mayor Kelly, of El Paso, Tex., page 452; Charles K. Warren, Three Oaks, Mich., page 800; Price McKinney, of Cleveland, Ohio, of the firm of Corrigan, McKinney & Co., page 805; L. P. Atwood, page 496; and V. H. York, page 720.

Those are a few of the witnesses who testified upon this direct subject. Every other particle of testimony touching the subject at all corroborates the evidence of these witnesses to the effect that until the proclamation of March 14, putting in effect this law which was mistakenly supposed to be an amendment to the neutrality law—until that proclamation went into effect, Americans, as well as citizens of any other country, were protected in their property, while since then, as shown by Mr. Fink, superintendent of the San Toy Mining Co.—an American company with 5,000 stockholders in this country—who in his little mining camp within 12 miles of Chihuahua, where the Federals claimed to have a garrison of 7,000 men, was seized and held for ransom. The Federal troops were notified at once, but refused to go to his assistance. The American consul was notified at once and wired the State Department of the United States Government. The department replied that they had wired the City of Mexico to afford Mr. Fink all protection. Five thousand troops, or, as they claimed, 7,000 troops, were within 16 miles, and yet no attempt was made to go to his assistance. He knew the men who had seized him. He spoke Spanish well. They demanded $5,000 ransom. He called upon them as friends, stating that he was a poor man, had only his salary, and doubted whether his company would put up a dollar ransom for him, stating that he had always been their friend. They said "yes," personally, and you are so now, but your Government is ruining us; the policy of your Government in intervening is causing our women and children to starve and our men to shed their blood. It is your fault. We must have cartridges with which to defend ourselves. We must buy them from some source; we must have the money with which to buy them. Your Government is depriving us of the right to buy them across the border. We pay three times the price for every cartridge because we are compelled to smuggle them. We are now buying from the Federal troops in the city of Chihuahua cartridges at 10 cents apiece. If you will furnish us with 50,000 rounds of cartridges, we will turn you loose; if you do not, we must have from you $5,000 with which to pay the Federal soldiers for the cartridges which they are selling us." That is from the sworn testimony of a reputable American citizen.

Mr. President, I do not want to weary the Senate, and I shall close by saying one or two words upon another subject connected directly with this.

Mr. NORRIS. Mr. President, before the Senator leaves that point, I should like to ask him whether it would not be possible, without changing any law, for the President to recall the proclamation that was issued by virtue of the particular resolution which the Senator wants to repeal?

Mr. FALL. Undoubtedly.

Mr. NORRIS. Would not that give complete relief?

Mr. FALL. Absolutely; because the law is not self-acting. It can only be put in effect by the President. Of course, that would afford immediate relief. My whole insistence is that it was never the intention of the Congress of the United States deliberately to change the policy of this Government inaugurated by Jefferson and Washington. I do not believe that when Congress understands fully the effect of it and how this law is be-

ing enforced, it will allow it to remain upon the statute books; but it has been within the power of the administration at any time simply to revoke that order.

I want to say to the Senator who has asked the question, that I have had this matter up with the last administration, and I have called the attention of the present administration to the fact that such acts as these of which I have been speaking, and also allowing so-called Federal troops to go through American territory when they did not dare follow the insurrectionists through the mountain passes, allowing the Federals to take trains in safety at El Paso and head off the revolutionists going from Chihuahua to Sonora or from Sonora to Chihuahua—such acts as these have emphasized upon the minds of the Mexicans of the north that the Americans who have always been friends of those people of the north have for some reason now turned to their enemies.

Mr. President, I myself personally have done business in Mexico for 31 years. I have had as many as 5,000 of these people working for me at one time in Chihuahua and Sonora. I have lived with them in their camps; I have had my daughter and my family in Mexico in little outlying Mexican camps, where there were not two Americans, and I have left them there in absolute safety, feeling that they would be protected and that they were in no danger whatever. I am sorry to say that I can do that no longer, and I speak knowingly when I say that the change of conditions, the change in the minds of the Mexicans of the north in their opinion of and treatment of Americans is due absolutely to the suicidal and farcical policy of these two administrations.

Mr. BACON. In what particular?

Mr. FALL. If the Senator does not understand in what particular, I am afraid it is impossible for me to impress it upon him. I have been devoting myself for some little time to that attempt, and I am sorry that I am not so fortunate in the choice of language as to inform the Senator.

Mr. BACON. I accept the Senator's criticism and acknowledge my obtusity. I simply desire to know from the Senator, if I do not render him impatient by making the inquiry——

Mr. FALL. Not at all.

Mr. BACON. Whether he limits it to the criticism he has already made or whether he has anything else in his mind?

Mr. FALL. The entire policy. If you want to know what my opinion is, if that is what you are attempting to get at, as to the attitude of the present administration toward the so-called Huerta government, I can say that one thing that any Democrat and any American, in my judgment, has a right to be proud of is the fact that this administration has refused to recognize a treacherous assassin, a man who, trusted with the safety of his President and armed by that President for the protection of his so-called government—of which I had very little opinion, as Senators know—this man, intrusted with the personal safety of his President and with the protection of what government they had, should have assassinated him and taken his place.

I shall not criticize other nations of the world; they have their own code of diplomacy, but I have criticized the diplomatic actions and policy of this Government which I desire to criticize, and I am perfectly willing to yield my admiration to the present administration for its refusal to recognize the so-called Huerta government.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. FALL. With pleasure.

Mr. POINDEXTER. If the condition of affairs is as described by the Senator from New Mexico, so far as the enforcement of the joint resolution which he is now seeking to repeal is concerned, I understand that this Government, through its agencies along the border, is practically acting as an ally of the Huerta government, and notwithstanding its refusal to recognize the Huerta government as a government it is rendering it, perhaps, a far more valuable service in allowing it to buy and receive munitions of war from this country, while it is refusing the opponents of that government that privilege.

Mr. FALL. That is the position in which the Government is placed. I can show further, Mr. President, along that line that the Senator from Arizona and myself made certain protests to the State Department of this Government a short time ago, which were listened to to some extent, against the action of the Government in regard to the troops, to the number of some seven hundred fighting men, who were forced to cross the border at Naco and at Nogales, whipped by the Carranza forces, driven out of Mexico, and pursued to the border, Gen. Ojeda himself having been dragged across the border by an American officer, to get him away from his pursuers. They surrendered their arms to our American soldiers, were kept there and fed at the expense of the United States Government, and then started across the territory of the United States, under guard of American soldiers, to be delivered back to Huerta. The arms and munitions had already been sent to the Mexican consul at El Paso. Two hundred and ninety-four of these troops arrived at El Paso and were met by three Texas Rangers, ordered out by Gov. Colquitt, with instructions not to allow one of these Huerta troops to land there from the military train. We, as I say, protested. It appears to be rather uncertain as to what became of some of the troops. Gen. Ojeda, the hero, who had announced through the American press to the American soldiers and to his countrymen that he proposed to die in his tracks before he would surrender or was conquered, running from his pursuers, was dragged across the American line by a friendly American officer and allowed to proceed to Guaymas, and has been in charge of the defense of that city against the men who ran him out of the country at Naco.

Mr. President, the 294 troops who arrived at El Paso are still there on the military reserve at Fort Bliss, because the Texas authorities will not allow them to go off. They would not allow the Huerta soldiers to be taken from the train in the Union Station, but compelled them to go out to Fort Bliss, where they are yet, being fed at the expense of this Government.

Need I refer to other acts of invidious distinction, Mr. President, calculated to make the opposing class in Mexico rather antagonistic to the United States? It seems to me, sir, that if a case could be established that this case has been.

Mr. President, I am not going to take up any more time of the Senate than to say this: I have referred to the investigation which was made by a committee of the subcommittee of the Foreign Relations Committee of the United States Senate with reference to Mexican affairs. I was placed upon that committee by the Senate itself by a joint resolution passed, I believe, two days after the committee was appointed.

Mr. President, the direct subject of investigation at that time was the question as to whether or not American corporations or American interests on this side had furnished money with which to incite or foment the revolution of Madero against the Diaz Government. I want to say that after a most thorough examination of all the evidence we could obtain, and some which it was impossible for me to place in the hands of the committee, coming from private sources which I would not dare to name and can not name to-day, I not only became convinced that no American company, corporation, or individual in this country had furnished the money with which that revolution was brought about, but I became convinced, and have evidence absolutely conclusive to myself, as to where the money did come from.

I have been anxious that the committee might get together and consider some of these matters, and, if possible, arrive at some conclusion. In view of the fact that the committee has not met for that purpose, I simply desire now to make this statement as strongly as I can make it. Our American business interests are being attacked from different directions at this time. If I, by my testimony, can show that one attack upon them at least has not been well founded, I feel it my duty, not only as a member of the committee but as a Senator, to refute such charges.

Mr. BACON. Mr. President, this is a matter of very grave importance, and I presume the joint resolution will go to the Committee on Foreign Relations. At least, I shall ask that it shall do so. Before making that motion, however, I wish to say a word with regard to the matter which has been brought to the attention of the Senate by the Senator from New Mexico, in order that the record may be correct.

It is true that the conditions now are entirely different from those which existed at the time the resolution of March, 1912, was adopted. At the time of the adoption of the resolution in March, 1912, there was a duly recognized Government in Mexico, of which Madero was the head. The revolution which was in progress presented the distinct aspect of a revolution by a portion of the people who were attempting to overturn an established and a recognized government. There is no doubt about what was the purpose of the Congress in the adoption of this resolution. The purpose was to discourage revolution in Mexico. The Senator from New Mexico is entirely mistaken if he thinks this resolution was adopted inadvertently, or without a distinct and direct purpose to be accomplished by it.

The Senator would indicate, from his criticisms upon what was done at that time, that the purpose was only to protect American citizens who were across the border by refusing the export of arms which might be used against them, and he now says that that purpose has been so signally defeated that the directly opposite result is now flowing from the operation of this law. The fact

is that this resolution was adopted in consequence of communications which came to the United States Government, and I may say to the President of the United States, presented by the authorities of the State of Texas. At that time, I repeat, Madero was the recognized, legitimate head, and his Government the recognized, established, and legitimate Government of Mexico.

It was represented to the President of the United States by the authorities of the State of Texas that the territory of the State of Texas was being used as a base where revolutionary organizations were being made, and from which revolutionary expeditions were being sent, for the purpose of disturbing the peace and overthrowing the authority of the established Government in Mexico, and that that was having the effect not only of putting in jeopardy the lives of Americans who were beyond the Mexican border but of creating disturbances and endangering life and the safety of property in the State of Texas.

Upon that representation, the President of the United States—and I do not think I am violating any propriety in stating these facts—sent for the Committee on Foreign Relations, of which I was then as now a member, but of which then the Senator from Illinois, Mr. Cullom, was the chairman; and most of the Senators who are now members of that committee were then members of it. The matter was one which was recognized not only as affecting the United States in general but as affecting particularly the State of Texas. While the members of the Committee on Foreign Relations were invited to go to the White House for the purpose of conferring with the President on the subject, the two Senators from Texas were also invited to be present, and were present. This emphasizes the fact which I have stated, that the complaint came from the authorities of the State of Texas, that the territory of Texas was being used for illegal purposes with a view of destroying a recognized and an established government.

There is no doubt, as I say, about the purpose of the resolution. It was to prevent the shipment of arms and munitions of war from Texas into Mexico, the design of which was to revolutionize that Government and to disturb the peace and overthrow the laws of that country.

As I say, the condition has changed. There is now no recognized government in Mexico so far as this Government is concerned. I am very frank to say, as I have said elsewhere, that I think the determination reached by our Government in that particular is a proper one, for the reason that in my view the Huerta government is as distinctively a revolutionary government as is the government which is headed by a Mexican chieftain whose name I do not now recall in the northern part of Mexico. We have now presented the condition of two contending factions in Mexico, neither of which we recognize to be the established government of the country, and each of which is perhaps entitled, the one as much as the other, to whatever privileges recognition may confer in the way of opportunities offered for carrying on the war.

That is a matter to be determined. It is a question whether or not it is to the interest and best policy of this Government to prohibit to any of the parties in that country the opportunity to secure arms and munitions of war for the purpose of carrying on the internecine war, or whether the door should be thrown open and each should have the same opportunity that is afforded to the other.

Mr. FALL. Mr. President, I have listened to the Senator so far with a great deal of pleasure, and I should like now to ask him a question.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. Certainly.

Mr. FALL. The Senator has had a great many years of experience, as he says, in diplomatic matters. Would it be contrary to all the rules of diplomacy if he would tell the Senate now just what he thinks about this matter and what ought to be done under the existing conditions?

Mr. BACON. Does the Senator mean as to arms?

Mr. FALL. I mean, first, as to the shipment of arms; second, as to the matter of the treatment by this Government of its citizens who are in Mexico.

Mr. BACON. Mr. President, the Senator asks me a question which it would take me a good long time to answer, if I were to give all the views which I think I might possibly entertain, or do entertain, as indicating what we should do there in each particular. If the Senator means to inquire of me whether I think the Government of the United States ought to intervene in Mexico, I shall be very prompt to answer his question.

Mr. FALL. I did not ask the Senator for his reasons. I asked him if he had any opinion. That would not take long to express.

Mr. BACON. No; the Senator will pardon me, but he can not put me in a position which I do not occupy. I have said nothing about reasons. I said if the Senator desired me to give my opinion as to whether or not the Government of the United States should intervene in Mexico, I would give it to him very promptly. Does the Senator understand that?

Mr. FALL. Yes; the Senator understands it. I did not ask for any such opinion, however. I asked the Senator for answers to two distinct questions. I did not ask him for his opinion upon either of those matters, but simply as to whether he could answer those questions; and, if so, whether it would be contrary to his ideas of what was true diplomacy to give me answers to them.

Mr. BACON. Mr. President, at one moment the Senator says he is asking me for my opinion and not for my reasons; and, then, when I propose to give him my opinion he says he does not ask me for my opinion. Therefore, I must confess, I am a little at a loss to know how I am to answer the Senator's questions.

Mr. FALL. Then I might ask, making the distinction which the Senator understands, as a lawyer, between a decision and an opinion, whether he has arrived at a decision on any phase of the Mexican question except that the United States should not intervene?

Mr. BACON. Yes.

Mr. FALL. I make that distinction between a decision and an opinion because I do not want an opinion.

Mr. BACON. I have not the right to decide the matter, consequently I shall insist on giving my view as an opinion, with all due deference to the very fine and metaphysical distinction drawn by the learned and distinguished Senator from New Mexico.

In my opinion a citizen of the United States in Mexico is entitled to exactly the same protection that a citizen of the United States in any other country is entitled to when he gets into trouble—no more and no less. I do not think it is practicable for the Government of the United States to go into Mexico and extend its physical protection to a citizen of the United States, and redress his wrongs in Mexico without armed intervention. I know of no way in which the Government can physically extend protection to a citizen of the United States in Mexico, or redress wrongs by force and compulsion in Mexico, other than by force and intervention. Possibly the Senator from New Mexico does know some way in which that can be done.

Mr. FALL. No, Mr. President; if the Senator will yield for a moment.

The VICE PRESIDENT. Does the Senator from Georgia further yield to the Senator from New Mexico?

Mr. BACON. Certainly.

Mr. FALL. The American people in Mexico have not asked for intervention, Mr. President. They have asked that the present diplomatic policy of the United States be done away with just for a little while, and that we go back to true Jeffersonian and Hamiltonian principles in our diplomacy.

Mr. BACON. Diplomacy can not enforce anything in Mexico or anywhere else outside of the territory of the United States Government. Diplomacy may secure redress, but not through force. Diplomacy stops when force begins to exert its power. Everybody knows that. Fine words can not make a distinction which does not exist. Therefore, I say that while it is our duty to extend in all possible ways our assistance to citizens of the United States in Mexico who may be in trouble, we can not undertake by force to give protection to a citizen in Mexico except by armed intervention.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. BACON. Certainly.

The VICE PRESIDENT. The Chair desires to announce that the Chair seems not to be addressed, and has not been today.

Mr. LODGE. The Chair is quite correct.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. The Senator speaks about diplomacy and the inability to enforce it. As a general proposition of course that is quite true. But under treaties and general international law we, in common with all other nations, have certain rights in regard to which it is possible for diplomacy to do a great deal.

Mr. BACON. Oh, yes.

Mr. LODGE. A short time ago a German was killed in Mexico, and his wife and I think a child or some one else with him, under circumstances of the most revolting cruelty. Through the German minister, without any threat of war, but through diplomatic methods, they got within a few days, as soon as the facts were known, an indemnity of 100,000 marks

for that German and his family. If I am correctly informed, some 80 Americans have been killed in Mexico, and I do not know how much property has been destroyed. If we have received any indemnity, either under the last administration or under this administration, I have failed to discover it.

Mr. BACON. All that may be true.

Mr. LODGE. Diplomacy can do a great deal after all.

Mr. FALL. Will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Georgia further yield to the Senator from New Mexico?

Mr. BACON. If the Senator will permit me, I should like to reply to the Senator from Massachusetts before I yield to the Senator from New Mexico.

Mr. FALL. I simply want to add another matter to that which has been stated.

Mr. BACON. The statement made by the Senator from Massachusetts in no wise conflicts with the proposition submitted by myself. That is, that it is the duty of this Government to do for any citizen of the United States who may be within the territory of Mexico just exactly what it would do for any one of its citizens in any other country when that citizen got into trouble, and that whatever can be accomplished by diplomacy or any other method short of force should be accomplished. Possibly the Senator was not in his seat when I made that statement, or I would not have been the subject of his criticism.

Mr. LODGE. No; I was not. I simply heard the Senator's last statement. But if the Senator will permit me, and then I will not interrupt him again, my complaint is that all that diplomacy can effect——

Mr. BACON. Should be done.

Mr. LODGE (continuing). Which is very much when it is backed up by its own government, as the consuls and ambassadors ought to be, has not been done in Mexico. Our consuls have not been backed up. On the contrary, I am certain that they have received in times past—I will not say under this administration, but under the last, perhaps—a very definite warning, the old French warning, "Not too much zeal." My contention is that we have not done all we ought to do through diplomatic and consular channels.

Mr. BACON. Does the Senator mean, when he uses the term "backed up," that they should be backed up by other than diplomatic methods?

Mr. LODGE. I do not.

Mr. BACON. Then there is no trouble between the Senator and myself.

Mr. LODGE. Oh, certainly not.

Mr. BACON. I go as far as he does.

Mr. SMITH of Arizona. Suppose diplomacy utterly fails?

Mr. LODGE. That is another question.

Mr. BACON. When diplomacy fails, then it is a question whether or not force shall be used.

Mr. FALL. Mr. President, may I ask the Senator a question?

Mr. BACON. One moment; let me reply to the Senator from Arizona. I will give the Senator from New Mexico all the time and all the opportunity he wants.

The Senator from Arizona asks what shall be done in case diplomacy fails. When diplomacy fails, it is then always a question for every Government whether or not the controversy is one which will justify a war or whether it shall be submitted to arbitration. Those are questions to be determined when the contingency arises. The time certainly has not yet come when we can say with propriety that we will go to war with Mexico or decide that we will submit the matter to arbitration. There is no authority there with whom we can arbitrate; and the time has not come when, by reason of the injuries which have been inflicted upon our citizens, we should resort to war.

Mr. SMITH of Arizona. If the Senator will permit me, how long, then, would civilization permit to go on the crimes which are constantly being perpetrated there, and we the nearest neighbor? I believe that was the excuse given for our intervention in Cuba—that crimes against all the laws of civilization were being committed.

Mr. BACON. The Senator means to inquire how long we shall stop before we intervene by force. Is that the meaning of the Senator?

Mr. SMITH of Arizona. How long it shall continue.

Mr. BACON. Is that what the Senator means when he asks how long it shall continue? Does he mean how long we shall permit it to continue before we make armed intervention in Mexico?

Mr. SMITH of Arizona. Yes, sir.

Mr. BACON. Mr. President, that brings me to a suggestion which I did not intend to make, but which I think the question of the Senator from Arizona and what has been said by the Senator from New Mexico probably justifies that I should make.

ASSIGNMENT OF DISTRICT JUDGES.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2251) to amend chapter 1, section 18, of the Judicial Code.

Mr. O'GORMAN. I move that the bill be recommitted to the Committee on the Judiciary.

The motion was agreed to.

EXPORTATION OF ARMS TO MEXICO.

The Senate resumed the consideration of the joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, etc.

Mr. BACON. Mr. President, I think the question of the Senator from Arizona should be replied to. I think the Senator has put the matter in a shape which was evidently in the mind of the Senator from New Mexico, but the Senator from New Mexico would not come square up to the scratch. That is the difference between them. The Senator from New Mexico and the Senator from Arizona evidently desire that this country should intervene forcibly in Mexico and endeavor by its Army and Navy to reestablish order. Mr. President, that is a very large proposition.

Mr. SMITH of Arizona. If the Senator will permit me——

Mr. BACON. I was replying to the Senator's inquiry.

Mr. SMITH of Arizona. I wish to say that the Senator puts me in an attitude that I do not entirely entertain. I was asking for information from the large experience of my friend the Senator in such questions as to how long a civilized country can sit idly by and see its citizens murdered and its property destroyed; its sailors from its own battleships on the streets of a city, when unarmed, shot down by officers or alleged officers of that country. I was asking the Senator's judgment.

I will also add that the destruction of their own property has gone to a point where they are now utterly unable to respond in damages for what we have already suffered from them. How far, I ask, under those circumstances shall it go before the last resort must be had?

I was not giving it so much, as the Senator supposed, as my present purpose to advise intervention in Mexico, but rather to get the Senator's idea as to how long we should delay before the last step is taken.

Mr. BACON. Mr. President, the inquiry of the Senator when he recites certain facts as a predicate for his inquiry means only one thing, and that is whether under the circumstances narrated by him the time has come for intervention. So there is no difference, at least, between the question as I presented it and the question as propounded by him now.

I can not go that length, Mr. President. But I just want to say one thing. In the first place, everybody who gives this matter any reflection recognizes that intervention in Mexico does not mean a temporary incursion or a temporary occupation. It means an occupation of that country by a great American Army to stay there for a generation, and then in all probability, and in the judgment of those who have given the matter the most thought, for all time. We should certainly give ourselves pause before we do that.

It is an easily demonstrable proposition that it would be much cheaper for the United States Government to pay not only for every dollar of damage that has been inflicted by these disorders in Mexico upon the property and persons of American citizens, but also to pay for every particle of property owned in the Republic of Mexico by American citizens than it would be to go to the expense which would be involved in a war of that kind, interminable as it would be, and involving consequences which would necessarily revolutionize our own institutions, besides imposing another great pension list the burden of which would be borne by our people for two generations to come.

Mr. President, as to what we will do in Mexico I want to say one word, and I will be glad if the Mexicans themselves can hear it. It is that the responsibility is upon them for the restoration of order in that country and for the erection and maintenance of a civilized and an orderly government, capable of enforcing law and of putting down revolution.

And, Mr. President, what I particularly want to say is that there is but one thing necessary to be done to accomplish that, and that is for the better class of the people of Mexico—those who have the education, those who have the social standing, those who have the property—to be willing to take their lives in their hands for the purpose of maintaining order in their own country.

It is a fact, Mr. President, if my information is correct, that the class of people of whom I have spoken are not willing to take their lives in their hands for the purpose of maintaining order, of enforcing law, and maintaining established government in that country; that men who have property, white men, the intelligent classes, the social classes in Mexico, sit back and are unwilling to take arms in their hands for the purpose of establishing order in Mexico. Whenever they are willing to do that there is no trouble about their establishing order in Mexico. If that were the condition in this country, there would be white men who would take arms in their hands and risk their lives and shed their blood for the purpose of restoring order and maintaining good government; and order can be restored and good government can be maintained in Mexico whenever the white men of Mexico are ready to risk their lives for that purpose.

Mr. President, I have made some inquiry about this matter. I have asked how many white men there are in the city of Mexico. I am told that there are between two and three hundred thousand white population in the City of Mexico. That means at least 40,000 white men between 18 and 45 years of age who can be enrolled in an army, and 40,000 white men, if put into an army, can rule Mexico under present conditions. Forty thousand organized and disciplined white men, intent on restoring good government can easily put down the roving bands of revolutionists in that country.

I have inquired how many white men there are in the Republic of Mexico. I am told that there are three and a half million white men. I am told that of the entire three and a half million it is only here and there that a white man can be found who is willing to risk his life for the purpose of restoring order in the country. They are sitting back in personal security and letting brigands, because they are nothing more, enlist all the revolutionary, anarchistic elements in that country, people who like the license of war and plunder and ravage under the forms of war; and it is nothing in the world but brigandage. They are perfectly willing that their country should be tramped and marked from one end to the other by these irresponsible bandits, and they sit back in security in their clubs and in their city residences and on their estates and are unwilling to take arms in their hands for the purpose of defending their own country against anarchy and rapine and unbridled license.

When the men who own the property, the men of social and business standing, the men having the most at stake, are not willing to spill their blood to protect themselves and their property and social institutions they are calling upon the United States Government for help. They would involve us in an expenditure of untold treasure and have this country shed its blood for the purpose of establishing government and maintaining law and order in that country when they themselves are not willing to take the risk that they demand of us for that purpose. When these white men in Mexico do their whole duty and fail, when they take their lives in their hands in an honest effort to save their country and fail, then it will be time enough to look to us for aid.

Mr. SMITH of Arizona. Mr. President——

Mr. BACON. Let the Mexican people hear us, and let them know that it is known in the United States that the men of position, the men of property, the men of social standing, the men who pride themselves on their lineage are not willing to take their lives in their hands in order to have good government in that country, and that they are sitting back supinely and asking the United States Government to do it. For one I shall never agree to it. I do not know whether I have made myself definite or not. The Senator from New Mexico talks about my dealing in diplomacy. If that is diplomacy, let us have some plain talking.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. BACON. I do.

Mr. SMITH of Arizona. I do not know what white people the Senator refers to in the Republic of Mexico. As to the white Americans in Mexico, there are very few of them citizens of that Republic.

Mr. BACON. I am not speaking of them at all. I did not have them in my mind.

Mr. SMITH of Arizona. Of the Americans there, a large number are poor people working for wages on property there belonging to Americans. As to the people of Mexico, as far as my observations have gone and from what reading I have done of that country, it is a question of pure jealousy between the leaders of the parties and as to which one should do the ruling.

Mr. BACON. Exactly; and the men who should do the ruling, the men who should decide matters, are carefully taking care of themselves and trying to take care of their property, and particularly, above all things, trying to avoid the spilling of a drop of their own blood. That is what my information is. If I am wrong, if it be true that the white men of Mexico are not thus abandoning their duty, if it be true that they have arms in their hands, of course that presents a different question; but I understand that about the only white men in the field are generally leaders of these revolutionary bands, or aspiring to be such. If I am misrepresenting them, I am ready to retract it in the same place where I have made the charge.

Mr. President, I do not believe there will ever be a question about the truth of it, because I have made this inquiry from men in position to know, and I am told it is a fact that the men who have property, the men who have education, the men who have social standing, the men who have most to lose by revolution and most to gain by a well ordered and established government, will not take arms in their hands for the purpose of endeavoring to secure conditions in Mexico which would make their lives and their property safe and their institutions in harmony with that of other civilized nations.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. I do.

Mr. NORRIS. I should like to ask the Senator in reference to the joint resolution that is now before the Senate whether, in his judgment, the United States Government ought to treat the two present contending factions in Mexico the same, as far as permission to buy and transport arms and ammunition from this country is concerned?

Mr. BACON. Mr. President, I want to speak frankly to the Senator. I prefer that that question shall be carefully considered by the committee. I do not hesitate to say, though, speaking personally, that in the absence of a recognition of Huerta and in the belief which I entertain that his government is as much of a revolutionary government as that of the government now organized and having arms in the field in northern Mexico, in my opinion, we should, as far as practicable, equalize conditions between them.

Mr. NORRIS. As I understand it, we are not doing that at the present time.

Mr. BACON. If we are not, it is not due to the joint resolution of March 14, 1912.

Mr. NORRIS. Probably not.

Mr. BACON. That is what I wanted to call attention to. The joint resolution of March 14, 1912, does not make any difference between them. If the joint resolution is being complied with, there is no authority for any distinction between them, because the proclamation of the President prohibited the shipment of arms and munitions of war and did not distinguish between one party and the other party.

Mr. NORRIS. I understand there is a discrimination now.

Mr. BACON. Not under the joint resolution.

Mr. NORRIS. No; but under the operation of the joint resolution and the proclamation of the President there is a difference made between arms and ammunition going to the so-called Huerta government and the so-called insurgent government; and if there should be a difference, would it not follow that the Government logically ought to recognize——

Mr. BACON. If there is any difference it is the difference being made by the Executive order or by those who have charge of the enforcement of the law, who are doing it without Executive order, but it is not due to any defect in the joint resolution.

Mr. NORRIS. I might be wrong about it, but as I understand the situation it could have no legal effect until put in operation by the proclamation of the President, and the President did issue such proclamation, and it is under that proclamation that the discriminations take place.

Mr. BACON. The Senator is mistaken.

Mr. NORRIS. It is not by virtue of the proclamation, because the proclamation does not make any distinction. It may be done in violation of the proclamation.

Mr. BACON. Perhaps it is in violation of the President's proclamation. Very well; that is an entirely different proposition.

Mr. NORRIS. I concede it is. The question I was trying to get the Senator's opinion on is whether under existing conditions the two contending factions in Mexico should not be treated exactly alike by our Government.

Mr. BACON. I think the Senator will bear witness to the fact that I have answered that question.

Mr. NORRIS. I rather think the Senator has.

Mr. BACON. The Senator is repeating it as if I had not.

Mr. NORRIS. The Senator answered it, but said several other things incidentally that indicated to me at least that he had not answered it, and I wanted to call his attention particularly to the question.

Mr. BACON. I wish to say simply this, that while that is the present impression upon my mind, and it appears to me to be just and right, at the same time it is a matter of such gravity that I would not be willing to act without the careful consideration of the committee which is specially charged with the consideration of questions of that kind. I might be the only member of that committee who thought that way. I do not know. I think, anyhow, that the matter should be very carefully guarded, because we must bear in mind the fact that the origin of the joint resolution was dealing with an evil in the State of Texas, and it came before the Congress of the United States through a representation made by the President of the United States in consequence of an appeal made by the authorities of Texas. So we have not only in the question what regulation shall be made to look to the question of justice between these two contending revolutionary factions, but we have to carefully guard the interests of our own people, not only in Mexico but more particularly our people on our side of the line, because every man who goes on the other side necessarily goes there with a knowledge of the fact that he takes a risk when he goes in any country of that kind.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I notice on page 3258 of the RECORD of March 13, 1912, a statement made with reference to the joint resolution in which the name of Texas is used, and then the purpose of the joint resolution is set forth. I stated this, I think, in my opening, and I will read it from the RECORD. The statement made by the Senator from New York [Mr. ROOT], and it was the only statement made with reference to it, was the following:

> The situation in Texas is such that it does not admit of delay for the purpose of the general reform of our neutrality laws, and the people of Texas are deeply interested in having this extension of power to the President made immediately.
>
> With the extension of the application of the joint resolution from seaports to all places in the United States, the committee thought it was advisable to put some limitations upon the power which is included in the existing law, and so the power of the President to forbid the exportation of arms and munitions has been limited to countries in which he finds that domestic violence is being promoted by the procurement of arms and munitions of war from the United States. At the same time a penalty is affixed for the violation of the prohibition.
>
> The conditions are such that thousands of Americans in Mexico are now fleeing from their homes there and are abandoning their occupations, their mines, their manufactories, and their business because it is necessary to do so to prevent their lives from being destroyed by arms and munitions which are being sold and transported across the border from the United States.

Mr. BACON. Yes; that is true; but it is also true, as stated by me, that the initiation of this matter was due to an appeal by the authorities of the State of Texas, and that, in recognition of that fact, when the President of the United States invited the Foreign Relations Committee to meet with him in the White House, with the Secretary of State present—I am not sure that it was the Secretary or whether it was one of his assistants, but certainly the State Department was represented—it was recognized by him at the same time that Texas was so immediately interested in it that the Senators from Texas should be invited to be present, and that they were present at that conference.

Mr. President, I merely want to say one other word in regard to the condition in Mexico and the responsibility resting upon the men who have the greatest stake in that country, to wit, the men who have the property, the men of intelligence, the men of education, and the men of social standing. As I have said before, in a discussion of this matter, it was suggested to me, when I spoke of the failure of the white men in that country to take arms in their hands and establish a government and maintain order, that they were scattered. It was then I made the inquiry as to the respective numbers, and I asked "How many are there in the whole of Mexico?" I was told there were about three and a half million white men in Mexico.

Mr. FALL. Does the Senator——

Mr. BACON. If the Senator will pardon me until I finish that statement—I have not quite finished—I will then yield to the Senator.

Mr. FALL. I suppose the Senator wants his statement to be correct.

Mr. BACON. I will yield to the Senator at the proper time, but not in the middle of a sentence.

When it was suggested that they were scattered I then asked the question, "How many are there in the City of Mexico?" I was told there were between two hundred and three hundred thousand. I take up the calculation where I left it off, that there is right in the City of Mexico an army large enough under present conditions, and in view of the character of the roving bands which kick up all the fuss in Mexico and keep up all the disorder and revolution, there are in Mexico City itself enough white men when organized to restore order and to establish a proper government; but when you come to talk about the entire white population of Mexico—and in this I have no reference whatever to Americans, but I am talking about Mexicans—three millions and a half of white people mean, at the very lowest calculation, a half million of men between the ages of 18 and 45 years; and who doubts the fact that that half million of men—interested in the property of that country, vitally interested in the establishment and maintenance of good government and in the enforcement of the law—if they are ready to take arms in their hands and use them, can restore order and establish the good government in Mexico that some are now indirectly or directly appealing to us to establish for them.

Now I yield to the Senator from New Mexico.

Mr. FALL. The Senator from Georgia seems to object, Mr. President, and I have no further desire to interrupt him. I will later make a statement which I think may possibly cast some light on the subject.

Mr. BACON. I did not catch what the Senator from New Mexico said.

Mr. FALL. I said that the Senator, it seems to me, objects to the Senator from New Mexico interrupting him.

Mr. BACON. That is an utterly unwarranted statement.

Mr. FALL. I leave that to the record, Mr. President.

Mr. BACON. I objected to the Senator interrupting me in the middle of a sentence, but stated to him that I would yield when I got through. The Senator well knows the fact that I do not object to his interrupting me.

Mr. FALL. I call the attention of the Chair to the fact that I have not addressed the Senator nor opened my mouth except after addressing the Chair and having recognition of the Chair and the Chair asking the Senator to yield, and then the Senator would invariably break in with the statement that he did not want to be interrupted at that time. That is what I have reference to.

Mr. BACON. But with the promise that the Senator would be yielded to and be permitted to interrupt, and he has been so permitted. When the Senator intimates to the contrary, he is not justified by the facts.

Mr. FALL. I disagree with the Senator from Georgia; that is all.

Mr. BACON. Mr. President, I move that the resolution be referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, I desire to say a few words.

Mr. FALL. Mr. President, will the Senator from Mississippi yield to me for just one moment? I want to put a statement in the RECORD if I can.

Mr. WILLIAMS. Certainly, I yield.

Mr. FALL. Mr. President, there has been a great deal of talk about the condition of affairs in Mexico, the wealth of Mexico, and so forth, and the property interests of Americans. I desire to call the attention of the Senate to the statement from the official records of the State Department—I will say that it is not exactly accurate, as I happen to know, but the proportionate amounts are approximately correct—as to the total wealth of Mexico and who holds it.

As to the total wealth of the Republic of Mexico, Mr. President—remember, now, that this leaves out very largely the land holdings and the land lot values—the Americans have $1,057,770,000 worth of property, and the Mexicans themselves, including all the real estate, town lots, and property of that kind, have $792,187,242. Of the total valuation of the property of Mexico to-day Americans from the United States own 48 per cent, while the Mexicans own less than 28 per cent. You would relegate us to diplomacy to recover our money through taxation, taxing ourselves 48 per cent to pay back to ourselves the money and the property of which we have been deprived.

Mr. President, I hold in my hand a full schedule taken from the consular reports in the office of the State Department, and, if possible, I should like to have it spread upon the record for the information of the Senate. It contains the American, English, French, Mexican, and all other totals and percentages of property owned in that Republic by the Mexicans and by other people.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and the paper will be printed in the RECORD.

The schedule referred to follows.

Wealth of Mexico.

Class.	Valuations.						Per cent.				
	American.	English.	French.	Mexican.	All other.	Total.	American.	English.	French.	Mexican.	All other.
Railway stocks	$235,464,000	$81,237,800		$125,440,000	$75,000	$442,216,800	0.5324	0.1837		0.2837	0.0002
Railway bonds	408,926,000	87,080,000	$17,000,000	12,275,000	28,535,380	564,416,380	.7245	.1553	0.0301	.0218	.0051
Bank stocks	7,850,000	5,000,000	31,000,000	31,050,000	3,250,000	79,050,000	.0993	.0633	.3921	.3928	.0411
Bank deposits	22,700,000			161,968,042	18,560,000	203,223,042	.1117			.7971	.0913
Mines	123,000,000	45,000,000	5,000,000	7,500,000	7,530,000	286,930,000	.7770	.1520	.0175	.0262	.0273
Smelters	25,500,000			7,500,000	3,000,000	36,700,000	.7221			.2047	.0732
National bonds	82,000,000	67,000,000	60,000,000	21,000,000		200,000,000	.2600	.3350	.3000	.1050	
Timberlands	8,100,000	10,300,000		5,700,000	750,000	24,750,000	.3272	.4162		.2303	.0263
Ranches	3,120,000	2,700,000		14,000,000		19,820,000	.1587	.1360		.7053	
Farms	900,000	700,000		47,000,000	1,250,000	49,970,000	.0192	.0152		.9406	.0250
Live stock	9,040,000			47,450,000	3,800,000	60,290,000	.1493			.7869	.0638
Houses and personal property	4,500,000	680,000		127,020,000	2,760,000	134,960,000	.0333	.0050		.9410	.0207
Cotton mills		450,000	19,000,000	6,000,000	4,750,000	30,200,000		.0149	.6291	.1987	.1573
Soap factories	1,200,000			2,780,000	3,600,000	7,580,000	.1583			.3668	.4749
Tobacco factories			3,238,000	4,712,000	895,000	8,845,000			.3661	.5327	.1012
Breweries	400,000		178,000	2,822,000	1,250,000	4,850,000	.1237		.0367	.5819	.2578
Factories, miscellaneous	1,000, 00	2,780,000		3,270,200	3,000,000	18,650,200	.5147	.1491		.1753	.1609
Tramways, power and electric light plants	700,000	8,000,000		5,155,000	275,000	14,190,000	.0536	.5638		.3633	.0193
Stores, wholesale	2,700,000	110,000	7,000,000	2,800,000	14,270,000	26,880,000	.1004	.0041	.2604	.1042	.5309
Stores, retail	1,680,000	50,000	680,000	71,235,000	2,175,000	75,800,000	.0222	.0004	.0090	.9398	.0286
Oil business	15,000,000	10,000,000		650,000		25,650,000	.5848	.3899		.0253	
Rubber industry	15,000,000			4,500,000	2,500,000	22,000,000	.6818			.2045	.1137
Professional outfits	3,000,000	850,000		1,360,000	1,100,000	7,110,000	.5063	.1181		.2294	.1552
Insurance	4,000,000			2,000,000	3,500,000	9,500,000	.4211			.2105	.3684
Theaters	20,000			1,575,000	500,000	2,095,000	.0095			.7518	.2387
Hotels	200,000			1,730,000	710,000	2,700,000	.0963			.6696	.2630
Institutions, public and semipublic	1,200,000	125,000	350,000	74,000,000	200,000	75,875,000	.0158	.0016	.0045	.9750	.0027
Total	1,057,770,000	321,302,800	143,446,000	792,187,242	118,535,380	2,434,241,422	[1].4345	[1].1320	[1].0589	[1].3259	.0487

[1] Average per cent.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia [Mr. BACON] to refer the resolution to the Committee on Foreign Relations.

Mr. WILLIAMS. If there are 500,000 white men in the Republic of Mexico who are not defending their homes and charging themselves with the maintenance of order, I apprehend that the trouble is that they are not armed. Unless the blood is peculiarly untrue to itself there, I can not account for the situation in any other way.

This debate has drifted very far from its moorings. The resolution offered by the Senator from New Mexico [Mr. FALL] is merely to repeal a resolution passed on March 14, 1912. So far as I am concerned, although it appears in the RECORD that I asked the Senator from New York a question concerning it, I did not apprehend that anything was being done except the strengthening of the neutrality laws of the United States. I had no idea that the time-honored neutrality laws and customs and practices of the United States were being repealed by an amendment to a war measure which was passed during the Spanish-American War. I should like to see the country go back to the principles which actuated it from the beginning and say to every American citizen, "You have a perfect right to sell arms or any other contraband of war, provided only you do so with the notice given you in advance"—which was given very far in advance, because I believe it was in the first year of George Washington's first administration, or, if not, the second year—"that you do your selling at your own risk." That is all there is involved in this joint resolution.

Mr. BACON. Mr. President, I repeat that I recognize that conditions have changed. It may be that this is a proper resolution to be adopted, but it ought to be carefully considered; and I have moved therefore that it be referred to the Committee on Foreign Relations.

Mr. FALL. Mr. President, I will say to the Senator that I have no objection to the consideration of the resolution by the Foreign Relations Committee, and, therefore, of its reference to that committee; but I do want to say that I am not a member of that committee, and I differ from some of its members very materially. I do not think that they understand, nor have they investigated, the conditions in Mexico and along our border. The conditions are exceedingly critical there. The Senator, I am going to say, will find himself in a position where he does not want to put himself nor put the United States by invoking just such action as he has been talking about now. You will have just such action before you want it, in my judgment, unless something is done to relieve the tension, and unless that is done soon, Mr. President, I fear that we are going to be dragged into a very much more serious situation than the chairman of the Foreign Relations Committee has the remotest idea of.

Mr. BACON. Mr. President, the Senator is probably not aware of the fact that the Committee on Foreign Relations have had considerable information in regard to this matter and have heard at length from parties who are well informed and who have been living in Mexico, one of them particularly, at the instance of the Senator from Arizona, who brought before us a very intelligent and well-informed man, identified with one of the largest industries in Mexico, who was heard at great length. We have also had others before our committee, but we will be very glad to have still further information; and I will say to the Senator that there will be no disposition on the part of myself, nor do I believe on the part of any other member of the committee, to delay a report in regard to this matter.

Mr. SMITH of Arizona. Mr. President, I have no purpose or intention of prolonging this debate. It has arisen unexpectedly to me, and what I may say here now must carry with it my confession of unpreparedness to properly discuss a question of such profound importance, not only to our southern sister Republic, with whom we have so long lived in amity, to our mutual advantage and happiness, but still more is it important to the honor and dignity of the United States and our responsibility to other nations and to the peace of the world. I have very pronounced opinions about the Mexican situation, but I shall endeavor to suppress the expression of much that I should like to say at this time, hoping that in the more quiet atmosphere of the Committee on Foreign Relations or in executive session of the Senate we may temperately reach such conclusions as is demanded of Congress by the unhappy and unfortunate conditions now confronting us. I want in the outset to say, in justice to my place on this floor as well as to the just sentiment of those who sent me here, that I share fully their opinions in regard to our previous course in the Mexican imbroglio, and I share the shame they feel when I see the course our Government pursued in failure to promptly and adequately act in protection of the lives and property of our citizens doing business in Mexico and at the invitation of that Republic and under the double guaranty of its law and the treaty obligations which subsist between that Republic and ours. Both the laws of Mexico and the treaty with us demanded fair and decent treatment of our citizens domiciled within her borders. This has not been accorded by Mexico. It should have been enforced by the United States. This could have been done in the first place by our Government assuming its ancient, time-honored, and proper attitude, by open proclamation, that the United States stood ready to protect its citizens on any inch of the globe, and that all force necessary would be used for that purpose.

Instead of that Mr. Taft warned, by proclamation, all citizens of the United States domiciled in Mexico to offer no resistance to any outrage but to peacefully get out of that country. This was tantamount to an invitation to Mexico to drive them out if the Americans failed to follow the advice of our President. Mexico accepted that invitation, acted on it, and, against every precedent of international law, against every dictate of justice, against every sentiment of modern civilization, that Republic proceeded to drive our people like flocks of sheep from their

homes, their business, and their last dollar of hard-earned property. The homes they left behind were destroyed, their crops ruined, and, penniless, hungry, and almost naked, they stood on their native soil, the objects of and the slight beneficiaries of our Government's charity. These people needed no charity from our Government; they deserved and should have had its protection. No better citizenship ever left our land or returned to it under such degradation.

Since the advent of Madero and the usual revolution attending any accession to power in that country our citizens have been appealing to the executive branch of our Government for that protection guaranteed by every civilized nation to its citizens, but their cry has been unheeded, and, as the Senator from Massachusetts [Mr. LODGE] has well said, "there has been a lack of even any sort of energetic diplomacy."

That our Government has often requested the Mexicans to cease their aggressions has been the most warlike, bristling, dangerous statement yet made, so far as I have been able to hear or see. I am not now criticizing the present administration, for it has inherited these difficulties and mistakes; but I make bold to suggest that the time has come for energetic and, if need be, drastic measures to secure the lives and property and peace of our people in Mexico.

The Democratic Party long ago wrote glorious history in defense of American citizenship. I confess to a prideful love of the old doctrine—the American historic doctrine—that a peaceful American citizen, obeying the law of the land where he is sojourning, has a right to expect and will receive from his home Government all proper protection, regardless of cost or consequences.

A government unwilling to go this far deserves the censure of its citizens rather than the love, the pride, and the devotion otherwise so generously accorded.

Mr. President, I have no feeling of antipathy against Mexico. I have reason for kindly feeling toward that unhappy land, for many of its people are personal friends of mine. I wish it no harm; but, on the contrary, desire to see and welcome its peace and happiness. Modern civilization, however, demands not only of Mexico, but of all nations, that needless and brutal and bloody war must cease within their borders. Civilization demands that Mexico should be pacified; that a civilized government should be permanently established there. And I believe it can be done without our intervention, which the Senator from Georgia [Mr. BACON] seems so much to fear or dread. In my judgment this can be accomplished by now, and at once, correcting the mistakes made by the Taft administration.

The Romero revolution against Diaz was aided by that administration, in that it permitted the alleged rebels to buy contraband of war supplies and whatever else they saw fit to purchase, free from any restraint or embargo imposed by our Government. When the revolution against Madero broke out, all at once our Government stood behind him and refused to permit any supplies—even of bread and meat—to be purchased by the revolutionists; these men, in large numbers, being the very men that fought in the ranks of Madero and had rebelled against him even as they and he had rebelled against Diaz.

I believe that if the Taft administration had acted in the rebellion against Romero as it acted in Romero's rebellion against Diaz not one life in twenty of peaceful American citizens would have been lost nor one dollar in the hundred of their property destroyed. But, be that as it may, we are confronted by great duties and equally great responsibilities at this very minute, responsibilities which must be met with firmness and justice, or even greater and more fateful problems will force themselves on us for a more tragic solution. If we longer daily—I forbear, as I fear to look on the unfolding drama. The time in utter fullness has come for a warning to Mexico, couched in no uncertain terms, directed to the inhabitants of that country under whatsoever leaders they act, regulars or revolutionists, that no further hand shall be laid in oppression on any peaceful citizen of this Republic abiding in their land, nor shall his property be taken from him except at the peril of our national displeasure, which will involve at last the decree of full satisfaction from the aggressor. Long ago such warning should have been given. If unheeded then, its penalties should have been enforced. It is a rotten, decayed Americanism that would excuse its failure of proper protection to its citizens under the easy plea that they had no business in Mexico, that they only went there to better their own condition, and that they should flee and leave all behind them when so directed. The Pilgrims landed on Plymouth Rock to improve their condition. Every man not born in the Western States went there for the same purpose. Every man of us has a right to go when and where he pleases for the same purpose, unless restrained by the laws of the country wherein we seek temporary domicile, and knowing that over our heads in all our lawful wanderings our country holds the shield of its protection. Outrages have been committed there against Americans that no money compensation could adequately measure. From correspondence as well as from the public press I am assured that men have been murdered there because they were Americans. That was their only crime.

As far as I know no compensation or redress has been demanded, no apology ever asked, and none certainly ever offered. These unspeakable outrages were visited on Americans because they were citizens of the United States, unshielded by their home Government and left, indeed, naked to their enemies. This statement is justified by comparison with the treatment accorded other nationalities similarly situated.

The Senator from New Mexico assured me the other day—if I fully remember his statement—that in the case of certain outrages on Chinese domiciled in Mexico, provision had been made by that Government to pay adequate and satisfactory damages to the Chinese Empire—or Republic, as now denominated—for the unwarranted assault on its subjects. This indemnity or redress was to be paid out of the loan then being negotiated by Mexico.

Of all the Americans killed in Mexico no offer of redress has been made, no excuse offered, no apology forthcoming. The inference is that China was more exacting in the face of national insult than we were, or else Mexico had more respect for China than for the United States, and made proper amends, out of a sense of decent duty to a friendly nation. These Chinamen were in Mexico just exactly as our citizens were in Mexico. Germany furnishes a more conspicuous example of national pride by collecting at once 100,000 marks for damages done several Germans in Mexico who were in that country under exactly the same circumstances and national guaranties that our 75 or 80 citizens were, who have been similarly killed by Mexicans and not one cent paid by Mexico or even demanded by us.

A still more conspicuous example claims our attention. In two battles between the warring factions in Mexico, one in Juarez opposite the city of El Paso, the other at Agua Prieta the little Mexican town just across the line dividing it from the city of Douglas, Ariz., many American residents of these two American cities were killed or wounded. American soldiers were near the line at both places.

They warned these factions not to fire across the line into our towns. No attention was paid to this warning. It was met with the usual contempt shown to us on all occasions. The then Secretary of State, when appealed to by the wounded and the representatives of the dead for redress, directed that those citizens wounded in their own town on American soil must first seek redress in the tribunals of Mexico before any right of diplomatic adjustment could arise. This monstrous proposition I met as best I could by introducing and having passed through this body a resolution creating a board of investigation, composed of officers of the Army of the United States, who proceeded under the terms of the resolution to El Paso and Douglas and took testimony and made findings as to the damages caused by this wanton violation of international law. On return of the report the Senate passed a bill to pay to the injured, out of our Treasury, the amounts found by the board and thus make the claim one by our Government against Mexico. The bill failed in the House, and at this session is again before the Committee on Foreign Relations of the Senate for action.

These incidents are cited to show that we have been long suffering and patient under boundless provocation. These outrages must cease. For the safety of our southern neighbor, for her prosperity and peace, I warn her, as I warn the Senate, that these intolerable outrages will have to stop or terrible reprisals will sooner or later follow.

Mr. VARDAMAN. Will the Senator yield for a question?

Mr. SMITH of Arizona. Certainly.

Mr. VARDAMAN. Are the State authorities not capable of dealing with the Mexicans who came on this side of the line and committed the crimes to which you refer?

Mr. SMITH of Arizona. The Senator evidently did not catch my statement fully. The Mexicans did not come on our side of the line; and if they had, I am sure the State would, as the Senator suggests, have found itself not only capable but quite willing to deal with the situation. The damage to our citizens was caused by the reckless firing of the Mexicans across the national line into our cities, and this after due warning from our people and the commanders of our troops stationed at these places. Right then and there was the time for our soldiers to cross the line and teach a lesson reviving the memory of Buena Vista, Sierra Gordi, Monterey, and Chapultepec. This should have been followed by the warning that wherever an outrage was thereafter committed against an American citizen in Mexico

the United States would not only demand redress but would, if necessary police with its soldiery the disturbing district to prevent similar recurrences.

Mr. President, what is to be the ultimate result of these frightful disturbances? Where and how will justice find a solution of the problems already presented? To the people of Mexico let us accord a proper desire to meet all international requirements by paying all proper damages to the injured sojourner within her gates and to the business interests which she has invited to her development. How are these damages to be paid? When are they to be settled? What revenue is to be found—from what sources raised—to meet the millions of dollars of damages suffered? As stated by my friend the Senator from New Mexico [Mr. FALL] over 40 per cent of all the property in the Republic of Mexico is owned by American citizens, while much of the remaining property there belongs to citizens of England, France, Germany, and Spain, with all of whom we are thus far happily on terms of perfect peace. I waive for the time any discussion of the Monroe doctrine and the obligations it may impose by demands of any of these powers on Mexico for redress of grievances and payment of damages. I think I discern some complications which it might be well to consider in advance.

In case we demand, as we surely must, that Mexico pay reasonable damages for wanton injury to life and property, where will the money come from? Inasmuch as fully two-thirds of the property in Mexico is alleged to belong to other people, then money derived from taxation must result in America, England, Germany, and Spain paying taxes on their own property to recoup the loss occasioned by the destruction of most of it. The property of our own citizens must be taxed to pay back to themselves the damages sustained by them. By the time they had paid themselves from such sources nothing of theirs would be left to tax.

I have no desire to proceed further. I have said this much merely as a warning to the Senate, and especially as a warning to the Republic of Mexico if, perchance, my words shall reach that far. I repeat that civilization and humanity demand the pacification of Mexico. Pray God that Mexico herself may find in herself virtue and courage enough to accomplish speedily that great result.

Mr. GALLINGER. Mr. President, I desire to ask the Senator how he explains the fact narrated by the Senator from Massachusetts [Mr. LODGE] that when a German subject was killed in Mexico and demand for reparation was made the Mexican Government promptly paid an indemnity to Germany, while it seems that numerous American citizens have been killed and no reparation whatever has been made?

One further observation: A citizen in my State, with a partner or two, has $400,000 invested in Mexico. He went to Mexico a while ago to look into that matter and to make some inquiries. He asked a gentleman, I think in Mexico City, to introduce him to a Mexican official. The gentleman said to him, "I will introduce you as a German, but not as an American. If you want any favors, you must not come here asking them as an American." He said he was introduced as a German, and as he has a name that sounds somewhat like a German name he received courteous treatment, although his property had been practically destroyed. How does the Senator explain the difference?

Mr. VARDAMAN. Will the Senator, before he takes his seat, tell me when that conversation occurred? Did it occur recently?

Mr. GALLINGER. Very recently.

Mr. VARDAMAN. This year?

Mr. GALLINGER. This year.

Mr. SMITH of Arizona. It is as simple as any proposition can possibly be. They have respect for Germany. Our treatment and our actions in that behalf have been such that they have no respect for us. When the commander of the German war vessel went to the Madero Government and told it that there had been an outrage committed on a German citizen, he demanded in the name of the Emperor indemnity for it. He was told, so I have been informed, "Congress is not in session and we can not pay without warrant of Congress." He replied: "Well, I will not go back on board my vessel until I get it." He got the 100,000 marks.

What did the people that you and I know ever get from that Government for similar damages?

Mr. President, our people did not go as wild adventurers into Mexico. Every inducement was held out by that Republic to American capital. We were invited there under promise direct of full protection. Our people accepted the invitation in good faith, and carried millions on millions of dollars, and spent it in paying labor an unprecedented wage in developing the great resources of that country. And when all this money and the labor of years besides is turned to Dead Sea fruit, gentlemen here say to us we had no business going there. But these retorts come from a class of men who never went anywhere. And Jamestown and Plymouth would mark all American progress up to this hour if men only such as these had sprung from the loins of those heroic pioneers who braved the unknown deep and established the first settlements on the eastern shores of this continent.

Particularly was this invitation of Mexico extended to the members of those Mormon colonies who settled on land granted by the Republic, and to whom every guaranty of protection was accorded. These men were American citizens, and in all our land there has not been found a more frugal, industrious, courageous, law-abiding citizenship, and in all Mexico there was no settlement that did more by example to teach the natives the art and the value of agriculture, and the equally important lesson of obedience to law, the rewards of honest industry, and the happiness of peace.

These men and women were not afraid of work, nor were they afraid of foes. They had the will and courage to defend themselves against brigands and robbers. But after they had through years of toil established comfortable—yes, prosperous—homes they were told by our then President not to resist any aggression, but in case of any trouble to come away and leave behind the accumulation of years of patient toil. Thus admonished they could not resist and were driven back penniless to our shores. Their houses, as I have before said, were destroyed; their stock confiscated in mere wanton, devilish malice; their household furniture was demolished, carpets cut in shreds from the floor, and the land which they had made to bloom was left unto them desolate. No protest from our Government was ever made to Mexico as far as I know. If made, it was never heeded. Their condition on returning to their native soil was such that common justice forced me to appeal to Congress and persuaded Congress to give from the Public Treasury many thousand dollars to relieve their hunger and clothe their nakedness. It was humiliating to our national pride to so use the national funds, and far more humiliating to these brave and self-reliant people to be forced from necessity to accept it. These men, some of them burdened with the weight of many years, are starting out again where in youth they started, to provide, if may be, a shelter from the storms of their last days. In the light of these facts do you wonder why the ordinary Mexican in Mexico has no respect for an American within her borders, and equally as little respect—yes, worse than that, actual contempt—for our Government? This is mildly illustrated by their offer to pay $500 for each American killed by the Mexicans firing across the line into the cities of Douglas and El Paso.

In vain does the Senator from Georgia [Mr. BACON] appeal to the patriotism of what he designates as the white men of Mexico. It will not move them to action in the pacification of their own country, nor will his impassioned appeal to their patriotism protect one American life in Mexico or guarantee one dollar of American property against extortion or confiscation. If their own patriotism does not avail to protect themselves and their property from violence at the hands of their own neighbors, how worse than vain it is for us to hope that protection will be accorded to our people.

Mr. President, the question is grave and urgently presses for a quick and just settlement. Under present conditions we can not recognize the present Government. We are equally prohibited by various reasons from recognition of belligerency. One thing to my mind is sure and clear, and that is that the order issued by President Taft preventing our trade in anything we please with Mexico or any of its citizens should be rescinded. The resolution presented by the Senator from New Mexico [Mr. FALL] should be reported to the Senate and passed at once. If we refuse to give due protection to our own citizens, we should at least permit them to buy and bear arms for their own protection. If Huerta can not suppress insurrection in Mexico, why should we lay embargo on American trade with the people of Mexico? A tragic comedy of errors—if you will permit the paradox—has attended our whole dealing with this delicate subject. It is up to Congress to act. While I hope without hope that this Congress will adjourn at an early date, I further and more earnestly hope that before it ends we shall give to this question the consideration that national self-respect and common civilization so urgently requires at our hands and some means other than taxation of the injured may be found to pay the damages inflicted.

Mr. BACON. I should like to ask the Senator a question. The Senator deprecates the possibility that when damages are paid, a large proportion of the indemnity money will be raised from

taxation upon property owned by Americans in Mexico. That is what I understood the Senator to say.

Mr. SMITH of Arizona. Yes.

Mr. BACON. I should like to ask the Senator from what other source the money is to be obtained for the payment of indemnity, except the source of general taxation on all property in the country?

Mr. SMITH of Arizona. Oh, we had one other settlement with Mexico before. The question does not even need an answer.

Mr. BACON. What I mean is that the Government itself can not get the money to pay indemnity except in the very way the Senator deprecates.

Mr. SMITH of Arizona. Yes; it has other ways of payment.

Mr. BACON. How?

Mr. SMITH of Arizona. If I were going to have my way, I would make an arrangement of this kind with Mexico, if the Senator wants my real opinion about it——

Mr. BACON. Yes; I do.

Mr. SMITH of Arizona. I would take, under an agreement with them, the Colorado River, which is already troubling our people, under an order of one of the departments, from its mouth clear up into Colorado. I would extend the line of Arizona from the corner of New Mexico straight to the West until it struck the northern part of the Gulf, and I would make provision with Mexico to take in southern California.

Mr. BACON. I understand the Senator now.

Mr. SMITH of Arizona. Then, from these sources—and if these are not enough, I would have enough more added to the northern boundary—let our Government itself realize the money to pay the damages which our people have already sustained, and which Mexico is unable to pay otherwise.

Mr. BACON. Very well. I am very glad I asked the Senator the question, because we now know exactly what he is after. Before that I was a little troubled to know how an indemnity was going to be had which would not include in the burdens imposed the proceeds from taxation upon property situated in that country which belongs to American citizens; but the Senator has made that plain.

Mr. SMITH of Arizona. Let me ask the Senator a question.

Mr. BACON. I understand the Senator fully.

Mr. SMITH of Arizona. It may be, but I do not understand the Senator from Georgia fully.

Mr. BACON. The Senator now proposes to take a big section of that country. My opinion is that whenever we yield to such appeals as we have now and undertake to police—which means nothing else than invade—that country by an armed force, we are going to take not only the particular little section that the Senator refers to——

Mr. SMITH of Arizona. I protest against the language of the Senator. I did not say that. I did not say "take."

Mr. BACON. What does the Senator mean?

Mr. SMITH of Arizona. I said I would make an arrangement, if possible, with the Republic of Mexico whereby we would be put in possession of, or "take," if you please, under that restriction, this particular part of her territory. Let me ask the Senator a question.

Is the Senator ready, then, out of the magnificence of his desire to see that we maintain perfect relations with that country, to vote out of the Treasury of the United States, unequivocally, damages for the people of the United States that have been outraged in Mexico?

Mr. BACON. Most undoubtedly not.

Mr. SMITH of Arizona. Undoubtedly not? Then how are you going to get damages for our citizens outraged in Mexico?

Mr. BACON. I suppose that when we get them it will have to be in the way of money received by the Government of Mexico from general taxation. But I understand the Senator's proposition to be—I do not know what word to use in the place of "take"—to get in some way, without taking, the northern quarter of Mexico as indemnity.

Mr. SMITH of Arizona. That is not a proper statement. I never made any such statement as that. I did not include one one-twentieth part of the northern quarter of Mexico in my statement.

Mr. BACON. I was mistaken about the geography, then.

Mr. SMITH of Arizona. Mr. President, this colloquy reveals the different sentiment prevailing here. No Senator here feels a sympathy deeper than mine for the present unhappy condition of Mexico. No man here or elsewhere desires more than I to see our sister Republic prosperous, peaceful, and happy. Yet, while animated by this desire for her glory, I owe an equal—yea greater—obligation to our citizens and our own honor as a Nation. No conquest of Mexico could add anything to our renown; no war with her is necessary if her people will cease depredations on our people and make reparation for damage already done. Civilization demands this.

The common dictates of humanity require it. Decent respect for our rights would secure safety and peace to our citizens domiciled in Mexico. Such decent respect must be accorded. These depredations must cease or the consequences and all responsibility for them must rest on the offending country. This is no time to daily. Any further delay in enforcing our just demands for peace and order in Mexico—for the security of life and property of our citizens there—to provide for the settlement and speedy adjustment of damages already suffered by us is the urgent demand of the hour. Further nerveless protest will be as unavailing as all such supplications have been in the past. Further temporizing is hazardous. Peace is sweet and above most things on this earth to be desired, but when purchased at the price of honor or maintained by shameful submission to injustice and wrong it ceases to be desirable, commendable, or decent. War with all its horrors is far better than peace at such a price. But we do not want war. We desire to avoid it. Unjustified war is as brutal, degrading, and devilish as that now being waged all over Mexico. What are they fighting about? Not one in ten of the deluded followers of ambitious adventurous leaders are guided by any principle of government or devotion to any cause. In this maelstrom of destruction the death or dethronement of one leader gives no relief to the situation, but only tends to prove to deluded followers that revolution is their only profitable employment and robbery and pillage their only asset. These conditions will continue until outside power or influence shall change it. It devolves on us to use that influence peacefully but firmly and to the extreme limit, and, failing in this, then as a last resort use with equal firmness the power necessary.

Mr. President, to evade the conclusion that might arise in some minds from the colloquy between me and the Senator from Georgia [Mr. BACON] that I was in favor of taking by force any part of the territory of Mexico as an indemnity for damages to our citizens, I wish to make clear and explicit exactly my position in that regard. I infer that Mexico recognizes her obligations to foreigners within her territory, and like all civilized nations will pay willingly all just claims for damages when fully and properly ascertained, and inasmuch as all collections from export and import duties have been pledged by the Government of Mexico to the payment of certain loans, and as money raised from direct taxation of property would largely impose the burden of paying these damages on the very persons who suffered the wrongs, that Mexico would not be averse to making a settlement of all claims by ceding certain lands to us in full settlement of all our claims, and if need be, enough for us to assume and pay all just claims of the other foreigners damaged in Mexico. This seemed to me and now seems the most felicitous and easy way for Mexico and for us to find an honorable way out of our difficulties. Hence I suggested that arrangements might be effected with Mexico to that end and to our mutual advantage. Beginning at the corner of New Mexico and prolonging the international line on a due west course to the Gulf would take only a fraction of sparsely settled territory from Mexico and of little value to us, except giving, as it would, control of the mouth of the Colorado River. These negotiations or such arrangement would be futile unless we also obtained title to Lower California, of very doubtful value to Mexico but of very great advantage to us. If such arrangement could be made peacefully with Mexico, it should at once be done. If continuing outrages on our citizens in Mexico shall at last break the back of our long-suffering patience and intervention with consequent war follows, then on final war indemnity the grant of the country lying north of a line from the mouth of the Rio Grande to the southern point of Lower California would be far less than a reasonable concession. But we do not want Mexico nor any part of it. We do want peace and security there, and Mexico must establish it.

Mr. President, there are other grave questions surrounding the present case that must not be evaded. On our interpretation of the Monroe doctrine, no matter what opinion may be entertained by other powers, we are in a serious degree involved with England, Germany, and France, who have claims similar to ours against Mexico, but without the right to seize, if necessary, territory in settlement of the claim or hold any permanent possession in Mexico in collection or satisfaction thereof.

By some writers of great reputation in matters of international relations and international law the Monroe doctrine is a standing intervention by the United States in the affairs of the American Republics. In his strictures on the Monroe doctrine, Bonfil, page 157 of his Le Droit International Public, says:

"This declaration is contained in a message addressed to the Congress of the United States December 2, 1823, by President

Monroe, on the occasion of the struggle of the Spanish colonies for independence. The message contained two declarations, the one without object to-day, which relates to the colonization of the American Continent, the other which refers to the attempts made to replace the Spanish colonies under the yoke of the mother country. Monroe has taken the opinion of Jefferson. Authors have interpreted the meaning of this message differently. In our eyes at the end of this message the United States poses as protector of the entire American Continent. The message admits the interference of the United States in all American affairs, North and South. Far from being an act of non-intervention, this declaration is itself a formal intervention. The President resorted to menace to prevent European States from mixing in the quarrel existing between Spain and her colonies. Pradier-Fodéré says very justly 'that in declaring that the great Republic considered as dangerous for its tranquillity and its security all attempts on the part of European powers to extend their political system to any part whatever of the American Continent, he (the President) mixes indirectly in the interior affairs of the Republics of the New World other than the United States; he makes intervention by anticipation and to the profit of the Union, for to prevent other Governments from intervening is to intervene.'

"The effect of this message was notable. Public opinion was not deceived as to its true import. Since then the United States has invoked the Monroe doctrine to mix in the affairs of Central America. It was also recalled in the French intervention in Mexico and at the time of the cession of the Panama Canal by Colombia. Secretary Blaine, in a circular of October, 1881, and a dispatch of November 19, 1881, strove to prove that the Isthmus of Panama and the canal destined to pierce it should be under the exclusive control of the United States. In 1881 the United States wished to prevent Chile, the conqueror of Peru, from annexing a part of Peruvian territory. In 1886 the United States intervened in the affair of the island of Crete. In January, 1889, a vote was taken in the Senate upon a proposition of Senator Edmunds with a view to recalling to the European powers the fact that the Monroe doctrine was still in force. The message of President Harrison was conceived in the same spirit. (New affirmations of the Monroe doctrine were had in 1895 and 1896 in the dispute relating to the boundary between Great Britain and Venezuela, and in 1895–1897 in the Cuban insurrection against Spain. The part which the United States in 1903 seemed to have taken in the establishment of the Republic of Panama, in consequence of the refusal by the Colombian Parliament to ratify the treaty concerning the Panama Canal, is also to be noted.)"

If we adhere to the doctrine here enunciated, I fail to see how we are to escape some responsibility to the powers holding claims against Mexico. If peace is not speedily restored, I can not see, in the light of our obligations to ourselves and to the other powers interested, how we are to avoid intervention, how much so ever we may hate to take that step. With not one-half the provocation offered by Mexico, we did not hesitate to intervene in Cuba and force a war with Spain. Our causeless seizing and senseless holding of the Philippines has taught us a lesson of patience, but all the direful results of such occupancy has not absolved our obligation to protect our citizens from brutal wrongs wherever perpetrated. Our intervention in Cuba was placed on the grounds of humanity and protection of commerce; and though this extreme cause for intervention has never been recognized by the best authorities on international law, yet it was justified by the high purpose animating the act and by the actual facts of the whole case as then presented to the world. This intervention was foreshown by President Cleveland, who, on December 7, 1896, in a message to Congress said:

> When the inability of Spain to deal successfully with the insurrection has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing, and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain. Until we face the contingencies suggested or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.
>
> A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

On April 11, 1898, President McKinley sent his now famous message to Congress on which ensued the War with Spain, which broke the shackles of Cuba, but put the yoke of our domination on the neck of the Filipino.

That message is so appropriate to present conditions that liberal citation may not be amiss.

The President said:

> As to the first, it is not to be forgotten that during the last few months the relation of the United States has virtually been one of friendly intervention in many ways, each not of itself conclusive, but all tending to the exertion of a potential influence toward an ultimate pacific result, just and honorable to all interests concerned. The spirit of all our acts hitherto has been an earnest, unselfish desire for peace and prosperity in Cuba, untarnished by differences between us and Spain, and unstained by the blood of American citizens.
>
> The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring States have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.
>
> The grounds for such intervention may be briefly summarized as follows:
>
> First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door.
>
> Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.
>
> Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people, and by the wanton destruction of property and devastation of the island.
>
> Fourth. And which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations; when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined; * * * all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to keep on a semiwar footing with a nation with which we are at peace.

Substituting the word "Mexico" for "Cuba" in this message, you have a temperate and underdrawn statement of present conditions in Mexico.

Mr. President, I have before me a most valuable contribution to the volumes of learning on international law, written and compiled in the Solicitor's office of the State Department, from which I cite instances where we have intervened with force of arms for the *simple protection of American citizens.*

This was the purpose of the landing of forces in China, 1854; Uruguay, 1855 and 1858; China, 1859; Africa, Kisembo, 1860; Panama, 1860; Japan, 1868; Uruguay, 1868; Egypt, 1882; Korea, 1888; Navassa Island, 1891; Chile, 1891; Hawaii, 1893; Korea, 1894; Nicaragua, 1899; China, 1900; Santo Domingo, 1903; Honduras, 1907; Nicaragua, 1910; Honduras, 1910 and 1911.

Several times we have landed our troops on foreign soil to punish for the *death of American citizens.* This occurred at Sumatra in 1883, Fiji Islands in 1840, Samoa in 1841, Fiji Islands again in 1858, and Formosa in 1867.

We in times past have not hesitated to invade other countries to punish for insults and injuries to American citizens or American officers. As instances we refer to our action in Porto Rico in 1824; Falkland Islands, 1831; Nicaragua, 1854; Fiji Islands, 1855; China, 1856; Japan, 1863; and Korea in 1871.

For securing indemnity alone we landed troops on the island of Johanna in 1851, Japan in 1864, and Haiti in 1888. As early as 1817 we invaded the Spanish Floridas to protect American citizens.

Our history is loaded with examples of our landing on foreign soil to simply protect American interests, and we should have repeated that history by landing troops in Mexico as soon as it became evident that Mexico could not or would not give protection to American lives and American property within her borders. Such invasion by us for such purpose is not a declaration of war, nor is it tantamount to such declaration, nor could it under the circumstances be justly construed as an act of hostility. Such action is rightly based on a higher law than is found in international codes, for it rests on the natural law of self-defense, as dear to a proud nation as to a brave man. Hall, in his work on International Law, sixth edition, page 264, recognizes the principle in the following language:

> There are, however, circumstances falling short of occasions upon which existence is immediately in question, in which, through a sort of extension of the idea of self-preservation to include self-protection against serious hurt, States are allowed to disregard certain of the

ordinary rules of law in the same manner as if their existence were involved. This class of cases is not only susceptible of being brought under distinct rules, but evidently requires to be carefully defined, lest an undue range should be given to it.

Oppenheim has more tersely, and with what is believed to be more accuracy, set forth the real legal situation which exists on such occasions in the following language:

Now a State may have a right of intervention against another State for several grounds. * * * Thus, secondly, the right of protection over its citizens abroad which a State holds may cause an intervention by right, to which the other party is legally bound to submit. (Oppenheim, International Law, 1, p. 183.)

On this point there may be appropriately quoted also the language of the circuit court at Kansas, in Hamilton *v.* McClaughry ([1905] 136 Fed., 445), in which Pollock, district judge, said:

It has been well said the safety of the people is the supreme law of the land. The first duty of a State is the protection of the lives and property of its citizens, wherever lawfully situate, by peaceful means, if possible; if not, by force of arms. More especially must this protection be afforded the accredited representatives of this Government in a foreign country.

Further, citing the compilation to which earlier credit was given, I maintain with it and in the language used, to wit:

First. That the use of the forces of the United States in foreign countries to protect the lives and property of American citizens resident in that country does not constitute an act of war, and is therefore not equivalent to a declaration of war.

Second. The President, as the Chief Executive of the United States, charged with the responsibility of conducting our foreign intercourse, including the protection of the lives and property of our citizens abroad, has the authority to use the forces of the United States to secure such protection in foreign countries.

This second clause is subject, probably, to exceptions, depending on the facts surrounding the particular case; and while I am not ready to accept the doctrine to the full extent stated, yet I am sure that invasion of Mexico by our soldiers under order of the President at the time our citizens were killed and wounded at Douglas, Ariz., and El Paso, Tex., would not have been an act of war, and no declaration of war by Congress was necessary in order to justify or sanction the act.

Proper and prompt action by President Taft, using in the beginning all necessary force for the purpose, would have saved many lives and prevented the destruction of millions on millions of American property and would have averted the more serious trouble which, come it soon or come it late, seems now almost inevitable. American citizens can not longer be held for ransom within sight of their native soil. American labor must no more be driven with abuse and insult from its honest toil by regular soldiers or lawless brigands in Mexico. All factions should take notice that some means of subsistence other than American cattle grazing on lands owned by American citizens must be found. Our women shall no longer be driven by fear from place to place seeking protection from brigands masquerading in the guise of soldiers.

I know not what course others may take, but as for me, at all hazards and at any price, I demand protection for my countrymen and the enforcement of that demand against any offending nation under the sun.

I have a pride in the history that my country's deeds have written. I want those who come after me to read with unabated pride the further story of this Republic. Let us put no blot on that page by any act of injustice or oppression or dim its glory by submitting to either. Let it still be known that the man from Massachusetts shall be safe in Madagascar. Let it still be known that the American who walks in peace anywhere on all the globe has Old Glory waving over him. Justify to the minds of our boys and girls the Roman boast that to be a citizen of this Republic were better than a king.

Mr. BACON. Mr. President, has the joint resolution been referred to the committee?

The VICE PRESIDENT. Not yet.

Mr. BACON. I move that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The Senator from Georgia moves that the joint resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. STONE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 2 o'clock p. m.

The motion was agreed to.

REUNION CELEBRATION AT GETTYSBURG, PA.

The VICE PRESIDENT. The Senator from Alabama [Mr. BANKHEAD] and the Senator from Delaware [Mr. DU PONT] being unable to serve on the committee appointed to represent the Senate at the Gettysburg celebration, the Chair appoints in their place the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. OLIVER].

PROPOSED LAKE ERIE DAM (S. DOC. NO. 118).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

Pursuant to the provisions of an item contained in the river and harbor act of 1902, and subsequent amendments, providing for the formation of an International Waterways Commission and defining its duties, I have the honor to transmit herewith the final report of said commission upon the proposed dam at the outlet of Lake Erie.

Should Congress make provision for the printing of such report as a document, the American section of the commission requests that 500 copies thereof be made available for its use.

WOODROW WILSON.

THE WHITE HOUSE, *June 27, 1913.*

CONFEDERATE VETERANS' REUNION, BRUNSWICK, GA.

Mr. JOHNSTON of Alabama. From the Committee on Military Affairs I report back favorably with an amendment the joint resolution (S. J. Res. 98), authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion, to be held at Brunswick, Ga., in July, 1913, and I ask consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was, on page 1, line 7, after the word "ridges," to strike out "and," and in the same line, after the word "pins," to insert the words "and cots," so as to read: "with necessary poles, ridges, pins, and cots."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 103) appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, and it was thereupon signed by the Vice President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

ASSIGNMENT OF DISTRICT JUDGES.

Mr. O'GORMAN. From the Committee on the Judiciary, to which was recommitted the bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code, I report it back favorably, with amendments, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on the Judiciary were, on page 1, line 5, before the word "senior," to strike out "any" and insert "the"; in line 6, before the word "circuit," to strike out "any" and insert "the second"; in line 7, before the word "circuit," to strike out "the" and insert "said"; in the same line, after the word "circuit," to strike out "in which the district lies"; in line 11, before the word "circuit," to strike out "the" and insert "said"; and in line 14, after the word "court," to insert "within the said second circuit"; so as to make the bill read:

Be it enacted, etc., That chapter 1, section 18, of the Judicial Code be amended by adding thereto the following:

"Whenever it shall be certified by the senior circuit judge of the second circuit, or, in his absence, by the circuit justice of said circuit,

that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within said circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court within the said second circuit, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented, in writing, to such designation and appointment: *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify, in writing, that the business of the district of such judge will not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed. Each of the said district judges may, in the case of such appointment, hold separately, at the same time, a district court in such district, and discharge all of the judicial duties of the district judge therein."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPORTATION OF ARMS TO MEXICO.

Mr. SMITH of Arizona. I ask unanimous consent that I may print some proclamations and other public documents in the few remarks I made this evening. I ask leave to insert nothing except extracts from historical documents that I should like to put in as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission is given to the Senator from Arizona as requested.

COMMISSION ON VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, Calendar No. 38 is a proposed joint resolution unanimously reported by the Committee on Education and Labor. It provides for a commission of nine men, to be appointed by the President, to study the question of vocational education and report to us at the next session of Congress. It is important that it should be passed and go to the House at once to be concurred in. I think there will be no opposition at all to it. I ask unanimous consent to take up the joint resolution.

Mr. WILLIAMS. Reserving the right to object, I want to see what it is.

Mr. SMOOT. While the Senator from Mississippi is looking at the joint resolution, I should like to ask he Senator from Georgia if in reporting it the amendments were made that I suggested.

Mr. SMITH of Georgia. No; the joint resolution had been reported unanimously before that time, but on the floor of the Senate I intend to ask to add one amendment, the words "or so much thereof as may be necessary."

Mr. WILLIAMS. I have no objection to the consideration of the joint resolution.

Mr. SMOOT. I have no objection to its present consideration, but I also want to offer one other amendment not suggested by the Senator from Georgia.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 5) providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education, which was read as follows:

Resolved, etc., That the President of the United States is hereby authorized to appoint a commission consisting of nine men whose duty it shall be to consider the need and report a plan, not later than December 1 next, for national aid to vocational education.

SEC. 2. That the members of said commission shall be paid their actual traveling expenses and subsistence while engaged upon the work of said commission.

SEC. 3. That said commission shall have authority to employ a secretary and to make such investigations into local conditions of the respective States as they deem necessary, the entire expense of the commission not to exceed the sum of $25,000.

SEC. 4. That the sum of $25,000 be, and the same is hereby, appropriated to meet the expenses of the said commission.

Mr. SMITH of Georgia. I move to amend, after the figures "$25,000," in section 4, page 2, line 6, by inserting the words "or so much thereof as may be necessary."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, page 2, line 6, after the sum "$25,000," it is proposed to insert "or so much thereof as may be necessary," so as to make the section read:

SEC. 4. That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to meet the expenses of the said commission.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, I move to amend by striking out "$25,000" in line 5, page 2, section 3, and also striking out "$25,000" in line 6, page 2, section 4, and inserting "$15,000" in both those places. The reason I suggest the amendment is this——

Mr. WILLIAMS. That is all right.

Mr. SMOOT. If the Senator from Georgia will accept the amendment, I will have nothing to say.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. SMITH of Georgia. Mr. President, I have never had charge of an investigation of this kind and do not know how much money is necessary for the purpose. I should regret to have the commission find that they did not have enough money for the work.

Mr. SMOOT. So would I.

Mr. SMITH of Georgia. If $15,000 will be plenty, I do not want another dollar for it.

Mr. GALLINGER. I will make the suggestion that I feel sure that $15,000 will be entirely adequate.

Mr. SMITH of Georgia. I will accept the amendment.

Mr. GALLINGER. Some years ago I chanced to be chairman of a commission that made an investigation covering the entire country, and we spent only about $20,000.

Mr. SMITH of Georgia. Senators will observe that the resolution provides no compensation to anybody serving on the commission.

Mr. GALLINGER. Exactly.

Mr. SMITH of Georgia. I will accept the suggestion of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. I am quite positive that $10,000 is ample, but I am perfectly willing to make it $15,000.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1913.

COLLECTOR OF CUSTOMS.

James F. C. Griggs, of Florida, to be collector of customs for the district of Florida, in accordance with the reorganization of the customs service.

EXCISE BOARD FOR THE DISTRICT OF COLUMBIA.

Frank B. Lord, of the District of Columbia, for a term of three years from July 1, 1913.

Robert G. Smith, of the District of Columbia, for a term of two years from July 1, 1913.

John P. Colpoys, of the District of Columbia, for a term of one year from July 1, 1913.

COLLECTORS OF INTERNAL REVENUE.

Aaron O. Bialock, of Georgia, to be collector of internal revenue for the district of Georgia, in place of Henry S. Jackson, resigned.

Alston D. Watts, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina, in place of George H. Brown, superseded.

ASSISTANT APPRAISERS OF MERCHANDISE.

Frank S. Terry, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to fill an existing vacancy.

James Fay, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to fill an existing vacancy.

UNITED STATES ATTORNEY.

Walter L. Guion, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice Charlton R. Beattie, whose term has expired.

APPOINTMENT IN THE ARMY.

FIELD ARTILLERY ARM.

Herbert Slayden Clarkson, of Texas, late midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from June 26, 1913.

POSTMASTERS.

ALASKA.

John E. Worden to be postmaster at Wrangell, Alaska. Office became presidential October 1, 1912.

CALIFORNIA.

Nellie Pellet to be postmaster at Brawley, Cal., in place of Nellie Pellet. Incumbent's commission expired December 14, 1912.

COLORADO.

Finley Dye to be postmaster at Julesburg, Colo., in place of Charles W. White. Incumbent's commission expired June 9, 1913.

V. R. Liggett to be postmaster at Blanca, Colo., in place of Lewis F. Botens, resigned.

H. Reynolds to be postmaster at Greeley, Colo., in place of David E. Gray. Incumbent's commission expired January 11, 1913.

Huse Taylor to be postmaster at Cripple Creek, Colo., in place of Griffith R. Lewis. Incumbent's commission expired December 16, 1912.

CONNECTICUT.

Jeremiah J. Sullivan to be postmaster at Colchester, Conn., in place of Samuel H. Kellogg. Incumbent's commission expired February 9, 1913.

DELAWARE.

James J. English to be postmaster at Wilmington, Del., in place of M. H. Jester. Incumbent's commission expires June 28, 1913.

Rhubert R. German to be postmaster at Delmar, Del., in place of Charles C. Tomlinson. Incumbent's commission expired June 26, 1913.

FLORIDA.

Carrie S. Abbe to be postmaster at Sarasota, Fla., in place of Carrie S. Abbe. Incumbent's commission expired January 26, 1913.

William R. Dorman to be postmaster at Liveoak, Fla., in place of Charles N. Hildreth, jr. Incumbent's commission expired February 18, 1913.

James Harper to be postmaster at South Jacksonville, Fla. Office became presidential January 1, 1912.

E. J. Ricou to be postmaster at Stuart, Fla. Office became presidential April 1, 1913.

GEORGIA.

P. Brooks Ford to be postmaster at Sylvester, Ga., in place of P. Brooks Ford. Incumbent's commission expired April 15, 1913.

IDAHO.

W. J. Coltman to be postmaster at Idaho Falls, Idaho, in place of A. T. Shane. Incumbent's commission expired December 17, 1912.

F. E. Cornwall to be postmaster at Moscow, Idaho, in place of Joseph R. Collins. Incumbent's commission expired January 13, 1913.

A. McDermid to be postmaster at Kimberly, Idaho. Office became presidential April 1, 1913.

Simpson M. Rich to be postmaster at Paris, Idaho. Office became presidential October 1, 1912.

ILLINOIS.

Matthew Bolian to be postmaster at Havana, Ill., in place of Oscar H. Harpham. Incumbent's commission expired January 14, 1913.

E. Wynette Herlocker to be postmaster at Table Grove, Ill., in place of William D. Hall. Incumbent's commission expired January 11, 1913.

Clarence H. Hunt to be postmaster at Cambridge, Ill., in place of Theodore Baltenstern. Incumbent's commission expired December 14, 1912.

INDIANA.

K. B. Clark to be postmaster at Medaryville, Ind., in place of Samuel E. Nicoles. Incumbent's commission expired June 22, 1913.

James N. Culp to be postmaster at North Vernon, Ind., in place of Joseph S. Smith. Incumbent's commission expired February 23, 1912.

Charles Hatch to be postmaster at Fort Branch, Ind., in place of William L. Walters. Incumbent's commission expired March 2, 1913.

Charles Wright to be postmaster at North Manchester, Ind., in place of E. L. Lautzenhiser. Incumbent's commission expired June 14, 1913.

IOWA.

Warren A. Edington to be postmaster at Sheldon, Iowa, in place of A. W. Sleeper. Incumbent's commission expired December 14, 1912.

Henry Eppers to be postmaster at Montrose, Iowa. Office became presidential October 1, 1912.

Orson R. Hutchison to be postmaster at Arlington, Iowa, in place of Oswell Z. Wellman. Incumbent's commission expired June 25, 1913.

Frederick B. Sharon to be postmaster at Davenport, Iowa, in place of Alonzo Bryson. Incumbent's commission expired January 29, 1912.

KANSAS.

W. A. Corrigan to be postmaster at Haviland, Kans., in place of N. H. Mendenhall. Incumbent's commission expired April 15, 1913.

Charles H. Harvey to be postmaster at Haddam, Kans., in place of Charles W. Yoder. Incumbent's commission expires July 23, 1913.

LOUISIANA.

Pearl Collins to be postmaster at Eros, La. Office became presidential April 1, 1913.

MAINE.

Alner C. Gilbert to be postmaster at Monson, Me., in place of Roy M. Hescock. Incumbent's commission expired January 12, 1913.

MASSACHUSETTS.

Henry K. Bearse to be postmaster at Harwich, Mass., in place of Henry K. Bearse. Incumbent's commission expired May 6, 1913.

L. F. McNamara to be postmaster at Haverhill, Mass., in place of Charles M. Hoyt. Incumbent's commission expired January 12, 1913.

Neil R. Mahoney to be postmaster at North Billerica, Mass. Office became presidential October 1, 1912.

Osgood L. Small to be postmaster at Sagamore, Mass., in place of Osgood L. Small. Incumbent's commission expired December 14, 1912.

Lawrence J. Watson to be postmaster at Beverly Farms, Mass., in place of William R. Brooks. Incumbent's commission expired March 29, 1913.

MICHIGAN.

George F. Carrier to be postmaster at Three Oaks, Mich., in place of Theron D. Childs. Incumbent's commission expired December 14, 1912.

William J. Lewis to be postmaster at Boyne City, Mich., in place of Robert E. Newville. Incumbent's commission expired June 14, 1913.

James E. Sharp to be postmaster at Grant, Mich., in place of Jens Hemingsen. Incumbent's commission expired December 14, 1912.

Charles Snelling to be postmaster at Elsie, Mich., in place of E. A. Litchfield. Incumbent's commission expired February 9, 1913.

MINNESOTA.

M. Brixius to be postmaster at Watkins, Minn. Office became presidential January 1, 1913.

C. H. Dickey to be postmaster at Wayzata, Minn., in place of Edwin G. Braden. Incumbent's commission expires July 1, 1913.

Erick Erickson to be postmaster at Murdock, Minn. Office became presidential January 1, 1913.

C. F. Lieberg to be postmaster at Clarkfield, Minn., in place of Mathias B. Jenson. Incumbent's commission expired February 9, 1913.

MISSOURI.

J. P. Bauer to be postmaster at Washington, Mo., in place of H. A. Herkstroeter. Incumbent's commission expired December 14, 1912.

Emmett A. Cherry to be postmaster at Adrian, Mo., in place of Warren W. Parish. Incumbent's commission expired January 11, 1913.

William H. Titus to be postmaster at Excelsior Springs, Mo., in place of William E. Templeton. Incumbent's commission expired January 26, 1913.

NEBRASKA.

C. F. Beushausen to be postmaster at Loup City, Nebr., in place of Darwin C. Grow. Incumbent's commission expired January 11, 1913.

Joseph Fenimore to be postmaster at Merna, Nebr., in place of James S. Francis. Incumbent's commission expired March 10, 1912.

Lizzie Smith to be postmaster at Riverton, Nebr. Office became presidential January 1, 1913.

NEVADA.

Jessie E. Burnett to be postmaster at McGill, Nev., in place of Jessie E. Burnett. Incumbent's commission expired December 14, 1912.

NEW JERSEY.

J. B. R. Clark to be postmaster at Califon, N. J., in place of Isaiah Apgar. Incumbent's commission expired January 13, 1913.

Peter A. Donovan to be postmaster at Bayonne, N. J., in place of Otto C. W. Lang. Incumbent's commission expired December 10, 1911.

John L. Opfermann to be postmaster at Highlands, N. J., in place of Alonzo Hand. Incumbent's commission expires June 28, 1913.

NEW YORK.

Charles S. Barney to be postmaster at Milford, N. Y., in place of George Mumford. Incumbent's commission expired December 16, 1912.

Edward Crawford to be postmaster at Pine Bush, N. Y., in place of John L. McKinney. Incumbent's commission expired June 26, 1913.

Merle L. Harder to be postmaster at Ray Brook, N. Y. Office became presidential July 1, 1912.

John Scally to be postmaster at Westbury, N. Y., in place of Alexander S. Taylor. Incumbent's commission expired December 16, 1912.

Joseph A. Weisbeck to be postmaster at Alden, N. Y., in place of Isaac M. Smith. Incumbent's commission expired March 29, 1913.

NORTH CAROLINA.

H. S. Harrison to be postmaster at Enfield, N. C., in place of Thomas H. Dickens. Incumbent's commission expired December 17, 1911.

NORTH DAKOTA.

D. J. Clifford to be postmaster at Mohall, N. Dak., in place of Charles Lano. Incumbent's commission expired February 10, 1913.

George Franklin to be postmaster at Ambrose, N. Dak., in place of Elstow McKoane. Incumbent's commission expired March 1, 1913.

Louise A. Fowler to be postmaster at Sherwood, N. Dak., in place of Perry Brown. Incumbent's commission expired January 14, 1913.

Daniel F. Sweeney to be postmaster at Berthold, N. Dak., in place of Walter E. Krick. Incumbent's commission expired May 18, 1913.

W. T. Wakefield to be postmaster at Mott, N. Dak., in place of Frank I. Bonesho. Incumbent's commission expired January 27, 1913.

OHIO.

L. C. Davison to be postmaster at Dalton, Ohio, in place of H. B. Jameson. Incumbent's commission expired June 2, 1913.

Thomas P. Dodd to be postmaster at Larue, Ohio, in place of George T. Baughman. Incumbent's commission expired May 12, 1913.

Charles E. Gain to be postmaster at London, Ohio, in place of Roscoe G. Hornbeck. Incumbent's commission expired January 13, 1913.

Roy C. Hale to be postmaster at New Vienna, Ohio, in place of De Witt C. Pemberton. Incumbent's commission expired June 12, 1913.

Charles G. Stroup to be postmaster at Lynchburg, Ohio. Office became presidential January 1, 1913.

OKLAHOMA.

T. S. Chambers to be postmaster at Tonkawa, Okla., in place of James Wilkin. Incumbent's commission expired February 11, 1913.

Harry J. Dray to be postmaster at Weatherford, Okla., in place of George Ruddell. Incumbent's commission expired December 17, 1912.

A. R. Duncan to be postmaster at Carmen, Okla., in place of W. T. Barrett. Incumbent's commission expired January 14, 1913.

George M. Massingale to be postmaster at Loodey, Okla. Office became presidential January 1, 1913.

PENNSYLVANIA.

John P. Durkin to be postmaster at Frackville, Pa., in place of Calvin B. Philips. Incumbent's commission expired January 10, 1911.

Claude W. Freeman to be postmaster at Austin, Pa., in place of William M. Toy. Incumbent's commission expired January 12, 1913.

Richard W. Iobst to be postmaster at Emaus, Pa., in place of Uriah H. Wieand. Incumbent's commission expired February 9, 1913.

PORTO RICO.

Ramon A. Rivera to be postmaster at Arecibo, P. R., in place of Ramon A. Rivera. Incumbent's commission expired February 11, 1913.

RHODE ISLAND.

James S. Scully to be postmaster at Crompton, R. I. Office became presidential January 1, 1913.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, S. C., in place of Ida A. Calhoun. Incumbent's commission expired January 12, 1913.

SOUTH DAKOTA.

H. B. Brown to be postmaster at Clark, S. Dak., in place of O. H. La Craft. Incumbent's commission expired March 1, 1913.

James L. Minahan to be postmaster at Geddes, S. Dak., in place of F. E. McLaughlin. Incumbent's commission expired May 6, 1913.

James Snow to be postmaster at Midland, S. Dak., in place of J. C. Russell, resigned.

TENNESSEE.

S. M. Barnett to be postmaster at Lexington, Tenn., in place of John L. Murray. Incumbent's commission expired January 31, 1912.

Irene M. Cheairs to be postmaster at Spring Hill, Tenn., in place of W. L. Green. Incumbent's commission expired March 3, 1913.

Mamie Erwin Perkins to be postmaster at Selmer, Tenn. Office became presidential October 1, 1912.

Frank P. Singleton to be postmaster at Copperhill, Tenn., in place of Luther A. Styles. Incumbent's commission expired April 21, 1912.

J. V. Walker to be postmaster at Tracy City, Tenn., in place of William E. Byers. Incumbent's commission expired March 3, 1913.

TEXAS.

Maggie Ellis to be postmaster at Rotan, Tex., in place of G. W. Andruss. Incumbent's commission expired December 16, 1912.

W. F. Flynt to be postmaster at Winters, Tex., in place of T. B. Dillingham, resigned.

Robert Greenwood to be postmaster at Marfa, Tex., in place of Orion L. Niccolls, removed.

E. B. Hopkins to be postmaster at Brazoria, Tex. Office became presidential January 1, 1913.

J. C. S. Morrow to be postmaster at Quanah, Tex., in place of Lyman E. Robbins. Incumbent's commission expired January 12, 1913.

L. B. Richards to be postmaster at Silverton, Tex. Office became presidential January 1, 1913.

UTAH.

Alonzo A. Savage to be postmaster at Hyrum, Utah. Office became presidential January 1, 1913.

VIRGINIA.

Channing M. Goode to be postmaster at College Park, Va., in place of Channing M. Goode. Incumbent's commission expired February 9, 1913.

Eugene Monroe to be postmaster at Purcellville, Va., in place of John W. Gregg. Incumbent's commission expired January 14, 1913.

Claude E. Wiley to be postmaster at Fairfax, Va., in place of Richard R. Farr, removed.

WASHINGTON.

C. M. Durland to be postmaster at Colville, Wash., in place of P. R. Parks. Incumbent's commission expired February 11, 1913.

Charles G. Gehres to be postmaster at Connell, Wash., in place of Emery Troxel, resigned.

C. W. Grant to be postmaster at Toppenish, Wash., in place of W. L. Shearer. Incumbent's commission expired January 28, 1913.

Robert T. Johnson to be postmaster at Sumas, Wash., in place of Orin D. Post. Incumbent's commission expired February 11, 1913.

WISCONSIN.

Theodore Buehler, jr., to be postmaster at Alma, Wis., in place of Edwin F. Ganz, resigned.

Adolph H. Dionne to be postmaster at Lena, Wis. Office became presidential January 1, 1912.

WYOMING.

L. E. Blackwell to be postmaster at Shoshoni, Wyo., in place of Arnold O. Heyer. Incumbent's commission expired March 2, 1912.

John T. Johnson to be postmaster at Superior, Wyo., in place of Henry Harris, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1913.

COLLECTORS OF CUSTOMS.

James F. C. Griggs to be collector of customs for the district of Florida.

Andrew J. King to be collector of customs for the district of Montana and Idaho.

COLLECTORS OF INTERNAL REVENUE.

Alston D. Watts to be collector of internal revenue for the fifth district of North Carolina.

Aaron O. Blalock to be collector of internal revenue for the district of Georgia.

MINISTER TO THE NETHERLANDS AND LUXEMBURG.

Henry Van Dyke to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg.

RECEIVER OF PUBLIC MONEYS.

Edward C. Hargadine to be receiver of public moneys at Glasgow, Mont.

REGISTER OF LAND OFFICE.

Thomas R. Jones to be register of the land office at Glasgow, Mont.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Philip Kingsworth Gilman.
Eugene Franklin McCampbell.
Norman Daniel Morgan.
John Coleman O'Gwynn.
Henry Roth.
Martin John Synnott.
Rufus Adrian Van Voast.

CORPS OF ENGINEERS.

To be second lieutenants.

Cadet Francis Kosier Newcomer.
Cadet Charles Francis Williams.
Cadet Gordon Russell Young.
Cadet Richard Ulysses Nicholas.
Cadet Myron Bertman.
Cadet Leo Jerome Dillow.
Cadet James Archer Dorst.
Cadet Rufus Willard Putnam.
Cadet Lunsford Errett Oliver.

CAVALRY ARM.

To be second lieutenants.

Cadet Allen G. Thurman.
Cadet George Wessely Sliney.
Cadet Eugene Tritle Spencer.
Cadet Willis Dale Crittenberger.
Cadet Alfred Bainbridge Johnson.
Cadet Falkner Heard.
Cadet Roland Louis Gaugler.
Cadet Stuart Warren Cramer, jr.
Cadet Thoburn Kaye Brown.
Cadet Silas Miram Ratzkoff.
Cadet Geoffrey Keyes.
Cadet Frederick John Gerstner, jr.
Cadet Clarence Earl Bradburn.
Cadet Joseph Wadsworth Viner.
Cadet John Arthur Considine.
Cadet David Beauregard Falk, jr.
Cadet Earl Lindsey Canady.
Cadet Louis Aleck Craig.
Cadet George Edward Lovell, jr.
Cadet Desmore Otts Nelson.

FIELD ARTILLERY ARM.

To be second lieutenants.

Cadet William Chalmers Young.
Cadet William Carey Crane, jr.
Cadet William Bleecher Rosevear, jr.
Cadet Carlos Brewer.
Cadet David Edward Cain.
Cadet John Eugene McMahon, jr.

COAST ARTILLERY CORPS.

To be second lieutenants.

Cadet Francis Augustus Englehart.
Cadet William Ashley Copthorne.
Cadet Selby Harney Frank.
Cadet Robert Heber Van Volkenburgh.
Cadet Samuel John Heidner.
Cadet Junius Wallace Jones.
Cadet Manning Marius Kimmel, jr.
Cadet Vern Scott Purnell.
Cadet Robert Meredith Perkins.
Cadet Lawrence Babbitt Weeks.
Cadet William Cooper Foote.
Cadet Stewart Shepherd Giffin.
Cadet Ward Elverson Duvall.
Cadet James Brown Gillespie.
Cadet Charles Lawrence Kilburn.
Cadet Redondo Benjamin Sutton.
Cadet Paul Duke Carlisle.
Cadet Francis Joseph Toohey.

INFANTRY ARM.

To be second lieutenants.

Cadet Lewis King Underhill.
Cadet Harold Smith Martin.
Cadet John Huff Van Vliet.
Cadet Leland Swarts Devore.
Cadet Charles Addison Ross.
Cadet Douglass Taft Greene.
Cadet Clarence Hagbart Danielson.
Cadet James Nixon Peale.
Cadet Francis Reuel Fuller.
Cadet Clinton Warden Russell.
Cadet William Richard Schmidt.
Cadet George Lester Hardin.
Cadet Otis Keilholtz Sadtler.
Cadet William Henry Jones, jr.
Cadet John Erskine Ardrey.
Cadet Carlyle Hilton Wash.
Cadet Henry Pratt Perrine, jr.
Cadet Dennis Edward McCunniff.
Cadet Henry Balding Lewis.
Cadet Henry Barlow Cheadle.
Cadet Wyndham Meredith Manning.
Cadet Samuel Alexander Gibson.
Cadet Paul Woolever Newgarden.
Cadet Harley Bowman Bullock.
Cadet Charles Andrew King, jr.
Cadet Dana Palmer.
Cadet Alexander McCarrell Patch, jr.
Cadet Charles Bishop Lyman.
Cadet Robert Lily Spragins.
Cadet George Washington Krapf.
Cadet Charles Harrison Corlett.
Cadet Hans Robert Wheat Herwig.
Cadet Howard Calhoun Davidson.
Cadet William Lynn Roberts.
Cadet William Alexander McCulloch.
Cadet Bernard Peter Lamb.

Cadet William Augustus Rafferty.
Cadet Lathe Burton Row.
Cadet John Flowers Crutcher.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Daniel D. Pullen.
Second Lieut. Carey H. Brown.
Second Lieut. Oscar N. Sohlberg.
Second Lieut. Beverly C. Dunn.
Second Lieut. Donald H. Connolly.
Second Lieut. Raymond F. Fowler.
Second Lieut. David McCoach, jr.
Second Lieut. James G. B. Lampert.
Second Lieut. Philip B. Fleming.
Second Lieut. John W. Stewart.
Second Lieut. Joseph C. Mehaffey.

MEDICAL CORPS.

To be captains.

First Lieut. Albert S. Bowen.
First Lieut. Ernest R. Gentry.
First Lieut. Roy C. Heflebower.
First Lieut. George M. Edwards.
First Lieut. George B. Foster, jr.
First Lieut. Joseph Casper.
First Lieut. Henry Beeuwkes.
First Lieut. Edward M. Welles, jr.
First Lieut. Condon C. McCornack.
First Lieut. William H. Thearle.
First Lieut. Glenn I. Jones.
First Lieut. George W. Coot.
First Lieut. Charles C. Demmer.
First Lieut. Charles T. King.
First Lieut. Thomas H. Johnson.
First Lieut. William H. Allen.
First Lieut. Larry B. McAfee.
First Lieut. Adam E. Schlanser.
First Lieut. Carl E. Holmberg.
First Lieut. John P. Fletcher.
First Lieut. Joseph E. Bastion.
First Lieut. Thomas D. Woodson.
First Lieut. Alexander T. Cooper.
First Lieut. John T. Aydelotte.
First Lieut. Taylor E. Darby.
First Lieut. Thomas C. Austin.
First Lieut. Mark D. Weed.
First Lieut. Edward D. Kremers.
First Lieut. Charles W. Haberkampf.
First Lieut. Harry R. Beery.
First Lieut. James R. Mount.
First Lieut. Royal Reynolds.
First Lieut. James S. Fox.
First Lieut. Felix R. Hill.
First Lieut. Ralph G. De Voe.
First Lieut. Wayne H. Crum.
First Lieut. John A. Burket.
First Lieut. Wibb E. Cooper.
First Lieut. Thomas L. Ferenbaugh.
First Lieut. William L. Sheep.
First Lieut. Edgar C. Jones.
First Lieut. Arthur O. Davis.
First Lieut. Floyd Kramer.
First Lieut. Edward L. Napier.
First Lieut. W. Cole Davis.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Frank K. Chapin.
Second Lieut. Henry L. Watson.

COAST ARTILLERY CORPS.

First Lieut. Philip H. Worcester to be captain.

POSTMASTERS.

ARKANSAS.

N. J. Hazel, Marked Tree.

COLORADO.

W. J. Brown, Rocky Ford.

DELAWARE.

Elijah E. Carey, Millsboro.

ILLINOIS.

Wilson M. Bering, Decatur.
L. P. Cooper, East Alton.
C. A. Fletcher, Mendon.
Frank J. Kelleher, Seneca.
W. L. McCandless, Pinckneyville.
George Petertil, Berwyn.
Hugh C. Smith, Lake Forest.
John W. Starkey, Roodhouse.
Charles J. Wightman, Grayslake.

MAINE.

Frank T. Clarkson, Kittery Point.
R. T. Flavin, West Paris.
S. H. Frost, Pittsfield.

NEW HAMPSHIRE.

Adelia M. Barrows, Hinsdale.

NEW JERSEY.

Harvey Thomas, Atlantic City.

PENNSYLVANIA.

T. F. Berney, Tower City.
Julia C. Gleason, Villanova.
M. L. Griffin, Vandergrift Heights.
J. C. Harding, Windber.
Edward M. Hirsh, Tamaqua.
James Kingsbury, Pottsville.
Frederick E. Obley, West Newton.

TENNESSEE.

W. J. Allen, Wartrace.

WEST VIRGINIA.

Oliver C. Sweeney, St. Marys.

WITHDRAWAL.

Executive nomination withdrawn June 27, 1913.

POSTMASTER.

Herman H. Brodham to be postmaster at Manning, S. C.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 27, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, Father of all souls, that we can lay aside all political and religious differences and thus meet as brothers at the throne of grace, lifting up our hearts in unison to Thee for all the favors and blessings of the past, and with one accord seek Thy favor and Thy blessing upon the issues of this day, that they may be in accordance with Thy will. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2517. An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

GETTYSBURG REUNION.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 103) appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War and of all soldiers of the Confederate armies who rendered honorable service therein, now residing in

the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held at Gettysburg July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission consisting of the Secretary of War; Col. Thomas S. Hopkins, past commander of the Grand Army of the Republic, Department of the Potomac; and Capt. D. B. Mull, ex-commander of the United Confederate Veterans, of a post in Georgia, residents of the District of Columbia.

That said commission is authorized to adopt such rules for the determination of the persons entitled to transportation hereunder as they may deem proper.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I want to ask the gentleman who introduced this resolution whether he has consulted with the chairman of the Committee on Appropriations in regard to it?

Mr. FOWLER. Yes.

Mr. BORLAND. Has he consented to this?

Mr. FOWLER. He has.

Mr. HOWARD. It is all right and it ought to pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

WORKMEN'S COMPENSATION.

Mr. DAVIS of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of workingmen's compensation.

The SPEAKER. The gentleman from West Virginia [Mr. DAVIS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DAVIS of West Virginia. Mr. Speaker, among the grave and important subjects claiming the attention of this Congress perhaps there is no single one more important than that of workmen's compensation. The world-wide feeling that the burden of industrial accidents should be borne not by the unhappy sufferers alone but rather by the community at large has produced in recent years widespread legislative activity.

It will be remembered that in the year 1910 Congress passed a joint resolution (H. J. Res. 127, 61st Cong.), which the distinguished gentleman from Illinois [Mr. SABATH] had the honor of proposing, which created a commission to make an investigation of employers' liability and workmen's compensation. The commission so authorized reported to the Sixty-second Congress a bill which, on the 6th day of May, 1912, under the title of Senate bill 5382, passed the Senate of the United States, with amendments, by a vote of 64 yeas to 15 nays, and on the 1st day of March, 1913, with further amendments, passed the House of Representatives by a vote of 218 yeas to 81 nays. The session, however, was so near its end that, notwithstanding the overwhelming majority in its favor, it was impossible to get the bill once more through the Senate or into conference, and thus the Sixty-second Congress expired without final action on this most urgent question.

On the first day of the present session I introduced in the House the bill as prepared by this commission, with certain amendments, and it is now before the House as H. R. 21. On the 15th of April, 1913, the Hon. GEORGE SUTHERLAND, Senator from the State of Utah and chairman of the Workmen's Compensation Commission, introduced the bill, with certain amendments, in the Senate of the United States, where it is now pending as S. 959. Between the bill as so introduced by myself and the bill introduced by the distinguished Senator from Utah [Mr. SUTHERLAND] there are certain differences of detail; and in order that the point of departure of the two Houses in the consideration of the subject might be the same, I have to-day reintroduced the bill in the House in the same form in which it has been introduced in the Senate and it is now before the House as H. R. 6534.

I do not desire at this time, Mr. Speaker, to discuss either the details of this bill or the subject at large, but hope to do so at a later date. Under the leave given me to extend my remarks, I now desire to insert in the RECORD a letter which has been addressed by Mr. H. E. Wills, assistant grand chief engineer of the Brotherhood of Locomotive Engineers and acting national legislative representative of the Brotherhood of Locomotive Engineers, to the members of the railroad organizations. This letter, in addition to its comments on the bill, contains certain statistical information which should be of interest to Members of the House in the consideration of this great and important subject. The letter is as follows:

ILLUSTRATING THE BENEFITS PAYABLE UNDER THE WORKMEN'S COMPENSATION BILL, S. 959, NOW PENDING.

"In closing the discussion of the workmen's compensation bill in my report on national legislation issued April 5, 1913, I said:

"'The history of S. 5382 is now at an end; but the workmen's compensation bill is by no means dead. It will be reintroduced and given a new number by the extra session of the Sixty-third Congress. It is our intention to make some changes in phraseology to correct certain errors made in adding amendments and to cover any possible loopholes that may be discovered and to further liberalize it as to the amounts payable.'

"In fulfillment of this prediction there was introduced in the Senate on April 15 a bill (S. 959) by Senator SUTHERLAND, which, as he explained at the time, is the old commission compensation bill, which was improved by the amendments of the Sixty-second Congress, changed as indicated by the following quotation from his remarks:

"'In the preparation of this draft of the bill I have adopted most of the House amendments. Some of them I have not adopted. The principal amendment which I have not adopted is that which provides for a 5 days' waiting period instead of a 14 days' waiting period, as provided in the Senate bill. I have restored the Senate provision in that respect. The House amended the bill so as to provide for a maximum salary upon which the computation of compensation was to be made of $120 per month. In the bill that I have introduced I have taken off the maximum altogether, simply providing for a minimum salary upon which the computation of half wages is to be made of $50 a month, so that the minimum compensation under this bill, if passed, will be $25 a month, and there will be no maximum whatever. I have thought best to do that, because I think if we restore the provision with reference to the waiting period to 14 calendar days instead of 5 calendar days, the aggregate of the amount which will be saved by doing that will justify us in taking off the maximum. The 9 days which will be saved, applied to all of these employees, will amount in the aggregate to a considerable sum, while it will amount to a very trifling sum to each individual. The policy of this sort of legislation is primarily to take care of the serious accidents, the calamities; and by cutting out these trivial injuries we will save a large sum of money to apply to the more serious injuries.'

"The paramount features of a compensation law are the form, the scope, the administration, and the benefits. A careful comparison shows conclusively that in these four essentials the compensation bill indorsed and advocated by the Brotherhood of Locomotive Engineers, known as S. 5382, was the best that had up to that time been put forth with serious hopes of its becoming a law. And as carefully gone over and reintroduced, this bill is a decided improvement over any compensation law in force in the world, and is more liberal and effective in its essentials than any of the numerous measures now pending before Congress.

"Our bill in form is both exclusive and compulsory, as was that proposed by the Federal commission, which passed the Senate by a vote of 64 to 15, and which was then indorsed almost unanimously by the Brotherhood of Locomotive Engineers' convention at Harrisburg, and later, under our inducement, liberalized and passed by the House of Representatives on a vote of 218 to 81. It is in the form desired by all consistent advocates of the compensation system, and in the form most vigorously opposed by the damage-suit lawyers. It is in the form which, according to the highest opinion, is the one most likely to be held constitutional by the Supreme Court of the United States. It is in the form under which Congress assumes complete jurisdiction over the subject matter. It is in the form adopted by those States not under the necessity of providing putative optional or elective provisions in order to circumvent constitutional inhibitions. It is in the form under which in all reason the highest rates of awards can be secured.

"In defining its scope our bill uses the words 'arising out of and in the course of his employment'; and this scope is limited only by the section which provides 'that no compensation or benefits shall be allowed for the injury or death of any employee where it is proved that his injury or death was caused by his wilful intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty: *Provided*, That this clause as to intoxication shall not apply if the employer knew, or in the exercise of ordinary care might have known, that the employee

was intoxicated or that he was in the habit of becoming intoxicated.' In England, in most of the Provinces of Canada, and in many of our States which have thus far enacted compensation laws, the same words, 'arising out of and in the course of his employment,' are adopted. Among the States which have so enacted are Illinois, Kansas, Nevada, New Hampshire, New Jersey, New York, and Missouri, while California and Wisconsin vary it slightly by the use of the expression 'while engaged in the line of his duty or the course of his employment.' No foreign country has as narrow an exception provision as our bill. They usually provide that 'serious or willful misconduct' shall exempt an employee from recovering the benefits of the law. And few, if any, of the States have, when considered in its entirety, allowed such a broad scope of recovery as does S. 959. To be held constitutional our bill must provide a reasonable regulation of commerce, and can only include in its scope that subject matter which comes under the jurisdiction of Congress. I think no one who gives the matter thought would expect a law making the railroads absolute insurers of the safety of their employees, whether on or off duty. In using the words 'arising out of and in the course of his employment' we maintain a desired uniformity and have the advantage of precedents already established, and so prevent undue litigation.

"From the day of the publication of the very first tentative draft of the commission workmen's compensation bill until the present time there has been a repeated request for constructive suggestions as to how we can improve its administrative features, and since to date none of the very few recommendations for changes which have been received could consistently be adopted, I am safe in saying that the method of administration proposed in our bill is the best applicable to the situation. I can think of no scheme which in practice would result in greater justice in the settlement of disputes under a compensation law than to permit the employer and the employee or his dependents to adjust their differences between themselves or to leave the matter in the hands of committees similar to our adjustment committees, or, failing by either or both of these methods, to lay the case before an impartial arm of the equity courts, an official appointed by the district judge of the jurisdiction and paid by the United States Government, who will act as a mediator, a conciliator, an adjuster of accident claims, and from whose findings appeal may be taken by the employee to a jury of his peers.

"The form, scope, and administrative features of a compensation bill are matters which can well be left to legislative experts, but when it comes to a consideration of the benefits every man feels free to take a hand. Dollars and cents is the universal language; we all understand it. It is but natural that we should take an active interest in determining what we will get out of a compensation law which is to take the place of our other remedies.

"It is no idle boast when I state that all in all our bill as it now stands would provide a better balanced, a more certain and exact, and a higher rate of awards for personal injuries or deaths than any law in operation in the United States, and it is incomparably more liberal than the compensation laws of other countries. It is not my desire to speak disparagingly of any law, either State or Federal, the passage of which has been secured under the pressure of labor's demands, and it could in no way be to my personal aggrandizement to attempt to deceptively manipulate the figures of our bill in order to set it off to advantage against those enactments already secured for the relief of injured employees; but solely for the purpose of putting the truth of the matter before our men, and in so doing to perform my duty as their representative instructed to keep them posted on matters of national legislation affecting their interest, I make these statements.

"I have before me a copy of practically every compensation law in force in the world. I have especially carefully compared our bill with the laws of the various States (and some 16 have already supplanted the obsolete, inequitable, and expensive method of recovery through negligence damage suits by the adoption of the modern, humane, and costless system of general and automatic compensation), and I find that it would be decidedly to our advantage to secure the enactment of S. 959. And I trust that our men, regardless of what others may do, will continue to uphold and actively support the officers of their organization in their determination to carry out the declared policy of the Brotherhood of Locomotive Engineers' convention and work for the passage of the most liberal workmen's compensation law procurable.

"In running over the various laws I note that not one of them has a higher minimum wage basis set than has our bill. In figuring the percentages under our bill $50 is considered the lowest wage, whereas some of the States drop materially lower, while Arizona and New Hampshire provide no minimum whatever. I find that all the State compensation laws have restrictions on the maximum amounts payable, whereas under our bill no limit whatever is put upon the amount that would be paid. It is worth noting that the usual maximum set for death payments by the State laws is just about the same as the average amount which would be paid under our bill. I think the highest amount recoverable for death under any State law is that provided by the California statute, namely, $5,000. Reference to the appended table will show that in a not extreme case $15,300 will be paid the dependents for the death of their supporter under S. 959. The Wisconsin law, which has been considerably cited as giving satisfaction, says the average annual earnings shall not be taken at more than $750 per year, which sum is to be paid for four years, making a highest possible total for death of slightly over $3,000.

"The relative values of our bill and the State laws, as suggested in these few comparisons, is practically the same for the other schedules. None of the State laws would allow such a recovery as might be paid under our bill for permanent total disability (say, the loss of both arms) to an engineer 25 years old whose earnings as calculated under the bill are $300 per month and who lives to be 55. He would receive $150 per month for 30 years, making a total of $54,000. The average maximum amount allowed for this class under the State laws is only about $5,000.

"Comparative figures are given as notes to the appended table which suggest the increase in compensation over that paid under the present excellent liability law which would accrue to the employees under the proposed law. But even these figures do not tell the complete story of the advantage of a compensation law. It is necessary that I point out in clear and emphatic language the most serious situation now confronting railroad employees who meet with accident or suffer death while pursuing their duties. Such as one first must carry his case into court under the employers' liability law, and there he must prove negligence or fault on the part of the company. If he is able to prove this, the injured employee stands a possible chance for recovery, but he is usually compelled to wait while his case is being fought through one, two, or three tiresome trials, taking years of time and causing endless suspense and inconvenience. Then, when he finally settles his case, he only gets about one-half the amount of damages allowed. The other half is consumed in attorney's fees and attendant legal expenses. In all those hundreds of cases where fault is shown to be due to the employee, there is no possible chance of recovery in a court even under the most favorable interpretation of the liability law; but under our proposed compensation law no question of negligence or contributory negligence can be raised. The question of negligence, together with the barbarous defenses of fellow-servant responsibility and assumption of risks, are entirely abrogated. Under the compensation law it would be necessary merely to prove the fact that he was injured in the service of an interstate railroad and establish the nature of the injury; then his award or damages or compensation is sure, immediate, and definite. There would be no delay, no awful suspense, no exorbitant expense, no friction with the company; and no chance is taken, no gamble is necessary. Our bill would pay for every case of injury according to earnings and dependency. In actual amounts more would be paid for the same class of disability in almost every instance than is received under the liability law; but in reckoning the benefits of our measure there should be added in each case the sum allowed for hospital, surgical, and doctor bills, whereas from each total under the liability law there should be subtracted the cost of settlements.

"It has been said that if there were really such a difference in the two laws the railroad companies would be actively opposing the pending bill. That statement, if made in good faith, is excusable; but in my opinion it was first put forth on an assumption that its hearers were either ignorant or unthinking. Those who are observant know that the most effective way to defeat legislation advocated by labor is to divide the labor unions, to bring about internal dissensions, or to pit one organization against another in a struggle for petty preference or prominence. I call attention to the present disunited condition of the four railroad employee organizations on the subject of workmen's compensation as evidence of the success of the efforts of the companies to defeat what is to them an undesirable piece of legislation without assuming the responsibility of so

doing. The employees are affected alike by the bill. Consistency would expect us to express a similar desire in regard to its disposition. As it now is, however, our wants seem to be four. Our greatest advantage still lies in the one way, and that is the way first determined upon by the responsible officers of the organizations, and then adopted by the Grand International Division of the Brotherhood of Locomotive Engineers; it is in the passage of an exclusive and compulsory compensation law, one that is broad in its scope, equitable in its method of administration, and liberal in its amounts of compensation. And the bill that best measures up to this standard is S. 959, copy of which will be sent on request."

Illustrating the benefits payable under the workmen's compensation bill now pending, S. 959.

Nature of injury.	Dependents.	Wage per month.	Compensation paid.			
			Per cent per month.	Rate per month.	Time period.	Total.
Death	None	$50.00			Burial expenses not to exceed.	$150.00
		100.00				150.00
		150.00				150.00
Do	Widow only	50.00		$20.00		
		100.00	40	40.00	12 months x 8 years	3,840.00
		150.00		60.00		5,760.00
		50.00	50	25.00	12 months x 8 years	2,400.00
			50	12.50	12 months x 7 years	1,050.00
					15 years	3,450.00
Do	Widow and 1 male child 1 year old	100.00	50	50.00	12 months x 8 years	4,800.00
			25	25.00	12 months x 7 years	2,100.00
					15 years	6,900.00
		150.00	50	75.00	12 months x 8 years	7,200.00
			25	37.50	12 months x 7 years	3,150.00
					15 years	10,350.00
		50.00	50	25.00	12 months x 8 years	2,400.00
			45	22.50	12 months x 5 years	1,350.00
			35	17.50	12 months x 2 years	420.00
			25	12.50	12 months x 4 years	600.00
					19 years	4,770.00
Do	Widow and 3 children: 1 girl, 1 year; 1 boy, 3 years; 1 girl, 5 years. (In event of death or remarriage of widow amounts continue to children as figured after 8-year period has expired.)	100.00	50	50.00	12 months x 8 years	4,800.00
			45	45.00	12 months x 5 years	2,700.00
			35	35.00	12 months x 2 years	840.00
			25	25.00	12 months x 4 years	1,200.00
					19 years	9,540.00
		150.00	50	75.00	12 months x 8 years	7,200.00
			45	67.50	12 months x 5 years	4,050.00
			35	52.50	12 months x 2 years	1,260.00
			25	37.50	12 months x 4 years	1,800.00
					19 years	14,310.00
		50.00	50	25.00	12 months x 10 years	3,000.00
			45	22.50	12 months x 4 years	1,080.00
			35	17.50	12 months x 2 years	420.00
			25	12.50	12 months x 4 years	600.00
					20 years	5,100.00
Do	4 or more children: 1 boy, 6 years; 1 boy, 2 years; 1 girl, 4 years; 1 girl baby. (Dependent child over age limit mentally or physically incapacitated continued at rates of other children.)	100.00	50	50.00	12 months x 10 years	6,000.00
			45	45.00	12 months x 4 years	2,160.00
			35	35.00	12 months x 2 years	840.00
			25	25.00	12 months x 4 years	1,200.00
					20 years	10,200.00
		150.00	50	75.00	12 months x 10 years	9,000.00
			45	67.50	12 months x 4 years	3,240.00
			35	42.50	12 months x 2 years	1,260.00
			25	37.50	12 months x 4 years	1,800.00
					20 years	13,300.00
Do	Both parents wholly dependent	50.00		20.00		1,920.00
		100.00	40	40.00	12 months x 8 years	3,840.00
		150.00		60.00		5,760.00
Do	One parent wholly dependent	50.00		12.50		1,200.00
		100.00	25	25.00	....do	2,400.00
		150.00		37.00		3,600.00
Do	Parent(s) partially dependent	50.00		7.50		720.00
		100.00	15	15.00	....do	1,440.00
		150.00		22.50		2,160.00
Do	Brothers, or sisters, or grandparents, or grandchildren wholly dependent.	50.00		15.00		1,440.00
		100.00	30	30.00	....do	2,880.00
		150.00		45.00		3,320.00
Do	One of same wholly dependent	50.00		10.00		960.00
		100.00	20	20.00	....do	1,920.00
		150.00		30.00		2,880.00
Do	One or more of same partially dependent	50.00		5.00		480.00
		100.00	10	10.00	....do	940.00
		150.00		15.00		1,310.00
Do	Widow or children not resident of United States or contiguous countries.	50.00				600.00
		100.00	Lump sum		12 months x 1 year	1,200.00
		150.00				1,800.00

Statistics compiled by experts in the employ of the United States Government show that the average amount paid for injury resulting in death during a period of three years under the employers' liability law was $1,221. The average under this table of 56 deaths is $3,610. Expenses of litigation should be deducted from the $1,221; whereas the entire $3,610 is paid the dependents. In 1912 there were 3,320 employees killed while on duty in train operation and from industrial accidents, so called, whose dependents would be provided for under this bill.

Where permanent total disability results from any injury there shall be paid to the injured employee 50 per cent of the monthly wages of such employee during the remainder of his life.

Nature of injury.	Wage per month.	Age at—		Compensation paid.		
		Time of injury.	Time of death.	Rate per month.	Time period.	Total.
		Years.	*Years.*			
Total loss of sight in both eyes	$50.00	20	60	$25.00	12 months x 40 years	$12,000.00
	100.00	30	60	50.00	12 months x 30 years	18,000.00
	150.00	40	60	75.00	12 months x 20 years	18,000.00
Loss of both feet at or above ankle	50.00	20	60	25.00	12 months x 30 years	9,000.00
	100.00	30	50	50.00	12 months x 20 years	12,000.00
	150.00	20	40	75.00	12 months x 10 years	9,000.00
Loss of both hands at or above wrist	50.00	30	40	25.00	12 months x 10 years	3,000.00
	100.00	30	50	50.00	12 months x 20 years	12,000.00
	150.00	30	60	50.00	12 months x 30 years	27,000.00
Loss of one hand and one foot	50.00	25	50	25.00	12 months x 25 years	7,500.00
	100.00	25	50	50.00	12 months x 25 years	15,000.00
	150.00	25	50	75.00	12 months x 25 years	22,500.00
Spinal injury, paralysis of legs or arms	50.00	50	55	25.00	12 months x 5 years	1,500.00
	100.00	50	55	50.00	12 months x 5 years	3,000.00
	150.00	50	55	75.00	12 months x 5 years	4,500.00
Incurable imbecility or insanity	50.00	40	50	25.00	12 months x 10 years	3,000.00
	100.00	50	60	50.00	12 months x 10 years	6,000.00
	150.00	60	70	75.00	12 months x 10 years	9,000.00
Any injury causing permanent total disability	50.00	60	70	25.00	12 months x 10 years	3,000.00
	100.00	50	60	50.00	12 months x 10 years	6,000.00
	150.00	40	50	75.00	12 months x 10 years	9,000.00
Averages	100.00	38	55	50.00	17 years	10,047.00

For a three-year period under the liability law, for this class of injuries the average age at injury was 34 years, with an average loss in life expectation of 32 years, for which gross payments averaged $4,238.

Where permanent partial disability results from any injury:
(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the periods stated against such injuries, respectively, as follows:

Nature of injury.	Wage per month.	Compensation paid.		
		Rate per month.	Time period.	Total.
Loss of arm (or use) at elbow	$50.00	$25.00	72 months	$1,800.00
	100.00	50.00		3,600.00
	150.00	75.00		5,400.00
Loss of hand (or use) at wrist	50.00	25.00	57 months	1,425.00
	100.00	50.00		2,850.00
	150.00	75.00		4,275.00
Loss of leg (or use) at knee	50.00	25.00	66 months	1,650.00
	100.00	50.00		3,300.00
	150.00	75.00		4,950.00
Loss of foot (or use) at ankle	50.00	25.00	48 months	1,200.00
	100.00	50.00		2,400.00
	150.00	75.00		3,600.00
Complete loss of hearing in both ears.	50.00	25.00	72 months	1,800.00
	100.00	50.00		3,600.00
	150.00	75.00		5,400.00
Complete loss of hearing in one ear.	50.00	25.00	36 months	900.00
	100.00	50.00		1,800.00
	150.00	75.00		2,700.00
Complete loss of sight in one eye.	50.00	25.00	30 months	750.00
	100.00	50.00		1,500.00
	150.00	75.00		2,250.00
Loss of thumb	50.00	25.00	13 months	325.00
	100.00	50.00		650.00
	150.00	75.00		975.00
Loss of one phalanx of thumb	50.00	25.00	6½ months	167.50
	100.00	50.00		325.00
	150.00	75.00		482.50
Loss of first finger	50.00	25.00	9 months	225.00
	100.00	50.00		450.00
	150.00	75.00		675.00
Loss of 2 phalanges of first finger.	50.00	25.00	4½ months	112.00
	100.00	50.00		225.00
	150.00	75.00		337.50
Loss of second finger	50.00	25.00	7 months	175.00
	100.00	50.00		350.00
	150.00	75.00		525.00
Loss of 2 phalanges of second finger.	50.00	25.00	3½ months	87.50
	100.00	50.00		175.00
	150.00	75.00		262.00
Loss of third finger	50.00	25.00	6 months	150.00
	100.00	50.00		300.00
	150.00	75.00		450.00
Loss of 2 phalanges of third finger.	50.00	25.00	3 months	75.00
	100.00	50.00		150.00
	150.00	75.00		225.00
Loss of fourth finger	50.00	25.00	5 months	125.00
	100.00	50.00		250.00
	150.00	75.00		375.00
Loss of two phalanges of fourth finger.	50.00	25.00	2½ months	62.50
	100.00	50.00		125.00
	150.00	75.00		187.50
Loss of great toe	50.00	25.00	9 months	225.00
	100.00	50.00		450.00
	150.00	75.00		675.00
Loss of any other toe	50.00	25.00	4 months	100.00
	100.00	50.00		200.00
	150.00	75.00		300.00
Averages	100.00	50.00	24 months	1,197.34

(2) In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in subdivision 1 of this clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months.

(3) *Where temporary total disability results from any injury there shall be paid 50 per cent of the monthly wages of the injured employee during the continuance of such temporary total disability.*

Nature of injury.	Wage per month.	Compensation paid.		
		Rate per month.	Duration of disability.	Total.
Temporary total loss of sight in both eyes.	$50.00	$25.00	12 months x 2 years	$400.00
	100.00	50.00		800.00
	150.00	75.00		1,200.00
Broken leg(s)	50.00	25.00	12 months	300.00
	100.00	50.00		600.00
	150.00	75.00		900.00
Broken arm(s)	50.00	25.00	6 months	150.00
	100.00	50.00		300.00
	150.00	75.00		450.00
Temporary total paralysis	50.00	25.00	12 months x 5 years.	1,500.00
	100.00	50.00		3,000.00
	150.00	75.00		4,500.00
Curable imbecility or insanity	50.00	25.00	12 months x 10 years.	3,000.00
	100.00	50.00		6,000.00
	150.00	75.00		9,000.00
Causing temporary total disability lasting over 14 days.	50.00	25.00	3 months	75.00
	100.00	50.00		150.00
	150.00	75.00		225.00

(4) Where temporary partial disability results from an injury, the employee, if he is unable to secure work at the same or better wages than he was receiving at the time of the injury, shall receive 50 per cent of his wages during the continuance of such disability; but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, at the same or better wages than he was receiving at the time of the injury, he shall not be entitled to any compensation for such disability during the continuance of such refusal.

In the above, as in other cases, the employer is required to furnish "all medical and surgical aid and assistance that may be reasonably required, including hospital services," during the 14 days and to continue the same after the 14 days in an amount not to exceed $200; and all this in addition to the awards allowed. The average for these classes under the liability law is $73 per case.

LOBBIES.

Mr. TAVENNER. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD on the subject of lobbies.

The SPEAKER. The gentleman from Illinois [Mr. TAVENNER] asks unanimous consent to extend his remarks in the RECORD on the subject of lobbies. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask my colleague whether it is his intention to insert in the RECORD one of his entertaining newspaper articles published throughout the country, so that Congress may have the same information that he gives to others?

Mr. TAVENNER. No. I can inform the gentleman that I think this will be even more interesting than any of my newspaper articles, should I get the permission.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Speaker, in the election last fall the people elected Members of Congress to revise the tariff on sugar and other necessaries downward as one step toward the reduction of the ever-increasing cost of living.

Powerful lobbies are now in Washington endeavoring to persuade these Members of Congress to break their pledges to the people and betray the consumers of the land, to the end that a few men, already rich beyond the dreams of avarice, may add to their swollen fortunes.

It was to place before the public this state of affairs that President Wilson made his now famous statement, in which, referring to these lobbies, he said:

> Washington has seldom seen so numerous, so industrious, or so insidious a lobby. There is every evidence that money without a limit is being spent to sustain this lobby and to create an appearance of a pressure of public opinion antagonistic to some of the chief items of the tariff bill.

In order that the public might know all of the facts about the condition alluded to by President Wilson, I introduced a resolution providing for the appointment of a committee of five Members of the House of Representatives to investigate the subject.

RESOLUTION TO INVESTIGATE LOBBIES.

This resolution reads as follows:

> Whereas it has been charged by the President of the United States and there is reason to believe that a powerful and insidious lobby, representing interests hostile to the passage of the pending tariff bill in the form adopted by the House of Representatives, is in existence in Washington; and
>
> Whereas newspapers are being filled with paid advertisements calculated to create an artificial public opinion against certain items of the tariff bill; and
>
> Whereas it is charged and there is reason to believe that unlimited funds have been placed at the disposal of this lobby for the purpose of overcoming the interests of the public for the private profit of the interests which they represent; and
>
> Whereas the public maintains no lobby and is powerless to reply to the paid advertisements of any lobby representing financial interests; and
>
> Whereas bills are pending in Congress to regulate and control the operation of lobbies at the National Capitol, and it is advisable to gather any and all facts bearing on the aforesaid conditions and charges or in any way relating thereto as a basis for remedial purposes: Therefore be it
>
> *Resolved*, That a special committee of five Members be appointed by the Speaker of the House of Representatives to sit during the sessions of the House and during the recess of Congress for the purpose of investigating and reporting to Congress the facts in connection with the operation of any lobby or lobbies in Washington; said committee shall inquire into the sources whence any such lobby or lobbies are supplied with funds and the amount of funds so contributed; and shall also ascertain where and how these funds are expended and for what immediate and ultimate purpose; and shall go into a general inquiry to learn the methods by which any lobby seeks to influence legislation in Congress.

PEOPLE WANT CAMPAIGN PROMISES KEPT.

If Members of Congress were to allow themselves to be guided by the views of the lobbyists, they would conclude that the people back home were not in good faith when they voted for tariff revision downward. Or, if they were in good faith at the time, that they have since changed their minds, deciding they do not desire the monopolies of the tariff trusts interfered with.

But President Wilson is not being fooled. Nor is the average Member of Congress. They know that for every man who beseeches them in Washington to retain the tariff on sugar there are nine hundred and ninety-nine of their constituents who are not writing letters, but who demand that promises made to them before election be kept after election, and especially the downward revision of the tariff on the vital necessaries of life, such as sugar.

President Wilson and the Members of Congress also know that every penny of the extra dividends that the lobby interests will make by virtue of legislation granting them special privileges must come from the pockets of the men, women, and children in the districts back home.

It will be recalled that President Taft once faced the same crisis that Members of Congress face now. He listened to the voices at his ear in Washington, whom the late Senator Dolliver described as "men who knew exactly what they wanted." President Taft forgot the folks at home who do not write letters, but who desired tariff revision downward, and on the very first election day following they got revenge. The lobbyists in Washington whose counsel he had accepted were powerless to save him from the wrath of the home folks who vote, but who maintain no lobbies in Washington.

LOBBIES DEFEATED GROVER CLEVELAND.

"The trusts and combinations—the communism of pelf—whose machinations have prevented us from reaching the success we deserved, should not be forgotten nor forgiven."

These are the words of Grover Cleveland. He was referring to the tariff lobbies which prevented the Democratic Party from living up to its campaign promises of 1892.

President Wilson no doubt has in mind what the lobbyists did to the Wilson Democratic tariff bill in the Senate in 1894 when he denounces the lobbies operating in Washington.

A review of what happened to the last Democratic tariff bill as a result of the work of the lobbies while the measure was in the Senate is especially interesting at this time when special privilege is trying to perform the same old trick of robbing the consumers of the fruits of their victory at the polls.

CAMPAIGN PROMISES WERE FULFILLED IN HOUSE.

On December 19, 1893, Chairman Wilson, of the Democratic Ways and Means Committee, reported his tariff revision downward bill to the House of Representatives. It was a fulfillment in nearly every particular of the promises made by the Democrats in the campaign of 1892, which brought about their election. Although denounced by the more partisan Republicans as a free-trade measure, it was in reality but a conservative step in the direction of freer trade, and was well received by the Democratic Party throughout the country. It made rather moderate reductions in the duties on woolen goods, cottons, linens, silks, pig iron, steel billets, steel rails, china, glassware, and earthenware. It removed entirely the taxes on wool, coal, iron ore, lumber, and on sugar both raw and refined.

The bill passed the House February 1, 1894, by a vote of 182 to 106, 61 Members not voting.

BUT LOBBIES GOT IN THEIR WORK IN THE SENATE.

But in the Senate special privilege attacked the bill ferociously, powerful lobbies being conducted day and night. Certain Democratic Senators, foremost among them Gorman, of Maryland, and Brice, of Ohio, forgot the solemn pledges of the Democratic convention of 1892 and rendered most efficient services to the protected interests.

The work of the lobbies had their effect. The special-interest servers in the Senate obtained one amendment after another, each one restoring a part of the remitted duties. In all, the Senate made 634 changes in the House measure, destroying entirely its original character. The people were cheated out of their victory at the polls. Special privilege had stepped in and, via the lobby route, had defeated the interests of the people. The bill was passed, but President Cleveland refused to sign it, allowing it to become a law without his signature.

President Grover Cleveland deserved credit for having endeavored in every good faith to see that preelection promises should be carried out. His whole soul was in the fight. His defeat at the hands of the lobbies carried the bitterest humiliation and disappointment. He was a changed man all the remaining years of his life. In a letter to Mr. Catchings, a Mississippi Congressman, he used the quotation alluded to. It should be easy for everyone to realize that President Wilson, in the courageous fight he is making against the lobbies in Washington, is simply trying to prevent special privilege from again depriving the American people of a well-earned victory.

THE MILK IN THE LOBBY-CONTROVERSY COCONUT.

If the sugar lobbyists should succeed in having the tariff restored to sugar, the Sugar Trust and the men back of the sugar lobbies would each year draw down dividends amounting to millions of dollars.

But where would this money come from? The answer to this question is the milk in the lobby-controversy coconut. The millions that would go annually to the sugar magnates would not drop from the blue sky, but would come from the consumers—the men, women, and children of the United States who use sugar.

The lobby issue is plain. If the lobbyists win out in their fight to persuade Members of Congress to forget their promises to the people and slap the tax back on sugar, the consumers must go on contributing to the coffers of the Sugar Trust by paying artificially high prices for sugar. And if the sugar lobbyists do not succeed, these millions will be saved to American consumers.

Thus it will be seen that the consumers have something at stake in the framing of a tariff bill as well as the sugar barons.

SOME WHO WOULD BE BENEFITED BY SUGAR LOBBYISTS.

If the sugar lobbyists should succeed, one of the principal beneficiaries would be the same old Sugar Trust which not so very long ago stole some $2,000,000 from the Government in customs duties by deliberately placing steel springs in 14 pairs of scales, so that their importation of sugar would be underweighed and the Government cheated. Caught red-handed, the trust was forced to disgorge most of the plunder, and a few underlings were sent to jail and released after serving a small portion of their sentence. But none of the millionaire sugar magnates into whose pockets the stolen millions would have gone had the crime been undiscovered were even called to the bar of justice, let alone prosecuted.

Conducting a lobby in Washington by the sugar interests is a business proposition strictly. The multimillionaire sugar magnates, who are every year adding to their colossal fortunes by millions through the kindness of Uncle Sam in giving them a protective tariff which guarantees them a monopoly of American markets with power to charge consumers what they please for sugar, can well afford to spend a few hundreds of thousands in the form of $1,000-a-month salaries to slick-tongued lobbyists, if by doing so they can prevent their monopolies and profits from being interfered with.

To hear the wail now going up from the $1,000-a-month men one would imagine Congress had not given the sugar people any opportunity whatever to be heard. The fact is a committee of 21 Members of the House of Representatives—the Ways and Means Committee—sat in session for weeks, listening to the arguments of those desiring protection. The sugar people were permitted to say any and every thing they desired. The members of the Ways and Means Committee sat somewhat as a court. They considered all the testimony, and then brought in their verdict in the form of the Underwood bill. After having had a fair deal in open court the Sugar Trust is now trying to win, as usual, by the underhand method of approaching Members of Congress in private or working in the dark.

The people are at a disadvantage in the face of this kind of warfare, because they have no knowledge of the pressure and kind of arguments brought to bear on Congressmen by special privilege. There are no lobbyists to present the viewpoint of the consumers or to disprove the false statements which may be poured into the Congressmen's ears by the able and resourceful representatives of the Sugar Trust.

NATURALLY THE PEOPLE ARE AVERSE TO LOBBYING.

If a man living in California had a lawsuit before a judge in far-away New York, and knew that his rival in the litigation was in the habit of dining with the court and spending an hour or two daily in private conversation with him "in chambers," he would, if he was an average human being, be inclined to be a little nervous over the situation. And that is about the way it is with the consumers of the United States. They are just a little bit nervous over the fact that special privilege is paying men $1,000 a month to persuade their representatives to vote for the interests of the tariff trusts instead of the interests of the consumers.

SENATOR THOMAS ON FIRING LINE FOR CONSUMERS.

By his recent speech in the Senate exposing the methods used by the Beet Sugar Trust to manufacture false and artificial public sentiment against the tariff bill, Senator THOMAS, of Colorado, has performed a public service second only to that of the President in calling attention to the insidious tariff lobby, the most powerful which ever operated in Washington.

Senator THOMAS's speech gives the public some idea of the pressure national legislators must withstand when they attempt to pass laws which the special interests oppose but which the people want.

Senator THOMAS and his colleague, Senator SHAFROTH, as well as two Representatives at large, EDWARD KEATING and E. T. TAYLOR, were elected in Colorado last fall on the Democratic ticket by pluralities ranging from 45,000 to 50,000 votes. While the platform did not specifically indorse the removal of the duty on sugar, it indorsed all the actions of the last Democratic House, one of which was to pass a free-sugar bill, and Representative KEATING ran on a straight free-sugar platform. It appears evident that Colorado, with its extensive sugar industry, voted for free sugar by a plurality of 45,000.

The special session of Congress met. The tariff bill, providing for free sugar, was introduced. And then what happened? From all parts of Colorado letters began pouring in on that State's Senators and Representatives protesting against free sugar. So numerous and vehement were these letters and telegrams that they apparently indicated a tremendous revulsion of feeling in the State toward the sugar tariff. Any honest legislator might well hesitate before he voted against such an overwhelming expression of public opinion.

HOW EMPLOYEES COME TO PROTEST AGAINST FREE SUGAR.

Senator THOMAS, however, went behind the returns. He got in communication with Thomas S. Price, an intelligent man formerly employed by the Great Western Sugar Co., at Longmont, Colo., who told the Senator how the fictitious public sentiment was manufactured. He wrote:

> You will no doubt receive letters from employees of the factory here, as they are compelled in an underhanded way either to write them or take chances of losing their jobs by refusing.

Price inclosed a form letter which the sugar companies ordered their employees to copy, sign, and mail to Washington. This letter does not speak for the sugar company but is all for the poor farmer and the poor wage earner. After instructing the employees how to direct the letters, the instructions were:

> A letter to Hon. Woodrow Wilson, President of the United States, Washington, D. C., will do a lot of good. If you are a Democrat, tell them so; it will carry more weight.

In this way thousands of employees of Colorado sugar mills have been "influenced" to write to their Senators and Congressmen, urging them to vote against free sugar. Senator THOMAS charged that a similar campaign was carried on among the sugar-beet growers and with banks and commercial associations, all of whom have been adding their letters to the flood now pouring in upon the Colorado legislators.

HOW SENATOR THOMAS VIEWS THE MATTER.

> These companies have made an enormous amount of money, not only upon their capitalization, but upon their overcapitalization—

Declared Senator THOMAS—

> Two of them operating in Colorado represent collectively a capital of $50,000,000, $30,000,000 of which is water pure and simple. Yet they have paid dividends constantly upon their preferred stock, and for a large part of the time on their watered stock, and one of them has a surplus in the treasury in excess of $10,000,000.
>
> This fight merely means that these hugely overcapitalized industries want to retain their franchise to rob the people by taxing the necessaries of life, to the end that they may pay profits upon the capital that they have invested and upon the capital they have manufactured with printing presses and fountain pens.

Senator THOMAS's ringing challenge to the sort of public opinion these bloated corporations have manufactured deserves to be read in the public schools as an example of the new, rugged patriotism which now has control of Congress. He said:

> Mr. President, while I have the most profound respect for petitions sent to myself while I am a Member of the Senate, I want to say here and now, and I think I speak for my colleague [Mr. SHAFROTH] as well as myself, that I was sent here by the people of my State, by the producers and by the consumers, by men and women who are not organized, who have no lobby, who are possessed with no great fund to go out through the highways and byways of the State seeking and obtaining favorable action in their behalf by the great banks and associations.
>
> They are the toilers and the taxpayers, "the common people," as Mr. Lincoln called them. It is their interest and their welfare, their wants and their desires that I propose to represent and promote in the Senate of the United States to the best of my ability. They look to us for relief, and we shall not disappoint them.

ANOTHER PHASE OF SUGAR LOBBY QUESTION.

A land of oppression, misery, and sorrow, that is the picture drawn of the Hawaiian sugar plantations by testimony brought out by the Senate lobby investigation.

The very crowd of men whose legislative activities in Washington brought forth the recent lobby accusation from President Wilson are the representatives of rich planters whose cruel exploitation of their wage slaves has no counterpart under the Stars and Stripes.

These sugar growers, earning profits of 50 to 90 per cent, and asking for the continuance of a tax of over $100,000,000 annually on the American people, that they may continue to reap their golden rewards, are coming before Congress in the name of "protection against the pauper labor of Europe," all the while they maintain a labor standard that is a blot on American civilization.

So terrible are working conditions in Hawaii that European and Asiatic laborers, deceived into coming to the island, literally starve themselves in order to save up passage money for San Francisco, and escape the trap into which they have been inveigled. A horde of these pauper laborers are beginning to arrive in California, in their extremity willing to work for any price, thus depressing wages of Americans on the Pacific coast.

Incidentally, Senator REED, of Missouri, a member of the lobby committee, showed that a report exposing this condition was written by Daniel F. Keefe, Commissioner of Immigration, who went to Hawaii at the request of Samuel Gompers, president of the American Federation of Labor, to study the industrial conditions. The report, however, was never published. It was suppressed by the Taft administration. The Bureau of Labor sent a man to Hawaii to get out another report on labor conditions. This report flattered the planters and was published.

The Government investigator who wrote the whitewashing report was shortly thereafter given a good job with the Hawaiian Territorial government, while Secretary Nagel later busied himself preparing charges looking to the removal of Keefe.

HAWAIIAN SUGAR-MILL LABORERS LITTLE BETTER OFF THAN SLAVES.

Senator REED, however, resurrected the suppressed report and brought it before the lobby committee. The planters have been proudly proclaiming the fact that no peonage exists in Hawaii. After reading the report I am convinced it would be better for the wretched plantation and sugar-mill laborers if they were peons or actual slaves. They would be better treated by their owners.

Wages run from $8 per month for children up to $26 for white adult men. Hours are 10 and 12 a day. The employees

live in miserable shacks provided by the companies. The men buy food from company stores, where prices range from 10 to 70 per cent higher than average food prices in New York, Washington, Chicago, and San Francisco. The food is sold to the plantation stores by Honolulu wholesale houses, owned for the most part by the plantation owners.

Doctors employed by the companies have gone to visit sick laborers 24 to 48 hours after being called, sometimes only to find corpses instead of patients. Laborers are called insulting names and treated like dogs by field bosses. "In a desperate effort to keep down the wage rate of all employees" the planters are spending huge sums importing Filipinos for laborers. These workmen are the dregs of the Philippine population, gathered from jails and almshouses, the very young and the very old, weak, and racked with disease.

The imported laborer, arriving penniless, is held in actual subjugation, unable to escape from the island, which is possible only to the hardier individuals, who can endure starvation while saving passage money. But the rich owners have devised a crafty "homestead" system, whereby in exchange for an acre of land received after six years' occupancy the homesteader virtually binds himself to labor for life on the plantation.

WHY THE INSISTENCE FOR FREE SUGAR?

Why free sugar? Why has all of the bitterness of the tariff battle settled upon this single commodity, which is one of the cheapest of all foods and which at casual glance does not seem to rank high among the important food products?

The Louisiana cane-sugar producers claim that free sugar will wipe out their industry. The beet-sugar producers of the United States have an investment of about $61,000,000, according to the report of the Hardwick committee, which investigated the American sugar industry last year. The beet interests are claiming irreparable damage to be caused by free sugar. The Hawaiians, the Porto Ricans, the domestic beet-sugar producers, and the Louisiana interests are maintaining in Washington the tariff lobby against whose insidious activities President Woodrow Wilson so justly complains. These lobbyists contend that free sugar means ruin for the American sugar industry. And yet the administration is not halted. Why?

There is a basic principle underlying the Democratic determination to remove the tax from sugar. The ordinary man does not understand the question at all clearly. The sugar question has seldom been plainly stated to the average citizen. Yet when the conditions under which sugar is now produced are clearly understood, the free-sugar principle becomes as simple as it is just. It then becomes astonishing that this country ever taxed sugar. To protect this product is the very opposite of common business judgment.

I shall therefore endeavor to explain the free-sugar argument as I see it and the effect free sugar may be expected to have on the different phases of the industry in this country. In the first place, what of the importance of sugar as food?

In a recent bulletin issued by the Department of Agriculture sugar is given a place among the three or four most important foodstuffs, following after meat and bread. In the human diet it is the great energy producer. And so it is the great food of the workingman. Experiments have shown that while large quantities of sugar give dyspepsia to idlers and indoor workers it is readily digested by men who do manual work, supplying them with stores of physical energy.

Sugar as we know it, however, is a commodity of the last century. It was formerly produced only in India, and Europeans supposed it to be a gum which exuded from trees. Cultivation of sugar cane began in this country in 1751, but only in the last 75 years has it come into general use. The world production is now over 16,000,000 tons, of which over 4,000,000 tons, or 81 pounds per capita, are consumed annually in the United States.

In the latter part of the eighteenth century a German chemist discovered that sugar could be made from beets. This was merely a scientific curiosity until Napoleon, realizing the absurdity of fighting England's army while France was paying great annual sums to British sugar producers, which money England was using to equip new armies and navies, by imperial edict established a large number of sugar mills in France and ordered the French peasants to produce all the sugar consumed in the country.

This was the beginning of the beet-sugar industry, which has thrived until now the beet-sugar production of the world nearly equals that from cane. Sugar-beet growing began in the United States in the late nineties.

PEOPLE TAXED ANNUALLY IN EXCESS OF TOTAL SUGAR INVESTMENT.

Compare the total investment in the American sugar industry with the amount the duty on sugar costs the American people annually and we pick up the clue explaining why, despite the presence of the sugar lobbies in Washington, the 2-cent tariff tax was removed from sugar.

Exclusive of land and farm animals, which can be used in other farming operations, the total investment in sugar in the United States is about $100,000,000. For the benefit of the few men owning this industry the American people are taxed annually in the increased price of sugar $140,000,000, or $40,000,000 more than the total sugar investment. It is also $40,000,000 more than the total annual value of the American sugar crop, including its by-products.

To the individual this tax amounts to $1.50, or an annual charge of $7.50 on a family of average size.

Since 1897 the protection to the sugar industry has cost American consumers $2,000,000,000. But if the public got value received for this sum—in revenue to defray the cost of government—there would not be so much complaint. But the actual duty collected in 16 years has been only $800,000,000. The balance, $1,200,000,000, has been a bonus, pure and simple, wrung from the poor to create a new group of American millionaires.

CANE-SUGAR INDUSTRY IS LARGELY ARTIFICIAL.

Leaving aside the principle that sugar as a prime food necessity should come untaxed to the American public, the production of cane sugar in this country is an artificial, unnatural industry.

There are two types of sugar production—from sugar beets, grown in many sections of the country, and from sugar cane, grown along the Gulf coast of Louisiana and Texas. It is possible, indeed probable, that beet-sugar production has now progressed to a point where it can be called a natural industry. If so, it does not need protection in order to survive. But there is no natural justification for cane-sugar production in the United States.

It is possible to grow bananas and tea in New England in hothouses. Yet not even the most rabid protectionist would advocate a prohibitive duty on bananas or tea, raising the prices of these foods ten times above what they are now, in order that tea and bananas might be produced with profit in hothouses in New England.

In a somewhat smaller degree cane-sugar growing is a hothouse industry. The sugar in cane is called sucrose by chemists. Louisiana cane is only 6 to 7 per cent sucrose, while Cuban cane is 11 to 14 per cent and Hawaiian from 14 to 15 per cent sucrose, or over twice as much sugar in the same amount of cane.

In Cuba sugar cane grows naturally, and is planted once every 10 years. In Louisiana the cane must be replanted every year. There is never frost in Cuba; in Louisiana the cane must be cut in October before maturity to escape frost, thus accounting for the lower sucrose content. Louisiana sugar mills are antiquated, while some of the Cuban factories are the latest and most efficient in the world.

And so, though Louisiana wages are lower than those paid in Cuba, it costs nearly 4 cents to produce a pound of raw sugar in Louisiana against a Cuban cost of 2 cents. Said Representative T. W. HARDWICK, of Georgia, the great sugar expert of the House:

> In order to produce a cane-sugar crop valued at $25,000,000, our Louisiana friends insist that we ought to continue a system of taxation that costs the American people $140,000,000 in the increased price of sugar. It is undemocratic, it is unfair, it is unrighteous, and, so far as I am concerned, I will never stand for a continuance of this policy to keep a duty on this great necessity of life which can not possibly be produced in Louisiana one-half as cheaply as it can in the balance of the world.

AND NOW AS TO THE BEET-SUGAR INDUSTRY.

Why not continue the tariff tax on sugar in order to protect the sugar-beet industry?

This is the query raised by the sugar lobbies. Here is the answer: It is unfair to require 90,000,000 sugar consumers to pay 2 cents a pound more for sugar than it is worth in order to protect the sugar-beet industry, because, although the sugar-beet factories are overcapitalized approximately $80,000,000, or 57 per cent, they are paying large dividends and making millions in profits.

The greatest lobby ever known in Washington is now being financed by the beet-sugar manufacturers. Money is being spent like water, and the Senate investigation has shown a scandalous misuse of publicity and the postal franks of certain special-privilege Senators. If money can do it, this lobby will defeat free sugar, not because the industry faces ruin, but because the sugar barons wish to continue to pay enormous dividends in the worst watered industry in the United States. The high sugar duties of the successive Dingley and Payne tariffs have made possible an overcapitalization in this industry without parallel in American financial history.

The total capitalization of all the beet-sugar companies is $141,000,000. The industry is peculiar in that it is possible to estimate very closely the actual cost of building factories. It has been worked out that it costs to build a factory $1,000 for each ton of beets to be consumed by the factory per day. Thus a mill with 100 tons of beet capacity per day costs $100,000.

Now the total daily capacity of all the beet-sugar factories in America is 63,550 tons, showing that the total actual investment is not over $63,550,000. Indeed, the Hardwick sugar committee estimated the actual investment at $60,712,000.

EIGHTY MILLIONS OF DOLLARS OF WATER.

Thus, of the beet-sugar capitalization, from seventy-eight to eighty millions of dollars is pure water, or 57 per cent. J. Pierpont Morgan in his prime never poured water into stocks at this rate. Even the Steel Trust achievement could not equal it.

Some of the individual companies exceed even this figure. The Great Western Sugar Co., capitalized at $30,000,000, is worth $10,600,000. The American Beet Sugar Co., with $20,000,000 capitalization, represents an investment of $5,300,000. The plants of the Michigan Sugar Co., which issued over $11,000,000 capital stock, can be duplicated for $5,450,000.

But in spite of these fictitious valuations, the sugar companies have been able to pay high dividends on all their capital stock. The sugar investigation showed that the Great Western Sugar Co., besides paying 7 per cent dividends on its preferred stock and 5 per cent on common, amassed a surplus of $9,000,000 in five years, making an annual net profit on actual investment of 36 per cent, or 182 per cent in five years. This company actually had to juggle its figures to keep down dividends on stock over half of which was water.

The American Beet Sugar Co. made $9,600,000 on an actual investment of $5,300,000 in seven years. The Michigan Sugar Co. paid back in four years every dollar of real money invested in it.

The great crime of modern finance is overcapitalization. A charter granted to a watered concern is simply a charter to rob the poor and the helpless, for obviously either prices must be raised to an unnatural level or wages must be reduced in order that dividends may be paid on money that is not invested. The beet-sugar industry is one of the worst of offenders, yet its great lobby is demanding that the working people of this country shall be taxed $1.50 per year in order that they may continue to pay dividends on watered stock.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 32, Calendar No. 3 on the House Calendar.

The SPEAKER. The gentleman from Alabama calls up a bill which the Clerk will report. The gentleman from Alabama will please send up the bill.

Mr. CLAYTON. Mr. Speaker, it was turned in at the Clerk's desk yesterday.

Mr. MANN. As I understand, the gentleman asks unanimous consent. Reserving the right to object——

Mr. CLAYTON. I did not hear what the gentleman said, and I ask that he repeat it.

Mr. MANN. I understood that the gentleman asked unanimous consent for the immediate consideration of House bill 32.

Mr. CLAYTON. That is correct.

Mr. MANN. I shall object in the end to the immediate consideration of that bill this morning, so I doubt whether it is necessary to read the bill.

Mr. CLAYTON. Mr. Speaker, the matter is presented in rather an unusual way, but not without a precedent. May I give a history of the matter? The bill which passed the House relates to this additional judge in the district in which the city of Philadelphia is located.

Mr. MANN. I beg the gentleman's pardon. I supposed he was talking about another bill.

Mr. CLAYTON. Not now.

The SPEAKER. Anyway the gentleman ought to get some action on this conciliation bill which has just come over.

Mr. MANN. The gentleman said it was a bill reported in yesterday, and I supposed it was the conciliation bill.

Mr. CLAYTON. There was so much confusion——

Mr. MANN. Yes. The gentleman gave the number of the bill correctly, but I thought it was the other bill. I beg the gentleman's pardon.

The SPEAKER. The Chair will call the attention of the gentleman from Alabama and all concerned to the fact that the Senate has just sent over a message transmitting this conciliation bill.

Mr. MANN. The gentleman has not called up the mediation bill, as both the Speaker and I supposed, but is calling up the bill for the additional judge in Pennsylvania.

Mr. CLAYTON. I was about to tell what it is, and once for all now, if I may be permitted, I will do so.

The SPEAKER. The gentleman will proceed.

Mr. MANN. Reserving the right to object——

Mr. CLAYTON. Some time ago this House passed a bill providing for the appointment of an additional judge to preside over the United States court in the district in which the city of Philadelphia is located. That bill was considered in the House here, and passed with an amendment which is known as the Cullop amendment, requiring publication of the indorsements of the appointee.

Mr. PALMER. Known also as the Mann amendment.

Mr. CLAYTON. I may say an amendment hereafter to be known as the Mann amendment.

Mr. MANN. The gentleman was correct the first time. It is the Cullop amendment.

Mr. CULLOP. "The gentleman from Indiana" accepts the distinction and is proud of it.

Mr. CLAYTON. The gentlemen may quarrel about that distinction among themselves. That is not pertinent to this inquiry. We will call the baby either Mann or Cullop. It will be just as pretty it matters not which, because they are both specimens of personal pulchritude. [Laughter.] I myself do not know which one is the more beautiful. That would be an æsthetic question, and perhaps the ladies can determine that when suffrage is universal.

This bill passed with that amendment and went to the Senate. The Senate struck out that part of the bill which we have designated as the Cullop or Mann amendment, and also amended the bill in the further particular by putting on another section providing for the appointment of an additional circuit judge in the fourth circuit, in which circuit the States of West Virginia, Virginia, South Carolina, and others lie.

With those two amendments the bill passed the Senate and came here.

The chairman of the Committee on the Judiciary has made several efforts to secure a disagreement to the Senate amendments and to ask for a conference, but has not been successful. The bill is now reported back here with a resolution providing for the appointment of a conference committee. I find a precedent for that in Hinds' Precedents, volume 5, page 649, section 6271, and that seemed to me to be the only way to get the matter up, having failed to get it up in the other way which I have attempted heretofore, which is well known to the House. Therefore, Mr. Speaker, I ask for the adoption of the resolution which the committee reported, which is at the Clerk's desk, to disagree to both the Senate amendments and send the bill to conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to disagree to the Senate amendments and send the bill to conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill has been reported to the House and I suppose has been referred to the Committee of the Whole House on the state of the Union, although it appears by the calendar that it was referred to the House Calendar. It should have been referred to the Union Calendar, because it is a bill requiring consideration in Committee of the Whole House on the state of the Union; but if it has not been referred to the Union Calendar I suppose it would not require unanimous consent to discharge the committee. I think we had better have the Senate amendments reported before the request is put.

Mr. CLAYTON. I have no objection to that.

The SPEAKER. The Clerk will report the Senate amendments.

Mr. MANN. Are the original papers at the desk?

Mr. CLAYTON. They were turned into the Clerk's desk yesterday.

Mr. MANN. The House can not act unless they are actually at the desk.

The Clerk read as follows:

Page 1, lines 9, 10, and 11, strike out the following: "*Provided, however*, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Add a new section as follows:

"SEC. 3. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional circuit judge for the fourth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said fourth circuit: *Provided*, That the office of circuit judge to which Robert W. Archbald was originally appointed is hereby abolished and no successor shall be appointed to fill said office."

Mr. MANN. If the gentleman from Alabama will make a request for the immediate consideration of the Senate amendments, I shall not object.

Mr. CLAYTON. I am told that perhaps others will object on this side.

Mr. MANN. I can not help that; I have no control over them.

Mr. CLAYTON. Will the gentleman permit me to give an entire answer to his question?

Mr. MANN. Yes.

Mr. CLAYTON. I want to say that the only object of the request I have preferred to-day is to get the disagreement to the Senate amendments and get the matter into conference. Then the whole matter will come up for discussion and further consideration on the report of the conferees. I hope that the gentleman from Illinois will let it go through in that shape. There will be ample opportunity to discuss the Cullop and the Mann amendment and vote on it.

Mr. MANN. The gentleman from Alabama knows, and there is no use to beat around the bush, that the conference report is acted upon as a whole, and that there is no opportunity to have a separate vote on any amendment when it is presented. The gentleman can not mislead me on that subject, nor does he intend to. If the gentleman desires immediate consideration of the Senate amendments I have no objection. But I shall demand a separate vote on the amendments.

Mr. CLAYTON. I do not think the gentleman is entirely correct. I think the conference report would be the subject of debate.

Mr. MANN. Subject of debate, certainly.

Mr. CLAYTON. And discussion; and that would bring up the whole question as to this Cullop or Mann amendment as well as the judgeship and whether we should agree to the conference report. That would be the very question presented to the House by the conference report, and the whole matter would then be before the House for full consideration.

Mr. CULLOP rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Indiana?

Mr. CLAYTON. With pleasure.

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman a question regarding the conditions that now exist that did not exist when this bill passed the House. There has been a removal now of one of the judges of the Commerce Court, Mr. Archbald. He was from the State of Pennsylvania, and a resolution has already passed the caucus of the majority in this House to abolish the Commerce Court. Now, what is there to prevent the President filling that vacancy and designating that judge to hold court in Philadelphia until the disability of the present judge is removed? It seems to me that there is no necessity of this bill at all under the conditions as they exist at this time. It is creating a bad precedent in the appointment of judges who are to sit in place of some other judge without creating either a new circuit or a new court. That is the condition that exists now, and it begins to look like this was done more to give some one a berth than to relieve an existing necessity. I ask the gentleman from Alabama who has charge of this matter if the whole matter can not be remedied in the manner I have pointed out?

Mr. CLAYTON. I do not think that the situation in the city of Philadelphia that this bill sought to remove when it was introduced in the House and passed can be removed in the way the gentleman suggests, but the conference committee could take care of one branch of his suggestion, and that is in regard to creating another circuit or creating another judgeship for the fourth circuit, as the Senate sought to do by the amendment which it put upon it.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield there?

Mr. CLAYTON. Yes.

Mr. HARDWICK. Is the fourth circuit judgeship involved in this proposition now?

Mr. CLAYTON. Yes; that is one of the Senate amendments to which I want to disagree.

Mr. HARDWICK. The gentleman wants to disagree to that?

Mr. CLAYTON. Yes.

Mr. HARDWICK. I am in hearty sympathy with the gentleman's motion in that respect.

Mr. CLAYTON. I want to disagree to the other amendments, also.

Mr. HARDWICK. I understand the gentleman to mean that as a conferee he is going to resist that amendment?

Mr. CLAYTON. The conferee is going to do the best he can.

Mr. HARDWICK. That is his position on the conference?

Mr. CLAYTON. Does the gentleman think that is a proper question? If he does, I will answer it, and I will submit it to him. Does the gentleman think that a conferee ought to tell his attitude before he goes into the conference? If the gentleman does, then I will say that I have no concealments to make; but, as a matter of good form, does the gentleman think it is a proper thing?

Mr. HARDWICK. I will not insist upon that; but I will ask the gentleman this: Will the gentleman agree, as one of the conferees, that before there is any action on the conference report the House shall be given a separate vote on that question?

Mr. CLAYTON. Mr. Speaker, I do not think I could deprive the House of the opportunity if it wanted it.

Mr. HARDWICK. Oh, yes. We have to vote on a conference report as a whole.

Mr. CLAYTON. I may say that I said to the gentleman from Illinois [Mr. MANN] in the beginning of my remarks that the House would have an opportunity to consider it. I shall certainly favor the House voting separately on these propositions, and I do not want to say any more about my attitude; but there will be no disposition, and there never has been on my part, to preclude the House from expressing its candid judgment. I never have invoked technicalities.

Mr. HARDWICK. But one of the rules of the House is that a conference report is voted on as a whole.

Mr. CLAYTON. Oh, I understand. I know it is not severable ordinarily, but I know that if it is requested ordinarily it is severed, and there is a division had if requested, and I can assure the gentleman if the committee on conference does not ask a separate vote there would be no objection to his or any other gentleman asking for and obtaining a division of the question.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. DYER. After the conference report comes in, and a request is made by some one to have a separate vote on these two amendments, would it not be necessary to have unanimous consent to obtain it?

Mr. CLAYTON. I do not think so; but I think if it were, there would be no objection, and if that sort of contingency should arise, all I can say is that I shall do everything in my power to see that the House has the opportunity to express its opinion upon these two separate propositions, and I think it will have.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. PALMER. Mr. Speaker, if the gentleman will permit, I would like to say a word in answer to the suggestion made by the gentleman from Indiana [Mr. CULLOP]. At the time that this matter was first brought before the Committee on the Judiciary of the House a vacancy had not occurred in the circuit court, and Judge Gray, of the United States Circuit Court, declared that he had made every effort possible with the judges who were then available under the law to go into that district to relieve the unfortunate conditions caused by the ill health of Judge Holland, and that he had been unable, with the assistance of the Chief Justice of the Supreme Court or in any other way, to man the bench in the eastern district of Pennsylvania in such a way as to materially relieve the congestion there. So that that condition would again obtain if a circuit court judge were to be named in the place of Judge Archbald. Even if the Commerce Court is abolished, the work done by the Commerce Court judges is not to be abolished. That will have to be done in the circuit courts to which the judges of that court will be assigned, and it will then be as difficult as it was when Judge Gray told the Judiciary Committee of the House that he could not get the necessary help for this Philadelphia court.

The gentleman says this creates a bad precedent. It is creating no precedent. It is following a good precedent. In four or five cases the Congress, where a judge on account of ill health has been incapacitated mentally or physically from the performance of labor, has passed a bill of this kind creating an additional judge, with the proviso that when a vacancy occurs upon that bench it shall not be filled. This bill is simply following the precedent of the Texas case, the Baltimore case, and several other cases which gentlemen will remember.

Mr. CLAYTON. And the Ohio case.

Mr. PALMER. The gentleman from Indiana further says that he believes that this bill is urged for the purpose of creating a soft berth for somebody rather than by public needs. I introduced this bill, and I want to deny in terms as strong as I can make them any such purpose on the part of anybody who has been behind this proposition from the beginning. It was originally introduced during the last administration, when it was, however, impossible to get it passed through the House on account of the congestion of business here. Lawyers in Philadelphia, regardless of party politics, have urged that this place be created. A committee of the Philadelphia Bar Association, consisting of 12 or 15 men, of whom only 1 was a Democrat, asked that this place should be created.

I have not the slightest notion that anybody knows who would be in the mind of the President for the appointment to this important place. No consideration has been given to the

question of who should be the judge and will not be until we shall have passed this piece of legislation. I want to say this further thing, if the gentleman from Alabama will permit me, that I think the gentleman from Illinois [Mr. MANN], by his tactics in this matter has done a grave injustice to the people in that great district, 2,000,000 or more, who are to-day suffering because this emergency measure of a very urgent character is being prevented from passage by his action. When the bill was originally introduced it was a simple proposition to relieve a judge who was dying and make it possible for the court to continue its business. The gentleman from Illinois has complicated this simple proposition by putting into the bill an amendment which he himself says he does not believe in, which he himself voted against——

Mr. MANN. But I did not put it in.

Mr. PALMER. But the gentleman is responsible for it—which he himself declares is vicious and ought not to be a part of any law. I leave it to him to say whether that kind of intellectual candor or legislative honesty is a right course to pursue in legislation of this character. Now, if that had not been done, the Senate would not have put this matter in a position where we have been compelled to wait for six weeks or more in order to get to a place where we can even have the thing considered, and the gentleman may take what consolation there is from the fact that his course has resulted in the denial of justice to suitors amongst the people of that district, comprising some 2,000,000 of souls. I plead with him on behalf of these people who earnestly insist that their causes ought to be tried and have a right to be tried; on behalf of these people who say that Judge Holland has served this country magnificently and well at a small salary for many years and is now very ill and unable to perform any labor; I ask that he permit them and him to do what in justice ought to be done for the people of that district—put the court in such a place where its business can be continued. Now, as to this Mann-Cullop amendment I do not think it of very much importance anyway. As far as I am concerned, I am satisfied that the President would have no objection to telling the name of every person who indorsed any candidate for a judgeship. I doubt the power of Congress to compel the Executive to disclose such names. It would be directory only; it would be a request probably to the President that he do it. I do not think it is a vital principle one way or the other, but at any rate if you are going to fight out that question and decide what is going to be the law, I say the gentleman from Illinois ought not to have complicated this simple little judgeship matter with it. Even that is now beside the question, because the proposition is to disagree to all these Senate amendments. I hope that neither the gentleman from Illinois nor the gentleman from Indiana will pursue this matter so far as to result in a longer denial of justice to our people.

Mr. MANN. Mr. Speaker, will the gentleman from Alabama yield to me?

Mr. CLAYTON. Certainly.

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER] endeavors to get his resolution up by making a personal attack upon me——

Mr. PALMER. A personal appeal to the gentleman.

Mr. MANN. A personal attack. He says that I am responsible for this amendment in the bill. Well, I offered the amendment on the floor. I did not vote for it. The Democratic side of the House, with a two-thirds majority in this Congress, adopted the amendment. The gentleman from Pennsylvania [Mr. PALMER] says that there is no principle involved in it. Why, then, was it inserted in the Democratic platform? Most of the Democratic platform is without principle, but I did not suppose that a leading Democrat on the floor, right after having elected his candidate for the Presidency upon a platform which probably he helped to write, would openly come into the House and declare that a pledge in that platform was mere buncombe. [Applause on the Republican side.] When this proposition for the creation of a district judge, involving the plank in the Democratic platform, came before the House, I offered the amendment on the floor in order to see the gentleman from Pennsylvania [Mr. PALMER] dodge. He dodged the best he could, but it hit him just the same.

Mr. PALMER. I did not dodge very much.

Mr. MANN. Now, when he wants to bring it before the House to-day, the Senate having by an amendment stricken out this provision, and the Democratic Senate having violated the platform of its party, I propose when the matter comes before the House to vote to concur in the Senate amendment, and let the gentlemen on that side of the House vote it in or vote it out, just as they please.

Mr. GARRETT of Tennessee. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. Does the gentleman insist that a fair construction, or any construction which is reasonable, of that clause in the Democratic platform, means that there should be this legislation?

Mr. MANN. Why, certainly. There is no other construction that can be given to it. That is what it says. The House had adopted an amendment to a bill relating to the northern district of Illinois, the creation of a new district, on all fours, almost, with the pending bill, and the gentleman from Indiana [Mr. CULLOP] offered an amendment providing that all indorsements should be made public by the President. That was upon a bill relating to a district judge, and following that, the Democratic convention at Baltimore inserted in the Democratic national platform a plank in favor of the proposition, either because they were in favor if it or else because they were told by Mr. Bryan to put it in, he being the father, or daddy, of the idea.

Mr. GARRETT of Tennessee. If the gentleman will permit a moment more, inasmuch as I asked the question, and inasmuch as I voted against the amendment, as the gentleman knows, in both instances, I recollect fairly well the language of the platform, and my construction of it is that whatever binding force it may have affects the Executive, but it does not call upon the legislative branch of the Government to bring about legislation which it can not do under the Constitution.

Mr. MANN. Mr. Speaker, the amendment was offered in the House in the last Congress because the Commoner was asking it.

Mr. HENRY. Will the gentleman yield?

Mr. MANN. In just a second. It was a part of the legislative program of the House, adopted by the House and approved by the Democratic platform in view of what had taken place in the House.

Mr. HENRY. Does the gentleman think his amendment is well worded?

Mr. MANN. Well, I do not have any special pride in it. I copied the amendment in the main from the amendment of the gentleman from Indiana, and I believe the gentleman from Indiana, on the whole, uses better language than the gentleman from Texas [Mr. HENRY]. [Laughter.]

Mr. BARTLETT. The gentleman did not vote for the amendment, did he?

Mr. MANN. I did not.

Mr. BARTLETT. I commend him for not doing so, too.

Mr. HENRY. The gentleman says he proposes to concur in the Senate amendment?

Mr. MANN. Yes.

Mr. HENRY. I want to say to the gentleman that I stood by the amendment of the gentleman from Illinois, and if I am present this bill will not go through unless this amendment is left in.

Mr. MANN. All I want is a chance to vote on it.

Mr. CLAYTON. You will have that opportunity.

Mr. MANN. There will be no consideration given to the bill by unanimous consent, and I do not think in any other way, without an opportunity for a separate vote upon the Senate amendment. I have no objection to the consideration of the Senate amendment.

Mr. CLAYTON. Does the gentleman make that threat on the present proposition?

Mr. MANN. I make no threat.

Mr. CLAYTON. I demand the regular order.

Mr. MANN. That is equivalent to an objection.

Mr. CLAYTON. I want to cut off the cheap political play.

Mr. MANN. On that side of the House. The gentleman from Alabama [Mr. CLAYTON] usually makes such a play.

The SPEAKER. Is there objection?

Mr. CULLOP. I object, Mr. Speaker.

Mr. CLAYTON. I demand the regular order.

The SPEAKER. The Clerk will call the committees.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I call up for present consideration the bill which the Clerk first read.

Mr. MANN. Mr. Speaker, I make the point of order that the bill is on the House Calendar and it properly belongs on the Union Calendar.

The SPEAKER. The point of order is sustained.

Mr. MANN. Come again. I would not have objected to the consideration of the bill.

Mr. CLAYTON. The resolution is on the calendar.

The SPEAKER. The bill itself will be transferred from the House Calendar to the Union Calendar, and the gentleman calls up his resolution, which the Clerk will report.

Mr. CLAYTON. Then, Mr. Speaker, after the committee calls are exhausted I shall move to go into Committee of the Whole

for the consideration of the bill. The gentleman from Illinois [Mr. MANN] can delay it a little bit longer.

Mr. MANN. I did not delay it. I did not object to the consideration.

Mr. CLAYTON. I beg the gentleman's pardon; he did.

Mr. MANN. I stated that particularly. The gentleman got impertinent.

Mr. CLAYTON. No; the gentleman from Alabama is always courteous.

The SPEAKER. The gentlemen are both out of order.

Mr. CLAYTON. He is never impertinent, but he preserves his rights. And the error made by the Clerk in putting the bill on the wrong calendar will be rectified.

The SPEAKER. The Clerk will proceed with the call.

The Clerk proceeded with the call of committees.

Mr. PADGETT rose (when the Committee on Naval Affairs was reached).

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

INCREASE IN NUMBER OF MIDSHIPMEN, UNITED STATES NAVAL ACADEMY.

Mr. PADGETT. I rise, Mr. Speaker, to ask unanimous consent to take up Senate bill 2272, the bill to extend the present law with reference to the appointment of cadets.

The SPEAKER. The gentleman does not need to have unanimous consent. The gentleman calls up bill S. 2272, which the Clerk will report.

The Clerk read the title of the bill, as follows:

"An act (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to have the bill considered in the House as in Committee of the Whole.

The SPEAKER. The call of committees will have to be finished first.

Mr. MANN. He asked unanimous consent.

Mr. PADGETT. Yes; I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

"*Be it enacted, etc.*, That after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large: *Provided*, That midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy."

Mr. MANN. Mr. Speaker, as I understand, this bill is for the purpose of adding one naval cadet from each of the districts and States—for how many years?

Mr. PADGETT. It continues the present law for six years. The present law expires on the 30th day of the present month, and this extends it for six years.

Mr. MANN. When was the present law enacted?

Mr. PADGETT. In 1903, to continue for 10 years.

Mr. MANN. This proposes to extend that for how long?

Mr. PADGETT. Six years longer.

Mr. MANN. How many cadets have been graduated or entered under the present law over and above those who would have been entered or graduated provided that only one cadet from a district had been authorized?

Mr. PADGETT. The law that was enacted in 1903 doubled the number of appointments.

Mr. MANN. I understand; but how many cadets have there been under that?

Mr. PADGETT. They have been having ordinarily from 600 to 800 midshipmen. The graduating class has averaged around 150 a year.

Mr. MANN. My information, and I think that of everybody else, is that at present, under the increase in the number of cadets, when the present cadets are graduated—those who are just entering under the existing law—and go into the Navy they would still be, after 30 or 40 years, most of them, practically down in the grade of lieutenant or lieutenant commander. And here the proposition is to add to that difficulty.

Of course, we all know that it is not desirable in the Navy or elsewhere to have men 50 or 60 years of age in the minor positions. Yet that will be the result of the bill if it be enacted.

Mr. PADGETT. There is a very great shortage of officers in the Navy, there is very great need for the officers, and there is a greater need for officers in the lower grades than in the higher. But it is true that under the operation of the present personnel legislation there will be, in a few years, a great hump in the lower grades unless it is remedied by legislation.

I will say to the gentleman that it is being considered by the committee. We have already taken the necessary initial steps to provide during this extra session extensive hearings on this question, with a view to reporting at the regular session a personnel bill for the purpose of reorganizing the personnel and to remedy the situation which the gentleman indicates.

Mr. MANN. I have no doubt the Naval Committee will do the best it can, but I have not the slightest idea that the House will adopt any provision which may be recommended by the Naval Committee for the purpose of removing this so-called hump, which will come all at once and which necessarily will require either that men be forced out of the Navy before the retiring age or that a large number of additional positions be created in the higher grades which are not needed.

Mr. TRIBBLE. Will the gentleman from Illinois permit a suggestion?

Mr. MANN. Certainly.

Mr. TRIBBLE. Has the gentleman from Illinois forgotten that we have a plucking board that will relieve the situation he speaks of?

Mr. MANN. No; the gentleman from Georgia is mistaken. The plucking board is in part able to relieve the situation when there is no so-called unusual hump. The personnel bill fixes the number who can be retired by the plucking board, but the number fixed in that bill was based on the number then in the service.

Mr. TRIBBLE. Yes.

Mr. MANN. Since that time we have increased the number of officers very greatly—by 10 years now of an extra cadet at Annapolis for each Representative and Senator. Of course, those are not all in the service yet, because those just going in have several years to serve. Now, when you add another 6 years of extra cadets you will have a great number of lower-grade officers in the Navy, and the man who enters, unless he happens to be of superior age or rank when he gets in, will not reach the age of a lieutenant commander during his service in the Navy; and lieutenant commanders or lieutenants of the senior grade——

Mr. TRIBBLE. I suggest that it will help some to pass this bill.

Mr. MANN. But the plucking board can only retire so many, and that will not relieve this situation. Nor is the gentleman from Georgia himself in favor of the plucking board.

Mr. TRIBBLE. No; the gentleman from Illinois and I want to abolish the plucking board, but we can not get that matter up before the committee.

Mr. PADGETT. All of these matters will come up for consideration later, at the proper time.

Mr. MANN. Why should they not all come up at the same time, because you admit that you are increasing the evil?

Mr. PADGETT. Oh, no.

Mr. MANN. You say, "We will correct it later." Why not correct it at the time you are increasing it?

Mr. PADGETT. I do not admit that the appointment of these midshipmen is an evil. It is a necessity, and a very urgent necessity, which should be met. This morning I received a letter from the Secretary, very urgently and insistently begging that this legislation be enacted at once for the good of the Navy, on account of the shortage——

Mr. MANN. The gentleman has done me the courtesy to show me the letter. I did him the courtesy a day or two ago to say that I would insist on a letter on the subject from the Secretary of the Navy. The gentleman has the letter, and I have seen it. I should like to have that letter read. Of course, I know the position of the Navy Department. They think they need the officers. Probably they do, but they think that when they get the additional officers the evil of the so-called hump will be so great that Congress will be forced to create a large number of additional positions of commander, captain, and rear admiral.

The letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, June 27, 1913.

MY DEAR MR. PADGETT: The extension of the law allowing two midshipmen for each Senator, Representative, and Delegate in Congress, one for Porto Rico, and 20 in all at large, is a matter of so much importance to the Navy Department that I beg to present for your consideration some of the reasons for extending the law.

The foremost reason is that the Navy needs the officers, and will need, for some years to come, the output of officers from the Naval Academy that will ensue if the law is extended.

At the present time the bureau of this department charged with the assignment of officers to duty is much harassed to find officers for all the places when they are required and the efficiency of the Navy is impaired for lack of them.

At present 10 of the older battleships and 6 armored cruisers are in reserve or in ordinary; and in addition to these there are many smaller

vessels in reserve or out of commission for which officers would have to be provided in case of war; and on board the vessels that are in full commission, as well as on those in reserve and in ordinary, the shortage of officers is seriously felt.

With further reference to the present shortage of officers, the country has at Newport a well-equipped War College for the purpose of teaching officers the art of war, but so few officers are available to go there—so few can be spared from work which must be attended to—that the classes there number but 12 or 15 officers, when there should be many times that number.

The Naval Academy is well equipped to handle the number of midshipmen that the extended law would provide. Its present maximum capacity for the accommodation of midshipmen is 865 with comfort; with crowding, 945. It has for about 10 years been accommodating from 700 to 900 a year, and is well equipped for continuing to do so. Its efficiency would be impaired by dropping back to small numbers, and relatively it would be far from economical to do so. It is believed that if the law is not extended now, its urgency will be so recognized that it is sure to be extended in the near future, and should there be a break of two or three years during which the academy would have to adjust itself to small numbers, and then adjust itself to the increase, there would be loss of efficiency and confusion.

With larger numbers and the prospect of, perhaps, graduating annually a small surplus that would not be commissioned, the competitive feature of work at the academy would be reestablished, and it is believed with resultant good to the midshipmen and to the service.

It is understood that some objection is made to the bill extending the law, on the ground that graduating such large classes will ultimately cause a stagnation in promotion or a so-called "hump" that will seriously impair the efficiency of the personnel. This is true unless something is done toward the proper distribution of officers in the different grades, and it will, even as matters now stand, demand the attention of Congress. This question of distribution to avoid the hump, and of elimination for that and other purposes, will at a future date be brought to the attention of Congress.

Finally, I suggest the desirability of continuing this law now, the officers being needed, and the machinery for producing them all in operation to run on without change.

When the law no longer appears necessary, if ever, it can readily and definitely be changed, but to fail to extend it now, and then to have to do so in the face of the urgent demand that is sure to arise, would not only put the Navy further behind in getting the number of officers it urgently needs, but would appear to be poor policy from all points of view.

Sincerely, yours, JOSEPHUS DANIELS.

Mr. HOWARD. Mr. Speaker, before the letter is read, will the gentleman from Tennessee yield for a question that I should like to ask? Does the gentleman know how many vacancies now exist at the Naval Academy by virtue of the fact that the appointees of Congressmen and Senators have failed to stand the mental or physical examination? Their failure to stand the mental examination is because the curriculum imposed in these examinations is of such a character that the boys between 16 and 21 years of age simply can not stand it and ought not to be expected to stand it.

Mr. PADGETT. I do not know the exact number, but there are a considerable number who have failed from one cause or the other. There are a large number of young men who fail on physical defects, and some fail to pass the mental examination.

I will say that during the last year the character of the examination was ameliorated to some extent, and is not so severe as it has been.

Mr. HOWARD. Of my own observation I should like to suggest here that I do not believe there is a Member of this House or a Member of the Senate—I do not care who he is or where he came from or what his experience is—who could stand the examination that is required to-day at the Naval Academy; this statement is substantiated by the fact that out of over 700 candidates for admission only 219 were successful in the last examinations. As a matter of fact, I am informed that there are over a hundred vacancies, and the boys from the country districts can not stand this examination without going to the great expense of attending one of these coaching schools, which precludes the possibility of a poor ambitious boy serving his country in the Navy.

Mr. PADGETT. I think that the word that the gentleman has received is an overdrawn picture.

Mr. HARDY. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. I will.

Mr. HARDY. I am glad to call attention to this matter in this public way. It is a fact, as the gentleman from Georgia says, that we may pick out the brightest boys, boys from the colleges—not always from the country—and three out of five or more of them will fail in the mental examination, and about three out of four who do not fail mentally will probably fail physically. It does seem to me that this is wrong. I have two vacancies in my district now, after a number of failures. Some qualified mentally, but fell down on the physical examination, and some failed before they got to the physical. There is something the matter with these examinations. I do not believe that after getting the brightest boys we have they ought to fail in going through the examination successfully. It is almost impossible for a good healthy boy to get through the examination which they require, at least without a preliminary process of stuffing at some special establishment. I wish to put that much in the RECORD.

Mr. HOWARD. Mr. Speaker, I want to make myself clear about the character of these examinations. I was going on to speak about the country districts where so many of the boys come from. As a rule these boys have not had an opportunity to acquire the higher education. Their fathers, as a rule, are not able to send them to Annapolis preparatory schools and pay the men who are engaged in this business, making thousands of dollars in preparing young men for Annapolis. They charge exorbitant fees for that preparation.

Mr. MANN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. Is it not a fact that it is almost impossible for a boy to pass an examination for either Annapolis or West Point unless he goes to one of these preparatory schools the head of which is friendly with the academy?

Mr. HOWARD. That is absolutely true, and I was coming to that in a minute.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CLARK of Florida. I want to say that I have not got a single vacancy in my district, and have not had for some years, and if the gentleman from Georgia and the gentleman from Texas will get the law amended so as to permit it, I can get plenty of boys from the second congressional district in Florida to fill the vacancies.

Mr. HOWARD. I understand, Mr. Speaker, that the district represented by my good friend in Florida has many brilliant young men in it, and he reflects credit on that district as the Representative of these brilliant young men of his district, being a very brilliant Member of the House.

I am making an appeal for the country boy. I believe the best fighters that this country has had were not men with the best education in the past. There is too much red tape about this Naval Academy. It is created by Congress for the purpose of furnishing men efficient and able enough to do the duties upon a naval office. I say in this curriculum and these preparatory schools there is a good deal of chicanery, as my friend from Illinois suggests, and it is charged they have a great deal of influence with the academy authorities, and it ought to be done away with. If it was, you would not have any complaint about the graduating class at the Naval Academy being a mere handful of graduates.

Mr. BARTLETT. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. BARTLETT. The gentleman is speaking about political influence. That has all been done away with, because now we have a new political administration.

Mr. HOWARD. I understand that our Democratic Secretary has the political pets on the run; but if there is any department in the Government where there was more politics and swivel-chair admirals protected by politicians in high stations it was in the Navy Department of this Government, and every Member of this Congress knows it. [Applause.] I know men in the Navy that have gotten to be rear admirals who, instead of ever commanding a fleet, have never commanded a flat-bottom bateau. They would get seasick before they got 200 yards from shore. [Laughter.]

Mr. BARTLETT. I do not know anything about that; but if my friend will permit me, it is news to me that politics has any influence in the Navy. I have always understood and believed that in all administrations the contrary was true.

The SPEAKER. The Chair will remind gentlemen that the gentleman from Tennessee [Mr. PADGETT] has the floor.

Mr. HOWARD. I yielded to my colleague because he asked me to yield, and I was suggesting things to my good friend from Tennessee so that they may be corrected, and I wanted to call attention to them while this matter was under consideration.

Mr. PADGETT. Mr. Speaker, these suggestions will go into the RECORD and may be read by the administration. [Laughter.]

Mr. SELDOMRIDGE. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. SELDOMRIDGE. Mr. Speaker, there is one observation that I desire to make in connection with the discussion of this subject, which has been brought very close to me, having been in some way connected with the admission of a cadet to Annapolis very recently. That is this: I believe a serious injustice is done these young men in not providing that they shall take the physical examination before they take the mental examination. I know of a young man who came here to this city and who entered one of these schools to which allusion has been made. He did so at considerable expense. He was subjected to a great deal of hard mental work. Now, after months

of labor and attention, he finds that there is some slight physical defect which interferes with his admission to the academy. Had this defect been known prior to the expense incurred and the labor involved, it would have resulted to his advantage. I think that our committee in considering legislation in connection with this matter should take this question under consideration and try in some way to relieve these young men of this embarrassment—that after having taken the mental examination to discover the existence of some little physical infirmity which prevents their admission to the academy.

Mr. PADGETT. Mr. Speaker, that matter can be corrected by regulation and it does not need legislation. The department can remedy that by regulation.

Mr. PLATT. Mr. Speaker, I represent the district in New York in which West Point is situated. I want to say that we have so many applicants for West Point that we have to hold competitive examinations. I never knew any political influence to be used in getting a boy through the examinations for admission either to West Point or Annapolis. We hold competitive examinations for appointments to both Annapolis and West Point. I have so many applicants that I have decided to put into effect what are known as the Rhodes scholarship tests on my boys, so that their physical development, their courage, and character and manliness, as well as their mental attainments, will count toward the appointment. I am going to make the physical requirements count fully one-half. I think that is the real way to settle the thing where you can get enough applicants.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. TRIBBLE. The entrance examinations at Annapolis and West Point are too hard and a great injustice to the boy of limited opportunities. Give him a chance. The chairman of the committee just stated he thought this matter could be rectified by the department and should be. I want to say to the gentlemen of this House that I think there should be legislation on the floor of this House, and if we do not correct this wrong here it never will be done.

Mr. MANN. That is correct.

Mr. TRIBBLE. This matter has been up before the Naval Committee, and I want to say to you here to-day that if you will read the hearings you will discover that I undertook to put some fire behind the department, and I charged in the Naval Committee that very few of the boys of my district could enter the Naval Academy or West Point without going to some school for special training, and that it was not fair to the country boys, who do not have the opportunity of special training, and poor boys, who are not able to attend training schools. I could not get the Naval Committee to take action, and I say that unless the Members of this House force the Naval Committee and the department to take action nothing will be done and it will go on year after year just as it does now.

Mr. QUIN. Mr. Speaker, I wish to corroborate some of the things that have been said. I have discovered that a young fellow has to be an Apollo in physical appearance and has to be almost a graduate of a State university before he can qualify under these examinations. I believe that this House owes it to the young manhood of this country to legislate here and not leave it to the Navy Department and the War Department to say what these qualifications shall be.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. MONDELL. Has the Naval Committee at any time investigated the character of the examinations for cadets?

Mr. PADGETT. Yes; we did a couple of years ago, and last year, as I stated a moment ago, the examinations were ameliorated to some extent and the requirements for admission were not so stringent; the requirements for the first year's study were not so severe.

Mr. TRIBBLE. Mr. Speaker, at this point I would like to make a statement, if the gentleman will yield. The chairman is honest in that statement, and he has made the statement before, but I wrote to the department and I asked them to send me the change in the examination showing that the regulation has been lowered, with the amelioration he claims has been made. The department wrote me not less than four months ago that no change had been made.

Mr. PADGETT. I only go upon the statement of the officers.

Mr. POU. If the examinations are so difficult, how does anybody ever get through? I have had a few men get through from my district, and I do not think the district has ever failed to have a representative there.

Mr. PADGETT. There are 150 to 160 or 175 graduated each year.

Mr. MONDELL. Will the gentleman yield to me for a moment to make a statement?

Mr. POU. Schley and Dewey got through and many others got through——

Mr. PADGETT. Yes; I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I have been recommending candidates for admission to the Naval and Military Academies for a good many years, and I have taken great pains to inform myself regarding the efficiency of the men I have recommended, physically and mentally. In every case I have required a preliminary physical examination for all the boys I have recommended for a cadetship and their alternates. The difficulty is that the physical examination made by the local physician is not always efficient. That is the fault of the local physician rather than the system. Without further knowledge than I now have as to the character of the examination, although I know something about it, I could not take it myself, there never has been a time when I could have taken it, but that is nothing against the examination——

Mr. PADGETT. Could the gentleman take a civil-service examination?

Mr. MONDELL (continuing). Without further information as to the views of the examiners and those who pass on the examination I should not want to say that there was such a thing as favoritism, and yet it is exceedingly regrettable that a Member of Congress, whose only desire is to have good, honest, healthy, hardy, hustling young men enter into the military service—I say it is regrettable that a man who has a good deal of experience in the nomination of these men is in some instances inclined to believe that there is, at times at least, some sort of favoritism. If that is not true then it must be true that the examinations are too difficult, or if that be not true then the examinations are an indictment of the entire school system of the Republic.

Mr. HARDY. Will the gentleman allow me——

Mr. MONDELL. In just a moment.

Mr. HARDY. Just a suggestion along that particular line——

Mr. MONDELL. In just a moment; please let me finish this thought. I have nominated young men who have passed splendidly through high school, young men who have nearly completed university courses, who have not been able to pass the mental examination. It is hard for me to believe the high schools, the academies, and the universities of this country are not thorough, and yet quite recently boys I have nominated, who could pretty nearly qualify as university graduates, have had great difficulty in passing the mental examination, and there is an impression among the boys—I do not know whether it is well founded or not, but it gets abroad—that no matter what a man's qualifications may be he can not expect to pass the examination unless he has attended one of these schools. Now, I occasionally nominate a boy whose parents are not able to send him to one of these schools, and that boy feels that he is handicapped. He is generally informed by some one, I do not know how, that he is likely to fail. Such boys do not always fail, but my experience has been, and I say this with some hesitation, because I do not want to criticize without sufficient ground, that in the cases where they have not failed there may have been some other influence that was helpful to them. I have never thought that there was any political influence in the matter, but I have discovered that it seems to be, and I say "it seems to be," easier to get a boy through the examinations who has some military connection of some sort or other.

Mr. COX. Will the gentleman yield?

Mr. MONDELL. And I know it is easier, apparently, for a boy to pass these examinations if he has some pretty good social connections. Now, I may be mistaken about that——

Mr. PADGETT. Well, I rather think the gentleman is.

Mr. MONDELL (continuing). And I say what I have with some reservation, but views have been forced upon me through a considerable number of years of experience, and I have hoped——

Mr. PADGETT. May I interrupt the gentleman; will he bring his remarks to a close, as I can not yield further?

Mr. MONDELL. Just a moment, because I think this is rather important. I have hoped that the Naval Committee can find some way in which to so arrange for these examinations as to at least remove from the minds of the Members a suspicion that everything is not aboveboard and honest and on the square. I hope it is, and yet I have had some peculiar experiences with my nominees to West Point and Annapolis.

I will close with this further suggestion. My impression is, from a knowledge of the young men I have recommended and who have not passed, or who have had a difficult time to pass, that it must be that the examinations are unnecessarily severe,

so severe that for the ordinary boys from a country district who have had only a high-school education or education in a local academy, it is exceedingly difficult for them to get into the academies, and I agree with the gentlemen who have spoken that, in the main, and taken as a whole, it is the boys from the small towns and the country districts—perhaps I should not say they are the best, but who are certainly as good material as you can find in the Union. But conditions ought not to be such that there is any suspicion in the mind of a Member who wants to be fair that the average boy from the country district can not get into the academy. If that condition was remedied, we would not need new appointments. We would fill the academy with the provisions we now have.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] has the floor.

Mr. PADGETT. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has used 30 minutes.

Mr. PADGETT. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I simply want to add to the experiences that have been mentioned here. In 10 years I have never been able to have a boy pass an examination unless he went to the expense of coming to one of these preparatory schools, and the result has been that I have found it almost impossible to appoint any poor boy to one of these places, unless he could find some friend who would furnish the money to send him to such a school. I have a vacancy existing now, although I have just recently had four boys take the examination.

Mr. McCOY. Will the gentleman yield?

Mr. HUMPHREY of Washington. In just a moment.

At West Point, I have found it even worse. In practically 11 years I have been unable to have a boy graduated at West Point. All of them but one have failed on account of some physical defect found after they entered the academy. One of those boys had an examination, and they found he had trouble with his eyes. Dr. Wilmer and Dr. Green, of this city, among the highest experts in the United States, decided that the medical officers at West Point were wrong, and the Secretary of the Navy reinstated the boy. During the very next year the same physician found the same condition again and failed to notify either me or the boy in time, so that we could take an appeal to the Secretary, and he was dismissed from the academy because of that defect which the best oculists in this city said did not exist.

The SPEAKER. The time of the gentleman has expired.

Mr. SISSON. Will the gentleman from Tennessee [Mr. PADGETT] yield?

Mr. PADGETT. I will yield in a moment. I promised to recognize the gentleman from Ohio [Mr. WILLIS] next, after which I will yield to the gentleman from Mississippi.

The SPEAKER. How much time does the gentleman yield?

Mr. PADGETT. Two minutes.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] is recognized for two minutes.

Mr. WILLIS. Mr. Speaker, this discussion seems to have degenerated, if I may use the term, into a sort of scolding of the Navy Department. I want to add a word to what has been said here, but rather by way of contradiction, of the position that has been taken by some gentlemen. I think probably it is true that the Annapolis entrance examinations are somewhat too difficult and technical. I think that criticism is just. But I do not think it is a just and true criticism to suggest that in order for a young man to get into the Naval Academy at Annapolis it is necessary for him to enter some one of these preparatory schools, particularly the preparatory schools here in Washington.

Mr. MONDELL. Will the gentleman yield?

Mr. WILLIS. Yes; if I get more time.

Mr. MONDELL. How long has the gentleman been appointing or recommending appointments of this character?

Mr. WILLIS. I have not been appointing as long as the gentleman has; but the experience I have had, as far as it goes, is as interesting and valuable as the experience of my aged friend from Wyoming. What I was about to say was this: I have heard these suggestions, and if there is any suspicion in the minds of the boys from the country, it comes, I think, from such unfounded and vague criticisms as have been made here this morning. I have heard these objections that it is necessary for a boy to enter a preparatory school, and perhaps some special preparatory school that had some social influence.

I want to say, Mr. Speaker, that one of the boys that I named, a splendid young man, was so fortunately situated that he was able to enter one of these preparatory schools. He was a splendid boy, and he did good work in that school. He took the examination, and, to my great regret, failed; whereupon a country boy, that never was within 500 miles of any of these preparatory schools, but who depended entirely upon his own resources and made his own way through the public schools and meanwhile supported his old mother, took the examination, passed with high grade, and was admitted to the Naval Academy. While I regret that any of my appointees to Annapolis should have failed, I think that the examinations are conducted on the square. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. SISSON].

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] is recognized for three minutes.

Mr. SISSON. Mr. Speaker, I simply want to add my experience, inasmuch as this is an experience meeting, to what has heretofore been said.

For a time I thought that perhaps this failing to pass was restricted to my district, and I felt humiliated at my experience; but I happened to be present at a dinner down here with the present Speaker of the House, who had gotten up some statistics, and it was marvelous to learn from him that over 600 young men had failed at the two institutions during that current year.

Now, that was a terrible indictment of the schools of this country, so much so that I have always written within the last few years to every boy who wanted to get into the Naval or Military Academy advising him first to get a reputable physician to examine him physically and secure a certificate as to his physical condition. I then write to them and send a list of the questions they have to answer.

Not long ago I appointed a boy from the junior class of the university of my State, a boy of splendid standing, and he failed. Altogether I have appointed about 15 or 16 men, and I believe of those only about 2 have gotten in.

Now, either the public schools or the training schools of this country are in a deplorable condition, or it is intentionally made necessary for a boy to go to these schools at Annapolis and undergo a cramming process that does not do him any good. Those training schools advertise throughout the country that a large percentage of all the boys who go there and spend three months in cramming get through. Now, either these institutions that send out the advertisements are not telling the truth about it, or else those three or four months of cramming enable them to pull through.

But I do not believe that they do a boy a great deal of good. One thing we must do: Either we must lower the standard of examination, or we must prepare a training school at Government expense, so that a Congressman may have one or two boys who may go through a regular course, say, of 10 months at Government expense, so that he may stand the examinations. It is an outrage to have a boy travel a thousand miles at his own expense and, after he has passed his mental examination, to be turned down on some technical physical trouble.

A boy who was very ill able to afford it was talking to me only a few moments ago out at the main door there, who, after spending months at a training school, was subjected to a physical examination and then was found to have some albumen in his urine, and now they tell him he has to go home. I want to have the young man properly examined, to ascertain if he has a serious defect. Something will have to be done or the boys throughout the country, as they are doing in my district, will refuse to come here and take the examinations and be penalized by being turned down. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for five minutes.

Mr. SAUNDERS. Mr. Speaker, I have very little patience with the propaganda that is being carried on in some quarters for a greater Navy and a bigger Army, but I believe that West Point, and the Naval Academy have been unjustly assailed in the present debate. The statements that have been made ought not to be allowed to go unchallenged. For the time being I find myself in the rôle of a spokesman for these institutions. For one I can not assent to the statement that a country boy can not secure admission to these schools on his merits, or that he is the subject of any sort of unjust, or unfair discrimination. If we Members of Congress who possess the power of appointment, choose to appoint boys who, by reason of deficient mentality, or insufficient training, are unable to pass the entrance examinations, then the fault is with us, and the boys selected, not with the institutions. No young man who is adequately equipped, or who, in order to equip himself is willing and able to do the necessary preliminary work, in some sufficient school,

whether of the special-course type, or otherwise, will find it difficult to pass the entrance examination, either at the Military, or the Naval Academy.

The suggestion that any sort of special influence social, or political is required in order to secure admission to one of these institutions is in my judgment absolutely without foundation, or justification. I have been appointing boys to both of these institutions for a number of years. These appointments have been made under Republican administrations, but this fact has not militated against my appointees. These young men have not enjoyed, and therefore have been unable to exert a particle of influence in any quarter. But this again has not been to their prejudice. They have been appointed on their merits, and on those merits, sometimes with, and sometimes without, a special course, they have been able to enter these schools. Personally I think very highly of these preparatory courses, and always advise my appointees to take some one of them, if he is financially able to do so. Now what has been true with respect to my district, I believe has been, and is now true with respect to every other district in the United States.

As to the examinations themselves, it may be admitted that they are difficult. I have looked over some of the old papers which are sent out as typical of the examinations next to be given, and I fully agree that it is no holiday task to pass one of them. But I extend no sympathy to any of my appointees who complain of their difficulty, and would have them made easier. In substance I say to him, "If you can not pass an examination of that character, and are not willing to make the necessary effort to equip yourself to do so, then stand aside and I will appoint some other candidate who is prepared to make the necessary effort." So far I have been able to find boys in my district, country, or otherwise who have been able to enter these institutions, and pass the entrance examinations with credit to themselves.

What of the fact that these examinations are difficult? There is not one of us in this body who could to-day pass the examinations that he stood when he made his collegiate or professional degree. I have looked over some of the recent examinations for graduation in the department of law at the University of Virginia, and realized that if put to the present test on any one of them I would make anything but a creditable showing.

Honestly I do not believe that I could make 25 per cent to-day on the examination on which I was required to make 83 per cent in order to take my degree in law. Yet shall I undertake to say to the young men who go to the University of Virginia that the standard should be lowered in order that they might the more readily take their degrees? On the contrary I glory in the fact that the standards of all of our institutions have been advanced. To the ambitious young men of my district, rural and urban, I say in the most emphatic terms: "Prepare yourselves to reach up to that standard. Do not ask that the standard shall be lowered for your benefit."

One timely contribution however has been made to-day in the progress of this debate, and that is that the physical examination of the appointee should precede the mental. It is unreasonable, that after a boy has successfully passed his mental examination, he should be rejected for some physical defect of a trifling character. But this is a difficulty that can be easily overcome by changing the order of the examinations.

Mr. HARDY. Will the gentleman yield for just one question?

Mr. SAUNDERS. Yes.

Mr. HARDY. Suppose I ask the principal of a high school of 400 or 500 members to recommend to me the brightest young man he can, and that young man goes up and fails?

Mr. SAUNDERS. That proves one of two things; either that that boy did not prepare himself as he ought to have done, or that the standard of that high school was not what it ought to be. In one case I went to the western end of my district, where the schools were not very good, and selected a young man from a high school, possibly not so large as the one referred to by my friend from Texas. Without taking a special preparatory course, he passed the examination for Annapolis, and I believe graduates this year.

Mr. HARDY. Then I went to the head of the college and asked him to give me the brightest one there, and he took the examination and failed?

Mr. SAUNDERS. Raise the standard generally in your district, or else raise the standard of instruction in the schools referred to. [Laughter.] If you have no high school or college that can prepare young men for West Point, or Annapolis, send your young men to our Virginia institutions, and we will so equip them that these entrance examinations will not be lions in their path. [Laughter and applause.]

Mr. HARDY. Does the gentleman really and honestly believe that out of 400 students in a high school the brightest ones ought not to pass a preliminary examination for West Point or Annapolis?

Mr. SAUNDERS. If the gentleman states that the young men in his district can not pass these examinations while those in my district do pass them, does he mean to suggest that there is some unfairness, or discrimination in the conduct of the examinations?

Mr. HARDY. I do not suggest that.

Mr. SAUNDERS. What does the gentleman's proposition mean, unless it carries with it the intimation that equal chances are not afforded to the young men seeking to enter Annapolis, or West Point? Does the gentleman mean to suggest that there is anything unfair, unequal, or unjust in connection with these entrance examinations?

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Will the gentleman from Tennessee give me a few minutes more?

Mr. PADGETT. I have not enough time to go around.

Mr. HARDY. I should like a little time.

Mr. MANN. I will yield to both gentlemen.

Mr. SAUNDERS. I am not in favor of enlarging the Military or Naval Establishments of this Government. I have very little sympathy with the propaganda that is so diligently conducted in certain quarters for a mighty Navy, and an imposing Army, but I believe that both West Point and Annapolis are conducted on a high plane, and I repel the suggestion that there is any sort of sinister, or unfair influence at work by which one young man passes, and another fails. I have appointed country boys without any sort of influence, to both institutions. With no elaborate preparation, and sometimes with no special course at all they have made good. If boys have failed, and many have failed, I believe that the fault is rather with the boys themselves, than with the examinations, or the ratings of those who mark the papers.

The SPEAKER. The time of the gentleman from Virginia has again expired.

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, I am somewhat on both sides of this question. I believe I am the only man in the second district of Missouri who could not force himself through either one of these schools, naval or military. I believe the examinations are unduly severe. The preliminary examination, intended simply to admit a man to the school where he is supposed to be subsequently educated, seems to me severe enough to fit one for a professorship at Princeton or qualify him intellectually to discharge the duties of President of the United States. There is no sense in the severity of the examination now required, in my judgment, and I am not pleading for the boys in my district, either.

I have served here 14 years and have never missed an opportunity to nominate a young man whenever I had the privilege to do so. I have had only two failures, as I remember, one for failure to pass the mental examination, the other for a physical defect. The first boy I sent to West Point had never been in sight of an academy or high school in his life. The most of the time he attended school in a country district, and a part of the time at the village school. He went to West Point without attending any preparatory school, took the examination there, was admitted, stood every quarterly and annual examination, graduated with high honors, and since then has been teaching languages in the Military Academy. So far as my district is concerned I have had no trouble along these lines.

But I do feel and believe, and every man here must feel, that the test they put the boys through is too severe. I think there is merit, or, at least, that there may be merit, in the contention made here to-day that favoritism has been shown in the admission or rejection of candidates to these schools.

I had occasion at one time to investigate the matter, and I reached the conclusion—possibly a wrong one—that the sons of officers of the Navy and officers of the Army fared better than the boys who followed the plow. That is an outrage, if true. I do not say that it is true, but there are some grounds for suspicion that it is. Every boy should be treated alike. Make the examination such that any boy of good ability—natural ability, intellectual ability, good physical ability—can pass it; treat all alike and there ought not to be any complaint.

I believe with the gentleman from Georgia that the place to correct this injustice and wrong is here and not in the department up on the Avenue. I believe that this Congress ought to require that the standard of examinations or tests shall be lowered and that it be done at once. The severity of examination ought not to be longer continued.

Mr. MILLER. Will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. MILLER. I understood the gentleman to say that the examinations for admission to these schools should be lowered?

Mr. RUCKER. I do.

Mr. MILLER. May I inquire if the gentleman means that the subjects are of too technical a nature, or the character of the questions on the subjects are too detailed and technical?

Mr. RUCKER. Now, the gentleman does not want to embarrass me, but I want to tell him, for it is no embarrassment, that I can not answer him. I do not know; all I know is that the examinations are too severe. I have had no opportunity to study these matters closely, and perhaps would not be able to answer him if I had. I have no doubt the service would not suffer, nor the high character of these schools be lowered, if the examinations for admission were made more reasonable.

Mr. MILLER I know something about it, and the subjects are almost rudimentary, extremely elementary. There is not a subject for examination either at West Point or Annapolis that has not been studied by any boy in a grammar school in a grammar grade in the United States.

Mr. RUCKER. Mr. Speaker, I do not know, but I think the answer to all the gentleman contends for is that too many boys who are well educated and qualified fail. That is an answer to it all.

Mr. HARDY. Mr. Speaker, will the gentleman yield me two minutes?

Mr. PADGETT. Mr. Speaker, I yield two minutes to the gentleman from Texas.

Mr. HARDY. Mr. Speaker, I want to say in reply to the gentleman from Virginia [Mr. SAUNDERS], for whom I have the highest regard, and who is nothing if not intense in all his convictions, that I know he really did not mean what he said when he spoke of the educational institutions of Virginia being competent to equip people, while those of Texas might not be, and further I want to say that I have not charged that any political influence, and I do not charge that any political influence, affects these matters; but the gentleman seems to have given an illustration of influence affecting results. He said he was on the two visiting committees that visit these institutions, and that his boys get through. [Laughter.] I do not know—I am not charging anything.

Mr. SAUNDERS. Does the gentleman say that I said I am on the two visiting committees?

Mr. HARDY. Did not the gentleman make that statement?

Mr. SAUNDERS. I said that I would be loath to be put in the position of defending these two institutions, so strong am I in my antimilitary convictions.

Mr. HARDY. I thought the gentleman said that he was on the two visiting committees?

Mr. SAUNDERS. No. I am not within a thousand miles of being on either. I have no sort of association with these institutions in any way, but I just sent a country boy from a country high school, and he got through.

Mr. HARDY. What did the gentleman say about the visiting committees?

Mr. SAUNDERS. Nothing.

Mr. HARDY. Then I take back all I said about that and regret I said it.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HARDY. Certainly.

Mr. MANN. I understood the remarks of the gentleman from Virginia to indicate, in respect to the gentleman from Texas, that in Texas they send their brightest men to Congress, while in Virginia they send their brightest men to Annapolis. [Laughter.]

Mr. HARDY. I misunderstood the gentleman from Virginia. In one respect, perhaps, the gentleman from Illinois misunderstood him also. I have not charged any improper influence, but I do say that when the Agricultural and Mechanical College is requested to pick out a bright young man and does so, and he can not pass an examination to admit him to Annapolis, and when the superintendent of my city high school has the same request and his selection can not pass it—can not even show qualifications to entitle him to enter upon a four-year course—it seems to me something is out of joint. I have now two vacancies, and have tried time and again to fill them. Some of my appointees have gone through mentally and failed physically, one, I think, because he hurt his eyes while studying hard to stuff for the mental examination. Somehow, somewhere, there is a difficulty that ought not to exist in filling these places. I do not believe that the standards of mental or physical qualities at the Naval Academy and the West Point Academy show in after life that the boys who do get there are so far superior when they have gotten in there to the young men who graduate from our universities and high schools.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. HARDY. If I have time, I will be very glad to yield to the gentleman.

Mr. GARRETT of Texas. Mr. Speaker, I just wanted to remind my colleague from Texas in reply to the gentleman from Virginia as to the standing of the Agricultural and Mechanical College of Texas, that I have just this morning received a letter from a young man in Texas who graduated on the 25th day of June from the Virginia Military College, advising me that he could not take the examination for West Point, and had been so advised by that institution, without making special preparation.

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. PADGETT. I yield two minutes to the gentleman from Illinois [Mr. FOWLER].

Mr FOWLER. Mr. Speaker, it has been intimated on the floor in this discussion that candidates for the Naval Academy, at Annapolis, must take a military training in some school here in Washington or at Annapolis or somewhere else before they can pass the examination. Now, if this is true, Mr. Speaker, it ought to be made known. I have the highest regard for the Army and the Navy, and I shall always be found on the side fighting for efficiency in those great defending powers of the honor of this Nation. I named a boy some time ago for the Naval Academy, at Annapolis. He went in training in one of the normal schools in Illinois for one year. He went into the examination and he failed. I saw one of the questions that was supposed to have been put to him in this examination. It was a problem in mathematics. I submitted that problem to a mathematician in the district, who was never known to fail in the solution of any mathematical problem; he solved the problem, but he is dead now. [Laughter and applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker——

Mr. PADGETT. Mr. Speaker——

Mr MANN. Mr. Speaker, am I recognized?

The SPEAKER. The gentleman from Tennessee has three minutes remaining.

Mr. PADGETT. Mr. Speaker, I move the previous question upon the passage of the bill.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The House having agreed by unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union, is it in order to move the previous question before the bill has been read for amendment?

Mr. PADGETT. The bill was read.

Mr. MANN. The bill was not read.

Mr. PADGETT. The bill was read and then debate followed.

Mr. MANN. No; the gentleman is mistaken.

The SPEAKER. The bill was not read for amendment, it was read in the usual course of procedure.

Mr. MANN. If it is in order, and the gentleman moves the previous question without giving anybody an opportunity on this side to be heard, I shall make a point of no quorum.

Mr. PADGETT. I have yielded to a number of gentlemen over there.

Mr. MANN. The gentleman has yielded to a number——

Mr. PADGETT. I will reserve my three minutes and yield to the gentleman so that there may be discussion.

Mr. MANN. Mr. Speaker——

Mr. AUSTIN. Mr. Speaker, I want to be heard on this proposition.

Mr. MANN. Mr. Speaker, if there was such an emergency that this bill had to pass in a few minutes, I would not desire to take any time, but it is one of the few occasions when there is an opportunity to consider this matter, and the House has the time. No objection was made to bringing up the bill before the House, although it was brought up by unanimous consent, and a number of gentlemen desire to be heard. The House has no other important business. Mr. Speaker, I have been appointing cadets to Annapolis and West Point for more than 16 years, and 10 or 12 years ago—or maybe longer—I determined that I would appoint no one who was not prepared to say that he would come to a preparatory school in Washington or close to one of the academies. On a few occasions I have waived that requirement. My recollection is that no one of my appointees has ever been admitted unless he went to one of the preparatory schools. Now, I do not know that it is any fault of the academy authorities or those who make the examinations.

Mr. PADGETT. Will the gentleman permit me to interrupt him for just a moment?

Mr. MANN. Just in a second. In my judgment, the fault is rather with the legislation which contemplates that the boy at the age of 20 or 21 may be as learned as the man is who is admitted to the practice of medicine or law after taking a high-school course, a college course, and then a special college course in his profession. Now I yield to the gentleman.

Mr. PADGETT. I just want to state for the benefit of the gentleman and in justice to both the administration at the academy and also here that they have all along opposed the sending of these boys to the preparatory schools and have been inimicable to the preparatory schools, and have insisted that the boys should have their own training in the home schools.

Mr. MANN. Very well. With my experience, I shall still continue to advise any appointees whom I may select to come to one of the preparatory schools if he intends to get through the examinations.

Now, what is the situation, Mr. Speaker? A boy who wants to become a lawyer or doctor, goes through the grammar school, he goes through the high school, and he goes for four years to the university, and then goes to the law school or medical school for two, three, or four years more, and then if he gets admitted to the practice of his profession it is at the age, probably, of 25 or 26, and he in his work will not have been required to know as much as the boy who comes out of Annapolis is supposed to know when he graduates at the age of 21 or 22.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. ADAMSON. Do you not think in these examinations that the strength and capacity of that boy's mind to learn is more important than the number of things he has already learned?

Mr. MANN. I think it is important that the boy who goes to Annapolis or West Point should have the highest physical standard and be of the select mentally. I do not criticize the careful examination which is made. But the boy who goes into Annapolis may be appointed, I believe, at 16—it used to be about 15—for four years, where it used to be six years. When he comes out, he must have a complete college education, which one would ordinarily get at a college. He must understand the languages; he must be completely informed in mathematics. In addition, he must understand gunnery, he must understand navigation, and he must understand international law, so that he is better prepared on the subject than most Members of Congress would be. The boy who comes out of Annapolis is supposed to know more than any other graduated boy on the face of the universe, and he is too young for it. There ought to be a longer college training for these boys who go into Annapolis. It is not sense to suppose that you can take a boy 16 years of age and give him an ordinary college education, and in addition to that train him in the specialties which he is required to be trained in, and bring him out at the age of 21 knowing more than the man who is admitted to the bar can know after his seven years of college work or the man admitted to the practice of medicine can know after his seven or eight years of college work. We require too much. That has been one fault with the Navy. The Navy at present has too many men in it with superficial knowledge; too few with complete knowledge of some one subject. Not only the boy who comes out of Annapolis is supposed to know all these things, but he is supposed to know something about engineering, seamanship, and navigation.

Before the personnel bill, we used to train them as engineers and as line officers. Now the man who goes into the Navy as an officer is supposed, theoretically, to be able to run the 500 engines that are on board one of the big battleships, electric and steam, and then to step up above and navigate the ship and give the commands in reference to gunnery exercise, and in reference to all the work. No human being can acquire accurate knowledge of all of these things. He may acquire superficial knowledge. That is what we are doing at Annapolis now. We ought to start these boys in at the age of 16 or thereabouts at Annapolis and give them seven or eight years of college training, the first years of it devoted to the ordinary college work and the last years devoted to the specialty subjects directly dealing with the Navy.

I have no desire or disposition to criticize the Navy in regard to it. I think they are doing the best they can with the legislation which we provide for them.

Mr. PLATT. Will the gentleman yield?

The SPEAKER. Will the gentleman yield to the gentleman from New York [Mr. PLATT]?

Mr. MANN. I yield three minutes to the gentleman.

The SPEAKER. The gentleman from New York [Mr. PLATT] is recognized for three minutes.

Mr. PLATT. Mr. Speaker, I would like to ask the Members of this House who have had boys fail in entrance examinations at West Point and Annapolis, if they know the kind of questions the boys failed on? I conducted, as chairman of a committee, for Hon. Samuel McMillan, when he was in Congress, a competitive examination, and I have gone over many West Point entrance-examination questions and know what they are and what the Annapolis questions are, and my experience has shown me that the boys fail on grammar-school questions rather than on high-school questions. They fail on things that they have studied years before and have forgotten, and that is the reason why they come to these naval and military preparatory or fitting schools in Washington, because those fitting schools know what line of questions are asked, and they take up those things for review which the boys had formerly studied and which they have often forgotten when they go there for their entrance examinations. The boys usually fail on geography and on English grammar and a lot of the subjects which, if they had been learned thoroughly in their grammar-school work, would have enabled them to pass successfully.

Several gentlemen have said that country boys have passed the Annapolis examination at higher ratings than city boys or boys who have had the training in the fitting schools in Washington. That has been my experience, too. The boys who have been thorough in their grammar-school work will pass those examinations, as a rule.

I think there should be a careful physical examination given to every boy before he goes to take entrance examinations for West Point or Annapolis, and that is the reason why I am going to try the Rhodes scholarship plan in making recommendations of boys for appointment as cadets.

Mr. YOUNG of North Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. PLATT. With pleasure.

Mr. YOUNG of North Dakota. In the gentleman's remarks early this afternoon he referred to the Rhodes scholarship competitive examinations for entrance to Oxford University, England. Can he give us a statement of the relative credits in the examinations for those scholarships for physical, moral, and mental attainments?

Mr. PLATT. I can give those credits about as Cecil Rhodes puts them down in his will: Mental examination, 33 per cent, and 33 per cent for manliness and qualities of that sort, and 33 per cent for athletics.

Now, in working out the Rhodes scholarships they have found it difficult to make those things come out in that way. I expect in my examinations to count mental attainments at about 50 per cent, and then to pick out the boys for their athletic standing, manly qualities, and general physical development, and I think for those points 50 per cent should be allowed. I want the boys to pass the mental examination, in the first place, but I would not necessarily select the highest in mental examination if boys obtaining a lower percentage possessed other compensating qualifications. In my district, where I have from 10 to 12 applicants for the Academy at West Point and the Academy at Annapolis, I feel practically certain this plan will work out better than anything else, and I have the indorsement of the Secretary of War. I believe that is the kind of examination that the Military Academy at West Point and the Naval Academy at Annapolis ought to adopt, so that they could pick the boys on the basis of physical development as well as mental development. [Applause.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. RUPLEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] is recognized for three minutes.

Mr. RUPLEY. Mr. Speaker, I had assigned to me as Congressman at Large from Pennsylvania the appointment of one cadet to the West Point Military Academy and two midshipmen to the Annapolis Naval Academy. In order to discharge the trust reposed in me in my representative position, and having equally in mind the value of the opportunity to be offered to young men of sufficient qualifications, I held a State-wide competitive examination for admission to both of those institutions. An advertisement of the appointments assigned to me as Congressman at Large from Pennsylvania was inserted in the newspapers throughout the State, and rules following the form prescribed by the institutions were adopted by me. The examiners were appointed from among men eminent in school work, and from a certified list of numbers prepared by the examiners, they not possessing the names of the applicants, I selected from those boys passing with the highest marks one

principal and two alternates for the West Point cadetship and two principals and six alternates for the appointments of two midshipmen at Annapolis.

All the principals and all the alternates passed the mental examination for admission to the Military and Naval Academies. One principal failed in the physical examination for admission to West Point. Only one of the appointees had attended a preparatory school for Annapolis. All the other boys were products of the common-school system of Pennsylvania.

Now, I want to say to my colleagues that, in my judgment, the physical examination should precede the mental examination in some orderly way, so that young men should not be subjected to the mental examination who can not pass the physical examination. I believe it is a hardship upon the young men whom we select to undergo first a mental examination, followed by a physical examination, and after qualifying mentally, to fail to qualify physically. [Applause.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from West Virginia [Mr. Moss].

The SPEAKER. The gentleman from West Virginia [Mr. Moss] is recognized for three minutes.

Mr. MOSS of West Virginia. Mr. Speaker, it seems to me that the first question to consider is, What kind of men are desired for the Navy of the United States?

My idea is that they should be men sound physically, mentally, morally; that it is not necessary that they be bookworms or intellectual freaks. My experience along the line of nominating candidates for Annapolis has been very limited but very full. I left at my office this morning two young men who had just finished their examination, one of those young men having been appointed by the Congressman at Large and the other young man by myself. The young man appointed by myself was first turned down on his mental examination, although he stood near the head of a class of 50 in the high school. I asked that he be given a chance to be reexamined and he was reexamined, and he passed that mental examination. Then he was examined physically and was turned down because he had something which was called muttering of the heart, whatever that is. I do not know whether the muttering of the heart was caused by a natural feeling of indignation or whether it was a real trouble, and I am not reflecting upon the medical officers when I say that I do not believe a young man who was examined by his family physician and certified to be in first-class condition was an unfit man for the Navy.

Mr. Speaker, those two young men went back home this morning disappointed and almost broken-hearted. They had spent months in trying to get into the Naval Academy. They come from the very best families of West Virginia, yet they must go back home humiliated, disgraced by the fact that they were not able to get into the Naval Academy of their country.

Mr. Speaker, there may not be anything wrong, but there is a well-grounded opinion among the people that a young man of sound mind and body, unless he comes here to Washington and goes to these preparatory schools at great expense, can not get into our Naval Academy. There is that feeling, and whether it be justified or not I submit to my colleagues that it is a matter that at least should call for investigation. The evidence offered here this morning shows that there are numerous cases where boys who have stood high in their schools and colleges, splendid, robust young men, have been unable to enter our naval school.

Mr. MANN. I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, this seems to have developed into a symposium of personal experience. I have nothing in that line to relate, because my experience is like the annals of the poor, short, but pleasant.

I do think, however, Mr. Speaker, that there are some principles that may well be considered even in a situation where we are giving our personal experiences. I was very much interested in listening to the remarks of the gentleman from Illinois [Mr. MANN], wherein he expressed the opinion that the great difficulty with the instruction at Annapolis is that the course attempts too wide a variety of subjects, resulting in only a smattering of information, incomplete, and lacking in thoroughness. I desire to direct the attention of the House, if I can, to that same criticism as applied to the instruction given in the city schools of the United States upon those subjects upon which the boys are examined for admission to Annapolis and to West Point.

The membership of this House can bring forth illustrations without number of how boys from country crossroads who have studied their American history, their algebra, their arithmetic, their orthography, and their geography, the fundamental, common branches, and have taken these entrance examinations, passing way above boys from the cities and academies and high schools. The trouble, to my mind, is not that the examinations are on too high a grade of subjects, but that the average boy who presents himself for examination has not been thoroughly grounded in those fundamental subjects upon which he has to be examined. The one criticism that the educational forces of the land to-day are recognizing as just toward the system of American public instruction is that we are teaching everything on God's green earth except to teach the boy to think and to develop the mental fiber of his brain strong and true. We lack and lose in mental power in proportion as we spread our mental activities superficially over a wide range of subjects; and the principal criticism that educators are making upon the system of public instruction in the United States is that school curricula cover too many subjects and is that instruction should be intensified rather than extensified, as we have been doing for a quarter of a century. Get back to a thorough study of the fundamentals that go to make up the equipment of the boy who is ready to take up his college course. The high-school graduate has not studied for several years most of the branches in which he is examined for admission to the academies. He probably never studied them so as to become really proficient in them. Therefore special preparation in them is essential before undertaking one of these examinations. Admission to our colleges and universities is generally upon diplomas from an accredited school or upon the possession by the applicant of a certificate showing that at the time he completed a subject he was proficient therein. These certificates may be one, two, or even four years old. Admission to West Point or Annapolis depends upon the proficiency of the applicant on the day he presents himself.

I observed, as I made the interrogation of the gentleman from Missouri a short time ago, that in the examinations at Annapolis and West Point only the fundamental subjects are examined upon, and I think I am right. There was a howl of protest went up from behind me when I said that the average boy of the grammar school had studied all the subjects. I do not take that back. I do not mean to say that he has covered with sufficient thoroughness those subjects, but he has studied them, with the possible exception that in some places the subjects of algebra and geometry are not reached till the first year in the high school. If the boys who present themselves for examination would turn back their efforts and study at home, by themselves if need be, the fundamentals, they would have no difficulty in passing the examination. [Applause.]

I very much regretted to hear the distinguished gentleman from Illinois cast such a reflection upon the high school of his district, the famous high school at Hyde Park, which we of the West have been taught to look up to as the acme of excellence. I believe the boys of that high school——

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MANN. I yield to the gentleman two minutes more.

Mr. MILLER. I believe the pupils of that high school are probably securing excellent instruction, but they are not being instructed in these elementary subjects upon which they are subsequently to be examined.

So, Mr. Speaker, if I may indulge in this one general observation, it would be that we should not for one moment seek to lower either the standard of scholarship in, or required for admission to, Annapolis and West Point. [Applause.] The general tendency of the times throughout the land is to increase the rigidity of requirements for admission to colleges and universities. This has been made possible by the general improvement in the instruction in the elementary schools of the land. It is therefore in keeping with the general movement that the requirements of these two schools have been made perhaps a little more rigid in recent years. Do not pull West Point and Annapolis down to the level of poor instruction in the common schools anywhere in America; lift the character of the common-school work up to the standards of these schools. The Naval and Military Academies are called upon to perform a service to our Government and our people more particular and in some respects more important than the service demanded of our colleges and universities. They have reached a world-famed point of efficiency. Keep them there. I have never yet seen a boy who was intellectually incompetent go into a special preparatory school, such as we have heard spoken of, and get into the academy by passing an examination afterwards. I never saw a boy who was properly grounded in the fundamentals such as I have mentioned, either in his home school or by private study at his own fireside, where Abraham Lincoln educated himself, who failed to pass an examination when he did present himself. [Applause.]

In conclusion I desire to protest against the suggestion that favoritism is practiced at either school. If there is a place

in our land where a boy stands on his own merits, both in his preliminary examination for entrance and in his subsequent work, it is at West Point or Annapolis. These are our schools of honor, and honor of a nation or an individual was never placed in safer hands than in the authorities of these two schools.

Mr. HOWARD. Mr. Speaker, I just want to add a few words to what I have already said, and by way of parenthesis I want to congratulate the gentleman from Virginia [Mr. SAUNDERS] upon the high standard of mentality possessed by the young men in his district. But here is some evidence that you can not refute about these examinations. I am not talking about any particular district in the State of Virginia or in the State of Georgia or any other State or district. But out of this year's class 500 young men failed at the Naval Academy who stood this examination. Now these are the facts and that is the record. There is something wrong somewhere. I have maintained that the public-school system of this country as administered in most States of the Union is an absolute farce, because the school term is too short to thoroughly instruct our children in anything, and the pay of teachers is so meager that those who are well equipped for teaching, and do teach, make a financial sacrifice every day they remain in the schoolroom.

The object of my asking the question of the gentleman from Tennessee, the distinguished chairman of the committee, was to impress upon this House that when these young men who are able from a financial standpoint to put up the money to go to these preparatory schools they were able to get into the Naval Academy and pass the mental examination. Now I want to ask the gentleman from Virginia [Mr. SAUNDERS] this question. I see he is not on the floor, but I venture the assertion that 9 out of 10 of the young men he has appointed since he has been a Member of this House have gone to one of these preparatory schools before they entered Annapolis.

Some of my colleagues attempted to construe what I said into a reflection on the country boy. I have cast no such reflection on these boys. On the other hand, it was a plea for these boys who have poor fathers, who are ambitious, who want to enter the service of their country that the curriculum be not put up in the sky where they can never hope to reach it; that they shall be treated as well as those who have the money to put up to go to the preparatory schools.

Some of the questions are absolutely ridiculous. A score of college professors from Princeton or Yale or any of the great colleges in this country could not pass the examination that is required at Annapolis. I do not know anything about West Point. I have devoted some study to the Navy, because of the fact that there, I thought, the greatest injustices were being done. A good suggestion was made by the gentleman from Colorado [Mr. SELDOMRIDGE]. Let me give you a practical illustration of how things are done at Annapolis: A splendid young gentleman from my district, the city of Atlanta, went there. His father, a man in ordinary circumstances, expended about $500 or $600 upon the young man. At the suggestion of friends he sent him to one of these training schools at Annapolis, preparatory to standing the examinations. He stood the mental examination. He got into the academy, and spent his first year laboriously pursuing his studies. Just the other day he came through this town, broken in spirit, humiliated, almost in tears, because of the fact that his father had expended this large sum of money uselessly upon him, and that after he had devoted a year and a half of the best days of his life, fired with the ambition that some day he could serve his country in the Navy of the United States, it was found necessary that he should leave the academy. They put some worsteds in a box and told him to match them, and found out, a year and six months after he had been laboring there, that he was color blind. Why, in the name of common sense, do not these people over there exercise some judgment and everyday sense in the administration of their affairs? Why not examine for such serious defects immediately upon the nomination of the principal by the Senator or Congressman?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Speaker, I would like to have two minutes more, if it is not imposing upon the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I yield two minutes more, regardless of whether it is imposing upon me or not. The gentleman never imposes upon anyone.

Mr. HOWARD. Mr. Speaker, that is one case. In justice to these young boys, this physical examination should be held before they are required to stand the mental examination. The gentleman from West Virginia [Mr. Moss] mentioned awhile ago two young men going through here who had been turned down mentally—two splendid specimens of stalwart young Americans.

Those things are happening all of the time, and, as the gentleman from Illinois [Mr. MANN] says, why do not these people in authority use some common sense? I would rather have one young man standing on the bridge in a naval engagement with good, hard, sound horse sense than all of the principles of trigonometry, geometry, and everything else crammed into his head. Take that great cavalry leader of the Confederacy, Gen. Forrest. He could not write his name. It is said he spelled coffee, "k-a-u-g-h-y."

The SPEAKER. The time of the gentleman has again expired.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD. Under the leave to extend my remarks in the RECORD I add the following as specimens of questions asked in the examinations which have been conducted during the past several years, all taken from the official pamphlet sent to my office by the Navy Department, and are fair samples of the scope of knowledge required of a 16-year-old boy. The time allowed each question averages about 12 minutes.

ARITHMETIC—THE SIMPLEST AND MOST ELEMENTAL OF MATHEMATICS.

[April, 1913.]

(a) A cubic foot of ice melts into 0.909 cubic foot of water. If 1 cubic foot of water weighs 62.5 pounds, find, in feet, to two decimals, the edge of a cubical receptacle which will be completely filled when 1,000 pounds of water are frozen in it.

Question 4. (a) A hollow cylinder of steel 12 feet long has an outside circumference of 3½ feet and is 1 inch in thickness. If steel weighs 480 pounds per cubic foot, what is the weight of the cylinder?

(b) Copper is 8.8 times as heavy as water and tin is 7.3 times as heavy as water. How many pounds of copper and how many pounds of tin must be used to make 1,000 pounds of a mixture which shall be 8 times as heavy as water?

(b) If money is worth 5 per cent, what is the present value of a note for $1,000 drawn 2 months ago, maturing 7 months and 12 days hence and bearing 4 per cent interest, allowance being made for 3 days' grace?

(c) A's automobile completes 12 circuits around a circular track in an hour, B's completes 10 circuits, and C's completes 9 circuits in an hour. If the three start together, how long a time will elapse before all three are again together?

[February, 1913.]

Question 5. (a) An open rectangular box made of boards ¾ inch thick has external dimensions as follows: The bottom is 16 by 10 inches; the height is 6½ inches. The empty box weighs 4 pounds. When filled level full with sand the box and sand weigh 100 pounds. Find the weight of a cubic foot of the material of the box and the weight of a cubic foot of sand.

(b) One meter is 39.37 inches. A kilogram is 2.2 pounds, and is the weight of a cubic decimeter of pure water. Find the weight of a cubic foot of water correct to a tenth of a pound.

[April, 1912.]

(b) Find, to the nearest tenth of a foot, the dimensions of a cubical tank which will just hold a rainfall of 1 inch in depth on a field of 20 acres. If 1 cubic foot of water weighs 62.5 pounds, how many tons of 2,000 pounds are there?

(a) An importer, after paying 15 per cent duty on an article, sells at a profit of 20 per cent to a dealer, who in turn receives $193.20, making 40 per cent profit. What was the original cost?

[June, 1912.]

(b) If 5 miles is 8,000 meters, how many square meters in an acre? The sides of a quadrilateral field ABCD, taken in the order AB, BC, CD, DA, are 25, 60, 52, and 39 rods and the diagonal AC is 65 rods. How many acres are there in the field?

[April, 1909.]

(b) A skating rink 110 yards long by 96 yards wide is covered with ice 5½ inches thick. If water in freezing expands 0.089 of its volume, find in feet the dimensions of a cubical tank which will just hold the water before freezing (result to nearest tenth of a foot).

4. (a) The outside dimensions of a covered box are 4 feet 8 inches by 4 feet 2 inches by 2 feet 6 inches, and the material of which it is made is 1 inch thick. Find its weight if 1 cubic foot weighs 912 ounces.

[June, 1908.]

(b) With discharge pipe stopped, a bathtub can be filled by one faucet in 11¼ minutes or by the other faucet in 9 minutes. With discharge pipe open, both faucets run for 5 minutes; then the discharge pipe is closed, and it requires 3¾ minutes more to fill the tub. How long does it take the discharge pipe to empty a full tub?

(a) Two freight trains 240 yards and 200 yards long, respectively, take 25 seconds to pass each other when running in opposite directions, and 3⅓ minutes when running in the same direction. What are the speeds in miles per hour?

[June, 1911.]

(a) A captive balloon is held by 10,000 feet of steel wire $\frac{1}{16}$ inch in diameter, weighing 0.25 pound per cubic inch. What is the total weight of the wire? If steel will stand a strain of just 50,000 pounds to the square inch, how many feet high could the balloon go without the wire breaking of its own weight? (Use $\pi = 3.1416$.)

[June, 1905.]

(b) A cake of ice 2 feet by 1 foot by 10 inches, when melted, just fills a cubical tank. The volume of the water is 92 per cent of the volume of the ice. Find the dimensions of the tank in feet to three decimal places.

(a) Three racing machines start together around a circular racing track 6 miles in circumference. How far will they go before they are all together again, their respective speeds being 35, 40, and 45 miles an hour?

Now, here's one in astronomy (disguised, still, as arithmetic):

[June, 1911.]

(*b*) Regarding the orbit of the earth around the sun as a circle of 92,700,000 miles radius, find the velocity in miles per second (to the nearest tenth) if the time of one revolution is 365¼ days.

(*d*) If light travels 186,000 miles a second, find the time in minutes and seconds for the passage of light from the sun to the earth. The distance is 92,700,000 miles.

ALGEBRA.

[April, 1913.]

(*c*) It is *m* miles from A to B. Two men start at the same time from the two places and walk toward each other, the man from A walking *a* miles an hour and the man from B walking *b* miles an hour. At what distance from A will the men meet?

Factor $a^3+b^3+c^3-3abc$.

[April, 1906.]

(*c*) $(x-a)^3+(x-b)^3+(x-c)^3=3\ (x-a)\ (x-b)\ (x-c)$.

2. (*a*) Given $x=32$, what is the value of each of the expressions $x^{\frac{2}{5}}$, $x^{-\frac{1}{5}}$, x^{-2}, x^0?

[June, 1912.]

Question 5. (*a*) Given $y^2-2xy+9x^2+14y-30x-15=0$, find y in terms of x; then find x in terms of y. Between what limiting values of x is y real and between what limiting values of y is x real?

GEOMETRY.

[April, 1913.]

(*b*) In a circle of 5 feet radius, find the angle subtended at the center by an arc 7 feet long. Also, find the area of the sector bounded by this arc and two radii.

(*c*) From a circle of 6 feet radius two chords, intersecting in the circumference, cut out an arc 12 feet long. What is the angle between the chords? If in this circle two equal chords intersect in the circumference and intercept an arc of 90°, what is the area of one of the equal segments cut from the circle?

[April, 1913.]

Question 5. (*a*) Show how to inscribe, in a semicircle, a square having one side coincident with the diameter joining the ends of the arc. What part of the semicircle is included within the square?

(*b*) Prove that the side of the regular decagon inscribed in a circle of radius *a* is $\frac{a(\sqrt{5}-1)}{2}$. Thence find the length of the side of the regular inscribed pentagon.

[April, 1913.]

(*b*) A triangle, 6 inches in altitude, stands upon a base 15 inches long. Find the area of the trapezoid cut from the triangle by a line parallel to the base and 2 inches above it.

(*c*) The sides of a triangle are 21, 22, and 23 feet long. Find its area.

[April, 1911.]

(*b*) Given a scalene triangle of altitude h and base b, a square is inscribed in the triangle, one of its sides lying in the base. Show that the area of the square is $\left(\frac{bh}{b+h}\right)^2$.

A pretty wide range of "simple" mathematics for a "beginner" to show his fitness for entering a school!

And here are a few in history, ancient, medieval, and modern, and in other studies:

[April, 1913.]

Question 4. Write a theme on the United States touching on (1) form of government, (2) people, (3) topography, (4) principal products, (5) exports, and (6) imports.

In 12 minutes, mind you!

[April, 1913.]

Question 2. (*a*) Give details of Washington's campaign in New Jersey in the winter of 1775–76.

(*b*) How was the surrender of Cornwallis brought about, and what were the consequences of his surrender?

I will refer to this brilliant question later on.

[June, 1911.]

1. (*a*) What were the causes of the breaking up of the feudal system? (*b*) What is meant by the "rise of the free towns"?

2. Write briefly on the following topics: (*a*) Rienzi, (*b*) Hanseatic League, (*c*) Nicaea, (*d*) Peter the Hermit, (*e*) Wycliffe, (*f*) Knights of the Temple, (*g*) Barbarossa, (*h*) Roger Bacon.

3. Give a brief account of Frederick the Great.

4. Explain the Renaissance in the following aspects: Inventions and discoveries; art and literature; religion and government.

[June, 1911.]

1. Trace the growth of democracy in Rome previous to the Punic Wars.

Why did not they ask the candidates to trace the growth of Bull Mooseism in Pennsylvania previous to the late presidential election?

2. Explain the Macedonian phalanx and the Roman legion. What were the advantages of each?

3–4. Outline the spread of Christianity in the Roman Empire. (One-half page.)

UNITED STATES HISTORY.

[June, 1911.]

Arrange these battles in chronological order, stating in each case between whom they were fought, the names of the commanders on either side, and the victor: 1, Antietam; 2, Big Horn; 3, Bull Run; 4, Chapultepec; 5, Chesapeake and Leopard; 6, Fallen Timbers; 7, Five Forks; 8, Gettysburg; 9, King's Mountain; 10, Lake Erie; 11, Lexington; 12, Manila Bay; 13, Monmouth; 14, New Orleans; 15, Palo Alto; 16, Plains of Abraham; 17, Santiago; 18, Tippecanoe; 19, Trenton; 20, Wilderness.

Explain briefly the significance in American history of the following names: 1, Peter Stuyvesant; 2, Pere Marquette; 3, Oglethorpe; 4, Shay's Rebellion; 5, Monroe doctrine; 6, John Brown; 7, Farragut; 8, the Panama Canal; 9, Andrew Johnson; 10, the new nationalism; 11, greenbacks; 12, Boxer rebellion; 13, the X Y Z correspondence; 14, nullification; 15, Dred Scott; 16, Dorr's Rebellion; 17, Harriet Beecher Stowe; 18, Missouri compromise; 19, Clayton-Bulwer treaty; 20, Lecompton constitution.

[April, 1913.]

Question 4. (*a*) Give an account of Grant's principal achievements during the Civil War.

(*b*) Mention the chief political parties at the present time, and state the position of each on two important questions.

Why, even my friend from Kansas, the Bull Moose leader, would not be able to answer but two-thirds of this question!

GEOGRAPHY.

[June, 1910.]

Question 1. Locate the following and tell what each is: (1) Aconcagua; (2) Agana; (3) Bab el Mandeb; (4) Brahmaputra; (5) Oahu; (6) Darling; (7) Finisterre; (8) Fundy; (9) Kattegat; (10) Kenia; (11) Guantanamo; (12) Monrovia; (13) Mukden; (14) Nipigon; (15) Palermo; (16) Pechili; (17) Punta Arenas; (18) Scilly; (19) Tucson; (20) Yankton.

They might as well have asked them to locate Dogs Tooth, Buzzards Roost, or Sundance, for which a $50,000 public building was appropriated in the Senate last year.

How many Congressmen, I wonder, can describe the relative tactical advantages of the Roman legion over the Macedonian phalanx? It is doubtful if Gen. J. Cæsar himself could have done so. And how about the spread of Christianity in Rome, ye doctors of divinity and erudite theologians?

When it is remembered that Cushing, who a year or two later blew up the *Albemarle* and broke the power of the Confederate Navy on Albemarle Sound, one of the most daring exploits in naval annals, failed in ancient history at the Naval Academy and was dropped, the importance of this vital subject can be estimated. This fact, and that of George A. Custer, the dashing Cavalry leader and Indian fighter, who was "found" at West Point on the subject of tactics, would tend to prove that mere book learning in the abstract is not always a safe test of a youth's fitness for the naval or military service. It is said that both Custer and Cushing, after having won imperishable fame, were offered the diplomas which had been previously denied them, and that they each courteously but firmly declined as then superfluous. The world had then awarded them their right to practice their profession, and they very properly regarded the certificates of these schools as unnecessary.

But listen to this—and this question is taken from the examination papers of April 15, 1913, the last one held, the subject being United States history:

Give the details of Washington's campaign in New Jersey in the winter of 1775–76.

Now, the answer to that is very simple, and readily occurred to one bright boy (after having wasted 20 minutes writing on Washington's Monmouth campaign, which occurred two years later—a wild-goose chase into which the wise board artfully led them, expecting them to be entrapped). It is just this: Gen. Washington was not in New Jersey during the years mentioned. Now, is not that easy? Simple as rolling off a log. But who would have thought of it?

What can be the object of propounding catch questions of this character but to confuse and flunk them? Is it fair? Of course it must be assumed that it was intended as a catch question, for the examiners could never have been guilty of making such a blunder themselves in good faith. Perish the thought! Is it any wonder that out of the 219 papers first examined but 41, or less than 20 per cent, successfully passed? The authorities themselves recognized this, which is proved by the fact that the papers were regraded, and many of those who had been notified they had been rejected at first were recalled and admitted.

It is a fact, too, that of the first 20 who had successfully passed the mental test, out of this small percentage to make good, upon presenting themselves for physical examination but 5 of them were found physically sound enough for acceptance. Is not this a commentary on "average efficiency"?

It used to be the pons asinorum the aspirant had to pass before qualifying for ancient honors; now it is no longer the "bridge of asses," but the "bridge of sighs" the poor candidate must cross to attain the prize. And, speaking of that dolorous arch, reminds me: It is not infrequently the case that the poor midshipman candidate is required to critically scrutinize and correct obscure and subtle errors sometimes made in the masterpieces of the greatest poets and prose writers of English literature. For example:

> I stood at Venice on the Bridge of Sighs,
> A palace and a prison on each hand.

Now, What is the matter with that? you ask. Well, only this: One of the examiners had happened to take a trip to Venice, and, crossing the Bridge of Sighs, discovered that there was but one palace and one prison, where there ought to be two.

or else Byron was wrong in his grammar. So the "Pilgrimage of Childe Harold" has been handed over to the American boy to rewrite. And, again, in his "Recessional" Kipling was rash enough to say:

The captains and the kings depart,
The shouting and the tumult dies.

Of course, rhetorically speaking, "die" would have agreed better with the plural substantive used as a subject, but a little mistake like that did not feaze Rudyard or prevent his being the greatest living poet to-day as well as an acknowledged master of literature of every kind. Yet he again is passed up to the western and southern boy to be viséed up to date.

All of which only goes to show that were Lord Byron and Rudyard Kipling—not to mention "T. R."—to present themselves for admission to Annapolis they would, undoubtedly, each be turned down in English.

But the examiners have not as yet asked the candidates to define and parse "spizzerinktum," the stunning new word advertised in burning red letters in the street cars and which a local paper has discovered in that monumental work, the New Modern Dictionary, which sells for 81 cents per. Probably this variety of etymological rara avis will be captured by the board and inflicted upon the unhappy candidates on the next examination. It is not at all surprising that one boy, in answering the question "Locate Mona Lisa," fixed its position accurately on the map by writing, "Mona Lisa is an island just west of Porto Rico." It is comforting to feel that the authorities of the Louvre will now be able to recover it. Another one thunderstruck the board and covered himself with glory by giving as a reason for science not being able to utilize the energy of Niagara the following expressive, if laconic reply: "Dammit, you can't." He was rejected. Another Texas boy, driven to desperation by the diabolical character of the questions, handed in his papers in disgust, bearing this defi: "This board may go to hell; I'm going to Texas."

Now, what were the causes of the greater number of physical rejections? Here are some: "Unscientific dentition," which, being translated, probably means poor dentistry; "incisor and bicuspids missing"; "non- or imperfect articulation"—not of speech, but of teeth; "cavities unfilled"—but how about appointment vacancies; do they count? "astigmatism and myopia"—whatever they are; "ozena, polypi, or an exacerbation of pathognomonic symptoms, indicating a tendency toward inheritable phimosis"—of course, if he has that he ought to be turned down; "ingrowing toenails"—who has not got them? "hammer toes and flat feet"—a common and simple defect; "overbite and occlusion"—of the snapping-turtle variety, possibly.

If all these ailments were made lions in the path for political honors, how many, let me ask, leading Congressmen would we have in this august body, to say nothing of the more pretentious disabilities, in common with rejected midshipmen candidates, such as impaired mentality, weak or disordered intellect?

A number of the mentally successful candidates were ruthlessly turned down because they could not hear a watch ticking at a distance of 40 inches from the ear, with the "modifications produced by changes in pitch and tone," as the pamphlet gravely informs us, until it was discovered the watch had stopped. Some people who can not hear a watch or clock ticking manifested by the thunderous swinging of the pendulum of eternity, yet, nevertheless, are attuned to such a nicety in hearing as to readily distinguish an invitation, however subdued, to take a drink; that is to say, they can hear anything of any importance. There are others who manage to get along through life without serious discomfort who have not the ability to detect the ticking of a watch—even a Waterbury. It is safe to say that even the Capitol captain of the watch can not always hear it at a distance of 40 inches.

Though the Naval Academy authorities make a bluff at discouraging parents sending their sons to special preparatory schools on the ground that it tends to remove the susceptible youth from refining home influences and subjects him to the doubtful influences of new environments and surroundings among strangers in a strange place, yet it is a well-known fact that there is not an officer in the service who does not regard these schools as an absolute necessity for a boy's proper preparation or who will not at any cost keep his son or sons there as long as possible should he be lucky enough to secure an appointment. There is not an officer who does not know that the boy's success depends upon a special, rigid preliminary cramming, no matter what his previous schooling has been. As proof of this: In 1907 President Roosevelt appointed five principals to the Naval Academy. All were the sons of naval officers. One of them had just graduated with highest honors from a high school in Brooklyn. His diploma and the certificate of the principal of the school pronounced him to be the brightest pupil the school had turned out. He was regarded as a prodigy. His father, who was a gunner and whose pay as a warrant officer was too small to stand the expense of extra tuition, feeling that his son's success was certain, omitted the preparatory school essential. The remaining four enrolled, all at Annapolis schools. All took the examination at the same time and all passed and finally graduated except the Brooklyn boy, the son of the gunner, who failed lamentably. The sons of guns rejected him.

This is but one of numerous examples which might be given of the effect of special coaching schools. Here is a letter from the Army and Navy Register of May 31, written by an officer, himself a graduate of the academy, to the principal of one of the two Annapolis schools, the one usually patronized by naval officers and whose record for success is of the highest. The letter speaks for itself.

WASHINGTON, *D. C., May 6, 1913.*

Having successfully prepared two of my sons for the Naval Academy, each entering on the first trial without the slightest difficulty, and both being rated with very high percentages, I feel impelled to express to you my very grateful and sincere appreciation of your able coaching, which contributed so materially to the successful realization of my boys' aspirations.

With only three months at your school, one attending in 1907 and the other this year, the results achieved in both cases were signally marked, for though both were good students and well advanced for their ages—16—and both had passed through high school, I doubt very much if either could have stood the mathematical test without the careful and thorough drilling you gave them. One, having graduated, is now, as you know, an ensign, the other a midshipman.

I do not hesitate to recommend your methods in preparing candidates for entrance, viz, close and constant personal supervision, with especial adaptation of the work to suit the individual boy, the degree of his advancement, alertness, etc., as well as your especial ability in your particular line as a mathematical instructor. And as for being a "coach," why, you are the whole outfit—a "coach and six," with postilions, footmen, and outriders thrown in, not to mention the highwaymen!

If I had 50 sons (which God forbid!) instead of only 4 (which I am proud to say I have), you should have them every one to train. As soon as the other two get old enough to secure appointments you shall have them.

If only your school had been in existence during my day, how many poor "busted candidates" would have been saved to be embalmed among future heroes and a paternal Government been made that much poorer!

The following compilation of the results of the examinations during the years 1908–1912 shows what happens: Number examined, 3,054. Of these, there failed in the subjects mentioned as follows: English—grammar and composition—938; geography, 870; history, 945; arithmetic, 1,289; algebra, 1,665; and geometry, 1,529. This exhibits the apparent paradox of an aggregate of 7,236 failures out of but 3,054 who took the examination, or more than 200 per cent. But this, of course, can only be accounted for on the ground that all the failures fell short on two or more different subjects, and this, too, after many of them had been reappointed and were allowed reexaminations. Of the total number examined during the five years above computed but 1,247 passed, which number includes all the alternates as well as principals examined, many of whom, of course, were not admitted because their principals, too, had passed.

This, perhaps, will go toward explaining why my friend from Washington [Mr. HUMPHREY] has not been able to get any of the bright boys of his district into the Naval Academy for the past 10 years.

Finally, in the face of the refreshing assurances made on the floor of the House by the gentleman from Tennessee [Mr. PADGETT], it is presumed, upon the authority of the naval officials themselves, that the examinations have this year been made much easier, we have the cold facts that out of 500 failures on the February and April examinations 303 of them were given a third examination June 5—reexamined on the very same subjects, knowing the scope and character of the examinations, the very identical kind of questions they were before asked—and of these 303 but 74 passed, less than 23 per cent. Figures will not lie.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I think one weakness of the American people, public men, editors of our public press, and very often it creeps into both Houses of Congress, is a tendency to discredit our public officials. We will not find this mistake in any foreign Government. We are too apt and too anxious to find fault with our system of government and our administration of public affairs. I firmly believe the Military Academy at West Point and the Naval Academy at Annapolis are two of the best institutions of the kind in the world. No country has educated better men, better or braver fighters on land and sea than these two splendid institutions. The men who compose the faculties of these institutions certainly have the best interest of our country at heart, and I say that the criticism of them,

direct or indirect, is unjust. And I most heartily commend and indorse the defense made of these institutions by the gentleman from Virginia [Mr. SAUNDERS]. We have four committees of the House and the Senate—the Military and Naval Committees—which give this subject of legislation affecting these institutions careful and conscientious study and consideration. Then we have selected by Congress and the President of the United States annually boards of visitors, men who are vitally interested in the welfare of the students and of the institutions, who go there and carefully investigate and thoroughly examine into the affairs and management of those institutions. Every few months there sail into our harbors foreign naval officers, some of them here last week from the Argentine Republic. They visit West Point and Annapolis, and the favorable comments that they make upon those institutions ought to be a matter of gratification and pride to the American people.

They are the best-managed and most efficient and thorough institutions of their kind in all the world, and the American people owe a debt of gratitude to the men who have made the successes of the training and education of the men who have gone out from Annapolis and West Point and gained honor, glory, and greatness for our country. There has not been a vacancy from the district I represent since the Civil War, and I have a waiting list now for appointments at those two institutions. The principal I nominated for Annapolis recently attended one of these preparatory schools for three months. He failed on his examination, but one of his alternates, Moses B. Byington, jr., without any preparation in one of these preparatory schools, from a country high school, passed a creditable examination. That is proof in itself that the statement that these preparatory schools exercise a wrongful or unjust influence on the examinations is not well founded. There is no influence or political pull in the admission of these students or on their monthly or quarterly or annual examinations. I have had some personal knowledge in this matter. I had a son graduate at Annapolis in 1905, and I frequently visited Annapolis in that four years, and I had many opportunities to look into the management of that institution.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield one minute more to the gentleman.

Mr. AUSTIN. Now, for the consolation and comfort of those Members who say that they can not find students in their districts to pass these examinations I desire, without malice, to state a little instance that occurred on the floor of this House several years ago. My late colleague, Mr. Brownlow, from the first Tennessee district, was approached by a Tennessee colleague, and he said: "Brownlow, why is it that every time we have a civil-service examination at Knoxville, Tenn., the applicants from your district pass and all from my district fail?" Mr. Brownlow's reply was: "Why, it is a good thing for you that your applicants can not pass these civil-service examinations." His colleague said, "Why?" In answer Mr. Brownlow said: "If they could pass civil-service examinations somebody else would be representing that district in Congress." [Laughter and applause.]

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I was surprised to hear my good friend the Representative from Georgia [Mr. HOWARD] almost denounce the public-school system of the United States. I can not believe that he represents in that criticism or denunciation the feeling of the people of his State with regard to the public-school system of this country. In Iowa, where we have the highest percentage of literacy of any State in the Union, the people glory in the public-school system as perhaps the brightest jewel of the Republic, and I do not believe that we should cast upon the high schools or public-school system of this country discredit because those who come from them fail to pass these examinations at the Naval and Military Academies.

Mr. Speaker, it is a very significant fact, which I desire to call especially to the attention of the House, that we have heard here the testimony of the leader of the minority [Mr. MANN], the Representative from Illinois, saying that he would not appoint a man to a position to either of these academies unless the applicant would take a few months of special preparatory work at one of these preparatory academies. I talked with a Member of Congress who for more than 20 years had served in this House, and he told me that he never had made a recommendation that had gone through except they had taken this preparatory work at one of these preparatory academies.

Mr. Speaker, it is furthermore a fact that I learned from conversations with these students themselves that they believe that there is little chance for the young man unless he does take this special preparatory work at one of these schools. Now, I do not say that this means necessarily that favoritism has been shown in allowing those to go through who have taken this preparatory work, but I do say that there is something wrong in a system which will allow 60 to 75 per cent of those who have taken a cramming of three months, given them by a preparatory school, to then successfully pass after that cramming, when equally able young men, coming from schools, high schools, and some of them from the colleges of this country, are unable to pass the examination or to get through.

Gentlemen have said here that what we needed was a more thorough preparation in the high schools and in the public schools, but can it be considered that a thorough preparation, that with three months in one of these preparatory schools, can so fix up the mentality and the equipment and the profound knowledge of these subjects that will enable 60 or 75 per cent of these boys to pass? In my judgment, there is something wrong in the system of examinations somewhere. I do not know where it is, but we certainly ought to find out. Those young men who are to go into the Navy or into the Army—in the service of their country—ought to be sound physically. We all admit that. They ought to be intelligent. We all admit that. But they ought not to be compelled to incur the expense or take the time of a three months' preparation in an academy at Washington or Annapolis as a requisite for admission into the national schools for preparation for service in the Army and Navy of the United States. Such a condition imposes an unjust handicap on the poor boy who can not afford the additional expense, and adds a burden not contemplated nor authorized by the law.

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] is recognized for 10 minutes.

Mr. SIMS. Mr. Speaker, as we all know, there were no committees appointed for the present Congress until some time in June. I do not remember just the exact date. But we all know from several votes in the House of Representatives in the last Congress it was the fixed and determined purpose to abolish the Commerce Court. Without a committee to which a bill could be referred, I introduced a bill, H. R. 1921, which simply embraced the provisions of the appropriation bill that had been passed abolishing the court, but which had been vetoed. I did that for the purpose of moving to suspend the rules and pass the bill, and to avoid the contention that the bill had not been considered by any committee—by introducing and passing simply the legislative provisions in the appropriation bill which had been considered, and which was passed over the veto of the President.

At the request of the chairman, I carried that bill to the Attorney General, the Hon. J. C. McReynolds, and asked for any suggestions that he might have to make, stating to him plainly that the question as to whether the court was to be abolished or not was not to be considered by him, for we had settled that already. I received the following letter from the Attorney General, dated May 6, 1913, which reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1913.

MY DEAR MR. SIMS: As you requested, I have considered your bill (H. R. 1921) abolishing the Commerce Court with a view to giving you some aid about the jurisdiction of the courts.

Irrespective of the policy of the measure, upon which I express no opinion, I venture to suggest, in line with your views—

1. Venue: As drawn, the bill would probably permit the railroads a choice of a considerable number of districts, and I should think it would be desirable to fix the jurisdiction more definitely by law.

I don't think of any better method than to return to the method which existed prior to the establishment of the Commerce Court, which was generally the district in which the complainant resided or, if a corporation, had its principal operating office.

2. Interlocutory injunctions: I think the bill should explicitly prohibit any court from issuing an interlocutory injunction unless they specifically find that the validity of the commission's order is seriously doubtful and that the irreparable injury to the petitioner from its enforcement pendente lite would be substantially greater than the irreparable injury to the beneficiaries of the order from its suspension.

3. Temporary restraining orders: I suggest the elimination of the provision for temporary restraining orders, because under the law there must be a period of at least 30 days after the order before it goes into effect (sec. 15 of the act to regulate commerce), and this ought to allow plenty of time for the railroad to make its application for the ordinary interlocutory injunction provided for by your bill. Also, the commission has not made difficult the matter of extending the effective dates of its orders where the occasion justified.

4. Supreme Court Justices: I suggest that the requirement that the Supreme Court Justices participate in the hearing of applications for interlocutory injunctions be eliminated because that court is so heavily overburdened already and because it would be very inconvenient for them to be traveling about to the districts where hearings are to occur, or for the judges of those districts to come especially to Washington.

5. Appeal: The provisions for an appeal, on page 4, lines 3, 4, 5, and 6, are probably inadvertent because the subject is covered by similar provisions on page 2, lines 15, 16, and 17.

6. Remand: There should be some express provisions for remand of cases now pending undecided in the Supreme Court.

7. State commissions: At page 4, lines 12, 13, and 14, I assume that "any administrative board or commission created by and acting under the statute of a State" means any "public-service commission," etc.

8. Record, findings, limitation of review, and certiorari: To expedite these cases as much as possible and to limit the court review to questions of law, perhaps you might wish to incorporate some such sections as I have drafted and attached at the end of your bill, numbered sections 6 and 7.

I have also suggested these sections to Mr. BROUSSARD in connection with the bill I understand he proposes to introduce, because I think that Congress may desire to subject any court, whether the Commerce Court or the district court, to these limitations.

9. Numbering: For purposes of reference and litigation it is so much more convenient to have the bill broken up into sections that I have ventured to suggest this on the text of the bill.

On the attached copy I have indicated changes which would accomplish these suggestions, if you should conclude to accept them.

Very respectfully,

J. C. MCREYNOLDS,
Attorney General.

Hon. T. W. SIMS,
House of Representatives.

Then, on the 22d of May, 1913, I received the following letter from the Attorney General:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 22, 1913.

Hon. THETUS W. SIMS,
House of Representatives.

MY DEAR MR. CONGRESSMAN: I am sending you herewith a copy of a letter from my friend, Mr. Hines, who for a long time has been connected with interstate-commerce litigation as a representative of the railroads. What he says is always worthy of very serious consideration, and I commend his suggestions to you.

Very truly, yours,

J. C. MCREYNOLDS,
Attorney General.

Inclosure: Copy of letter from Walker D. Hines, Esq., dated May 21, 1913.

The copy of the letter inclosed from Mr. Hines is as follows:

CRAVATH & HENDERSON,
New York, May 21, 1913.

Hon. JAMES C. MCREYNOLDS,
Attorney General, Washington, D. C.

DEAR MR. MCREYNOLDS: Referring to my letter of 7th instant, relative to H. R. 1921, introduced by Mr. SIMS, which bill, I presume, is intended to be superseded by H. R. 4546, introduced by Mr. SIMS, the latter being apparently of the same tenor, and to my conversation with you yesterday.

Section 206 of the Commerce Court chapter of the judiciary act (36 Stat. L., 1148) provides that the Commerce Court's orders, writs, and process may run, be served, and be returnable anywhere in the United States. This section does not purport to deal with either the jurisdiction or the procedure of the Commerce Court, but defines certain of its powers, including the power to issue process, and therefore the Sims bill would not continue that section in force, but would be regarded as repealing it.

It is well established that, independently of express legislation, a district court of the United States can not issue process beyond the limits of its own district, but that the process can only be served upon persons within the same district. (Toland *v.* Sprague, 12 Peters, 300; Herndon *v.* Ridgway, 17 How., 424; United States *v.* Union Pacific R. R., 98 U. S., 569.) I do not understand that sections 51 to 57 of the district courts chapter of the judiciary act (36 U. S. Stat. L., pp. 1101–1103) would empower the district court to issue process running beyond the limits of the district in cases brought under the Sims bill, either to enforce or set aside orders of the commission.

With respect to suits brought to enforce orders of the commission, it would be a matter of great importance to the Government to have adequate provision for process of the district court running into other districts and States.

With respect to suits brought by railroad companies to set aside orders, I doubt if the question would be so important, because I believe the bill as a whole would evidence an intention on the part of Congress that the United States might be sued in any district, and that the court would find some way to hold that the Government was duly before the court. Even in such suits, however, the matter might be of importance if it should be desirable to bring in other defendants besides the United States.

On the whole, I believe it very important to the Government, and desirable to carriers, that there should be an express provision in the Sims bill that in all suits covered thereby the process of the district court shall run, be served, and be returnable anywhere in the United States.

Sincerely, yours,

WALKER D. HINES.

After I saw the committees were going to be appointed before all appropriation bills were brought in, I had prepared as best I could, with all the help I could get, the bill H. R. 5611, and after having received the kind of a letter I did from the Attorney General, I felt it would have been an absolute discourtesy to him not to submit that bill to Mr. Hines for his suggestions. I did so, and I received the following letter from him with reference to the bill, dated June 2, as follows:

CRAVATH & HENDERSON,
New York, June 2, 1913.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR MR. SIMS: I feel greatly complimented that you have written me in regard to H. R. 5611, and shall do my best to comply with your request.

I understand your purpose to be to transfer to the district courts the jurisdiction now vested in the Commerce Court, and to provide for the employment in the district courts of practically the same procedure that is now employed in the Commerce Court, and to do all of this with the least change in the law, so as to avoid, as far as possible, changes of an affirmative character which will call for construction by the courts.

Accordingly I have the following suggestions to make:

The Commerce Court act provides:

"Its orders, writs, and process may run, be served, and be returnable anywhere in the United States."

H. R. 5611 provides:

"The writs and processes of the district courts may in these cases be issued at (I understand the word 'at' is to be changed to the word 'to') any place within the United States."

Would it not be better to copy in this respect the exact language of the Commerce Court act, so as to avoid the possibility of any court assuming that the change in the language was intended to bring about a change in the meaning? You will note the Commerce Court act uses the word "orders" as well as the words "writs and process."

Therefore, would it not be better to follow precisely the language of the Commerce Court act, so that the language would read:

"The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States."

The Commerce Court act provides as an exception—

"that in cases where irreparable damage would otherwise ensue to the petitioner, said court, or a judge thereof may, on hearing, after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than 60 days from the date of the order of such court or judge, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application." (Sec. 208 of the judiciary act, 36 U. S. Stat. L., p. 1149.)

H. R. 5611 requires the application for a temporary restraining order to be made to three judges and on five days' notice, and thus puts the matter on practically the same basis as an application for a temporary injunction and wipes out entirely the plan of the Commerce Court act, which contemplates that an application for a temporary restraining order may be made to a single judge of the court and on three days' notice. Indeed it will be much more important in the district court to have an opportunity to apply for a temporary restraining order to a single judge than it has been in the Commerce Court. In the Commerce Court, generally speaking, a majority of the members of the court is always available in Washington, so that an application can be made to them without serious inconvenience. But if the Commerce Court should be abolished, it would be rarely the case that three Federal judges of the required grade would be found together in any one place, and it would be necessary before the petitioner could make an application for him to prevail upon the judges to go to some place where they could sit together and hear the application for a temporary restraining order. This may be a matter of most serious consequence, and it may become utterly impracticable within the time before an order is to take effect to get the judges assembled who are qualified to pass upon the application for the restraining order.

Under such circumstances it is highly desirable to preserve the procedure already recognized by the Commerce Court act and to permit the application for the temporary restraining order to be made to a single judge. This matter was quite carefully considered by Congress in connection with the act regulating the issuance of injunctions by Federal courts against State railroad commissions, and it was there recognized that it would be necessary in many cases to make an application for a temporary restraining order to a single judge on account of the physical impossibility of getting three judges together within the limited time.

Of course, if an order of the commission is unlawful and will be set aside when the court comes to consider it, it will be far better for everybody concerned to have the order temporarily restrained while the court is considering the motion for a temporary injunction. Otherwise the commission's order will go into effect for a short period of time and will completely upset the existing tariffs and the existing trade relations, and then there will be a further reconstruction of the situation when the temporary injunction shall be granted. This is peculiarly a situation where the status quo ought to be preserved in cases of irreparable damage. Of course, after obtaining the restraining order the petitioner will have to proceed promptly to make his application for temporary injunction to the three judges, and the restraining order will remain in effect only until the three judges shall have passed upon the application for the temporary injunction.

For the same reasons it would be better to preserve the three days' notice for application for temporary restraining orders, thereby preserving the provision of the Commerce Court act instead of extending the notice to five days.

The only other suggestion I have is that under the Commerce Court act there is specific provision (sec. 210) that—

"a final judgment or decree of the Commerce Court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree."

There is no provision in the same language, or substantially in the same language, in H. R. 5611. But there is a provision in lines 3 and 4, on page 4, that the same procedure as to expedition and appeal shall apply upon the final hearing of cases as applies with respect to orders granting preliminary injunctions. The question occurs to me whether there may not be danger that the court will construe this as meaning that there may be no appeal at all upon the final hearing except where the final judgment or decree grants an injunction against the commission's order. I am satisfied this is not the intention, and I think it quite doubtful as to whether the court would place such a construction upon the provision. But understanding from your letter that you desire to put the matter upon substantially the same basis as it now is, it has occurred to me that you might think it advisable to clear up this question entirely.

In conclusion, I suggest for your consideration whether it might not be a good plan, after transferring the jurisdiction to the district courts and providing for the venue, to repeat practically verbatim the provisions of the Commerce Court act. This will reduce to a minimum any danger there may be of new questions being raised and new constructions insisted upon or allowed.

Sincerely, yours,

WALKER D. HINES.

I then wrote him, acknowledging receipt of his letter, and inclosed to him the following proposed amendments, along the line of his suggestions in three particulars, which I will put in

the RECORD, but stated I could not agree to one of his propositions, and that was that a petition for a preliminary restraining order should be submitted to a single judge, because there seemed to be great opposition by those who were in favor of continuing the court to having petitioners who bring suits to enjoin the orders of the commission submitted to particular judges that the petitioners might select, but providing for three judges instead of one, as the law had formerly been as to issuing preliminary restraining orders, which had my opposition:

(H. R. 5611.)

In lines 20, 21, and 22, on page 2 of the bill, the words "The writs and processes of the district courts may in these cases be issued to any place within the United States" should be stricken out, and in lieu thereof the following words be inserted:

"The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States."

Insert, in line 25 of page 3, after the word "case," the words:

"Provided such appeal be taken within 30 days after such preliminary injunction or restraining or stay order is granted."

After the word "apply," in line 4 on page 4, insert the words:

"A final judgment or decree of the district court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree, and such appeals may be taken in like manner as appeals are taken under existing law from the Commerce Court to the Supreme Court."

I then received the following letter of June 9 from Mr. Hines, a long letter, giving his views as to the amendments I offered, and making further suggestions, which reads as follows:

CRAVATH & HENDERSON,
New York, June 9, 1913.

DEAR MR. SIMS: I greatly appreciate, and have read with great interest, your letter of the 5th instant. My reply is delayed because of a trip to Chicago which occupied the last four days of last week.

First. The amendment you propose in lines 20, 21, and 22, on page 2, will fully meet the point made by me. That amendment contemplates the striking out of the words "the writs and processes of the district courts may in these cases be issued to any place within the United States," and inserting in lieu thereof the following: "The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States."

Second. The amendment you propose, in line 25, on page 3, after the word "case," by the addition of the words "provided such appeal be taken within 30 days after such preliminary injunction or restraining or stay order is granted," raises a question which had before escaped my attention, and that is, that under the Commerce Court act, while provision is made for an appeal to the Supreme Court from an interlocutory order granting or continuing an injunction restraining the enforcement of an order of the commission (which, of course, means a preliminary injunction), no provision is made for an appeal from a restraining or stay order, and I think perhaps you will agree with me that there is no necessity for an appeal from such an order. The restraining or stay order is merely a temporary order, which is made to preserve the status until the application for the preliminary injunction can be heard and determined. It would seem unnecessary to provide for an appeal from a temporary restraining order to the Supreme Court, because that order would either be terminated or superseded by the lower court's action upon the application for the preliminary injunction long before the appeal would, in the ordinary course, receive the Supreme Court's consideration. Under any proper practice the temporary restraining order should be but of short duration. It should be followed promptly by the hearing upon the application for the preliminary injunction.

If the court denies the preliminary injunction, that denial will terminate the temporary restraining order. If the court grants the temporary injunction, that act will supersede the temporary restraining order, and then the appeal will be from the preliminary injunction, and not from the temporary restraining order. My suggestion, therefore, would be to strike out the words "or restraining or stay order," in line 25 of page 3, and also the same words in your proposed addition.

Third. Your third amendment makes it clear that there may be an appeal from a final judgment or decree of the district court. Would it not be well in connection with the insertion of this amendment to strike out from line 4 of page 4 the words "and appeal," because the additional sentence you propose to insert takes care of the subject of appeal?

Fourth. As to permitting action by a single judge, I see that I did not make clear in my former letter the distinction between the temporary restraining order and the preliminary injunction. You are entirely correct in saying that under the Hepburn Act the preliminary injunction had to be granted by the court, which had to consist of not less than three circuit judges by virtue of the expedition act of February 11, 1903, which the Hepburn Act made applicable to suits to set aside orders of the commission. But this was not the case as to the temporary restraining order. The Hepburn Act contained no provision as to the temporary restraining order, and consequently such temporary order could be made by a single judge. I presume that this was done by virtue of section 718 of the Revised Statutes, which provided:

"Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge."

While I have not had time to review the history of the matter, I have a very strong impression that frequent instances arose where the single judge granted a temporary restraining order in cases brought under the Hepburn Act, but, of course, such orders were very soon terminated or superseded by the action of the court consisting of three judges. My only object, therefore, is to preserve under your bill the same condition which I understand has always existed both under the Hepburn Act and under the Commerce Court act, whereby a single judge, in cases of danger of irreparable injury, has always had power to grant a temporary restraining order, which would preserve the status until the court should have an opportunity to hear and determine the application for the preliminary injunction. I think the distinction which I make between a temporary restraining order and a preliminary injunction answers the point made by you that it ought not to be permissible for the complainant to select a particular judge. It will be of no substantial advantage whatever to the complainant to get a temporary restraining order unless it can be promptly followed up by a preliminary injunction. Hence, if the preliminary injunction can be granted only by a court of three, there is no danger of abuse from the issuing of the temporary restraining order by a single judge, since such order will be speedily terminated or superseded by the action of the court of three. I may add that this matter was the subject of reconsideration in connection with the act which now provides for the court of three judges to try suits brought to prevent the enforcement of State statutes, and the justice of permitting a single judge to grant a temporary restraining order pending the opportunity for a hearing and determination of the application for a preliminary injunction was again recognized. Therefore the change I am suggesting is a very narrow one, and is intended to preserve a right which has always been recognized and which is very different from the right of having the application for the preliminary injunction passed upon by a single judge.

I may add that while the commission gives not less than 30 and frequently 60 days or more before its order becomes effective, yet the conditions are always so complex that a great deal of labor is requisite in order to make an accurate presentation of the case to the court, and it may well be that practically the entire time limit may be consumed in making a presentation which will be intelligible to the court. Consequently, it may be of very great importance to permit the carrier to get a temporary restraining order from a single judge so as to preserve the status until three judges may be assembled to hear and determine the application for the preliminary injunction. I am very hopeful that you will agree with me that the criticism and dissatisfaction which have existed in this matter have been with reference to the granting of preliminary injunctions by a single judge rather than with reference to the granting of a temporary restraining order, which, if properly guarded by statute, as it is under the Commerce Court act, is a purely temporary expedient which will be speedily terminated or superseded by the action of the court of three upon the application for the preliminary injunction.

Fifth. Another feature of this matter occurs to me and, in view of the shortness of the time, may be of some practical importance. I presume that if your bill should be passed at this session it will be passed between now and the 1st of July, since on that date, I understand, the appropriation for the Commerce Court comes to an end. Consequently, the bill will pass both Houses and be approved by the President on very short notice. The result will be that apparently things will come to a dead stop in the Commerce Court on July 1. I have no cases there and am not advised as to the state of its docket, but I presume that it is probable that the court may have numerous cases in which it has heard arguments and received briefs, either on final submission or on submission upon some interlocutory motion.

The court under your bill will cease to have any jurisdiction immediately upon the approval of the bill, except as to the details relating to the transfer of the cases. Hence, the result may be that various district courts will have to take up and reconsider matters which have already been argued and submitted to the Commerce Court, and which, in the interest of economy of time and labor, could better be decided by the Commerce Court than to be reargued and reconsidered in the various district courts. What would you think, therefore, of the desirability of making a provision that the jurisdiction of the Commerce Court should continue for 30 days after the passage of the act for the purpose of disposing of all cases and motions under submission at the date of the passage of the act, all such cases to be transferred to their respective district courts at the end of the 30 days and all other cases in the Commerce Court to be transferred to the district courts at once? I do not regard the point as of paramount importance, but it occurs to me that it might be of substantial convenience to the Department of Commerce and the commission, as well as to the counsel of the railroad companies.

Sixth. There is one other feature of your bill which I ought to have mentioned in my previous letter, especially since that feature seems to be at variance with your intention of preserving the general law as it now is. The feature to which I refer is contained in lines 4 to 12, on page 4, and reads as follows:

"The provisions of this section shall also apply to the issuing and granting of preliminary injunctions and restraining or stay orders suspending the enforcement, operation, or execution of, or setting aside, orders made by any administrative board or commission created by and acting under the statute of a State. And in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State."

Of course this is a matter with which the Commerce Court act does not deal at all and therefore constitutes entirely new legislation. Not only would the language quoted make an entirely new provision as to the cases in question, but it would be a provision which is substantially different from the existing provision contained in section 266 of the judiciary act (36 U. S. Stats. L., 1162), which relates to the granting of interlocutory injunctions suspending the enforcement of statutes of a State. Ought not the matter of issuing and granting of preliminary injunctions and restraining or stay orders suspending the enforcement of orders of State boards and commissions, if changed at all, to be made strictly analogous to the provisions relating to preliminary injunctions and restraining orders restraining the enforcement of State statutes?

I feel ashamed to have written you such a long letter, and feel that I am imposing on the consideration which you have shown me. Nevertheless, the subject is one of great importance, and I wish to make as clear as I can the points which have occurred to me. I shall be glad to render any further assistance in my power, although I am afraid I have been so prolix as to make me a discouraging correspondent.

Again expressing my great appreciation of the compliments you have shown me by conferring with me about this matter, I am

Sincerely, yours,

WALKER D. HINES.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

I then carried these letters and suggestions of Mr. Hines and the three amendments I proposed to the Solicitor of the Interstate Commerce Commission and asked his opinion of so amending my bill 5611, and he said the three amendments proposed could not possibly hurt the bill, and he believed they would benefit it; and that is the reason why I advocated putting those three amendments in.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield to a question?

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. HARDWICK. Will the gentleman from Tennessee tell me who brought this Mr. Hines or the Attorney General into this thing?

Mr. SIMS. All I know about Mr. Hines being in it was from the letter I received from the Attorney General commending his suggestions to my consideration.

Mr. HARDWICK. In other words, you never had anything to do with Mr. Hines in this matter until the Attorney General of the United States brought him to your attention?

Mr. SIMS. Oh, I had heard of Mr. Hines, of course.

Mr. HARDWICK. I mean you had never heard of him in connection with the Court of Commerce legislation?

Mr. SIMS. No; I had never heard of him in connection with the Commerce Court legislation. I do not even now know whether Mr. Hines is in favor of a Commerce Court or not. I did not ask him whether he was in favor of it or not, and I did not care whether he was or not. I was interested only in the manner of transferring jurisdiction of the Commerce Court to the district courts, and as the Attorney General has sent his letter to me with the respectful and kindly request to consider the suggestions therein, and at that time having no idea of insisting upon passing the bill 1921, I thought it was my duty, and nothing but a proper respect for the Attorney General, to submit the bill No. 5611 to Mr. Hines for his suggestions, and I did so. He gave them, as stated in his letters which I have just read. I see nothing wrong in my connection with the matter from beginning to end.

Mr. Speaker, this morning in a newspaper of this city there was an article published, stating in effect that a communication had been sent to the Committee on the Judiciary calling attention to this matter and making suggestions that perhaps the committee on lobbying of the Senate ought to investigate this matter and ask me for all correspondence in regard to it. I thoroughly agree with anything that looks to publicity about anything, and I give now and here to the public all the letters and communications of every kind about this whole affair, and I hope everybody will read them in the RECORD in the morning. There is nothing in this correspondence to indicate whether Mr. Hines is in favor of the Commerce Court or not, and it would not make a particle of difference to me whether he was or not, and I only asked his opinion and suggestions out of a proper respect for the Attorney General of the United States, who is the law officer of the Government.

Mr. Speaker, I would like to have permission to place in the RECORD a copy of resolutions and bills which I have not had the time to read.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SIMS. Mr. Speaker, the first is the resolution adopted by the Democratic caucus:

Be it resolved, That it is the sense of this caucus that the Commerce Court be immediately abolished, during the present session, due care being taken at the same time to protect and provide for the jurisdiction now exercised by that court over pending and future litigation.

Second. The Committee on Rules is directed to bring into the House a rule making in order appropriate legislation for such purpose in any appropriation bill during the present session, whether incorporated in an original bill or by amendment, which amendment may be offered in Committee of the Whole House on the state of the Union or in the House as in Committee of the Whole or in the House itself, and although such appropriation bill may be considered under motion to suspend the rules.

The next resolution was introduced by Hon. W. C. ADAMSON and referred to the Rules Committee, authorizing the abolishment of the court and vesting the jurisdiction now exercised by the Commerce Court in the district courts of the United States, which reads as follows:

Resolution.

Resolved, That upon the adoption of this rule it shall be in order for the Committee on Appropriations to incorporate and report as a part of any appropriation bill, or for any Member, during the consideration of any appropriation bill, either in the House, although it may be on motion to suspend the rules, or in the House as in Committee of the Whole, or in the Committee of the Whole House on the state of the Union, to offer as an amendment to such appropriation bill the following provisions:

"That the Commerce Court, created and established by the act entitled 'An act to create a Commerce Court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes,' approved June 18, 1910, be, and the same hereby is, abolished, and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States: *Provided*, That the Commerce Court shall continue 60 days after the approval of this act for the purpose of considering, and so far as possible disposing of, cases already argued and submitted, but no new suit or case for any purpose shall be brought in said court.

"The venue of any suit hereafter brought to enforce, suspend, or set aside, in whole or in part, any order of the Interstate Commerce Commission shall be in the judicial district where some or all of the transportation covered by the order has either its origin or destination, except that where the order does not relate to transportation the venue shall be in the district where the matter complained of in the petition before the commission arises, and except that where the order does not relate either to transportation or to a matter so complained of before the commission the matter covered by the order shall be deemed to arise in the district where one of the petitioners in court has either its principal office or its principal operating office. In case such transportation relates to a through shipment the term 'destination' shall be construed as meaning final destination of such shipment.

"The procedure in the district courts in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the Commerce Court. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States; and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No preliminary injunction or restraining or stay order suspending the enforcement, operation, or execution of, or setting aside, in whole or in part, any order made or entered by the Interstate Commerce Commission shall be issued or granted by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a circuit judge, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a judge, he shall immediately call to his assistance to hear and determine the application two other judges. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit. The hearing upon such application shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting, after notice and hearing, a preliminary injunction, or restraining or stay order, in such case if such appeal be taken within 30 days after such preliminary injunction or restraining order or stay order is granted, and upon the final hearing of any suit brought to suspend or set aside, in whole or in part, any order of said commission the same requirement as to judges and the same procedure as to expedition and appeal shall apply. A final judgment or decree of the district court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of such final judgment or decree, and such appeals may be taken in like manner as appeals are taken under existing law from the Commerce Court to the Supreme Court. The provisions of this section shall also apply to the issuing and granting of preliminary injunctions and restraining or stay orders suspending the enforcement, operation, or execution of, or setting aside, orders made by any administrative board or commission created by and acting under the statute of a State. And in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be deemed pending in and be transferred forthwith to said district courts, except cases which may previously have been submitted to that court for final decree. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect; and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

"Any case hereafter remanded from the Supreme Court which but for the passage of this act would have been remanded to the Commerce Court shall be remanded to a district court designated by the Supreme Court wherein it might have been instituted at the time it was instituted in the Commerce Court if this act had then been in effect, and thereafter such district court shall take all necessary and proper proceedings in such case in accordance with law and such mandate, order, or decree therein as may be made by said Supreme Court.

"That all laws or parts of laws inconsistent with this act are repealed."

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

Be it enacted, etc., That after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large: *Provided*, That midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asked to have a letter read.

Mr. PADGETT. Yes. I will ask that it be just inserted in the RECORD as read.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the conference report on the bill H. R. 1917, the Indian appropriation bill, and ask that the statement be read in lieu of the report. The statement is short.

The SPEAKER. Without objection, the accompanying statement will be read in lieu of the report.

There was no objection.

The statement was read.

[For full text of conference report and accompanying statement, see House proceedings of June 26, 1913, p. 2187.]

Mr. MANN. Mr. Speaker, I should like to make an inquiry about some of these amendments.

Mr. STEPHENS of Texas. Which is the amendment that the gentleman desires to inquire about?

Mr. MANN. Amendment No. 11, proposing to have a joint commission, which I refer to respectfully as the joint commission to investigate Indian affairs, but if I referred to it without respect I should call it another congressional junketing committee.

I notice there are two of them provided for in this bill. The Committee on Indian Affairs are a great committee. Will they have the opportunity this summer to run two of these traveling committees?

Mr. STEPHENS of Texas. I will state to the gentleman that it is not the intention of making these committees junketing committees, but working committees.

Mr. MANN. That evidently is the intention. There is nothing else that can be done under this.

Mr. STEPHENS of Texas. The gentleman has overlooked the fact that the joint special committee to investigate the New Mexico sanitarium and the Yakima irrigation project must report before the 1st of January, 1914. The life of the other joint general Indian investigating committee runs during this Congress.

Mr. MANN. I have not overlooked that fact. That has nothing to do with the question I submitted, but I know that.

Mr. STEPHENS of Texas. The duties of these joint investigating committees are entirely different.

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. The first one is a special investigating committee to investigate the New Mexico and Yakima propositions only. That was carried in the original bill; if the gentleman will yield a moment——

Mr. MANN. Certainly. I am yielding for information.

Mr. STEPHENS of Texas. I think I can make it plain to the gentleman. That provision was for the purpose of investigating the $1,800,000——

Mr. MANN. That was to investigate the Yakima proposition.

Mr. STEPHENS of Texas. Yes; the Yakima irrigation project and also the New Mexico Tuberculosis Sanitarium proposition was carried in the original bill——

Mr. MANN. It was not carried in the original bill as reported to the House at the last session, but was added as a Senate amendment or in conference.

Mr. STEPHENS of Texas. It was added last year in the Senate and agreed to in conference.

Mr. MANN. It was one of the Senate amendments.

Mr. STEPHENS of Texas. Yes; and the House agreed to it, and it was a part of the bill. This bill contained that provision when it went to the Senate from the House. We made the latter part of the amendment for the purpose of investigating the question of appropriating $1,800,000 for the Yakima irrigation project. It is necessary to furnish to these Indians the water that they have had time out of mind for the purpose of irrigating part of their reservation.

The other proposition was to build a sanitarium for Indians suffering from tuberculosis, or the white plague, in the United States, and it was thought that New Mexico was the proper place to locate this sanitarium.

The Senate inserted the other proposition authorizing the joint commission of three members of each of the two Committees on Indian Affairs in this Congress to investigate every phase or proposition relative to the Indians named in the resolution.

The general investigating committee is required to report during the Sixty-third Congress. These are separate propositions, one a House, the other a Senate proposition. One is to investigate two special objects, and was provided for in the bill which was passed last winter. The other is a Senate proposition, for a general investigation of Indian matters.

Mr. MANN. What I said is still true, that there is a proposition in this bill now for two separate commissions to travel over the country.

Mr. STEPHENS of Texas. Two investigations are necessary.

Mr. MANN. That is correct.

Mr. STEPHENS of Texas. Will the gentleman permit me to explain the reason why?

Mr. MANN. I thought the gentleman had been doing that; but I am always willing to hear my instructive friend from Texas.

Mr. STEPHENS of Texas. If the gentleman will yield, I think I have fully explained the first matter that I referred to.

With reference to the second, the Indian reservations are scattered all over the western part of the United States. It is impossible for our committee to legislate intelligently upon these matters when the Indians are so far away from us, and it is necessary to send a committee there to learn at first-hand their actual condition and desires.

Mr. MILLER. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. MILLER. There are two commissions provided for by this conference report—one is for a commission of three Members of the House and three from the Senate, and the other is for a commission of two Members of the House and two from the Senate. I heartily concur in what the chairman has just stated, that the location of the Indians and the property being so far from Washington and so little known, intelligent legislation respectipg both the property and the Indians can not be had without some investigation. Does the gentleman think that the balance of the Indian committee is pure surplusage, and that the end can be obtained by having two commissions when the committee stands at 21?

Mr. STEPHENS of Texas. I do not presume the same men would be put on the two commissions. One would investigate the two special purposes, and the other would be a general committee to extend during the life of the Congress. The Indians have $800,000,000 of property scattered all over the country, and to intelligently legislate on these matters we should have a general investigation by the two Houses jointly, investigating these Indian affairs and then reporting back to the House.

Mr. MILLER. What is the reason we investigate the need and maintenance of a tuberculosis hospital in New Mexico? I should think if there was any one subject that the committee could legislate upon without a personal investigation that would be the one. Why was that selected, instead of some of the large and insistent questions relating to irrigation of lands in Arizona, for instance, and the Blackfoot question in Montana?

Mr. STEPHENS of Texas. The Indian population of New Mexico and Arizona located on the Navajo Reservation and the Mescalero and Apache Indians and various scattered bands elsewhere will amount to possibly 40,000 in numbers. It was not contemplated by the Senate amendment to build a sanitarium on the Rio Grande, but to build it in the White Mountains, on this side of the Rio Grande.

Let me state further that Fort Wingate, which is situated near the line between Arizona and New Mexico, was abandoned several years ago and is no longer in use by the Army. This property is worth at least one-half a million dollars. It was used by five companies of Cavalry. I think we could use this fort and the valuable military reservation on which it is located for this hospital and also for the purpose of locating thereon an Indian school. It is on the edge of the Navajo Reservation and near the center of a very large Indian population, where there is more need of a hospital than at any other point in these States.

Mr. MILLER. It is not contemplated for a general commission to go to New Mexico to secure information which the gentleman has given us and which seems ample?

Mr. STEPHENS of Texas. Yes; but I will further state that Fort Stanton, on the eastern side of the Rio Grande, has been used a number of years for the purpose of a sanitarium for the tuberculosis patients of the Navy. They have been successfully treated there and we have spent at least $250,000 on that hospital.

This fort, if abandoned, will make an excellent sanitarium. Which of these two forts or military reservations will be the best for the sanitarium is a question which Congress must settle. The Senate adopted the amendment of putting it in the White Mountains or Mescalero Reservation and starting a new sanitarium entirely. The amendment further proposes to build a road from the railroad to this point, but the House conferees objected to that Senate amendment because, as I have stated, we have half a million dollars' worth of abandoned property at the two forts I have named, and we should use these buildings and lands. Therefore your committee thought it was best to investigate the matter before we agreed to build a new sanitarium.

Mr. MILLER. I want to state that I have no objection or criticism upon securing information for the committee to enable it to transact its business intelligently. I think the Indian Committee needs all the information it can possibly get and never will get enough; but what I do emphasize strongly is that I think there has been selected two rather inconsequential and vague subjects on which to secure information when there are a large number of vitally important ones that could more properly engage the attention of the committee and of the investigators. For instance, it seems to me that the matter of irrigating Indian lands ought to receive a rigid and searching inquiry by a proper committee of this House, and probably by the Indian Committee, or by some members of it, and to pass that by and select these others seems to me rather inconsequential.

Mr. STEPHENS of Texas. If the gentleman will read the report providing for the general committee, he will find that they have power to report all of these matters.

Mr. MILLER. If that is true, does the gentleman think that two or three members of the committee can possibly secure information to leaven the rest of the committee?

Mr. STEPHENS of Texas. I do not quite understand the gentleman.

Mr. MILLER. If that is true, that the whole range of those subjects is to be investigated, does the gentleman think that two or three members going abroad and securing this information would be sufficient to leaven the whole 19 members who do not have the privilege of going? In other words, is the committee large enough to do any good?

Mr. STEPHENS of Texas. Does not the gentleman think a joint committee of the two Houses would be better than a committee of one House?

Mr. MILLER. I do; but I think a joint committee of two or four on a subject of this magnitude is inadequate.

Mr. STEPHENS of Texas. There would be six, I believe, on the general committee, three on the part of the House and three on the part of the Senate, and four on the other, and it was the opinion of the conference committee that that would be sufficient.

Mr. MANN. Mr. Speaker——

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. MANN. I believe I have the floor.

Mr. STEPHENS of Texas. I did not intend to yield the floor.

Mr. MANN. The gentleman did not take the floor. The Speaker was putting the question upon the conference report, and I did take the floor. If the gentleman has the time, I have no objection, but I supposed that I had the floor.

The SPEAKER. As a matter of fact, the gentleman from Illinois did get possession of the floor.

Mr. STEPHENS of Texas. Then, of course, he has one hour.

Mr. MANN. I shall not unduly delay the consideration of the conference report. I am willing to yield it to the gentleman from Texas.

I wish to submit an observation or two concerning this bill. The Indian appropriation bill passed the House in the last Congress and passed the Senate in the last Congress with a lot of Senate amendments and went to conference. It was agreed upon in conference, and in the Senate the conference report was not agreed to because of some reason to which I shall not refer. The sentiment of the Senate was in favor of agreeing to the conference report as was the sentiment of the House. Undoubtedly if it had not been at so late a day in the session the conference report would have been agreed to.

At this session of Congress, it being customary to pass the appropriation bills for the next ensuing fiscal year at the short session of the last Congress, we generally agreed to repass the Indian appropriation bill as the conference committee had agreed to it in the last House. The minority made no objection. The bill was never read for amendment. It was never open for discussion except for 20 minutes, I believe, on a side, and good faith on the part of the Senate should have required the Senate not to add on a lot of Senate amendments. The House had already agreed in the form of its former conference report to a great many Senate amendments. The House and the Senate conferees had split their disagreements and brought in one conference report, and when the House at this session of Congress passed this Indian appropriation bill in the form of a conference report in the last House, the House was accepting a lot of Senate propositions that the House never favored by way of ordinary compromise which necessarily comes in conference. Thereupon the bill went to the Senate and with a hoggishness that ought to receive some criticism, the Senate took advantage of the situation to add on a lot of new Senate amendments and then insist that in conference again the House and Senate conferees should split their differences and agree to a part of the Senate amendments in compromise.

What have we now brought before the House? Though not first in order, there is amendment No. 51, providing for a junketing trip, that was carried in the House bill as it passed the House, although it was not a House proposition. That sends four distinguished gentlemen out to Washington at the expense of the Government. To visit Washington is a liberal education to any man, and it may be desirable for these gentlemen to go there and have a pleasant time, going up to Mount Tacoma, or some other place, enjoying themselves. And in order to insure that they have a long trip they have to make it by way of New Mexico.

Mr. MONDELL. And the Grand Canyon.

Mr. MANN. Going one way or the other. They go over the Canadian Pacific one way and come down over the Atchison, Topeka & Santa Fe, I suppose, the other way—the longest possible way around. That is what they used to say when I was a boy when you went to see your girl, that the longest way around was the shortest way home. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. In just a moment; I would like to complete the statement. Now, the Senate having secured that provision in the bill as it passed the House by way of compromise last session, they then proceeded to stick in another junketing trip. We have a House Committee on Indian Affairs. The Senate has a Senate Committee on Indian Affairs. We have a House Committee on Expenditures in the Interior Department. The Senate has a Senate Committee on Expenditures in the Interior Department. These expenditures committees have a right to make a thorough investigation of everything in the department, and the House Committee on Expenditures has been attempting to make such an investigation into the Interior Department relating to Indians and other services. Now, what does this new junketing committee provide for?

> For the purpose of making thorough inquiry into the conditions in the Indian service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, that there shall be constituted a commission, etc.

This is one of the duties of the Committee on Indian Affairs of the House and of the Senate, and if the entire 21 members of the Committee on Indian Affairs of the House will conduct hearings on this subject they will know a great deal more than they will ever learn by appointing three members of the committee.

A committee of this House which desires to deal with the great problems before it ought to sit as a full committee and have hearings before the committee and not undertake to leave to three members as a subcommittee the question of determining into the conditions of the Indian service with a view of recommending changes in the Bureau of Indian Affairs.

Mr. CULLOP. Will the gentleman yield?

Mr. MANN. I yield to my distinguished friend from Indiana.

Mr. CULLOP. Do I understand the gentleman from Illinois to advocate a committee of 21 Members of the House, the full committee of the House, to make this investigation?

Mr. MANN. I am advocating that a committee of 21 Members of the House make the investigation, sitting in its committee room here in Washington, where it ought to be made.

Mr. CULLOP. I would like to ask the gentleman another question.

Mr. MANN. Certainly.

Mr. CULLOP. So far as the second proposition of this amendment is concerned, could not some officer from the Interior Department be detailed to make this investigation and report the facts to the committee better than the committee of Congress sending out to do it?

Mr. MANN. Well, I will not say they can make it better than a committee of Congress, but that is the business of the Commissioner of Indian Affairs and of the Indian Office, that is the duty of the Secretary of the Interior, that is what they have a large number of special employees for—to make recommendations to Congress to be passed upon by the full committee and then by the House itself.

Mr. CULLOP. Now, would not the work involved under this amendment be such that Members of Congress who go upon the committee would not be prepared to do, and that it could be better done by some person from the Indian Office who is skilled in this line of work?

Mr. MANN. Well, of course, without making any reflection whatever upon the intelligence and ability of the Committee on Indian Affairs, and there is no higher standing committee in intelligence and ability in the House than that committee, it is safe to say that they must rely largely upon the judgment of the men expert in the Office of Indian Affairs who deal with these questions constantly. This commission is directed—

to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have power to subpœna witnesses, etc.

The Committee on Indian Affairs has practically all this power now. The Committee on Expenditures in the Interior Department has this power now. What is the object in appointing these gentlemen, who, I know, personally do not seek the appointment? With Congress in session until December at this special session, with a long session of Congress next summer running until August, and then with a political campaign coming on for reelection in November, there is not a great deal of time left for members of the committee to do this work unless they leave Washington while the House is in session.

In the last Congress it became the habit of a lot of the new committees as newly constituted to go away from Washington in order to conduct investigations. I do not believe that will become a habit in this House. I do not think we will permit it if we can avoid it, because many times in the last Congress where there was no quorum present it was largely because of many Members who were away from Washington on the theory that they were attending to public business, although that was not often the fact.

Mr. Speaker, following this amendment are amendments numbered 11½ and 11¾.

Mr. GARNER. Before the gentleman goes to that I would like to ask out of what fund and what amount of money is appropriated for this committee?

Mr. MANN. Twenty-five thousand dollars out of the Treasury. It was $50,000 in the Senate amendment, and the House conferees had it reduced to $25,000, although how they will spend that amount is beyond my knowledge. They ought to be able to make a good many trips for $25,000.

Now, here are amendments numbered 11½ and 11¾. I will give a prize to any Member of this body or any other legislative body who will inform me how a Senate amendment, coming from the Senate to the House, can get a number of 11½ or 11¾. Amendments are not numbered when they are agreed to. They are not numbered until they are sent from the Senate to the House. How do you manage to get an amendment numbered 11½ and another numbered 11¾?

And that brings me to the remark that I really wanted to make on this subject. We were told that the Democrats in the House who distributed the "pie" in the last Congress are now up against the proposition to redistribute the "pie" so as to take care of the new Members of Congress. I sympathize with the new Members of Congress on the subject. I do not blame them for wanting a portion of the patronage of the House if they can get it.

But I hope that the new Members on the Democratic side, as well as the old Members, will remember that efficiency in the House demands that some of the old employees of the House be retained. And one of the most efficient employees of this House to-day is the engrossing clerk of the House. He comes from a district which I believe is now represented by a Republican, and I suppose his sponsor, having failed of reelection, or anybody having failed to come as a Democrat from the district, that this capable employee, who prevents more errors than any other employee of the House, will get it "where the chicken got the ax." You do not care over there, in the main, for efficiency. This error was not made by a House employee. I do not know what Senate employee may have made it. They have a Democratic majority there, and some new men in the Senate, and it is possible that a new employee made the error.

Mr. STEPHENS of Texas. These are Senate amendments and numbered by the Senate.

Mr. MANN. I beg the gentleman's pardon. The Senate does not number amendments, and neither does the House.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. Has the gentleman happened to read the RECORD as to what was done with this bill in the Senate yesterday? It was twice withdrawn on account of errors.

Mr. MANN. Yes; the list of errors in connection with this bill and the Indian bill of the last session of Congress would fill nearly a volume. I called attention to them several times in the last Congress. Items were sent to the Senate in the Indian bill, as being in the bill, that were stricken out in the House. There were many and manifold errors. Those employees who have made good in the House should be kept. I was sorry when the present enrolling clerk was appointed, because he succeeded one of the best clerks that was ever around any legislative body. In following many of these bills through, I frequently have to obtain information from the enrolling clerk. I have found him to be a very intelligent and a very careful employee, and I am going to invite him to be a Republican when he gets fired by the Democrats of the House.

Now, as to amendment No. 35, I notice that the House conferees have reduced the amount of interest to be paid by the Government from 5 per cent to 4 per cent. Now, where we are obliged by treaty with the Indians to take money on deposit with the Government and pay interest at 4 or 5 per cent, I can see a reason for that; but why should we voluntarily take the money from the Indians on sale of property in this way and then pay a rate of interest far higher than the Government can obtain money for? And why do even more than that? You will probably deposit this money in the banks in Oklahoma at 2 per cent, and then the Government will pay the people of Oklahoma 4 per cent for money which they take as a favor to the people on deposit in their banks at 2 per cent.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. Is this a new provision providing for the payment of interest, or has interest been paid like this on some occasions heretofore?

Mr. MANN. This is a new provision.

Mr. GARNER. What has been the rate heretofore?

Mr. MANN. We have been paying 4 or 5 per cent.

Mr. GARNER. The gentleman is indicting his own administration.

Mr. MANN. Oh, not at all. The gentleman from Texas is in error.

Mr. GARNER. I was asking the gentleman a question.

Mr. MANN. Usually these treaty agreements follow an arrangement which has been made with an Indian tribe with reference to the sale of property.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I do.

Mr. STEPHENS of Texas. The proceeds of all of these lands drew 4 per cent, and that is the reason why we have changed it from 5 per cent to 4 per cent. There was a reservation which was sold where the proceeds drew 5 per cent.

Mr. MANN. I do not think the gentleman will find any treaty that provides that these lands shall be sold by the Government, and that all over $1.25 an acre shall be deposited with the Government at 4 per cent or any other rate of interest. Where we are not required to by any obligation, I do not see why we should be obliged to pay 4 per cent interest on money which we turn around and deposit in Oklahoma banks at 2 per cent. Perhaps we do not get that much.

Mr. STEPHENS of Texas. That is in the control of the Secretary of the Interior. That money is in his charge, and he is authorized to deposit it.

Mr. MANN. That is not under the control of the Secretary of the Interior except as we pass legislation providing for it. It is only under his control as he is required to do it by legislation.

Mr. Speaker, I do not care to occupy any more time.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, with Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32, which the Clerk will report.

The Clerk read the bill by its title, as follows:

An act (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama [Mr. CLAYTON] that the House resolve itself into Committee of the Whole House on the state of the Union to consider the Senate amendments to the bill H. R. 32.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. CLAYTON. A division, Mr. Speaker.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks for a division. Those in favor of the motion will rise and stand until they are counted. [After counting.] Fifty Members have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Eleven gentlemen have arisen in the negative.

Mr. CULLOP. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. On this vote the ayes are 50 and the noes are 11, and——

Mr. CLAYTON. Mr. Speaker, I move a call of the House.

Mr. MANN. You can not do that.

The SPEAKER. There is an automatic call.

Mr. CLAYTON. If I can get it, an automatic call will suit me just as well as any other.

Mr. MANN. You can not get a quorum to-day.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MANN. Mr. Speaker, I move that the House adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a division. Those in favor of the motion to adjourn will rise and stand until they are counted. [After counting.] Nineteen gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Fifty-three gentlemen have arisen in the negative. On this vote the ayes are 19 and the noes are 53.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays. We may just as well have the yeas and nays on this motion as on any other.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Sixteen in the affirmative.

Mr. CLAYTON. The other side.

The SPEAKER. The gentleman from Alabama demands the other side. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] Sixty-one. Sixteen are sufficient. The yeas and nays are ordered. The question is on the motion to adjourn.

The question was taken; and there were—yeas 26, nays 150, answered "present" 4, not voting 249, as follows:

YEAS—26.

Barton	Davis, Minn.	Knowland, J. R.	Sinnott
Bell, Cal.	Falconer	La Follette	Stephens, Cal.
Britten	Hawley	Mondell	Willis
Bryan	Helgesen	Morgan, Okla.	Woods
Burke, S. Dak.	Hinds	Platt	Young, N. Dak.
Campbell	Johnson, Utah	Roberts, Nev.	
Cullop	Kahn	Scott	

NAYS—150.

Abercrombie	Dixon	Kent	Shreve
Adair	Doolittle	Kettner	Sims
Aiken	Doughton	Key, Ohio	Sisson
Alexander	Dupré	Kirkpatrick	Small
Austin	Dyer	Kitchin	Smith, Md.
Baker	Eagle	Lesher	Smith, Tex.
Barkley	Edmonds	Lewis, Md.	Sparkman
Barnhart	Estopinal	Lieb	Stanley
Beakes	Evans	Lindbergh	Stedman
Blackmon	Farr	Lloyd	Stephens, Miss.
Booher	Ferris	McCoy	Stephens, Tex.
Borland	Fitzgerald	Maguire, Nebr.	Stone
Brockson	Fitzhenry	Manes	Stout
Brown, N. Y.	Flood, Va.	Miller	Stringer
Brown, W. Va.	Foster	Mitchell	Sumners
Brumbaugh	Fowler	Morgan, La.	Taggart
Buchanan, Ill.	French	Murray, Okla.	Talcott, N. Y.
Burnett	Garner	Nolan, J. I.	Tavenner
Byrns, Tenn.	Garrett, Tenn.	Oldfield	Taylor, Ala.
Callaway	Garrett, Tex.	Padgett	Taylor, Ark.
Caraway	Gilmore	Page	Taylor, Colo.
Carlin	Gittins	Palmer	Temple
Carr	Goeke	Phelan	Thomas
Carter	Graham, Ill.	Post	Thomson, Ill.
Chandler, N. Y.	Gregg	Pou	Tribble
Church	Hamlin	Quin	Tuttle
Clancy	Hardy	Ragsdale	Underhill
Clayton	Helm	Raker	Walsh
Collier	Henry	Rauch	Watkins
Copley	Hensley	Rayburn	Watson
Cox	Holland	Roddenbery	Weaver
Crisp	Houston	Rouse	Webb
Crosser	Hughes, Ga.	Rubey	Whaley
Curry	Hull	Rupley	Wingo
Davis, W. Va.	Igoe	Russell	Witherspoon
Deitrick	Jacoway	Seldomridge	The Speaker
Dent	Johnson, Ky.	Shackleford	
Dickinson	Kelly, Pa.	Sherley	

ANSWERED "PRESENT"—4.

Adamson	Bartlett	Underwood	Vaughan

NOT VOTING—249.

Ainey	Fairchild	Kennedy, Iowa	Pepper
Allen	Faison	Kennedy, R. I.	Peters
Anderson	Fergusson	Kiess, Pa.	Peterson
Ansberry	Fess	Kindel	Plumley
Anthony	Fields	Kinkaid, Nebr.	Porter
Ashbrook	Finley	Kinkead, N. J.	Powers
Aswell	Floyd, Ark.	Konop	Prouty
Avis	Fordney	Korbly	Rainey
Bailey	Francis	Kreider	Reed
Barchfeld	Frear	Lafferty	Reilly, Conn.
Bartholdt	Gallagher	Langham	Reilly, Wis.
Bathrick	Gard	Langley	Richardson
Beall, Tex.	Gardner	Lazaro	Riordan
Bell, Ga.	George	Lee, Ga.	Roberts, Mass.
Borchers	Gerry	Lee, Pa.	Rogers
Bowdle	Gillett	L'Engle	Rothermel
Bremner	Glass	Lenroot	Rucker
Brodbeck	Godwin, N. C.	Lever	Sabath
Broussard	Goldfogle	Levy	Saunders
Browne, Wis.	Good	Lewis, Pa.	Scully
Browning	Goodwin, Ark.	Lindquist	Sells
Bruckner	Gordon	Linthicum	Sharp
Buchanan, Tex.	Gorman	Lobeck	Sherwood
Bulkley	Goulden	Logue	Slayden
Burgess	Graham, Pa.	Lonergan	Slemp
Burke, Pa.	Gray	McAndrews	Sloan
Burke, Wis.	Green, Iowa	McClellan	Smith, Idaho
Butler	Greene, Mass.	McDermott	Smith, J. M. C.
Byrnes, S. C.	Greene, Vt.	McGillicuddy	Smith, Minn.
Calder	Griest	McGuire, Okla.	Smith, N. Y.
Candler, Miss.	Griffin	McKellar	Smith, Saml. W.
Cantrill	Gudger	McKenzie	Stafford
Carew	Guernsey	McLaughlin	Steenerson
Cary	Hamill	Madden	Stephens, Nebr.
Casey	Hamilton, Mich.	Mahan	Stevens, Minn.
Clark, Fla.	Hamilton, N. Y.	Maher	Stevens, N. H.
Claypool	Hammond	Manahan	Sutherland
Cline	Hardwick	Mann	Switzer
Connelly, Kans.	Harrison, Miss.	Martin	Talbott, Md.
Connolly, Iowa	Harrison, N. Y.	Merritt	Taylor, N. Y.
Conry	Haugen	Metz	Ten Eyck
Cooper	Hay	Montague	Thacher
Covington	Hayden	Moon	Thompson, Okla.
Cramton	Hayes	Moore	Towner
Curley	Heflin	Morin	Townsend
Dale	Helvering	Morrison	Treadway
Danforth	Hill	Moss, Ind.	Vare
Davenport	Hinebaugh	Moss, W. Va.	Volstead
Decker	Hobson	Mott	Walker
Dershem	Howard	Murdock	Wallin
Dies	Howell	Murray, Mass.	Walters
Difenderfer	Hoxworth	Neeley	Whitacre
Dillon	Hughes, W. Va.	Nelson	White
Donohoe	Hulings	Norton	Wilder
Donovan	Humphrey, Wash.	O'Brien	Williams
Dooling	Humphreys, Miss.	Oglesby	Wilson, Fla.
Doremus	Johnson, S. C.	O'Hair	Wilson, N. Y.
Driscoll	Johnson, Wash.	O'Leary	Winslow
Dunn	Jones	O'Shaunessy	Woodruff
Eagan	Keating	Parker	Young, Tex.
Edwards	Keister	Patten, N. Y.	
Elder	Kelley, Mich.	Patton, Pa.	
Esch	Kennedy, Conn.	Payne	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "no."

So the motion to adjourn was rejected.

The Clerk announced the following pairs:
For the session:
Mr. UNDERWOOD with Mr. MANN.
Mr. SLAYDEN with Mr. BARTHOLDT.
Mr. SCULLY with Mr. BROWNING.
Mr. METZ with Mr. WALLIN.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. BARTLETT with Mr. BUTLER.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Until further notice:
Mr. VAUGHAN with Mr. HAMILTON of New York.
Mr. RICHARDSON with Mr. ESCH.
Mr. PEPPER with Mr. SLOAN.
Mr. FRANCIS with Mr. FESS.
Mr. ALLEN with Mr. ANTHONY.
Mr. RAINEY with Mr. WINSLOW.
Mr. WILSON of New York with Mr. WILDER.
Mr. TALBOTT of Maryland with Mr. VOLSTEAD.
Mr. TOWNSEND with Mr. VARE.
Mr. WHITE with Mr. TREADWAY.
Mr. SHARP with Mr. TOWNER.
Mr. SABATH with Mr. SUTHERLAND.
Mr. ROTHERMEL with Mr. STEENERSON.
Mr. MURRAY of Massachusetts with Mr. J. M. C. SMITH.
Mr. REILLY of Connecticut with Mr. SMITH of Idaho.
Mr. PETERS with Mr. SLEMP.
Mr. MCCLELLAN with Mr. SELLS.
Mr. MOSS of Indiana with Mr. ROGERS.
Mr. LEVY with Mr. ROBERTS of Massachusetts.
Mr. MCANDREWS with Mr. PROUTY.
Mr. MOON with Mr. POWERS.
Mr. MONTAGUE with Mr. PORTER.
Mr. HAY with Mr. PLUMLEY.
Mr. HARRISON of New York with Mr. PATTON of Pennsylvania.
Mr. HARRISON of Mississippi with Mr. PARKER.
Mr. HARDWICK with Mr. NORTON.
Mr. HAMMOND with Mr. NELSON.
Mr. HAMILL with Mr. MOTT.
Mr. GUDGER with Mr. MOSS of West Virginia.
Mr. GRIFFIN with Mr. MORIN.
Mr. GRAY with Mr. MOORE.
Mr. KENNEDY of Connecticut with Mr. MERRITT.
Mr. JONES with Mr. MARTIN.
Mr. JOHNSON of South Carolina with Mr. MANAHAN.
Mr. HUMPHREYS of Mississippi with Mr. MADDEN.
Mr. HOWARD with Mr. MCLAUGHLIN.
Mr. HEFLIN with Mr. MCKENZIE.
Mr. HAYDEN with Mr. MCGUIRE of Oklahoma.
Mr. ELDER with Mr. LINDQUIST.
Mr. EDWARDS with Mr. LEWIS of Pennsylvania.
Mr. GORMAN with Mr. LENROOT.
Mr. GORDON with Mr. LANGHAM.
Mr. GOODWIN of Arkansas with Mr. KREIDER.
Mr. GOLDFOGLE with Mr. KINKAID of Nebraska.
Mr. GLASS with Mr. KIESS of Pennsylvania.
Mr. GERRY with Mr. KENNEDY of Rhode Island.
Mr. FERGUSSON with Mr. KENNEDY of Iowa.
Mr. DOOLING with Mr. KELLEY of Michigan.
Mr. GEORGE with Mr. KEISTER.
Mr. GALLAGHER with Mr. JOHNSON of Washington.
Mr. FLOYD of Arkansas with Mr. HUMPHREY of Washington.
Mr. FINLEY with Mr. HUGHES of West Virginia.
Mr. EAGAN with Mr. HOWELL.
Mr. DERSHEM with Mr. HAYES.
Mr. FIELDS with Mr. LANGLEY.
Mr. LEE of Georgia with Mr. HAUGEN.
Mr. DOREMUS with Mr. HAMILTON of Michigan.
Mr. DONOHOE with Mr. GUERNSEY.
Mr. DIFENDERFER with Mr. GRIEST.
Mr. DIES with Mr. GREENE of Vermont.
Mr. CURLEY with Mr. GREENE of Massachusetts.
Mr. COVINGTON with Mr. GREEN of Iowa.
Mr. CONRY with Mr. GRAHAM of Pennsylvania.
Mr. CLINE with Mr. GOOD.
Mr. GILLETT with Mr. CLAYPOOL.
Mr. CLARK of Florida with Mr. FREAR.
Mr. CANTRILL with Mr. FORDNEY.
Mr. CANDLER of Mississippi with Mr. DUNN.
Mr. BYRNES of South Carolina with Mr. DILLON.
Mr. BURKE of Wisconsin with Mr. DANFORTH.
Mr. BURGESS with Mr. CRAMTON.
Mr. BULKLEY with Mr. CARY.
Mr. BREMNER with Mr. COOPER.
Mr. BOUSSARD with Mr. CALDER.
Mr. BELL of Georgia with Mr. BURKE of Pennsylvania.
Mr. BATHRICK with Mr. BROWNE of Wisconsin.
Mr. BAILEY with Mr. BARCHFELD.
Mr. ASHBROOK with Mr. ANDERSON.
Mr. ANSBERRY with Mr. AINEY.
Mr. SAUNDERS with Mr. SWITZER.
Mr. REED with Mr. SMITH of Minnesota.
Mr. GODWIN of North Carolina with Mr. AVIS.
Mr. LEE of Pennsylvania with Mr. SAMUEL W. SMITH.
Mr. DALE with Mr. PAYNE.

Mr. COLLIER. Mr. Speaker, I voted "present" on the first roll call, as I have a general pair with the gentleman from Iowa, Mr. WOODS, but he has just come in, and I desire to change my vote to "no."

Mr. BARTLETT. I desire to know whether the gentleman from Pennsylvania, Mr. BUTLER, has voted on this roll call.

The SPEAKER. He has not voted.

Mr. BARTLETT. Then I desire to change my vote from "no" to "present."

Mr. UNDERWOOD. Mr. Speaker, I desire to know if the gentleman from Illinois, Mr. MANN, has voted.

The SPEAKER. He has not.

Mr. UNDERWOOD. Mr. Speaker, I have a general pair with the gentleman from Illinois, and if he has not voted I desire to change my vote from "no" to "present."

Mr. VAUGHAN. I am paired with the gentleman from New York, Mr. HAMILTON. I voted "no." I desire to change my vote to "present."

The SPEAKER. On this vote the yeas are 26, the nays are 150, present 4—180 gentlemen present, not a quorum. It takes 216 for a quorum.

Mr. CULLOP. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Indiana moves that the House do now adjourn.

The question was taken, and the motion was lost.

The SPEAKER. The Clerk will now call the roll on the motion of the gentleman from Alabama [Mr. CLAYTON] to go into Committee of the Whole House on the state of the Union on the bill H. R. 32.

Mr. BARTLETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. The roll just having been called on a motion to adjourn, which developed the fact that no quorum is present, is there anything else in order except the call of the House?

The SPEAKER. That is just what this is, an automatic call of the House. Those in favor of going into Committee of the Whole House on the state of the Union will, when their names are called, answer "yes," and those opposed will answer "no," and the Sergeant at Arms will notify the absentees.

The question was taken; and there were—yeas 166, nays 12, answered "present" 5, not voting 245, as follows:

YEAS—166.

Abercrombie	Dickinson	Kettner	Seldomridge
Adair	Dixon	Kirkpatrick	Shackleford
Aiken	Doolittle	Kitchin	Sharp
Alexander	Doughton	Knowland, J. R.	Sherley
Austin	Dupré	La Follette	Shreve
Baker	Dyer	Lazaro	Sinnott
Barkley	Eagle	Lesher	Sisson
Barnhart	Edmonds	Lever	Small
Barton	Evans	Lewis, Md.	Smith, Md.
Beakes	Falconer	Lieb	Smith, Tex.
Bell, Cal.	Farr	Lindbergh	Sparkman
Blackmon	Fergusson	Lloyd	Stanley
Borland	Ferris	McCoy	Stedman
Britten	Fitzgerald	Maguire, Nebr.	Stephens, Cal.
Brockson	FitzHenry	Mapes	Stephens, Miss.
Brown, N. Y.	Flood, Va.	Miller	Stone
Brown, W. Va.	Fowler	Mitchell	Stringer
Brumbaugh	French	Mondell	Sumners
Buchanan, Ill.	Garner	Morgan, La.	Taggart
Burke, S. Dak.	Garrett, Tenn.	Morgan, Okla.	Talcott, N. Y.
Burnett	Garrett, Tex.	Moss, W. Va.	Tavenner
Byrns, Tenn.	Gilmore	Murray, Okla.	Taylor, Ala.
Campbell	Goeke	Nolan, J. I.	Taylor, Ark.
Candler, Miss.	Graham, Ill.	Padgett	Taylor, Colo.
Caraway	Gray	Page	Temple
Carlin	Gregg	Palmer	Thomas
Carter	Hamlin	Pepper	Thomson, Ill.
Chandler, N. Y.	Hardwick	Phelan	Towner
Church	Hardy	Post	Tribble
Clancy	Hawley	Pou	Underhill
Claypool	Helm	Powers	Walsh
Clayton	Henry	Quin	Watkins
Collier	Hensley	Ragsdale	Watson
Connelly, Kans.	Hinds	Raker	Weaver
Copley	Holland	Rauch	Webb
Cox	Houston	Rayburn	Whaley
Crisp	Hughes, Ga.	Roddenbery	Willis
Crosser	Hull	Rouse	Wingo
Curry	Igoe	Rubey	Witherspoon
Davis, W. Va.	Jacoway	Rupley	Woods
Deitrick	Kelly, Pa.	Russell	
Dent	Kent	Scott	

NAYS—12.

Booher	Cullop	Helgesen	Kinkaid, Nebr.
Bryan	Davis, Minn.	Johnson, Utah	Roberts, Nev.
Callaway	Gittins	Johnson, Wash.	Young, N. Dak.

ANSWERED "PRESENT"—5.

Adamson	Keating	Underwood	Vaughan
Bartlett			

NOT VOTING—245.

Ainey	Fairchild	Kennedy, R. I.	Platt
Allen	Faison	Key, Ohio	Plumley
Anderson	Fess	Kiess, Pa.	Porter
Ansberry	Fields	Kindel	Prouty
Anthony	Finley	Kinkead, N. J.	Rainey
Ashbrook	Floyd, Ark.	Konop	Reed
Aswell	Fordney	Korbly	Reilly, Conn
Avis	Foster	Kreider	Reilly, Wis.
Bailey	Francis	Lafferty	Richardson
Barchfeld	Frear	Langham	Riordan
Bartholdt	Gallagher	Langley	Roberts, Mass.
Bathrick	Gard	Lee, Ga.	Rogers
Beall, Tex.	Gardner	Lee, Pa.	Rothermel
Bell, Ga.	George	L'Engle	Rucker
Borchers	Gerry	Lenroot	Sabath
Bowdle	Gillett	Levy	Saunders
Bremner	Glass	Lewis, Pa.	Scully
Brodbeck	Godwin, N. C.	Lindquist	Sells
Broussard	Goldfogle	Linthicum	Sherwood
Browne, Wis.	Good	Lobeck	Sims
Browning	Goodwin, Ark.	Logue	Slayden
Bruckner	Gordon	Lonergan	Slemp
Buchanan, Tex.	Gorman	McAndrews	Sloan
Bulkley	Goulden	McClellan	Smith, Idaho
Burgess	Graham, Pa.	McDermott	Smith, J. M. C.
Burke, Pa.	Green, Iowa	McGillicuddy	Smith, Saml. W.
Burke, Wis.	Greene, Mass.	McGuire, Okla.	Smith, Minn.
Butler	Greene, Vt.	McKellar	Smith, N. Y.
Byrnes, S. C.	Griest	McKenzie	Stafford
Calder	Griffin	McLaughlin	Steenerson
Cantrill	Gudger	Madden	Stephens, Nebr.
Carew	Guernsey	Mahan	Stephens, Tex.
Carr	Hamill	Maher	Stevens, Minn.
Cary	Hamilton, Mich.	Manahan	Stevens, N. H.
Casey	Hamilton, N. Y.	Mann	Stout
Clark, Fla.	Hammond	Martin	Sutherland
Cline	Harrison, Miss.	Merritt	Switzer
Connolly, Iowa	Harrison, N. Y.	Metz	Talbott, Md.
Conry	Haugen	Montague	Taylor, N. Y.
Cooper	Hay	Moon	Ten Eyck
Covington	Hayden	Moore	Thacher
Cramton	Hayes	Morin	Thompson, Okla.
Curley	Heflin	Morrison	Townsend
Dale	Helvering	Moss, Ind.	Treadway
Danforth	Hill	Mott	Tuttle
Davenport	Hinebaugh	Murdock	Vare
Decker	Hobson	Murray, Mass.	Volstead
Dershem	Howard	Neeley	Walker
Dies	Howell	Nelson	Wallin
Difenderfer	Hoxworth	Norton	Walters
Dillon	Hughes, W. Va.	O'Brien	Whitacre
Donohoe	Hulings	Oglesby	White
Donovan	Humphrey, Wash.	O'Hair	Wilder
Dooling	Humphreys, Miss.	Oldfield	Williams
Doremus	Johnson, Ky.	O'Leary	Wilson, Fla.
Driscoll	Johnson, S. C.	O'Shaunessy	Wilson, N. Y.
Dunn	Jones	Parker	Winslow
Eagan	Kahn	Patten, N. Y.	Woodruff
Edwards	Keister	Patton, Pa.	Young, Tex.
Elder	Kelley, Mich.	Payne	
Esch	Kennedy, Conn.	Peters	
Estopinal	Kennedy, Iowa	Peterson	

The SPEAKER. On this call there are 166 yeas, 12 nays, present 5—183 Members present, not a quorum.

The Clerk announced the following additional pair:

Mr. FAISON with Mr. KAHN.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Saturday, June 28, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of channel from Chesapeake Bay to Tangier, Va. (H. Doc. No. 107); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination of Suwanee River, Fla. (H. Doc. No. 108); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examination and survey of Baudette River and Harbor, Minn. (H. Doc. No. 109); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Shelter River, N. C. (H. Doc. No. 110); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Petaluma Creek, Cal., with a view to securing increased depth at the mouth in San Pablo Bay (H. Doc. No. 118); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and plan and estimate of cost of improvement of Skamokawa Creek, Wash. (H. Doc. No. 111); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Meherrin River, N. C., from its mouth to the head of navigation (H. Doc. No. 112); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Siuslaw River, Oreg., from Florence to Acme (H. Doc. No. 113); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

9. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Charles H. Rippey *v.* The United States (H. Doc. No. 114); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of John Walker *v.* The United States (H. Doc. No. 115); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of James S. Graham *v.* The United States (H. Doc. No. 116); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Francisca Bale, widow of Edward T. Bale, deceased, *v.* The United States (H. Doc. No. 117); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Henry S. Beidler *v.* The United States (H. Doc. No. 119); to the Committee on War Claims and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting a letter from the Postmaster General requesting that the unexpended balance of the two appropriations of $750,000 each, made by the acts approved August 24, 1912, and March 4, 1913, for the parcel-post service be reappropriated and made available for use during the fiscal year ending June 30, 1914 (H. Doc. No. 106); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of West Virginia: A bill (H. R. 6534) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroads engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. MORGAN of Louisiana: A bill (H. R. 6535) for the erection of a Federal building at Bogalusa, La.; to the Committee on Public Buildings and Grounds.

By Mr. MOSS of West Virginia: A bill (H. R. 6536) to provide a site and erect a public building at Ripley, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 6537) to expedite the final settlement of the affairs of the Five Civilized Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 6538) relating to inherited estates in the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

By Mr. BARNHART: A bill (H. R. 6539) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee on Printing.

By Mr. COOPER: Memorial of the Legislature of the State of Wisconsin, memorializing Congress to amend section 5219 of the Revised Statutes of the United States relative to the taxation by the several States of shares of stock in national bank associations; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 6540) for the relief of David Leonard; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 6541) granting a pension to Mary L. Nash; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 6542) granting an increase of pension to John K. McBain; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 6543) for the relief of H. B. Howard; to the Committee on War Claims.

Also, a bill (H. R. 6544) granting a pension to Jicie B. Smith; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6545) granting an increase of pension to Julia M. Smith; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 6546) granting an increase of pension to Margaret Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6547) granting an increase of pension to Christianne C. Mentzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6548) granting an increase of pension to John E. Frymier; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 6549) granting a pension to Elizabeth A. Shull; to the Committee on Pensions.

Also, a bill (H. R. 6550) granting a pension to Daniel J. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6551) granting a pension to John Prater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6552) granting a pension to Thomas W. Botkin; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 6553) for the relief of William Force; to the Committee on Claims.

Also, a bill (H. R. 6554) for the relief of Maria N. Kulicke; to the Committee on Claims.

Also, a bill (H. R. 6555) granting a pension to Matthew F. Whitcomb; to the Committee on Pensions.

Also, a bill (H. R. 6556) granting a pension to Mary J. Nelms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6557) granting a pension to Elizabeth A. Sheridan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6558) granting a pension to Margaret McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6559) granting an increase of pension to Dennis P. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6560) granting an increase of pension to George D. Wilson; to the Committee on Invalid Pensions.

By Mr. WALLIN: A bill (H. R. 6561) for the relief of Cathrine E. Morris; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN of New York: Petition of the Sag Harbor Yacht Club and the Sag Harbor (N. Y.) Board of Trade, favoring the retention of Sag Harbor as a port of entry; to the Committee on Ways and Means.

By Mr. COOPER: Petition of the board of directors of the Janesville (Wis.) Commercial Club, favoring an amendment to the Stanley bill (H. R. 23133) so as to exclude lumber products; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of sundry citizens of the State of Washington, with reference to land grants to the Oregon & California Railroad Co.; to the Committee on the Public Lands.

By Mr. WALLIN: Petition of the Rotterdam Junction (N. Y.) Local, Socialist Party, favoring an investigation of the trial and sentence of Alexander Scott, of Passaic, N. J.; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Cathrine E. Morris; to the Committee on Claims.

By Mr. YOUNG of North Dakota: Petition of sundry merchants of the second congressional district of North Dakota, favoring a change in the interstate-commerce laws of the United States relative to selling goods by mail directly to the consumers: to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 28, 1913.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come to the closing day of this week with a record left behind us not only in the history of this great Nation but as it enters into the individual life of the citizenship of the Nation, a record which Thy servants in the Senate must also meet at the final judgment.

We pray Thee to forgive all Thou hast seen wrong, correct all mistakes that we have made, and overrule all human blunders. Give to us as never before a willingness to follow the divine guidance in the discharge of every duty and a supreme passion to bring about the accomplishment of Thy will in this great land. And as we face the coming day with its holy memories and its sacred associations, give us the spirit of God on the Lord's day that we may learn better than ever before what is the will of God, and have the grace to follow it. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, and it was thereupon signed by the Vice President.

PETITIONS.

Mr. GALLINGER presented petitions of Abbott H. Thayer and Gerald H. Thayer, of Monadnock, N. H., and E. C. McCollum, of the University of Wisconsin, Madison, Wis., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2656) to correct the military record of Thomas Smith; to the Committee on Military Affairs.

A bill (S. 2657) for the relief of William S. McCornick; and

A bill (S. 2658) for the relief of Lewis B. McCornick; to the Committee on Public Lands.

ADJOURNMENT TO WEDNESDAY.

Mr. SIMMONS. Mr. President, I move that the Senate adjourn until 2 o'clock p. m. on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until Wednesday, July 2, 1913, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 28, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, our heavenly Father, we thank Thee for the sublime faith and eternal hope which through all the vicissitudes of the past have moved men toward the higher ideals and made them heroes in the common duties of life. Increase our faith, brighten our hopes, that with unselfish devotion and earnest endeavor we may increase our efficiency and render unto Thee and our fellow men faithful and devoted service. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BUSINESS OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, if it is agreeable to both sides of the House, next week being the week in which the Fourth of July occurs, and many Members of the House desiring to be

away at that time, I desire to make an agreement respecting the adjournment of the House for three days at a time. I understand from the chairman of the Committee on Banking and Currency [Mr. GLASS] that that committee will not be able to report a bill from the committee for at least two weeks. I know of no other important business to come before the House. If it is agreeable to both sides of the House, I would like to enter into a pact that we may adjourn for three days at a time, and transact no business when the House meets except the small business that can be done by unanimous consent, until Monday, July 14.

Mr. BURKE of South Dakota. Mr. Speaker, I will ask the gentleman from Alabama if it would be practicable for the House to take a recess until that time by the passage of a concurrent resolution, and whether or not that has been contemplated?

Mr. UNDERWOOD. Mr. Speaker, I do not think that is necessary. Of course we could do that. There is nothing that we can do between now and the 14th of July, and if we can not enter this understanding, we will undoubtedly come here and adjourn the House for three days at a time. The majority is here. The only reason I ask to make this agreement is that the membership of the House may not be required to stay here.

Mr. MURDOCK. Mr. Speaker, I fail to understand the gentleman's statement about the Committee on Banking and Currency.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr BURKE of South Dakota. Mr. Speaker, the gentleman yielded to me, and I have not yet got through.

The SPEAKER. The gentleman from South Dakota has the floor, the gentleman from Alabama having yielded.

Mr. BURKE of South Dakota. Mr. Speaker, do I understand that the proposition is that until the 14th of July there is to be an understanding that no business is to be transacted, and that the House will adjourn for three days at a time, as has been done on two other occasions?

Mr. UNDERWOOD. Mr. Speaker, my proposition is merely to continue the system that we have had for two weeks or more. Let the understanding be that if there are some small matters, such as sending a bill to conference or something that may be done by unanimous consent, that that can be done, without a quorum being present, and that we will do business only by unanimous consent.

Mr. BURKE of South Dakota. Mr. Speaker, I will say that on yesterday I was told in the Senate that it was contemplated that there would be a concurrent resolution for an adjournment of the House until July 14, and I understood from a conversation with the majority leader last evening that that was in contemplation. I wired to the gentleman from Illinois [Mr. MANN], who is out of the city, that that was contemplated, and I received a reply that it met with his approval. Now, if the gentleman thinks that is not practical and that the same result can be accomplished by this understanding, which I believe is termed a "gentlemen's agreement," there will be no objection on this side of the House, so far as the Republicans are concerned.

Mr. UNDERWOOD. I will say to the gentleman from South Dakota he misunderstood me if he referred to me as the majority leader, if he is referring to this side of the House. I did not intend to leave the impression on the gentleman's mind that we intended to pass any concurrent resolution.

Mr. BURKE of South Dakota. Well, I do not think it is very material which way it is done; I would prefer it to be done that way, and then there would be an understanding there would be no session of the House until that time.

Mr. UNDERWOOD. Well, the gentleman understands the arrangement we made several weeks ago——

Mr. BURKE of South Dakota. Yes; and that was very satisfactory.

Mr. UNDERWOOD. And my purpose is if we can agree we can make the same arrangement for two weeks—that is, up until Monday, the 14th day of July.

Mr. GARNER. Will the gentleman permit a question now?

Mr. UNDERWOOD. Certainly.

Mr. GARNER. Has the gentleman from Alabama talked to the chairman of the Committee on Appropriations in reference to the day on which he will bring in his deficiency bill?

Mr. UNDERWOOD. I did talk with the gentleman from New York. Of course there is nothing in this arrangement that will prevent the gentleman from New York passing a deficiency bill if it can be done by unanimous consent.

Mr. GARNER. Yes; but there are very important matters covered in that deficiency bill, and in the conversation with the gentleman from New York yesterday, he was very anxious, at as early a date as possible, as soon as he can get through with the hearings, to pass that bill. Now, we want to stay here and pass that bill when it is necessary and not wait for unanimous consent to do it, in order that we may have sufficient money to run the Government, before we understand there is to be an agreement to adjourn over for two weeks.

Mr. UNDERWOOD. Mr. Speaker, my understanding with the gentleman from New York was that he had no objection to this agreement. But I do not care to make it. I was only making the request for the convenience of the House, and I will give notice that the House will adjourn three days at a time until we have business to transact——

Mr. MURDOCK. I did not quite understand the gentleman's explanation about the program on banking and currency. I wish the gentleman would repeat that.

Mr. UNDERWOOD. I do not know anything about the program on banking and currency except I asked the gentleman from Virginia whether he would be able to report a bill to the House before the 14th day of July, and he said they would not. That is all I know about it.

Mr. MURDOCK. And then after we reconvene on July 14 there is a probability we shall go on with general debate on the currency?

Mr. UNDERWOOD. Well, I do not know, I can not tell the gentleman; I am not informed.

Mr. MURDOCK. Can the gentleman inform us as to the progress of the tariff bill?

Mr. UNDERWOOD. I can not; the gentleman knows as much about it as I do.

Mr. MURDOCK. Is there any likelihood of the tariff being ready for report and action and debate in the Senate before July 14?

Mr. UNDERWOOD. I have no information whatever. Mr. Speaker, as there seems to be some objection, I will withdraw the request.

Mr. MURDOCK. I want to say to the gentleman from Alabama, if he will permit, that it is entirely agreeable to me to have a concurrent resolution to adjourn over until that time, but if he does not want it——

Mr. UNDERWOOD. Oh, I do not think there is any reason why this House should interfere with the action of the Senate——

Mr. MURDOCK. Then I hope the gentleman will make provision that nothing but unanimous consents shall come up until July 14.

Mr. UNDERWOOD. Well, I withdraw my request.

Mr. CANDLER of Mississippi. Will the gentleman from Alabama assure us that no business of importance will be transacted until that time?

Mr. UNDERWOOD. I can; but I say, as I see there is objection——

Mr. MURDOCK. There is no objection on my part.

Mr. BURKE of South Dakota. The gentleman is laboring under a misapprehension——

Mr. UNDERWOOD. Well, there are some gentlemen on this side.

Mr. BURKE of South Dakota. Oh, well——

The SPEAKER. The gentleman from Alabama withdraws the request, and that is the end of that matter.

LEAVE OF ABSENCE.

By unanimous consent, Mr. POWERS was granted leave of absence on account of important business.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill and joint resolution of the following titles:

On June 23, 1913:

H. R. 2441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

On June 27, 1913:

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War now residing in the District of Columbia from Washington, D. C., to Gettysburg, Pa., and return.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2254. An act to amend chapter 1, section 18, of the Judicial Code; and

S. J. Res. 5. Joint resolution providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2254. An act to amend chapter 1, section 18, of the Judicial Code; to the Committee on the Judiciary.

S. 1353. An act to authorize the board of county commissioners of Okanogan County, Wash., to construct and maintain a bridge across the Okanogan River at or near the town of Malott; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 5. Joint resolution providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education; to the Committee on Education.

PERRY'S VICTORY CENTENNIAL.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the subject of Perry's Victory Centennial.

The SPEAKER. The gentleman from Pennsylvania [Mr. SHREVE] asks unanimous consent to extend his remarks in the RECORD on the Perry Centennial. Is there objection? [After a pause.] The Chair hears none.

LAKE ERIE DAM (S. DOC. NO. 118).

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Rivers and Harbors:

To the Senate and House of Representatives:

Pursuant to the provisions of an item contained in the river and harbor act of 1902 and subsequent amendments, providing for the formation of an International Waterways Commission and defining its duties, I have the honor to transmit herewith the final report of said commission upon the proposed dam at the outlet of Lake Erie.

Should Congress make provision for the printing of such report as a document, the American section of the commission requests that 500 copies thereof be made available for its use.

WOODROW WILSON.

THE WHITE HOUSE, *June 27, 1913.*

The SPEAKER. There is a note appended to the message saying that the documents in the case went to the Senate with a copy of the message.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1917. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

BUSINESS PROSPERITY.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an editorial appearing in the Vincennes Daily Sun of June 26, 1913.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing an editorial from the Vincennes Sun of June 26, 1913. Is there objection? [After a pause.] The Chair hears none.

The following is the editorial referred to:

"O YOU PROSPERITY.

"It is almost universally conceded by the press and by representatives of large business interests that there is strong promise of a season of unusual activity and prosperity in business. This situation right in the very teeth, you might say, of the most radical tariff reductions and currency reform ever proposed by any President or Congress is in the nature of a miracle. It can not be accounted for save on the single hypothesis that the people and the legitimate business interests have faith in the integrity of the administration man and his purposes. There is scarcely to be found a newspaper of high or low estate, nor a leader of prominence or influence in any party, but that is either by his silence acquiescing or is outspoken in conceding honesty and ability to President Wilson and his administration counselors.

"When we consider that either adversity or prosperity is so largely in the thought, and when we find the whole thought of the business world and of the country imbued with the idea that prosperity is due and imminent, we can rest assured that the country is safe."

THE TARIFF.

Mr. WILLIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. WILLIS. I desire to ask unanimous consent to extend my remarks in the RECORD by embodying as a part of those remarks an article prepared by the National Grange legislative committee on the subject of the tariff.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the subject of the tariff. Is there objection? [After a pause.] The Chair hears none.

The following is the article referred to:

THE GRANGE AND THE TARIFF.

To the honorable Members of the United States Senate and House of Representatives:

The legislative committee of the National Grange, representing the hundreds of thousands of farmer members of that great conservative fraternity, recognize the fact that the responsibility of legislating for the hundred million citizens of this country is upon you, and that the temper of that citizenship is to exact an accounting of your legislative stewardship. The Grange does not expect its legislative committee to be lobbyists in any sense, but as plain farmers to present to our national Congress in a fair and reasonable way the views of the Grange and the farmers it represents, upon matters of national legislation as they come up for enactment or amendment.

Just at this time the whole country is interested in the tariff law now in process of enactment by Congress. Any substantial modification of the existing tariff laws must affect the interests of all our people more or less seriously, and, as a rule, men will indorse or condemn any proposed change as it may, or as they think it may, affect their personal interests favorably or unfavorably. Statesmen will rise above local or personal considerations and seek the greatest good to the greatest number or the greatest good to the whole country. For more than 40 years the Grange has stood upon the broad platform that "we seek the greatest good to the greatest number," and it further declares that "we desire a proper equality, equity, and fairness; protection for the weak; restraint upon the strong; in short, justly distributed burdens and justly distributed power."

It is only fair to those who agree with us, as well as those who do not agree with us, that we present to you the position of the Grange upon the tariff question, which is now so acutely before the American people. In one form and another the Grange has for many years repeatedly taken the broad position that so long as protection is the policy of the Government, that agriculture is entitled to a full share of protection.

At the forty-third session of the National Grange in November, 1909, it specifically said: "That whatever the policy of the Government may be, the farmers of the United States demand that so far as possible such measure of direct benefit therefrom as is given to manufacturers or any other industry of the country shall also be accorded to agriculture."

At the annual meeting of the National Grange in 1910, the following resolutions were unanimously adopted:

"Wherens the National Grange at its forty-third annual session condemned the tariff law of 1909 as unjust to the farmers of the country, and in no sense in accord with the promises of tariff revision made by the party responsible for its enactment: Therefore

"*Resolved*, That the National Grange urges that in any future revision of our tariff laws the duties upon any article should never exceed the difference between the labor cost of producing such article in this country and in foreign countries, and

"*Resolved*, That we favor the immediate amendment of the present tariff act so as to reduce the excessive protection now given to many staple manufactured articles, the production of which is controlled by trusts and monopoly combinations, and

"*Resolved*, That we urge a material reduction of the duties on all articles which are sold by our manufacturers in foreign markets at lower prices than those charged to the people of this country."

Similar resolutions were adopted in 1911, and at the annual session held at Spokane, Wash., November, 1912, the following resolution was unanimously adopted: "We believe that the tariff should be so regulated that it shall not cover more than the difference between the cost of production at home and abroad, and if we are to have free trade for one, we should have free trade for all. And further, that when the manufacture or sale of any article becomes monopolized, that the tariff be removed from such article."

There is no misunderstanding the position of the National Grange upon the tariff question. The Grange has not undertaken to say whether protection, tariff for revenue, or free trade is the best policy for this Government, and being a nonpartisan organization, its members belong to all political parties and, of course, have different views upon economic questions, but there is practically unanimous agreement that whatever the policy of the Government may be, that the farmers should receive a horizontal rate of protection with the manufacturer, or in other words, "Tariff for all or tariff for none."

As Past Master Rhone, of Pennsylvania State Grange, has said, "When the people at the ballot box decide any issue raised by the political parties on general principles, our order cheerfully accepts the situation and only insists that the policy thus indorsed shall be fairly carried into effect without any discrimination against the farmer. In the change of the political situation of our country our farmers had reason to believe that in the revision of the tariff, placing it on a new basis, that it would be so adjusted that duties would be imposed largely on luxuries and such products as might be imported that would directly come in competition with American agriculture productions and American manufactures, which are essential to give employment to American labor and capital. In fact this was guaranteed in the platform of the party in power."

We frankly admit that the difficulty that Congress must find in so radical a revision of our tariff laws as is now proposed, and with every possible concession to a spirit of fairness and equity, and in compliance with Grange principles, we find ourselves compelled to object to some of the changes proposed in the agricultural schedule of the bill which has passed the House and is now being considered by the Senate, especially the proposition to place agricultural products on the free list as "raw material." All products as they leave the farm are the "finished products" of the farmer, as much as are the output of the factories the finished products of the manufacturer, and any and every protection or advantage that is accorded to one should be accorded the other. If we are to have free raw sugar, then free refined sugar; if free wool, then free woolens. The proposition to put wool on the free list while a tariff is continued on the goods made from wool is unfair as between the farmer and the manufacturer.

It is manifestly inexpedient for us to take up the tariff schedule in detail in this communication, but we desire to present as forcefully as possible the views of the farmers of the country and to assure you that they are wide-awake and studying economic problems as never before. They have no means or time to spend as lobbyists, but they are learning how to use the ballot. The farmers of the country are not opposed to a downward revision of the tariff and they know the difference between "downward" and "upward," and they insist upon not being discriminated against in the letting down of the bars.

All history proves that agriculture is the basis of national prosperity, and the broadest, deepest, and most fundamental problem before the American people to-day is the insurance of agricultural progress, prosperity, and development. We should not lose sight of the fact that agriculture can not be made prosperous by talk alone.

Frankly and respectfully we have presented for your consideration the attitude of the Grange upon the subject of tariff revision, and we venture to express the hope that Congress will do nothing that will unfairly discriminate against the agricultural interests of the country.

Respectfully submitted.

OLIVER WILSON,
T. C. ATKESON,
N. P. HULL,
Legislative Committee National Grange.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Committee on Public Buildings and Grounds was called.

FEDERAL BUILDING AT NEWARK, N. J.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6383.

The SPEAKER. On what calendar is the bill?

Mr. CLARK of Florida. On the Union Calendar.

The SPEAKER. It can not be called up until we get through with this call.

Mr. CLARK of Florida. I am asking unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

Mr. GARRETT of Tennessee. Will the gentleman modify his request so that the bill may be considered in the House as in the Committee of the Whole?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I wish the gentleman would tell us something about this bill.

Mr. CLARK of Florida. Mr. Speaker, in the last public buildings bill there was an item providing for the sale of the Government building at Newark, N. J. The act, in brief, stipulated that the Secretary of the Treasury was authorized to sell the property for not less than $1,800,000, and he was further authorized to use not more than $800,000 in the purchase of a new site, and the balance of the proceeds arising from the sale were to be used in the construction of a new building in that city. It did not take one cent out of the Public Treasury. But the law officers of the Treasury Department, in construing the section, held that while the act did give the Secretary of the Treasury the authority to sell the property, and gave him the authority to invest not exceeding $800,000 in a new site, the language, in their judgment, was not sufficient to empower the Secretary to use the remainder of the proceeds arising from the sale in the construction of a new building. This is a bill introduced by the gentleman from New Jersey [Mr. McCOY] to correct that.

I repeat, Mr. Speaker, what I have already stated about this bill. The last public buildings bill carried a section with reference to the public building at Newark, N. J. That provision, in brief, was that the Secretary of the Treasury was given the power to sell the Government property in the city of Newark for a price not less than $1,800,000. The Secretary of the Treasury was further given the power to buy a new site, using the proceeds of the sale of the property, at a price not to exceed $800,000.

The committee sought, and the Congress sought, in the passage of the bill to give the Secretary the further power to use all of the remainder of the proceeds in the construction of a new building. The act did not seek to appropriate one dollar from the Treasury of the United States. The law officers of the Treasury Department, in construing this section, held that the act did give the Secretary the power to sell the property; that it did give him the power to invest not exceeding $800,000 of the proceeds in the purchase of a new site; but that, in their judgment, it did not give the Secretary the right to use the remainder of the proceeds of the sale in the construction of a new building.

Now, this bill has been introduced by the gentleman from New Jersey [Mr. McCOY], in whose district Newark is located, in order to correct that defect. It does not appropriate a single cent. Not one dollar is carried by the bill, except as to the proceeds arising from the sale of the property.

Mr. BURKE of South Dakota. Mr. Speaker, I will say to the gentleman that, referring to the report, it provides that the purposes of the bill are twofold.

Mr. CLARK of Florida. Yes. Perhaps I overlooked that. There is one other provision in it. On account of the fact that the Supervising Architect's Office is so far behind in its work, and on account of the fact that the Government will be forced to occupy and to use this property until the new building shall have been constructed and is ready for occupancy, it was felt that the purchaser necessarily would take that into consideration, and that the purchase price necessarily would be very much lower on that account; and therefore, in order to get more for the property than could be had otherwise, there is a provision in this amendatory act giving the Secretary the authority to employ some outside architects. But the bill does not tax the Treasury with a cent.

Mr. McCOY. Mr. Speaker, will the gentleman yield to me for a short statement?

The SPEAKER. Does the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. McCOY. Mr. Speaker, in regard to the provision for the employment of special architects' services, I should like to call attention to this particular situation in reference to the section of the public-buildings bill which we seek to amend. We are limited to getting $1,800,000 for our present site. We are limited in the bill, so that we can not pay rent to a purchaser for the present site. Consequently we have got to remain in possession and occupation of our present site until a new building is completed and until we are ready to occupy it.

The bill also provides that the new site and the new building must be paid for out of the proceeds of the sale of the present site. Consequently the Treasury Department will be obliged to make a contract with a would-be purchaser by which the purchaser can not get possession of the property until the new building is completed, but in the meanwhile he has got to make payments on the purchase price, and probably the largest payment he will have to make will be the one in the beginning, with which we are to buy the site, and on which we are limited to $800,000.

Consequently, what the purchaser will have to do when he is figuring how much he can bid is to say, "This property, in my opinion, is worth so much, but I can not get possession of it until three or four or five years, whatever the time may be. I have got to pay my money in advance of possession, and consequently I have got to discount all these payments and estimate interest on each payment from the time I make it up to the time I get possession of the property," and he makes that as a discount.

Now, if we can not use a part of the proceeds of the sale of this building to pay for special architects' services the result will be that we shall have to wait five years before the building can be completed, and, being limited to getting $1,800,000 for our property, the chances are that the discount that the purchaser will have to make will be so large that he can not afford to pay $1,800,000 for the property, and the result is that we can not go ahead at all, because unless we get that we can not go ahead with any part of the proposition.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Kansas?

Mr. McCOY. Certainly.

Mr. MURDOCK. What assurance is there that the hiring of additional architects will expedite the building over there?

Mr. McCOY. I am assured by the Supervising Architect that if we can make use of some of this money which we get from the sale of the building we can get some of these architects to help in the preparation of the plans. Now, the result of it will not be that any other project will be set back.

Mr. MURDOCK. Why not? That is what I wanted to find out.

Mr. McCOY. Because we are simply using our own money that we get from the sale of this building, and the reason we are so far behind in the regular course of building operations is because the Supervising Architect is limited in what he can spend, and consequently he has to take up a few projects at a time because of the lack of money to do more. But here the money will come, not out of the appropriation for architects' services, but out of the proceeds of the sale of this building.

Mr. MURDOCK. I understand that perfectly, but I do not see how it is possible for the gentleman's project to be advanced without delaying some other project.

Mr. McCOY. I am assured by the Supervising Architect that that will not happen, because, as I say, the reason why he is behind is merely because he has not sufficient money with which to go ahead more rapidly. Now we are not taking any of the money appropriated for the Supervising Architect's Office at all.

Mr. MURDOCK. If this bill does not pass this morning, and provision is not made for additional architectural help, then the gentleman's project will occupy a certain place in the list. If, however, the bill does pass the House and passes the Senate and is signed by the President, then the gentleman's project will be expedited. I say, how is it possible to expedite it without delaying some other gentleman's project?

Mr. McCOY. For the reason that all projects are now delayed merely because there is not a sufficient appropriation to hire the requisite number of architects.

Mr. ADAMSON. Outside architects.

Mr. McCOY. Now, we are not going to take any money from the appropriations made for the architectural force of the Supervising Architect's Office, but we are going to take money which will be the proceeds of the sale of this property, to employ additional or outside architects, and the other projects, as well as our own, will probably be expedited instead of being put behind.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. McCOY. Certainly.

Mr. SHERLEY. Does the gentleman know whether the plans for his building have been approved?

Mr. McCOY. I do know that they have not been.

Mr. SHERLEY. Does the gentleman know what the building is going to cost?

Mr. McCOY. We are limited by the bill to expending the amount which we get for the property in excess of what it costs for the site.

Mr. SHERLEY. Unfortunately that does not limit the cost of the building, as Congress has so often found. What I am trying to get at is, if the gentleman knows whether there has been worked out any plan by which the actual cost of this building that is to be erected has been determined.

Mr. McCOY. No; no plan has been worked out at all, because the moment the Attorney General construed the act as he did the whole matter was held up; and I will say to the gentleman from Kentucky that the committee amended my bill so as to provide specifically that the limit of cost should be the balance of the proceeds after the purchase of the lot. Now, they could not tell how much that would be. There are several offers of property, running all the way from $300,000 to $800,000, for the site. They could not name a definite sum, because nobody knows which one of these sites will be selected.

Mr. SHERLEY. The gentleman does know, presumably, the capacity of the building that will be required for the public service there.

Mr. McCOY. I am assured by the architect's office that if we can get one of these sites there will be ample money to provide a building that will be sufficient for the post office, the courts, the internal-revenue collector, and the deputy customs collector.

Mr. SHERLEY. What proportion of the moneys realized from the sale of the present property does the gentleman contemplate will be expended in architect's fees? Is there any limitation?

Mr. McCOY. Yes; the limitation is not to exceed 5 per cent of the cost of the building. That is provided in the bill.

Mr. SHERLEY. I have not had an opportunity to read the bill.

Mr. McCOY. That amendment was also suggested by the Committee on Public Buildings and Grounds, and was incorporated into the bill.

Mr. REILLY of Connecticut. Will the gentleman yield?

Mr. McCOY. Yes.

Mr. REILLY of Connecticut. This seems to be a complicated question, and I wanted to see if I understood how they propose to do. Do I understand the gentleman to say that the new building is to be erected on the site of the old building, and that the old building is to be used until the new building is completed?

Mr. McCOY. No; I hope the gentleman from Connecticut did not understand me to say that.

The SPEAKER. While there is no gentleman speaking, the Chair will request all Members who do speak to speak so that Members can hear. The semiprivate conversations that are carried on simply lead other Members to go on talking wherever they are.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask the gentleman from New Jersey a question. What provision has been made for the payment of rent that will be expended for the buildings required during the construction of the new building, and can any portion of the proceeds of the sale of the old building be used to pay rent?

Mr. McCOY. Absolutely none. We remain in occupation of the old building, and can not deliver title to it until the completion of the new building.

Mr. BURKE of South Dakota. Then how do you propose to sell the building and use the proceeds in the construction of a new building when you are in possession?

Mr. McCOY. The contract will have to provide for the delivery of the deed of the property when we have completed the new building. That is one of the hard things we are up against, and it creates a difficult situation; we are struggling under adverse circumstances.

Mr. BURKE of South Dakota. After the building is sold when is the purchase price to be paid?

Mr. McCOY. According to the tentative contract which was drawn by the Supervising Architect, it calls for enough to pay for the site, and I think three or six months after the advertising of the buildings, and the balance is to be paid in installments as the new building progresses. They are forced to make that arrangement, because we are obliged by the bill itself to pay for the new building out of the proceeds of the property. It is a most difficult situation and has to be handled with great care.

Mr. AUSTIN. Will the gentleman yield?

Mr. CLARK of Florida. I will yield to the gentleman.

Mr. AUSTIN. Mr. Speaker, the post-office building at Newark, N. J., is the most congested public building in the United States. It was constructed 16 years ago, when the Government had 181 officials in the postal service at that place. It has now over 420 officials occupying that same space. The population, on the construction of this building served by the postal officials, was 225,000. It has grown now to over 440,000. The postal receipts of Newark 16 years ago were $342,000 and in 1912 $1,240,000, an increase of $898,000. They pay into the Treasury as a surplus, after meeting all the necessary expenses in conducting the postal service, over $400,000. The Committee on Public Buildings and Grounds of the last House visited Newark—went through this office while the officials were at work. It would be inhuman and cruel for this Congress not to relieve the situation, much less continue it five or six years longer.

Now, this appropriation or money does not come out of the public Treasury. The Government paid $60,000 for the site 16 years ago, and we have expended on the building and site about $400,000. We will get for the present site and building, under the operation of this bill, not less than $1,800,000, which enables us to buy a new site satisfactory to the patrons of the office for not more than a sum exceeding $800,000, which will leave a balance of $1,000,000 for the construction of a building that will be large enough and adequate for the public service for a quarter of a century to come.

Mr. MURDOCK. Mr. Speaker, I realize the pressing need for post-office facilities at Newark. I have personally made an examination. I wish the gentleman would explain to the House how you are going to sell the property for the Government and how the money coming from the sale is to be put back in the construction of another building. When is the purchaser of this Government property to pay for the purchase and what becomes of the money?

Mr. AUSTIN. The transfer of the building to the contemplated purchaser at the earliest possible date means the largest amount of money to the Government. Unless the relief is granted the Government will lose perhaps $200,000 in the sale of this property, because it will be unable to substitute a new building under the present conditions in the Supervising Architect's Office for at least five or six years. With the present force in that office we are now turning out 90 plans per annum. With the passage of the recent omnibus public-building bill, with the present force in the Supervising Architect's Office, it will be six years before this plan and this building will be ready for a bid.

Mr. MURDOCK. Right there, as a matter of fact, there is nothing to prevent the purchase of a new site now is there?

Mr. AUSTIN. No; but there is something in the bill, as interpreted by the law officer of the Government, to prevent the Treasury Department from utilizing the balance of this money to proceed with the construction of a building upon a new site.

Mr. MURDOCK. The Government, then, would lose nothing in the purchase of a site?

Mr. AUSTIN. It would unless this bill is passed.

Mr. McCOY. Mr. Speaker, if the gentleman will permit, I will say right there to the gentleman from Kansas that there is this: We have to collect the money for this old site as we go along with the new operation.

Mr. MURDOCK. That is what I was trying to get out of the gentleman from Tennessee.

Mr. McCOY. That is to be a part of the contract, because we are limited, in paying for a new site and building, to the expenditure of the money we get from the sale of this site and building. We can not do anything else.

Mr. MURDOCK. Let me ask right there, is there any money at all available for the construction of a new building?

Mr. McCOY. Not a cent until we get it out of this property.

Mr. MURDOCK. Or for the acquisition of this site?

Mr. McCOY. Not until we get it out of this property.

Mr. MURDOCK. Then, you must first sell the old site before you can begin?

Mr. McCOY. Absolutely.

Mr. MURDOCK. Is it contemplated in selling the old site to have a total cash payment for this site at the beginning of the construction?

Mr. McCOY. We have to draw the contract so as to provide that the first payment shall at least equal the amount which we have to pay for the new site, because we can not pay for the new site except out of the money which is paid for the present site.

Mr. MURDOCK. That is perfectly clear to me. Then, subsequent payments are to go to the construction of the building?

Mr. McCOY. That will be paid as in the experience of the Supervising Architect's Office the contractors should get their money on the new building. They had the contract prepared, which provided for payments every three months, I believe, and that was specified because they would make payments to the contractors every three months. They would first get it from the purchaser of this site, and then turn it over to the contractors.

Mr. MURDOCK. May I ask the gentleman why this arrangement was made rather than the ordinary one of purchasing a new site and the construction of a building?

Mr. McCOY. I will state to the gentleman that I introduced a bill in the Sixty-second Congress asking for an appropriation of $1,000,000 for a new site, but the Committee on Public Buildings and Grounds, after visiting Newark and seeing the situation, seeing that our present site was too valuable for the purposes for which it was being used; that the land is the only thing which is of any value, from a commercial point of view, and that the building was inadequate; that they could not acquire additional property in the immediate neighborhood except at exorbitant prices, and could not remodel the new building except at an exorbitant price, at its own volition adopted this plan.

Mr. SHERLEY. Mr. Speaker, may I interrupt the gentleman right there?

Mr. McCOY. Certainly.

Mr. SHERLEY. I notice that this whole bill is drawn upon the theory of getting the entire cost of the new building out of the price received for the old building.

Mr. McCOY. Yes.

Mr. SHERLEY. While that is its intent, it does not anywhere near accomplish that purpose, because it does not provide for the payment for furnishings, which are a very large part of the cost incident to a new building, and which in the case of some public buildings have amounted, in my opinion, to a public scandal. I think the amount of money that was expended for furnishing the New York customhouse was in every way extravagant and indefensible. And my criticism of this particular bill as presented is that it does not carry in the first instance a requirement on the part of the Treasury Department that they shall have worked out plans showing the ultimate cost, including everything. The trouble is that what happens is just what happened at Boston, for instance. The department undertakes a certain type of building on the condition that it is going to cost a certain amount of money. They go far enough into it to realize that it can not be built for that amount of money, and also far enough into it to force the Government to give an additional amount. Then they come back here with a requirement that we add to the total cost of the building, and I think, if the gentleman will permit, that the bill ought to carry with it a provision requiring the working out of an exact plan, and that ought not to be difficult, knowing the floor space that is needed, and to include in the cost the entire furnishings, and that no building should be contracted for that could not be built and furnished within the price received from the sale of the old building.

Mr. McCOY. I hope the gentleman will not press that point, because we are now close to the limit of what an appropriate building with its ordinary equipment ought to cost under this limitation as it is on us now.

Mr. SHERLEY. The gentleman says that we are close to the limit, and yet the gentleman a few moments ago, in answer to an inquiry of mine, said there had been no estimate as to the actual cost, but it would probably be within a certain amount. How does the gentleman know it is close to the limit?

Mr. McCOY. I have looked through the list of appropriations that have been made in cities of similar size to the city of Newark, and I think perhaps in only one instance has there been less appropriated than the proceeds of the sale of this property will amount to, and in all the other instances the amount appropriated has been very largely in excess of what we shall use here.

Mr. SHERLEY. Now, if the gentleman will permit, that may be true, and it may be that we ought to appropriate not simply the moneys to be received from the sale of this building, to wit, $1,800,000, but we ought to appropriate $2,000,000 or $2,500,000. About that I express no opinion, because I have none, and I know the tremendous growth of the city of Newark; but this I do express as an opinion: That Congress ought to know, and the department ought to furnish Congress with the information so that it can know, what an appropriate building will cost before we enter upon the construction of one, whether we are getting the money out of the Treasury or out of the sale of old property or not, and because it does not do so makes the vice of the gentleman's bill.

Mr. McCOY. Well, I can only say to the gentleman from Kentucky this: That the Supervising Architect's office has stated to me—the Supervising Architect himself has stated to me—that if we can go ahead under this bill that there is no question but there will be an entirely——

Mr. SHERLEY. Then why does the gentleman make the statement that he has that he could not include the furnishing? Does the gentleman know how much the furnishing of such a building will cost?

Mr. McCOY. No; I do not.

Mr. SHERLEY. Does not the gentleman think the House ought to know that?

Mr. CLARK of Florida. Mr. Speaker, if the gentleman will permit, I would like to say the gentleman from Kentucky will not find a single public-building bill that ever came into this House that arranged for the furnishing of the public building.

Mr. SHERLEY. That is true; and that is one reason I have so much complaint of the methods by which we have appropriated moneys for public buildings in the past.

Mr. McCOY. I hope that I have convinced the gentleman from Kentucky that we are all laboring under sufficiently severe conditions, not asked for by ourselves but placed upon us by the Committee on Public Buildings and Grounds, to request him not to press that point, the merit of which I can see perfectly well. But this is not an extravagant proposition, and unless we can contract with an ordinary free hand along the line suggested by this amendment we might just as well give up the whole thing, because we can not get enough money to go ahead with. Now, if we can not get this through promptly and just as I have stated there will have to be discounts made by the purchaser in determining what he can afford to pay for this building that may bring us down below this $1,800,000. It was suggested in the committee when we had the hearings that we put the limit at $1,500,000. They asked us whether we should be willing to have the bill conditioned upon the limit of $1,500,000 as the minimum price for this old site, and we said yes; but when the bill came out of the committee the limitation was $1,800,000, because one of the members of the committee—in fact, several of the members of the committee—went there and went over the ground and made a special investigation in regard to the matter and were satisfied that the present site was worth about $2,200,000, as I recollect.

Now, if it is worth that, then as the matter stands to-day the chances are a purchaser can not give the full $1,800,000 for the property under the conditions imposed at present.

Mr. SHERLEY. The gentleman does not meet my contention at all. I have no objection to his arrangement, and I grant the need of it, and the wisdom of it, by which you can sell the property so as not to have to discount from the purchase price the rent. But I think that Congress ought to know—and I think

this is a very apt illustration of failure in the past—not by a general statement that we can build within a certain amount, but by the plans themselves, showing what the cost of a building is going to be and what it is going to cost to furnish it. I speak with some knowledge as a member of the committee which carries the appropriation for these bills, that repeatedly case after case has happened where the Government has been committed by physical building, as, for instance, in the Boston case, by an expenditure as to foundation, and we got to a point where we could not go back.

Now, I am willing to appropriate $2,500,000 if it is needed, but I do not want to appropriate a cent on a guess.

Mr. McCOY. I ask the gentleman not to endeavor to create a precedent in the handling of public-building bills in a case of this kind, where we are furnishing the funds and where I have been assured, as I stated, that they will be amply sufficient for what is contained in the bill. I have not the slightest notion what it will cost to furnish the building. I hope the Secretary of the Treasury, when the time comes, will not only have the good judgment in the interests of the public, but that he will also have the good taste to put in simple furniture, which is the only kind that ought to go in a public building. And if my constituents have the good judgment to send me back here I will cooperate with the Secretary of the Treasury in procuring only what is absolutely needed of the simplest, plainest, and least expensive kind compatible with good quality.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. In the last Congress the question of recognizing Members to call up bills by unanimous consent was discussed on several occasions. On the 7th of December, 1911, the gentleman from New York [Mr. FITZGERALD] made the statement that he should object to the consideration of any bill being called up by unanimous consent on any day other than Unanimous Consent Calendar day, and called attention to the change in the rules which provides for a Unanimous Consent Calendar. On a subsequent occasion, the gentleman from Oregon [Mr. LAFFERTY] asked unanimous consent for the consideration of a bill, and the Speaker stated that under the rules it was not in order to ask for unanimous consent to call up a bill on a day other than the day when bills on the Unanimous Consent Calendar were in order. This bill is upon the Union Calendar, and I think the debate has demonstrated that it is a bill of considerable importance. Therefore I would like to ask the Speaker, if it is in order, to submit a request for unanimous consent for the consideration of the bill at this time?

The SPEAKER. The Chair has tried to explain the rule and practice two or three times. My own opinion is that when that Unanimous Consent Calendar was instituted, it was the intention of the House to confine unanimous consent to that calendar, and the Chair has adhered to that except where there was a matter of pressing emergency, to which there could be no reasonable amount of objection. Now, one day toward the end of the last session there were gentlemen who had four or five bills and resolutions which, if they were not passed before Congress adjourned, would be the cause of the Government losing money by the deterioration of the works that were going on. So late one evening when the House convened, the Chair let in four or five of those small matters, and finally the gentleman from Wisconsin [Mr. COOPER] intervened and wanted to know if we were going to return to the old, bad system, and made some very vigorous remarks. The Chair announced that there was no intention of returning to the "old bad system," as the gentleman termed it, but that these matters were matters of pressing importance. Now, this matter has been explained to the Chair as being in this situation—that if it is not attended to promptly the work of building the public building in that town would be very much obstructed and delayed, and so forth. If anybody wants to object, he has the right to.

Mr. BURKE of South Dakota. Mr. Speaker, I do not want to object, but I shall object.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] objects.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 103. Appropriating $4,000 to defray traveling expenses of soldiers of the Civil War now residing in the District of Columbia from Washington, D. C., to Gettysburg, Pa., and return.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I have talked with gentlemen on this side who previously indicated some objection to the pact that I was trying to arrange a while ago and they now seem to be satisfied, and I therefore want to renew the proposition I made a while ago, that we enter into a pact on both sides of the House to the effect that there will be no business done after to-day until Monday, the 14th day of July, except by unanimous consent.

Mr. MURDOCK. Mr. Speaker, is it the gentleman's intention to adjourn every three days?

Mr. UNDERWOOD. Yes; if that is agreeable to the gentleman.

Mr. MURDOCK. It is agreeable to me.

Mr. BURKE of South Dakota. Mr. Speaker, my understanding is that the proposition of the gentleman is substantially what was entered into on a former occasion.

Mr. UNDERWOOD. Absolutely.

Mr. BURKE of South Dakota. With that understanding, I have no objection.

Mr. AUSTIN. Mr. Speaker, will the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. AUSTIN. Mr. Speaker, I want to call the attention of the gentleman from Alabama to a recent interview published in the Washington press with Senator GALLINGER, of New Hampshire.

Mr. UNDERWOOD. Will not the gentleman allow that to go by until I can get this matter settled?

Mr. AUSTIN. It is right in connection with that matter. In that interview the Senator is reported as saying that he and certain of his colleagues in the Senate intended to oppose and obstruct the passage of the currency bill up to the December session unless it was amended. Now, if we are to remain here until December, I submit to the majority of this House the question, Why not let us go forward with the work of Congress and get the committees busy and let us transact public business, and so relieve the regular session of Congress, convening in December, of a great deal of work and permit us to get away early next spring or summer?

Mr. UNDERWOOD. Well, I will say to the gentleman from Tennessee that the statement of one Senator does not determine the policy of the Senate or of the House.

Mr. AUSTIN. But the gentleman knows that under the rules of the Senate a single Senator can prevent a final vote and the final consideration of any measure.

Mr. UNDERWOOD. I will say to the gentleman from Tennessee that we are not responsible for what may be transacted at the other end of the Capitol, and we shall take care of the situation here as it develops.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to his colleague?

Mr. UNDERWOOD. Certainly.

Mr. BURNETT. From the statement made by my colleague, Mr. Speaker, I understand that there is no probability of a currency bill being reported for two or three weeks, and yet those of us who live some distance away from Washington, unless some arrangement should be entered into, can not have opportunity to go home for a few days and come back before important business is actually taken up. Now, unless it is possible to get down to active business before July 14, why not make that date a week or 10 days later, in order that men who happen to live a considerable distance away may have an opportunity to go to their homes and return?

Mr. UNDERWOOD. I made the proposition for two weeks because I asked the gentleman from Virginia [Mr. GLASS] about the probabilities of his reporting the currency bill. He did not say it could be reported in two weeks, but said that it would be safe to make a provision or arrangement not to transact business for two weeks. At the end of that time I think he will be able to do something. But if at the end of that time certain gentlemen are away from here, even then it may not be necessary for them to come back unless they are notified, and they can be notified by wire.

Mr. BURNETT. We can be informed by wire if it is necessary for us to return?

Mr. UNDERWOOD. Yes. If my colleague wants to go away for two weeks and at the end of that time is uncertain as to what will be done and wishes to remain longer, if he will wire me I will attend to it.

Mr. BURNETT. I may say to my colleague that there are a number of Members who would like to go home and stay there for a while if there is no pressing business here.

Mr. UNDERWOOD. I will promise to notify the gentleman by wire.

Mr. ADAIR. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD], referring to the statement of the gentleman from Virginia [Mr. GLASS], why the chairman of the Committee on Banking and Currency can not adjust himself to the action of the House just as well as the House can by its action adjust itself to the proposal of the gentleman who is chairman of the Committee on Banking and Currency?

Mr. UNDERWOOD. Well, the gentleman who is proposing to do the business has, I think, the right of way.

The SPEAKER. The gentleman from Alabama——

ADJOURNMENT UNTIL WEDNESDAY NEXT.

Mr. UNDERWOOD. I do not care to put this in the form of unanimous consent; but we have an understanding that we have entered into this pact for two weeks.

Now, Mr. Speaker, I ask that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection?

Mr. MURDOCK. Will that permit an adjournment on Tuesday, to carry us over the Fourth of July?

The SPEAKER. Three days from Tuesday will take it to Friday.

Mr. MURDOCK. Will it go to Friday, or through Friday?

The SPEAKER. It can only go three days.

Mr. MURDOCK. Friday is the Fourth of July.

The SPEAKER. Wednesday will be one day, Thursday two days, and Friday three days.

Mr. PAYNE. The gentleman can attain his object by objecting to this request for unanimous consent. Then, possibly provision could be made——

The SPEAKER. You can only adjourn for three days at a time.

Mr. UNDERWOOD. I understood, Mr. Speaker, that this committee that is going to Gettysburg will go there on Wednesday.

The SPEAKER. We are going on Thursday, if Thursday is the 3d.

Mr. UNDERWOOD. Thursday is the 3d. Then, Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next. Is there objection?

There was no objection.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the roll of committees.

The Clerk proceeded with the call of committees.

The Committee on the Judiciary was called.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I ask the Clerk to read.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the House disagree to the Senate amendments to the bill (H. R. 32) to provide for the appointment of an additional judge for the eastern district of Pennsylvania, and that a conference with the Senate upon the disagreeing votes of the two Houses be asked for.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Alabama with reference to his resolution which he proposes to have considered, which provides that a conference be asked with the Senate, before there is any disagreement.

Mr. CLAYTON. No; the gentleman is mistaken.

Mr. BURKE of South Dakota. The bill has passed the House and has been returned from the Senate with certain amendments. The House has not disagreed to those amendments.

Mr. CLAYTON. The gentleman is mistaken. The resolution which has just been read from the Clerk's desk does disagree to the Senate amendments.

Mr. BURKE of South Dakota. The resolution as printed in the report reads:

That a conference be asked of the Senate upon the subject matter.

Mr. CLAYTON. If the gentleman will pardon me, that is not the resolution which I have offered.

The SPEAKER. The Clerk will report the resolution again, for the information of the House.

The resolution was again read.

Mr. BURKE of South Dakota. As I understand it, the gentleman is now proposing a resolution which is a substitute for the resolution reported by the committee.

Mr. CLAYTON. You may so consider it if you wish. I am offering this resolution now, and asking unanimous consent for its present consideration.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, further reserving the right to object, I should like to ask the gentleman from Alabama, if his resolution is considered will there be opportunity for a separate vote upon these two amendments?

Mr. CLAYTON. I can not say just exactly what the conference report will be, Mr. Speaker. It might be that the conferees would disagree to one of the Senate amendments and recede from its opposition to the other, or it might be that it would agree to both Senate amendments.

Mr. BURKE of South Dakota. The gentleman from Alabama evidently misunderstood my inquiry. What I asked of the gentleman was, Will this resolution, if unanimous consent is given for its consideration, prevent a separate vote now on these two amendments?

Mr. CLAYTON. I think it would if it was adopted.

Mr. BURKE of South Dakota. Mr. Speaker, I do not wish to object to the consideration of the Senate amendments to this bill, but I do object to the consideration of this resolution which has been submitted by the gentleman from Alabama.

The SPEAKER. The gentleman from South Dakota objects.

Mr. CLAYTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to House bill No. 32.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. The House is engaged in the call of committees.

The SPEAKER. That is true.

Mr. BURKE of South Dakota. Is it in order for the gentleman from Alabama, the chairman of the Committee on the Judiciary, to call up a bill on the Union Calendar at this time?

The SPEAKER. It is not at this particular juncture, but as soon as the Clerk finishes the call of committees it will be in order.

Mr. BURKE of South Dakota. Perhaps it will save some time, and I want to say to the gentleman what I said a moment ago, that I shall not object to the consideration of the amendments to this bill; but if it is proposed to adopt a resolution that will preclude a separate vote on these amendments, then the gentleman might as well understand now as later, that he will have to have a quorum present before he can adopt the resolution.

The SPEAKER. The matter about the resolution has been disposed of. The gentleman from Alabama will have an absolute right when we get through the call of committees to make a motion to go into Committee of the Whole House on the state of the Union.

Mr. GARNER. Mr. Speaker, no one has made a point of order against the motion of the gentleman from Alabama.

The SPEAKER. The gentleman from South Dakota rose to a parliamentary inquiry and asked if it was in order for the gentleman from Alabama to make the motion when he did, and the Chair replied that it was not.

Mr. GARNER. He got the information.

The SPEAKER. He got the information that it was not in order at this time.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a further inquiry, whether or not there are any bills on the calendar reported from any other committee?

The SPEAKER. There are not.

Mr. BURKE of South Dakota. I do not wish to require the Clerk to read the list of committees through, and I am willing, if the Chair holds the motion to be in order at any time, that it may be made now.

The SPEAKER. The motion will undoubtedly be in order after the finish of the call of the roster of committees.

Mr. PALMER. Will the genlteman from Alabama yield to me?

Mr. CLAYTON. With pleasure.

Mr. PALMER. I want to ask the gentleman from South Dakota if it would be satisfactory to him to have the resolution which the gentleman from Alabama has asked unanimous consent to consider at this time considered now, with the understanding that the gentleman from South Dakota may offer an amendment to agree to one or the other of the Senate amendments?

Mr. BURKE of South Dakota. Mr. Speaker, speaking for myself, I will say to the gentleman from Pennsylvania that if we can have an opportunity to vote on these two amendments separately and that a motion to concur, if desired, can be made, that is all I ask.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the resolution offered by the gentleman from Alabama may be considered with the understanding that an amendment may be offered agreeing to one or the other or both of the Senate amendments.

Mr. DYER. Mr. Speaker, reserving the right to object, will the gentleman answer an inquiry?

Mr. PALMER. Yes.

Mr. DYER. Will this permit a vote on each of the two amendments or only on one amendment?

Mr. PALMER. If an amendment is offered to the resolution there will be a vote on it.

Mr. MONDELL. Reserving the right to object, I would like to make a parliamentary inquiry also. I did not understand the request of the gentleman from Pennsylvania.

Mr. CLAYTON. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Alabama has the floor, but any gentleman has a right to make a parliamentary inquiry.

Mr. MONDELL. I did not understand the motion of the gentleman from Pennsylvania.

Mr. PALMER. I was asking unanimous consent, but I am reminded of the fact that I did not have the floor when I did it.

Mr. CLAYTON. Of course, I intended no discourtesy, but what I wanted to do was to make a suggestion that perhaps would be agreeable to the gentleman from South Dakota. I understand that he wants a separate vote on the two propositions involved in the Senate amendments, the one proposition being the creation of another judgeship down here in the fourth circuit, and the other being the Cullop-Mann provision of the House bill which requires the President to make public the indorsements of any appointee to a judgeship. I can say to the gentleman that I shall ask, if I am on the conference committee, as I assume, of course, that I shall be, a separate vote on those propositions when the conference report comes back to the House. I may say to the gentleman that in all human probability there will be a separate vote on these propositions.

The SPEAKER. The Chair would like to ask the gentleman from Alabama a question. Is the gentleman now talking about the resolution that he has here or is he talking about the conference report?

Mr. CLAYTON. Mr. Speaker, I am talking about the conference report and making a suggestion, but it is pertinent to this resolution and pertinent to the suggestion made by the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The House has an undoubted right to pass any kind of resolution it pleases, if it ever gets a chance, but the rule about conference reports is that a conference report is adopted or rejected as a whole.

Mr. CLAYTON. I will modify this resolution by saying that there shall be a separate vote on each one of the propositions involved in the conference report.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. Mr. Speaker, I would like to ask a question of the gentleman from Alabama by which I think we can come to an agreement upon this matter. While the rule requires the House to vote on a conference report in toto, without separate votes on each proposition, yet the House can make an agreement that when the report comes in, if it sees fit, a separate vote shall be had upon each of the amendments.

The SPEAKER. The Chair would submit to the gentleman from Indiana that the House can not make any such agreement. Such an agreement, if made, might bind all of the Members that are here, but it would not bind a Member who is not here, because such an agreement would be in contravention of the universal practice of the House. The House, however, can modify this resolution.

Mr. CULLOP. That is the point exactly.

The SPEAKER. By amendment it can change the resolution so that it can vote any way it pleases upon this amendment, but it can not do it by one of these loose agreements.

Mr. CULLOP. The suggestion that I desired to make to the gentleman from Alabama was that he modify his request for unanimous consent in that respect, and then I think we will have no trouble in relieving the situation.

The SPEAKER. If unanimous consent is given for the consideration of the resolution, then the House can amend the resolution in any way it pleases, provided, of course, the previous question is not ordered.

Mr. CULLOP. But in order to obtain unanimous consent I suggest that that modification be made in the request. Then I have no doubt that that consent will be given.

Mr. BURKE of South Dakota. I desire to be informed, Mr. Speaker, what the motion of the gentleman from Alabama is?

The SPEAKER. The gentleman did not make any motion. He submitted a resolution that is on the Clerk's desk.

Mr. BURKE of South Dakota. But objection was made, and then the gentleman modified that with a motion that the House go into Committee of the Whole, to do what?

The SPEAKER. The gentleman withheld that motion while the gentleman from Pennsylvania [Mr. PALMER] made some suggestions, and, as a matter of fact, there is nothing now before the House.

Mr. BURKE of South Dakota. That is what I thought.

Mr. MONDELL rose.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to consider the Senate amendments.

The SPEAKER. The gentleman from Alabama withheld that request, and now the gentleman from Alabama renews the request for unanimous consent to consider the resolution that is lying on the Clerk's table.

Mr. GARNER. But the gentleman has not made that request, Mr. Speaker.

Mr. CLAYTON. I was about to make another one if the Speaker will indulge me to state my own proposition.

The SPEAKER. Certainly; but the Chair has stated it absolutely.

Mr. CLAYTON. Having failed to get the consent of the gentleman to the first proposition I now desire to ask unanimous consent to consider the Senate amendments to the bill H. R. 32 in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider these Senate amendments in the House as in Committee of the Whole House on the state of the Union.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama this: It is perfectly clear, and I have seen it repeatedly demonstrated here several times, that on a conference report the House must vote it either up or down, and you can not have a separate vote. Now, if the gentleman's request is granted, I understand we will have an opportunity for a separate vote here on both of these propositions to-day, but we will not have a chance to have a separate vote on them when it comes back from conference.

The SPEAKER. Of course not, unless the House takes some action which would contravene the rule.

Mr. MURDOCK. Well, the House is not apt to do that but by unanimous consent.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I desire to ask if it would be in order to move to concur to the amendment of the Senate to House bill 32—amendment numbered 1?

The SPEAKER. When?

Mr. BURKE of South Dakota. Right now.

Mr. CLAYTON. When this consent is given it would be.

Mr. BURKE of South Dakota. I do not object to this consent.

The SPEAKER. If this consent of the gentleman from Alabama is granted, then the matter is in the House as in Committee of the Whole House on the state of the Union, and the House can do what it pleases with it unless some gentleman moves the previous question and carries it, which cuts off amendments, debate, and everything else.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I anticipate that the gentleman from Alabama does not contemplate moving the previous question.

The SPEAKER. The Chair does not know.

Mr. BURKE of South Dakota. I will say to the gentleman if he does he must understand he will have to have a quorum of the House to adopt it. Now, there is no objection, so far as I am concerned, to the consideration of these amendments.

The SPEAKER. Is there objection to the request?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, does the gentleman from South Dakota state there is to be no separate vote without a quorum?

Mr. BURKE of South Dakota. The gentleman did not so state and does not wish to be so quoted.

Mr. MURDOCK. Well, I was going to say, if that is true, there is no necessity for wasting this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Now the Chair wishes to make a statement.

In the situation we are in now five-minute speeches are the practice of the House and have been for time immemorial. Yesterday, because nobody seemed to care anything about the time, the Chair let the gentleman from Tennessee [Mr. PADGETT] have an hour, and after he had done that he thought he ought to let the gentleman from Illinois [Mr. MANN] have an hour. That, however, was in contravention of the practice of the House.

Mr. BURKE of South Dakota. Mr. Speaker, if no one else desires to be recognized, I desire to be recognized.

CURRENCY.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The editorial is as follows:

SECRETARY OF STATE BRYAN ON THE CURRENCY BILL.

(Specially written for the Public Ledger.)

The currency bill, prepared by Chairman OWEN, of the Senate, and Chairman GLASS, of the House, in conjunction with President Wilson and Secretary McAdoo, is now before the country for discussion.

It is known as the President's bill, because his influence was paramount in reconciling the differences existing between those favoring currency legislation.

The President, in his message to Congress, urged immediate action and was felicitous in the language employed. He pointed out the need of legislation which will enable the business world to make use of its securities in times of emergency. While he did not outline a measure, his message should be interpreted in the light of the bill which has already been given to the public.

The first question to be considered is whether there should be immediate legislation. It would be hard to answer this question in the negative in view of the fact that the need for currency legislation has been emphasized in every quarter and by all who have cared to express themselves on the subject. The only justification that could be offered for delay would be that time was needed for an investigation of the subject.

This objection, however, can hardly be made when it is remembered that resort has been had to nearly every form of investigation during the last few years, so that it may be assumed that everyone who desires to form an opinion has had an opportunity to do so.

As a matter of fact, the fundamental principles involved in currency legislation are so well understood that no delay, however extended, and no investigation, however thorough, would be likely to change the minds of those whose duty it is to act upon the matter.

A request for delay may therefore be regarded as a motion for continuance, made by those who object to the principles upon which the bill is drawn; and a demand for further investigation can fairly be considered in the same way. So true is this that it is quite certain that those who now favor delay would, in all probability, have been the very ones to urge speedy action if the bill had been differently drawn.

When the bill is considered upon its merits one at once realizes that it is written from the standpoint of the people rather than from the standpoint of the financiers. The latter are quite unanimous in the belief that the issue of money is "a function of the banks" and that "the Government ought not to go into the banking business."

The Democratic Party, however, has consistently taken the position that the issue of money is "a function of the Government," and should not be delegated to banks. It all depends upon the point of view from which one considers this question, or for that matter any public question.

President Wilson, in his letter of acceptance and in his speeches, reiterated his determination to look at all questions from the standpoint of the people rather than from the standpoint of a privileged few. This was the central theme of his addresses, and he can not well depart from this position in the framing of a currency law, especially since the Democratic Party has never deviated from this position in its platforms.

If currency reform is to come under a Democratic President, a Democratic House, and a Democratic Senate, it must come along lines in harmony with Democratic history and doctrine.

The bill involves three fundamental principles:

First. The notes issued must be issued by the Government and not by the banks.

Second. The issue must be controlled by public servants and not by private institutions or individuals.

Third. The emergency currency issued must be issued through State banks as well as through national banks.

The bill as prepared observes these three requirements. The right of the Government to issue money is not surrendered to the banks, the control over the money so issued is not relinquished by the Government, and national banks are not given a monopoly of the benefits flowing from the issue of these emergency notes.

The people, having safeguarded their rights in the three particulars above mentioned, can afford to deal liberally with the remaining provisions of the bill. The regional reserve banks will prove of great advantage to business. Each reserve bank will be a commercial center, and this center will be much nearer to the extremes than the few large cities are to the banks which have been compelled to reach the public through them.

These regional reserve banks will give to the individual banks a security for their reserves that is lacking under the present system—a security which will go far toward preventing panics.

The national banks, however much they may be inclined to object to the extension to State banks of the right to borrow emergency Treasury notes, will find this bill so advantageous as to make them willing to accept its provisions. The right to borrow Treasury notes on an equitable basis without having to put up bonds is a distinct benefit, and yet a benefit which can be granted with advantage to the community represented as well as with safety to the Government.

When a bank is compelled to put up bonds as a security it has already parted with as much money as it can possibly borrow upon them. Hence a bond basis reduces to a minimum the advantages to be derived from borrowing.

Why should the Government require bonds as security for the loans to be made when the other security provided for is adequate? The Government can have no interest in prescribing onerous conditions to the banking world. The regional reserve bank, representing as it does the banks of its district, would be financially good for the money borrowed even if it was not required to put up specific security, but its security is made greater by the fact that collateral will be put up to secure each loan.

It is possible, under this plan, to provide immediate relief to any section of the country, and thus cure in the very beginning a condition which, if allowed to continue, might precipitate a panic.

It is not contended that the bill is perfect in detail. No one, or even a few, can hope to draft any measure upon any important subject which will in every detail be satisfactory to the 500 Senators and Representatives who must pass upon it. Whatever defects it may have will be brought out by discussion and cured by amendment.

But, considering the principles involved, who can afford to oppose so wise a measure as that now offered? Not the general public, because their rights are fully protected. Not the business interests, for their needs are fully met. Not the State banks, for they come for the first time into association with the national banks in the enjoyment of accommodations furnished by the Government. Not the average national bank, because the President's plan is to it a life preserver. Who, then, can object?

Only two classes: Those who dispute the right of the people to issue through their Government the money which the people need, and those who, distrusting the representatives chosen by the people to guard the public welfare, would deny the Government officials control over the issuance of emergency notes.

W. J. BRYAN.

WASHINGTON, *June 24, 1913.*

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the Senate amendments be reported.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Amendment numbered 1, page 1, line 9, strike out all after the word "therein" down to and including the word "judge" in line 11.

Mr. FOSTER. Let us have the language that it strikes out.

Mr. CLAYTON. Mr. Speaker, that is what is called the Cullop-Mann amendment to the bill and which the Senate struck out. I yield to the gentleman from Pennsylvania [Mr. PALMER]. Mr. Speaker, I move to concur in that amendment, in order to get it before the House.

Mr. CULLOP. Mr. Speaker, I desire to move that we disagree to that amendment. I move to amend the motion of the gentleman from Alabama by moving that we disagree to the Senate amendment.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] makes the preferential motion to disagree to what is known as the Cullop-Mann amendment.

Mr. CLAYTON. Mr. Speaker, I think the proposition to agree is preferential. That brings the two Houses together more quickly.

The SPEAKER. The Chair was wrong as to that. The motion to agree is preferential in this situation.

Mr. PALMER. Mr. Speaker, I rise to discuss this proposition.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. PALMER. Mr. Speaker, this proposition, in a word, is this:

The House considered and passed a bill to create an additional judge in the eastern district of Pennsylvania, an emergency matter of a very urgent character. In the House the gentleman from Illinois [Mr. MANN] offered an amendment incorporating into the bill what has come to be known as the Cullop amendment, requiring the President to make public the indorsers of the person appointed to the place.

When the bill went to the Senate, the Senate amended it by striking out this Mann-Cullop amendment. The proposition of the gentleman from Alabama now is to agree to the Senate amendment. In other words, a vote "aye" upon the proposition of the gentleman from Alabama [Mr. CLAYTON] will strike out of the bill the Mann-Cullop amendment, requiring the President to make public the names of the indorsers of the successful applicant for the place.

Now, Mr. Speaker, I want to say that I have no objection to the ingrafting upon the laws of the country this principle of the publicity of indorsers of Federal judges, although I think it is of doubtful value. I think it is likely to be nugatory, because I doubt the power of the Congress to require the President to make public those indorsements. I doubt the power of the Congress to control the President in the manner and method of his selection of Federal officials whom he is empowered by the Constitution or by the laws of the country to appoint. But I am opposed, however, to the adoption of the Mann-Cullop amendment upon this bill only because I see in it a very serious danger to the merits of this proposition. If the House insists upon this amendment, and the Senate in its present frame of mind insists that it shall not go into the law, however much we may like to see this principle settled one way or the other, our Pennsylvania judgeship will not come out of the legislative hopper. I think, therefore, that a single judgeship in a single district in the country ought not to be complicated and the peo-

ple of that district deprived of their just rights in the premises, deprived of the opportunity to have their causes tried promptly in that great district, by a difference of opinion between the Senate and the House upon a general matter of legislation such as this proposition.

Reference has been made here to the fact that the Baltimore convention in its platform declared in favor of this proposition, and therefore it is a party measure. The Baltimore platform expressed words of commendation of the principle of publicity of indorsements of all Federal positions, and that is as far as it went. Surely it did not mean that every time the Congress creates a new office either in the executive branch or the judicial branch of the Government that we should and are bound to attach to it as applying to that particular case this general principle of Executive publicity of indorsement of applicants for office.

Mr. DYER. Mr. Speaker——

Mr. PALMER. I should be perfectly willing, if a general measure should be introduced, to repeat my commendation of that proposition and to make it a part of the general law of the land, because, as I said before, it is not of sufficient importance to object; but I protest it is not fair in this case.

Mr. CULLOP. Mr. Speaker, I rise to oppose the motion.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. CULLOP. Mr. Speaker, I am not only opposed to the Senate amendments, but I am also now opposed to this bill for the reason that I gave yesterday. There is no condition now existing that requires the passage of this measure. The legislation at any time is not to be commended, but the situation now is such that its enactment is not required. The Commerce Court is to be abolished. This will leave a number of judges to be assigned for other work. There is a vacancy to-day existing in the State of Pennsylvania, or in the circuit of which it is part, by the removal of Judge Archbald from the Commerce Court. Now, then, the President can appoint his successor; he has a right to appoint him from any State in the Union, and can appoint him from the State of Pennsylvania, can appoint him, if he so desires, from the city of Philadelphia, where it will meet every requirement that the gentleman from Pennsylvania is asking for in this legislation. He has a right to appoint some one to fill that vacancy, and he can go there and take charge of that docket and dispose of the business that is said to have accumulated there now in that court.

But here is the situation which I want to call to your attention: We are making two judges for one district in the State of Pennsylvania, which is unfair to the public and, in my judgment, is absolutely unnecessary at this time. If the Pennsylvania district has gotten into the unfortunate condition that it seems to be in now, it is one of the unfortunate things that the public in that locality should bear and not the general public throughout the entire country; so that there is no necessity now—no real necessity—for the passage of this measure.

Now, as to this amendment, this is the language of the Baltimore platform. It applies to this subject, and it applies to an amendment to a bill that is general in its nature. The gentleman from Pennsylvania [Mr. PALMER] opposed it as a general law when it was up on that former occasion, in February, 1912.

Mr. PALMER. Mr. Speaker, the gentleman is mistaken.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Pennsylvania?

Mr. CULLOP. I am glad to hear the gentleman say that. Certainly, I yield to the gentleman. I do not want to do the gentleman from Pennsylvania an injustice.

Mr. PALMER. I voted for the Cullop proposition when it was before the House as a general proposition. I object to its being fastened separately upon every judgeship bill.

Mr. CULLOP. I am glad to know the gentleman from Pennsylvania voted for it then, and hope he will do so now. It will not be fastened separately upon every separate judgeship. The proposition was objected to at first, in 1912, because it was a general proposition attached to a special bill; and now some gentlemen object to it because it is a special law fastened to a special bill; so that the gentlemen who are opposed to it are apparently very hard to please on that subject. They favor the proposition, but always want it to be tacked on to some other measure. They seem to want but apparently hope they will never get it.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CULLOP. Now, Mr. Speaker, here is the language of the Baltimore platform. It is not subject to misconstruction; it is free of ambiguity; it is plain, direct, and specific, and applies directly to this principle and directly to this question:

> We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are to be made.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. CULLOP. Certainly.

Mr. WILLIS. In the discussion of this measure yesterday the distinguished gentleman from Tennessee [Mr. GARRETT] said, or I understood him to say, that this provision in the Democratic platform was to be regarded simply as a suggestion to the President and not as binding upon the House as a matter of legislation. What does the gentleman from Indiana think about that proposition?

Mr. CULLOP. Oh, the construction of this language in the Baltimore platform will not bear that interpretation at all; it is not subject to such a construction. To recommend means to indorse, and the Democratic Party in its national convention heartily indorsed that proposition, and a Democratic House here ought to carry out the provisions of a Democratic platform as made in a Democratic national convention. If it was good enough to indorse before an election, it is good enough to follow after an election.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield to me for a question?

Mr. CULLOP. Certainly.

Mr. BURKE of South Dakota. Can the gentleman tell us what the case was where the precedent was established that was commended in that platform—as to what took place in the House?

Mr. CULLOP. In the House I offered an amendment to the bill, changing a circuit judge in an Illinois district to a district judge. When that bill was under consideration I offered an amendment to it enacting this proposition into a general law, and it was adopted then upon a roll call, and it made the publicity of these recommendations general as to all judicial offices. In fact there were two roll calls involving the proposition and each time the question carried by a good majority.

Mr. BURKE of South Dakota. Then it was an amendment offered to a bill practically identical with the pending bill?

Mr. CULLOP. Certainly; and the Democratic House indorsed it on two roll calls. When the roll was called twice on the proposition it had a decided majority in this House. And when the roll was called upon this amendment when this bill was before the House for consideration, it was adopted by a decided majority. In fact this proposition was indorsed by the Democrats in the last Congress on three roll calls and each time it carried by good majorities; it has also been carried in this House on a roll call by a good majority and it would seem that the Democratic Party is now thoroughly pledged to it.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman again yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from South Dakota?

Mr. CULLOP. Yes, in a moment; and if we are to constantly take it out at the behest of the Senate, we are not going to get this legislation adopted soon. The way to get it adopted, the way to get the policy entered upon, is to attach the legislation to some such bill as this and then stand by it. I insist it properly belongs to this bill, and I insist it is the proper time to stand by the policy and insist it now be entered upon and become one of the fixed policies of this Government. Now, is the time and this is the proper place.

Mr. BURKE of South Dakota. Will the gentleman permit me to ask him a further question?

Mr. CULLOP. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it was not the adoption of his amendment by the two roll-call votes which adopted it as the gentleman says by an overwhelming vote, that was indorsed in the Baltimore platform?

Mr. WILLIS. Good.

Mr. CULLOP. It was; and it was the only measure on that subject passed by the Democratic House upon which the Baltimore convention could have based this plank in its platform. That was the only proposition that had been enacted into law or passed by a Democratic House bearing upon this proposition. Now, my fellow Democrats, I ask you to-day whether you stand ready to repudiate your national platform within less than a year after it was adopted, or whether you as Democrats are willing to stand by the doctrines upon which you won the national election last November, and our party was called into

power. Shall we keep the faith, administer the responsibility as directed or will we repudiate the doctrine and fail to discharge our duty as directed by the people?

To this doctrine our party is unalterably pledged, the people have approved it, and we are directed to carry it into effect. Shall we do it, or shall we falter, and fail to obey the mandate of the people? Shall we as Democrats here early in our tenure of power permit our adversaries to lead us to the defeat of a measure indorsed by our national convention, and indorsed four times by the Democrats in this and in the last Congress? Let us consider this proposition carefully before we vote it down. Let us not vote it down, but on the contrary let us adopt it by a rousing majority and keep faith with the people who have so generously intrusted us with power.

Mr. DYER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Missouri?

Mr. CULLOP. I do.

Mr. DYER. I want to ask the gentleman from Indiana if it was not himself who brought this matter directly before the committee on resolutions at Baltimore?

Mr. CULLOP. No, sir; it was not. It was not necessary for me to do so. It was so universally accepted as the Democratic doctrine that it required no individual to bring it before that convention to remind it of a cardinal doctrine of our party. The Democrats in Congress had placed their seal of approval upon it and the people of the entire country had approved their course in doing so. The doctrine for which we contend here is fundamental; it lies at the very root of free institutions; it is one wholesome to their endurance; it inspires confidence in those high in authority; it removes their conduct out of the reach of reproach in performing high, responsible, and important public duties; it gives to the people an opportunity for redress and to prevent impositions, for which otherwise there is no remedy for their prevention.

Mr. Speaker, throughout the history of this great Republic, with all its illustrious Chief Executives, we will search the history of their administrations in vain to find a single one who has opposed the principle for which we contend here. No one, though often requested, has ever, I assert, refused to cheerfully furnish the information which this amendment requires. It should be ingrafted as a law upon our statute books. For any one to have refused would have been a reflection upon his willingness to deal candidly with the people. No obstacles have ever been placed in the way of publicity by any of them. It may not always have been given, but certainly none has ever refused to do so, and I hope no one ever called to that office will ever feel inclined to deny publicity to a confiding people who honored him of every act he may be called upon to perform in the discharge of his public duties. As surely as he does, he will forfeit public confidence and invoke the distrust of the people.

This measure, as I have declared heretofore, has for its object, for its sole purpose, the protection of the Chief Executive and the courts from unjust criticism. It will, I hope and believe, perform this mission, and will inspire public confidence in both.

It infringes upon no constitutional prerogative nor does it impose any unreasonable requirement. Some speak of this as a stroke at some constitutional power now belonging to the President. I deny it. Congress has the power to take, under the Constitution, the appointment of every judge, other than the appointment of the judges of the Supreme Court of the United States, from the President and give it to the Attorney General or to the Supreme Court or any one of its members or to any of the other departments of the Government. This power is clearly defined by the Constitution, and it only belongs to the President because Congress permits him to exercise it. This only provides a duty for him to perform in making appointments, one, in my judgment, the present Chief Executive will cheerfully accept and welcome the opportunity to have thrown on the searchlight of the fullest publicity.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER. Which side is the gentleman from Tennessee on?

Mr. GARRETT of Tennessee. I am in favor of the motion of the gentleman from Alabama [Mr. CLAYTON].

The SPEAKER. The gentleman is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, whatever may be the proper construction of the platform utterance upon this question is not, so far as I am personally concerned, material just now. If the gentleman from Indiana [Mr. CULLOP] is correct in his construction, and I am incorrect in my construction as to the meaning of the platform, I nevertheless am in this position: When this matter came originally before the House, in an amendment offered by the gentleman from Indiana [Mr. CULLOP] to a bill creating a judgeship in the State of Illinois, I voted against the proposition.

That vote was made an issue in a campaign which I subsequently had for renomination for Congress in my district. I met that issue on the stump numerous times before my people. I then took the position that I took originally in the House and the position which I take now. And so, measured by all the practices and all the canons and all the teachings as to party platforms, I am in a position where I am committed to the people whom I directly represent against this proposition. So much, therefore, for my own position upon the question.

Now, Mr. Speaker, a word as to the merits. I am opposed to the proposition, not because I am opposed to publicity but because I do not think the Congress has the power to do that which the amendment involves.

The Constitution of the United States confers upon the Congress all legislative power that may be constitutionally exercised. It confers upon the President of the United States the executive power, and among others is the power and the responsibility of appointing the judicial officers created by the Constitution and by law. Now, as I said a few days ago in the discussion of this question, if the President of the United States should issue a proclamation declaring that every Member of Congress, before he voted on any matter of legislation, should make public all indorsements that he had received by letter or personally upon that proposed legislation, such a proclamation would be laughed to scorn. Every gentleman here knows that that would exceed the power of the President of the United States.

The same Constitution which gives the legislative authority to Congress gives to the President the power and responsibility of these judicial appointments; and I maintain that it lies beyond the constitutional power of the legislative body to impose this condition upon the President of the United States in the exercise of his constitutional authority and responsibility, which authority and power are given to him just the same as the legislative power is given to the Congress.

It was upon that ground that I voted against this amendment while a Republican President was appointing the judges. Upon that same ground I stand ready to vote, and I shall vote again in the same way, when a Democratic President is appointing the judges.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like three minutes more.

The SPEAKER. The gentleman asks for three minutes more. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Will the gentleman submit to an inquiry?

Mr. GARRETT of Tennessee. I will.

Mr. BURKE of South Dakota. I will ask the gentleman if he is in favor of the Democratic platform adopted in 1908?

Mr. GARRETT of Tennessee. What does the gentleman refer to?

Mr. BURKE of South Dakota. The Democratic platform of 1908 declares in favor of publicity of indorsements for public officers, and in that same connection I should like to ask him if he indorses the platform of his party, adopted at Baltimore last year, which reaffirms the doctrine that was announced in the platform of 1908 on this subject?

Mr. GARRETT of Tennessee. Mr. Speaker, I presume the gentleman did not hear the beginning of my remarks. I stated with perfect candor my situation in regard to the matter. I stated that I voted against it before, that I was challenged upon that vote in my district, that I made my campaign for renomination upon the position which I then took upon this question, and that whatever may be the construction of the platform I, at least, am bound, according to all the teachings and practices of politics, by the position which I took before my constitutents, which position was indorsed by them.

Mr. Speaker, it seems to me, furthermore, that this amendment would not reach the purpose that is desired, and for this reason: This requires that the President shall make public the indorsements of the man he appoints. Now, Mr. Speaker, if he makes public the indorsements of every man whom he appoints how can the public tell which of these indorsements was the controlling influence, or whether any of these indorsements was the controlling influence with the President? He may make the appointment upon indorsements, he may make it in spite of the indorsements, and he may make it without any indorsement whatever.

Furthermore, what public good is to be accomplished by making public the indorsements of the man whom he appoints? And if you are going into that, why not go to the full end and require him to make public—if you could do so, which you can

not—the indorsements of those whom he does not appoint? What is the logic of it? What is the purpose of it? What end do you seek? I do not object to the President doing this if he sees proper. I merely deny the power of Congress to enact the statute. I should not object to making public all letters I receive in regard to legislation, but I think no man would insist that the President could, by proclamation, compel me to do it. No more can the Congress compel him, by statute, to do this thing. You can not search his conscience by statute nor obtain his reasons by enactments.

Why, Mr. Speaker, this is not entirely a new proposition or one without precedent. Numerous Presidents have been called upon by the Senate of the United States on matters very similar to this—called upon by resolution—to furnish indorsements. And just here let me say, Mr. Speaker, that I am not at all certain but—in fact, I am inclined to believe—that the Senate of the United States would be within its constitutional right if, upon a question of confirmation of a judge arising, it should see fit to call upon the President for such indorsements and papers as might be before him touching that appointment, because under the Constitution the Senate is charged with a joint responsibility with the President in the matter of these appointments. They are appointed "by and with the advice and consent of the Senate."

The SPEAKER. The time of the gentleman from Tennessee has again expired.

Mr. GARRETT of Tennessee. I ask for two minutes more, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks for two minutes more. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. But, Mr. Speaker, even that right of the Senate has been repeatedly denied by Presidents of the United States in cases almost, if not quite, analogous—by Jackson, by Tyler, by Cleveland, and various other Presidents, if I remember aright—where it involved a resolution of the Senate passed in pursuance of a desire on the Senate's part to obtain information to enable it to pass on the question of confirmation or some other question in the performance of its constitutional duty. If the Senate, which is charged with a joint responsibility, can not by resolution accomplish the end, how can we expect by statute to accomplish a purpose lying beyond our constitutional power? [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that all debate on this proposition be closed in 10 minutes.

Mr. BURKE of South Dakota. Reserving the right to object, Mr. Speaker, I would like to ascertain how many Members there are on this side who wish to speak.

Mr. MONDELL. I suggest to the gentleman from Alabama that he amend his request by making the time 1 hour. There are at least half a dozen Members on this side who desire to speak on the very important questions involved. The whole proceeding is by unanimous consent, and I am amazed that the gentleman from Alabama, after 30 minutes have been taken on that side, should suggest closing debate in 10 minutes. Gentlemen on this side desire at least an hour.

The SPEAKER. The Chair will state that he was careful to recognize gentlemen on different sides of the question.

Mr. MONDELL. I am not criticizing the Chair.

Mr. CLAYTON. Mr. Speaker, I will modify the request, but before doing so I wish to say that the gentleman from Wyoming seems to have his amazer in unusually good working order; he is usually amazed by common occurrences here. [Laughter.] But, Mr. Speaker, aside from that, I may say to the gentleman, treating him now seriously, as he is entitled to be treated always, that I think 30 minutes is enough, and I hope he will agree to that.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, that may be agreeable to the gentleman from Wyoming, but I would like 10 minutes' time.

Mr. CLAYTON. The gentleman from Kansas is also amazed.

Mr. MURDOCK. No; but I will say that this will not go along much further without a quorum unless we have an opportunity to debate the matter.

Mr. CLAYTON. I want to be agreeable, and I want gentlemen to have all the time they want.

Mr. MURDOCK. The gentleman does not appear to have that attitude.

Mr. CLAYTON. The gentleman is mistaken about that. I hope the question of no quorum will not be raised. I can not keep a quorum here.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to say to the gentleman from Alabama that I think there ought to be two hours' debate. I think one hour's debate is desired on this side, especially if the gentleman from Kansas wants time.

Mr. MURDOCK. Mr. Speaker, I am strongly of the opinion that we need a quorum, and I make the point of no quorum.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] makes the point of no quorum.

Mr. CLAYTON. Mr. Speaker, I move a call of the House.

The SPEAKER. Does the gentleman from Kansas insist upon his point of order?

Mr. MURDOCK. Mr. Speaker, I withdraw the point of order.

The SPEAKER. Now, can the gentleman from Alabama and the gentleman from South Dakota and the gentleman from Kansas and the rest of them come to an agreement about what they want?

Mr. CLAYTON. Mr. Speaker, I do not want any time myself. It may be a few gentlemen upon this side want some time. I do not think I shall want any.

Mr. BURKE of South Dakota. Mr. Speaker, I suggest to the gentleman from Alabama that we will try to get along with 1 hour, with the understanding that the gentleman from Kansas [Mr. MURDOCK] will have 15 minutes of the hour. If the gentleman from Alabama has not anybody upon his side——

Mr. CLAYTON. Oh, I said perhaps there would be somebody. I do not think that I shall want to occupy any time. It is possible that in the range of this illuminating discussion I may feel called to say something myself, but so far it has been so well illuminated that I have not thought proper to say anything. I would think that the gentleman ought not to want all of the time. The gentleman from Kansas wants 15 minutes. How much time would the gentleman from South Dakota be content with?

Mr. BURKE of South Dakota. I will say to the gentleman that personally I do not care for any time, but there have been enough requests for time upon this side so that we could use 1 hour, but we are willing to accept 45 minutes, and that gives the gentleman from Kansas 15 minutes and ourselves 45.

Mr. CLAYTON. But, Mr. Speaker, equality is equity, and the gentleman in his proposition——

Mr. BURKE of South Dakota. We have no objection to the gentleman having an hour upon his side.

Mr. CLAYTON. We do not wish an hour. On which side of this proposition is the gentleman, may I ask?

Mr. BURKE of South Dakota. I do not think that is material at this time.

Mr. CLAYTON. It is very material whether he is for it or aganist it.

Mr. SHERLEY. Mr. Speaker, I desire to say that I shall object to any agreement which is made which does not make the division of time according to those who favor and those who oppose the motion before the House.

Mr. BURKE of South Dakota. Mr. Speaker, I have said to the gentleman from Alabama, and I will say to the gentleman from Kentucky, that we desire 45 minutes. The gentleman from Kansas, I understand, wishes 15 minutes. We are ready to entertain any proposition that the gentleman from Alabama may make that gives us that time.

The SPEAKER. Does that mean an hour or 45 minutes altogether?

Mr. BURKE of South Dakota. It means 1 hour upon this side of the aisle.

The SPEAKER. That is 1 hour for the Republicans.

Mr. CLAYTON. Mr. Speaker, I want to say to the gentleman that I made the motion, and that therefore I occupy the affirmative position upon it, and I assume that the gentleman from South Dakota and the gentleman from Kansas are opposed to the motion which I have made, and upon that assumption I am willing to have an hour's time given to further debate, and to divide it equally between the sides on that proposition.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he will tell the House upon which side of the question he stands?

Mr. CLAYTON. I made the motion to agree to the Senate amendment No. 1, and I think the gentleman has comprehension enough to understand that that shows the attitude of the gentleman from Alabama.

Mr. BURKE of South Dakota. But the gentleman made the statement that he did that to get the matter before the House.

Mr. CLAYTON. The gentleman made no such statement with any such meaning as that. The gentleman made that statement, of course, to bring it down to a voting proposition; but the gentleman does not play politics, as do some gentlemen upon that side, who frequently make motions and do not support them. I do not refer to the gentleman from South Dakota.

The gentleman from Alabama has never been guilty of playing that sort of politics in the House up to this time.

The SPEAKER. What is the request?

Mr. CLAYTON. Mr. Speaker, my request is that one hour be given to the debate on this proposition, at the end of the hour the debate on the amendment to be closed, and that the time, one hour, be equally divided between those favoring the motion and those opposing it.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. In the event of the adoption of this agreement, who will have control of the time upon the respective sides? I want some understanding about that.

The SPEAKER. The gentleman in the chair will control the time for both sides, unless there is an agreement about it. Under the rule as always practiced by anybody presiding, the Chair gives as much time to the affirmative as to the negative, and vice versa. If any agreement is entered into about the control of the time, of course that is observed by the Chair.

Mr. MONDELL. Mr. Speaker, the gentleman from Alabama ought to realize that all these proceedings are practically by unanimous consent, and my "amazer," as he terms it, is still working. I will say to the gentleman that I am more amazed than ever that he quibbles over the matter of giving an hour's time to this side for the discussion of this question or these important questions. It does not occur to me it is a matter that need disturb the gentleman whether the time is to be used on this side for or against his proposition. The usual manner of dividing the time is to divide it by giving control of the time to one gentleman on either side. The gentleman from South Dakota has asked for an hour on this side, and the gentleman might just as well understand that unless we get some sort of a reasonable agreement the proceedings are likely to be closed. If the gentleman is anxious to have his measure passed—I am anxious that it shall be passed in proper form—I can not understand why he does not give the House, in the absence of any other pressing business, an opportunity to discuss this matter.

Mr. CLAYTON. Now, is the gentleman through with his deliverance?

Mr. MONDELL. The gentleman is through.

Mr. CLAYTON. It sounds like that bird speech the gentleman has been making three or four times before the House. I have heard it before and will hear it again; next time it will be on the bird subject, perhaps, or something else; but, Mr. Speaker, in reply to the last suggestion made by the gentleman that there is nothing else for the House to do, I will say that next to this bill on the calendar, which I desire to call next after this is disposed of, is an amendment to the Erdman arbitration law, and I want to say to the gentleman that I hope, if this matter can be disposed of without raising the question of a quorum and without much delay, to endeavor to pass that amendment to the Erdman Act in an effort to avert a railroad strike, the largest that the country has ever known. The bill is now on the calendar and ought to have the consideration of the House. It has been considered by the Committee on the Judiciary, amended, and it is agreed to by all parties concerned, and it will keep off the disastrous effect that may come from a referendum strike vote now being taken by a large number of railroad employees. Now, I have no disposition to be captious, I do not want to be, about reasonable debate, but it seems to me when we have already been talking for nearly an hour about this simple amendment, which we all understand, no amount of debate is going to change any man's mind on it——

Mr. BURKE of South Dakota. Will the gentleman submit to an inquiry?

Mr. CLAYTON. Certainly.

Mr. BURKE of South Dakota. I would like to call the gentleman's attention to the fact there has been about 30 minutes' debate on the proposition on that side of the House, not on the same side of the question——

Mr. CLAYTON. Oh, no——

Mr. BURKE of South Dakota. And some 20 minutes in trying to make this agreement——

Mr. CLAYTON. I think the gentleman himself consumed some time.

Mr. BURKE of South Dakota (continuing). I think the gentleman ought to be satisfied with half an hour on that side of the House and let us have an hour on this side of the House, which equals the time.

Mr. CLAYTON. I can not agree to anything except an equal division of time. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is to put the request of the gentleman from Alabama for an hour.

Mr. BURKE of South Dakota. I presume gentlemen will be recognized under the five-minute rule for debate.

The SPEAKER. Debate is exhausted under the five-minute rule.

Mr. MONDELL. Mr. Speaker, what is the request of the gentleman?

The SPEAKER. The gentleman's request is to have an hour to be divided equally between the Democrats and Republicans.

Mr. MONDELL. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing——

Mr. MONDELL. Mr. Speaker——

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. If a gentleman desires to submit some remarks in opposition to the motion to concur in the Senate amendment, he may obtain recognition for that purpose in what way?

The SPEAKER. By asking unanimous consent. The rule is explicit that, on an amendment, in the situation in which we find ourselves, there is 5 minutes' debate for and 5 minutes' debate against the proposition, and we have already had about 10 or 15 minutes, nobody raising the question.

Mr. RODDENBERY. A further parliamentary inquiry.

The SPEAKER. The gentleman from Georgia can get the right to speak by moving to concur with an amendment.

Mr. RODDENBERY. I was going to make that inquiry, namely, if recognition could not be had by moving a substitute.

The SPEAKER. You have a right to do anything you please on this amendment that the House has a right to do.

Mr. MURDOCK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Mr. Speaker, before making the motion I desire to occupy about 10 minutes, and maybe a little longer, in submitting some views touching this motion. If necessary, I will make some sort of a motion in order to do it. I shall be glad to proceed by making a motion, but not having a desire to make a motion——

The SPEAKER. The Chair will state to the gentleman from Georgia that the matter before the House is the request of the gentleman from Alabama [Mr. CLAYTON]——

Mr. BURKE of South Dakota. I desire to submit a proposition for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I desire to ask that there be two hours of debate on the pending amendment, one-half of the time to be controlled by the gentleman from Alabama [Mr. CLAYTON], 15 minutes by the gentleman from Kansas [Mr. MURDOCK], and 45 minutes by myself.

Mr. FOSTER. I object, Mr. Speaker.

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is not the demand of the gentleman from Alabama [Mr. CLAYTON] for the regular order equivalent to moving the previous question in this condition of affairs?

The SPEAKER. Of course it is. It has just exactly the same effect.

Mr. DYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. I ask unanimous consent to address the House for one minute.

Mr. FOSTER. I shall not object to this request, but I will to any others.

The SPEAKER. The gentleman will proceed for one minute.

Mr. DYER. Mr. Speaker, this matter of an additional judge for Philadelphia has been before the Judiciary Committee for quite a while. There have been hearings had before that committee, and there is great necessity, in order that public business may be discharged, that this bill should become a law at this time in order that the situation may be relieved. We ought not here this afternoon to delay the passage of this bill and prevent the discharge of public duty there, with many litigants waiting for the disposition of their cases, because of this question which has come before us, from the Baltimore convention, perhaps. We had best forget the Baltimore convention and everything that happened there and get down to the passage of this most important bill, which the country, and especially the Philadelphia litigants, need.

Mr. MONDELL. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Wyoming raises the point that there is no quorum present, and evidently there is not.

Mr. CLAYTON. Mr. Speaker, I move the call of the House.

The motion was agreed to.

The SPEAKER. The call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is the vote on a call of the House or on the motion of the gentleman from Alabama [Mr. CLAYTON]?

The SPEAKER. That has already been carried.

Mr. MURDOCK. No, Mr. Speaker; the motion of the gentleman from Alabama has not been carried, if the Chair will permit.

The SPEAKER. The Chair put the motion and announced that those in favor of it should vote "aye" and those opposed should vote "no," and declared that the "ayes" had it.

Mr. SABATH. That was on the call of the House, Mr. Speaker.

The SPEAKER. Of course it was on the call of the House.

Mr. MURDOCK. I am speaking as to the motion of the gentleman from Alabama to concur in Senate amendment No. 1.

The SPEAKER. The vote that was just taken was not on that.

Mr. MURDOCK. But the motion of the gentleman from Alabama is pending.

The SPEAKER. But no division was taken on that.

Mr. PALMER. Mr. Speaker, I make the point of order that, debate having been exhausted upon the motion of the gentleman from Alabama [Mr. CLAYTON], there was nothing before the House except his motion, and therefore upon a call the question is upon the motion of the gentleman from Alabama.

Mr. HARDWICK rose.

Mr. DYER. Mr. Speaker, will the gentleman yield there?

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized.

Mr. HARDWICK. The gentleman is clearly in error in his contention. The call of the House is simply to get the presence of a quorum, and it is not——

The SPEAKER. Of course; there is no question about it. The Chair declines to hear any argument on that side of it.

Mr. PALMER. I have not denied that.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House do now adjourn.

Mr. PALMER rose.

The SPEAKER. The Chair will entertain that motion in a minute. The gentleman from Pennsylvania [Mr. PALMER] is recognized.

Mr. PALMER. Mr. Speaker, the Speaker had actually put the question and the House had not divided upon it, because after a discussion relative to a unanimous-consent proposition all the debate had been exhausted on the proposition; and the Chair had put the question to the House and the point of no quorum was then made.

The SPEAKER. No; the gentleman from Pennsylvania is mistaken as to his facts. What happened is this, that the Chair started to put the question, but never did put the question, because as soon as he rose and stated that the question was on the motion of the gentleman from Alabama [Mr. CLAYTON] to concur in this amendment, he got no further, and then the gentleman from Alabama rose and asked something about unanimous consent that debate close. That is the condition it was in, and there is no question about what the call of the House is on. The call of the House is to ascertain whether we can muster a quorum or not.

Mr. WILLIS. Regular order!

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BURKE of South Dakota. A division, Mr. Speaker.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] demands a division. Those in favor of the motion to adjourn will rise and stand until they are counted. [After counting.] Twenty-three gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Ninety-one gentlemen have arisen in the negative, and the House refuses to adjourn.

Mr. BURKE of South Dakota. Mr. Speaker, on this question I demand the yeas and nays.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Nineteen gentlemen have arisen in the affirmative.

Mr. DYER. Mr. Speaker, I desire to make a unanimous-consent request, if it is in order.

The SPEAKER. What is it?

Mr. DYER. I ask unanimous consent that we divide the time on this question and have two hours' debate on the question of these amendments.

Mr. FOSTER. Mr. Speaker, I make the point of order that no discussion is in order, a gentleman over on that side having made the point of no quorum.

Mr. DYER. I did not make it.

The SPEAKER. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. There is so much confusion in the Chamber that the Chair will count again. [After counting.] Twenty gentlemen have arisen in the affirmative—not a sufficient number, and the yeas and nays are refused.

Mr. BURKE of South Dakota. Mr. Speaker, I demand the other side.

The SPEAKER. The other side is demanded. Those opposed will rise and stand until they are counted. [After counting.] Ninety-six gentlemen have arisen in the negative—not a sufficient number, and the yeas and nays are refused. The Clerk will call the roll.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I ask, Mr. Speaker, if this roll call is for the purpose of procuring a quorum, and if we should vote "present," or is it a yea-and-nay vote on the pending question?

The SPEAKER. This is a call of the House, and gentlemen will answer "present" if they want to answer at all. It is not a vote on any proposition. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ainey	Esch	Kennedy, Conn.	Patton, Pa.
Allen	Estopinal	Kennedy, Iowa	Payne
Anderson	Fairchild	Kennedy, R. I.	Peters
Ansberry	Faison	Kent	Peterson
Anthony	Farr	Kiess, Pa.	Plumley
Ashbrook	Finley	Kindel	Porter
Aswell	Fitzgerald	Kinkead, N. J.	Prouty
Avis	Flood, Va.	J. R. Knowland	Rainey
Bailey	Floyd, Ark.	Konop	Rayburn
Baker	Fordney	Korbly	Reed
Barchfeld	Francis	Kreider	Reilly, Wis.
Bartlett	Frear	Lafferty	Richardson
Beall, Tex.	Gallagher	Langham	Riordan
Bell, Cal.	Gard	Langley	Roberts, Mass.
Borchers	Gardner	Lee, Ga.	Roberts, Nev.
Bremner	Gerry	Lee, Pa.	Rogers
Brodbeck	Gillett	L'Engle	Rothermel
Broussard	Glass	Lenroot	Saunders
Brown, N. Y.	Godwin, N. C.	Lever	Scully
Brown, W. Va.	Goeke	Levy	Sells
Browne, Wis.	Goldfogle	Lewis, Md.	Sharp
Browning	Good	Lewis, Pa.	Sherwood
Bruckner	Goodwin, Ark.	Lieb	Slayden
Brumbaugh	Gordon	Lindquist	Slemp
Buchanan, Tex.	Gorman	Linthicum	Sloan
Bulkley	Goulden	Lobeck	Smith, Md.
Burgess	Graham, Pa.	Logue	Smith, Saml. W.
Burke, Pa.	Green, Iowa	Lonergan	Smith, Minn.
Burke, Wis.	Greene, Mass.	McClellan	Smith, N. Y.
Butler	Greene, Vt.	McGillicuddy	Stafford
Calder	Gregg	McGuire, Okla.	Steenerson
Campbell	Griest	McKellar	Stephens, Nebr.
Cantrill	Griffin	McKenzie	Stephens, Tex.
Carew	Guernsey	McLaughlin	Stevens, Minn.
Cary	Hamill	Madden	Sutherland
Casey	Hamilton, Mich.	Mahan	Switzer
Clancy	Hamilton, N. Y.	Maher	Taggart
Clark, Fla.	Hamlin	Manahan	Talbott, Md.
Cline	Hammond	Mann	Taylor, N. Y.
Connolly, Iowa	Harrison, N. Y.	Martin	Temple
Conry	Haugen	Merritt	Ten Eyck
Covington	Hay	Metz	Thacher
Cramton	Hayden	Miller	Thompson, Okla.
Crisp	Hayes	Montague	Townsend
Curley	Heflin	Moon	Treadway
Dale	Helvering	Moore	Vare
Danforth	Hill	Morin	Walker
Davenport	Hinebaugh	Morrison	Wallin
Davis, W. Va.	Hobson	Moss, Ind.	Walters
Dershem	Hoxworth	Moss, W. Va.	Whaley
Dies	Hughes, W. Va.	Mott	Whitacre
Difenderfer	Hulings	Nelson	White
Donohoe	Johnson, Ky.	Norton	Wilder
Donovan	Johnson, S. C.	O'Brien	Williams
Dooling	Johnson, Utah	Oglesby	Wilson, N. Y.
Doremus	Jones	O'Hair	Winslow
Driscoll	Kahn	O'Leary	Woodruff
Dunn	Keister	O'Shaunessy	
Eagan	Kelley, Mich.	Parker	
Edmonds	Kelly, Pa.	Patten, N. Y.	

The SPEAKER. This roll call shows 191 Members present, not a quorum. It takes 216 at the present time to make a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p. m.) the House, under the order heretofore agreed to, adjourned until Wednesday, July 2, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Columbia River at Cathlamet, Wash. (H. Doc. No. 120); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on Charlotte Harbor, Fla., with a view to obtaining a channel 20 feet in depth, with suitable width (H. Doc. No. 121); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of inland waterway connecting How Creek and Tomoka River, Fla. (H. Doc. No. 122); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 6562) to regulate the employment of minor children in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HULL: A bill (H. R. 6563) for removing obstructions, etc., from Obed River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 6564) granting a pension to Isabel Troutman; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 6565) granting an increase of pension to Hiram B. Greenly; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 6566) granting an increase of pension to Henry J. McNutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6567) granting an increase of pension to William Lowe; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 6568) granting a pension to Robert Campbell; to the Committee on Pensions.

Also, a bill (H. R. 6569) granting an increase of pension to Nathan Wright; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 6570) granting an increase of pension to George D. Harris; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 6571) for the relief of James W. Turner; to the Committee on Military Affairs.

Also, a bill (H. R. 6572) for the relief of George W. Raney; to the Committee on Military Affairs.

Also, a bill (H. R. 6573) granting a pension to Marion E. Strunk; to the Committee on Pensions.

Also, a bill (H. R. 6574) granting a pension to Cornelia Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6575) granting a pension to Paul Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6576) granting an increase of pension to Ade Hayes Garrett; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 6577) granting an increase of pension to Fred G. Hauver; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

Mr. WILSON of New York presented a petition of the National Grange legislative committee, relative to the present tariff bill, and asking that immediate reduction be made in the excessive protection of many staple manufactured articles, which was referred to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July 2, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Saturday last was read and approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a list of papers that have accumulated in the Department of Commerce that are no longer needed or useful in transacting the current business of the department and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] as the members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee.

INHABITED ALLEYS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 120).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 17th ultimo, a statement of the names, residences, and occupations of persons owning and renting houses and rooms within the more densely "inhabited alleys" of the District of Columbia, and also a copy of a directory of alleys in Washington, D. C., which, on motion of Mr. WORKS, was, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed.

LOUISA S. JOHNSON AGAINST UNITED STATES (S. DOC. NO. 121).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Louisa S. Johnson, widow of William Johnson, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

STATUE OF ZACHARIAH CHANDLER.

The VICE PRESIDENT laid before the Senate a communication from the lieutenant governor of the State of Michigan, presenting to the Government and the people of the United States on behalf of the Michigan Legislature a marble statue of the late Zachariah Chandler, of that State, which was referred to the Committee on the Library.

Mr. SMITH of Michigan. I ask that the communication be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,

To the SENATE AND HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Pursuant to action of the Legislature of the State of Michigan, there has been erected in the Capitol of the United States a marble statue of the late Zachariah Chandler, of Michigan. On behalf of the people of this State, I have the honor and pleasure of presenting to the Government and people of the United States this statue of one whose ability, strength of character, and achievement, both in State and National affairs, entitled him not only to a place as one of Michigan's favorite sons, but also to a place as one of the Nation's great statesmen. Senator Chandler came to Michigan while still a young man. Entering into the business life of Michigan's chief city, he acquired a competence and then gave his time and ability to public affairs. He had not the opportunity for a finished literary education, but from his broad business experience he garnered a knowledge more thorough than any college course could have furnished. He was a man of firm convictions and unchanging devotion to public duty. Every student of history will recognize in Senator Chandler one of the great men of the period in which he lived. He was a tower of strength to every cause he espoused and his grim determination and thorough preparedness made him the center of any conflict in which he took part. He neither asked nor gave quarter.

Such rugged and uncompromising characters are necessary in every great crisis, and Michigan presents this statue that future generations may know that in this, as in every age, true greatness is measured by patriotic and unselfish devotion to duty.

Very respectfully,

JOHN Q. ROSS,
Lieutenant Governor of Michigan.

MUSKEGON, MICH., *June 17, 1913.*

Mr. SMITH of Michigan. Mr. President, out of order, if I may prefer the request, I would ask unanimous consent to consider Senate concurrent resolution No. 4, now on the table.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent out of order to consider a concurrent resolution which will be read.

The Secretary read Senate concurrent resolution No. 4, submitted by Mr. GALLINGER for Mr. SMITH of Michigan June 26, 1913, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Zachariah Chandler, presented by the State of Michigan to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Michigan.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. SMITH of Michigan. I ask unanimous consent to take from the table Senate concurrent resolution No. 5.

The VICE PRESIDENT. The Senator from Michigan asks for the immediate consideration of Senate concurrent resolution No. 5, which the Secretary will read.

The Secretary read Senate concurrent resolution No. 5, submitted by Mr. GALLINGER for Mr. SMITH of Michigan June 26, 1913, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zachariah Chandler, presented by the State of Michigan, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Michigan.

Mr. SMITH of Michigan. Perhaps it would be better to follow the usual course of such resolutions. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. The concurrent resolution will be referred to the Committee on Printing.

Mr. SMITH of Michigan. I desire to call up Senate resolution 119.

The VICE PRESIDENT. The Chair is informed, and so notifies the Senator from Michigan, that this resolution is before the Committee on the Library and has not been reported.

Mr. SMITH of Michigan. I desire to give notice that on Monday, July 28, at 3 o'clock p. m., I shall call up Senate resolution 119 and address the Senate relative to the public services of Zachariah Chandler, in connection with the presentation of his statue to the Government.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN. I present a joint resolution of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint resolution No. 15, Twenty-third Legislative Assembly of the State of Oregon, with the original thereof filed in the office of the secretary of state on the 1st day of February, 1905, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 11th day of June, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint resolution 15.

Whereas Brig. Gen. Thomas M. Anderson, of the city of Portland, Oreg., enlisted as a private of volunteers in the War of the Rebellion and was commissioned a major general of volunteers in the Spanish-American War, commanding the first expedition to the Philippines; and

Whereas he took an honorable part in the four campaigns of the War of the Rebellion, serving in a company as battalion commander in the severest battles of that war; and

Whereas he subsequently commanded a division in the taking of Manila and the battles of Santana, San Pedro Macati, Guadalupe, Pariz, and Pateros; and

Whereas he was retired by limitation of age, January 21, 1900, as a brigadier general in the regular establishment; and

Whereas a bill has been introduced in the Senate of the United States to authorize his advancement to the grade of major general on the retired list of the Army: Therefore be it

Resolved by the Legislature of the State of Oregon, That we respectfully memorialize the Congress of the United States for the adoption of a bill authorizing the advancement of Brig. Gen. Thomas M. Anderson, United States Army, to the grade of major general on the retired list of the Army; and be it further

Resolved, That copies of these resolutions be sent to the Senate and House of Representatives of the United States in Congress assembled.

WAR DEPARTMENT RECORD OF GEN. THOMAS M'ARTHUR ANDERSON.

Born in Ohio; appointed from Ohio.

Private, Sixth Ohio, Ohio Volunteer Infantry, April 20, 1861. Served with it at Camp Dennison to May 20. Appointed second lieutenant, Fifth Cavalry, May 7; served with it until October 20. Present with it at engagements at Falling Water July 2; Martinsburg, July 3; Bunkers Hill, July 15.

Commissioned captain, Twelfth United States Infantry, May 14, 1861. Raised whole company in Fayette, Pickaway, and Fairfield Counties, 1862. Organized battalion, Twelfth Infantry; was ordered to Harpers Ferry, W. Va.; and was attached to Seigal's division in the defense of Bolivar Heights against Jackson's attack May 28 and 29, 1862. Operated in Shenandoah Valley until transferred to Prince's Brigade, of Auger's Division, Bank's Corps, Army of Northern Virginia. Commanded battalions of Eighth and Twelfth Infantry in the Battle of Cedar Mountain August 9.

In actions at Rappahannock Station August 20; Waterloo Bridge, August 24; Bristow Station and Second Bull Run, August 30; and at Chantilly September 1.

Transferred to First Brigade, Second Division, Fifth Corps, Army of the Potomac, as acting field officer and battalion commander. Was in the Battle of South Mountain, September 14; Antietam, September 17; Snickers Gap, October, and Fredericksburg, December 12–15, 1862. Chancellorsville, May 1 and 3, 1863 (wounded).

On board organizing Signal Corps. Assistant of provost marshal general in organizing Invalid Corps.

Assigned to command of Twelfth Infantry April, 1864. In Battle of Wilderness May 5 to 7. Brevetted major. Laurel Hill, May 6, horse killed under him. Spottsylvania, May 12, severely wounded. Brevetted lieutenant colonel.

Commissary of Musters Department of the Lakes from October, 1864, to June 30, 1865. Organized regiments from Confederate prisoners. Mustered out 24,000 Andersonville prisoners at Camp Chase, April and May, 1865. Assumed command Twelfth Infantry July 4.

On regimental and reconstruction duty to 1869.

Promoted major, Twenty-first Infantry, May 26, 1868. Transferred to Tenth Infantry, serving in Texas, 1869 to 1878.

In Indian campaigns on Rio Grande and Staked Plains. Attorney for Government in Mexican claims, 1873.

In command of recruiting depot, Columbus, Ohio, 1878 to 1880. Lieutenant colonel Ninth Infantry, March 20, 1879. Commanding Infantry Brigade in Cheyenne outbreak in 1864. Commanded regiment in anti-Chinese riots, 1875.

Colonel Fourteenth Infantry, September 6, 1866. Commanding regiment in Washington and Alaska until May, 1898. In temporary command of Department of Columbia, 1897. In command of subdistrict of Alaska, 1898.

Brigadier general of volunteers May 4, 1898. Commanding first expedition to the Philippines. Commanded land division in attack on Manila August 13, 1898. Major general of volunteers at that date. Commanding First Division, Eighth Army Corps in Philippine insurrection in Santa Ana, Pasay, San Pedro Macati, Guadalupe, Church, Pasig, and Pateros from February 5 to March 17, 1899. Brigadier general, United States Army, March 31.

Commanding Department of Lakes from May 3, 1899, to January 21, 1900, when retired.

Adopted by the house January 31, 1905.

A. L. MILLS,
Speaker of the House.

Concurred in by the senate January 31, 1905.

W. KUYKENDALL,
President of the Senate.

Mr. SMITH of Michigan. I present a resolution adopted by the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

As directed by House resolution No. 120, which appears on the journals of the house and senate of the Forty-seventh Legislature of the State of Michigan to have been adopted, I hereby transmit a copy of said resolution.

FREDERICK C. MERTINDALE,
Secretary of State.

House resolution 120.

Whereas it appears from investigation recently made by the Senate of the United States and otherwise that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the application be made, and hereby is made, to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited and Congress shall be given power to enforce such prohibition by appropriate legislation; further

Resolved, That the secretary of state be, and he is directed, to transmit copies of this application to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein.

[SEAL.]

Mr. SHERMAN presented a memorial of sundry manufacturers and merchants of Kewanee, Ill., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Business Men's Association of Peru, Ill., favoring an appropriation for the erection of suitable homes for American representatives in foreign countries, which was referred to the Committee on Foreign Relations.

Mr. NORRIS presented a petition of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

He also presented a memorial of sundry citizens of Lincoln, Nebr., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported it with an amendment and submitted a report (No. 70) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 52) to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy, reported it without amendment and submitted a report (No. 71) thereon.

SENATE FOLDING ROOM.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 121, submitted by Mr. OVERMAN on the 26th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized to continue to rent for a period not to exceed 12 months from July 1, 1913, and at a rental not to exceed the sum now being paid, the warehouse now occupied as storage rooms for the folding room of the Senate on B Street southwest, the expense thereof to be paid out of the contingent fund of the Senate.

ESTATE OF EDWARD B. BELL.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 112, submitted by Mr. SMITH of Michigan on the 17th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to the executor, administrator, or legal heirs of Edward B. Bell, late a member of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

Mr. SMITH of Michigan. I move to reconsider the votes by which Senate resolution 112, reported to-day by the Senator from Mississippi [Mr. WILLIAMS], was considered and agreed to.

The motion to reconsider was agreed to.

Mr. SMITH of Michigan. I ask that the resolution may lie on the table.

The VICE PRESIDENT. The resolution will lie on the table for the present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 2659) providing for a monument to commemorate the women of the Civil War; to the Committee on the Library.

By Mr. ASHURST:

A bill (S. 2660) donating cannon to the city of Prescott, Ariz.; to the Committee on Military Affairs.

A bill (S. 2661) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims; to the Committee on Indian Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 2662) granting an increase of pension to Adelbert A. Dickey (with accompanying paper);

A bill (S. 2663) granting an increase of pension to Charles Thomas (with accompanying paper); and

A bill (S. 2664) granting an increase of pension to David E. Bird (with accompanying paper); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2665) for the relief of the estate of Alexander N. Shipley; to the Committee on Claims.

A bill (S. 2666) for the relief of Thomas Little; to the Committee on Military Affairs.

A bill (S. 2667) to amend an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, approved March 4, 1911; to the Committee on Agriculture and Forestry.

A bill (S. 2668) for the relief of Martha Hazelwood (with accompanying paper); to the Committee on Indian Affairs.

By Mr. SHERMAN:

A bill (S. 2669) granting an increase of pension to George W. Harris; and

A bill (S. 2670) granting an increase of pension to William L. Benson; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2671) further to protect commerce against restraint and monopoly; to the Committee on Interstate Commerce.

By Mr. BRISTOW:

A bill (S. 2672) granting a pension to Rozila D. Merrick (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2673) granting an increase of pension to Katherine Prosser (with accompanying paper); to the Committee on Pensions.

THE CURRENCY.

Mr. BRISTOW. I submit sundry amendments intended to be proposed by me to the bill S. 2639, known as the currency bill. I ask that they be read.

The Secretary read the amendments, as follows:

Amendments intended to be proposed by Mr. BRISTOW to the bill (S. 2639) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes, viz:

On page 19, line 24, after the word "purposes," insert "and notes and mortgages representing farm loans made as provided for in section 27 of this act," and on page 20, in line 10, strike out the period and insert a comma and the words "except in the case of farm mortgages," so that the paragraph as amended will read:

"Upon the indorsement of any member bank any Federal reserve bank may discount notes and bills of exchange arising out of commercial transactions; that is, notes and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, and notes and mortgages representing farm loans made as provided for in section 27 of this act, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this act; but such definition shall not include notes or bills issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except notes or bills having a maturity of not exceeding four months and secured by United States bonds or bonds issued by any State, county, or municipality of the United States. Notes and bills admitted to discount under the terms of this paragraph must have a maturity of not more than 45 days, except in the case of farm mortgages."

On page 25, line 14, after the word "notes," strike out the word "and" and insert a comma; in the same line, after the word "bills," insert the words "and farm mortgages"; so that the paragraph as amended will read:

"Any Federal reserve bank may, upon vote of its directors, make application to the Federal Reserve Board, through the local Federal reserve agent, for such amount of the Treasury notes hereinbefore provided for as it may deem best. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral security to protect the notes for which application is made, equal in amount to the sum of the notes thus applied for. The collateral security thus offered shall be notes, bills, and farm mortgages accepted for rediscount under the provisions of sections 13, 14, and 15 of this act, and the Federal Reserve Board shall be authorized at any time to call upon a Federal reserve bank for additional deposits of security."

On page 38, in lines 16 and 17, strike out the words "nine months" and insert in lieu thereof the words "five years," so that the paragraph as amended will read:

"That any national banking association not situated in a reserve city or central reserve city may make loans secured by improved and unencumbered farm lands, and so much of section 5137 of the Revised Statutes as prohibits the making of such loans by banks so situated shall be, and the same is hereby, repealed; but no such loan shall be made for a longer time than five years, nor for an amount exceeding 50 per cent of the actual value of the property offered as security, and such property shall be situated within the Federal reserve district in which the bank is located. Any such bank may make such loans in an aggregate sum equal to 25 per cent of its capital and surplus or 50 per cent of its time deposits."

Mr. BRISTOW. Mr. President, in this connection I desire to say that the amendments which I propose authorize national banks to loan money on farm mortgages that run for a period of not more than five years, and authorize such securities as a basis for circulation. I offer these amendments now, and desire to state that if any legislation is enacted providing for an asset currency I intend to insist that long-time farm loans shall be included as securities which may be used as a basis for such currency. A farm loan conservatively made is as good a security as can be had. The farm is the very basis of our national prosperity. We are now having learned discussions in regard to various systems of farm credit, the purpose being in some way to reduce the burden of interest which the farming population of our country is now bearing. To make farm mortgages the basis for circulation would certainly reduce the rate of interest for such security.

United States bonds bearing 2 per cent, with circulation privileges, have been selling at a premium for many years. They sell as readily as 3 per cent bonds without the circulating privilege. It is proposed in this bill to make provision by which the banks may hypothecate short-time paper of business men as a basis

for additional currency. The success of nine-tenths of the business men whose notes are thus hypothecated depends upon the prosperity of the American farm. Unless the farmer succeeds and the land yields its harvest the notes of these business men are worthless. Yet men tell us that the mortgage on the farm itself, the very foundation of our entire business structure, is not a desirable security as a basis for circulation. Such an argument, in my opinion, is unsound. I am against the bill as it is drawn. It is a strained effort to satisfy the so-called Money Trust and the financial inflationists. It is a combination of the conservative with the radical theories in such a manner as to contain the objectionable features of both systems.

I expect to offer many other amendments to the bill, but the discussion of other features I shall take up when it is more properly before the Senate.

I ask that the amendments be printed and referred to the Committee on Banking and Currency.

The VICE PRESIDENT. Without objection. it is so ordered.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. CUMMINS. Mr. President, I send to the Secretary's desk a part of an article which appeared in a Washington newspaper a day or two ago, and ask that it be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read from the Washington Post of Tuesday, July 1, 1913, as follows:

WILSON DEMANDS ALL LOBBY FACTS—GOES TO THE CAPITOL AND PREVENTS PROPOSED DELAY OF PROBE—INQUIRY IS ON TO-MORROW—SHERLEY TO OFFER RESOLUTION FOR SEPARATE HOUSE HEARING—FORMER PAGE SUBPŒNAED—M'MICHAELS, CLAIMED BY MULHALL TO HAVE BEEN ONE OF HIS AGENTS, FOUND NEAR HIS HOME AND SUMMONED BEFORE SENATE INQUISITORS—FORMER PRESIDENT KIRBY, OF THE MANUFACTURERS' ASSOCIATION, HALTED AT SAN FRANCISCO—COUNSEL JAMES A. EMERY AND DAVID M. PARRY AMONG SCORES OF WITNESSES CALLED TO TESTIFY—STEPS TAKEN TO GET POSSESSION OF MULHALL'S CORRESPONDENCE.

President Wilson yesterday went to the Capitol and gave the speed gear of the lobby committee a vigorous turn. Owing to the Democratic caucus, which is wrestling more or less successfully with the tariff, all other business had been temporarily laid aside.

It was not the intention to resume the lobby hearing until July 8. President Wilson thought this an unusual delay, and said so during a short talk with Chairman OVERMAN. Then followed a conference between the Democratic members of the committee, and a decision to resume to-morrow morning was reached.

Mr. CUMMINS. Mr. President, as the author of the resolution under which the committee is acting and as a member of the committee I challenge the article which has just been read. I do not know whether the matter contained in it be true or false. If it is false, the newspapers which have published it have committed as great a crime against decency and fairness as has been committed by any of the lobbyists brought before and exposed by the committee. If the matter contained in it be true, then the blame passes over to higher place and greater responsibility.

It is unfair that there shall go to the country the false information that the committee of which the distinguished Senator from North Carolina [Mr. OVERMAN] is the head is prosecuting the work committed to it by the Senate either indifferently or neglectfully. I desire to say that this article appears to me to put the chairman of the committee in about this attitude, as though he were a child who had not performed all that was expected of him and had been drawn across the knees of an angry parent and spanked and told to go and be better and do better.

I wish to say for the executive head of this committee that I have never seen an instance of more zeal, more diligence, more unflagging energy than he has displayed in the conduct of the affairs of the committee. It is suggested at least that we are not desirous of exposing the rottenness that seems to lie all around us, notwithstanding the fact that the committee organized immediately, proceeded immediately to its work, and held sessions every day and almost every night, until interrupted by the higher demands upon the Democratic members arising out of the caucus which is now in progress. But until then not one moment had been allowed to pass without being occupied and improved in the exposure of the lobbyists who have congregated not around the Capitol alone, but who have organized themselves throughout the entire country. In suspension only because the Democratic members of the committee felt it necessary to attend their caucus, we are now held up to the scorn of the American people, and it is suggested that if it were not for the lash of the President of the United States the investigation would cease and the wrongdoers would escape.

For my part I resent such imputation, and I believe that it is due to the Senate and due to the members of this committee that I ask the chairman of the investigating committee whether the matter contained in the publication which I have had read at the desk is true or false. The country has a right to know whether this information tends to a sound public opinion or tends to pervert and mislead it, and I have risen with these preliminary observations to ask the distinguished Senator from North Carolina whether the statements contained in the article are true or false.

Mr. OVERMAN. Mr. President, this article is not justified by the facts in the case. The newspaper reporter jumped at a conclusion and made a wrong conclusion from what I suppose he saw.

My meeting with the President on the day he was at the Capitol was by the purest accident. I did not know that he was coming to the Capitol. I did not know he was here. I received no message from him to come to see him. I happened to be in the room of my Committee on Rules and my secretary came over and told me that the Secretary of Commerce had ordered a lightship from the Knuckles, on Frying Pan Shoals, near Wilmington, 30 miles at sea, in defiance of the law, as I claimed. It made me mad. I had been to see him and told him how his predecessor had made a similar order, but reversed it himself, because the law directed that he should put the lightship on that particular spot. He said, "I would like to change it, but I can not fly in the teeth of Congress."

I then heard that the President was in the Capitol. I went to the President and said, "I desire, Mr. President, to appeal from one of your Cabinet officers to you," and I stated the circumstances. When just leaving him I talked something about the Mulhall charges. He expressed a desire that the "lobby" investigation should go on.

Now, I will state what I think is the way the newspaper man jumped at this conclusion: I had accepted an invitation to make a speech on the Fourth of July in North Carolina, and had announced to the reporters that I had taken authority to postpone the hearing until Tuesday of next week, the 8th. In talking with my colleague [Mr. SIMMONS], the chairman of the Committee on Finance, he told me that it would be very unwise for me to leave. I wanted to go home and spend a few days with my family before going into a distant part of the State to make this speech. My colleague thought it unwise for me to leave, because he differed with me in my opinion as to when we would close up our caucus action. So he was right and I was wrong.

In talking upon this matter with one of my colleagues, the Senator from Montana [Mr. WALSH], who boards at the same hotel that I do—I believe I talked with only one of them, for there was no concerted action—I said, "Suppose we close up this New York matter and all evidence taken under the Norris resolution before we begin Tuesday to consider the Sugar and the Wool Trust and the Mulhall business." We agreed that that was all right, and I called a meeting, and was notified by Mr. Ledyard and Mr. Cravath that they could come at any time. They are here to-day, and I think we shall finish up with them to-day.

That is about what happened. There is no justification for what the Senator says. All this talk about—

President Wilson yesterday went to the Capitol and gave the speed gear of the lobby committee a vigorous turn—

And that—

President Wilson thought this an unusual delay—

is simply the imagination of the reporter. None of that happened. We talked about the Mulhall charges. I was not with the President exceeding five minutes, but he did express a desire that we go on and get through with this "lobby" business.

Mr. WALSH. Mr. President, it occurs to me that the distinguished Senator from Iowa [Mr. CUMMINS] has attached altogether too much significance to what the newspapers have said concerning the suspension of the work of the lobby investigating committee. Of course, if we should stop to analyze and notice everything that thus appears, apparently without authority at all, we would consume all of the time of the Senate in the consideration of such matters. No one suggests that this was in the nature of an inspired interview such as appeared in the newspapers giving rise to the examination in the first instance.

It was, as a matter of course, entirely proper on the part of the distinguished Senator from Iowa to put upon the records of the Senate the reasons which gave rise to the suspension of the work of the lobby investigating committee. There is no secret about it. The public press advised the country when the suspension took place what the occasion for it was, and it was at all times the intention of the committee to resume work immediately the Democratic members thereof should be free from the duties that called them to attend the caucus.

The distinguished Senator from the State of Iowa shares with the President the honor of having initiated this inquiry, the revelations of which have been of so startling a character. They have not only fully justified the President in any stric-

tures he may have made in the article which gave rise to the investigation, but they have been of so grave a character as to challenge the attention of the entire country. It awaits with no small degree of eagerness information concerning the details concerning the sinister influences which have in the past operated to induce legislation and which may be more or less operative at the present time.

The President simply reflects the sentiment generally prevailing that no longer delay should ensue than the necessities of the case actually require, and that the members of the committee even subordinate other duties to the necessities of carrying on this investigation without delay. Everybody recognizes that it was started with a view to ascertain what influences were operative in connection with pending tariff legislation.

A few days ago all the members of the committee, recognizing that it was desirable to proceed without delay, concluded that the caucus would complete its work last night and that there would then be an opportunity to resume this morning. The caucus did not do so, but the Democratic members of the committee have chosen rather to go on with the work of the investigation than to continue with the work of the caucus.

I think it altogether commendable in the President to indicate, if he did so indicate, that it was perhaps desirable even that other duties should be subordinated and that the investigation should go on, in order that reports of its hearings might be available for the purpose for which the investigation was originally started, namely, to ascertain what influences, if any influences there were, were at work in connection with the tariff legislation that is soon to engage the attention of the Senate.

WASHED PAPER MONEY.

Mr. MARTINE of New Jersey. Mr. President, on several occasions during the past month I have endeavored to have printed as a public document numerous letters I have received on the subject of washed paper money. I have failed in that, and I desire now to read a couple of short editorials on the subject, which I think are very pertinent. With the permission of the Senate, I will first read an editorial from the Washington Post of July 2, 1913, headed "Washed-out money." It is as follows:

WASHED-OUT MONEY.

The specimens of washed money which are beginning to appear in circulation are an imposition upon the patience and good taste of the people. The pittance that may be saved by washing the money is more than offset by the danger of counterfeiting. Who can tell whether a bill is good or not, when the ink is so faded as to make the print illegible? The experiment, judging by the appearance of the bills, is a miserable failure. The Treasury authorities should either see that all washed bills are up to a certain standard, or abolish the new system altogether. Uncle Sam is not so poor that he can not furnish attractive money for the public, and there should be no picayunish economy that will lower the standard already attained.

Further, I read from the American Banker of May 24, 1913, as follows:

WASHED BILLS AND COUNTERFEITS.

There is a widespread alarm over the probability that the Government laundry will give a tremendous impetus to counterfeiters. Of necessity, the cleansing of a bill takes out some of the color, and so is a partial bleaching process. Crooks engaged in the green-goods business have no difficulty in getting paper of the precise kind used in the production of genuine bills, and while their laundry does not work quite so fast as Uncle Sam, it works full time just the same, and the output of spurious money is liable to reach dangerous proportions.

When the plant for washing soiled bills was first put in operation, bankers warned Government officials that this was a dangerous innovation. Despite this protest, however, the authorities went ahead and increased the capacity of the plant. This was nuts and oranges for the crooks who were steadily increasing their output of green goods which can scarcely be distinguished from the genuine article, even by experts.

Something must be done to root out the counterfeiting gang, but this process, it is feared, will be made more difficult by the large increase in the volume of washed money now coming into circulation.

I have still another editorial on the same subject, taken from the Washington Post, which I shall not read but shall ask to have published in the RECORD.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The matter referred to is as follows:

[Editorial printed in the Washington Post May 15, 1913.]

COUNTERFEIT CERTIFICATES.

The appearance in general circulation of counterfeit silver certificates printed on official paper, which are so perfectly executed that experts frequently fail to detect their spurious character, goes to justify the fears of the banks that the Treasury's money-washing laundry would give an impetus to counterfeiting.

The washing process as practiced at the Treasury takes as little of the color out of the bills as is compatible with cleanliness of appearance, but quite naturally the fact that washing the money had the effect of bleaching it to a certain extent suggested the idea to counterfeiters that a more thorough bath would put them in possession of a good supply of paper that would pass examination everywhere. As it is rather easy in these days of scientific imitation of engraving, processes and ink making to turn out "green goods" of the proper color, tint, and mechanical perfection, a stock in hand of the virtually inimitable paper is nine-tenths of the battle. Making a $5 bill grow where $1 grew before is simpler, indeed, than making two blades enrich the farmer where one had kept him in debt. The practical immunity from detection is another advantage which commends the new process to the dextrous crook with an aversion for prison life.

The Treasury took the bankers' warning so little to heart that plans for increasing its capacity were carried out, so that now several times as much soiled money can be given a presentable appearance as formerly. It does not necessarily follow, however, that the bill raisers should increase their output in the same ratio, or at all. Doubtless their laundry facilities permit them to take bills in the original green and bleach them to any degree of whiteness wanted.

That the rascals are still at large despite the traps set by the secret service affords an additional cause for alarm, and the adoption of precautions calculated to put an end to such an infringement on the Treasury's exclusive right of production and distribution of the genuine "long green." If subtreasuries and banks do not find it possible to separate the good from the bad, it is conceivable that the proportion of spurious currency in circulation may become a public menace.

PROPOSED LAKE ERIE DAM.

Mr. BACON. Mr. President, a few days since the President of the United States transmitted to the Senate a report of the International Waterways Commission relative to the construction of a proposed dam at the outlet of Lake Erie, which I understand was ordered to be printed. There accompanied the report some illustrations in the nature of plate maps. Under the rule of the Senate it requires a special order to have the illustrations printed with the report. I will state that the matter has been referred to the Foreign Relations Committee, and I am speaking for the committee. I therefore ask unanimous consent that the accompanying illustrations be printed with the report.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BACON. Mr. President, the President of the United States in transmitting the report made the recommendation which I read:

> Should Congress make provision for the printing of such report as a document the American section of the commission requests that 500 copies thereof be made available for its use.

In pursuance to that suggestion I offer the order I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from Georgia submits an order, which the Secretary will read.

The Secretary read as follows:

Ordered, That 500 copies of the message from the President of the United States, transmitting the final report of the International Waterways Commission upon the proposed dam at the outlet of Lake Erie (S. Doc. 118, 63d Cong., 1st sess.), be printed, with accompanying illustrations, and delivered to the American section of the International Waterways Commission.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideration of the order. Is there objection?

Mr. SMOOT. Mr. President, just one question. Has the Senator an estimate of the cost of printing the 500 copies?

Mr. BACON. The order does not call for an extra 500 copies.

Mr. SMOOT. They are to come out of the number heretofore ordered printed?

Mr. BACON. It only specifies that that number shall be delivered as indicated, but it does not ask for an increase in the number ordered printed.

The VICE PRESIDENT. In the absence of objection, the order will be entered.

ST. LOUIS, BROWNSVILLE & MEXICO RAILROAD.

Mr. SHEPPARD. I submit the resolution which I send to the desk and ask unanimous consent for its present consideration.

The resolution (S. Res. 125) was read, as follows:

Resolved, That the Interstate Commerce Commission, in connection with its investigation of all the facts and circumstances concerning the purchase of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad Co. and the subsequent receivership of both railroads, as heretofore ordered by resolution of the Senate, also investigate, if it has not the evidence on hand, and report to the Senate all the facts and circumstances concerning the purchase of the St. Louis, Brownsville & Mexico Railroad in the State of Texas by the St. Louis & San Francisco Railroad Co., such information to contain the total cost, directly and indirectly, of the purchase of said St. Louis, Brownsville & Mexico Railroad by the St. Louis & San Francisco Railroad and the method by which same was acquired and the person or persons to whom the purchase price thereof was paid, or who, directly or indirectly, participated in such sale or were benefited thereby, including the total cost of construction of the St. Louis, Brownsville & Mexico Railroad and the total amount and value of donations or bonuses contributed in cash or otherwise in consideration of or as an inducement to the construction of said road, the amount paid to all persons, firms, or corporations in consideration of the construction of said railroad, or any part thereof, and the names of any and all persons who were interested in contracts for such construction or who participated in or were benefited by such contracts, directly or indirectly, and any and all other facts tending to show what profit was derived, directly or indirectly, by any and all persons from the construction, operation, or sale of said St. Louis, Brownsville & Mexico Railroad and by whom derived, and whether, since the construction of said railroad, its operation has been profitable or unprofitable, and, if unprofitable, the reasons therefor.

The VICE PRESIDENT. The Senator from Texas [Mr. SHEPPARD] asks unanimous consent for the present consideration of the resolution. Is there objection?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. NORRIS. I should like to inquire of the Senator from Texas whether the Interstate Commerce Commission has entered upon this investigation?

Mr. SHEPPARD. It has entered upon the investigation, and this resolution does not enlarge the scope of the investigation. It simply directs particular attention to this one transaction in Texas. I think it would be of value to bring out the facts suggested in the resolution.

Mr. NORRIS. The question I was asking the Senator was not with reference to this particular resolution, but the resolution heretofore passed. I understand there was passed some time ago a Senate resolution instructing the Interstate Commerce Commission to make the investigation referred to. Was there not?

Mr. SHEPPARD. Yes; it covers the matter described in my resolution only in very general terms, however. My idea was to direct particular attention to this transaction in the State of Texas.

Mr. NORRIS. But can the Senator tell us how far the investigation has progressed?

Mr. SHEPPARD. I am not familiar with that.

Mr. NORRIS. Does the Senator remember the date when the other resolution was passed?

Mr. SHEPPARD. It was something like three or four weeks ago, I am sure.

Mr. NORRIS. It was a Senate resolution, was it not?

Mr. SHEPPARD. A Senate resolution.

The VICE PRESIDENT. The question is upon agreeing to the resolution.

The resolution was agreed to.

ADDRESS BY INTERSTATE COMMERCE COMMISSIONER M'CHORD (S. DOC. 119).

Mr. BORAH. I ask to have printed as a Senate document an address by Hon. C. C. McChord, Interstate Commerce Commissioner, before the Association of Iron, Steel, and Electrical Engineers on the work of the Federal Government for the prevention of railroad accidents and its results.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. CHILTON. I should like to ask the Senator the length of the address and what it will cost to print it.

Mr. BORAH. I do not know its length, but I know it covers the subject very fully. I did not undertake to count the pages, because it is a subject of such importance that the lengthier it is the better.

Mr. CHILTON. Usually these matters are attended to by the Senator from Utah [Mr. SMOOT] and the Senator from Florida [Mr. FLETCHER]. I do not see either Senator present.

Mr. SMOOT. Is the whole of the address in the paper sent to the desk?

Mr. BORAH. It is.

Mr. SMOOT. Then there is no question but that it can be printed within the amount provided by law.

Mr. CHILTON. Very well.

The VICE PRESIDENT. There being no objection, the address will be printed as a Senate document.

OREGON & CALIFORNIA RAILROAD LANDS.

Mr. CHAMBERLAIN. Mr. President, I desire to call the attention of the country to a matter of interest to us all.

In 1908 a joint resolution was passed by Congress authorizing the Department of Justice to institute proceedings of forfeiture against the Oregon & California Railroad Co. Those proceedings were instituted, and resulted in a judgment of forfeiture against the company. Subsequently an act was passed by Congress to withdraw the lands forfeited from sale, settlement, or other disposition until subsequent legislation was had by Congress. Notwithstanding that act, there are agents in the field, throughout the West particularly, selling what purport to be preferred rights to the lands within this grant, although it is not possible for any person to sell preferred rights to them. The result is that through these representations many innocent people are being separated from their money.

Mr. SMOOT. And they are paying from $200 to $500 each.

Mr. CHAMBERLAIN. They are paying from $200 to $500 for each quarter section. I am constantly in receipt of letters from the Pacific coast, from the Middle West, and some from the East asking me whether or not parties can secure preferred rights to lands within the grant.

Some time ago, not knowing the present status of the suit, I sent to the district attorney at Portland, Oreg., a letter I had received from a man named B. C. Smith, at Carlton, Oreg., asking the status of the forfeiture proceedings and whether he could acquire preferred rights. In answer to Mr. Smith, the district attorney addressed to him a letter explaining the present status of the forfeiture proceedings; and in addition to writing Mr. Smith the district attorney sent me a copy of his letter. I ask to have the letter read and inserted in the RECORD in order that so far as it is possible for Congress to protect these innocent people and prevent others from imposing on them it may be done.

The VICE PRESIDENT. Is there objection to the reading of the letter? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

JUNE 10, 1913.

Mr. B. C. SMITH, *Carlton, Oreg.*

DEAR SIR: Senator GEORGE E. CHAMBERLAIN has referred to me for attention and reply your valued communication of May 29, 1913, in which you make inquiry concerning the present status of the case of the United States *v.* Oregon & California Railroad Co., and you also ask information as to the manner in which these lands may be acquired by actual settlement thereon.

Replying thereto, you are advised that in the above suit the district court has rendered a decision canceling the patent of the defendant corporation on the ground that the defendant has failed, neglected, and refused to comply with the terms of the grant under which it took and accepted the same. It is understood that the defendant will appeal this case to the circuit court of appeals, and it is contemplated that before the decision shall become final that it will be passed upon by the Supreme Court of the United States. It is very difficult for us to hazard an opinion as to when the probable final outcome of this case will be, but, under ordinary circumstances, a decision could not reasonably be expected within two years.

In the event that the decision of our district court should be upheld by the Supreme Court, then it will be necessary for Congress to provide by legislation for some manner for the disposal of these lands. It is my opinion that until the case is finally determined and Congress thereafter by legislation provides some method for the disposal of these lands, that it is impossible for any citizen to gain any rights by attempting to acquire them. In this connection I would most urgently advise you not to permit any locator to induce you to pay him any sum of money or any other consideration for locating you upon any of these lands. There are certain people who are now making a business of locating alleged settlers on these lands, charging them a fee therefor, claiming in some instances to have authority for so doing. This office looks with disapproval upon the methods of these men, and it is my opinion that those citizens who pay these alleged locators their fees will simply lose the amount they so pay.

If there is any other information that you desire and that I am in position to furnish you, I assure you that I will be glad to do so upon your request therefor.

Yours, very truly,

CLARENCE L. REAMES,
United States Attorney.

SESSION TO-MORROW AND ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until to-morrow at 2 o'clock p. m.

The motion was agreed to.

Mr. KERN. I desire a unanimous-consent agreement, if possible, to the effect that no business of a legislative or executive character shall be transacted to-morrow, it being the purpose to meet to-morrow simply that we may adjourn over until Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and unanimous consent is given.

LEGISLATIVE DRAFTING BUREAU.

Mr. OWEN. I move that the Senate proceed to the consideration of the bill S. 1240, to establish the legislative reference bureau of the Library of Congress.

The VICE PRESIDENT. Is there any objection?

Mr. SMITH of Georgia. I object, Mr. President.

The VICE PRESIDENT. All in favor of proceeding to the consideration of the bill will say "aye." [Putting the question.] The Chair is in doubt.

There were on a division—ayes 17, noes 9.

The VICE PRESIDENT. The Secretary will call the roll to determine the presence of a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Sheppard
Bacon	Hollis	Newlands	Sherman
Borah	Hughes	Norris	Shields
Brady	James	O'Gorman	Shively
Brandegee	Johnson, Me.	Oliver	Simmons
Bristow	Johnston, Ala.	Overman	Smith, Ga.
Bryan	Jones	Owen	Smith, Mich.
Chamberlain	Kern	Page	Smith, S. C.
Chilton	La Follette	Perkins	Smoot
Clapp	Lane	Pittman	Sterling
Clark, Wyo.	Lea	Pomerene	Stone
Clarke, Ark.	Lewis	Ransdell	Thomas
Fall	Lippitt	Robinson	Thornton
Fletcher	McCumber	Root	Vardaman
Gallinger	Martin, Va.	Saulsbury	Works
Gore	Martine, N. J.	Shafroth	

Mr. CLAPP. I desire to state that my colleague [Mr. NELSON] is necessarily absent from the Chamber on business of the Senate. I will let that statement stand for the roll calls of the day.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is necessarily absent from the Chamber to-day. I desire this announcement to stand for the day.

Mr. SMOOT. I wish to state that my colleague [Mr. SUTHERLAND] is necessarily absent from the city.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is necessarily absent from the city. I desire this announcement to stand for any roll call hereafter during the day.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. A quorum of the Senate is present. The question is upon the motion of the Senator from Oklahoma [Mr. OWEN] that the Senate shall proceed to the consideration of Senate bill 1240.

Mr. OWEN. Mr. President, I understand that the consideration of the bill is likely to lead to some debate. I realize that my colleagues are desirous of returning to the consideration of matters in conference. For that reason I shall not insist upon the consideration of the bill at this time if the Senator from New Hampshire is going to debate the matter or to obstruct it.

Mr. GALLINGER. Mr. President, I will say to the Senator from Oklahoma that it is my purpose to debate the bill somewhat when it is up for consideration. If it is to be seriously considered, I shall offer amendments to it. I think there is opposition to the measure on both sides of the Chamber.

Mr. OWEN. I withdraw the motion to proceed to the consideration of the bill in view of the fact that it will lead to debate.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 3, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate July 2, 1913.

CONSUL.

North Winship, of Georgia, now consul at Tahiti, to be consul of the United States of America at Owen Sound, Ontario, Canada, vice Augustus G. Seyfert, resigned.

UNITED STATES JUDGE.

Jeremiah Neterer, of Washington, to be United States district judge for the western district of Washington, vice Clinton W. Howard, whose recess appointment expired March 4, 1913.

UNITED STATES MARSHALS.

Howard Thompson, of Georgia, to be United States marshal for the northern district of Georgia, vice Walter H. Johnson, whose resignation has been accepted.

Charles W. Lapp, of Ohio, to be United States marshal for the northern district of Ohio, vice Hyman D. Davis, who is serving under an appointment by the United States district court.

SURVEYOR GENERAL OF WYOMING.

Charles L. Decker, of Sheridan, Wyo., to be surveyor general of Wyoming, vice Alpheus P. Hanson, removed.

RECEIVER OF PUBLIC MONEYS.

J. J. Birdno, of Arizona, to be receiver of public moneys at Phoenix, Ariz., vice Charles E. Arnold, term expired.

REGISTERS OF THE LAND OFFICE.

Thomas F. Weedin, of Arizona, to be register of the land office at Phoenix, Ariz., vice Frank H. Parker, term expired.

John E. Kelley, of Flandreau, S. Dak., to be register of the land office at Pierre, S. Dak., vice John L. Lockhart, term expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. John H. Beacom, Infantry, unassigned, to be colonel from June 27, 1913, vice Col. Calvin D. Cowles, Fifth Infantry, retired from active service June 26, 1913.

Maj. Leon S. Roudiez, Thirtieth Infantry, to be lieutenant colonel from June 27, 1913, vice Lieut. Col. Frederick R. Day, unassigned, detailed as inspector general on that date.

Capt. Albert C. Dalton, Twenty-ninth Infantry, to be major from June 27, 1913, vice Maj. Leon S. Roudiez, Thirtieth Infantry, promoted.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Harry B. Hird,
Charles C. Ross,
William F. Gresham,
William D. Brereton, jr.,
Victor D. Herbster,
David F. Ducey,
Marshall Collins,
Kenneth Heron, and
Harry G. Donald.

Vernon G. Clark, a citizen of California, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 26th day of June, 1913.

Capt. Hugh Matthews, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of major, from the 2d day of June, 1913.

Carpenter Frederick G. McKay to be a chief carpenter in the Navy from the 19th day of April, 1913.

Byrd C. Willis, a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 23d day of June, 1913.

Professor of Mathematics Thomas J. J. See, with the rank of commander, to be a professor of mathematics in the Navy, with rank of captain, from the 25th day of June, 1913.

Professor of Mathematics Frank B. Littell, with the rank of lieutenant commander, to be a professor of mathematics in the Navy, with the rank of commander, from the 25th day of June, 1913.

POSTMASTERS.

CALIFORNIA.

Byron Millard to be postmaster at San Jose, Cal., in place of William G. Hawley, deceased.

FLORIDA.

J. M. Crumpton to be postmaster at Clearwater, Fla., in place of Cyrus Lowrey, resigned.

IDAHO.

S. H. Laird to be postmaster at American Falls, Idaho, in place of Orin H. Barber, resigned.

ILLINOIS.

E. J. Cushing to be postmaster at Assumption, Ill., in place of Edward C. Watson, deceased.

Moses Jordan to be postmaster at Christopher, Ill., in place of Frank B. Keen, removed.

P. S. McPherson to be postmaster at Benld, Ill., in place of John R. Caudry, removed.

INDIANA.

George W. Jones to be postmaster at Whiting, Ind., in place of James Nejdl, resigned.

M. A. Thomas to be postmaster at Jasonville, Ind., in place of William O. Nash, removed.

KANSAS.

Herman L. Haasis to be postmaster at Florence, Kans., in place of James S. Alexander, resigned.

Edward F. Hudson to be postmaster at Fredonia, Kans., in place of Thomas C. Babb, resigned.

Gustave Ziesenis to be postmaster at Eudora, Kans., in place of Henry Abels, resigned.

LOUISIANA.

S. Y. Watson to be postmaster at Baton Rouge, La., in place of Edward M. Burnett, resigned.

MINNESOTA.

Edwin E. Lietz to be postmaster at Eyota, Minn., in place of Rollo C. Dugan, resigned.

NEW YORK.

James P. Doyle to be postmaster at Nunda, N. Y., in place of Benjamin E. Jones, resigned.

NORTH CAROLINA.

E. J. Britt to be postmaster at Chadbourn, N. C., in place of Thomas H. Ramsbottom, resigned.

NORTH DAKOTA.

Frank J. Callahan to be postmaster at McClusky, N. Dak., in place of Robert J. Saueressig, resigned.

W. O. Lowden to be postmaster at McHenry, N. Dak., in place of George B. Mansfield, resigned.

John W. Schulenberg to be postmaster at Bisbee, N. Dak., in place of John I. W. Durston, resigned.

OHIO.

H. Bernard Thieman to be postmaster at Minster, Ohio, in place of A. W. Herkenhoff, resigned.

SOUTH CAROLINA.

Herman H. Bradham to be postmaster at Manning, S. C., in place of Eliza Appelt, resigned.

SOUTH DAKOTA.

Charles S. Engler to be postmaster at Faith, S. Dak., in place of Robert E. Rogers, resigned.

Charles F. McClung, jr., to be postmaster at Tripp, S. Dak., in place of Lewis A. Fox, resigned.

H. H. Millard to be postmaster at Summit, S. Dak., in place of Charles E. Tenney, resigned.

TEXAS.

J. G. Witherspoon to be postmaster at Crowell, Tex., in place of Jacob A. Wright, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 2, 1913.

ISTHMIAN CANAL COMMISSIONER.

Richard Lee Metcalfe to be a member of the Isthmian Canal Commission.

UNITED STATES MARSHAL.

A. B. Gray to be United States marshal for the district of Nevada.

ASSISTANT TREASURER OF THE UNITED STATES.

Willard D. Vandiver to be Assistant Treasurer of the United States at St. Louis, Mo.

MINISTER.

Benton McMillin to be envoy extraordinary and minister plenipotentiary to Peru.

SECRETARY OF EMBASSY.

J. Butler Wright to be secretary of the embassy at Rio de Janeiro, Brazil.

SECRETARY OF LEGATION.

Fred Morris Dearing to be secretary of the legation at Brussels, Belgium.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Clifford J. Boush to be a rear admiral.
Commander George F. Cooper to be a captain.
Lieut. Commander Christopher C. Fewel to be a commander.
Lieut. William V. Tomb to be a lieutenant commander.
Lieut. Charles R. Train to be a lieutenant commander.
Lieut. Hugo W. Osterhaus to be a lieutenant commander.
Lieut. (Junior Grade) Edward D. Washburn, jr., to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):
Edward J. Foy.
Francis W. Rockwell.
Arthur S. Carpender.
Edmund W. Strother.
Oscar Smith, jr.
Haller Belt.
Edward H. Loftin.
John E. Iseman, jr.
William C. Owen.
Francis Cogswell.
Schamyl Cochran.
Philip Seymour.
Charles M. Yates.
William H. Pashley.
Fred T. Berry.
Ernest F. Buck.
Selah M. La Bounty.
William H. Dague, jr.
Paul J. Peyton.
Harry H. Forgus.
Henry D. McGuire.

The following-named assistant surgeons to be passed assistant surgeons:
James A. Bass.
Griffith E. Thomas.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy:
George W. Calver.
John S. Saurman.
William W. Hargrave.

POSTMASTERS.

ALABAMA.

Henry I. Goff, Hartford.

ARKANSAS.

John E. Bradley, Warren.

DELAWARE.

Alfred Lee Cummins, Smyrna.
James J. English, Wilmington.
Rhubert R. German, Delmar.

GEORGIA.

John S. McKenzie, Comer.

INDIANA.

James N. Culp, North Vernon.

LOUISIANA.

J. M. Melton, Bernice.
W. T. Pegues, Mansfield.
T. J. Perkins, De Quincy.

MASSACHUSETTS.

Robert J. Crowley, Lowell.

MISSISSIPPI.

Jesse D. Smith, Poplarville.
Nannie S. Smith, Batesville.

MISSOURI.

James L. Smith, New London.
J. H. Turk, Ash Grove.

NEW JERSEY.

David C. Brewer, Toms River.
Patrick H. Ledger, Stockton.
Ada B. Nafew, Eatontown.
John A. Reddan, Hopewell.
H. G. Stull, Milford.

NORTH CAROLINA.

Finley T. Croom, Burgaw.
W. F. Flowers, Fremont.
C. L. Harris, Thomasville.
O. K. Holding, Wake Forest.
John V. Johnston, Farmville.
Samuel V. Scott, Sanford.
F. L. Williamson, Burlington.
S. P. Wilson, Fairmont.

OKLAHOMA.

A. B. Cunningham, Tahlequah.

OREGON.

H. B. Ford, Bend.

SOUTH CAROLINA.

Smith L. Johnston, St. George.

TEXAS.

S. Anderson, Knox City.
Jefferson Johnson, Austin.
B. B. Lanham, Rockwall.
W. E. McKay, Huntsville.
Lula E. Willis, Daingerfield.

VERMONT.

Emerson M. Kennedy, Milton.

WASHINGTON.

Jefferson F. Canon, Tenino.
James O'Farrell, jr., Orting.

WEST VIRGINIA.

Warren D. Cline, Williamstown.

WITHDRAWAL.

Executive nomination withdrawn July 2, 1913.

John P. Colpoys, of the District of Columbia, to be a member of the Excise Board of the District of Columbia.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 2, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father almighty, ever patient and kind, just and merciful, wise and good, we come to Thee with mingled feelings of sorrow and regret, joy and gratitude—sorrow and regret for our past mistakes and sins, joy and gratitude for the auspicious conditions of the present, the hopes and promises for our future. To-day the sun shines on a reunited people, the Stars and Stripes float peacefully over the land. The din of strife, the roar of battle is over, and the men who met in deadly conflict 50 years ago on a great battle field have met in fraternity and good will, rejoicing in the victory for the blue and the victory for the gray—a scene unparalleled in history, one upon which Thou canst look with approval. Grant that its lesson may sink deep into our hearts and be the earnest of an everlasting peace among ourselves and with all nations. This we ask in the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday, June 28, 1913, was read and approved.

SWEARING IN OF A MEMBER.

Mr. W. N. BALTZ, a Member elect from the State of Illinois, appeared at the bar of the House and took the oath of office.

ADJOURNMENT UNTIL SATURDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman, Saturday being the day after the Fourth of July and most Members probably intending to go out of town, whether we can not have an understanding that there will be no business whatever transacted upon Saturday except to provide for the date of the next meeting of the House.

Mr. FITZGERALD. Mr. Speaker, I think that that arrangement could be made, that there would be no business transacted upon Saturday except to adjourn over for three days.

Mr. MANN. Why not ask unanimous consent now that when the House adjourns on Saturday it adjourn to meet on whatever day the gentleman desires to suggest.

Mr. FITZGERALD. On Wednesday. I have no objection to putting that into the request, that when the House adjourns to-day it adjourn to meet on Saturday next, and that when it adjourns on Saturday it adjourn to meet on the following Wednesday.

Mr. MANN. That is all that is necessary, and we can have an understanding as to the rest of it.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next, and that when the House adjourns on Saturday next it adjourn to meet the following Wednesday. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York whether he means by that arrangement to cut off unanimous consents on Saturday?

Mr. FITZGERALD. The suggestion was made that, as it is the day following the Fourth of July and as a great many Members desire to leave town, there be an understanding that there would be no business done, so that Members who wish to go away would not feel the necessity of being here upon that day.

Mr. MURDOCK. I understand that; but the gentleman will remember that the previous arrangement was made that nothing but unanimous-consent matters should come up until July 14. Does the gentleman now propose to eliminate unanimous consents on Saturday?

Mr. FITZGERALD. I think that is involved in the agreement.

Mr. MURDOCK. Was that the idea of the gentleman from Illinois?

Mr. MANN. The reason I raised the question was to see if we could have an understanding that there would be no business of any kind transacted on Saturday.

Mr. HENRY. Mr. Speaker, there might be some resolution reported on Saturday. It is not certain that there will not be, and I think it is better not to have that agreement.

Mr. MANN. What would be the resolution that would be reported on Saturday?

Mr. HENRY. I do not know that there will be one, but there might be.

Mr. MANN. Of course the Committee on Rules might report a resolution, but it is safe to say that it will not be acted upon on Saturday.

Mr. HENRY. And it is safe to say that the gentleman's request will not be granted to-day.

Mr. MANN. But I am making no request. I never made a request of the gentleman from Texas, knowing that he would not oblige me.

Mr. HENRY. The gentleman is mistaken about that; but the gentleman is not running the House.

Mr. MANN. I certainly am not held responsible for running the gentleman from Texas; thank God for that.

Mr. HENRY. And nobody seems to be responsible for the gentleman from Illinois.

Mr. FITZGERALD. The request is only to adjourn until Saturday.

Mr. HENRY. I do not object to that, but I do object to saying that there would be no business transacted.

Mr. FITZGERALD. I have not said that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. It should be understood that that request was to adjourn until Saturday, in the first instance, and then to adjourn from Saturday until the following Wednesday.

Mr. HENRY. Does that request include not to transact any business on Saturday?

The SPEAKER. The order has already been made.

Mr. HENRY. But what was the order?

The SPEAKER. The order is that when the House adjourns to-day it adjourn to meet on next Saturday, and that when it meets on next Saturday it adjourn to meet on the following Wednesday.

Mr. HENRY. That does not interfere with business that might be transacted?

The SPEAKER. The truth about it is that if every gentleman present were to agree that a thing should not be done on Saturday or Wednesday, and another gentleman who was not present came in he would not be bound by that agreement. It is what is called a gentleman's agreement.

Mr. HENRY. I want to say I do not object to the House adjourning to-day until next Saturday and then adjourning Saturday to Wednesday, but I shall object to cutting Members out from presenting some important matter on Saturday.

The SPEAKER. Now, the gentleman from Texas had ample time to make objection and he did not do it.

Mr. HENRY. Mr. Speaker, I was trying to understand what the Chair stated and the Chair certainly would not object to our understanding a statement from the Chair.

The SPEAKER. The Chair made the statement twice.

Mr. HENRY. The Speaker does not hold, then, that that would preclude the transaction of business?

The SPEAKER. The Speaker has just stated that if every Member present were to agree that there should not be a thing done after the Chaplain got through praying on Saturday it would not bind anybody who is not here.

Mr. HENRY. I do not want it to bind me.

The SPEAKER. Well, the Chair is not certain it would bind anybody. Of course it is one of those agreements people live up to as a matter of honor. [Laughter and applause.]

Mr. HENRY. Mr. Speaker, I was trying to understand——

The SPEAKER. Certainly, the Chair did not intend any reflection upon the gentleman from Texas.

Mr. HENRY. I understand the Speaker did not, but, Mr. Speaker, I was trying to understand the agreement between the gentleman from Illinois and the gentleman from New York and at times the conversation was so low I did not catch every word.

Mr. BUCHANAN of Illinois. I want to say before the Speaker had announced the unanimous consent, as far as I know, that I had addressed the Speaker.

The SPEAKER. Why, the Chair put that question twice and nobody seemed to be disposed to say a word and the Chair announced that there was no objection.

Mr. BUCHANAN of Illinois. I did not so understand it.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2272. An act providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bill:

H. R. 1917. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

PERSONAL PRIVILEGE.

Mr. SHERLEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Mr. Speaker, on Sunday there appeared an article in the New York World containing certain statements of Mr. Mulhall, and then certain statements of the newspaper touching those statements of Mulhall. Among other things appears this:

That among the men whom the lobbyists of this association had no difficulty in reaching and influencing for business, political, or sympathetic reasons during recent years were President Taft; Senator Lodge; the late Vice President Sherman; ex-Senator Foraker; Senator Nelson; ex-Senator Hemenway, ex-Speaker Cannon; ex-Congressman Dwight, Republican "whip" of the House from 1909 to 1911; former Congressman James E. Tawney, of Minnesota; former Congressman Adam Bede, of Minnesota; Senator Isaac Stephenson, of Wisconsin; former Senator Aldrich, of Rhode Island; Senator Townsend, of Michigan; Senator Gallinger, of New Hampshire; Congressman Webb, of North Carolina; former Congressman J. Sloat Fassett, of New York; former Congressman W. B. McKinley, of Illinois; former Congressman Vreeland, of New York; former Congressman Dalzell, of Pennsylvania; former Senator N. B. Scott, of West Virginia; former Congressman W. S. Bennet, of

New York; former Postmaster General James A. Gary, of Baltimore; the late Congressman George A. Southwick, of New York; Congressman W. M. Calder, of New York; Congressman James F. Burke, of Pennsylvania; former Congressman W. H. Ryan, of New York; former Congressman W. M. Wilson, of Illinois; former Congressman Denby, of Michigan; former Congressman Edward H. Henshaw, of Nebraska; former Congressman Jesse Overstreet, of Indiana; former Congressman J. G. Beale, of Pennsylvania; former Congressman W. A. Calderhead, of Kansas; former Congressman Diekema, of Michigan; former Congressman M. A. Driscoll, of New York; former Congressman G. J. Foster, of Vermont; former Congressman P. M. Fowler, of New Jersey; Congressman Swagar Sherley, of Kentucky; former Congressman J. A. Sterling, of Illinois; former Congressman J. P. Swasey, of Maine; former Congressman Charles E. Littlefield, of Maine; Gov. W. T. Haines, of Maine; Ambassador Myron T. Herrick, of Ohio; Ambassador Curtis Guild, of Massachusetts; Richard Bartholdt, of Missouri; the late Congressman Sidney Mudd, of Maryland; and Congressman George W. Fairchild, of the thirty-fourth New York district.

Mr. Speaker, this part of the article that I have read starts with the statement:

That among the men whom the lobbyists of this association had no difficulty in reaching and influencing for business, political, or sympathetic reasons during recent years were—

Naming those whom I have just read. I do not know what was intended to be conveyed by the language, "In reaching and influencing for business, political, or sympathetic reasons," but I do know that a public man should be zealous of his honor, and I am unwilling to pass over in silence any statement that by inference or by innuendo can be construed in any way as a reflection upon my conduct as the Representative of the people of my district in the Congress of the United States.

I have been conscious of my own rectitude of purpose. To my knowledge I have never seen—I do not know—Mr. Mulhall, and if this statement undertakes to impute in any way that I have ever been influenced or reached or corruptly controlled, or controlled in any way, by this national association or anybody else, in regard to my conduct as a Representative in this House, I brand it as a malicious, wanton, deliberate lie.

I would stop with what I have said if the matter rested here alone. I would be willing to leave to my colleagues, who have known me for 10 years past and have served with me, the judgment of the whole matter. I am willing to let them speak as to my character; but, unfortunately, these statements go beyond the mere acquaintanceship that any man may have, public or private. I do not believe, therefore, that a charge of this kind should be passed over in silence, and I have therefore prepared, and now ask unanimous consent for the consideration of, the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas it appears that on the 29th day of June, 1913, there was published in the World, a newspaper of the city of New York, the following statement, viz:

"7. That among the men whom the lobbyists of this association (meaning thereby the National Association of Manufacturers) had no difficulty in reaching and influencing for business, political, or sympathetic reasons during recent years were: President Taft, Senator Lodge, the late Vice President Sherman, ex-Senator Foraker, Senator Nelson, ex-Senator Hemenway, ex-Speaker Cannon, ex-Congressman Dwight, Republican "whip" of the House from 1909 to 1911; former Congressman James E. Tawney, of Minnesota; former Congressman J. Adam Bede, of Minnesota; Senator Isaac Stephenson, of Wisconsin; former Senator Aldrich, of Rhode Island; Senator Townsend, of Michigan; Senator Gallinger, of New Hampshire, Congressman Webb, of North Carolina; former Congressman J. Sloat Fassett, of New York; former Congressman W. B. McKinley, of Illinois; former Congressman Vreeland, of New York; former Congressman Dalzell of Pennsylvania; former Senator N. B. Scott, of West Virginia; former Congressman W. S. Bennet, of New York; former Postmaster General James A. Gary, of Baltimore; the late Congressman George A. Southwick, of New York; Congressman W. M. Calder, of New York; Congressman James F. Burke, of Pennsylvania; former Congressman W. H. Ryan, of New York; former Congressman W. M. Wilson, of Illinois; former Congressman Denby, of Michigan; former Congressman Edward H. Henshaw, of Nebraska; former Congressman Jesse Overstreet of Indiana; former Congressman J. G. Beale, of Pennsylvania; former Congressman W. A. Calderhead, of Kansas; former Congressman Diekema, of Michigan; former Congressman M. A. Driscoll, of New York; former Congressman G. J. Foster, of Vermont; former Congressman P. M. Fowler, of New Jersey; Congressman Swagar Sherley, of Kentucky; former Congressman J. A. Sterling, of Illinois; former Congressman J. P. Swasey, of Maine; former Congressman Charles E. Littlefield, of Maine; Gov. W. T. Haines, of Maine; Ambassador Myron T. Herrick, of Ohio; Ambassador Curtis Guild, of Massachusetts; Congressman Richard Bartholdt, of Missouri; the late Congressman Sidney Mudd, of Maryland; and Congressman George W. Fairchild, of the thirty-fourth New York district"; and

Whereas said statement reflects upon the official character and conduct of Representative SWAGAR SHERLEY, a Member of this House, who has requested an investigation by this body, in accordance with the rules and practices of the House, of the matters so alleged concerning him:

Resolved, That the Speaker appoint a select committee of seven Members of the House, and that such committee be instructed to inquire into the matters so alleged concerning the said Representative, and more especially whether, during this or any previous Congress of which the said Representative was a Member, the lobbyists of the said National Association of Manufacturers, or the said association itself, through any officer, agent, or member thereof, did, in fact, reach or influence, whether for business, political, or sympathetic reasons, or otherwise, the said Representative in and about the discharge of his official duties; and if so, when, by whom, and in what manner. And for such purposes the said committee shall have power to send for persons and papers and administer oaths, and shall have the right to report at any time. The expenses of said inquiry shall be paid out of the contingent fund of the House, upon vouchers approved by the chairman of said committee, to be immediately available.

Mr. HENRY. Reserving the right to object, Mr. Speaker——

Mr. WEBB, Mr. CALDER, and Mr. J. I. NOLAN rose.

The SPEAKER. The Speaker will recognize all gentlemen, but he can not recognize them all at once.

Mr. HENRY. Then I refrain from making any remarks at this time, but I simply reserve the right to object.

The SPEAKER. The gentleman from Texas [Mr. HENRY] reserves the right to object.

Mr. WEBB. Mr. Speaker, I wish to amend the resolution by adding after the word "SHERLEY," the name of "E. Y. WEBB."

The SPEAKER. An amendment is not in order until unanimous consent has been obtained.

Mr. HENRY. Mr. Speaker, what I wanted to say is this—and I might as well say it now.

Mr. WEBB. Mr. Speaker——

The SPEAKER. The Chair will recognize the gentleman from North Carolina [Mr. WEBB] or any other gentleman to offer an amendment, the gentleman from North Carolina first, after unanimous consent is had to consider the resolution.

Mr. HENRY. Mr. Speaker, I desire to say that I have implicit confidence in the integrity of the gentleman from Kentucky [Mr. SHERLEY] and of the gentleman from North Carolina [Mr. WEBB], and have not the slightest objection to an investigation. But this is a very important resolution. The subject matter of this investigation is wide-reaching, and the House should proceed with great caution and deliberation. I believe that an investigation should be had into these broadside charges that have been made, and I believe that this resolution, along with others introduced, should be referred to the appropriate committee, as one resolution has already been, where they can be deliberately considered and reported at the appropriate time.

We do not want to make any undue haste in this matter, but the resolution should be broad enough and the power should be great enough to go to the bottom of the allegations, and let us have a real investigation of the charges and alleged facts. For that reason I shall object to the present consideration of the resolution.

Mr. MANN. Mr. Speaker, will the gentleman withhold for a moment his objection?

Mr. HENRY. I will withhold it for the present.

Mr. MANN. Mr. Speaker, if I understood the resolution correctly—and I am not sure that I did—it provided only for a committee to investigate the charges against the distinguished gentleman from Kentucky [Mr. SHERLEY]. May I ask for information on that point?

Mr. SHERLEY. If the gentleman will permit, I purposely limited the resolution to myself, because I felt that I should take the initiative only for myself in this matter, leaving to anyone else to take whatever course they might see fit or the House to take what course it might see fit.

Mr. MANN. Mr. Speaker, it has been stated in the newspapers that the gentleman from Kentucky [Mr. SHERLEY] would introduce a resolution providing for an investigating committee. I had supposed that the resolution which he would introduce would provide for the appointment of a committee which might make a thorough investigation of these charges, and I somewhat regret, although I do not at all criticize, the undue modesty of the gentleman from Kentucky in providing in his resolution only for the investigation of the charges against himself.

Mr. Speaker, if the gentleman from Kentucky [Mr. SHERLEY] had looked at the matter in the way that the rest of us do, he would have known that so far as he was concerned no investigation was needed, at least to assure the Members of this House of his absolute integrity and honesty [applause] and his constant and continued fidelity to public duty. The gentleman from Kentucky probably needs no defense in his own district, and yet it is due to him and others that charges of this kind, rather lightly made and published by papers not too scrupulous, scattered over the United States as these charges have been, should be investigated. It is due to him and to others, and it is due to this House and it is due to our form of government, that these charges be investigated.

Most of the gentlemen named in the list are men illustrious in the history of their country. No one who knows these men believes that they have been influenced by corrupt motives or that any professional or other lobbyist has been able to crack the whip over their heads or unduly or improperly influence them. Under the very nature of the duties which we perform,

a Member of Congress must receive information from men who offer it to him. It is one of the duties of our office to keep in touch with the people of the country and with public sentiment. I do not believe that Congress is often influenced by these lobbyists, who sometimes come to Washington pretending to have influence over this man or that man, selecting one side or the other for different individuals, knowing that in the end Members must answer either yea or nay, and it is an even guess which he can make. We ought, however, to investigate the charges. We ought to meet this libel promptly, and we ought to meet it completely. I do not believe that the people have lost confidence in their representatives or in the representative form of government, and we ought to stamp on these methods, pursued by those who either seek pay for lying or reputation or notoriety for publishing lies. [Applause.]

Mr. MURDOCK, Mr. J. I. NOLAN, and Mr. CALDER rose.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. GARDNER. I ask whether this resolution requires unanimous consent for its consideration, or whether it is a privileged resolution?

The SPEAKER. The Chair is inclined to think it is a question of the highest privilege.

Mr. WEBB. Mr. Speaker——

Mr. HENRY. Mr. Speaker, I should like to be heard on that before the Chair rules.

The SPEAKER. The Chair will hear the gentleman.

Mr. WEBB. Mr. Speaker, I ask unanimous consent, while this resolution is pending, to address the House for five minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. WEBB. Mr. Speaker, when I first entered public life I resolved that I would never cast a vote that I could not defend from my conscience and explain satisfactorily to the good people who honor me with their suffrages. That resolve has been scrupulously kept. I have done my public duty honestly, ofttimes differing with my friends and colleagues, but at no time in my public career have I ever voted except from the highest and purest motives.

If a contrary conclusion may be drawn from the insinuation against me and the long list of honorable men mentioned by Mr. Mulhall as being easy to reach and sympathetically influenced in behalf of the organization he once represented, I am happy in the belief that there is not in my great district a man, woman, or child, white or black, Republican or Democrat, who would give credence to such insinuation for the fractional part of a second; and I have universal assurance that my associates in this House regard me in the same light. [Applause.]

Mr. Speaker, I am amazed that any man should place me among the sympathizers and friends of the National Association of Manufacturers, for it so happens that I have never voted for their position on a single one of the great questions that have been before the House. I never knew a single member or officer as such of this association; I do not suppose there are a dozen members of the association in my district; I do not know even that there is one, and I would not know Mr. Mulhall if I should see him to-day. I have not a labor union in my entire district, and yet it so happens that in legislation so far I have always taken labor's side, both by my activities and votes.

Were not Mr. Mulhall's insinuations so completely refuted by my whole record in Congress, in committee, and in my district as to make them absurd and ridiculous, I would be afraid to trust myself to speak of him.

Suffice it to say that any statement, suggestion, intimation, insinuation, or innuendo to the effect that I have ever been influenced to corruptly or improperly vote on any question is a falsehood of the basest and wickedest dye. [Applause.]

And, therefore, conscious of the rectitude of my public career, I join in the demand that such insinuations shall be investigated in order that honest men may be protected and the guilty, if any, exposed. [Applause.]

Mr. CALDER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. NEELEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. NEELEY. To offer a substitute for the resolution.

The SPEAKER. We have not reached that stage yet. The Chair will recognize the gentleman later.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. CALDER. Mr. Speaker, I rise to a question of personal privilege. In an issue of the New York World, Sunday, June 29, there appears an interview with Martin M. Mulhall which dealt with his work as agent for the National Association of Manufacturers. In one part of the story Mr. Mulhall refers to a number of gentlemen, including former President William H. Taft, the late Vice President James S. Sherman, ex-Members of Congress, and several Members of this body, including myself, as being easily reached through business, political, or sympathetic influences—he places my name among this number. Now, Mr. Speaker, if this statement stood by itself, I doubt if I would dignify it by making any statement on this floor; but he couples with his statement a reflection on other gentlemen, which necessarily requires a thorough and complete investigation, and as it is apt to cause in the public mind a suspicion that Members of Congress generally are open to questionable influences I therefore rise in my place to-day to say I do not know Mulhall, would not know him if I saw him, and never conferred with him in Washington or any other place regarding legislative matters or any other thing. Furthermore, while I undoubtedly have answered many letters from the National Association of Manufacturers relative to legislative matters, I have never conferred with any of its officers here in Washington on any subject in which they were interested. Relative to my being readily reached through political, business, or sympathetic influences, it is a fact that I have more often voted in opposition to things this association desired than otherwise, notably the anticompulsory pilotage bill, which I voted against and which this association strongly advocated; the eight-hour workday, whether as a separate measure or a rider to an appropriation bill, I have always voted for; and this association opposed the Clayton bill passed by the last House, which provided a jury trial in labor contempt cases, which this association very vigorously fought and I voted for. There is one measure which I now recall that the National Association of Manufacturers strongly opposed and with which I agreed with them, namely, the attempt to amend the sundry civil bill so as to exempt labor organizations from prosecution under the Sherman Antitrust Act. I have voted against this whenever it was up, and did so without regard to this association or any other association or individual.

That I have always been easy to reach at any time for any proper cause by any man, woman, or organization since I have been a Member of Congress is certainly true, but that this man, or any man, or any organization has ever used me for any cause or secured my vote in any way for anything that I did not deem to be for the best interests of all the people I only deny for the benefit of those who do not know me and might accept the cowardly reference of this man.

While Mr. Mulhall made no statement that he or anyone else representing the National Association of Manufacturers contributed to any of my campaigns, I want to take this opportunity to say that at no time since I have been a Representative in Congress has this association or any association of like character been asked or have they offered to or have they contributed to any of my campaigns, nor have they distributed literature in my district. In this connection I might state that in the campaign of 1910 a letter was sent to every registered voter of my district signed by Samuel Gompers and purporting to come from the American Federation of Labor, seeking to defeat me because of my vote against the Hughes amendment to the sundry civil bill in the Sixty-first Congress, which sought to exempt labor organizations from prosecution under the Sherman Antitrust Act. Although this letter was sent out by the American Federation of Labor, I did not ask nor did the National Association of Manufacturers offer to send any literature into my district to counteract its effects.

Mr. Speaker, I join in the request that unanimous consent be given to the immediate appointment of a committee to thoroughly investigate the charges made by this man to the end that the people of this country may know if any men in this House have received money, directly or indirectly, as campaign contributions or as compensation for services from the National Association of Manufacturers or from any other association, and to demonstrate whether or not representatives of the people can readily be reached through political or business influences by this or any other association.

I have served in five successive Congresses and have never permitted any man to reflect on my integrity, and have cher-

ished keenly the reputation I have enjoyed here and elsewhere for uprightness, and I am anxious that this matter be probed to the very bottom. [Applause.]

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. The gentleman from Kentucky [Mr. SHERLEY] asked unanimous consent for the present consideration of a resolution. He did not present it as a privileged matter. Afterwards the gentleman from Massachusetts [Mr. GARDNER] suggested that it was a privileged matter. Is the matter now under consideration the question of privilege or the request for unanimous consent?

The SPEAKER. The matter under consideration is the point of order.

Mr. MURDOCK. May I ask who made the point of order?

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] made a parliamentary inquiry. The whole situation is this: The gentleman from Kentucky [Mr. SHERLEY] asked unanimous consent for the present consideration of this resolution, and the gentleman from Texas [Mr. HENRY] reserved a point of order.

Mr. MURDOCK. He reserved the right to object.

The SPEAKER. Yes; he reserved the right to object.

Mr. HENRY. I reserved a point of order, too.

The SPEAKER. He reserved the right to object. Then these gentlemen whose names are in this list—one or two of them—rose. The next step was that the gentleman from Massachusetts [Mr. GARDNER] made a parliamentary inquiry, and the gentleman from Texas [Mr. HENRY] wanted to be heard on the point of order.

Mr. MURDOCK. The gentleman from Massachusetts did make a point of order.

The SPEAKER. The gentleman from Massachusetts made a parliamentary inquiry as to whether it was privileged or not, and the Chair intimated, in a tentative sort of way, that it seemed to him as though it was privileged, although the Chair did not decide it absolutely; and then the gentleman from Texas [Mr. HENRY] said he wanted to be heard on that parliamentary proposition.

Before he got started the gentleman from North Carolina [Mr. WEBB] asked unanimous consent to address the House for five minutes. That was granted. When he had finished, the gentleman from New York [Mr. CALDER] asked unanimous consent to be permitted to address the House for five minutes, which request was granted. The gentleman from Texas will be recognized on the parliamentary inquiry.

Mr. MURDOCK. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Then the Speaker takes the parliamentary inquiry made by the gentleman from Massachusetts to be equivalent to a point of order?

The SPEAKER. Oh, the Chair thinks so.

Mr. GARDNER. Mr. Speaker, I suggest that the parliamentary status is this: That there is an answer to a parliamentary inquiry pending.

The SPEAKER. The Chair thinks that very nearly states the case. In any event, the gentleman from Texas [Mr. HENRY] said that he wanted to be heard upon the parliamentary proposition.

Mr. HARDWICK. Mr. Speaker, I raise the point of order that that question has never yet been presented to the House. The gentleman from Kentucky [Mr. SHERLEY] merely asked unanimous consent for the present consideration of a resolution. No one has yet appeared upon this floor to offer the resolution as a matter of privilege. Until that does occur, there is no question raised that the Speaker is called upon to rule upon or on which he can rule.

The SPEAKER. The Chair will put the question for unanimous consent first, and if anyone objects, then we will go into the other question.

Mr. GARDNER. Mr. Speaker, before the Chair puts that question, I think the gentleman from Georgia [Mr. HARDWICK] is mistaken in supposing that I have not the right to make a parliamentary inquiry.

Mr. HARDWICK. I did not say that.

Mr. GARDNER. The reason that I propounded a parliamentary inquiry at this time is owing to the fact that the response of many Members to that question of unanimous consent will depend on the answer to the parliamentary inquiry.

Mr. HARDWICK. Mr. Speaker, if the gentleman will yield, I quite concede the gentleman was within his rights in making the inquiry and that of course the Speaker properly answered him, but at the same time the parliamentary status is that we have not yet gotten to that stage of the proceedings.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Mr. Speaker, if the gentleman from Kentucky [Mr. SHERLEY] asks unanimous consent for the present consideration of this resolution, then this inquiry into the Mulhall charges proceeds on the proposition as to the gentleman from Kentucky alone. If some one does object to his request for unanimous consent, then all matters of inquiry would go to the Committee on Rules and this inquiry would be broadened, as it ought to be broadened.

The SPEAKER. The Chair has not yet decided whether it is a matter of privilege.

Mr. MURDOCK. I make the point of order, Mr. Speaker, that no point of order has been made on the proposition of privilege.

The SPEAKER. It is the difference between tweedledum and tweedledee. The gentleman from Massachusetts propounded a parliamentary inquiry. Barring that for the time, if the gentleman from Kentucky obtains unanimous consent, then the resolution is like any other resolution or proposition—open to amendment or substitution.

Mr. MANN. Mr. Speaker, up to the present time the question as to whether the resolution is privileged or not could not be raised because the gentleman from Kentucky presented it by way of asking unanimous consent. If unanimous consent should be refused, then the gentleman should offer his resolution as a privileged resolution, and that would raise the question. The gentleman from Massachusetts made a parliamentary inquiry for the purpose of putting the House and the Speaker on notice.

Mr. SHERLEY. Mr. Speaker, I desire to state just a word. I have had no thought of the parliamentary status of the matter and I do not care to discuss that at this time. My whole purpose was to take the very first opportunity that presented itself to me, after this publication occurred, to bring it to the attention of Congress, that Congress might investigate the entire matter. I limited my resolution to myself, because it seemed to me that it was a proper thing for me to do. I am not the keeper of the conscience of any man but my own. I am perfectly willing to have the House investigate fully everything and everybody, but I am particularly anxious that so far as I am concerned there shall be no delay upon my part in letting the House and the country know that I am glad to have any sort of investigation.

Mr. HARDWICK. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. HARDWICK. Does not the gentleman from Kentucky believe in view of the fact that a great many people are involved, that this entire matter ought to be referred to the Committee on Rules with the understanding—let me finish—that that committee is to report as promptly as possible a resolution that will be broad enough to cover this entire subject which will insure a full and searching investigation into every phase of it that comes properly within the power of this House?

Mr. SHERLEY. The gentleman from Kentucky has no opinion as to the method that shall be adopted or what the House shall do. The gentleman from Kentucky is anxious that action shall be taken to investigate the matters touching himself. I limited the resolution to that, because it did not seem to me that, being one named, in this matter I ought to move beyond myself, but I am perfectly willing that the resolution shall be amended in any form to make it as far-reaching as it is possible to make a resolution.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. It being the evident desire of the House to have the committee when appointed with power to make investigation covering the charges against all the Members named in it, and probably others, and that desire having been repeatedly expressed, as it has on the floor, would not the gentleman himself ask unanimous consent that the resolution be referred to the Committee on Rules?

Mr. SHERLEY. Well, I have no objection to that one way or the other.

Mr. FITZGERALD. Mr. Speaker, if the gentleman will permit, I will ask unanimous consent that this resolution be referred to the Committee on Rules with instructions to report to the House on Saturday——

Mr. MANN. I think it is proper for the gentleman from Kentucky to make the request. I do not think the House ought to appear to act in the matter contrary to the wishes of the gentleman from Kentucky.

Mr. SHERLEY. Mr. Speaker, I assumed when I offered my resolution in the form I did that it would be immediately considered and then amended, if any one wished to amend it, by

including anybody else. I am simply anxious that the power be given to the House, and I am perfectly willing if it will bring that about to ask unanimous consent that the resolution be referred to the Committee on Rules with the understanding that they are going to take the matter up and will report the matter at once.

Mr. HARDWICK. As promptly as possible.

The SPEAKER. The first thing is to put the question for unanimous consent for the consideration of this resolution.

Mr. MANN. But, Mr. Speaker, the gentleman has changed his request.

The SPEAKER. The request would be in the nature of a motion to refer——

Mr. MANN. Well, but the gentleman makes that as a unanimous-consent request——

Mr. HENRY. I ask that it be referred to the Committee on Rules——

Mr. MURRAY of Oklahoma. Mr. Speaker, I make the point of order that this is a question of the highest privilege in this House and ought to be considered now.

Mr. MANN. It has not been presented in that form.

Mr. MURRAY of Oklahoma. I present it in that form now.

Mr. MANN. The gentleman can not present it.

Mr. FITZGERALD. Permit me to make this statement——

Mr. HARDWICK. The gentleman can not get action that way, as we have not a quorum, and we have not one because of the deliberate understanding that nothing will be taken up until the 14th instant.

Mr. MURRAY of Oklahoma. I want to say, Mr. Speaker, it will look better to the country to make an amendment to the resolution to cover an investigation of every possible statement in the Mulhall charges. It would look like we were ready to take hold of it. An amendment has been prepared, I understand, by a gentleman here, and if it is not it can be stated, that will cover every proposition involved in these charges, and it would be better, to my thinking, to do this than to let it sleep a while in that committee. I remember distinctly my resolution governing or limiting lobbying that was introduced on the 10th, and it still sleeps in that committee, and yet we all know and we have known all the time that there was a necessity for limiting lobbying, and it occurs to me——

Mr. MANN. A necessity for limiting lying.

Mr. MURRAY of Oklahoma (continuing). That we should take up this proposition now, and if this resolution is not broad enough, and I do not think it is, because it ought to cover the employees of this House as well and every person who is filling a public position, that can be done easily without any committee investigation.

Mr. FITZGERALD. Mr. Speaker, let me suggest to the gentleman from Oklahoma [Mr. MURRAY] that amendments offered in the House in this way, prepared hastily, and often believed sufficient to accomplish the purpose to-day in mind, in our experience frequently do not do so. In my opinion it is much better to let the Committee on Rules carefully and calmly prepare this resolution or amend and put it in such shape that it will include an investigation of everyone and of everybody who properly should be investigated by the House and report the resolution as promptly as possible. I do not believe that anyone imagines the Committee on Rules——

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. FITZGERALD. In just a second. I do not believe that anyone imagines the Committee on Rules or any other committee would delay the reporting of such a resolution. I now yield to the gentleman.

Mr. MURRAY of Oklahoma. I want to state, if the gentleman will put the language he just used into the resolution as an amendment to it, it will cover everything the committee can do. When you say "every charge," that is pretty near all of it.

Mr. FITZGERALD. Mr. Speaker, 15 years of experience in this House makes me very doubtful as to whether the language I utter in this manner is sufficient to confer the authority required upon such a committee. I believe that other Members here who have had experience realize that this resolution should be taken by members of the Committee on Rules and examined and modified with sufficient care to make certain that what is proposed can be done without question.

Mr. MURDOCK. Will the gentleman yield to me?

Mr. FITZGERALD. I yield.

Mr. MURDOCK. The gentleman has spoken of the necessity of having a thorough investigation of not only men, but of things mentioned. Now, I have read the Mulhall charges in full, so far as they have been published, and they can be classified under three heads. He makes charges that Members of Congress were influenced in various ways. He makes charges, also, that committees of the House of Representatives were manipulated in their personnel for and against legislation; and he also makes the astonishing statement that the National Association of Manufacturers habitually sent spies into labor organizations, attempting to corrupt labor leaders, in order to affect labor legislation before this and the other body of Congress.

Now, I want to submit to the gentleman from New York [Mr. FITZGERALD] that unless the investigation is thorough, conducted under a resolution passed by the Committee on Rules; unless it goes into the matter of the personnel of Members of Congress, of the manipulation of committees, and also into this much greater field—the field of a dishonorable effort to discredit labor people in this country and labor generally—the investigation will not amount to much. I take it that the gentleman from New York [Mr. FITZGERALD] is in favor of an investigation that will cover this entire field, not only in regard to persons, but things.

Mr. FITZGERALD. The gentleman from Kansas [Mr. MURDOCK] omits one thing which is of supreme importance in this House, affecting the integrity of its proceedings, and that is the charge that an employee of the House was in the pay of this Mulhall and used the pages of this House to spy upon the Members and to attempt to overhear conversations held in the House, in order to report their actions.

Mr. MURDOCK. I agree with the gentleman that is also important.

Mr. HAY. Mr. Speaker, I would like the gentleman to yield me three minutes.

Mr. FITZGERALD. I have not the time. I just made this additional statement, with the hope that the gentleman from Oklahoma and others would acquiesce in the suggestion that this matter be looked over by a committee.

Mr. MURRAY of Oklahoma. Do I understand that the committee will bring in a report by Saturday?

Mr. HENRY. By Saturday, if possible.

Mr. MURRAY of Oklahoma. But not later than Wednesday of next week?

Mr. HENRY. No.

Mr. MURRAY of Oklahoma. Then I withdraw my objection.

Mr. HAY. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Virginia [Mr. HAY] reserves the right to object.

Mr. HAY. Mr. Speaker, I think we are confronted with a situation that demands immediate action. I do not believe it is necessary to refer this resolution to any committee whatsoever. I do not believe that it will be to the interests of the people of the country or to the membership of this House that any delay should be had. In the 16 years which I have served in this House I have never seen an occasion when, in my judgment, the Members of the House ought to be more than ready to have immediate action. I understand the gentleman from Kansas [Mr. NEELEY] has prepared a careful resolution. It is a resolution which, in my judgment, is highly privileged, which could be heard now, and if it does not cover all the various phases of this situation it can be amended on the floor so as to do that. Therefore I hope that the resolution of the gentleman from Kentucky [Mr. SHERLEY] will be withdrawn, and that the gentleman from Kansas [Mr. NEELEY] may have an opportunity, as he can have, of course, if he desires it, to offer his resolution as a privileged resolution, which it undoubtedly is, because these charges attack the integrity of the Members of this House. It is absurd to say that such a resolution can not be perfected here and now. I hope that such a resolution will be perfected and acted upon, and that the country will know that the Members of this House do not desire delay for any purpose. [Applause.]

Mr. SHERLEY. Mr. Speaker, my whole iden has been to get action at the quickest possible moment. As one knowing the rules of this House, I believe that this matter is privileged. I presented it the other way because I never thought for an instant but that it would be acted upon immediately. Now, if it is privileged it is subject to any sort of amendment anybody may choose to offer and that the House may choose to adopt, and in order to bring it forward, in order that there may be action, I offer it as a privileged resolution of the House.

Mr. HENRY. Mr. Speaker, I move to refer it to the Committee on Rules.

Mr. HAY. I make the point of order that that is not in order. The question before the House is the question of unanimous consent.

The SPEAKER. The Chair will state the whole matter. The gentleman from Kentucky [Mr. SHERLEY] withdraws his request for unanimous consent and presents his resolution as a privileged resolution. It undoubtedly is a privileged resolution. That is what the Chair noted in the beginning, without any in-

vestigation about it. But since that the Chair has investigated it, and the precedents make it a question of privilege. It would be an astonishing thing, indeed, if charges that involve practically the whole House, more or less, should not be privileged, and the Chair entertains the resolution as a privileged resolution.

Mr. HENRY. Now, Mr. Speaker, I move to refer the resolution to the Committee on Rules.

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves to refer this resolution to the Committee on Rules.

Mr. HAY. Mr. Speaker, I make the point of order that that motion is not debatable.

Mr. HENRY. It is debatable.

Mr. HAY. No; it is not.

Mr. HENRY. There is not the slightest doubt about its being debatable.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask the gentleman from Virginia if he will withhold his point?

Mr. HAY. I will withhold it.

Mr. HENRY. Mr. Speaker, this is a very serious question that we have before the House, and no Member is more jealous of the prerogatives and the integrity of the membership than I am. I heartily approve every word that was said by the gentleman from Illinois [Mr. MANN] in his remarks a few moments ago. I am anxious that we have a genuine investigation of this question.

Mr. Speaker, those who have undertaken to draw these resolutions know that one of the most difficult things to do is to draw a resolution for a sweeping investigation. You must cover every phase of the case in your allegations, and you must endow your committee with full power, else at every step you will be met by those who are opposed to the investigation, who will challenge you and say, "You have not the right to go into this question or that question," or "You have not the power to do this or that or the other," and they will take the case into the courts of this country.

Standing here as a Representative of my people in this House, I say that these startling, outrageous charges should be investigated by the membership in this body, and if it is found that Members should be exonerated——

Mr. DIES. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to his colleague [Mr. DIES]?

Mr. HENRY. In just one moment. If it is found that Members should be exonerated, let them be exonerated; and if it is found that Members of this body have been guilty of corruption and accepting bribes, they have no proper place in this House, and so should be expelled from our deliberations.

Now, let us approach this as becomes American citizens. Let us take the country into our confidence. Let this resolution of the gentleman from Kentucky [Mr. SHERLEY] go to the Committee on Rules, the appropriate committee. Let the gentleman from Kansas [Mr. NEELEY] introduce his resolution, and let it be referred there; and as the head and the spokesman of the committee, believing that my colleagues will agree with and cooperate with me, I pledge this House and the country that at the very earliest practicable date a resolution shall be brought into this body in order that we may have a genuine, thorough, and exhaustive investigation.

I hope the committee may get it here by Saturday. If we do not, we shall continue our deliberations until we can report an appropriate resolution, and protect the honor of the Members of this body.

Mr. DIES rose.

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield to his colleague [Mr. DIES]?

Mr. HENRY. With pleasure.

Mr. DIES. I want to ask the gentleman if the Congress resolves itself into a body to investigate every time some liar gets something into a newspaper about the integrity of a Member or Members of this body, how long does the gentleman think we will be in session here, delaying the consideration of the legitimate business of this country and the legislation which the people demand and expect at our hands?

Mr. HENRY. Only long enough to protect our integrity.

Mr. DIES. Against every liar who can get into the press?

Mr. HENRY. Oh, no; of course we do not have to take cognizance of all those things; but there is not a man on either side of this House who does not understand that these charges are of most serious import, and we can not afford to make a mistake now in our procedure and deliberations.

Mr. MURDOCK. I want to ask the gentleman a question. If this resolution is referred to the Committee on Rules, does he think the Committee on Rules will confine it merely to those charges that relate to the integrity of Congressmen and the manipulation of committee appointments? There is a charge in these articles of a monstrous business conspiracy in this country. Will the gentleman include that in the scope of the investigation?

Mr. HENRY. As far as I am personally concerned, I do not hesitate to say that I think it should include all of these things, and that it will contain everything that should go into the resolution to protect the integrity of the House and uncover the lobbying that has been going on, and let the people know the facts underneath the whole transaction.

Mr. HENSLEY rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY. I yield to the gentleman.

Mr. HENSLEY. Does the gentleman from Texas know any reason why we can not take up this resolution right here and now and perfect it just as well as the Rules Committee can take it up and consider it for some time?

Mr. HENRY. Yes; I know a great many reasons. I know that when a resolution was introduced here to investigate Mr. Ballinger, Secretary of the Interior, we had this kind of a scene, and finally it was referred to the Committee on Rules, and they brought in a resolution that had the proper allegations and endowed the committee with proper power, and we had a genuine investigation. I know that these are not the proper pleadings for any court or tribunal. This is not the way to transact business of this sort. The rules require that every bill and resolution shall be referred to the appropriate standing committee of the House; and if there was ever a time when the Committee on Rules should take a measure and consider it deliberately it is now. The gentleman from Kentucky [Mr. SHERLEY] will be invited before the committee. The gentleman from North Carolina [Mr. WEBB] will be invited there. Every Member who is interested in this question will be allowed to come and present his side of the case if he wants to, in order that the resolution may be properly drawn.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HENRY. I yield to the gentleman from New York for a moment.

Mr. FITZGERALD. Will the gentleman modify his motion so as to provide that the Committee on Rules shall report by Saturday?

Mr. HENRY. I think we had better do that.

Mr. HARDWICK. I am willing.

Mr. HENRY. I modify it to that extent, that the committee be instructed to report by Saturday of this week.

Mr. GARRETT of Tennessee. Will the gentleman permit an inquiry?

Mr. HENRY. Certainly.

Mr. GARRETT of Tennessee. I want to ask the gentleman from Texas if he has thought about this—I suggest it with some hesitation. I speak not only my own mind about it, but I think there are some other Members who feel somewhat as I do about the matter. We are all agreed here that the resolution which should finally be adopted should be much broader than the resolution presented by the gentleman from Kentucky [Mr. SHERLEY]. While we approve entirely of the course which the gentleman from Kentucky [Mr. SHERLEY] has pursued in presenting his resolution, yet we would not be satisfied to pass simply that resolution. It must be much broader than that. Now, as we all know, a committee of the Senate is already investigating. I take it that none of the Members of the House will be content to have the Senate committee investigate those charges particularly affecting the House Members. It is the duty of the House to protect the integrity of the House and to protect its own Members, but there are involved in the investigation that will inevitably come a number of other questions that do not affect the membership of the House alone that are incidental. If we have a House committee at the same time that the Senate committee is acting upon these incidental but very material questions there will inevitably be a great duplication of work, and I will say to the gentleman that if it could be worked out satisfactorily I am inclined to believe it would be a good thing if we were to follow a precedent set at least once before in an investigation and provide for a joint committee of the two bodies.

Mr. J. I. NOLAN. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I yield for a question.

Mr. J. I. NOLAN. Mr. Speaker, I would like to ask the gentleman from Texas if he would be willing to withdraw his motion to refer until such time as the gentleman from Kansas [Mr. NEELEY] and myself and others that have amendments to this privileged question may introduce them for the consideration of the House?

Mr. HENRY. The gentleman can introduce his resolution and it will be properly referred.

Mr. J. I. NOLAN. I will call this to the attention of the gentleman, or attention has been called to the fact, that the resolution under consideration is not broad enough. There are some resolutions that have been prepared with great care that are broad and sweeping.

Mr. HENRY. They will go to the appropriate committee and be considered by the Committee on Rules.

Mr. J. I. NOLAN. Would the gentleman object to their consideration at this time?

Mr. HENRY. I think they should be introduced regularly and go to the Committee on Rules.

Mr. J. I. NOLAN. I only ask the gentleman that he withhold his motion for a moment.

Mr. HENRY. I have no desire to restrict the scope of this investigation, so far as I am concerned personally, and for all I know the gentleman's resolution might meet my concurrence at once, but I would not be prepared to take it up and consider it here now, nor would any other Member except the gentleman himself, perhaps.

Mr. J. I. NOLAN. The gentleman can withhold his motion to refer until these resolutions are introduced and considered, and then he can judge as to whether they meet his desire.

Mr. GARDNER. Mr. Speaker, before the gentleman from Texas moves the previous question, will he grant me five minutes?

Mr. HENRY. I yield the gentleman from Massachusetts five minutes.

Mr. DYER. Mr. Speaker, I would like to have three minutes.

The SPEAKER. The Chair desires to state that debate on a motion to refer is confined to very narrow limits. The gentleman from Texas discussed the whole subject, but the Chair did not like to interrupt him. The precedents are that debate on motions to refer, and upon kindred motions, is confined within very narrow limits, and must be on the motion itself.

Mr. DYER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas has already yielded five minutes to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Speaker, I hope that the motion of the gentleman from Texas [Mr. HENRY] will prevail. There is no need of our getting panic-stricken and being afraid that somebody would say that we are going to let this thing rest in committee. Let people say that as much as they choose. The fact is that this resolution is coming out of committee, and that fact will be a complete answer to those charges, which we are always so much afraid of. That is one of the great troubles with this House. We have allowed muckrakers to make us panic-stricken.

I believe this matter should be investigated in its broadest sense, but more especially in reference to the charges made against Members of Congress. All of the rest may be very interesting, but what the country wants to know to-day is whether Congress is composed of a parcel of crooks, and that is what the country is going to watch for. That is what the country is going to look for in the headlines. We may magnify all these other incidental matters up to the sky, but they will not amount to a Hannah Cook, and I would just as leave have them investigated——

Mr. MURDOCK. Mr. Speaker——

Mr. GARDNER. I hope the gentleman will not interrupt me.

Mr. MURDOCK. Will the gentleman yield for one question?

Mr. GARDNER. I asked the gentleman to allow me to proceed, but I will yield.

Mr. MURDOCK. Will not the gentleman say that the country is not only interested in the matter of finding out whether Congressmen are crooks, but that the country is also interested in finding out whether committees have been manipulated?

Mr. GARDNER. Oh, I think the gentleman is right about that.

Mr. MURDOCK. Of course he is.

Mr. GARDNER. But one of the reasons that the country thinks that Congressmen are crooks is because certain Congressmen go out on the Chautauqua circuit and say that we are crooks. [Applause and laughter.]

Because Congressmen repeat what they heard when they have not heard it, because Congressmen repeat that things are going on which we know are not going on, because men have not had the pluck, as Mr. SHERLEY has done, to stand up when a charge is made and say, "Investigate me." If the gentleman from Kentucky could only go to a civil court, instead of going before a body which the country may say is prejudiced—if he could only go before that civil court and say, "Hale that accuser before this court and make him prove his words before a body that will probably be prejudiced against me, SHERLEY," it would be well. Probably there is not a man in this Hall on whom the accusation of being subject to unrighteous influence more improperly falls than on the gentleman from Kentucky [Mr. SHERLEY]. There is no man who less deserves that kind of an accusation than does Mr. SHERLEY. If he could go before a civil tribunal it would be better than going before a tribunal of Congressmen. But what I desire especially to call to the attention of the House is this: If we pass this resolution out of hand for political effect, because some gentlemen shout, we are panic-stricken. Now, put it in the hands of the gentleman from Texas [Mr. HENRY] and his associates, and they will bring it out in proper form. [Applause.]

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. If the House adjourns until Saturday, and the committee of which the gentleman from Texas [Mr. HENRY] is chairman reports, and somebody objects to unanimous consent at that time or raises the point of no quorum, would it go over until next Wednesday?

The SPEAKER. Why, it is bound to go over if there is no quorum present.

Mr. COOPER. That is what I wanted to get clearly before the House.

The SPEAKER. But if no gentleman raises the point, of course, the presumption is that there is a quorum here until somebody raises the point.

Mr. COOPER. There is no presumption when a case of this kind is before the House of Representatives. I have noticed that before.

The SPEAKER. There is always a presumption that a quorum is here.

Mr. COOPER. There is no presumption that somebody will not raise the point of no quorum promptly. Will the gentleman from Texas yield me three minutes?

Mr. HENRY. After I yield to——

Mr. GARDNER. May I ask the gentleman one question?

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HENRY. I will hear the gentleman from Massachusetts.

Mr. GARDNER. I want to ask the gentleman from Texas if, in his opinion, there is a quorum here at the present time? The House is at the mercy of anybody to make the point now as much as it would be on Saturday.

Mr. HENRY. From my cursory glance it seems to me as if there is a quorum here.

Mr. MANN. Oh, no; there is no quorum here.

Mr. NEELEY. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I yield to the gentleman.

Mr. NEELEY. Is it not a fact under the rule that we adopted that this resolution can not be reported before next Wednesday and considered in this House?

Mr. HENRY. No; I think not. That point was saved.

Mr. NEELEY. There is one thing that ought to be carefully considered in connection with this, Mr. Speaker, and that is that some of the witnesses may get away. Last Sunday morning, I am reliably informed, one of the persons accused or charged by Mr. Mulhall, made the statement that he had in one month received $900 as a part of the compensation for services that he had performed in spying upon Members of this House or of a previous House; that he had a record of the receipts and of the expenditures; and that they had better get him pretty quickly or that he would get out of this man's jurisdiction, for a boat went to South America every other day. Now, in view of that statement, it seems to me that the sooner we get at this matter the better off everybody here will be.

Mr. MANN. Will the gentleman yield?

Mr. NEELEY. I do.

Mr. MANN. Is not that person already under subpœna from the Senate committee?

Mr. NEELEY. I rather apprehend that is true.

Mr. MANN. According to newspaper reports.

Mr. NEELEY. What is to prevent him from getting away from here if he is in such dire danger as his statement indicates?

Mr. MANN. I do not see anything in the way of preventing him from getting away from any committee.

Mr. NEELEY. That is the reason I say we ought to hurry this matter and get this resolution through.

Mr. COOPER. Mr. Speaker——

The SPEAKER. To whom does the gentleman from Texas [Mr. HENRY] yield?

Mr. HENRY. I yield to the gentleman from Wisconsin three minutes.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized for three minutes.

Mr. COOPER. Mr. Speaker, I agree cordially with all that the distinguished gentleman from Virginia [Mr. HAY] said, because in my judgment there is no reason whatever for delay. This is not a business to be decided by the Committee on Rules. This is a business to be considered by the House of Representatives and decided now, because it is the honor and the integrity of the House which these charges impeach. It is not Col. Mulhall, a gentleman, by the way, whom I have never to my knowledge seen, nor directly or indirectly communicated with, who has brought these charges to the attention of the people of the United States. This has been done by the sponsors of these charges, two of the greatest newspapers in the world. The gentleman from Illinois [Mr. MANN] said, "not too scrupulous newspapers." I know of no papers whose integrity stands higher. These papers print a facsimile of a receipt for $100 for a month's services as a spy given by a man who was then an employee of the House and who is still in its employ. They print facsimiles of letters, telegrams, and other documents which seriously reflect upon the integrity of men who formerly served in this House and upon some who are now among its Members. These charges are plainly stated and very easily understood. And any three gentlemen on this floor can sit down and in 15 minutes draw all the resolution that is necessary to make all the investigation that is necessary.

The gentleman from New York [Mr. FITZGERALD] first moved that we refer this matter to the Committee on Rules, and that the committee report on Saturday. But the gentleman from Texas [Mr. HENRY] objected, and then the gentleman from New York suggested that the committee report "as soon as possible." Later, when the gentleman from Texas [Mr. HENRY] saw the attitude of the House, he modified the motion to refer by adding an amendment instructing the committee to report on Saturday. But he said in discussing that motion that he would call before his committee all of the people whose names are mentioned in the resolution. Now, if that is to be the procedure, it is, of course, very evident that the committee can not report on Saturday.

Mr. RUCKER. Nor on Wednesday, either.

Mr. COOPER. Nor on Wednesday, either.

Mr. HENRY. Just one moment, if the gentleman will permit me. I did not say the Committee on Rules would call these gentlemen. I said if the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from North Carolina [Mr. WEBB] desired to be heard, or any other Member wished to be heard, the Committee on Rules would do them the courtesy of hearing them on the shaping up of this resolution.

Mr. COOPER. That would be entirely unnecessary. We can pass a proper resolution now, and if the committee finds that its jurisdiction as given by the resolution is not sufficient to subpœna such witnesses and bring such papers and documents before it as are necessary, they can then ask for additional authority. But, in my judgment, it is the duty of the House to pass a resolution for a thorough investigation and to pass it now. [Applause.]

Mr. DYER. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield to the gentleman from Missouri?

Mr. HENRY. I yield two minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Among the names which have been mentioned in this portion of the article referred to by the gentleman from Kentucky [Mr. SHERLEY] is the name of my colleague from Missouri, the Hon. RICHARD BARTHOLDT. He is away from the House on a leave of absence, having been compelled to go abroad to take his wife, who was seriously ill. In his name I desire to say that I am heartily in favor of the motion that has been made by the gentleman from Texas [Mr. HENRY] that the Committee on Rules should take this matter up with the least possible delay and report here some resolution that will cover the situation entirely and enable us to completely investigate all the charges that have been made in this newspaper article.

Dr. BARTHOLDT has represented the tenth congressional district of Missouri in this House for over 20 years. He is now serving his eleventh term, having had 11 consecutive elections to this House. He is respected and highly honored, and rightfully, by the people of his great district. They know that he is and has been during all this time a most able, efficient, and worthy representative. [Applause.] They know that he has never been swerved from what he considered their best interests and the best interests of the country by any influence other than that which was most honorable in every respect. [Applause.] Hence no action is necessary by this House, so far as the good name of Dr. BARTHOLDT is concerned among the people of St. Louis. Yet I am most anxious, as I know he is, that these lies and slanders may be made known in the best and most efficient way. If he were here I am sure he would most heartily indorse a thorough and complete investigation of the charges, because of his desire to see the integrity and honor of the House maintained at all times.

I think that the resolution of the gentleman from Kentucky [Mr. SHERLEY] should, along with all other resolutions referring to this matter that have been introduced, go to the Committee on Rules, in which committee we have the fullest confidence, that they may report out at the earliest possible date a resolution broad and comprehensive enough to enable the House to make a searching inquiry into this whole question. [Applause.]

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN], or five minutes, if he desires.

Mr. MANN. I may want five.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, following the remarks of the gentleman from Missouri [Mr. DYER], I ask the Clerk to read the following telegram.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

NEW YORK, *June 30, 1913.*

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.:

I join emphatically in demand for searching investigation by special committee of House of Representatives of Mulhall allegation. Am sailing to-morrow, to take my sick wife to Europe, and can not appear personally, but will answer by cable each and every question to be formulated by committee. Address Schleiz, Germany.

RICHARD BARTHOLDT.

Mr. MANN. Mr. Speaker, Mr. BARTHOLDT needs no defense, here or anywhere else, where he is known. It is unfortunate in one sense, perhaps, that he is compelled to go abroad at this time, but undoubtedly, if necessary, he will come back, and whether he comes back or not he is ready to answer all questions in reference to this or any other matter in the House.

Mr. Speaker, I think the motion of the gentleman from Texas [Mr. HENRY] should prevail. I appreciate the feeling that gentlemen have about immediate action. Some gentlemen have that feeling because they are easily worked upon in feeling. Some gentlemen have it because they think they can at once perfect a resolution. Some gentlemen have it because they think they have been criticized for delay. There may be various other reasons given, and they may be good reasons. But the wisest thing that a wise man does when he is excited is to try to keep cool and when he has a tendency to act hastily to draw back until he knows what he is doing.

I have a resolution which one gentleman has prepared for an investigation of these charges of Mr. Mulhall. I think that the investigation ought to go away beyond the charges made by Mr. Mulhall or the activities of the National Association of Manufacturers. When you are investigating the National Association of Manufacturers, why not investigate also the activities of the other side—the labor organizations? Why not investigate the activities of the temperance organizations and of the liquor organizations and of all other organizations which have attempted to influence Congress, either by reason of fear, threats, or help? That is a very wide field; but the committee that is appointed should have the power, wherever a lead appears, to follow the lead and not be confined by narrowing language.

I do not believe, with all respect to the ability of the Members of this House, that there is anyone here who is able to sit down and dictate a resolution of this kind which will stand investigation. Fortunately we have not been trained to the drawing of resolutions for the investigation of Members of Congress. I hope we shall never get that training. But when we do pass a resolution, let us pass it so that the committee appointed will have the requisite power.

I am sorry that the gentleman from Texas [Mr. HENRY] has stated that his committee would report by Saturday. I think it would be better for the House and the committee that prepares the resolution to take time enough to be cool enough to prepare a proper resolution. Why, we have managed to live since Sunday, and this is Wednesday. I am surprised that some of these gentlemen have not dropped dead from heart failure for fear somebody will believe that some Member of the House is crooked; I hope not themselves. So far as I am concerned, Mr. Speaker, I do not care about charges which may be made here or elsewhere affecting my honor or my honesty. I know that the people who know me know that no one can buy me, no one can influence me by threats, and, I regret to say, many believe they can not influence me even by reason. [Laughter and applause.]

Mr. HENRY. Mr. Speaker, how much time have I remaining?
The SPEAKER. The gentleman has 31 minutes remaining.
Mr. HENRY. I will yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, having had the pleasure of serving in this House with all, I believe, of the Members and ex-Members referred to in the article read by the gentleman from Kentucky [Mr. SHERLEY], and having known personally some of the Senators and by observation and repute others of the Senators involved, there is no doubt in my mind that the charges now being considered by this House, so far as they affect many of the gentlemen named, are wholesale slanders; that the author is a liar and that those who circulated them, if circulated for the purpose of injuring the reputation and character of Senators and Members on either side of this Chamber, are scoundrels.

But that is not the question we are called upon to deal with at this time. Here are charges so grave in character, affecting both sides of this Chamber, that they cast a stigma upon the good name of distinguished men with whom we have served and with whom we are now serving. The country demands not that we delay action until some committee can prepare one of these scientifically drawn resolutions we have heard discussed, but that we immediately adopt a resolution authorizing a committee, capable and willing to investigate, to carry on an investigation now. Put in it, if you please, in the language of the gentleman from Illinois [Mr. MANN]—insert verbatim, if you please—that the committee is authorized "whenever a lead is presented, to follow the lead," and go wherever human judgment may dictate that it is necessary to go in order to unearth every accusation made, and if unfortunately the accusation prove to be true, to present the facts to the House and the country, that the guilty may receive the just condemnation of this House and of all good people. If, on the other hand, gentlemen have been unjustly stigmatized, have been wronged, have been traduced, have been slandered, let the country know it and let this House have opportunity to vindicate them as far as the House can vindicate them. The regret is that this House is so powerless that we must stand here like infants and allow slanderous tongues to circulate these foul charges throughout the country, if they are foul, and we content ourselves with a mere investigation. The best investigation on earth, and the one which I recommend to the gentleman from Kentucky, is to get a shotgun and investigate where the scoundrel is who would "filch from me my good name." [Applause.]

Mr. HENRY. I yield three minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I agree with the reasoning advanced by the gentleman from Texas [Mr. HENRY] and the gentleman from Illinois [Mr. MANN] as to why this matter should go to the Committee on Rules and be reported back on Saturday. It is in order that the resolution may be put in proper shape so that the committee, acting under that resolution, may be duly and legally constituted with all necessary authority to do what is the evident wish of this House; that is, make a thorough, comprehensive, and full investigation of the matters and things alleged against some Members of Congress and some former Members of Congress, and alleged against certain organizations which are not connected with the public official life of the country.

Mr. Speaker, it is necessary that this resolution be drawn with some degree of care, because it is proposed to invest this proposed committee with the power to subpœna witnesses and to swear those witnesses. In other words, this resolution is to have the force and effect of law. It is to be law. Unless it has that effect you will find that where a witness has been subpœnaed, and he is contumacious or recalcitrant, the committee will be powerless to punish or have him punished. If a witness is guilty of perjury or false swearing, unless the resolution duly authorizes the committee to act in a proper and legal way, no criminal charge can be supported against such false witness. Therefore I think there is no occasion for the House at this time to be unduly hasty. The country knows that the Senate is now investigating these charges, and has been engaged in that investigation for some days. The country knows that the Senate committee will pursue that investigation. The country knows that this House will speedily and thoroughly investigate all the matters and things involved in the Mulhall charges, so called. I quite agree with the gentleman from Illinois [Mr. MANN] that we ought not to restrict this investigation to matters alleged in the Mulhall charges, but that we ought to go further and consider this whole matter; that we ought to go out and consider what has been done by these other people and agencies that the gentleman from Illinois has suggested. Therefore I think this matter is of such gravity that this House owes it to its sense of orderly and proper discharge of the public business, and for the successful action of the House and its committee, to let the Committee on Rules bring this matter in here, carefully considered and well prepared, on Saturday next. [Applause.]

Mr. HENRY. I yield three minutes to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker, the gentleman from Illinois [Mr. MANN] mentioned, among the numerous organizations that he would like to see investigated by a proper committee of this House, the labor movement, and I presume he means the American Federation of Labor, in their activities in Washington. As an international officer of one of the greatest labor organizations in this country—the International Molders' Union—I want to say that we court the fullest investigation; and I speak authoritatively when I say that I have it from the officers of the American Federation of Labor that the labor movement look upon this as the opportunity they have been hoping for, for many years, to bring out the fact that there has been a lobby consistently working in Washington to crush the efforts of organized labor to bring about a better and greater measure of social and industrial justice in this country for all of the workers, organized and unorganized.

They court a full investigation, and I have in my hand a resolution that I intended to introduce, and which I shall introduce, if it goes to the committee, that will give the gentlemen the opportunity they want to follow up every lead and bring within its scope every organization that has been actually trying to bring about this system that is contained in the Mulhall charges. The American Federation of Labor and the entire labor movement of this country court the fullest investigation by this House and the Senate of the United States.

Mr. HENRY. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, I am heartily in favor of the position taken by the gentleman from Texas [Mr. HENRY]. I feel it is very much safer in this matter to spend a few hours, or even a few days, in getting the resolution in proper shape rather than to rush it now and find later on that there are some necessary elements omitted from it. There may be those present who can recall from a single reading all the elements in the resolution. I confess that I can not. I can recall very distinctly a few years ago, when the resolution for investigation of the Interior Department was before the House, we took hours, even days, in the discussion of it, and it was worked out with great elaborateness. I am quite sure, from listening to the reading of the resolution this afternoon, that there are many elements omitted from it which the House, after very careful consideration, inserted in the Ballinger resolution. Let me call attention to some of them, and the mere reading of them will suggest the necessity for them in this resolution also. The question of contempt, the question of producing papers, the question of compelling witnesses to testify were all under consideration. I heard a while ago upon this floor that a witness before the Senate investigation committee in a matter similar to this this very afternoon refused to answer a certain question to the Senate committee. What will that committee do? What power has it in the premises? The same thing may happen here, and it may also happen that if you rush this resolution through now in an imperfect state there may be critics later on who will say that you did it purposely so the committee would not have power to go to the bottom of this matter as it should do. The Ballinger resolution contained this provision:

> In case of disobedience to a subpœna the committee may invoke the aid of any court in the United States, or of any of the Territories thereof, or of the District of Columbia or of the District of Alaska, within the jurisdiction of which any inquiry may be carried on by such committee, in requiring the attendance and testimony of witnesses and the production of books, papers, documents, etc., under the provisions of this resolution.
>
> And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpœna issued to any person under authority of this resolution, issue an order requiring such person to appear before said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding, except in prosecution for perjury committed in giving such testimony. In addition to being subject to punishment for contempt, as hereinbefore provided, every person who having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who having appeared refuses to answer any question pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not more than one year nor less than one month.

Mr. GARRETT of Tennessee. Mr. Speaker, will it interfere with the gentleman if I ask a question there?

Mr. GRAHAM of Illinois. No.

Mr. GARRETT of Tennessee. It is for information. This is an important matter. That was a joint resolution.

Mr. GRAHAM of Illinois. This was a House joint resolution.

Mr. GARRETT of Tennessee. And had the effect and force of law.

Mr. GRAHAM of Illinois. I was about to indorse the sentiments of the gentleman from Tennessee and say that if it could be done this ought to be made a House joint resolution.

Mr. GARRETT of Tennessee. I do not know whether it is practical or not. I take it it would depend upon the scope of it.

Mr. BARTLETT. The gentleman does not mean a joint resolution. He means it was a resolution for the appointment of a joint committee.

Mr. GARRETT of Tennessee. Yes.

Mr. GRAHAM of Illinois. It was a House joint resolution for a joint committee.

Mr. GARRETT of Tennessee. My recollection is it was a joint resolution signed by the President of the United States.

Mr. GRAHAM of Illinois. It is a House joint resolution; yes. It is virtually the law of the land.

Mr. GARRETT of Tennessee. It made that law, of course. Has the gentleman any idea as to what we could do if we have just a simple House resolution upon that question?

Mr. GRAHAM of Illinois. I would not attempt to determine that, but I doubt the authority of the House to grant such powers to any committee as were granted this committee, and without such powers an investigation made will necessarily be a limited and defective one, and in order that the resolution may be made so complete, so full, and that such powers may be given it as to make the investigation so thorough that nobody can come in hereafter and say a loophole was left or any chance for evasion made, I think we should be sure it has the necessary power. Any investigation made ought to satisfy the public that it is thorough and complete.

Mr. BARTLETT. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. BARTLETT. Of course, we have already the power necessary to investigate charges which relate to the conduct of the membership of this House or the officers of the House, but when we go out and investigate some other charges relating to the conduct of some other people, does the gentleman think that the House, by a simple resolution, could give the committee authority to investigate that which we do not seek for the purpose of legislation?

Mr. GRAHAM of Illinois. I do not think so.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. I yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURRAY of Oklahoma. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MURRAY of Oklahoma. My purpose is that I desire to reply to some of the remarks made a moment ago, and if the gentleman from Texas has all the time, I would like to know where the balance of the time on the other side is.

Mr. BARTLETT. It is in abeyance.

The SPEAKER. The rule about that is that the gentleman who gets the floor has an hour, if he wants to use an hour, and if during that hour he does not move the previous question, then the first gentleman who catches the Speaker's eye is recognized for another hour. The gentleman from Texas has the floor until the end of his hour, and he can move the previous question when he gets ready.

Mr. HENRY. I think I will be able to give the gentleman some time. I yield two minutes to the gentleman from Kansas.

Mr. MURRAY of Oklahoma. I was just trying to locate where the time was.

Mr. MURDOCK. Mr. Speaker, I am for the immediate consideration of this resolution. The gentleman from Kentucky [Mr. SHERLEY] had the creditable impulse here this morning. He had been unjustly attacked, and being unjustly attacked the first thing he should have done was the thing he did do, rise and ask an investigation so far as he personally was concerned. He did not intend when he did that to preclude a broad investigation of the whole proposition. Now, he has asked that his resolution be considered as a matter of privilege, and during its consideration it will be in order for amendments to be offered. The gentleman from Kansas [Mr. NEELEY] will offer one amendment. I have not seen it. I hope it is broad enough to take in all the subject matter of the Mulhall exposures. If it does not do this, the gentleman from California [Mr. J. I. NOLAN] will offer an amendment which will. The only proposition that the House should act on is an immediate response by way of ordering an investigation of the charges which have been made.

The Senate has no difficulty in meeting these charges with dispatch. The Senate committee is already at work making progress in this matter. There is absolutely no reason why reference should be made to the Committee on Rules. This House itself is competent to pass upon a resolution which will go into all the matters involved in this exposé. I hope that when the House does adopt the resolution it will not stop at any halfway point. It is not infrequent in this country for charges to be made against Members of Congress. They are made loosely most of the time. It is not so very many years ago when Mr. Hearst revealed some letters which had to do with Members of Congress. It is not so many hours ago when the American sugar interests made charges against Members of Congress. Now here are certain other charges which have been made, and my hope is that in any investigation which is to be made by this House it will not consist merely of an investigation of charges against Members of Congress or the manipulation of committees of Congress, but that it will go further and show what there is in this charge that there is in this country a monstrous organization of interests in conspiracy to corrupt public men and to influence them by the hiring of spies and by the employment of disreputable and dishonorable methods to discredit labor and——

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, how much time have I left?

The SPEAKER. Fourteen minutes.

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, I heartily concur in the wisdom of the action of Mr. SHERLEY in demanding a searching and immediate investigation into the charges made against him. Neither his colleagues in this House nor his constituents, I am sure, doubt his integrity, and his courageous and speedy demand for an investigation is in every way commendable. Mr. SHERLEY has very wisely concurred in the provision that in so far as he was concerned it should be a most sweeping, full, and satisfactory investigation of the whole affair.

There is another phase of this situation which commands the attention of the country, in which it is more interested even than any attack upon the reputation of any single individual.

If it be true, Mr. Speaker, that there exists in this country an organization of men who personally pose as honest, patriotic business men, and who, as an organization, are engaged in the business of employing spies, of bribing labor organizations, of sitting in secret chambers of this House, and who have paid out millions of money for that purpose, who are so far-reaching that they include over 5,000,000 employees under their sinister control, if they are capitalized at $10,000,000,000, the power of that much money, employing that vast army of men, is simply appalling, and if they did for years and years keep in their employ at a high salary a man like Mulhall that is also appalling. The time has come when the American people are more interested in knowing all about invisible government, in knowing about every dollar that is expended for the purpose, directly or indirectly, of affecting legislation than in you or me or anybody else, and it is time now——

The SPEAKER. The time of the gentleman has expired.

Mr. STANLEY. I would like one minute more.

Mr. HENRY. I yield the gentleman one minute more.

Mr. STANLEY. The time has come for this House, tranquilly, courageously, patriotically, without hurry, but with grim determination, to know the truth and the whole truth, to turn the limelight upon all that this man knows, every voucher that he has, upon all the activities of this association, that such organization in the future may be impossible, and that, if necessary, legislation may be passed that will prevent the organization and the operation of powerful concerns of this kind, whose purpose may be to debauch legislation and to disorganize labor. [Applause.]

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Speaker, my opinion on this question has undergone some modification after hearing the argument, if the argument made by the gentleman from Illinois [Mr. MANN], the gentleman from Texas [Mr. HENRY], and the gentleman from Alabama [Mr. CLAYTON] is true. Now, they proceed to argue that it would be fatal if this was not drawn with all the pains of an indictment, with all the authority to examine witnesses and send for papers. They overlooked the fact that you could amend at any time. They overlooked the fact that at any time you could add to its powers. But since they insist that a man can not write a resolution of that kind, it occurs to me that this resolution ought to go to a committee, but the Committee on the Judiciary rather than the Committee

on Rules, since it requires such legal talent to write it. But this reminds me, Mr. Speaker, of the advocate at the bar who, when confronted by a political question that he can not answer, invariably shouts to the multitude "Unconstitutional"; and that answers every argument.

As a matter of truth these gentlemen really know that this resolution is broad enough as written by the gentleman from Kentucky [Mr. SHERLEY] to get the witnesses, and that is all that you are seeking to do. You are not trying to impeach anybody. It would be required, in addition to the investigation of the gentleman from Kentucky, to name all of the other men.

I make these observations to let these men know that they are not imposing on me as far as that kind of argument goes, for they know if what they say be true that this really ought to go to the Judiciary Committee. I am willing personally to have this go through now. I know the resolution is broad enough. Or I am willing to wait until Saturday or Wednesday, just so the work is done and done quickly enough in order that the American people may know that we are not trying to dodge any part of the investigation.

Mr. GARRETT of Texas. Will the gentleman yield

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. MURRAY of Oklahoma. I do.

Mr. GARRETT of Texas. Does the gentleman know or can he think of anything the House of Representatives has to do from now on until 7 o'clock this evening but to consider this matter and pass the proper resolution?

Mr. MURRAY of Oklahoma. That is right.

The SPEAKER. The time of the gentleman from Oklahoma [Mr. MURRAY] has expired.

Mr. HENRY. The gentleman states that we have power enough in this resolution to command witnesses to appear and make any sort of statement. I want to call attention to the fact that the resolution to investigate the Money Trust was very broad, and yet a New York banker came before the committee and was asked a question and hid behind the Constitution with the proposition that there was no authority to confer the power in the resolution to compel an answer to that question. He has been indicted by a grand jury here in the District of Columbia, and his case is now in court.

Mr. HAY. Did not the Committee on Rules draw that resolution?

Mr. HENRY. The Committee on Rules did draw that resolution, and I think it was very broad indeed and reached practically everything within constitutional limitations. Hence we are thus admonished to be cautious and deliberate to-day.

Mr. COOPER. Will the gentleman permit an interruption?

The SPEAKER. Will the gentleman from Texas yield?

Mr. HENRY. I yield.

Mr. COOPER. Does not the gentleman know when that resolution came before the House a fatal weakness was pointed out and the gentleman resisted any amendment?

Mr. HENRY. Oh, no; that is not true.

Mr. COOPER. That is the record, and the RECORD will show it.

Mr. HENRY. Now, Mr. Speaker, if there is anyone who can draw a better one, he will be heard by the Committee on Rules; and those gentlemen who are so afraid that this investigation will not be broad enough and thorough enough will be entirely mistaken. There is no desire to cover up or conceal anything. All we wish to do is to be deliberate and calculating here to-day, and not be thrown into a fit of hysterics. Let this resolution be sent to the committee and be considered in an orderly way—in the way in which all resolutions should be considered, and the way in which the Ballinger resolution was considered—and by Saturday you will have a report here, and if you desire you can amend it as you please then, and this House can do what it pleases with that resolution.

What we want is a genuine investigation and no haphazard, half-cocked proposition on this occasion. Mr. Speaker, I move the previous question. [Applause.]

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves the previous question on his motion to refer.

The previous question was ordered.

The SPEAKER. The question is on the motion to refer.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HENRY and Mr. MURDOCK demanded a division.

The House divided; and there were—ayes 67, noes 36.

So the motion to refer was agreed to.

Mr. RUCKER. Mr. Speaker, if it is in order, I move that the House take a recess until 6 o'clock this afternoon, and that the Committee on Rules be directed to report at that hour.

Mr. CLAYTON. Mr. Speaker, this is not a privileged motion.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] calls attention to the fact that it is not a privileged motion.

Mr. CLAYTON. I would like to make an explanation, Mr. Speaker. There are two privileged resolutions here, and this is the last day when they could be considered, and they should be reported to-day.

Mr. RUCKER. I realize that my motion may not be acceptable to those who want to run the House. I am not trying to run it. I am not attempting to encroach upon the prerogatives of any gentleman who thinks he has the right or who wants to arrogate to himself the authority to run the House, and I do not mean this as a criticism of the gentleman from Alabama [Mr. CLAYTON]. I simply make this motion, because that is the quickest way to get the desired result.

Mr. MANN. Mr. Speaker, I ask for the regular order.

Mr. BUCHANAN of Illinois. The resolution that has just been passed provided for the reporting back next Saturday, did it not?

Mr. HENRY. The request or motion of the gentleman from Missouri [Mr. RUCKER] is out of order.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demanded the regular order.

Mr. LINDBERGH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Mr. Speaker, what became of my motion?

Mr. MANN. I demanded the regular order, and that shuts out the gentleman's motion. I take the responsibility for it.

Mr. RUCKER. I am not questioning that. The gentleman from Illinois is responsible for very much that is done here, especially if it is wrong. [Laughter.]

The SPEAKER. The gentleman from Minnesota [Mr. LINDBERGH] will state his question of personal privilege.

Mr. LINDBERGH. The House, of course, takes official notice of its own existence and of its committees and the members upon its committees. I am a member of the Committee on Banking and Currency, but as a matter of fact——

Mr. HARDWICK. Mr. Speaker——

Mr. LINDBERGH. The majority of that committee is holding——

Mr. HARDWICK. Mr. Speaker, I make the point of order that that does not present a question of personal privilege.

The SPEAKER. The Chair will hear the gentleman from Minnesota, to see if he has one.

Mr. HARDWICK. He has already stated enough to show that he has not.

The SPEAKER. He has not yet shown that he has.

Mr. LINDBERGH. I started to state, Mr. Speaker, that that committee as a matter of fact, or at least a majority of that committee, with its chairman, is meeting from day to day, or at least very frequently, and in those meetings there is being considered what is now known as the Glass bill, and——

The SPEAKER. There is not any question of personal privilege in that.

Mr. LINDBERGH. I have not fully stated it, Mr. Speaker.

The SPEAKER. If that is the line of it, there is no question of personal privilege in it.

Mr. LINDBERGH. That is the line of it.

The SPEAKER. Then there is no question of personal privilege in it.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. The gentleman from Minnesota [Mr. LINDBERGH], as I understand it, is attempting to state a question of personal privilege.

The SPEAKER. The Chair is aware of that, but he has not stated such a question.

Mr. MURDOCK. How can the Speaker determine unless the Speaker hears him?

The SPEAKER. The Chair asked him a moment ago if he rested his question on the same line, and he stated he did.

Mr. LINDBERGH. I am a member of that committee, and I am excluded from the meetings of that committee. That is the question of personal privilege that I wanted to submit.

The SPEAKER. There is no question of privilege.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If a gentleman should present himself at the door of this House as a duly elected Member of this House, would the question of admitting him or not be a question of constitutional privilege?

Mr. BARTLETT. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is stating a parliamentary inquiry.

Mr. BARTLETT. But, Mr. Speaker, it does not affect any question before the House. We are not here to consider moot questions. The inquiry that the gentleman makes does not affect any question before the House.

The SPEAKER. The gentleman has not finished making his parliamentary inquiry.

Mr. BARTLETT. All right.

Mr. MURDOCK. Along the same line, if a gentleman presents himself as a Member of this House at the door of a committee room during a meeting of the members of that committee of which he is a member, and he is refused entrance, does not that constitute a matter of the highest constitutional privilege?

Mr. MANN. Mr. Speaker, I make the point of order that no matter is before the House at the present time.

The SPEAKER. That is absolutely correct.

Mr. MANN. And I should like to be heard just a moment on the point of order. A matter of personal privilege can be brought before the House without a preliminary resolution, but a matter involving the privileges of the House, a matter of high privilege, must be brought before the House in the form of a resolution, not in the form of a statement.

Mr. MURDOCK. I understood the gentleman had presented a resolution.

Mr. LINDBERGH. I send to the desk a resolution on that question, which I ask to have read.

Mr. CLAYTON. Mr. Speaker, I understand that the regular order was demanded by the gentleman from Illinois [Mr. MANN] awhile ago. I have a couple of privileged reports here from the Committee on the Judiciary that I desire to submit to the House.

The SPEAKER. There is a difference between privileged matters and questions of privilege.

Mr. CLAYTON. The gentleman from Alabama quite understands that, but he thought he had an understanding with the Chair that he would be recognized.

The SPEAKER. The Chair will recognize the gentleman if we ever get to a place where the Chair can do so. The Clerk will report the resolution of the gentleman from Minnesota.

Mr. CLAYTON. If the Chair thinks it is impossible to recognize the gentleman from Alabama now, why, the gentleman will wait.

The SPEAKER. In the present situation it is impossible. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the House of Representatives as a coordinate branch of Congress was created by the Constitution, and its proceedings should properly be governed by the Constitution under which it has authority to and does adopt rules for the regulation of the deliberations of the House and its committees; and

Whereas under its authority the House has adopted rules for the regulation of its deliberations, including that of its committees, and has created various committees to which the House, either direct or by its Speaker, refers bills and resolutions for consideration; and

Whereas the Banking and Currency Committee is one of the duly constituted committees of the House, and, among other bills that have been referred to said committee by the Speaker is H. R. 6454, known as the Glass bill, as well as the administration bill, and is the bill that is likely to be principally considered on the question of banking and currency for the action of this House at the present session; and

Whereas the consideration of said bill before said committee by each and all of the members of the said committee is a question of the highest privilege under the Constitution, the laws, and the rules of the House, and by their oaths they are charged with the responsibility of considering the same in committee; and

Whereas the press generally publish it as an assured fact, and it is a common rumor around the Capitol and generally understood and known to be a fact that some members of the said Committee on Banking and Currency meet together with the chairman of said committee from day to day, or at least frequently, and deliberate on the provisions of said bill with a purpose to frame the same so as to report it without permitting other members on the committee to take part in such deliberations; and

Whereas the members so meeting and those acquiescing therein constitute two-thirds of the total membership on the committee and are known as the majority, make said meetings secret and exclusive and actually exclude the other one-third of the membership of the said committee; and

Whereas the acts of the two-thirds so meeting or acquiescing in such meetings have a powerful and probably controlling influence on the form in which the bill is likely to be reported to the House for its consideration if such meetings are permitted to continue; and

Whereas such meetings are in contravention of the Constitution, the laws, and the rules of the House, and while such facts are known, yet the House may not take official notice thereof: Now, therefore, in order to determine the true state of facts officially in regard to all the matters stated, and as a constitutional privilege of the highest order of all members to act in the committees in which they belong, and as a personal privilege of every member of the Banking and Currency Committee to be present at all meetings at which bills referred to said committee are considered, and to all the Members of the House that all members of the committee should be present to take part in the consideration of bills, and therefore the House should know all the facts in relation to the acts of the committee: Now, therefore, be it——

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the resolution is not privileged.

Mr. FITZGERALD. I make the point of order that the resolution is not privileged.

The SPEAKER. The Clerk has not finished reading it.

Mr. FITZGERALD. It is not necessary that he should finish it.

Mr. MANN. Only the preamble has been read. The resolution has not been read.

Mr. FITZGERALD. It is not necessary that it should be read.

The SPEAKER. The Clerk will proceed with the reading.

The Clerk read as follows:

Resolved, That a special committee of seven be appointed by the Speaker to forthwith ascertain the true facts and report immediately to the House whether a part of the members of the Banking and Currency Committee, with the chairman of the committee, are holding secret or other meetings for the purpose of framing the said bill or to influence the same and are excluding a part of the membership of said committee.

Mr. FITZGERALD. Mr. Speaker, I raise the point of order that the resolution is not privileged.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MANN. If this resolution is entertained, will it be in order to ask whether the Progressive members of this committee are entitled to meet by themselves or by himself?

The SPEAKER. The Chair thinks one would be just as much a question of privilege as the other.

Mr. LINDBERGH. Mr. Speaker, I want to state that I presented that as a question of the highest privilege of the House instead of as a question of personal privilege.

The SPEAKER. And the Chair rules that there is no question of privilege of any character in it whatsoever.

LOANING TENTS TO CONFEDERATE VETERANS.

The SPEAKER laid before the House joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of Confederate veterans' reunion to be held at Brunswick, Ga., in July, 1913, with Senate amendments thereto.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. MANN. The Senate amendments, I believe, add certain things that are ordinarily necessary and some cots?

Mr. HAY. Yes.

Mr. MANN. Has it been usual to grant the use of cots with these resolutions?

Mr. HAY. It has been in some cases.

Mr. BARTLETT. I will say to the gentleman from Illinois that it was done in one case that I know of—in the case of the Confederate veterans' reunion at Macon, Ga.

Mr. HAY. It has been done in some cases as to both Confederate and Union veterans.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

FREDERICK WILLIAM RAIFFEISEN.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. Upon what subject—on this California matter?

Mr. CURRY. No. It is to have printed in the RECORD a copy of a speech delivered by Mr. David Lubin, of Sacramento, Cal., at the monument and house of Frederick William Raiffeisen, near Coblenz, Germany, on June 12, 1913. The occasion of the address was a visit to the birthplace of Raiffeisen by the American Agricultural Commission that sailed from New York on the 26th of last March.

Mr. Lubin is a man of world-wide fame. He is the American delegate to the International Institute of Agriculture that was organized by the King of Italy and has headquarters at Rome.

Raiffeisen was the creator of the rural credit system of Germany, and that system is now engaging the attention of and being studied by every agricultural country in the world.

The SPEAKER. Is there objection?

There was no objection.

The address is as follows:

Address delivered by David Lubin before the American commission on the occasion of its visit to the monument and house of Raiffeisen, near Coblenz, Germany, June 12, 1913.

"Mr. Chairman, Mr. Burgomaster, ladies, and gentlemen, I have prepared a few remarks for this occasion and wish to say that if you have come to hear eloquence or witness the subtle tricks of an actor or a speaker, you are quite likely to be disappointed. That gift was not given me. If any gift was given me, it was the ability to hold on tight like a bulldog to a propo-

sition that seemed to me logical and right and that moved me. And in the issue before us, in the inquiry we are making, you, too, seem to be moved by similar impulses.

"My friends, we seem to be traveling on a fine line—the line between the sublime and the ridiculous. It reminds me much of the traditional story in the Koran—the story of the departed soul, which must walk over a bridge as narrow as a hair, when the wicked fall into the gulf of oblivion and the good continue on to the end until they reach paradise.

"We are engaged in a great work, a work as great and noble as was ever undertaken in the history of man; greater and nobler than the great work of the old Greek chieftain, Alexander the Great; greater than the work of Pompey or of Julius Cæsar; greater than that of Augustus Cæsar; greater than that of Napoleon; for the work that we are engaged in leads to the very gates of divinity—that divinity which we hold so much in awe; that divinity that leads right up to the gates of heaven, the gates of righteousness.

"If we are single minded and if our efforts are well directed, we are then on the line of the sublime; but if we are self-seeking or lacking in courage and ability, then we are on the line of the ridiculous.

"The great line of demarcation between the animal and man is the demarcation of service. The animal serves himself, and in serving others only does so under compulsion. But man, the real man, is placed here on earth in order that he may serve his fellows, not under compulsion, but freely and of his own will and with eagerness.

"In the service before us we have nothing to apologize for, not even to the great founders of religion, not even to the great apostles, nor to the great prophets, not even to God Almighty himself; for if we are truly within the precincts of this service, then are we truly within the precincts of His holy temple, and are therefore priests and soldiers fighting for might and power, and with might and power; fighting such a fight the privilege of which was given to but the few among the sons of man, for not even the prophets of old had a greater mission.

"At the present time we are come to learn. We are come to learn so that presently we may be enabled to teach, to teach not merely the American people, but the people of the North American Continent and the people of the South American Continent, and presently the results of the efforts of the American commission shall permeate everywhere, from land to land, from the beginning until the end, and around about the whole world. We are beginning to discern with clearness that the task before us is not merely economic amelioration, but that it is higher than that. It reaches upward until it strikes the true keynote of political stability, insuring peace and equity, not merely for the people of the United States, but political peace and equity wherever the principles underlying these doctrines shall take root.

"At the present time we are here at the feet of this master, Father Raiffeisen, and at the feet of the German people, to learn, but be it ever remembered that it is not merely a trait of the American people to learn, but to teach; and if we are distinguished in anything from other nations of the world it is by this very trait—that the American people learn in order to teach. We hope, therefore, to be enabled to pay back to our teachers of the European countries benefits in terms of service for the benefit their service has been to us, and to pay this back with interest and with compound interest. We hope presently to add our amendment to the really great work begun by Father Raiffeisen; we hope to show that the very root and secret of our work is not merely to find amelioration for the farmer—for it would be just as charitable to find amelioration for the shoemaker and for the carpenter—the scope of our work goes beyond that. In its final analysis this work will be found to insure not merely amelioration for the American farmer, but stability for the American Republic.

"If this statement be based on fact, if it contain an underlying truth that can be harnessed to service which may insure the stability of the American Republic, then it establishes the sanctity of our mission. If there be no such truth, then is all this work an illusion. But is it an illusion? Do we not see here all around us, in the great European countries that we have visited, the operations and results of rural cooperation and its beneficent and far-reaching effects? This is no mere abstract statement; it is a fact that any ordinary mind can readily prove for itself, a fact which should be understood not merely by us here, but by statesmen, the people that govern the United States.

"We are living not far distant from a time when it was fashionable to think that our welfare, our world, centered around our own vicinity, our own little village, our own State, our own Nation. But is there not a greater and a higher law? Is it not the welfare of all the nations of the earth which is the best guaranty of the welfare of our own Nation and of our own individual welfare? Do not darkness and an unprogressive state in one nation act and react upon the others? What benefit, for instance, is it to the world that there is such a country as Morocco? To whom is it a benefit? It is not even a benefit to the poor barbarians and beggars that live there. Let that country be developed; let the sun of progress and civilization shine upon it; let development pursue its course, and in the place of its few thousand indigents it would become filled with millions of progressive, prosperous people, blessing by their imports and exports their fellow men of other lands, of other countries. It is the amount of development and the progress of any nation and of all nations that make for the greater sum of human happiness, and a diminution of that progress and development in any one country necessarily diminishes the happiness of the whole.

"I am fully aware that I am not expected to give a historic sketch of Raiffeisen or of his system, for we are here on the scene, among the people with whom he dwelt, the people for whom he labored, of whom he was an integral part. It is to those very people that we have come, asking them to teach us; and shall we presume to tell them of Raiffeisen and of his system of cooperative rural credit? Shall we presumptuously start our labors of inquiry by attempting to teach our teachers?

"In speaking of Raiffeisen and of his work at this time we feel impelled to say that whatever be the results, whether the American people profit by this inquiry or no, there can be no question as to this, that the people of Germany and of other European countries are gainers through Raiffeisen and through the Raiffeisen system. This is so evident that it is impossible to refute it honestly. Nor is this all, for it is not alone Germany but many other European countries which are indebted, which are under lasting obligations to this beneficent pioneering force, this force which has so powerfully affected the economic life of the nations.

"Nor is it merely the economic life; it is also the political life of the nations which has been affected. The coalescing forces in social life were never more in evidence than in this early part of the twentieth century. At no time in the history of social life was this phenomenon more in evidence than it is to-day. Coalesced dollars and coalesced brains seem to have as intense an affinity for each other as oxygen has for hydrogen, and in those instances where there is an absence of dollars there is the same coalescing tendency of numbers, as witness the labor unions.

"And so the time has come when almost all the world of social life has crystallized itself into a series of coalescing forces, all in militant array, struggling and fighting for advantage. We must marvel at the keen foresight which brought into line within the coalescing field the formerly uncoalesced rural forces of Germany; and right here is the great merit of Raiffeisen and of his rural credit system. Raiffeisen evidently foresaw that the action and reaction of the coalesced urban forces upon the uncoalesced rural forces would end in the elimination of the independent landowning farmer of Germany. He must have further realized that the great political value of the independent landowning farmer really consists in this, that he is a conservative. We may observe that the farmer is the last man to change the style of his garments, the manner of his speech, the trend of his thoughts, his habits, and his religion. All this renders him a conservative, and as such he acts and reacts upon the progressive and radical urban, much the same as a governor regulates the pressure of the steam in a boiler; the conservative farmer holds in check the urban radical.

"Raiffeisen must have realized that the weakening of the independent landowning farmer would mean the weakening of the political life of the nation, and so he sought a way for bringing about the working of a coalescing force in the field of rural economy, a way which should enable the German farmer to keep at bay and overcome the destructive influence of the coalesced urban.

"In so far as this has been accomplished to a greater extent in Germany than in other countries, in so far is it safe to say that the political life of Germany is more sound to the core, contains within itself a greater resisting power, than the political life of other countries. It is therefore safe to say that the people of Germany and of other European countries are gainers through Raiffeisen and through the Raiffeisen system.

"It now remains to be seen whether it would be practicable to adopt this system in the United States. As a mode of procedure it was deemed expedient to make an exhaustive inquiry along these lines through the medium, as you know, of the American commission, all of which explains the reason of our pilgrimage through the European countries and, in a measure, of our presence here to-day.

"When the publications of the International Institute of Agriculture, setting forth the Raiffeisen and other European cooperative rural credit systems, reached the United States, they created a profound impression, resulting in the mission set on foot by the people and by the Government of the United States to send abroad the American commission, so that the duly accredited representatives of the various States of the Union and the representatives of the Nation might acquaint themselves with the facts, the operation, the environment, of those cooperative rural credit systems and with the results of their operations. The commission is to embody its inquiry in the form of a report, to which report it is to append its findings for the purpose of presenting the same to the Congress of the United States.

"The presence here of the American commission, our presence at this monument, our presence at this house where Raiffeisen lived, may therefore be regarded as one of the results of the beneficent labors of Raiffeisen, as an evidence of the high esteem in which he is held not merely by the people of Germany, not merely by the people of other European countries, but also by the American people.

"In this period of our inquiry it is too early for this commission to pronounce in favor of the adoption by the American people of the Raiffeisen system. Further inquiry may determine a conclusion in the affirmative; but whatever be the ultimate conclusion, there is no denying the hope, the strong hope, that we may toward the end of our inquiry be justified in setting forth in our finding if not the Raiffeisen system, as in operation in Germany, then some derivation of that system.

"Our visit to-day to this house, formerly occupied by Raiffeisen, is to be considered in the light of the highest tribute that it is possible for our commission to pay to his memory. It is intended to illustrate the fact that the truly beneficent are not merely citizens of the country of their birth or of the country in which they lived, but that they are citizens the whole world over and for all time.

"The time will soon be here when every self-respecting country will deem it its duty to set up the bust of Raiffeisen in its public parks and before its public buildings. Shall the world not honor the seer, the prophet, and the pioneer in the field of economic betterment, so long as it honors poet, musician, and soldier? The poet writes his poem, and forthwith is honored; the musician produces his music, and the world sings his praises; the soldier wins his battle, and 10,000 'hochs' fill the air. But for the seer, the prophet, and the pioneer in the field of economic betterment there is what? What but stubborn and persistent opposition? What but wrath, contempt, humiliation, ostracism, and oblivion? And yet it is these very seers, these very prophets, these very pioneers in the field of economic betterment that laboriously pave the way so that the world may have paths and byways, paths proudly strutted over by the much-honored poet, musician, and soldier, with no thought in their heads of the patient builders of these paths. These seers, these pioneers, must wait for recognition; they must wait to receive it after they are dead.

"Fortunately for the world these pioneers, knowing all this, realizing all this, nevertheless persist in their work, unwearyingly forging ahead, with their mind's eye ever fixed on one goal, accomplishment; and like patient donkeys they labor on, pulling the load steadily, even though their food be thorns and thistles, seasoned plentifully with kicks and curses. All honor, therefore, to these heroes, to that indomitable pioneer, to that pathfinder, Frederick William Raiffeisen.

"We go to the museums and bring our children there to see the armor that was worn by the knights of old. We relate to them their heroic achievements, their knightly deeds. But have we no knights in modern times? Are not the modern knights as chivalrous, as brave, and as generous as those of old? Who, then, are these knights? They are men like Raiffeisen, Büring, Schulze-Delitsche, Luzzatti, Wollemborg, and others of their kind. These modern knights are as chivalrous, as brave, and as generous as the knights of old, and more so, for the influence of these modern knights is infinitely more beneficent; the penetrating rays of their activity permeate in every direction, blessing all peoples for all time.

"May this visit to the house of the departed pioneer, the venerable Father Raiffeisen, be to us, the American commission, a good omen. May the life he led be a lesson to each one of us, so that we, as pupils, may catch the inspiration to profit by the high example his life has furnished. And if there be a conscious communication of the spirit of the departed with the living, and if that consciousness be expressed in the mode of our cognizance, it would surely follow that our visit here will be most pleasing to him whose spirit we have come to honor.

"DAVID LUBIN.

"COBLENZ, GERMANY, *June 12, 1913.*"

WESTERN FUEL CO.

Mr. CLAYTON. Mr. Speaker, I present the following privileged report from the Committee on the Judiciary on House resolution 180, which I send to the desk and ask to have read in my time.

The Clerk read as follows:

House resolution 180.

Resolved, That the Attorney General be, and he is hereby, instructed to transmit to the House of Representatives copies of all correspondence and other memoranda and papers on file in the office of the Attorney General, or referred by the President to the Attorney General, relating to the postponement or delay of trial of cases against the Western Fuel Co. directors, J. C. Wilson, or either or any of them, now pending in the northern district of California.

[H. Rept. No. 31, 63d Cong., 1st sess.]

WESTERN FUEL CO. DIRECTORS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 180:

The Committee on the Judiciary, having had under consideration the resolution (H. Res. 180) calling upon the Attorney General for copies of all correspondence and other memoranda and papers on file in the office of the Attorney General or referred by the President to the Attorney General relating to the postponement or delay of trial of cases against the Western Fuel Co. directors, J. C. Wilson, or either or any of them, now pending in the northern district of California, submit the following report:

The resolution as drawn by the author is in the following words:

"*Resolved*, That the Attorney General be, and he is hereby, instructed to transmit to the House of Representatives copies of all correspondence and other memoranda and papers on file in the office of the Attorney General or referred by the President to the Attorney General relating to the postponement or delay of trial of cases against the Western Fuel Co. directors, J. C. Wilson, or either or any of them, now pending in the northern district of California."

The attention of the Attorney General was called to this resolution by the chairman of the committee, as had been done in other like cases, and he was invited to make such suggestions as he thought proper. Afterwards, while the committee had under consideration the resolution, the Attorney General transmitted to the committee the file of the Department of Justice in this case, stating that the papers so transmitted were the complete file of his office and contained all correspondence and other memoranda and papers relating to the case.

After an examination of the said file so transmitted by the Attorney General the committee was in doubt as to the propriety of publishing some of these papers or some parts of some of these papers in such file, because of an apprehension on the part of the committee that the publication thereof might be incompatible with the public interest. Thereupon a subcommittee, consisting of Messrs. CLAYTON, WEBB, CARLIN, MCCOY, VOLSTEAD, MORGAN of Oklahoma, and CHANDLER of New York, was appointed to confer with the Attorney General as to the necessity of withholding from publication any of such papers, or any part of any of the same, for the reason above stated.

The subcommittee met with the Attorney General at the Department of Justice on Saturday evening last. There were present, besides the Attorney General and the members of the subcommittee, Assistant Attorney General Harr and Assistant Attorney General Graham. The Attorney General was requested, as the chief law officer of the Government, to give the committee the benefit of his opinion as to whether or not the file of the Department of Justice in this case might be published without detriment to the Government in the prosecution of the case. The Attorney General said, in effect, that personally he had no objection to the publication of everything in the file, but expressed the belief that certain portions of some of the papers should not be published, because it might be detrimental in the prosecution of the case.

Your committee is of opinion and so reports that a telegram dated June 18, 1913, from District Attorney McNab to the Attorney General and copy of a telegram from the Attorney General to the United States attorney, San Francisco, Cal., dated June 17, 1913, should not be made public at this time, because such publication would be incompatible with the public interest.

Your committee is also of the opinion and so reports that a portion of the report of District Attorney McNab to the Attorney General, dated May 20, 1913, should not be made public at this time, as its publication might be prejudicial to a fair and impartial trial of this case and incompatible with the public interest. The portion of said report so withheld is a statement of the facts in the case which the Government expects to be able to prove.

In view of the fact that your committee examined all the original papers and documents covered by the resolution and made copies of the same, which are hereby made a part of this report, except as above stated, your committee is of opinion that the purpose of the resolution has been accomplished, and therefore so report and recommend that the resolution do lie on the table.

During the reading of the foregoing,

Mr. MANN (interrupting the reading). Mr. Speaker, a parliamentary inquiry. What is the Clerk now reading?

Mr. CLAYTON. It is a report of the Committee on the Judiciary, a privileged report.

Mr. MANN. The Clerk should read the resolution, but the report of the committee can not be read except in the time of the gentleman from Alabama.

Mr. CLAYTON. That was my request, and that is the order.

Mr. MANN. I did not know that.

The Clerk resumed and concluded the reading.

Mr. CLAYTON. Mr. Speaker, in accordance with the unanimous action of the committee, all shades of political opinion being represented, and in obedience to the instruction of the committee, all information and papers sought by the resolution having been obtained, I move that the resolution do lie on the table. The purpose of the resolution has been accomplished and the papers furnished.

The motion was agreed to.

MAURY DIGGS AND DREW CAMINETTI.

Mr. CLAYTON. Mr. Speaker, I present the following privileged report from the Committee on the Judiciary on House resolution 181, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 181.

Resolved, That the Attorney General be, and he is hereby, instructed to transmit to the House of Representatives copies of all correspondence and other papers and memoranda on file in the office of the Attorney General, or referred by the President to the Attorney General, relating to the prosecution or trial of Maury Diggs and Drew Caminetti, or either of them, for violation of the Mann White-Slave Act.

[H. Rept. No. 32, 63d Cong., 1st sess.]

UNITED STATES AGAINST FARLEY DREW CAMINETTI AND MAURY DIGGS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 181:

The Committee on the Judiciary, having had under consideration the resolution (H. Res. 181) calling upon the Attorney General for copies of all correspondence and other papers and memoranda on file in the office of the Attorney General or referred by the President to the Attorney General relating to the prosecution or trial of Maury Diggs and Drew Caminetti, or either of them, for violation of the Mann White-Slave Act, submit the following report:

The resolution as drawn by the author is in the following words:

"*Resolved*, That the Attorney General be, and he is hereby, instructed to transmit to the House of Representatives copies of all correspondence and other papers and memoranda on file in the office of the Attorney General or referred by the President to the Attorney General relating to the prosecution or trial of Maury Diggs and Drew Caminetti, or either of them, for violation of the Mann White-Slave Act."

The attention of the Attorney General was called to this resolution by the chairman of the committee, as has been done in other like cases, and he was invited to make such suggestions as he thought proper. Afterwards, while the committee had under consideration the resolution, the Attorney General transmitted to the committee the file of the Department of Justice in this case, stating that the papers so transmitted were the complete file of his office and contained all correspondence and other papers and memoranda relating to the case.

After an examination of said file so transmitted by the Attorney General, the committee was in doubt as to the propriety of publishing some of these papers or some parts of some of these papers in such file because of an apprehension on the part of the committee that the publication thereof might be incompatible with the public interest. Thereupon a subcommittee, consisting of Messrs. CLAYTON, WEBB, CARLIN, MCCOY, VOLSTEAD, MORGAN of Oklahoma, and CHANDLER of New York, was appointed to confer with the Attorney General as to the necessity of withholding from publication any of such papers or any part of any of the same for the reason above stated.

The subcommittee met with the Attorney General at the Department of Justice on Saturday evening last. There were present besides the Attorney General and the members of the subcommittee Assistant Attorney General Harr and Assistant Attorney General Graham. The Attorney General was requested, as the chief law officer of the Government, to give the committee the benefit of his opinion as to whether or not the file of the Department of Justice in this case might be published without detriment to the Government in the prosecution of the case. The Attorney General said, in effect, that personally he had no objection to the publication of everything in the file, but expressed the belief that certain portions of some of the papers should not be published, because it might be detrimental in the prosecution of the case.

Your committee is of opinion and so report that the statement of facts of this case in the report of District Attorney McNab to the Attorney General under date of May 21, 1913, should not be published because such publication would be incompatible with the public interest.

Your committee is also of opinion and so report that the reports of the special agent of the Department of Justice should not be published at this time, because incompatible with the public interest, except the copy of the letter signed "Clayton Herrington" on the first page thereof, which copy is hereto attached.

In view of the fact that your committee examined all the original papers and documents covered by the resolution and made copies of the same, which are hereby made a part of this report, except as above stated, your committee is of opinion that the purpose of the resolution has been accomplished and therefore so report and recommend that the resolution do lie on the table.

Mr. CLAYTON. Mr. Speaker, in accordance with the unanimous action and instruction of the Committee on the Judiciary, where all the three parties were represented by the lawyers composing that committee appointed and authorized by this House, having carefully considered this matter, I move that the resolution, for the reasons stated in the report, do now lie on the table.

Mr. MANN. Mr. Speaker, the gentleman having consumed some considerable time, is he not willing to let this side of the House have some time?

Mr. CLAYTON. Mr. Speaker, the proposition to lie on the table, as I understand it, is not debatable.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Alabama, chairman of the Committee on the Judiciary, having reported a privileged resolution back to the House with the recommendation that it lie on the table, and before the motion to lay on the table was put having taken the floor and having read in his time the report of the committee, then, again, on the floor having made a speech, is it not in order for the gentleman now to yield time before the motion to lay on the table is put to the House or made by the gentleman?

The SPEAKER. The situation would be this: The gentleman had the report read, and ordinarily if anybody objected it could not have been read.

Mr. MANN. That was done in his own time. The gentleman asked to have it read in his time, and so stated.

The SPEAKER. Of course, the question to lay on the table is not debatable, but it seems to the Chair under the circumstances of the case that the motion to lay on the table ought to be considered in suspense.

Mr. MANN. It has always been held, Mr. Speaker, when a resolution of this sort is reported back to the House, while the motion to lay on the table was not debatable, the gentleman himself in charge of making the report is not required to make the motion to lay on the table until he is ready to do so; but meanwhile, the report being a privileged resolution, he has a right to the floor and to yield time within his hour. I desire to ask if he will yield time to this side of the House?

Mr. CLAYTON. Then, do I understand, Mr. Speaker, the Chair to hold that upon the pending proposition the gentleman from Alabama, the chairman of the Committee on the Judiciary, has one hour for debate subject to his disposal?

The SPEAKER. He can have it if he withholds his motion. Then he can offer his motion at any time he pleases.

Mr. CLAYTON. The gentleman from Illinois—I could not understand his statement fully, perhaps on account of a little confusion here—said something about an hour.

The SPEAKER. The gentleman from Alabama is entitled to take the floor for an hour. He can yield time for debate if he chooses, but at any time within his hour he is entitled to move to lay on the table, and that ends debate.

Mr. CLAYTON. That is exactly what I was trying to ascertain, if the gentleman from Alabama has an hour of debate subject to his disposal on this pending proposition.

The SPEAKER. Yes; and the gentleman has used 8 minutes of it.

Mr. CLAYTON. Very well, Mr. Speaker. Now, what is the suggestion of the gentleman from Illinois?

Mr. MANN. I would like to have half an hour.

Mr. CLAYTON. And then some other gentlemen will want other time?

Mr. CURRY. I would like 5 minutes.

Mr. CLAYTON. There is another 5 minutes.

Mr. J. I. NOLAN. I would like to have a few minutes.

The SPEAKER. The gentleman from Alabama does not have to yield to everybody; the Republican floor leader asked for 30 minutes.

Mr. CLAYTON. The gentleman from Alabama fully understands that; but the gentleman from Alabama was trying to accommodate everybody, and he sees that within an hour's limit perhaps he can not accommodate everybody, and therefore, Mr. Speaker, I feel constrained, as much as I regret it, to have to insist upon the pending motion to lay on the table and to insist that it is not debatable.

Mr. MANN. The gentleman declines to yield any time to anyone else on this proposition?

Mr. CLAYTON. I would if I could serve or accommodate all the gentlemen on that side of the House within the hour; but I have, however, to——

Mr. MANN. There will be no further business in the House without a quorum until we have a chance to have some debate on this white-slave proposition.

Mr. CLAYTON. Very well; I perfectly understand what the gentleman means. I have no desire to violate, and could not if I would, the understanding had the other day, and that is that everything should be by unanimous consent. Of course, if I were disposed, which I am not, to violate the agreement—a thing I would not do—I would not try to raise the question of no quorum as the gentleman from Illinois suggested that he might do.

Now, Mr. Speaker, I am perfectly content, if the gentleman so desires, that this matter go over until the expiration of this agreement, which reaches to the 14th of July, and, Mr. Speaker, that this motion to lie on the table be then pending.

Mr. MANN. Mr. Speaker, I ask unanimous consent for one minute.

Mr. CLAYTON. Mr. Speaker, I hope the gentleman will have that one minute.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent for one minute. Is there objection?

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker. Is the motion to lie on the table debatable?

The SPEAKER. It is not.

Mr. MURDOCK. Has the motion been made?

The SPEAKER. It has been made; but the Chair was trying to give these gentlemen a chance to come to an agreement so they might talk about the resolution if they wanted to do so.

Mr. MANN. I only asked for one minute, in order that I might ask my friend from Alabama [Mr. CLAYTON] whether he

has made up his mind he will not yield on this proposition to this side of the House or to anybody.

Mr. CLAYTON. I fully appreciate the courtesy and kindness expressed by the gentleman from Illinois [Mr. MANN], and while I may not be as kind as he is, I hope to be as courteous and I hope to be as frank. The very proposition, if I may so phrase it, as to the debatableness of the motion that this lie on the table was made in the committee and was there talked about——

Mr. MANN. The Speaker has ruled that the gentleman may yield time. Now, I ask the gentleman if he is willing to yield time, or will he decline?

Mr. CLAYTON. Will the gentleman permit me to complete a statement, and then he will appreciate the position of the "gentleman from Alabama," who is trying to reflect the wishes of the Committee on the Judiciary? And I was about to say that that committee considered this matter of the debatableness—that may be a coinage—of the motion to lie on the table, and the committee knew then that it could not be debatable, and no objection was made by anybody on that account; but it was said that there would certainly be opportunity for any gentleman who wanted to talk on this subject, and if he could not get the time when the question to lie on the table was up, he could certainly get it at some other time in the House, and there would be no disposition on the part of anybody to deprive anybody from indulging in the fullest criticism of the Department of Justice that he might see fit to make.

Mr. MANN. Would not the gentleman be willing to answer my question yes or no?

Mr. CLAYTON. I am trying, and I will endeavor——

Mr. MANN. Yes or no. Will I get the time or will I not? That is easy.

Mr. CLAYTON. Does the gentleman mean to utter criticisms upon the department?

Mr. MANN. Will the gentleman yield me time or will he decline to do so in debate on this proposition?

Mr. CLAYTON. I will be perfectly willing to give the gentleman 15 minutes of the 1 hour.

Mr. MANN. I want half an hour.

Mr. CLAYTON. If we can agree——

Mr. MANN. I want half an hour. I do not expect to use it all myself, but I want that much time.

Mr. CLAYTON. I will be perfectly willing to give the gentleman 15 minutes and to give the gentleman from Kansas [Mr. MURDOCK] 10 minutes, and the gentleman from California [Mr. CURRY] 5 minutes. That would be half an hour.

Mr. MANN. The gentleman who is the author of the resolution wants some time.

Mr. CLAYTON. I thought perhaps you were going to give him your 15 minutes.

Mr. MANN. I wanted a little time myself, but I wanted more time for him.

Mr. CLAYTON. I think I ought to reserve for the committee 30 minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama may have 30 minutes more time in which to debate the question, and that I may have 30 minutes of time, and the gentleman from Kansas [Mr. MURDOCK] 10 minutes.

The SPEAKER. The Chair will inquire of the gentleman, if he gets his 30 minutes, if he assumes he has the right to divide it out?

Mr. MANN. Certainly.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have 30 minutes, that he himself have 30 minutes, and the gentleman from Kansas [Mr. MURDOCK] have 10 minutes.

Mr. CARLIN. I shall object to that, Mr. Speaker, myself. I think if the gentleman from Illinois has half the time he has all to which he is entitled. I should be perfectly willing, so far as I am concerned, as a member of the committee, if the chairman should give——

The SPEAKER. The gentleman from Alabama has already used 10 minutes.

Mr. MURDOCK. Will the gentleman withhold his objection?

Mr. CARLIN. Yes.

Mr. MURDOCK. I think I can help this thing along by yielding five minutes of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. My request is only to divide the time equally between the majority and the minority.

The SPEAKER. The situation is this: The gentleman from Alabama [Mr. CLAYTON] presents a privileged resolution on which he has the right to have an hour. He has used 10 minutes. Then he moved to table the resolution. Of course, that is not debatable. The gentleman from Illinois [Mr. MANN] now asks 30 minutes for himself and 30 minutes for the gentleman from Alabama [Mr. CLAYTON] and 10 minutes for the gentleman from Kansas [Mr. MURDOCK], and the gentleman from Alabama has already used 10 minutes. That makes it even. Is there objection?

Mr. CLAYTON. Mr. Speaker, how much time is there? I understand there was originally an hour, and how much of it has been exhausted?

The SPEAKER. This request of the gentleman from Illinois will make the debate run an hour and 10 minutes, and of that time the gentleman from Alabama is to have 30 minutes, already having used 10, which evened it up. He has 30 minutes, the gentleman from Illinois [Mr. MANN] 30 minutes, and the gentleman from Kansas [Mr. MURDOCK] 10 minutes.

Mr. CLAYTON. That is an hour and ten minutes of new time?

The SPEAKER. Of new time.

Mr. CLAYTON. Mr. Speaker, I want to ascertain exactly what it is. My mind sometimes does not move with the celerity of the Speaker's, but I am sure with equal accuracy, and hence I want to make my inquiry. That means that there will be 40 minutes awarded to the minority—those opposing this motion—and that there shall be only 30 minutes awarded to the committee and those advocating the motion. Now, I do not think that complies with the old-established rule which says that "equality is equity." I suggest that the time be split into two halves, and that I be given half the time and that the gentleman from Illinois [Mr. MANN] take half. I will accept that proposition.

Mr. MANN. Although the gentleman from Alabama [Mr. CLAYTON] has already occupied 10 or 15 minutes, I shall ask that the gentleman's time be 40 minutes and that my time be 30 minutes.

Mr. CLAYTON. What was the gentleman's proposition, Mr. Speaker? My attention was diverted for a moment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks leave to modify the request. The gentleman from Alabama is to have 40 minutes, and the gentleman from Illinois is to have 30 minutes, and the gentleman from Kansas [Mr. MURDOCK] 10 minutes.

Mr. CLAYTON. Then, Mr. Speaker, I understand that this "gentlemen's agreement" that we are acting upon will be preserved and respected, and it will be further carried out by not raising any question of quorum?

Mr. MANN. I have no promises of anything except what is contained in the request.

Mr. CLAYTON. Then, Mr. Speaker, if we have got to have that question of no quorum, I might as well confess that it is impossible for me to agree to spend an hour or more in debate here, with the understanding that at the end of that time the question of no quorum will be raised. We all know now that there will be no quorum here, for there is none here now. I insist upon my motion, Mr. Speaker, that the House resolution 181 do now lie on the table.

The SPEAKER. Does the gentleman from Alabama object to the request of the gentleman from Illinois?

Mr. CLAYTON. I did not hear it, Mr. Speaker.

The SPEAKER. It is to give 40 minutes to a side. Does the gentleman object?

Mr. CLAYTON. That is what I was undertaking to answer.

Mr. MANN. If the gentleman from Alabama is afraid to have this resolution considered without a quorum, I will make the point of no quorum, so that when it is considered it will be considered by a quorum. It is very important to have a quorum present when important legislation is considered.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. Evidently there is none.

Mr. CLAYTON. This is not important legislation. It is a proposition to adopt a report upon a resolution of inquiry which has brought the information desired.

There was something said, Mr. Speaker, about printing the resolution.

The SPEAKER. The resolution will be printed as a matter of course, because it was read.

Mr. CLAYTON. Of course the gentleman knows that the gentleman from Alabama is not afraid of a political play, although such play at this time is to be regretted. The gentleman from Alabama wishes the House to now act on public business. Mr. Speaker, of course, under the suggestion raised by the gentleman from Illinois, we need not take up any more time. There is no quorum present, and one can not be obtained this afternoon.

The SPEAKER. There is only one of two things to do: One is to move to adjourn and the other is to move a call of the House.

ADJOURNMENT.

Mr. CLAYTON. With that motion of mine pending, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes p. m.) the House adjourned, pursuant to the order previously agreed to, until Saturday, July 5, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of Clearwater Harbor, Fla., from the mouth of the Anclote River to the channel from the south end of Clearwater Harbor into and through Boca Ceiga Bay, thence into Tampa Bay (H. Doc. No. 123); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Black River, S. C., up to Kingstree (H. Doc. No. 124); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Tugaloo River, Ga. and S. C., from the mouth of Panther Creek to the head of Chandlers Shoals, with a view to its improvement by means of open-channel work (H. Doc. No. 125); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Red River, La. and Ark., from its mouth to Fulton (H. Doc. No. 126); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Breton May, Md. (H. Doc. No. 127); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

6. A letter from the Secretary of Commerce, transmitting a schedule of useless executive documents in the Department of Commerce (H. Doc. No. 128); to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Platt National Park, Okla. (H. Doc. No. 129); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for bookstacks for Government bureau libraries, Smithsonian Institution (H. Doc. No. 130); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINDBERGH: A bill (H. R. 6578) to provide for the establishment of Federal reserve banks and Federal agricultural associations, for furnishing an elastic currency, affording means of rediscounting commercial paper, and a system of credits and loans on farms and to farmers' organizations, and to establish a more effective supervision of banking in the United States, and to amend the act of Congress establishing postal savings banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. CARLIN: A bill (H. R. 6579) to extend the dredging of Aquia Creek in the State of Virginia 200 yards beyond the completion of the present work; to the Committee on Rivers and Harbors.

By Mr. HINDS: A bill (H. R. 6580) to provide for the examination of Portland Harbor, Me.; to the Committee on Rivers and Harbors.

By Mr. EDWARDS: A bill (H. R. 6581) granting pensions to Confederate veterans and widows of Confederate veterans at the rate of $30 per month; to the Committee on Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 6582) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. TRIBBLE: A bill (H. R. 6583) to drain swamp and wet lands; to the Committee on Agriculture.

By Mr. EDWARDS: A bill (H. R. 6584) to fix the compensation of letter carriers of the Rural Delivery Service at a salary of $1,500 per annum; to the Committee on the Post Office and Post Roads.

By Mr. DENT (by request): A bill (H. R. 6585) to improve the public roads of the United States; to the Committee on Roads.

By Mr. ROGERS: A bill (H. R. 6586) to require the registration of counsel and other agents who for compensation influence or seek to influence legislation pending before Congress; to the Committee on the Judiciary.

By Mr. LA FOLLETTE: A bill (H. R. 6587) to provide for the acquiring of station grounds by the Great Northern Railway Co. in the Colville Indian Reservation, in the State of Washington; to the Committee on Indian Affairs.

By Mr. CARLIN: A bill (H. R. 6588) to increase the compensation of certain employees of the Government Hospital for the Insane, Department of the Interior; to the Committee on the District of Columbia.

By Mr. HOBSON: A bill (H. R. 6589) to equalize the pensions of Confederate and Union veterans; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Resolution (H. Res. 192) to provide for the appointment of a committee to ascertain certain facts regarding the framing of a currency bill by the Committee on Banking and Currency; to the Committee on Rules.

By Mr. RODDENBERY: Resolution (H. Res. 193) providing for the appointment of a standing committee to be known as the budget committee; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolution (H. Res. 194) providing for the investigation of the charges made by M. M. Mulhall; to the Committee on Rules.

By Mr. NEELEY: Resolution (H. Res. 195) authorizing the Speaker of the House to appoint a committee of five members to investigate the charges made by Martin M. Mulhall; to the Committee on Rules.

By Mr. TAVENNER: Resolution (H. Res. 196) authorizing the Speaker of the House of Representatives to appoint a special committee to investigate legislation involving changes in the national fiscal and currency systems, etc.; to the Committee on Rules.

By Mr. SHERLEY: Resolution (H. Res. 197) providing for the appointment of a special committee of seven Members of the House to investigate the charges made by M. M. Mulhall; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN of Illinois: A bill (H. R. 6590) granting a pension to John J. Blachowski; to the Committee on Pensions.

Also, a bill (H. R. 6591) granting a pension to Ella Sherwood; to the Committee on Pensions.

Also, a bill (H. R. 6592) granting a pension to Martha Vorhes; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 6593) granting a pension to Crowell Lisenby; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 6594) granting an increase of pension to Danton H. Miller; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 6595) granting a pension to Frank L. Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 6596) granting a pension to Maggie Rausdell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6597) granting a pension to Charlotte Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6598) granting an increase of pension to Jefferson Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6599) granting an increase of pension to James K. Waltermire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6600) granting an increase of pension to William H. Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6601) granting an increase of pension to Henry C. R. Rudolph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6602) granting an increase of pension to Allen Hartwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6603) granting an increase of pension to Edgar B. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6604) granting an increase of pension to Ezekiel C. Wetzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6605) granting an increase of pension to John A. C. Hazel; to the Committee on Pensions.

Also, a bill (H. R. 6606) granting an increase of pension to George K. Gould; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 6607) granting a pension to Joseph Glass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6608) granting a pension to Dorothea Christmann; to the Committee on Pensions.

Also, a bill (H. R. 6609) for the relief of Arthur E. Rump; to the Committee on Claims.

Also, a bill (H. R. 6610) granting an increase of pension to Bertha Herder; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 6611) granting a pension to Fannie A. Mahoney; to the Committee on Pensions.

Also, a bill (H. R. 6612) for the relief of the legal representatives of the estate of Samuel Noble, deceased, and others; to the Committee on War Claims.

By Mr. ELDER: A bill (H. R. 6613) to reimburse Robert Futch, a resident of Union Parish, La., for expenditures made upon homestead entry 02862, later canceled by the Government on account of conflict with previous entry; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 6614) granting a pension to Ellen Maple; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 6615) granting a pension to George Howes; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 6616) granting a pension to Giles Gordon; to the Committee on Pensions.

Also, a bill (H. R. 6617) for the relief of the heirs of Julius Alexander Ward, deceased; to the Committee on War Claims.

By Mr. HULINGS: A bill (H. R. 6618) granting an increase of pension to Andrew Krear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6619) granting a pension to Adam Kirkwood; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 6620) granting an increase of pension to Clara A. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6621) for the relief of Logan Arnett; to the Committee on War Claims.

By Mr. LEWIS of Maryland: A bill (H. R. 6622) granting an increase of pension to John Brown; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 6623) granting an increase of pension to Lucius H. Hackett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6624) for the relief of Charles W. Clark; to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 6625) for the relief of John J. Kane; to the Committee on Claims.

By Mr. REILLY of Connecticut: A bill (H. R. 6626) granting an increase of pension to Andrew B. Todd; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 6627) granting an increase of pension to Oscar E. Harper; to the Committee on Pensions.

Also, a bill (H. R. 6628) granting an increase of pension to Louisa M. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6629) granting an increase of pension to Ali McKisic; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6630) granting an increase of pension to Henry P. Stork; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6631) granting an increase of pension to William J. Letts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6632) granting an increase of pension to Henry Madill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6633) granting a pension to Selinda Wright; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Thomas Nelson Woolfolk, jr., of Norfolk, Va., relative to report on the petition referred to the Committee on the Judiciary; to the Committee on the Judiciary.

Also (by request), petition of the Brotherhood of Locomotive Firemen and Engineers, favoring extension of authority to the locomotive boiler inspection division of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Grand Lodge of the Brotherhood of Railroad Trainmen, condemning ex-Gov. Glasscock, of West Virginia, for declaring martial law in the Paint and Cabin Creek mining districts, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. COPLEY: Petition of stockholding employees of the United States Steel Corporation, of Joliet, Ill., and elsewhere, protesting against the dissolution of said corporation; to the Committee on the Judiciary.

By Mr. DALE: Petition of the National Association of Hosiery and Underwear Manufacturers, protesting against the passage of the tariff bill in its present state and favoring maintaining the Payne rates; to the Committee on Ways and Means.

By Mr. DYER: Petition of the Southwestern Interstate Coal Operators' Association, of Kansas City, Mo., protesting against Senate bill 593, providing for inspection and regulation of coal mines; to the Committee on the Judiciary.

Also, petitions of the Central Coal & Coke Co. and the Commercial Club, of Kansas City, and the Lumbermen's Club, of St. Louis, Mo., favoring the bill for the continuation of the Commerce Court; to the Committee on Appropriations.

Also, papers to accompany evidence in the case of Isabella Cook; to the Committee on Indian Affairs.

By Mr. ELDER: Papers to accompany bill to reimburse Robert Futch, Union Parish, La.; to the Committee on Claims.

By Mr. GILMORE: Petition of the Cambridge Board of Trade, favoring 1-cent postage for letters; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Philadelphia Board of Trade, favoring the passage of an amendment to the Erdman Act; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of the Philadelphia Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. MOORE: Petition of the Philadelphia Board of Trade, favoring Senate bill 152 and House bill 4322, providing for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Philadelphia (Pa.) Board of Trade, favoring the passage of House bill 6141—the Erdman Act; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the National Association of Hosiery and Underwear, protesting against the proposed change in the tariff on hosiery; to the Committee on Ways and Means.

Also, petition of sundry citizens of Merced and Stanislaus Counties, Cal., protesting against the proposed diverting of certain waters of the Tuolumne River; to the Committee on Irrigation of Arid Lands.

By Mr. THACHER: Petition of the Cambridge (Mass.) Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

SENATE:

THURSDAY, *July 3, 1913.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that the lengthening shadows which fall along the path of 50 years of our national history lie upon no malice arising from the past; that peace and harmony and prosperity are the present heritage, with a bright, hopeful future stretching out before us.

We remember to-day the veterans gathered upon the field of their former glory. We thank Thee for their kindly relationship. We pray that the thin line of the heroes of the past may have the especial guidance and comfort and blessing of God Almighty, and that as they look back upon scenes so far gone they may also look forward to the hills of God in the evening of their lives, and have the light and peace that are promised in Thy word.

Now, we pray that Thou wilt bless our Nation more and more, giving to Thy servants in this Senate, who have come into the inheritance of the past, all grace and wisdom which shall justify their places of power and authority in this day, and guide them to yet greater victories for freedom, for humanity, and for God. We ask it in Christ's name. Amen.

The Vice President being absent, the President pro tempore took the chair and directed the Secretary to read the Journal of the preceding day's session.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BACON. Unless there be something of importance in the Journal that some Senator desires to have read, I ask that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none. The reading is dispensed with, and the Journal stands approved.

Mr. BACON. I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 2 o'clock p. m.

The motion was agreed to.

Mr. BACON. Unless there is some matter which a Senator desires to bring to the attention of the Senate, I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Georgia moves that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, July 7, 1913, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 5, 1913.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supreme in all Thine attributes, our God and our Father, by the consciousness of Thy presence, by the insistence of Thy will, by the knowledge of Thy justice, by the grace of Thy mercy, by the hopes of Thy promises, by the reason with which Thou hast endowed us, help us to think right, to choose right, to do right, and, so far as lieth in us, to live peaceably with all men, doing unto them as we would have them do unto us. In the Christ spirit. Amen.

The Journal of the proceedings of Wednesday, July 2, 1913, was read and approved.

ENROLLED HOUSE JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

CHANGE OF REFERENCE.

Mr. FERRIS. Mr. Speaker, I ask that the finding of the Court of Claims in the case of Emmetta Humphreys, administrator de bonis non of John Sevier, sr., and John Sevier, jr., against the United States (H. Doc. No. 131) transmitted to the House on January 23, 1913, and referred to the Committee on the Public Lands on January 24, 1913, be withdrawn from that committee and referred to the Committee on Appropriations. It calls for a payment of money, and the Committee on the Public Lands has no jurisdiction over it.

The SPEAKER. If there be no objection, it will be so ordered.

Mr. MANN. I could not hear the gentleman's request. What was it?

Mr. FERRIS. That the finding of the Court of Claims in the Gen. John Sevier case go to the Committee on Appropriations instead of the Committee on the Public Lands. The Committee on the Public Lands has no authority to recommend the appropriation of money. I think it ought to go either to Appropriations or Claims.

Mr. MANN. I suppose the Committee on Appropriations would have no jurisdiction of it if it is an ordinary finding.

Mr. FERRIS. I am not in a position to debate that question.

Mr. MANN. Unless it is a judgment, it goes to the Committee on Claims.

Mr. FERRIS. I am not particular to which committee it goes. The parties interested would like to have it go to the Committee on Appropriations. I am willing that it should go to the Committee on Claims, if that is the proper committee.

The SPEAKER. The gentleman from Oklahoma asks that the communication be referred to the Committee on Claims. Is there objection?

There was no objection.

The SPEAKER. The Chair will state that a careful examination of the bill (H. R. 6141) to amend the Erdman Act develops a fact which the Chair overlooked when he read it, although it was in the draft of the bill handed to him. The parliamentary clerk overlooked it also. Right at the end of that bill there is an appropriation of $25,000. Therefore the bill ought to be taken from the House Calendar and put on the Union Calendar.

Mr. MANN. The bill also creates two new offices.

The SPEAKER. Yes. So that change of reference will be made from the House Calendar to the Union Calendar.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. TOWNSEND, for two weeks, on account of death in his family.

To Mr. DAVENPORT, for two weeks, on account of sickness.

To Mr. GRAHAM of Pennsylvania, for two months, on account of illness.

To Mr. TAGGART, for five days, on account of important business.

To Mr. HARDWICK, for 10 days, on account of important business.

To Mr. BORCHERS, for two weeks, on account of illness.

LOBBY INVESTIGATION.

Mr. HENRY. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Texas offers a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 198 (H. Rept. 33).

Whereas there have appeared in recent issues of various newspapers published in the United States divers statements and charges as to the existence and activity of a lobby organized by and on behalf of an organization known as the National Association of Manufacturers for the purpose of improperly influencing legislation by Congress, the official conduct of certain of its Members and employees, the appointment and selection of committees of the House, and for other purposes designed to affect the integrity of the proceedings of the House of Representatives and its Members: Therefore be it

Resolved, That the Speaker appoint a select committee of seven Members of the House and that such committee be instructed to inquire into and report upon all the matters so alleged concerning said Representatives, and more especially whether during this or any previous Congress the lobbyists of the said National Association of Manufacturers, or the said association through any officer, agent, or member thereof, did in fact reach or influence, whether for business, political, or sympathetic reasons or otherwise, the said Representatives or any one of them or any officer or employee of this or any former House of Representatives in or about the discharge of their official duties; and if so, when, by whom, and in what manner.

Said committee shall also inquire whether money has been used or improper influence exerted by said National Association of Manufacturers or any agent thereof to accomplish the defeat for nomination or election of any candidate for the House of Representatives of Congress, and said committee shall likewise inquire whether Members of Congress have been employed by said association for the accomplishment of any improper purpose whatever.

Said committee is also directed to inquire whether improper influence has been exerted by said association or by any other association, corporation, or person to secure the appointment or selection of the committees of the House, or any of them.

Said committee shall also inquire whether the said National Association of Manufacturers or any other organization or corporation or association or person does now maintain or has heretofore maintained a lobby for the purpose of influencing legislation by Congress and ascertain and report to what extent and in what manner, if at all, legislation has been improperly effected or prevented by reason of the existence of such lobby, if it be found to exist at all now or heretofore.

Said committee, or any subcommittee thereof, may sit in the city of Washington or elsewhere to conduct its investigations during the sessions of the House or recess of Congress. It shall have power to employ such legal or clerical assistance as may be deemed necessary, to send for persons and papers and administer oaths, and shall have the right to report at any time.

The Speaker shall have authority to sign and the Clerk attest subpœnas during the recess of Congress. The expenses of said inquiry shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee, to be immediately available.

Mr. LEVY. Mr. Speaker, I object.

The SPEAKER. The gentleman objects to what?

Mr. LEVY. To the present consideration of the resolution.

The SPEAKER. This is a privileged resolution—highly privileged.

Mr. LEVY. Mr. Speaker, I desire to make the point of order that no quorum is present.

The SPEAKER. The gentleman makes the point of order that no quorum is present.

Mr. HENRY. I hope the gentleman will not do that.

Mr. LEVY. If the gentleman will give me time to explain myself——

Mr. HENRY. I will give the gentleman time to explain; but I ask the gentleman to wait until we make an agreement. Mr. Speaker, I ask the gentleman from Kansas how much time he thinks we will need for general debate?

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Was the point of order of no quorum withdrawn?

The SPEAKER. Yes. The record will show that the point of order of no quorum is withdrawn.

Mr. CAMPBELL. Mr. Speaker, I have had only a few requests for time for general debate on the resolution. In view of the fact that the resolution will probably be open to amendment and that Members desiring to discuss their amendment will have all the opportunity they desire, that will be satisfactory.

Mr. HENRY. I will state that it is my intention to allow the freest latitude of discussion and to the offering of amendments to the resolution. I have no desire to move the previous question within the next two or three hours, if it takes that long. I do not want to cut off amendment or discussion.

Mr. MANN. Mr. Speaker, will the gentleman permit a suggestion?

Mr. HENRY. Certainly; I will be glad to have the gentleman make it.

Mr. MANN. Under the form in which this matter comes before the House any gentleman who secures the floor for the purpose of offering an amendment secures it for an hour's debate.

Mr. HENRY. Yes.

Mr. MANN. Which he can use himself or dole out as he pleases?

Mr. HENRY. Yes.

Mr. MANN. So there can not be any very extended liberty about offering amendments unless there be some preliminary arrangement made in reference to time?

Mr. HENRY. I am perfectly willing to make an agreement in that regard, that any Member may offer an amendment during the progress of the debate.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent in some way as to the time for debate, with the further provision that any gentleman securing the floor shall have the right, while he has the floor, to offer an amendment, amendments to be pending, to be voted on at the end of the debate.

Mr. HENRY. I make that request.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Illinois that somebody desiring to offer an amendment might not be able to secure the floor.

Mr. MANN. I take it that the courtesy of both sides of the House would permit anybody who desired to offer an amendment, if time is not to be restricted, to have the floor.

Mr. HAY. Why not have an arrangement that any Member desiring to offer an amendment shall have the privilege of doing so?

Mr. MANN. I think that is proper.

Mr. GARNER. And furthermore, if we do not have some limit of time on the gentleman who offers the amendment, he could have an hour. I think it better be limited to 10 or 15 minutes.

Mr. MANN. That is what we are trying to work out.

Mr. HENRY. Why not put it in this way: That the general debate do not exceed one hour, and that then we take the resolution up for consideration under the five-minute rule, for the purpose of amendment and explaining the amendments. I make that request.

The SPEAKER. The gentleman from Texas asks unanimous consent that general debate on this resolution be confined to one hour, and that then it shall be taken up for consideration under the five-minute rule, for amendment.

Mr. HENRY. Not exceeding one hour.

The SPEAKER. That there be general debate not exceeding one hour, and that then the resolution be taken up for consideration under the five-minute rule for amendment. Is there objection?

Mr. FOWLER. Mr. Speaker, reserving the right to object, I desire to inquire whether the time has all been given up to Members for the hour?

Mr. HENRY. It has not.

Mr. FOWLER. I desire to know if I can have five minutes of that time?

Mr. HENRY. The gentleman can have five or more.

Mr. LEVY. And with the understanding that I have that time?

Mr. HENRY. Yes; and the gentleman from New York, also. I suppose, Mr. Speaker, that I am to control 30 minutes of the time, and the gentleman from Kansas shall control 20 minutes of the time, and the other gentleman from Kansas [Mr. MURDOCK] 10 minutes.

Mr. DIES. Mr. Speaker, reserving the right to object, I would like to know if the gentleman can give me five minutes?

Mr. HENRY. I think I shall be able to do so.

Mr. CAMPBELL. Mr. Speaker, it was my intention to yield 10 minutes of my time to the gentleman from Pennsylvania [Mr. KELLY].

The SPEAKER. The understanding is that the gentleman from Texas shall control 30 minutes and the gentleman from Kansas [Mr. CAMPBELL] 30 minutes, with some agreement that the other gentleman from Kansas [Mr. MURDOCK] shall have 10 minutes of the 30 minutes controlled by the gentleman from Kansas [Mr. CAMPBELL].

Mr. POU. The gentleman from Pennsylvania [Mr. KELLY], Mr. Speaker.

Mr. HENRY. A member of the Committee on Rules.

Mr. CAMPBELL. My intention is to yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY], a member of the Committee on Rules.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HENRY. Now, Mr. Speaker, I wish to state that on last Wednesday the gentleman from Kentucky [Mr. SHERLEY] introduced a resolution reciting certain publications which were made in the New York World and Chicago Tribune, and asked for an investigation in regard to himself of charges based on those publications. The gentleman from Kansas [Mr. NEELEY] also introduced a resolution, and the gentleman from Illinois [Mr. TAVENNER] introduced a resolution on the same subject, and so did the gentleman from California [Mr. J. I. NOLAN]. So there were four of these resolutions providing for the investigation of the lobby. The Committee on Rules has carefully examined all of those resolutions and has come to the conclusion that they would report a substitute to the House, which has been read by the Clerk and is now before the Members. This substitute speaks for itself, and provides for the broadest and most sweeping investigation of the charges which have been made in regard to a lobby. The Committee on Rules were of the opinion that this resolution should be as broad as the English language could make it in order that this committee of seven provided for in the resolution could go into this transaction and any other transaction with which a lobby might be connected.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. HENRY. I do.

Mr. SMITH of Texas. I notice in the second paragraph of the resolution that an inquiry is provided as to whether this association exerted influence for the purpose of defeating the nomination or election of candidates for the House of Representatives?

Mr. HENRY. Yes.

Mr. SMITH of Texas. Does that provide for any inquiry as to whether or not they were active in electing Members of Congress? Why was that left out?

Mr. HENRY. I think that language includes that.

Mr. GARRETT of Tennessee. Will the gentleman permit? In line 12, "to accomplish the defeat for nomination or election of any candidate for the House of Representatives of Congress."

Mr. HENRY. "For nomination or election." I think if the gentleman will carefully read the whole resolution he will see that it covers the point, "to accomplish the defeat for nomination or election." However, if the resolution is not broad enough the committee have no objection to having it amended, and now places it in the hands of the membership of the House. I believe it is broad enough to reach all of these things, but we have brought it before the House after consideration and believe that it should be adopted. We have no pride of opinion as to its verbiage or authorship. We invite amendments and we do not desire to limit debate, but have requested that plenty of time be allowed for discussion and for amendment. Therefore this resolution is submitted to the House for its consideration.

Mr. FERRIS. Will the gentleman yield?

Mr. HENRY. I do.

Mr. FERRIS. I want to ask the chairman of the committee if the committee considered the advisability of making the resolution a joint resolution so that there might not be perhaps a trying of a man at both ends of the Capitol at the same time?

Mr. HENRY. The committee gave that matter considerable attention and came to the conclusion that while it is desirable it is not practical at this time to do so.

Mr. FERRIS. Why?

Mr. HENRY. We tried to get into touch with members of the Senate committee. Well, there are a great many reasons why it is not practical and they will be developed as we proceed with the discussion. I think the gentleman will be convinced of it. I do not like to take the time now to go into that feature of it, but under the five-minute rule all of those things will be discussed.

Mr. FERRIS. I do not care, then, to divert the gentleman's attention at this time.

Mr. HENRY. You will not divert my attention at this time, but the Senate committee has been proceeding for days and days with their investigation, and if we had a joint session they might have matters in mind that might come up that would

not interest the House at all while they were investigating those charges in so far as the membership of the House is concerned.

Mr. FERRIS. Do not the so-called Mulhall charges include certain Senators?

Mr. HENRY. The Senate can protect its own integrity, and for that reason we want to have free right of way to protect the integrity of the membership of this House, so that there will be no hindrance to either side in accomplishing what they desire.

Mr. FERRIS. Will not that necessitate going over the identical ground twice?

Mr. HENRY. To our mind it would not make any difference if we went over it two or three times. The question of duplication means nothing when we are defending the honor and integrity of the membership of this House.

Mr. FERRIS. The gentleman is no more in earnest about that than I am, but it seems to me the idea of duplication is both a false economy and erroneous from every viewpoint.

Mr. HENRY. We thought there would not be any exact duplication. Here are charges against Members of this House, and we wish to go directly to them and investigate them and see if there is anything in them that is justified, and whether certain Members ought to be exonerated and others ought to be criticized or eliminated. On that account we have made the House resolution——

Mr. GARRETT of Texas. Will the gentleman yield?

The SPEAKER. Will the gentleman from Texas [Mr. HENRY] yield to the gentleman from Texas [Mr. GARRETT]?

Mr. HENRY. I will.

Mr. GARRETT of Texas. On page 3 of the resolution I see that this subcommittee is to have power to employ such counsel or clerical assistance as it may deem necessary and to send for persons and papers and administer oaths, and there your power ceases under the resolution. I would like to ask the gentleman if when a witness has been summoned before this House committee and he absolutely declines and refuses to answer a question propounded to him what would be the remedy?

Mr. HENRY. I think there is a statutory provision in regard to that matter. That is taken care of under the general law. The House could not make this resolution have the force and effect of a statute, and for that reason we did not go into a thing that was already in the statute.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. HENRY. I yield to the gentleman from Wisconsin.

Mr. COOPER. I call the gentleman's attention to the language on lines 11 and 12, page 2. Does not the gentleman think that ought to be amended so that it will read like this, beginning with line 9:

> Said committee shall also inquire whether money has been used or improper influence exerted by the said National Association of Manufacturers or any agent thereof to accomplish the defeat for nomination or election, or in attempting to accomplish the defeat for nomination or election.

Mr. HENRY. I rather think that would be included in the language as stated, but have no objection to making it broader if the gentleman thinks language of that sort would improve it. I think that would improve it, and have no objection to it.

Mr. REED. Will the gentleman yield?

Mr. HENRY. I will yield.

Mr. REED. On page 3, line 13, it reads:

> The Speaker shall have authority to sign and the Clerk attest subpœnas during the recess of Congress.

Is the House to understand by that that this investigation shall be deferred until Congress recesses?

Mr. HENRY. Oh, no. The Speaker has that authority while Congress is in session, but when we adjourn the authority has to be specifically conferred on him by the resolution.

Mr. REED. Then by the resolution as written it is the intention of the committee to go ahead with the investigation immediately?

Mr. HENRY. Undoubtedly; and they have the authority to do it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Texas reserves the balance of his time. He has used nine minutes.

Mr. CAMPBELL. Mr. Speaker——

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 20 minutes.

Mr. CAMPBELL. The Committee on Rules has spent the better part of three days considering the subject of this resolution. They make no apology to the House of Representatives for violating the Nation's holiday by working most of the day. We were in accord as to the general scope which the investigation authorized by this resolution should take. It took some little time to get the ideas of the committee into shape, but we finally succeeded in producing the draft of the resolution that is before the House at this time.

The chairman of the committee has stated he will not move the previous question. The resolution, therefore, will be open for amendment under the five-minute rule. It was the judgment of the committee that the resolution probably would not be materially improved by amendments offered, but while on the floor of the House the widest latitude for debate will be given, and if any amendment appeals to the House it will have the cooperation of the members of the committee.

The resolution, it will be observed, does not confine the committee which it authorizes merely to an investigation of the activities of the National Association of Manufacturers, but it authorizes an investigation also into like activities of any like association or persons, engaged either before Congress or the committees of the House; and it was the intention also to include the activities not only of the National Association of Manufacturers, but of any other association in the primary campaigns of Members of Congress and in the campaigns for election of Members of Congress, whether these associations were urging the defeat or urging the election of Members of Congress.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Washington?

Mr. CAMPBELL. I yield for a question.

Mr. HUMPHREY of Washington. I would like to ask the gentleman from Kansas if he does not think that the resolution ought to be amended by inserting in line 11 of page 2 the words "and any other organization or corporation or association or persons"?

Mr. CAMPBELL. I have had my attention called to that matter, and have taken the matter up with other members of the committee, and I will say to the gentleman that when that part of the resolution is reached I shall offer an amendment.

Mr. GARRETT of Tennessee. What amendment is that?

Mr. CAMPBELL. On line 11, page 2, after the word "manufacturers," to insert the words "or any other association or organization or persons."

Mr. GARRETT of Tennessee. Does the gentleman intend to offer that amendment?

Mr. CAMPBELL. Well, I shall offer it if some one else does not.

Mr. GARRETT of Tennessee. Will the gentleman permit me further to interrupt him just a moment, while I am on my feet?

Mr. CAMPBELL. Yes.

Mr. GARRETT of Tennessee. To meet the suggestion of the gentleman from Texas [Mr. SMITH] it was deemed well to insert after the word "the," in line 12, the words "success or," and I shall at the proper time offer that amendment.

Mr. TOWNER. Allow me to suggest, Mr. Speaker, if the gentleman will yield to me for a moment——

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Iowa?

Mr. CAMPBELL. If the matter that the gentleman has in mind would not come up for amendment under the five-minute rule, I will yield.

Mr. TOWNER. It is in regard to the suggestion of the gentleman from Texas [Mr. SMITH]. I suggest that the amendment read "to accomplish the election or secure the defeat," and so forth. If the gentleman does not offer it, I will. That is, to amend by the insertion of the words "or secure the election or."

Mr. GARRETT of Tennessee. If the gentleman will allow me, I had that language in mind myself, but that involves the repetition of the word "election." I think it would be simpler and better grammar after the word "the" to insert the words "success or." But we can take that up when we come to the consideration of the resolution under the five-minute rule, of course.

Mr. CAMPBELL. Mr. Speaker, the purpose of this resolution is to show to the country what has been done by every organization that has participated in politics and lobbying before the Congress and the committees of the House. We want the country to know exactly what is going on and what is being done, not only by the Manufacturers' Association but by others. We do not deny, and it was not the intention of the committee presenting this resolution to intimate, that the National Association of Manufacturers, or any other association, did not have the right to appear before committees of Congress to appeal to Members of Congress upon matters in which they were interested; but we want the country to know what association has

undertaken improperly to influence the Congress, or the appointment of committees, or the action of committees, or the defeat of candidates for nomination for Congress, or the defeat of candidates for election to Congress, or the nomination of particular candidates, or the election of particular candidates. It is important that the country should know what influences are back of action taken, not only by the National Association of Manufacturers but by others.

It is well known to the Members of Congress, as it is to everybody else in public life, that for years every candidate for office receives information that the writer is the representative of so many thousands or hundreds of thousands of votes, and that these votes will be for or against him upon the condition that he is for or against certain things. We want to know, and we want the country to know, all the facts in this connection.

If a Member of Congress comes here as the agent of or having been elected by any organization, the country should know it and the Congress should know it. That is the purpose of the wide scope authorized by this resolution for investigation into these questions. The committee is unanimous in its report. I hope the resolution will be amended in certain particulars to strengthen it. I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY] and reserve the remainder of my time.

The SPEAKER. The gentleman from Kansas has used 10 minutes and yields 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, I rise to support the resolution as introduced, with the amendments which may be necessary to carry out the meaning of the resolution in its general form.

It seems to me that the resolution is broad enough to cover more than the direct charges relating to the National Association of Manufacturers. It has been carefully studied and worked over, as has been suggested by the chairman of the committee and the gentleman from Kansas [Mr. CAMPBELL]. The committee took it up on Independence Day and gave it careful study during the greater part of that day. I think special credit should be given to the gentleman from North Carolina [Mr. POU] in this connection. He worked arduously on this measure and was largely instrumental in shaping it in its principal outlines.

I believe this resolution covers the phases of special privilege that we have been talking about, but knowledge of which has existed in more or less nebulous form. The Mulhall charges, as originally published, had two principal phases that came to my mind in reading them. One is that Members of Congress and employees were intimidated or purchased, and that committees were manipulated to prevent or effect the passage of legislation by the influence of the National Association of Manufacturers, and that to produce that influence certain money was spent corruptly for the nomination or election of Members of Congress or their defeat for nomination or election. That is the first phase of the charges. The second one is more important still. It is that there has been a conspiracy, a concerted attempt on the part of dishonest big business in this Nation to affect legislation, and by spies and corruption to enter into labor organizations and to impede any attempts they might make to pass remedial legislation or to benefit their condition by industrial strikes. It seems to me that is the most important phase of it, and it is covered by this resolution. The people of the country will not be satisfied to know simply whether this National Association of Manufacturers should be classed as a noble association of manufacturers or as a nefarious association of manufacturers.

It is not so much concerned as to whether or not certain Members of this Congress are models of purity or monuments of putrefaction. It seems to me that the people of the country at the present time desire to know whether or not there is a systematic attempt to change the Government which was intended to be a government of the people, for the people, and by the people into a government of dishonest business, for dishonest business, and by dishonest business, or whether it is a government of grafters, by grafters, and for grafters. That is what the people of this country want to know, and they will rest satisfied with nothing less than the whole truth. The social unrest about which we hear so much, and which exists so evidently in this Nation, is due almost solely to injustice. It is not due in any large degree to anarchists or disturbers without reason. It can only be allayed by turning the power of pitiless publicity upon the vermin that works in the dark, and then following the light with measures which will prevent such menace in the future. Its presence in this Nation is due to the well-grounded idea in the minds of the people that there has been a systematic and insidious effort to stop any progress toward social and industrial justice. That has been the idea for years past when people came to the Halls of Congress and the State legislatures and demanded something of improvement and have seen their prayers unheeded and their wishes scorned. That is the idea now, and here we have an opportunity to learn just to what extent that condition exists in the conduct of business and government and the transaction of legislative business.

And rest assured that the people will not be contented only with learning of conditions of other times. That is important; but far more important still is full and complete knowledge of what is taking place in this Congress here and now.

It seems to me that our duty is to so act that the special interests of this Nation may not sit calmly through all the flurry and excitement of such an exposé as this, knowing that they can still remain masters of the situation through their arts of crooked agents, dictated letters, and whispered words.

The people of this country demand that such unholy power shall cease. Forbearance has almost ceased to be a virtue, and their demands are coming in no uncertain terms. They have wrought a revolution in administrations in an effort to end this domination of privilege, and if that hope fails them the day of public wrath will make alarmists out of many of those who are to-day proud to be classed as conservatives.

The people want the affairs of the Nation to go on in an even and orderly fashion. But if a full and complete investigation into the activities of special privilege in thwarting just legislation is not made, and if the investigation does not end in effective control of the situation, the question will not be whether such conditions are to continue, but what will succeed them. A change is inevitable, and it will come either through ruin or reform.

I want to support this resolution with the amendments which may be necessary to carry out its intent and purpose, because it reaches that important phase of the alliance of crooked business and crooked politics, and because it will give the people the information which the people have the right to know. It will, at the same time, give an opportunity to find a remedy which will result in the bettering of such conditions. It rests with the committee, after it is appointed, as to whether or not this investigation shall be of effective use and benefit. The committee certainly is given power in this resolution to go into these matters, to discuss them thoroughly, and present some remedy for the conditions. I urge the passage of the resolution and reserve the balance of my time.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I am opposed to any further investigations. The honor and integrity of the membership of this House is far above reproach, and we should not take any notice of the unscrupulous and designing class of men who seek to defame the Members of this body.

The investigations of the United States Steel Corporation and the Money Trust have been the cause of distress in the financial and business world. They have depreciated the value of securities over $1,000,000,000. The inquisitions have proven conclusively that there was no just cause for the claim that a money trust existed and that the United States Steel Corporation purchased the Tennessee Coal & Iron Co. for no other purpose than staying the panic of 1907. Not alone have the investigations proven disastrous to the public, but they were the indirect cause of the death of the greatest banker and philanthropist in the world.

These are my objections to the proposed investigation: We have an investigating committee proceeding at the present time in the Senate. Why should the country be put to further expense by having the House duplicate the work of the Senate? What happened in 1904, 1905, 1906, 1907, 1908, 1909, and 1910?

We all have the utmost confidence in the Members of this body and should show our indorsement by refusing to have an investigation.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I am in hearty accord with the sentiment of this resolution. While I do not think it goes far enough in its present form, yet I think by proper amendment it can be made ample to reach all of the claims that have been made through the press by the National Association of Manufacturers or by any other organization which may have exerted its influence for the purpose of the defeat of any candidate for Congress or to promote the election of such candidate. This resolution, as I understand, confines the scope of the investigation to the conduct of the Members of this and other Congresses who have been named in the public press. I am in favor of its being broadened, so that it will reach every Member of this House or any former House.

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. FOWLER. I can not yield very much of my time. I have only five minutes.

Mr. POU. I will yield the gentleman one minute of my time.

Mr. FOWLER. Very well, then I yield to the gentleman with pleasure.

Mr. POU. I want to call the gentleman's attention to the wording of the resolution, beginning on line 22, on the second page:

Said committee shall also inquire whether the said National Association of Manufacturers or any other organization or corporation or association or person does now maintain or has heretofore maintained a lobby for the purpose of influencing legislation by Congress and ascertain and report.

Does not that give the committee the very widest latitude to investigate every human being?

Mr. FOWLER. A very wide latitude, indeed, but I do not care whether the influence was exerted by a lobby or by an individual. It ought to be broad enough to reach the individual Members of various Congresses——

Mr. POU. It does.

Mr. FOWLER. Who undertook to influence legislation.

Mr. POU. It does.

Mr. FOWLER. But I call the attention of the able gentleman to the language in the preamble, which says:

Certain of its Members and employees.

And each reference following the preamble limits the investigation to only these Members, which is in the following words:

Concerning said Representatives.

I want it to extend to other than said Representatives. I want it to include you and me and every other Member of this House or any former House who may have been improperly influenced in legislation or otherwise.

Mr. POU. Mr. Speaker, I will say to the gentleman that if he can think of any words in the English language that will give larger latitude or more power, he can do more than I can.

Mr. FOWLER. I will offer an amendment when the resolution is taken up under the five-minute rule, if no other Member does. Mr. Speaker, I desire now to call the attention of the men who control vast interests in this country to the fact that the mayor of the city of Cincinnati has been compelled, in order to save the lives and serve the people of that great city, to take charge of the ice plants of the Ice Trusts in that city. A strike is now on in the production of ice in that city, and the mayor tried to get the supply from other cities, but he was informed that they had the ice, but before shipment could be made the consent of the owners of the ice factory in Cincinnati must be had; that they had tried to get such consent, but no such consent could be secured. That left the city without ice.

I warn the men of vast control and vast influence in this country that the people to-day are thinking and believing that a secret conspiracy against the welfare of this country is no less treasonable than is the conduct of the man who shoulders a musket and joins the enemy of his country and goes upon the open field to fight against the Government of his country.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Speaker, I understood that I was to have an extension of one minute.

Mr. HENRY. I yield the gentleman one minute more.

Mr. FOWLER. I can not say what this Government may do, neither am I endowed to speak for anyone but myself, but I do want to say to these organizations that have tried to manipulate government for special interest that the people are searching diligently for a remedy, and their ability to find it, in my opinion, Mr. Speaker, is as ample as their activity is great. And while I am not saying that any of these great masters of special interests in this country will be cited for trial for contempt or for treason, yet I say, Mr. Speaker, that it is rife in the minds of the people to-day that such might be done if it becomes necessary.

The SPEAKER. The time of the gentleman has again expired.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Speaker, I certainly feel no personal concern in this resolution and this proposed investigation, because in my four or five years' service here I have not formed the acquaintance of any lobbyists, and I do not know of my own personal knowledge about any lobby. I dare say it is true of this legislative body as every other legislative body in the world, and will ever be until the end of time, that men of various interests in legislation will importune Members of Congress. In a general way, though not directly, I have heard of an anti-saloon league and of a saloon league, of a farmers' organization and of an antifarmers' organization; that various religious sects, various institutions, promulgating various views, have kept so-called lobbyists at the Capitol. My private opinion is that these so-called lobbyists of all the men in the world have the highest regard for the character and the integrity of Members of Congress, although I dare say they may go and report to their paymasters of the influence they wield over you.

For myself, Mr. Speaker, I believe this is an incorruptible, honest body of the Representatives of the people of this country. I do not believe there exists in this Nation an influence that is bad enough to seek to corrupt this great representative body, and if such a band exists, I do not believe for a moment that they could buy a corporal's guard of the Representatives of the people in the American Congress. [Applause.] If it is said that there is a lobby here to keep men from revising the tariff and relieving the burdens of the people, your best answer to it is to revise the tariff and relieve the burdens of the people. If it is said that there is a lobby here to keep you from giving a good, stable, and elastic banking and currency law, your best answer to it is not to sit idle with your hands folded, but to give the people the things which you promised to give them. In my humble belief the people look upon this Congress of men who represent the American people not as demagogic politicians, not in the light of muck-raking papers; but the great heart and soul of this Republic believes you are honest, and if there was anything to shake my faith in your integrity it would be the awful panic that a simple little statement in a newspaper would make in this body. It was suggested by the gentleman from Massachusetts [Mr. GARDNER] that if there is a feeling going abroad that the Congress is not pure, that this forum of the people's will is not what it should be, you ought to go home to your districts as I have done, and tell your people that it is honest and pure. Republicans have called Democrats scoundrels, and Democrats have called Republicans scoundrels in their districts, and leave the impression that you are about the only honest man in the body, so you need not wonder that muck-raking magazines and papers will make the people believe that you are dishonest. If they would tell the truth about yourself and myself to the people they would say that our worst thing is that we have not always got the courage to stand up to the rack, fodder or no fodder, and do what we honestly believe is in the interests of the American people, and that this is not a venal body. [Applause.] You know we are doing a whole lot of investigating, and I have never found any good that has come of it so far as my observation has been concerned. I hope good will come of this. If there is one rotten potato in the bin, I hope you will find it; and I hope if there is a Congressman who has soiled his hands and has taken pay from private interests to do or not to do the right thing, that you will not do what we have often done—be too cowardly to do our duty as we see it—but I hope you will drive such a Congressman from this Chamber on the toe of your boot, and let the people have an ocular demonstration of what you think of tampering with the great law-making body of this country. I doubt if you find any bribe-taking Congressman. I do not doubt you will find some who have eaten dinners with lobbyists; I do not doubt but that you will find lobbyists who believe that they have influenced Congressmen, and I do not doubt when they report to their masters, from whom they draw the $5,000 or $10,000 a year, that they will call Mr. MANN, "Jim"; Speaker CLARK, "Champ"; President Wilson, "Woodrow"; Mr. Roosevelt, "Theodore," to leave the impression that they are cheek by jowl with the great men of the Nation.

You know it is not true, Republicans; you know it is not true, Democrats. The way to make the people believe it is not to get into a panic and riot every time some liar gets himself into the public print. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker, in introducing the resolution the other day providing for an investigation, I had in mind the charges appearing in the newspapers made by Mr. Mulhall. The Committee on Rules has gone fully into the question of investigation and has come to the conclusion that a sweeping investigation, and a wide one, is needed. I believe that what the people of this country want is to find out what lobbies have had their agents in Washington and have used proper and what lobbies have had their agents in Washington and have used improper influences with Members of Congress; and not alone in Washington, but in their respective districts. In reading over the resolution as presented by the committee I am in favor of it, and I hope it will pass the House with the proper amendments, suggested by the various Representatives, necessary to strengthen it and give it the widest possible scope.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized for three minutes.

Mr. KAHN. Mr. Speaker, this resolution will undoubtedly receive the vote, practically, of every Member of this House, and it ought to receive the vote of every Member of this House. The Congress of the United States should not be unwilling to lay bare the act of every Member of that Congress. The country wants light and ought to have the light. But while we are laying bare our lives I believe the motives of the executive officers of this country and their actions should be laid bare also. It was a remarkable sight the other day in this House to see the Democratic majority trying to stifle debate upon a proposition that there should be a thorough exploitation of an effort that might have resulted in the defeat of justice in the matter of the white-slave prosecutions at San Francisco. You can not avoid laying bare these matters. We are determined to have the facts fully presented to the country. The effort to stick your heads in the sand like ostriches in the belief that the country will not see you will not suffice. These matters must be made public. The actions of men in public office, whether they occupy seats in Congress or whether they are at the head of powerful executive departments, should be open to the light of day; and I am glad that the minority leader of this House has not interposed a point of order of no quorum at this time, in order that this resolution should be adopted by the House as speedily as possible. Better show the country the character of men who are in Congress. The trouble is that there are men around this Capitol and men on the outside who speak to Members on public questions, as they have a right to do, and Members have the right to listen. I dare say that if a Member is free in expressing his views it is not improbable that the individual who has accosted the Member will report to his master that this Congressman is all right on this question; and it is possible that he tells his master, in order to make a show of earning the salary which he is being paid by one of these big corporations, "I have fixed Congressman So-and-So. He is all right, and you need not worry about him." If such a letter were made public, it would immediately place an innocent Member in an unenviable position. It is also within the range of possibility that the scoundrel who resorts to such practices will not hesitate to demand money from his employer, ostensibly for the Congressman, when, as a matter of fact, he sticks it into his own pocket. I understand that has been done at times around State legislatures. It may have been done here. Let us have the light. Let us investigate it all.

I have found in my interviews with Members of this House that there is not one to whom I have spoken who knows this man Mulhall. And yet he has given the impression to the country that he has constantly influenced Members of this House. I believe the investigation will disclose his statement to be a tissue of lies. I sincerely hope, Mr. Speaker, that this resolution will pass unanimously, and that light will be thrown upon all the actions of the Members of this House.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York [Mr. LEVY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I have asked for time because of the possible uncertainty as to how long there will be an opportunity to amend the resolution.

I call the attention of the House to the fact that, beginning with line 6 on page 3, are the provisions for the meetings of the committee, and that in so far as any language in this resolution is concerned every one of those meetings can be held in secret. This same sort of a resolution permitting secret meetings of the committee of investigation was introduced at the time we proposed to have an investigation of the Ballinger trouble, but when the resolution reached the floor attention was called to it and the House adopted an amendment declaring that all meetings of that committee and of every subcommittee should be open to the public, the adoption of that amendment resulting in no meetings being held by subcommittee. All the meetings were held in public and conducted by the full committee. So I hope that there will be no adjournment to-day until we reach these provisions on page 3 and there shall be an opportunity to amend.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Tennessee?

Mr. COOPER. I do.

Mr. GARRETT of Tennessee. When the gentleman from Wisconsin speaks of public meetings of the committee to which he refers, he means, of course, those meetings at which hearings were had?

Mr. COOPER. Yes.

Mr. GARRETT of Tennessee. Of course, there were executive meetings of the committee.

Mr. COOPER. Yes.

Mr. GARRETT of Tennessee. The meetings at which hearings were had were all public?

Mr. COOPER. Yes.

Mr. GARRETT of Tennessee. I do not suppose there will be any objection to the amendment, but as a matter of fact does the gentleman recall in his experience here any investigating committee which held meetings, which took the testimony of witnesses, which have not always been public and open for everybody who could get into the room?

Mr. COOPER. That does not meet the situation at all. I want an express prohibition in the resolution itself, so that there shall not be a possibility of a secret meeting. We should not leave it to the discretion of any committee, nor especially of a subcommittee, in a matter of this kind to hold its meetings in secret. Under this resolution they could go from this city to San Francisco, or to any other point in the United States, and hold meetings in secret there.

Mr. HENRY. I will say to the gentleman, Mr. Speaker, that we do not intend to have any secret meetings of the committee, and I do not think there is any intention of that kind as to the hearings. As the gentleman will recall in the matter of the Money Trust investigation and the investigation into the Sugar Trust and into the Steel Trust, those proceedings were all published. I have not the slightest objection to an amendment requiring that all these hearings be made public.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] is recognized for two minutes.

Mr. FERRIS. Mr. Speaker, I have little or no doubt that this resolution will receive practically the entire vote of this body, but it ought not to be adopted until it is made a joint resolution. I think there is not one reason, but there are many reasons why this should be done. If any Member of this House is venal or corrupt, as the charge in the newspaper states, he ought to receive the condemnation of both ends of the Capitol. If he is guilty, he ought to be expelled by both ends of the Capitol. If they are innocent, as I believe them to be, they deserve to be freed from the charges lodged against them by a joint committee and at the earliest possible time.

Another reason why this should be a joint resolution is that these charges reach both Senators and House Members. Therefore, to have a House committee start out and investigate one side of it and then have a Senate committee start out and investigate another side is a duplication of printing, is a duplication of time, is a duplication of investigaton, as well as a conflict of authority.

Suppose one committee concludes that the men accused are innocent, and suppose that the other committee concludes that they are guilty, what sort of a spectacle do you have to present to an inquiring public?

These charges name a long list of Senators and Members of the House here, and they name also a long list of ex-Senators and ex-Members. I think the chairman of the Committee on Rules and the members of the committee itself ought to make this a joint resolution and ought to make a general clean-up of this proposition.

What reason can there be for one body making an investigation and another body making the same investigation? Do you suppose that after the House committee has investigated the House Members, the Senate will sit idly by and let their Members rest under a cloud? Not at all.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman yield?

Mr. FERRIS. I do.

Mr. MANN. Would it not be practicable for this committee, appointed by the House, and a Senate committee, appointed by the Senate, to sit jointly and have the hearings published separately, not jointly, so that in fact there will be only one examination and two reports?

Mr. FERRIS. If that is anticipated, that that course should be pursued, that is only additional logic why this should be a joint resolution. I do not know that that is intended or that they could do that under the authority conferred by this resolution of the House and of the Senate. But if that is intended to be done, this ought to be a joint resolution.

Mr. MANN. I do not know that it is intended to be done, but I think it would be a very wise thing to do.

Mr. FERRIS. I think so. But how much more effective and better would be the work of a joint investigating committee that would render one verdict and upon which everybody could look! I call your attention to the fact that there will be conflict of authority and a muddle and a mess if one House should render one verdict and another House should render another verdict. I am heartily in favor of an investigation that will bring about good results and purify the membership of this House. Personally, I do not think there are venal men here sitting amongst us, and I do not think this investigation will ever prove that. I think it will prove that some irresponsible person is publishing something that will prove to be untrue, unfounded, and, in most cases, a criminal slander against some of the most respected Members of Congress.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. HENRY. Mr. Speaker, I believe I have no further requests for time, and if the gentleman has no others——

Mr. MURDOCK. I should like three or four minutes.

Mr. J. I. NOLAN. I yield three minutes to the gentleman from Kansas.

The SPEAKER. The gentleman from Kansas is recognized for three minutes.

Mr. MURDOCK. Mr. Speaker, when President Wilson challenged the attention of the country to the fact that there existed around the legislative halls in Washington insidious lobbies for the purpose of influencing legislation there was a disposition in a good many quarters to smile incredulously, a readiness to believe that nothing would result from the President's challenge. A committee was appointed in another body, a great deal in this spirit, apparently. Almost immediately after the appointment of that committee in the Senate important papers and correspondence were seized——

Mr. KEATING. Will the gentleman yield?

Mr. MURDOCK. I have not completed my sentence.

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Colorado?

Mr. MURDOCK. No; I decline to yield, because I have not completed my sentence. Papers and correspondence of importance were seized, which revealed the existence of an important lobby related to one particular interest. Following upon that exposure came the Mulhall articles. I have read them. They are in certain particulars serious. It seems to me in some respects that they are a great deal more serious as indicating the activities of the National Association of Manufacturers in its attempts to bullyrag Congressmen than in any attempt otherwise to control them. The Mulhall charges assert that the National Association of Manufacturers was an organization of business men maintaining an organization within it which went about over the United States attempting to corrupt labor unions, attempting to buy labor-union men, in order to disrupt such organizations, discredit the movement, and bring the cause of union labor into disrepute. The charge is made in one instance that money was given to a Congressman to attempt to bribe labor leaders in his district. The charge is made specifically that a man was hired upon the floor of this House to spy upon Members. The charge is made that the former titular head of this House, along with the party whip of one of the parties in this House, prepared lists of Members who were to be warred upon because they would not do the bidding of the National Association of Manufacturers. Now, as I have said, I read these articles very carefully. I have believed for years that the personnel of some of the committees of this House were manipulated against certain remedial legislation. Whether it was done at the behest of the National Association of Manufacturers or not I did not know, but I was convinced that it was done. I was one of a group of Members who made a fight upon that and kindred propositions, and we had to meet penalties for making that fight.

I picked up one of the Mulhall articles the other day, and I read this——

The SPEAKER. The time of the gentleman has expired.

Mr. MURDOCK. I should like a couple of minutes more of the gentleman from Texas.

Mr. HENRY. I yield to the gentleman two minutes.

The SPEAKER. The gentleman is recognized for two minutes more.

Mr. MURDOCK. This article which I will read details some of the charges made by Mulhall:

Just after the convening of Congress in 1909–1910, Col. Mulhall received the assistance of Watson in preparing a list of Representatives whose presence in Congress seemed to him to be of inimical interest to the National Association of Manufacturers. In the report to Secretary Schwedtman on March 17, 1909, Col. Mulhall said:

"I had a long interview with Mr. Watson this morning and submitted to him for his advice a list of men who are continually opposing us in Congress, which I thought it would be a good idea to get into the hands of the leaders of our association, so that we could commence early to educate those men to be fair and not such strenuous advocates for labor bills and class legislation. The list comprises Mr. William Hughes, of the sixth New Jersey district; Mr. James McDermott, of the fourth Illinois district; Mr. Champ Clark, of the ninth Missouri district, Mr. Harry L. Maynard, of the second Virginia district; Mr. Henry A. Cooper, of the first Wisconsin district; Mr. Henry C. Loudenslager, of the first New Jersey district; Mr. Ebenezer J. Hill, of the fourth Connecticut district; Mr. John L. Burnett, of the seventh Alabama district; Mr. Thomas D. Nichols, of the tenth Pennsylvania district (now seated, but his seat will be contested); Mr. Herbert Parsons, of the thirteenth New York district; George A. Pearre, of the sixth Maryland district; Mr. William B. Wilson, of the fifteenth Pennsylvania district; Mr. William S. Greene, of the thirteenth Massachusetts district; Augustus P. Gardner, of the sixth Massachusetts district; Gilbert N. Haugen, of the fourth Iowa district; Victor Murdock, of the eighth Kansas district; E. A. Morse, of the tenth Wisconsin district; Lenroot, of the eleventh Wisconsin district (new Member); John M. Nelson, of the second Wisconsin district. The last six on this list have been placed there by Speaker Cannon and Mr. James E. Watson. Watson says these people have always been against anything that we ever wanted since he has been a Member of the House. This includes the entire list, and he thinks that we ought to start in to make war upon this list at the first opportunity offered."

Now, Mr. Speaker, as a Member of Congress, I have no objection to the agent of any organization in the United States coming to that door or coming to me in my office and asking me to support or oppose legislation.

The SPEAKER. The time of the gentleman has again expired.

Mr. MURDOCK. I should like a couple of minutes more.

Mr. HENRY. I have agreed to yield the remainder of my time.

Mr. MURDOCK. I ask unanimous consent to conclude, in two minutes.

Mr. HENRY. I have no objection to that.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLY] has no time left. The gentleman from Kansas [Mr. CAMPBELL] has four minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the general debate be extended for two minutes and that the gentleman from Kansas have those two minutes.

Mr. HENRY. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Kansas be given two minutes more, not to be counted in the hour. Is there objection. [After a pause.] The Chair hears none.

Mr. MURDOCK. Mr. Speaker, when organizations come here and seek to influence a Member of Congress by persuasion, no one can have objection; but when a man representing a powerful organization comes to this door and seeks to control a Member either by the threat to use money against him in his district or by offering to contribute money to aid in his campaign, it is beyond the bounds of decency; it is a thing that can not be too quickly condemned by Congress. The National Association of Manufacturers is under the charge of repeatedly using money in districts to aid Members of Congress to be elected that they might be placed on important committees to defeat remedial legislation which the people of the country demanded.

This resolution as reported seems to be thorough. It grants the committee power to go into all the avenues of this exposure, and if the committee is industrious, if it will hold open meetings, as it ought to do, and as every committee, standing and select, in this House should, then we will get results from this investigation, and results which will be of benefit not only to the country, to progressive legislation, but to the Members of the House.

Mr. CAMPBELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Kansas has four minutes.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have not taken these charges which have been made quite so seriously as many Members of the House apparently have. I do not believe there is corruption in the House. If I were to make a charge against the House of Representatives, I should say that there were no corrupt men in the House, but that there was a plentiful supply of cowards. I do not believe that many men on the floor of the House are influenced in their votes or their position by the active lobbyists who appear in Washington, but that they are often influenced

in their position and their votes by fear of what may happen to them in their districts is undoubtedly true. Since I have been a Member of the House I have learned to pay respect and give admiration to the Member on either side who experience has taught me did what he believed was right, regardless of what some organization or other interest might think about it, or regardless of threats that were made. I do not see any more objection to the National Manufacturers' Association, or the labor organizations, or the antisaloon leagues, or the liquor interests, or the Christian Scientists, or the American Medical Association, or the American Association for Medical Freedom, or any other association endeavoring to influence votes for or against a Member of Congress in his district, and perhaps spending money for that purpose, than I do to any other political campaign, and not half as much objection to it as for a Member of Congress on the Chautauqua platform in another man's district to denounce that other man as unfit to be a Representative in Congress. I think that is rather taking an unfair advantage. I do not know how extensively that may have been done.

Mr. Speaker, I have been a Member of this House for now more than 16 years. I believe I have written more laws upon the statute books than any other Member of Congress in this or the other House. I have had the honor to have charge of more important bills in this House than any other Member of the House, and I never have met with this "insidious" lobby. It may be that I am too innocent, or it may be that I am too severe. It has never come in contact with me. I heard talk about a great lobby when the pure-food bill was under consideration. I never met the lobby in Washington. I met the cowardice of men on the floor of this House who, temporarily at least, were afraid of influences in their own districts which, through correspondence from home, they were led to believe existed. I have seen this House and its Members receive letters and postal cards by the thousands, perhaps the hundreds of thousands, from the most powerful lobby I ever saw, in connection with the House, when the oleomargarine bill was under discussion; but that lobby was not here. The lobby was at home, and it was not an unlawful lobby and probably or possibly not an improper lobby and not an improper influence; but men on the floor of the House, when that bill was under consideration, as when many others are under consideration, told you and will tell you privately that they believed one way and proposed to vote the other way. That is only human nature. I do not undertake to criticize them.

Mr. Speaker, I hope that this investigation will show that the American Congress and its Members are incorruptible and honest, filled with honor and a desire to promote the best interests of the country. [Applause.]

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Speaker, possibly it is fair for me to state that I approve of this resolution, and I make that statement in view of my insistence the other day on having the question considered then. I am sure that my colleague [Mr. FERRIS] would not raise an objection on the score that it ought to be a joint resolution, if he would take a second thought and understand that the power over the membership of this body and over the Senate are separate powers and that it could not be controlled so thoroughly as by a separate committee. And, besides that, if two committees will investigate and do duplicate work, it will show in the end when the conclusions are found that if they are together the American people will believe that there is no whitewash, and if they should disagree, then a discussion would come up as to why they would disagree. I am not one of those who believe that there are many dishonest men in this House. I do not know, because I have not been here very long, but I would be ashamed to remain here if I believed there were many dishonest men in this House. In fact, I would not serve in any legislative or deliberative body composed of crooks. On the other hand, I am not ready to say that this man who makes this charge is wholly false. Perhaps here and there he told a partial truth. We must remember that, after all, the worst lie in the world is a partial truth. I consider that, so far as the statement made with reference to the list beginning with President Taft and running down to and including the distinguished Member from Kentucky [Mr. SHERLEY], that statement alone does not charge them with anything that is wrong. It is only its publication with other charges that seem to be true. I apprehend that employees in the service of the House have been, more than any Member would be, subject to criticism and condemnation. We should merely proceed upon the idea that we are seeking the truth and the whole truth and not a partial statement. If we see that a Member is not guilty as charged we should say so, and——

The SPEAKER. The time of the gentleman has expired.

Mr. MURRAY of Oklahoma. I simply desire to finish this sentence—and on the other hand, if Mulhall is false and has made a false statement we ought to say so, and the committee ought to include that in its findings.

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. NEELEY].

Mr. NEELEY. Mr. Speaker, it seems to me that my good friend from Oklahoma [Mr. FERRIS] forgets one very material matter in arguing against a House committee and in favor of a joint inquiry into the lobby charges, and that is the testimony of two witnesses who have recently occupied the witness stand before the Senate Committee. These two men have claimed to be the authors of almost all the remedial legislation that has been enacted by Congress during my lifetime. They have made statements under oath so broad that the entire country must soon be convinced of their evident insincerity, with the consequent result that the Senate investigation will be lowered in dignity and its findings belittled in the estimation of the entire country. I do not believe that a committee of this House would permit any witness to come before it and tell them under oath that he and he alone was responsible for the creation of the Department of Commerce, created the Department of Labor, was the author of the child-labor law, was the author of the eight-hour law, drew the resolution to investigate the Steel Trust, drew the resolution to investigate the Money Trust, and was himself directly responsible for all of the other legislation and resolutions that he enumerates, and then leave the presence of that committee and of that room without having the entire matter checked up to him in a manner that would call the attention of the country to his deliberate misstatement of facts.

The fact is, Mr. Speaker, that if that investigation proceeds as it is now proceeding, it will soon be the joke of the country, as it has begun to be the joke of Washington. There is not a Member of this House but who knows that many of the statements of each of these two witnesses was absolutely untrue, and in my judgment it indicates a deliberate attempt upon the part of certain unseen forces to belittle the investigation, lower its dignity in the eyes of the country, and result in a whitewash that will permit any guilty to escape.

This House should have a committee chosen from its membership who are determined to get the facts and all the facts for the country. This committee should spare none, protect none, persecute none; and if any individual has the brazen effrontery to come before it and in its presence make a statement of such astounding untruthfulness, as the newspaper reports indicate have been made to the Senate committee, the House committee should lose no time in presenting proper charges of perjury and seeing that prosecutions are based thereon. This House can not permit the Senate investigation to embrace matters which directly concern it and its integrity and thus escape its responsibility. It should disclose the facts exactly as they are without fear or favor, and permit the country to make its judgment based thereon, without regard to anybody or anything.

The SPEAKER. All time has expired and the Clerk will read the resolution for amendment.

The Clerk began the reading of the resolution.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the word "seven," in line 2, on page 1, be stricken out and the word "eight" inserted.

Mr. MANN. Reserving the right to object, why?

Mr. HENRY. Well, if there is any objection, I withdraw it.

Mr. TAYLOR of Colorado. Mr. Speaker, is the paragraph open to amendment at that point?

The SPEAKER. The paragraph is open to amendment——

Mr. TAYLOR of Colorado. Then I move to strike out the word "seven" and insert in lieu thereof the word "nine."

The SPEAKER. The Clerk will first finish the reading of the paragraph.

The Clerk read as follows:

Whereas there have appeared in recent issues of various newspapers published in the United States divers statements and charges as to the existence and activity of a lobby organized by and on behalf of an organization known as the National Association of Manufacturers for the purpose of improperly influencing legislation by Congress, the official conduct of certain of its members and employees, the appointment and selection of committees of the House, and for other purposes designed to affect the integrity of the proceedings of the House of Representatives and its Members: Therefore be it

Resolved, That the Speaker appoint a select committee of seven Members of the House, and that such committee be instructed to inquire into and report upon all the matters so alleged concerning said Representatives, and more especially whether during this or any previous Congress the lobbyists of the said National Association of Manufacturers, or the said association through any officer, agent, or member thereof, did in fact reach or influence, whether for business, political, or sympathetic reasons or otherwise, the said Representatives or any one of them or any officer or employee of this or any former House of Representatives in or about the discharge of their official duties; and if so, when, by whom, and in what manner.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to amend, in line 2, by inserting in place of the word "seven" the word "nine."

The SPEAKER. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, line 2, page 1, by striking out the word "seven" and inserting in lieu thereof the word "nine."

Mr. TAYLOR of Colorado. Mr. Speaker, I think this committee should be larger. It will be an exceedingly important committee, as everyone knows, and I believe the American people will have a great deal more confidence in its reports if we have a large committee than if we have a small one. There is a kind of a prevailing sentiment concerning a small committee that a little coterie of men may possibly go off by themselves and prepare a whitewashing report. This resolution authorizes a subcommittee of this committee of seven to conduct hearings. If you are going to have a subcommittee of three men go off and make an investigation of ourselves—and that is what this investigation is—and come back and report that we are all as white as snow and our accusers are all villains, the American people are not going to swallow with a great deal of grace that kind of a report coming from two or three men.

Mr. MONDELL. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. MONDELL. If the gentleman's amendment carries and the committee consists of nine, how would the gentleman expect the committee to be divided on the two sides of the aisle?

Mr. TAYLOR of Colorado. Well, as a matter of fact, I suppose it ought to be five Democrats and four Republicans. I am not particular; that is a matter of detail. I would personally rather see the committee composed of 15 members. I believe the investigation would carry a great deal more weight with 15 than with 7 members; and I also believe the Speaker should, in making the appointments, have more latitude in representing not only a larger part of the country but in representing what may be considered the various interests or sentiments of the people on the floor of this House, so that when the report ultimately comes in the people would feel that the investigation had been fair and thorough and was not any little whitewashing affair. I want to see a genuine investigation by a large and representative committee. Therefore I feel it would look much better and be much better to increase the number from seven to nine, at least.

I coincide with what the gentleman from Oklahoma [Mr. FERRIS] has said. I believe if it was a joint committee of the Senate and House it would be very much better. Charges are made against both Senators and Representatives. We can not investigate one without considering the other. Suppose in this investigation the House committee should find that some of the Senators had been improperly influenced and the Members had not. What position would the House be in in making a report to that effect? I think the committee should not be limited to matters affecting ourselves and the House, but have authority to investigate all charges against both the Senate and House. I believe it would carry more weight if it was a joint committee of both Houses. But if it is not a joint committee, let us have a committee large enough so that it will carry weight before the American people.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not concur with my good friend from Colorado in the idea that the committee should be larger or should be as large as that proposed by him, namely, nine members. This committee is, of course, a special committee which, under the terms of the resolution, will not have legislative powers. It is charged with the specific duty of investigation. So far as I remember in my experience in this body no investigating committee charged with duties similar to this committee has consisted of more than six members. There have been some investigating committees——

Mr. TAYLOR of Colorado. Will the gentleman permit a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. TAYLOR of Colorado. It would not cost the Government a nickel more to have 15 members on the committee than it would to have 7, would it?

Mr. GARRETT of Tennessee. Oh, no; it would not.

Mr. TAYLOR of Colorado. As a matter of fact, the House is not and will not be doing anything here during the next 60 days, will it?

Mr. GARRETT of Tennessee. I will say to the gentleman that it does not cost more, provided, of course, the committee does the work here. If the committee travels and their expenses are paid, it will cost more.

Mr. TAYLOR of Colorado. The question of expense is not involved in numbers.

Mr. GARRETT of Tennesse. As I say, not unless they travel.

Mr. TAYLOR of Colorado. And we are not very busy at the present time?

Mr. GARRETT of Tennessee. No.

Mr. TAYLOR of Colorado. Why can we not have 15 men working here as well as 7, and why is there not nearly always safety in numbers?

Mr. GARRETT of Tennessee. I think that the answer to that is that the work of this committee can be more expeditiously done by a small committee. I will say this, Mr. Speaker, I had some experience upon one investigating committee on which there were nine members—not a committee of this character—and there was frequently a great deal of trouble to get a quorum of that committee there, and frequently we had to proceed without a quorum.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Colorado?

Mr. GARRETT of Tennessee. In just a moment. For illustration, now, we have 11 members on the Committee on Rules, and yet on the day before yesterday, when we first took up this proposition, if the point of no quorum had been made we would have had to stop our work.

Mr. TAYLOR of Colorado. If the gentleman's committee had numbered only seven, would it have been easier to get a quorum?

Mr. MANN rose.

Mr. GARRETT of Tennessee. Yes; we had just five members there. I think a committee of this size will do the work more expeditiously than a committee of nine. That is the sole reason why I oppose an increase in the number of members on the committee.

Now does the gentleman from Illinois [Mr. MANN] want to ask me a question?

Mr. MANN. I wanted to ask the gentleman a question—possibly it is unnecessary now—whether he thinks any committee of the House as at present constituted has a quorum in town, or has had a quorum in town for some time, or whether we could get a quorum of a committee of 15 in town?

Mr. GARRETT of Tennessee. I do not know about the other committees, but there is a quorum of the Committee on Rules in town.

Mr. MANN. There was yesterday.

Mr. GARRETT of Tennessee. Yes; but there was not on the day before yesterday.

Mr. Speaker, that is all I desire to say now.

Mr. MANN. I venture to say that the Committee on Appropriations, for example, has not had a quorum of its membership in town for the last two months.

Mr. FITZGERALD. The gentleman from Illinois is mistaken. The Committee on Appropriations had a meeting on Monday, at which a quorum was present. There is always a majority of the members of that committee present in the city, regardless of weather conditions, and it is a matter of a good deal of satisfaction to the chairman of that committee that the members, regardless of their political affiliations, are so conscientious and faithful about their duties.

Mr. FOWLER. Mr. Speaker, I will ask the gentleman whether, in his opinion, 13 members would not be a lucky number for this investigating committee? Inasmuch as that is the number that is dear to the President and the President has suggested the insidiousness of the lobby about the Capitol, why not make the membership of this investigation committee 13? [Laughter.]

Mr. GARRETT of Tennessee. I think the remarks I made in answer to the questions of my friend from Colorado [Mr. TAYLOR] would apply with even more force in reply to the question of the gentleman from Illinois.

The SPEAKER. The question is on the amendment of the gentleman from Colorado [Mr. TAYLOR], that the number of members be changed to nine instead of seven, as suggested by the committee.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. HENRY. Mr. Speaker, a division.

The House divided; and there were—ayes 27, noes 71.

So the amendment was rejected.

The SPEAKER. The Clerk will read.

Mr. FOWLER. Mr. Speaker, I desire to offer an amendment. In line 5, page 2, after the word "them," insert "or other Representatives."

Mr. MANN. Mr. Speaker, would my colleague yield to me in reference to that?

Mr. FOWLER. Yes.

Mr. MANN. My colleague is endeavoring to cover the same thing as that on which I was going to offer an amendment.

Would it not be better to amend by inserting "or any other Representative," so that it would read "any other Representative or officer or employee of this or any former House"?

Mr. FOWLER. Yes. The word "any" might be stricken out. Let it read "or any other Representative."

Mr. MANN. So that it would read "any Representative of this or any former House"?

Mr. FOWLER. Yes.

Mr. MURDOCK. Mr. Speaker, let me ask the gentleman from Illinois what his amendment accomplishes?

Mr. FOWLER. It is for the purpose of widening the scope of the investigation beyond the men who are charged in the press.

Mr. HENRY. So as to make the language more certain.

Mr. MANN. The language of the resolution refers only to certain Representatives.

Mr. FOWLER. They are named in the preamble.

Mr. MANN. And in the article referred to.

Mr. FOWLER. Yes; and they are mentioned in the preamble. I do not mean the names, but they are referred to.

Mr. HENRY. We have no objection to that.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. MURDOCK. Then, as the gentleman amends this resolution, it will empower the committee to investigate the conduct of any Member of Congress whether included in the Mulhall charges or not?

Mr. FOWLER. Yes.

Mr. HENRY. We think that is understood to be included.

Mr. FOWLER. In line 5, page 2, after the word "them," insert "or any other Representative"; also strike out the word "any" after the word "or," in same line, at the beginning of the sentence.

Mr. MANN. Before the word "officer"?

Mr. FOWLER. Yes; before the word "officer."

The Clerk read as follows:

Amend, page 2, line 5, by inserting after the word "them," the words "or any other Representative," and strike out the second word "any" in line 5.

The SPEAKER. You had better take these amendments one at a time. What is the first change which the gentleman from Illinois [Mr. FOWLER] wishes to make?

Mr. FOWLER. My suggestion is, in line 5, page 2, after the word "them," to insert the words "or any other Representative."

The amendment was agreed to.

Mr. FOWLER. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I move to strike out the word "any," in line 5, before the word "officer."

The Clerk read as follows:

Amend, line 5, page 2, by striking out the word "any" before the word "officer."

Mr. MANN. The purpose of that is to make it apply to any other officer or Representative of this or any other House, so that it will cover Representatives in former Houses.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 5, by striking out the word "any" before the word "officer."

The amendment was agreed to.

The Clerk read as follows:

Said committee shall also inquire whether money has been used or improper influence exerted by said National Association of Manufacturers or any agent thereof to accomplish the defeat for nomination or election of any candidate for the House of Representatives of Congress, and said committee shall likewise inquire whether Members of Congress have been employed by said association for the accomplishment of any improper purpose whatever.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer an amendment on behalf of the committee, by agreement with the committee.

The Clerk read as follows:

Page 2, line 12, after the word "the," insert "nomination or election, or secure the."

Mr. MANN. Let us hear it as it would read.

Mr. GARRETT of Tennessee. Read it as it will be.

The SPEAKER. The Clerk will report the amendment as it would read if amended.

The Clerk read as follows:

To accomplish the nomination or election, or secure the defeat for nomination or election.

Mr. MORGAN of Oklahoma. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORGAN of Oklahoma. I have an amendment which is intended to cover the same matter which I think would be better. Can I offer it now, or shall I offer it as a substitute?

The SPEAKER. The gentleman may offer it as an amendment to the amendment or as a substitute for the amendment, either one.

Mr. MORGAN of Oklahoma. Then I offer it as a substitute for the amendment.

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] offers a substitute for the amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out, on page 2, line 11, all after the word "to," and strike out all of line 11, on page 2, that precedes the word "nomination" and insert in lieu thereof the following: "secure or prevent the."

Mr. MORGAN of Oklahoma. Mr. Speaker, I think my suggestion is briefer and that it covers the ground entirely. It would read in this way:

Or any agent thereof, to secure or prevent the nomination or election of any candidate.

Mr. GARRETT of Tennessee. Let me say to the gentleman from Oklahoma, of course what the House has in mind is the desire to find out whether money was used or any improper influence was exerted in any district in the United States to bring about the nomination of any particular man or to prevent the nomination of any particular man or men, and whether any influence was improperly exerted or any money used for the purpose of electing or defeating any man at the general election. Now, it is not very material what language is used to cover it. I really think, though, that the language as it stands in the resolution as reported is ample and complete to enable the committee to get at the truth; but that objection was made, and it was believed that it could be improved somewhat. My first suggestion was to insert the words "or prevent," but I will say frankly, upon the suggestion of my friend from Iowa [Mr. TOWNER], he thought the other language would be a little better, and I agreed to introduce that instead of the other. I think it accomplishes the end and is just as clear and plain as the language of the gentleman from Oklahoma.

Mr. MORGAN of Oklahoma. Mr. Speaker, this is not a very important matter, but the language will be much clearer and briefer to insert those words "to secure or prevent the nomination or election of any candidate for Representative in Congress." That covers the entire ground. It is much briefer and clearer than the language used in the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman permit the Clerk to report the language as it would read if the amendment were adopted?

Mr. MORGAN of Oklahoma. Certainly.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I ask unanimous consent that the Clerk do that.

The Clerk read as follows:

Said committee shall also inquire whether money has been used or improper influence exerted by said National Association of Manufacturers, or any agent thereof, to accomplish the nomination or election or secure the defeat for nomination or election of any candidate for the House of Representatives.

Mr. MORGAN of Oklahoma. Mr. Speaker, I submit the language that I present covers the entire matter fully and thoroughly and uses only one-half the words. I will ask that my amendment be read as it would appear if adopted.

Mr. GARRETT of Tennessee. I would like to hear the paragraph as it would read if the amendment of the gentleman from Oklahoma were adopted.

The Clerk read as follows:

Said committee shall also inquire whether money has been used or improper influence exerted by said National Association of Manufacturers or any agent thereof to secure or prevent the nomination or election.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the language contained in the amendment that I propose is amply clear and will simplify the matter. I ask for a vote on the amendment of the gentleman from Oklahoma, and I ask that it be voted down.

Mr. COOPER. Mr. Speaker, I would like to have the amendment offered by the gentleman from Tennessee read.

The Clerk read as follows:

Amend, page 2, line 12, by inserting, after the word "the" in line 12, the words "nomination or election or secure the."

Mr. COOPER. Mr. Speaker, will the gentleman from Tennessee permit me to ask him a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. COOPER. Would there be a difference between a man giving money to accomplish a defeat and an investigation of that and a man giving money in attempting to accomplish a defeat?

Mr. GARRETT of Tennessee. Mr. Speaker, I think if the gentleman will permit me, that taken in connection with the language above—

Said committee shall also inquire whether money has been used or improper influence exerted by said National Association, etc.—

Exerted to accomplish—I think it would be really almost tautology to put in the words "or attempt." I think it is perfectly clear and plain, and I do not think there will be the slightest difficulty about its construction by either the committee or by any person appearing before the committee. I ask for a vote on the substitute.

The SPEAKER. The question is on agreeing to the substitute offered by the gentleman from Oklahoma for the committee amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question was taken, and the substitute was rejected.

The SPEAKER. The question now is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I have another committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 14, page 2, after the word "of," insert the words "the House of Representatives of."

Mr. MANN. Mr. Speaker, I would like to make a suggestion to the gentleman. He there repeats the language "House of Representatives of Congress." I do not recall ever before having heard that descriptive title applied to the House of Representatives.

Mr. GARRETT of Tennessee. Mr. Speaker, I will be perfectly willing, and I think the committee probably might consent, to strike out the words "of Congress" in both places, but there is nothing inaccurate about it.

Mr. MANN. It is strictly accurate, except that it is really bad English.

Mr. GARRETT of Tennessee. I do not agree with the gentleman that it is bad English. The Constitution defines what the Congress shall consist of—that it shall consist of a Senate and House of Representatives. I do not think it is inaccurate or bad English.

Mr. MANN. I have no doubt it conveys the proper impression; that it refers to this House of Representatives. You might as well say "the Senate of Congress." When you use the expression "Senate of Congress" the gentleman at once sees the incongruity.

Mr. GARRETT of Tennessee. That does not sound very well.

Mr. MANN. The other does not sound any better. I can understand how it happened to creep in here, but we have always considered that this was a body dignified enough to say "House of Representatives" and that was sufficient.

Mr. GARRETT of Tennessee. If the gentleman will permit this amendment to be voted upon, I will ask unanimous consent to strike out the words "of Congress," in line 13 and in lines 14 and 15.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARRETT of Tennessee. Now, Mr. Speaker, I ask unanimous consent that the words "of Congress," in line 13, and the same words in lines 14 and 15, be stricken out.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, lines 13, 14, and 15, by striking out the words "of Congress."

The question was taken, and the amendment was agreed to.

Mr. CAMPBELL. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 2, line 11, after the word "Manufacturers," insert "or other persons, associations, or organization."

Mr. MANN. I want to call the attention of the gentleman from Kansas to the fact that the words inserted there would make the words "or any agent thereof"——

Mr. CAMPBELL. Oh, no; that leaves that all right. I will ask the Clerk to report it as proposed to be amended.

The Clerk read as follows:

Said committee shall also inquire whether money has been used or improper influence exerted by said National Association of Manufacturers or other persons, associations, or organization, or any agent thereof, etc.

Mr. CAMPBELL. The meaning is carried out throughout. I will ask for a vote on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GRAHAM of Illinois. Mr. Speaker, I move to amend by inserting after the word "association," in line 15, the words "or have knowingly aided said association," making it read:

Have been employed by said association or have knowingly aided said association for the accomplishment of any improper purpose whatever.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 15, by adding after the word "association," the words "or have knowingly aided said association."

Mr. MANN. I ask to have the amendment again reported.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. If the gentleman will permit, I call attention to the fact that the amendment already adopted refers now to the National Manufacturers' Association or any other association or organization. It seems to me that whatever language is adopted here ought to conform with that so it would be by said associations or any of them.

Mr. GRAHAM of Illinois. That will make it conform to the former amendment. I adopt the suggestion of my colleague.

Mr. MANN. Let us have the amendment reported.

Mr. GRAHAM of Illinois. "Or have knowingly aided said associations or any of them," and so forth.

The Clerk read as follows:

Or have knowingly aided said associations or any of them.

Mr. MANN. To be inserted after the word "association."

Mr. GRAHAM of Illinois. Yes.

Mr. MANN. Let us have it read in connection with the text.

The Clerk read as follows:

Have been employed by said association or have knowingly aided said associations or any of them for the accomplishment of any improper purpose whatever.

Mr. GRAHAM of Illinois. Mr. Speaker, the numerous amendments will need editing in order to make the numbers and persons conform.

Mr. MANN. I think that is all right.

The question was taken, and the amendment was agreed to.

Mr. MANN. In the same connection, if my colleague will offer an amendment to insert before the word "said" the words "any of," so that it would read "employed by any of said associations," that would make the language conform to the amendment already agreed to.

Mr. GARRETT of Tennessee. That is right. Line 15, after the word "by," insert the words "any of."

The Clerk read as follows:

Page 2, line 15, insert after the word "by" the words "any of."

Mr. GRAHAM of Illinois. In that connection, the letter "s" ought to be added, making the word "association" read "associations." I think it ought to be edited to make those things agree.

Mr. MANN. We will have to edit them here. We can not expect the enrolling clerk to edit them. He does enough. He corrects our punctuation.

The SPEAKER. The amendment adding the letter "s" will be adopted, without objection.

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER. Mr. Speaker, I was trying to make an inquiry. Several in my vicinity did not understand the question before the House, and therefore I put the inquiry before the question was put. I could not understand, and the gentleman at my right was not able to understand.

The SPEAKER. If there is any difficulty about it, we will have the amendment reported again.

Mr. GARRETT of Tennessee. If the gentleman will permit, it simply inserts, in line 15, after the word "by," the words "any of," and then makes the word "association" read "associations." That harmonizes with amendments already put in.

Mr. COOPER. Line 15, after the word "by"?

Mr. GARRETT of Tennessee. After the word "by." Yes.

Mr. MORGAN of Oklahoma. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "money," in line 9, page 2, the following words, to wit: "or any other thing of value."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, I would like to take time enough to think for a moment myself, and perhaps it would not hurt if other Members would take the time to think. It says that the said committee shall also inquire whether money or any other thing of value has been used or improper influence exerted by said National Association of Manufacturers or any other persons, organizations, or associations. Now, this is not an improper use of money or any other thing of value, or the proper use of money or any other thing of value. These Members of Congress here are supposed to have filed a statement in accordance with the publicity act. I believe every Member here has not filed a statement, but he is supposed to have filed it. Some of those statements are quite long, showing the amount of money that has been contributed. I do not know whether "any other thing of value" has been mentioned in the statements, although the law requires that, nor how far back this goes. I hope that this committee will be able to have some scope of work that it may perform. It may be desirable to make the inquiry whether the Republican congressional committee or the Democratic congressional committee—up to date we can not make inquiry as to the Bull Moose congressional committee—have sent out literature into a district for the purpose of accomplishing the defeat or election of Members of Congress.

Mr. GARRETT of Tennessee. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. I have not the slightest doubt in my own mind but that the purpose which the gentleman from Oklahoma [Mr. MORGAN] desires to accomplish is fully covered by the words "improper influence."

Mr. MANN. Well, I am quite content that the committee should have power to inquire as to any improper influence from any source whatever, and I only took the floor for the purpose of thinking while I was talking as to whether it was desirable to have the committee undertake to inquire as to every form of influence which may be exerted by anybody in the United States properly in reference to the election or defeat of a candidate for Congress, either at the polls in November or for nomination.

Mr. GARRETT of Tennessee. I think the amendment proposed by the gentleman from Oklahoma [Mr. MORGAN] might tend to confuse rather than to clarify the resolution.

Mr. MORGAN of Oklahoma. Mr. Speaker, it occurs to me that money is only one form of a thing of value that may be used corruptly to control legislation. I have heard of men being given things of value other than money. I see no reason why this amendment should not be adopted. There might be some quibble about what "money" meant, what it was, what it included. Suppose a man were given a check; suppose he were given a draft; suppose he were given something that represents money. It might be contended that such a case was not within the language of the resolution under which the committee was acting.

Mr. GARRETT of Tennessee. Mr. Speaker, I think it is absolutely covered by the words "improper influence." I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. BRYAN. Mr. Speaker, I have an amendment which I wish to offer.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 5, after the word "heretofore," add the following: "*Provided*, That the work of the said committee shall be limited to the investigation of the matters referred to in the preamble of this resolution until report has been submitted to the House thereon."

Mr. BRYAN. Mr. Speaker, there seems to be a unanimous intention on the part of all here to investigate these charges as quickly and as efficiently and as effectively as possible. There are two ways to defeat the purposes of this investigation. One is to so spread it out and dissipate it by bringing many foreign things into it that the committee at the outset could be deluged with matters entirely immaterial, and thus the investigation of the main things at issue be delayed until the country and the House and everybody else have become tired of the situation. Another way would be for the committee purposely to disregard the wishes of the House by arbitrarily smothering the investigation.

Now, then, I think that if we compel the committee by this resolution to report on those things that are referred to in the preamble to this resolution before they go into any of these other investigations, we would be better off. If the committee were permitted to meet and first begin the investigation of the lobbying of the Antisaloon League, and then of the medical organizations and the labor organizations, and things of that kind, it might be doing something that some Members of the House want to be done, but it would not be accomplishing what good faith in the present issue demands or what the committee under this resolution is really appointed for. I hope that the House will restrict the work of the committee to the things that are mentioned in this preamble—and that is very broad—all the Mulhall charges. Restrict the work to that until that is accomplished and a report submitted, and then go to the other things and let them investigate to their pleasure all these other things, which serve in the main merely to muddy the waters.

There is enough in these Mulhall charges to keep the committee busy for months. The operations of this Manufacturers' Association ramify in a dozen different directions and touch many other organizations. I favor investigating thoroughly. It is impossible to have too much light, but it is always the game to bring so many subjects into an investigation as to let the fellows who have most to fear escape.

Mr. COOPER. Mr. Speaker, the amendment offered by the gentleman from Kansas [Mr. CAMPBELL], if finally adopted by the House, will result, unless the House is careful, in precisely what the gentleman from Washington [Mr. BRYAN] has just said ought to be avoided.

Now, then, the Senate has the papers in the Mulhall charges. It will be difficult, I presume, at first for the House to get hold of them. The amendment offered by the gentleman from Kansas [Mr. CAMPBELL] directs the committee to proceed at once to the investigation of the Anti-Saloon League and other things; and then it could—probably it would not—say that it had gotten so far into that that it had postponed the Mulhall charges, involving this matter of the alleged corruption of the Members of the House, and so forth, until a later period.

I think what the gentleman from Washington [Mr. BRYAN] has said is well grounded, and that the House ought to direct the committee to begin upon these charges which reflect immediately upon the integrity of the House, practically as a whole, before it proceeds to do anything else. The preamble strikes me as being broad enough, and I regret very much that the amendment of the gentleman from Kansas was adopted in the place at which it was adopted.

Mr. GARRETT of Tennessee. Mr. Speaker, personally I have no doubt that the primary interest of the House, at this time at least, is in the charges in the so-called Mulhall statement in so far as they reflect upon Members of Congress. Not only that, but I think the primary duty of the committee is as regards the Members of the present Congress who are mentioned in that article. I will say I have no doubt that unless some peculiar reason or circumstance arises to cause the committee to do otherwise it will probably devote itself to that investigation at the very first. Of course I do not know how that will be, but I assume that that would be the case.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. GARRETT of Tennessee. Certainly.

Mr. COOPER. The Senate committee has the Mulhall papers. How can the House get them?

Mr. GARRETT of Tennessee. I was about to say that it is currently reported in the press—that is all the information I have about it—that the Senate committee has possession of the Mulhall papers. Now, I do not know how far the House can go in obtaining them. I do not know whether the Senate committee has obtained those papers under subpœna or whether they have simply been turned over by the New York paper. This resolution does provide that the committee shall have the right to report at any time. Now, of course, the committee can make a partial report or it can make a complete report.

So far as the matter of vindicating or condemning Members of the House may be concerned, I have no doubt that the testimony which will be taken along that line will be widely published, and will reach all the people of the United States, and people will have made up their minds long before the committee makes its report as to those matters. I think it will be well to leave it to the discretion of the committee. I am in sympathy with the idea that there ought first to be a report as to the Members of this House who are involved. I do not think there is any doubt about that, but I think it is very proper to leave it to the committee.

Mr. HENRY. If the gentleman will allow me, I will state what I know in reference to these papers and about Col. Mulhall himself being subpœnaed as a witness before the Senate committee.

The chairman of the Committee on Rules had a telegram from the New York World to the effect that they had turned over to Senator Reed, of the Senate committee, about 20,000 letters and telegrams, documents, and so forth, pertaining to this transaction, and that they requested Col. Mulhall to come to Washington and to appear before the committee as a witness.

This telegram also said that they would request the Senate committee to turn these documents over to the House committee when they had finished with them, and would urge Col. Mulhall to appear before the House committee, so that we might have free access to the documents and have Col. Mulhall's testimony; and I apprehend there will be no difficulty about our securing the papers whenever we shall need them, or about having Col. Mulhall appear before the House committee.

Mr. COOPER. I understand the gentleman to say that they will be turned over to the House when the Senate has finished with them. How long does the gentleman think it will take the Senate committee to finish with 20,000 letters and telegrams?

Mr. HENRY. I do not think there will be any practical difficulty about that. I think we will be able to get the papers promptly. I do not think there will be any desire on their part to deprive us of the testimony. I am not looking for anything of that sort. I think they will cooperate with us. In fact, I am sure they will. They will finish as fast as they can, and as soon as they get through with the documents they will turn them over to us.

Mr. CAMPBELL. Mr. Speaker, I am in hearty sympathy with the purposes of the amendment offered by the gentleman from Washington [Mr. BRYAN]. On yesterday the committee spent much time in discussing the purpose of the amendment that the gentleman has offered. We were unanimous in the opinion that the first duty of this committee authorized by this resolution was to inquire into the charges affecting the integrity of Members of this House, and we were of the opinion that a committee appointed by the Speaker to carry out the purposes of the resolution would, in the performance of their work, take notice of the first duty that they owed as a committee of this House to inquire into the specific charges made against the Members now sitting and ascertain the truth or falsity of the charges alleged against them. But I would not like to see so sweeping an amendment as the one offered by the gentleman from Washington [Mr. BRYAN] adopted at this time, for fear it might be construed into a restriction of the operations of this committee as a whole into inquiring only into the Mulhall charges, so called. I would be unwilling to spend three days in the preparation of a resolution authorizing a committee to inquire merely into the charges made by this individual. The charges that he made could have been investigated by a resolution or a motion made from the floor of the House three or four days ago. We have prepared a resolution here that calls for an investigation of any operations by any other association or person like those referred to by this individual who made the charges in certain newspapers. I believe that the committee appointed by this resolution in the performance of its duties will take notice of the first thing that should be done, and that is to inquire into the charges against Members now sitting in the House.

Mr. BRYAN. Mr. Speaker, I am very glad that in offering an amendment of this kind to this resolution I have offered one that receives the indorsement of all who have spoken. Everyone says that the purposes of the amendment are right, and that the idea ought to be carried out, but there seems to be some hesitancy in incorporating the idea in the resolution. I think that while it may be correct that all these other things ought to be investigated, we ought to go into this job face foremost, we ought to go into it right side up, and we ought not to back into it from the outside. We ought to take these charges and investigate them. The gentleman who preceded me [Mr. CAMPBELL] says that he would not care to spend three days' time preparing a resolution to investigate the charges by this man Mulhall, but the President of the United States just a few days ago made practically the same charge, only he did not mention any names. He said that there was an insidious lobby here. The things that Mr. Mulhall says have occurred, if they have, would constitute an insidious lobby. We are now confronting this proposition by an amendment which carries out and embodies the ideas and purposes of the House, and why it can not be put into the resolution I can not see.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. GARRETT of Tennessee. Of course, the gentleman knows that it is impossible to tell, until after the committee is raised, just what it can do, to begin with, just how it can go to work. It is impossible to tell whether or not the committee can obtain witnesses immediately. This is a very broad and sweeping resolution. It is going to take a long time in all probability to develop the testimony and work out the report that is called for under the broad provisions of the resolution.

Suppose it should be a matter of a week or 10 days before that committee were able to reach a witness who could tell a single thing about this publication in the New York World and the Chicago Tribune, known as the Mulhall charges? Does not the gentleman think it would be well if it were able to go on with some other things? The gentleman's amendment is not confined to a report upon this proposition first, but it would absolutely prevent the committee from examining witnesses on anything until it has got through with the names of those mentioned.

Mr. BRYAN. Here is what the amendment would restrict it to:

> Whereas there have appeared in recent issues of various newspapers published in the United States divers statements and charges as to the existence and activity of a lobby organized by and on behalf of an organization known as the National Association of Manufacturers for the purpose of improperly influencing legislation by Congress, the official conduct of certain of its members and employees, the appointment and selection of committees of the House and for other purposes designed to affect the integrity of the proceedings of the House of Representatives and its Members.

I submit that Representative SHERLEY would be glad to be called instantly. I submit that Representative WEBB would like to be called instantly. I submit that every Member of this House who has been named or who desires to appear or have anyone appear or who knows anything to substantiate these charges will be glad to start the investigation at once. They are very broad charges. They enter into nearly every phase of national activity. There are several officers of the National Association of Manufacturers. If one of them is testifying—if Mr. Van Cleve is testifying—we can call the treasurer or the secretary. The record shows that that association appropriated one half million dollars for purposes of education during the period in question. We can call for the financial officer of that association to come and tell us about it. That is the subject about which the people want to hear. They do not want to hear about these other multifarious propositions until we have finished with this main subject, and I submit that if for want to time, or because of any of the other suggestions the gentleman has made, this committee narrows the proposition into an investigation of the Grange or any other organization, it can take all summer or all winter on that one subject, and we ought not to get started on side issues, but we ought to get started on the main subject.

Mr. TOWNER rose.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. TOWNER. Mr. Speaker, I move to strike out the last word in order to be heard for a few moments. There is still another reason that, in my judgment, ought to be influential in securing the adoption of this amendment offered by the gentleman from Washington, and that is this: It should be remembered by Members of this House that this resolution contemplates, as it is introduced and as it is being considered originally to-day, an investigation of the Mulhall charges. It should be remembered that the amendment that has been offered here by the gentleman from Kansas extends that inquiry. It is very likely, once we adopt this amendment, that it will be considered and reported that this House, in order to dissipate this inquiry, in order to prolong it, in order, perhaps, to defeat its real purpose, which means the investigation of the Mulhall charges, is going to investigate everything else, and so come to these Mulhall charges after the witnesses may have disappeared, after the interest by the public in the matter may have subsided, after the real object and purpose of this inquiry may have been forgotten.

Now, it seems to me, Mr. Speaker, that it would be certainly wise for us, having enlarged the scope of the inquiry, at the same time to say distinctly that this matter of the Mulhall charges shall be investigated and reported on first. [Applause.] Further than that, Mr. Speaker, I see no difficulty whatever in regard to having plenty to do for this committee. As is suggested by the gentleman from Washington [Mr. BRYAN], we can very easily commence by all the Members of Congress who have been referred to in this investigation appearing and testifying before this committee. The Senate has already had ample opportunity to dispose of part of the matter, and it can be turned over to us as it may be needed. There will be no difficulty whatever in this committee to-morrow commencing upon this investigation and finding plenty of work to occupy it until it shall have finished its investigation of these particular charges, and then the committee will have all the time for the other charges.

Mr. GARRETT of Tennessee. I hope the gentleman will permit the committee to go over until Monday.

Mr. TOWNER. I am very glad to adopt the suggestion of the gentleman from Tennessee. I accept the gentleman's suggestion. That is all, Mr. Speaker.

Mr. MANN. Mr. Speaker, I would like to have the amendment again reported.

The SPEAKER. The Chair will submit to the gentleman from Washington [Mr. BRYAN] if he is not trying to get this amendment in at a place he did not desire to have it appear?

Mr. BRYAN. I originally intended to put it in another paragraph, but then I altered my plan because I thought I would pull the thing off a little bit earlier.

The SPEAKER. It seems to be inserted after the word "heretofore."

Mr. BRYAN. The reading clerk came to me and we changed that.

Mr. MANN. That is the reason I asked to have the amendment again reported.

Mr. BRYAN. As I suggested the amendment it was to page 3, after the word "heretofore," in line 5, but we changed it so as to make it follow the word "whatever," in line 16, page 2.

Mr. MANN. I ask to have the amendment again reported, if the gentleman has located where it is to go.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Page 2, line 16, after the word "whatever," add the following: "*Provided*, The work of said committee shall be limited to an investigation of the matter referred to in the preamble of this resolution until report has been submitted to the House thereon."

Mr. MANN. Mr. Speaker, I am very bitterly opposed to this amendment. I can not understand the object for which it is presented. Certainly gentlemen are not afraid of having the investigation go beyond the influence of the National Association of Manufacturers, but that is what the amendment means. Why are gentlemen so anxious to confine this investigation to the activities of one out of many associations who have been lobbyists, it is said, in Washington, or at least used influence in the country outside of Washington? Why are gentlemen so desirous of preventing the committee, when it has obtained a lead in this investigation which goes outside of the Mulhall charges, from following up that lead? Why are gentlemen so anxious when it has obtained information not covered by the Mulhall charges to say, "Stop here; there is nothing in the Mulhall charges. On this subject wait until the witnesses have disappeared." But that is what this amendment means. The country is not so much interested in the Mulhall charges, not so much interested in the specific Members of Congress who have been named as it is interested to know whether congressional legislation is prevented or secured through the improper influence of one or a dozen associations in the country, or whether Members of Congress in the main act according to their best judgment as to what is right and what is wrong. I am not willing to have a committee of this House appointed with the proposition that it is throttled at the outset; that it is gagged before it is born; that when it finds something it must stop; that when it learns about something of value then it must quit until the opportunity has passed. Let us trust in the judgment of the committee, but give it power and hold it responsible for a thorough and complete investigation in order that the country may have not a report of a committee, which probably the country will not pay much attention to, but a report of the investigation as it proceeds which will be paid attention to by the people of the country.

Mr. RUCKER. Mr. Speaker, I find myself unable to agree with the distinguished gentleman from Illinois [Mr. MANN], with whom I most always agree. I believe the amendment, or some amendment carrying that principle into this resolution, ought to be adopted. This resolution as it stands now authorizes an investigation in whatever may be wrong or alleged to be wrong in the demeanor or conduct of Members of this House and ex-Members of Congress 5 years, 10 years, 20 years, or even 50 years in the past.

I have to say that I have no objection to the scope or extent of the investigation, none whatever. If the committee appointed by the Speaker under this resolution completes all the work outlined in the resolution before it makes a report, the public may conclude that an effort is being made to conceal or hide from public view the conduct of some Members of Congress. The report, in that event, would be entirely too remote, too long-delayed. I do not believe this resolution means to conceal any fact, tie the hands of the committee, or to foreclose the powers of the committee and thus prevent a full investigation of the alleged improper influences exerted by the National Association of Manufacturers or by any other associations or persons, but, on the contrary, to command an immediate investigation and report, as speedily as it can be made, of every fact and act which it is charged, directly or by insinuation, affects the character, integrity, or rectitude of Members of Congress. And I believe this ought to be done. If the committee withholds its report until everything within the purview of this resolution has been investigated, I say to you that we will have another congressional election long before we get through, and gentlemen ought not to be obliged to go before their respective communities with this cloud hanging over them if they are innocent, and I believe most, if not all, of them are innocent. They will have to bear this stigma and be confronted in their district by men who are willing to repeat these slanders, without an acquittal at the hands of their colleagues, which they are entitled to if innocent. I believe, in justice to the Members of this House, in justice to distinguished gentlemen who are no longer Members—many of them from that side, too, Republicans, but for whom I entertain a high regard and in whose personal integrity I have an abiding faith—that we ought to insist upon an early report, a report to be made as soon as a searching investigation can be made.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER. Yes; I will.

Mr. MANN. It is now the 5th day of July, and no election for some time to come.

Mr. RUCKER. Less than a year.

Mr. MANN. Less than a year. Does not the gentleman believe that this committee appointed should go to work and be able to make a partial report at any time and a final report at the time Congress meets on the 1st of December, in any event?

Mr. RUCKER. I believe if the committee would go to work it could make a final report by the date suggested, but I am in favor of requiring it to act with reasonable promptness, as I believe the country demands to know if the accusations against Members are true or false. I am very much in sympathy with what has been said by the gentleman from Texas [Mr. DIES]. I doubt the propriety of so many investigations. It begins to look like the chief industry of this Congress is to investigate itself. There are too darned many of them. [Laughter.] I believe that if we would adjourn once in a while to attend somebody's funeral and thereby give congressional approval to the circumstances attending the death, it would be better than to have so many investigations. I do not mean a congressional funeral, either. [Laughter.]

Mr. CAMPBELL. I would not consent to the limitations put upon this committee by this amendment. It is no investigation at all. But to require the committee to report first, or as speedily as possible, upon the Mulhall charges, I would consent to an amendment of that kind, although I do not think it is necessary. I am willing to trust a committee of this House to perform its duty properly, but I will not handicap that committee before it is appointed by saying you can investigate right up to this place, where it states, and there stop. That is what this resolution does.

Mr. RUCKER. The gentleman from Kansas [Mr. CAMPBELL] knows that I would go quite as far as he would in untying the hands of this committee.

Mr. CAMPBELL. Then do not restrict it.

Mr. RUCKER. I am not doing that. But, on the other hand, I will not stand with the gentleman to block a report and conceal publicity.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

The SPEAKER. There is not anybody that has the floor. [Cries of "Vote!" "Vote!"]

Mr. BRYAN. Mr. Speaker, I just wanted to make a correction.

The SPEAKER. The gentleman is not entitled to make another speech on the amendment until everybody else has spoken who desires to speak.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. BRYAN] shall have one minute.

Mr. BRYAN. There is certainly no necessity of asking unanimous consent when nobody else wants to speak, according to the Speaker's ruling.

The SPEAKER. The Chair must first find out. If nobody desires to speak, he will recognize the gentleman. Otherwise the gentleman from Washington can not speak again on the same amendment.

Mr. GARRETT of Tennessee. In fact, Mr. Speaker, the gentleman from Washington [Mr. BRYAN] has already spoken twice.

Mr. BRYAN. I simply desire, Mr. Speaker, to make a correction.

The SPEAKER. What is the correction that the gentleman wants to make?

Mr. BRYAN. The gentleman from Kansas made a suggestion——

The SPEAKER. What gentleman from Kansas?

Mr. BRYAN. The gentleman from Kansas, Mr. CAMPBELL, made a suggestion that my amendment was designed to stop the investigation, or that the effect of it was to stop the investigation.

The SPEAKER. The Chair is aware of that, but under the rules the gentleman can not make another speech.

Mr. HENRY. Mr. Speaker, I desire to say a few words and indorse everything that was said by the gentleman from Illinois [Mr. MANN] about this restriction being placed on the committee. We have gone ahead and provided for a far-reaching investigation, and now to limit and to restrict it by the adoption of this amendment would be to do an unwise thing.

Let us assume that the Speaker of the House will appoint an able, courageous, wise commission that will take up this subject and begin the investigation and go into it and conduct it properly. We have the right to assume that the gentlemen who will be placed on this committee will know their duty and see to the performance of it at once.

I maintain that there ought not to be any restriction put upon them after we mark out the lines of their duty in the resolution providing for the inquiry. Therefore, I am opposed to the amendment offered by the gentleman from the State of Washington [Mr. BRYAN] and shall resist it, because I believe that this investigation should be a wide one; should be one without any limitation or restriction whenever we strike any set of circumstances that will throw light upon these charges and allegations that have been made in the public press. Therefore I oppose this amendment, and insist that we let this resolution stand in its full force and vigor, as we have amended it up to the present time. [Applause and cries of "Vote!" "Vote!"]

Mr. CARTER. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. Without objection, the amendment offered by the gentleman from Washington [Mr. BRYAN] will again be reported.

The amendment was again read.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] withdraws his pro forma amendment. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. BRYAN], which has just been reported the second time.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Said committee is also directed to inquire whether improper influence has been exerted by said association or by any other association, corporation, or person to secure the appointment or selection of the committees of the House, or any of them.

Mr. COOPER rose.

Mr. GARRETT of Tennessee. Mr. Speaker, I have a committee amendment, which I send to the Clerk's desk.

The SPEAKER. The Chair will recognize first the gentleman from Tennessee [Mr. GARRETT], who offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, strike out the word "or" and insert a comma in lieu thereof, and insert after the word "selection" the following words, in line 20, page 2: "or defeat of Members."

Mr. GARRETT of Tennessee. Mr. Speaker, if that amendment should be adopted, the paragraph would read as follows:

Said committee is also directed to inquire whether improper influence has been exerted by said association, or by any other association, corporation, or person, to secure the appointment, selection, or defeat of members of the committees of the House, or any of them.

The resolution as originally drawn simply applied to the election of Members and not to efforts to defeat any particular Member.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. GARRETT of Tennessee. Yes.

Mr. MURDOCK. Does the gentleman intend to confine the effect of his amendment to the election or defeat of Members on committees or Members aspiring to appointment on committees?

Mr. GARRETT of Tennessee. "Of members of the committees of the House, or any of them" is the way it reads.

Mr. MURDOCK. The aspirations of Members for appointment to committees—is that the idea?

Mr. GARRETT of Tennessee. The idea is to see what efforts have been made to defeat men as well as to secure their selection.

Mr. MURDOCK. In committee appointments?

Mr. GARRETT of Tennessee. Yes.

Mr. MURDOCK. I do not know whether the language conveys that or not.

Mr. GARRETT of Tennessee. I do not see how it could be clearer. It reads:

Whether improper influence has been exerted by said association, or by any other association—

And so forth—

to secure the appointment, selection, or defeat of members of the committees of the House, or any of them.

Mr. MURDOCK. It seems to me, if the gentleman from Tennessee will permit me, that the language that he has placed in there does not do the thing he intends to be done, which is to make an inquiry into the defeat or selection of Members who aspire to appointments on committees.

Mr. GARRETT of Tennessee. The gentleman thinks that might apply to the selection or defeat of Members in their districts?

Mr. MURDOCK. Yes; and not to appointments on committees.

Mr. RUCKER. Is it intended by this paragraph to confine this investigation to efforts to procure the selection or appointment or defeat of men to committee assignments in this particular Congress or in other Congresses?

Mr. GARRETT of Tennessee. There is nothing which limits it. It says "of the House or any of them." I should say by the ordinary reasonable construction, taken in connection with the rest of the resolution, that it applies to any Congress.

Mr. RUCKER. Ordinarily referring to "committees of the House" means the committees of this House, not of the last Congress.

Mr. GARRETT of Tennessee. But it does not say "of this House."

Mr. RUCKER. I think the proper construction should be that it has reference to this Congress or any other Congress, in view of the fact that the investigation is to be in reference to other matters and other Congresses.

Mr. GARRETT of Tennessee. I think there will be no trouble about the construction of it.

Mr. RUCKER. I think there may be.

Mr. GARRETT of Tennessee. There is no objection to making it clear.

Mr. DECKER. Mr. Speaker, will the gentleman from Tennessee yield to me?

Mr. GARRETT of Tennessee. I yield to the gentleman from Missouri.

Mr. DECKER. Would it not carry out your intention better if you should say:

By any other association, corporation, or person to secure or prevent the appointment or selection of any Representative to any committee of the House.

Mr. GARRETT of Tennessee. I think that would be very good. If the gentleman will formulate that amendment I will be glad to accept it in lieu of the amendment which I offered. Mr. Speaker, the gentleman from Missouri [Mr. DECKER] desires to offer an amendment in the nature of a substitute.

The SPEAKER. The gentleman from Missouri [Mr. DECKER] desires to offer an amendment in the nature of a substitute. The gentleman will state his amendment.

Mr. DECKER. In line 19, page 2, after the word "secure," insert the words "or prevent the appointment or selection of any Representative to any committee of the House."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 19, after the word "secure," insert the words "or prevent the appointment or selection of any Representative to any committee of the House."

The SPEAKER. As the Chair understands it, that is offered as a substitute for the amendment of the gentleman from Tennessee. Is that correct?

Mr. DECKER. Yes.

Mr. RUCKER. I offer to amend the substitute by adding at the end of it the words "in this or any other Congress."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by adding at the end thereof the words "in this or any other Congress."

Mr. MANN. Mr. Speaker, I should like to have the amendment reported again.

The SPEAKER. The Clerk will report the amendment of the gentleman from Tennessee [Mr. GARRETT] and then the substitute of the gentleman from Missouri.

Mr. GARRETT of Tennessee. Mr. Speaker, I withdraw the amendment which I offered, and ask that the amendment offered by the gentleman from Missouri [Mr. DECKER] be considered as the original amendment.

The SPEAKER. That makes it an amendment in the first degree.

The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page, 2, line 19, after the word "secure," insert the words "or prevent the appointment or selection of any Representative to any committee of the House."

Mr. RUCKER offered the following amendment to the amendment:

Add, after the word "House," the words "in this or any other Congress."

Mr. RUCKER. In this or any former Congress.

Mr. MANN. I should like to inquire whether it is any part of the amendment to strike out lines 20 and 21, or whether it is intended to leave them in, and to insert this amendment between lines 19 and 20.

Mr. GARRETT of Tennessee. Lines 20 and 21 ought to be stricken out.

The SPEAKER. The amendment of the gentleman from Missouri [Mr. DECKER] proposes to insert, without striking out anything.

Mr. GARRETT of Tennessee. It should be stricken out.

Mr. DECKER. I move to strike out lines 20 and 21, and insert in lieu thereof what has been read.

The SPEAKER. The gentleman moves to strike out lines 20 and 21, on page 2, and insert in lieu thereof the matter just read.

The question is on the amendment of the gentleman from Missouri [Mr. RUCKER] to the amendment of the gentleman from Missouri [Mr. DECKER].

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on the amendment of the gentleman from Missouri [Mr. DECKER] as amended by the amendment of the gentleman from Missouri [Mr. RUCKER].

The amendment as amended was agreed to.

Mr. COOPER. Mr. Speaker, I move to strike out the last two words. I desire to ask the gentleman from Texas or the gentleman from Tennessee a question. This last amendment is made to apply to the committees or Members of any prior House?

Mr. GARRETT of Tennessee. Yes.

Mr. COOPER. Are the provisions from line 9 to line 16 on the same page not limited to this House, and ought they not, in express language, be made to apply to previous Houses just as this last paragraph was by the amendment of the gentleman from Missouri [Mr. DECKER]?

Mr. GARRETT of Tennessee. Mr. Speaker, I will say this to the gentleman. So far as I am concerned, I think the language offered by the gentleman from Missouri, Judge RUCKER, was really unnecessary. I think it applied without that language, and I think the paragraph to which the gentleman from Wisconsin has just referred does undoubtedly apply to past Congresses.

Mr. COOPER. Will the gentleman notice the language in the preamble, and it, of course, will be used in construing the resolution—

For the purpose of improperly influencing legislation by Congress, the official conduct of certain of its Members and employees, the appointment and selection of committees of the House, and for other purposes—

And so forth. Would that apply exclusively to the present House?

Mr. GARRETT of Tennessee. I think not at all.

Mr. MANN. I call attention to the fact that the preamble could not refer to the present House, because the preamble refers to charges in the newspapers, and they specifically refer to prior Congresses.

Mr. GARRETT of Tennessee. The idea in the mind of the committee was that the preamble applied to past Congresses as well as the present.

Mr. COOPER. Having that understanding, then lines 9 to 16, which simply use the expression "the House of Representatives," would be construed as applicable to Members of any prior Houses.

Mr. GARRETT of Tennessee. Undoubtedly.

The Clerk read as follows:

Said committee shall also inquire whether the said National Association of Manufacturers or any other organization or corporation or association or person does now maintain or has heretofore maintained a lobby for the purpose of influencing legislation by Congress and ascertain and report to what extent and in what manner, if at all, legislation has been improperly effected or prevented by reason of the existence of such lobby, if it be found to exist at all now or heretofore.

Mr. BARKLEY. Mr. Speaker, I offer the following amendment: Page 3, line 1, after the word "Congress," insert:

And if so, the names of the persons composing such lobby.

Under the resolution as drawn here the committee is only authorized to ascertain whether or not a lobby has been in existence. I think it ought to be able to report the names of those who compose that lobby, if there has been one in existence.

Mr. HENRY. Mr. Speaker, I think that is provided for, anyway. If the committee finds there has been a lobby or is a lobby, of course it will include the facts indicating what the lobby is and of whom it is composed. I do not think it is necessary to insert that language.

Mr. MANN. Suppose the committee should find that there was a lobby consisting of all of the retail merchants in the United States of one particular kind or of all the dairymen in the United States, or of all of the wholesale men of one kind in the United States, would it be necessary to publish a list of all of those people?

Mr. HENRY. I would not think so.

Mr. GARRETT of Tennessee. Under the amendment proposed by the gentleman from Kentucky that would be required.

Mr. BARKLEY. The object was not to include all men who may be interested in legislation, but only those who may be situated here in the Capital of the Nation who are ordinarily known as lobbyists.

Mr. MANN. I do not understand this resolution refers to maintaining a lobby in the Capital at Washington. That is not what it says. The lobby may be maintained at Baltimore or in New York or anywhere else throughout the country.

Mr. BARKLEY. Of course, that is in broad general terms; but the object of this amendment is to report the names of persons composing the lobby who are stationed here for the purpose of influencing legislation.

Mr. MANN. I think that if some particular individual here were identified as a lobbyist, that fact would be reported, without any specific directions, but the committee may find that the National Association of Manufacturers and its members constitute a lobby, as they probably do.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 1, after the word "Congress," insert the words "and if so, the names of the persons composing such lobby."

The question was taken, and the amendment was rejected.

Mr. GRAHAM of Illinois. Mr. Speaker, I desire to suggest a change in the construction of the last clause in the paragraph, "if it be found to exist at all now or heretofore." The words "at all" are redundant. Of course, if it exists it exists at all, and the language "if it be found to exist heretofore" is unfortunate. I move as a substitute for that the following: "if it be found to exist now or to have existed heretofore."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 4, strike out the words "if it be found to exist at all now or heretofore" and insert in lieu thereof "if it be found to exist now or to have existed heretofore."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Said committee, or any subcommittee thereof, may sit in the city of Washington or elsewhere to conduct its investigations during the sessions of the House or recess of Congress. It shall have power to employ such legal or clerical assistance as may be deemed necessary, to send for persons and papers, and administer oaths, and shall have the right to report at any time.

Mr. LEVY. Mr. Speaker, I move to strike out the words, in line 9, page 3, "such legal or." I think, in this case, the distinguished Speaker will appoint on the committee some prominent legal gentleman of this House who has ability to examine and cross-examine witnesses. I believe the members of the committee themselves ought to examine these witnesses. I do not believe in retaining legal counsel at great expense of from $15,000 to $25,000 or more, as it may cost. I am opposed to retaining any legal counsel. We have had enough of that in the past.

Mr. HENRY. Mr. Speaker, I am not surprised at the gentleman from New York offering that amendment to strike out the provision authorizing this committee to employ counsel. In the first place, he is opposed to this resolution, and he has stated that the passage of this resolution would create a panic.

Mr. LEVY. No, no; no, sir.

Mr. HENRY. I think it is a stampede, not a panic.

Mr. LEVY. No, sir; I meant to say if you make a broad investigation, which I understood this resolution to be, to take in everything—money investigation and everything—it would create trouble as it did last year. Now, we have had the experience of last year in connection with the money investigation, and——

Mr. HENRY. How?

Mr. LEVY. In the money question. Mr. Untermyer acted as a district attorney. He was biased and did not ask the proper questions for that committee nor did he help them. If the members of that committee had done their duty and asked the

witnesses the questions and cross-examined them, it would have been a great deal better than Mr. Untermyer.

Mr. HENRY. If my friend from New York had been endeavoring to assist the work of that committee——

Mr. LEVY. I did, sir.

Mr. HENRY (continuing). And not trying to impede the investigation——

Mr. LEVY. I was before your committee and said what we needed was remedial legislation, not investigation, and that is what we did need. That is the whole trouble. We should have given remedial legislation instead of an investigation. I said there was no Money Trust, but under our existing currency laws there was danger of one. The State of New York, its banks and bankers were so patriotic they never made use of the power they had. That is the trouble to-day—we want remedial legislation.

Mr. HENRY. Does the gentleman mean to say that there is no Money Trust?

Mr. LEVY. Yes, sir; I mean to say that there is no Money Trust. You never proved that there was a Money Trust. You have proved that under the law it was possible for a money trust to exist, but that power had never been exercised by the patriotic bankers of this country.

Mr. HENRY. In view of the information elicited I am surprised at the attitude of my distinguished friend from New York.

Mr. LEVY. The matter was paraded before the country in a false light. New York came forward in the 1907 panic and stood by the whole country.

Mr. HENRY. What per cent of interest did they get?

Mr. LEVY. It was no question of interest; there was no money. New York paid out every dollar to the banks of the country——

Mr. HENRY. Where did they get the money?

Mr. LEVY. From bankers and the banks of New York City and the Nation. They came to the rescue, and that is what stayed the panic.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York [Mr. LEVY].

Mr. HENRY. Mr. Speaker, I want to be heard a little further. I simply wanted to develop my friend's side of the case; that is all; and I allowed him to ask a question. I contend that after we have made this resolution broad enough to inaugurate an exhaustive investigation we ought to put every power and every legitimate influence at their command. We ought to give them an abundance of clerical assistance, and if they need legal assistance we ought to allow them to employ counsel. I have no counsel in mind. It would not make any difference to me what lawyers might be employed in this investigation, but I do know that the membership of this House, busy as it is with official duties and with questions of patronage and with the daily routine of its work here, these seven Members will not have the time to give this question all the attention that it requires.

For years and years we have been hearing of invisible government. We have been hearing of government by special interests, and all those things, and now when we have a direct charge here by two of the great newspapers of this country that a great association of manufacturers, that certain men, have combined themselves together to fix the committees of this House, to influence Representatives and Senators, to elect men to office, and to defeat them, I say we ought to put it in the power of this committee to employ one or two of the greatest lawyers of this country to take up the 20,000 telegrams and letters——

Mr. DIES. Will the gentleman yield?

Mr. HENRY. Not for the present. I say that we ought to employ them to take up the 20,000 letters and telegrams and documents and papers, and study the case as a lawyer should study a great case, and prepare it for this committee in order that they may elicit the proper information. If there ever was a committee appointed by the Senate or the House where they need the authority, this is a case where it should occur. To me it is perfectly plain that we should go to the bottom of these transactions and let our investigation strike where it may. If it strikes anyone on the other side of the House or on this side, Democrat, Republican, or Bull Mooser, or those belonging to any other political party, let in the sunlight of publicity and let the American people know whether or not this invisible government has done these things.

Oh, it is all well enough to say that we have able lawyers that can be put on this committee. That is true. We have able lawyers in this House. They have their duties as Representatives, and what we ought to do is to authorize them to employ lawyers to study this case exhaustively and present the facts and follow up every lead as it occurs in order that the investigation may be what the American people demand it should be and have a right to expect of the House of Representatives.

Mr. Speaker, the distinguished gentleman from New York [Mr. LEVY] is opposed to this resolution. He was opposed to the Money Trust investigation and said——

Mr. LEVY. Will the gentleman allow me for a minute?

Mr. HENRY. I have not the time. He says that the counsel employed in that investigation accomplished no good. I am here to say to-day, and I measure my words when I say it, that the investigation of the Money Trust under the guidance of that great lawyer, Mr. Untermyer, of New York, has done more to uncover this invisible government and to establish that there is a Money Trust than anything that was ever done by any other proceeding, either in the House or in the Senate. It was one of the great investigations, and it will redound to the good of this and generations coming after us, and when we complete this work, if we do it under the guidance of the right sort of a lawyer, we will have accomplished another great thing for the American people.

Mr. COX and Mr. HAY rose.

The SPEAKER. The gentleman from Indiana [Mr. COX] is recognized.

Mr. COX. Mr. Speaker, I can not remain idle and not speak my sentiments in behalf of the amendment offered by the gentleman from New York [Mr. LEVY]. The gentleman from Texas [Mr. HENRY] says he is not surprised at the gentleman from New York offering his amendment, because, he says, the gentleman from New York has been opposed to this resolution. I want to say here that no man in this House, I care not what his politics may be, is any more enthusiastic for this resolution than I am. I have been for it since I read in the press last Sunday evening the Mulhall exposure. But I can not and I will not remain idly by without defending the amendment offered by the gentleman from New York [Mr. LEVY]. I do not care whether he is for or against the resolution. To me that is nothing. But in my judgment it is a stigma cast upon this House, when we plead guilty in this resolution—before the country—to the charge that we have not legal talent enough in this House to conduct this investigation and to explore it to the absolute bottom. [Applause.]

I am unalterably opposed to the reckless, heedless, wild, extravagant expenditure of the people's money for such a purpose, when we ought to assume that burden ourselves and bear it upon our own shoulders. Why, who has forgotten the debate upon the floor of this House when the Money Trust investigating committee made its report and the criticisms upon Mr. Untermyer for assuming entire jurisdiction of that committee?

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. COX. Yes.

Mr. MANN. In that case there was a limitation of the cost in the resolution originally passed. Subsequently they asked for $25,000 or $30,000 more, and it was granted, and there was a great deal of criticism in consequence. In this resolution there is no limitation of cost?

Mr. COX. None in the world.

I was not a member of the committee that investigated that trust, but if I had been I would absolutely have refused to be bound by the questions of Mr. Untermyer. As a Representative in Congress owing a duty to my constituency, I deny the right of any committee to employ lawyers and counsel to come in and conduct that investigation in its absolute entirety.

Mr. DIES. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. COX. For a question.

Mr. DIES. Speaking of the Money Trust and the fifteen-odd thousand dollars paid to our Hebrew brother, Mr. Untermyer, by the parties engaged in conducting that investigation, I want to ask the gentleman this question: Does he now know anything more about the Money Trust than he knew and everybody else knew before that investigation?

Mr. COX. Not as the result of the brain power of Mr. Untermyer; no. If I were appointed a member of this investigating committee I would not vote for lawyers to supervise the questions to be propounded to these lobbyists. I would refuse to let them censor my questions, and I believe that any man whom the Speaker of this House will appoint upon that committee will feel the same way. I am in favor of appointing seven Members of this House, and I care not whom the Speaker appoints. I know he will appoint men of ability and throw the responsibility upon them, and then we will have a full and complete investigation.

Mr. RAGSDALE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. COX. I have not the time now.

Here is what you would have if you hire lawyers—you might have this condition brought upon you: The members of that committee will feel that their power is superseded by some lawyer. They will undertake to cast about and throw the responsibility upon some hired attorney, who is to get $25,000 or $30,000, or perhaps $50,000 before the investigation closes.

Mr. HENRY. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. COX. Yes.

Mr. HENRY. Does not the gentleman understand that this only leaves it to the discretion of the committee to employ counsel if they deem it necessary?

Mr. COX. I understand that thoroughly; but I refuse to leave it to the discretion of the committee. First let the Speaker appoint his committee.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Speaker, I ask for two minutes more.

Mr. RAGSDALE. I object, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina objects.

Mr. SMALL. Mr. Speaker, I do not think the merits of this amendment can be obscured by attacking the attitude of the gentleman from New York [Mr. LEVY] as to this resolution in its entirety.

Mr. LEVY. Mr. Speaker, will the gentleman allow me to interrupt him for one minute?

Mr. SMALL. Not now. I am in favor of the amendment. There is no ground upon which the employment of an attorney to assist committees can be justified as existing in this case. There is no expert legal knowledge required. There is no such degree of labor or investigation as ought to be put upon an attorney; no labor which can not well be undertaken by members of the committee themselves.

Besides that, Mr. Speaker, if there was ever a committee in which it was inappropriate to authorize the employment of an attorney, it is this committee.

This committee is authorized to investigate charges which affect the integrity of the House; and to say to the country that such a committee must have the assistance of an outsider, an attorney, in order to prepare the committee to investigate the questions and the charges affecting the integrity of its membership, and of the body as a whole, is a reflection upon the House and upon the committee. [Applause.]

Mr. Speaker, there is not the slightest justification for this resolution to carry with it the authority or the option upon the part of the committee to employ any legal assistance. Mention was made of the thousands of documents that would be submitted, all of which would be required to be analyzed. Why, Mr. Speaker, that is provided for. No Member of the House will object to the committee having ample clerical assistance, such assistance as can assemble and analyze any volume of testimony or record evidence which may be submitted to the committee, so as to avoid imposing upon the committee any undue burden of that character. I am surprised that the Committee on Rules, in bringing in this resolution, should have considered for a moment that a committee of this character, to inquire into the integrity of the House, should even be authorized to employ counsel to assist it in the performance of its delicate, important, and responsible duties.

Mr. HENRY. Will the gentleman yield for a minute?

Mr. SMALL. Certainly.

Mr. HENRY. The inquiry is not so much to exonerate Members who are charged. The Members can exonerate themselves in 30 minutes when this committee is convened for action. That is not the side of the question I am looking at. I know these gentlemen will clear themselves very speedily. It does not take any lawyer to do that, but there is the other great question over and beyond that—the question of this invisible government, of these men who have tried for the last 20 or 25 years to dominate the affairs of legislation. That is what we want ventilated, and I want this committee to get back of that. I have no fears about how the Members will come out of this matter. They can defend themselves. There is no question of reflection on them, but it is a question of getting into a broader field and ascertaining the activities of this great National Association of Manufacturers and other special interests that have been governing this country. [Applause.]

Mr. SMALL. I did not yield for a speech, Mr. Speaker. The argument for the authorization or employment of counsel in this case can not be justified by speaking of an invisible government, a power which dominates or influences the action of this House. This committee are not authorized to investigate any invisible government, except in so far as it assumes tangible form and shape and attempts to influence by improper methods, motives, and purposes the official action of this House in matters which have heretofore come before it. That is the question, and not the question of any invisible government.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the rule, is debate on this amendment exhausted?

The SPEAKER. Of course, it is.

Mr. MANN. Then let us have a vote on it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, strike out the words "legal or."

Mr. HAY. Mr. Speaker, I move to strike out the last word. I am in favor of the amendment offered by the gentleman from New York, and I can hardly agree with the argument advanced against it by the gentleman from Texas. The gentleman from Texas [Mr. HENRY] seems to assume that unless counsel is employed we will not get at the facts. In other words, he charges that facts would be smothered unless we employed an attorney. He said he wanted the light of day thrown upon all these questions to be investigated by this committee. I do not know any people to whom I would rather trust the great task of examining into these questions than seven Members of this House. [Applause.] Who is most interested in bringing these things to light? Who is most interested in having the light of day thrown upon all these charges which have been made against the membership of this House? It is the membership of this House; and the agents appointed by the Speaker of this House will be the men who above all others will be in favor of throwing the light of day upon all of these different questions.

Mr. Speaker, we do not want an attorney to tell us how to conduct this investigation. If it is true that this investigation should be turned over to an attorney, why not let the Speaker of this House appoint an attorney or attorneys, and let them do it, and let us be their witnesses, or whatever else they choose to call upon us for?

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. HAY. I will for a question.

Mr. HENRY. The gentleman does not understand that I said this committee would turn the investigation over to an attorney, does he?

Mr. HAY. No.

Mr. HENRY. I only said that the attorney would be under the direction of the committee and would aid in this investigation under the direction of this committee.

Mr. HAY. The gentleman insisted, or rather said, that in order that the facts might not be smothered, it was necessary to employ an attorney.

Mr. HENRY. Yes; smothered by some witnesses evading process of the committee, where the committee could not follow them up.

Mr. HAY. Has the gentleman so low an opinion of the legal ability of this House that he does not think it is equal to the cross-examination of any witness who might appear before this committee?

Mr. HENRY. That is not the question. If the gentleman were on this committee, would he feel that he had all of the time to devote to it——

Mr. HAY. Yes; I would. If I were on this committee, which I sincerely trust will not be the case, I would feel that it was my duty to devote all of my time, all of my energy, all of my brains to giving to the work of this committee the utmost diligence that I could.

Mr. HENRY. I certainly hope the Speaker will put the gentleman upon the committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. MANN. Does not the gentleman believe that if we want a speedy investigation that goes to the bottom of the matter, we not only better not have an attorney employed, but better keep the attorneys off the committee? [Laughter.]

Mr. HAY. No; I do not believe that. I believe it will be very much better for a speedy investigation not to employ an attorney, but I believe that there ought to be lawyers here on the committee—not all lawyers, but some lawyers.

Mr. MANN. But if they were not on the committee at all, we would learn more in quicker time.

Mr. HAY. That may be the gentleman's opinion, but it is not mine. For the reasons I have given I do not believe it is necessary, and I do not believe it will be right to employ an attorney in an investigation of this character.

Mr. DIES. Mr. Speaker, I move to strike out the last two words. This impresses me as did another case; and I do not, of course, mean this in reference to my colleague from Texas [Mr. HENRY], but unwittingly we are trying to do for some lawyer what David Lamar, of recent fame, was trying to do for another lawyer in New York—get him a job. [Laughter.] I just want to drop this for the benefit of my colleague and for the benefit of this House: If there is a man, a Member of Congress, who knows any more about the Money Trust now than he did before we paid Mr. Untermyer his $15,000, I want him to hold up his hand and tell me what he has learned since then. We knew then what our national banking laws were. We knew then all about the gambling on the stock exchange. My colleague talks about the "invisible" government that controls and holds in its hand the destiny of this Republic. I deny that. I stand before one branch of the visible Government of this Republic, and there is not a man here who knows better than my colleague from Texas [Mr. HENRY] that there is no "invisible" government in this Republic, unless, indeed, our constituents at home, of whom we are dreadfully afraid, are the "invisible" government. To leave the impression upon this country, to leave the impression among the ignorant and the uninitiated that there is some "invisible," satanic government here that is shaping legislation and controlling us is almost diabolical in its effect on the integrity of our institutions.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. DIES. With pleasure.

Mr. HENRY. According to the argument of my colleague from Texas, we do not want any investigation at all.

Mr. DIES. Oh, well, we have 433 Members of Congress, and you are going to give them a whitewash by a committee of seven. It reminds me of what John Randolph, of Roanoke, said one time when they had a horse race in Virginia. They could not get a stakeholder. Some fellow popped up and said: "I will hold your money." "Yes," said Randolph, "but who will hold you?" [Laughter.] If the American people will not believe in the integrity and the honesty of 433 of their Representatives, will they believe in the verdict of seven or nine of their number that you get to try them? Talk about hiring lawyers to come here to develop the honesty or patriotism of Members of Congress! It will turn out like the Money Trust investigation, which was not worth a penny and which cost the Government almost a quarter of a million dollars. You do not know anything now about the Money Trust that was not known before. We knew then and we know now that the people are paying interest on the bonds and paying interest on the notes issued by the banks.

The President of the United States is making a patriotic effort to give the country a stable, Government-controlled currency, and I am with him in the effort. Instead of running around here like scared rats in a barn talking about lobbies that do not exist and lobbyists that do not exist, let us pass a currency bill and go home. We have already revised the tariff downwards, thank God, and I helped to do it, and I am going to help the President and the Congress give the people currency legislation, and all this talk about hiring lawyers and have them investigate Congress is bunk of the purest variety. Let me tell you something. The people believe we are honest now——

Mr. COOPER. Mr. Speaker, will the gentleman permit an interruption?

Mr. DIES. With unspeakable pleasure.

Mr. COOPER. Thank you kindly. If I understand the gentleman's position here, the House of Representatives, being investigated, ought to ask the questions. In other words, being investigated, it ought to interrogate witnesses. Is that it?

Mr. DIES. If I thought we needed investigation, which I do not——

Mr. COOPER. We are going to pass the resolution.

Mr. DIES. Conscious of my own rectitude and firm in the faith that you are as honest as I am, and that no lobby is going to influence either you or me in passing legislation, I think it is the merest act of cowardice for this House to hire lawyers and appoint committees to engage in an investigation at this time, the only effect of which will be to spend a few thousand dollars and waste a lot of time. If there has been wrongdoing by Members of Congress, let us punish, not hold hearings; impeachment is your remedy, not a long-winded investigation.

The SPEAKER. The time of the gentleman has expired. The pro forma amendment is withdrawn and the question is on the amendment offered by the gentleman from New York.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HENRY. Division, Mr. Speaker.

The House divided; and there were—ayes 86, noes 32.

Mr. HENRY. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Texas demands tellers.

Mr. MANN. Mr. Speaker, if the gentleman is going to delay the House I shall make the point of no quorum.

Mr. HENRY. How is that?

Mr. MANN. Tellers will not change the result. It takes too long and some of us want to get away.

Mr. HENRY. I do not think any gentleman would make the point of no quorum.

Mr. MANN. I say it is too late in the afternoon on Saturday afternoon. Some of us want to leave town.

Mr. HENRY. Mr. Speaker, in view of the fact, while I believe that the House should leave this part of the resolution as it was, I withdraw my demand for tellers.

The SPEAKER. The gentleman from Texas withdraws his demand for tellers. On this question the ayes are 86, the noes are 32, and the amendment of the gentleman from New York is adopted.

Mr. SMALL. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amend, page 3, line 12, by adding the following to the paragraph: "This committee shall conclude its investigations and submit a final report on or before the 1st day of September, 1913."

Mr. SMALL. Mr. Speaker, this amendment simply requires the committee to conclude this investigation and submit its final report by the 1st day of September, 1913. It seems to me that a limit should be placed upon the period within which this committee may continue its investigation and submit its final report, and I have selected September 1 as being a date probably before the adjournment of the present session of Congress. That will give the committee substantially two months, July and August, within which to pursue its investigations, an ample time within which to formulate their report after the actual investigation has been concluded. That, it seems to me, is a wise limitation upon the committee, both upon the score of expense and for the additional reason that an inquiry of this kind, involving the integrity of the membership of this House and of the House as a whole, should be conducted as speedily and concluded as quickly as it may be with dignity and with proper discharge of the duties devolving upon such committee.

Mr. HENRY. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. HENRY. I did not catch the amendment as it was reported, my attention being distracted at the time. Does the gentleman propose to limit this committee to a report on the 1st day of September on everything?

Mr. SMALL. On everything.

Mr. HENRY. I will say to the gentleman very candidly that if he shall insist upon that, I will make the point of no quorum before I will let that amendment go through. I give the gentleman that notice now. This investigation is too large and too important to put such a limit on it.

Mr. SMALL. Mr. Speaker, I am going to insist on my amendment, and it is for the House to decide. Unless it can be shown that more time is required for the investigation and the deliberations of this committee than practically 60 days——

Mr. BARNHART. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. BARNHART. It has been frequently stated this afternoon that it is possible that the Senate, having possession of the important papers in this case, might hold them for a month or six weeks, during which there would be no hope of the House coming into possession of them. Suppose these papers might be delayed in the hands of the Senate committee for that length of time, or for months for that matter? I hope the gentleman will change that amendment.

Mr. SMALL. Mr. Speaker, that is merely speculative. I have heard the same statement, but I can not believe, and I do not believe, that a committee of the Senate would refuse to deliver to a committee of the House, after it shall have been constituted, all such record evidence as they may have affecting the integrity of the membership of the House, and I can not believe that the Senate committee would be guilty of such a discourtesy and thereby delay the House committee.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. HENRY. Mr. Speaker, I deplore the fact that the gentleman from North Carolina has introduced that amendment. At first the gentleman is in favor of striking out the provision allowing this committee to employ counsel. Now, he comes along, after the striking out of the provision authorizing the committee to employ counsel, and wants to put a limit of less than four weeks on this committee to investigate and make a

report on this great question. What is there to hide? Why not let it have publicity? What fear has the gentleman that this committee can profitably put in three or four or six months in order to get to the bottom of these nefarious charges?

Mr. MANN. Mr. Speaker, I am going to make a point of no quorum at a quarter to 4 o'clock.

Mr. HENRY. I will finish long before that. [Cries of "Vote!" "Vote!"] Mr. Speaker, it would not distress me if the gentleman did make the point of no quorum, because this investigation does not and can not affect me one way or the other. If you begin it on Monday I shall be satisfied. If you do not begin it at all it will not worry me, except for the integrity of the House.

Mr. MANN. Let us vote.

Mr. HENRY. But I wanted to call to the attention of the membership of the House that after striking out the provision for counsel there is a sentiment and an effort to put a limit on the time this committee is to sit and make an investigation. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was rejected.

Mr. COOPER. Mr. Speaker, I move to amend, line 6, page 3, by striking out the words "or any subcommittee thereof."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 6, strike out the words "or any subcommittee thereof."

The SPEAKER. The question is on agreeing to the amendment.

Mr. COOPER. Mr. Speaker, one moment. I move that amendment because, in my judgment, seven men is a number sufficiently small to consider a thing of this vast importance.

Mr. GARRETT of Tennessee. Will the gentleman permit me to interrupt him just to suggest one thing?

Mr. COOPER. Yes.

Mr. GARRETT of Tennessee. I have an idea that the only time there would be a subcommittee appointed would be, based on experience I have had with a committee similar to this, in cases where perchance there might be a sick witness or something of that sort away from where the committee was sitting, and where it would be economy to send two members of the committee to take the testimony.

Mr. COOPER. Mr. Speaker, I think that consideration does not weigh against the importance of having all the seven men who are on this committee see every witness who testifies. One of our constitutional provisions is that a man being tried for an offense shall be entitled to be confronted by the witnesses against him. I want the judges of this case, this committee, to see every man and every woman, and see what they look like, notice their manner, and determine whether they are telling the truth or not.

I do not want a committee of seven to appoint a subcommittee of two to go out and take the testimony of a witness and then have the other five know nothing whatever of what was said in the deposition. That never amounts to anything, as any lawyer knows, in the trial of an important lawsuit.

That ought to be stricken out, and there ought also to be an amendment to the effect that every meeting of the committee should be open to the public. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. COOPER. Mr. Speaker, I offer another amendment.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by inserting after the word "Congress," in line 9, page 3, the following: "All meetings of said committee or of any subcommittee, excepting only executive meetings, shall be open to the public."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HENRY. Mr. Speaker, I have not the slightest objection to that amendment.

Mr. CAMPBELL. Neither have I.

Mr. MURDOCK. One moment, Mr. Speaker. What does the gentleman mean when he proposes to provide that all meetings shall be open to the public except executive meetings?

Mr. COOPER. I will say to the gentleman, Mr. Speaker, that I do not think any committee should have any secret meetings at all. I think that every meeting of a committee, executive and otherwise, should be public. But as a matter of fact it is only by drawing this amendment in this way that it stands any chance of being adopted.

Mr. MURDOCK. As a matter of fact can not the committee hold all its meetings in secret?

Mr. COOPER. Oh, not at all.

Mr. MANN. Mr. Speaker, the word "executive" has come to mean "secret," so that the gentleman's amendment means simply that all meetings of the committee, except secret meetings, shall be open to the public.

Mr. COOPER. I know, of course, that whenever the gentleman from Illinois has an opportunity to make a comment of that kind that would be his comment. But I have never known an executive meeting of a committee to be anything but a meeting where you did not take the testimony of the witnesses. An executive meeting, I have always understood, is where a committee decides what it will do, making up its mind upon facts presented to it. But if that interpretation is now put upon it—and it has been put into the record by the gentleman from Illinois—it is an interpretation that I have not heard before upon other committees, because in the Committee on Foreign Affairs when men come we say, "We are about to have an executive meeting," and everybody goes out except the members of the committee.

Mr. MURDOCK. Why not strike that word out?

Mr. COOPER. Mr. Speaker, I move to strike out the word "executive" and say "all meetings for the hearing of witnesses or the taking of testimony by any committee or subcommittee shall be open to the public."

The SPEAKER. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. COOPER] as modified.

Mr. MANN. Mr. Speaker, in order that the gentleman may have time in which to correct the language of his amendment, I make the point of order that there is no quorum present.

Mr. McDERMOTT. Will not the gentleman wait a second? I want to rise to a question of personal privilege.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. GRAHAM of Illinois. I hope the gentleman will withhold his point for a little while.

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-seven Members are present—not a quorum.

ADJOURNMENT.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned, under the order previously made, until Wednesday, July 9, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, recommending the correction of the item of the sundry civil act approved June 23, 1913, in regard to post-office building at Canton, Ill. (H. Doc. No. 133); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hillsboro River, Fla. (H. Doc. No. 132); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 6634) to provide for the proper observance of the Fourth of July in the city of Washington; to the Committee on the District of Columbia.

By Mr. MOON: A bill (H. R. 6635) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6636) to fix the boundaries of the Crest Road on Mission or Missionary Ridge, in Hamilton County, Tenn.; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 6637) for a grazing homestead and supplemental grazing entries; to the Committee on the Public Lands.

Also, a bill (H. R. 6638) providing for an appropriation for the preservation of the grasses on the public domain by the extermination of prairie dogs; to the Committee on Agriculture.

By Mr. MOON: A bill (H. R. 6639) authorizing juries to fix punishment of defendants convicted in United States courts in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 6640) to provide for the erection of a public building at Sparta, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6641) to determine powers of United States judges as to instructions to juries; to the Committee on the Judiciary.

Also, a bill (H. R. 6642) to appropriate $20,000 for the extension and completion of Hooker Road from St. Elmo up Lookout Mountain, in Hamilton County, Tenn., to United States reservation, Point Park, and battlefield on Lookout Mountain, and acceptance by cession of said roads by United States; to the Committee of Appropriations.

Also, a bill (H. R. 6643) to provide for the erection of a public building at McMinnville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6644) to provide for the erection of a public building at Madisonville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6645) recognizing the military service of and giving pensionable status under all pension laws of the United States to persons serving under United States officers as home guards, militia, or other provisional troops during the Civil War; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 6646) to regulate the payment of salaries of post-office clerks and letter carriers in the City Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. BURGESS: Joint resolution (H. J. Res. 104) requesting the President to consider the expediency of effecting a treaty with European powers providing for the neutralization of the Philippine Islands and to protect an independent government there when established; to the Committee on Insular Affairs.

By Mr. LEVY: Joint resolution (H. J. Res. 105) directing the Interstate Commerce Commission to grant an increase in freight rates; to the Committee on Rules.

By Mr. J. M. C. SMITH: Memorial of the Legislature of Michigan, praying Congress to call a convention to propose an amendment to the Constitution of the United States prohibiting polygamy; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 6647) for the relief of James A. Griffith and Hannibal I. Griffith; to the Committee on War Claims.

By Mr. COX: A bill (H. R. 6648) granting a pension to Mildred J. Cutsinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6649) granting a pension to Fred Lamke; to the Committee on Pensions.

Also, a bill (H. R. 6650) granting an increase of pension to Robert Raney; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 6651) granting an increase of pension to Jane C. Parrott; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 6652) to remove the charge of desertion from the military record of Luke O'Brien; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 6653) for the relief of Mary Van Deventer; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 6654) for the relief of William S. Emmes and Thomas C. Young; to the Committee on Claims.

By Mr. MAHER: A bill (H. R. 6655) granting an increase of pension to Robert Kiers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6656) granting an increase of pension to Edward Koenig; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 6657) for the relief of Thomas J. Haynes; to the Committee on Claims.

By Mr. MOON: A bill (H. R. 6658) granting a pension to J. L. McDowell, alias Leander Dickey; to the Committee on Pensions.

Also, a bill (H. R. 6659) granting a pension to Hayes Brummitt; to the Committee on Pensions.

Also, a bill (H. R. 6660) granting a pension to Seborn J. Mullins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6661) granting a pension to Mary E. Pearce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6662) granting a pension to Sarah E. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6663) granting a pension to Dautry C. Baine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6664) granting a pension to Joseph Clyde Shadden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6665) granting a pension to Andrew Solomon, alias Andrew Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6666) granting a pension to Mary Emma Axmacher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6667) granting a pension to Harriet E. Aiken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6668) granting a pension to Andrew J. Hollaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6669) granting a pension to Margaret J. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6670) granting a pension to Sarah J. Watson or Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6671) granting a pension to John B. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6672) granting a pension to Mary J. Pearson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6673) granting a pension to Ella Neff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6674) granting an increase of pension to Rebecca A. Cole; to the Committee on Pensions.

Also, a bill (H. R. 6675) granting an increase of pension to Benedict Ellis; to the Committee on Pensions.

Also, a bill (H. R. 6676) granting an increase of pension to Lucinda Hughes; to the Committee on Pensions.

Also, a bill (H. R. 6677) granting an increase of pension to William J. Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6678) granting an increase of pension to Alexander Sutherland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6679) granting an increase of pension to James Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6680) granting an increase of pension to James H. Pack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6681) granting an increase of pension to Robert B. Weathers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6682) granting an increase of pension to William J. Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6683) granting an increase of pension to Milton J. Beebe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6684) granting an increase of pension to Melvin P. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6685) for the relief of L. W. Hildebrand, administrator of the estate of John W. Hildebrand, deceased; to the Committee on Claims.

Also, a bill (H. R. 6686) for the relief of Jesse A. Wallace; to the Committee on War Claims.

Also, a bill (H. R. 6687) for the relief of Jesse Walling; to the Committee on War Claims.

Also, a bill (H. R. 6688) for the relief of Mrs. David Gillespie; to the Committee on War Claims.

Also, a bill (H. R. 6689) for the relief of James B. Hoge; to the Committee on War Claims.

Also, a bill (H. R. 6690) for the relief of the estate of Washington Pryor, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6691) for the relief of Mrs. E. L. Eblen; to the Committee on War Claims.

Also, a bill (H. R. 6692) for the relief of Edward D. Pickett; to the Committee on War Claims.

Also, a bill (H. R. 6693) for the relief of D. J. Rogers; to the Committee on War Claims.

Also, a bill (H. R. 6694) for the relief of William Roberts; to the Committee on War Claims.

Also, a bill (H. R. 6695) for the relief of John M. Heard; to the Committee on War Claims.

Also, a bill (H. R. 6696) for the relief of trustees of the Boiling Fork Baptist Church, of Cowan, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 6697) for the relief of John Coppinger; to the Committee on War Claims.

Also, a bill (H. R. 6698) for the relief of the estate of P. W. Key; to the Committee on War Claims.

Also, a bill (H. R. 6699) for the relief of Sarah J. Standefer; to the Committee on War Claims.

Also, a bill (H. R. 6700) for the relief of G. R. West; to the Committee on War Claims.

Also, a bill (H. R. 6701) for the relief of the widow of the late Capt. Daniel C. Trewhitt; to the Committee on War Claims.

Also, a bill (H. R. 6702) for the relief of William M. White; to the Committee on Military Affairs.

Also, a bill (H. R. 6703) for the relief of Samuel McJunkin; to the Committee on Military Affairs.

Also, a bill (H. R. 6704) for the relief of James Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 6705) for the relief of R. H. Sively; to the Committee on Military Affairs.

Also, a bill (H. R. 6706) for the relief of James Nipper; to the Committee on Military Affairs.

Also, a bill (H. R. 6707) for the relief of Jasper N. T. Hamilton; to the Committee on Military Affairs.

Also, a bill (H. R. 6708) for the relief of James Nipper; to the Committee on Military Affairs.

Also, a bill (H. R. 6709) for the relief of Isom M. Qualls; to the Committee on Military Affairs.

Also, a bill (H. R. 6710) for the relief of the estate of William Duncan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6711) for the relief of the estate of Daniel C. Yarnell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6712) for the relief of the estate of J. K. Jolinson; to the Committee on War Claims.

Also, a bill (H. R. 6713) for the relief of the estate of John A. Pickett, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6714) for the relief of the estate of George P. Carmichael, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6715) for the relief of the estate of Aaron Murdock, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6716) for the relief of the estate of Austin Hackworth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6717) for the relief of the estate of W. G. Hoge, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6718) for the relief of the estate of Burrell L. Bennett, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6719) for the relief of the estate of Louisa M. Kirkfin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6720) for the relief of the estate of George M. Carroll, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6721) for the relief of the trustees of Hennegans Chapel, Methodist Episcopal Church South, of Dunlap, Sequatchie County, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 6722) for the relief of A. Shelton, administrator of the estate of Elizabeth W. Carper; to the Committee on War Claims.

Also, a bill (H. R. 6723) for the relief of the heirs of Margaret Sivley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6724) for the relief of the heirs of Christopher Wood, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6725) for the relief of the heirs at law of Robert Worthington; to the Committee on War Claims.

Also, a bill (H. R. 6726) granting an honorable discharge to Marion Hixson; to the Committee on Military Affairs.

Also, a bill (H. R. 6727) to correct the military record of John M. Southard; to the Committee on Military Affairs.

Also, a bill (H. R. 6728) to correct the military record of R. B. Hendrickson; to the Committee on Military Affairs.

Also, a bill (H. R. 6729) to correct the military record of Samuel D. Houston; to the Committee on Military Affairs.

Also, a bill (H. R. 6730) for the relief of W. P. Qualls; to the Committee on Military Affairs.

Also, a bill (H. R. 6731) to correct the military records of the United States so as to muster James Kirkland in and out of service in United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 6732) to remove the charge of desertion against the name of Samuel J. Rayl; to the Committee on Military Affairs.

Also, a bill (H. R. 6733) to remove the charge of desertion against Henry H. Walker; to the Committee on Military Affairs.

Also, a bill (H. R. 6734) to remove the charge of desertion against the name of Thomas J. Schrimpsher; to the Committee on Military Affairs.

Also, a bill (H. R. 6735) to remove the charge of desertion against Martin Van Buren, alias Martin Van Buren McReynolds; to the Committee on Military Affairs.

Also, a bill (H. R. 6736) to remove the charge of desertion from the name of Gabriel P. Keith; to the Committee on Military Affairs.

Also, a bill (H. R. 6737) to remove the charge of desertion from the name of John W. Bates; to the Committee on Military Affairs.

Also, a bill (H. R. 6738) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Josiah J. Bryan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6739) to appropriate for and pay claim of T. F. Vann, administrator of Leroy P. Campbell, deceased; to the Committee on War Claims.

By Mr. MORGAN of Oklahoma: A bill (H. R. 6740) granting a pension to Columbia A. Seaman; to the Committee on Pensions.

Also, a bill (H. R. 6741) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 6742) for the relief of John K. Steedman; to the Committee on Claims.

By Mr. STEPHENS of California: A bill (H. R. 6743) for the relief of Robert Abernethy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, protesting against any change in the present liability laws unfavorable to the employee; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of the Cincinnati Chamber of Commerce, Cincinnati, Ohio, favoring the passage of legislation for an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. CARR: Petitions of 448 employees of the Lambert Mine, 291 of the Kyles Mine, 24 of the Youngstown Mine, 225 of the Oliphant Mine, 362 of the Bitner Mine, 275 of the Juniata Mine, 195 of the Filbert Mine, 447 of the Phillips Mine, 65 of the Yorkum Mine, 52 of the Shoaf Mine, 203 of the Dearth Mine, 136 of the Colonial No. 3 Mine, 374 of the Continental No. 1 Mine, 355 of the Continental No. 2 Mine, 286 of the Continental No. 3 Mine, 482 of the Buffington Mine, 301 of the Bridgeport Mine, 133 of the Crossland Mine, 356 of the Ronco Mine, 384 of the Redstone Mine, 294 of the Adelaide Mine, 335 of the Davidson Mine, 477 of the Trotter Mine, 599 of the Leckrone Mine, 377 of the Leith Mine, 308 of the Valley Mine, 404 of the Leisenring No. 3 Mine, 368 of the Leisenring No. 2 Mine, 582 of the Leisenring Mine No. 1, 225 of the Broad Ford Mine, 529 of the Edenborn Mine, 260 of the Wynn Mine, 551 of the Lemont Mine, 398 of the Footedale Mine, 190 of the Gates Mine, 692 of the Colonial No. 1 Mine, 15 of the Colonial No. 3 Mine, 110 of the Coalbrook Mine, 423 of the Yorkrun Mine, 530 of the Shoaf Mine, 321 of the Collin Mine, 268 of the Youngstown Mine, 19 of the Grindstone Mine, and 45 of the Collier Mine, all of the H. C. Frick Coke Co., protesting against a dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. DALE: Petition of 2,000 citizens of Merced and Stanislaus Counties, protesting against the proposed diversion of the waters of the watershed of the San Joaquin Valley; to the Committee on Irrigation of Arid Lands.

Also, petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, protesting against any change in the present liability laws unfavorable to the employee; to the Committee on the Judiciary.

By Mr. FRENCH: Papers to accompany bill for the relief of Mary Van Deventer, née Rains, of Grangeville, Idaho; to the Committee on Claims.

By Mr. HAYES: Petition of the Chamber of Commerce of San Francisco, Cal., favoring the establishment on the Pacific coast by the United States Department of Commerce of an agency for the dissemination of information among Pacific coast commercial interests; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Oakland Rotary Club, of Oakland, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the State of California, protesting against a committee on public health; to the Committee on Rules.

Also, petition of sundry citizens of San Jose, Cal., favoring the passage of the legislation to prevent the importation of the plumage and feathers of wild birds; to the Committee on Ways and Means.

Also, petition of C. H. Brake, San Jose, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. HENSLEY: Papers to accompany bill (H. R. 4617) for the relief of the heirs of Julius Alexander Ward, deceased; to the Committee on War Claims.

By Mr. MONDELL: Petition of the board of directors of the Industrial Club, of Cheyenne, Wyo., favoring ownership by the United States of the buildings occupied by its foreign representatives; to the Committee on Foreign Affairs.

By Mr. PALMER (by request): Petition of the Philadelphia Board of Trade, Philadelphia, Pa., favoring the passage of a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Idaho: Papers to accompany bill (H. R. 5648) granting a pension to Grant H. Hill; to the Committee on Pensions.

By Mr. J. M. C. SMITH: Papers to accompany bill for the relief of John K. Steedman; to the Committee on Claims.

SENATE.

MONDAY, *July 7, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 18, memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California for investigations and surveys by the California Débris Commission under the provisions of an act of Congress approved March 1, 1893, to aid in the preparation and making a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin Rivers and for improvements in aid of commerce and navigation.

Whereas conditions injuriously affecting vast areas of valuable land adjacent to, and the interests of commerce and navigation in, the river systems of the San Joaquin Valley, within the power of the California Débris Commission to correct under the provisions of an act of Congress approved March 1, 1893, creating said commission and defining its duties, are identical with those existing in the river systems of the Sacramento Valley and require like remedial treatment; and

Whereas the Sacramento and San Joaquin Rivers form a delta common to both, and by connecting waterways their flood waters mingle, frequently involving great damage to property and to navigation; and

Whereas the work involved and plans contemplated in said rivers and said delta under the requirements of said act should be coordinated into one harmonious project; and

Whereas the report of said commission made in accordance with the requirements of said act, including maps and containing a project, together with estimate of the cost thereof, for the relief from floods in the Sacramento Valley, transmitted to the Congress of the United States by the Secretary of War June 25, 1911, and approved and recommended by him for adoption by Congress, now designated as House Document No. 81, Sixty-second Congress, first session, with such modifications therein as have since said last-named date been made and approved, applies only to the Sacramento River conditions, and said commission strongly urges "that work begin at once and provision be made for its early completion"; and

Whereas as delay in treating these conditions in the river systems of the Sacramento Valley has greatly added to the injury done as well as to the cost of the proposed project, the same results will follow delay in treating like conditions in the river systems of the San Joaquin Valley; and

Whereas as investigations and surveys are required preliminary to the making of a report by said commission on said river systems in the San Joaquin Valley, it is of the utmost importance that such investigations and surveys be commenced without unnecessary delay; and

Whereas as said remedial work necessary in said river systems and said delta make the problem a vital one pressing for an early solution, the Legislature of the State of California has by appropriate legislation adopted the project contained in said report, has appropriated funds therefor, and has in other ways indicated its willingness to cooperate with the United States in furtherance of this great work: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California in regular session assembled memorializes the Congress of the United States for such legislation and direction as will provide for such investigations and surveys by the California Débris Commission under the provisions of said act, thereby hastening the preparation and making of the report on a project for the relief from floods in the San Joaquin Valley and said delta and for improvements in aid of commerce and navigation; be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to secure favorable consideration of this memorial; and be it further

Resolved, That duly authenticated copies of this memorial be transmitted by the governor of the State of California to the Senate and House of Representatives of the United States, the Secretary of War, the Chief of Engineers United States Army, the California Débris Commission, and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 19, memoralizing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, Cal."

Whereas the Secretary of War on the 29th day of June, 1911, submitted to the House of Representatives of the United States, duly approved and recommended for adoption, the report of the California Débris Commission relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, Cal.," now known and designated as House Document No. 81, Sixty-second Congress, first session; and

Whereas the approval of said report contains the suggestion "that work begin at once and provision be made for its early completion"; and

Whereas the construction and completion of the project proposed in said report is of vital importance to the people of this State and of the whole country; and

Whereas the Legislature of the State of California, in extraordinary session assembled, did by an act of said legislature adopt the project and recommendations set forth in said report of the California Débris Commission, and appropriate funds therefor, and has also in said act provided for cooperation between the State of California and the Government of the United States in putting into effect the proposed project and recommendations: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the said legislature memorializes the Congress of the United States for favorable consideration of the report of said California Débris Commission, transmitted as aforesaid by the Secretary of War to Congress, together with all modifications thereof as approved by the said commission, the Secretary of War, and Chief of Engineers, and also for early action on appropriations to carry out the recommendations of said report and said project; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the Senate and House of Representatives of the United States, the Secretary of War, Chief of Engineers, and to each of our Senators and Representatives in Congress; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested to use all honorable means to secure favorable action on said report and said project.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 23, relative to the establishment of a Government-owned line of steamships to operate between Pacific and Atlantic ports.

Whereas the shippers of the Pacific coast were for many years at the mercy of the transcontinental railroads in the matter of rates charged upon shipments to and from the Atlantic seaboard and Eastern States; and

Whereas these transcontinental railroads have attempted and now are attempting to secure an absolute monopoly of transportation facilities by destroying independent water competition via the Isthmus of Panama and by controlling existing lines of steamships; and

Whereas this monopoly is now threatening to become absolute through the destruction of the California-Atlantic Steamship Co., which was controlled by Henry Sears Bates and Arthur Sewall Chesebrough, worthy descendants of illustrious California pioneers; and

Whereas the experience of the California-Atlantic Transportation Co. has demonstrated the impossibility of a successful fight by individuals for an independent steamship line because of the sinister and powerful influences controlling the transcontinental railroads and steamship lines now operating; and

Whereas it is vital to the commercial life of the Pacific coast and to the Nation as a whole that competition be maintained against the transcontinental railroads and their steamship lines and that that competition be strong enough to withstand the ruthless tactics of organized wealth; and

Whereas the construction of the great Panama Canal will be a menace instead of a benefit to the people of the United States if the transcontinental railroads are allowed to maintain a monopoly of water competition: Therefore be it

Resolved, That the Senate and Assembly of the State of California jointly express their approval of a Government owned and operated line of steamships to operate between Pacific and Atlantic ports via Panama; and be it further

Resolved, That the senate and assembly jointly request our Senators and Representatives in Congress to use every possible and honorable influence toward the establishment of such a line.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 27, relative to the purchase by the United States of the Tioga Road.

Whereas the State of California has by legislation and appropriations therefor established, constructed, and maintained a system of State highways, among which is a highway from Lake Tahoe to Placerville, a distance of 62 miles, and a highway from Bridgeport, in Mono County, to Long Barn, in Tuolumne County, a distance of 78 miles, and known as the Sonora and Mono Road, and is now constructing a highway from said Lake Tahoe Road to a point known as the junction on said Sonora and Mono Roads, a distance of 81 miles, and has constructed a highway from the east end of the Tioga Road to a point near Mono Lake and known as the Mono Lake Basin Road, a distance of 9 miles, and there is now pending in this session of the legislature a bill for the construction of a State highway from Bridgeport to Independence, a distance of 150 miles, connecting with said Mono Lake Basin Road, all of which roads are opened to travel of all kind thereover; and

Whereas there is now pending in Congress a bill to purchase by the United States said Tioga Road from its owners and to maintain the same by said Government as a free public road for travel thereover, and which bill has been favorably acted upon by the committees in Congress to which it had been referred; and

Whereas said Tioga Road connects at Crockers with the Big Oak Flat Road, and if the purchase of said Tioga Road be completed and said road be maintained as a free public highway for travel it makes a complete highway system from Sacramento to Lake Tahoe, thence over the Alpine highways to Tioga, Yosemite Valley, and San Francisco, traversing the Sierra Navada Mountains amid nature's most beautiful scenery: Therefore be it

Resolved by the senate and assembly jointly, That we request our Senators and Congressmen to use all honorable means to secure the early passage of said bill providing for the purchase of said Tioga Road and an adequate appropriation to place and maintain the same in good condition to provide for free travel for all kinds of vehicles thereover; and be it further

Resolved, That the secretary of the senate be directed to send a copy of these resolutions to the President of the United States Senate and Speaker of the House of Representatives and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 35, relative to acquisition of title under homestead law.

Be it resolved by the Senate of the Fortieth Session of the Legislature of California and the Assembly jointly:

Whereas sections 2291 and 2297 of the Revised Statutes of the United States, regulating the acquisition of title to public lands under the homestead law, were amended by act of Congress dated June 6, 1912 (37 Stats., 123); and

Whereas the law now requires the cultivation of at least one-sixteenth of the land entered before the expiration of two years from the date of entry, and the cultivation of at least one-eighth thereof before the expiration of three years from the date of entry and thereafter until the submission of final proof; and

Whereas there is no provision for the grazing of stock in lieu of cultivation on lands chiefly valuable for pasturage purposes; and

Whereas practically all the vacant lands within the Sacramento land district in the State of California are valuable only for grazing purposes and are not susceptible of cultivation; and

Whereas the aforesaid vacant lands should be utilized under the homestead laws by those persons who have made or are entitled to make homestead entries;

Now, therefore, in view of the foregoing, we respectfully memorialize our Senators and Representatives in Congress to use all honorable means in securing the enactment of such statute as will better adapt the homestead law to the character of the land still subject to entry and relieve many entrymen who made their filings under the law as amended, under a misapprehension as to the requirements thereof, thereby promoting the settlement and development of the vast area of public land subject to entry if grazing of live stock be accepted in lieu of cultivation; and be it further

Resolved, That copies of these resolutions be transmitted by telegraph to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 40, relative to setting apart a district of land in Butte County, State of California, as a national park and memorializing the Congress of the United States to create such national park.

Whereas there has been discovered in Butte County, State of California, a region of great waterfalls, imposing precipices, and mammoth trees, including the famous Fall River Falls, Bald Rock Canyon, and other points of interest; and

Whereas one of these waterfalls alone has a drop of 500 feet and others are of almost equal grandeur, thus entitling them to a place among the world's great falls; and

Whereas, owing to the marvelous beauty of this whole region, a movement has been started to set this district apart for the people of the United States as a new wonderland and playground; and

Whereas the territory, situated on the middle fork of the Feather River, included in the 6 square miles thus desired to be set apart, is now Government land: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we hereby memorialize the Congress of the United States to act favorably upon a certain petition numerously signed by citizens of the State of California and of the United States asking that the district hereinbefore described be set apart and established as a national park; and be it further

Resolved, That our Senators be instructed and our Representatives in Congress be requested to use all honorable means necessary and appropriate to secure the enactment of the necessary legislation therefor; and be it further

Resolved, That the governor of the State of California be, and he is hereby, requested to transmit a certified copy of these resolutions to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Woman Suffrage and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 30, relative to memorializing the Congress of the United States to initiate proceedings therein for the preparation of and submission to the several States of an amendment to the Constitution of the United States placing women and men on an equality with respect to citizenship and the exercise of the elective franchise.

Whereas the right to equal privileges in the exercise of the elective franchise by women is fast being acknowledged by the people and accorded by the several States of the American Union: and

Whereas the exercise of this privilege should not be restricted to States but should be as complete as that enjoyed by men: Therefore, be it

Resolved by the Senate and the Assembly of the State of California jointly, That the Legislature of the State of California memorializes the Congress of the United States to initiate proceedings therein for the preparation of and submission to the several States of an amendment to the Constitution of the United States placing women and men on an equality with respect to citizenship and the exercise of the elective franchise; and be it further

Resolved, That our Senators in Congress be instructed and our Representatives in Congress requested to use all honorable means to secure the object of this memorial; and be it further

Resolved, That the governor of the State of California be, and he is hereby, requested to transmit duly authenticated copies of this memorial to the President of the United States, the presiding officers of the two Houses of Congress, and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

SENATE OF THE STATE OF CALIFORNIA,
Sacramento, June 30, 1913.

To United States Senator GEORGE C. PERKINS,
Washington, D. C.

DEAR SIR: Pursuant to the provisions of a senate joint resolution adopted by both houses of the Legislature of the State of California I herewith transmit to you a copy thereof.

Respectfully, yours, W. N. PARRISH, *Secretary.*

Senate joint resolution 34, relative to the amendment of the postal law of the United States to permit inspection and subsequent treatment or destruction of nursery stock, shrubbery, ornamental plants, and fruits upon arrival in the State to which it is consigned through the parcel post.

Whereas the present statutes of the United States prohibit any postmaster from delaying the delivery of any package or parcel or to open or inspect the same; and

Whereas the new parcel post law is bringing into the several States nursery stock, shrubbery, ornamental plants, fruits, etc., in great quantities; and

Whereas our inspection officers are finding on some of these shipments serious insect and fungoid pests not yet in our State, which if introduced would do us incalculable damage; and

Whereas Order 6696 of the United States Postmaster General states that any postmaster "may," if requested, inform the horticultural officer of any parcel of plants, trees, or fruits received at his office and to whom delivered; and

Whereas it is impossible to search out all of said importations for purpose of inspection; and

Whereas it is imperative for the safety of the great fruit interests that there be thorough and universal inspection of all trees, plants, and fruits received through the mails at the points of delivery; and

Whereas this under the present law is entirely impossible: Therefore be it

Resolved by the Senate of the State of California and the Assembly jointly, That Congress be, and hereby is, requested to take immediate and necessary measures permitting and requiring the Postmaster General of the United States to order all nursery stock, shrubbery, ornamental plants, fruits, etc., sent through the mails to be forwarded to certain conveniently located points where they may be inspected, and if found free from injurious pests or diseases to be repacked and remailed to the consignee, and if infected to be treated and remailed or destroyed; and be it further

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Postmaster General, the Secretary of Agriculture, the President of the Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a resolution adopted by the Commonwealth Club of California, favoring an appropriation providing for a diversion of the waters of the Hetch Hetchy Valley for reservoir purposes, which was referred to the Committee on Public Lands.

Mr. BRADLEY. I present a letter in the nature of a memorial from the superintendent of the Board of Trade of Louisville, Ky., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

LOUISVILLE BOARD OF TRADE,
Louisville, Ky., June 27, 1913.

Hon. W. O. BRADLEY,
United States Senate, Washington, D. C.

DEAR SIR: The directors of the Louisville Board of Trade at their meeting on June 25 adopted a resolution by a unanimous vote protesting against the passage by Congress of that portion of the general revenue bill now pending in the Senate which is placed under subsection E of income-tax section, which requires a tenant paying a rental of $4,000 or more annually to withhold out of his payments to his landlord each year a sum sufficient to pay the normal taxes of 1 per cent imposed upon such sum by the income-tax law, and I was directed to lay this protest before the Senators and Representatives from Kentucky, and respectfully, but very earnestly, request them to oppose the passage of said section.

The only condition upon which a lessee may withhold from his lessor less than 1 per cent of the rental is that the lessor shall render to the lessee an affidavit to the effect that deductions from such annual rental on account of necessary expense of maintenance, such as taxes, insurance, and repairs, etc., bring the amount of the income received by the lessor from such tenant from all other sources to a sum less than $4,000. Such affidavit filed by such lessor with such lessee must contain a statement of the deductions asked for on account of taxes, insurance, repairs, etc., and must also contain a statement of the lessor's annual account, profits, and income from all other sources.

The directors do not by any means oppose a Federal income-tax law, but they believe that this provision referred to is unnecessary, and incidents and requirements pertaining to it would be inquisitorial and unfair. They believe that if a landlord or other person is compelled to expose his private business and affairs to any person it should be only to a Government official and not to private person.

I am directed to respectfully ask your attention to this provision of the proposed law and to request that you will object and oppose its passage.

By order of the board of directors.

LOUISVILLE BOARD OF TRADE,
By JAMES F. BUCKNER, Jr., *Secretary.*

NATIONAL CONSERVATION EXPOSITION.

Mr. SHIELDS. On the 10th ultimo I reported from the Committee on Industrial Expositions the bill (S. 2065) to provide for participation by the Government of the United States in the National Conservation Exposition to be held at Knoxville, Tenn., in the fall of 1913, and I submitted a report thereon. A letter from B. T. Galloway, Acting Secretary of Agriculture, which was to form a part of the report, was omitted, and therefore I ask for a reprint of the report (No. 62).

The VICE PRESIDENT. Is there any objection to the request of the Senator from Tennessee? The Chair hears none, and there will be a reprint of the report.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 2674) to define certain crimes and to provide punishment therefor; to the Committee on the Judiciary.

A bill (S. 2675) to promote safety in the operation of railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with efficient and suitable headlights, and for other purposes.

Mr. CUMMINS. The latter bill I introduce by request. I am in entire sympathy with the object of the bill. I introduce it by request only because I have not had an opportunity to consider carefully the provisions of the proposed measure.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

By Mr. JONES:

A bill (S. 2676) to punish Indians for accepting, receiving, soliciting, or purchasing intoxicating liquors; to the Committee on the Judiciary.

A bill (S. 2677) granting an increase of pension to Daniel Igo; and

A bill (S. 2678) granting an increase of pension to Logan McD. Scott; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 2679) providing for a commission to recommend appointments to office, and for other purposes; to the Committee on Privileges and Elections.

By Mr BRADY:

A bill (S. 2680) for the relief of Peter W. Anderson (with accompanying paper);

A bill (S. 2681) for the relief of Fred Larsen (with accompanying paper); and

A bill (S. 2682) for the relief of the estate of William McCleave; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 2683) granting an increase of pension to John B. Salsman (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 2684) to regulate detached service in the line of the Army; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 2685) for the relief of the heirs of Joseph A. Mabry; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 2686) for the relief of the estate of Marilda F. Sims, deceased, and others; and

A bill (S. 2687) to carry out the findings of the Court of Claims in the cases herein enumerated by payment of the several sums mentioned to those named herein; to the Committee on Claims.

By Mr. JOHNSTON of Alabama:

A joint resolution (S. J. Res. 55) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, N. Y., Mirza Mohammed Ali Khan, of Persia; and

A joint resolution (S. J. Res. 56) authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc.; to the Committee on Military Affairs.

REPORTS ON COURTS AND JUDGES.

Mr. WORKS submitted the following resolution (S. Res. 126), which was read, considered by unanimous consent, and agreed to:

Whereas it is openly and publicly charged that the Department of Justice has established and is maintaining a system of investigation and espionage over the courts and judges of the country and that spies, inspectors, or agents of some kind are appointed and sent out by said department to secretly spy upon, investigate, and report on the conduct of such courts and judges: Now therefore

Resolved, That the Attorney General be, and he is hereby, instructed to inform the Senate what inspectors or other agents are appointed by him or his department to investigate and report upon the conduct or proceedings of any of the courts or judges of the country, their names, the duties performed by them and each of them, under what law they are appointed, what instructions are given them, any rules and regulations under which they act, what courts and judges have been under investigation within the past five years by appointed agents, assistants, or otherwise, and the reports made by such inspectors or others bearing upon the proceedings or conduct of any and all such courts and judges, and what action the Attorney General or the Department of Justice has taken in each case on such reports.

NOTES ON TARIFF REVISION, 1913 (S. DOC. NO. 122).

Mr. SMOOT. I ask unanimous consent to have printed as a public document Notes on the Revision of the Tariff of 1913, compiled by Thomas J. Doherty, Esq.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

THE LANDSCHAFTEN SYSTEM OF RURAL CREDITS (S. DOC. NO. 123).

Mr. FLETCHER. I ask unanimous consent to have printed as a public document a paper which I have just received from Hon. David Lubin, American delegate to the International Institute of Agriculture, in which the writer discusses some of the important subjects that are now being investigated by the United States commission in European countries generally dealing with the question of rural credit and cooperation in agricultural matters.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Florida? The Chair hears none, and it will be so ordered.

PROTECTION OF BIRDS.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

Senate resolution 25, submitted by Mr. MCLEAN April 7, 1913, and reported April 12, 1913, from the Committee on Foreign Relations, with amendments by Mr. ROOT, was announced as the first business on the calendar, and the Senate proceeded to its consideration, as follows:

Resolved, That the President be requested to propose to the Governments of other countries the negotiation of a convention for the mutual protection and preservation of birds.

The first amendment of the Committee on Foreign Relations was, in line 3, before the word "protection," to strike out the word "mutual."

The amendment was agreed to.

The next amendment was, in line 4, before the word "birds," to insert the word "migratory."

Mr. ROOT. I think the amendment introducing the word "migratory" in the resolution is unnecessary, and I will ask that that amendment be disagreed to.

The amendment was rejected.

The resolution as amended was agreed to.

JACOB M. COOPER.

The bill (S. 754) for the relief of Jacob M. Cooper was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868; but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment.

Mr. BACON. I ask if there is a report accompanying the bill?

The VICE PRESIDENT. There is a report.

Mr. BACON. If it is a long one, I shall not ask to have it read.

The VICE PRESIDENT. The report consists of two pages.

Mr. BACON. I will not ask to have it read under those circumstances.

The VICE PRESIDENT. The question is, Shall the bill be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. BACON. Unless there is something very special desired by a Senator, I move that the Senate proceed to the consideration of executive business. I will not make the motion, however, if a Senator has a special interest in any matter which is now available.

The VICE PRESIDENT. The Senator from Georgia moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO THURSDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Thursday next at 2 o'clock p. m.

The motion was agreed to.

VALORIZATION OF COFFEE.

Mr. NORRIS. I desire to give notice that on Thursday, July 10, after the conclusion of the routine morning business, I shall address the Senate in response to the reply of the Attorney General to Senate resolution 95, relating to the valorization of coffee.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until Thursday, July 10, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate July 7, 1913.

COLLECTOR OF INTERNAL REVENUE.

Hubert L. Bolen, of Oklahoma, to be collector of internal revenue for the district of Oklahoma, in place of George T. Knott, superseded.

AMBASSADOR.

Frederic Courtland Penfield, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Austria-Hungary, vice Richard C. Kerens, resigned.

UNITED STATES ATTORNEY.

Walter Guion, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice Charlton R. Beattie, whose term has expired.

PROMOTION IN THE ARMY.

MEDICAL CORPS.

Capt. William J. Little, Medical Corps, to be major from July 2, 1913, vice Maj. William H. Brooks, retired from active service July 1, 1913.

CONFIRMATION.

Executive nomination confirmed by the Senate July 7, 1913.

UNITED STATES ATTORNEY.

Walter Guion to be United States attorney for the eastern district of Louisiana.

WITHDRAWAL.

Executive nomination withdrawn July 7, 1913.

UNITED STATES ATTORNEY.

Walter L. Guion, of Louisiana, to be United States attorney for the eastern district of Louisiana.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 9, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We stand before Thee, O God our heavenly Father, with bowed heads and open hearts. We can not hide ourselves from Thee, we can not cover our hearts, and we would not if we could. We need Thy corrective and guiding hand. Punish us, we beseech Thee, when we go wrong; encourage us when we go right, that we may be faithful servants and fulfill our destiny upon the earth, and be prepared for whatever Thou hast for us in the great beyond. For Thine is the kingdom and the power and the glory forever and ever. Amen.

The Journal of the proceedings of Saturday, July 5, 1913, was read and approved.

FUTURES IN COTTON.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a communication from W. B. Thompson, former president of the New Orleans Exchange, to Hon. C. S. Barrett, president of the National Farmers' Union.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

NEW ORLEANS, *July 2, 1913.*

Hon. C. S. BARRETT,
President National Farmers' Union, Union City, Ga.:

The Clarke amendment to the tariff bill will not regulate future trading, but by destroying the future-contract markets will strike down all future trading, both good and bad. Hedges can not be bought or sold, hence the spot-cotton business will be made speculative in the last degree. This will mean that the multitude of cotton buyers of small or limited means will be forced out of business and the producer will be under the necessity of carrying his cotton indefinitely or else selling it at the price offered by spinners or by a few large operators, or a combination of the same, whose business it will be to speculate upon the producer's necessities.

Furthermore, the provision in the amendment limiting the tax and penalty to future contracts made on or under the rules of any cotton exchange or similar institution will not only destroy the contract exchanges of New Orleans and New York, but will destroy all the local exchanges throughout the cotton belt, because no man will hold membership in an institution when such fact subjects his private contracts to an excessive tax and renders him liable to a penalty from $1,000 to $20,000 for conducting his business in accordance with the rules and regulations established by such exchanges for the protection and benefit of the trade. If all these exchanges were put out of business there would be no points for the collection and dissemination of information as to conditions, and the producer would be wholly in the dark as to the value of his cotton and would be at the mercy of the buyer, whose superior private facilities put him into possession of such information.

Moreover, if there were no exchanges or similar organizations there could be no rules or standards of trade regulating and restraining individual conduct in business, which would result in disorderly conditions most prejudicial to all concerned. In other words, the said tax amendment would not only destroy the future markets of America, but would disorganize the whole system by which our crops are moved and place us in the hands of foreign organizations and local combinations of buyers.

It is reported that in supporting said amendment some Senators take the position that while they doubt the wisdom of the measure, or are of the positive opinion that it is unwise and will be injurious, still, as the farmers want it, they say, let them have it and take the consequences. We can not afford to experiment with such a vital matter. I am not connected with any exchange in an official capacity, and I have no interest in any future business. You know that I have given much time and effort to the betterment of the producer's condition and to improvement in all legitimate trade. I think you believe in the sincerity of my purpose. I say to you earnestly that, in my opinion, this measure is fraught with the most serious consequences to the interests you represent; and with no intention of being officious, but animated only by a sincere desire to cooperate with you in your work for the southern farmer, I beg you to give this vital matter your most serious consideration before using the power of your great organization to advance so dangerous a measure and before you accept responsibility therefor.

W. B. THOMPSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the bill (S. 754) for the relief of Jacob M. Cooper, in which the concurrence of the House of Representatives was requested.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 4.

Resolved by the Senate (the House of Representatives concurring), That the statue of Zachariah Chandler, presented by the State of Michigan to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Michigan.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 754. An act for the relief of Jacob M. Cooper; to the Committee on Military Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. LEVER, for four days.

To Mr. HUMPHREYS of Mississippi, for two weeks, on account of sickness in his family.

ORDER OF BUSINESS.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. At the last session of the House a privileged matter was pending, and while it was pending the point of no quorum was made. Now, does an intervening adjournment do away with that proceeding?

The SPEAKER. No; it does not.

Mr. MURDOCK. Is the point of no quorum still pending?

The SPEAKER. Why, no; the question of no quorum ended when the House adjourned.

Mr. MURDOCK. That was my inquiry.

Mr. GARNER. The gentleman can call for the regular order.

Mr. MURDOCK. An adjournment ends the point of no quorum?

The SPEAKER. Oh, yes.

Mr. HENRY. This is only unanimous-consent matter. After that the regular order will come up.

The SPEAKER. Of course, the House can not turn a wheel without a quorum. Now, under the practice of the House there are two ways of finding out whether there is a quorum present or not. First, if a roll call shows that there is no quorum present, the Speaker must take notice of that fact. The other way is, if some gentleman raises the point of no quorum, the Speaker counts to determine whether a quorum is present or not. Outside of that, after the presence of a quorum is once developed on the first day of the session, it is evermore after that presumed that a quorum is present, unless the absence of a quorum is disclosed in one of the two ways mentioned. That has been the practice here for 20 years to my certain knowledge, and how much longer I do not know.

PUJO COMMITTEE MONEY TRUST REPORT.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 9.

Resolved by the House of Representatives (the Senate concurring), That there be printed 100,000 additional copies of the report of the Pujo Money Trust committee on House resolution 429 and House resolution 504, 75,000 copies for the use of the House of Representatives, to be apportioned as follows: Five thousand to the Committee on Banking and Currency and 70,000 to the House document room; and 25,000 for the use of the Senate.

With the following committee amendments:

In line 2, strike out "one hundred" and insert "twenty-five."

In line 4, after the figures "504," strike out the remainder of the paragraph and insert the following:

"Ten thousand for the use of the House folding room, 10,000 for the use of the House document room, and 5,000 for the use of the Committee on Banking and Currency, House of Representatives."

The Clerk read as follows:

The estimated cost will be $3,238.25.

Mr. LEVY. Mr. Speaker, I object.

Mr. HENRY. I suggest to the gentleman that he reserve the right to object, and let the gentleman from Indiana make a statement.

Mr. LEVY. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent for the present consideration of another resolution.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is the resolution called up by the gentleman from Indiana and objected to by the gentleman from New York [Mr. LEVY]? Is it a House resolution with Senate amendments?

Mr. BARNHART. No; it is a House concurrent resolution with committee amendments.

Mr. MANN. Is it not a privileged resolution providing for printing for the use of the House and Senate?

Mr. BARNHART. Just for the House.

Mr. MANN. Well, it is a privileged resolution, and if the gentleman desires to get it up all he has got to do is to call it up.

The SPEAKER. It is a privileged resolution, but the gentleman from Indiana asks unanimous consent for its present consideration.

Mr. GARNER. Very likely the gentleman from Indiana did not want to press the question of forcing the consideration of the resolution, under the agreement between the Members of the House, made some time ago, that matters would be considered only by unanimous consent.

Mr. MANN. That is all right.

Mr. BARNHART. Mr. Speaker, the usual custom of the Committee on Printing is to present these matters by a request for unanimous consent for immediate consideration.

CHAPLAIN'S PRAYERS, SIXTY-SECOND CONGRESS.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 8.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives, to be distributed through the folding room, 50,000 copies of House Document No. 1458, Sixty-second Congress, same being "Prayers offered at the opening of the sessions of the Sixty-second Congress of the United States."

Mr. MANN. Reserving the right to object, what is the purpose of this? Is there any amendment to it?

Mr. BARNHART. No.

Mr. MANN. What good purpose is to be served by printing 50,000 copies of the prayers offered at the opening of the House?

Mr. BARNHART. I do not know that they would have any special effect on the gentleman's district, but it is the belief of the committee that the general welfare may be served.

Mr. BUTLER. They are "some" prayers.

Mr. MANN. It is possible that it might do the country some good to know that the House of Representatives is prayed for or prayed at, but I doubt the advisability of printing 50,000 copies. How much of a volume is this?

Mr. BARNHART. I think it is about 40 pages. It costs $1,702, or about 3½ cents each.

Mr. BUTLER. Oh, let us have it.

Mr. MANN. It has never been done before, and I object.

The SPEAKER. The gentleman from Illinois objects.

RESIGNATION OF MEMBER OF BOARD OF MANAGERS, NATIONAL SOLDIERS' HOME.

The SPEAKER. Last February Gen. Barry wrote the Speaker a letter in which he resigned from the Board of Mana-

gers of the Soldiers' Home. Two or three days later he wrote another letter asking the Speaker to hold up the first one. In the rush of business in the last days of the session the whole thing was forgotten. The Chair lays before the House at this time the original letter, which the Clerk will read.

The Clerk read as follows:

PACIFIC BRANCH, SOLDIERS' HOME, CALIFORNIA,
February 21, 1913.

DEAR SIR: I have the honor to tender you my resignation as a member of the Board of Managers, National Home for Disabled Volunteer Soldiers, to take effect February 28, 1913.

My reason for tendering this resignation is to enable me to accept the position as governor of the Pacific Branch, National Home for Disabled Volunteer Soldiers, the duties of which I will assume March 1, 1913.

I wish to thank you, and through you the honorable body over which you preside, for the many courtesies shown me while a member of the Board of Managers, National Home for Disabled Volunteer Soldiers.

I am, very respectfully, yours,

P. H. BARRY,
Member Board of Managers,
National Home for Disabled Volunteer Soldiers.

The SPEAKER. Unless there be objection, the resignation will be accepted.

There was no objection.

LOBBY INVESTIGATION.

Mr. HENRY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the further consideration of House resolution 198, providing for an investigation of the lobby. The Clerk will report the amendment which was pending when the House adjourned.

The Clerk read as follows:

Amend by inserting after the word "Congress," in line 9, page 3, the following:

"All meetings of said committee or any subcommittee shall be open to the public."

The SPEAKER. The question is on agreeing to the amendment.

Mr. COOPER. Mr. Speaker, I think I offered an amendment in these words:

All meetings of said committee or of any subcommittee for the hearing of witnesses or the taking of testimony shall be open to the public.

I think the words "for the hearing of witnesses and the taking of testimony" should be included, and I move to have my amendment modified. That was my request.

The SPEAKER. The Clerk will report the original amendment and then the modification suggested by the gentleman from Wisconsin.

The Clerk read as follows:

Amend by inserting after the word "Congress," in line 9, page 3, the following:

"All meetings of said committee or any subcommittee, excepting only executive sessions, shall be open to the public."

Mr. COOPER. Mr. Speaker, on Saturday I withdrew that amendment, and moved to amend by striking out the word "executive" and inserting "all meetings for the hearing of witnesses or the taking of testimony by any committee or subcommittee shall be open to the public."

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. BARTLETT. Meetings are very often held in which neither testimony is taken nor witnesses heard, but they are held for the purpose of hearing arguments. Does the gentleman want those to be private? Does he not want all to be public except executive sessions? It occurs to me that the first amendment offered by the gentleman covers the case, and that is the practice, so far as I am aware, which has been followed by all committees. In those upon which I have served, at least, the taking of testimony and the hearing of arguments have all been public, so far as I have any knowledge of what has happened, and I have served on a good many committees that have taken a good deal of testimony.

Mr. COOPER. I have known of hearings before State legislatures——

Mr. BARTLETT. But I am speaking about this Congress.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. MURDOCK. At a meeting of a Senate committee yesterday there was a secret hearing.

Mr. BARTLETT. But this is not the Senate.

Mr. MURDOCK. Here is a practice that we are trying to prevent.

Mr. COOPER. My idea is not to leave it to the discretion of any committee as to whether the meeting shall be open or secret.

Mr. BARTLETT. I am not objecting to the amendment, because I do not think it does any harm and it may do good. I am suggesting that the gentleman's first amendment, providing that all meetings except executive sessions should be open to the public, covered the whole subject, both as to the hearing of testimony and argument. In other words, there would be only one exception.

Mr. COOPER. On last Saturday when I offered that amendment the gentleman from Illinois said that the word "executive" meant secret, so that my amendment meant all meetings except secret meetings shall be public. I said in reply to his statement that I had never before heard the expression "executive meeting" defined as meaning a meeting for the hearing of the testimony of witnesses. But as the gentleman from Illinois has suggested in the RECORD the possibility of such an interpretation of the words "executive meeting," I move to change my amendment.

The SPEAKER. The time of the gentleman has expired. The gentleman from Wisconsin withdraws his amendment, and the Clerk will report the amendment which the gentleman from Wisconsin now offers.

Mr. MURDOCK. Mr. Speaker, the amendment of the gentleman from Wisconsin can be found in large print at the bottom of page 2334.

Mr. COOPER. Mr. Speaker, I ask to withdraw that amendment and present the following.

The SPEAKER. The Clerk will report the amendment as now modified by the gentleman from Wisconsin.

The Clerk read as follows:

Amend by adding after the word "Congress," in line 9, the following: "All meetings of said committee or any subcommittee for the taking of testimony or hearing of argument shall be open to the public."

Mr. FITZGERALD. Mr. Speaker, this amendment will not affect the action of any committee that is appointed to investigate these matters; but it is not surprising that the country itself looks at times with some suspicion upon Congress and its Members when it is seriously urged that it is necessary to incorporate in a resolution providing for the appointment of a committee to investigate the truth or falsity of charges made against Members of Congress that that committee shall not sit in secret. If there be a doubt as to the integrity of Members of Congress, and if there be a suspicion as to the probity of its actions, it is largely due to the attitude of many Members of the House itself. For myself, feeling that way about this amendment, I shall vote against it.

Mr. COOPER. Mr. Speaker, it is a sufficient answer to what the gentleman from New York has said to call attention to the information just given us that the Senate committee investigating this matter did on yesterday hear the testimony of witnesses in secret. Now, if the Senate committee would do that, it is not a very violent presumption to say that the House committee, or a subcommittee, might also hold meetings in secret to hear witnesses. I do not think that in a matter of this transcendent importance it should be left to the discretion of men to say whether they will hear in secret the testimony of witnesses. Not at all. As I have before pointed out, when the original resolution for the investigation of the Ballinger-Pinchot controversy came before the House it was so drawn that a meeting of the full committee must be public, but there was no requirement that a meeting of a subcommittee should be in public; and promptly upon that defect being pointed out the House so amended the resolution as to require that all meetings, whether of the full committee or any subcommittee, must be in public. What the House did then was absolutely right. Those hearings were all held in public, and reports of the testimony being sent broadcast over the country so aroused public opinion as to lead to justice being done to certain gentlemen who needed just such an exposure. And so in this case I can not conceive how any gentleman would want this question of public or secret meetings left to the discretion of a committee—and in saying this I, of course, do not have in mind the gentleman from New York, for he stands high in the House and none of us think that anything pertaining to this controversy will affect him in even the remotest degree—but I can not understand how any Member, confident as to his own record, should wish this committee or any subcommittee to have the opportunity to take testimony in secret, except possibly he has some friend whom he wishes to shield.

Mr. FITZGERALD. Mr. Speaker, if it were possible for my mental processes to operate in the same manner in which those of the gentleman from Wisconsin seem to operate, I would seriously consider having myself examined by some one in whom I had confidence.

No one is suggesting that there be any secret meetings. I do not fear these open meetings, and I have no friends, as the gentleman intimates, that I wish to have protected. I am not speaking in behalf of the Senate or anybody in it; I am simply expressing my confidence in my colleagues in this House, and

I do not believe any committee that could be appointed by the Speaker, even one upon which the gentleman from Wisconsin should be appointed, would even suggest or think of holding secret meetings. But the gentleman is continually, by innuendo, creating the suspicion that there might be some possibility of somebody being put upon this committee who would seek to "protect" a Member of the House. If I had such fears haunting me all the time, I would fear to associate with my colleagues in the House, because I would fear that perhaps unconsciously I was associating with somebody whose standard of rectitude was so far beneath mine that I might be contaminated.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker——

The SPEAKER. The debate on this amendment is closed.

Mr. MANN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Mr. Speaker, in the Mulhall article, to which reference is made in the resolution and which brings about the investigation, was this statement, as published in the Chicago Tribune and the New York World:

CHAPTER III.

James Ely Watson aided to the nomination for governor by his dear friends, the manufacturers.

That is the caption. Then it says:

The year 1908 was a very active one for the National Association of Manufacturers, for in this year the organization started to elect one of its chief henchmen, James Ely Watson, as governor of Indiana.

And again:

About the 1st of February, at Rushville, Ind., I had an extended interview with Mr. Watson on the subject of his return to Congress. He informed me that there were a large number of his friends who wished him to run for governor of Indiana and that he would be in the field for this office.

And again:

Watson was extremely pleased with the results of the work of the National Association of Manufacturers that accomplished his nomination and became a great deal more subservient to the interests of the manufacturers in Washington after his nomination. He had, at the request of Mr. Emery and myself, three active members of the House Judiciary Committee removed. Among the three removed was Mr. George A. Pearre, who introduced the Pearre injunction bill, which was very obnoxious to the manufacturers, and in the place of the three men removed three very subservient members were appointed, Mr. Vreeland, of New York, and Mr. Bannon, of Ohio, being two of them. So this committee was fixed from that time on to make it impossible to get any legislation through unless it was O. K'd by the National Association of Manufacturers.

Mr. Speaker, when one lies in detail it is apt to carry more or less of conviction to those who hear the lies. Giving details of a matter of public notoriety is to make one believe that the person who makes the assertion makes a true one.

What are the facts in reference to this Judiciary Committee at this time? The public record of this House is open to the world.

In 1908 Mr. Watson, as narrated here, was nominated for governor of Indiana, and it was because he was so pleased with the nomination that he caused the retirement of three members of the Judiciary Committee and the appointment of three new members of the committee, two of whom were Mr. Bannon and Mr. Vreeland.

Now, first, Mr. Vreeland never was on the Judiciary Committee at any time. Such a bald lie as that ought not to escape the notice of an ordinary man of common intelligence, much less a man who pretended to have extraordinary intelligence, as this man did. Here is a statement that Mr. Vreeland was appointed "as a subservient member of the National Manufacturers' Association" on the Judiciary Committee, following the campaign for nomination in 1908, at the request of Mr. Watson.

Mr. Vreeland never was a member of the Committee on the Judiciary; was never appointed then or at any other time. Mr. Bannon, who is further mentioned, had then been on the Committee on the Judiciary for several years and never was reappointed after that time because he was not reelected as a Member of the House.

Here are lies in detail. I have a list of this committee in my hand for the different Congresses. Mr. Bannon, whom Mulhall says Mr. Watson had appointed to the Committee on the Judiciary because they, the National Manufacturers' Association, had supported him for the nomination for governor of Indiana in 1908, was appointed to the Committee on the Judiciary to fill a vacancy caused by the resignation of Gov. Gillette, of California, who had resigned on being elected governor, and Mr. Bannon was appointed in December, 1906.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Speaker, I ask for five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. MANN. The committee in the Fifty-ninth Congress consisted of Mr. Jenkins, of Wisconsin; Mr. Parker, of New Jersey; Mr. Alexander, of New York; Mr. Littlefield, of Maine; Mr. Nevin, of Ohio; Mr. Henry W. Palmer, of Pennsylvania; Mr. Pearre, of Maryland; Mr. Gillette, of California; Mr. Tirrell, of Massachusetts; Mr. Sterling, of Illinois; Mr. Birdsall, of Iowa; Mr. Foster, of Indiana; Mr. De Armond, of Missouri; Mr. Smith, of Kentucky; Mr. CLAYTON, of Alabama; Mr. HENRY, of Texas; Mr. Little, of Arkansas; and Mr. Brantley, of Georgia.

Mr. Gillette resigned when he was elected governor of California in 1906, and Mr. Bannon was appointed to succeed him. Mr. Little of Arkansas resigned. I believe he was elected governor of Arkansas. The gentleman from Kentucky [Mr. SHERLEY] was named by the Speaker to fill the vacancy caused by that resignation. Mr. SHERLEY declined to accept the appointment, as I recollect it, because it had not been recommended by the minority leader, Mr. WILLIAMS, of Mississippi.

In the next Congress, the Sixtieth Congress, which was elected in 1906, the first session meeting in December, 1907, the Judiciary Committee consisted of Mr. Jenkins, Mr. Alexander, Mr. Littlefield, Mr. Tirrell, Mr. Sterling, Mr. Foster, Mr. Bannon, Mr. Moon, of Pennsylvania; Mr. Diekema, of Michigan; Mr. Malby, of New York; Mr. Caulfield, of Missouri; Mr. De Armond; Mr. CLAYTON; Mr. HENRY, of Texas; Mr. Brantley; Mr. Reid, of Arkansas; and Mr. WEBB, of North Carolina. The only members of the Committee of the Judiciary of the Fifty-ninth Congress who were not appointed on the committee in the Sixtieth Congress were Mr. Nevin, of Ohio, who had not been reelected to Congress; Mr. Palmer, of Pennsylvania, who had not been reelected to Congress; Mr. Smith, of Kentucky, who had not been reelected to Congress; Mr. Little, of Arkansas, who had not been reelected to Congress; Mr. Birdsall, of Iowa, who, at his own request, was transferred from the Committee on the Judiciary to the Committee on Rivers and Harbors; and Mr. Pearre, of Maryland.

There was a difference of opinion for a long time between Mr. Pearre, of Maryland, and Speaker Cannon. I brought the two together. I know the reason why the Speaker had left Mr. Pearre off the Committee on the Judiciary. It had no relation to anything of this kind, and was purely a matter relating to a quorum and the health of Mr. Pearre.

In the Sixtieth Congress, which, as I say, was elected in 1906, the new Members were Mr. Moon, of Pennsylvania; Mr. Diekema, of Michigan; Mr. Malby, of New York; Mr. Caulfield, of Missouri; Mr. Reid, of Arkansas; and Mr. WEBB, of North Carolina. Of the membership, Mr. Littlefield resigned and Mr. Higgins, of Connecticut, was appointed to fill the vacancy. Otherwise there was no change in the membership of that committee.

In the Sixty-first Congress, elected in 1908, meeting at the extra session in the spring and summer of 1909—the first time that new members could be added to the committee except to fill vacancies—the members were Mr. Parker, of New Jersey; Mr. Tirrell, of Massachusetts; Mr. Sterling, of Illinois; Mr. Moon, of Pennsylvania; Mr. Diekema, of Michigan; Mr. Malby, of New York; Mr. Higgins, of Connecticut; Mr. Goebel, of Ohio; Mr. Denby, of Michigan; Mr. Howland, of Ohio; Mr. Nye, of Minnesota; Mr. Sheffield, of Rhode Island; Mr. De Armond, of Missouri; Mr. CLAYTON, of Alabama; Mr. HENRY, of Texas; Mr. Brantley, of Georgia; Mr. Reid, of Arkansas; and Mr. WEBB, of North Carolina. The men on the committee in the Sixtieth Congress who were not appointed on the committee in the Sixty-first Congress were Mr. Jenkins, of Wisconsin, who was not reelected; Mr. Foster, of Indiana, who was not reelected; Mr. Bannon, of Ohio, who was not reelected; Mr. Caulfield, of Missouri, who was not reelected; and Mr. Alexander, of New York, who was appointed chairman of the Committee on Rivers and Harbors, and hence went off the Committee on the Judiciary.

The new Members were Goebel, of Ohio; Denby, of Michigan; Howland, of Ohio; Nye, of Minnesota; and Sheffield, of Rhode Island.

During that summer Mr. De Armond passed away in the tragic manner which appealed so to our hearts, and Mr. CARLIN, of Virginia, was appointed to fill the vacancy.

Mr. Speaker, every word of the statement in this article, so far as it relates to these committee appointments, is a bold, open falsehood, proven by the open records of the House to be so, and I doubt not that most of the other statements, in so far as they reflect upon present or former Members of this House, are equally false. [Applause.]

Mr. HENRY. Mr. Speaker, the gentleman's statement is very interesting, and I enjoyed listening to him as he detailed what he conceived to be the facts about a great many of these committee assignments.

We do not wish this investigation to become a partisan affair, but we owe it to ourselves to proceed intelligently while we are considering the resolution.

It was my honor to serve upon the Judiciary Committee for a number of years, and I recall some of the incidents to which the gentleman alludes, but, of course, I shall not undertake to detail any of them here to-day. But there are one or two points I wish to make, one in reference to the gentleman from Maryland, Hon. George A. Pearre, who was removed from the Committee on the Judiciary by Speaker Cannon.

The gentleman from Illinois [Mr. MANN] takes the House and the country into his confidence this morning and states that it was his pleasure to bring the former Speaker of the House of Representatives and Col. Pearre together and to have an understanding between them. From an authorized statement that was issued by Col. Pearre on yesterday from Cumberland, Md., his home, it seems to me that the offices of friendship of the gentleman from Illinois [Mr. MANN] will have to be called into requisition again in order to bring the former Speaker of the House and Col. Pearre together.

The statement was given to the New York World and is dated July 8. I wish to read to the House certain portions of this statement, as it was authorized by Col. Pearre. In part it says:

> Col. Mulhall's disclosures indubitably show that special privilege and the Republican Party walk arm in arm and that the divorce of this connection or the defeat of the Republican Party was essential to preservation of the people's rights.

Again, he says:

> The only other time when, I believe, the National Association of Manufacturers and Col. Mulhall used their baneful influence against me with success was in having Speaker Cannon depose me from the Committee on the Judiciary, without rhyme or reason, which I have always believed was done at the behest of these agencies. This is now corroborated by the disclosures of Col. Mulhall, who shows that the National Association of Manufacturers had control of John J. Jenkins, chairman of the Committee on the Judiciary, and through the influence of James A. Watson, its candidate for governor in Indiana, prevailed on Speaker Cannon and the said John J. Jenkins to remove me from that committee in 1908 for the good, from their point of view, such removal would do in defeating me for renomination and reelection to Congress.
>
> At all events it looks as though the people were coming into their own, and denunciation of Col. Mulhall can in no way impair the value of his disclosures, certainly as far as his statements are sustained by documentary proofs.

Mr. Speaker, we all recall that Col. Pearre was removed from the Committee on the Judiciary, and we all remember at the time that there was considerable discussion about it. Col. Pearre had introduced what was known as an anti-injunction measure, and many of us had seen proper to join with some of the Republicans on the committee and endeavored to report that measure to the House of Representatives, but we were always confronted with opposition and failed in securing a report. If Col. Pearre's memory is bad, if he does not recollect the facts as they were, it is proper that we authorize this investigation in order that the ex-Speaker of the House and Col. Pearre may appear before the committee and meet each other on friendly terms and again discuss the matter.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HENRY. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HENRY. And in order, Mr. Speaker, that they may explain to the country their differences, and let us know the real facts in regard to the removal of Col. Pearre. It is the fact that he was on that committee. It is the fact that he was the author of an anti-injunction bill, and it is true that he was removed from the Committee on the Judiciary. It is true that that bill, along with others, was never reported from the Committee on the Judiciary until it was reorganized when the Democrats came into power, and then the Judiciary Committee reported the principles of the Pearre bill, and other meritorious measures, and passed them through this body. Mr. Speaker, I do not wish to reflect upon any Member, nor upon the ex-Speaker, nor do I reflect upon them in this statement; but it is manifest justice that we make this resolution so broad that we can go into all details of these transactions and understand whether there was any power outside of the House of Representatives that was controlling the make-up of committees and through them the destiny of this Republic. I believe that when the Speaker appoints this committee it will be one of clean, able, courageous men, who will go to the bottom of all these transactions and do no injustice to any man, living or dead.

Mr. COOPER. Mr. Speaker, I think, in view of the fact that the gentleman from Kentucky [Mr. SHERLEY] introduced the first resolution, it is only just to him to read what one of the newspapers which first printed the charges of Col. Mulhall has to say about the distinguished gentleman from Kentucky:

> Before turning over the Mulhall correspondence to the United States Senate the World caused a careful search to be made for references in it to Congressman SHERLEY of Kentucky, CALDER of New York, Calderhead of Nebraska, and Hinshaw of Nebraska. Beyond references of a vague and unimportant character there were none.

That, of course, should be Calderhead, of Kansas, instead of Nebraska.

I think our friend the gentleman from Kentucky [Mr. SHERLEY] need not feel—of course he has not felt—the slightest apprehension, though he may have been a little ill at ease to have charges, possibly misunderstood, circulated among the constituency which he so ably represents and in this House where he is so highly respected.

A few days ago the Chicago Tribune said:

> There are Congressmen mentioned in the Mulhall narrative who, the Tribune believes, will show that the circumstances which enabled Mulhall to put their names in his narrative were innocent. There are other Congressmen who may not be so fortunate. There are men who were Congressmen who will not be so fortunate.

The second of those sentences suggests that the investigation may make trouble for certain Members of the present House. The third and last sentence declares positively that it will make trouble for certain Members of prior Congresses.

There has been much abuse of Col. Mulhall, a man whom I never to my knowledge have seen nor had any communication with upon any subject at any time; but that does not meet the issue here. If four conspirators commit murder and one of them turns State's evidence, abuse of the accomplice does not acquit the others of murder. The question is whether murder was committed, and whether the defendants are guilty. Nor does abuse of newspapers, calling them unscrupulous and unworthy of belief and muckrakers, tend at all to meet the issue here involved. Gentlemen have not forgotten that Jefferson said that as between two countries, one of which had a written constitution and no free press and another destitute of a written constitution but possessing a free press, he was for the country without the written constitution but with the free press. There is nothing truer than that this Republic will endure just as long as and no longer than newspapers can be found who are not afraid to print what they believe to be the truth about the Government and about the men who make and the men who execute the laws.

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER. Mr. Speaker, I ask for three minutes additional.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. COOPER. Gentlemen have loudly said, "What an outrage to print these charges against Members of the House of Representatives." Did anybody hear these gentlemen who declaim against the outrage of printing charges against Members of the House—did anybody hear them utter a word of protest when charges were printed in the newspapers affecting the integrity of certain judges of the Federal bench or when articles of impeachment were presented on this floor condemning these judges as corrupt? No; not one word. These gentlemen said, "Go ahead." Then the ermine of the judge was not too sacred. Well, what is there about the garb of Members of the House that makes it wrong for newspapers to print what they believe to be true about their official conduct?

I never have heard anything more preposterous than for gentlemen to rise here and denounce as infamous the mere printing of charges affecting Members of the House. The only question before the House is whether in this narrative of Mulhall there is truth, calling for an investigation. And the American people will not be satisfied without an investigation of the most rigid character. The House ought to be satisfied with nothing less than such an investigation, and it should require that all hearings must be public hearings.

Mr. BATHRICK. Will the gentleman yield for a question?

Mr. COOPER. I will.

Mr. BATHRICK. Does the gentleman think any man who has sat upon this floor, not knowing the facts, who called Mulhall a liar and the New York World a liar, is a fit man to serve upon this committee, having expressed an opinion? Does the gentleman think that man is fit to serve upon this committee?

Mr. COOPER. Well, I prefer to say nothing now concerning the personnel of the committee to be appointed. I leave that to

the judgment of the Speaker. I have heard some intimations about the World's alleged lying, but I give it as my judgment that there is too much of what the gentleman from Illinois called "details"; there is too much printing in facsimile of letters and accounts and telegrams to justify any gentleman in saying that this is all a fraud.

The SPEAKER. The time of the gentleman has again expired. The pro forma amendment is withdrawn, and the question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which the amendment offered by the gentleman from New York [Mr. LEVY], page 3, line 9, was agreed to.

Mr. HENRY. Wait until we get through with the next paragraph of this resolution.

Mr. HAY. Mr. Speaker, I make the point of order that the motion to reconsider is not in order. The House is considering this resolution by unanimous consent under the five-minute rule.

Mr. MANN. Well, Mr. Speaker——

Mr. HENRY. By agreement.

Mr. HAY. Well, by agreement under the five-minute rule. Under the five-minute rule when a bill is considered in the House as in Committee of the Whole House on the state of the Union or in the Committee of the Whole House on the state of the Union a motion to reconsider an amendment which has been adopted is not in order, and, reasoning from that, this resolution being now considered by agreement under the five-minute rule a motion to reconsider the vote by which this amendment was agreed to is not in order.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair would like to ask the gentleman from Virginia a question. Is this resolution being considered by agreement?

Mr. HAY. It is being considered by agreement under the five-minute rule——

Mr. HENRY. It was presented as a privileged resolution.

Mr. HAY. It was presented as a privileged resolution, and when the House came to agree upon how it was to be considered it was agreed that general debate should not exceed one hour, and thereafter the resolution should be read and considered under the five-minute rule.

The SPEAKER. Now the Chair will hear the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is undoubtedly true, as stated by the gentleman from Virginia [Mr. HAY] that instead of pursuing an ordinary course which would be pursued in the House, where the gentleman in charge of the bill controls it and no one can offer an amendment without his consent, we are considering the bill under the five-minute rule for amendment. The gentleman from Virginia, however, failed to distinguish between the House considering a bill under the five-minute rule and the Committee of the Whole House considering a bill under the five-minute rule. The House in session can entertain a motion to reconsider. The Committee of the Whole can not entertain the motion to reconsider, and the reason is manifest.

The adoption of an amendment in the Committee of the Whole does not adopt an amendment. It is a mere recommendation to the House, and the House adopts the amendment, and after the House has adopted an amendment or agreed to an amendment recommended by a Committee of the Whole it could reconsider the vote by which the amendment was adopted. Now, the gentleman's position would put the House in a position where, having agreed to an amendment, there was no way by which the House could change its mind. In the Committee of the Whole when an amendment is agreed to it still has to be passed through the House; still has to run the gantlet of a motion to reconsider.

Mr. GARNER. Will the gentleman yield to a question?

Mr. MANN. Certainly.

Mr. GARNER. If the Speaker should hold that under proceedings of this kind, where it is being considered in the House as in the Committee of the Whole, any gentleman could rise in his place and make a motion to reconsider an amendment which had previously been adopted, where would the end come?

The SPEAKER. The Chair would like to ask the gentleman from Texas [Mr. GARNER] a question. Does he hold that the House can not reconsider a vote by which an amendment is added to a bill?

Mr. GARNER. I certainly do not. But I do hold this, that there ought to be some rule or some way by which we could get through this resolution in the Committee of the Whole.

Mr. MANN. I would suggest to the gentleman from Texas [Mr. GARNER] a very easy way.

Mr. GARNER. Just a moment, if the gentleman will permit, because the Chair asked me a question. If a resolution that is being considered in the House as in the Committee of the Whole——

The SPEAKER. It is not being considered that way.

Mr. GARNER. I understood the gentleman——

The SPEAKER. No. The way of it is this: There had not been any agreement about it in any way. The gentleman from Texas [Mr. HENRY] has an hour, and he can move the previous question any time within the hour and shut out debate and amendments, and everything of the sort. It was in the House, not in any committee, and then the House entered into a modus vivendi by which they would debate the question for an hour in a general way and then proceed under the five-minute rule, throwing it open for amendment. That is the statement of the gentleman from Virginia [Mr. HAY], and that is right.

Mr. HAY. What is the five-minute rule——

The SPEAKER. They agreed to the five-minute rule.

Mr. HAY. That is the point I make. In considering a bill in the House as in the Committee of the Whole or in the Committee of the Whole it is not in order to make a motion to reconsider a vote by which an amendment is agreed to. Now, the bill being considered in the House the five-minute rule does not apply.

The SPEAKER. The only way the five-minute rule ever applied was that the House agreed it would take five minutes——

Mr. HAY. Very well, if the House agrees to that, then all the rules applying to the consideration of bills under the five-minute rule must apply to that agreement.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. In the first place, there is no rule in reference to the five-minute rule that prevents a motion for reconsideration at all. The prevention of the reconsideration is in the Committee of the Whole. A motion to recommit is not recognized in the Committee of the Whole, and the reason is that the action of the committee is not final. It still has to be agreed to by the House. The amendment has to be reported to the House and agreed to. That is the reason why the motion for reconsideration is not recognized.

Now, we frequently consider bills in the House as in Committee of the Whole, and it has always been held that that does not change the status of the House. The motion to reconsider is a motion of right in the House under the rules. The rules provide that any motion agreed to in the House is open to the motion for reconsideration until you have gone to a certain extent, where you stop. Now, we are in the House.

Mr. GARNER. Mr. Speaker, will the gentleman from Illinois yield to me for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Certainly.

Mr. GARNER. According to the gentleman's logic, then, it would be in order at any time before this resolution is finished for any gentleman to rise in his seat and move to reconsider any of these paragraphs?

Mr. MANN. If he had recognition for that purpose he could.

Mr. GARNER. He does not have to be recognized for that purpose. If he has the right that he has in this House, under the gentleman's contention, he does not have to be recognized for that purpose, but can get recognition from the Chair to reconsider every paragraph in this resolution. There is no end to it; that is all.

Mr. MANN. But the gentleman does not seem to know the way out of that difficulty. The motion for the previous question is operative at any time when presented in the House. Any Member who has charge of a bill, or anyone else, could make the motion if the House would agree to it.

Mr. GARNER. After you have gone into the Committee of the Whole under the five-minute rule?

Mr. MANN. Certainly. There was no agreement about the five-minute rule. The motion for the previous question is in order until it operates. I dare say the House would not order the previous question until the resolution was read through, and would not permit obstruction if people endeavored to obstruct. The House has full control, under the rule, to protect itself and at the same time to guarantee fair treatment to the Members of the House.

The SPEAKER. There are certain motions that can be made in the House and that can also be made in the House as in Committee of the Whole which are not permissible in the Committee of the Whole. For instance, you can not have roll calls

in Committee of the Whole, and you can not move the previous question in Committee of the Whole, and several other things not necessary to enumerate, all of which are permissible in the House, but not in Committee of the Whole.

Now, at this particular juncture the House is in rather a curious predicament. It is really not in the House acting as in Committee of the Whole. But here is a resolution which was presented by the gentleman from Texas [Mr. HENRY], which was to be considered in the House. He had an hour. He might do as he pleased with that hour. He could move the previous question whenever he got ready. But if he let the hour slip by without moving the previous question, then the next gentleman who was recognized would have an hour. But everybody recognized that this was a resolution that everybody was interested in, and of a good deal of importance, and they fought it out more than an hour. So the gentleman from Texas and the rest of the gentlemen entered into an agreement by which they would have a general debate of an hour and then consider the resolution under the five-minute rule.

Now, if all these other things can be done in the House as in the Committee of the Whole that can not be done in the Committee of the Whole, the Chair thinks this motion to reconsider is proper to entertain.

Mr. FITZGERALD. Mr. Speaker, I hope the Chair will not make that statement, because a motion to reconsider is in order pending or after the motion for the previous question.

The SPEAKER. The Chair is aware of that; but you can not go back and attend to all these amendments on that.

Mr. FITZGERALD. I know; but I hope the Chair will not decide that question offhand.

The SPEAKER. The Chair is not deciding it now, because he does not have to.

Mr. AUSTIN. Mr. Speaker, I wish to know if it would be in order to move to lay the motion of the gentleman from Illinois [Mr. MANN] on the table?

Mr. HENRY. Mr. Speaker——

Mr. MANN rose.

The SPEAKER. What did the gentleman from Tennessee [Mr. AUSTIN] inquire about?

Mr. AUSTIN. I wish to know if a motion would be in order to lay on the table the motion of the gentleman from Illinois?

Mr. HENRY. Mr. Speaker, I desire to address the House.

Mr. MANN. Mr. Speaker, am I not entitled to recognition?

The SPEAKER. For what purpose does the gentleman from Texas [Mr. HENRY] rise?

Mr. HENRY. I have just stated that I wish to address the House for a few moments.

The SPEAKER. The Chair was inquiring what the gentleman from Tennessee said. There were two or three Members speaking at once. The gentleman from Illinois [Mr. MANN] is entitled to be heard on his motion.

Mr. AUSTIN. Mr. Speaker, am I not entitled to an answer to my parliamentary inquiry?

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] desires an answer to his parliamentary inquiry. His parliamentary inquiry is whether it is in order to lay this motion on the table. The Chair thinks it is.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. If the House tables this motion, will that carry everything with it?

The SPEAKER. It will carry everything.

Mr. MANN. Mr. Speaker, I voted for the amendment, when it was offered on Saturday, to strike out the words "legal or," which, if agreed to, will have the effect of preventing the committee employing counsel to assist it.

I have not talked with anyone in regard to this matter except two or three gentlemen on the floor this morning; but while I was taking a little rest over Sunday it occurred to me that the House could not afford to endeavor to save a little money at the expense of its own reputation and its own honor.

I have confidence in the committee which will be appointed. I have served on special committees myself without counsel, and I should not like to see the committee which was appointed in this case come to rely upon an employed attorney for the work of investigation. On the other hand, I believe the committee ought to have the power and the privilege of employing counsel, either general or special, and that the House, in ordering an investigation as broad and comprehensive as this may be, ought to furnish the committee all the necessary facilities with which to carry on the work. I do not believe the House ought to endeavor to compel the seven gentlemen who will be appointed to do this work without the power of obtaining assistance, however good lawyers they may be. I learned a long time ago in the practice of the profession—and I wish it were not so long ago that I had practiced it—that the wisest lawyer was the one who employed other lawyers to do a large share of the work.

Mr. HAY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAY. I want to ask the gentleman if a committee of the United States Senate has not been carrying on a similar investigation for some weeks, and if that committee employed special counsel?

Mr. MANN. The gentleman can answer the question just as well as I can, and probably with more knowledge.

Mr. HAY. They have not employed any.

Mr. MANN. I do not know whether it would be an improvement or not if they had employed counsel.

Mr. BYRNS of Tennessee. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has reversed his position on this particular matter over Sunday. I want to say to the gentleman that when the matter was first proposed I was rather inclined to the idea that the committee ought to have the right to employ counsel, but I have reversed myself in the other direction. I ask the gentleman this question: Would it not be best to permit this committee to be named? We know the Speaker will name good lawyers and Members who are capable of conducting this examination, and should we not wait until he names them, and then permit them, if later on they desire to employ counsel, to come back and ask the House for that authority?

Mr. MANN. I appreciate that that may be done. On the other hand, what is the situation? We are appointing a committee of seven Members of this House to carry on an investigation. We hope that the report of that committee, at least if it is unanimous, will carry with it some confidence on the part of the people and the country. Yet in the House itself we have expressed our lack of confidence in the committee by ordering it to hold its meetings in public, when everybody knew they would be held in public without the order. Now another proposition is made: "We will not allow you to employ the assistance which you think you need."

I am willing to trust the committee, at least until some reason for lack of confidence is shown.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GARRETT of Texas. Mr. Speaker, I wish to call the attention of the gentleman from Illinois [Mr. MANN] to the RECORD of last Saturday, in which he stated that he thought if we want a real, genuine, quick, and thorough investigation we had better have no lawyers connected with it at all, either on the committee or employed by them.

Mr. MANN. Well, I have changed my mind about that also.

Mr. GARRETT of Texas. The gentleman changed his mind overnight on that.

Mr. MANN. A wise man sometimes changes his mind, and the gentleman knows the rest of it.

Mr. HENRY. Mr. Speaker, I am glad that the gentleman from Illinois [Mr. MANN] has come around to the view that I entertained and advocated on last Saturday, that we ought to give this committee the right to employ counsel. It shows at least that he has a tendency to get right occasionally.

I consider this one of the most important features of the many important parts of this resolution. I want to appeal to the membership of this House to-day and to say that in setting ourselves right before the country we ought to show every disposition to give this committee plenary power to go into these charges, and we ought to give them every legitimate aid and facility in order to make a thorough investigation. Let us look at it in a common-sense everyday way. Suppose the Speaker appointed a committee of the ablest lawyers in the House, composed of seven Members. Those seven Members are busy with the questions of patronage, they are busy with their official duties, and with committee assignments. They have been here for months and months, and they are wearied, and it would be a most appropriate thing to turn these 20,000 documents, accounts, telegrams, and various data that have already been discovered over to a distinguished lawyer, who will take the evidence and put it into lawyerlike shape in order that he may present his case to the committee each day. We do not know what additional evidence may be discovered. These documents may point to other things that should be investigated, and I undertake to say in my place that there is no Member of Congress who has the time to go into all of these things as they should be looked into when we begin the real investigation.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Certainly.

Mr. GARRETT of Texas. Then the gentleman's contention is that the investigation will be made by the attorney and not by the committee?

Mr. HENRY. Not at all, not any more than it would be made by the judge or the jury who are trying a case when there are lawyers on both sides of the controversy, presenting each side to the best of their ability. This does not even require the employment of counsel, but it gives this committee, which you say you trust so thoroughly, the power to go and employ counsel whenever it becomes apparent that they should have legal aid, and I say that in order to make this investigation complete, in order to study it to the very bottom of the facts, the committee will ultimately need legal counsel.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a moment?

Mr. HENRY. In just one moment. Notwithstanding the disparaging things that have been said about the Money Trust investigation, notwithstanding the reflections that have been made on the counsel and reiterated, I have a high regard for the membership of that committee that made that investigation, and I declare to the House that the investigation would have been almost a failure if counsel had not been employed who understood the facts of the case and understood how to run them down and to make a real case.

I now yield to my colleague [Mr. HARDY].

Mr. HARDY. I want to say, to begin with, that I voted against the amendment to strike out these words, and I am in favor of this committee having the right to employ counsel if they see proper; but, at the same time, I do not think this is the same kind of resolution that the Money Trust investigation resolution was.

Mr. HENRY. Nor do I.

Mr. HARDY. I want to say also that I fully agree with the gentleman in his estimate of the importance of that investigation; but I believe a limitation ought to be put upon the fee that might be paid to any lawyer. Will the gentleman have any objection to a limitation of, say, not to exceed $5,000?

Mr. HENRY. Mr. Speaker, I will answer the gentleman in this way: This committee, that we trust, will put the limitation upon the amount. The Committee on Accounts must approve all of these accounts, and they will see that the committee does not abuse its power. I do not object to a limit if we can make it a practical thing, but I do not want to hamper the committee.

Mr. HARDY. We have gotten into the habit of paying pretty good sized fees. Quite able lawyers would be ready at any time to expend three or four or five months for a $5,000 fee, but custom largely fixes the size of fees, and if a man thinks he is employed by the House of Representatives his ideas of price rise at once. I believe if it were understood when this resolution were authorized that a reasonable limit for a fee is fixed, you would not have any trouble in getting a very able lawyer to assist this committee, if the committee saw fit to engage one, within the limit. There ought to be a limit fixed before counsel is engaged.

Mr. HENRY. Mr. Speaker, the Committee on Accounts can bring in a resolution of that sort to-day fixing a limit and taking care of that part of the proposition. Now, Mr. Speaker, I do not reflect on any Member of this House. I assume that every one will be able to exonerate himself from these charges, and those who should be exonerated can appear before that committee and in a very brief time can exonerate themselves. That is one of the smallest questions involved in this question, and the larger question——

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. I will ask for three minutes more.

The SPEAKER. The gentleman from Texas asks unanimous consent to speak for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. The larger question and the broader question involved in this question is as to the charges made by Col. Mulhall, whether he appears to be a credible witness or not. It is stated in the public prints that he has furnished certain physical evidence of this gigantic conspiracy about which we have read so much. That will be the real question that we are dealing with after these honorable Members have been absolved from all blame and all criticism. Then we proceed to the greater question as to whether or not a certain coterie and set of men have been directing the affairs of the House and the Senate and governmental affairs in Washington City for the last decade or so, and in order to study those questions—and they should be studied—we want to put every aid and every facility at the disposal of this honorable and able committee of the House so that they may get at the real facts. I appeal to my brethren on the other side of this Chamber to vote with us to-day to reconsider this proposition and give that committee the power we have asked to give it by the motion to reconsider. It is an important matter, and then if there should be a failure in the investigation, if the charges of the New York World and the Chicago Tribune and the other papers are not sustained, no one can blame this House and say that we handicapped the committee and made it impossible for it to make a complete investigation. We free ourselves from all blame. Nobody can criticize us when we stand before the world and make provision for an adequate investigation and give this committee all the power that such a committee should have. Remember, not long ago there was a case pending in another body where they had two investigations. The first resolution so handicapped the committee that they were not able to make the investigation and report as the country desired. The controversy was renewed. Another investigation was made which had another outcome. Let us not repeat that history. Let us endow the committee with every power which they should have, and send them forth to explore these charges to the very bottom.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN and Mr. DECKER rose.

The SPEAKER. The Chair will recognize somebody in opposition to this proposition.

Mr. DECKER. Mr. Speaker, I am opposed to the proposition.

The SPEAKER. The Chair will recognize the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Speaker, I do not speak for the purpose of influencing any other Member's vote on this proposition, but I realize that it is a very important vote and one that can be easily misunderstood, and therefore I desire to state the reasons for my vote. The distinguished gentleman from Illinois [Mr. MANN] who spoke on Saturday said that the greatest danger to the people of this country was not that we had a corrupt House of Representatives but that we had one made up too often of cowards. I want simply to state that I am going to vote against the motion to reconsider, for if I did not I would be a coward. I voted against the employment of a lawyer on Saturday and I have heard no reason advanced here to-day why I should vote differently now. And I do not vote that way on the ground of public economy. I would vote for any expenditure that I thought would add to the thoroughness of this investigation. I do not vote that way because I have any fault to find with the Money Trust investigation or with Mr. Untermyer. I want to pay my tribute to that great investigation and the great work of that attorney. I want to pay my tribute to lawyers as a profession. I believe it is one of the highest callings, but I believe the one in which we are now engaged is higher, the one of making laws for the people of a great Republic. I do not propose to stand here and vote for the employment of a lawyer on a question where all that is involved is a finding out of facts. The subject which justified the employment of Mr. Untermyer was a technical subject, calling for a peculiar and specialized knowledge and experience. It was a subject unfamiliar to the majority of the Members of this House. The subject with which this committee will have to deal will call for a knowledge of political events, political campaigns, parties, and issues. It will call for a knowledge of legislative procedure and a knowledge of human nature and an appreciation of common honesty. It is a subject familiar to all the Members of this House. The work of this committee will be to find the facts. They need not look for law; the law involved is the law of honor and fidelity. There are business men in this body and business men can find out the facts. There are newspaper men in this body—the able leader of the Progressive Party is a newspaper man—and newspaper men can find out facts. Aye, Mr. Speaker, if we need lawyers—I believe there are able lawyers in this body—some Members of this body were prominently considered for the head of the legal department of this country—and they would have filled the position with ability and honor.

It can not be said that the employment of a lawyer will make this investigation more impartial. I believe the country has confidence in the integrity of the great majority of the Members of this House, regardless of partisan politics. I believe it has confidence in the purpose of this House to make an impartial investigation of these charges. If the country has not that confidence in the Members of this House, its confidence will not be increased because the House hires its own lawyer to make its investigation for it.

Neither am I here to say that I hope that all the Members of this House will be exonerated. I believe in this investigation from the bottom of my heart, and I further believe—and I do not claim to speak with the knowledge the older men of this House should have—but I believe from all I have read in these

great newspapers and from what I know of corroborating circumstances it is possible some few may not be able to exonerate themselves. The purpose of this committee is not exoneration. The purpose of this committee is to ascertain the facts. Of course in the light of facts let the innocent be exonerated and held most firmly in our faith, but also in the light of facts, impartially obtained, if there be guilty ones let them be condemned and held in our contempt. This is the solemn and unpleasant duty for this committee to perform, and as much as I respect the leadership of the gentleman from Texas [Mr. HENRY]—and I say it earnestly—I refuse to delegate this important duty to any hired lawyer in the United States. [Applause.] I want to leave it to men who will have to go back in two years and answer to the sovereign people of this country for the kind of an investigation that they have made. I am a lawyer. I know lawyers. I know their zeal. I know their fidelity to a trust. But I do not believe a lawyer employed in this matter could have a higher sense of obligation or a greater zeal than a man who stands before the bar of this House and swears to do his duty as a Representative in the Congress of the United States.

There are other duties for this committee to perform than to investigate the conduct of men who now are or have been Members of this House. Under this resolution it will be the duty of this committee to investigate the methods that have been employed to influence legislation in this country. We find no fault with honest men who take an active interest in the making of the country's laws. We find no fault with associations of men and women who strive to place their honest theories of government upon the statute books. We find no fault with business men, whether great or small, who take an interest in legislation which they think affects their welfare, nor does it matter whether those efforts are put forth by the parties interested themselves or by the medium of honorable agents. We are the servants of all the people, and it is our duty and our wish to listen to honest suggestions from whatever source they come. We are glad to lend a listening ear to all advice intended for the country's good, whether it comes from the highest or the humblest.

But it has been charged that there are organizations that exist for the purpose of controlling legislation, not in a way which they consider for the good of all, but in a way that will best subserve their selfish interests. Nor do they scruple much as to the methods used. It is charged that money has been used with profligacy to manufacture public sentiment, to subsidize, if possible, the public press, and even to corrupt the voters at the ballot box. It has been charged that agents of these organizations have endeavored by artifice and intrigue to win the confidence of the people's servants and swerve them from the path of right. It has been charged that by their boasted power to make or mar the fate of public men they have exerted their influence till they could say to Representatives, in the words of Mephisto gloating over Faust, "We have thee, body, soul, and all." How much of this is true and how much is false this is not the time to say. This is the time to let in the light. This is the time to seek the truth. This is the time to investigate with courage and relentless perseverance to the end that all things shall be revealed that touch upon the making of our laws, so that those who sit in the seats of the mighty and those who dwell in the humble homes shall know by whom the destiny of the Republic is controlled. Let publicity do its work, to the end that the guilty may be dismayed—that honest and long-trusted men may stand unsmirched, that slanderers may be confounded, and that those who sell pretended influence over legislation may find their occupation gone. Then, with the gloom of public doubt dispelled, with the clouds of misconception gone, with the pitfalls and devious paths designed by selfish interests made plain, with the light of information openly obtained, we as public servants may proceed in straightforward ways to do the people's will. This is the pressing need that calls this committee into existence, and this the opportunity for service which it meets. This is a work that calls for statesmanship. Would Daniel Webster, would Henry Clay have delegated this important work to lawyers? I do not mean to infer that the employment of a lawyer will destroy the usefulness of this committee, and I am for this resolution with or without the provision for an attorney. I want this investigation to be relentless, impartial, and far-reaching; but in my judgment it would be performed best by men commissioned by the people, who must answer to the people; men who, when the work is done, if they have done it well, will receive their country's praise, but who, if they have failed to do it well, will receive their country's blame.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. Will the gentleman suspend just a moment? The gentleman from Tennessee [Mr. AUSTIN] propounded a parliamentary inquiry a short time ago as to whether a motion to lay the motion of the gentleman from Illinois on the table would carry the resolution with it.

Mr. MANN. That was not the inquiry.

The SPEAKER. After considering the matter, the Chair said he thought it would; but I have reflected on it, and while there do not seem to be any precedents on the subject, by analogy of what is done here and what everybody knows can be done, the Chair does not believe that to table this motion of the gentleman from Illinois would table the resolution.

Mr. MANN. If the Speaker will permit, I agree with him. I think there is a very common precedent, which possibly the Speaker had not thought of. When the question first arose I was under the impression it would carry the resolution. We always move to reconsider the vote by which a bill is passed and lay that on the table, and, of course, it does not carry the bill.

The SPEAKER. That is what made the Chair change his opinion about it, and if the question arises he will hold that it does not carry the resolution.

Now, for what purpose does the gentleman from Tennessee [Mr. AUSTIN] rise?

Mr. AUSTIN. I rise for the purpose of moving to lay the motion of the gentleman from Illinois [Mr. MANN] on the table.

The SPEAKER. The gentleman from Tennessee moves to lay the motion of the gentleman from Illinois [Mr. MANN], to reconsider this amendment, on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HENRY and Mr. MANN demanded a division.

The House divided; and there were—ayes 80, noes 78.

Mr. HENRY. The yeas and nays, Mr. Speaker.

Mr. MANN. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Texas——

Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays.

Mr. MANN. There is no quorum.

Mr. MURDOCK. Mr. Speaker, I withdraw the demand.

The SPEAKER. The gentleman from Illinois [Mr. MANN] and the gentleman from Texas [Mr. HENRY] demand tellers.

Tellers were ordered, and the Speaker appointed Mr. MANN and Mr. HAY.

The question was taken; and the tellers reported—ayes 76, noes 86.

So the motion was lost.

Mr. LEVY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. I hope the gentleman from New York will not make his point of order until we have finished the consideration of the resolution.

The SPEAKER. The gentleman from New York [Mr. LEVY] makes the point of order that there is no quorum present. The Chair will count.

Mr. LEVY. Mr. Speaker, I will withdraw my point for the present.

The SPEAKER. The gentleman from New York [Mr. LEVY] withdraws his point of no quorum. The question is on the motion of the gentleman from Illinois [Mr. MANN] to reconsider the amendment of the gentleman from New York [Mr. LEVY].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a division.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. What is the question?

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MANN] to reconsider the amendment of the gentleman from New York [Mr. LEVY]. Those in favor of reconsideration will rise and stand until they are counted. [After counting.] Eighty-four gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Sixty-eight gentlemen have arisen in the negative. On this vote the ayes are 84 and the noes are 68, and the motion to reconsider is carried. The question is on the motion of the gentleman from New York [Mr. LEVY].

Mr. MANN. Mr. Speaker, we are operating under a sort of agreement as to the business of the House. The gentleman from New York [Mr. LEVY] a moment ago, when the Speaker was about to announce the vote on the motion to lay on the table the motion to reconsider, made the point of no quorum, which

he withdrew. Would it be fair to ask the gentleman from New York [Mr. LEVY] if he is willing to abide by the judgment of those who are here upon this proposition?

Mr. LEVY. I will say to the gentleman from Illinois that I am opposed to this resolution, and I believe if it were given a week longer before the country the people will denounce it. We have it before the Senate now, and I am opposed to it.

Mr. MANN. I appreciate the opposition of the gentleman, so far as he is concerned, and I believe it is honest and sincere opposition. I believe the gentleman always is honest and sincere. But here is a large majority——

Mr. FITZGERALD. Not of the House——

Mr. MANN. Of those who are here——

Mr. FITZGERALD. A majority of 10.

Mr. MANN. If the gentleman will permit me to finish my sentence: Here is a large majority of the House who believe in passing a resolution for an investigation. Now, the gentleman from New York [Mr. LEVY] is the only gentleman, I think, who has publicly objected to the resolution, although other gentlemen have said that they thought it was not necessary to have an investigation. I think it is vital that we pass the resolution to-day if we can.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Mr. Speaker, I am one of those who believe that this resolution should pass to-day. I doubt the advisability of authorizing the employment of counsel at this time. If the committee were appointed and were to come into the House later and say that in its opinion it required the assistance of outside counsel, I should acquiesce in the recommendation of the committee and be willing to vote the authority to the committee to have the assistance of counsel. But I do not wish a committee appointed with the power to employ counsel to feel that it should employ counsel and devolve upon some lawyer the important work of making the original investigation of the documents and accept his judgment as to what should be done.

Mr. MILLER. Mr. Speaker, will the gentleman allow an interruption?

Mr. FITZGERALD. And I would suggest to the House that if it voted again to accept the amendment of the gentleman from New York, my colleague [Mr. LEVY], to strike out the words "legal or," the resolution would be passed to-day, and thereafter if the committee were appointed—and I have no knowledge of the proposed personnel of the committee—should bring in a report and express its belief that it required the assistance of some outside counsel, I would be willing to give it the authority to employ such counsel.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. FITZGERALD. Yes.

Mr. ALLEN. The gentleman speaks of the preliminary investigation and examination of papers and correspondence. Is not that the very time you need counsel, in going over and making up your case?

Mr. FITZGERALD. Mr. Speaker, I have served some time in this House and have served on some committees that have conducted very important investigations, and if I had had the assistance of a lawyer to do the work I should do as a member of the committee I would know very little about the matters before it. [Applause.] That is the trouble about the employment of counsel to assist committees of the House.

In my experience of 14 years in the House I know of but two instances in which counsel have been employed; one in the Pujo investigation, in which, because of the exceedingly technical nature of the subject, the average Member of the House knowing very little about the operations of great financial transactions and the complications of our financial system, I believe that a man like Mr. Untermyer, who knew very intimately many matters that were of importance, was of service. But the things that are to be investigated here are things that the Members of this House have more intimate knowledge about than any outside attorney, and if one were to be employed it would be necessary to educate him in the history of the public business in Congress for years past before he would be of any value whatever.

Mr. MANN. If the gentleman has finished his question, I will answer it.

Mr. FITZGERALD. Well, I have not quite finished it. I am expressing my opinion. Now, I believe that after this committee is appointed, whoever may be placed upon it, if after consideration of the subject they feel that it would be conducive to the thoroughness and effectiveness of the investigation to ask the House to authorize them to employ counsel, I would not hesitate to vote for a resolution giving them authority to employ as many counsel and as eminent counsel as they believed were necessary to develop the facts; but I would wish this committee not to be, as suggested by the gentleman from Texas, so absorbed with matters of patronage and other duties that they would feel so fatigued that they would in effect turn over to a lawyer the important preliminary work.

No more important duty can devolve upon any Member of this House, if he be put upon that committee, than to devote all of his time and capacity and talents to demonstrating the truth or the falsity of the statements the subject of the proposed investigation, and he should put everything else aside in performing this public duty of such great importance. I hope the gentleman from Illinois will support the amendment of my colleague from New York [Mr. LEVY] so that this resolution may be passed to-day.

Mr. MANN. I yielded to the gentleman for so long a time, because I know that the gentleman has a very important engagement this afternoon and might not be able to be heard later.

Mr. FITZGERALD. I yield to the gentleman from Illinois for a question.

Mr. MANN. No; I have the floor.

The SPEAKER. The truth is that this whole conversation is by unanimous consent.

Mr. MANN. Oh, the subject is debatable, Mr. Speaker.

The SPEAKER. The Chair did not know the gentleman was debating the question.

Mr. MANN. I have not debated it very extensively yet. [Laughter.] I was trying to ascertain what power the House had this afternoon. Is the gentleman from New York [Mr. LEVY] willing to state whether he will take the judgment of the House on this question this afternoon, or whether, in case he does not have his way—I do not speak with criticism—the gentleman proposes to prevent the House going ahead?

Mr. LEVY. If the House chooses to strike out my amendment of Saturday——

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is it in order for two Members of the House to arrange a compromise in the presence of the House of Representatives out of order?

Mr. MANN. It is not out of order.

The SPEAKER. If the House sits by.

Mr. MANN. It is not out of order at all.

Mr. MURDOCK. A second parliamentary inquiry, Mr. Speaker. What is before the House?

The SPEAKER. The question before the House is the Levy amendment.

Mr. MANN. And I took the floor on that amendment.

The SPEAKER. And the gentleman from Illinois has the floor.

Mr. MURDOCK. How long a time has the gentleman?

The SPEAKER. Five minutes.

Mr. MURDOCK. It seems to me that time has been used ten times over.

The SPEAKER. The Chair thought this preliminary talk that was going on was by unanimous consent. Nobody was debating the amendment. The gentleman from Illinois has started in on his five minutes to debate the amendment.

Mr. MANN. I presume the gentleman from Kansas would prefer that the gentleman from New York [Mr. LEVY] and myself should go out in the lobby and arrange the matter instead of doing it in the open.

Mr. MURDOCK. Will the gentleman yield?

Mr. MANN. I desire to make my arrangements in the open. [Laughter and applause.]

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. MURDOCK. While the gentleman is making his open explanation, I wish he would tell me—because I am considerably puzzled—why he permitted us on the last session of this House to come within five minutes of concluding the consideration of this important resolution and then made the point of no quorum, to the inconvenience, not only of all of the Members of the House but a good deal to his own embarrassment, as his action has shown here to-day.

Mr. MANN. I am not embarrassed at all, Mr. Speaker.

Mr. MURDOCK. It seems to me that the gentleman is.

Mr. MANN. The gentleman need not be worried upon that score.

Mr. MURDOCK. Will the gentleman answer my question?

The SPEAKER. Does the gentleman yield?

Mr. MURDOCK. Why did he make the point of no quorum?

Mr. MANN. I will answer the gentleman on that when it is a vital question.

Mr. LEVY. Mr. Speaker, I would like to say to my colleague that the House decided this question by a vote of 86 to 33 on last Saturday, and I think this body understood it better then

than it does to-day. I did not think it would be necessary for me to say a word about it. In my opinion the country is opposed to our employing counsel to assist in this investigation; in fact, I believe the country is opposed to this resolution, because an investigation of the same matter is already proceeding in the Senate.

Mr. MANN. Is it the intention of the gentleman to make the point of no quorum if he does not have his way about it?

Mr. LEVY. If my amendment is adopted, I shall not make the point of no quorum.

Mr. MANN. Then I assume that the gentleman will not make the point of no quorum.

The SPEAKER. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New York [Mr. LEVY].

The question was taken; and, at the suggestion of the Chair, the House divided, and there were—ayes 82, nays 76.

Mr. BATHRICK. Mr. Speaker, I demand tellers.

Mr. HENRY. Mr. Speaker, I rise to a parliamentary inquiry. Has there been any agreement entered into to-day as to when the House will adjourn to when it adjourns to-day?

The SPEAKER. There has not been.

Mr. HENRY. Then it would be in order to adjourn until to-morrow?

The SPEAKER. That would be what would happen if there is no agreement otherwise. The gentleman from Ohio demands tellers.

Tellers were ordered, and the Speaker appointed Mr. HENRY and Mr. LEVY to act as tellers.

The House again divided; and the tellers reported—ayes 83, nays 83.

Mr. LEVY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BATHRICK. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present.

Mr. SIMS. Mr. Speaker, before that question is decided, I desire to submit a request for unanimous consent.

The SPEAKER. But the gentleman from New York has made the point of order that there is no quorum present, and evidently there is none.

Mr. CARLIN. Mr. Speaker, it is apparent that we will have to adjourn——

Mr. HENRY. Mr. Speaker, I demand the regular order.

Mr. GARRETT of Tennessee. Mr. Speaker, I move a call of the House.

Mr. FITZGERALD. Mr. Speaker, this is an automatic call of the House. The House was dividing at the time the gentleman from New York made the point of order of no quorum.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. HENRY. Mr. Speaker, as I understand it, the Levy amendment is to strike out——

Mr. BARTLETT. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is to call the roll.

Mr. HENRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the Levy amendment be again reported.

The SPEAKER. The gentleman from Texas asks unanimous consent that the Levy amendment be again reported. Is there objection?

There was no objection.

The Clerk again reported the Levy amendment.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 103, nays 104, answered "present" 10, not voting 212, as follows:

YEAS—103.

Abercrombie	Collier	Hay	Morgan, Okla.
Aswell	Cox	Hensley	Morrison
Austin	Davis, W. Va.	Hill	O'Brien
Baltz	Decker	Houston	Oglesby
Barkley	Dies	Hull	O'Hair
Barnhart	Dillon	Jacoway	Padgett
Bartlett	Dixon	Johnson, S. C.	Page
Barton	Dupré	Johnson, Wash.	Patten, N. Y.
Bell, Ga.	Elder	Jones	Peterson
Blackmon	Fergusson	Kelley, Mich.	Platt
Booher	Ferris	Kent	Pou
Buchanan, Ill.	Fitzgerald	Kettner	Prouty
Burgess	Flood, Va.	Kirkpatrick	Raker
Burnett	Floyd, Ark.	Korbly	Rauch
Byrns, Tenn.	Fowler	Lee, Ga.	Rayburn
Callaway	Garner	Levy	Reed
Campbell	Garrett, Tenn.	Lindbergh	Roddenbery
Candler, Miss.	Garrett, Tex.	Lloyd	Rubey
Caraway	Gregg	Lobeck	Russell
Carlin	Hamlin	McKellar	Scott
Carr	Harrison, Miss.	Moon	Sells
Sinnott	Stephens, Tex.	Taylor, Colo.	Watson
Smith, Md.	Stout	Ten Eyck	Weaver
Smith, Minn.	Talbott, Md.	Thomas	Woods
Stedman	Taylor, Ala.	Thompson, Okla.	Young, Tex.
Stephens, Miss.	Taylor, Ark.	Tribble	

NAYS—104.

Aiken	Difenderfer	Johnson, Utah	Porter
Allen	Doremus	Keating	Ragsdale
Barchfeld	Dyer	Kelly, Pa.	Reilly, Conn.
Bathrick	Eagle	Kennedy, Iowa	Roberts, Mass.
Bell, Cal.	Edmonds	Key, Ohio	Rothermel
Britten	Estopinal	Kinkaid, Nebr.	Rupley
Brockson	Falconer	Knowland, J. R.	Seldomridge
Brodbeck	Farr	Lee, Pa.	Sims
Brown, N. Y.	Fess	Logue	Smith, Idaho
Brown, W. Va.	FitzHenry	Lonergan	Smith, J. M. C.
Brumbaugh	Francis	McGillicuddy	Smith, Tex.
Bryan	French	McGuire, Okla.	Stephens, Cal.
Bulkley	Gardner	Maguire, Nebr.	Stone
Butler	George	Miller	Stringer
Cantrill	Gittins	Mitchell	Sumners
Church	Graham, Ill.	Mondell	Tavenner
Clark, Fla.	Gray	Montague	Thacher
Claypool	Hardy	Morgan, La.	Thomson, Ill.
Connelly, Kans.	Hayden	Murdock	Towner
Cooper	Helgesen	Murray, Okla.	Vaughan
Covington	Helm	Neeley	Watkins
Cullop	Henry	Nolan, J. I.	Williams
Curry	Howell	Oldfield	Wilson, Fla.
Davis, Minn.	Hulings	Palmer	Wingo
Dershem	Igoe	Pepper	Witherspoon
Dickinson	Johnson, Ky.	Phelan	Young, N. Dak.

ANSWERED "PRESENT"—10.

Adamson	Hawley	Mann	Sherley
Browning	Kahn	Metz	
Glass	McDermott	Roberts, Nev.	

NOT VOTING—212.

Adair	Edwards	Kiess, Pa.	Rogers
Ainey	Esch	Kindel	Rouse
Alexander	Evans	Kinkead, N. J.	Rucker
Anderson	Fairchild	Kitchin	Sabath
Ansberry	Faison	Konop	Saunders
Anthony	Fields	Kreider	Scully
Ashbrook	Finley	Lafferty	Shackleford
Avis	Fordney	La Follette	Sharp
Bailey	Foster	Langham	Sherwood
Baker	Frear	Langley	Shreve
Bartholdt	Gallagher	Lazaro	Sisson
Beakes	Gard	L'Engle	Slayden
Beall, Tex.	Gerry	Lenroot	Slemp
Borchers	Gillett	Lesher	Sloan
Borland	Gilmore	Lever	Small
Bowdle	Godwin, N. C.	Lewis, Md.	Smith, Saml. W.
Bremner	Goeke	Lewis, Pa.	Smith, N. Y.
Broussard	Goldfogle	Lieb	Sparkman
Browne, Wis.	Good	Lindquist	Stafford
Bruckner	Goodwin, Ark.	Linthicum	Stanley
Buchanan, Tex.	Gordon	McAndrews	Steenerson
Burke, Pa.	Gorman	McClellan	Stephens, Nebr.
Burke, S. Dak.	Goulden	McCoy	Stevens, Minn.
Burke, Wis.	Graham, Pa.	McKenzie	Stevens, N. H.
Byrnes, S. C.	Green, Iowa	McLaughlin	Sutherland
Calder	Greene, Mass.	Madden	Switzer
Carew	Greene, Vt.	Mahan	Taggart
Carter	Griest	Maher	Talcott, N. Y.
Cary	Griffin	Manahan	Taylor, N. Y.
Casey	Gudger	Mapes	Temple
Chandler, N. Y.	Guernsey	Martin	Townsend
Clancy	Hamill	Merritt	Treadway
Clayton	Hamilton, Mich.	Moore	Tuttle
Cline	Hamilton, N. Y.	Morin	Underhill
Connolly, Iowa	Hammond	Moss, Ind.	Underwood
Conry	Hardwick	Moss, W. Va.	Vare
Copley	Harrison, N. Y.	Mott	Volstead
Cramton	Haugen	Murray, Mass.	Walker
Crisp	Hayes	Nelson	Wallin
Crosser	Heflin	Norton	Walsh
Curley	Helvering	O'Leary	Walters
Dale	Hinds	O'Shaunessy	Webb
Danforth	Hinebaugh	Parker	Whaley
Davenport	Hobson	Patton, Pa.	Whitacre
Deitrick	Holland	Payne	White
Dent	Howard	Peters	Wilder
Donohoe	Hoxworth	Plumley	Willis
Donovan	Hughes, Ga.	Post	Wilson, N. Y.
Dooling	Hughes, W. Va.	Powers	Winslow
Doolittle	Humphrey, Wash.	Quin	Woodruff
Doughton	Humphreys, Miss.	Rainey	
Driscoll	Keister	Reilly, Wis.	
Dunn	Kennedy, Conn.	Richardson	
Eagan	Kennedy, R. I.	Riordan	

So the amendment was rejected.

The Clerk announced the following pairs:

Commencing July 9, ending Monday next:

Mr. LEVER with Mr. HAWLEY.

Until further notice:

Mr. DALE with Mr. AVIS.

Mr. STEDMAN with Mr. ANTHONY.

Mr. DENT with Mr. KAHN.

Mr. CRISP with Mr. HINDS.

Mr. RICHARDSON with Mr. ESCH.

Mr. PEPPER with Mr. SLOAN.

Mr. SAUNDERS with Mr. SLEMP.

Mr. FIELDS with Mr. LANGLEY.

Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.

Mr. ADAIR with Mr. AINEY.

Mr. ALEXANDER with Mr. ANDERSON.
Mr. ASHBROOK with Mr. BROWN of Wisconsin.
Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.
Mr. BORLAND with Mr. BURKE of South Dakota.
Mr. BUCHANAN of Texas with Mr. CARY.
Mr. BURKE of Wisconsin with Mr. CALDER.
Mr. BYRNES of South Carolina with Mr. CRAMTON.
Mr. CARTER with Mr. DANFORTH.
Mr. CLAYTON with Mr. FORDNEY.
Mr. CLINE with Mr. DUNN.
Mr. CONNOLLY of Iowa with Mr. FREAR.
Mr. CONRY with Mr. GILLETT.
Mr. DAVENPORT with Mr. GOOD.
Mr. DEITRICK with Mr. GRAHAM of Pennsylvania.
Mr. DONOHOE with Mr. GREEN of Iowa.
Mr. DOUGHTON with Mr. GREENE of Massachusetts.
Mr. DRISCOLL with Mr. GREENE of Vermont.
Mr. EDWARDS with Mr. GRIEST.
Mr. FAISON with Mr. GUERNSEY.
Mr. FINLEY with Mr. HAMILTON of Michigan.
Mr. FOSTER with Mr. HAMILTON of New York.
Mr. GALLAGHER with Mr. HAUGEN.
Mr. GODWIN of North Carolina with Mr. HAYES.
Mr. GOODWIN of Arkansas with Mr. HUGHES of West Virginia.
Mr. GOEKE with Mr. HUMPHREY of Washington.
Mr. GOLDFOGLE with Mr. KEISTER.
Mr. GUDGER with Mr. KIESS of Pennsylvania.
Mr. HAMILL with Mr. LAFFERTY.
Mr. HARDWICK with Mr. LEWIS of Pennsylvania.
Mr. HARRISON of New York with Mr. LANGHAM.
Mr. HEFLIN with Mr. LA FOLLETTE.
Mr. HOLLAND with Mr. LINDQUIST.
Mr. HUGHES of Georgia with Mr. MCKENZIE.
Mr. HUMPHREYS of Mississippi with Mr. MCLAUGHLIN.
Mr. KINKEAD of New Jersey with Mr. MADDEN.
Mr. KONOP with Mr. MAHAN.
Mr. KITCHIN with Mr. MANAHAN.
Mr. L'ENGLE with Mr. MAPES.
Mr. LIEB with Mr. MORIN.
Mr. LEVER with Mr. MARTIN.
Mr. MCCOY with Mr. MERRITT.
Mr. MURRAY of Massachusetts with Mr. MOTT.
Mr. PETERS with Mr. NELSON.
Mr. POST with Mr. MOSS of West Virginia.
Mr. QUIN with Mr. NORTON.
Mr. RAINEY with Mr. PAYNE.
Mr. RIORDAN with Mr. PARKER.
Mr. ROUSE with Mr. PATTON of Pennsylvania.
Mr. RUCKER with Mr. PLUMLEY.
Mr. SABATH with Mr. ROGERS.
Mr. SCHACKLEFORD with Mr. SHREVE.
Mr. SHARP with Mr. SAMUEL W. SMITH.
Mr. SISSON with Mr. STEENERSON.
Mr. SMALL with Mr. SUTHERLAND.
Mr. SMITH of New York with Mr. POWERS.
Mr. SPARKMAN with Mr. MOORE.
Mr. TALCOTT of New York with Mr. SWITZER.
Mr. TOWNSEND with Mr. TREADWAY.
Mr. TUTTLE with Mr. VARE.
Mr. UNDERHILL with Mr. VOLSTEAD.
Mr. WALKER with Mr. WALTERS.
Mr. WEBB with Mr. WILDER.
Mr. WHITE with Mr. WILLIS.
Mr. HOWARD with Mr. WINSLOW.
Mr. STANLEY with Mr. WOODRUFF.
For the session:
Mr. UNDERWOOD with Mr. MANN.
Mr. METZ with Mr. WALLIN.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. SCULLY with Mr. BROWNING.
Mr. SLAYDEN with Mr. BARTHOLDT.
Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. MANN. Mr. Speaker, I voted "no"; but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

Mr. METZ. Mr. Speaker, I voted "aye"; but I desire to be recorded as "present," being paired with Mr. WALLIN.

The name of Mr. METZ was called, and he answered "Present."

Mr. CARLIN. Mr. Speaker, pending the announcement of the roll call, I desire to ask unanimous consent that when the House adjourns to-day it be to meet on Monday next at 12 o'clock.

The SPEAKER. Nothing can be done in the absence of a quorum.

Mr. LEVY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Is a motion to adjourn now in order?

The SPEAKER. It is.

Mr. LEVY. Then I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. LEVY. Mr. Speaker, I move to suspend the proceedings under this call.

The SPEAKER pro tempore (Mr. FLOOD of Virginia). The Chair does not hear the motion of the gentleman from New York [Mr. LEVY].

Mr. LEVY. I move to suspend the proceedings under this call of the House.

Mr. CARLIN. I do not think there has been any call of the House, has there?

The SPEAKER pro tempore. Yes; there is a call of the House. It has not been completed. There is nothing in order now but a motion to adjourn.

The call of the House was completed.

The SPEAKER. On this vote the yeas are 103, the nays 104, voting "present" 10, and the amendment is rejected. A quorum is present. The Doorkeeper will unlock the doors. [Applause.] The Clerk will read.

The Clerk completed the reading of the bill, as follows:

The Speaker shall have authority to sign and the Clerk attest subpœnas during the recess of Congress. The expenses of said inquiry shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee, to be immediately available.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. AUSTIN. Mr. Speaker, I hope this investigation will be so full, so thorough, and so far-reaching that it will take in a question submitted to the House a year and seven months ago—on the 4th day of December, 1911—when the able Representative from the first district of New York, the Empire State, the Hon. Martin W. Littleton, rose to a question of personal privilege and had read from the Clerk's desk an assault made upon his standing and character in connection with what is known as the investigation of the United States Steel Corporation.

Mr. Littleton delivered his speech from the center of the House, just in front of the desk that I used at that time. He had been appointed a member of that investigating committee, and his motive, his action, and his conduct were assailed through the columns of the Daily Press, of New York City. Being an honorable man, sensitive of his good name and his reputation, he appealed to the House for an investigation of the charges against him. He first addressed a letter to the chairman of that committee, Mr. STANLEY, of Kentucky. Mr. STANLEY in reply stated that the committee had no authority under the resolution creating it to undertake an investigation of that kind. On the conclusion of the speech of the gentleman from New York, no one on the majority side having anything to say or any proposition to submit, the Republican leader, the gentleman from Illinois [Mr. MANN], offered a resolution providing for the appointment of a special committee to investigate these charges. The Democratic leader on the floor of the House, the gentleman from Alabama [Mr. UNDERWOOD], moved to refer that resolution to the Committee on Rules, where it was unacted upon.

I have known Mr. Littleton from his boyhood days, because he is a native of the district that I represent on this floor; and I not only knew him well and favorably for many, many years, but I have the good fortune of knowing and counting among my friends every member of his immediate family. His father is a worthy and respected citizen of Roane County, Tenn., was a brave and gallant Federal soldier, and so I felt hurt and humiliated that the conduct and rectitude of a man whom I loved and admired, a man whose public career and private character could not successfully be assailed in the public press or elsewhere, should appeal in vain, as Mr. Littleton did in that splendid, touching address here, for an investigation of the false and unfounded charges made by the officers of a so-called antitrust league. The men whose names have been published in the last few days, Martin and Lamar, in connection with the investigation being carried on at the other end of the Capitol, were, according to the statements then made by Mr. Littleton, the instigators and the authors of these cruel slanders that were carried

in the columns of a New York paper. The Congress and the country suffered a loss when Mr. Littleton voluntarily retired. He is an honest, an able, a fearless, and a conscientious man. He has what every public man ought to have—the courage of his convictions.

The SPEAKER. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for five minutes' additional time.

The SPEAKER. The gentleman asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. In that personal address to the Members of the last Congress Mr. Littleton used this statement, which I think is opportune to repeat at this time. I will read it from the RECORD:

> Henry B. Martin has been meeting every week in New York, at the Waldorf Hotel and other places, one David B. Lamar. David B. Lamar is an unclean, crooked, indefensible operator in the Wall Street section. His record smells to heaven.

Then, in another part of this address, remembering the developments before the Senate investigating committee and the testimony in connection with Lamar, Martin, and Lauterbach, this quotation from Mr. Littleton's speech is impressive and well worth listening to:

> I hope I can keep within the strict restraints of decent language and leave it for you to infer that what was said and insinuated and what was meant to be insinuated was false—blackmail, dictated by falsehood and carried out in a spirit of criminal libel. [Applause.] Let me tell you that this bears the earmarks of the classical blackmailer.

Mr. Speaker, I hope, in the interest of fair play, in the interest of justice to a late Member, and I trust on our own account, that this investigating committee will pass upon this question that was raised by Mr. Littleton upon the floor of this House and write in their report in enduring and burning words a vindication of his honor and his manhood as a Representative in the American Congress. [Applause.]

Mr. DICKINSON. Mr Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARRETT of Texas. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] moves to strike out the last two words.

Mr. GARRETT of Texas. Mr. Speaker, I want to express myself at this time as being most heartily in favor of this resolution and in favor of a thorough and efficient investigation of all the matters referred to therein.

I would not make these remarks, Mr. Speaker, if I had not heard it said upon the floor of this House that those Members here who had voted against employing counsel at this time by this committee were opposed to the investigation. I want to say here and now that my vote upon that question was based upon the fact that I do not believe that it is a wise policy for the House of Representatives, sitting as defendants, to employ their own counsel to investigate their own cases. [Applause.]

If Members in this House and others are to be investigated, I want the lawyers of this House who are to be named on this committee to investigate. There is where I stood last Saturday, and there is where I stand to-day.

And, Mr. Speaker, I want it understood now that I do not take any stock in this universal cry that has gone up in this House that all of us are pure and without fault. Why, Mr. Speaker, for a man to stand upon this floor and contend that gives a lie to the history of practically every legislative body that ever assembled on earth. I do not know whether these men referred to by Mulhall are guilty or not. There are only three people in such cases who do know about such things, and they are the man himself, the fellow that corrupted him, and God Almighty [applause]; and God Almighty refusing to come here and testify, you have to find the other fellow or the guilty has got to tell it himself. [Laughter.]

Now, Mr. Speaker, I want to say that this House has overlooked one fact. Members have gotten up here and denounced Mulhall. Mulhall said that this association had gone into districts and sought to destroy Members of Congress who had opposed their purposes and plans; and Members of this House have stood here and denounced Mulhall in the face of the fact that the newspapers of this country published the statement that the Speaker of this House vindicated Mulhall in a statement in the papers, saying that it was true, so far as his district was concerned, and that they had tried in other days to slip up on him and defeat him. That is what the papers published. If they tried to defeat the Speaker of this House and take him out of here, how do you know whom else they have tried to defeat?

And that is the part of the investigation that I want this committee to go into. It makes but little difference whom you kick out of this House. That will be only the destruction of one man. But when an institution or an organization can invade the country and corrupt the men at the ballot box, you have corrupted your Government at its very fountain source. That is what I want investigated; that has been admitted here to be true; and yet some say that Mulhall is a liar. [Applause.]

Mr. McDERMOTT. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. McDERMOTT] is recognized for five minutes.

Mr. McDERMOTT. Mr. Speaker, on Sunday, June 29, an article appeared in the press of the country in which M. M. Mulhall accused me of being in the pay of the National Association of Manufacturers. This is an unjust and outrageous falsehood. I never received a cent from anybody belonging to this association. I have always cast my vote on the side of labor, and my votes will show this fact, and I am willing to let my record speak for itself with my people.

I am ready to go before any committee at any time and trust this investigation will be most thorough; and the result in my case will show a deep-laid conspiracy against me by Mulhall and others. That is all I have to say.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The pro forma amendment is withdrawn, and the gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 3, line 14, after the word "Congress," strike out the remainder of the paragraph and insert in lieu thereof the following:
> "The expenses of said inquiry shall be paid out of the contingent fund of the House, upon vouchers approved by the select committee, signed by the chairman thereof, and by the Committee on Accounts, signed by the chairman thereof."

Mr. MANN. Mr. Speaker, the purpose of this amendment is to comply with the usual provision that all vouchers shall be approved by the select committee, and also by the Committee on Accounts, before they are paid.

Mr. GARRETT of Tennessee. Is the gentleman from Illinois satisfied from his examination that this is in the usual form?

Mr. MANN. I am not absolutely certain that it is in the usual form.

Mr. GARRETT of Tennessee. But it carries out the practice, anyway?

Mr. MANN. Yes.

Mr. LLOYD. There is no question but that it carries out the spirit of the resolutions adopted heretofore. The practice has been that all these special-committee accounts should be audited by the committee itself, and that audit was verified by the chairman of the committee, and, in addition to that, there was the allowance of the account by the Committee on Accounts, audited by the chairman of that committee.

Mr. MANN. Of course, that is what the amendment provides.

Mr. LLOYD. That is what the amendment provides.

Mr. MANN. I had supposed that probably the gentleman from Missouri [Mr. LLOYD] would have an amendment covering this.

Mr. LLOYD. I did have an amendment, but this one is sufficiently good.

Mr. GARRETT of Tennessee. Mr. Speaker, at the beginning of the last Congress the custom was adopted of providing that these accounts should first be approved by the committee, then signed by the chairman, and then approved by the Committee on Accounts and signed by the chairman of that committee. That was a change in the practice which had prevailed before that time, so far as my recollection goes. At any rate, it is a good practice, a very proper practice. The Committee on Rules certainly have no objection to it, and I hope the amendment offered by the gentleman will be adopted.

Mr. MANN. I will say to the gentleman from Tennessee that that practice prevailed in the time when I was a Member of one or two select committees of the House.

Mr. BARTLETT. The contingent fund of the House is under the control of the Committee on Accounts.

Mr. MANN. Certainly.

Mr. BARTLETT. And all payments out of that fund are presumed, under the law, to be upon vouchers authorized by the chairman of the Committee on Accounts or by the Committee on Accounts, and when you authorize payments out of that fund it is presumed that you are to follow the usual course. I think this amendment is proper. It simply follows out what has been the custom, so far as I know, for years. I know by reason of the fact that when we had a number of investigations

in which the chairmen of the committees were authorized to pay the expenses they were always submitted to the Committee on Accounts.

Mr. MANN. I think that this carries out the law.

Mr. BARTLETT. Yes; it carries out the law. The law requires all payments out of the contingent fund to be upon the approval of the Committee on Accounts.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. LEVY. Mr. Speaker, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 3, insert as a new paragraph the following:
"Any Member of the House during the hearings before the committee or any of its subcommittees shall have the privilege of interrogating any person or persons making statements or testifying before said committee or subcommittees on matters affecting the subject of such hearings."

Mr. LEVY. Mr. Speaker, when the resolution providing for an investigation of the so-called Money Trust was before the Rules Committee during the last Congress, my colleague from Texas, Mr. HENRY, objected to me asking Mr. Untermyer, who appeared before his committee, any questions. I thereupon introduced a resolution amending the rules of the House, allowing any Representative in Congress to cross-examine or ask any question of any witness appearing before any of the committees of the House. The resolution was referred to the Rules Committee and never reported out.

It has always been a matter of courtesy to allow any Member of the House to ask questions of those appearing before the various committees. In my particular instance the questions which I would have asked of Mr. Untermyer, when he appeared before the Rules Committee, before the appointment of the committee to investigate the so-called Money Trust, would have been so comprehensive that I would have defeated the appointment of Mr. Untermyer as counsel of the Pujo committee, and at the same time probably defeated the resolution authorizing the appointment of that committee, because I would have brought out, when I examined Mr. Untermyer, that what we needed was remedial legislation and not investigation. If I had been allowed to proceed, I am convinced that the country would have saved thousands and thousands of dollars, and there would have been no semipanic of securities. There would have been proper remedial legislation, and we would not have been wrestling with an uncertain question as we are doing to-day.

My colleague from Texas, Mr. HENRY, the other day eulogized the Pujo committee and its counsel in these words:

It will redound to the good of this and generations coming after us.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LEVY. Certainly.

Mr. GARRETT of Tennessee. I understood the gentleman to state that upon some proposition before the Committee on Rules, when he appeared, he did not have the opportunity of asking questions. I want to ask the gentleman if he is not mistaken in that? Is it not a fact that he appeared before the Committee on Rules and made a statement, and then moved to lay the proposition before the committee on the table?

Mr. LEVY. No; that was before or afterwards.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEVY. Mr. Speaker, in reply to this statement I desire to say that in the public and my estimation the investigation will go down in history as the most disastrous one to the financial and business interests of the country. It will take many years for the United States to recover its financial prestige throughout the world. This country was fast becoming the financial center of the world when this outrageous inquisition and investigation commenced its activities. It was an unfair and biased investigation for some particular reason that has not yet appeared.

The Pujo investigation has already depreciated securities in the United States to the extent of over $1,000,000,000; it has virtually restrained the building and extending of many more railroads throughout the United States. At the present time we need at least 100,000 more miles of railroads. The actions of this committee stayed and interfered with the marketing of any new railroad securities; it demoralized the market for all bonds and securities; and to-day every State, every county, every city, every town, and every village in this country has been injured by the Pujo committee.

If the evidence, which was partisan, could be analyzed to-day, it would show to the country that New York was instrumental in staying the panic of 1907; that as a financial center it has greatly aided in building up the railroad system of this country and has financiered every business enterprise and every municipal improvement throughout this great Nation. [Applause.]

Mr. HENRY. Mr. Speaker, I move the previous question on the resolution and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question now is on the amendment offered by the gentleman from New York [Mr. LEVY].

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the resolution as amended.

The resolution as amended was agreed to.

On motion of Mr. HENRY, a motion to reconsider the vote by which the resolution was passed was laid on the table.

The SPEAKER. The Clerk will announce the names of the members of the investigating committee.

The Clerk read as follows:

Mr. GARRETT of Tennessee, Mr. CLINE, Mr. RUSSELL, Mr. RODDENBERY, Mr. STAFFORD, Mr. WILLIS, and Mr. J. I. NOLAN.

ADDRESS OF SPEAKER CLARK AT GETTYSBURG.

Mr. GRAHAM of Illinois. Mr. Speaker, it was my good fortune on the 3d of July to be present in the big tent on the battle field of Gettysburg when a number of patriotic addresses were made. I was particularly impressed by the beautiful, forceful, eloquent, and patriotic remarks made on that occasion by the Speaker of this House. [Applause.] I am fortunate enough to have a copy of those remarks by me, and I ask unanimous consent that I may extend my remarks in the RECORD by publishing the Speaker's speech on that occasion.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The speech is as follows:

SPEAKER CHAMP CLARK'S GETTYSBURG SPEECH.

"I was only 11 years old when Fort Sumter was fired on, and now my head is blossoming like the almond tree. I will tell you how I regard that awful contest and how the generation to which I belong looks upon it—as one of the most heroic chapters in the annals of mankind. I read English history as the prologue to American history. When I reflect upon the civil wars in England my judgment is with the stern, unfaltering, pious Roundheads, who at Worcester, Marston Moor, and Dunbar followed the great Oliver into battle shouting, 'God with us'; but my soul is fired with the recollection of the chivalric deeds of those gallant knights and gentlemen who charged under the silken banner of Prince Rupert in the cause of the Stuart king. Cold must be the heart of that American who is not proud to claim as countrymen the flower of the southern youth who charged up the slippery slopes of Gettysburg with peerless Pickett, or those unconquerable men in blue, who through three long and dreadful days held these beetling heights in face of fierce assaults. It was not southern valor or northern valor. It was, thank God, American valor; that valor which caused our Revolutionary fathers to throw their gage of battle in the face of the son of a hundred kings; that valor which animated Washington at Princeton, Brandywine, Monmouth, and Yorktown; that valor which upheld his famished men amid the unspeakable horrors of Valley Forge; that valor which sustained the soldiers who followed Arnold on that cruel winter's march through the woods of Canada and in the Christmas storming of Quebec, where Montgomery fell immortal; that valor which nerved Andrew Jackson and his raw militia on the ever-glorious 8th of January, when they humbled to the very dust the towering pride of that mighty monarchy upon whose dominions the sun never sets, and utterly routed the veterans of the Peninsula who had snatched from Napoleon's brow the iron crown of Charlemagne; that valor which at Buena Vista, Churubusco, and Chapultepec filled the world with its renown; that valor which wrote Davy Crockett's name above Leonidas and made the Alamo another shrine for freedom; that valor which begirts this land as with a wall of fire, forbidding all the nations of the earth to touch the ark of American liberty lest they die. Callous, indeed, must be the man who can not find something to admire in the colossal, benignant character of Abraham Lincoln or in the splendid career of Robert E. Lee.

"The soldiers of the North and the soldiers of the South were American freemen all, fighting like heroes for what they considered right. As such I honor them. As such I teach my children to cherish them.

"On Fame's eternal camping ground,
Their silent tents are spread;
And Glory guards with solemn round
The bivouac of the dead.

"O my countrymen, it is an inspiring thing to be an American—a great, a glorious thing.

"When I look into the faces of my children my heart swells with ineffable pride to think that they are citizens of this mighty Republic, one and indivisible, built not for a day but for all time, and destined under God to be the dominating influence of all the centuries yet to be, dominating not by force of arms, not by the mailed hand, but by influencing men everywhere by the wholesomeness of our example to adopt our theory of government of the people, by the people, and for the people.

"The words of Whittier's Centennial Hymn are as true to-day as when he wrote them in 1876:

"Our fathers' God! from out whose hand
The centuries fall like grains of sand,
We meet to-day, united, free,
And loyal to our land and Thee,
To thank Thee for the era done,
And trust Thee for the opening one.

* * * * *

"Oh make Thou us, through centuries long,
In peace secure, in justice strong;
Around our gift of freedom draw
The safeguards of Thy righteous law:
And, cast in some diviner mold,
Let the new cycle shame the old."

THE COMMERCE COURT.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BROUSSARD] be allowed one hour at the next meeting of the House in which to address the House in favor of continuing the Commerce Court and giving jurisdiction to the court to act on the so-called negative orders of the commission; and I wish to ask unanimous consent that I may be given one hour for myself in which to oppose the continuance of the Commerce Court and giving the court jurisdiction to act on the so-called negative orders of the commission.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on the first day that the House meets, after the reading of the Journal and the transaction of ordinary routine business, the gentleman from Louisiana [Mr. BROUSSARD] have an hour to address the House on the subject of the Commerce Court and that he [Mr. SIMS] have an hour after Mr. BROUSSARD is through.

Mr. MURRAY of Oklahoma. Mr. Speaker, reserving the right to object, I would like to ask if this is going to be a joint debate by the two gentlemen on opposite sides?

Mr. BURNETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURNETT. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Will any Member be required to attend during that debate? [Laughter.]

The SPEAKER. That is not a parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, for the purpose of asking the gentleman a question——

Mr. SIMS. Certainly.

Mr. BARTLETT. In reference to the matter. Has a bill been reported from the Committee on Interstate and Foreign Commerce or is there a bill before the House abolishing the Commerce Court and providing for the disposition of the business now pending before it?

Mr. SIMS. Yes; but not reported at this session.

Mr. BARTLETT. The reason I ask the question, if I may be indulged for a moment, is, as the gentleman remembers, that there is pending before the Rules Committee a resolution directing the Appropriations Committee in the consideration of a proposed deficiency bill to enact legislation in reference to the abolition of the court. Now, the subcommittee on the deficiency bill have not yet acted on the bill, and I would suggest to the gentleman that if he expects to have legislation upon that there ought to be something done to get that bill in proper shape, because we are not a legislative committee.

Mr. SIMS. There is a rule introduced giving the committee——

Mr. BARTLETT. But there has been nothing done with the rule, as I understand it.

Mr. SIMS. Will the gentleman require a rule in order to act?

Mr. BARTLETT. I do not say that at all.

Mr. SIMS. I do not so understand.

Mr. BARTLETT. The Committee on Appropriations is not a legislative committee.

Mr. SIMS. I will say to the gentleman a rule has been prepared and introduced by the chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON], and has been referred to the Committee on Rules, carrying out the purpose and spirit of the instructions of the caucus.

Mr. BARTLETT. I understand the Committee on Rules have not been able to devise any measure by which—and, by the way, they are not a legislative committee. In other words, neither the Rules Committee nor the Committee on Appropriations are legislative committees in the way of formulating legislation with a view to its enactment. The Committee on Appropriations have, under certain conditions, reported legislation, but here is the bill introduced into this House, pending before the proper committee, and it is suggested, instead of the committee reporting a bill to carry out the purpose, that the Appropriations Committee shall legislate and report out a bill containing legislation. I call the gentleman's attention to the anomalous condition of affairs upon which the proposed legislation now is. The Committee on Rules——

Mr. CAMPBELL. Will the gentleman yield?

Mr. BARTLETT. In one moment. Now, having been opposed to the establishment of the Commerce Court, having time and time again voted to abolish it when I had the opportunity, why, I am interested in the matter, and I call the attention of the gentleman from Tennessee to the anomalous position in which the proposed legislation now is.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MANN. It will be brought before the House by the action of the Democratic caucus.

Mr. SIMS. Will the gentleman yield? In the last Congress the Appropriations Committee, without any rule previously authorizing them to do so, placed legislation in the legislative bill abolishing the court and giving jurisdiction to the district courts. A bill had been reported from the Committee on Interstate and Foreign Commerce prior to that, and some portions of that bill were placed in the appropriation bill that was passed, and then there was a rule adopted making it in order for committee amendments to be in order. At that time the appropriation bill was known by number, and the Rules Committee, I understand, no appropriation bill having been introduced, and not having the number or title of it, will wait until the bill is introduced.

Mr. BARTLETT. My reason for calling the attention of the gentleman from Tennessee to the matter was not for the purpose of hindering the legislation, but to call his attention to a matter in which he was interested, like a number of other Members of the House, and to the position in which the proposed legislation is. And we are not authorized to legislate.

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. What is the status in reference to the adjournment of the House so far as the agreement heretofore entered into is concerned?

The SPEAKER. There is no status about it. If somebody does not get consent for the House to adjourn to some other day, besides to-morrow, when the House adjourns to-day it will be until to-morrow at 12 o'clock.

Mr. CARLIN. Was not there an agreement reached that that would be done, and adjournment be had for three days at a time until the 14th?

The SPEAKER. So far as the Chair remembers it, there was a loose agreement that we adjourn three days at a time, but there was a positive agreement that the House should not take up any business except routine business, and then by unanimous consent.

Mr. CARLIN. Then, Mr. Speaker, I want to ask unanimous consent that when the House adjourns to-day——

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] has not the floor.

Mr. SIMS. Mr. Speaker, in order to relieve the situation, I withdraw my request.

ADJOURNMENT UNTIL SATURDAY.

Mr. CARLIN. Mr. Speaker, I want to ask unanimous consent that when the House adjourns to-day it adjourn until 12 o'clock on Saturday.

Mr. DYER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia a question. I would like to know when he expects to bring before the House the question of passing the bill, which has been reported here, to amend the Erdman Act. The bill has been reported from the Committee on the Judiciary and is a very pressing matter and one that we ought to act upon at the earliest possible date, in order to prevent a very great possible strike of the railway employees.

Mr. CARLIN. I will say to the gentleman it is the purpose of the committee to bring this matter to the attention of the House at the earliest possible moment, and I think we will do it on Saturday. That is my intention at present.

The SPEAKER. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it is not possible to bring it up to-day and pass it? I do not think there is any objection to it anywhere.

Mr. CARLIN. I think not. There is a little confusion as to the status of the matter. There is a Senate bill on the Speaker's table and a bill reported from the Committee on the Judiciary. The two bills are not identical. There are some matters in reference to them I do not care to take the responsibility of determining until we have an opportunity to confer further about them. I am informed by those who are most interested in the matter at the department that a matter of two or three days will make no difference.

Mr. MANN. Is the Senate bill still on the Speaker's table?

Mr. CARLIN. Yes; I understand the Senate bill is still on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. CARLIN] that when the House adjourns to-day it adjourn to meet on Saturday next at noon? [After a pause.] The Chair hears none, and it is so ordered.

EXPLANATION OF A VOTE.

Mr. KENT. Mr. Speaker, I ask unanimous consent to address the House for a minute.

The SPEAKER. The gentleman from California [Mr. KENT] asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. KENT. Mr. Speaker, I have just come over from an important committee meeting. I was not present when the matters in connection with this investigating committee were being discussed in the House, and I voted "aye" under a misapprehension.

Mr. MANN. That is on the Levy amendment?

Mr. KENT. Yes; that is on the Levy amendment. I intended to vote for the employment of counsel, and I wish to have that statement go into the RECORD.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask permission to extend my remarks in the RECORD by publishing the speech delivered by my colleague, Mr. CLARK of Florida, on the Fourth of July.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the speech referred to:

SPEECH OF HON. FRANK CLARK, DELIVERED AT OCALA, SATURDAY, JULY 5, 1913.

"Ladies and gentlemen, fellow countrymen, profoundly grateful for the kind invitation extended me to be with you at this time, my heart swells with patriotic pride when I look upon the contented and happy faces of this magnificent audience composed of the very flower of Florida's proud citizenship. One hundred and thirty-seven years ago a new Government was born among the nations of the earth, and we, as part of that Government, have assembled ourselves together to celebrate this anniversary of its birth, to recall some of the incidents of its career, to take counsel with each other for the common good, and to further consecrate ourselves to the task of preserving constitutional government for the many generations to follow us in this land of liberty.

"It is well, my friends, that we should assemble on each recurring Fourth of July and give the day to reflection upon the past in our governmental affairs, consideration of the present, counsel for the future, and sincere thankfulness and deep gratitude to Almighty God, who in the abundance of His mercy and wisdom has watched over and directed the Republic in its course upon the sea of national life. It is not my purpose to-day to recount the causes which led to the birth of the Republic nor to dwell at any length upon the troubles and trials endured by the colonists in finally becoming separated from and independent of the mother country. It is enough to say that the one great underlying cause of separation was that desire to be free which in all ages and in all lands has ever found lodgment in the hearts of intelligent human beings. The inhabitants of the thirteen Colonies which stretched along the Atlantic seaboard believed that 'taxation without representation' was wrong; they believed in the doctrine of local self-government; they did not believe that they should be governed by some power across the seas; they believed that the Colonies should be free and independent States; and thus believing, they issued to the world that imperishable document which we now know as the Declaration of Independence, and placing their trust in the Creator of the Universe they struck the blow for liberty which after seven years of war gave to humanity this 'home of the brave and land of the free,' and established in the Western Hemisphere the best government ever seen upon the earth.

"That injustices have occurred under our Government, that wrongs have been perpetrated, and that sometimes the 'ship of state' has been steered far from her legitimate and proper course no man will deny; but, my friends, with all her errors, with all her faults, she is the best Government which God Almighty ever permitted to exist among men. When this Government was finally established and the young Republic started out on its mission, many were the predictions of failure. Self-government under a written constitution was the experiment to be tried, and the statesmen of the world watched with deep interest every movement affecting the interests of the new Government. There was in the beginning and has been all through the life of the Republic two great political parties contending for the mastery. One of these parties has always advocated a strong central government, with practically all power lodged in the Federal authorities, while the other party has strenuously contended that each State should be sovereign and independent, and that the central government could have no power except such as might be delegated to it by the States, and that no power should thus be delegated beyond such power as was essential to enable it to deal with foreign nations and to carry on the purposes of its creation. These contending forces continued until finally the right of a State to secede from the Union became the paramount issue between them, and this right asserted upon the one hand and denied on the other produced the war between the States. It is absolutely untrue that the institution of African slavery was a cause of that war; it was merely an incident of the war; and, as stated by Mr. Lincoln himself, the proclamation freeing the negro slaves was not issued as an act of humanity, nor was it issued because the war was prosecuted to accomplish the freedom of the negro, but it was issued solely because the necessities of the war demanded it. Unable to settle the question of the right of a State to secede from the Union in the forum of congressional debate, an appeal was had to arms, and for four long years the cruel fratricidal struggle raged, while the civilized world, watching the titanic struggle, wondered if the result would mean the death of self-government among men. Finally the issue was determined by the stern arbitrament of war, and that tribunal decreed that this was 'an indissoluble Union of indestructible States.' It is well.

"As the son of a Confederate soldier, looking back over nearly half a century since the war ended, I can and do say that it is best that we have 'an indissoluble Union of indestructible States,' so that 'government of the people, by the people, for the people' shall not perish from the earth.

"As a son of a Confederate soldier, as a son of the South, whose every sentiment is southern and whose life is dedicated to the service of the South, I am deeply gratified with the increasing interest shown throughout the Southland in the patriotic observance of the Nation's birthday. And why should not we of the South glory in this day? This is our country, Old Glory is our flag. The Fourth of July is our day. We did our part in establishing the Government; we have done our part in nurturing it; and the best blood of the South spilled upon every field of battle with a foreign foe eloquently proclaims the story of how we have defended it.

"When the weak, struggling Colonies were suffering the wrongs of British rule, it was the eloquent voice of Patrick Henry, of Virginia, which stirred the patriots to action with the immortal words, 'Give me liberty or give me death.'

"When our fathers had determined to throw off the British yoke another son of the South, Thomas Jefferson, wrote the Declaration of Independence, which will live in the hearts of men as long as liberty has a habitation and a home.

"When the Constitution, the chart of our liberties, was to be written, the man of the hour, in the person of James Madison, is furnished by the Old Dominion. When the tocsin of war sounded and the colonists needed a leader, a general to lead them in battle, again one of Virginia's sons came to the front, and after seven years of trial, trouble, and bloodshed George Washington led them to victory.

"After the war had ended and a strong, wise, and safe statesman was needed at the helm to guide the ship of state safely on her journey, all eyes looked toward the Southland, and there was an unanimous call for George Washington to become the first President of the young Republic.

"In 1812, when England for the second time sought to try conclusions with us on the field of battle, Andrew Jackson, of Tennessee, led the armies of the Union to victory. John Marshall, of Virginia, builded for us a system of jurisprudence which has challenged the admiration of the bench and bar of other nations.

"When we became involved in war with Mexico, Winfield Scott, Zachary Taylor, and Jefferson Davis, all southern men, carried Old Glory into the Halls of the Montezumas.

"Only 15 years ago the call to arms again resounded throughout the land, and when Shafter of the North answered 'Ready,' that grizzled veteran of the South, Fitzhugh Lee, said, 'Here am I.' And when Theodore Roosevelt, of New York, answered the call of his country, Gen. Joe Wheeler, of Alabama, said, 'I'll go too.' And when the call for troops was issued the very flower of the young manhood of the South came rushing to the defense of the flag. I am glad the Spanish-American War occurred. It is true that some lives were lost and millions of money was spent, but it silenced forever the voice of the bloody-shirt demagogue who for all these years has been questioning the good faith of the South, and it demonstrated to all the world that this is an 'indissoluble Union of indestructible States.' Yes, this is our country, my friends, and I thank God that the South is again taking her rightful stand in the affairs of our Government.

"To-day there sits in the Executive chair at Washington a son of Virginia, and presiding over the White House, as the 'first lady' of the land, is a Georgia girl. Woodrow Wilson is bringing to his high office a simplicity and integrity of purpose which characterized the earlier and better days of the Republic. Sitting around the Cabinet table of the President, among his advisers, is Postmaster General Albert S. Burleson, of the State of Texas, with whom I served eight years in the House of Representatives, and whose ability and integrity is of the highest type, and whose conduct of his high office is reflecting great credit on the administration; Secretary of the Navy Josephus Daniels, of North Carolina; Attorney General James C. McReynolds, of Tennessee; Secretary of the Treasury McAdoo; and Secretary of Agriculture Houston, making in all five southern men who are members of the President's Cabinet, and all of whom are able, clean, and patriotic.

"Presiding over the House of Representatives, the greatest law-making body in the world, is one of the ablest, cleanest, and best men who ever occupied that exalted position. CHAMP CLARK is a southern man who is proud of the fact and is as patriotic an American citizen as lives within the domain of our great Republic.

"The gallant young leader of the Democratic hosts on the floor of the House is OSCAR UNDERWOOD, of Alabama. Strong, able, and sincere, his leadership is without a flaw, and his integrity and patriotism are beyond question.

"Last, but not least, there sits upon the bench of the Supreme Court of the United States, the greatest judicial tribunal on the earth, and as Chief Justice of that body, a southern man who was a Confederate soldier—Chief Justice White, of Louisiana.

"I mention these facts, my friends, not for the purpose of exalting the men of one section of our common country over those of another section, but simply to demonstrate that we are, in deed and in truth, a reunited and contented people, and the people of all sections are playing their proper part in the affairs of government. This is our country, and my heart is made to rejoice when I remember what is taking place in another State of the Union. In the great State of Pennsylvania to-day, on the battle field of Gettysburg, is a scene the like of which the world never saw before. Fifty years ago the bloodiest and most fiercely contested battle of the War between the States was fought at Gettysburg. It was there that 'Pickett's charge,' the bravest charge ever made in any war, drenched the fields of Gettysburg in blood and placed the soldiery of Meade and Lee on the roll of the earth's immortals. There it is where a few months later Abraham Lincoln, then President of the United States, delivered his immortal 'Gettysburg address.' To-day another President of the United States is speaking to the people assembled at Gettysburg. Woodrow Wilson, a Virginian, President of the United States, is talking to the assembled multitude. The survivors of those who faced each other in deadly struggle there 50 years ago are facing each other there to-day. The torn, tattered, and blood-stained battle flags are there; the uniforms of blue and of gray are there; there is a 'thin blue line' and a 'thin gray line'; but the boom of cannon, the rattle of musketry, and the gleam of bayonet will not be there. The men in 'blue and gray,' the remnants of the two great armies of Meade and Lee, who meet at Gettysburg to-day meet as friends, they meet as brothers, they meet as citizens of a common country owing allegiance to a common flag. The great majority of their comrades have gone to that 'bourne from whence no traveler returns'; and while these former foes fraternize at Gettysburg to-day, it seems to me that the Ruler of Heaven will draw aside the veil and allow the followers of Meade and of Lee to gaze upon this picture of consecrated reunion."

Mr. BARCHFELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the Hon. RICHARD BARTHOLDT, of Missouri.

The SPEAKER. The gentleman from Pennsylvania [Mr. BARCHFELD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the speech referred to:

PERSONAL LIBERTY.

(Speech of Hon. RICHARD BARTHOLDT at the celebration of German Day at Johnstown, Pa., June 16, 1913.)

"Ladies and gentlemen, I have most gladly responded to the kind invitation of your committee to celebrate German Day with the citizens of Johnstown, a city named after and founded by a distinguished German pioneer whose memory you so fittingly honored on yesterday. What I am going to say to you will not be in the nature of a eulogy of the German element and its achievements on American soil, although I admit a beautiful story, worthy of a real orator, could be told with that subject as a theme. But such praise will sound much better, I imagine, when coming from other than German lips. I do believe this to be a fitting occasion, however, to call attention to a trait of German character which is, or ought to be, an attribute of good American citizenship, and which, therefore, makes the Germans good American citizens by nature, and that is love of liberty. It was the spirit of freedom, so history tells us, which inspired them to follow the banners of the Father of the Country in the Revolutionary War; it was the same spirit which moved them to rally around the flags of the Union and Abraham Lincoln in the Civil War, and it is nothing but love of liberty, I venture to say, which to-day determines their attitude of manly opposition against prohibitory legislation and against all attempts at regulating a man's personal conduct by law. It is now the universal judgment that the Germans were right when they fought for American independence, as also when they spilled their blood for the preservation of the Union and the emancipation of the slaves; but what I have come here to say is that I believe they are right to-day. In fact, I am convinced that the defense of personal liberty against the encroachments of sumptuary laws is as much the duty of every good American citizen as is the defense of his country against foreign invasion, for you must remember there is no liberty other than that of the individual man, and the nation which is so indifferent as to permit its restriction in anything which is not morally wrong is either no longer free or is in imminent danger of losing its freedom.

"'Eternal vigilance,' we know, 'is the price of liberty.' Have we been vigilant? Or is it not true that, while we were quarreling with our neighbor about the trusts, the tariff, and all this progressive business, somebody burglarized our house and stole the crown jewels of our political heritage? Alas, it is only too true, my friends, but I should not be surprised if some of you did not know it, because both the press and the politicians, by their convenient silence, were and are aiding the burglars in their escape. But somebody has to speak out and German Day, I think, is as good an occasion as any to do it. Are you aware that the last Congress, composed of a Democratic House and a Republican Senate, passed a prohibition measure by more than a two-thirds majority? And that the lawyers who constitute 85 per cent of the membership either knew it to be unconstitutional or had serious doubts about it, but voted for it anyhow? It is a fact. President Taft, true to his oath to defend the Constitution, had the courage to veto that bill, but the same two-thirds majority, although they had taken identically the same oath as the President, passed it over his veto. When things have come to such a pass that responsible lawmakers will overthrow the Constitution for a popular fad, do you not agree with me that our liberties, for which the Constitution is our only guaranty, are in the greatest possible danger?

"And there is every reason to fear that this is only the entering wedge. When this field of legislation is once entered upon, no one can tell where it will stop. To-day we are told that because one man out of a hundred drinks to excess the other 99 must be put in a class with him and be deprived of their individual rights and liberties. To-morrow the same tactics may be pursued against the consumers of tobacco, coffee, and what not, and surely there is no less reason for that than there is for the war on the lighter beverages. Then, on the ground of religion, people are deprived of their Sunday pleasures—a clear violation, by the way, of the American principle of a strict separation of church and state—and from these beginnings you can see it will not be a far step to a condition where we will be told by law how to dress, what books to read, what church to worship in, to what schools we are to send our children, what to eat and drink, and where to go and where not to go. This is

what is called sumptuary legislation, and there is at the present time unquestionably a trend in that direction not only in all our State legislatures, but also in Congress.

"Before I proceed to tell you why, from my viewpoint, all this is wrong, let me show you what is behind it. It is really a struggle between two civilizations, the puritanical on the one hand and the Germanic or liberal on the other. Let us see how they differ. If my friend here is a Puritan, he believes all of life's pleasures to be more or less wicked and displeasing to God, while I believe in the joy of living. He casts his eyes downward in pious resignation; I turn mine up to the light of heaven in joyous expectancy of the good things to come. He wants you to creep along in the shadow of gloom; I want you to bask in the sunshine of happiness; and the happy laughter of men, women, and children, shocking to him, is sweet music in my ears. He believes, too, that man is made for Sunday, while I hold that Sunday is made for man. And there is another great difference. The Puritans dislike all merrymaking, but especially do they abhor public amusements, and if they had their way they would banish every display of gayety to within the four walls of the house. The Germans believe in and practice the very opposite. Nearly all their pleasures are public, they preferring always to make merry in company of their wives and children, their friends and comrades, and in places where everybody can know and see what they are doing. In the very nature of things these enjoyments are bound to be wholly innocent, but we can only wish we could say as much of the private doings behind closed doors.

"The struggle between these two wholly different theories of life is on, my friends, and it is becoming fiercer every day. The attempts to further and further restrict our liberties in a Puritan sense are carried on in the garb of a religious movement, and the ministers of all churches and the members of all congregations are constantly called upon for support and money to maintain lobbies in both the National and State capitals; and these lobbyists are cracking the whip over our lawmakers and are urging them on to pass more and more restrictive laws—laws which, in their mistaken zeal, they believe will make people good. I do not exaggerate, my friends, when I say that if this movement is not stopped, and stopped soon, the American people before long will find themselves wrapped up in a network of 'don'ts' which will completely hamper their freedom of action; and instead of being freemen in all matters of personal conduct they will be slaves fettered by the chains of un-American laws.

"Permit me, in this connection, to call attention to a most remarkable fact, namely, that the people in many cases actually vote to enslave themselves. History tells us of despots who kept their subjects in perpetual serfdom and of rulers who robbed the people of their freedom, but there is no case on record, so far as we know, where the people of their own volition and by their own votes robbed themselves of their birthright. The United States is the first example of this kind. The history of the human race is a constant struggle for liberty, and every concession wrung from its oppressors was heralded as a new triumph of progress and civilization. Here we have the example of a generation which, though born free, voluntarily surrenders its social liberty and forges with its own hand the fetters of slavery. Now, can you account for that? Is it because we do not sufficiently appreciate our heritage on the theory that what you inherit and what comes to you easily you do not value as highly as what you have to fight for yourselves? Or is it because the people do not fully realize just what they are doing by joining forces with those who are conspiring against their highest interests? I leave these questions for you to answer. Perhaps we are guilty on both counts. Certain it is that no nation will ever be able to preserve its liberty which fails to fully comprehend its spirit and its meaning. And what are we doing to make the young generation to understand it? Not one thing. There is no instruction in the public schools either on the science of government or on the fundamentals of our rights and privileges as citizens of a republic. In a monarchy such education may be unnecessary, because there the people simply obey the mandates of the government; but in a republic all citizens should be fully enlightened on such questions, for the simple reason that they are the government themselves. In the absence of such enlightenment and under circumstances which leave many people ignorant of and consequently indifferent as to their rights and liberties it is not at all surprising that shrewd schemers and conspirators should find it easy to rob them of their political heritage. This may be one explanation of the deplorable fact that this robbery is actually and constantly occurring in all parts of the country, under the very eyes of the people and largely even with their consent and cooperation.

"Now, I have an abiding faith in the good, sound sense of the American people and am confident that once they see through the bargain by which they are selling their birthright for a mess of pottage they will quickly drive the Pharisees from the temple. Therefore let us understand what is really at stake. What is personal liberty? Freedom of action, the right to do that which is not morally wrong and does not interfere with an equal right of our fellow man. Well and good. According to that, if we steal our neighbor's property or disturb his peace, we are doing what is morally wrong and interferes with the neighbor's rights, and should, therefore, be prohibited by law. But, on the other hand, if we drink a glass of water, or even something stronger, in front of the neighbor's house, this action is neither wrong nor an interference with him and, therefore, no law should prohibit it. Here we have the clear line of demarcation where prohibitive law should stop. The objection to sumptuary laws is that they do not stop there, but undertake to prohibit and punish acts which are right in themselves and in perfect harmony with the peace, morals, and good order of society. Gladstone defines liberty as 'the power of doing whatever the laws permit.' While this is a correct legal definition, you can readily see that the laws might be such as to leave no liberty whatever. It might be liberty with the gallows alongside of it and extend only to the length of a chain. Therefore, I say, no nation which desires to be free must ever permit the invasion, by law, of inherent human rights such as eating and drinking and as pertain to the innocent habits and customs of the people. These are inalienable rights, which means that they can not be taken away, except under a despotic and tyrannical government, either by law or even a vote of the majority. Those who are now at work throttling these liberties under the pretense of curing a supposed evil are, in the language of Abraham Lincoln, 'the vanguard, the miners and sappers of returning despotism.' 'We must repulse them,' he said, 'or they will subjugate us.'

"This, my friends, is the issue. In its moral, social, and political aspects it overshadows in importance every other issue of the present day, although the politicians are dodging it in every way possible. The reformers, the 'better-than-thous,' are evidently no longer imbued with the American spirit. They sneer at us when we assert the principle of personal liberty. They say it is only a question of drink, and the only persons interested are those in the business. For a mere fad and to gratify their whims they are ready to barter the constitutional guaranties of the American Bill of Rights for laws that will put the people under perpetual guardianship. And many a good man they have fooled; but, after all, I believe with Abraham Lincoln that you can not fool all the people all the time. For one I would not wish to insult the American people by the assertion that when their liberties are in jeopardy they would be willing to rely for their sole protection on the 'liquor men.' Let me tell these reformers here and now that there is a principle at stake in this matter in which every man, woman, and child in the United States is vitally interested and upon the preservation of which depends the stability of our free institutions.

"The Bill of Rights in the Federal Constitution is the charter of American liberty. This charter is the work of ages, the result of human effort to fix upon a mode of association among men called, in its higher form, government. It reads as follows: 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall'—listen to this—'any State deprive any person of life, liberty, or property without due process of law.' In former times the danger of violation of such guaranties was from arbitrary power sought to be exercised by kings; to-day the danger lies in the assertion of supreme power on the part of self-appointed guides of the people, who by intimidation and threats force their opinion on Congress, legislatures, and courts and cause them to subvert the clear meaning of those guaranties. The authority of the Constitution itself is held in some quarters to be inferior to the opinion of voters or of organized cults in a referendum. Let me warn you, my friends, that such unsettling of all foundations of liberty is the pendulum swing from kingly tyranny to popular tyranny, and we can not wake up too soon to meet this danger. When a century or more ago England's liberty was similarly threatened a great bishop exclaimed: 'I would see England free rather than sober,' intimating that the right of the people to regulate their own conduct was more important than any legal remedy that might be offered to cure the evil of excessive drinking.

"On behalf of those who are gathered here to-day, I believe it can truly be said that they understand this question and realize the danger of the country-wide agitation which aims to supplant the right of self-control with a system of statutory guardianship. They also know that, aside from the political features

which I have discussed, there are important considerations of policy involved in this question. The Germans, as a rule, are most temperate people, and, what is more, they despise drunkenness and would go to any length in helping to suppress it. But they are not so childish as to imagine that this could successfully be done by law. They know, as every sensible man knows, that as you can not make a man honest by statute you can not regulate his habits by such means. At the bottom of all so-called temperance legislation is the erroneous idea that you can regulate the appetite by removing the opportunity to appease it. 'Let us remove the temptation,' is the battle cry of our would-be reformers. I wonder where we would land if this policy were applied to all kinds of temptation. First, we would have to abolish all money and all property, because its existence tempts people to steal it; and then we should have to do away with all food and sweets and fruits, for there is always danger of overeating; and, finally, there are the sexual temptations, and so forth. When society would finally get through removing everything that might tempt man or woman, why, there would be nothing left but stones to cry to heaven bewailing the idiocy of man. No; our theory is not to remove the temptation, but by moral influences to strengthen man's resistance against it. We believe in stimulating the pride of manhood and womanhood and in rearing a race of people who can control and govern themselves properly in all matters of private conduct, realizing, as we do, that such people alone are fit to practice public virtues and to assume the duties and responsibilities of free citizenship. If the people can not be trusted to shape their habits properly, how, I ask, can they be trusted with the ballot? The fact is, a man's actions are solely controlled by his own mind and conscience, being the results of his opinions and inner convictions, and we know that these can only be formed by good example, moral suasion, and education.

"These are theories, true, but practical experience teaches us that they are correct and that the moralists and reformers are on the wrong track. Are you aware how surprisingly insignificant the effect is of all the laws which by ceaseless agitation and by a waste of immense amounts of money they have succeeded in placing on the statute books? Why, despite the fact that half of the territory of the Union is supposed to be dry the consumption of liquor has tremendously increased, much more rapidly, in fact, than the population. The only perceptible effect of their agitation—which, however, from the standpoint of true temperance is most deplorable—is that it seems to have encouraged the consumption of strong drink at the expense of the milder beverages. Will you not agree with me when I say that in the face of this complete failure to achieve desired results, all those good men and women who constantly haunt legislative halls to invoke the power of the Government for their purposes would do much better by staying at home to imbue their children with right ideas of virtue, morality, and moderation?

"The great and all-absorbing question is: What are we going to do about it? Are we to stand meekly by while the fetters are being put on us, or shall we organize to manfully oppose the enactment of laws which rudely interfere with our innocent habits and customs? I am glad to say that as far as the American citizens of German birth and descent are concerned, those questions have already been answered. True to the ideals of Germanic civilization, they have organized the German-American Alliance to oppose all these unholy attempts at puritanizing the United States, to defend the liberties guaranteed by the Constitution, and to uphold at all hazards the cherished traditions handed down to us by the founders of the Republic. Whether they will stand alone in this fight or not is immaterial as long as they are conscious of being right and of occupying safe American ground. And now let me conclude with a prophecy: Every observing man can see that American liberty is in distress. If neither of the great political parties will have the courage to come to its rescue, a great new party is destined to enter the arena, composed of all the liberal-thinking men of the Nation and determined to enforce our great Bill of Rights in letter and in spirit, and to verify, if need be, the inscription written on their flying banners in the immortal words of Patrick Henry: 'Give me liberty or give me death!'"

ADJOURNMENT.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 39 minutes p. m.) the House adjourned, under the order previously made, until Saturday, July 12, 1913, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORGAN of Oklahoma: A bill (H. R. 6744) to authorize and require certain Indian funds to be loaned to the farmers of the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. HULINGS: A bill (H. R. 6745) to provide for farm loans secured by pledge of approved first mortgages on agricultural lands, for the making, management, and repayment thereof, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: A bill (H. R. 6746) to establish a fish-cultural station at some suitable point in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

By Mr. VARE: A bill (H. R. 6747) providing for additional equipment at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 6748) appropriating money for the improvement of Red River, La. and Ark., from its mouth to Fulton, Ark.; to the Committee on Rivers and Harbors.

By Mr. PALMER: A bill (H. R. 6749) allowing credit in computing the pay of any officer of the Army, Navy, or Marine Corps for service while in the Revenue-Cutter Service; to the Committee on Naval Affairs.

By Mr. ESTOPINAL: A bill (H. R. 6750) granting to the city of New Orleans right of way for a street across the Jackson Barracks Military Reservation, in the parish of Orleans, State of Louisiana; to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 6751) to amend section 657 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. McGILLICUDDY: A bill (H. R. 6752) to provide for enlarging the United States building at Lewiston, Me.; to the Committee on Public Buildings and Grounds.

By Mr. CARY: Memorial of the Legislature of Wisconsin, favoring amendment of the national banking laws so as to permit States to assess and tax the income of national banking associations at the same rate as shall be provided in respect to the income of domestic corporations, etc.; to the Committee on Banking and Currency.

By Mr. KAHN: Memorial of the State of California, favoring control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, Cal.; to the Committee on Rivers and Harbors.

Also, memorial of the State of California, relative to the establishment of a Government-owned line of steamships to operate between Pacific and Atlantic ports; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the State of California, relative to the submission to the several States of an amendment to the Constitution placing women and men on an equality with respect to citizenship and the exercise of the elective franchise; to the Committee on the Judiciary.

Also, memorial of the State of California, relative to the purchase of the Tioga Road by the United States; to the Committee on Roads.

Also, memorial of the State of California, favoring a project for the relief from floods in the San Joaquin and the delta of the Sacramento and San Joaquin Rivers and aid of commerce and navigation; to the Committee on Rivers and Harbors.

Also, memorial of the State of California, relative to the amendment to the postal laws of the United States to permit inspection, subsequent treatment, or destruction of nursery stock, etc., upon arrival in the State in which it is consigned through the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of the State of California, relative to acquisition of title under the homestead law; to the Committee on the Public Lands.

Also, memorial of the State of California, relative to the setting apart of a district of land in Butte County, State of California, as a national park; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 6753) granting an increase of pension to Charlotte E. Bartlett; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 6754) granting an increase of pension to Malinda Cannon; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 6755) granting an increase of pension to Mary W. Hawke; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 6756) granting an increase of pension to Julius Cohn; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 6757) granting an increase of pension to Edward Jonas; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 6758) granting a pension to Grace R. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 6759) granting a pension to Fred B. Perkins; to the Committee on Pensions.

Also, a bill (H. R. 6760) granting a pension to Myranda Rogers; to the Committee on Pensions.

Also, a bill (H. R. 6761) granting a pension to Harvey L. Rutherford; to the Committee on Pensions.

Also, a bill (H. R. 6762) granting a pension to Edgar C. Harris; to the Committee on Pensions.

Also, a bill (H. R. 6763) granting a pension to James F. Adams; to the Committee on Pensions.

Also, a bill (H. R. 6764) granting a pension to John F. Joyce; to the Committee on Pensions.

Also, a bill (H. R. 6765) granting a pension to Rosina Riblet Forbush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6766) granting a pension to Sarah Bales; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6767) granting a pension to Charley O. McKay; to the Committee on Pensions.

Also, a bill (H. R. 6768) granting a pension to Betsy Breece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6769) granting a pension to Thomas J. Bland; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 6770) granting a pension to James A. Galloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6771) granting a pension to Kate King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6772) granting a pension to Jesse Beason; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 6773) granting a pension to Rebbecca S. Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6774) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6775) granting a pension to Hulda F. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6776) granting a pension to Emily Wilkie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6777) granting a pension to Rebecca J. Rupe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6778) granting a pension to Alice B. Sherrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6779) granting a pension to William S. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6780) granting a pension to Nancy C. Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6781) granting a pension to Sarah C. Kinsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6782) granting a pension to Nora A. Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6783) granting an increase of pension to George W. Booth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6784) granting an increase of pension to Mary L. Ogborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6785) granting an increase of pension to Hannah Earl; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 6786) granting an increase of pension to Frederick Claus; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 6787) granting an increase of pension to William H. Dakins; to the Committee on Pensions.

Also, a bill (H. R. 6788) granting an increase of pension to Granville Williams; to the Committee on Pensions.

Also, a bill (H. R. 6789) granting an increase of pension to Nathan J. Otto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6790) granting an increase of pension to John A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6791) granting an increase of pension to Isaac M. Sheaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6792) granting an increase of pension to John Sepin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6793) granting an increase of pension to Amos Huddleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6794) granting an increase of pension to Thomas B. Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6795) granting an increase of pension to Henry M. Kocher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6796) granting an increase of pension to Frederick S. Rudy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6797) granting an increase of pension to Henry C. Peterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6798) granting an increase of pension to John A. Branson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6799) granting an increase of pension to Valentine Steiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6800) granting an increase of pension to Jerusha A. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6801) granting an increase of pension to Hugh L. Mullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6802) granting an increase of pension to Sarah J. Appleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6803) granting an increase of pension to William A. Wreunick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6804) granting an increase of pension to Othaniel Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6805) granting an increase of pension to Joshua F. Spurlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6806) granting an increase of pension to Middleton Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6807) granting an increase of pension to William S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6808) granting an increase of pension to Rorsey Strong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6809) to correct the military record of Hubert R. Graham; to the Committee on Military Affairs.

Also, a bill (H. R. 6810) to correct the military record of Francis M. Ridge; to the Committee on Military Affairs.

Also, a bill (H. R. 6811) to correct the military record of Henry L. Kester; to the Committee on Military Affairs.

Also, a bill (H. R. 6812) to correct the military record of Samuel Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 6813) to correct the military record of Thomas Weaver; to the Committee on Military Affairs.

Also, a bill (H. R. 6814) to correct the military record of Leopold Baudendistel; to the Committee on Military Affairs.

Also, a bill (H. R. 6815) to correct the military record of Edward Payton, alias Edward Paddin; to the Committee on Military Affairs.

Also, a bill (H. R. 6816) to correct the military record of Wendlin Erust; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 6817) granting an increase of pension to James A. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6818) granting an increase of pension to Jonathan Ward; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 6819) for the relief of Frank Combs; to the Committee on War Claims.

Also, a bill (H. R. 6820) for the relief of Samuel Grigsbey; to the Committee on War Claims.

Also, a bill (H. R. 6821) for the relief of Daniel Francis; to the Committee on War Claims.

By Mr. MARTIN: A bill (H. R. 6822) granting an increase of pension to Samuel E. B. Abbott; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 6823) granting an increase of pension to Samuel P. Thurber; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 6824) granting a pension to Martha S. Nooper; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 6825) to carry out the findings of the Court of Claims in the case of Eli A. Helmick; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the sixth biennial session of the Switchmen's Union of North America, favoring the increasing of the force of safety-appliance inspectors to a sufficient number compatible with the duties exacted of it; to the Committee on the Judiciary.

By Mr. GRAY: Papers to accompany a private pension bill for the relief of Sarah Bales; to the Committee on Invalid Pensions.

Also, papers to accompany a bill to increase the pension of Mary L. Ogborn; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the Sacramento (Cal.) Valley Development Association, providing for a complete investigation of all the facts in connection with the proposed utilization of a storage reservoir at Big Valley, Lassen County, Cal.; to the Committee on Irrigation of Arid Lands.

Also, petition of the board of education and superintendent of schools of the city and county of San Francisco, Cal., favoring the passage of Senate joint resolution 5, relative to a commission to report a plan for national aid to vocational education; to the Committee on Education.

Also, petition of the Commonwealth Club of California, favoring the granting of necessary reservoir sites in the Hetch Hetchy Valley; to the Committee on Irrigation of Arid Lands.

By Mr. J. R. KNOWLAND: Petition of the People's Forum, Berkeley, Cal., urging an investigation of the conduct of the Attorney General of the United States and the Commissioner of Immigration of the Department of Labor in the Caminetti-Diggs case; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of the Order of Railway Conductors of America at Cedar Rapids, Iowa, favoring legislation that will strengthen the present liability laws; to the Committee on the Judiciary.

By Mr. MANN: Letter to accompany bill (H. R. 6520) to correct pension certificate No. 678122, issued to Margaret Barron as guardian, etc.; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Petition of sundry citizens of the fourteenth congressional district of Texas, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Petition of the Switchmen's Union of North America, protesting against any compensation plan that does not grant the injured employees the privilege of coming under the employer's liability law; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of the Switchmen's Union, in re compensation bills and safety appliances; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of the St. Paul (Minn.) Real Estate Exchange, relative to amending the income-tax provision of the pending tariff bill; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the sixth biennial session of the Switchmen's Union of North America, protesting against the passage of any of the proposed workmen's compensation bills; to the Committee on the Judiciary.

SENATE.

THURSDAY, *July 10, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Monday last was read and approved.

RETIRED OFFICERS OF THE ARMY (S. DOC. NO. 124).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the Senate of May 1, 1913, a statement as called for in paragraph 4 of the resolution, showing the avocations in civil life of retired officers of the Army who are engaged in such avocations as reported by themselves upon call from the War Department, which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SMITH of Maryland presented a petition of the Just Franchise League, of Talbot County, Md., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

Mr. WILLIAMS. I present resolutions adopted by the Chamber of Commerce of Natchez, Miss., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Natchez Chamber of Commerce relative to the governmental control of the Mississippi River.

Whereas the Mississippi River from Cairo to the Gulf of Mexico is not only the great natural artery of our interstate commerce and the natural outlet through which the excess of the production of our great valley above what is needed for home consumption should seek a market in foreign lands, but is also the channel provided by the Creator through which the accumulated waters from rains and snows flowing from 31 States of our Union must finally reach the ocean; and

Whereas the disastrous overflows of the two successive years of 1912 and 1913—bringing terror to the hearts and causing untold anguish to the minds of thousands of men and women, and whereby hundreds of lives were lost, millions of dollars in property were destroyed, traffic by rail was interrupted, and business was paralyzed through a large section of our common country—have served to demonstrate that our present system of levees is utterly inadequate to restrain within proper bounds the accumulated floods of waters which annually flow southward to the Gulf of Mexico, and have further served to demonstrate the fact that the problem before us is a national problem and one which can be properly handled only by the Federal Government; and

Whereas the tremendous damage and destruction of property in the States of the lower Mississippi Valley does not result from conditions in those States alone but from conditions in many States, and can not be averted or prevented by the individual States directly and most disastrously affected, but can only be controlled and prevented by the Federal Government, whose power and authority extend to all the States; and

Whereas the situation is one that demands prompt and governmental action, with constitutional limits, accompanied by largely increased appropriations to be expended under the direction of the most experienced and skilled engineers in order to prevent a recurrence during the next succeeding years of the tremendous disasters of 1912 and 1913: Therefore be it

Resolved by the Natchez Chamber of Commerce, That the Congress of the United States in the exercise of its constitutional power and authority to provide for the general welfare to regulate commerce between the States should, as speedily as possible, enact a law providing for the taking over and maintenance by the Federal Government of the entire levee system from Cairo to the Gulf of Mexico, and for raising and strengthening the same, and for protecting the levees and the banks of the river from sloughing and caving by a complete and scientific system of revetments, spur dikes, and breakwaters, to the end that the floods of waters passing periodically through the channel of the lower Mississippi River may be kept within proper bounds; that the value and utility of the river as a medium of interstate commerce may be increased, and that the arable lands on either shore, which have been annually subjected to the menace of overflow and often to actual inundation, may be insured of adequate protection, and further providing for the appropriation of ample funds for accomplishing the ends desired.

Resolved further, That the levee system alone, as heretofore maintained, is insufficient for either the improvement of the navigation of the river or for the protection from overflow of the arable lands adjacent thereto; and that to achieve satisfactory results the levee system must be supplemented by revetments and spur dikes to prevent the banks of the river from caving and to control the direction of the current, and also by properly constructed and controlled outlets or spillways at suitable points to be determined by the engineers to assist in carrying to the Gulf the accumulated flood waters whenever the volume becomes greater than the discharging capacity of the natural mouth of the river.

Resolved further, That we oppose the divorcement of the Red River from the Mississippi, and respectfully urge Congress to enact proper and sufficient laws providing for the maintenance of a deep channel from the Mississippi River up to the mouth of the Red and thence down the Atchafalaya as the great natural outlet or spillway for waters of the Mississippi in times of excessive floods.

Resolved further, That a copy of these resolutions be mailed to each of the Senators and Representatives in Congress from the States of Mississippi and Louisiana; and that they be, and are hereby, requested and urged to advocate with all their influence the enactment of laws for the accomplishment of the results and purposes set forth and recommended in the foregoing resolutions, and providing ample appropriations extending over a period of years so as to insure the ends desired.

Resolved further, That the Natchez Chamber of Commerce does expressly refrain from criticizing or indorsing either of the bills now pending before Congress for the regulation and control of the Mississippi River and for the improvement of the navigation thereof, believing that whichever bill may be finally adopted will be first materially amended, and recognizing the meritorious features of both, and having confidence that the patriotism, zeal, and ability of the Senators and Representatives in Congress from Mississippi and Louisiana will insure that whichever bill may become a law shall have embodied in it the best possible provisions for our protection.

Mr. WILLIAMS. I present a concurrent resolution of the Legislature of Mississippi, which I ask may be printed in the RECORD and referred to the Committee on Claims.

There being no objection, the concurrent resolution was referred to the Committee on Claims and ordered to be printed in the RECORD, as follows:

House concurrent resolution 4.

A concurrent resolution memorializing the Congress of the United States to pass necessary laws to enable riparian owners along the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, to secure compensation for the annual inundation and destruction for agricultural purposes of their lands, owing to the construction of Government works on the west bank of the Mississippi, and owing to the failure of Congress, after repeated efforts of said riparian owners, to grant any compensation or to adopt any adequate measure of relief although such compensation and such relief were strenuously recommended to Congress by the Mississippi River Commission.

Whereas there are in the county of Warren 21,000 acres of arable land capable of producing 15,000 bales of cotton annually; and in the county of Claiborne 10,000 acres of arable land, capable of producing 7,500 bales of cotton annually; and in the county of Jefferson 18,000 acres of arable land, capable of producing 13,000 bales of cotton annually; and in the county of Adams 12,000 acres of arable land, capable of producing 9,000 bales of cotton annually; and in the county of Wilkinson 9,000 acres of arable land, capable of producing 7,000 bales of cotton annually; and

Whereas these lands front upon the Mississippi River and unprotected by levees, and the United States Government has steadfastly refused to cooperate with the riparian owners in these counties in the erection of levees, but has instead adopted the hills in the rear of these properties as and for levees in the interest of navigation, thus placing the lands of these riparian owners in the channel of the river in the time of high water; and

Whereas these lands, until recent years, were capable of being thoroughly cultivated and utilized for agricultural purposes and were of considerable value to their respective owners and yielded large returns to the counties in which they were located, and to the State of Mississippi, by reason of their assessed valuation upon the tax rolls of said counties and State; and

Whereas the gradual elevation of the flood line and subsequent floods and high water have resulted in the buildings on said lands being floated off the property of said riparian owners, their fences being totally destroyed, their drainage ditches being filled up, their once splendid fields being covered with superinduced additions of earth, sand, gravel, and seeds of noxious weeds, and the assessed values of their respective properties reduced to a nominal figure by reason of the destruction of their productive capacity; and

Whereas this result is entirely due to the construction of levees by the Government on the western bank of the Mississippi River in the States of Louisiana and Arkansas, as well as to the nonerection of corresponding levees on the fronts of the lands of these riparians, which said facts are now admitted by the Mississippi River Commission in their report of June 30, 1910 (p. 2937), to wit: "* * * The elevation of the general flood level, which has resulted from the extension of the levee system in recent years, subjects these lands to deeper overflow than they were subject to formerly, or would be subject to now if the levee system were not in existence. * * * The people living in the larger of these overflowed areas have been clamoring for aid in the building of levees to protect their lands for 16 years past. * * * The immediate cause of the injuries complained of is the increased elevation of flood heights. That is the result of the general confinement of flood discharges by the levee system as a whole. * * * The situation is pathetic and distressing in the highest degree. That these people are to be condemned to perpetual inundation, without possibility of relief or redress, for the sake of an improvement for which their fellow citizens are enjoying great benefits, is intolerable to any man's sense of justice." The commission conclude their report from which the above extracts have been made by recommending to Congress three modes of compensation: One is to assist the owners of the inundated lands by helping them to build levees; another is to compensate them in damages for the injuries which they have sustained; a third is to buy their lands and devote them to forestry. (See Report Mississippi River Commission, 1910, p. 2937.)

Whereas under the law as it now exists said riparians are without legal redress against the Government of the United States, and Congress has refused to grant them aid in building of levees after an elaborate presentation has been given to the Sixty-second Congress in 1913: Therefore be it

Resolved by the Legislature of the State of Mississippi, That the Congress of the United States is memorialized and requested to pass Senate bill No. 1143, introduced in the Sixty-third Congress, April 7, 1913, "To confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the taking of private property and damage thereto as the result of the improvement of the Mississippi River for navigation," to the end that the owners of said riparian lands in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson may have a right of redress against the Government of the United States for the injuries which they may be able to prove that they have sustained by reason of the construction by the Government of the Mississippi River levee system, as so strenuously demonstrated by the Mississippi River Commission in their said report of June 30, 1910, on page 2937 of said report.

Resolved further, That the Members of Congress of the State of Mississippi are requested and urged to make special effort to carry into effect the purpose of this memorial.

STATE OF MISSISSIPPI,
HOUSE OF REPRESENTATIVES.

I, the undersigned clerk of the House of Representatives of the said State of Mississippi, do hereby certify that the above and foregoing is a true and correct copy of house concurrent resolution No. 4, introduced in the house of representatives by the Hon. David C. Bramlette, jr., representative from Wilkinson County, on June 10, 1913, and passed by the house on June 13, 1913, and sent to the senate under suspension of the rules at once, and passed by the senate on June 13, 1913, as shown by the journals of the said two houses, in extraordinary session assembled.

In witness whereof I have hereunto set my hand on this June 14, A. D. 1913.

STOKES V. ROBERTSON,
Clerk of the House of Representatives.

Mr. WEEKS presented a resolution adopted by the Board of Trade of Cambridge, Mass., favoring the reduction of the rate on first-class mail matter to 1 cent, which was referred to the Committee on Post Offices and Post Roads.

He also presented sundry papers to accompany the bill (S. 1583) granting a pension to Sarah W. Loud, which were referred to the Committee on Pensions.

Mr. GOFF presented memorials of 115 employees of Mines Nos. 1 and 2, of 200 employees of Mine No. 3, of 203 employees of Mine No. 4, of 105 employees of Mine No. 5, of 222 employees of Mine No. 6, of 166 employees of Mine No. 7, of 87 employees of Mine No. 8, of 102 employees of Mine No. 9, of 85 employees of Mine No. 10, of 154 employees of Mine No. 11, of 144 employees of Mine No. 12, of 11 stock-holding employees of Mine No. 12, of 16 stock-holding employees of Mine No. 11, of 6 stock-holding employees of Mine No. 10, of 22 stock-holding employees of Mine No. 9, of 5 stock-holding employees of Mine No. 8, of 18 stock-holding employees of Mine No. 7, of 11 stock-holding employees of Mine No. 6, of 18 stock-holding employees of Mine No. 5, of 41 stock-holding employees of Mine No. 4, of 46 stock-holding employees of Mine No. 3, and of 13 stock-holding employees of Mine No. 2, all of the West Virginia Coal & Coke Co., in the State of West Virginia, remonstrating against the proposed dissolution of the United States Steel Corporation and its subsidiary corporations, which were referred to the Committee on the Judiciary.

LEGISLATIVE DRAFTING BUREAU.

Mr. OWEN submitted a report (No. 73) to accompany the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress, heretofore reported by him.

HOUSING COMMISSION OF THE DISTRICT OF COLUMBIA.

Mr. WORKS. From the Committee on the District of Columbia I report back favorably without amendment the joint resolution (S. J. Res. 39) providing for a housing commission, and for other purposes, and I submit a report (No. 74) thereon. I ask for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. CHAMBERLAIN. Let it be read, Mr. President.

The VICE PRESIDENT. It will be read for information by the Secretary.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the President be, and he is hereby, directed to appoint a commission of five persons, three women and two men, who shall serve without compensation, to devise plans and the means of caring for and housing the indigent, improvident, and needy population of the District of Columbia, to be known as the housing commission.

It shall be the duty of said commission to ascertain and report to the President, who shall transmit the same to Congress, with his own views thereon and any suggestions he may desire to make, the following:

First. A suitable location for a sufficient number of model sanitary houses for the accommodation of such persons as should be cared for under the direction of the National Government.

Second. The kind and probable cost of such suitable houses as may be needed for the proper housing and care of such persons.

Third. The best means of renting or otherwise providing such houses for persons able to make compensation therefor.

Fourth. The best and most practicable way of policing, superintending, and securing proper care and sanitation of such houses, and the grounds provided for their construction, and of improving the moral and sanitary conditions of the people so provided for.

Fifth. Any other data or facts that the commission may desire to submit and suggestions it may desire to make as to the kind of legislation needed to carry out such plan as it may report for the better housing and care of such persons.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BRANDEGEE. I wish to ask the Senator from California if this is a unanimous report from the committee.

Mr. WORKS. It is. It involves an investigation, and does not bind the Government to anything, and does not cost anything.

Mr. BRANDEGEE. I understand that it was recommended by the District Commissioners.

Mr. WORKS. Yes.

Mr. BRANDEGEE. I have no objection to it.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL LAND DISTRICT IN ARIZONA.

Mr. SMITH of Arizona. I report back from the Committee on Public Lands favorably, with an amendment, the bill (S. 2548) to create an additional land district in the State of Arizona, and I submit a report (No. 75) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMITH of Arizona. In the original bill certain counties were described. The department has by description of metes and bounds included the same territory. So the committee amendment is only a change in a description of the land, which includes the same territory that was described in the original bill.

The amendment was, on page 1, line 4, after the word "contained," to strike out "in the following-named counties, to wit, Pima, Santa Cruz, Cochise, Gila, Greenlee, and Graham" and to insert:

Beginning at the southeast corner of the State of Arizona; thence north along the boundary line between the States of Arizona and New Mexico to the southeast corner of township 5 north, range 31 east of the Gila and Salt River meridian; thence west along the township line to the southwest corner of township 5 north, range 28 east; thence north along the range line to the northeast corner of township 8 north, range 27 east; thence west along the second standard parallel north to the southeast corner of township 9 north, range 25 east; thence north along the range line to the northeast corner of said township; thence west along the township line to the southeast corner of township 10 north, range 21 east; thence north along the range line to the northeast corner of said township; thence west along the township line to the southeast corner of township 11 north, range 18 east; thence north along the range line to the northeast corner of said township; thence west along the surveyed and unsurveyed township line to the southwest corner of township 12 north, range 16 east, when surveyed; thence north along the unsurveyed range line to the northwest corner of said township; thence west along the third standard parallel north to the northeast corner of township 12 north, range 10 east; thence south along the range line to the southeast corner of said township; thence west along the township line to the northwest corner of township 11½ north, range 11 east; thence south along the surveyed and unsurveyed range line, allowing for the proper offsets, to the southwest

corner of township 2 north, range 11 east, when surveyed; thence east along the surveyed and unsurveyed township line to the northeast corner of township 1 north, range 15 east; thence south along the range line to the southeast corner of said township; thence east along the base line to the northeast corner of unsurveyed township 1 south, range 15 east; thence south along the surveyed and unsurveyed range line to the northwest corner of township 4 south, range 16 east; thence east along the township line to the northeast corner of township 4 north, range 17 east; thence south along the range line to the southeast corner of said township; thence east along the unsurveyed township line to the northeast corner of unsurveyed township 5 south, range 18 east; thence south along the surveyed and unsurveyed range line to the southeast corner of township 10 south, range 18 east; thence west along the second standard parallel south to the southeast corner of unsurveyed township 10 south, range 1 west; thence north along the Gila and Salt River principal meridian to the northeast corner of said township; thence west along the second standard parallel south to the northwest corner of township 10 south, range 10 west; thence south along the unsurveyed range line to its intersection with the south boundary of Arizona; thence southeasterly and easterly along said boundary to the southeast corner of the State of Arizona, the place of beginning.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF DOCUMENTS.

Mr. SMOOT. From the Committee on Printing I report back favorably, with amendments, Senate resolution 122, and ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution submitted by Mr. OVERMAN June 26, 1913, as follows:

Resolved, That certain old documents and pamphlets now in the Senate folding room known as "surplus documents" and not credited to the account of any Senator shall be disposed of under the direction of the Sergeant at Arms as follows:

First. From a schedule thereof to be furnished by the Sergeant at Arms each Senator shall be entitled to select and distribute such of said documents and pamphlets as he may desire, the same to be taken from the Senate folding room within a period of six months from the date of the adoption of this resolution. At the expiration of that period of time the Sergeant at Arms is hereby authorized to dispose of the residue of said documents to the several executive departments, bureaus, offices, and commissions of the Government which may desire the same, or to sell the same as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That said surplus documents and pamphlets shall be subject to the order of Senators in the order in which applications therefor are filed with the Sergeant at Arms.

Second. That certain obsolete documents and pamphlets in the folding room, described in a schedule prepared under the direction of the Sergeant at Arms now to the credit of Senators and which are seldom drawn upon and for which there is little demand, be disposed of under the direction of the Sergeant at Arms as follows: At the expiration of eight months from the date of the adoption of this resolution such of the said documents and pamphlets as are not disposed of and taken from the folding room by the Senators to whom they are credited shall be disposed of by the Sergeant at Arms to the several executive departments, bureaus, offices, and commissions of the Government or be sold as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That none of the documents and pamphlets provided to be disposed of by this resolution shall be hereafter returned to the Senate folding room from any source.

The VICE PRESIDENT. The amendments of the committee will be stated.

The SECRETARY. On page 1, beginning in line 11, after the word "resolution" and the period, strike out the text of the resolution down to and including line 4 on page 2 and in lieu of the matter stricken out insert:

Second. At the expiration of six months the Sergeant at Arms is hereby authorized to furnish a list of the residue of said surplus documents to the several executive departments and independent establishments of the Government and to supply their requests for such documents in the order in which application shall be made for a period of 30 days after said list shall have been furnished. At the expiration of the last-named period the Sergeant at Arms is hereby authorized to sell as waste paper all of said surplus documents then remaining in the folding room, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That in case a number of Senators file within 30 days after said schedule is furnished them for a particular document in excess of the number on hand, then they shall be apportioned pro rata among the Senators filing such orders.

Mr. OVERMAN. What change does that make in my original resolution?

Mr. SMOOT. The original resolution had these words:

At the expiration of that period of time the Sergeant at Arms is hereby authorized to dispose of the residue of said documents to the several executive departments, bureaus, offices, and commissions of the Government which may desire the same, or to sell the same as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law.

The amendment provides that a certain length of time shall be given to the departments to select what they want, and then, after they have selected whatever they desire, such documents as remain shall be disposed of as stated. In other words, it follows the wording of the law that we now have in disposing of surplus documents in the Government Printing Office itself. The resolution applies to the folding room of the Senate.

The amendment was agreed to.

The next amendment was, on page 2, line 5, to strike out the first word in the paragraph, the word "Second," and to insert in lieu thereof the words "*Resolved further*."

The amendment was agreed to.

The next amendment was, on page 2, lines 6 and 7, to strike out the words "prepared under the direction of" and in lieu thereof to insert "to be furnished by."

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the word "months," to strike out the word "eight" and insert the word "six."

The amendment was agreed to.

The next amendment was, on page 2, line 13, to strike out the first three words in the line, the words "disposed of and."

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the words "Sergeant at Arms," to strike out the remainder of the line, all of lines 16 and 17, and line 18 down to and including the word "law," and to insert in lieu thereof as follows:

First. At the expiration of six months the Sergeant at Arms is hereby authorized to furnish a list of the residue of said obsolete documents and pamphlets to each Senator, and to supply their requests therefor in the manner hereinbefore provided for the distribution of surplus documents for a period of 60 days.

Second. At the expiration of the last-named period the remainder of said obsolete documents and pamphlets shall be disposed of as hereinbefore provided for surplus documents.

The amendment was agreed to.

The next amendment was, on page 2, line 19, before the word "documents," to insert the words "surplus or obsolete."

The amendment was agreed to.

Mr. OVERMAN. I think that is substantially my resolution. There are a few minor changes. I hope the resolution will be adopted as amended.

The resolution as amended was agreed to, as follows:

Resolved, That certain old documents and pamphlets now in the Senate folding room known as "surplus documents" and not credited to the account of any Senator shall be disposed of under the direction of the Sergeant at Arms, as follows:

First. From a schedule thereof to be furnished by the Sergeant at Arms each Senator shall be entitled to select and distribute such of said documents and pamphlets as he may desire, the same to be taken from the Senate folding room within a period of six months from the date of the adoption of this resolution.

Second. At the expiration of six months the Sergeant at Arms is hereby authorized to furnish a list of the residue of said surplus documents to the several executive departments and independent establishments of the Government and to supply their requests for such documents in the order in which application shall be made for a period of 30 days after said list shall have been furnished. At the expiration of the last-named period the Sergeant at Arms is hereby authorized to sell as waste paper all of said surplus documents then remaining in the folding room, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That in case a number of Senators file within 30 days after said schedule is furnished them for a particular document in excess of the number on hand, then they shall be apportioned pro rata among the Senators filing such orders.

Resolved further, That certain obsolete documents and pamphlets in the folding room, described in a schedule to be furnished by the Sergeant at Arms, now to the credit of Senators and which are seldom drawn upon and for which there is little demand, be disposed of under the direction of the Sergeant at Arms, as follows: At the expiration of six months from the date of the adoption of this resolution such of the said documents and pamphlets as are not taken from the folding room by the Senators to whom they are credited shall be disposed of by the Sergeant at Arms as follows:

First. At the expiration of six months the Sergeant at Arms is hereby authorized to furnish a list of the residue of said obsolete documents and pamphlets to each Senator and to supply their requests therefor in the manner hereinbefore provided for the distribution of surplus documents for a period of 60 days.

Second. At the expiration of the last-named period the remainder of said obsolete documents and pamphlets shall be disposed of as hereinbefore provided for surplus documents: *Provided*, That none of the surplus or obsolete documents and pamphlets provided to be disposed of by this resolution shall be hereafter returned to the Senate folding room from any source.

STATUE OF ZACHARIAH CHANDLER.

Mr. SMOOT. From the Committee on Printing I report back with an amendment Senate concurrent resolution No. 5, providing for the printing and binding of the proceedings attending the unveiling and acceptance of the statue of Zachariah Chandler, and I ask unanimous consent for its present consideration.

Mr. WILLIAMS. I should like to hear some explanation as to why that request should be made. What peculiar reason is there for it?

Mr. SMOOT. I will state to the Senator that it is the usual form of such resolutions. The senior Senator from Michigan [Mr. SMITH] gave notice that at 3 o'clock on July 28, 1913, he would call up Senate resolution 119 and address the Senate relative to the public service of Zachariah Chandler in connection with the presentation of the statue, which, of course, will be placed in Statuary Hall.

Mr. TOWNSEND. The statue is already in position.

Mr. SMOOT. I am informed that it is already in the hall. This is simply such a resolution as we always pass authorizing

the proceedings at the unveiling and acceptance of the statue to be printed.

Mr. WILLIAMS. He is the man who held the Tilden-Hayes campaign decision with a mailed fist, is he not?

Mr. SMOOT. I am not in a position to decide that question; it cuts no figure here. This is a resolution similar to those we always pass in such cases.

Mr. WILLIAMS. I have no objection.

The VICE PRESIDENT. There being no objection, the resolution will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Resolved, etc., That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zachariah Chandler, presented by the State of Michigan, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Michigan.

The amendment was, on page 1, line 2, after the word "bound," to insert the words "with illustrations."

Mr. WILLIAMS. What are the illustrations?

Mr. SMOOT. There is simply one illustration in all public documents of this character, and that is a cut of the person in whose honor the services are held.

Mr. WILLIAMS. Then, instead of "illustrations," it ought to be "illustration."

Mr. SMOOT. I simply used the word which has been in other similar resolutions.

Mr. WILLIAMS. I am perfectly willing that shall be done. I simply wanted to know what it was.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

CONTINUOUS RESIDENCE UNDER HOMESTEAD LAWS.

Mr. PITTMAN. From the Committee on Public Lands I report back favorably with amendments the bill (S. 1350) authorizing the Secretary of the Interior to designate certain tracts of land in the State of Nevada upon which continuous residence shall not be required under the homestead laws, and I submit a report (No. 76) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of the bill just reported by him from the Committee on Public Lands. Is there objection?

Mr. POINDEXTER. I should like to have the bill read.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Public Lands were, on page 1, line 4, after the words "in the," to strike out "State of Nevada" and insert "States of Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Washington, and Wyoming"; in line 10, before the word "million," to strike out "two" and insert "one"; in line 11, after the word "acres," to insert "in each State"; on page 2, line 1, after the word "than," to strike out "one-eighth" and insert "one-sixteenth"; in line 2, before the word "during," to strike out "one-fourth" and insert "one-eighth"; and in line 3, before the word "during," to strike out "one-half" and insert "one-fourth," so as to make the bill read:

Be it enacted, etc., That whenever the Secretary of the Interior shall find that any tracts of land in the States of Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Washington, and Wyoming, subject to entry under the act to provide for an enlarged homestead, approved February 19, 1909, do not have upon them a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 1,000,000 acres in each State, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-sixteenth of the entire area of the entry during the second year, one-eighth during the third year, and one-fourth during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him to successfully farm the same.

The amendments were agreed to.

Mr. JONES. I wish to ask the Senator from Nevada if this bill is not practically a repetition of the enlarged homestead act?

Mr. PITTMAN. I will answer the Senator from Washington by stating that this bill is identical with section 6 of that act, which only applied to the State of Nevada; but the bill proposes to extend that act so as to apply to the other Western States named in the amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to designate certain tracts of land in the States of Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Washington, and Wyoming upon which continuous residence shall not be required under the homestead laws."

ALLEGED SECRET HEARING OF SENATE COMMITTEE.

Mr. OVERMAN. Mr. President, I rise to a question of personal privilege. I read from page 2342 of the CONGRESSIONAL RECORD of yesterday as follows:

The Clerk read as follows:

"Amend by inserting, after the word "Congress," in line 9, page 3, the following:

"'All meetings of said committee or any subcommittee, excepting only executive sessions, shall be open to the public.'"

Mr. COOPER. Mr. Speaker, on Saturday I withdrew that amendment, and moved to amend by striking out the word "executive" and inserting "all meetings for the hearing of witnesses or the taking of testimony by any committee or subcommittee shall be open to the public."

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. BARTLETT. Meetings are very often held in which neither testimony is taken nor witnesses heard, but they are held for the purpose of hearing arguments. Does the gentleman want those to be private? Does he not want all to be public except executive sessions? It occurs to me that the first amendment offered by the gentleman covers the case, and that is the practice, so far as I am aware, which has been followed by all committees. In those upon which I have served, at least, the taking of testimony and the hearing of arguments have all been public, so far as I have any knowledge of what has happened, and I have served on a good many committees that have taken a good deal of testimony.

Mr. COOPER. I have known of hearings before State legislatures——

Mr. BARTLETT. But I am speaking about this Congress.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. MURDOCK. At a meeting of a Senate committee yesterday there was a secret hearing.

I want to say, Mr. President, that if Mr. MURDOCK was referring to the "lobby committee"—and I suppose it was to that committee he was referring—I know not what the source of his information was. I know of no meeting of a Senate committee on yesterday except that of the committee known as the "lobby committee." As I have said, I do not know from what source the gentleman derived his information, but there is not one solitary word of truth in his statement. The Senate "lobby committee" has been holding open hearings—hearings open to all the public. We have never had one single, solitary secret meeting. We have had, I believe, three executive sessions, purely upon questions of the admissibility of testimony. The first executive meeting we held was in reference to a protest upon the part of Mr. Oxnard, represented by his counsel, that his letters should not be read into the hearings. We retired and discussed the question of law, and decided that they should be read. To-day we had an executive session to decide the question whether or not certain letters addressed to Senators of the United States by Mr. William Whitman in 1897 should be read in evidence. The witness upon the stand, Mr. Whitman, protested against their introduction. We decided that they should be read in evidence.

Mr. LA FOLLETTE. And you did right.

Mr. OVERMAN. I think we did right. We had another executive session, I believe, in reference to the gentleman known as Mr. Lamar. Before answering a question that was put to him he said he would like to consult with the committee confidentially, as he thought when we heard him that we would not press the question. The executive session was held purely upon that question, not affecting the lobby investigation but affecting domestic matters; and we declined to press the question. Yet we are charged by a Member of the other House with holding secret hearings.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. OVERMAN. I do.

Mr. POINDEXTER. I should like to make a parliamentary inquiry. Are comments of this kind in the Senate upon proceedings in the House of Representatives in order?

Mr. OVERMAN. The Senator from Washington, I suppose, objects to my proceeding?

Mr. POINDEXTER. I should like to understand what the rule of the Senate is in that regard.

The VICE PRESIDENT. There is no rule of the Senate upon the question.

Mr. OVERMAN. I do not think that ordinarily——

Mr. POINDEXTER. I should like to inquire further, if it is in order, under the rules of the Senate, to comment upon proceedings in the House of Representatives and to make charges against Members of that House for their action as Members?

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. The inquiry, as the Chair understands, is put to the Chair and not to the Senator from North Carolina. The Chair will state that it is the opinion of the Chair that as a self-governing body it is for the Senate to determine how far its Members may go in commenting upon language used in any other body.

Mr. POINDEXTER. I make the inquiry in order that there may be some clear understanding upon the subject. It seems to be in doubt. I understand, then, that there is no rule and no restriction as to comments here upon proceedings in the House of Representatives.

Mr. OVERMAN. In answer to the Senator, I will say that since I have been a Member of the Senate ordinarily out of courtesy it is not in order to refer to the Members of the other House, but in this instance a Member of the House has referred to the Senate. I know Mr. MURDOCK; he is a high-toned gentleman; and a man who would not make a misstatement if he knew it. I said at the outset that I did not know from what source he received his information. I take it for granted that he has been misinformed. The only point I make is that when a Member of another body makes an allegation against a Member of this body a Member of this body has a right to rise in his seat and refer to the statement made in another body.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield further to the Senator from Washington?

Mr. OVERMAN. I yield.

Mr. POINDEXTER. It seems to me perfectly obvious that this proceeding is objectionable for many reasons, even if not contrary to the rules of the Senate. The gentleman to whom the Senator has referred is not present, and can not be present, and if he were present he would not have an opportunity to reply. I did not hear distinctly the portion of the RECORD which the Senator read, but, so far as I heard it, there was no reference to the Senate; there was no reference to any committee of the Senate; and it is a mere inference that the Senator is drawing from what was said there. I have never heard the remark before.

Mr. OVERMAN. The Senator surely did not hear what I read.

Mr. POINDEXTER. I have said that I may not have heard it distinctly.

Mr. OVERMAN. It was said "At a meeting of a Senate committee."

The Senate was not present to hear that statement made, and where is the Senate to defend itself unless it does so upon the floor of the Senate?

Mr. POINDEXTER. It seems to me that the House of Representatives is fully capable of enforcing proper rules in that body and to put a stop to any objectionable comments upon the coordinate branch of Congress.

Mr. OVERMAN. Well, if the Senator thinks the Speaker of the House ought to have called Mr. MURDOCK to order, he did not do so, and unless the matter is referred to here we are without any defense.

Mr. POINDEXTER. I think, Mr. President, either the Speaker of the House or some other Member of the House, if there was any breach of propriety, ought to have raised the question there.

Mr. OVERMAN. If some Member of the Senate should make an attack upon the Senator from Washington, he not being present, would the Senator think he had no right to defend himself upon the floor of the Senate?

Mr. POINDEXTER. That is an entirely different question. Undoubtedly if a Member of the Senate should make an attack upon another Senator, that Senator would have the right to reply.

Mr. OVERMAN. I mean if a Member of the House should attack a Member of the Senate.

Mr. CUMMINS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Iowa will state his point of order.

Mr. CUMMINS. The point of order is that the Senator from North Carolina [Mr. OVERMAN] is proceeding with a discussion. The Senator from Washington has not made, as I understand, a point of order against the propriety of that discussion, and until he does so the colloquy between the Senator from Washington and the Senator from North Carolina is out of order.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order of the Senator from Iowa. The Senator from North Carolina will proceed.

Mr. POINDEXTER. Mr. President, I understood that the Senator from North Carolina had the floor and that he yielded the floor to me, and I do not understand that it is necessary for me, in order to be in order, to adapt my remarks to suit the approval of the Senator from Iowa. There is no rule as to what a Senator's remarks shall be or what they shall not be, so far as the approval of other Senators is concerned; but, inasmuch as the Senator has raised the question, I will, in order to get a ruling upon it, make the point of order that the criticisms and comments of the Senator from North Carolina upon the proceedings in the House of Representatives are out of order.

The VICE PRESIDENT. The Chair will call on the Senator from Washington to state the rule under which they are out of order.

Mr. OVERMAN. I will wait, Mr. President, until the Senator from Washington finds that rule.

Mr. POINDEXTER. I submit the question to the Chair. I will submit the rule a little later, if the Chair will give me permission to do so.

The VICE PRESIDENT. The Chair thinks that, in fairness to the Chair, the Senator from Washington should call the Chair's attention to the rule.

Mr. POINDEXTER. I will undertake to do so, Mr. President.

The VICE PRESIDENT. Very well. In the meantime the Senator from North Carolina will proceed.

Mr. OVERMAN. Mr. President, I was just about finishing when the Senator from Washington rose, and I had a curiosity to know what the Senator had to say about this matter. The statement I have read is a reflection upon the Senate, and I, as chairman of the committee, felt it my duty to rise and correct it. I want to repeat that I know Mr. MURDOCK, and know him to be an honorable gentleman, who would not make a misstatement if he knew it; but the source of his information is incorrect. The Senate "lobby committee" has not had any secret hearings, and does not propose to have any secret hearings. They have had three executive sessions on the question of the admissibility of evidence.

Mr. CLARK of Wyoming. Will the Senator permit me a question?

Mr. OVERMAN. I will.

Mr. CLARK of Wyoming. Does the Senator consider it a reflection upon the Senate to say that its proceedings, or a part of its proceedings, are conducted in secret session?

Mr. OVERMAN. Not exactly a reflection, but I myself believe in open hearings, and inasmuch as we have been having open hearings, I did not want to have stated in another body that which was not true.

HOMESTEAD ENTRIES.

Mr. CHAMBERLAIN. From the Committee on Public Lands I report back favorably, with amendments, the bill (S. 598) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads," and I submit a report (No. 77) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The amendments of the Committee on Public Lands were, on page 2, line 6, after the word "required," to strike out "but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation," and in line 19, after the word "the," to strike out the words "foregoing provisions" and insert "above provision," so as to make the bill read:

Be it enacted, etc., That the provisions pertaining to cultivation by entrymen of homestead lands as set forth in the section of the act approved June 6, 1912, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads," be amended to read as follows:

"*Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead law double the area of cultivation herein provided shall be required: *Provided*, That the entryman in lieu of cultivation required herein may make improvements upon his entry by constructing fences or buildings, by slashing, clearing, or in other ways preparing the land for cultivation, by planting orchard, or by otherwise making the homestead habitable or capable of production, said improvements to aggregate an amount each year of not less than $1.50 per acre, except that in cases of entries under section 6 of the enlarged-homestead law the amount of improvements shall be not less than 75 cents per acre: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required."

Mr. CLARK of Wyoming. Mr. President, I understand there is a report accompanying the bill.

Mr. CHAMBERLAIN. There is a report from the Committee on Public Lands to the Senate.

Mr. CLARK of Wyoming. This seems to be a pretty important matter. I do not want to object to the report of the committee, because I should have been present at the committee meeting, but was prevented.

Mr. CHAMBERLAIN. I will say to the Senator, with his permission, that the only change the bill makes in the present law is that in lieu of the cultivation of a sixteenth of the homestead the second year and an eighth the third year the homesteader is authorized to expend a dollar and a half per acre, so that it gives to him the option either to make improvements on the homestead at the rate of one dollar and a half per acre per annum or to cultivate.

Mr. CLARK of Wyoming. It affects the entry in no other way?

Mr. CHAMBERLAIN. That is the only change made in the law. The bill is one that was introduced some time ago by the Senator from Idaho [Mr. BORAH] to relieve the hardship upon the present homesteaders.

Mr. JONES. Mr. President, I should like to ask the Senator from Oregon what the bill as reported provides in lieu of that part of the present law which allows the Secretary of the Interior to make provision with reference to cultivation other than that specifically covered by law?

Mr. CHAMBERLAIN. The committee thought those words in the law were useless and they were stricken out, so that the homesteader can either make improvements the second and third year as provided by the present law or make improvements as provided by the proposed amendment.

Mr. JONES. The bill provides specific improvements in place of the discretion now given to the Secretary of the Interior?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. Very well.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIFFERENCES BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. Mr. President, I file a report (No. 72) to accompany the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees. There is quite a demand for this report, and I ask unanimous consent that a thousand copies of it be printed.

Mr. SMOOT. I will ask the Senator from Nevada if the committee has already ordered any copies of the report printed?

Mr. NEWLANDS. No. As I understand, the usual course is to print 250 copies of a report. I ask that a thousand copies of this one be printed, because the Senator will understand that there is a great demand for this report, in view of the pending contentions between the railroads and their employees.

Mr. SMOOT. I have no objection whatever to printing the thousand copies; but I wish to say to the Senator that under the law the committee over which he presides has a perfect right to order a thousand copies, and there is no necessity to have an order of the Senate.

Mr. NEWLANDS. If that is the case, I will call the committee together for that purpose.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 2688) to increase the limit of cost of the United States public building at Grand Junction, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. McCUMBER:

A bill (S. 2690) for the relief of Andy M. Weller (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 2691) for the relief of John P. Roberson; to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 2692) authorizing the Secretary of the Interior to sell all unsold lots in the town site of Plummer, Kootenai County, Idaho, and for other purposes (with accompanying papers); to the Committee on Public Lands.

A bill (S. 2693) for the relief of Mary Van Deventer (with accompanying papers); to the Committee on Claims.

A bill (S. 2694) for the relief of Joshua Hawkes (with accompanying papers); to the Committee on Military Affairs.

By Mr. GRONNA:

A bill (S. 2695) to provide for the leasing of public lands for grazing purposes; to the Committee on Public Lands.

By Mr. GOFF:

A bill (S. 2696) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 2697) amending the acts relating to the granting of pensions; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2698) for the relief of the estate of Harrison Moulton; to the Committee on Claims.

A bill (S. 2699) granting an increase of pension to William W. Larrabee; to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 2700) granting a pension to Mary F. Turner; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2701) for the relief of Pickens Evans Woodson; to the Committee on Military Affairs.

A bill (S. 2702) waiving the age limit for the appointment as assistant paymaster in the United States Navy in the case of Chief Yeoman R. B. Langsford, United States Navy; and

A bill (S. 2703) waiving the age limit for the appointment as assistant paymaster in the United States Navy in the case of Yeoman Gerald A. Eubank, United States Navy; to the Committee on Naval Affairs.

By Mr. ROBINSON:

A bill (S. 2704) to regulate commerce among the States and Territories and the foreign nations by prohibiting the sending and the transmission of messages relating to the purchase or sale for future delivery of farm products not intended for actual delivery; to the Committee on Interstate Commerce.

A bill (S. 2705) granting a pension to Mathew Whitfield; and

A bill (S. 2706) granting an increase of pension to Z. S. Walker; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 2707) to provide for exchange of lands on reclamation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. TOWNSEND:

A bill (S. 2708) granting an increase of pension to Ada Mann (with accompanying papers); and

A bill (S. 2709) granting an increase of pension to Benjamin McKimmy (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 2710) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 2711) to provide for the acquiring of station grounds by the Great Northern Railway Co. in the Colville Indian Reservation, in the State of Washington; to the Committee on Indian Affairs.

A bill (S. 2712) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States; to the Committee on Pacific Islands and Porto Rico.

A bill (S. 2713) for the relief of Thomas Reid; to the Committee on Claims.

A bill (S. 2714) to authorize the President of the United States to provide transportation and coal-mine development in the Territory of Alaska, and for other purposes; to the Committee on Territories.

A bill (S. 2715) to amend the military record of John P. Fitzgerald; to the Committee on Military Affairs.

A bill (S. 2716) granting a pension to Samuel Rook; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 2717) to change the name of the Indians residing in Robeson and adjoining counties, in the State of North Carolina, who have heretofore been known as "Croatan Indians" or "Indians of Robeson County," to the name "Cherokee Indians of Robeson County"; to the Committee on Indian Affairs.

A bill (S. 2718) granting a pension to Thomas E. Carter (with accompanying paper); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 2719) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the destruction of private property and damage thereto as the result of the construction of levees along and other improvements of the Mississippi River; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 2720) to incorporate the National Committee on Prison Labor; to the Committee on Education and Labor.

By Mr. BRADLEY:

A bill (S. 2721) granting a pension to Creed V. Irvine (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2722) providing for inspection by officers of the Public Health Service of vessels, vehicles, trains, carriages, or other conveyances, depots, etc., engaged in or used in connection with interstate commerce, and authorizing the Secretary of the Treasury to enforce reasonable rules and regulations to maintain the same in a sanitary condition; to the Committee on Public Health and National Quarantine.

A bill (S. 2723) for the relief of the heirs of Mahaly Fields, deceased; to the Committee on Claims.

A bill (S. 2724) providing for the payment of drainage assessments on Indian lands in Oklahoma;

A bill (S. 2725) authorizing the sale of certain lands to the Dwight Mission School, on Sallisaw Creek, Okla.; and

A bill (S. 2726) for the relief of the Iowa Tribe of Indians in Oklahoma; to the Committee on Indian Affairs.

BUREAU OF MINES, PITTSBURGH, PA.

Mr. WALSH. I introduce a bill and ask that it be referred to the Committee on Public Buildings and Grounds.

The bill (S. 2689) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, was read twice by its title.

Mr. WALSH. Mr. President, inasmuch as it is my purpose to ask for the immediate consideration of the bill when a report is made, I trust the Senate will bear with me while I make a brief statement of the nature of the bill.

On the 4th of March, 1913, the general public buildings bill was passed, including a provision for the erection and construction of certain buildings to be used by the Bureau of Mines in the city of Pittsburgh, State of Pennsylvania, upon lands acquired by exchange of lands owned by the Government of the United States with the city of Pittsburgh. Through the lands thus acquired is a deep ravine. Other interests in the neighborhood, jointly with the State of Pennsylvania, have signified a willingness to contribute to the Government a considerable sum of money, about $500,000, for the purpose of filling this ravine, and also for the acquisition of an additional tract of ground amounting to about an acre and a quarter. The bill authorizes the Secretary of the Treasury to accept any donations that may be made for improving the grounds for the purpose to which they have been devoted.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Buildings and Grounds.

THE TARIFF.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to increase the expenditure authorized to be made from the reclamation fund $15,750, or so much thereof as may be necessary, to pay the claims on account of the construction of the Corbett Tunnel and Spillway, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TOBACCO STATISTICS.

Mr. HITCHCOCK submitted the following resolution (S. Res. 127), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to send to the Senate a statement showing in tabulated form for the calendar year 1912 the names and addresses of the 10 largest manufacturers of tobacco, whether smoking, plug, twist, or fine cut, and the number of pounds manufactured by each during the calendar year 1912, and the amount of internal-revenue tax paid by each for the 12 calendar months of 1912; also the total number of pounds of tobacco manufactured by all manufacturers during the same period and the total internal-revenue tax paid thereon.

Second. The names of the 10 largest manufacturers of small cigarettes, together with the number manufactured by each during the calendar year 1912 and the amount of internal-revenue tax paid by each for said period; also the total number of small cigarettes made by all manufacturers during said period and the total internal-revenue tax paid thereon.

Third. The names of the 10 largest manufacturers of large cigarettes, together with the number manufactured by each during the calendar year 1912 and the amount of internal-revenue tax paid by each during said period; also the total number of large cigarettes made by all manufacturers during said period and the total internal-revenue tax paid thereon.

Fourth. The names of the 10 largest manufacturers of cigars weighing more than 3 pounds per thousand, together with the number manufactured by each during the calendar year 1912 and the amount of internal-revenue tax paid by each during said period; also the total number of said cigars made by all manufacturers during said period and the total internal-revenue tax paid thereon.

Fifth. The names of the 10 largest manufacturers of cigars weighing not more than 3 pounds per thousand, together with the number manufactured by each during the calendar year 1912 and the amount of internal-revenue tax paid by each during said period; also the total number of said cigars made by all manufacturers during said period and the total internal-revenue tax paid thereon.

NEW YORK CENTRAL & HUDSON RIVER RAILWAY.

Mr. NORRIS submitted the following resolution (S. Res. 128), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission be instructed to investigate, if it has not the information now in hand, and report to the Senate all the facts and circumstances connected with the proposed issue by the New York Central & Hudson River Railway of 4 per cent mortgage bonds for $167,102,400, for the purpose of taking up outstanding 3½ per cent bonds now existing against said railroad and the stock of the Lake Shore and Michigan Central Railways.

That the commission be instructed to furnish the Senate with the date and amount of all said 3½ per cent mortgage bonds, the reason for their issue, when they mature, whether the issuing of the said 4 per cent bonds for the said 3½ per cent bonds will not be an unwarranted and illegal capitalization of said railroads, whether the proposed consolidation of said railroads involved in the said proposed issue of 4 per cent bonds would not be unwarranted and unlawful, and whether the increase of the rate of interest thus proposed by the issuing of said 4 per cent bonds is necessary, even though the consolidation of said railroads is unobjectionable.

HON. K. I. PERKY.

Mr. BRADY submitted the following resolution (S. Res. 129), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to the Hon. K. I. Perky the sum of $267.12, being the compensation of a Senator of the United States for 13 days—January 25 to February 6, 1913—during which time he served as a Senator from the State of Idaho.

CLAIMS OF IOWA INDIANS.

Mr. OWEN submitted the following resolution (S. Res. 130), which was referred to the Committee on Indian Affairs:

Resolved, That the bill (S. 8117) for the relief of the Iowa Indians, with the accompanying papers, including Senate Document No. 486, Sixty-second Congress, second session, be, and the same is hereby, referred to the Court of Claims for a finding of fact and conclusions of law, under the provisions of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

THOMAS GREEN PEYTON.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 52) to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy. The joint resolution is very short, and I think it will not detain the Senate.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the joint resolution he has indicated. It will be read.

The Secretary read the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Mr. President, I have not had a chance to read the report or to ascertain why the joint resolution should pass. What is the occasion for it? Perhaps the Senator can state it in a few words.

Mr. JOHNSTON of Alabama. This young man had been at West Point for two years and a half. Shortly after going there he was operated on for appendicitis, and suffered to some extent from that, and got behind a little. He was dismissed for demerits, but the superintendent says they were insignificant and in matters that did not at all affect his honor. The Secretary of War approves the bill as a proper one.

Mr. SMOOT. Does the Senator know what the breaches of academy discipline were?

Mr. JOHNSTON of Alabama. The superintendent of the academy says they were very small infractions, such as not folding his blankets properly, and similar little things that did not affect in the slightest his honor, his integrity, or his morality.

Mr. SMOOT. He simply failed, then, on account of demerits?

Mr. JOHNSTON of Alabama. Solely on account of demerits.

Mr. CLARK of Wyoming. He was not a good enough housekeeper; that is all.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to appoint Thomas Green Peyton a cadet in the United States Military Academy.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WATERWAYS OF CANADA AND THE UNITED STATES.

Mr. TOWNSEND. I ask unanimous consent to call up for present consideration Senate resolution 32, Order of Business 21 on the calendar, reported unanimously by the Committee on Foreign Relations.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the President be, and he hereby is, respectfully requested to enter upon negotiations with Great Britain or the Dominion of Canada with a view to an international agreement for the concurrent or cooperative improvement of navigation in waterways used, or which can be used, in common for the commerce of Canada and the United States.

Mr. POINDEXTER. I should like to have some explanation from the Senator who has called up the resolution as to its scope. Does it include the Panama Canal?

Mr. TOWNSEND. It includes simply in its terms waterways used, or which can be used, in common for the commerce of Canada and the United States. That involves the Great Lakes, the St. Lawrence River, the Columbia River, and those international streams which can not properly or readily be improved by either country alone, but the improvement of which can better be accomplished by the joint action of the two countries.

Mr. POINDEXTER. It seems to me that the resolution ought to be amended so as to confine its terms to that subject. It is not so limited now. Any navigable water can be used in common between the United States and Canada.

Mr. TOWNSEND. If it will suit the Senator from Washington better, it may be made to read "for the concurrent or cooperative improvement of navigation in boundary waterways used, or which can be used, in common" and so forth. Those are the only waterways that would be improved by joint action.

Mr. POINDEXTER. I think that would be much better.

Mr. TOWNSEND. If the Senator will offer that amendment, I shall not object to it.

Mr. POINDEXTER. In line 5, before the word "waterways," I move to insert the word "boundary," so as to read:

With a view to an international agreement for the concurrent or cooperative improvement of navigation in boundary waterways used—

And so forth.

The amendment was agreed to.

The resolution as amended was agreed to.

THE CALENDAR.

Mr. ASHURST. I move that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The VICE PRESIDENT. The morning business having closed, that is now the order.

Mr. ASHURST. Very will.

The VICE PRESIDENT. The first bill on the calendar will be stated.

The SECRETARY. A bill (S. 922) providing——

Mr. SMOOT. I should like to ask whether the motion of the Senator from Arizona was put?

The VICE PRESIDENT. The next business in order is to take up unobjected bills and resolutions on the calendar.

Mr. SMOOT. That is what I wanted the Senate to do.

MARSHAL FOR DISTRICT OF NEVADA.

The bill (S. 922) providing for an increase of salary of the United States marshal for the district of Nevada was announced as first in order on the calendar, and the Senate, by unanimous consent, proceeded to its consideration. It provides that from and after the passage of this act the salary of the United States marshal for the district of Nevada shall be at the rate of $3,500 a year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COL. RICHARD H. WILSON.

The bill (S. 662) for the relief of Col. Richard H. Wilson, Fourteenth Infantry, United States Army, was considered as in Committee of the Whole. It exonerates Col. Richard H. Wilson, Fourteenth Infantry, United States Army, from all responsibility for the loss of the sum of $7,181.64 at Fort William Henry Harrison, Mont., on or about May 16 to 20, 1912, and directs the accounting officers of the Treasury to credit in the accounts of Capt. Charles W. Castle, paymaster, the sum of $7,181.64.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CLERKS TO SENATORS.

The next business on the calendar was Senate resolution 19, to authorize the allowance of an additional clerk to Senators having less than three.

Mr. KERN. I object to the consideration of the resolution.

The VICE PRESIDENT. Objection is made, and the resolution will be passed over.

DIPLOMATIC AND CONSULAR SERVICE.

Senate resolution 65, directing the Committee on Foreign Relations to report to the Senate certain information relative to employees in the Diplomatic and Consular Service of the United States, was announced as next in order.

Mr. SMOOT. Let the resolution go over.

Mr. BURTON. I ask that the resolution may go over.

The VICE PRESIDENT. Being objected to, the resolution will be passed over.

JOSEPH HODGES—CACHE NATIONAL FOREST.

The bill (S. 540) for the relief of Joseph Hodges was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue a patent to Joseph Hodges for the following-described lands: The southwest quarter of the northeast quarter and the south half of the northwest quarter of section 29; the south half of the northeast quarter and the southeast quarter of the northwest quarter of section 30; the west half of the southeast quarter and the west half of the northeast quarter of section 15; the southwest quarter of the southeast quarter of section 10, all in township 13 north, range 5 east of Salt Lake meridian, upon the transfer by the said Joseph Hodges to the United States of the northeast quarter of the southeast quarter of section 3; the southwest quarter of the southwest quarter of section 26; the southwest quarter of the southwest quarter of section 27; the south half of section 16, all in township 14 north, range 4 east of Salt Lake meridian, situate in the Cache National Forest. Upon the reconveyance of the surrendered lands they will become a part of the Cache National Forest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. W. O'MELVENY.

The bill (S. 488) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue patent to H. W. O'Melveny for the following real property situated in the county of Los Angeles, State of California, more particularly described as follows, to wit: The east half of the northeast quarter of the northwest quarter, and the northwest quarter of the northwest quarter of the northeast quarter, and the north half of the southwest quarter of the northwest quarter of the northeast quarter, and the southwest quarter of the southwest quarter of the northwest quarter of the northeast quarter, and the west half of the west half of the northeast quarter of the northwest quarter of the northeast quarter, all in section 7, township 1 north, range 9 west, San Bernardino base and meridian; also the west half of the southwest quarter of the southeast quarter, and the west half of the west half of the east half of the southwest quarter of the southeast quarter, all in section 6, township 1 north, range 9 west, San Bernardino base and meridian; on the payment of the sum of $2.50 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. MALLAHAN.

The bill (S. 653) for the relief of William O. Mallahan was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, William O. Mallahan, who was a private in Company A, Eighteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been mustered in as a member of said company or regiment on May 12, 1862, and honorably discharged therefrom on July 20, 1865. But other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEMALE EMPLOYEES IN THE DISTRICT OF COLUMBIA.

The bill (S. 1294) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than 8 hours in any one day or more than 6 days or more than 48 hours in any one week.

SEC. 2. That no female under 18 years of age shall be employed or permitted to work in or in connection with any of the establishments or occupations named in section 1 of this act before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening of any one day.

SEC. 3. That no female shall be employed or permitted to work for more than 6 hours continuously at one time in any establishment or occupation named in section 1 of this act in which three or more such females are employed without an interval of at least three-quarters of an hour; except that such female may be so employed for not more than 6½ hours continuously at one time if such employment ends not later than half past 1 o'clock in the afternoon and if she is then dismissed for the remainder of the day.

SEC. 4. That every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 1 of this act in which any females are employed a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished by the inspectors authorized by this act. The employment of any such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspectors authorized to enforce this act may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

SEC. 5. That every employer shall keep a time book or record for every female employed in any establishment or occupation named in section 1 of this act, stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record, or makes any false statement to an official authorized to enforce this act in reply to any question put in carrying out the provisions of this act, shall be liable for a violation thereof.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to appoint three inspectors, two of whom shall be women, to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

SEC. 7. That the inspectors authorized by this act may in the discharge of their duties enter any place, building, or room where any labor is being performed by females which is affected by the provisions of this chapter whenever such inspectors may have reasonable cause to believe that any such labor is being performed therein.

SEC. 8. That the inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section 1 as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

SEC. 9. That any person who violates or does not comply with any of the provisions of this act shall upon conviction be punished for a first offense by a fine of not less than $20 nor more than $50; for a second offense, by a fine of not less than $50 nor more than $200; for a third offense, by a fine of not less than $250.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARID PUBLIC LANDS IN CALIFORNIA.

The bill (S. 487) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same was announced as next in order.

Mr. SHAFROTH. I ask that that bill go over. I object to its consideration at this time.

The VICE PRESIDENT. There being objection, the bill goes over.

Mr. WORKS subsequently said: Mr. President, I understand that during my absence from the Chamber Senate bill 487 was called, and objection was made by the Senator from Colorado [Mr. SHAFROTH]. That Senator desires an amendment to be made by striking out the word "streams" wherever it occurs. The Senator has the bill before him. I should be very glad to have him offer the amendment; and with that amendment, I understand, he withdraws his objection.

The VICE PRESIDENT. Without objection, the Senate will return to the consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That the Interior Department be, and is hereby, authorized, empowered, and directed immediately to proceed by all necessary and proper means to discover, develop, protect, and render more accessible, for the benefit of the general public, springs, streams, and water holes on what are known as the western deserts and arid public lands of the United States in the State of California; and in connection therewith to erect and maintain suitable and durable monuments and signboards at proper places and intervals along and near the accustomed lines of travel and over the general area of said desert lands, containing information and directions as to the location and nature of said springs, streams, and water holes, to the end that the same may be more readily traced and found by persons in search or need thereof; also to provide convenient and ready means, apparatus, and appliances by which water may be brought to the earth's surface at said water holes for the use of such persons; also to prepare and distribute suitable maps, reports, and general information relating to said springs, streams, and water holes, and their specific location with reference to lines of travel.

SEC. 2. That to carry out the purposes of this act the expenditure of $10,000, or so much thereof as may be necessary, is hereby authorized. All disbursements made under this act shall be made by the Secretary of the Interior on vouchers approved by the Director of the Geological Survey.

SEC. 3. That whoever shall willfully or maliciously injure, destroy, deface, or remove any of said monuments or signposts, or shall willfully or maliciously fill up, render foul, or in any wise destroy or impair the utility of said springs, streams, or water holes, or shall willfully or maliciously interfere with said monuments, signposts, streams, springs, or water holes, or the purposes for which they are maintained or used, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

SEC. 4. That the Secretary of the Interior is hereby authorized, empowered, and directed to make, issue, promulgate, and enforce such rules and regulations as may be necessary, or by him deemed expedient, to carry into force and effect the provisions of this act and accomplish its objects and purpose.

Mr. SHAFROTH. The amendments which I propose is to strike out the word "streams" in line 7 of the first page, the word "streams" in line 5 of the second page, the word "streams" in line 12 of the second page, and the word "streams" in line 23 of the second page. I move that the amendments be made.

Mr. WORKS. I have no objection to those words being stricken out.

The VICE PRESIDENT. The amendments offered by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to strike out the word "streams," and the comma after that word, wherever appearing in the bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the discovery, development, and protection of springs and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same."

ENTRY OF OIL LANDS IN OREGON.

The bill (S. 1363) making lands within the State of Oregon that have been withdrawn or classified as oil lands subject to entry under the homestead or desert-land laws was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States in the State of Oregon which have been withdrawn or classified as oil lands, or are valuable for oil, shall be subject to appropriate entry under the homestead laws and the desert-land law by actual settlers only, to selection by the State of Oregon under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Carey Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, and to disposition, in the discretion of the Secretary of the Interior, under the law providing for the sale of isolated or disconnected tracts of public lands whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That those who have initiated nonmineral entries, selections, or locations in good faith prior to the passage of this act, on lands withdrawn or classified as oil lands, may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act.

SEC. 2. That any person desiring to make entry under the homestead laws or the desert-land law, and the State of Oregon desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, or under grants made by Congress, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as oil lands, or valuable for oil, with a view of securing or pass-

ing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry is made and of this act the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the oil and gas in the lands so patented, together with the right to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such oil and gas. The reserved oil and gas deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMIGRATION CANON RAILROAD CO.

The bill (S. 541) granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad track, a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, after the word "follows," to strike out:

Commencing at a point 169 feet east and 100 feet north of the southwest corner of the Fort Douglas Military Reservation, in Salt Lake County, Utah; thence northwesterly, rounding a 20° curve a distance of 351$\frac{55}{100}$ feet, to a point on the west line of the said military reservation, a distance of 387$\frac{7}{10}$ feet north from the southwest corner of said reservation; thence south to a point 100 feet north of the southwest corner of said Fort Douglas Military Reservation; thence east a distance of 169 feet to place of beginning; containing in all three hundred and nineteen thousandths acre.

And in lieu thereof to insert:

Commencing at a point 169 feet east and 100 feet north of the southwest corner of the Mount Olivet Cemetery (formerly the southwest corner of the Fort Douglas Military Reservation), in Salt Lake County, Utah; thence northwesterly, rounding a 20° curve a distance of 351$\frac{55}{100}$ feet, at a point on the west line of the said Mount Olivet Cemetery, a distance of 387$\frac{7}{10}$ feet north from the southwest corner of said Mount Olivet Cemetery; thence south to a point 100 feet north of the southwest corner of said Mount Olivet Cemetery; thence east a distance of 169 feet to place of beginning; containing in all seven hundred and sixty-two thousandths acre.

So as to make the bill read:

Be it enacted, etc., That the Emigration Canon Railroad Co., a corporation of the State of Utah, is hereby granted permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad track, that piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, particularly bounded and described as follows: Commencing at a point 169 feet east and 100 feet north of the southwest corner of the Mount Olivet Cemetery (formerly the southwest corner of the Fort Douglas Military Reservation), in Salt Lake County, Utah; thence northwesterly, rounding a 20° curve a distance of 351$\frac{55}{100}$ feet, at a point on the west line of the said Mount Olivet Cemetery, a distance of 387$\frac{7}{10}$ feet north from the southwest corner of said Mount Olivet Cemetery; thence south to a point 100 feet north of the southwest corner of said Mount Olivet Cemetery; thence east a distance of 169 feet to place of beginning; containing in all seven hundred and sixty-two thousandths acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRY OF OIL LANDS.

The bill (S. 60) to provide for agricultural entry of oil lands was announced as next in order.

Mr. OWEN. Let the bill be passed over.

The VICE PRESIDENT. Being objected to, the bill will be passed over.

Mr. OWEN subsequently said: Mr. President, I should like to withdraw the objection which I made to the consideration of Senate bill 60, providing for agricultural entry of oil lands.

The VICE PRESIDENT. If there be no objection, the Senate will return to the consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States in the State of Wyoming which have been withdrawn or classified as oil lands or are valuable for oil shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection by the State of Wyoming under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Carey Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That those who have initiated nonmineral entries, selections, or locations in good faith prior to the passage of this act on lands withdrawn or classified as oil lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act.

SEC. 2. That any person desiring to make entry under the homestead laws or the desert-land law, and the State of Wyoming desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, or under grants made by Congress, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as oil lands or valuable for oil, with a view of securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry, selection, or location is made and of this act the applicant shall be entitled to a patent or certification to the lands entered or selected, with a reservation to the United States of all the oil or gas in the lands so patented or certified, together with the right in the United States or persons authorized by it to prospect for, mine, and remove the same; but before any person shall be entitled to enter upon the lands patented or certified for the purpose of prospecting, mining, or removing oil or gas therefrom he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for and removal of oil or gas. The reserved oil and gas deposits in lands patented or certified under this act shall not be subject to exploration or entry other than by the United States, except as hereafter authorized by Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS PASSED OVER.

The bill (S. 832) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask to have that bill go over.

The VICE PRESIDENT. There being objection, the bill goes over.

The bill (S. 833) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask that the bill may go over.

The VICE PRESIDENT. Being objected to, the bill goes over.

The bill (S. 834) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask that that bill also go over.

The VICE PRESIDENT. There being objection, the bill goes over.

ENVOYS AND MINISTERS TO PARAGUAY AND URUGUAY.

The bill (S. 2318) authorizing the appointment of envoys extraordinary and ministers plenipotentiary to each Paraguay and Uruguay was considered as in Committee of the Whole. It authorizes the President to appoint, as the representative of the United States, an envoy extraordinary and minister plenipotentiary to Paraguay, who shall receive as his compensation $10,000 per annum. Section 2 authorizes the President also to appoint, as the representative of the United States, an envoy extraordinary and minister plenipotentiary to Uruguay, who shall receive as his compensation $10,000 per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF LANDS IN OREGON.

The bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with amendments. The first amendment was in section 1, page 1, line 8, after the word "maintained," to strike out "as a forest, for the demonstration of practical and technical forestry in the furtherance of the courses in forestry conducted, or to be conducted, by the State School of Forestry," and in lieu thereof to insert "as a State forest to secure its highest permanent usefulness to the State of Oregon and particularly to the common schools to which its resources are devoted and to State forestry demonstration and education," so as to make the section read:

That the State of Oregon is hereby authorized to select, with the approval of the Secretary of Agriculture, a compact body of not to exceed 40,000 acres of unappropriated nonmineral land within townships 10 and 11 south, ranges 5 and 6 east, Willamette meridian, in the Santiam National Forest, Oreg., to be maintained as a State forest to secure its highest permanent usefulness to the State of Oregon and particularly to the common schools to which its resources are devoted and to State forestry demonstration and education, and the Secretary of the Interior is hereby authorized to grant and convey said selection to the State of Oregon for the purposes hereinbefore mentioned.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, after the word "rights," to insert "within such national forests," so as to make the section read:

SEC. 2. That in exchange for the selected lands the State shall reconvey and relinquish to the United States a good and sufficient title to an approximately equal area of unencumbered sections 16 and 36, or parts thereof, of substantial forest values satisfactory to the Secretary of Agriculture, within the national forests of Oregon, granted to said State, or indemnity rights within such national forests to which the State is entitled therefor: *Provided*, That the lands reconveyed and relinquished as base lands shall immediately become parts of the national forest in which they are situated.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 21, after the word "operation," to strike out "or" and insert "of"; and, in line 23, after the word "areas," to strike out "but no such roads, trails, or telephone or telegraph line shall hereafter be so located as to interfere with reasonable use of lands by the State," so as to make the section read:

SEC. 3. That the lands conveyed to the State shall be at all times subject to use by the United States for the construction, maintenance, and operation of roads, trails, telephone or telegraph lines needed in the administration of the contiguous national forest areas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD L. KEYES.

The next business on the calendar was Senate resolution 100, which had been reported by Mr. FLETCHER, from the Committee on Military Affairs, June 5, 1913, as follows:

Resolved, That the Senate Committee on Military Affairs, or a subcommittee thereof, is hereby directed to send for Edward L. Keyes, who was formerly a second lieutenant of the Fifth United States Cavalry, and to afford him a full hearing. Furthermore, the said committee, or subcommittee, is authorized to send for witnesses and take testimony, if such a course should be deemed desirable, with a view of determining whether or not a bill should be reported to the Senate by the Committee on Military Affairs transferring said Edward L. Keyes to the retired list of the Army, and if so, with what rank.

Mr. CLARK of Wyoming. Mr. President, I do not see here either the Senator who reported the resolution from the committee or the Senator who introduced it. I should like to have some information about the matter. It occurs to me that the Committee on Military Affairs has that authority without the adoption of any resolution.

The VICE PRESIDENT. Does the Senator object to the consideration of the resolution?

Mr. CLARK of Wyoming. No; I do not object to it, but I should like some information, if anyone can give it. If there is no one here who can give me the information, I will suggest that the resolution go over.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. SMOOT. Let the resolution go over, Mr. President, until we can have some information in regard to it.

The VICE PRESIDENT. Objection being made, the resolution will go over.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

The resolution (S. Res. 97) authorizing the Committee on Commerce, or any subcommittee thereof, to hold hearings, etc., was announced as next in order.

Mr. SHAFROTH. Mr. President, the chairman of the Committee on Commerce [Mr. CLARKE of Arkansas] introduced that resolution. The Committee to Audit and Control the Contingent Expenses of the Senate added an amendment in which he does not concur. Inasmuch as he is not present to-day, I think the resolution had better go over until he has an opportunity to be present.

The VICE PRESIDENT. Objection being made, the resolution will go over.

WASHINGTON-OREGON CORPORATION.

The bill (S. 821) authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912, was announced as next in order.

Mr. KERN. Let the bill go over, Mr. President.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. JONES subsequently said: Mr. President, referring to the bill just laid aside upon the objection of the Senator from Indiana, I understand he will withdraw his objection.

Mr. KERN. I withdraw my objection to the consideration of the bill.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. POINDEXTER. Mr. President, I should like to ask the senior Senator from Washington the purposes of this bill and the need for relieving this corporation from the conditions of the former act.

Mr. JONES. The railroad is to be built through the military reservation for the purpose of accommodating a large settlement to the east of the reservation. With the condition imposed in the act the road will not be built. The commercial club and the city council have asked for a positive modification of that provision by legislation. As the Senator will observe, the bill leaves to the discretion of the Secretary of War the question whether there shall be any modification at all, it being assumed by me when I introduced the bill that he would require a showing to be made as to the actual necessity of making a modification; and if he does not consider that any modification should be made in the interest of the public, he is not required to do it.

My understanding of the situation there is that the road will not be built if the condition that was imposed in previous legislation is insisted upon; and the people are very anxious, largely for their accommodation, that it shall be built.

Mr. POINDEXTER. What I do not understand is the particular condition from which the railroad company needs relief.

Mr. JONES. It is the condition as to macadamizing the entire width of the street and certain rolling that they must do, and all that sort of thing. In other words, the people there think the street can be put in good condition and maintained in good condition without actually macadamizing it, as required by the act. I do not know whether that can be done or not, and therefore I did not want to direct the Secretary of War to do it without a showing being made to him.

Mr. POINDEXTER. I do not know that I shall object to the bill later. I am not familiar with the requirements. Therefore, in order to have an opportunity to confer with my colleague, I should like to have it go over.

The VICE PRESIDENT. The bill will go over.

JOSEPH L. DONOVAN.

The bill (S. 1808) for the relief of Joseph L. Donovan was considered as in Committee of the Whole. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, appoint Joseph L. Donovan, late a captain in the Twenty-second Infantry, United States Army, a major of Infantry in the Army of the United States, and provides that when so appointed he shall be placed on the retired list of the officers of the Army.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 7, to strike out "major" and insert "captain."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CONSERVATION EXPOSITION.

The bill (S. 2005) to provide for participation by the Government of the United States in the National Conservation Exposition to be held at Knoxville, Tenn., in the fall of 1913, was announced as next in order.

Mr. LEA. I ask that that bill may go over.

The VICE PRESIDENT. The bill will go over.

WOMAN SUFFRAGE.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was announced as next in order.

Mr. THORNTON. I ask that the joint resolution go over.

The VICE PRESIDENT. It will go over.

Mr. ASHURST. Mr. President, I simply wish to say that at the conclusion of the call of the calendar I shall ask the Senate for a moment to consider a unanimous-consent agreement which I shall then propose with respect to the joint resolution.

RAILROADS IN ALASKA.

The bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. BURTON. I ask that the bill go over.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. CHAMBERLAIN. I move that the bill be taken up for consideration notwithstanding the objection.

Mr. BURTON. I understand that under this order of business only unobjected bills can be considered. The Chair certainly so announced at the beginning.

Mr. CHAMBERLAIN. I think I can make that motion up to 4 o'clock.

The VICE PRESIDENT. The Senator from Oregon moves to proceed to the consideration of the bill notwithstanding the objection.

Mr. BANKHEAD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnston, Ala.	Perkins	Smith, Md.
Bacon	Jones	Poindexter	Smith, S. C.
Bankhead	Kern	Pomerene	Smoot
Bryan	La Follette	Ransdell	Sterling
Burton	Lane	Robinson	Stone
Chamberlain	Lea	Root	Swanson
Chilton	Lewis	Saulsbury	Thomas
Clapp	Lippitt	Shafroth	Thompson
Clark, Wyo.	Martin, Va.	Sheppard	Thornton
Fall	Martine, N. J.	Sherman	Townsend
Goff	Myers	Shields	Vardaman
Gronna	Norris	Shively	Weeks
Hollis	O'Gorman	Simmons	Williams
James	Owen	Smith, Ariz.	Works
Johnson, Me.	Page	Smith, Ga.	

Mr. SMOOT. The senior Senator from Pennsylvania [Mr. PENROSE], the junior Senator from Pennsylvania [Mr. OLIVER], the senior Senator from New Hampshire [Mr. GALLINGER], the junior Senator from Wisconsin [Mr. STEPHENSON], and the junior Senator from Utah [Mr. SUTHERLAND] are unavoidably absent from the city.

Mr. BRYAN. My colleague [Mr. FLETCHER] is unavoidably absent. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. CLAPP. I desire to state that my colleague [Mr. NELSON] is necessarily absent from the Chamber on business of the Senate. I wish to have this statement stand for the afternoon.

Mr. ROBINSON. My colleague [Mr. CLARKE of Arkansas] is absent from the city on important public business.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on important business.

Mr. LEWIS. I desire to announce that the junior Senator from Montana [Mr. WALSH] is engaged on official business elsewhere, and that accounts for his absence at this time.

The VICE PRESIDENT. Fifty-nine Senators have answered on the roll call. A quorum of the Senate is present.

Mr. BANKHEAD. I make the point of order that the hour of 4 o'clock having arrived the motion is not in order under Rule VIII. However, I move that the Senate proceed to the consideration of executive business.

Mr. CHAMBERLAIN. I suggest that the matter was pending when the hour of 4 arrived, and that it is entitled to be considered at this time.

Mr. SMITH of Georgia. The motion of the Senator from Alabama to go into executive session takes precedence.

Mr. CHAMBERLAIN. I did not understand that he made that motion.

EXECUTIVE SESSION.

The VICE PRESIDENT. The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 2 o'clock p. m.

The motion was agreed to.

Mr. BACON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 11, 1913, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 10, 1913.

APPOINTMENT AND PROMOTIONS IN THE NAVY.

Vernon G. Clark to be an assistant surgeon in the Medical Reserve Corps.

Capt. Hugh Matthews to be an assistant quartermaster in the Marine Corps with the rank of major.

Carpenter Frederick G. McKay to be a chief carpenter.

The following-named ensigns to be lieutenants (junior grade):

Harry B. Hird.
Charles C. Ross.
William F. Gresham.
William D. Brereton, jr.
Victor D. Herbster.
David F. Ducey.
Marshall Collins.
Kenneth Heron.
Harry G. Donald.

COMMISSIONER OF PATENTS.

Thomas Ewing, jr., to be Commissioner of Patents.

COMMISSIONER OF IMMIGRATION OF PORTO RICO.

Lawson E. Evans to be commissioner of immigration, San Juan, P. R.

RECEIVERS OF PUBLIC MONEYS.

J. J. Birdno to be receiver of public moneys at Phoenix, Ariz.

A. M. Ward to be receiver of public moneys at Little Rock, Ark.

REGISTERS OF THE LAND OFFICE.

Thomas F. Weedin to be register of the land office at Phoenix, Ariz.

John W. Allen to be register of the land office at Little Rock, Ark.

Brice B. Hudgins to be register of the land office at Harrison, Ark.

COLLECTORS OF INTERNAL REVENUE.

Milton A. Miller to be collector of internal revenue for the district of Oregon.

Andrew C. Gilligan to be collector of internal revenue for the first district of Ohio.

UNITED STATES ATTORNEYS.

George W. Jack to be United States attorney for the western district of Louisiana.

Lewis M. Coleman to be United States attorney for the eastern district of Tennessee.

ASSISTANT SURGEONS IN THE PUBLIC HEALTH SERVICE.

Daniel Sparks Baughman.
James Burnett Laughlin.
Harry Michael Thometz.

POSTMASTERS.

ARIZONA.

W. S. Adams, Jerome.
Horace P. Merrill, Benson.
Jesse J. Rascoe, jr., Morenci.

CALIFORNIA.

Jesse D. Brite, Tehachapi.
James T. Clayton, Elsinore.
Alexander Ludwig, Redding.
Byron Millard, San Jose.
Nellie Pellet, Brawley.
Mary F. Stevenson, Imperial.
Thomas C. Stoddard, Alameda.
R. H. Summers, Colton.
O. C. Williams, Dinuba.

COLORADO.

V. R. Liggett, Blanca.
Huse Taylor, Cripple Creek.

CONNECTICUT.

Patrick C. Cavanaugh, Burnside.
Thomas J. Quish, South Manchester.
Jeremiah J. Sullivan, Colchester.

FLORIDA.

Carrie S. Abbe, Sarasota.
James Harper, South Jacksonville.
E. J. Ricou, Stuart.

GEORGIA.

P. Brooks Ford, Sylvester.
Mrs. H. W. J. Ham, Gainesville.

ILLINOIS.

H. E. Buckles, Le Roy.
Robert L. Cantrell, West Frankfort.
August Droll, Troy.
James T. Hinds, Newman.
Dewey T. Queen, Auburn.
Samuel Shockey, Ramsey.

INDIANA.

K. B. Clark, Medaryville.
Charles Hatch, Fort Branch.
Clarence E. Schaeffer, Howe.
Walter H. Smith, Versailles.
Charles Wright, North Manchester.

IOWA.

Frederick B. Sharon, Davenport.

KANSAS.

F. W. Boyd, Phillipsburg.
W. B. Ford, Oskaloosa.
John C. Girk, Halstead.
Owen McLean, West Mineral.
L. F. Niece, Natoma.
R. A. Watt, Edna.

KENTUCKY.

Mayme D. Cogar, Midway.
Sara W. Simms, Springfield.
Robert C. Stockton, Richmond.

LOUISIANA.

Pearl Collins, Eros.

MAINE.

Menander Dennett, Lewiston.
William R. Frost, Gardiner.
Abner C. Gilbert, Monson.
William G. Harmon, Old Orchard.
H. A. Prescott, Monmouth.

MISSISSIPPI.

Ruby Barnes, Summit.
W. P. Cassedy, Brookhaven.
Jonathan H. McCraw, Sardis.

MISSOURI.

J. P. Bauer, Washington.
Emmett A. Cherry, Adrian.

NEVADA.

Jessie E. Burnett, McGill.

NEW JERSEY.

J. B. R. Clark, Califon.
Peter A. Donovan, Bayonne.
John L. Opfermann, Highlands.

NEW YORK.

Charles S. Barney, Milford.
Charles H. Beeby, Central Square.
James S. Clark, Croton on Hudson.
George Coon, Stillwater.
John H. Coon, Stanley.
Edward Crawford, Pine Bush.
James V. Crawford, Morristown.
B. A. Curtiss, Camden.
Henry Dicks, Fort Terry.
Merle L. Harder, Ray Brook.
Edward J. Hughes, Schuylerville.
J. Mailler Hunt, Chappaqua.
William Jennings, Dolgeville.
Daniel H. Keating, Fort Edward.
George L. Krein, Dansville.
Joseph J. Maher, Staatsburg.
John J. Maloney, Aurora.
George M. Miller, Andes.
John G. More, Walton.
Joseph T. Norton, Allegany.
Peter J. O'Neill, Bay Shore.
Edward E. O'Rourke, Ellicottville.
John Puvogel, Hicksville.
Arthur Rappleye, Interlaken.
Frederick A. Ray, Herkimer.
Edward F. Ryan, Lyons Falls.
J. C. Rossman, Mohawk.
Arthur E. Russ, Phoenix.
John Scally, Westbury.
Charles H. Seeley, Sidney.
James J. Smith, Griffin Corners.
William H. Sullivan, New Brighton.
George C. Tranter, Port Richmond.
John H. Ten Eyck, Black River.
William Van Alstyne, Fultonville.
Gilson D. Wart, Sandy Creek.
Joseph A. Weisbeck, Alden.
A. F. G. Zurhorst, Oakfield.

NORTH CAROLINA.

E. J. Britt, Chadbourn.
W. G. Fussell, Rosehill.

NORTH DAKOTA.

J. G. Boatman, Milnor.
D. J. Clifford, Mohall.
Joseph Deschenes, Walhalla.
Louise A. Fowler, Sherwood.
George Franklin, Ambrose.
Anthony Hentges, Michigan.
Edith M. Holm, Ryder.
H. A. Holmes, Towner.
Jacob R. Houx, Rolette.
Guy A. Koprivа, Bowbells.
John Long, Page.
Frank McGraw, Cogswell.
Nelle W. Moellring, Ray.
S. V. Saunders, Ellendale.
Daniel F. Sweeney, Berthold.
W. T. Wakefield, Mott.

OHIO.

Charles A. Baker, Germantown.
L. C. Davison, Dalton.
James M. Fitzpatrick, Bethel.
Clarence A. Flanagan, Pleasant City.

PENNSYLVANIA.

John P. Durkin, Frackville.
Emory K. Eichelberger, Hanover.
Finley H. Failing, Shinglehouse.
Thomas W. Gilroy, Norwich.
Richard W. Iobst, Emaus.
John H. Kensinger, Martinsburg.
Thomas McGuire, Pleasantville.
Joseph Nelson, Fayette City.
William A. Shear, Coudersport.
James F. Singer, New Freedom.
Solomon H. Smith, Smithton.
Andrew Wahl, Evans City.

SOUTH CAROLINA.

Herman H. Bradham, Manning.
Ida A. Calhoun, Clemson College.

TENNESSEE.

S. M. Barnett, Lexington.
Horace L. Browder, Sweetwater.
Irene M. Chealrs, Spring Hill.
Frank P. Singleton, Copperhill.

TEXAS.

Maggie Ellis, Rotan.
W. F. Flynt, Winters.
Robert Greenwood, Marfa.
E. B. Hopkins, Brazoria.
J. C. S. Morrow, Quanah.
L. B. Richards, Silverton.

VERMONT.

A. H. Gleason, St. Johnsbury.

VIRGINIA.

Channing M. Goode, College Park.
Eugene Monroe, Purcellville.
George L. Roberts, Exmore.
I. Henry Savage, Chincoteague Island.
Claude E. Wiley, Fairfax.

WASHINGTON.

Nellie B. Burke, Mansfield.
Howard W. Hare, Mabton.
Archie Manson, Cashmere.
Robert Montgomery, Puyallup.
A. J. Peters, Deer Park.
Jacob P. Pyles, Sumner.
Harlan E. Rupp, Bothell.
Martha E. Sprague, Hwaco.
C. G. Thomas, Cle Elum.

SENATE.

FRIDAY, *July 11, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BACON. Mr. President, according to my recollection the remainder of the Journal simply relates to the passage of bills on the calendar under Rule VIII, and I think its reading can be dispensed with. I ask that the further reading of the Journal may be dispensed with.

The VICE PRESIDENT. If there be no objection, the further reading of the Journal will be dispensed with, and the Journal will stand approved as read.

PETITIONS AND MEMORIALS.

Mr. THOMPSON presented petitions of Parsons Camp, No. 23, Sons of Veterans, of Parsons; of the Kansas Division, Sons of Veterans, of Independence; of members of the council of the

twenty-ninth annual convention of the Woman's Relief Corps, Department of Kansas; and of Circle No. 2, Ladies of the Grand Army of the Republic, of Parsons, all in the State of Kansas, praying for the amendment of legislation increasing pensions of widows of soldiers of the Civil War, which were referred to the Committee on Pensions.

Mr. MARTIN of Virginia presented a paper to accompany the bill (S. 2365) for the restoration of Alonzo Burke, chief carpenter, United States Navy, retired, to the active list of the Navy as an additional number in his grade, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 539) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., 1133), reported it without amendment and submitted a report (No. 78) thereon.

Mr. SMITH of South Carolina, from the Committee on Immigration, to which was referred the bill (S. 1349) admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas, submitted an adverse report (No. 79) thereon, which was agreed to, and the bill was postponed indefinitely.

THE TARIFF.

Mr. SIMMONS. Mr. President, on behalf of the Committee on Finance I report back with amendments House bill 3321, being a bill to reduce tariff duties and to provide revenue for the Government, and for other purposes, and with the recommendation that the bill do pass as amended. (S. Rept. 80.)

The VICE PRESIDENT. The Senator from North Carolina reports from the Committee on Finance the following bill.

The SECRETARY. A bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. SIMMONS. I ask unanimous consent that five days be allowed in which to file the report of the committee on the part of the majority and that five days thereafter be allowed the minority, or individual members of the minority, in which to file the views of the minority.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it will be so ordered.

Mr. SIMMONS. Mr. President, I ask that the following order be made.

The VICE PRESIDENT. The Senator from North Carolina presents an order which will be read.

The Secretary read as follows:

Ordered, That 5,000 additional copies of H. R. 3321, the tariff bill, as reported from the Committee on Finance, with an index of contents, be printed for the use of the Senate, 500 copies thereof to be printed on one side only for the special use of Senators.

Mr. SIMMONS. I desire to give notice, after conference with the minority members of the committee, in conjunction with the majority members, that on Wednesday next I will ask that House bill 3321 be made the unfinished business of the Senate, when I hope to submit some remarks upon it.

Mr. CUMMINS. We can not hear the Senator from North Carolina on this side. Will he kindly speak a little louder?

Mr. SIMMONS. If the Senator will permit me to repeat it, I have given notice that on Wednesday next I shall ask that House bill 3321, the tariff bill, be made the special order, and that the consideration of the bill shall be at once proceeded with.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. Probably I will have to refer it to the Senator from North Carolina. He gives notice that he will ask that the bill be made a special order. What does that mean?

Mr. LA FOLLETTE and Mr. STONE. The unfinished business.

Mr. SIMMONS. I stated the unfinished business at first. I was a little unfortunate if I spoke of it the last time as the special order. My first statement was that I should ask that it be made the unfinished business.

Mr. CUMMINS. I have, and I shall have, no objection whatever to the tariff bill being the unfinished business. As I understand it, it can not become the unfinished business by agreement. It must become the unfinished business because it is taken up after the morning hour has expired and remains unfinished.

Mr. SIMMONS. I beg pardon of the Senator; I did not catch his last statement. I was interrupted.

Mr. CUMMINS. I simply want to get a clear idea of what the Senator from North Carolina proposes to do in the matter. I do not expect to oppose anything he may ask with regard to the consideration of the bill.

Mr. SIMMONS. I mean to say, Mr. President, that on next Wednesday I shall move that the Senate proceed to the consideration of the tariff bill. That will make it the unfinished business. I did not state specifically the motion I would make. I simply said that I would ask that it be made the unfinished business. The formula for making the tariff bill the unfinished business will be, of course, a motion that the Senate proceed to the consideration of the bill.

Mr. CUMMINS. I understand it now, Mr. President, and I am much obliged to the Senator from North Carolina.

Mr. BRANDEGEE. Mr. President, I desire the attention of the Senator from North Carolina for a minute. At the time the bill was referred to the committee I suggested that more copies of it be printed, and the chairman of the committee suggested that I defer that suggestion until the bill was reported. If I understood the order proposed by the Senator correctly, it is for the printing of 5,000 copies.

Mr. SIMMONS. Yes.

Mr. BRANDEGEE. Would not the Senator be willing to amend that by providing for a larger number? I have a great demand for copies of the bill. There is a great demand in my State for accurate information as to what the committee has recommended. I should like personally to have as many copies as I can get to send to my constituents.

Mr. SIMMONS. I will say to the Senator that there have already been printed 1,000 copies. The committee had no authority to authorize the printing of more than 1,000. It is necessary to get a special order for more copies. That with the present order will make 6,000. The committee seemed to think that that would be sufficient. More can be printed at any time when it becomes necessary to have additional copies.

Mr. BRANDEGEE. Of course, I do not wish in any way to suggest anything that is disagreeable to the Senator, but the 1,000 copies which have been printed are, I assume, pretty nearly exhausted now. The order presented to-day calls for 5,000 copies, which will be about 50 copies to a Senator. I know that I have demands for many more than that number of copies. Would the Senator object to printing 10,000 copies now?

Mr. SIMMONS. I think one difficulty is the requirement that the cost shall not exceed $500, and it would require a concurrent resolution if we go beyond 5,000 copies.

Mr. BRANDEGEE. This is an order which the Senator now proposes, I understand. It is an order to be adopted by the Senate?

Mr. SIMMONS. Yes.

Mr. BRANDEGEE. It would be competent for the Senate, I assume, to order 10,000 copies as well as 5,000.

Mr. SMOOT. It would be to the amount of $500, but if it would cost more than $500, then we must have a concurrent resolution. I doubt very much whether, under the $500 limit, we could print the 10,000 copies asked for by the Senator from Connecticut.

Mr. BRANDEGEE. In view of that explanation, I will defer further remark upon it until we can see if we can not get up a concurrent resolution to accomplish the result.

Mr. McCUMBER. Mr. President, due to the fact that I must be absent for a short time after next Monday, I desire to give notice at this time that immediately after the close of the morning business on next Monday I shall submit some remarks on the agricultural schedule of the tariff bill.

Mr. SIMMONS. May I inquire whether the order for printing 5,000 copies was adopted?

The VICE PRESIDENT. Not yet. The question is on agreeing to the order submitted by the Senator from North Carolina that 5,000 additional copies of the tariff bill as reported be printed.

The order was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 2727) to create an additional land district in the State of Nevada; to the Committee on Public Lands.

A bill (S. 2728) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; to the Committee on Post Offices and Post Roads.

By Mr. HOLLIS:

A bill (S. 2729) granting an increase of pension to Gilman H. Dimond; and

A bill (S. 2730) granting an increase of pension to Daniel W. Eaton; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 2731) for the relief of William E. Dougherty;

A bill (S. 2732) for the relief of the estate of William C. Hemphill and others;

A bill (S. 2733) for the relief of John W. Whitten; and

A bill (S. 2734) for the relief of the estate of Richard H. Pond, deceased; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 2735) granting a pension to Cremora J. Huffman; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2736) granting an increase of pension to James L. Denham (with accompanying papers);

A bill (S. 2737) granting an increase of pension to William Jackson (with accompanying papers); and

A bill (S. 2738) granting an increase of pension to Julius C. Ward (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A joint resolution (S. J. Res. 57) directing the Secretary of the Interior to amend certain patents issued to homestead entrymen upon lands formerly covered by the Coeur d'Alene Indian Reservation and other lands in what is known as the St. Maries and St. Joe country, in the State of Idaho; to the Committee on Public Lands.

EXTERMINATION OF PREDATORY ANIMALS.

Mr. SHEPPARD submitted the following resolution (S. Res. 131), which was read and referred to the Committee on Agriculture and Forestry:

Resolved, That the Secretary of Agriculture be, and he is hereby, authorized and directed to make an investigation and report a plan for the extermination of predatory animals infesting ranches and farms in certain parts of Texas, with an estimate of cost.

SEC. 2. That said plans shall be so devised as to supplement and strengthen the efforts now being made by the State of Texas in this direction, to the end that these animal pests may be entirely destroyed.

OREGON AND CALIFORNIA RAILROAD LANDS.

Mr. CHAMBERLAIN. I desire to request that the decision of the district court of Oregon forfeiting the grant of the Oregon & California Railroad Co. for noncompliance with the terms of the grant be printed as a public document. I do not like to ask that this be done without reference to the committee, and in order that it may examine the matter I will ask that the motion be referred to the Committee on Printing.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

Mr. CHAMBERLAIN. In reference to it and in order that Senators may know why I make the request, I will state that I have called the attention of the Senate a number of times to the attempt to sell these lands to so-called innocent purchasers, and the public generally are interested in knowing what lands are involved in the decision.

THE TARIFF.

Mr. SMOOT. I ask unanimous consent to have printed as a public document a comparison of the tariff rates of duty as they were reported in Senate Document No. 45, and that there be included in it the changes which have been made in the bill as reported to the Senate. (S. Doc. No. 127.)

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. I also have prepared a comparison of the rates of duty between the Wilson bill and the tariff bill as now reported to the Senate. The information has been desired a great many times, and I ask that it be printed as a public document for the use of the Senate. (S. Doc. No. 128.)

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. BRISTOW. Mr. President, four years ago, during the consideration of the tariff bill, we had a book giving certain statistical information in that form. Are we to have a similar book prepared by the committee at this time for our benefit as we proceed with the consideration of the tariff bill paragraph by paragraph?

Mr. SIMMONS. Mr. President, we have prepared a similar book, and it has been printed. It was printed, however, before the amendments to the bill were made by the Senate committee, and experts are now at work revising it so as to bring the publication up to date. As soon as the work is finished the committee will have printed in parallel columns the present law and the House bill as amended. There will be printed the same data to which the Senator refers as having been embraced in the comparative statement that we used in the consideration of the tariff bill of 1909, together with certain additional matters which we wish the book to contain for the information of Senators. That, I think, will be prepared and ready to be printed in the course of a few days.

REAR ADMIRAL ROBERT E. PEARY, UNITED STATES NAVY (S. DOC. NO. 126).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and the House of Representatives of the United States:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a decoration of grand officer of the Legion of Honor conferred upon Rear Admiral Robert E. Peary, United States Navy, retired, by the President of the French Republic.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the decoration to Admiral Peary.

WOODROW WILSON.

THE WHITE HOUSE, *July 11, 1913.*

REPORT OF JUVENILE COURT OF THE DISTRICT OF COLUMBIA (S. DOC. NO. 125).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the seventh annual report of the Juvenile Court of the District of Columbia for the year ended June 30, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *July 11, 1913.*

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Senate resolution 19, reported by Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, on April 28, 1913, to authorize the allowance of an additional clerk to Senators having less than three was announced as first in order.

Mr. KERN. I ask that that resolution go over.

The VICE PRESIDENT. Being objected to, the resolution goes over.

Senate resolution 65, directing the Committee on Foreign Relations to report to the Senate certain information relative to employees in the Diplomatic and Consular Service of the United States was announced as next in order.

Mr. BURTON. I ask that that go over.

The VICE PRESIDENT. There being objection, the resolution goes over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 832) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, on page 1, line 6, after the words "name of," to strike out the initial "J" and to insert the name "James," so as to make the clause read:

The name of James N. Culton, late of Company D, Third Regiment, and first lieutenant Company D, Seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 833) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask to have that bill go over.

Mr. SMOOT. Mr. President, I wish to explain the object of the bill to the Senator from Colorado. These three pension bills were passed by the Senate, and also by the other House, at the last session of Congress, but failed to get to the President in time for him to sign them. They are the same bills which have already passed both Houses.

Mr. THOMAS. Under that statement, I withdraw my objection, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 14, after line 17, to strike out:

The name of John McCarthy, late of U. S. S. Ohio and Cambridge, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

The name of Demmie Inman, widow of Nelson Inman, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

The name of Gertrude Brown, widow of Robert B. Brown, late second Lieutenant Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to insert:

The name of Charles Crismon, late of Capt. Smith's company, Utah Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

The name of Emily J. Walton, widow of Armstrong Walton, late of Company C, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

Mr. SMITH of Georgia. Mr. President, I inquire what is the number of that bill?

The VICE PRESIDENT. Senate bill 833, Calendar No. 34.

Mr. BRYAN. Mr. President, I do not see the chairman of the committee here, but I should like to ask whoever is in charge of the bill where is the report of the committee?

Mr. SMOOT. There is a report on the bill, and I will say to the Senator, inasmuch as he has come into the Senate since I made the statement previously, that the three pension bills appearing on the calendar reported by the Committee on Pensions were reported by that committee at the last session of Congress and were passed by the Senate and also by the House of Representatives with some five or six amendments. The chairman of the Committee on Pensions of the Senate at this session drew the bills according to the form in which they were passed by the House and were amended in the Senate, and the amendments which have been reported include those which were agreed to by the Senate at the last session of Congress. There are no items in the bill other than those that have been considered and passed upon by this body.

Mr. BRYAN. Mr. President, of course the fact that the bills have been passed before may add some merit to them, but it is a most unusual proceeding for a bill of this length, containing something like 150 names upon it, not to have a line of report accompanying it.

Mr. SMOOT. I am positive that there is a report on the bill, and I will give its number. The report on this particular bill is No. 48; the report on the bill just passed is No. 47; and the report on the third bill is No. 49.

Mr. BRYAN. Has the Senator a copy of the report?

The VICE PRESIDENT. The Secretary says there is a report filed of 59 pages.

Mr. SMOOT. I will hand the Senator a copy of the report.

Mr. BRYAN. Very well. Of course, Mr. President, it is too late to discuss the matter, as the bill has practically passed.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

The bill (S. 834) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. BRYAN. I ask that the bill go over until the report is submitted.

The VICE PRESIDENT. There being objection, the bill will go over.

Mr. SMOOT. Of course, I should not like to have it appear that the committee has not made a report on this bill. The report on this bill is No. 49 and is here, if the Senator desires a copy of it.

Mr. BRYAN. Mr. President, of course I should like to see a copy of the report. Copies are supposed to be placed on the desks of Senators. I asked the chairman of the committee the other day where the report was, but he did not know, and I supposed none had been printed. I have had no opportunity to go through this bill, and I want that opportunity; so I ask that the bill go over.

Mr. SMOOT. On that statement of the Senator I will not object to the bill going over.

The VICE PRESIDENT. The bill will be passed over.

EDWARD L. KEYES.

The resolution (S. Res. 100) directing the Committee on Military Affairs of the Senate to accord a hearing to Edward L. Keyes was announced as next in order.

Mr. SMOOT. Mr. President, yesterday when this resolution was called for consideration the Senator from Wyoming [Mr. CLARK] stated that he desired to secure certain information from the Senator making the report. For that reason I ask that the resolution go over to-day.

The VICE PRESIDENT. The resolution will go over.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

The resolution (S. Res. 97) authorizing the Committee on Commerce or any subcommittee thereof to hold hearings, etc., was announced as next in order.

Mr. CLARKE of Arkansas. Mr. President, I ask that the resolution be laid over. It relates to affairs pending before the Committee on Commerce. I am not prepared to take it up to-day. I will ask the Senator in charge of it that it may be laid over until some other day.

Mr. SHAFROTH. That is satisfactory to me.

The VICE PRESIDENT. The resolution will go over.

WASHINGTON-OREGON CORPORATION.

The bill (S. 821) authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912, was announced as next in order.

Mr. JONES. Mr. President, yesterday my colleague [Mr. POINDEXTER] asked that this bill might go over. I have conferred with him about it, but I do not yet know whether or not he is satisfied with the measure. Therefore I shall have to ask that it go over for the present.

The VICE PRESIDENT. The bill will go over.

NATIONAL CONSERVATION EXPOSITION.

The bill (S. 2065) to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913, was announced as next in order.

Mr. SMOOT. Mr. President, yesterday the Senator from Tennessee [Mr. LEA] asked that this bill go over. He is not now in the Chamber. As the provisions of the bill affect his State, I ask that it go over to-day also.

The VICE PRESIDENT. The bill will go over.

WOMAN SUFFRAGE.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was announced as next in order.

Mr. BRYAN. Let the joint resolution go over, Mr. President.

The VICE PRESIDENT. The joint resolution will go over.

RAILROADS IN ALASKA.

The bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. BURTON. I ask that the bill go over.

The VICE PRESIDENT. It will go over.

LEGISLATIVE DRAFTING BUREAU.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as next in order.

The VICE PRESIDENT. The bill has been once read to the Senate. The Secretary will read the amendment reported by the Committee on the Library.

The SECRETARY. The committee proposes the following amendment:

Strike out all after the enacting clause and insert:

"That there is hereby created a bureau to be known as the 'legislative drafting bureau.'

"SEC. 2. That the said bureau shall be under the direction of an officer, to be known as the 'chief draftsman,' to be appointed by the President of the United States, by and with the advice and consent of the Senate, without reference to party affiliations, and solely on the ground of fitness to perform the duties of the office. He shall receive

a salary of $7,500 per annum, and shall hold office for the term of 10 years unless sooner removed by the President upon the recommendation of the Judiciary Committees of both Houses of Congress, acting jointly.

"SEC. 3. That there shall be in said bureau such assistants as Congress may from time to time provide. They shall be appointed by the chief draftsman solely with reference to their fitness for their particular duties.

"SEC. 4. That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President, any committee of either House of Congress, or of 8 Members of the Senate or of 25 Members of the House of Representatives. The Judiciary Committees of both Houses of Congress acting jointly may, from time to time, prescribe rules and regulations for the conduct of the said bureau, including provision for drafting and revision upon such other requests as may be deemed advisable.

"SEC. 5. That the chief draftsman shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the said bureau, and shall make to Congress at the beginning of each regular session a report as to the affairs of the said bureau for the preceding fiscal year, which shall include a detailed statement of appropriations and expenditures.

"SEC. 6. That the Librarian of Congress is authorized and directed to establish in the Library of Congress a division to be known as the 'legislative reference division' of the Library of Congress, and to employ competent persons therein to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, to render such data serviceable to Congress and committees and Members thereof and to the legislative drafting bureau, and to provide in his annual estimates for the compensation of such persons, for the acquisition of material required for their work, and for other expenses incidental thereto."

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. OWEN. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] desires to propose some amendments to the bill. Because of his absence I feel constrained, much against my own will, to ask that the matter go over.

The VICE PRESIDENT. The bill will go over.

Mr. BRISTOW. Before the bill is laid aside I should like to make an inquiry, Mr. President. From the reading of the amendment I got the impression that upon the request of the President or a committee of Congress the proposed bureau might redraft a bill. Does that mean that if a Senator should introduce a bill and a committee should report it the bill could be sent to this officer and he could change it?

Mr. OWEN. Oh, no.

Mr. BRISTOW. I got that impression from the reading of the amendment. I thought that would be rather an extraordinary thing.

Mr. OWEN. Oh, no; he will act only in an advisory capacity. It is of the highest importance to both the Senate and the House that we should have a legislative reference bureau here, such as has been found so essential and necessary in other parliamentary bodies. As the matter is going over, however, perhaps it is unnecessary to go further into the subject.

Mr. ROOT. Mr. President, I should like to say a word with reference to what has been said by the Senator from Kansas [Mr. BRISTOW]. I understand this is substantially the same bill that was reported at the last session of Congress.

Mr. OWEN. It is.

Mr. ROOT. I think no change whatever has been made in the bill. It was very fully considered and discussed, after hearings.

The fundamental idea of the bill is to give the benefit of a trained, experienced student in the preparation of bills; not to take a bill after it has been passed upon, but to perform the function which is now performed to great advantage by the officers who are called counsel in the British House of Commons. The idea is to have a more or less permanent officer who is familiar with existing legislation and with the decisions of the courts, who can take a measure that has been drafted with the slender opportunity for examination and research which we have here and see how it fits into the existing laws of the country and what its effect will be under the existing decisions of the courts and suggest better, clearer, more unambiguous, and more effective forms of expression.

This officer would be available for the committees of Congress. We frequently find a committee taking a measure with which it agrees in principle, but which is unsatisfactory in form, and trying to thrash it into shape under great difficulties and without very much satisfaction. Under this bill the committee would be able to send such a measure to this officer to be put into shape in accordance with the instructions of the committee. If any Member of the Senate or of the House wishes to have a bill drafted to accomplish a particular purpose, and no committee is willing to send it to this officer, by having a request made by a specified number of Senators or Members of the House he can secure the rendering of this service.

I think, sir, that this is one of the most important and will be found to be one of the most beneficial steps in advance in the reform of American methods of legislation. A very large part of the litigation and the miscarriages of intention on the part of the lawmakers of the country and the failure of our people to get by legislation the relief which they wish to have and which their representatives in Congress wish to give them comes from the fact that laws are carelessly drawn; that laws are drawn without a sufficient study or a sufficient understanding of what is going to be the resultant of putting them into the same system with existing laws under existing decisions.

We need trained and intelligent assistance in the drafting of laws. I am sure, sir, that the same experience which in a number of our States, notably in Wisconsin and a number of other States, has worked out to a satisfactory conclusion along this line will be duplicated in our national legislation. I feel very strongly that this is a practical measure of reform in legislation.

Mr. BRISTOW. Mr. President, I can see that such an officer would be very useful, but this is the language that attracted my attention:

SEC. 4. That public bills or amendments to public bills shall be drafted or revised by the said bureau on request of the President, any committee of either House of Congress—

And so forth.

The section uses the expression "public bills." I thought a public bill was a bill that might be reported here from a committee. Would the President have a right, under this language, to ask this officer to revise such a bill?

Mr. ROOT. Certainly not. If the President wants to recommend a measure to Congress, he will have a right to call upon this officer to make a draft in accordance with his recommendation. A committee which agrees with the principle of a bill that is proposed will have a right to call upon him to make a draft to give effect to that principle. Nobody has to do anything with it after it is done, and nothing can be done with a bill that is introduced by anyone unless it is upon his own request.

Mr. BRISTOW. Of course, if that is the purpose of the bill I can see that it would be very useful; but I got the impression that "a bill" might be any bill pending.

Mr. ROOT. No. The work that is done has no legal or binding effect whatever. It is merely an assistance of which the committees and other public officers may avail themselves.

Mr. BACON. Mr. President, this matter is going over; but with all due deference and the profoundest respect for the author of this bill, and for the distinguished Senator from New York who has so highly commended it, I wish to say that I think it is the most astonishing piece of legislation I have ever heard proposed in this body. If the time has come, or is likely to come, when Senators are going to need a schoolmaster to teach them how to draft a bill, I think it is about time that the Senators who are in such need should retire to their homes, resume their seats on their school benches, and let somebody else come here who is capable of doing such work.

I may overestimate myself, but I am very free and very frank to say that I do not myself need any such assistance. Not only do I not need any such assistance, but I should not be willing to subject myself to any such supervision, to use the mildest term. The idea, that Members of the Congress of the United States, chosen men, who are presumed, at least, whether that presumption is realized or not, to be educated men, men skilled in public affairs, men with knowledge of the existing laws and of conditions of affairs calling for the enactment of new laws, need somebody to supervise them and to put in shape measures which they favor and which they profess to advocate! Why, Mr. President, I can scarcely find words to express my astonishment that such a thing should be proposed in this body.

Now, Mr. President, it may be that such a method of procedure is found convenient in the British House of Commons, but the Senators who cite the British House of Commons in this particular, as in a good many others at other times, fail to recognize the essential and fundamental differences between the House of Commons and either branch of our Congress. The House of Commons is a body from which, in the main, is taken the ministry. There are some few from the House of Lords, but they are generally more ornamental and formal than they are active and efficient members of the ministry. With a few exceptions, they have had some local ones, prominent members from the House of Lords, some premiers; but as a general rule the ministry in England is taken from the House of Commons, and that ministry is but a committee of the House of Commons, so far as it is composed of the members of the House of Commons. It is the executive branch practically, though not nominally, of the British Government; and such being the case, being absolutely responsible to the House of Commons, and without the support of the House of Commons not being able to exist or to continue in power, it is perfectly natural that the great body of the House of Commons takes little or no active part in the framing of legislation. It is done largely by the ministry, and it is a very convenient matter for it, I presume, to have,

as I understand from the learned Senator from New York, such an agency as it is now proposed to provide us with. The bills are introduced, in a large measure, if I understand correctly, by those who thus represent the House of Commons; and it is for that reason that those matters are known as Government measures, because the Government there is represented by the ministry itself, being a part, in the main and almost exclusively, of the House of Commons. Bills are introduced by them and those who are the supporters of the Government line up behind them. While I do not profess to speak accurately in regard to the matter, I think it is true that few bills of any consequence are introduced in the House of Commons on the majority side except by those who represent the Government in the ministry or by those acting with the approval of the ministry.

That is not the case here, Mr. President. Every Senator here is the equal of every other Senator, and every Senator here is in a position to propose legislation. Every Senator here is in a position to attempt to mold legislation, and no one here, whether he be on the majority side or on the minority side, is clothed with the power to suggest legislation and to frame legislation with the expectation and understanding that it is to be recognized as a measure to be supported in whole by those who favor the dominant party in the legislative body.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. BACON. So it is altogether a different matter.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator if he does not think it probable that if we had such an officer as this a number of the treaties that have been prepared and reported to the Senate might have been understood by at least the members of the Foreign Relations Committee, all of whom differed as to the meaning of the language used?

Mr. BACON. I will refer the Senator from Oregon to the Senator from New York [Mr. ROOT] to answer that question, as he has framed more treaties than any other Secretary of State in half a century, and I may also say that I think among the best that have been framed either before or since that time.

Mr. President, let us go further. Language used by men is necessarily an imperfect vehicle. Necessarily there is frequently ambiguity. Necessarily the opinions of men will differ on the construction of language.

I will say to the Senator from Oregon that I think a careful examination of the treaties which have been made by the Government of the United States, and notably the later ones, which I presume the Senator from Oregon has in view, have been framed with very great care and with a most excellent choice of language, and with as much skill in the avoidance of ambiguity as any other compositions that I know of.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. BACON. Certainly.

Mr. CHAMBERLAIN. And not only in the matter of treaties, but if I recall correctly there have been words used in the Sherman antitrust law and other important——

Mr. BACON. Undoubtedly.

Mr. CHAMBERLAIN. And in other important pieces of legislation which not only the Senate generally did not understand when the bill was enacted into law but which the Supreme Court itself did not understand. So I say, if the Senator will pardon me a moment, if such an officer as this were provided by law to go over and study the use of words and to report to the Senators or Members having bills in charge very much of this misunderstanding might be done away with in the future.

Mr. BACON. I think the Senator will wake up and find himself entirely mistaken in that anticipation. The contrary has been true from the beginning of the world. We have a book we call the inspired book; if that belief is correct, it should have the most accurate and best choice of language. Yet I should like to know where in all the range of spoken or written language the Senator would find any book which has given more controversy as to what it meant, in some particulars at least, than the Bible. That has been true of all propositions. It is true of all statutes which have been enacted into law particularly, and vast libraries full of the decisions of courts construing statutes about which men have differed are the best testimony to the truth of what I now say.

Even the members of the courts themselves differ as to what language means in a particular case. As suggested to me by my friend from Arizona [Mr. SMITH], the greatest of lawyers have with the utmost care drawn wills about the construction of which there has been vast litigation, great consideration by courts, and frequently an absolute overturning of what was the purpose of the lawyer in drawing the will, and I presume there is no lawyer who might not have a similar experience.

But, Mr. President, who could hope that this schoolmaster, whom we propose to provide an office for at the rate of $7,500 a year, could possibly——

Mr. OWEN. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, who could possibly suppose that he should rise to such a height of perfection in the use of human language that he could bring here compositions about the construction of which there would be no difficulty and no doubt.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. BACON. Certainly.

Mr. OWEN. I hope to be permitted to suggest to the Senator from Georgia that, if he had read the bill more carefully, perhaps he would not have spoken of this drafting bureau as exercising a supervision over the Senate and being a schoolmaster over the Senate. It is only to be used by those who are not entirely confident of their ability to draft a complicated act in such a way as to comport with every statute that is on the statute book and with every decision that has been reported with regard to it. There are some of us in this body who are not so absolutely sure of themselves in drafting important measures. I took part in reporting this bill, and I want to call the Senator's attention to the fact that he obviously misunderstands the scope and purpose of it.

Mr. BACON. Mr. President, of course I do not assume to myself all the knowledge the Senator from Oklahoma suggests this proposed congressional schoolmaster is to have. I do not think within the range between the two oceans he is going to find a man who knows all the laws which have been passed and all the decisions which have been made and who will be prepared when a bill is submitted to him to say whether or not it will in any manner trench upon any other act which has been passed or is consistent with any provision of a statute passed, or whether it is consistent with every decision of the courts which has been made. Those are things which we develop in our discussions here. In our discussions we find out when a bill has been introduced whether it is a proper bill. The test by which a bill is to be judged is whether or not it conflicts with the law already on the statute books and whether, if it does thus conflict, it is one which should prevail and the existing law be set aside. It is in the debates of this body, in the suggestions of ninety-odd Senators, each bringing his modicum of knowledge to the general fund, and by a comparison and examination that we ascertain whether legislation is proper to be enacted or not.

But, this, Mr. President, seems to have a very wide scope in view. This proposed prodigy is not only to be a schoolmaster who is to put bills in proper shape when Senators are themselves not capable of writing good English, but he is to be a wise man, who is not only to exercise that remarkable function, but the greater function of relieving Senators of the necessity of study, of relieving Senators of the necessity of comparing each his view with the views of the ninety-odd Senators and saying, "You can not pass this bill; that would not be according to law. You have not considered such and such a statute; you have not examined such and such a decision. I know it all. You need not examine it. What I tell you you can rely on and act upon." It is now to be done by this remarkable man whom I have denominated as a schoolmaster, but who will be very much greater than a schoolmaster. He would be an all-wise man. He would be the most learned man who was ever seen in this or in any country. If such a man could be found and if, in addition to his great wisdom, his great learning, you could engraft upon him absolute sincerity of purpose and patriotism, he would be a man who should be installed as the lawmaker of this country, and let the gentlemen who are so deficient in the ordinary rudiments of the English language and who are so ignorant of law, that which exists and is found in the statute books and as well in the decisions of the courts, go home, and let this schoolmaster and this all-wise man perform our functions for us.

Now, Mr. President, there is another thing that I want to call the attention of the Senate to. I confess I have not read the bill carefully. If I had seen it before and had had time to reflect upon it, it would perhaps not have astonished me so greatly. I confess that it has absolutely "knocked me off my pins" that there should be such a suggestion in the Senate of the United States.

Mr. LEWIS. Does the Senator say it "knocked him off his pins"?

Mr. BACON. The Senator from Illinois once lived in Georgia, and he knows what that means. It is a slang expression and possibly I ought not to have used it in this connection. But, Mr. President, aside from this consideration, I may be wrong about it, but it is absolutely irreconcilable, from my point of view, of what our duty is here and what our function is here.

Aside from that, I think the bill is absolutely out of order. It has been introduced here in contravention of the rules of the Senate. If not a technical violation of the rules, it is a violation of the spirit of our rules. Is not this a change, a most radical change, in the rules of the Senate? It is the most far-reaching rule that I have known proposed in the Senate. Was there any notice ever given of any such proposed change of the rules? Was it introduced as a change of the rules? Has it ever been to the Committee on Rules?

Let us see whether it is a change of the rules or not. Under the rules as they now exist any Senator has a right to draft and introduce a bill. Certainly it was a very gross oversight in those who first framed the existing rules to suppose that Senators would be competent for such business.

Mr. OWEN. May I interrupt the Senator?

Mr. BACON. Certainly.

Mr. OWEN. I call the Senator's attention to the fact that the proposed measure does not prevent a Senator from drawing a bill.

Mr. BACON. I was going to call attention to what I meant by it. I may be wrong about it.

Mr. OWEN. I think, obviously, the Senator has not read the bill.

Mr. BACON. I confess I have not read it all through. I have not read it clear through, but I have read enough to satisfy myself about it.

Mr. WILLIAMS. If the Senator will pardon me——

Mr. BACON. I was about to state——

Mr. WILLIAMS. The bill provides:

That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President.

Mr. BACON. Of course. That is what I was going to call attention to. I presume when it says "President," it means the President of the United States. There is a capital "P" here. And we are going to have the remarkable revolution in this country that when a public bill is to be introduced, the President of the United States is to notify this schoolmaster and this all-wise man to draft a bill and bring it in here. I do not see how, under the language which was read by the Senator from Mississippi, any one of the Senators——

Mr. WILLIAMS. Mr. President——

Mr. BACON. Pardon me just a moment. I do not see how any one of the Senators, whom our constituents have made such a great mistake about as to suppose for an instant that they knew how to draft a bill or knew anything about the conditions of this country which would justify legislation——

Mr. WILLIAMS. If the Senator will pardon me.

Mr. BACON. Yes; I will yield, though I had not finished my sentence.

Mr. WILLIAMS. The bill provides—

That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President, any committee of either House of Congress, or of 8 Members of the Senate, or of 25 Members of the House of Representatives.

One good thing about it is that it takes 25 of them to 8 of us.

Mr. BACON. Mr. President, I am raising the question whether or not this is a change of the rules. Is it not mandatory? What are public bills? You may say that a bill for a pension to John Jones is not a public bill, or a bill to authorize the construction of a bridge over a river might not be called a public bill. I am not sure about it, especially the latter one, because that concerns the public pretty largely, and affects the question of interstate commerce and all that. But there are private bills.

What are public bills? Of late most of the legislation is enacted under bills introduced which would be classed as public bills. I think the bills that would not be classed as public bills are comparatively few. Yet we come into this Chamber, and I presume if the Senator from New York rose in his place to introduce a bill it would be in order for the Vice President or possibly some Senator to say to the Senator from New York, "Has the Senator from New York submitted that bill to this schoolmaster, to this all-wise man? Was it drafted by him or was it drafted by the Senator from New York?" And if it should be found that the Senator from New York had had the temerity, the self-assertion, the self-confidence to presume to draft a bill and introduce it he would be declared out of order because that schoolmaster had not drafted it or revised it and approved it. That would be about the size of it.

Now, Mr. President, I continue where the Senator from Mississippi [Mr. WILLIAMS] very properly interrupted me. I do not know that I ought to discuss it now, but certainly I will at the proper time if it ever comes up again, but as the matter has been brought to the attention of the Senate I think it ought to be properly characterized now. Is this or is it not a bill changing the rules of the Senate? Could there be a bill which would more effectively and radically change the rules of the Senate than this bill?

Nobody can question the fact, as I was proceeding to say, that under the present rules each Senator has the right to draft a bill and introduce it in the Senate, and nobody has now the right to ask him whether it was drafted by this remarkable wise man whom you propose to find, and who can not be found. We may find some one who will approach him, but certainly not one who will fill all his great perfections.

Does this bill prohibit a Senator from introducing a bill in the Senate? Will this bill, if enacted into law, change the rule in that regard? There is no doubt about the fact that every Senator now has the right to frame and introduce a bill without reference to this wise man. Will he have that right when the section of the bill read by the Senator from Mississippi [Mr. WILLIAMS] becomes law?

That public bills, or amendments to public bills—

Why, Mr. President, a Senator could not even get up here and say, "I propose at the proper time to offer an amendment" unless he would be subject to the inquiry from the Chair or from a Senator, "Has that amendment been submitted to this congressional schoolmaster? Has he drafted and approved it?" The language is:

That public bills, or amendments to public bills, shall be drafted——

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I do.

Mr. POMERENE. Assuming, without admitting, that the criticisms of the Senator from Georgia are correct, is he not now demonstrating the necessity of some schoolmaster in the drafting of bills?

Mr. BACON. Well, Mr. President, if I were presenting a bill which was imperfect I should say that it was a demonstration; but I am not presenting it. Does the Senator refer to this bill?

Mr. POMERENE. I understood that the Senator from Georgia was criticizing this particular bill.

Mr. BACON. I am.

Mr. POMERENE. And if so, I suggested that he was making a very strong argument in favor of the necessity of some schoolmaster in the drafting of bills.

Mr. BACON. By no means. I think the bill, so far as its composition is concerned, is very properly drafted. I am not criticizing the grammar, or the English, or the composition, or the rhetoric of the bill in any way, but I am talking about what the bill seeks to accomplish. If the language means what it purports to mean, the bill seeks to accomplish the end that a public bill, anything which shall be denominated as a public bill, or anything which shall be considered as an amendment to that which shall be taken as a public bill, shall be drafted by this all-wise man—this $7,500 man.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. WORKS. I should like to ask the Senator from Georgia at what particular stage of the proceedings the President of the United States might ask for a revision of a bill or of an amendment offered in the Senate?

Mr. BACON. I do not know. I suppose, though——

Mr. WORKS. I understood the Senator to say that the language of this bill was perfectly clear.

Mr. BACON. Well, no; I did not say that. I spoke of the composition of the bill. The Senator from Ohio [Mr. POMERENE] asked me whether I was not demonstrating the fact, by my criticism of this bill, that we ought to have a schoolmaster to draft the bill. I was replying to that when I said that I was not criticizing the rhetoric of the bill.

Mr. WORKS. It strikes me, Mr. President, that section 4 of the bill is exceedingly ambiguous in its terms. I think the Senator from Kansas [Mr. BRISTOW] has suggested what might be the proper construction of it, and yet the Senator from New York [Mr. ROOT], who is certainly as competent as any of us to construe the meaning of language, takes an exactly opposite view of its meaning.

Mr. BACON. It demonstrates, Mr. President, the fact to which I have already alluded, that it is an extremely difficult

thing for anyone to draft a bill or to write a sentence which, by reason of the imperfection of human language, will not be susceptible to more than one construction.

I am not, however, going to detain the Senate, but I do want to make this point distinctly—for it is a good point, and possibly Senators may feel the necessity, if they wish to pursue this matter, to begin over again—I say this bill proposes a change in the rules. It contains a positive requirement that every public bill and every amendment to a public bill, to go no further—I am speaking of the provision which refers to the President and the committees of the two Houses—that every public bill and every amendment to a public bill shall be drafted by this all-wise man. That is an utter contravention and overthrow of the present rule of the Senate. The rule of the Senate is that whenever an amendment of the rules is proposed notice in writing shall be given at least one day in advance of the purpose to amend the rules, and that thereafter the amendment shall be introduced. Of course it can then be properly acted upon.

Mr. President, it is true that it is proposed to do this by an act of Congress; but, nevertheless, it would be a change of the rules. We do not have the rules of the Senate controlled by acts of Congress, and I understand that the province of the Senate is to frame its own rules, and it is the rule of the Senate to require certain notice to be given of a proposal to amend the rules or to make new rules. This can not be evaded by the passage of a bill.

But, Mr. President, of course this matter, if it ever comes up for discussion, is one which will not be limited to the very superficial examination which I have given to this bill. I think it is utterly indefensible, it is astonishing that it should be proposed, and I never expect to see the day when the bill will be enacted into law.

Mr. OWEN. Mr. President, I have been very much amazed at the criticisms made by the Senator from Georgia [Mr. BACON]. The misinterpretation of the bill by the Senator from Georgia is the more surprising because this matter has been before Congress not only during this session of Congress but in the previous Congress. I hold in my hand the report on the bill to create a legislative drafting bureau and reference division, made to the Senate last year, Calendar No. 1051, Report No. 1271, and I shall ask to place in the RECORD the first two pages of that report, which explain very fully the object of this proposed legislation.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

LEGISLATIVE DRAFTING BUREAU AND REFERENCE DIVISION.

Mr. ROOT, from the Committee on the Library, submitted the following report, to accompany S. 8337:

The Committee on the Library, to which was referred the bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress, has considered the same and has given hearings thereon, and now returns the same to the Senate with some amendments and recommends that the bill be passed as amended.

This bill aims to assist the Members and committees of the Senate and House in the preparation and consideration of legislation in two ways: First, by increasing the usefulness of the Library of Congress in furnishing statistics, historical matter, discussions, and systematizing information generally bearing upon legislation. Second, by the employment of persons of experience and special skill in the drafting of provisions, adapted to secure the object sought, consistent with existing laws, conforming to the decisions of courts, avoiding past mistakes, and free from ambiguity and uncertainty.

In both of these respects all that the bill undertakes to do has already been done by some of the States of our Union and by the British House of Commons. The bill reported is the result of applying the experience of Wisconsin, New York, Alabama, Indiana, Michigan, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, and Texas.

The Library of Congress now renders most useful services in furnishing Members of both Houses material useful for the consideration of legislation. The Librarian of Congress has testified that the special organization of a legislative reference division would greatly increase the practical utility of the work now done. He says:

"What we do not do, and what a legislative reference division in the Library would do, is to select out of this great collection—now 2,000,000 books and pamphlets—the material that may bear upon one or another of the topics under consideration by Congress or that are likely to be under consideration, or that come up under particular discussions; extracting, digesting, and concentrating material that will bear upon those questions, to be set aside, available to Congress or to the individual Member of Congress or a committee of Congress. It requires duplication of material; it requires an approach to the material from a different direction from that from which we now approach it. We now have the material in the files of serials, official publications, etc., in its primary form; but such a bureau as this would seek material with reference to one or another of these topics. That distinction is pointed out in the first five pages of my report of 1911."

In the drafting of bills it is proposed to have a competent and nonpartisan draftsman who can render the same kind of service to Members and committees in the framing of measures which Mr. Hinds so long rendered in the House of Representatives upon parliamentary questions. There is a general agreement that there are serious defects prevailing in our legislation, both in Congress and in our State legislatures. These defects arise in part from the fact that many provisions are drafted as matters of first impression. Words are used which seem to the draftsman adapted to accomplish his purpose, but when those words are considered in connection with all the existing laws of which they are made to form a part they may have an entirely different effect from that which was intended, and when they are considered with reference to all the existing decisions of the courts by which they may be construed they are often found to be utterly futile or to produce quite unexpected results. The effect of continually thrusting provisions into the body of the law without considering carefully what is already there is to make a jumble of statutes which creates uncertainty, breeds litigation, and makes the law ineffective. Another difficulty arises from the fact that the drafting of statutes demands exceptional capacity for clear and definite statement, and many very strong and useful legislators have not that capacity. This subject has now been before Congress a number of years. Many bills have been introduced in the Senate and the House. The House committee had very full hearings several years ago and the Senate Committee on the Library has had the benefit of those hearings. The committee transmits herewith as part of this report a printed copy of the hearings taken before it upon which it has based its conclusions.

Mr. OWEN. Mr. President, the bill does not propose in any way to interfere with the right of a Senator to draft a bill and to introduce it, but the only purpose is to authorize and direct the proposed drafting bureau, in charge of a trained student of legislative language and processes, to draft a bill when called on to do so by any of the authorities of the United States. It does indeed——

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. OWEN. I do.

Mr. VARDAMAN. I am very much interested in the discussion of the question, and I should like to have the Senator from Oklahoma explain at what stage in the consideration of a bill the President would be authorized to ask for a recasting or a rewriting of the bill.

Mr. OWEN. I am glad the Senator from Mississippi has asked me that question, because it affords me an opportunity to explain the matter. It frequently happens that the President of the United States, charged with the execution of the laws of the United States, in the administration of a law finds some defect in it, and it often happens that he suggests to Congress changes therein; and it has not infrequently happened that the members of his Cabinet have sent to Congress drafts of proposed legislative bills which they thought would meet a certain purpose. We frequently pass upon such matters when a bill is referred from this body to a committee.

Mr. VARDAMAN. I did not want——

Mr. OWEN. Just one moment. When a bill goes to a committee of this body the committee will often send that bill for a report to the executive branch of the Government. The executive branch will frequently make a report upon it and state that the bill is defective in a certain particular and will suggest a new draft. This proposition is only to give the President and the members of his Cabinet an opportunity to get the benefit of the services of the proposed drafting bureau.

Mr. VARDAMAN. But the President could act and operate only through Congress.

Mr. OWEN. Oh, certainly. It is only to make available for the officers of the United States, the President, the Senate, and the other House the opportunity of getting the best expert advice when they are drawing some important measure.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Oklahoma what meaning he gives to the word "revised" as used in that connection. The bill provides not only that the President, for example, may call for the drafting of a bill, but that he may require that it be "revised." There is no limitation at all upon the time or the occasion or the kind of amendment to a bill that the President may call upon the bureau to revise, except that it shall be a public bill.

Mr. OWEN. I will say to the Senator from California that when a bill has been drafted and it is found to be defective, or is believed to be defective, any person may revise that form and make suggestions of amendment. Anybody may do that, either in Congress or out of Congress.

Mr. WORKS rose.

Mr. OWEN. Just a moment, and I will complete the answer. It is, therefore, no grant of extraordinary power that is proposed, but this drafting bureau may, upon request, revise or redraft the language that has been used by anybody else. Such a bill is, after all, merely a draft; it has no validity and no force until some Senator or some Member of the other House offers it to the body of which he is a Member and submits it for their consideration. Previously to that time it is just so much waste paper, so far as being a bill pending in Congress is concerned.

If this language be defective, as Senators appear to think, let them revise it within the scope of the meaning which I give to it, which is the true meaning, no matter how variously it may be interpreted on this floor. The very fact that any language used may be interpreted by Senators in more than one way emphasizes the importance and the need of a drafting bureau that shall employ language which, if possible, shall not be capable of a double interpretation.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from California?

Mr. OWEN. I yield to the Senator.

Mr. WORKS. I will say to the Senator from Oklahoma that I am not claiming that the language is defective, but the bill certainly provides in express terms that this bureau shall, on the request of the President, revise any bill or amendment. Now, I should like to ask the Senator——

Mr. OWEN. Perhaps it would be better to say the "form of any bill."

Mr. WORKS. Just one moment. I should like to ask the Senator from Oklahoma what right the President of the United States would have to interfere and to have revised an amendment offered to any bill by the Senator from Oklahoma, for example?

Mr. OWEN. None whatever.

Mr. WORKS. But this bill provides for that in express terms.

Mr. OWEN. If it does, change the language.

Mr. WILLIAMS. I should like to ask the Senator a question. Suppose the Senator from Arizona [Mr. SMITH] introduces a bill; at what stage of the proceedings would the President have a right to call upon this bureau to revise that bill and upon whose communication as to its imperfections?

Mr. OWEN. He would not have that right at all.

Mr. WILLIAMS. Then, what does this language mean:

That public bills or amendments to public bills shall be drafted or revised by the said bureau on request of the President——

Mr. OWEN. It means that if the President of the United States desires to submit a bill upon a certain subject he may appeal to this bureau and use their services in drafting it before he does submit it.

Mr. WILLIAMS. The President of the United States has no power under the Constitution to introduce a bill in the Senate or the House.

Mr. OWEN. I do not think the President of the United States has any power to introduce a bill in the Senate or the House. Nobody has ever contended that he has, so far as I know, and nobody ever suggested it except the Senator from Mississippi.

Mr. WILLIAMS. Ah, no; I beg the Senator's pardon. The language is:

That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President—

Now, mark you, it says not only "drafted," but "revised."

Mr. OWEN. Yes; both.

Mr. WILLIAMS. If that means anything at all, it means that some existing bill in the Senate or the House which has been already introduced by some Representative or Senator shall be revised by this bureau upon request of the President.

Mr. OWEN. The term "bill" technically, perhaps, might be construed to be a bill after it has been introduced, yet the term is constantly used as applying to a measure which is in process of being drawn. We speak——

Mr. WILLIAMS. Mr. President——

Mr. OWEN. Just a moment. Before the tariff bill was ever introduced at all it was continually referred to as the pending bill before the committee. A bill may be drawn in the committee and may be brought out by the committee as a committee bill, not having been previously introduced in the Senate as a bill. It is only one of the many uses of language where there is more than one meaning. Technically, I agree that before a measure becomes a bill it must first be introduced.

Mr. WILLIAMS. Now, I will ask the Senator if this provision does not mean "revised" in the sense in which I have explained it, must it not refer to a bill to be originally introduced by the President?

Mr. OWEN. I think perhaps the language there to which the Senator is referring——

Mr. WILLIAMS. Mr. President——

Mr. OWEN. Let me finish.

Mr. WILLIAMS. Well, go ahead and finish.

Mr. OWEN. I want to be allowed to finish. I think the bill might be better——

The VICE PRESIDENT. Senators will please conduct the discussion so that others can hear it. The Chair would like to hear a little of it himself.

Mr. WILLIAMS. I thought I had obtained the consent of the Senator from Oklahoma to interrupt him.

The VICE PRESIDENT. The Senator did not do so by addressing the Chair.

Mr. WILLIAMS. I thought that I addressed the Chair before I addressed the Senator.

Mr. TOWNSEND. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Michigan will state his parliamentary inquiry.

Mr. TOWNSEND. What is the matter now before the Senate?

The VICE PRESIDENT. The consideration of unobjected bills on the calendar under Rule VIII is the order under which the Senate is proceeding.

Mr. TOWNSEND. But this bill went over, as I understood.

The VICE PRESIDENT. It did.

Mr. OWEN. It went over on request of the Senator from Oklahoma.

Mr. TOWNSEND. I so understood.

Mr. OWEN. And we are now discussing it at length.

Mr. TOWNSEND. I will have to ask for the regular order because I am not hearing much of the discussion, although I am interested in the matter.

Mr. OWEN. I am quite content to have the regular order.

The VICE PRESIDENT. The bill will be passed over.

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until Monday next at 2 o'clock p. m.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, July 14, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate July 11, 1913.

AMBASSADOR.

James W. Gerard, of New York, to be ambassador extraordinary and plenipotentiary of the United States of America to Germany, vice John G. A. Leishman, resigned.

MINISTER.

Joseph E. Willard, of Virginia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Spain, vice Henry Clay Ide, resigned.

DEPUTY COMMISSIONER OF PENSIONS.

Edward C. Tieman, of Missouri, to be Deputy Commissioner of Pensions, vice Leander Stillwell.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Clifford J. Boush to be a rear admiral in the Navy from the 26th day of March, 1913, to correct the date from which he takes rank, as previously nominated.

Commander George W. Logan to be a captain in the Navy from the 1st of July, 1913.

Lieut. Commander Frank B. Upham to be a commander in the Navy from the 15th day of June, 1913.

Lieut. (Junior Grade) Wilfred E. Clarke to be a lieutenant in the Navy from the 16th day of April, 1913.

The following-named paymasters with the rank of lieutenant to be paymasters in the Navy with the rank of lieutenant commander from the 1st day of July, 1913:

George P. Auld,
James S. Beecher,
Henry A. Wise, jr.,
Henry de F. Mel,
John A. B. Smith, jr.,
Felix R. Holt,
Emmett C. Gudger,
Stewart E. Barber,
Howard D. Lamar,
Ervin A. McMillan,
Eugene H. Tricou,
William C. Fite, and
David C. Crowell.

The following-named passed assistant paymasters with the rank of lieutenant (junior grade) to be passed assistant paymasters in the Navy with the rank of lieutenant from the 1st day of July 1913:

William R. Van Buren,
Raymond E. Corcoran,

Elwood A. Cobey,
Spencer E. Dickinson,
Robert S. Chew, jr.,
Russell Van de W. Bleecker, and
Major C. Shirley.

The following-named naval constructors with the rank of lieutenant to be naval constructors in the Navy with the rank of lieutenant commander from the 1st day of July, 1913:

Julius A. Furer,
William B. Fogarty,
Sidney M. Henry, and
Lewis B. McBride.

The following-named assistant naval constructors with the rank of lieutenant (junior grade) to be assistant naval constructors in the Navy with the rank of lieutenant from the 1st day of July, 1913:

Philip G. Lauman,
Arthur W. Frank, and
Ralph T. Hanson.

The following-named civil engineers with the rank of lieutenant to be civil engineers in the Navy with the rank of lieutenant commander from the 1st day of July, 1913:

Ernest H. Brownell,
Ernest R. Gayler,
Paul L. Reed,
Frederic R. Harris, and
Archibald L. Parsons.

Lieut. Commander Emmet R. Pollock to be a commander in the Navy from the 1st day of July, 1913.

Lieut. Commander Chester Wells to be a commander in the Navy from the 1st day of July, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Paul L. Holland,
Richard C. Saufley,
James L. Kauffman,
Harrison E. Knauss,
Frank R. Berg,
Paul H. Bastedo,
Jabez S. Lowell,
Archibald H. Douglas,
William W. Wilson,
Lee P. Warren,
Abner M. Steckel,
James G. Stevens,
Robert R. M. Emmet, and
Raymond G. Thomas.

Francis C. Clark, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 30th day of June, 1913.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Rae Bartley Hall to be third lieutenant in the Revenue-Cutter Service of the United States to fill an original vacancy.

ASSISTANT SURGEONS IN THE PUBLIC HEALTH SERVICE.

Joseph Bolten to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

Robert Clarence Derivaux to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

John Sebastian Ruoff to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

Tully Joseph Liddell to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

Harry Clinton Cody to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

Walter Lewis Treadway to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 11, 1913.

COLLECTOR OF INTERNAL REVENUE.

John L. Pickering to be collector of internal revenue for the eighth district of Illinois.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

F. L. Siddons to be a Commissioner of the District of Columbia.

JUDGE OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

J. Wilmer Latimer to be judge of the Juvenile Court of the District of Columbia.

REGISTER OF THE LAND OFFICE.

John E. Kelley to be register of the land office at Pierre, S. Dak.

PROMOTIONS IN THE NAVY.

Byrd C. Willis to be an assistant surgeon in the Medical Reserve Corps.

Prof. Thomas J. J. See to be a professor of mathematics, with rank of captain.

Prof. Frank B. Littell to be a professor of mathematics, with rank of commander.

POSTMASTERS.

COLORADO.

Herbert D. Barnhart, Creede.
Finley Dye, Julesburg.
Alexander Gray, Ordway.
Judith Nichols, Ridgway.

FLORIDA.

J. M. Crumpton, Clearwater.
G. N. Denning, Winter Park.
William R. Dorman, Liveoak.
Joseph H. Humphries, Bradentown.

IDAHO.

F. H. Bradbury, Rathdrum.
W. J. Coltman, Idaho Falls.
George W. Harris, Burke.
Edgar T. Hawley, St. Maries.
S. H. Laird, American Falls.
A. McDermid, Kimberly.
Emil L. Mueller, Kamiah.
J. J. Nickles, Plummer.
John J. Presley, Wallace.
Simpson M. Rich, Paris.

ILLINOIS.

Matthew Bollan, Havana.
E. J. Cushing, Assumption.
E. Wynette Herlocker, Table Grove.
Clarence H. Hunt, Cambridge.
Moses Jordan, Christopher.
P. S. McPherson, Benld.

INDIANA.

George W. Jones, Whiting.
M. A. Thomas, Jasonville.

KANSAS.

W. A. Corrigan, Haviland.
Herman L. Haasis, Florence.
Edward F. Hudson, Fredonia.
Gustave Ziesenis, Eudora.

LOUISIANA.

S. Y. Watson, Baton Rouge.

MICHIGAN.

Henry A. Bishop, Millington.
Carl L. Farwell, Barryton.
Michael L. Gillen, Adrian.
James Guinan, Dearborn.
William J. Lewis, Boyne City.

MINNESOTA.

G. O. Bergan, Sacred Heart.
Emil Eriksen, Lakefield.

MISSOURI.

William H. Titus, Excelsior Springs.

NEBRASKA.

Joseph Fenimore, Merna.
C. G. Fritz, Hooper.
Anton J. Ruzicka, Belgrade.
Lizzie Smith, Riverton.

NEW YORK.

James P. Doyle, Nunda.

NORTH CAROLINA.

H. S. Harrison, Enfield.

OHIO.

Thomas P. Dodd, Larue.
H. Bernard Thieman, Minster.

OKLAHOMA.

Charles Amspacher, Apache.
J. S. Barham, Wewoka.
T. S. Chambers, Tonkawa.
Harry J. Dray, Weatherford.
A. R. Duncan, Carmen.
Peter H. McKeown, Billings.
George M. Massingale, Leedey.
W. A. Prince, Crescent.

SOUTH DAKOTA.

H. B. Brown, Clark.
Charles S. Engler, Faith.
James R. Fonger, Gary.
Charles F. McClung, jr., Tripp.
James Snow, Midland.

TENNESSEE.

Luke C. Peak, Jefferson City.
Knox Tate, Bolivar.

TEXAS.

J. G. Witherspoon, Crowell.

UTAH.

W. W. Browning, Ogden.

VERMONT.

C. M. Boright, Richford.

WISCONSIN.

Hedley G. Bannerman, Redgranite.
Annie W. Bartholomew, Delafield.
John Blake, Mellen.
Theodore Buehler, jr., Alma.
Elizabeth Croake, Albany.
Arthur R. Curtis, National Home.
E. A. Drotning, Stoughton.
John F. Flanagan, Oconomowoc.
George E. Forward, Brandon.
Charles A. Gesell, Tomahawk.
Frank Hall, Rio.
James F. Horan, Friendship.
Robert Horneck, Elkhart Lake.
W. C. Kiernan, Whitewater.
Frank Leuschen, Marathon.
John Vander Linden, West De Pere.
Frank J. Maher, Omro.
F. A. Partlow, Clear Lake.
Joseph A. Paustenbach, Abbotsford.
William J. Riedner, Columbus.
George H. Schmidt, Kewaskum.
Agnes Scholl, Pewaukee.
Paul E. Stiehm, Johnson Creek.
Max C. Stoltenow, Spencer.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 12, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father soul, above all, through all, and in us all, make us conscious of Thy presence and impress us with Thy thoughts and ways, that we may emphasize them in our lives; and as the moon reflects the glory of the sun, so may we reflect Thy glory by filling our appointed niche in the world, great or small, without ostentation, and thus hasten the coming of Thy kingdom upon the earth. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Wednesday, July 9, 1913, was read and approved.

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. If there be no objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., July 11, 1913.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: My health has become impaired and I find I must go abroad to take treatment at Nauheim. I therefore ask that I be granted an indefinite leave of absence.

Yours, very truly, HENRY G. DANFORTH.

The SPEAKER. If there be no objection, this leave will be granted.

There was no objection.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAYDEN, for three days, on account of important business.

To Mr. L'ENGLE, indefinitely, on account of illness.

COMMITTEE ON ENROLLED BILLS.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

House resolution 199.

Resolved, That the Committee on Enrolled Bills shall be, and is hereby, authorized during the Sixty-third Congress to have such printing and binding done as may be required for the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PRINTING OF TARIFF BILL.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the consideration of a resolution to have some copies of the tariff bill printed.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the bill H. R. 3321, with amendments, as reported in the Senate July 11, 1913, 26,000 copies for the use of the House and 10,000 copies for the use of the Senate.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ADDRESS OF BENJAMIN F. BUSH.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Benjamin F. Bush, president of the Missouri Pacific Railway Co. and the Denver & Rio Grande Railroad Co., before the Economic Club of New York City, on April 29 last. The address is a most able one, and gives much valuable information concerning the railroads, a subject—the railroads and their employees—with which Congress is at the present time greatly concerned.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The address referred to is as follows:

"Mr. President and gentlemen of the Economic Club, a careful and impartial analysis of the railroad situation as it exists to-day irresistibly forces the conclusion that there is no subject before the people, no policy engaging the attention of the Government, that in its future economic aspect foreshadows more dangers, both to the commerce of this country and to our institutions, than does that of railroad transportation; therefore, that it be solved rightly it should receive the most scrupulous consideration.

"The wonderful commercial progress of the United States has been made possible only by the railroads. Since 1870, when the impetus given railroad construction began, the wealth of this country has increased from $30,000,000,000 to the enormous sum of $140,000,000,000. Its foreign commerce, in the main largely dependent upon the railroads, from $800,000,000 to $4,000,000,000. The internal commerce of the railroads to-day has reached the stupendous figures of over 293,000,000,000 of units of service—being the tons of freight hauled 1 mile and the passengers carried 1 mile.

"The volume of this railroad commerce has nearly doubled in 12 years, and taking cognizance of the alert and progressive spirit of our people and our still latent and undeveloped resources—in farm, mine, forest, and factory—an alluring promise is foreshadowed for a continued increase.

"The fulfillment of this promise rests entirely upon the ability of the railroads to improve their existing plants to a higher state of efficiency, to extend their lines into the undeveloped regions and thereby provide the necessary facilities for the prompt movement and distribution of the products arising from the awakened activity. The commercial supremacy of the world is the heritage of our Nation if the means at our command are wisely applied.

"As to how the railroads can secure the money necessary to make the improvements and extensions to efficiently provide for the carriage of the existing and increasing traffic, so that all lines of industry may develop and operate to full advantage and our vast tide of commerce still further expand and flow unrestricted to its final haven, is the railroad problem.

"As the conditions are to-day, by reason of not having the means at their command, the railroads, with few if any exceptions, can not give proper movement to the large volume of existing traffic. This was likewise true in 1906, 1907, 1910, and 1912. The transportation facilities are not keeping pace with the increasing traffic requirements.

"At the period of their inception, railroads were crudely constructed, but they supplied the needs of the time in moving the sparse traffic then offered for shipment. They were built on the lines of least resistance to meet the varying characteristics of the contour and topography of the country traversed. Later, with the growth of traffic and more urgent requirements, radical improvements had to be made to meet the changed conditions. Practically the lines had to be almost rebuilt—in reducing grades, eliminating curves, replacing wooden with more substantial steel and concrete bridges, widening roadbed and embankments, ballasting track, deepening and widening ditches, constructing cross drains, building viaducts over road crossings, building sidings, passing and double tracks, providing heavier rails and ties, larger engines and cars, spacious terminals in large cities, more commodious station buildings, engine houses, shops, and many other appurtenances. As the means have permitted, this work of rebuilding and enlarging and improving the roadbed and equipment has been prosecuted, so that a higher standard of service and efficiency might be forthcoming. Billions of dollars have been already expended in this work, but much yet remains to be done before the roads reach that stage of completion that the constantly increasing traffic can be satisfactorily handled. This will require more billions of dollars. The money can not be supplied from earnings, as on account of inadequate compensation for service rendered the earnings in many cases are scarcely sufficient to maintain the properties in a solvent condition.

"How, then, can this necessary capital be obtained? A railroad to obtain money for extensions into new fields or for the improvement of existing lines must, like a merchant, have an established credit. It must be able to show by past or current operations that it will be able to meet the new interest obligations it assumes and have a surplus over and above all its requirements. Not many railroads are able to do this under the existing operating conditions of high wages paid for labor, increased cost of materials, the higher standard of service demanded by the people, and governmental compulsory expense and regulation of charges for transportation.

"Legislation of the most onerous character has in recent years been enacted by Federal and State authority, entailing numerous expenditures without any compensatory provision, many of the acts being entirely without beneficial results to the public and only an economic waste. Three or four bills now being urged upon Congress are estimated to involve an expenditure by the railroads within the next four years of nearly $1,500,000,000.

"These many expenses, over which the railroad manager has no power of control, have steadily increased the unit cost of operation; and as the unit of compensation for transportation service is regulated by Federal and State authority, and is more often reduced than advanced, it follows that the unit of profit is steadily decreasing. If these two opposing units of conditions, cost and compensation, are allowed to continue in their course, it means they will meet in time and all profit will be expunged.

"It may be thought, however, that the revenue derived from the increased business will more than offset the increased expense. Such is the view of the ordinary layman who has given the matter only cursory study. If the roads were not working to their full capacity—that is, if they had unused engines, cars, tracks, and terminal facilities—they could to some degree for a time offset the increased expenses by additional earnings; but when, as in 1906, 1907, 1910, and 1912, they were burdened with business beyond their capacity, the excess entails an expense much greater than the average cost.

"The gross earnings of the railroads increased largely during the last half of 1907, but notwithstanding this the net earnings decreased over $22,000,000. For the last six months of 1910 the gross earnings increased over $55,000,000, while the expenses increased over $84,000,000. The volume of traffic moved in those years was very large and for many months was in excess of the capacity of the carriers.

"The Interstate Commerce Commission in 1907 declared that the inadequacy of transportation facilities was alarming, yet when the railroads sought to advance their rates in 1910 to enable them to make better provision for the public demands and establish a higher financial credit, the commission would not sanction the advance. The earnings for the roads for the two following years, 1911 and 1912, increased $11,054,000, but the operating expenses and taxes were swelled $98,544,000, leaving a less net revenue for 1912 than for 1910 by $87,490,000. This loss was equivalent to the impairment of their ability to raise over $2,187,000,000 at 4 per cent. It is thus that the net revenues of the railroads are depleted and their inability to borrow money is further emphasized. If the railroads could retrieve such yearly net losses, they would be able to strengthen their credit in the financial marts and raise the necessary funds to meet the exigent demands of the business public.

"It is a mistaken conception, though one generally prevalent, that the railroads are overcapitalized and seek to obtain exorbitant rates from the public to pay interest on the excessive capital. The fact is that the physical properties of the railroads could not be duplicated to-day for anything like the present capitalization. The money of the owners which has not been capitalized, that has been expended on the roads from year to year since their pioneer days, in betterments and improvements, roadbed, equipment, and their accessories, has long since absorbed any water there may have been in the securities.

"Such high authority as the Interstate Commerce Commission declared some time ago that the value of the physical properties of the American railroads was more than that represented by their stock and bonds. This capitalization is less than one-fourth that of the English railways and less than one-half that of the other European countries; yet high as this capitalization of foreign railroads is, they are permitted to charge such rates as yield reasonable net returns.

"The average rate received by the United States railroads for hauling a ton of freight 1 mile is three-quarters of 1 cent, while the rate received in England for a like service is over 2½ cents, or three times as much. The rates of other European countries are also much higher than ours. As has been well said by Mr. Hill, 'The American railway pays the highest wages in the world out of the lowest rates in the world, after having set down to capital account the lowest capitalization per mile of any of the great countries of the world.' He might have added, they also give the best service in the world.

"I believe it can be truthfully said that the causes of complaint in the past against the railroads have been entirely eliminated. The published tariff of charges, accessible to all, governs to-day, without discrimination or favoritism to any shipper. Complaints may arise and do arise as to rates on specified commodities between given markets on account of their relation to the rates on like or correlated commodities to and from other markets. These complaints grow out of the rivalry between communities and are the main grievances of shippers now brought before the commission.

"Shippers naturally endeavor to get the lowest rates possible, and from the standpoint of their individual interests they believe that unjust inequalities exist in rates, although such inequalities may be the result of inexorable economic laws beyond the carrier's power to control. In the adjustment of these differences between markets or rival communities the decision of the commission is almost invariably in the direction of reducing the higher rates to the lower level. In this way there is a constant nibbling at the rate fabric, which ultimately will prove as injurious as a general reduction.

"It is axiomatic that mutuality of interest exists between the railroads and the shipper; that one can not prosper unless the other does, and that injury to one will later bring injury to the other. If the shipper is charged unreasonable rates or is afforded poor service for the transportation of his wares, he suffers in his business, and this in time reacts upon the carrier. On the other hand, if the carrier receives insufficient compensation for its service by reason of inconsiderate legislation, or by unwise direction of regulative authority undue burdens are imposed which increase its expense, then it may, for lack of means, be unable to maintain its former standard of service, and thus the shipper and the carrier are both injured.

"I recognize that the railroads are in duty bound to serve the public in the best possible manner, and that the public, through the State, has the authority to regulate their operations, but when that authority is exercised with reference to the most minute and varied details, burdening the carrier with an unnecessary expense which it can not afford, then it would seem only just that the public, through the State, should allow it the necessary protection in the way of maintaining compensatory rates. This is on the principle that the right to regulate or control carries with it the obligation of reasonable protection. Authority carries with it responsibility and control imposes the duty of protection. I believe that the same principle of justice should be administered to an association of individuals known as a corporation as is administered to the individuals personally in other capacities.

"Considering what the railroads have done through the investment of private capital in upbuilding and developing the

country, improving the conditions of living, uplifting the people, and adding to all the comforts and conveniences of life, they certainly are entitled to that necessary protection which will enable them to continue in their vocation and elevate to a still higher plane the social, commercial, industrial, and agricultural conditions of our people.

"An eminent public official, an authority upon this subject, has said:

"No just legislation upon this subject will proceed upon the theory that the public alone is in need of protection and that the railroads can take care of themselves. I have no sympathy with such an unfair and illogical contention.

"The United States census returns show that from 1900 to 1910 the capital value of agriculture increased from nearly $20,500,000,000 to $41,000,000,000, or 100 per cent, and the capital value of manufactures increased from $9,000,000,000 to nearly $18,500,000,000, or over 105 per cent, while the capital of the railways increased from $10,250,000,000 to less than $14,500,000,000, or only 40 per cent.

"Here we have an increase in the capital of $30,000,000,000 in those two important industries of agriculture and manufacture, which are almost entirely dependent upon the transportation lines for their successful operation, whereas the capital of the transportation lines with their many appurtenances increased only to the value of $4,250,000,000.

"And again, we find that the value of the products of manufactures increased from $11,500,000,000 to over $20,500,000,000, or 81 per cent. As the railroads get a double haul on a large portion of manufactures, the raw material into the factory and the finished product out, it may be judged how essential it is that they keep abreast of the times in road and equipment to properly take care of the constantly increasing tonnage implied by these enormous values. The largely increased volume of agricultural products, which last year exceeded $9,000,000,000 in value, must meet with more prompt consideration on the part of the carrier, for through the economic conditions governing the greater portion of it is rushed to market within a limited time.

"The census further shows that notwithstanding the large increase in the capital of manufactures of 105 per cent the net return to the owners on the total of $18,500,000,000 was over 12 per cent. Yet on the railway capital there was nothing paid on $3,500,000,000, and less than 5 per cent on $7,500,000,000. The services of the railroads make secure the most liberal returns on the enormous capital of $59,500,000,000 invested in these two industries, and therefore the manufacturers and farmers should willingly aid in an effort to get the transportation rates advanced. It is of paramount importance to their own continued welfare that they exert themselves in that direction.

"I have already alluded to the immense volume of traffic conducted by the railroads and to the fact that it has increased double-fold in 12 years. Will it continue to increase in the same ratio in the coming years?

"The marvelous resources and latent strength of this country are in many respects scarcely trenched upon. Of the total land area of the country 46 per cent is in farms, but of this land in farms only 54 per cent is improved. Only 25 per cent of our great domain is producing anything of value. My friend, ex-Gov. Hadley, of Missouri, when in office, stated in a public address that the development of Missouri's natural resources had scarcely begun; that there were three counties in the State which had no railroads and seven counties with less than 25 miles; and that of the 44,000,000 acres of land in the State more than one-half had never been touched with a plow. A like statement is applicable to many of our Western and Southern States. The opening up and cultivation of these undeveloped lands by the building of railroads would give a further impetus to general trade and industry.

"Then again, our farmers are now awakened to the benefits to be derived from the application of scientific methods in agriculture, and more intensive yields will be the result. A more careful culture of our wheat lands will easily double the yield and still be less than that of European countries, whose land has been under cultivation for more than 2,000 years. A like increase can be effected in the other cereals and products of the soil. Our project for the reclamation of the swamp and arid lands goes on apace.

"There are vast mining lands with their hidden treasures yet awaiting development. The completion of the Panama Canal will open to us more directly the trade of the Orient and western South American countries, with their hundreds of millions of beings whose wants may be supplied with our merchantable wares. The value of our exports of manufactures is now over $1,000,000,000 annually, and at the present rate of increase it doubles every three or four years. Our foreign trade in other commodities is taking on a greater momentum.

"In all these we have a magnificent vista of possibilities which portends the continual upward trend of our trade and commerce, with its concomitant of future steady employment for our people—the desideratum of all governments. The illimitable prospects betoken its continuance if ample provision is made for transportation.

"Now, with the present traffic of the railroads reaching the stupendous figures of over 293,000,000,000 of units of service, what will the future increase mean if kept up in the ratio of the past?

"You all know something of the capacity of the New York Central Railroad within your own great State and the magnitude of its operations and transportation facilities. Four per cent of the volume of traffic now annually moved by our railways would at the present day tax the full capacity of that road, working day and night for one year. As the railroads operated to their full capacity in years of active business, like last year and other past years, an idea may be formed from this illustration of the magnitude of the work that will have to be done in fitting response to the demands of commerce. The commerce is increasing on an average of 8 per cent and more per year, and notwithstanding one-half of this yearly increase would tax the capacity of one of the first railroads in the land no provision is being made, and no provision can be made, under the rates now received for transportation service for the proper and safe conduct of this prospective traffic.

"Can the railroads meet this serious situation with which they are confronted? Yes; if allowed to charge a fair compensation for their services. The railroads now receive on an average per mile 7¼ mills for hauling a ton of freight and less than 2 cents for carrying a passenger. If this average compensation could be increased even 1 mill, or the equivalent of the price of a postage stamp for 20 miles' service, it would extricate them from all further trouble and anxiety. It is scarcely conceivable that such a slight advance would injuriously affect any trade, industry, or person, yet it would be the means of conferring untold benefits upon the entire business of the country.

"The Hon. Martin A. Knapp, late chairman of the Interstate Commerce Commission, who had 20 years' experience on that board, after a careful study of this question from all viewpoints, expressed his deliberate judgment as follows:

"Without regard to the personnel of railroad officials, without regard primarily to the interest of stockholders, but in the interest of public welfare and national prosperity, we must permit railroad earnings to be adequate for railway improvement at advantage and profit.

"The prosperity of the country is measured, and will be measured, by the ability of its railways and waterways to transport its increasing commerce. With a country of such vast extent and limitless resources, with all the means of production developed to a wonderful state of efficiency, the continued advancement of this great people depends primarily upon such an increase of transportation facilities as will provide prompt and safe movement everywhere from producer to consumer; and that we shall not secure unless the men who are relied upon to manage these great highways of commerce have fitting opportunity and the capital which is required for their needful expansion is permitted to realize fairly liberal returns.

"If the railroads are not allowed to charge a compensation for their services that will enable them to make a fair return on the investment with a reasonable surplus for betterments, improvements, and the establishment of their credit, the task on their part of meeting the situation will be hopeless. In equity and justice, they are entitled to this, and I believe if the question were understood in its different phases the good sense and fairness of the American people would be asserted in support of the railroads.

"Not only have the railroads' expenses steadily increased of late years, but the purchasing power of the compensation received for their service has decreased. In other words, while the value of a given quantity of farm products will purchase 69 per cent more ton-miles of transportation than in 1900, the purchasing power of the compensation received by the railroads for the transportation 1 mile of a given number of tons of freight in 1910 was 13 per cent less than in 1900.

"With these adverse conditions confronting the railroads, it is absolutely necessary in order that they perform their functions to the public that they be allowed to advance at an early date their service charges. This is a matter of more vital concern to the welfare of the entire people than it is to the individual owners of the railroads.

"If the railroads deteriorate in the service rendered, as they undoubtedly must if the conditions are not changed, it unmistakably means that commerce will be retarded, that industry will languish, that the many fruits of agriculture will wane, that the proud eminence we have attained in our many varied pursuits will crumble, and the unrest, discontent, and dissatisfaction of an unemployed people may lead to the establishment of a new order of things with respect to the ownership and operation of the railroads of the country, with the attendant

dangers to the perpetuity of our republican institutions. So the conclusion is irresistibly forced upon us that this railroad question is a Government problem and one of very grave and serious concern, which should be satisfactorily settled, and the ominous dangers threatened averted thereby.

"The President of the United States, before his inauguration into office, asserted that—

"The measure of service rendered by business to the people will be the measure by which the merit of business shall be judged.

"The railroads can accept this declaration and be satisfied to stand or fall by its concrete application.

"I believe it will always be found that in any estimate made of the dignity and strength of our Nation, of the enlightenment and social comforts of our people, of the wealth and commercial greatness of our country, the significance of the railroads must stand forth a marked, conspicuous, and important feature."

LEAVE TO ADDRESS THE HOUSE.

Mr. YOUNG of North Dakota. Mr. Speaker, I ask unanimous consent that at the conclusion of the regular order of business to-day I may address the House for 15 minutes on the subject of the Bagot and Rush treaty.

The SPEAKER. The gentleman asks unanimous consent that at the close of the regular order he may address the House for 15 minutes on the Bagot and Rush treaty. Is there objection?

There was no objection.

LOBBY INVESTIGATING COMMITTEE.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

House resolution 202.

Resolved, That the select committee appointed under House resolution 198 be, and it is hereby, authorized to have such printing and binding done as it may deem necessary.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that he had approved and signed bill and joint resolution of the following titles:

On June 30, 1913:

H. R. 1917. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

On July 10, 1913:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2548. An act to create an additional land district in the State of Arizona;

S. 1350. An act authorizing the Secretary of the Interior to designate certain tracts of land in the States of Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Washington, and Wyoming upon which continuous residence shall not be required under the homestead laws;

S. 541. An act granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad track, a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah;

S. 598. An act to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads";

S. 922. An act providing for an increase of salary of the United States marshal for the district of Nevada;

S. 662. An act for the relief of Col. Richard H. Wilson, Fourteenth Infantry, United States Army;

S. 540. An act for the relief of Joseph Hodges;

S. 488. An act to authorize the sale and issuance of patent for certain land to H. W. O'Melveny;

S. 653. An act for the relief of William O. Mallahan;

S. 1294. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia;

S. 487. An act providing for the discovery, development, and protection of springs and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same;

S. 1363. An act making lands within the State of Oregon that have been withdrawn or classified as oil lands subject to entry under the homestead or desert-land laws;

S. 60. An act to provide for agricultural entry of oil lands;

S. 2318. An act authorizing the appointment of envoys extraordinary and ministers plenipotentiary to each Paraguay and Uruguay;

S. 49. An act to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest lands;

S. 1808. An act for the relief of Joseph L. Donovan;

S. 833. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 832. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 39. Joint resolution providing for a housing commission, and for other purposes;

S. J. Res. 52. Joint resolution authorizing the appointment of Thomas Green Peyton as a cadet in the United States Military Academy; and

S. Con. Res. 5. Concurrent resolution providing for the printing and binding of the proceedings attending the unveiling and acceptance of the statue of Zachariah Chandler.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2548. An act to create an additional land district in the State of Arizona; to the Committee on the Public Lands.

S. 598. An act to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on the Public Lands.

S. 922. An act providing for an increase of salary of the United States marshal for the district of Nevada; to the Committee on the Judiciary.

S. 662. An act for the relief of Col. Richard H. Wilson, Fourteenth Infantry, United States Army; to the Committee on Military Affairs.

S. 540. An act for the relief of Joseph Hodges; to the Committee on the Public Lands.

S. 488. An act to authorize the sale and issuance of patent for certain land to H. W. O'Melveny; to the Committee on the Public Lands.

S. 653. An act for the relief of William O. Mallahan; to the Committee on Military Affairs.

S. 1294. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia; to the Committee on the District of Columbia.

S. 487. An act providing for the discovery, development, and protection of springs and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same; to the Committee on the Public Lands.

S. 1363. An act making lands within the State of Oregon that have been withdrawn or classified as oil lands subject to entry under the homestead or desert-land laws; to the Committee on the Public Lands.

S. 60. An act to provide for agricultural entry of oil lands; to the Committee on the Public Lands.

S. 2318. An act authorizing the appointment of envoys extraordinary and ministers plenipotentiary to each Paraguay and Uruguay; to the Committee on Foreign Affairs.

S. 833. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 832. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 49. An act to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest lands; to the Committee on the Public Lands.

S. 1808. An act for the relief of Joseph L. Donovan; to the Committee on Military Affairs.

S. 1350. An act authorizing the Secretary of the Interior to designate certain tracts of land in the States of Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Washington, and Wyoming upon which continuous residence shall not be required under the homestead laws; to the Committee on the Public Lands.

S. 541. An act granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad track, a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah; to the Committee on the Public Lands.

S. J. Res. 39. Joint resolution providing for a housing commission, and for other purposes; to the Committee on the District of Columbia.

S. J. Res. 52. Joint resolution to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy; to the Committee on Military Affairs.

S. Con. Res. 5. Concurrent resolution providing for the printing and binding of the proceedings attending the unveiling and acceptance of the statue of Zachariah Chandler; to the Committee on Printing.

REAR ADMIRAL ROBERT E. PEARY (S. DOC. NO. 126).

The SPEAKER laid before the House the following message from the President of the United States, which, with accompanying papers, was ordered printed and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives of the United States:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a decoration of Grand Officer of the Legion of Honor conferred upon Rear Admiral Robert E. Peary, United States Navy, retired, by the President of the French Republic.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the decoration to Admiral Peary.

WOODROW WILSON.

THE WHITE HOUSE, *July 11, 1913.*

ANNUAL REPORT JUVENILE COURT, DISTRICT OF COLUMBIA (S. DOC. NO. 125).

The SPEAKER also laid before the House the following message from the President of the United States, which was ordered printed and referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the seventh annual report of the Juvenile Court of the District of Columbia for the year ended June 30, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *July 11, 1913.*

The SPEAKER. The Chair calls attention to the fact that at the bottom of the message just read there is a note stating that the report accompanying the message has been sent to the Senate.

INVESTIGATION OF UNITED STATES STEEL CORPORATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent of the House to address it for not exceeding 10 minutes respecting a somewhat personal matter which I do not think rises to the dignity of the question of personal privilege.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, I desire to call attention to the fact that a few days since I asked unanimous consent for time in order that I might yield it to the gentleman from California [Mr. KAHN] who desired to address the House. As I say, I shall not object to the request of the gentleman from Kentucky, in view of the peculiar circumstances of the case, but I do give notice that until the gentleman from California [Mr. KAHN] has had an opportunity to address the House in respect to the Caminetti case there will be no more lengthy addresses permitted in the House by unanimous consent.

The SPEAKER. The Chair hears no objection.

Mr. STANLEY. Mr. Speaker, during my absence in Kentucky I find that one Lamar appeared before a committee of the Senate and stated that he was the author of a resolution which I had introduced before the Committee on Rules of this House, intimating that he was the power behind the throne in inducing me to prosecute under that resolution an investigation of the United States Steel Corporation, although he states that he never saw me or had any direct communication with me in his life. This was a boast made, among a number of others, that he had distributed the stock of the Steel Corporation, and had been philosopher, adviser, and friend to J. Pierpont Morgan, Russell Sage, George R. Keene, and other celebrities.

I think it due to the committee of which I was the chairman, due to myself and to this House, to call attention to the record, which shows for itself how ridiculous is this boast and as well as its absolute falsity. This man states that before sending this resolution to me by some emissary he discussed it with a lawyer named Lauterbach, and that Lauterbach went to Mr. Morgan and to Mr. Steele to notify them that the resolution was about to be introduced; that Mr. Morgan and Mr. Steele and others paid no attention to this threat, and that he then sent this resolution to me by a man named Martin, and that I introduced it.

I read now from page 793 of the record of the hearings before the subcommittee of the Committee on the Judiciary of the United States Senate, which is investigating the question of the maintenance of a lobby to influence legislation in Washington. Lamar was on the witness stand, and after claiming that he had this resolution introduced, Senator WALSH asked him:

Did Mr. Lauterbach make that statement upon your suggestion?

Referring to the statement that Mr. Lauterbach made to Mr. Morgan and Mr. Steele—

Mr. LAMAR. The resolution had not yet been introduced at that time, Senator. Congressman STANLEY had not yet received it. The resolution had been drawn.

When Mr. Lauterbach was put on the stand and asked about when this occurred, he said, at page 1929:

Senator REED. Now, to get the chronology of this. The first talk you had about this matter was in 1908?

Mr. LAUTERBACH. I am evidently mistaken about it. I could not have had a talk before the resolution was drafted, and I have got the year wrong.

Senator REED Then you had another talk after the resolution was in effect, which must have been some time in 1910 or 1911?

Mr. LAUTERBACH It must have been; yes.

Senator CUMMINS. 1911?

Mr. LAUTERBACH. 1911.

Mr. Speaker, I did introduce a resolution before the Committee on Rules on April 28, 1911, which is the resolution of which this gentleman claims to be the father. That resolution was as follows:

[House resolution 139, Sixty-second Congress, first session.]

Resolved, That a committee of nine Members of this House, to be selected by the Speaker, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether, since the year of 1897, there have occurred violations of the antitrust act of July 2, 1890, the various interstate-commerce acts, and the acts relative to the national banking associations, which violations have not been prosecuted, dealt with, or lawfully disposed of by the executive officers of the Government; and if any such violations are disclosed said committee is directed to report the facts and circumstances to the House, with bills requiring appropriate action to be taken by such executive officers; and said committee shall also report any further legislation which it may consider advisable for reenforcing the acts of Congress aforesaid and more effectually punishing future violations thereof. Said committee is hereby further specially directed to investigate the United States Steel Corporation, its organization and operations, and if in connection therewith violations of law as aforesaid are disclosed to report the same and a bill requiring action to be taken thereon.

Said committee shall inquire whether said Steel Corporation has had any relations or affiliations tending toward violations of law with the Pennsylvania Steel Co., the Cambria Steel Co., the Lackawanna Steel Co., or any other iron or steel company nominally independent.

Also whether said Steel Corporation through the persons owning its stock or its directors or officers has or has had relations tending toward or aiding in violations of law with the Pennsylvania Railroad Co., or any other railroad company, coal companies, or with any national banking companies, trust companies, or insurance companies, or other corporate organizations, or companies, or with the stockholders, directors, or other officers of said companies, and whether such relations have caused or have a tendency to cause any of the results following:

First. The restriction or destruction of competition in production or transportation, including conspiracies to crush out and bankrupt competitors.

Second. Excessive capitalization of corporations with large bond and stock issues not representing real values.

Third. Vast combinations of corporations controlled by a few individuals, created by the ownership of one corporation of the stock of other corporations, the securities issued therefor constituting fictitious capitalization.

Fourth. Wide speculations in stocks conducted by conspiracies among associated owners and officers of the various corporations.

Fifth. Private profits through such speculations to managers of the corporations derived at the expense of the stockholders and the public, using corporation money or manipulating corporation power.

Sixth. To cause panics in the bond and stock markets and in the money markets like those of 1903 and 1907.

And to fully report to the House whether by reason of any facts thus ascertained there should be legislation by Congress as contemplated by the first clause of this resolution.

Said committee as a whole or by subcommittee is authorized to sit during sessions of the House and the recess of Congress, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The costs and expenses of said committee shall be paid from the contingent fund of the House of Representatives. Said expenses shall be paid out on the audit and order of the chairman or acting chairman of said committee.

These gentlemen overlooked the fact that a year before that, when there were no Democratic Congressmen to see or influence, when Mr. Lauterbach could have had no reason for going to Mr. Steele and promising to see Mr. CLARK and Mr. UNDERWOOD and others, to have them prevent me from securing the passage of a resolution against the Steel Corporation, when Mr. Cannon was Speaker and Mr. Dalzell was the chairman of the Committee on Rules, I introduced a resolution almost identical with the one of which Lamar claimed to be the author. That resolution is as follows:

(House Resolution 813, Sixty-first Congress, second session, June 20, 1910.)

Resolved, That a committee of nine Members of this House, to be selected, five by the majority and four by the minority, and to be elected by ballot, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether since the year of 1897 there have occurred violations of the antitrust act of July 2, 1890, the various interstate-commerce acts, and the acts relative to the national banking associations, which violations have not been prosecuted, dealt with, or lawfully disposed of by the executive officers of the Government; and if any such violations are disclosed said committee is directed to report the facts and circumstances to the House with bills requiring appropriate action to be taken by such executive officers, and said committee shall also report any further legislation which it may consider advisable for reenforcing the acts of Congress aforesaid and more effectually punishing future violations thereof. Said committee is hereby further specially directed to investigate the United States Steel Corporation, its organizations and operations, and if in connection therewith violations of law as aforesaid are disclosed to report the same and a bill requiring action to be taken thereon.

Said committee shall inquire whether said Steel Corporation has had any relations or affiliations tending toward violations of law with the Pennsylvania Steel Co., the Cambria Steel Co., the Lackawanna Steel Co., or any other iron or steel company nominally independent.

Also whether said Steel Corporation, through the persons owning its stock or its directors or officers, has or has had relations tending toward or aiding in violations of law with the Pennsylvania Railroad Co. or any other railroad company, or with any national banking companies, trust companies, or insurance companies, or with the stockholders, directors, or other officers of said companies, and whether such relations have caused or have a tendency to cause any of the results following:

First. The restriction or destruction of competition in production or transportation, including conspiracies to crush out and bankrupt competitors.

Second. Excessive capitalization of corporations with large bond and stock issues not representing real values.

Third. Vast combinations of corporations controlled by a few individuals, created by the ownership by one corporation of the stock of other corporations, the securities issued therefor constituting fictitious capitalization.

Fourth. Wide speculations in stocks conducted by conspiracies among associated owners and officers of the various corporations.

Fifth. Private profits through such speculations to managers of the corporations, derived at the expense of the stockholders and the public, using corporation money or manipulating corporation power.

Sixth. To cause panics in the bond and stock markets and in the money markets like those of 1903 and 1907.

And to fully report to the House whether, by reason of any facts thus ascertained, there should be legislations by Congress as contemplated by the first clause of this resolution.

Said committee as a whole, or by subcommittee, is authorized to sit during sessions of the House and the recess of Congress, to send for persons and papers, and to administer oaths to witnesses.

In addition to that, Mr. Speaker, and more important still, the records will show that this resolution, introduced and referred to the Rules Committee of this House, was the last step taken by myself to call the attention of the Department of Justice to the legal status of the United States Steel Corporation and not the first. Before any resolution of any kind, character, or description was ever introduced and referred to the Committee on Rules touching the Steel Corporation I introduced into this House a resolution similar in purport, differing only in language, covering the same ground, and that resolution was referred to the Committee on the Judiciary and is as follows:

(House resolution 732, Sixty-first Congress, second session.)

IN THE HOUSE OF REPRESENTATIVES,
June 9, 1910.

Mr. STANLEY submitted the following resolution; which was referred to the Committee on the Judiciary and ordered to be printed.

RESOLUTION.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to report to the House of Representatives for its information all facts which show, or tend to show, that there exists at this time, or heretofore within the last 12 months has existed, a combination, agreement, or conspiracy between the Carnegie Steel Co., the Federal Steel Co., the American Tin Plate Co., the National Tube Co., the American Bridge Co., the American Steel & Wire Co., the American Steel Hoop Co., or any of said companies and the United States Steel Corporation or others in violation of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraint and monopolies," or of the interstate-commerce act of 1887 and acts amendatory thereof, or other laws of the United States.

And all facts which show, or tend to show, that the United States Steel Corporation and the other companies, corporations, or copartnerships hereinbefore mentioned, in combination or singly, have, contrary to the laws of the United States in such cases made and provided, interfered or injured, or attempted to interfere with or injure, competition in the iron and steel industry in the United States, and all facts which show, or tend to show, that said companies, acting together or singly, have, contrary to the laws of the United States in such cases made and provided, conspired to increase the cost of iron and steel to consumers, or to deteriorate the quality thereof, or to increase the hours, or to reduce its wages of labor.

And all facts which show, or tend to show, what coal companies, railway transportation companies, banks, and insurance companies, or what officers or directors thereof, have, contrary to the laws of the United States in such cases made and provided, conspired and confederated with said United States Steel Corporation and the other companies hereinbefore mentioned for the purpose of aiding and abetting said United States Steel Corporation and the other said companies engaged in the iron and steel industry in increasing the cost of iron and steel to consumers, or deteriorating the quality thereof, or increasing the hours or decreasing the wage of labor, or the commission of other offenses against the laws of the United States hereinbefore mentioned.

And all other facts which show, or tend to show, the existence of such combination between the United States Steel Corporation and the other said companies engaged in the iron and steel industry contrary to the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or other laws of the United States.

That resolution was submitted months before it was introduced into this House to the present chairman of the Committee on the Judiciary, Judge CLAYTON, in the spring of 1910, a year and a half before this Lamar claims to have sent any resolution to me—before I ever knew there was such a man as Martin in existence—and I may add that I never heard of Lamar until some time after the investigation of the United States Steel Corporation was in progress.

This resolution was submitted to Judge CLAYTON, who made suggestions and corrections before its introduction in this House. We discussed the legal status of the Steel Corporation. That resolution was then referred to the Committee on the Judiciary. Judge Parker at that time was chairman of the Committee on the Judiciary. A few days after that, I can not say exactly, I received notice that they would hear me on the resolution. I assumed it would be reported unfavorably without any hearing, to speak very plainly about it. I simply wanted to call the attention of the country to it. Judge Parker advised me that the President of the United States did not regard my resolution favorably. He said he had just heard from Mr. Wickersham, the Attorney General, and Mr. Wickersham thought the resolution should not be favorably reported. I said then to Judge Parker in the presence of the Judiciary Committee, many of whom are present on this floor now, that the Judiciary Committee sat as a court; that this was a question of law, and while they were at liberty to report favorably or unfavorably, just as they chose, nevertheless they should not allow either the President or the Attorney General to govern their discretion in a weighty matter of this kind. Then for over one hour I discussed, without note or memorandum of any kind except the law books kindly furnished me after my arrival at the committee room, my reasons for believing and knowing that the Steel Corporation was operating in violation of the Sherman Antitrust Act. I analyzed the case of the Northern Securities Co., which is on all fours with the Steel Corporation, both being holding companies engaged in transportation and interstate commerce.

I took the charter of the Northern Securities Co. and the charter of the United States Steel Corporation and showed them where it was impossible for the Northern Securities Co. to be within the Sherman Act and for the Steel Corporation to be exempt from its provisions, a thing that never seems to have occurred to any of these New York people who know so much about the Steel Corporation, but who can never get beyond the absorption of the Tennessee Coal & Iron Co. In addition, I took up the subsidiaries of the Steel Corporation and explained in full every phase of the resolution. When I had spoken for over an hour, Mr. Nye, a Republican member of the Judiciary Committee, arose in his place and stated that while he differed with me in politics, being of the same party as the Attorney General and the President, he believed I had made out my case and that he for one would vote to favorably report my resolution. That resolution was favorably reported, unanimously reported as the record here shows, by the Judiciary Committee before any resolution was ever dreamed or thought of by me or anybody else before the Rules Committee, and I only went before the Rules Committee because the Department of Justice refused to act. Had the Department of Justice moved as it did in the Tobacco case, after the introduction of a similar resolution four or five years previously, the committee authorized by this House to investigate the Steel Corporation would have

been unnecessary. I will put in the RECORD the resolution, the result of much labor of Judge CLAYTON, other members of the Judiciary Committee, and myself, and the resolution of which this creature claims to be the author, and I will not take up the time of the House in analyzing it. You will find a slight difference in phraseology, but the purport and purpose of both are identical.

Mr. GARNER. Will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. GARNER. I have not looked over the testimony, but in order that we may make a direct issue with one gentleman who seems to have appeared before the Senate committee and in order that a court of law may hold him if necessary, I desire to ask the gentleman if Mr. Martin told the truth when he said he handed you this resolution supposed to have been prepared by Mr. Lamar?

Mr. STANLEY. After I had gone before the Judiciary Committee Mr. Martin came to my office. He told me that he was secretary of the Anti-Trust League. He gave me the names of quite a number of men who were members of that league, among them Judge Fleming, of Kentucky, an ex-member of the railroad commission and a man of prominence.

I knew Judge Fleming, and I ascertained that that was the truth. He told me that he had been the Democratic nominee for Congress in New York City, which was true. He referred me to Gov. Sulzer, who was then a Member of the House. He spoke of quite a number of Members of Congress who were members of his league, and among them I recall Judge Rucker, of Colorado. In talking with the latter in the cloakroom, he told me that he was a member of this Anti-Trust League, and that the organization was engaged in a most laudable work. Martin offered me quite an amount of information. He brought in a bale of it. He may have brought in a dozen resolutions. All I know is that he brought me no resolution that I introduced.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended, so that I may ask him a question.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. I think the gentleman has covered pretty well the statement of this man Lamar. I wish to ask him if he has read the testimony of Martin before the Senate committee?

Mr. STANLEY. Yes; I have glanced over it. I can not say I have read it all.

Mr. AUSTIN. In that statement Mr. Martin says he brought this resolution from New York to Washington, and that he and you went over it and changed it; and that it was afterwards presented to the House practically as you and Mr. Martin prepared it, or agreed upon it.

Mr. STANLEY. As I stated, this man brought me a vast amount of data. I have no recollection of going over any resolution with Mr. Martin. I am quite sure I did not.

Mr. AUSTIN. And the statement and claim of Mr. Martin that this resolution providing for the investigation of the United States Steel Corporation was inspired by the so-called Anti-Trust League is not true?

Mr. STANLEY. Certainly not. I was clamoring for an investigation of the Steel Corporation months before I knew anything about Martin or the Anti-Trust League one way or another, as the record shows.

The SPEAKER. The gentleman from North Dakota [Mr. YOUNG] is recognized for 15 minutes.

BAGOT AND RUSH TREATY.

Mr. YOUNG of North Dakota. Mr. Speaker, the centennial celebration at Put-in-Bay last week reminds us that there were warships on the Great Lakes 100 years ago. The War of 1812 was concluded by the treaty of Ghent, signed December 24, 1814. That treaty is well known. It is familiar to every American boy and girl, to every Canadian and British boy and girl, and to the boys and girls who study general history in all lands. But there is another treaty that has had more to do with the preservation of peace which is almost unknown even to those who study history, the Bagot and Rush treaty—at least it is called a treaty now. When it was made it was given the modest designation of "an exchange of notes."

Letters were exchanged during the month of April, 1817, between Charles Bagot, British minister to the United States, and Richard Rush, Acting Secretary of State, in which it was proposed and agreed to that the naval forces of the high contracting parties on the Great Lakes should be reduced. The agreement contained in this "exchange of notes" was ratified by the United States Senate and duly proclaimed by President Monroe April 23, 1818.

NAVAL DISARMAMENT.

Those who favor naval disarmament by international agreement will find here the greatest practical illustration of the wisdom of that policy. For almost a century cities and towns have been permitted to grow up around the Great Lakes—the inland seas—without the least fear of destruction by a "naval force." Think of great cities like Chicago, Detroit, Toronto, and Montreal without the investment of a single dollar for land defenses either in men or forts. Think of what it has meant to business and the peaceful pursuits of these two great countries.

TOO GOOD TO ANNUL.

It is worthy of note that there was a section in this treaty which provided that it might be annulled by either of the high contracting parties by giving six months' notice. In spite of the simple, easy method provided for its annulment it has remained in force for almost a century, has been a blessing to the people of two great nations, and is a powerful argument for naval disarmament the world over. [Applause.]

FULL TEXT OF TREATY.

Mr. Speaker, I ask that the Clerk read in my time the "exchange of notes" and proclamation of President Monroe which constitute this wonderful treaty written by men who lived a century ahead of their time.

The Clerk read as follows:

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CONCERNING NAVAL FORCE ON THE GREAT LAKES—SIGNED AT WASHINGTON APRIL 28-29, 1817; RATIFICATION ADVISED BY THE SENATE APRIL 16, 1818; PROCLAIMED BY THE PRESIDENT APRIL 28, 1818.

WASHINGTON, *April 28, 1817.*

The undersigned, His Brittannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acquaint Mr. Rush that, having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the undersigned upon the subject of a proposal to reduce the naval force of the respective countries upon the American Lakes, he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States that His Royal Highness is willing to accede to the proposition made to the undersigned by the Secretary of the Department of State in his note of the 2nd of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees that the naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side—that is:

On Lake Ontario, to one vessel not exceeding one hundred tons burthen and armed with one eighteen-pound cannon.

On the Upper Lakes, to two vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees that all other armed vessels on these lakes shall be forthwith dismantled and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government that his Royal Highness has issued orders to His Majesty's officers on the Lakes directing that the naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned has the honor to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

—

DEPARTMENT OF STATE,
April 29, 1817.

The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty the correspondence which passed last year between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American Lakes, he had received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees that the naval force to be maintained upon the lakes by the United States and Great Britain shall henceforth be confined to the following vessels on each side; that is—

On Lake Ontario, to one vessel not exceeding one hundred tons burden and armed with one eighteen-pound cannon. On the Upper Lakes, to two vessels not exceeding the like burden each and armed with like force; and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees that all other armed vessels on these lakes shall be forthwith dismantled and that no other vessels of war shall be there built or armed. And it further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned is also directed by the President to state that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, A PROCLAMATION.

Whereas an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, Esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is—

"On Lake Ontario, to one vessel not exceeding one hundred tons burden and armed with one eighteen-pound cannon.

"On the Upper Lakes, to two vessels not exceeding like burden each and armed with like force.

"On the waters of Lake Champlain, to one vessel not exceeding like burden and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party"; and

Whereas the Senate of the United States have approved of the said arrangement and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Now, therefore, I, James Monroe, President of the United States, do by this my proclamation make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand at the city of Washington this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

Mr. YOUNG of North Dakota. Mr. Speaker, more important than the recital of this remarkable treaty is the concrete example of almost a century of naval disarmament upon the great inland seas of the North American Continent. [Applause.]

Mr. CLAYTON. Mr. Speaker——

Mr. STRINGER. Mr. Speaker, if the gentleman will yield, I desire to ask unanimous consent to extend my remarks in the RECORD on the present currency and banking measure, and for the further purpose of incorporating in the RECORD an address delivered day before yesterday by the Hon. George M. Reynolds, president of the Continental and Commercial Bank of Chicago, at the Minneapolis Bankers' Convention, held at Duluth, Minn.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

CURRENCY LEGISLATION.

Mr. STRINGER. Mr. Speaker, a few weeks ago the President of the United States appeared in person before this House of Representatives and forcefully, logically, and patriotically urged upon this special session of Congress immediate action in the matter of currency and banking legislation as one of the pressing needs of the hour.

It is perfectly clear—

Said he—

that it is our duty to supply the new banking and currency system the country needs, and it will need it immediately more than it has ever needed it before. We must act now, at whatever sacrifice to ourselves. It is a duty which the circumstances forbid us to postpone. I should be recreant to my deepest convictions of public obligation did I not press it upon you with solemn and urgent insistence.

This urgent insistency on the part of the President was met with universal approbation throughout the entire length and breadth of the country, and the President having therefore done his part in this matter, the people are waiting, patiently and expectantly, for this Congress to likewise do its part.

If a money stringency or industrial depression occur in the near future in this country, it is not going to be due to the provisions contained in the pending tariff bill or the pending bill for currency and banking reform, but because of tardy action on the part of Congress in passing both of these bills without delay and presenting them to the President for his signature.

The President has demanded prompt action. The people have echoed his demand; and long-continued and drawn-out uncertainty in this regard is a thousand times more damaging to industry and enterprise than the prompt passage of this remedial legislation, even though a few immaterial imperfections should be found therein.

Undue haste would, of course, be a blunder, but promptness is not undue haste and useless discussions over immaterial details should not be allowed to hamper and retard the immediate passage of those measures of relief which the exigencies of the situation demand.

Apropos to the pending currency and banking reform measure, under the leave given me by this House I append herewith extracts from an address delivered July 10 at Duluth, Minn., before the Minnesota Bankers' Association by Hon. George M. Reynolds, president of the Continental and Commercial National Bank, of Chicago.

And in this connection I desire to say that Mr. Reynolds is not only an authority in such matters but is a man of the highest probity and integrity, who has always fearlessly championed progressive ideas in the line of banking reforms, and in the formulation and advocacy of his ideas has had in view not the interests of the banking fraternity alone but the interests of the borrowing classes as well, the interests of industrial enterprise, and of the whole country and the whole people.

In part Mr. Reynolds said:

While I hope for the earliest possible enactment of a good currency law, still my great desire in this respect can not, and I feel should not, stifle my convictions as to the soundness and probable efficiency of the plan covered by the bill which has been introduced.

As a result of personal interviews with President Wilson and his administration heads who have been charged with the responsibility of preparing a currency bill, I have been impressed it is the earnest desire of all concerned to devise the best plan which it may be possible to enact into a law. Therefore I believe they will welcome constructive criticism of the bill, for I feel that they, too, will recognize the wisdom of accepting the consensus of opinion of the many rather than to rely upon the knowledge or belief of but a small number.

Assuming that you have read and are somewhat familiar with the bill, and appreciating I could not in the short time allotted to me undertake an exhaustive discussion of its details, I ask your kind indulgence while I call your attention to and discuss briefly four sections of the bill which I regard as comprising its most important special features.

IMPORTANT PARTS OF BILL.

Placed in the order of their importance from the standpoint of principle, as well as in their practical effect, should they be adopted I would group the sections as follows:

First. The one providing for the organization of the Federal reserve board;

Second. That relating to the proposed treatment of the national bank United States bond secured notes;

Third. The note issues; and

Fourth. The reserves.

Believing that in the interest of the public welfare the Government should exercise a certain supervision or control over the new system, in a regulatory way, the framers of the bill have provided in it for the creation of a Federal reserve board of seven members, which will include the Secretary of the Treasury, the Secretary of Agriculture, and the Comptroller of the Currency, respectively, the four additional to be appointed by the President of the United States.

POLITICAL BOARD.

Inasmuch as the three first named would be members of the President's official family, receiving their office through appointment by him, it will be seen that the entire Federal reserve board would be appointees of the President; and since by the terms of the bill itself not more than one of the directors appointed to serve on that board must be a banker of wide experience, thereby prohibiting the sole owners of the stock from the right of representation, in fact, excluding them from any participation in the deliberations of the board, bankers, business men, and thinking people generally regarded this prohibition as most revolutionary in character and calculated to place our whole system of banking under the domination and control of a purely political board.

The bill as it was introduced provided for retirement of the national bank United States bond-secured notes by giving the national banks the right to present to the Secretary of the Treasury in any one year 5 per cent of the 2 per cent United States bonds now owned by the national banks and held by the Treasury Department to secure their circulating notes now outstanding and receive in lieu thereof an equal amount of 3 per cent United States bonds due after 20 years, the latter to carry no circulation privileges.

In practice this would result in having national banks reduce their circulation at the rate of 5 per cent per annum for 20 years, at the end of which time all national-bank notes would be fully retired from circulation.

SHOULD PROTECT BANKS.

When it is borne in mind that the Government has been the principal beneficiary as a result of the low rate of interest at which these bonds have been floated, because of their required use by national banks as security for their circulating notes, thereby enabling the Government to save millions of dollars on interest annually, I think all fair-minded people will feel that there is an obligation on the part of the Government to protect the banks against loss on the bonds so held.

Careful consideration of this subject since my return from Washington leads me to believe that any plan of currency legislation which is provided for should either employ these bonds upon some basis which will protect the banks from loss, or it should take them up and pay them off or refund them into bonds which will be worth par in a normal market for securities.

CRITICIZES NOTE ISSUE.

The bill also provides for an issue of Federal reserve Treasury notes not to exceed $500,000,000, and in addition thereto a sum equal to the difference between the total amount of national-bank notes outstanding at any given time and the amount of such notes outstanding at the time of the passage of the bill.

It also provides that these notes shall purport on their faces to be the obligations of the United States and shall be issued at the discretion of the Federal reserve board and solely for the purpose of making advances to Federal reserve banks.

If the notes were the obligation of the Federal reserve banks alone, and properly secured, any emergency which could possibly cause a default in the payment of gold would not affect the credit of the Government and would leave it free and unhampered to use its influence and prestige to bring about stability, whereas if the promise of the Government to redeem these notes in gold should be linked with that of the Federal reserve banks and a default should occur, neither would be free to assist the other.

EFFECT IN TIME OF WAR.

In case of war with a foreign nation, making it necessary for the Government to use its credit freely, its guarantee of the payment of these notes in gold would no doubt impair its ability to borrow on the most advantageous basis, and it would at the same time, through so materially increasing its obligations, cause more or less apprehension concerning such outstanding notes, and if a condition should be created through which the public would doubt the ability of the Government to pay gold against these notes, gold would be hoarded and the notes would depreciate in value. Furthermore than this, the manner in which they must be gotten into circulation is unscientific and would have a tendency for inflation, for any plan which does not force immediate automatic redemption of a bank note, once it has served its purpose, is built upon a wrong premise.

NOTE TAXATION WRONG.

We believe that the theory of taxing notes to enforce their redemption is wrong in principle and practice, and as a substitute for this plan and with a view to securing a system which would prevent inflation, we suggested that a Federal reserve bank should issue notes without tax so long as it should maintain a 50 per cent gold reserve against its total liabilities, including deposits, but that such notes as it should have outstanding when its gold reserves would fall below 50 per cent should be taxed at the rate of 1½ per cent for each 2½ per cent its gold reserve should fall under 50 per cent down to 33⅓ per cent. In practice this would mean that a Federal reserve bank would have to pay a tax on its outstanding notes of 1½ per cent when its gold reserve would be 47½ per cent; 6 per cent when its reserve should drop to 40 per cent; and 10½ per cent when its reserve would fall to 33⅓ per cent, it to be prohibited from issuing notes when the reserve would fall below that point.

If a proper system of currency and banking is adopted and there is established in the United States an open market for commercial paper, most of the evils that it is alleged are created through the concentration of capital in the centers will disappear, for the banks of the country are now forced to resort to stock exchange loans, because that is the only avenue through which it is possible for them to secure liquid paper upon which funds can be immediately collected.

The maintenance of a broad, open market for commercial paper and bills of exchange would soon draw to that market the major portion of the money of out-of town banks that has been employed in the carrying of stock-exchange loans; therefore why disturb the reserve relations between banks so violently and without any definite knowledge of what effect it may have on business?

RESERVE SHIFT A MENACE.

I contend this drastic and wholesale shifting of reserves from the natural centers where the requirements of business have caused them to flow automatically will disturb business and greatly impair the ability of the public to secure credit accommodations.

If none of the balances in reserve city banks are to be counted as reserve it naturally follows that in time these balances will be withdrawn; especially so since the plan is so drawn as to encourage the members to do most of their business with the Federal reserve banks. Consequently, we are, I think, justified in the belief that in due time this business would practically be forced into the Federal reserve banks.

CITES CASE OF OWN BANK.

As a concrete case, take my own bank. Under normal conditions we have balances from our correspondents of over $100,000,000. If none of these balances can be counted as reserves by our correspondents and they are forced to carry them with the Federal reserve banks, does it not follow that we may ultimately lose that amount in bank or reserve deposits? We usually carry cash means of 40 per cent of our gross deposits, so that a $100,000,000 deposit gives us a loaning power of $60,000,000. To take away from the banks of Chicago the reserves thus carried by its banks for their correspondents, or $200,000,000, would decrease their loaning ability $120,000,000. In like manner, take away from New York City banks $240,000,000 in deposits of this character and you would reduce the loaning power of the banks of that city $180,000,000.

Add to this the disturbance of business that would be caused by a similar and proportionate shrinkage in the ability of banks in nearly 50 other reserve cities and in country banks to furnish credit to their customers and you will get some idea of the effect this "redistribution" of reserves will have upon general business. We are told that this shrinkage in our loaning power is to be offset by the right of member banks to rediscount with the Federal reserve bank.

Now, if we, in our bank, should carry a continuous line of rediscounts with the Federal reserve bank equal to our capital, we would, in the event we should lose our bank balances, still be obliged to reduce our loans $40,000,000.

CURTAILS BANKING POWER.

Take away the reserves we now carry for our correspondents and you take away our ability to furnish large amounts of money to one borrower. Where, then, will those who require large amounts of money for the conduct of legitimate business go to secure their accommodations?

To my mind this is a subject that concerns the business man much more than it does the banker, especially since, as I have before stated, the effects of whatever changes are made must ultimately fall upon and be borne by the people.

Summarizing, I would recommend the following changes as a means of bringing the plan to a much more workable, as well as a more equitable, basis:

Provide for representation of banks on the Federal reserve board, or for the organization of an advisory board, composed of one member selected by each Federal reserve bank, thus bringing into daily contact with the members of the Federal reserve board men who would be familiar with the banking business and agricultural conditions in each section of the country, thereby insuring a more intelligent discharge of their duties so far as their actions would affect business in the various sections.

WOULD MODIFY RESERVE PLAN.

Modify the section relating to reserves by providing that until the plan has been fully tried out one-third of the reserves that banks in country towns and in reserve cities are required to carry may be carried with reserve correspondents as is now done under the national banking law, leaving the requirement that banks in central reserve cities must carry 20 per cent reserves, one-half of which must be in their vaults and one-half to their credit in the Federal reserve bank.

This would, as I have already stated, decentralize reserves in the centers over one-half and would be much less liable to disturb general business than the drastic and revolutionary shifting of reserves now provided for in the bill.

Later on, say five years after the plan has been in operation, any further shifting of reserves of the banks found to be necessary or desirable could be effected without taking the risk of disturbing business that might follow if the plan proposed is now enforced.

NOTE ISSUE REVISION.

I would also recommend a change in the plan for the issuing of notes. While I think it much preferable that the Federal reserve bank should issue the notes, yet, knowing as I do how determined in their opinion are many who are powerful in the Democratic Party that the Government should issue the notes, I am willing, in view of the fact that the notes are abundantly secured, to yield that point, but even then the limit of the amount that can be issued should be removed and the tax, instead of being on the notes when issued, should be levied only when the Federal reserve bank issuing them should fail to maintain a proper reserve of gold against its liabilities.

In closing Mr. Reynolds said he could not help but feel that the administration has a full conception of the ramifications of the power the bill vests in the Federal reserve board, and said he hoped that in the desire of Congress to enact the best possible legislation it will clearly see the necessity for modifying the bill in two or three sections with a view of so harmonizing the situation that the banks not only will be willing to enter the system, but that they will do so enthusiastically, and on that cooperative basis so necessary for the success of the plan and the future welfare of the country.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 32 minutes p. m.) the House, under the order heretofore made, adjourned until Tuesday, July 15, 1913, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of Cooper Creek, N. J., with a view to increased depth and extension of the project (H. Doc. No. 134); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Boca Ceiga Bay, Fla., with a view to securing a channel from the 8-foot contour near Point Pinellas and Maximo Point to existing channel to Clearwater Harbor (H. Doc. No. 135); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of Manitowoc Harbor and River, Wis., with a view to deepening river and enlarging dredged basin inside breakwater (H. Doc. No. 136); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination of Kissimmee River, Fla., from Kissimmee to Lake Okechobee; examination of Caloosahatchee River, Fla., with a view to harmonizing general scheme for drainage of the Everglades (H. Doc. No. 137); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination of Lumber River, N. C. and S. C., from its mouth to turnpike bridge in Hoke and Scotland Counties, N. C. (H. Doc. No. 138); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Roanoke River from Clarksville, Va., to the present head of steamboat navigation, below Weldon, N. C. (H. Doc. No. 139); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

7. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting supplemental estimates of appropriations required for the War Department for the fiscal year ending June 30, 1914 (H. Doc. No.

140); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce submitting a clause for authority to use balance of appropriation of $15,000 made by act of March 4, 1907, "For light and fog station at or near west end Lehigh Valley Railroad bridge, Passaic, N. J.," for establishing beacon lights to mark channel in Newark Bay, N. J. (H. Doc. No. 141); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting request from the Superintendent of the Government Hospital for the Insane that authority be granted to exchange certain discarded machinery for new machinery to complete the power, heating, and lighting plant of the institution (H. Doc. No. 142); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, relative to the item in sundry civil appropriation bill making appropriation for public building at Canton, Ill. (H. Doc. No. 143); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SCOTT: A bill (H. R. 6826) providing for the purchase of a site and the erection thereon of a public building at Spencer, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of South Carolina: A bill (H. R. 6828) to improve the efficiency of the Rural Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. EDWARDS: A bill (H. R. 6829) to provide for medical treatment of Confederate veterans in Government hospitals and care of needy veterans in the homes for soldiers; to the Committee on Military Affairs.

By Mr. MORGAN of Louisiana: A bill (H. R. 6830) providing for the establishment of experimental farms in each county and parish in the several States and Territories of the United States; to the Committee on Agriculture.

By Mr. TAYLOR of Alabama: A bill (H. R. 6831) to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.; to the Committee on the Public Lands.

Also, a bill (H. R. 6832) to remodel the public building at Mobile, Ala., known as the customhouse; to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 6833) to amend section 5240 of the Revised Statutes of the United States as amended by the act approved February 19, 1875, in relation to the compensation of national-bank examiners; to the Committee on Banking and Currency.

By Mr. J. M. C. SMITH: A bill (H. R. 6834) to enlarge, extend, remodel, etc., post-office building at Kalamazoo, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. L'ENGLE: A bill (H. R. 6835) to provide for the examination and survey of Mosquito Inlet, Volusia County, Fla.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6836) to provide for the examination and survey of Gilberts Bar, Palm Beach County, Fla.; to the Committee on Rivers and Harbors.

By Mr. ALLEN: A bill (H. R. 6837) to amend section 5137 of the Revised Statutes of the United States in relation to the purchasing, holding, and conveying of real estate by national banking associations; to the Committee on Banking and Currency.

By Mr. HENRY: Resolution (H. Res. 200) providing for the examination and investigation of the papers, books, and manner of conducting business of State banking institutions; to the Committee on Rules.

By Mr. LINDBERGH: Resolution (H. Res. 201) providing for a special committee of seven to consider the proposed Glass currency bill; to the Committee on Rules.

By Mr. MADDEN: Joint resolution (H. J. Res. 106) proposing an amendment to the Constitution of the United States making the term of office of President six years; to the Committee on Election of President, Vice President, and Representatives in Congress.

By the SPEAKER (by request): Memorial of the Legislature of California, favoring the purchase of the Tioga Road, to complete free highway from Sacramento to Lake Tahoe; to the Committee on Roads.

Also (by request), memorial of the Legislature of California, favoring woman suffrage; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of California, favoring the establishment of a national park in Butte County, Cal.; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of California, favoring amendment of national banking laws so as to permit taxation of the income of national banking associations the same as that of domestic corporations; to the Committee on Banking and Currency.

By Mr. GRAHAM of Pennsylvania: Memorial of the General Assembly of the State of Pennsylvania, urging the need of more land for the use of the United States arsenal at Frankford, in Philadelphia; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANFORTH: A bill (H. R. 6838) for the relief of Jane Higley; to the Committee on Claims.

By Mr. DICKINSON: A bill (H. R. 6839) for the relief of the estate of Mark Beamer, deceased; to the Committee on War Claims.

By Mr. HULINGS: A bill (H. R. 6840) granting an increase of pension to Robert Stranahan; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 6841) granting a pension to William Lammerhirt; to the Committee on Pensions.

Also, a bill (H. R. 6842) granting an increase of pension to James A. Roche, alias James Brady; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 6843) granting an increase of pension to John W. Wilkinson; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 6844) granting an increase of pension to James B. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6845) granting an increase of pension to Martin L. Keeton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6846) granting an increase of pension to George A. Predeau; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 6847) granting an increase of pension to Benjamin F. Gilmore; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of John Gordon and 23 other citizens of Fredericksburg and community, Ohio, favoring the passage of the legislation prohibiting the misbranding of any article made from fabric, leather, or rubber; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: Petition of the Pasadena Board of Trade, Pasadena, Cal., favoring the immediate passage of legislation for flood protection of the lower Mississippi River and the reclamation of its alluvial lands; to the Committee on Rivers and Harbors.

By Mr. DYER: Petition of the Switchmen's Union, protesting against features of the workmen's liability act; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Pennsylvania State Launderers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HENRY: Petition of sundry women of Texas, favoring the passage of legislation requiring the closing of the Panama Exposition on Sundays; to the Committee on Industrial Arts and Expositions.

Also, petition of sundry citizens and business men of various counties in Texas, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of the Chamber of Commerce of Aberdeen, Wash., favoring the establishment of adequate lighthouse and life-saving service on the north

Pacific coast; to the Committee on the Merchant Marine and Fisheries.

By Mr. LONERGAN: Petition of sundry manufacturers and merchants of Hartford, Conn., protesting against the free entry of Philippine cigars; to the Committee on Ways and Means.

By Mr. MADDEN: Petition of the National Business Houses of America, protesting against features of the tariff bill relative to the collection of customs; to the Committee on Ways and Means.

By Mr. MANN: Petition of the Illinois Pharmaceutical Association, favoring House bill 1, relative to members of the Army Hospital Corps; to the Committee on Military Affairs.

SENATE.

MONDAY, *July 14, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Friday last was read and approved.

COST OF ARMOR PLATE (S. DOC. NO. 129).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of May 27, 1913, certain information relative to armor plate and its manufacture, which, on motion of Mr. ASHURST, was, with the accompanying paper, referred to the Committee on Naval Affairs and ordered to be printed.

CHARGES ON UNCLAIMED GOODS (S. DOC. NO. 130).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a draft of a proposed bill to amend section 2963 of the Revised Statutes of the United States, relative to the charges to be paid on unclaimed goods in the hands of collectors of customs, which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to a concurrent resolution authorizing the printing of 30,000 copies of the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. OLIVER. I present a concurrent resolution of the General Assembly of the Commonwealth of Pennsylvania, relative to the condemnation and purchase by the United States Government of a certain tract of land for the use of the United States arsenal at Frankford, Philadelphia, Pa. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the concurrent resolution was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Concurrent resolution of the General Assembly of the Commonwealth of Pennsylvania 53.

IN THE SENATE, *May 19, 1913.*

Whereas the United States arsenal at Frankford, in Philadelphia, occupies a territory much too limited for its experimental work and for the proper location of its magazines for storing ammunition and explosives; and

Whereas there is, immediately adjacent to the Frankford Arsenal, an undeveloped tract of land of about 20 acres, which is suitable in every way for experimental work and for the storing of ammunition and explosives under safe conditions: Therefore be it

Resolved (if the house of representatives concur), That the attention of the Senators and Representatives in Congress from Pennsylvania is hereby invited to the need for the condemnation and purchase of this land, and said Senators and Representatives are hereby respectfully urged to secure the necessary legislation for the procurement of the said tract of land for the United States; and be it further

Resolved, That the secretary of the Commonwealth be directed to send to each Senator and Representative in the Congress of the United States from Pennsylvania a certified copy of this resolution.

I hereby certify that the above is a true and correct copy of the resolution passed in the Senate on May 19, 1913.

HARMON M. KEPHART,
Chief Clerk of the Senate.

Concurred in by the house of representatives May 5, 1913.

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

Approved the 19th day of June, A. D. 1913.

JOHN K. TENER.

The foregoing is a true and correct copy of concurrent resolution of the general assembly No. 53.

ROBERT MCAFEE,
Secretary of the Commonwealth.

Mr. OLIVER presented a resolution adopted by the State Launderers' Association of Pennsylvania and a memorial of the Board of Trade of Philadelphia, Pa., praying for the adoption of 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Pittsburgh Chapter, American Institute of Architects, of Pennsylvania, praying that statuary and works of art be placed on the free list, which was referred to the Committee on Finance.

Mr. NORRIS. I present resolutions adopted by the Nebraska Branch of the National Association of Assistant Postmasters, in convention at Lincoln, Nebr., June 16, 1913, favoring the enactment of legislation placing positions in the Post Office Department, excepting that of the Postmaster General, in the competitive classified civil service, and so forth, and I ask that the resolutions be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Nebraska Branch of the National Association of Assistant Postmasters at Lincoln, Nebr., June 16, 1913.

We, the members of the Nebraska State Association of Assistant Postmasters in convention assembled, having met for the purpose of mutual benefit, protection, and instruction and to consider and discuss the things that will make for the betterment of the postal service, do heartily recommend the adoption of the following resolutions:

Resolved, That we note with pleasure the attitude taken by President Wilson and the honorable Postmaster General in relation to the civil service and their evident determination to maintain and preserve the present status of the service and their expressed intention to extend its benefits to first, second, and third class postmasters in the near future, with a view that ultimately the entire Post Office Department and all positions connected therewith may be firmly established and conducted on a strictly business basis and entirely removed and separated from political activity and influence; and be it further

Resolved, That in furtherance of this purpose and to hasten its adoption we heartily indorse Senate bill No. 724, introduced and prepared by George W. Norris, United States Senator from Nebraska, having for its purpose the placing of all positions in the Post Office Department, excepting Postmaster General, in the competitive classified civil service, and providing for promotions and transfers from lower to higher positions and for adjusting the salaries of assistant postmasters in proportion to the duties involved and responsibilities assumed.

Mr. TOWNSEND presented memorials of sundry citizens of Battle Creek, Grand Rapids, Potterville, and Berrien Springs, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WEEKS presented resolutions adopted by the Fruit and Produce Exchange of Boston, Mass., favoring the adoption of 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWLANDS:

A bill (S. 2739) to create a waterways commission and a board of river regulation to promote interstate commerce by the development and improvement of the rivers and waterways and water resources of the United States and the coordination of and cooperation between rail and water routes, and by providing a fund for the regulation and control of the flow of rivers and for the maintenance at all seasons of a navigable stage of water in waterways and for the connection of rivers and waterways with the Great Lakes and with each other, and as a means to that end to provide for flood prevention and protection, and for water storage, and for the beneficial use of flood waters for irrigation and water power, and for the conservation and use of water in agriculture, and for the protection of watersheds from denudation and erosion, and from forest fires, and for the cooperation in such work of Government services and bureaus with each other and with States, municipalities, and for local agencies.

Mr. NEWLANDS. I ask that the bill be referred to the Committee on Interstate Commerce.

Mr. BURTON. The question of the reference of a similar bill came up at the last Congress. I think it should go to the Committee on Commerce. Clearly that is where it belongs.

Mr. NEWLANDS. I shall contend that the bill should go to the Committee on Interstate Commerce, but I know that there will be debate upon that subject, and I ask that the bill be printed and lie on the table at present, until a proper reference can be made.

The VICE PRESIDENT. The bill will be printed and lie on the table.

Mr. NEWLANDS. I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill (S. 2739) to create a waterways commission and a board of river regulation to promote interstate commerce by the development and improvement of the rivers and waterways and water resources of the United States and the coordination of and cooperation between rail and water routes, and by providing a fund for the regulation and control of the flow of rivers and for the maintenance at all seasons of a navigable stage of water in waterways and for the connection of rivers and waterways with the Great Lakes and with each other, and as a means to that end to provide for flood prevention and protection and for water storage and for the beneficial use of flood waters for irrigation and water power, and for the conservation and use of water in agriculture, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation in such work of Government services and bureaus with each other and with States, municipalities, and other local agencies.

Be it enacted, etc., That the sum of $60,000,000 annually for each of the 10 years following the first day of July, 1913, is hereby reserved, set aside, and appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the river regulation fund, to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United States, and by preventing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection through the establishment, construction, and maintenance of natural and artificial reservoirs for water storage and control, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries, but also through controlling them in fixed and established channels in the lower valleys and plains, and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, holding, using, and transferring lands and any other property that may be needed for the aforesaid purposes, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act; the ultimate purpose of this act being the maintenance at all times of a navigable stage of water in all inland waterways, and flood prevention and protection, and river regulation and the control of the volume of water forming the stage of the river from its sources, so as to standardize the river flow, as contradistinguished from and supplemental to channel improvement as heretofore undertaken and provided for under the various acts commonly known as river and harbor acts.

CREATION OF THE WATERWAYS COMMISSION AND THE BOARD OF RIVER REGULATION.

SEC. 2. That a commission is hereby created, to be known as the waterways commission, consisting of the President of the United States, who shall be the chairman of said commission, with the power of veto, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the chairman of the board of river regulation, to be appointed as hereinafter provided. The chairman of the Interstate Commerce Commission and the chairman of the Panama Canal Commission shall be ex officio advisory members of said waterways commission.

The waterways commission shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may in their judgment be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

All plans and estimates prepared by the board of river regulation, as hereinafter provided, which contemplate or provide for expenditures from the river-regulation fund, shall be submitted to the waterways commission for final approval before any of the expenditures therein provided for or contemplated are authorized or made, or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the board of river regulation shall have full power to act, and shall report in detail his action in every case to the waterways commission at its next meeting after his action.

The members of said commission shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as the original appointment.

A board is hereby created to be known as the board of river regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Director of the Reclamation Service, the Forester of the Department of Agriculture, the Chief of the Bureau of Plant Industry of the Department of Agriculture, the Secretary of the Smithsonian Institution, one civil engineer, one sanitary engineer, one hydroelectric engineer, one expert in transportation, and a chairman of the board. The last five shall be appointed by the President and hold office at his pleasure, and they shall each receive an annual compensation of $10,000, except the chairman, who shall receive $12,000, and they shall receive a per diem in lieu of actual expenses when absent from headquarters on official business, to be determined by the waterways commission. Such compensation and per diem, together with all the general expenses of the board, shall be payable out of the appropriation hereinafter apportioned to the Smithsonian Institution.

The members of said board, with the exception of the five members appointed by the President, shall serve as such only during their incumbency in their respective official positions, and any vacancy on the board shall be filled in the same manner as the original appointment.

The five members of the board appointed by the President shall constitute an executive committee of which the chairman of the board shall be chairman, and said executive committee shall have the general executive direction and supervision of the operations of said board of river regulation under rules and regulations to be established by the waterways commission.

A secretary of the board shall be appointed by the executive committee, and shall hold office at their pleasure, and he shall receive an annual compensation of $5,000 and a per diem when absent from headquarters on official business to be determined by the waterways commission, payable out of the appropriation hereinafter apportioned for the Smithsonian Institution.

All formal action taken and all expenditures made or authorized by the board of river regulation shall be reported to the waterways commission, and shall be by the commission transmitted to Congress annually or at such more frequent times as may appear to the commission desirable or at such times as Congress may require.

Whenever, in their judgment, it may be advisable, in order to expedite construction, the waterways commission may order such construction work as they may determine to be done under the immediate direction, by contract or otherwise, of the executive committee, in which case such work shall be paid for from the apportionment of the service or bureau or organization under which it would otherwise have been done, such transfer and application of any apportionment made by this act being hereby authorized.

The waterways commission shall further have power to temporarily provide for disbursements under this act, other than those above provided for, by transfers from one apportionment hereunder to another: *Provided, however*, That such transfers shall be equalized and the money so diverted restored to the apportionment from which it was transferred, as nearly as may be, within the period of 10 years covered by this act.

The waterways commission may, if at any time it shall be in their judgment advisable, appoint from the public service additional members of the board of river regulation; and they may also create and appoint from the public service the members of subordinate boards or commissions to promote the purposes of this act and expedite and facilitate the administration thereof and operations and construction thereunder.

COOPERATION WITH STATES, MUNICIPALITIES, AND OTHER AGENCIES.

SEC. 3. That the board of river regulation shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to an extent at least equal in amount to the sum expended by the United States; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be promptly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning the costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

The board may receive and use any funds or property donated or subscribed to it or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation until the funds to be provided by all parties to such arrangement shall have been made available for disbursement.

ENCOURAGEMENT OF INDEPENDENT INITIATIVE AND CONSTRUCTION.

SEC. 4. That all things done under this act shall be done with a view not only to constructive cooperation, as herein provided, but also with the definite and specific object of enlarging the field of accomplishment contemplated by the act through promoting and encouraging independent initiative and construction by States, municipalities, districts, and other local agencies and organizations, and creating object lessons and building models and making demonstrations that will have that effect and influence and induce such supplemental and independent action and construction.

CONFERENCE AND COOPERATION OF BUREAUS AND STATES.

SEC. 5. That it shall be the duty of said board to coordinate and bring into conference and cooperation the various scientific and constructive bureaus of the United States with each other and with the representatives of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, and associations, and of foreign nations on international streams, in the carrying out and accomplishment of all the provisions, purposes, and objects of this act.

The board shall have authority to call upon and to bring into cooperation any other Federal department or bureau whose investigations or assistance may be found necessary to the carrying out of the provisions of this act, and the board is hereby authorized to defray the expenses of such investigations or assistance through a transfer of so much of its appropriation as may be necessary to the Federal department or bureau thus brought into cooperation.

CORRELATION, COORDINATION, AND ADMINISTRATIVE ECONOMY.

SEC. 6. That the board shall harmonize and unify and bring into correlation and coordination the investigations made, and information, data, and facts collected and obtained by the various bureaus or offices of the Government relating to or connected with the matters and subjects referred to and the questions involved in this act, and to print, publish, and disseminate the same, and it shall exercise such general supervision as may be necessary to provide against duplication or unnecessary, inadequate, unrelated, or incomplete work in connection therewith, and shall make such recommendations to the waterways commission as it may deem advisable at any time for the accomplish-

ment of that end or in the interest of harmonious cooperation, efficiency, and economy in carrying out the purposes of this act. The special function of the board at all times shall be to promote the adoption of the best and most approved methods and systems of investigation, administration, construction, and operation in carrying out such specific improvements, works, and projects as are authorized by this act, or which may be from time to time authorized by Congress, if within the scope of the work of the said board as herein set forth; and it shall further be the special function of the board to effect the largest possible saving as the result of the unification, correlation, and coordination of the work of the various bureaus in the investigations and administrative and constructive work provided for in this act in accordance with existing law or with such provisions as Congress shall from time to time impose.

REPORTS, PLANS AND ESTIMATES BY THE BOARD.

SEC. 7. That the functions of the board shall be to obtain full information through its members concerning all proposed expenditures provided for within the scope of this act. Each bureau or service chief member shall report to the board the work proposed by the bureau or organization which he represents, and shall present full plans and estimates covering such proposed construction or action. The findings and conclusions of the board and plans adopted by it for construction and action shall be binding upon the members thereof in so far as may be consistent with existing laws.

REFERENCES TO AND INSTRUCTIONS FROM THE PRESIDENT.

SEC. 8. That all matters involving apparent conflict with departmental authority, jurisdiction, or procedure, or as to which the board may desire suggestions or advice, shall be laid before the President, who may thereupon call into conference the waterways commission, and after consideration of such matters by the commission, suitable instructions shall be issued by the President to heads of departments, with a view to securing unity of action along the lines approved by the President and the commission.

EXECUTION OF PLANS AND WORK BY THE SEVERAL BUREAUS.

SEC. 9. That in the execution of all plans and duties intrusted or delegated to the several bureaus the respective chiefs thereof, acting under departmental regulations and procedure, shall execute the work according to the methods prescribed by law, the functions of the board of river regulation being those of a consulting and advisory body, with power to make recommendations to the President and the waterways commission, and through the President to the heads of departments, with a view to effective coordination and cooperation as to all things proposed by this act, and to carry out such work as Congress shall from time to time prescribe or has prescribed in this act.

COMPREHENSIVE PLANS FOR RIVER REGULATION.

SEC. 10. That the board of river regulation shall develop, formulate, prepare, consider, and determine upon comprehensive plans for the conservation, use, and development of the water and forest resources of the United States in such manner as will best regulate the flow of rivers and their tributaries and source streams, and the stage of water in inland waterways, and the confinement of all rivers and waterways at all times within fixed and established channels, and embracing, with that object, the construction of levees and revetments and all works necessary for the fixation of channels and flood protection, drainage, and the reclamation of swamp and overflow lands; water storage in natural and artificial reservoirs; the beneficial use of waters for irrigation and for all domestic, municipal, and industrial purposes; the maintenance and development of underground water supplies and the storage of water in the ground and in irrigated lands and underground reservoirs; the enlargement of the areas and raising of the levels of the ground waters; the construction of flood-water canals, by-passes, and restraining dams; the control and regulation of drainage and the replenishment of streams by return seepage; the perpetuation of forests and maintenance of woodland cover as sources of stream flow; the prevention of denudation and erosion; the protection of channels and harbors from eroded soil materials; the clarification of streams; the utilization of water power; the prevention of the pollution of streams and rivers; the sanitary disposal of sewage and purification of water supplies; the best distribution of forests, woodlands, and other growth, and of cultivated and irrigated areas in their relation to river flow; the protection of forested and woodland areas from destruction by fire or insects; the reforestation of denuded areas; the planting of forests and establishment of forest plantations; the preservation and planting of woodlands and any other growth and protective cover on watersheds; the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall; the making and furnishing of plans for flood-water storage and other works for irrigation and power for farms, towns, and villages; the acquisition, subdivision, and settlement in small, intensively cultivated farms of lands for water storage by irrigation; the building of the irrigation systems for such lands, including reservoirs, dams, canals, ditches, and all necessary works; the protection of farms, villages, towns, and municipalities from damage by freshets and overflow; and the impounding of flood waters in artificial lakes and storage reservoirs to prevent floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of streams and reenforce such flow during drought and low-water periods, the ultimate object of all such work being to regulate and, so far as possible, standardize the flow of rivers and their tributaries and source streams, and in the accomplishment of that object to induce and secure the cooperation of States, municipalities, districts, counties, towns, and other local agencies and organizations.

SMITHSONIAN INSTITUTION.

SEC. 11. That it shall be the duty of the Secretary of the Smithsonian Institution to give especial attention to the acquisition from foreign countries and from all sources of all obtainable knowledge concerning the problems involved in the work of the board and to diffuse and disseminate the same, and to establish and maintain a museum of water and forest resources in which such knowledge shall be placed before the people, with object lessons illustrating the disastrous consequences that have resulted from the neglect of such conservation and particularly the failure to conserve the forest and water resources in other countries of the world, and to utilize the resources of the institution under his charge, which may be available for that purpose, to aid in the education of the public in the elements of knowledge which lead to the successful regulation of water and of the flow of rivers and the use of water in connection with agriculture and the intensive cultivation of land, and in connection with all other industries.

BUREAU OF PLANT INDUSTRY.

SEC. 12. That it shall be the duty of the Chief of the Bureau of Plant Industry to collate and bring together for the information of the board the results of all investigations with reference to soil and the production of crops through the use of water as a fertilizer and stimulant to plant growth, and of the relation of water in excess or deficiency to successful crop production. He shall recommend for the consideration of the board such further investigations as may properly be conducted in connection with the purposes for which the board is created and which shall lead to the largest and most valuable results being obtained through the use of water in connection with successful plant growth and increased crop production, and the establishment of a national system for the information of the people in the intensive cultivation of small tracts of land, with a view to increasing food production and thereby reducing the cost of living and encouraging suburban and rural settlement and homemaking, and the beneficial use of water in connection therewith as an ultimate influence for river regulation in aid of interstate commerce.

FOREST SERVICE.

SEC. 13. That it shall be the duty of the Forester of the Department of Agriculture to present to the board all essential facts bearing upon the relation of forests to the various problems under consideration and the value and importance of forests and woodland and other growth and their proper control and extension and protection from fire; also such facts as may be essential to the proper enlargement of forested areas for the protection of watersheds and the maintenance of the flow of rivers during the low-water season and the prevention of denudation and erosion, with consequent silting up of waterways and harbors, and to prepare and present to the board comprehensive plans for the protection of the forests from fire and other destructive agencies.

GEOLOGICAL SURVEY.

SEC. 14. That it shall be the duty of the Director of the Geological Survey to recommend to the board appropriate surveys and examinations, and upon proper approval cause to be executed topographic surveys of each drainage basin, these being planned with reference to the work contemplated by the board and the immediate demands and needs of the board. Such surveys shall include and show, in addition to the topography, the character of all lands embraced therein, and it shall be his duty to classify the same and designate the best use to which said lands may be devoted in carrying out the provisions of this act. The topographic maps shall be of such scale as will bring out the existence of feasible storage or reservoir sites. He shall make such additional surveys of specific localities as may be required by the constructing engineers, and in such surveys he shall establish monuments based on geodetic horizontal and vertical control. The surveys shall be of such nature as to provide adequate bases for geologic investigation and engineering works. He shall also cause measurements to be made of the flow of streams at such places as may be designated by the board as yielding results of largest importance in the discussion of the problems in hand and the execution of proposed engineering works, and shall carry on such studies in river pollution and purification, in water-power possibilities, and other stream investigations as the board may designate. It shall be his further duty to examine all forested lands or lands intended to be afforested or reforested which it is proposed to purchase under this act, and to report whether the control and use of such lands will influence the preservation of water supplies or stream flow or tend to regulate the flow of navigable rivers on whose watersheds they are located.

RECLAMATION SERVICE.

SEC. 15. That it shall be the duty of the Director of the Reclamation Service to bring before the board the results attained in the construction of works of irrigation and reclamation throughout the arid and semiarid regions of the United States, and the application of the experience thus obtained to the conditions existing in the more humid sections of the United States. He shall extend the surveys and investigations and construction of irrigation works such as are authorized in the act of June 17, 1902, known as the reclamation act, throughout the United States and including reclamation of land by drainage as well as by irrigation: *Provided, however,* That no part of the fund created by the act of June 17, 1902, shall be expended for this purpose. Such further investigations and construction and operations in States and Territories other than those covered by the original act above referred to and amendments thereto shall be made in accordance with such rules and regulations as shall be established by the Secretary of the Interior, and shall be subject to such of the terms, provisions, and requirements of said reclamation act as the Secretary of the Interior shall determine are to be made applicable thereto, but shall be at the expense of the river regulation fund created by this act, and expenditures from said last-mentioned fund may be similarly made in any State or Territory. He shall construct, operate, and maintain, until otherwise provided by law, such irrigation and drainage works and systems as the board may determine are needed for the regulation of the streams and rivers and the improvement of agricultural conditions, or for the proper control, disposition, and utilization of sewage or other waste waters which without such regulation would pollute the streams or injuriously affect the health or prosperity of the community. He shall also present to the board proposed plans for cooperation with irrigation or drainage projects or enterprises constructed, initiated, or contemplated by States, districts, municipalities, corporations, associations, or individuals, and shall negotiate agreements for coordinating and making more useful works already in existence or proposed through their incorporation into more effective systems.

CORPS OF ENGINEERS, UNITED STATES ARMY.

SEC. 16. That the Chief of Engineers of the United States Army shall present to the board all proposed plans for works proposed to be built under this act which the waterways commission shall determine are to be built under his supervision, including plans for levees, dikes, revetments, dams, canals, cut-offs, spillways, controlled outlets, flood-water channels, and wasteways, bank-protective and channel-fixation works, reservoirs or basins for the storage of flood waters for flood prevention and river control, or works for which examinations and surveys have been made by or with the cooperation of States, municipalities, or districts, and which it is sought to have constructed under this act, together with such facts and data as may be required for the construction of such works, or any of them, for the regulation of the flow of rivers. He shall also construct, operate, and maintain such levees, flood-protection, channel-fixation, and bank-protective works as are built in accordance with this act and also such reservoirs as are so built for the storage of water to control and regulate the flow of rivers, and to reenforce such flow in seasons of low water and to prevent floods and protect lands and communities from overflow as may be determined by the waterways commission: *Provided, however,* That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than

such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

DUTIES OF EXECUTIVE COMMITTEE APPOINTED BY THE PRESIDENT.

SEC. 17. That it shall be the duty of the members of the board of river regulation appointed by the President and constituting the executive committee of the board of river regulation, as hereinbefore provided, under the direction of the chairman of the board to consider, prepare, and present to the board comprehensive plans providing for the best utilization of the water resources of the United States in connection with river regulation, flood prevention and protection, and the increase of the flow of rivers in low-water seasons and the maintenance at all times of a navigable stage of water in the waterways of the United States, and providing also for the coordination of and cooperation between rail and water routes of transportation, and the establishment, maintenance, and protection of terminals and transfer sites and facilities for transshipment between rail and water routes, and to adjust all the plans contemplated for the projects constructed under this act to the ultimate purpose of regulating and standardizing the flow of the rivers and inland waterways of the United States, in aid of interstate commerce as aforesaid; and further to give expert advice to the board in its consideration of details, problems, and projects; and it shall be their special duty to constantly promote and stimulate harmonious and effective cooperation between the different bureaus and services of the National Government and between the Nation and States, municipalities, and other local agencies in working out constructive plans under this act; and it shall further be their duty to examine and study the plans presented to the board for consideration, with the view of promoting the fullest possible measure of efficiency and economy in administration and construction, and avoiding all duplication in the work of the respective bureaus.

EQUITABLE APPORTIONMENT AMONG WATERWAY SYSTEMS.

SEC. 18. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the works and projects contemplated under this act among the several waterway systems of the United States.

Not less than $10,000,000 annually for 10 years shall be apportioned to the Appalachian and Atlantic region, including the territory within the drainage basins of all rivers flowing into the Mississippi River below the Ohio River or into the Gulf of Mexico east of the Mississippi River or into the Atlantic Ocean.

Not less than $10,000,000 annually for 10 years shall be apportioned to the drainage basin of the Ohio River.

Not less than $5,000,000 annually for 10 years shall be apportioned to the drainage basin of the Mississippi River above St. Louis and the territory included in the drainage basins of the rivers draining into Canada or into the Great Lakes or into the Mississippi River from the east between East St. Louis and Cairo, Ill.

Not less than $10,000,000 annually for 10 years shall be apportioned to the Mississippi River from St. Louis to the Gulf of Mexico, and the territory lying between the Atchafalaya River, the Mississippi River and the Gulf of Mexico, and including the Atchafalaya River as a flood water outlet for the Mississippi River, and including the controlling works necessary for such use of said Atchafalaya River, and all levees and bank protective works, cut-offs, and auxiliary flood-water channels necessary to control and prevent all overflows from said Atchafalaya River which shall, in this respect, be regarded as in the same class with the Mississippi River and entitled to the same recognition in the matter of levee construction and flood protection for adjacent territory as the main Mississippi River.

Not less than $10,000,000 annually for 10 years shall be apportioned to the territory included in the drainage basins of the Missouri River and other rivers, bayous, and waterways flowing into the Mississippi River from the west below St. Louis or flowing or debouching directly or through connecting waterways into the Gulf of Mexico west of the Atchafalaya River.

Not less than $5,000,000 annually for 10 years shall be apportioned to the territory including the drainage basin of the Colorado River, and extending on the west to the crest of the watersheds draining into the Pacific Ocean, and on the north to the drainage basin of the Columbia and Snake Rivers; not less than $5,000,000 annually for 10 years to the drainage basins of the rivers flowing through or into the Sacramento and San Joaquin Valleys or into the Pacific Ocean in California; and not less than $5,000,000 annually for 10 years to the drainage basins of the Columbia and Snake Rivers and other rivers flowing into the Pacific Ocean in Oregon and Washington.

The drainage basin of every river above mentioned shall be understood to include all the tributaries and source streams of such rivers.

REPLENISHMENT OF RIVER REGULATION FUND BY BOND ISSUE.

SEC. 19. That the President is authorized, whenever the current revenues are insufficient to provide the $60,000,000 annually appropriated for the river regulation fund, to make up the deficiency in such fund by the issue and sale of United States bonds, bearing interest at a rate not exceeding 3 per cent per annum, payable semiannually, and running for a period not exceeding 30 years.

APPROPRIATIONS AND APPORTIONMENT.

SEC. 20. That the moneys hereby annually appropriated in section 1 of this act shall, subject to all the provisions of this act, be apportioned and expended by the services and bureaus herein named in carrying out the purposes and provisions of this act and under the direction of the heads of the respective departments and in accordance with existing laws and regulations or such modifications thereof as may be made from time to time in accordance with the general system or systems proposed by the board and approved by the waterways commission in the following sums annually, which shall be available until expended for the following purposes:

For the Smithsonian Institution, for obtaining information and material relating to the subjects covered by this act in the United States and foreign countries, and publishing and distributing the same to the people of the United States, and for the establishment and maintenance of a museum of water and forest resources, and for any other purposes mentioned or referred to in section 11 of this act, $1,000,000.

For the Bureau of Plant Industry, for the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall in order that its run-off may be in that way checked and the water absorbed into the earth, and to that end for the establishment and maintenance of garden schools and demonstration garden farms, and instruction in intensive cultivation and the use of water for irrigation therein and in rural industrial communities, and for investigations and instruction with reference to terracing and methods of cultivation adapted to preventing erosion on hillside slopes, and with reference to the use of water as a fertilizer and stimulant to plant growth in all ways, and the adoption of all methods of agriculture that will increase the porosity and absorbent qualities of the soil and check surface wash or erosion or sudden run-off and thereby tend to prevent the formation of floods, and for the acquisition of lands that may be required for such purposes, and for any other purposes mentioned or referred to in section 12 of this act, $6,000,000.

For the Geological Survey, for topographic surveys and the measurement of streams and other hydrographic and hydrologic works, and for the examination of lands intended to be purchased under this act, and for any other things required by the board to be done in connection with any investigation or construction done under this act, $3,000,000.

For the Reclamation Service, for the reclamation of lands by either irrigation or drainage, or both, and for the building of irrigation and drainage systems to aid in the regulation or equalization of the flow of rivers and their tributaries and source streams through the conservation, utilization, and ground storage of waters in irrigated or drained lands, and for the acquisition and improvement by irrigation or drainage of specific tracts of land for intensive cultivation and settlement, and for the building of canals and ditches, and carrying to completion any and all methods of utilizing water for irrigation as a means for water conservation or river regulation, and for any other purpose mentioned or referred to in section 15 of this act, $20,000,000.

For the Forest Service, (a) for the protection from fire and insect infestation of national forests, where such protection is essential to the preservation and maintenance of water supplies, and for the acquisition of lands within or near existing national forests or other lands which are necessary to the adequate protection of water supplies, and for building the necessary roads, trails, fire lines, fire-protection stations, telephone lines, and for any and all other things required for such fire protection, including the fighting of fires and the employment of forest guards and rangers, $3,000,000.

(b) For the protection from fire of the forested watersheds of all rivers and streams, and for the organization and maintenance of a system of fire protection on any private or State forest lands situated upon the watersheds of such rivers or streams, in cooperation with any State or group of States, in the manner provided for in an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of rivers," known as the Appalachian National Forest act, and also in direct cooperation with cities, counties, towns, villages, and other owners of woodlands and forested areas on watersheds, and wherever essential to the preservation of water supplies and for the protection of such forested watersheds and areas from insect infestation, $1,000,000.

(c) For the protection, perpetuation, enlargement, maintenance, regulation, and control of water supplies by the establishment and maintenance of forest nurseries, the planting or replanting of forests, the reforestation of denuded areas, the carrying out of silvicultural improvements in the national forests, and the establishment and maintenance of forest plantations and parks and the acquisition of lands therefor to provide instruction in the planting and care of trees and forests for the purpose of awakening and maintaining a local interest in and knowledge of the relation of forests to the preservation of water supplies and stream flow, $1,000,000.

(d) For the acquisition of forest lands by and through the National Forest Reservation Commission as and in the manner provided for in the Appalachian National Forest act above referred to, subject to all the conditions and requirements contained in said act, $5,000,000.

Provided, That the provisions of the said Appalachian National Forest act shall, after the expiration thereof by limitation, still continue and be in force with reference to all moneys made available for expenditure thereunder by this act, either for fire protection or for the acquisition of forest lands.

For the Corps of Engineers, United States Army, for building bank protective works to prevent erosion and cutting of the banks and consequent caving, and to control the river and hold it in a permanently fixed and established channel, and for building and maintaining levees, revetments, dikes, walls, embankments, gates, wasteways, by-passes, cut-offs, spillways, controlled outlets, drainage canals, flood-water canals, and channels, weir dams, sill dams, restraining dams, impounding basins, and bank-protective works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of source streams, rivers, and waterways, and reenforce such flow during drought and low-water periods, and for the operation and maintenance of the same, $20,000,000.

By Mr. GRONNA:

A bill (S. 2740) relating to additional entries on lands subject to entry under the enlarged homestead act; to the Committee on Public Lands.

By Mr. MARTINE of New Jersey:

A bill (S. 2741) making it unlawful for individuals, corporations, or associations to employ armed men or bodies of armed men on their premises for any purpose; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 2742) granting an increase of pension to George H. Barmby (with accompanying papers);

A bill (S. 2743) granting an increase of pension to Mary J. Taylor (with accompanying papers);

A bill (S. 2744) granting an increase of pension to Henrietta M. Clark (with accompanying papers);

A bill (S. 2745) granting an increase of pension to Catharine H. Warner (with accompanying papers);

A bill (S. 2746) granting an increase of pension to Annie L. Larkin (with accompanying papers);

A bill (S. 2747) granting an increase of pension to Sarah J. Whiting (with accompanying papers);

A bill (S. 2748) granting an increase of pension to Purleyette M. Burnett (with accompanying papers);

A bill (S. 2749) granting an increase of pension to Mary F. Wilcox (with accompanying papers); and

A bill (S. 2750) granting an increase of pension to Harriet B. Swift (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2751) granting a pension to Harriet E. Vose; and

A bill (S. 2752) granting a pension to Bridget Fahey (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2753) granting an increase of pension to David Rosebraugh; to the Committee on Pensions.

A bill (S. 2754) for the relief of James Baird; to the Committee on Military Affairs.

By Mr. PAGE:

A bill (S. 2755) for the relief of George H. Hunting (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRANDEGEE:

A bill (S. 2756) to repeal section 20 of the act entitled "An act to amend the national banking laws," approved May 30, 1908.

Mr. BRANDEGEE. In connection with the bill I beg leave to state that its object is to have a bill pending which possibly may be taken advantage of in case a reform can not be made at this session in the banking and currency laws of the country. I desire to call attention to the fact that section 20 of the act approved May 30, 1908, known as the Aldrich-Vreeland emergency currency bill, provides as follows:

That this act shall expire by limitation on the 30th day of June, 1914.

In case no currency bill should be passed at the present session of Congress, I shall make an effort to have that section repealed, so that if any money stringency develops it may be relieved as provided by law.

The VICE PRESIDENT. The bill will be referred to the Committee on Banking and Currency.

AMENDMENTS TO THE TARIFF BILL.

Mr. SMOOT. I submit an amendment in the nature of a substitute for Schedule K—wool and manufactures of wool—of House bill 3321—the tariff bill—which I ask be referred to the Committee on Finance.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

CAUCUS ACTION ON THE TARIFF.

Mr. NEWLANDS. I ask unanimous consent to publish in the RECORD extracts from a press dispatch concerning the action of the Democratic caucus on the tariff, including my personal comment.

Mr. SMOOT. I did not hear the Senator.

Mr. BRANDEGEE. Will the Senator repeat his suggestion? We could not hear him on this side.

Mr. NEWLANDS. I ask leave to insert in the RECORD a brief statement which I made regarding the action of the caucus on the tariff.

Mr. BRANDEGEE. I could not hear what the statement was about.

Mr. NEWLANDS. It is a brief statement which was published in the newspapers regarding the caucus action on the tariff.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. SMOOT. Is it the request that it be printed in the RECORD?

Mr. NEWLANDS. Yes.

Mr. SMOOT. The statement was not delivered here, of course?

Mr. NEWLANDS. No.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. I beg pardon of the Senator from Nevada, but I did not hear his request.

Mr. NEWLANDS. I ask leave to print in the RECORD a brief statement which was published in the press, including comment made by myself, regarding the caucus action on the tariff.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CLAIM 49 VOTES FOR THE TARIFF BILL IN SENATE—CAUCUS OF DEMOCRATIC SENATORS FAILS TO PASS BINDING RESOLUTION, MANY MEMBERS BEING OPPOSED—STATEMENT OF NEWLANDS.

WASHINGTON, *July 7.*

Forty-seven Democratic Senators stood up in the party caucus, one by one, late to-day and declared their intention to vote for the Underwood-Simmons tariff revision bill as finally approved by the caucus a few minutes previously. Two Senators, RANSDELL and THORNTON, of Louisiana, stated that they would not make such promise because of the proposal to place sugar on the free list in 1916. Senators HITCHCOCK, of Nebraska, and CULBERSON, of Texas, were absent, but both are known to be in favor of the bill. This gives the Democrats 49 votes for the bill, or a slender majority of 1, with the vote of the Vice President to fall back on in an emergency. An absolutely binding resolution was not adopted, the poll by individuals being substituted, and that poll was put only on the ground of personal promise and was not made binding. A resolution was adopted, however, declaring the Underwood-Simmons bill a party measure, and urging its undivided support without amendment, unless such should be submitted by the committee. Senator NEWLANDS, of Nevada, cast the only vote against this resolution, but Senators SHAFROTH, of Colorado, RANSDELL, and THORNTON did not vote.

TEXT OF RESOLUTION.

The resolution was as follows:

"*Resolved*, That the tariff bill agreed to by this conference in its amended form is declared to be a party measure, and we urge its undivided support as a duty by Democratic Senators without amendment: *Provided, however*, That the conference of the Finance Committee may, after reference or otherwise, propose amendments to the bill."

* * * * * * *

STATEMENT BY NEWLANDS.

Senator KERN made public the resolution and a statement regarding the roll call. Senator NEWLANDS, in a statement explaining his position, gave evidence of his intention to stand by the party.

"I voted against making the bill a party measure," Senator NEWLANDS said, "because, while it is superior to the existing tariff, it has certain defects which should be remedied. It discriminates against far western products. The reductions should be apportioned over a period of three years instead of taking effect immediately. Further reductions on a sliding scale should be provided for, particularly on food products and clothing. There should be a tariff board with power to ascertain facts, make recommendations to Congress, and make further reductions under a rule established by Congress.

"Whilst our duties on sugar and wool should be materially reduced, we should not take the risk, by precipitate action, of readjusting injuriously the sugar industry in our insular possessions or of checking the beet-sugar development or the wool industry of the far West. Such action is likely to make us dependent upon foreign countries and ultimately raise the price of both sugar and wool.

WOULD NOT BE BOUND.

"I am opposed to the binding obligation of a caucus, and so voted; but I believe in party responsibility, and while I have protested against going too far in some directions and not going far enough in others, I can foresee no contingency which will separate me from my party associates in legislative action. I trust that during the coming period of protracted debate, the Democrats will in conference improve the bill in the particulars referred to, and I shall use every effort in that direction."

Before final action on the bill the caucus gave concessions to the Senators from woolgrowing States by adopting an amendment making effective a provision for free raw wool on December 1, 1913, and the rates on manufactures of wool January 1, 1914. Earlier in the day the Finance Committee had voted to recommend the dates as October 1 and December 1, respectively, but the caucus voted for the further delay.

This action completed the revision of the Underwood bill, which has occupied the Finance Committee majority and the caucus since May 7.

WORKMEN'S COMPENSATION LAW.

Mr. CHAMBERLAIN. Mr. President, I ask to have printed as a public document (S. Doc. No. 131) an address delivered by the junior Senator from Utah [Mr. SUTHERLAND] at the third annual convention of the International Association of Casualty and Surety Underwriters on the economic value and social justice of a compulsory and exclusive workmen's compensation law. I will state that it discusses quite exhaustively the substance of a bill that is now before the Senate Judiciary Committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAMBERLAIN. In connection with the address, and as a public document (S. Doc. No. 132), I ask to have printed some statistics on the subject prepared by Mr. Wills, who is the assistant grand chief engineer of the Brotherhood of Locomotive Engineers. The statistics cover the whole subject.

Mr. SMOOT. Is it short?

Mr. CHAMBERLAIN. It is very short.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NORRIS. I wish to make an inquiry of the Senator from Oregon. I did not hear what is the subject of the statistics.

Mr. CHAMBERLAIN. The workings under a compensation law substantially as the bill now pending in the Senate.

Mr. NORRIS. Statistics prepared by whom?

Mr. CHAMBERLAIN. By Mr. H. E. Wills, of the Brotherhood of Locomotive Engineers.

Mr. ROOT. I wish to ask the Senator from Oregon whether in the matter which he proposes to print there is included a copy of the bill now pending in the Senate?

Mr. CHAMBERLAIN. No.

Mr. ROOT. I think it would be very useful to have a copy of the bill printed with the address of the Senator from Utah. I trust that that may be done.

Mr. CHAMBERLAIN. With the remarks of the Senator from Utah?

Mr. ROOT. That a copy of the pending bill be printed, together with the address of the Senator from Utah and the statistics.

Mr. CHAMBERLAIN. I myself think it would be a good plan. I ask the Senator from Utah for his opinion.

Mr. SUTHERLAND. The remarks which the Senator from Oregon has asked to have printed are addressed to the general subject of workmen's compensation. They do not deal specifically with the bill. The remarks deal specifically with the question of the law being made compulsory and exclusive in character. The statistics to which the Senator calls attention were prepared by Mr. Wills under this very bill.

Mr. ROOT. That is what I supposed.

Mr. SUTHERLAND. In connection with the statistics it might be very well to print the bill.

Mr. CHAMBERLAIN. Then I ask that the bill the Senator from New York speaks of may be printed along with the statistics furnished by Mr. Wills.

Mr. SUTHERLAND. It will be very well to print the bill in connection with the figures.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that action will be taken.

THE TARIFF.

Mr. BURTON. Mr. President, I desire to give notice that on Monday, July 21, at the termination of the routine morning business, I shall expect to address the Senate on the pending tariff bill.

RETIRED OFFICERS OF THE ARMY.

Mr. BRISTOW. Mr. President, I find on the desk a letter from the Secretary of War in response to a resolution of the Senate of May 1 asking for the employment of retired Army officers. I remember when the resolution was offered, the purpose being, it was alleged, to ascertain whether Army officers resigned and went into the employment of corporations who are doing business with the Government.

The report as it appears gives the Senate no information except as to the number of Army officers who are employed, and states nothing as to what their employment is or what their compensation is. I think it is practically of no value. If the resolution was worth considering at all, we ought to have had information that would enable us to determine whether or not these retired officers are engaged in business that is questionable as to its propriety.

It seems to me that when an officer is retired and subject to orders from the Government the Secretary of War ought to know where he is and what he is doing, and that is what Congress wanted to know. We are providing money every year for these retired Army officers under the assumption that they are incapable of earning a living after they leave the Army. I should like to know personally whether these men are now employed in a capacity that enables them to earn large returns for corporations because of their former connection with the Government. That was the object of the resolution. It has not been accomplished apparently.

PRINTING OF TARIFF BILL.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read and referred to the Committee on Printing:

House concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the bill H. R. 3321, with amendments, as reported in the Senate July 11, 1913, 20,000 copies for the use of the House and 10,000 copies for the use of the Senate.

THE TARIFF.

Mr. McCUMBER. Mr. President, I gave notice at the last meeting that this morning after the close of the morning business I would discuss one feature of the tariff bill, and with the consent of the Senate, on account of the necessity of my absence for a short while, I desire to ask the privilege of going on at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from North Dakota will proceed.

Mr. McCUMBER. Mr. President, I will preface my remarks by a table which I have prepared, showing a comparison of the proposed rates of duty on agricultural products with the present law, giving the rate under the tariff act of 1909, the rate of this proposed bill, and the per cent of decrease. A glance at this table will show that practically every article or product of any importance coming from the hands of a northern farmer is placed upon the free list.

I will ask that the table be printed as a part of my remarks.

There being no objection, the table was ordered to be printed, as follows:

Comparison of proposed rates of duty on agricultural products with the present law.

Article.	Rate tariff act 1909.	Rate proposed bill.	Decrease.
			Per cent.
Cattle	27½ per cent	Free	100
Swine	$1.50 head	do	100
Sheep	do	do	100
Horses and mules	25 per cent	10 per cent	60
All other animals	20 per cent	do	50
Barley	30 cents per bushel	15 cents per bushel	50
Barley malt	45 cents per bushel	25 cents per bushel	45
Buckwheat	15 cents per bushel	Free	100
Corn	do	do	100
Oats	do	6 cents per bushel	60
Rye	10 cents per bushel	Free	100
Wheat	25 cents per bushel	do	100
Wheat flour	25 per cent	do	100
Rice, cleaned	2 cents per pound	1 cent per pound	50
Rice, uncleaned	1½ cents per pound	¾ cent per pound	50
Butter	6 cents per pound	2½ cents per pound	60
Cheese	do	do	60
Milk	2 cents per gallon	Free	100
Cream	5 cents per gallon	do	100
Beans	45 cents per bushel	25 cents per bushel	45
Eggs	5 cents per dozen	Free	100
Hay	$4 per ton	$2 per ton	50
Onions	40 cents per bushel	20 cents per bushel	50
Peas	25 cents per bushel	10 cents per bushel	60
Potatoes	do	Free, with proviso	100
Straw	$1.50 per ton	50 cents per ton	66
Vegetables	25 per cent	15 per cent	40
Apples, peaches, pears, etc	25 cents per bushel	10 cents per bushel	60
Lemons	1½ cents per pound	½ cent per pound	66
Oranges, etc	1 cent per pound	do	50
Bacon and hams	4 cents per pound	Free	100
Fresh beef, veal, etc	½ cent per pound	do	100
Poultry, live	3 cents per pound	1 cent per pound	66
Poultry, dead	5 cents per pound	2 cents per pound	60
Lard	1½ cents per pound	Free	100
Tallow	½ cent per pound	do	100
Flax straw	$5 per ton	do	100
Flax, not hackled	1 cent per pound	do	100
Flax, hackled	do	do	100
Tow of flax	$20 per ton	do	100
Hemp, and tow of hemp	$22.50 per ton	do	100
Flaxseed	25 cents per bushel	15 cents per bushel	40

Mr. McCUMBER. Mr. President, for more than two months, behind carefully guarded doors and shaded windows, the Democratic members of the Finance Committee have been hatching a tariff measure. They have tenderly shielded it from the too chilling blasts of cold reason and from the too dazzling light of information.

Finally, this unnatural, incubated thing has been brought forth. It has been exhibited to the majority side of the Senate. That majority has viewed it for some time curiously rather than critically, has been unable to say what it is, and by a unanimous vote has determined to take no chance with its conscience in attempting to find out.

It seems to have been conceived in animosity against every American industry that really needed protection—the many small concerns of the country, the only competitors of the great concerns that need no legislative favors. While it bears the birthmark of ill will against nearly all, the special object of its choler and hate is the American farmer. It is especially endowed with tooth and talon for his injury and destruction.

Before that incubating committee he seems to have had no friend. Every hand was raised against him, and with a malevolence devoid of one single element of mercy this monster, cloaked under the deceptive name of a tariff-reform measure, is to be turned loose to prey on his vitals. But though he has been condemned without a hearing by your committee, he will not be friendless in this Chamber nor slaughtered without as earnest a defense as I am able to make for him.

DEMOCRATIC PARTY VERSUS AMERICAN FARMER.

And so I shall address myself first to you, the Democratic Party, with reference to your assault upon the American farmer. In this year 1913 you are about to commit a greater crime against the American farmer than has ever been perpetrated by any political party against any class of people during any period of recorded history. You are about to rob him of sacred rights which he has paid for through long years of toil, self-denial, and patient waiting. With violent hands you are about to strip him of every advantage which the changed conditions of home supply and demand were about to yield him.

You have declared that he is an outcast in the land which he has made, the only one of all the classes of American people who is not entitled to any consideration at your hands. You have insulted his sense of fairness, slapped him in the face, and kicked him into the gutter.

I may not ultimately save him, but I am going to lift him out of this gutter and place him upon the plane of his inherent rights for a moment, and allow him to face you and compel you to face him, and then I am going to put a few questions to you for him.

My first question is, What crime has the American farmer committed against the Democratic Party that has awakened in the heart of that party this dire vengeance against him? Is it because of his past political affiliation that you are heaping upon him the vengeance for all your previous defeats? Or do you consider yourself to be the instrument through which Providence is to work its punishment because in the last political campaign he forgot the faith of his fathers and went chasing after a strange god, with cloven hoofs and branching antlers? If he is to be punished for this heresy, are you the proper person to inflict the punishment? You, at least, who have benefited by his action and hold the power you now enjoy through it, ought to be the last one to strike the blow.

Many of his kind trusted you, voted for you, allowed themselves to be deceived by you. They knew they were not rich, and you always claimed you were the poor man's friend. I am not denying your claim that you like the poor man, for I well know that your political policies have made more poor men in this country than any other policy under the sun.

But you are the beneficiary of the farmer's infidelity to his own party last fall. And for you to now be his executioner for the offense of being misled by you strikes me as being one of the most cold-blooded propositions I have ever heard of.

You told him on the stump that he had been greatly wronged by President Taft, because that President sought to trade off his protection for reciprocal tariff reductions by Canada, and you said that showed the Republican Party was not to be trusted, but that you could be trusted to take care of his interest, and you are proceeding to take care of it in this bill.

The reciprocity proposition had at least the one virtue that it proposed to get something for surrendering something. You, on the other hand, trade away the farmer's interest in everything for absolutely nothing. The reciprocity proposition subjected the farmer to the free competition of Canada only. You subject him to the competition of the whole world—all of Canada, Australia, Venezuela, Argentina, Cuba, the Philippines, and every other country on the face of the earth that may want to dump its products into a market that belongs of right to the American farmer.

You had him in the slough of depression during all of your last administration, from 1893 to 1897. You saw him working himself out of that mire and just beginning to reach a degree of prosperity to which he was justly entitled. You behold the farmer by close frugality and economy just getting his head and shoulders out of the muck of this depression, out of the everlasting debts and into the sunshine of prosperity, and it seems to afflict you with a fit of madness, and with the swift and deadly stroke of your tariff bludgeon you strike him down.

If your assault upon the farmer were the result of impulsive brain storm or uncontrollable frenzy, you might ask the usual verdict in such cases; but his innocence of and freedom from responsibility for either the high cost of living or the cost of high living of which you and the rest of the population are complaining are so clearly established that you can not fail to know it. You admit that your bill will injure him, and you say you intend to do so. You say he is receiving too much for his products, and you intend to compel him to sell them cheaper. By no system of logic can any of you escape that charge. If, as some of you declare, the present tariff protection does not enhance the value of the farmer's products, then you know that taking it off will not diminish the price of farm products, and you know that your claim that you are going to benefit the consumer is false and demagogic in the extreme. Not only this, but you know, if you have given the subject the slightest consideration, that the removal of protection on his products will injure him without benefiting in any degree the ultimate consumer.

RIGHT TO EQUAL CONSIDERATION.

Let me ask you another question: Is not the American farmer equal in intelligence to the American stonecutter, bricklayer, carpenter, or plasterer? Are not his rights to favorable legislation equal to the rights of these other laborers? You enact laws that this plasterer shall in no case be allowed to labor more than 8 hours in a day, and you will punish anyone who will allow him to work 8¼ hours. Do you favor legislation that will allow the farmer sufficient profit in his business that he and his sons can make a living on an 8-hour labor basis? Not by any means. You want to keep down the price the farmer receives for his products. You want to compel him to continue to work 16 hours a day for an average of one-fourth of what the bricklayer receives for his work of 8 hours. You know that the farmer has to work 16 hours a day, that his wife and children have to labor 16 hours a day, and that all they get for it is their board and clothing; and now you propose to reduce his earnings so that he will have to cut down on the clothing, and you say that he must do this so that your 8-hour-a-day plasterer can get cheaper meat, flour, and potatoes. Why do you not say to the laborer, "You must reduce your wages and work longer hours so that the farmer can buy cheaper clothing"? Your answer is: Labor is organized into a great federation, the head of which appears before our committees, tells us what organized labor demands, sits in our galleries, and checks our votes, and we are truly afraid of him. The farmer is not organized; his interests are so scattered and the character of his products so diversified that he has been unable to organize a great national political society, and so you are not much afraid of him. Then, too, you say you may be able to fool him with the claim that protection does not protect him. Well, you may yourselves get fooled in that. The last administration tried that idea in the reciprocity pact, and it got its answer, and you will get yours the first opportunity he has to give it to you.

Your bricklayer receives from 60 to 80 cents per hour. Your farmer does not earn that much on the average for a whole day. If he and his family should receive 10 cents per hour for each hour of hard labor which they perform, he would be twice as prosperous as he is to-day. You know as well as I do that the good wife of the farmer, who labors from 6 a. m. to 10 p. m., does not receive for that service one-half of what your colored woman cook receives, and she gets no Wednesday and Sunday afternoons off.

But admitting this, you say: "The farmer lives more frugally than the laborer of the city. He has not as expensive habits. He does not dress as well. His opportunities to spend money for the little extravagances of life are not so great. He does not smoke 10-cent cigars; it is a pipe or nothing."

Mr. President, I want to protest right here with all the earnestness in my power against the assumption which seems to prevail everywhere that the tiller of the soil is not expected to live on a plane of equality with the average person engaged in city avocations, that he is not expected to clothe himself or his family with equally expensive fabrics. Why on earth should the farmer be forced to be more frugal or more economical than those who live within the confines of a city? The line that marks the boundary between city and country limits is not a line of demarcation between either human intelligence or human rights. Does the Democratic majority of the Senate concur in the sentiment that seems everywhere prevalent among city people, that the Almighty never intended that the tiller of the soil should have more than a mere existence, that his purpose in the world is simply to produce food for others to eat, for which economic arrangement he is to be accorded the right to live in a humble way—a honey bee to be hived and tolerated that drones may have honey to live on?

In all lines of business outside of farming the laborer must receive his wages. Neither frost, hail, blight, nor bug can affect him. The farmer, on the other hand, will lose at least a full crop once in 10 years, and will have many half crops during that period. Everyone acquainted with farm earnings and income knows that the labor of the farmer has always been the poorest paid labor in the United States; that the thing which the farmer sells always has represented and still represents twice as much expended energy in its production as the thing which he buys with it; that measured by the amount of labor expended in producing them, food products as they leave the farmer's hands always have been and are to-day cheaper than any other products in the world; that it takes less expended energy on the part of even the poorest priced laborer in the city to buy a loaf of bread than it does of the farmer to produce the wheat that makes that loaf of bread. Why, then, do you want to further discriminate against the farmer?

Thousands of farmers in my State last year lost half of their crop because of their inability to get labor to care for it. They were unable to get the labor because the prices for that labor in the city are so much higher than the farmer can afford to pay and the hours so much shorter than on the farm that the laborer can not be induced to go to the farm. If you could have seen the frantic efforts of farmers to save their crops, which meant their year's labor, before the winter was on, offering as high as four or five dollars a day for labor, you

would appreciate more than I think you do the wrong you are doing them when you by legislation further reduce the price of their products for the benefit of the ultimate consumer.

I present these comparisons, Mr. President, between the labor in the country and the city that I may bring to your attention the rank injustice you are doing to a class that are already discriminated against by your laws. At the present price of farm land, with the present price of farm labor, if the farmer had to hire all his work done, there is not one of them who could make the produce of the farm pay for the labor expended.

Here is a table of cost of operating a farm where all the work is done by hired labor. It was furnished me by a farmer who has for years been a close student of agricultural economics. I think he has allowed $50 per month to the farmer as manager and overseer and $20 per month to his wife in the computation which I present:

Cost of production of wheat on a farm of 640 acres in North Dakota.

VALUE OF FARM, MACHINERY, AND HORSES.

Cost of farm, 640 acres, at $50 per acre	$32,000.00
Cost of farm implements	1,616.00
Farm horses	2,400.00
Total investment	36,016.00

EXPENSES.

Seed grain, labor	5,831.00
Interest on investment at 6 per cent	2,160.96
Taxes and depreciation in value of implements and horses	460.08
Total expenses	8,452.04

PROCEEDS.

8,320 bushels of wheat, at 90 cents per bushel	7,488.00
Loss to farmer	964.04

Observe, at 90 cents per bushel this farmer is $964 in debt at the end of the year. How would he balance at the end of the year with wheat selling at 60 and 65 cents per bushel, as it was selling for last fall? In this table he has made no allowance for loss of crop by hail or drought or any partial loss; no allowance for depreciation of soil qualities. I am myself the owner of some farming land that I am unable to work at all because the cost of labor would be greater than the proceeds of the crop.

The farmer does live. He does not ordinarily run behind, as indicated in this table. Why? Because the table is based upon an assumption that he is to receive wages and that his wife is to receive wages. He is denied the hundreds of little luxuries that the ordinary man of the city avocations indulges in, and he is able to exist.

FARMER VERSUS BUSINESS MAN.

I notice, Mr. President, that whenever you try to arrive at what is reasonable compensation for the manufacturer you start in with capital invested in his business, the interest he has to pay on this capital as a charge against him. Then you compute all his labor and taxes and overhead charges. Against this you estimate the value of all he produces, and you then strike a balance, and you say he should have a reasonable profit above this expense. You even allow for the bonded indebtedness, which is often the full value of the property. Why not treat the farmer the same way?

A farm ought to pay interest on the investment and, in addition, a reasonable profit, after paying for all the labor used on it. But, Mr. President, there is not a grain farm in the United States that will do it.

LEGISLATION AGAINST FARMING INTEREST.

You say it is a crime to make one man's business profitable at the expense of another, and yet, with that cry reverberating throughout the country by legislating shorter hours in city employment we have necessarily legislated against the farmer's interest. The American farmer is both an employer and an employee. He not only manages his own business, but he performs the labor in that business. If he hires laborers outside of his family to till the soil, he and his boys work side by side with those laborers. And if the laborer whom he employs is from the city and objects to doing a farmer's day's work, he and his sons continue to labor several hours after this city gentleman has quit.

By legislation limiting the hours of labor in city employment, while leaving the farm laborer to cope with whatever farm conditions require, you say to this laborer: "Leave the farm; do not you see the farmer is trying to make you do just as much work as he himself does? Go back to the city. We will not allow your employer there to treat you so. If he even requests you to work 8 hours and 3 minutes we will punish him." The farmer says to you: "Why are you driving my laborers from my field? You know I can not run my farm and make a living on an 8-hour system, and you know I can not lure men away from an 8-hour system into a 14 or 16 hour system without raising the hire to a point where I can not afford to use it. I am making no complaint against your 8-hour custom in the cities. If the health and happiness of the people are better for the shortened hours and the Saturday half-holiday, I shall make no complaint on the ground that the conditions of agricultural life are such and the profit of agricultural avocations are so meager that I can not be included within the short-hour system. But if your city laborer drops his working tools at 4 o'clock in the afternoon while I am compelled to labor on in the hot sun for four hours longer and in the twilight and darkness for another two hours; if, after he is resting or visiting all of Saturday afternoon, I must still put in every hour of that day; if I am compelled to pay a greater price for the things I purchase because of a diminished supply due to decreased hours of labor; if I, the laborer on the farm, must so toil and suffer for the benefit of the city laborer and for the benefit of city avocations, for Heaven's sake do not further discriminate against me. The very least you can say to me is: 'Here is our American market, and so long as we discriminate against you in the matter of labor we will at least give you first chance in that market.'"

But your ears are closed to every appeal for justice for the tiller of the soil. You are reaching a point where your income is unable to keep pace with your extravagances, and you are asking the farmer to make good the deficit by reducing the price of his products. It never occurs to you that the proper place to begin economy is on the luxuries, the unnecessaries of life. You declare to him that the American people are paying $1,500,000,000 a year for meat, and you say that is too much. He answers, "They are also paying $2,000,000,000 a year for liquors. Cut you liquor bill half and you will save enough to buy all your meat." You declare they are paying $435,000,000 a year for flour. He replies, "They are paying $800,000,000 for tobacco. Cut your tobacco bill half and your flour is free." You declare they are paying $225,000,000 a year for potatoes. He replies, "They are paying $500,000,000 for theaters and amusements. Cut your amusements half and your potatoes are free." You declare they are paying $300,000,000 a year for butter and eggs. He replies, "They are spending $500,000,000 a year for confectionery." His replies are unanswerable. They are so many monuments reading in clear black letters into your eyes an indictment of your own criminal extravagances and high living.

Then he puts some questions directly to you: At the highest value I have received for my products during the last 10 years, the most prosperous in American history, and placing my labor on a par with the lowest paid labor in the city, has there ever been a day when it did not require more labor on my part to produce the wheat for a loaf of bread than on the part of the purchaser of that loaf to pay for it; more labor on my part to produce a bushel of potatoes than on the part of that laborer to purchase it; more labor to produce a pound of meat than on the part of the laborer to pay for it? To each of these questions—and there are many other questions directed specifically toward his products—you are compelled to answer: No; there has never been such a time. Then, if there has never been such a time, upon what principle of justice are you asking me to further reduce the price of my products and further add to the enormous disadvantage under which I am now laboring? You are compelled to answer, It is upon no principle of justice we are doing this. It is an injustice, induced by political exigencies. Less than one-third of the people of the United States are engaged in agricultural pursuits. The other two-thirds want cheaper food. We have promised to make food cheaper for them, and two-thirds have a greater voting power than one-third. You have just got to suffer for the cause of democracy, that is all.

FARMERS' AND CONSUMERS' PRICES.

Mr. President, injuring one man for the benefit of another is bad enough, but inflicting upon him an injury without any corresponding benefit to anyone else makes that which before was bad now criminal. If the ultimate consumer of farm products were to receive any real, substantial benefit, you might have a grain of excuse for your legislation against the farmer. But he will get no benefit whatever. If prices to the ultimate consumer go down, it will be because of general stagnation in business which always depresses prices, and not because you have compelled the farmer to reduce his prices to the lowest of the world's prices.

With a tariff of 25 cents a bushel on wheat the American price during the past 10 years has averaged from 10 to 12 cents a bushel above the Canadian price at corresponding markets. In other words, the Canadian exporter has paid about half of the tariff, the American miller the other half, and the American

farmer has received a benefit in the increased value of his wheat crop of from 10 to 12 cents per bushel. You now propose to take away that benefit. You will, of course, injure him, but will you thereby help the ultimate consumer?

Mr. President, a reduction of 10 cents a bushel on wheat will have no influence whatever upon the retail price of flour. The reduction bears such a small ratio to the value of a barrel of flour that it scarcely affects the wholesale price at all and is entirely lost sight of in the retail trade. The price of wheat fluctuates from day to day, and from month to month there is often a variation all the way from 10 to 15 cents per bushel, while the wholesale price of flour will remain stationary. There is never any change in the retail price until there has been a great and decisive change in the price of grain and the higher or the lower price of grain has become to a degree permanent.

But suppose that by a 25 cents per bushel tariff on wheat the farmer does get 10 cents a bushel better price for his wheat, as has been demonstrated in the last 10 years. And suppose that this extra price of 10 cents a bushel is charged up to the ultimate consumer. The ultimate consumer uses about a barrel of flour per capita a year. That would increase the cost of a barrel of flour and make an added expense of 45 cents a year—3¾ cents a month. The ultimate consumer man would have to retrench in his expenses to meet this extra outlay to the extent of two-thirds of a 5-cent cigar a month. The ultimate consumer girl would have to retrench in her expenses 3 sticks of chewing gum per month. What an enormous burden this tax is upon the people who smoke and chew gum from 4 o'clock on, while the farmer is sweating in the field and worrying over reports of frost, hot winds, hail, noxious weeds, smut, chinch bugs, and grasshoppers.

But you say the people want cheaper bread. You know this reduction will not reduce the price of a loaf of bread a penny. What the people want is not cheaper bread but a better opportunity to earn good wages to buy that bread, and your proposed tariff measure will decrease that opportunity.

Very little bread is to-day made at home in the cities. The cost of fuel to bake it scarcely justifies the expense of home-made bread. Would a reduction of 10 cents a bushel on wheat affect the retail cost of your bread? Let us see: In 1894 and 1895, when the farmer in my State was receiving from 35 to 40 cents a bushel for his wheat, you were paying 5 cents for a loaf of bread made from that wheat. In 1910, when the farmer in my State was receiving a dollar a bushel for his wheat, you still paid the same nickel for your loaf of bread. If an advance of over 50 cents a bushel, an increase of 100 per cent, on wheat has not raised the price of your bread, how do you expect to reduce it by reducing the price of wheat to the extent of 10 cents a bushel by taking away the farmer's protection? Wherein will your ultimate consumer be benefited? The 10 cents per bushel has not injured and will not injure the ultimate consumer of flour and bread, but it may make all the difference in the world to the overworked, underpaid farmer. It may make the difference between a meager profit and a heavy loss. The only persons who will be benefited by cheaper wheat are the comparatively few middle men and millers.

How about barley? During the last 20 years the range in prices of barley in this country has been from 30 cents to $1 per bushel. But the retail price of beer has not varied a penny during all that time. Who, then, will be benefited by this great loss to the farmer by reason of forcing him to compete with the vast fields of Canada in barley production? The only persons who will be benefited by a 50 per cent tariff reduction on barley will be the few manufacturers of barley products and the brewers. And why this deep interest in the brewing industry? Why has the Democratic Party entered into this alliance with the brewers against the farmers? Are not practically all of the brewers of the country now classed among the millionaires and multimillionaires? Is there any reason for increasing the vast and almost boundless estates of Anheuser, Busch, Blatz, Pabst, Heilman, and Hamm at the expense of the raisers of barley? The ultimate consumer has never suffered because of the prices received by the farmer. Why, then, this studied effort on the part of this Democratic majority to put practically everything the farmer produces on a free-trade basis? What I have said of wheat and barley will apply with equal force to every other grain and meat product.

SHEEP AND WOOL.

Again you say you will benefit the ultimate consumer by compelling the farmer to sell his wool and his sheep for less than he has been receiving. Has he been receiving more than he should that you seek to strike down his industry? The producer of sheep and wool comes within the rule which I have already declared that, measured by the time and labor expended in their production, there is nothing on earth produced by labor that is so cheap as farm products. Why, then, do you want to reduce the prices received by the farmer for his wool? By free wool and free mutton for a time you will undoubtedly reduce the price of sheep and wool to the packer and the wool dealer. And it may be that with free mutton you may slightly reduce the cost of mutton to the consumer for a while. You will reduce it until every herd of sheep in the United States, except the few which may range on Government land or over cheap lands of the arid and semiarid regions, is annihilated. And after you have practically destroyed the sheep industry of the country, what then? Will not the price of mutton go up? Of course if it goes up it will not help out the farmer, as he will not then have sheep to sell. But will you not then be at the mercy of the importer of mutton? Not only will you destroy your home industry and deprive the farmer of a much-needed profit but you will send millions of dollars out of the country to buy mutton and wool; money that ought to be kept within the country.

Mr. President, you will not reduce the cost of a suit of clothes a penny because of a reduction in the cost of wool. The cost of a suit of clothes may be reduced under your Democratic administration, but it will not be because of your reduction in the price of wool paid to the farmer, but because of the general stagnation of business brought about by your tariff bill. Business stagnation is a most potent factor in depressing values and cost of all commodities. It makes, however, mighty little difference to the public how cheap a thing is if it has not the money to buy it.

Mr. President, prices will be lower in the future. Prices demanded for any commodity must adjust themselves to the ability of the public to pay. Any material reduction or even a threatened material reduction in the protection afforded American products is bound to cause a degree of stagnation which will always show itself in lower market quotations. With this threatened revision you have already produced this condition, and without waiting for your bill to become operative prices of most commodities have already gone down. The farmers have already lost millions in the values of all their products. The present low prices of cereals is not due wholly to an abundant crop. Eggs and butter have been since last fall on the average much lower than they have been for many years. I can find no evidence of oversupply of these products. Certainly the hens have not suddenly become more prolific and increased their supply to meet the exigencies of a Democratic administration. The flow of the cow's milk will not increase to meet the stress of the added hunger of Democratic times. The subtle power by which the waves all know and feel the approach of sun or moon does not indicate to hen or cow the approach of a Democratic tariff bill. But human remembrance, recalling past experience, has learned to hedge and economize at its approach with the alacrity with which a man who has experienced one cyclone rushes to the cellar at the approach of another.

In theory the wool producer under our present tariff has been receiving a protection of 11 cents per pound on his wool. In practice he has actually received a benefit of from 7 to 9 cents. That 7 to 9 cents above the world's level of prices is sufficient to justify him in raising sheep in this country. It is sufficient to maintain the industry in this country, and even if it were charged to the ultimate consumer, which it is not, it would not be worth taking into consideration. There is in an ordinary suit of clothes costing from $25 to $30 custom-made, and from $30 to $65 tailor-made, about 4 pounds of wool, at 8 cents per pound; that suit of clothes would be impressed with 32 cents for wool protection—such a mere fraction of the retail price that it is not taken into account. Do any of you for a moment believe that after removing the farmer's protection on wool a suit of clothes which now costs $30 can be bought for $29.68? And if it could, is it worth while to destroy a great industry to save 32 cents on a suit of clothes?

DOES PROTECTION PROTECT?

Mr. President, one of the inherent weaknesses of our human mind is that a rule or conclusion founded on fact and reason, as they once existed, will persist long after both the fact and the reason have disappeared. And so unto this day we still hear people talking about the prices of our grain being fixed by the Liverpool price, because they probably were at one time governed in some degree by Liverpool quotations. They have not been influenced by the Liverpool prices for nearly half a century. Liverpool being a great market for wheat drawn from all sections of the world, its quotations may properly be taken as representing the world's general level of prices plus freight, insurance, and middlemen's profits. When we stop to think we know that the price of any commodity is governed by the demand in the field of greatest consumption. And if six-sevenths of all the wheat raised in the United States

is consumed in the United States, it necessarily follows that its price is governed by the home demand rather than the foreign demand. It is true, of course, that world's supply and world's demand affecting what may be called the world's level of prices necessarily affects the American local price, but it never governs it. It can be properly said that the Liverpool price does govern the Canadian price of wheat, because the great bulk of that wheat must find its market there. That is the place of greatest consumption, so far as Canada is concerned. With free trade with Canada the great Canadian surplus of the northwestern Provinces would flow into this country until our prices were level with the Canadian prices or the world's general level. To show how little the price of grain at Liverpool affects the same kind of grain in the United States I will here insert a table showing the range of prices in Minneapolis and Liverpool by months for the years 1908, 1909, 1910, 1911, and 1912:

Range of cash prices per bushel of No. 1 northern.

Month.	Minneapolis.	Liverpool.
1908.		
January	$1.05–$1.14	$1.27–$1.32
February	1.01– 1.10	1.19– 1.26
March	1.03– 1.11	1.18– 1.20
April	.98– 1.08	1.21– 1.26
May	1.06– 1.11	1.25– 1.28
June	1.05– 1.10	1.19– 1.22
July	1.07– 1.21	1.19– 1.21
August	.99– 1.25	1.26
September	1.00– 1.05	1.25– 1.27
October	1.02– 1.05	1.18– 1.22
November	1.04– 1.08	1.18– 1.20
December	1.06– 1.12	1.17– 1.20
Average of high and low prices	1.07	1.23
1909.		
January	1.07– 1.11	1.19– 1.20
February	1.10– 1.16	1.22– 1.27
March	1.12– 1.17	1.27– 1.31
April	1.18– 1.29	1.32– 1.41
May	1.27– 1.35	1.38– 1.41
June	1.29– 1.38	1.38– 1.39
July	1.28– 1.35	
August	.97– 1.44	1.32– 1.32
September	.97– 1.01	1.30– 1.32
October	.99– 1.06	1.16– 1.19
November	1.01– 1.07	1.17– 1.20
December	1.05– 1.15	1.19– 1.21
Average of high and low prices	1.15	1.27
1910.		
January	1.10– 1.16	1.22– 1.24
February	1.10– 1.16	1.20– 1.23
March	1.12– 1.16	1.19– 1.22
April	1.06– 1.16	1.18– 1.23
May	1.03– 1.14	1.00– 1.14
June	1.02– 1.17	1.03– 1.10
July	1.13– 1.29	1.10– 1.27
August	1.09– 1.23	1.21– 1.25
September	1.09– 1.15	1.19– 1.24
October	1.02– 1.12	1.14– 1.19
November	.99– 1.07	1.07– 1.11
December	1.00– 1.06	1.07– 1.09
Average of high and low prices	1.10	1.16
1911.		
January	1.01– 1.10	1.10– 1.12
February	.95– 1.04	1.11– 1.13
March	.92– 1.00	1.06– 1.11
April	.91– 1.01	1.07– 1.00
May	.96– 1.02	1.08– 1.09
June	.93– 1.00	1.08– 1.09

Range of cash prices per bushel of No. 1 northern—Continued.

Month.	Minneapolis.	Liverpool.
1911.		
July	$0.95–$1.02	(1)
August	1.01– 1.09	$1.14–$1.15
September	1.02– 1.11	(1)
October	1.05– 1.12	(1)
November	1.01– 1.08	(1)
December	.98– 1.06	(1)
Average of high and low prices	1.01	1.10
1912.		
January	1.05– 1.09	1.24– 1.24
February	1.03– 1.08	1.26– 1.27
March	1.06– 1.09	(1)
April	1.05– 1.16	(1)
May	1.13– 1.18	(1)
June	1.11– 1.15	(1)
July	1.03– 1.12	(1)
August	.90– 1.05	(1)
September	.85– .91	1.24– 1.26
October	.88– .92	1.20– 1.21
November	.80– .88	1.10– 1.16
December	.89– .84	1.09– 1.14
Average of high and low prices	1.00	1.18

[1] No quotation.

The transportation between Minneapolis and Liverpool, including insurance, handling, commissions, profits to exporters, and so forth, is from 21 to 23 cents per bushel. Therefore, if Liverpool governed the prices in Minneapolis, it should always be at least that much higher than the Minneapolis prices. A glance at the table will show an average of 16 cents difference in 1908, a difference of 12 cents in 1909, 6 cents in 1910, 18 cents in 1911, and 19 cents in 1912.

Comparing Winnipeg with Liverpool, we will find that the average price in Winnipeg during 1909 was 1.09, in Liverpool, 1.27; in Winnipeg in 1910, 0.99, in Liverpool, 1.16; in Winnipeg in 1911, 0.95, in Liverpool, 1.09; in Winnipeg in 1912, 0.92, in Liverpool, 1.19. It must be remembered right here that the Winnipeg price is the price quoted for Fort William and Port Arthur, which have the same rate of transportation as Duluth and a little cheaper than Minneapolis. It will thus be observed that the difference between Winnipeg and Liverpool approximately measures the freight, profit for handling, insurance, commissions, and so forth.

Comparing the prices between Winnipeg and Minneapolis for the years 1909, 1910, 1911, and 1912 we will find as follows: The average price in Winnipeg in 1909 was 1.09, in Minneapolis, 1.15; in 1910 in Winnipeg, 0.99, in Minneapolis, 1.10; in 1911 in Winnipeg, 0.95, in Minneapolis, 1.01; in 1912 in Winnipeg, 0.92, in Minneapolis, 1.00.

To arrive at the actual benefit the farmers of Minnesota, the Dakotas, Montana, and all that northwestern section are receiving, I have another table which will show the comparative prices of wheat and barley in the United States at contiguous points along the line. It must be remembered that under the bonding privileges any of this grain on the Canadian side can be shipped through the United States to the point of export for the same freight rates as are charged on the American side. Therefore, if the tariff protection should be taken away, our prices could not be any higher than those on the Canadian side, and at the prices on the Canadian side, on account of the enormous surplus due to the opening up of northwestern Canada—a surplus large enough to glut the American market—we would immediately go down to the world's level of prices. The following is the table:

Comparative prices of wheat and barley in United States and Canada.

Dates.	Kind of grain.	Name of town in United States.	Price per bushel.	Name of town in Canada.	Price per bushel.	Difference in price.	Distance apart.	Tariff per bushel.
Dec. 31, 1910	Wheat	Kermit	$0.90	Estevan	$0.76	$0.14	15 miles apart	$0.25
Jan. 10, 1911	do	Pembina	.97	Emerson	.82	.15	4 miles apart	.25
Do	do	Neche	.96	Gretna	.81	.15	2 miles apart	.25
Dec. 31, 1910	do	Portal	.90	North Portal	.75	.15	Just across the line	.25
Jan. 11, 1911	do	Walhalla	.96	Haskett	.83	.13	6 miles apart	.25
Dec. 31, 1910	do	St. John	.91	Boissevan	.81	.10	15 miles apart	.25
Do	do	Hanna	.90	Snowflake	.77	.13	4 miles apart	.25
Do	do	Neche	.91	Gretna	.81	.10	2 miles apart	.25
Do	do	Sarles	.89	Clearwater	.75	.14	Just across the line	.25
Jan. 10, 1911	do	Westhope	1.00	Colter	.85	.15	15 miles apart	.25
Do	do	do	1.00	Lyleton	.84	.16	20 miles apart	.25
Do	do	do	1.00	Malita	.86	.14	30 miles apart	.25
Do	do	St. John	.96	Boissevan	.86	.10	15 miles apart	.25
Do	do	Hansboro	.90	Cartwright	.77	.13	8 miles apart	.25
Dec. 31, 1910	do	Antler	.91	Lyleton	.78	.13	5 miles apart	.25
Jan. 10, 1911	do	Portal	.92	Boscurvis	.75	.17	15 miles apart	.25
Do	Barley	Pembina	.67	Emerson	.42	.25	4 miles apart	.30
Do	do	Neche	.66	Gretna	.38	.28	2 miles apart	.30
Do	do	St. John	.66					

This table I prepared for the debate on the reciprocity pact in January, 1911, which accounts for the fact that the last date given is January 10, 1911. On April 2, 1912, I again wrote to ascertain the prices of grain at these contiguous points, and in reply I received the quotation of prices on the 6th of April on wheat, barley, and flax. Here are the prices paid for wheat at these points on that day:

UNITED STATES.	Cents.
Pembina	95
Neche	95
Walhalla	94
Hanna	93
Sarles	95
Hansboro	94
St. John	95
Westhope	95
Antler	93½
Sherwood	93½
Portal	91
Kermit	91
CANADA.	
Emerson	86
Gretna	86
Haskett	86
Snowflake	78
Crystal City	82
Cartwright	87
Bannerman	89
Coulter	88
Lyleton	84
Carrievale	84
North Portal	85
Estevan	80

The spread between the Canadian and American markets at these contiguous points measures the tariff benefit to the United States. Do any of you suppose for a moment that if the wheat buyer could purchase grain at Snowflake for 78 cents per bushel he would be paying 93 cents per bushel at Hanna, just 4 miles distant on the same road, with exactly the same freight rates?

These tables which I have given showing the marked advantages of the American over the Canadian market can not be explained away on any possible hypothesis other than that of protection accorded under our present tariff law. For more than a dozen years we have not been exporting any of the standard northwestern grain at all. We have been exporting some macaroni and possibly some low-grade grain.

EFFECT OF RECIPROCITY AGITATION.

Two years ago we had before us the reciprocity pact with Canada. It was before the Senate about eight months before it was passed. We who live in the Northwest could not but note how prices of grain of all kinds sagged or advanced according as the news was favorable or unfavorable to the adoption of that treaty. We read in the papers the daily reports giving the rise or decline in our products. The report of February 11, 1911, from the Minneapolis Chamber of Commerce, published in the Minneapolis Journal, says:

The bottom broke out of the wheat market late this week, and prices suffered the worst decline in several months. Early prices registered moderate declines, and this was followed by a moderate reaction. Both May and July closed Saturday below the dollar mark. This severe break was caused principally by the developments favorable to the adoption of reciprocity with Canada.

Mark the words, "This severe break was caused principally by the developments favorable to the adoption of reciprocity with Canada." The grain buyers knew what that reciprocity pact meant. They knew that the annual output of wheat in that northwestern section of Canada contiguous to Minneapolis was normally about 195,000,000 bushels; that there is enough land which could be put into wheat, all ready for the plow, in that section of the country to raise 3,000,000,000 bushels, nearly enough to supply the entire world market. Of course, it is not put into wheat now because the prices will not justify it. But if prices would justify turning over that new, fertile prairie, seeding it to wheat, that section of Canada west of the Red River of the North could to-day supply enough wheat to feed the world.

There was nothing in sight to materially depress our prices, and the moment the reports went out from Washington that the reciprocity treaty was liable to be adopted the bottom dropped out of our prices.

Again, the same report says:

On Friday and Saturday prices suffered the sharpest break in several weeks. May sold down to 98⅜ cents, the lowest prices for this contract since August, 1909. The near month fluctuated in a range of 4½ cents for the week, and the same contract in Chicago showed a difference of 5⅜ cents. It was thought that reciprocity with Canada would have a more depressing effect on the price of Minneapolis wheat than Chicago because of the geographic situation. The price fluctuations of this week seemed to confirm this theory.

Why did the depressing effect of favorable action upon reciprocity concern Minneapolis more than Chicago? It was because the Canadian wheat is within the Minneapolis territory. Minneapolis is its natural market. It would glut the Minneapolis market before any of it would go into the Chicago market.

Again, the same publication says:

European countries are being offered wheat at prices that would not be profitable for Americans to export. The decline of this week has put the United States nearer an export basis, but still further declines will be necessary to allow this country to enter the European market with any profit.

Why should the Democratic Party wish to force the farmers of the Northwest upon an export basis? Why strike their prices down to the level of the Canadian prices? Why do we thus seek to benefit Canada at the expense of our people? The Canadians do not support our schools; they do not build our roads; they do not pay the heavy taxes in the United States for the special benefits we receive.

EFFECT OF RECIPROCITY AGITATION ON BARLEY.

How did the prospect of Canadian reciprocity affect our barley prices?

Berger Crittenden Co., commission men, speaking of barley in the early part of their report in February, 1911, say:

The market was dull as ever, with only a few cars of Wisconsin sold. Outside of this a few cars of Minnesota were sold, whereas all the other cars carried over for the last three or four days were again carried over to-day, malsters and brewers still holding back. We naturally have to await developments.

On February 9, 1911, barley was sold at 49 cents in Winnipeg; cheap grades in Minneapolis and Duluth, 84 cents; Chicago and Milwaukee, 86 cents. With that difference between Winnipeg, Minneapolis, Duluth, and Milwaukee is it any wonder that the malsters and brewers were awaiting the fate of the reciprocity agreement?

We then came nearly to the close of the session of Congress. It was apparent that the Canadian reciprocity agreement could not at least be passed during that Congress. What was the effect? Here is another article printed in the Minneapolis Journal in its report on the grain exchange the day after Congress adjourned:

Wheat prices soared up to the heights to-day that the market has not seen in over two weeks. The advantage in the near month of 2¾ and 2⅝ cents was the biggest upward daily jump wheat has taken in months. The adjournment of the United States Senate without acting on the McCall bill was the cause of the sharp advance. The market declined 15½ cents, largely on the prospects that the reciprocity treaty might be adopted.

Do you comprehend what that 15 cents per bushel means to the farmer?

The three States, Minnesota and the two Dakotas, raise, say, about 200,000,000 bushels of wheat a year. Fifteen cents a bushel means $30,000,000 upon that wheat crop alone. Let me ask the Democratic Party, Is it not worth while to save this $30,000,000 to the American farmers? Is not he worth that to the country? Is it not far better that he should get a decent living out of his farm, even though you pay 50 cents a year more for your flour? But before the end of the year wheat prices, which had soared up in anticipation that the reciprocity pact might be killed, had to go down again. We passed the law, and grain prices waited on the lowest rung of the ladder for Canada's action. Canada voted on it and turned down our offer. We offered to give her something for something. She declined it, and the next day after her decision the price of wheat went up 6 cents a bushel, and continued to go up thereafter. She refused to accept our offer to take all of her wheat free of tax for a little benefit to our manufactures. Naturally we would think that a party imbued with a national pride would scarcely have renewed this offer within a year; but the Democratic Party, representing the United States to-day, in a most servile spirit says to Canada: Inasmuch as you turned down our offer of something for something, we will make you a present of everything for nothing, we will injure our own farmers to the greatest possible extent, and we will not ask anything in return. Just send your wheat over here, glut our markets, destroy the prosperity of our farmers, not that the Democratic Party loves you more, but that it loves our farmers less. This sudden conversion of the Democratic Party to Christian philosophy is certainly marvelous. But in its zeal, not through love but seeming hate, it has gone far beyond the scriptural doctrine. It has not only turned the country's other cheek to be smitten by Canada but has tied its hands and turned its whole face for a knockout blow.

THE AMERICAN BREWER AND THE DEMOCRATIC PARTY.

Mr. President, those who will read over the fiscal history of our country for 40 years will not be surprised at the coalition of the Democratic Party and the American brewing association against the American farmer. Their last tariff act reduced the duty on barley from 30 cents a bushel to an ad valorem duty amounting to from 10 to 12 cents per bushel. When the Repub-

lican Party came into power in 1897 it destroyed the coalition, gave the farmer again his proper protection and an honest price for his barley. I here present a table showing the rate of duty, quantity imported, value, duty collected, and so forth, for the years 1894 to 1912:

Barley.

Fiscal year ended June 30—	Rate of duty.	Quantity.	Value.	Duty collected.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
		Bushels.				*Per ct.*
1894	30 cents per bushel	862,983	$392,078	$258,625	$0.45	65.96
	do	80	35	24	.44	68.56
1895	do	2,074,076	851,717	255,515	.41	30.00
	30 per cent	826,017	312,224	93,667	.378	30.00
1896	do	1,254,968	388,259	116,477	.31	30.00
1897	do	10,220	3,194	958	.312	30.00
1898	do	104,298	37,590	31,289	.36	83.24
	30 cents per bushel	110,320	53,090	33,096	.487	61.63
1899	do	161,613	78,257	48,484	.484	62.00
1900	do	178,320	87,468	53,496	.49	61.21
1901	do	57,414	33,250	17,224	.579	51.80
1902	do	59,523	28,567	17,857	.48	62.51
1903	do	88,254	44,997	26,476	.501	58.84
1904	do	79,182	38,566	23,754	.487	61.59
1905	do	19,930	10,825	5,979	.543	55.23
1906	do	11,815	6,608	2,544	.559	53.64
1907	do	181,607	133,627	54,482	.735	40.16
1908	do	2,671	1,471	801	.551	54.47
1909	do	3,989	2,650	1,196	.664	45.00
1910	do	186,246	98,794	55,874	.53	56.56
1911	do	2,768,474	1,929,214	830,542	.696	43.05
1912	do					

At the end of the fiscal year 1894, while the tariff was 30 cents a bushel on barley, it was worth 45 cents a bushel even under the close times and generally dull markets and prices of all products. In 1894 we changed the tariff to 30 per cent ad valorem, which amounted to from 10 to 12 cents a bushel, and we soon brought the price of barley down from 45 to 30 cents a bushel, or a loss of 15 cents a bushel—33⅓ per cent. Then we raised the tariff again in 1897 to 30 cents a bushel, and barley again steadily advanced in price and continued to do so until 1908, when it was 73 cents a bushel. The large crop of 1909 brought it down to 55 cents a bushel, and the short crop of 1910 sent it up again to 86 and 96 cents, and in some instances even a dollar a bushel. For the fiscal year when the duty was 30 per cent ad valorem, amounting to 10 or 12 cents a bushel, we imported 2,000,000 bushels. Afterwards, when we made the tariff 30 cents a bushel, the importations dropped down to 104,000 bushels.

The best way to know whether our prices are the higher and the extent of the benefit which we derive from protection to farm products is to compare the prices at adjacent points on the Canadian and American line, and here again I will insert a table of prices paid for barley at such points on April 6, 1912:

UNITED STATES.	Cents.
Pembina	90
Neche	90
Walhalla	90
Hannah	89
Sarles	84
Hansboro	89
St. John	89
Westhope	88
Antler	80
Sherwood	88
Portal	87
Kermit	87
CANADA.	
Emerson	60
Gretna	50
Haskett	51
Snowflake	45
Crystal City	56½
Cartwright	58
Bannerman	54
Coulter	58
Lyleton	50
Carrievale	49
North Portal	62
Estevan	45

Portal is a little town on the border, with a street for the border line. On one side floats the British flag and on the other floats the American flag. One is called Portal and the other is called North Portal, but they are practically the same town.

It will be observed from the above table that on the 6th day of April, 1912, our prices ranged all along the line just about 30 cents a bushel higher than the Canadian prices—just the amount of the tariff. Do not you know that under free trade our prices will drop to the Canadian level? Do not you know that if the brewer can get Canadian barley at Gretna for 60 cents he is not going to pay 90 cents a bushel for that barley at Neche, just 2 miles away and on the same road?

No; Mr. President, no Senator need attempt to salve his conscience by voting away every shred of the farmer's protection by trying to convince himself that the farmer gets no real protection. He might as well try to hypnotize himself into the belief that 2 and 2 make 3. The actual prices received show with mathematical accuracy just to what extent he is benefited by protection.

DEMOCRATIC PARTY AND FLAX GROWER.

The farmers of my State raise about half the flaxseed raised in the United States. The other half is raised principally in Minnesota and South Dakota. We are often compelled to raise flax or nothing on our land. An early fall of snow or early freezing may prevent fall plowing, a late or wet spring delay the spring plowing, until no other crop can be planted and matured, and so we put the land into oats and flax. It is a difficult and uncertain crop to raise. We need a very good price to get any profit out of it. With a protection of 25 cents per bushel we have generally received the full benefit of that protection.

Here again is a table showing prices received April 6, 1912, at adjacent points along the Canadian border by the American and the Canadian farmer:

UNITED STATES.	
Pembina	$1.98
Neche	1.98
Walhalla	1.97
Hannah	1.94
Sarles	1.96
Hansboro	1.95
St. John	2.02
Westhope	1.98
Antler	1.95
Sherwood	1.92
Portal	1.91
Kermit	1.91
CANADA.	
Emerson	$1.51
Gretna	1.80
Haskett	1.58
Snowflake	1.70
Crystal City	No market.
Cartwright	1.83
Bannerman	1.75
Coulter	1.82
Lyleton	1.60
Carrievale	1.68
North Portal	1.71
Estevan	1.60

You will see that our farmers have had an advantage over the Canadian farmer of just about the amount of the tariff, 25 cents per bushel. Why do you want to deprive him of that? Heaven knows he is not getting wealthy raising flax.

TARIFF A LOCAL QUESTION.

Mr. President, I have stated that you seem to wish to punish the northern farmer because he is not affiliated with your own party. I am borne out in this by the fact that while you put American wheat produced by the northern farmer on the free list, where he has the worst kind of competition in the world, you protect the rice farmer of the South 33⅓ per cent on his product. Why the discrimination against the northern farmer?

The farmer may be slow, but he is quite sure. He may forget, but the hard raps of poverty can jog his memory. Once pass this accursed measure and before 1914 he will be fully awake to the realization of the offense committed against him. He will begin to compare the prices he has received during the last 8 or 10 years with the prices under your free trade with Canada and the world. He will change the complexion of the House of Representatives, if this bill passes, mighty suddenly; and if he can not change the Senate within that time it will not be because of a disinclination, but because of a political impossibility. Pass this bill as it is and unless this cut-throat policy which annihilated the Republican Party in 1912 continues there will not be a Democratic State in the whole North. It took the farmer 16 years to forget the last Democratic policy. Pass this bill and the generation living will never forget you.

AMERICAN SUPPLY NOT WORLD'S SUPPLY GOVERNS VALUES.

The great bulk of the wheat crop of the world is raised in the northern hemisphere. Its quantity is well known by October 1 of the year in which it is raised. The northern wheat estimate can not affect prices very materially before the middle of the ensuing winter. Therefore the prevailing price of wheat for the months of October, November, and December may be said to be founded almost wholly upon the supply furnished by the crop of that year.

A glance at the grain statistics for a number of years will demonstrate how much greater is the influence of home supply over world supply in fixing our prices. For illustration, in

1908 the world produced 3,181,548,000 bushels. The average price in Minneapolis for the months of October, November, and December of that year was $1.06. In 1909 the world produced 3,584,739,000 bushels; average price for said months, $1.05.

Thus it will be seen that an increase of 400,000,000 bushels in the world's supply scarcely affected our home price. But how about our own supply? The States of North Dakota, South Dakota, and Minnesota produced, in 1911, 131,935,000 bushels of wheat. The Minneapolis price for the months of October, November, and December averaged $1.04. The same States in 1912 produced 263,043,000 bushels of wheat; average price paid in Minneapolis for said months, 85 cents. There is the real influence on grain prices. Four hundred million bushels difference in the world supply scarcely affected our prices, a difference of over a hundred million bushels in these States and about a hundred million bushels excess in the supply of the entire United States brought the prices down from $1.04 to 85 cents per bushel.

For the first time in about 15 years we are nearly on an export basis in these three States. Our wheat has dropped 20 cents per bushel, and the Democratic Party says it must stay on an export basis—it must stay down. The time when the farmer needs the better prices for his crop is when it is short. With protection he will have this automatic adjustment and receive his better prices when he needs them most. With your free-trade policy, if the world has a good crop and these States a poor crop, the farmer is bound to lose heavily. So by this bill you compel him to be on the losing side whichever way the crop conditions may turn.

DANGER OF IMPORTATION.

I sometimes wonder, Mr. President, whether the Democratic Senators who vote away the interest of many millions of our best citizens fully realize the danger to which they are about to expose them. Do you realize that the grain supply of the world is increasing by leaps and bounds, and more rapidly than any other product? That you may not be as blind to the facts as you are deaf to the demand for fairness, I have prepared a table showing the increase in the production of wheat, oats, barley, and flaxseed by the principal producing countries from 1900 to 1912. The table is as follows:

Production of wheat, oats, barley, and flaxseed by the principal producing countries, from 1900 to 1912.

	Wheat production.			Oat production.		
	1900	1912	Increase.	1900	1912	Increase.
	Bushels.	*Bushels.*	*Per cent.*	*Bushels.*	*Bushels.*	*Per cent.*
United States	522,000,000	730,267,000	39	809,126,000	1,418,337,000	75
Canada	53,701,000	199,236,000	271	164,612,000	361,733,000	134
Provinces of Canada west of Great Lakes region	22,436,000	185,379,000	726	62,092,000	224,208,000	261
Australia	40,000,000	73,213,000	83	7,290,000	7,900,000	8
Argentina	101,655,000	166,191,000	63	2,273,000	69,169,000	2,952
Russian Empire	458,153,000	727,011,000	59	853,696,000	1,067,584,000	25

	Barley production.			Flaxseed production.		
	1900	1912	Increase.	1900	1912	Increase.
	Bushels.	*Bushels.*	*Per cent.*	*Bushels.*	*Bushels.*	*Per cent.*
United States	58,926,000	223,824,000	80	20,000,000	19,370,000	
Canada	23,975,000	44,014,000	80	[1] 500,000	7,867,000	1,473
Provinces of Canada west of Great Lakes region	6,532,000	27,037,000	313	315,000	7,730,000	2,354
Australia	2,030,000	1,970,000				
Argentina				8,866,000	23,424,000	164
Russian Empire	236,981,000	464,124,000	96	20,670,000	21,549,000	4

[1] Estimated.

I only call attention to the increases by percentage:

	Per cent.
In the United States the wheat crop increased in these 12 years	39
In Canada	271
In the Provinces of Canada west of the Great Lakes	726
In Australia	83
In Argentina	63
In the Russian Empire	59

With that enormous increase in production, are you still frightened lest there will not be food enough produced in the world for city people?

Turn to the oats production and we will find that the increase—

	Per cent.
In the United States in those years was	75
In Canada	134
In the Provinces of Canada west of the Great Lakes	261
In Australia	8
In Argentina	2,952
In the Russian Empire	25

With this enormous increase in the oats production of the world, are you still fearful of the sufficiency of supply for man and beast?

Turning to barley, we will find that the increase in the United States—

	Per cent.
In those years was	280
In Canada	80
In the Provinces of Canada west of the Great Lakes	313
In the Russian Empire	96

Does this look as though there were danger of a barley famine and any long and continued suffering on the part of your allies, the American Brewing Association?

Turning to flax, I find in the United States there has been practically no increase. This is due to some extent to the heavy loss in the flax crop of 1912 by reason of early frost and snow. To make this up, however, you will find that the Provinces of Canada west of the Great Lake region increased 2,354 per cent; Argentina, 164 per cent.

Does this look as though the Steel Trust and other manufacturers of steel products were in any immediate danger of an under supply of flaxseed oil for their paints and varnishes?

But if the phantom of starvation still haunts you, let me attempt to banish it by turning on a flood of light on the possibilities of food supply right at your door, as you propose to turn on that flood of grain from Canada to bewilder and overwhelm the farmers of my State. I know that those who have not made a study of the fact comprehend very little about the country that is immediately north of the United States and lying west of the Red River of the North. There are five or six great Provinces, and any one of them would make five or six of the average States of this Union. Every one of them is fertile, every one is capable of producing a greater per acre crop than can be produced for the most part in the United States:

	Acres.
Saskatchewan has	160,416,000
Manitoba has	47,188,480
Alberta has	162,000,000
Total	369,604,480

A careful and most conservative estimate has been made of the tillable acreage in said Provinces by the Dominion of Canada. The following is the estimate:

	Acres.
Saskatchewan tillable acreage	86,826,240
Manitoba	27,000,000
Alberta	100,000,000
Total	213,826,240

These figures perhaps do not give to the average person a very definite idea as to the size of these Provinces. To make this more clear, Saskatchewan is as large as the States of Idaho, Iowa, Illinois, and Michigan combined, and that Province is capable of producing much more than all those States combined. Manitoba is larger than North Dakota and South Dakota combined. All of this vast territory is being brought into closer communication with the world by the great trans-

continental lines of railway with their great number of feeding lines.

As I have shown, the average crop of the world is about three and one-half billion bushels of wheat. Those Provinces of Canada alone can easily duplicate the present world's supply. It would produce it to-day if there were the demand. The possibilities of that country stand as an enormous club to drive down the value of every cereal produced in the Northwest.

Unlike the United States, which consumes nearly all of its wheat crop, Canada does not consume one-seventh of its western crop. That vast surplus must go into the world's market. Its nearest market is the Minneapolis, Duluth, Buffalo, and other mills of the Northwest. Open the floodgates of our present tariff wall and it will immediately pour over and into this country and level our prices to the world prices and keep them level for at least a century.

If the farmer were more prosperous than the rest of the world, I could see some reason for legislating against his interests, but as he is far less prosperous than any other people in the United States, further depressing his prices, further aggravating the injustices of his situation, seems to me to be almost criminal.

PRESENT IMPORTATIONS UNDER PROTECTION.

Mr. President, I am here to declare that if the tariff should be so high as to absolutely prohibit importations of every farm product, it would not improperly or unduly increase the value of those products. Why? Because we are still an exporting Nation. We are still capable of oversupplying our own markets. We have the land to produce all that the American people can consume for years to come, and with proper and justly profitable prices we will meet every demand for home consumption. Such exclusion of foreign products would simply put the farmer on a fair trading basis with the consumer.

Even with our present protection, importations are coming in to such an extent as to keep our prices down as low as, or lower than, they ought in conscience to be kept down. Then why increase the importations to drive them still lower?

I ask here to insert a table showing importations of farm and dairy products during the past five years:

Importation of farm and dairy products.

BARLEY.

(Duty, 30 per cent.)

Year.	Number of bushels.	Value.
1908	[1] 190,741	$143,407
1909	2,644	1,440
1910	2,650	1,196
1911	186,246	98,794
1912	[2] 2,768,474	1,929,214

CORN.

(Duty, 15 cents per bushel.)

1908	20,312	$15,536
1909	[3] 258,065	189,465
1910		
1911		
1912	53,425	47,936

OATS.

(Duty, 15 cents per bushel.)

1908	364,307	$179,714
1909	[4] 6,666,989	2,651,699
1910	1,634,511	400,920
1911	107,318	41,990
1912	[5] 2,622,357	1,053,470

WHEAT.

(Duty, 25 cents per bushel.)

1908	341,617	$320,766
1909	41,082	36,741
1910	164,201	150,561
1911	509,430	476,586
1912	[6] 2,099,130	2,212,887

[1] Of this amount 198,118 bushels were imported from Canada.
[2] A shortage in the United States of about 13,000,000 bushels from two years previous.
[3] Of this amount 195,094 bushels came from Argentina and 25,912 from Mexico. Corn very high in United States at that time.
[4] Of this amount 5,047,636 bushels came from Canada.
[5] Of this amount 2,609,307 came from Canada.
[6] Of this amount 2,673,050 bushels came from Canada.

Importation of farm and dairy products—Continued.

In addition there was imported, principally from Canada, wheat flour as follows:

	Barrels.
1908	39,593
1909	92,413
1910	144,759
1911	141,582
1912	158,777

A barrel of flour requires about 4½ bushels of wheat.

COMBINED WHEAT AND FLOUR.

	Number of bushels.	Value.
1908	511,785	$499,340
1909	456,940	406,676
1910	805,606	733,101
1911	1,113,705	1,046,882
1912	2,927,377	2,390,448

FLAXSEED.

(Duty, 25 cents per bushel.)

1908	57,419	$71,625
1909	593,668	831,871
1910	5,002,496	8,548,837
1911	[1] 10,469,227	21,379,180
1912	6,841,805	12,995,250

HAY.

(Duty, $4 per ton.)

	Tons.	Value.
1908	10,063	$89,808
1909	[2] 6,712	60,858
1910	[2] 96,829	775,916
1911	[2] 335,757	2,544,058
1912	[2] 699,004	6,473,230

EGGS.

(Duty, 4 cents per dozen.)

	Dozens.	Value.
1908	[3] 231,939	$25,850
1909	[3] 288,650	36,937
1910	[3] 818,267	110,738
1911	[3] 1,573,398	255,744
1912	[3] 973,053	147,173

BUTTER.

(Duty, 6 cents per pound.)

	Pounds.	Value.
1908	[3] 780,608	$182,897
1909	[3] 646,320	141,917
1910	[3] 1,360,245	298,023
1911	[3] 1,607,826	247,961
1912	[3] 1,025,668	257,154

[1] From Canada 1,410,398 bushels, from Argentina 5,021,137, from India 2,333,863.
[2] Practically all from Canada.
[3] Principally from Canada.

You propose not only to reduce the farm prices below a proper living basis, but also to surrender and make up by some other method of taxation the millions upon millions of dollars of revenue.

In addition to the importations which I have mentioned, we are to-day importing meats from Australia and other countries, and with free meat you can find an opportunity to injure and oppress the American farmer.

Mr. President, we are to-day back upon an export basis. Wheat to-day is higher in Winnipeg than it is in the United States. Why? For two reasons: Money stringency, depression, and lack of confidence, combined with an oversupply upon our own part, have made our wheat to-day lower than wheat in Winnipeg. You can not account for this on any ground of world supply and demand, because the Winnipeg price must be upon the basis of export, and in 1913 it is higher than that in the United States.

DESTRUCTION OF MARKET FOR FLAX STRAW.

Mr. President, I can not accuse the Democratic Party of working blindly on this tariff bill. That party has not only been lynx-eyed in finding ways in which it could injure the northwestern farmer, but seems also to be possessed with the lynx instinct to destroy wherever it can smell blood.

I had hoped that the party might possibly overlook a little avenue—very little one indeed—where the farmer, in case his crops were destroyed by drought or his flax failed to fill, might secure a few dollars by the sale of the straw, possibly enough to pay the tax on the land. We have a number of very little tow mills, as they are called, in our State, which pay the farmer from $2 to $3 per ton for his flax straw, just enough to pay him to load it and haul it to town, if he lives within a few miles, as it requires two men and a team to load and otherwise handle the straw. You can see how small is his profit. If he had to hire both men, he could not get enough out of the flax straw to pay for hauling it. I hoped this little mite, which we call "hard-times revenue," was so small that the great Democratic Party would miss it; but like that evening animal which can not see the room or ceiling around which it flies, yet can see clearly the eye of a needle, so the Democratic Party, floundering all around this tariff subject, caught sight of this little $2 or $3 hard-time money which the farmer could get out of his flax straw. And this little hard-times income must be destroyed.

The Ways and Means Committee of the House, who gave a hearing to those who manufacture tow from this straw, reduced the duty on tow from $20 to $10 per ton. But the Democratic majority of the Senate reasoned well as to what the effect of this $10 duty on tow might be. They said, "If we allow this $10, some of these tow mills might survive, and if they do survive, they might still buy some of this flax straw from the farmers, and we can not allow these bloated mortgagors to find new ways of paying the interest on their mortgages."

Just why this party left 15 cents a bushel on flax and barley and 6 cents a bushel on oats I can not say. I can only account for it on the ground, either that the Senator from Nevada [Mr. NEWLANDS] convinced them that the farmers would not receive any benefit from this meager tariff on these two crops, and therefore they might as well use this cheap bait to catch a few stray votes next year, or that they wanted to show to the farmers of the country that the Democratic Party had not been wholly swallowed by the brewers and flax importers.

I dare say there is not one man among those who cut down the flaxseed duty who has the slightest idea of what it costs to thrash a bushel of flaxseed, much less what it costs to raise it.

You know that under ordinary conditions we never get full benefit of the duty on cereals. I have shown you that with a 25-cent duty on wheat our average benefit or protection has been between 10 and 12 cents per bushel.

Mr. President, representing a State which is wholly agricultural in its interests, owning considerable lands in the State myself, operating, or attempting to operate, and cultivate and raise crops on those lands, familiar with the cost of land, farm machinery, stock, labor, and so forth, familiar with the chances one takes against loss of crop, partial or in whole, I can speak with a degree of accuracy upon what ought to be the price realized from the products of the soil, what the farmer should receive for his wheat, flax, barley, oats, and potatoes, in order to be able to run his farm, where he must hire some of the work done. He should receive for his wheat at least, per bushel, $1.40; for his flax, $2; for his barley, 75 cents; for his oats, 65 cents, and for his potatoes, 60 cents.

Give him the American market that of right belongs to him and in a very short time, when consumption and production about equal each other, he will receive this much for his grain. He is to-day receiving for his wheat about 80 cents; for his flax, $1.22; for his oats, 32 cents; for his barley, 38 cents; for his potatoes, 50 cents.

I had a telegram from the State a few days ago, saying that the crop in the State will not in any event be more than one-half of what it was last year. In other words, more than half a crop can not be expected.

Reports from Canada show a large northwestern crop. With only half a crop to our credit, the farmers of this country ought to have a better price per bushel for that crop. But fearing that they might have a little benefit for the natural law of compensation, you are about to unload on their market and overwhelm it with the vast surplus of the Canadian northwest.

I ought to say a word right here with reference to the countervailing duties. I notice that you finally provide by your caucus that wheat shall be free to every country that will allow our own free. I think you make reference to that with one other product—semolina.

Our importations of cereal products will come mostly from Canada. Flax and some wheat may, under free trade, come from Venezuela. Although Canada may have a duty to-day of 12 cents per bushel upon wheat, she certainly will not hold as against her own citizens that duty when she knows that they can get 8 or 12 cents a bushel better for a while in our own States. As we all know, whenever the Government introduces a bill pertaining to the fiscal policy of Canada, that bill becomes a law the day after its introduction, and it remains the law until it has been changed by Parliament. So we will get no benefit with this countervailing duty. It will go out of existence just as soon as it will be beneficial to the other country to have it out of existence.

PROTECTION NECESSARY TO KEEP OPEN TOW MILLS.

What do you expect to accomplish by destroying the tow industry in the United States? The tow made from the farmer's flax straw is not used for clothing. Fine linen fabrics are not made from it. It is used for upholstering furniture, car seats, and so forth, for packing or lining for refrigerator cars, and for wrapping and writing paper. The farmer can raise flax straw that will produce as fine linen as anywhere in the world, but under present conditions in the labor market he can not afford to care for and market a flax of sufficient fiber length to make linen fabrics. But he can raise flax for the seed, and after thrashing it he can sell this straw, broken by the separator, and therefore of short fiber, for these other purposes. And so long as the tow mills can compete in tow products with Canada or Russia he will have a market. When those mills are closed he will not have a market.

From the best information I can secure I am convinced that free tow of flax will close every tow mill in the country and thereby render worthless every ton of flax straw raised in the United States, amounting, I believe, to about 8,000,000 tons.

The House committee took off all the duty on flax straw. This would be an injury to the American farmer in some sections, but as the price of flax straw is very little, it can not be hauled or freighted to advantage from any great distance. So the farmers would still hold their markets in their near vicinity. They would still have a market for flax straw if the mills were kept running. But the House, while it reduced the duty on tow of flax from $20 to $10 per ton, still left some protection, possibly enough to allow the mills to survive. Now, why did the Democratic members of the Committee on Finance remove all duty? At whose instance was it done? Did the rope manufacturers appear before your subcommittees and ask for free raw material? Did you call the farmer before your committees? Why should he not appear? He is worth more to the country than all the rope twisters in the world. Why should his interests be wantonly thrown away at the behest of the manufacturers?

This is not a question of cheap clothing. The hackling, retting, and scutching of flax straw for the linen fabrics is so tedious and laborious that a ton of the tow thus produced is worth as high as 18 cents per pound, or $360 per ton, while the tow that is produced from the straw furnished by the farmers for car linings and similar purposes is worth, according to the quality at the mills, from $18 to $60 per ton, and to this must be added the freight of from $3 to $9.60 a ton for transportation to the East where it is used or manufactured.

Mr. President, I know how futile is every effort to make any change in the cereal paragraphs. I may hope, however, that the Democratic majority in the Senate, after they have thoroughly had laid before them the tow proposition, after they thoroughly understand that this little hard-earned money of the farmer will not affect the linen cloths of any character, after they have learned to what extent the farmer will be injured in general, will agree with us to place that little product back upon the protected list to the extent of $10 per ton.

I will go more fully and freely into the question of the tow manufacture at some future time, as I shall into the question of the meat products, on behalf of the farmers of the United States.

PRINTING OF TARIFF BILL.

Mr. SMOOT. From the Committee on Printing I report back favorably House concurrent resolution No. 11. I ask for its immediate consideration, and I desire in this connection to make a short statement.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the bill H. R. 3321, with amendments, as reported in the Senate July 11, 1913, 20,000 copies for the use of the House and 10,000 copies for the use of the Senate.

Mr. SMOOT. Mr. President, the estimated cost of printing the 30,000 copies in bill form with the index is $4,475; in bill form without the index, $3,586; and in document form, $1,192.40. I do not desire to make an amendment to the resolution, because it would have to go back to the House, and everyone interested in receiving a copy of the bill wants it at once.

I have heard from Mr. MANN, of Illinois, the author of the House concurrent resolution, and he is agreeable to have the

bill printed in document form, as these copies are only to be sent out through the country for information.

Without offering an amendment, I will simply state that it will be understood that the 30,000 copies will be printed in document form at a saving of nearly $2,000.

Mr. NORRIS. I should like to inquire of the Senator if in document form it will have an index?

Mr. SMOOT. It will have an index.

Mr. NORRIS. It would be almost worthless without an index. The index will add greatly to its value.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent for the present consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

HOUR OF MEETING TO-MORROW.

Mr. SWANSON. In the absence of the junior Senator from Indiana [Mr. KERN], at his request, I move that when the Senate adjourns to-day it adjourn to meet at 2 o'clock on Thursday next.

Mr. SIMMONS. In view of the fact that I gave notice with reference to a proposed meeting of the Senate on Wednesday, I desire to say that after conference with my colleagues on this and the other side of the Chamber, an adjournment until Thursday will be satisfactory.

The VICE PRESIDENT. The Senator from Virginia moves that when the Senate adjourns to-day it shall adjourn to meet at 2 o'clock on Thursday next.

The motion was agreed to.

Mr. SWANSON subsequently said: I have just been informed by the junior Senator from Indiana that he desires to have a meeting of the Senate to-morrow to offer possibly some amendments to the Erdman Act, which is a very important matter. So I move to reconsider the vote by which the Senate agreed that when it adjourns to-day it will adjourn until 2 o'clock on Thursday.

The motion to reconsider was agreed to.

Mr. SWANSON. I move that when the Senate adjourns to-day it adjourn until 2 o'clock p. m. to-morrow.

The motion was agreed to.

AMENDMENT OF THE RULES.

Mr. OWEN. Mr. President, I offer the following resolution (S. Res. 113) for reference to the Committee on Rules:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for a final vote upon any matter pending in the Senate: *Provided, however*, That this rule shall not be invoked to prevent debate by any Senator who requests opportunity to express his views upon such pending matter within a time to be fixed by the Senate.

"The notice to be given by the Senate under this section, except by consent, shall not be less than a week, unless such requests be made within the last two weeks of the session."

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XXII, XXVI, and XL, are modified:

"Any Senator may demand of a Senator making a motion if it be made for dilatory or obstructive purposes, and if the Senator making the motion declines or evades an answer or concedes the motion to have been made for such purposes, the President of the Senate shall declare such motion out of order."

Mr. President, the minority veto in the Senate, with its power to prevent the majority from fulfilling its pledges to the American people, should end. The right to obstruct the public business by a factional filibuster must cease. The power of an individual Senator to coerce or blackmail the Senate must be terminated. These national evils can no longer be concealed by the false cloak of "freedom of debate."

Those who defend the antiquated rule of unlimited parliamentary debate do so chiefly on the ground of precedent. The precedents of the intellectual world, of the parliamentary world, are entirely against the preposterous rule which has been permitted to survive in the United States Senate alone. What are the precedents of other parliamentary bodies.

PRECEDENTS.

The precedents in the State of Maine and in every New England State, in every Atlantic State, in every Gulf State, in every Pacific State, in every Rocky Mountain State, in every Mississippi Valley State, and in every State bordering on Canada are against unlimited debate or the minority veto. In both the senate and house of every State the precedent is to the contrary.

The precedent is against it in New Hampshire.

The precedent is against it in Vermont.

The precedent is against it in Massachusetts.

The precedent is against it in Rhode Island and Connecticut.

What Senator from the New England States will venture to say that the precedents of every single one of the New England States are unsound, unwise, and ought to be modified to conform to the superior wisdom of the Senate rule?

The precedent is against it in New York, and in Pennsylvania, and in New Jersey, Delaware, Maryland, Virginia, and West Virginia. What Senator upon this floor representing these Commonwealths will venture to say that the people of his State have adopted a false standard of parliamentary practice which they ought to abandon for the superior virtue of the minority veto established in the Senafe by an archaic rule of 1806?

The precedent in North Carolina, in South Carolina, in Georgia, in Alabama, in Florida, in Mississippi, and Tennessee is against it. Will the Senators from these States say that the parliamentary rule and practice of their own States, which they have the honor to represent upon this floor, are unwise and not safe and should be modified to comply with the superior rule of the minority veto?

The precedents of Louisiana, Michigan, Indiana, Illinois, and Kentucky, of Missouri, Iowa, Wisconsin, and Montana, of the Dakotas, of Nebraska and Kansas, are all against this unwise practice of the United States Senate.

The precedents of Colorado, Wyoming, and Minnesota, of Idaho, of Nevada, of Arizona and New Mexico, and of the great Pacific States—Washington, Oregon, and California—provide for the closing of debate and are against the evil practice which still remains in vogue in the United States Senate.

Why, Mr. President, the precedent of every city, big and little, in the United States is against the right of minority veto under the false pretense of "freedom of debate."

Every one of the 48 States of the Union, while permitting freedom of debate, has set us the wise and virtuous precedent of permitting the control by the majority. I remind every Senator in this body that in his own State his legislative assembly, whether in the house or in the senate, does not permit a minority veto under the pretense of freedom of debate. It is the rule of common sense and of common honesty.

In the House of Representatives of the Congress of the United States the right to move the previous question and limit debate has been wisely and profitably practiced since its foundation.

ENGLISH PRECEDENTS.

The rule of the majority is the rule in all the parliaments of English-speaking people. In the Parliament of Great Britain, in the House of Lords, the "contents" pass to the right and the "not contents" pass to the left, and the majority rules.

In the House of Commons the "ayes" pass to the right and the "noes" pass to the left, and the majority rules. (Encyclopædia Britannica, vol. 20, p. 856.)

The great English statesman, Mr. Gladstone, having found that the efficiency of Parliament was destroyed by the right of unlimited debate, was led to propose cloture in the first week of the session of 1882, moving this resolution on the 20th of February, and expressing the opinion that the House should settle its own procedure. The acts of Mr. Gladstone and others of like opinion finally led to the termination of unlimited debate in the procedure of Parliament. In these debates every fallacious argument now advanced by those who wish to retain unlimited debate in the United States Senate has been abundantly answered, leaving no ground of sound reasoning to reconsider these stale and exploded arguments.

The cloture of debate is very commonly used in the Houses of Parliament in Great Britain, for example, in standing order No. 26. The return to order of the House of Commons, dated December 12, 1906, shows that the cloture was moved 112 times. (See vol. 94, Great Britain House of Commons, sessional papers, 1906.)

FRANCE.

In France the cloture is moved by one or more members crying out "La cloture!"

The president immediately puts the question, and if a member of the minority wishes to speak he is allowed to assign his reasons against the close of the debate, but no one can speak in support of the motion and only one member against it. The question is then put by the president, "Shall the debate be closed?" and if it is resolved in the affirmative the debate is closed and the main question is put to the vote.

M. Guizot, speaking on the efficacy of the cloture before a committee of the House of Commons in 1848, said:

I think that in our chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the cloture. In the French Chambers, as they have been during the last 34 years, no member can imagine that the debate would have been properly conducted without the power of pronouncing the cloture.

He also stated in another part of his evidence that—

Before the introduction of the cloture in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate and the minority

would not, the debate became very violent for protracting the debate, and out of the house among the public it was a source of ridicule.

The French also allow the previous question, and it can always be moved; it can not be proposed on motions for which urgency is claimed, except after the report of the committee of initiative. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 426.)

GERMANY.

The majority rule controls likewise in the German Empire and they have the cloture upon the support of 30 members of the house, which is immediately voted on at any time by a show of hands or by the ayes and noes.

AUSTRIA-HUNGARY.

In Austria-Hungary, motions for the closing of the debate are to be put to the vote at once by the president without any question, and thereupon the matter is determined. If the majority decides for a close of the debate, the members whose names are put down to speak for or against the motions may choose from amongst them one speaker on each side, and the matter is disposed of by voting a simple yes or no. (Ibid., p. 404.)

AUSTRIA.

Austria also, in its independent houses of Parliament, has the cloture, which may be put to the vote at any time in both houses, and a small majority suffices to carry it. This is done, however, without interrupting any speech in actual course of delivery; and when the vote to close the debate is passed each side has one member represented in a final speech on the question. (Ibid, p. 409.)

BELGIUM.

In Belgium they have the cloture, and if the prime minister and president of the chamber are satisfied that there is need of closing the debate a hint is given to some member to raise the cry of "La cloture," after a member of the opposition has concluded his speech, and upon the demand of 10 members, granting permission, however, to speak for or against the motion under restrictions. The method here does not prevent any reasonable debate, but permits a termination of the debate by the will of the majority. The same rule is followed in the Senate of Belgium. (Ibid., p. 420.)

DENMARK.

In Denmark also they have the cloture, which can be proposed by the president of the Danish chambers, which is decided by the chamber without debate. Fifteen members of the Landsthing may demand the cloture. (Ibid., p. 422.)

NETHERLANDS.

In both houses of the Parliament of the Netherlands they have the cloture. Five members of the First Chamber may propose it and five members may propose it in the Second Chamber. They have the majority rule. (Ibid., p. 461.)

PORTUGAL.

In Portugal they have the cloture in both chambers, and debate may be closed by a special motion, without discretion. In the upper house they permit two to speak in favor of and two against it. The cloture may be voted. (Ibid., p. 469.)

SPAIN.

The cloture in Spain may be said to exist indirectly, and to result from the action allowed the president on the order of parliamentary discussion. (Ibid., p. 477.)

SWITZERLAND.

The cloture exists in Switzerland both in the Conseil des Etats and Conseil National.

Many of the ablest and best Senators who have ever been members of this body have urged the abatement of this evil, including such men as Senator George G. Vest, of Missouri; Senator Orville H. Platt, of Connecticut; Senator David B. Hill, of New York; Senator George F. Hoar, of Massachusetts; and Senator HENRY CABOT LODGE, of Massachusetts, who introduced resolutions or spoke for the amendment of this evil practice of the Senate. (Appendix, Note A.)

Mr. President, the time has come in the history of the United States when Congress shall be directly responsive to the will of the majority of 90,000,000 of people without delay, evasion, or obstruction. We are in the midst of the most gigantic century in the history of the world, when every reason looking to the welfare and advance of the human race bids us march forward in compliance with the magnificent intelligence and humane impulses of the American people.

We have the most important problems before us—financial, commercial, sociological. Fifteen great propositions of improvement of government were pledged by the recent Democratic platform, and almost a like number were pledged by other party platforms. We have work to do that means the preservation, the conservation, and the development of human life, of human energy, of human health. We have before us the great problems which mean the development of this vast country, and we should have the machinery of government by which to respond with reasonable promptitude to mature public opinion, but the rules of the Senate have been such as to prevent action; the rules of the Senate are such as to prevent action now with regard to the great questions before the country. The rules of the Senate have put the power in the hands of a small faction or of a single individual to obstruct, without reason, and to prevent action by Congress. I favor the right of the majority of the Senate to control the Senate after giving every reasonable freedom of debate to the opposition, so that the people of the country may have both sides of every proposition. But I am strongly opposed to the minority veto, or to a single Senator obstructing and preventing the control of the Senate by the responsible majority.

In a short session of Congress the Senate will appropriate a thousand million dollars in less than 350 working hours. Each working hour means the appropriation of $3,000,000 of the hard-earned taxes taken from the labor of the American people. Every two minutes the Senate averages an appropriation of $100,000 of taxes, and yet, instead of addressing itself to a comprehension of the necessity for such taxes, for such expenditure, a single Senator, or a small faction or a minority, may detain the Senate for hours and for days and for weeks while great questions of public policy wait, leaving the Senate to be thus distracted by filibustering tactics, discussions of immaterial or trivial matters, reading of worthless papers and statistics, last year's almanac—in a deliberate obstruction of the majority by the minority.

EXTREME DIFFICULTY IN OBTAINING LEGISLATION THAT IS CONFESSEDLY OF VALUE, EVEN WITHOUT A FILIBUSTER.

Mr. President, before a bill can be passed that is desired by the American people, no matter how worthy, it must first be carefully drawn, submitted to the House of Representatives, and by the House submitted to a committee, and almost invariably such a bill is sent from the committee of the House to the executive department for a report; and when the report comes in it is considered in the committee, and finally and usually, where the majority desires the bill passed, it will be reported back to the House—abundant opportunity having been thus given to discover its weak points or defects.

When it goes to the House it takes its place upon the calendar and awaits the time with patience when it can be taken up on the calendar.

It must be read three times in the House, it must be printed, it is discussed in the House, and, finally, if after having passed every criticism and scrutiny it be approved by the majority of the House, it is signed by the Speaker and finds its way to the United States Senate. When it reaches the Senate it is again sent to a committee, the committee further considers it, and, finally, if a majority favor, it is reported back to the Senate to take its place upon the calendar. And many a good bill has died on the calendar in the Senate because of a single objection to it—what might be called the private right of veto by an individual Senator. If at last it is permitted, by consent, to come before the Senate and does not excite any prolonged debate, it may become a law by reason of a majority vote of those present. But if anywhere along the line of this slow, deliberate procedure any serious objection is raised by a minority, or by a Senator, either can by dilatory motions, by insisting upon hearings, by making the point of "no quorum," by using a Senator's right to object and demand the regular order, by using his position to ask reconsideration and a rehearing, or, perhaps, an additional report from the executive department, and then demanding hearings in the executive department while the report is delayed, and in a thousand other ingenious ways a single Senator, much less a faction or willful minority, can make it almost impossible to pass a bill of great merit. For three years I have been trying to pass a bill to establish an improved organization of the Bureau of Public Health and have been unable to get any action, for or against, by Congress. I only refer to this as an example of many meritorious measures which have never been acted upon, and for which there is a powerful matured public sentiment urgently insisting upon action.

The Senate of the United States has rules for its conduct that make it almost impossible to get a bill through, except by unanimous consent, where a resolute minority is opposed to the passage of the bill. Under the so-called privilege of "freedom of debate," a group of Senators can hold up any measure indefinitely by endless talk in relays and by the use of dilatory motions, making the point of "no quorum" moving to "adjourn," moving to "take a recess," moving to "adjourn to a day certain," reading for an hour or so from Martin Chuzzlewit or

Pickwick Papers, making the point of "no quorum," moving to "adjourn," making the point of "no quorum," moving to "adjourn to a day certain," moving to "take a recess," moving to go into "executive session," and, under the rules, may read a few chapters of Huckleberry Finn—and this puerile conduct is dignified by the false pretense of being "freedom of debate," when, in point of fact, it is nothing of the kind. It is the minority obstruction and the personal veto under the pretense of freedom of debate, under the *false* pretense of freedom of debate, under the ridiculous pretense of freedom of debate, under the contemptible and odious pretense of freedom of debate. It is not freedom of debate.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. GRONNA. I will ask the Senator from Oklahoma if he does not believe that the defeat of the Indian appropriation bill at the last session of Congress was in the interest of the public?

Mr. OWEN. I think perhaps it was improved by this Congress.

Mr. GRONNA. Is it not true that the Indian appropriation bill which passed Congress at this session is a better bill than the one which was before this body during the last session of Congress?

Mr. OWEN. It is practically the same, but it has been somewhat improved.

Mr. GRONNA. And the bill which was before Congress at that time was defeated by one Senator, the Senator from New Mexico [Mr. FALL], was it not?

Mr. OWEN. There was a delay of the bill by the Senator from New Mexico which resulted in its defeat.

Mr. GRONNA. If the Senator from Oklahoma will permit me, I will ask if the rules had been changed as he now indicates he would like to have them changed, in his judgment would it have been possible, with a majority for it, to have defeated that bill?

Mr. OWEN. I think not; but a discussion of the conditions in old Mexico which killed the bill was irrelevant and not justified by any public need.

Mr. GRONNA. I desire to ask the Senator from Oklahoma another question. The Senator complains because a certain measure which he has had before Congress for a long time has not been passed. Will the Senator from Oklahoma state to the Senate that a majority of the Senate have been in favor of that particular measure?

Mr. OWEN. It is impossible for anyone to say positively what a majority favor until they are permitted to vote upon a measure; but I have no doubt a large majority did favor it.

Mr. GRONNA. Mr. President, I can not comprehend that there is any necessity for protecting a majority. It seems to me that a rule to protect a minority is of more importance to the country than a rule to protect a majority.

Mr. OWEN. Mr. President, I shall not at this moment deflect from my argument to answer the observations of the Senator from North Dakota. I shall do that at a later time, because the matter is going to lead to considerable debate.

Mr. GRONNA. Mr. President, I am sorry I interrupted the Senator, but I could not let go unchallenged the statement made by the Senator from Oklahoma when he said it was odious to operate under the rules that we have because certain measures have been held up. I tried to point out to the Senator that the country has benefited under the present rules.

Mr. OWEN. The country has been very greatly harmed under the present rules, as I shall show before this debate concludes. At present I am simply laying a preamble for the consideration of this matter. It is going to take much time. It is going to be debated at considerable length in this body. It is going before the country for the country to determine whether or not men shall be permitted by the people of the United States to stand upon the floor of the Senate and favor the control of the majority by the minority and favor a policy making it impossible for party pledges to be carried out in this Republic.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. OWEN. I yield to the Senator from Ohio.

Mr. POMERENE. It occurred to me that while the Senator from North Dakota had given an instance in which, according to his judgment, a bill was odious and was defeated a number of other very meritorious bills were defeated because of the filibustering tactics which were adopted with reference to the Indian appropriation bill. I have in mind at this moment the sundry civil bill, which involved the expenditure of more than $100,000,000. That bill was defeated in the last minutes of the last session simply because the Senate could not control debate.

Mr. OWEN. Oh, yes; that is true. I will not say there is not the possibility, under some circumstances, of some good ensuing from a vigorous protest by the minority. I am perfectly willing to agree to that. But yielding that point in no way affects the validity of the argument that the majority should be charged with the responsibility of government; and I in no wise modify the comment I have made upon the odious and ridiculous pretense of "freedom of debate" in this body, which has served as a cloak for a minority veto and for improper processes in this body. I say it is not freedom of debate. The minority veto is, in effect, a denial of freedom of debate. A man in charge of an important bill is driven to refrain from debating the bill because he would be playing into the hands of the opponents of the bill, who are trying to kill the bill by exhausting the patience of the Senate by endless volubility and unending dilatory motions.

This thoughtless rule of unlimited freedom of debate was adopted in 1806, when there were 34 Senators, who met together to discuss their common affairs in courtesy and good faith, when only a very few bills were brought before the Senate. They had no conception that unlimited freedom of debate really meant a minority veto. Now that the Senate has 96 Members, representing 90,000,000 people, when its interests are of the most gigantic importance, when its modern problems of stupendous consequence are demanding prompt and virile action, when hundreds of important bills are pending, this hoary-headed reprobate rises up and strikes a posture of inscrutable wisdom and admonishes the world not to touch this sacred principle of unlimited "freedom of debate." The venerable age of this foolish precedent shall not save it from the just charge of imbecility and legislative vice.

The power to obstruct the will of the people by the Senate rules is the last ditch of privilege.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator.

Mr. BRISTOW. I desire to inject there that, in my judgment, the rule against which the Senator from Oklahoma is contending has been the rule that has protected the rights of this country far more than the rights of the people have ever suffered. Instead of being the last resort of privilege, it is the hope of the minority when it contends against an injustice.

Mr. OWEN. At a future day I will demonstrate the fundamental error that lies in the argument of the Senator from Kansas, but I can not permit him at present to divert me from my present argument or break into the middle of my sentence with a speech.

In the House of Representatives the party in power with its majority is carrying out the will of the majority, permitting reasonable debate and wide publicity to the views of all Members. But in the Senate, while we have reorganized the committees and have made important improvements in the rules, there still remains the point of unlimited debate, of irrelevant debate, of dilatory motions, whereby the minority can still prevent the action of the majority placed in power by the people. The United States Senate is the only place where the people's will can be successfully thwarted, and here it can be obstructed and denied by delays, by dilatory motions, by irrelevant debate, and unlimited discussion.

Mr. WARREN. Mr. President, will the Senator permit me a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. OWEN. I yield to the Senator from Wyoming.

Mr. WARREN. The Senator speaks of the transaction of business in the House. Is the Senator prepared to say that a larger proportion of the measures introduced in the House are passed there than is the case in the Senate? Further, is he prepared to say that when we finish a session the House has done more business than the Senate, and the calendar of the House is clearer than that of the Senate, or is the calendar of the Senate clearer than that of the House?

Mr. OWEN. Answering that question, I will say that any large body, such as the House, which introduces, relatively to the number of its members, a much larger number of bills, has a much larger number of bills undisposed of. But that does not in any wise abate the force of the argument I am presenting.

Mr. WARREN. One moment further. As a matter of fact, does not the Senate pass more bills than does the House in a session?

Mr. OWEN. It is much easier for the Senate to pass bills, because of the smaller number of Members of the Senate. It is

easy to pass unobjected bills in the Senate; and there are a great many bills that are brought up in the Senate that are unobjected bills. But I will say to the Senator that objected bills do not pass through the Senate.

The new majority of the Senate is honestly pledged to the people's cause, and they must carry out their pledges if they wish to retain the approval of the people of the United States.

I am in favor of majority rule.

I am in favor of making the national will immediately effective.

I am in favor of the Senate of the United States having the opportunity to do the things required by our great Nation.

I am opposed to the minority veto.

I am opposed to the discouragement of honest discussion by the invitation to minority filibuster which this rule of unlimited debate invites.

I am opposed to legislative blackmail, which this rule of unlimited debate encourages, for we have all seen the Senate consent to appropriations and important amendments to important bills which ought not to have been made, but which were made rather than jeopardize the bill by the endless debate of a Senator proposing and insisting on an amendment.

The minority veto permits the majority to be blackmailed on the most important measures in order to conciliate the unjust demands of the minority. The time has come to end this sort of unwise parliamentary procedure with its train of evil consequences.

I believe in the freedom of debate. I invite the freedom of debate; but liberty is one thing and gross abuse of liberty is another thing. Freedom of debate is a valuable principle, worthy of careful preservation, for the majority is often instructed by the minority; but freedom of debate is one thing, and uncontrolled time-killing talk and unrestrained verbosity used to enforce a factional veto is another thing.

The amendment to Rule XIX which I have proposed does not prevent reasonable debate by any Senator, but it does permit the majority, after due notice, to bring a matter to a conclusion whenever it has become obvious that the debate is not sincere, but is intended to enforce a minority veto.

Senator Vest, December 5, 1894, well said:

That these rules "coerce the Senators in charge of a bill into silence."

That "with the people of the United States demanding action we have rules here that absolutely prevent it."

That these rules "facilitate parliamentary blackmail."

That the history of the Senate is full of important amendments being put upon important bills, "under the threat that unless placed there the debate would be indefinite and almost interminable."

This rule has brought the Senate of the United States into disrepute, has greatly diminished its influence, has given it the reputation of being an obstructive body; and many men have been led to believe that the Senate was coerced and controlled by a corrupt minority. Certain it is that if a minority can exercise the veto, the corrupt interests of the country could well afford commercially to promote the election of men to the floor of the Senate, so as to obstruct legislation to which they objected.

It is the result of these very rules which has led the people of the United States to demand by a unanimous voice the direct election of Senators, so as to bring public pressure of the sovereign people on individual Members of the Senate, and compel them to respect the wishes of the people, under penalty of retirement from public life.

I pause here to say that for 90 years the people of this country have been trying to establish the rule of direct election of Senators, and it has always been the Senate that has prevented the people from having their will with regard to this matter. Five times the measure passed the House of Representatives, the last two times almost by a unanimous vote of the Members representing the people of this country in the various congressional districts; yet the Senate stood like a stone wall, refusing under these rules to carry out the will of the people of the United States. The same thing has been measurably true in regard to many other important items.

I venture now, Mr. President, seriously and solemnly to remind every Senator upon this floor who votes against this provision, who votes against majority rule in the Senate, who votes against a reasonable control by the Senate itself of its own deliberations, that he will have to answer for such vote before the people of his State, who will in the future elect the Senators by direct vote of the people and who will nominate them by direct vote of the people. And the Senator who by virtue of any precedent or prejudice opposes in this body the free right of the majority to rule will invite defeat by the majority of the people in his own State who surely believe in majority rule and will resent the support of minority rule by their Senators on this floor.

I have no fear of majority rule. I never have been afraid of majority rule. The only thing we need to fear is the rule of the minority by artifice and by wrongdoing. And I say frankly to my colleagues from the South that the black-and-white scarecrow of the force bill is a ghost for which I have no respect. We are entering a new era of majority rule, which will deal justly and generously to rich and to poor alike, and with equal generosity, justice, and mercy to men of the black race, as well as to the men of the white race, or to any other race. We need have no fear of majority rule.

Mr. President, I wish it to be clearly understood that my demand for a change of the rules of the Senate is not at all due to the idea that the adoption of such a rule is necessary in order to pass the tariff bill or any other particular bill pending or to be brought forward. My reason for this demand is that I think the welfare of the Nation requires it; that the right of the American people to a prompt redemption of party promises is involved. The right of the American people to have their will expressed at the polls promptly carried out I regard as an imperative mandate from a Nation of 90,000,000 people, and I think that a Senator who stands in the way of that mandate fails to perceive his duty to our great Nation, and that he should not be surprised if the majority, who will in future nominate Senators and elect Senators, will hold him to a strict account for a denial of the right of the majority to rule.

I remind the Senate that in three years over 30 living Senators who opposed the wishes of the American people for the direct election of Senators have been retired by the people.

PARTY PLEDGES.

The Democratic Party makes certain pledges to the people and appeals to the people for their support upon these pledges promised to be performed; the Republican Party does likewise; yet neither party, if in a majority, can control the Senate so long as the minority veto remains as a part of the rules of the Senate. If this rule is not changed, then both parties in future campaigns should put the following proviso as an addenda to their national party platforms.

Provided, however, That in making the above pledges to the American people it is distinctly to be understood by the people that we make these pledges on the understanding that the opposite party does not forbid us to carry out our promises by obstructing the fulfillment of our promise to you by filibustering in the Senate, in which event we will agree to sustain the right of the opposite party to veto the redemption of our pledges to you, by leaving the rules of the Senate in such a condition that the opposing party may veto our effort to redeem the promises made to you.

If the party trusted by the people is so imbecile as to leave the Senate itself subject to the veto of the defeated party it will deserve future defeat for such perfidious conduct.

The people of the United States have the right to rely upon the party placed by them in power to fulfill the party pledges made to the people, and if the leaders of both parties connive with each other in the Senate to sustain the minority veto under the pretense of "freedom of debate" they will have betrayed the promises made to the people, both expressed and implied. If this rule be not changed so as to establish majority rule in the Senate, and so as to enable either party to carry out its promises to the American people, then neither party responsible for such conduct deserves the confidence of the people of the United States, and the people may well say in regard to party promises made under such circumstances, as said by Macbeth in the witches scene—

> And be these juggling fiends no more believ'd
> That palter with us in a double sense;
> That keep the word of promise to our ear
> And break it to our hope.

With the consent of the Senate I submit as a part of my remarks, without reading them, several resolutions drawn by Senator Vest, Senator Platt, Senator Hoar, and others.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. OWEN. Senator Vest, of Missouri, in 1893 introduced the following resolution, the most moderate form of terminating so-called debate (CONGRESSIONAL RECORD, p. 45, Dec. 5, 1894):

Amendment intended to be proposed to the rules of the Senate, namely, add to Rule I the following section:

"SEC. 2. Whenever any bill, motion, or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days, amounting in all to 30, it shall be in order for any Senator to move that a time be fixed for the taking a vote upon such bill, motion, or resolution, and such motion shall not be amendable or debatable, but shall be immediately put; and if adopted by a majority vote of all the Members of the Senate, the vote upon such bill, motion, or resolution, with all the amendments thereto which may have been

proposed at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent, and during the pendency of such motion to fix a date, and also at the time fixed by the Senate for voting upon such bill, motion, or resolution, no other business of any kind or character shall be entertained, except by unanimous consent, until such motion, bill, or resolution shall have been finally acted upon."

Hon. Orville H. Platt on September 21, 1893, introduced the following resolution (p. 1636):

Whenever any bill or resolution is pending before the Senate as unfinished business the presiding officer shall, upon the written request of a majority of the Senators, fix a day and hour, and notify the Senate thereof, when general debate shall cease thereon, which time shall not be less than five days from the submission of such request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate, the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes, nor more than once, upon the same proposition.

And, among other things, said:

The rules of the Senate, as of every legislative body, ought to facilitate the transaction of business. I think that proposition will not be denied. The rules of the Senate as they stand to-day make it impossible or nearly impossible to transact business. I think that proposition will not be denied. We as a Senate are fast losing the respect of the people of the United States. We are fast being considered a body that exists for the purpose of retarding and obstructing legislation. We are being compared in the minds of the people of this country to the House of Lords in England, and the reason for it is that under our rules it is impossible or nearly impossible to obtain action when there is any considerable opposition to a bill here.

I think that I may safely say that there is a large majority upon this side of the Senate who would favor the adoption of such a rule at the present time.

Mr. Hoar, of Massachusetts (1893), submitted to the committee a proposed substitute, as follows (p. 1637):

Resolved, That the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for more than one day it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate no motion shall be in order, but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. LODGE, of Massachusetts, also then, as now, Senator of the United States from Massachusetts, supported this proposal, using the following language (p. 1637):

It is because I believe that the moment for action has arrived that I desire now simply to say a word expressive of my very strong belief in the principle of the resolution offered by the Senator from Connecticut, Mr. Platt.

We govern in this country in our representative bodies by voting and debate. It is most desirable to have them both. Both are of great importance. But if we are to have only one, then the one which leads to action is the more important. To vote without debating may be hasty, may be ill considered, may be rash, but to debate and never vote is imbecility.

I am well aware that there are measures now pending, measures with reference to the tariff, which I consider more injurious to the country than the financial measure now before us. I am aware that there is a measure which has been rushed into the House of Representatives at the very moment when they are calling on us Republicans for nonpartisanship which is partisan in the highest degree and which involves evils which I regard as infinitely worse than anything that can arise from any economic measure, because it is a blow at human rights and personal liberty. I know that those measures are at hand. I know that such a rule as is now proposed will enable a majority surely to put them through this body after due debate and will lodge in the hands of a majority the power and the high responsibility which I believe the majority ought always to have. But, Mr. President, I do not shrink from the conclusion in the least. If it is right now to take a step like this, as I believe it is, in order to pass a measure which the whole country is demanding, then, as it seems to me, it is right to pass it for all measures. If it is not right for this measure, then it is not right to pass it for any other.

I believe that the most important principle in our Government is that the majority should rule. It is for that reason that I have done what lay in my power to promote what I thought was for the protection of elections, because I think the majority should rule at the ballot box. I think equally that the majority should rule on this floor—not by violent methods, but by proper dignified rules, such as are proposed by my colleague and by the Senator from Connecticut. The country demands action and we give them words. For these reasons, Mr. President, I have ventured to detain the Senate in order to express my most cordial approbation of the principle involved in the proposed rules which have just been referred to the committee.

Senator David B. Hill, of New York (1893), proposed the following amendment (p. 1639):

Add to Rule IX the following section:

"SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Only last Congress, April 6, 1911, the distinguished Senator from New York, Mr. ROOT, introduced the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, instructed to report for the consideration of the Senate a rule or rules to secure more effective control by the Senate over its procedure, and especially over its procedure upon conference reports and upon bills which have been passed by the House and have been favorably reported in the Senate. (CONGRESSIONAL RECORD, vol. 47, pt. 1, p. 107.)

Mr. POMERENE. Mr. President, before the Senator from Oklahoma takes his seat, will he allow me? I notice that in the early part of his argument he referred to the fact that all, or nearly all, of the States of the Union in their several legislative assemblies limited debate, and he also referred to nearly all the parliamentary bodies of Europe as limiting debate.

Mr. OWEN. As having the right to limit debate.

Mr. POMERENE. In the course of his investigations did the Senator find any parliamentary bodies which do not limit the right of debate?

Mr. OWEN. I did. I found Greece.

Mr. POMERENE. Was there any other country?

Mr. OWEN. I found no other. Canada did have at one time unlimited debate, but since they have become more intelligent they have adopted cloture.

The VICE PRESIDENT. The resolution will go to the Committee on Rules.

BANKING AND CURRENCY.

Mr. SHAFROTH. I ask unanimous consent that an article by Mr. R. C. Milliken concerning banking and currency be printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. RANSDELL. Mr. President——

Mr. CLAPP. I rose to the request of the Senator from Colorado. Has it been acceded to?

Mr. SHAFROTH. I do not know whether it was submitted or not. I have asked for unanimous consent.

The VICE PRESIDENT. The Chair inquired whether there was any objection to printing the matter in the RECORD.

Mr. SHAFROTH. If there is any objection——

Mr. CLAPP. I do object for the present. I wish to confer with the Senator further.

Mr. SHAFROTH. All right. Then let it be deferred.

PERSONAL EXPLANATION—TARIFF DUTIES ON SUGAR.

Mr. RANSDELL. Mr. President, I rise to a question of personal privilege.

When the Senator from Kentucky [Mr. JAMES] was speaking recently on the sugar tariff—see CONGRESSIONAL RECORD, May 19, page 1580—I engaged in a colloquy with him, and in the heat of debate made the following statement:

Mr. ASWELL, a Member of Congress from my State, went out West and made a number of speeches for the party, and in getting his instructions at Chicago from the national campaign committee he was told, so I am informed, that he must not discuss the question of free sugar.

This information was conveyed to me in the haste of the debate by Representative BROUSSARD, of Louisiana, who sat by me.

Within the past week I have been informed by Representative ASWELL that this statement was incorrect, and that he never received any such instructions from the national campaign committee. In fact, he said, to quote his exact words, "I understood that the Baltimore platform was the basis of discussion and so acted without any limitations offered by any person connected with the national campaign committee." Hence, I infer that Mr. BROUSSARD must have been misinformed.

I have also been advised by Postmaster General Burleson that he was in charge of the speakers' bureau at Chicago; that he instructed the various speakers himself; and that none of them was told "not to discuss the question of free sugar."

In view of what these two gentlemen say I am convinced that my statement was erroneous, and hereby correct it.

I also desire to say that no remarks of mine made during the aforesaid debate on sugar, which ran through parts of three days, were intended to impugn the motives or acts of the standard bearer of my party.

I wish it clearly understood, however, that nothing I have here said is to be construed as changing the main line of argument of my speeches, to wit, that the Baltimore platform did not contemplate or provide for free sugar.

THE TARIFF—PANIC OF 1893.

Mr. THOMAS. I desire to give notice that at the close of the morning business to-morrow I shall speak upon House bill 3321 and the relation of the Wilson Tariff Act to the panic of 1893.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 15, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate July 14, 1913.

SECRETARIES OF LEGATIONS.

H. F. Arthur Schoenfeld, of the District of Columbia, now third secretary of the embassy at Constantinople, to be secretary of the legation of the United States of America to Paraguay and Uruguay, vice Richard E. Pennoyer, nominated to be secretary of the legation at Lima.

Richard E. Pennoyer, of California, now secretary of the legation to Paraguay and Uruguay, to be secretary of the legation of the United States of America at Lima, Peru, vice Alexander R. Magruder.

COLLECTOR OF INTERNAL REVENUE.

Charlton B. Thompson, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky, in place of Maurice L. Galvin, superseded.

RECEIVER OF PUBLIC MONEYS.

Charles A. Mansfield, of Williston, N. Dak., to be receiver of public moneys at Williston, vice Minor S. Williams, term expired.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Robert T. Menner to be a lieutenant commander in the Navy from the 15th day of June, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Richmond K. Turner,
Henry F. D. Davis,
Eugene E. Wilson,
Francis T. Chew,
William R. Munroe,
John F. Shafroth, jr.,
Walter L. Heiberg,
Charles L. Best,
Allan G. Olson, and
John C. Jennings.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 7th day of July, 1913:

William H. Massey, citizen of Nevada, and
David S. Hillis, citizen of Illinois.

Carpenter Theodore H. Scharf to be a chief carpenter in the Navy from the 19th day of April, 1913.

Asst. Surg. Joseph J. A. McMullin to be a passed assistant surgeon in the Navy from the 28th day of March, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 14, 1913.

CONSULS.

North Winship to be consul at Owen Sound, Ontario, Canada.
Nathaniel B. Stewart to be consul at Milan, Italy.

ASSISTANT APPRAISERS OF MERCHANDISE.

James Fay to be assistant appraiser of merchandise in the district of New York.

Frank S. Terry to be assistant appraiser of merchandise in the district of New York.

COLLECTOR OF INTERNAL REVENUE.

Edward J. Lynch to be collector of internal revenue for the district of Minnesota.

DEPUTY COMMISSIONER OF PENSIONS.

Edward C. Tieman to be Deputy Commissioner of Pensions.

POSTMASTERS.

COLORADO.

Clark Cooper, Canon City.

MICHIGAN.

George B. McIntyre, Fairgrove.
Perry H. Peters, Davison.
Harry L. Shirley, Galesburg.
John J. Sleeman, Linden.

TENNESSEE.

O. L. McCallum, Henderson.

SENATE.

TUESDAY, *July 15, 1913.*

The Senate met at 2 o'clock p. m.

The Rev. Collins Denny, D. D., of Richmond, Va., bishop of the Methodist Episcopal Church South, offered the following prayer:

O Lord, we acknowledge Thee as the God of our fathers. We thank Thee for the way in which Thou hast led this people. We pray Thee to keep us mindful of the fact that we are constantly needing Thee. Show us the weakness which is so characteristic of us, how readily we yield to temptations to which we are subjected, how greatly we need what Thou alone canst give to us.

And now grant to the men who are here in large and responsible positions all the help they need to fulfill the obligations that rest upon them. And grant also to the people whom they represent that they may be moved with the right spirit to give support and encouragement and loyal fealty to those who are here representing in the Capital of the Nation the great affairs of this people.

Above all, we pray Thee that Thou wouldst make us Thy people, a people after Thine own heart, free from the evil that tears down national life, and clothed with the righteousness that gives perpetual existence to the people who follow after Thee.

May the blessing of God rest richly upon every Member of this Senate, upon the entire National Government, upon the whole people. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CHARLOTTE J. HUSTED AGAINST THE UNITED STATES (S. DOC. NO. 133).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Charlotte J. Husted, widow of Henry Husted, deceased, *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MAY STANLEY.

Mr. BRYAN. I am directed by the Committee on Claims to report back favorably without amendment the bill (S. 1644) for the relief of May Stanley, and I submit a report (No. 81) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to know from the Senator what the claim is and upon what basis a payment is asked.

Mr. BRYAN. Mr. Stanley was superintendent of the Indian reservation. There is a very full report prepared by the supervisor sent to investigate the matter.

Mr. GRONNA. We can not hear the Senator on this side.

Mr. BRYAN. I say, the bill is based upon the death of the superintendent of an Indian reservation. The appropriation for the amount carried in the bill was incorporated in the Indian appropriation bill and passed by the Senate, but it was stricken out in conference.

The facts, briefly stated, are that Stanley, the superintendent, when on a visit to the reservation, was murdered. Five or six Indians were tried and convicted for the murder. It seems from this very full report that some of them had formed a conspiracy to murder the superintendent when he came to the reservation. Mr. Stanley lingered after having been shot for 8 or 10 hours. He was attended by physicians and every attempt possible was made to save his life, but he died. The bill includes an appropriation to pay the physicians.

Mr. SMOOT. The House objected to the insertion of it in the appropriation bill?

Mr. CLAPP rose.

Mr. BRYAN. The Senator from Minnesota can state fully about the matter.

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. BRYAN. Certainly.

Mr. CLAPP. The only objection to it was on the ground that it did not belong to the Indian appropriation bill. It has passed the Senate twice. I put it on the Indian appropriation bill, I know, after conference with the chairman of the Committee on Claims of the Senate, and it passed the Senate, but the House conferees objected to it. They had no objection to it except that they objected to its being on the Indian appropriation bill. It is a very meritorious case.

Mr. BRYAN. I wish to say to the Senator from Utah that I realize it is a bill out of the ordinary, but it strikes me, as it did the other members of the committee who examined the bill, that it is one of those unusual cases which deserve and demand unusual treatment. If the bill is passed, I will ask consent to have incorporated in the RECORD the report of the supervisor, so that it may not be taken as a precedent in all cases.

Mr. SMOOT. The passage of the bill by the Senate is not going to hasten the passage of the bill in the House. Therefore I object to the consideration of the bill.

Mr. CLAPP. Will the Senator withhold his objection for a moment?

Mr. SMOOT. Certainly.

Mr. CLAPP. I wish to say to the Senator that near the end of the calendar there are two or three measures which will defeat the passage of calendar measures beyond that point undoubtedly for the balance of the session. I do not believe that this or any other bill that goes below the last railroad measure on the calendar will be reached on the calendar in regular order at the present session. I hope the Senator will withhold his objection. It is a very meritorious matter.

Mr. SMOOT. I should like to ask the Senator if the Claims Committee of the House is even organized as yet?

Mr. JONES. Yes.

Mr. CLAPP. I am advised that it is.

Mr. WORKS. Mr. President, I hope the Senator from Utah will not insist upon his objection to the consideration of the bill. I am quite familiar with the circumstances. This woman was left with two or three small children and is in need. If the bill is to be passed, it is important that it should be passed as soon as possible. I see no reason why it should be delayed. It is a meritorious claim that I think the Government ought to recognize, and recognize promptly.

Mr. SMOOT. I should like to ask the Senator from California what responsibility the Government has for the killing of this man?

Mr. WORKS. It has no responsibility except that he was in the regular performance of his duty, and he was shot down while he was performing his duty. If that does not give rise to a case where the Government ought to recognize the claim of his widow and children, I do not know how you can find one where it would be just and proper that it should allow the claim. It seems to me to be a just claim.

Mr. SMOOT. Does the Senator take the position that in the case of every employee of the Government killed while in the employ of the Government his family should be paid by the Government?

Mr. WORKS. No; not necessarily; but the circumstances surrounding this transaction are such that it seems to me the Government ought to recognize this claim. It is a matter of justice.

Mr. SMOOT. These are the circumstances I wanted to know something about. If the Government is responsible, I am perfectly willing that the claim should be paid; but if the Government is not responsible, I do not see why the precedent should be established.

Mr. WORKS. I think that the precedent has been established in a good many cases already, and if there ever are cases where the Government ought to make an allowance, it seems to me that this is one of them.

Mr. SMOOT. I will ask the Senator if he knows how much the claim is for?

Mr. WORKS. The chairman of the committee can state the amount.

Mr. BRYAN. I did not understand the Senator.

Mr. SMOOT. What is the amount of the claim?

Mr. BRYAN. Five thousand dollars for the widow, and not to exceed $1,000 for the services of the physicians.

Mr. SMOOT. Mr. President, there is a law on the statute book now which provides that the families of all employees on the Panama Canal who lose their lives shall be paid one year's salary. The Committee on Claims in the past has followed that rule pretty closely. In this case they are going outside of the rule entirely and giving $5,000 to the widow, and an additional amount for each child, I understand.

Mr. CLAPP. No.

Mr. BRYAN. Mr. President, this is a very different case from those. This man Stanley had reason to believe, and undoubtedly did believe, that he was risking his life when he went upon that reservation. He was ordered to go there, and he did go, and in the performance of that hazardous duty to the Government he was shot down in cold blood by the wards of the Government.

It seems to me that that is a different case from one where a man is in a peaceful pursuit, where the dangers are not so great. If the Senator from Utah will read this record he will see that several minutes before Stanley was killed he became aware of this conspiracy. Even the night before he was killed he was invited to go to the schoolhouse. They wanted to discuss matters with him. He refrained from going there. He met them in the schoolhouse the next morning. He made a request of one of the Indians to remain and discuss with him a question with reference to a place where a road had been placed across the reservation. He told him that he wanted to discuss that matter with him. This Indian told him, in effect, that he did not care to talk with him about it, and walked out. Stanley told the Indian to come back, that he wanted to talk to him. He refused to come, and then Stanley went outside of the door and was shot down. One or two others with Stanley were shot, but not killed. Five or six of these Indians were convicted of the murder. The case shows that a conspiracy existed to murder this superintendent.

Now, that is not the usual ordinary case of a man who by misfortune is injured or loses his life while engaged in a public work.

Mr. SMOOT. How long had Mr. Stanley been superintendent of the Indian reservation?

Mr. BRYAN. I do not remember. I do not think the report shows.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Idaho?

Mr. SMOOT. The reason why I asked the question is because the Senator said Stanley was ordered to go to that Indian reservation, and that in compliance with that order he lost his life.

Mr. BRYAN. Yes.

Mr. SMOOT. Knowing that in going there he took a hazardous risk.

Mr. BRYAN. Oh, undoubtedly.

Mr. SMOOT. I should like to have the Senator explain in what way it occurred.

Mr. BRYAN. The report is quite long.

Mr. SMOOT. We have not had a chance to read the report.

Mr. BRYAN. If the Senator wants to discuss it, we can do that, or he can object to the consideration of the bill.

Mr. BORAH. Mr. President, is the debate on the bill proceeding under unanimous consent?

Mr. BRYAN. It is. It has not been obtained yet.

The VICE PRESIDENT. The request has not yet been granted.

Mr. BORAH. I should like to know whether the Senator from Utah is going to object to it or not.

Mr. SMOOT. From what I have already heard, I feel like objecting to the bill until the report is either read or some one has had a chance to explain it.

Mr. BORAH. I understand the bill comes from the committee with a unanimous report.

Mr. SMOOT. There is nothing before the Senate to show that, Mr. President.

Mr. BORAH. The only thing that I rose to learn is whether objection is made, so that we may know whether we are to go on with the debate or whether the bill is to go over.

Mr. SMOOT. I think I have a perfect right to ask the Senator from Florida questions in relation to the bill. If not, I shall certainly object to its consideration and let it go over, so that I can read the report myself.

Mr. CLAPP. If the Senator will yield, I suggest that at least that portion of the report which embodies the recommendation of the department be read. It will take only a moment.

Mr. CLARKE of Arkansas. Mr. President, before that is done I desire to address an inquiry to the Senator from Florida. Out of what fund is it proposed to pay the amount appropriated by this bill—out of a fund belonging to the Indians and in the possession of the Government or out of the revenues of the Government of the United States?

Mr. BRYAN. The bill provides for the payment to be made out of the general revenues of the United States.

Mr. CLARKE of Arkansas. If there is any fund in the United States Treasury to the credit of that particular tribe, the

amount ought to be paid out of that particular fund. It ought not to be made a liability against the general revenues of the Government, and thereby set a precedent which will be continually returning here as a foundation for doing things that ought not to be done. If the Indians entered into a conspiracy to murder the superintendent of the reservation or of the school, whatever loss or inconvenience results from that ought, for its correctional value, to be suffered by the Indians.

I do not think it would be a just disposition of the matter to make the United States Government pay the amount called for out of the Treasury if the Indians have any money to their credit.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Florida a question. There is provision for an appropriation of $1,000 for a physician's services, as I understand.

Mr. BRYAN. It is not to exceed a thousand dollars.

Mr. SHAFROTH. Is there any information as to how much those services were worth?

Mr. BRYAN. I can state to the Senator the amount of the bills rendered. It was $900.

Mr. SHAFROTH. If the superintendent died within eight hours after being shot, is not that a pretty high price for the services of a physician?

Mr. BRYAN. I think so; but I will read to the Senator what the officer of the Government who made the examination reports:

> Physicians were summoned to the aid of Supt. Stanley and Selso Serrano, as follows: Dr. Martin, from Riverside; Dr. C. E. Arnold, of San Jacinto; and Dr. Straufer, of San Jacinto. They made the trip in the night over the mountains by automobile and have submitted bills as follows, for which legislation should be secured to cover:
>
Dr. Martin	$500
Dr. Arnold	250
Dr. Straufer	150

The bill reported to the Senate does not bind Congress to pay that amount, but to pay so much of it as may be necessary to satisfy those claims. I apprehend that if the bills are too large the department will not pay them.

Mr. SMOOT. Mr. President, this bill can be taken up some other day by unanimous consent. If the report and the bill are all right, I certainly shall not object, but I do want to read the report. Therefore I object to the consideration of the bill at this time.

The VICE PRESIDENT. Being objected to, the bill will go to the calendar.

Mr. BRYAN. I ask that the report of the supervisor be printed in the RECORD, so that Senators interested in the matter may have an opportunity to examine it.

The VICE PRESIDENT. The report and bill will be printed in the RECORD.

The bill and report are as follows:

A bill (S. 1644) for the relief of May Stanley.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School, in California, who lost his life in the discharge of his duty; also to pay for medical and other necessary expenses, including funeral and administration expenses, incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

REPORT OF SUPERVISOR FRANK H. THACKERY IN RE THE MURDER OF SUPT. WILL H. STANLEY.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Carson School, Stewart, Nev., June 21, 1912.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In compliance with the instructions of your telegram of May 4, which reads in part:

"Submit detailed report giving all facts, including information why Indians refuse to recognize Government authority, and make recommendations regarding best mode of handling situation, and cooperate with United States attorney in vigorous prosecutions of parties involved in shooting, which report should contain sufficient information for department to take action for requesting congressional relief of family of Stanley and payment of medical bills of Stanley and policeman."

I arrived at the Soboba School on the morning of May 3. On May 4 I visited the Cahuilla Day School in company with Special Officer B. B. De Crevatieur and carefully investigated the situation there with especial reference to whether or not the Indians had been supplied with intoxicants on the evening prior to the murder of Supt. Stanley. Practically all of the Cahuilla Indian men were absent from the reservation at the time of this visit. I found no satisfactory evidence of the introduction of intoxicants. Five or six of the Indian men were in Riverside, where they had gone to consult with their attorney, Mr. Miguel Estudillo. The other Indians had apparently gone into the mountains fearing arrest, or possibly to the other reservations to notify their friends of the killing of Mr. Stanley and of the need of united action.

GOVERNMENT AUTHORITY OVER INDIANS.

These Cahuilla Indians have been trouble makers for many years, and it appears that they have never had superintendents or agents with whom they could agree. They have continually refused to recognize the authority of the Federal Government over them or over their landed or other property in which the Government has an interest. The better educated members of the malcontent element of these people are shrewd enough to cunningly assert that they are friendly to the Government, etc., and that their objection is against the men sent by the Government, who they claim are arbitrary and tyrannical and will let them have no voice whatever in the management of their affairs. This, however, is a mere pretext, and the real objection is unquestionably one against the authority of the Government over them rather than against any particular superintendent who has been sent to them. They have for a long time claimed the right to govern themselves, giving as their reasons the fact that they occupied this particular country prior to the coming of the white man, and that inasmuch as they and their ancestors have occupied this country for generations they are now unwilling to have the white people come in and exercise any authority over them or their property.

There are only about 30 families of the Cahuilla Indians now living on the reservation, which was set aside by an Executive order of President Grant under date of December 27, 1875. Of these 30 families, it is safe to say that 25 of them are opposed to the exercise of any Federal authority over them. They are a stubborn, independent, and self-confident people. Many of them speak English, and all speak Spanish. They possess that degree of politeness common to the Mexican people with whom they have been associated for many years. The first impression of them, therefore, either individually or collectively, and especially by anyone not connected with the Government, is likely to be favorable.

As suggested above, they have been dissatisfied with and complained of every superintendent or agent sent them by the Government. They have been outspoken in their threats against various officials of the Government, and it is reported that on one occasion they required the superintendent or teacher in charge at Cahuilla to remove a fence which he was building about the day-school premises to a point designated by them; on another occasion, when the person in charge was digging a vault for an outhouse, they required that it be filled up and dug in another place designated by them. Unfortunately these demands appear to have been complied with, even though it was apparent that the only object back of the demands was that of showing and establishing the authority which they claimed to have over the whole reservation. On another occasion they held Supt. Francis A. Swayne in his office by force for a considerable length of time attempting to intimidate and coerce him into complying with some similar request from them.

The extent or persistence of their objection to any particular superintendent appears to have been in exact proportion to the effort put forth by the superintendent in his endeavor to carry out the policy of the Government for their moral, intellectual, and industrial advancement.

LEONICIO LUGO.

For several years these Cahuilla Indians have been under the very unfortunate leadership of one Leonicio Lugo, a full-blood member of their tribe. Mr. Lugo speaks and writes the English language very well. It is perfectly apparent that his only aim is to make himself a chief or leader of all of the Mission Indians of southern California, and that he is attempting to accomplish this by uniting and securing the active support of those who have very properly been termed the "malcontents," which comprises that element of the various bands of Mission Indians who are opposed to Federal jurisdiction over their affairs. These malcontents came very prominently into existence about the time that the various superintendents of the southern California jurisdictions united, under suggestion from your office, in an earnest and energetic effort to put a stop to the unlawful liquor traffic then so common amongst these Indians, and also to stop gambling at the frequent gatherings commonly known among these Indians as "fiestas." These fiestas have been held with increasing number and interest amongst the Mission Indians for many years, and the principal feature of the fiesta appears to have been gambling in various forms. It was, therefore, and still is, particularly desirable that this degrading, improper, and unlawful practice should be stopped, and the various superintendents amongst these Mission Indians have put forth commendable effort to this end, some of them by permitting the gathering under the name of fiesta, but substituting amusements other than gambling and drinking. These Indians are natural-born gamblers, and many of them fond of intoxicants, and many of them naturally resent the action of the various superintendents in preventing these unlawful practices.

This Mr. Leonicio Lugo has been shrewd enough to grasp the opportunity, and has made it a point to visit these fiestas or other gatherings of the Indians for the purpose of uniting the malcontent element as his followers.

Since his visit to Washington about two years ago he has made all sorts of misrepresentations to these Indian people, attempting to convince them that he was able to accomplish wonders for them on this visit. As an illustration of this, the day-school teacher at Cahuilla, Mr. Carl Stevens, advised me that among other things Mr. Lugo represented upon his return that while in Washington he found out that Supt. Stanley had assisted the white people surrounding the Cahuilla Reservation in stealing from the Indians a large part of their original reservation, whereas the reservation is exactly the same to-day as it was on December 27, 1875, when set aside by President Grant. Mr. Lugo has also made many misrepresentations with reference to promises made to him while in Washington. For instance, he has claimed that the President had promised that the Cahuilla Indians should be given full title to their reservation and that they would be allowed to make their own laws and govern themselves. It is evident that Mr. Lugo failed to secure favorable action in any of the things which he claimed he could accomplish for his people, and that he has manufactured such statements as these in the hope that he can retain and increase his influence over the Mission Indians.

Mr. Lugo presents a very good appearance, but I am convinced, along with those superintendents who know him best, that he is unscrupulous, dishonest, and lazy. He has no property and cultivates no land and lives in one of the most miserable huts I have ever seen occupied by a human being. He might properly be referred to as a cancer on the Indian community for he lives almost entirely upon the labors of others and is not in any sense a producer of anything good, although he is strong and able-bodied.

It is this Leonicio Lugo who is indirectly responsible for the acts of disobedience and insubordination to former Supt. Francis A. Swayne, as set out in his letter to your office of March 20, 1911, "Education superintendencies 102298-1-1910, 12487-6-1911, Inspection, F. L. S." He is the moving spirit in opposition to real progress amongst the Indians and in the open and surprising defiance of authority. To him can be traced a large part of the troubles between the superintendents and the Indians, not only of the Soboba jurisdictions, but also of the

other southern California jurisdiction, and finally, it is he who is indirectly responsible for the cold-blooded murder of Supt. Will H. Stanley. It may be that sufficient evidence can not be brought to light to convict Mr. Lugo before a court of justice, but the fact remains that he is the one who has put discontent, disloyalty, insubordination, and defiance of authority, and, I believe, murder into the minds of these people by malicious misrepresentations. He has first encouraged and later insisted that the Indians resist the authority of the superintendents and that they recognize him (Leonicio Lugo) as their supreme authority. He has even ordered the other Indians not to consult with their superintendents except through him, and he has been able to enforce this order to a considerable extent. I say, then, that these Indians were not opposed to Mr. Stanley personally, but through the efforts of Mr. Lugo they had become bitterly opposed to the authority of the Federal Government over them, and the local superintendent being the medium of expression between the Government and the Indian people, they have given expression to this opinion by defying the authority of every agent and superintendent sent to them by the Government, and finally, by the murder of Supt. Stanley, who, I can assure you, was a true friend of the Indians. I knew him well. He was of a very kindly, congenial, and happy disposition. He was efficient, loyal, and absolutely honest and was full of life and energy.

The esteem in which Mr. Stanley was held is very well shown in the various newspaper accounts of the San Jacinto Register of May 9, 1912, copy of which I submit marked "Exhibit A." He was not afraid to do his duty, no matter how trying or serious the circumstances might be, but with this he was cautious and diplomatic and entirely reasonable. His attitude toward the Cahuilla people, and particularly toward Mr. Leonicio Lugo, is clearly shown in his various communications addressed either to your office or to Mr. Lugo, copies of which were furnished you in Supt. Stanley's reply to the charges made by Mr. Lugo under date of October 25, 1911. These charges on the part of Mr. Lugo close with the following paragraph:

"I have attached affidavits here substantiating these charges, and we respectfully ask you to send us some other superintendent. We are a peaceful people and we want to obey all the rulings of your department, but we are crying out for redress and deliverance from the man you have placed over us."

The following is a true copy of a letter addressed by Mr. Lugo in his own handwriting to former Supt. F. A. Swayne, then of the Cahuilla Reservation, and further shows the attitude of Mr. Lugo in the matter of authority over these Indian people. The original letter, along with a number of others herein referred to, has been transmitted by me to the United States attorney for his use in connection with the trial for the murder of Supt. Stanley. This letter is as follows:

CAHUILLA, *December 16, 1910.*

Mr. F. A. SWAYNE.

DEAR SIR: You know yourself I am appointed here as the captain for the people and I have to do my duties upon the reservation as long as the people want me the captain for.

Very respectfully,

Capt. LEONICIO LUGO.

In his reply to the charges of Leonicio Lugo, Supt. Stanley states:

"I have the honor to herewith make the following explanations, taking up the letter of Leonicio Lugo first. Mr. Lugo states that 'We are willing to get along with any man who will treat us fairly and who will have patience to deal with us as we think we should be dealt with. We are not asking very much, only to be allowed to elect our own captain and our own judges, and to be allowed to remain on the lands that our forefathers lived on for generations past, given long before the white man ever coveted our country.'

"In reply, I respectfully refer to my letter to office under date of September 5, 1911, telling of my visit to Cahuilla—the reservation on which said Leonicio Lugo resides—and to inclosed letters of Lugo, and his replies, relative to the selections of their captains and their judges."

Mr. Lugo shows his determination to rule or ruin by his statement, "We are willing to get along with any man who will treat us fairly and who will have the patience to deal with us as we think we should be dealt with."

I was unable to secure copies of all of the letters referred to. However, I attach copies of all that I was able to secure, marking them "Exhibit B." Supt. Stanley continues, in his explanation of these charges, as follows:

"The facts stand out prominently that this Lugo does not desire to keep his word in this instance, but wishes to go away back into ancient history when the word of their captain and judge was law, and when these officers brought up any one of their people for any crime, either of omission or commission, and found them guilty and assessed them severely and divided the fine or spoils between them. This is a custom that Lugo and the older people are fighting for, and which this office has taken a decided and firm stand against, urging the election of these reservation officers, but also stipulating that these officers must abide by the regulations of 1904 and any other instructions that the office sent out, your regulations being the predominant law and order and not that of the tribal officer. The younger generation who have been off to school do not acquiesce in this matter unless they are frightened into it by the older people."

The strongest enemies of Leonicio Lugo amongst the Mission Indians are the returned students or educated and prosperous Indians.

Both the correspondence and my personal observations, as well as the expressions of other officials and private citizens who knew Mr. Stanley best, show clearly that he has always been a true and conscientious friend of the Indian. He was always for progress, but when he came across an obstacle to progress, as in the case of Leonicio Lugo, he was patient and sympathetic and did everything possible and within reason to win him over and enlist him also as a friend of progress and of the best interests of the Indian people. Mr. Lugo, however, has shown himself to be an impostor and anything but a true friend of his own race, which he represents himself to be. He might be partially excused for some of his acts if he were an uneducated Indian, but such is not the case. He knows the ways of the world well, but nevertheless he has been persistent in his actions which are intended to unite all of the Mission Indians of southern California in an attempt to overthrow the authority of the Federal Government over them, and all in order that he may have a little temporary fame, but more particularly to enable him to collect "easy money" from his fellow tribesmen.

THE MURDER.

After consideration of the charges made by Mr. Lugo and the answers thereto by Supt. Stanley, your office, by letter, "Education, law, and order, 4174–1912, F. L. S." dated February 20, 1912, exonerated Supt. Stanley, and inclosed a letter therewith to Mr. Lugo, which was transmitted by Supt. Stanley to Mr. Lugo on February 26, 1912, by letter, a copy of which I attach hereto and marked "Exhibit C."

It is rather significant that it was on the first visit of Supt. Stanley to the Cahuilla Reservation after the receipt of this office letter by Leonicio Lugo that he was murdered. I am unable to secure copies of either the office letter to Supt. Stanley or to Mr. Lugo.

On April 27, 1912, Supt. Stanley sent the following message:

PEDERSEN, *Expert Farmer, Thermal, Cal.:*

Your letter 24th. Expect to leave for Cahuilla Wednesday next. Better come in Tuesday.

STANLEY, *Superintendent.*

On April 28, 1912, he wrote the following letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
SOBOBA INDIAN SCHOOL,
San Jacinto, Cal., April 28, 1912.

Mr. JOHN LARGO,
Indian Police, Cahuilla Reservation, Cahuilla, Cal.

FRIEND LARGO: I expect to come up Wednesday next if nothing unforeseen happens. Please find out where all of the Government bulls are at Cahuilla so that we may brand them when I come up. Get two or three men to assist us. I will not be able to pay them anything for the work, but I think they ought to be willing to help for the use of the cattle. Selso will be up with me along with David and Jose Juan, and I think we can take care of the bulls all right. I received the $20 from Mr. Stevens all right and want to thank you for the favor. Tell Mr. Stevens that I will be up next Wednesday and that I would write him, but I have not time before mail to-day. We will take up the matter of the road that Cornelio is building when I come up.

Very hastily,

WILL H. STANLEY, *Superintendent.*

The envelope attached to this letter shows it to have been mailed on the same day that it was written.

The matter of branding Government stock is referred to in office circular No. 608, and in the letter of Supt. Stanley addressed to your office on March 24, 1912, copy of which is hereto attached and marked "Exhibit D." It appears that Mr. Stanley had arranged with Additional Farmer C. A. Pedersen to accompany him on this trip for the purpose of taking up various matters on the Cahuilla Reservation, one of which was the branding of the Government stock there. On April 29, 1912, your office wired Supt. Stanley as follows:

INDIAN SCHOOL, *San Jacinto, Cal.:*

Submit complete report with respect attitude of malcontents on Cahuilla Reservation with recommendation concerning action.

HAUKE,
Second Assistant Commissioner.

Supt. Stanley answered this telegram on April 30, as follows:

Your telegram April 29 relative to malcontents at Cahuilla Reservation. Am leaving for this reservation to-day and will forward report upon return.

STANLEY, *Superintendent.*

It appears that Supt. Stanley arrived at the day school on the Cahuilla Reservation on the evening of May 1 in company with C. A. Pedersen, agency farmer, and Selso Serrano, forest guard and special police. It is claimed that some of the leaders amongst the malcontents invited Mr. Stanley, Carl Stevens, the day-school teacher, and Mr. Pedersen out to an Indian war dance at one of the Indian's homes near the Cahuilla day school on this same evening (May 1), and that later developments show that it was the intention of the Indians, in case the invitation was accepted, to get into some sort of controversy with them as an excuse for leading up to a fight, which was to result in the murder or killing of the three white men named.

Although I believe that the murder of Supt. Stanley was premeditated, I did not find satisfactory proof of the above plan. When considered in connection with some of the circumstances and subsequent developments, however, it appears that such a scheme may have been in the minds of the Cahuilla people. These Indians are wise enough to know that there would be less evidence against them in an act of this kind if they could consummate the crime at night when it was dark and at a time when there would be no witnesses except the parties to the affair. The attempt on the following morning to kill Carl Stevens and Mr. Pedersen, as well as the two Indian police, immediately following the fatal shot at Mr. Stanley, must have represented an attempt on their part to get rid of all witnesses who might later appear against them in the prosecution.

Mr. Stevens had heretofore been on very friendly terms with all of these people and Mr. Pedersen was a stranger to them, and the unusual bravery and loyalty of the two Indian officers, John Largo and Selso Serrano, convinced the leaders of this affair that they must get rid of them also if possible in order to lessen the chance for their conviction in the trial to follow. At any rate it is certain that several of these leaders in the fight, led by Ambrosia Apapas, made a strenuous effort to kill Mr. Stevens, Mr. Pedersen, and the two Indian officers after the fatal shot at Supt. Stanley.

When Apapas shot Mr. Stanley, a number of remarks were heard from the onlookers, such as "Give him another one" and "Shoot him again." It seems, therefore, quite reasonable to suppose that they may have had similar intentions on the evening before. Be this as it may, neither of the three men attended the Indian dance on the night of May 1.

After Mr. Stanley's arrival at the day school he sent Policeman John Largo, on the same evening (May 1), to notify Mr. Cornelio Lubo to come to the day school on the following morning for consultation. Mr. Stanley did not call a general meeting of the Indians, and the only person sent for was this Cornelio Lubo. On the following morning (May 2), however, all of the men then on the Cahuilla Reservation came in a body, there being about 25 of them, headed by Leonicio Lugo as their leader and spokesman. They arrived at the day school about 8 o'clock in the morning, and Leonicio Lugo called at once at the cottage of the day school-teacher, where Mr. Stanley had spent the night, and asked if Supt. Stanley was there. Being advised by Mr. Stevens that he was, Mr. Lugo stated that they would like to see him. Mr. Stanley then appeared upon the porch and greeted Mr. Lugo, saying that he would be glad to see them and suggesting that they go to the school building (about 4 rods away), where they would find plenty of seats, and adding that he would be there in a few moments. Accordingly, Mr. Stanley went down to the school building about 8.30 or 9 o'clock in the morning, and was accompanied by Carl Stevens and C. A. Pedersen. Selso Serrano was in the schoolroom from the beginning of the meeting, but the other officer, Mr. Largo, did not arrive until some time after the meeting had started. Ignacio Costa, the regular interpreter for the malcontent element, acted as interpreter for the Indians. Leonicio Lugo was the first to speak, and at once demanded, in an unfriendly

and improper way, to know why Supt. Stanley had sent for Cornelio Lubo the night before and what he was wanted for.

It appears that Cornelio Lubo had changed a public road which had been worked and used by the public for many years, and that he had done so in defiance of the authority of Supt. Stanley, who had previously experienced some difficulty in the closing or changing of public roads by the Indians without their first securing proper authority. This, no doubt, is the matter referred to in the last sentence of Supt. Stanley's letter to John Largo, above quoted, wherein he says, "We will take up the matter of the road that Cornelio is building when I come up." It appears also that some time prior to this Leonicio Lugo had changed a public road without proper authority.

Replying to Leonicio Lugo, Supt. Stanley advised him in effect that he wished to discuss a private matter with Cornelio Lubo and that it did not concern the other Indians, and that he and Cornelio would discuss this matter privately later on. Mr. Lugo then advised Supt. Stanley, in a very insubordinate and boastful manner, that he, Leonicio Lugo, was in full authority and control of the Cahuilla Reservation, and that he (Supt. Stanley) had no authority whatever there; that if Supt. Stanley wished to discuss any matter with any of the Cahuilla Indians it must be done only through him (Leonicio Lugo). Mr. Lugo also informed Supt. Stanley in the same improper way that he had heard that he (Stanley) had come up to brand the Government bulls, to which Mr. Stanley replied that it was true that this was one of the purposes of his visit, and he further explained that he was acting under instructions from your office (see Circular No. 608, supra) in doing so. Mr. Lugo first said they would refuse to permit the bulls to be branded, but when Supt. Stanley insisted that it must be done, Mr. Lugo then told Mr. Stanley that if he branded the bulls he must immediately remove them from the reservation. Supt. Stanley had with him his office copy of the Indian Office Regulations of 1904 and also a copy of the Indian school rules.

When I visited the day school, on May 4, I found these still in the room where the meeting was held with the Indians, and in the regulations were several marked paragraphs which Supt. Stanley had carefully explained, through the interpreter, to the Indians, and which should have convinced them that his position in the matters under discussion was correct and in harmony with the law and the regulations governing the Indian department. The two policemen, Mr. Stevens, and Mr. Pedersen, all state that Mr. Stanley was particularly careful to go into detail in explaining these acts of Congress and the regulations for their enforcement, and especially to have the Indians understand that he was not the maker of these laws and regulations, but was the person designated by the Government to put them into operation.

The following Indians made speeches at the meeting, all "lining up" with the ideas as advanced by Leonicio Lugo, the first speaker, some of them urging such action as to drag Stanley out by the hair into the road and put him off the reservation: Leonicio Lugo, Ambrosio Apapas, Francisco Lubo, Cornelio Lubo, Pablino Lubo, Apapito Lubo, Servantos Lubo, Pio Lubo, and Charley Arenas. Some of the stronger remarks or demands appear not to have been interpreted to Mr. Stanley, and he did not know of them until after he was shot.

After the discussion regarding the branding of the Government bulls, Supt. Stanley began to explain to them that Mr. Selso Serrano had recently been appointed by your office as a forest guard, and that his duties as such would be to supervise and protect the timber on their reservation, and asking the assistance of the Indians; but they refused to listen further to his statements, and broke up the meeting by leaving the room in an attitude of contempt for Mr. Stanley. As they left they remarked that they were going to drive the Government bulls up to the day school, and that Supt. Stanley must brand them while the Indians were still there, and that he must then drive them off of the reservation immediately. Just as the Indians were leaving the room Mr. Stanley called to Cornelio Lubo, saying, "Wait a minute, Cornelio, I want to see you." It will be remembered that Cornelio Lubo is the man whom Supt. Stanley expected to see about the road. Cornelio pretended not to hear Mr. Stanley, who then instructed Policeman John Largo to "tell Cornelio Lubo I want to see him." Mr. Largo so informed Cornelio Lubo as he (Lubo) was going out of the school building through the little hallway at the front entrance, and as Mr. Largo delivered Mr. Stanley's message Cornelio gave Mr. Largo a contemptuous shove against the wall. Mr. Largo then informed Supt. Stanley that Cornelio Lubo would not come and was then directed by Mr. Stanley in effect to "Go bring him in."

Mr. Largo went back and, finding Cornelio Lubo outside talking with several other men, took him by the arm, asking him to come into the school building to see Mr. Stanley. Cornelio Lubo resisted violently and took hold of Policeman Largo and was immediately assisted by five other Indians, to wit: Francisco Lubo, Pio Lubo, Apapito Lubo, Pablino Lubo, and Servantos Lubo. (There is comparatively a large number of Lubos on the Cahuilla Reservation, but they represent a number of different families not related to each other.) As soon as they had him down and held tightly, Cornelio Lubo kicked Policeman Largo severely on the back of the neck, evidently intending to kill him. Francisco Lubo took Mr. Largo's six-shooter or revolver by force. Just at this time Mr. Carl Stevens noticed, through the open door of the school building, that the Indians had overpowered Policeman Largo and so advised Supt. Stanley, who then directed Selso Serrano to assist Largo. Serrano ran out of the building some distance ahead of Mr. Stanley, Mr. Stevens, and Mr. Pedersen. As Serrano stepped out of the building Francisco Lubo made for him with the gun he had taken from Officer Largo, firing (at least one, and it is believed two shots) at Serrano, but missing. Serrano fired into the air, then into the ground, trying to stop Francisco Lubo. Either the second or the third shot of Serrano glazed the knee of Francisco Lubo, who was then within 5 or 6 feet of Serrano. I examined this wound on the knee of Francisco Lubo in the Federal jail at Los Angeles on May 6 in company with a deputy United States marshal and Inspector W. L. Dorr. It is certain that the bullet struck the knee from above, showing that the gun of Serrano was pointed downward when he fired and not intended to do serious injury. The bullet had barely cut through his trousers and underclothing, only burning the flesh of the knee and not even causing him to limp when he walked.

This shows conclusively, I think, that Serrano was trying faithfully to do his duty without serious results. By this time Supt. Stanley, Mr. Stevens, and Mr. Pedersen were on the little porch in front of the school building, and Supt. Stanley was calling to the men, "Don't shoot, boys." At this point Ambrosio Apapas (who is claimed by Serrano to have had a gun of his own) grabbed the gun from Francisco Lubo and shot Serrano in the left side, almost directly over the heart, the bullet apparently striking a rib, which caused it to glance and follow, on the outside of the rib, around the body to a point very near the spine, from whence it was later removed by the attending physicians. At the time this was done Supt. Stanley was still calling to the men, and especially to Serrano, "Don't shoot," and while Mr. Stanley was thus pleading with them Ambrosio Apapas turned, after shooting Serrano, and made for Supt. Stanley, who was still standing on the little platform in front of the school building, the platform being elevated about 3½ or 4 feet above the surface of the ground. When Mr. Stanley saw Apapas approaching, with gun in hand ready to shoot, he put up both hands, calling to Apapas, "Don't shoot me; I'm unarmed;" all of which failed to make any impression on Apapas, unless it was to strengthen his evident determination to murder Mr. Stanley and his associates. Seeing that Apapas intended to kill him, Mr. Stanley turned to retreat into the school building, at the same time apparently dodging down, and while in this position he was shot in the back by Apapas.

In his dying statement Supt. Stanley indicates that he was shot after entering the building. This, however, I am fully convinced is a mistake, for a survey of the ground, with all other available information, shows clearly that he was shot as above outlined.

Apapas immediately followed Mr. Stevens and Mr. Pedersen into the school building, firing at them as they escaped through a door in the rear of the classroom into the dining room. This bullet passed through the front flap of the coat of Mr. Pedersen, going very close to the body of both Pedersen and Stevens, who were crowded closely together (Stevens in front of Pedersen) in their attempt to escape. The door slammed behind them, and Apapas had some difficulty in getting it open, thus giving them time to escape unnoticed into a small room (a china or linen closet) off of the dining room and to close the door behind them before Apapas was able to get the door open. When Apapas got the door opened and passed into the dining room he evidently supposed they had gone through another door leading outdoors from the dining room, and rushing through that door came again on to Serrano, upon whom he again opened fire. The bullet which Apapas shot at Stevens and Pedersen went through the blackboard (after passing through Pedersen's coat) into the wall on the inside of the schoolroom, from whence I removed it. I gave it to Mr. Pedersen for use in connection with his testimony in court. After Apapas and Serrano had emptied their guns, Serrano retreated into some brush or behind some rocks near by, and Apapas turned and made for Policeman John Largo, who was then being held by several Indians.

As Apapas approached Largo, he kept pulling the trigger of his gun, then empty, and demanding that some one furnish him cartridges with which to kill Largo. Just as Apapas reached Largo he was intercepted by Charley Arenas, who disarmed him. (Charley Arenas is said to be a relative of Policeman John Largo. He has been closely associated with the malcontents on the Cahuilla Reservation, however, for several years, and during the meeting was one of the most boisterous ones and is believed to have called to Apapas as he, Apapas, shot Mr. Stanley to "give him another one.")

This ended the affair, and the Indians left the day school to go to their homes. After consultation with each other, and acting, no doubt, under the advice of Leonicio Lugo, seven of the Indian men left during the night for Riverside, where, it appears, they had planned to have a consultation with their attorney, Mr. Miguel Estudillo, before mentioned, hoping, through his assistance, to bring about the arrest of the two Indian officers, Largo and Serrano, on the pretext that these officers had caused the trouble, wounded Francisco Lubo, and claiming also that it was one of these officers who shot Mr. Stanley. Instead of going to Riverside over the most frequented and better road they took a very out-of-the-way trail which was seldom used. The party headed for Riverside consisted of Leonicio Lugo, supposed captain; Juan Costa, supposed judge; Felix Tortes, Santos Lubo, Ambrosio Apapas, Pio Apapas, and Francisco Lubo. They were overtaken at Perris, Cal., by the county sheriff, and Leonicio Lugo has since been smart enough, either through his own intelligence or through the advice of others, to advance the theory that he was bringing Ambrosio Apapas and Francisco Lubo to Riverside to turn them over to the sheriff.

CASE BEFORE THE GRAND JURY.

In harmony with your instructions I cooperated with and assisted Inspector W. L. Dorr in bringing the matter of the murder of Mr. Stanley forcibly to the attention of the United States attorney at Los Angeles, who advised us before I left that there would be little question as to the indictment and conviction of Ambrosia Apapas and Francisco Lubo on the charge of murder, and I am recently in receipt of a letter from Inspector Dorr saying that he had just been advised by the United States attorney that he (the United States attorney) expected the indictment of eight or nine Indians in all under the same charge. It is particularly unfortunate that as yet we have not been able to secure sufficient evidence to bring Leonicio Lugo to trial, for I think that he is the prime mover in the whole affair. In this connection I call your special attention to the letters shown in Exhibit B.

MEDICAL BILLS.

Physicians were summoned to the aid of Supt. Stanley and Selso Serrano, as follows: Dr. Martin, from Riverside; Dr. C. E. Arnold, of San Jacinto; and Dr. Straufer, of San Jacinto. They made the trip in the night over the mountains by automobile and have submitted bills as follows, for which legislation should be secured to cover:

Dr. Martin	$500
Dr. Arnold	250
Dr. Straufer	150

The doctors were agreed, after an examination, that Mr. Stanley had only a slight chance of recovery and that the one chance would be through an operation, which was performed between midnight and 3 o'clock in the morning of May 3. Mr. Stanley died about 4.30 or 5 o'clock on the morning of May 3. Before dying he made an antemortem or dying statement, which is shown in the copy of the testimony taken at the coroner's inquest, and attached hereto and marked "Exhibit E." This statement was written by Dr. C. E. Arnold, and evidently is not as accurate, full, and complete as it should be, although Dr. Arnold is to be commended for urging that such a statement be made. Mr. Stanley was at the time in such severe pain that it was almost out of the question for him to dictate an intelligent statement of the affair. The original has been turned over to the United States attorney for his use in connection with the trial. Exhibit E shows the nature of the wound as testified to by the attending physicians.

CONGRESSIONAL AID NEEDED.

Mr. Stanley left as his only heirs at law his wife, May Bessie Stanley, age 31; his son, Arnold Archibald Stanley, age 12 (born June 28, 1899); and his daughter, Constance Elenor Stanley, age 8 (born Aug. 6, 1903).

Mr. Stanley left no life insurance for his family. The only property left by him for his heirs is represented in two lots in Los Angeles, which are valued at about $1,500 each, but on one of the lots he had

paid only about $130 and on the other he still owed $750. Thus you will see that the family is left almost without anything for their support. In addition to this Mrs. Stanley is not in good health.

Inasmuch as Supt. Stanley died in the faithful, conscientious, and efficient performance of his duties, I want to especially urge that the office insist upon such legislation as will provide a pension to the family or widow of Mr. Stanley at not less than $600 per annum, subject to the same conditions under which pensions are granted to officers or men of the Regular Army.

RECOGNITION OF FAITHFUL INDIAN OFFICERS.

The unusual loyalty and faithfulness of Seiso Serrano and John Largo should be recognized by promotion. Mr. Largo should be retained as a police officer at a salary of at least $50 per month and Mr. Serrano should be made a permanent forest guard at $720 per annum.

In recognition for loyalty and efficiency during this affair Mr. and Mrs. Carl Stevens and Mr. C. A. Pedersen should receive a letter from your office commending them for faithful service during a trying ordeal.

HANDLING THE SITUATION.

I want also to urge upon your office the advisability of some early and special arrangement to handle the situation with reference to the "malcontent" element now existing and increasing amongst the various reservations of the Mission Indians of southern California. I believe that it is advisable and necessary to appoint a special attorney for the Mission Indians of southern California whose duties should be to cooperate with the superintendents of the various reservations, not only in protecting the Indians in their rights, but also in the enforcement of the Federal or other laws governing them.

I found the United States attorney's office at Los Angeles very willing to cooperate in every way possible in this matter, but the situation is such as to demand that there be some legal representative of the Government "on the ground" in order to "strike while the iron is hot." It is my judgment that there will be further trouble with these malcontent Indians, especially at the Soboba, Volcan, Malki, and Martinez jurisdictions, unless the office takes some early and decisive action to "back up" the various superintendents in better establishing and maintaining control over these Indians. An attorney on the ground for one or two years, with authority to bring proper actions for the protection of the Indians' interests and also to compel them to obey the laws governing Indian affairs, will, I believe, clear up a bad situation.

Very respectfully, FRANK A. THACKERY, *Supervisor.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 2757) to appropriate $11,500 to supplement appropriations previously made for the construction of the roadways from the Highway Bridge across the United States agricultural experimental farm, in the State of Virginia, to the southern boundary of the Arlington estate, and for the roadway extending north and south in front of the eastern boundary line of the Arlington Cemetery; to the Committee on Appropriations.

By Mr. SHAFROTH:

A bill (S. 2758) for the relief of the estate of Robert M. Hall, deceased; to the Committee on Claims.

By Mr. JAMES:

A bill (S. 2759) for the relief of the heirs or estate of Wilson Thompson, deceased; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 2760) granting a pension to Matilda C. Hellman;

A bill (S. 2761) granting an increase of pension to George M. Spanogie;

A bill (S. 2762) granting a pension to Matthew F. Whitcomb;

A bill (S. 2763) granting an increase of pension to Eugene Helmbold;

A bill (S. 2764) granting an increase of pension to Franklin J. Krause (with accompanying papers);

A bill (S. 2765) granting an increase of pension to J. Davis Duffield (with accompanying papers);

A bill (S. 2766) granting an increase of pension to Rebecca Harris;

A bill (S. 2767) granting a pension to Jesse Murphy; and

A bill (S. 2768) granting an increase of pension to John M. Hazlett (with accompanying papers); to the Committee on Pensions.

A bill (S. 2769) for the relief of Amos Gaul; and

A bill (S. 2770) for the relief of Thomas Parkinson (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 2771) granting a pension to Sallie A. Brown; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2772) granting a pension to Mary V. Canaday; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 2773) to increase the limit of cost of the public building authorized to be constructed at New Orleans, La.; to the Committee on Appropriations.

BELL OF U. S. S. "PRINCETON."

Mr. MARTINE of New Jersey. I introduce a joint resolution and ask for its immediate consideration. In connection with the joint resolution, I desire to say that I have two letters relating to the joint resolution, which I ask to have read—one from the Secretary of the Navy and the other from the clerk of the borough of Princeton.

The joint resolution (S. J. Res. 58) authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J., was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to loan to the borough of Princeton, N. J., the bell of the old U. S. S. *Princeton*, which the Navy Department loaned the borough of Princeton for use in the one hundredth anniversary of the incorporation of the borough.

Mr. MARTINE of New Jersey. I will say, Mr. President, that at my request the bell of the steamship *Princeton* was loaned to the borough of Princeton on its one hundredth anniversary. The people in that borough became so much interested in it that a movement was set on foot to request the Secretary of the Navy to loan it permanently to the borough for the purposes of exhibition. There is located there the house which was formerly the home of Commodore Stockton, who, by the way, commanded the steamship *Princeton*. It is now a public museum, and it is desired that this bell may be placed there as an object of interest to the whole neighborhood, as well as to the State of New Jersey at large. I communicated the request of these people to Secretary of the Navy Daniels and have received from him a letter, which, together with one from the borough clerk of Princeton, I have sent to the Secretary's desk and request that they be read for the information of the Senate.

The VICE PRESIDENT. Is there objection to the reading of the letters referred to by the Senator from New Jersey? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, July 12, 1913.

Hon. JAMES E. MARTINE, United States Senator,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have to acknowledge the receipt of your letter of the 9th instant, inclosing a letter from the borough clerk of Princeton, N. J., in reference to the bell of the old U. S. S. *Princeton*, which the Navy Department loaned the borough some time ago.

It is noted that it is now desired to have the bell loaned the borough as a permanent exhibit, and that they have a suitable place and ample facilities for caring for it.

The department knows of no objection to the loan of the bell for the purpose stated; but in view of the historical character of the bell, it is believed that the loan should be accomplished by means of a joint resolution as suggested within, which I will be glad to indorse.

The letter of the borough clerk is returned herewith as requested.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

BOROUGH OF PRINCETON,
MAYOR'S OFFICE,
Princeton, N. J., July 7, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SENATOR MARTINE: Through your public spirit the bell of the U. S. S. *Princeton* was loaned to us by the Navy Department on the occasion of the recent celebration of the one hundredth anniversary of the incorporation of the borough of Princeton. The enthusiasm and widespread interest in the bell not only of our citizens but also of the large number of visitors from the adjacent counties was so great that a movement was immediately started to keep the bell here for the present.

As you had accomplished so much by your prompt and energetic action, it seemed not only logical but proper to again enlist your aid to attain the wishes of our citizens. As all public property is tied up with red tape, it would appear at this distance that the most direct method would be to introduce a joint resolution in the House and Senate authorizing the Navy Department, if not incompatible with public interests, to loan the bell permanently to the borough of Princeton, subject to recall should it be found necessary in the future. This has been done repeatedly, we understand, and there is abundant precedent for it.

Fortunately there is at hand a most suitable place for its care and preservation. The widow of the late Senator John R. Thomson, who served our State so ably in the Senate (1853–1862), at her death bequeathed her handsome residence, which is on the main street of the town and surrounded by beautiful grounds, to the citizens of Princeton, under control of trustees. Thomson Hall is now used as a public library, for band concerts in summer, and for various meetings of a public character. The bell, which is of no use whatever to the Navy Department, and was stored in a building at the Philadelphia Navy Yard, would thus be given a place of high honor, where it would be viewed by thousands of visitors from all sections of the country, who annually come to visit our great university. Moreover, its possession, even as a loan, would be most gratifying to all the citizens not only of Princeton but of the surrounding towns as well. Another reason, if any be needed, is that Commodore Robert F. Stockton, who supervised the construction of the *Princeton* and was her first captain, was a native of this town and a brother-in-law of Senator Thomson, so Thomson Hall, in the borough of Princeton, would seem to be the natural resting place of the bell, which would also be a fitting memorial to so distinguished a naval officer as Capt. Stockton.

We have written to Congressman ALLAN B. WALSH, our Representative in the House, requesting him to confer with you in this matter and acquainting him with all the details in the case. An additional letter will be sent to the Secretary of the Navy, informing him of the interest taken in the service by the citizens of the State of New Jersey, of the wisdom of keeping the deeds of the Navy alive in this university town, and requesting him to aid the joint resolution by a favorable indorsement.

The local interest in this matter is so great that I will come to Washington if you will kindly name a day and hour when you can

conveniently see me and talk this over. We feel that your public spirit, of which you have given so many instances in the past, will sympathize with us in this matter, and we are sure that in applying to you we will receive your hearty cooperation.

Very respectfully, yours,

W. C. C. ZAPF,
Borough Clerk.

Mr. MARTINE of New Jersey. Mr. President, the thought has been suggested to me by a brother Senator that this bell might be presented to the borough of Princeton rather than loaned for exposition purposes, and I desire that the suggestion may be incorporated as a part of the joint resolution—that the bell be presented to the borough of Princeton, N. J., for purposes of exhibition.

I ask most respectfully that immediate consideration be given to the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration to the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CLARK of Wyoming. I understand from the suggestion of the Senator from New Jersey that his desire is that this should be in the nature of a permanent loan?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. CLARK of Wyoming. And that the Navy Department would, therefore, have jurisdiction over the bell?

Mr. MARTINE of New Jersey. Undoubtedly.

Mr. CLARK of Wyoming. I understand from the reading of the joint resolution that such is not the case, but that it is to be a gift.

Mr. MARTINE of New Jersey. No; in the joint resolution I have provided that the bell is to be loaned to the borough of Princeton. Afterwards I asked, upon the suggestion of a brother Senator, that the joint resolution be modified to provide that the bell should be presented to the borough of Princeton for purposes of exhibition.

Mr. CLARK of Wyoming. I rose, Mr. President, to call attention to the fact that the letter of the Secretary of the Navy contemplates one thing, and the suggestion of the brother Senator, to whom the Senator from New Jersey refers, contemplates another thing.

Mr. MARTINE of New Jersey. Well, I realize that is true, and I withdraw my latter proposition with reference to the bell being a gift and will allow the joint resolution to remain as originally drawn, that the bell be loaned to the borough of Princeton. They have a splendid museum to which the bell will be a credit, and I think the people will be proud of it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARY OF SECRETARY OF STATE.

Mr. BRISTOW. I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 132) was read, as follows:

Whereas from 1789 to 1799 the salary of the Secretary of State was $3,500 per annum, during which period the office was occupied by Thomas Jefferson and Edmund Randolph; and

Whereas from 1799 to 1819 the salary of the Secretary of State was $5,000 per annum, during which period the office was occupied by such eminent statesmen as John Marshall, James Madison, James Monroe, and John Quincy Adams; and

Whereas from 1819 to 1853 the salary of the Secretary of State was $6,000 per annum, during which period the office was occupied by such eminent statesmen as Henry Clay, Martin Van Buren, Daniel Webster, John C. Calhoun, and James Buchanan; and

Whereas from 1853 to 1911 the salary of the Secretary of State was $8,000 per annum, during which period that high office was occupied by such eminent statesmen as William H. Seward, James G. Blaine, Thomas F. Bayard, Walter Q. Gresham, Richard Olney, John Sherman, John Hay, and ELIHU ROOT; and

Whereas during this long period of time no one of these eminent statesmen was compelled to neglect the duties of the office because of the meagerness of the salary; and

Whereas during the year 1911 the salary of the Secretary of State was increased from $8,000 to $12,000 per annum; and

Whereas the "Great Commoner" now holding that high office, Hon. W. J. Bryan, has stated in the public press that the salary of $1,000 per month is not sufficient to enable him to live with comfort, and that because of the meagerness of the salary of $12,000 per annum he is compelled to neglect the duties of his office and go upon the lecture platform in order to earn a living; and

Whereas there are now pending before the Department of State matters of the highest importance to the Nation, affecting the relations of our country with Mexico, Japan, England, and other foreign countries that demand the most earnest, careful, and continuous attention of the Secretary of State: Therefore be it

Resolved, That the President be requested, if not incompatible with the public interests, to advise the Senate what would be a proper salary to enable the present Secretary of State to live with comfort and to enable him to give his time to the discharge of his public duties for which he is now being paid the sum of $1,000 per month; and be it further

Resolved, That the President be respectfully requested to give this subject as prompt attention as his convenience will permit in order that Congress may take immediate steps to relieve the country from the great loss which it suffers by being deprived of the services of the present Secretary of State, though it is now paying for such services at the rate of $1,000 per month.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the resolution.

Mr. KERN. I object to its present consideration.

The VICE PRESIDENT. Objection being made, the resolution will go over.

Mr. WILLIAMS. Well, Mr. President, I should like to ask, as a mere matter of curiosity, who is the personal author of that delightful piece of humor?

The VICE PRESIDENT. The resolution was presented by the Senator from Kansas [Mr. BRISTOW]. That is all the Chair knows about it.

Mr. BRISTOW. The resolution was prepared and presented by myself, and, in my weak way, I undertook to express my views and recite some historical facts.

Mr. WILLIAMS. Mr. President, I have known the Senator from Kansas for a long time and respect him very highly, but I never suspected before this morning that he was capable of that amount of irony, sarcasm, and humor all in one resolution, especially in the "whereases" of the resolution. So I am almost tempted to ask the Senator from Kansas if he did not obtain help of some sort in preparing that resolution? [Laughter.]

Mr. BRISTOW. Well, that is a somewhat personal question, and of course if it were asked by any other Senator than the Senator from Mississippi, I should decline to answer, but I can not refuse to answer any question which he may ask me. I must confess that no one is responsible for a word contained in the resolution except myself, and I very gladly assume the responsibility, because it seems to me that the author and the promoter of the idea of the "dollar dinner," concerning which we have recently heard so much, should himself and wife now be able to live very comfortably in the Capital of the Nation on $1,000 a month. It is with great regret that we are to be deprived of the services of the distinguished Secretary of State——

Mr. KERN. Mr. President, a question of order.

Mr. BRISTOW (continuing). For the first time in the history of the country a Secretary of State, because the Nation refuses to pay a sufficient amount to enable him to live comfortably, though I am free to say that he is now receiving the same salary as other Cabinet officers——

The VICE PRESIDENT rapped with his gavel.

Mr. BRISTOW. I have the floor, I believe.

The VICE PRESIDENT. No; the Senator from Indiana has raised the question of order.

Mr. KERN. The point of order is that the resolution was offered, and, under the rules, it goes over, if there is objection. An objection was made; therefore the resolution is not before the Senate for discussion, but Senators are proceeding to discuss it. I insist they are out of order.

The VICE PRESIDENT. The Chair rules that Senators were proceeding by consent. There being an objection, they are out of order, and the discussion should cease.

Mr. BRISTOW. The discussion, I understand, is in order unless something else is being done. I should like to appeal to my good friend the Senator from Indiana to permit this resolution to pass.

Mr. KERN. The "Senator from Indiana" has exercised his right to object to the present consideration of the resolution. The resolution goes over under the rule. When it comes up in proper form perhaps the "Senator from Indiana" will be prepared to say something on the subject of the resolution. But until the proper time comes for the consideration of the resolution it can not be considered, unless the rules are entirely ignored.

Mr. BRISTOW. Of course, if the Senator will not yield to my solicitation to withdraw his objection, I realize that his objection will put the resolution over. I was endeavoring, however, to answer the question of my friend from Mississippi to the best of my ability; and there being nothing else occupying the attention of the Senate, I was very glad to respond to his request.

The VICE PRESIDENT. The Senator from Indiana having objected, the resolution will go over; and as there seems to be objection to the discussion of the question between the Senator from Mississippi and the Senator from Kansas, the Chair is compelled to hold that it is out of order.

Mr. BRISTOW. That may be; but the Senator from Mississippi has the floor. If he desires to discuss anything else, I shall be very glad to answer his questions so far as I can.

Mr. WILLIAMS. Mr. President, if it has been finally determined that I have the floor, I want to add only one word.

Mr. SMOOT. Mr. President, a point of order. I understand objection has been made to the further consideration of the reso-

lution. Of course, under the rule, the objection carries it over. I certainly think the rule ought to apply to all.

Mr. WILLIAMS. If it will add to the delectation of the Senator, I shall not add even the other one word; but if I am in order, I should like to add it.

Mr. SMOOT. I call for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is the presentation of concurrent and other resolutions.

COTTON BAGGING AND COTTON TIES.

Mr. SMITH of South Carolina. I submit a resolution, for which I ask immediate consideration, if the matter seems to be of sufficient importance.

The resolution (S. Res. 134) was read, as follows:

Resolved, That the Secretary of Commerce be, and is hereby, directed to investigate the recent advance in price of bagging used in baling cotton, also the advance in price of ties used in banding or baling cotton, and to report to the Senate at the earliest possible time the cause or causes for said advances.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution submitted by him. Is there objection?

Mr. WILLIAMS. Mr. President, in view of the fact that the new tariff bill is going to put cotton bagging upon the free list and deal correspondingly with cotton ties, I think this investigation will cause the expenditure of a lot of money without any real justification for it. I therefore object to the present consideration of the resolution.

Mr. SMITH of South Carolina. Just a moment. I should like to state to the Senator from Mississippi, before he objects, that I have in my hand certain communications which will throw a different light on this question, in view of the fact that even though the tariff bill passes, as we all know it will, it must go over this season.

I have here communications from dealers in bagging throughout the South saying that right now the price has advanced from 2 cents a yard to 2½ cents, making practically 15 cents a bale advance over the price of 1912. In my State alone that advance will amount to something like $160,000 or $170,000 for the article of bagging alone. In the State of Georgia it will approximate $300,000. Some of the letters I have in my possession indicate that if any relief is to come it must come now; and an immediate investigation might disclose the fact that the production of these articles is entirely controlled by a trust, which furnishes from its mills all the bagging used in this great Republic.

With the consent of the Senate, I am going to read some of these letters. They are short. One of them reads:

Your letter to the Abbeville Hardware Co. came to me, as I have been winding up their business. In reply to your inquiry in reference to the price of cotton bagging, will say that the price will be much higher this season than last, on account of speculators getting control of stocks on hand; and I am of opinion that it will be at least 50 per cent higher than it was last year.

From Florence, S. C., I have this:

In reply to yours of the 8th instant in reference to the price on cotton bagging and ties, the 1912 price on 2-pound bagging delivered was $8.48; ties, 95 cents. The 1913 price on bagging of exactly the same kind is $10.12½, and ties $1.03½.

The writer also gives an itemized statement.

Here is one from another State:

Replying to your favor of the 8th, I beg to say that new jute bagging is quoted 2 cents a yard higher this season than last season; ties about 16 per cent higher.

From Allendale, S. C.:

In reply to your letter of the 8th, cotton bagging is worth this year 10½ cents. Last year it could be bought for 9½.

This letter is from Charleston, S. C.:

Replying to yours of the 8th instant in matter of cotton bagging, would advise that the difference between opening price 1912 and 1913 shows an advance of 2 cents per yard on standard 2-pound bagging. Opening price June, 1912, standard 2-pound, 8¼ cents per yard; July, 1913, standard 2-pound, 10¼. During September and October there was an advance of 1¼ cents per yard, and since opening of the present season, July 1, 1913, there have been two advances, one-fourth of a cent per yard each, or a total advance of one-half of a cent per yard.

From Lynchburg, S. C.:

Your favor under date of 8th instant received and noted. In reply, beg to state that 2-pound jute bagging is about 2 cents higher this year over last. I am unable to account for this advance, except that the price of bagging is controlled by the trusts. I certainly hope you will be able to give us some relief along this line, for it seems that we are entirely at the mercy of the trusts at present.

Here is a letter from Dillon, S. C.:

Your letter to hand regarding cotton bagging. Yes; I have bought my bagging for this season, and it has cost me 2 cents per yard more than I paid for the same brand last year. I bought the same bagging last season at 8¼; this season, 10¼.

Here is another letter from Charleston, dated July 10:

Agreeably to your esteemed favor of the 8th instant, now before us, we have the pleasure of advising you that about this time last year American quality of jute bagging was quoted and sold at 8⅞ cents per yard for 2-pound weight and for Dundee quality 8⅛ per yard for 2-pound weight. To-day's quotations are 10½ per yard for American quality for 2-pound weight and 10 cents per yard for Dundee quality for 2-pound weight.

This letter is from Timmonsville, S. C.:

Replying to your favor of July 8, beg to say that 2-pound new jute bagging is 2½ cents higher this July than it was last July. The opening price was 2 cents higher than last year, but it has since advanced a half cent, and the probability is that it will still go higher.

Mr. BACON. Mr. President, I hope we may have order in the Chamber.

Mr. SMITH of South Carolina. I have in my hand quite a number of letters covering different portions of the cotton belt. Complaint is coming in that they are——

Mr. BACON. Mr. President, I again ask that order may be had in the Chamber.

The VICE PRESIDENT. Senators will kindly be in order, and those who are not Senators will please be seated. The Sergeant at Arms will see that the rules of the Senate are enforced.

Mr. CLARK of Wyoming. Mr. President, a question of order. Does a demand for order include a demand for the regular order? I will ask the Senator from Georgia to enlighten me on that point. If it is a demand for the regular order, of course the Senator from South Carolina is out of order.

Mr. BACON. I presume the Senator from Wyoming understood what I said. I did not use the words "regular order," and I had no reference to the order of business, as the Senator is very well aware.

Mr. CLARK of Wyoming. Then, Mr. President, I call for the regular order.

Mr. BACON. That is another matter.

The VICE PRESIDENT. The resolution will go over.

Mr. SMITH of South Carolina. Mr. President, may I be permitted to ask the Senator from Mississippi, in view of the facts I have just stated, if he will not withdraw his objection and let this investigation be made?

The VICE PRESIDENT. The Chair is compelled to state to the Senator from South Carolina that the Senator from Wyoming has called for the regular order, and the resolution will go over.

SALARY OF ASSISTANT COMMITTEE CLERK.

Mr. BANKHEAD submitted the following resolution (S. Res. 133), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the chairman of the Committee on Post Offices and Post Roads be authorized to employ one of his three assistant clerks, each now drawing a salary of $1,440 per annum under the act of March 4, 1913, at the rate of $2,000 per annum, the difference of $560 to be paid from miscellaneous items, contingent fund of the Senate, until otherwise provided by law.

SAFETY-APPLIANCE INSPECTION.

Mr. SHEPPARD submitted the following resolution (S. Res. 135), which was read and referred to the Committee on Interstate Commerce:

Whereas there are in the United States approximately 2,300,000 freight and passenger cars, distributed over thousands of tracks in every section of the Union, and only 32 safety-appliance inspectors; and

Whereas the force now employed is evidently inadequate for the proper performance of the duties required, and defective appliances are still producing an appalling loss of life and limb; Therefore be it

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed to investigate these conditions and report to the Senate the additional number of safety-appliance inspectors necessary to an adequate performance of the work of safety-appliance inspection on the railroads of the United States.

INTERNATIONAL PEACE CONFERENCE.

Mr. OWEN submitted the following resolution (S. Res. 136), which was read and referred to the Committee on Foreign Relations:

Resolved, That the President of the United States is requested to suggest to the nations of the world the appointment of national representatives to attend an international conference, to be held at such time and place as may be found convenient, with a view to bringing about a temporary suspension of the construction of war vessels and implements of war, a general limitation on war preparation, and the promotion of world peace.

AMENDMENT OF THE RULES.

Mr. SHEPPARD. I submit a written notice of a proposed amendment to the rules.

Mr. BACON. Let it be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

I hereby give notice that during the session of the next legislative day of the Senate, or a later day, I shall offer an amendment to Rule XXV of the standing rules of the Senate to the following effect:

(1) Change the paragraph which now reads "A Committee on Expenditures in the Department of Commerce and Labor, to consist of five Senators," so as to read "A Committee on Expenditures in the Department of Commerce, to consist of five Senators."

(2) Insert after the paragraph which reads "A Committee on Expenditures in the Department of Justice, to consist of five Senators," a

new paragraph, to read as follows: "A Committee on Expenditures in the Department of Labor, to consist of five Senators."

(3) Insert after the paragraph which reads "A Committee on Revolutionary Claims, to consist of five Senators," a new paragraph, to read as follows: "A Committee on Roads, to consist of 17 Senators."

The VICE PRESIDENT. The notice will be entered.

REGULATION OF WATERWAYS.

Mr. NEWLANDS. I ask unanimous consent that 2,000 copies be printed of Senate bill 2739, the river regulation bill, which I introduced yesterday. The committee itself would have the power ordinarily to authorize the printing of 1,000 copies, but owing to the objection of the Senator from Ohio [Mr. BURTON] to the reference of the bill to the Committee on Interstate Commerce and his contention that it should go to the Committee on Commerce the question of reference is now pending with the bill on the table. I ask unanimous consent that 2,000 copies of the bill be printed, as there is a very great demand for it.

Mr. WILLIAMS. What is the bill?

Mr. NEWLANDS. It is the bill for river regulation. The Senator is familiar with the bill, which I have been offering for some time, and which I yesterday introduced again.

Mr. WILLIAMS. Is that the bill in which reservoirs and levees and everything else are included?

Mr. NEWLANDS. It includes the whole question of river regulation from source to mouth and of tributaries.

Mr. WILLIAMS. Everything is proportionately harmonized?

Mr. NEWLANDS. Yes.

Mr. WILLIAMS. How many copies does the Senator wish to have printed?

Mr. NEWLANDS. Two thousand copies.

Mr. WILLIAMS. I have no objection.

Mr. SMOOT. The Senator does not state whether he wants them for the use of his committee or for the use of the Senate. I think he ought to state in the request that they are for the use of the Senate.

Mr. NEWLANDS. I will ask that 500 copies be printed for the use of the committee and the remainder for the use of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURTON. I do not understand that any request is made as to the reference of the bill.

Mr. NEWLANDS. Oh, no.

Mr. BURTON. It is merely as to printing a number of copies.

Mr. NEWLANDS. That is all.

The order as agreed to is as follows:

Ordered, That 2,000 additional copies of S. 2739 be printed, 1,500 for use of the Senate and 500 for use of the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had passed the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, with amendments, in which it requested the concurrence of the Senate.

DIFFERENCES BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. Mr. President, I ask the Chair to lay before the Senate the amendments of the House to Senate bill 2517.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, which were read, as follows:

Page 10, strike out lines 4 to 22, inclusive, and insert:

"The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 4 of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the board of mediation and conciliation, to be filed in its office.

"The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the board of mediation and conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June 1, 1898, providing for mediation and arbitration."

Page 11, after line 26, insert:

"Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service."

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of the amendments.

Mr. BORAH. Mr. President, I am not going to object to the request for unanimous consent, but I presume the Senator from Nevada will discuss the changes before the amendments are voted upon.

Mr. NEWLANDS. Certainly. Do I understand that unanimous consent has been given?

The VICE PRESIDENT. No objection has been made.

Mr. NEWLANDS. I wish to state to the Senate that Senate bill 2517, which passed the Senate some days since, represented the views of the railway employees and of the railway carriers, assisted by Mr. Justice Knapp, of the Commerce Court, Mr. Neill, former Commissioner of Labor, and the committee appointed by the Civic Federation. That bill passed the Senate without amendment. In the House certain amendments were presented to the bill, among them two amendments which were to-day adopted. Other amendments became the source of contention between the parties interested.

The bill as it passed the Senate made the bureau of mediation an independent bureau, its members being appointed by the President of the United States, and not connected with any department. The original Erdman Act made the Commissioner of Labor ex officio a member of the board of mediation, but at that time the Bureau of Labor was an independent bureau, not connected with any department, and as independent in its operations as the Interstate Commerce Commission itself. Later on the Bureau of Labor was attached to the Department of Commerce, and later on it was transferred to the newly organized Department of Labor. Thus by operation of law the Bureau of Labor has lost its independent character and has become attached to a political department.

The railway employees and employers were of the opinion that the bureau of mediation contemplated by this legislation should be an independent bureau, as was the mediation board under the original Erdman Act. The Secretary of Labor, however, was of the opinion that to make this bureau of mediation an independent bureau was to interfere very materially with the jurisdiction and the usefulness of the newly organized Department of Labor. The House Committee on the Judiciary shared in that view and adopted an amendment making the bureau of mediation practically a part of the Department of Labor by making the Commissioner of Labor Statistics one of its members.

As a result of this difference of view a conference was held at the White House yesterday, at which Mr. Secretary Wilson was present and at which were also present the committee representing the brotherhoods; the committee of railway presidents; the representatives of the Civic Federation, headed by Mr. Seth Low; Mr. CLAYTON, chairman of the Judiciary Committee of the House; Mr. MANN, minority leader of the House; and myself, as chairman of the Interstate Commerce Committee of the Senate. Unfortunately, we lacked the presence, owing to his absence from the city, of the Senator from New Hampshire [Mr. GALLINGER], the leader of the minority in this body.

At that conference these matters of disagreement were fully discussed, and while Secretary Wilson, actuated doubtless by a desire to make his department highly efficient and useful, was desirous that its jurisdiction should not be impaired, he announced his willingness to accede to the sentiment of the majority there present. The result was that there was practically a unanimous expression of view that the independent character of the bureau of mediation should be maintained, but that two amendments, not material to this contention, which had been offered in the House of Representatives, should be added to the bill. Those amendments are now before the Senate for its action.

The first amendment provides simply for the filing of the award of arbitration, and is, in my judgment, an improvement upon the provision contained in the Senate bill, and is intended to perfect the operation of the Senate bill in that particular. It might be well for me to read the first amendment:

The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 4 of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the board of mediation and conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the board of mediation and conciliation upon its request any papers and documents heretofore filed with them and bearing upon

mediation or arbitration proceedings held under the provisions of the act approved June 1, 1898, providing for mediation and arbitration.

The second amendment is as follows:

Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. What is the effect of the last amendment which the Senator has read upon the bill as a whole? What strength would there be to an arbitration under this law; by what means could it be carried into effect, if the parties should see fit to ignore it? In other words, what verity and binding force would the judgment of arbitration have? I am asking the Senator's view because he has given particular attention to the bill.

Mr. NEWLANDS. Mr. President, I am not prepared to state what effect would be given to the award of the arbitrators if the parties chose to ignore it.

I will only state as to this amendment that by inadvertence it was left out of the bill. This amendment was a substantial part of the Erdman Act as it originally passed. The attention of all present at the conference yesterday was called to this by one of the Members of the House of Representatives, and both the representatives of the railroads and the representatives of the employees stated that there was no objection whatever to its insertion; that it was left out by inadvertence.

Now, I prefer not to enter into a discussion as to what legal effect can be given to the award of the board of arbitration. The sentiment of the Senate committee has been—and its expression was unanimous—that the effort made by the representatives of the carriers and their employees to bring about mediation and conciliation, and if that failed to bring about arbitration between the parties, was a most commendable effort, and that whatever they agreed upon not in conflict with public policy should be approved and given effect by legislation. That has been the spirit of the members of the Interstate Commerce Committee, and I believe the spirit of the Senate in the adoption of this bill.

Mr. BORAH. Mr. President, I am in harmony with the spirit which the Senator says prevailed in the committee, and I am in harmony with the object to be attained. I realize that in all probability this bill ought to pass, and pass with some degree of dispatch, in order to meet the present situation. But I was anxious to know, in view of the fact that it will be upon the statute books after this crisis is over, what binding effect an arbitration under this law would have upon the parties.

Mr. NEWLANDS. I would prefer not to enter upon that discussion. It abounds in difficulties, and it will be largely a matter of prediction in which I prefer not to indulge. All I can say is that this act is, in my judgment, highly commendable legislation, because it is the encouragement of an effort upon the part of the parties engaged in a great industry, employing thousands of people, to substitute by agreement among themselves, ratified by legislation, industrial peace for industrial war. Even if their method was, in my judgment, a defective one, I would rather validate it through legislation than attempt to perfect it against their will.

There has been the greatest difficulty heretofore in bringing the parties to these great industrial controversies into communication with each other, and I think the representatives of these great organizations are to be congratulated upon the success which they have achieved, upon the admirable ability which they have shown in their negotiations, and upon the general spirit of conciliation which is manifest between the two sides of a great industry. It is my hope, and I think this bill furnishes reason for the hope, that this is a step in the process of evolution of industrial courts, both National and State, which upon a careful consideration of the facts, upon a careful study of the economic side of every question presented to them, will determine the controversies between capital and labor, which, with the advance of civilization, have become more and more of a disturbing element among us, practically paralyzing the commerce of the country.

Mr. President, I move the adoption of the amendments of the House.

Mr. CUMMINS. I suggest that the proper proceeding, if the Senator from Nevada wants concurrence, is to move that the Senate concur in the House amendments.

Mr. NEWLANDS. I move that the Senate concur in the two amendments of the House of Representatives.

The VICE PRESIDENT. The question before the Senate is, Will the Senate concur in the amendments of the House of Representatives?

The amendments were concurred in.

Mr. CUMMINS. That covers both amendments?

The VICE PRESIDENT. It does.

Mr. NEWLANDS submitted the following order, which was agreed to:

Ordered, That 2,000 additional copies of the bill (S. 2517) entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," as agreed to by both Houses, be printed for the use of the Senate.

ADJOURNMENT TO FRIDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Friday at 12 o'clock meridian.

The motion was agreed to.

THE TARIFF.

Mr. WORKS. I desire to give notice that on Thursday the 24th, immediately after the completion of the routine business, I will submit some remarks on the subject of the tariff on California products.

THE TARIFF—PANIC OF 1893.

Mr. THOMAS. Mr. President, prophecy is the dominant note in all debate against tariff revision. The people are admonished to bear the ills they justly complain of, lest change may substitute graver ones in their stead. Forecasts are fashioned from the framework of previous disasters, whose origin is cunningly shaped into a semblance of so-called free-trade legislation. A chorus of warning chanted by the press and on the platform, designed to secure to privilege all it has acquired, begets a dread of certain disaster. Apprehension thus aroused, easily imagines the presence of what it is taught to fear, and the currents of trade become less active. These are called the shadows of coming events, the prelude to closing factories, to stagnant commerce, and arrested development of the country. It is urged that if the mere prospect of tariff revision is so pernicious, its actual accomplishment must paralyze industry; that such has been its inevitable consequence in the past, and that panic and disaster have been the bitter fruit of all disturbances of the protective system.

These tactics of obstruction are not peculiar to the progress of reform in taxation. They are employed to defeat or attenuate all schemes of legislative reform. For man is influenced in his progress through the world far less by reason than by imagination. Prejudice and fear shackle the limbs and retard the march of the race toward the goal of its ultimate destiny. They are perhaps essential elements in the determination of all social and political problems; but conservatism and privilege never fail to raise them as barriers against the laws of development and the march of history. Many times they ignore or falsify the latter, that they may obstruct or defeat the just demands of the people for changes in their economic or political systems.

In keeping with this course it has recently been asserted, both in this Chamber and out of it, that the Wilson tariff law of August, 1894, and the presage of its enactment, caused the fateful panic of 1893, and that the Underwood bill is charged with similar elements of danger to the well-being of the country. It has been intimated also that other periods of industrial depression had been influenced by the fear or the fact of tariff revision, and that commercial disasters are inseparable from a general reduction of tariff duties; that conditions now prevailing in the general field of trade and commerce are alarming and must become worse as the menace of tariff revision continues; and that the enactment of the Underwood bill into law will be a congressional sentence of death to business prosperity. As the time approaches for final action upon the measure, these gloomy forebodings are indulged with greater frequency, and legislators are impressed by solemn exhortations of the press and of the forum with the tremendous responsibilities resting upon them and the grave consequences awaiting their disregard of the public warnings. We must not disturb abuses hoary with age and without defenders, for bad as they are, no remedy can be applied without shaking the fabric of the commercial world to its foundations. We are admonished that the schedules of the Wilson bill, modifying the then existing rates of duty never so little, and enacted after its scandalous career through the Senate, toppled business into a heap of ruins, from which the people slowly emerged through a long travail of misery and finally recovered their former status through the healing and ever blessed agency of the Dingley tariff law.

Mr. President, the Wilson law of 1894 was the most miserable pretense of tariff reform ever placed upon our statute books. It was eviscerated by the Senate, agreed to by the House only because its long and disgraceful sojourn through the upper

Chamber had disgusted the people with the very thought of tariff reform, and repudiated by the President as a thing fraught with party perfidy and national dishonor. But wretched as it was, it can plead not guilty to the charge of bringing disaster to the country. And while every man at all familiar with the history of that time knows this to be true, I propose if I can to put the responsibility for that terrible calamity where it properly belongs, to the end that its ghost may not be again resurrected to threaten our purpose or vex our deliberations. Fortunately for me, at least, this is a task of no serious dimensions. For I am fain to believe that the panic of 1893 is in a class of its own, without parallel and without precedent, both as to its origin and its object.

Mr. President, the year 1892 was a prosperous and happy one. The people had indulged in much speculation, and the mass of public and private debt swelled to undue proportions. But business was good and the crops were abundant. In the parlance of the street, money was easy. In their yearly review for 1892, Dun & Co. declared that the year "started with the largest trade ever known—the mills crowded with work and all business stimulated with high hopes." And this review, be it remembered, was published but two months after a presidential election, in which tariff reform had been the issue, ostensibly at least, and that issue had won.

The New York Commercial and Financial Chronicle in its review of the year 1892, published in January, 1893, said:

> The year 1892 was singularly free from great and unexpected disasters in the manufacturing, mercantile, and banking community.

On January 16, 1893, the New York Tribune contained an article with this caption:

> Few failures in 1892—Proofs of a prosperity rarely surpassed.

It declared that—

> Among the evidences that the year 1892 was one of the most prosperous in the history of the country, the record of failures is of peculiar interest. For 10 years there never has been so few failures compared with the number of firms in business in any other year as in 1892. In 23 years the average of defaulted liabilities to the whole number of firms in business has never been so small as it was in 1892, except 12 years ago in the exceptionally prosperous year 1880. Only in that year and the next was the average of defaulted liabilities to the exchanges through all the clearing houses as low as it was in 1892.

And on April 19 it commented favorably on the report of the New York superintendent of banking, which showed an increase in deposits of 1892 over 1891 of nearly $41,000,000. Mr. Cleveland, in his message to Congress of August 7, 1893, one year before the passage of the Wilson bill, said:

> Our unfortunate plight is not the result of untoward events nor of conditions related to our natural resources; nor is it traceable to any of the afflictions which frequently check natural growth and prosperity. With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear has sprung up on every side.

And Mr. McKinley, on July 11, 1896, from the porch of his house in Canton, said:

> We have now the same currency that we had in 1892, good the world over and unquestioned by any people. And then, too, we had unexampled credit and prosperity.

This credit and prosperity, unexampled in their character, existed concurrently with an act of Congress of 1890, known as the Sherman silver law, having for its ostensible purpose the maintenance of the parity between gold and silver, and providing for the monthly purchase by the Government of 4,500,000 ounces of silver, against which were issued certificates redeemable in coin. It is needless now to describe the bill in detail, nor the construction placed upon it by the Treasury Department, nor the thwarting of its provisions by the methods of its administration. It was enacted over the bitter opposition and at all times encountered the undisguised hostility of the banking world, which then as now sought to obtain and enjoy the power to control and regulate the volume of currency circulation, with which that law was wholly incompatible.

These interests fought the measure from its inception to its repeal. It was a compromise statute which never should have been enacted, but for reasons wholly different from those advanced against it by its enemies. It was not the product of the bimetallists who believed in free coinage; with which principle the law was in hopeless conflict. Yet I deliberately affirm that this country in all its history never enjoyed a greater period of expansive growth and prosperity than during the interval between the enactment of this law and the panic of 1893. But the bankers of the East had resolved upon its destruction. In a speech from the steps of the New York subtreasury in 1891, Mr. Cleveland pronounced against it. From that moment he became their candidate for the Presidency. They made his campaign for him, forced his nomination upon a reluctant party, with tariff revision as the nominal issue of his platform. He was elected with a Democratic majority of both Houses of Congress. Then the real purpose which the Democracy had been chosen by these interests to accomplish was revealed.

The great majority of the leadership and the rank and file of that party believed in the gold and silver money of the Constitution. They did not approve the Sherman law, but desired to retain it as a hostage for free coinage. They had no thought of its unconditional repeal. But the enemies of the measure had other views and determined to make them effective in advance of the inauguration of the President elect, who lent them his hearty and active cooperation.

The result of the election had scarcely been announced when the banks, through the eastern press, set up a demand for "the immediate unconditional repeal of the silver law." This clamor swelled in fierceness and in volume as the meeting of the second session of the Fifty-second Congress approached. Every other subject of political importance was practically excluded from public consideration. The repeal was opposed as a matter of course by the southern and western people, and by the sounder judgment of the masses everywhere.

Congress convened on December 6, from which time the hitherto alleged robberies of the McKinley bill on the one side and peril to industry involved in its repeal upon the other were forgotten by eastern high-tariff Republicans and low-tariff Democrats, who joined in contending that the first political duty of the hour was obedience to the pressing demands of Wall Street. Bills for the repeal of the silver law were therefore promptly introduced in both Houses. But the advocates for repeal, although clamorous for immediate action, soon discovered that they had again mistaken the sentiment of the Nation. Republicans like John Sherman and Democrats like William F. Vilas might applaud their doctrines and aid their plans, but the great body of the South and West was sound. Representatives and Senators from these sections, with an exception here and there, confronted repeal with a vigorous and determined resistance which nothing could overcome.

The President elect was surprised and displeased by this unexpected revolt against his plan of "currency reform." He resolved to make repeal of the Sherman Act the test of fidelity to his coming administration, and Democratic Senators and Representatives not complying with his wishes could expect no favors at his hands. It was significant of this spirit that the New York Herald and Times on the same day editorially declared that Democratic Congressmen opposing repeal must go into retirement. But they remained obdurate.

About this time and on January 12, 1893, Mr. Henry Villard, a New York financier of note, appeared in Washington as the agent of Mr. Cleveland. His mission was to break the force of Democratic opposition to the repeal bill, and to utilize the prestige of the incoming administration for that purpose. His methods were neither pleasing nor politic. He gave offense to many with whom he came in contact, but succeeded in securing the promise of 12 Democratic Senators to vote for repeal. He was in Washington five days. He was perniciously active and industrious while here, even conferring with the Speaker and the House Committee on Rules, with a view of restricting debate upon the bill. But he returned to New York with an empty game bag.

Two weeks later Mr. Cleveland sent a second envoy to the Capital. This time he selected Don M. Dickinson, his former Postmaster General, to be his emissary. The advent of Mr. Dickinson at the Capital was announced with much impressiveness. A Washington dispatch to the New York Herald of February 1 informed the country that—

> Don Manuel Dickinson came to the city last night and has spent the day in consultation with the Democratic leaders. The repeal of the silver law has never before received such an agitation. The word has gone out among Democrats that this act must be repealed at this session. Mr. Cleveland has it in his power to make matters very uncomfortable for certain silver Democrats. The question of the patronage will be an important one after March 4. The scare is pretty general. There is no doubt that this second expression of President-elect Cleveland will bear fruit. He gave his first intimation when Mr. Henry Villard came to the city and consulted with the Democratic Members of Congress. The second can not be misunderstood.

And the Herald announced in its editorial of the same day that—

> as a party man, as an upholder of the regular organization, as a vindicator of the machine, Mr. Cleveland will stand on firm ground when he declares that every aspirant for office, patronage, favor, or any consideration will be expected to line up for the repeal of the silver law.

No public man can be justly charged with responsibility for newspaper comment or criticism. If that were so, the burden of his responsibilities would be great indeed. But there are times, and this was one of them, when action and announcement synchronize with wonderful accuracy; when the thing to be done and the necessities of the situation require the employment of all available means and resources for the doing of it; when the difficulties and obstacles confronting the task demand heroic treatment. A first assault upon the law had been unsuccessful; the second one required the support of all the reserves or the failure would be repeated. To overcome the stubborn resis-

ance of the silver sentiment in Congress, Mr. Dickinson was doubtless authorized to use the power of patronage to the utmost. The Herald announcements were therefore unchallenged, because they were true.

But Mr. Dickinson's task was as hopeless as that of his predecessor. The patronage scheme was a complete and contemptible failure. Few Democrats were base enough to yield to it. The great body of its representatives, sustained by a small but stalwart band of Republicans, successfully defied one of the most infamous attempts to promote legislation by corrupt influences which tarnish the records of the American Congress. On February 6 the Senate, and on February 9 the House, by decisive votes refused to consider the repeal bills. This result was as exasperating as it was unexpected. Mr. Cleveland and his confederates discovered that Democracy was not pliant to a policy at variance with party principle nor disposed to destroy 50 per cent of the people's money at the behest of any influence whatever. But the conspirators had no thought of retreating. On the contrary, their determination was intensified by their defeat.

Mr. Cleveland would become President on March 4, and new and more effective methods could then be utilized. The new Congress, like the old one, was doubtless invulnerable to direct assault, but its hand might be forced by a widespread and insistent public demand. To secure this a war upon prosperity was planned and afterwards executed, with the acquiescence, if not the approval, of the President of the United States.

Some days ago I read upon this floor a circular purporting to be dated March 12, 1893, and related to this subject, whose authenticity has been vigorously repudiated by the American Bankers' Association.

Responding to a Senator's inquiry, I said that I believed it emanated from some responsible source. My belief has since been fortified by the voluntary testimony of others, and by the fact that it harmonizes with the swiftly succeeding events of that memorable year. But I am not compelled to rely upon that document to sustain my assertion that the disasters of 1893 were directly caused by the determination of the banking interests and of the administration to force the speedy repeal of an obnoxious law. I may concede that it was spurious, or that it was an ex post facto forgery. I may discard it utterly and easily maintain the proposition.

Although Mr. Cleveland, shortly after his reelection, authorized Hon. William M. Springer to announce that none holding office under his first administration would be reappointed; he excepted Mr. Conrad N. Jordan from the rule shortly after his second term began. That gentleman had been United States Treasurer from June 1885 to May 1887. On April 11, 1893, Mr. Jordan was appointed, and on April 14 he was confirmed as subtreasurer at New York. The reasons for his appointment to this important post soon became apparent. He was chosen to become the medium between the administration and the bankers of New York in arranging the details of a crusade against the Sherman silver law.

Mr. Jordan went to Washington on Thursday the 20th and filed his bonds, returning to New York on Friday the 21st. While in Washington he was in conference with Mr. Cleveland, and on his arrival in New York late in the afternoon, he went directly to the Chase National Bank, where he was awaited by its president, Mr. Henry W. Cannon, and Mr. J. Edward Simmons, president of the Fourth National Bank.

What happened at that meeting may be inferred from swiftly following events. Mr. Cannon took the midnight train for Washington, reporting the next morning at the White House. He remained in Washington until Sunday afternoon the 23d.

Meanwhile and on Saturday morning the 22d, Mr. Jordan took possession of the subtreasury, and then proceeded to arrange a meeting of bankers for that afternoon at the clearing house. It was said to have been informal, and was attended by Presidents Wright, of the Park National; Williams, of the Chemical National; Perkins, of the Importers and Traders' National; Baker, of the First National; Woodward, of the Hanover National; and Nash, of the Corn Exchange.

From this meeting Mr. Jordan went to Washington on a late evening train, reported at the White House with Mr. Cannon on Sunday morning, where a long conference was held with Mr. Cleveland; after which Mr. Jordan accompanied Mr. Cannon back to New York. Before leaving, Mr. Jordan wired certain bank presidents to meet him at a designated house uptown on his arrival. They did so. It is reasonable to conclude that the meeting was an urgent one and the direct outgrowth of the Sunday conference with Mr. Cleveland at Washington.

On Monday morning, the 24th, Mr. Jordan requested the officers of the banks, trust companies, and representatives of foreign banking houses in New York to meet him at once at the subtreasury. They promptly responded. It was a very important conference. Public interest was keenly alert as to its purposes, the press having kept it informed of preceding events. But its deliberations were carefully guarded. Mr. Jordan not only refused to divulge any information, but denied that any conference was being held. The daily press attempted, without success, to obtain information of its doings. The Post said:

> Conrad N. Jordan took charge of the Subtreasury this morning as assistant treasurer. To a reporter of the Evening Post he declared that he had nothing to say; that he had no conferences with anyone or anybody, and knew of none. At that time J. Edward Simmons, of the Fourth National, Henry W. Cannon, of the Chase, Brayton Ives, of the Western, and Charles J. Canda, ex-assistant treasurer, were in Mr. Jordan's private room. They were in consultation with Mr. Jordan for some hours. During that time George I. Coe, of the American Exchange National, called and saw Mr. Jordan twice. Mr. Jordan and the bank officers were still in conference at 12 o'clock. Mr. Fairchild joined them a little before noon. Mr. Jordan's conferences with the bank officers named continued, so far as those waiting on the outside could tell, until 1 o'clock. Then the bank presidents arrived and were at once ushered into Mr. Jordan's office. Among these were E. K. Wright, James Stillman, and E. H. Perkins, jr.

The Sun of the 25th gave practically the same account, but added that Mr. Jordan's conferences were "the result of his talk with President Cleveland."

The Times of the 25th said that—

> from the time Wall Street began business yesterday morning until long after most of the offices were locked up for the day Conrad N. Jordan, the assistant subtreasurer of the United States in this city, was in conference with bankers. There were meetings morning, afternoon, and by gaslight.

Said the Herald:

> An all-day secret session of bankers and trust company officials at the Subtreasury did not relieve the apprehensions of the Street. Although the meeting formally closed about 3 o'clock, other bankers came in, and some returned who had been called away. In this way Mr. Jordan was closeted all day with financial magnates. "What was it all about?" asked anxious Wall Street. There were only evasive replies from those who had been at the meeting. They said they had been pledged to secrecy.

One thing determined on soon became apparent. This was a conference with the Secretary of the Treasury. For Mr. Carlisle wrote Mr. Jordan on April 26 that he would reach New York the next evening and would meet the New York bankers at their convenience. He arrived according to program, and at half past 4 o'clock on the afternoon of the 27th was driven to the residence of Mr. George G. Williams, of the Chemical National Bank, where he was welcomed by Mr. Jordan and by Presidents Perkins, Tappan, Woodward, Ives, Cannon, Coe, Sherman, and Simmons. We are told that the meeting was marked by the most cordial spirit on the part of the Secretary and the bankers. That the latter recognized the difficulties of Mr. Carlisle's position and the former thanked the bankers for their expressions of sympathy. Then they proceeded to get down to the business that called them together, which was to make a practical demonstration to the business men of the South and the West of the injurious effects of the Sherman law upon their trade and finances, that being necessary to convert the fanatics of those sections to vote for a repeal. This seemed desirable on all sides, and while the administration would not aggravate the situation, it would do nothing to prevent or assuage it.

It is not probable that the purpose of the meeting or the policy of the administration was discussed with such brutal frankness. But that was not necessary. Mr. Jordan had arranged the preliminaries. Mr. Carlisle approved them. The stage settings then became complete; the time had come for the curtain to rise that the drama might be enacted. The object lesson had been prepared; it only remained to administer it.

It may seem incredible that the Secretary of the Treasury should have given his sanction to a raid upon the commerce and industry of the country, but the fact is so. The meetings and consultations I have narrated concerned that subject and arranged its details. On April 28, 1893, the New York Sun said:

> President Cleveland's advisers have told him that the only way to induce the western Senators and Congressmen to consent to a repeal of the silver law is to demonstrate to their constituents that they are losing money every day that this law is in operation. Missionary work in that direction has been started by a number of the bankers in the East—and the Chicago bankers, it was said, have been carrying out the same line of policy.

On April 29 the Tribune, referring to the bank presidents' conference, said that its results—

> confirm the intimations that have been given that Mr. Cleveland looks to the strengthening of a sound-money sentiment through a practical demonstration to business men at the West and South of the injurious operation of the silver law on trade and finance.

Same day:

> A prominent man well versed in financial questions, who came from Washington on Wednesday (April 26), said yesterday that while the administration would exert all its powers to defend the integrity of the Government, it had decided that an object lesson which would help the cause of financial reform might best be found in the distress which the monetary stringency may cause.

That prominent man could have been none other than the Secretary of the Treasury.

A Sun dispatch from Washington, April 29, said:

The subjugation of Congress to the views and purposes of the administration is the determination of Mr. Cleveland uttered through Secretary Carlisle to the New York bankers. The statement of Mr. Carlisle to the bankers makes it clear that while Cleveland works in Congress, the bankers will be expected to work not in New York only, but throughout the country—doing their utmost to pinch business everywhere, in the expectation of causing a money crisis that will affect Congress powerfully from every quarter.

After the Carlisle conference on the 27th the campaign of disaster began. Its progress was chronicled in all the daily papers, but I will let the Tribune tell the story.

On Sunday, May 1, it said that the week ending with April 29 had displayed remarkable strength and courage, but the upward movement in prices culminated at the opening on Friday morning and for the last two days it was reversed. On Monday, the 2d, it said that the increasing difficulty of borrowing money of the New York banks was an unfavorable feature of the exchange.

On Tuesday it said the stock market continued to decline. On Wednesday it reported the market as active and in some cases materially lower, but at no time panicky. On Thursday it said:

This was a day of enforced liquidation at the stock exchange, and where the security was not ample several banks did not hesitate to put the collateral on the market.

On Friday, the 5th, it said:

Events are moving rapidly in Wall Street. President Cleveland and Secretary Carlisle are comfortable and confident, Washington dispatches state, but the stock and other markets are not. The administration thinks the Treasury is in no danger, and if some people suffer, it is hoped that their suffering may dispose their minds to the President's wishes. Apparently he counts upon severe pressure in finances and business to change the hearts of the silver men.

On Friday, the 5th, the storm broke in full. The Tribune accounts of its havoc filled four and a half of its columns.

This—

It said—

was a day of terrible strain. The stock exchange trembled. The significance of its situation lay in its threatening character, which menaced at one time a panic that, if it had escaped control, would have produced disastrous consequences impossible to measure. The enormous losses of the week, the utter demoralization of the buying power of the market, and the practical paralysis of credit promised a liquidation which, unless stayed, would have swept them all off their feet.

This condition, with intermittent changes, accompanied by failures and suspensions throughout the country, continued until June 25, when Great Britain announced the closure of the Indian mints against the further coinage of silver. That this monstrous outrage against millions of dependent and helpless subjects of the British Government was part of the general scheme to force the hand of the American Congress by the infliction of a premeditated disaster upon the people seems incontestable, for it came at a most appropriate time, as the cunning act of a prearranged plan, requiring a special session of Congress for its final consummation. Five days afterwards the President issued his proclamation for the session.

I shall not trace the progress of the commercial calamity of 1893. Its awful consequences are too fresh in the minds of this generation to make it necessary. I shall merely advert to some of the comments of the New York papers upon its progress.

On May 22 the Tribune said editorially:

The President has reason to claim that he is succeeding if he desires to bring severe pressure upon business men. Whether the effect will be to render them more favorable to his policy is not yet clear. But there is no lack of pressure.

On May 29 the same paper said:

The West and the South are receiving the "object lesson" the present administration threatened, and it is reported that some prominent Members of Congress have been converted in regard to the pernicious effects of the Sherman law.

This paper announced the closure of the Indian mint in these headlines:

A blow at silver values—The action of India severely depresses the white metal, stimulating the repeal sentiment—The silver men dumb.

On July 28 the Evening Post said:

There is nothing like an object lesson to open the eyes of the people to the working of a principle.

And its exultation over the widespread ruin that followed in the wake of this object lesson culminated on September 21 in this announcement:

An unusually large amount of domestic paper will mature next month, and extensions are already being extensively asked for by merchants. The banks, however, are not so complacent as they were two months ago. Then, as a bank officer said this morning, it was a case of mutual assistance; the banks could not afford then to let solvent concerns fail or suspend on account of the bad effect such failures would have on the general situation. Now the situation is different. The banks are strong in cash and can afford to be more independent. Therefore the merchants who can not meet their obligations will have a harder task to get extensions or more accommodation, and their failure now would be regarded with comparative complacency, in order to clear the financial atmosphere.

The evident satisfaction with which this paper announces that the banks, though amply able to do so, will not save struggling solvent merchants from failure, but will regard the latter with complacency, is astounding. To "clear the financial atmosphere"—that is, to force a repeal of the silver law—bankruptcy and ruin are not only permitted but welcomed.

The heartlessness, the callous indifference of confederated wealth to such conditions is appalling. And the policy was finally successful. After a long heartrending struggle the Senate yielded, the battle ended, and in October, 1893, the silver law was repealed. The New York bankers, their hands red with the blood of slaughtered prosperity, bore their trophy from the field. To win it they plunged their country into an abyss of misery, strewed ruin and bankruptcy throughout the land, destroyed values by the hundreds of millions, and beggared countless thousands of their countrymen.

They were able to do this by the utilization of two distinct but closely related agencies. One of them was the widely extended credit of that period. A preceding season of good times had stimulated the building of railroads and the pursuit of many enterprises financed by bond issues and bank discounts. A tremendous amount of commercial paper was held by money lenders, and municipal and public-utility improvements had made large demands upon the money volume. By refusing further credit, calling loans, and rejecting discounts, confidence could be easily exchanged for fear. Money stringency would follow swift upon the heels of demand, and those controlling the funds could dictate to men whose needs were overpowering. This policy was remorselessly pursued, and with but few, if any, exceptions.

And here I may say that nearly all the financial panics of history have their genesis in the accumulation of debt. Men borrow in times of ease, when the prospect is cloudless and prosperity beckons to adventure. Money is then easily obtainable and the land is busy with countless and diversified activities. But the day comes when the mass of obligation is too unwieldy for the existing civilization to support it. A large and unexpected default somewhere first startles, then starts the avalanche, and panic is upon us. It may be accelerated as it may be retarded or avoided by those who are familiar with conditions and possess the power to influence them. In 1893 we were approaching but had by no means reached the limit of the country's power to carry its public and private burdens. Prudence doubtless would have suggested a policy of retrenchment, but general bankruptcy was beyond the horizon. But credit had been used in ample measure for the architects of the proposed object lesson to make their scheme effective.

The second agency was the New York Stock Exchange, the Monte Carlo of American finance, the most prodigious gambling hell of this or any preceding age. Under our system of corporate organization, whereby all the trades and pursuits of man are capitalized and embodied in the issue of stocks and bonds, it manipulates and levies tribute upon them all. Shares and securities, representing trade, transportation, production, and manufacture, are the pawns and counters of its games and combinations. It plays with loaded dice, deals marked cards, and uses all the devices of cunning and deceit. It is the swindlers' paradise. It is a huge vampire, that sucks the blood from the arteries of industry. It is an unincorporated, irresponsible monstrosity. It is beyond the pale of the law. Its votaries pay it homage without transgressing any commandment, for there is nothing like it in heaven, on earth, or in the waters under the earth. It is the antithesis of fair dealing and common honesty. It has sanctified speculation, made men discontented with the slow and safe processes of accumulation, and created a mad and universal desire for wealth without toil and struggle. It is the most pernicious and corroding influence in the land. But it is nevertheless the most potent of all instruments for the transfer of property from the possession of the many into the hands of the few. Even so it operates by the connivance of the great metropolitan reserve banks, through whose channels it utilizes the money of the land.

This constitutes its chief support, without which it would collapse of its own weight. Sustained by this mighty financial influence, its hold upon the Nation's commerce has no limitations. Its finger is ever upon the country's pulse, controlling its financial course and dictating its industrial policy. The money power feeds it funds or starves it by withholding them, as their plans or ambitions suggest. It is their facile instrument for the accomplishment of ulterior ends. By its agency they help or hinder the Nation's progress, fix the prices of securities, and juggle with all the schemes and pursuits of man. No power save that of the Nation can stay the progress of this juggernaut or arrest the hand that guides it.

The cooperation of this institution with that of the banks at this juncture was therefore inevitable. The national administration alone could have stood in the way, but it became an accessory before the fact to the commercial crime of the century. It applauded the actors as the tragedy proceeded. Without its connivance the plan would have miscarried. It would not have been projected. For the first and, I sincerely pray, the only time in our history the people's Government became the open ally of a powerful private interest for their own undoing. It remained passive as the plot unfolded, it became active as action was desired. Congress fought as long as endurance permitted, but it could not overcome the union of money with the national administration. The special session adjourned late in October. It had expunged the silver law from the statute books and business was prostrate from ocean to ocean.

Shortly afterwards, and on November 3, the Tribune said that—

The President in explaining his refusal to call an extra session of Congress last spring showed by his remarks on the subject that he clearly anticipated serious reverses during the summer. He stated that he proposed to let the country have an object lesson and learn by experience what the silver law was doing.

But he knew, and the country also, that such was not the lesson that he taught. The bitter lesson learned was the extent to which the financial and political enemies of that law would go in order to encompass its repeal.

On November 27, 1893, the Tribune gave a graphic picture of the effects of the panic. It said that it had caused—

a financial disturbance and widespread business depression that cost thousands of millions in depreciated values, administered a blow to public and private credit from which it would take years to recover, and carried hardship and privation and distress into thousands of homes all over the land.

And added that—

President Cleveland exhibited a clear knowledge when he said last spring that just such a lesson was needed and that without it nothing could be done in the direction of repeal.

Other facts connected with the causes of this panic are abundant; but I need not recall them. There can be no denial of the origin and purpose of this frightful calamity. Mr. Cleveland and the New York banks conspired to wreck the progress and prosperity of the Nation that they might be rid of an unwelcome law. The sinister power of money in combination was never more signally demonstrated. The Money Trust existed then as it has existed since. It swept silver money from its pathway then as it conspires to wrest the power of note issue from the Government now; but with this fundamental difference—it controlled the Government then but does not control it now.

The Wilson bill was not framed until after all these things had transpired. It was introduced in the House at the regular session of the Fifty-third Congress, which convened on the first Monday in December. It did not become a law until August of the following year. It succeeded the McKinley tariff, which was meanwhile in unrestricted operation. If the tariff had anything to do with the tragedy of 1893, it was the McKinley and not the Wilson tariff.

It is true that the effects of the panic extended through and far beyond the enactment of the last-mentioned law, but this would have been so had it never been enacted. And if the disaster whose coming is now so freely predicted shall overtake us in the near future, it will be caused not by the enactment of the pending revision bill, but by the same influences which produced it before. I do not say they will do it. I do not think they will do it. They have no partnership with the administration. That has been dissolved by the people. They will have no cooperation there. The temper of the people has changed. They can not be fooled all the time. They will hereafter fix the responsibility for commercial disturbances where it belongs. Their ability and disposition to do so is most apparent. They have recoverpd possession of their Government, they will restore its legitimate functions to the end that all may enjoy its benefits as all must share its burdens.

I know that this determination is not relished by those who have so long used the influence of the Government to the furthering of their own fortunes, and that every effort will be made to thwart it. I know that their resources are as powerful as their scruples are weak; that privilege never surrenders until it has been entirely overcome. And yet I do not fear the consequences of our transition from the extravagances of prohibitive protection to the equities of a tariff for revenue. I may be a dreamer, as I have been charged with being, but I am convinced that a sober second thought is even now staying the spirit that would set in motion the forces of financial disaster. The demand for revenue reform has been insistent for years. It has recently asserted itself at the polls. Its representatives have been invested with authority and its accomplishment is at hand. The good sense, the courage, and the optimism of our countrymen in all the walks of life, and above all their ready acquiescence in the verdict of the majority will pilot the Nation safely through all dangers that may beset its course.

Mr. CHILTON. Mr. President, on the 15th of August, 1911, a matter which bears upon the very able speech of the Senator from Colorado [Mr. THOMAS] was adverted to in this Chamber. I send now to the Clerk's desk and ask to have read the remarks of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on that occasion, which I think are pertinent to the matter in hand.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Now, Mr. President, the Senator from Utah [Mr. SMOOT] made a most pathetic appeal to the Senate not to pass the proposed reductions in the duties of Schedule K, lest we bring on again business depression and disaster such as visited us in 1893. And he charged the dire effects of that period against the Wilson tariff law. I never have believed the Wilson tariff law was the cause of the financial troubles of that time. Those troubles began before the enactment of the Wilson tariff law. It was a period of general business depression. It began abroad in 1890 and swept over the whole world. It culminated in the panic of 1893. It is puerile to attribute it to the Wilson tariff law of 1894. I know the claims that have been made by many Republican newspapers and campaign orators, and I know how labor has been appealed to, and, as election approaches, how it has been driven to the support of the standpat policies and candidates out of the fears that have been played upon in the heat and fever of the campaign, threatening a repetition of those heartbreaking times if the sacred tariff rates of the Dingley and Payne-Aldrich laws were even threatened with revision.

I hope, Mr. President, that the voters of this country are becoming enlightened enough to know that those appeals are without any substantial economic basis. There were other amply sufficient reasons to account for all of the depression and financial distress that swept over this country at that period of time. I do not know whether we have recovered more rapidly following the panic of 1907 than we did the panic of 1893, because the financial troubles of 1893 were world-wide. The panic of 1907 was confined to this country, and it came upon us without any justification, financially or economically. There were no industrial disturbances. It had no relation to tariff legislation any more than the panic of 1893 was related to the Wilson tariff law, which was enacted in 1894.

Mr. President, I have differences with gentlemen upon the other side. Those differences rest upon certain principles. I am willing to fight those differences to a finish with the Democratic Party, but when the Republican Party can not win upon any issue without juggling and pettifogging the case, I refuse to make that kind of a campaign.

I shall not be surprised, Mr. President, if the people of this country, whenever we revise the tariff or whenever we endeavor to pass tariff legislation, shall be treated, if not to a real panic, to something that looks like a real panic. The industrial and economic changes that have been imposed upon the people of this country in recent years have placed the control of business in the hands of a very few men. It is not difficult for those men to give this country a panic and to push them over into it at any time. So I anticipate, Mr. President, that whenever we attempt tariff revision or seek to enact legislation interfering with the trust control of business a panic will be foreshadowed, that prices will be depressed for the products of the farmer, that labor will be thrown out of employment, and that all of the threats which will serve to frighten the farmer and the wage earner will be heard on the hustings and seen on the printed page. But I shall do what I can to persuade the business men of small means and the wage earners of this country to discredit those warnings as having any logical relation to wholesome legislation.

The predictions of panic resulting from tariff reductions may come true. They can be brought to pass. They need not come true. These great industries are overprotected. Their duties could be reduced in most cases much below the point fixed in this conference report and not disturb in the slightest degree a single industry in the country. Of that I am confident. These duties will be reduced, Mr. President, if not at this session of the Congress then in the very near future; and defeat at this time, whether it be here or whether it be interposed by Executive veto, as threatened, will not long delay the lifting of these great burdens from the backs of the American people. (CONGRESSIONAL RECORD, 62d Cong., 1st sess., p. 3955.)

Mr. CHILTON. Mr. President, I merely wish to say to the Senate, in explanation of my bringing this matter to its attention now, that we on this side regard the senior Senator from Wisconsin as a fair fighter. He does not strike under the belt. The Senator from Colorado had dug the grave of this unfair argument against the Wilson bill, and I wanted the senior Senator from Wisconsin to erect the tombstone and be present—in spirit, at least—at the obsequies.

Mr. CUMMINS. Mr. President, I rise simply to ask one question of the Senator from West Virginia. Was the speech, an extract from which has just been read, made in favor of a bill that attached a duty of 30 per cent upon wool?

Mr. CHILTON. The Senator can recollect better than I. It was when Schedule K was under consideration in August, 1911. I am not a tariff expert. I did not take much part in that debate. I only wanted this sentiment to go before the country in connection with the speech of the Senator from Colorado and have the Senate know that it came from the Senator from Wisconsin, a Republican, but a careful, earnest man who despises an unfair argument.

Mr. CUMMINS. I am very glad that the Senator from West Virginia has put into the possession of the Senate the sentiment announced by the Senator from Wisconsin, a sentiment in which I concur, but I wanted that there should accompany it the fact that the bill introduced by the Senator from Wis-

consin provided for a duty of 35 per cent, I believe, upon wool; that the conference report, upon which probably this speech was made, although I do not know, provided for a duty of 29 per cent upon wool; and that in so far as I am concerned, and I think I speak also the view of the Senator from Wisconsin, we would be entirely satisfied at this time with a similar duty upon wool.

Mr. THOMAS. I should like to ask the Senator a question for my information, as I was not a Member of this body at that time. Is it not a fact that the Senator from Wisconsin was then meeting the same argument of panic and disaster based upon a bill providing for a 35 per cent duty on wool that is now being made in this discussion as against the Underwood bill, which provides for no duty at all?

Mr. CUMMINS. Mr. President, there is just the difference between free wool and a duty of either 35 per cent or 29 per cent, according to the occasion upon which this speech was made. I think it was made upon the bill which he himself introduced.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. Yes.

Mr. CHILTON. I wish to correct the Senator. I recall now that the duty which was fixed by Senator LA FOLLETTE's amendment was 29 per cent. At least that was the rate which he was trying to maintain in the Senate.

Mr. CUMMINS. The Senator from Wisconsin originally introduced a bill providing for a duty of 35 per cent, while the House passed a bill providing for a duty of 20 per cent. In collaboration with our Democratic friends upon the other side it was agreed that there should be a duty of 29 per cent, and it was upon that bill or upon his original bill that the Senator from Wisconsin made the speech to which reference is made.

I can not allow the zeal of my friends upon the other side to put those of us who were and have been for a long time in favor of a sharp reduction in duty in the attitude of favoring a complete removal of duty.

Mr. CHILTON. Mr. President, I have only to say that I was not trying to put the gentlemen upon the other side in any position. I did not mention the tariff nor a rate nor anything of that kind. I simply wanted the country to know that in his deliberate moments, when he had thought upon the question, on another occasion, the senior Senator from Wisconsin [Mr. LA FOLLETTE], a Republican, was square enough and manly enough to put a quietus upon this argument which had been used by gentlemen upon the other side. I had no other purpose in view. I am willing for that part of the speech of the Senator from Wisconsin to speak for itself.

Mr. SMOOT. Mr. President, the speech which was delivered by the Senator from Wisconsin and which has just been read was made upon the conference report on the wool schedule. It shows that it was in answer to a statement that I had made in relation to that conference report.

When doctors disagree the patient is to be sympathized with. The Senator from Colorado [Mr. THOMAS] to-day pictured the prosperity which the country was enjoying during the year 1892. That prosperity included 1890, and the Senator referred to a number of years prior to that time. The Senator from Wisconsin, in the speech just read, said that the panic was not caused by the passage of the tariff bill, because the panic had been impending for a number of years before, and the depression of business was felt not only in this country but all over the world. So one or the other statement is largely erroneous.

I say now, Mr. President, that there is no question in my mind that the passage of the so-called Wilson bill was the means of bringing to this country a great deal of the untold suffering that came to our working people following its enactment. As I said on a previous occasion, when the Senator from Colorado was discussing this question some months ago, if the conditions in the world to-day were the same as they were in 1893 there is no question in my mind but that the passage of the pending bill would bring exactly the same results as the passage of the Wilson bill brought in 1894. It was not a question of the amount of money that was in circulation at that time that brought on the panic, but it was a lack of confidence in the business future of the country from one end of this country to the other.

Mr. President, I merely wanted to say this much in answer to the statement which has just been read at the request of the Senator from West Virginia [Mr. CHILTON].

Mr. WILLIAMS. Mr. President, I had no idea of saying anything in reply to what the Senator from Utah [Mr. SMOOT] has just said. I rise for the purpose of making a statement; but before I make the statement it perhaps would be well enough to "reminisce" a little—if that be a correct English word, and if not I originate it now. I remember very distinctly a man by the name of Gen. Weaver, from the State of Iowa, traveling over this country in 1890, 1891, and 1892, voicing all the discontent of the country, boasting in Meridian, Miss., in my presence, that he had counted his audiences in the West "not by the thousand, but by the acre," voicing the general complaint that the farmer everywhere was not getting a price commensurate with the cost of production. So far as the cotton farmer was concerned that was true; so far as the corn farmer was concerned it was true; so far as the wheat farmer was concerned it was true. Gen. Weaver laid it all to the fact that we did not have free silver coinage at 16 to 1, regardless of the will of the other nations of the world.

Mr. President, there is not in the Senate a man with a memory beyond that of a 20-year-old boy, and with average intellectual integrity, who does not confess that the great world-panic, which culminated in this country in 1893 at its most acute stage, had already begun in the balance of the world, especially in Australia and in Great Britain, with the failure of the Baring Bros., as early as 1890. The only reason why it came to the United States not earlier than 1893 was because the United States, by reason of its inexhaustible resources, its inventiveness, and many other advantages, including cheap land as the chief advantage, was able to stall it off for three years. It struck London, it struck Vienna, it struck Australia, it struck the balance of the world, rebounded around us, and reached the United States latest of all. At that time men of the school of thought of the Senator from Utah [Mr. SMOOT]—although he was not a Member then of either House—but men of his school of thought were telling us that the reason for the panic was that we did not repeal the purchasing clause of the Sherman Act.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Certainly.

Mr. SMOOT. I do not want the Senator from Mississippi to put me in that category, because that is not true so far as I am personally concerned.

Mr. WILLIAMS. I said the Senator was not then in either House, but that the men of his school of political thought, the "stand-pat Republicans," with Thomas Brackett Reed at the head of them—and I was at that time in public life—were making the argument every day that the cause of the panic was that we would not speedily enough repeal the purchasing clause of the Sherman Act. There is no doubt about the fact that a general depression for two or three years preceded the acute stage of the panic of 1893. There is no doubt about the fact that after the panic in 1893 occurred conditions got worse and worse for a certain period, and then, when things got to rock-bottom and debts had been liquidated, conditions got better and better up to a certain period.

The whole history of panics is simply this, Mr. President: That undue prosperity, accompanied by undue speculation and general indebtedness, leads to panic, and that, after the panic has come, then, when humanity begins to preserve itself by getting down to a rock-bottom basis, adversity again leads to prosperity. Prosperity leads to panic and panic leads to prosperity. That is the history of the whole world from the beginning of time down to now. Whenever men get to imagining that they are so rich they need not take care of their pocketbooks they run into debt; when they run into debt too much they run into a panic; and after they have run into a panic too much they have to quit running into debt, because nobody gives them credit. Then after they quit running into debt, financial society reestablishes itself.

The Wilson bill had no more to do with the panic of 1893 than my baby boy's son's birth had to do with what took place in Judea in the times of Christ. Anybody who has any sense, coupled with any intellectual integrity, knows that.

Mr. WARREN. Well, Mr. President, it took the American people a good while to find it out.

Mr. WILLIAMS. Oh, of course.

Mr. WARREN. The American people have pretty generally believed that the Wilson bill was largely responsible for the misfortunes of that period.

Mr. WILLIAMS. Because there were a lot of liars going around loose in the land who coupled a great deal of intelligence with a great deal of expert information, backed by special privilege and special interests, and who were preaching the doctrine that the tariff bill which passed in September, 14 months after the panic began, was the cause of the panic that preceded it by 14 months. There never has been a day in the history of the world when an organized lie could not make an

impression, and that particular organized lie made its impression, but the American people have now found out that it was a lie originated and spread by political organization.

Mr. WARREN. By what authority does the Senator say that the American people have found out that it was a lie?

Mr. WILLIAMS. By the authority of the last election, which put Woodrow Wilson in the White House.

Mr. WARREN. What will the Senator say if the next election should reverse results?

Mr. WILLIAMS. I should say if the next election should reverse that result that the American people would have some good reason for it, but until that times comes I can not tell what reason there may be.

Mr. WARREN. I did not know but that the Senator would tell us at this time what the American people were going to do about it next time.

Mr. WILLIAMS. No. Mr. President, it seems to me that this ghost ought to be buried. It seems to me that it ought to be buried with the "bloody shirt"; it ought to be buried with the "mercantile theory"; it ought to be buried with a lot of other fool things in which humanity has from time to time been persuaded to believe.

I do not believe that there is in the world an honest man, with full information, who believes that the panic of 1893 was due to the passage of the Wilson bill in 1894. That depression began in 1890. I remember distinctly when Gen. Weaver was making a speech in Meridian, Miss., that I asked him to divide the time with me, and he declined. That was in 1891, when he said, as I quoted him a moment ago, that he had counted his audiences in the West and in the Northwest "not by the thousand, but by the acre," and he was telling the truth. He had counted them by the acre because the agricultural population of this country was in a condition of distress and suffering that it had never known previously in the history of the United States. At that time Cleveland's election was not even dreamt of; a reform of the tariff was not even horoscoped. The Populist Party grew in strength in the State of Mississippi until it threatened to carry it like a prairie fire, and the only thing in the world that stemmed it was the fear of negro rule. Every Senator here remembers that. The Senator from South Carolina [Mr. TILLMAN], I am sure, remembers the same condition in South Carolina, and every Senator here will remember a like situation all over the South.

Mr. President, I did not rise for the purpose of making a speech. I rose for the purpose of making a statement. The chairman of the Finance Committee has requested me to state that on Friday, when the Senate meets at 12 o'clock, the report of the majority on the tariff bill will be filed, and the Members of the Senate are generally invited to begin the debate upon the bill and its amendments as they come from the Senate committee.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and it was thereupon signed by the Vice President.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Friday, July 18, 1913, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 15, 1913.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Oliver P. Newman to be a Commissioner of the District of Columbia.

COLLECTOR OF INTERNAL REVENUE.

Charlton B. Thompson, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky, in place of Maurice L. Galvin, superseded.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Rae Bartley Hall to be third lieutenant in the Revenue-Cutter Service.

PROMOTIONS IN THE NAVY.

Capt. Clifford J. Boush to be a rear admiral.
Commander George W. Logan to be a captain.
Lieut. Commander Frank B. Upham to be a commander.
Lieut. (Junior Grade) Wilfred E. Clarke to be a lieutenant.

The following-named paymasters to be paymasters with the rank of lieutenant commander:
George P. Auld.
James S. Beecher.
Henry A. Wise, jr.
Henry de F. Mel.
John A. B. Smith, jr.
Felix R. Holt.
Emmett C. Gudger.
Stewart E. Barber.
Howard D. Lamar.
Ervin A. McMillan.
Eugene H. Tricou.
William C. Fite.
David C. Crowell.

The following-named passed assistant paymasters to be passed assistant paymasters with the rank of lieutenant:
William R. Van Buren.
Raymond E. Corcoran.
Elwood A. Cobey.
Spencer E. Dickinson.
Robert S. Chew, jr.
Russell Van de W. Bleecker.
Major C. Shirley.

The following-named naval constructors to be naval constructors with the rank of lieutenant commander:
Julius A. Furer.
William B. Fogarty.
Sidney M. Henry.
Lewis B. McBride.

The following-named assistant naval constructors to be assistant naval constructors with the rank of lieutenant:
Philip G. Lauman.
Arthur W. Frank.
Ralph T. Hanson.

The following-named civil engineers to be civil engineers with the rank of lieutenant commander:
Ernest H. Brownell.
Ernest R. Gayler.
Paul L. Reed.
Frederic R. Harris.
Archibald L. Parsons.

The following-named lieutenant commanders to be commanders:
Emmet R. Pollock.
Chester Wells.

The following-named ensigns to be lieutenants (junior grade):
Paul L. Holland.
Richard C. Saufley.
James L. Kauffman.
Harrison E. Knauss.
Frank R. Berg.
Paul H. Bastedo.
Jabez S. Lowell.
Archibald H. Douglas.
William W. Wilson.
Lee P. Warren.
Abner M. Steckel.
James G. Stevens.
Robert R. M. Emmet.
Raymond G. Thomas.

Francis C. Clark to be an assistant surgeon, Medical Reserve Corps.

POSTMASTERS.

IOWA.

Harry A. Cooke, Eagle Grove.
Edward L. Hall, Chelsea.
Michael J. Harty, Lone Tree.
D. E. Horton, Lime Spring.
Orson R. Hutchison, Arlington.
Charles S. Marshall, Deep River.

KANSAS.

A. F. Hamm, Nortonville.

OHIO.

Frank M. Carlin, Cleves.
Roy C. Hale, New Vienna.
W. A. Lowry, Urbana.
Hoyt B. Mahon, Dunkirk.

OKLAHOMA.

Samuel C. Campbell, Enid.

WASHINGTON.

Preston F. Billingsley, Ephrata.
Mary Dillabough, Conconully.

Charles G. Gehres, Connell.
Charles E. Guiberson, Kent.
Theo Hall, Medical Lake.
Ethel R. Joslin, Port Orchard.
Garrett R. Patterson, Malden.

WISCONSIN.

Frank Gottsacker, Sheboygan.
F. W. Keuper, Union Grove.
Wigand B. Krause, Port Washington.
John S. Meldeen, Palmyra.
George Wildermuth, Sheboygan Falls.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 15, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us plenteously with energy, skill, courage, and help us to apply them unto wisdom, that we may work the works of righteousness and pass on our way rejoicing in the fruits of a well-ordered life upon which Thou canst look with approval, leaving behind us a record which those who shall come after us may follow with impunity. And Thine be the praise through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Saturday, July 12, 1913, was read and approved.

ADJOURNMENT UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. Mr. Speaker, would it not be better to wait until after this bill is disposed of?

Mr. UNDERWOOD. I understand from the gentlemen in charge of the bill that it can be disposed of to-day and that the other matters that are pending can be disposed of to-day.

Mr. MANN. I think that is true, but if anything should happen by which it should not be, or if the Senate should not dispose of the bill to-day, it would be desirable to have the House meet before Friday.

Mr. UNDERWOOD. I would say to the gentleman that we can undo it by unanimous consent if desired. After this bill is disposed of there will probably be some debate on other matters that may be extended, and I would like to get the order made now, if there is no objection.

Mr. MANN. Very well. I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CORRECTION.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to correct a statement I made in the RECORD in regard to the Mulhall inquiry. It is not a correction of the RECORD, but a correction of a statement that I made.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks unanimous consent to make a correction. How much time does the gentleman want?

Mr. MURDOCK. Two or three minutes.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks two or three minutes in which to make a correction of a statement he made. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Speaker, during the pendency of the Mulhall inquiry resolution, while the gentleman from Wisconsin [Mr. COOPER] was arguing a motion to make all the hearings open, I made the statement that one of the meetings or hearings of the Senate committee had been secret. I made that statement upon information which I had found in the morning Post, July 9, 1913, which was as follows:

The committee tried to bring out whether Lamar had any stock in the Steel Corporation about the time the investigation resolution was introduced, or held any Union Pacific or Southern Pacific recently or now.

EXPLAINS IN SECRET SESSION.

When the committee reassembled after luncheon it held an executive session, into which David Lamar was taken for questioning.

After the committee had listened to a confidential explanation of some of Lamar's testimony Chairman OVERMAN announced that it was not material and would not be made public. The questioning in public then was resumed.

Since that time, Mr. Speaker, Chairman OVERMAN, of the lobby investigating committee of the Senate, has stated that there have been no secret sessions of the Senate committee save three, in which the matter of the admissibility of testimony was gone into, and no secret hearings. I make the correction, and am glad there are no secret hearings on the part of the committees, either in the Senate or in the House.

EXTENSION OF REMARKS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a joint and concurrent resolution passed by the Missouri State Legislature at its last session.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RUSSELL. I desire to state that I offer it at the request of its author and wish to say that while I can indorse much that it contains, there are some of its contents to which I do not agree.

STATE OF MISSOURI,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, Cornelius Roach, secretary of state of the State of Missouri, and keeper of the great seal thereof, hereby certify that the following pages contain a full, true, and complete copy of a concurrent resolution of the General Assembly of the State of Missouri, entitled "Joint and concurrent resolution asking Congress to call a constitutional convention or to submit to the several States through a congressional joint resolution, an amendment to the Constitution of the United States, correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States," and that the journals of the proceedings of the house and senate of the forty-seventh general assembly show that said joint resolution was adopted.

In testimony whereof, I hereunto set my hand and affix the great seal of the State of Missouri. Done at the city of Jefferson, this 15th day of April, A. D. 1913.

CORNELIUS ROACH, *Secretary of State.*

House joint and concurrent resolution 23, forty-seventh general assembly.

Joint and concurrent resolution asking Congress to call a constitutional convention or to submit to the several States through a congressional joint resolution, an amendment to the Constitution of the United States, correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States.

Whereas a single judge of an inferior Federal court has time after time nullified and amended the solemn enactments of the Legislative Assembly of the State of Missouri and of other States of this Union, and has even destroyed provisions of the constitutions of the States, made after the most deliberate thought and study in convention or by the sober verdict of the whole people; and

Whereas this manner of destroying and amending the deliberate enactments of a sovereign State has no specific warrant in the Federal Constitution, and is not in keeping with the dignity of this State or of any other State of this Union; and

Whereas it is not in keeping with the spirit of free institutions that the ruling of an inferior Federal court shall nullify the deliberate acts of the people of a whole State; and

That in order to correct these evils, an amendment to the Federal Constitution, to be known as Article XVII, be proposed to the several States for their ratification or rejection, to wit:

Be it resolved by the house of representatives (the senate concurring therein) as follows: That we apply to the Congress of the United States and respectfully ask that an amendment to the Federal Constitution to correct these evils be proposed to the several States for their ratification, to wit:

To the Congress of the United States:

In pursuance of the rights reserved to themselves by the sovereign States of this Union, we, the representatives of the State of Missouri regularly met in general assembly, do hereby apply to you and respectfully ask that you either call a constitutional convention for the purpose of proposing to the several States of the Union the amendment to the Federal Constitution given below, or that you propose to the several States for their ratification, according to Article V of the Constitution of the United States, said amendment, to wit:

ART. XVII. No inferior Federal court shall have jurisdiction over questions involving the constitutionality or the validity of any State law; but a law of any State, when called in question as violating the Constitution of the United States, or as conflicting with any Federal statute, shall be certified immediately to the Supreme Court of the United States, and shall be given precedence over all other business before said court. No Federal court shall issue any writ of injunction, restraining the execution of any State law, and no appeal to the Supreme Court of the United States, involving the validity or the constitutionality of the law of any State, shall operate as a supersedeas. Every question involving the rights of a State or the validity or constitutionality of a State law shall be decided by the concurring opinion of every member of the Supreme Court.

And be it further resolved, That every State in the Union be respectfully requested to join with us in this memorial to Congress, and that a copy of this resolution be sent to the governor and secretary of state of each State, and to such general assemblies of States as are now in session, and to all other general assemblies of States as soon as they shall convene; and that copies be sent to the President of the Senate of the United States and to the Speaker of the House of Representatives.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article that

appeared in the Philadelphia North American on the visit of some Indian chiefs to that city. It is of some interest to Congress.

The SPEAKER. The gentleman from Minnesota [Mr. LINDBERGH] asks unanimous consent to extend his remarks in the RECORD by printing an article out of the Philadelphia North American about some Indian chiefs. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, just before the close of the last Congress an editorial appeared in The North American, of Philadelphia, on the North American Indian, which is well worth the thought of Members of Congress. The editorial was entitled "Justice to the Indian." When it appeared the close of the session was so near that it was too late to secure leave in that Congress to make the editorial a part of our national records. I therefore take the opportunity to do so in this Congress.

People generally feel little concern for the Indian. He has ceased to be an obstruction to the advancement of the white man. He is no longer to be found in the way, blocking what we call civilization. When I was a child of a year my father and mother entered the Indian country and helped to push the Indians back. This was not from any spirit of opposition to the Indian, but was with the same spirit that possessed the early settlers to get homes for themselves and their families. The Indian was compelled to get back farther. But in the district which I have the honor to represent there are several bands of Indians, and their rights have not been properly safeguarded by Congress. The rights of the Indians generally have not been regarded seriously when it was the desire of the white man to utilize the territory of the Indian. I wish to insert this editorial in the RECORD because I think it is most fitting to call our attention to the duty we, as Members of Congress, owe the Indian. The editorial is as follows:

[From the Philadelphia North American, Feb. 27, 1913.]

JUSTICE TO THE INDIAN.

The visit of 30 Indian chiefs to Philadelphia this week was an event not only rarely picturesque but historically noteworthy. Like figures from the remote past, as indeed they were, they stood forth vividly for a moment against the background of busy modern enterprise, then passed on into the shadows of forgetfulness. But they left behind them thoughts which a boastful civilization may well ponder.

Whatever may be the glory of having built towering cities where the ancestors of these men knew the dim aisles of trackless forests, the fate of the Indian is a challenge and a lesson to the race which overwhelmed him. It is a happy circumstance that Pennsylvania is the one place in the country where the white man may look unashamed into the face of his predecessor, for it was here that the lands of the Indians were purchased, instead of being stolen, and that here was signed "the only treaty which was never sworn to and never broken."

Perhaps the most significant feature of the visit was the new spirit displayed by these representatives of an almost forgotten race. Grave dignity of demeanor was to be expected; it was characteristic that they viewed with outward impassiveness the wonders and the tumult of city life.

But those who mingled with them were impressed most by the freedom with which they spoke. The habitual taciturnity of the Indian was laid aside, and they poured out their hearts almost like children. These grim warriors and tribal statesmen, who had participated in the last hopeless struggles against resistless force and had felt the consuming hatred of merciless war, seemed for the first time to cast off restraint and forget past wrongs.

They seemed to believe at last that the "white brother" of kindly legend was a reality and that the friendship so often pledged was true. So the stoic silence of generations melted and the smoldering memories of dishonor on one side and savage reprisal on the other were quenched in good will.

No doubt the wonderful scene they had witnessed in New York had helped to create this new feeling. Even the stern repression of the Indian character and the sleepless sense of injury were not proof against that spectacle.

They took part there in impressive ceremonies beginning the erection of a magnificent monument, a memorial which will stand forever at the gateway of the Nation, an imperishable testimony to the nobility of their race. Within sight of the great city which typifies the remorseless civilization that succeeded their sovereignty they heard the Indian character extolled by the President of the United States and the thunder of guns saluting in their honor. It may well be believed that they felt for the first time that "allegiance to our common country" which was pledged in the final peace treaty they signed.

Yet this belated tribute, the worthy conception of a big-hearted American, carries a thought which is a rebuke to the Nation. Not a note of dissent is now heard when the President and his Cabinet, with representatives of the Army and Navy, unite to pay honor to the Indian. But only a few years ago such utterances as were heard at Fort Wadsworth would have startled the most sympathetic admirers of the red man and would have stirred furious protest among many thousands of patriotic Americans.

The significant fact is that these tributes are quite in harmony with the soundest historical records. They but echo the testimony of those who knew the Indian in the distant past, before he had learned the vices of civilization and seen the doom prepared for him. These things were written in the year 1683:

"If an European comes to see them or calls for lodgings at their house or wigwam, they give him the best place and first cut. If they come to visit us they salute us, "Good be to you." If you give them anything to eat or drink, well, for they will not ask; and, be it little or much, if it be with kindness, they are well pleased. * * *

"In liberality they excel. Nothing is too good for their friend. Wealth circulateth like the blood; all parts partake; and though none shall want what another hath, yet are they exact observers of property. Some kings have sold, others presented me with several parcels of land. The pay or presents I made were not hoarded by the particular owners, but, the neighboring kings and their clans being present, they consulted what and to whom they should give. So the kings distribute, and to themselves last.

"Do not abuse them, but let them have justice, and you win them. The worst is that they are the worse for the Christians, who have propagated their vices and yielded them tradition for ill and not for good things. * * * It were miserable, indeed, for us to fall under the just censure of the poor Indian conscience, while we make profession of things so far transcending."

Thus the Indian appeared to the just, discriminating intelligence of William Penn. Is it not remarkable that after two centuries the same verdict should be rendered by national consent?

Yet to citizens who have reached middle age, how strange do these eulogies appear! Twenty years ago the name of Indian was synonymous with cruel savagery. Fiction writers were no more emphatic than historians in ascribing to him the vices of treachery, falsehood, and dishonesty; they would hardly grant him a single virtue to redeem his character from utter depravity. And almost the sole basis for this picture was the cruelty undoubtedly used in Indian warfare.

But what made the Indian a remorseless enemy of civilization, if it was not the civilization which revealed itself as a remorseless enemy to him? Gen. Richard H. Pratt, who has spent a lifetime in advancing the welfare of the subjugated race, has said: "It is a great mistake to think that the Indian is born an inevitable savage. He is born a blank like all the rest of us."

Civilization found him possessing the traits of honor and hospitality and generosity, as described by William Penn, and it taught him how fatal were these qualities when opposed to greed. Instead of developing them, civilization mocked at them. It robbed him and then outlawed him. And when he retorted upon wrong with savagery, it blackened his character with unrestrained calumny.

The removal of the Indian from the path of progress was inevitable. But the significant fact is that his reputation for unredeemed cruelty and worthlessness kept pace accurately with the ruthless exploitation directed against his property.

Instead of doing its necessary work with justice, civilization degraded it by crimes of cunning and then tried to cover them by systematic slander. Not until the remnants of the race had been stripped of almost its last possessions did a decent public sentiment force recognition of the Indians' claims upon the Government and upon the white race for justice.

Now the Nation so far discerns the truth as to approve unanimously the paying to the Indian of the finest honor ever offered to a people. The plan of Rodman Wanamaker is inspired by an artistic sympathy and deep sense of justice, which strike a responsive chord from one end of the country to the other. He serves his own people as well as those whom he honors by his far-visioned project of a great national memorial to the first owners of America.

That ownership was the Indian's real crime. It was his fatal misfortune to come too early upon the stage. If, instead of being found here by the first white men, he had come a century or two later, though he had come as a pauper refugee, his fate had been kinder.

The immigrant to-day finds law and order established for him, opportunity open for him, schools and hospitals free for him and his children. The Indian, possessing all the land, was robbed and hunted into the wilds and then maligned as a worthless creature, fit only to be destroyed by a beneficent civilization.

The most striking reparation that could be offered for these wrongs is now made possible through the munificence of one American who has the imagination to conceive and the heart to execute it. Can it be doubted that his great thought is another manifestation of the awakening spirit of justice which is felt throughout the world?

Civilization habitually justifies its treatment of the Indian on the ground of economic necessity. It is true that the red man was not a developer and that the vast resources of this country were needed for the upbuilding of a new and stronger race.

But let us be slow to boast of a civilization which has squandered the treasures of the land as ours has done; which has permitted the growth of a system of exploitation almost as cruel as that inflicted upon the Indians, and which tolerates social wrongs more relentless than the savagery the aborigines inflicted upon their worst enemies.

While the slavery of women and children and the infliction of deadly conditions of life upon countless human beings are defended as necessary to our progress, it is permitted to doubt whether our concept of the divine purpose and of justice is vastly higher than that of—

"The poor Indian, whose untutored mind
Sees God in clouds, or hears Him in the wind."

PRINTING FOR COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. KONOP. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin [Mr. KONOP] asks unanimous consent for the immediate consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 162.

Resolved, That the Committee on Expenditures on Public Buildings be, and it is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question. It has not been usual, I think, to grant this privilege to committees on expenditures. I think I have never known the Committee on Expenditures on Public Buildings to have such a privilege accorded to it before it is required to have printing done. I will ask the gentleman from Wisconsin if that committee has had this privilege before?

Mr. KONOP. It has had. It had it in the last Congress.

Mr. MANN. What is to be gained by it?

Mr. KONOP. I want to say, Mr. Speaker, that the Committee on Expenditures on Public Buildings at the last session had

an investigation on the proposition of standardizing public buildings, and as the result of that investigation much information was gained and a unanimous report was given to the House which was of great benefit to the Members.

Mr. MANN. Mr. Speaker, it occurs to me that if the privilege to have printing and binding done is to be granted to all committees of the House, it ought to be done by a general rule in the rules, instead of requiring every committee to get unanimous consent. If the privilege is granted to this committee, I know of no other committee which should not have it. However, I shall not object.

Mr. KONOP. I think most of the other expenditure committees have had a similar resolution passed. I think all of them have had.

Mr. MANN. I think a few of them have had.

The SPEAKER. Is there objection?

Mr. MURDOCK. Mr. Speaker, if the gentleman will yield to me, I would like to ask, Has the gentleman ever made any investigation as to what it costs? These resolutions are very frequent. What is the expenditure involved in one of these resolutions carrying that provision?

Mr. KONOP. I have not heard.

Mr. MURDOCK. Has the gentleman heard anything about a new order which provides that no embossed stationery shall be furnished?

Mr. KONOP. No; I have not.

Mr. MANN. I can give the gentleman some information on that subject.

Mr. MURDOCK. I should like to know how much one of these resolutions really costs the Government on an average.

Mr. MANN. I recently made inquiries at the Printing Office as to the difference between the cost of printing embossed letterheads and embossed envelopes and letterheads and envelopes with plain printing upon them. The difference in the cost is startling. I long ago have ceased to use embossed stationery, because I thought it was not fair to the Government to have stationery embossed at high expense, which I would not use if I had to pay for it out of my own pocket.

Shortly after I made this inquiry and this information was furnished to me the Joint Committee on Printing issued an order that no more embossed stationery should be furnished, as I understand, either to the committees or to the departments. I hope that is correct.

Mr. MURDOCK. May I ask what was the difference in cost?

Mr. MANN. As I recollect, embossed letterheads cost something over $5 a thousand, and the printing, I believe, without the paper being furnished, costs something less than $1 a thousand.

Mr. MURDOCK. May I ask the gentleman how much the printed stationery costs on an average, or the printing under one of these resolutions for printing and binding?

Mr. MANN. Every committee now has the authority, without these resolutions, to order stationery printed for the use of the committee. There used to be a limit on the order, of 5,000 copies at any one time, of any one kind. A committee could order several kinds at the same time, or after ordering one kind one day could repeat the order the next day, and I think probably they never had any difficulty in getting the stationery printed. Under this resolution there is no limit on the amount which they may order at one time.

Mr. CLAYTON. Mr. Speaker, I ask to make a brief statement.

The SPEAKER. About this printing resolution?

Mr. CLAYTON. I wish to make an inquiry about the pending measure. As I understand it, stationery can not be printed on the order of a committee or the chairman of a committee. It must go through the hands of the Chief Clerk and be approved by him, and the Printing Office must have the approval of the Chief Clerk before stationery can be printed.

As to the printing of hearings and documents of that kind, the committee can order the printing without the intervention of the Chief Clerk.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the bill H. R. 3321, with amendments, as reported in the Senate July 11, 1913, 20,000 copies for the use of the House and 10,000 copies for the use of the Senate.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. LAFFERTY, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of Thomas W. Botkin (H. R. 18889), second session Sixty-second Congress, and the papers in the case of Daniel J. Cooper (H. R. 3630), first session Sixty-second Congress, no adverse report having been made thereon.

MEDIATION, CONCILIATION, AND ARBITRATION.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and that it be considered in the House as in Committee of the Whole, and that the two amendments which have been agreed upon by all the parties directly interested in this legislation and agreed upon by the Committee on the Judiciary be offered at the proper time, and that no other amendment to the bill be allowed.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to take from the Speaker's table the bill S. 2517 and consider it in the House as in Committee of the Whole, to offer two amendments which have been agreed upon by everybody in interest, and that no other amendments be offered. Is there objection?

Mr. J. I. NOLAN. Mr. Speaker, reserving the right to object, and realizing the urgency of this measure, I want to state to the House that there are a number of other organizations, which are interested in the passage of an amendment to the Erdman Act, that would like to come in under the provisions of that act, and that have in mind amendments to this bill. These gentlemen realize the urgency of this measure. The organizations involved are the commercial telegraphers, the shop employees of the various railroads of the country, and the freight handlers. Those organizations intend in the near future to have introduced into this House an amendment to the Erdman Act for the purpose of taking care of the men that are not alone members of their organizations, but also those that are nonmembers. I make this statement at this time on account of the nature of the request for unanimous consent, it shutting out all other amendments. These gentlemen will come in after this bill has passed both houses and been signed by the President, and will ask consideration in reference to their proposed amendments.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I understand that the gentleman asks unanimous consent that this shall be considered in the House as in the Committee of the Whole, and that two amendments, and two only, shall be offered to the bill?

Mr. CLAYTON. That is correct.

Mr. MURDOCK. There will be opportunity to vote upon those amendments, of course?

Mr. CLAYTON. Certainly.

Mr. MURDOCK. And the gentleman contemplates some debate?

Mr. CLAYTON. Mr. Speaker, to be perfectly frank with the gentleman, and uttering the spirit that was manifested yesterday in the conference upon this matter at the White House, it is the desire of everybody interested in the legislation, and it is recognized as necessary for the good of the country, that the legislation be enacted speedily. I had a conference with the minority leader, the gentleman from Illinois [Mr. MANN], but was unable to see the gentleman from Kansas [Mr. MURDOCK] prior to the meeting this morning. The gentleman from Illinois and myself, as the result of what we learned in the conference yesterday, and on account of the sentiment of those interested most directly in the legislation, in view of the urgent nature of the matter now before the House, concluded that perhaps one hour of debate, which I suppose will be under the control of the chairman of the committee, would be ample time in which to make any explanation of the bill that is necessary. I am quite willing to say at this time that of that hour, if that be the understanding, the gentleman from Illinois and the gentleman from Kansas will be accorded such time as they may wish.

Mr. MURDOCK. The gentleman does not contemplate shutting off debate on the amendments themselves?

Mr. CLAYTON. Not at all.

Mr. MURDOCK. If debate is in order.

Mr. CLAYTON. Of course, I take it that under the rules I could not cut off debate.

Mr. MURDOCK. Oh, anything could be done by unanimous consent.

The SPEAKER. The Chair will suggest to the gentleman from Alabama and to all gentlemen concerned that when this gets into the House as in Committee of the Whole debate will be limited to five minutes, except by unanimous consent. The

Chair suggests that the gentleman better embody in his request the time for the length of debate.

Mr. CLAYTON. Mr. Speaker, I will modify it by saying that at the expiration of an hour the amendments be brought to a vote, and that after the amendments are disposed of by vote the bill as then amended, or as unamended, as the case may be, be put upon its final passage.

Mr. MANN. Mr. Speaker, if the gentleman will permit, of course, as the Speaker has suggested, if the gentleman's request be granted, there will be no general debate, but debate will be under the five-minute rule. The Senate meets at 2 o'clock to-day. It is desirable, if practicable, to have this bill go to the Senate and reach there immediately after it meets, so that the Senate may agree to the amendments which are proposed, if they are agreed to here, in order that the bill may then be enrolled and signed by the Speaker and the Vice President while the two bodies are in session to-day, so that, if possible, the enrolled bill may be presented to the President to-night.

Mr. MURDOCK. Mr. Speaker, that can be done under the last request made by the gentleman from Alabama.

Mr. MANN. Oh, yes; there will be time enough for anybody to be heard.

Mr. CLAYTON. I do not think there will be any trouble about that.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, before consent is granted I would like to have the Clerk report the amendments that have been agreed to, as the chairman of the Judiciary Committee states, by all of the parties concerned. I am taken somewhat unaware by such a radical agreement as would foreclose any amendment, having intended to offer an amendment in one or two places to this bill along the lines provided for in the Erdman Act, which have not been incorporated in either the Senate bill or in the House bill introduced by the chairman of the Committee on the Judiciary.

Mr. CLAYTON. Mr. Speaker, perhaps my explanation may satisfy the gentleman without the necessity of reading the amendments at this time. The bill as it passed the Senate is the bill now under consideration, not the bill in the exact language as it was originally introduced in the Senate and originally introduced into the House. As a result of the conference at the White House yesterday it is proposed that the bill as it passed the Senate be amended in two particulars and two only. As the bill passed the Senate in one section it is required that certain of the original papers used in an arbitration be filed in the district court of the appropriate district, and then in a subsequent clause of the bill there is a provision that the same original papers be filed with the board of mediation and conciliation, a thing impossible to do, because the original papers can not be in two places at the same time. This amendment therefore alters the bill, so as to provide that certified copies of these papers used in the arbitration may be filed with the board of conciliation and mediation.

The other amendment simply seeks to restore what is now in the Erdman law. The draftsman of this bill, which we now have before us, it seems omitted by some unintentional error to carry forward into the bill a provision which is in the Erdman law, and which was at the time of the enactment of the Erdman law deemed to be a salutary provision. It is deemed now to be at least a safe provision to carry into this bill. That provision is that nothing in this act shall be so construed as to authorize the use of injunctive or other court process to compel any employee to perform labor. It might be said that such a provision is unnecessary, but it was thought to be necessary in the original law. It certainly will do no harm. It was thought to be unnecessary because of the thirteenth amendment to the Constitution, which abolishes involuntary servitude, and it was argued that it is not within the power of the courts to compel a man to labor against his will.

But it was suggested in answer to that that the provisions of this bill seek to make the award, and to have a judgment of the court predicated upon award. It is possible to do that. Out of abundance of caution, so that this may not in anywise be construed as to give the courts the power to compel personal service on the part of any employee, it was deemed wise to put back in this bill that provision of the Erdman law to which I have adverted.

Mr. STAFFORD. The gentleman's explanation is complete as to the two amendments that are to be offered to the Senate bill. I would like to ask the attention of the chairman of the committee as to whether the Judiciary Committee gave any consideration to that proviso in the Erdman Act which provides for the appointment of arbitrators when there are two or more organizations or classes of employees involved? This provision is found on page 31 of the Senate report, and is not incorporated in the Senate or House bill. It reads as follows:

Provided, however, That when a controversy involves and affects the interest of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees.

At the bottom of page 5 of the House bill that the gentleman introduced we have some provision for a——

Mr. CLAYTON. Will the gentleman permit?

Mr. STAFFORD (continuing). Controversy between employees not members of any labor organization, but there is no provision in either the Senate or House bill that relates to the agreement as to arbitrators where the employees are connected with different labor organizations, as provided in the Erdman Act.

Mr. CLAYTON. Well, Mr. Speaker, I may say in reply to the gentleman that he is reading from a bill which is not before the House.

Mr. STAFFORD. Well, the Senate bill and——

Mr. CLAYTON (continuing). Hence I have some difficulty in keeping up with his references. The pages are not exactly alike.

Mr. STAFFORD. The House bill are identical in phraseology, except as to those matters stricken out and new amendments offered.

Mr. CLAYTON. Substantially, but not exactly as to phraseology, in accord with the Senate bill as it passed the Senate. I have before me a copy of the bill in the exact words in which it passed the Senate, and I have not the copy——

Mr. STAFFORD. Is there any provision made in that bill for the matter to which I have just referred as incorporated in the present Erdman Act?

Mr. CLAYTON. I think the general provisions of the bill take care of that matter, Mr. Speaker. I think section 3 takes care of it, and I think the gentleman will find no trouble about it, but that it is provided for in section 3 and other sections of the bill.

I wish to say to the gentleman, furthermore, that the committee considered the House bill and the Senate committee considered the Senate bill. The five brotherhoods of railroad employees were represented at these different hearings for the most part by the chiefs of those brotherhoods, and also the Secretary of Labor was there, and Mr. Seth Low, president of the Civic Federation, was there, and Judge Knapp also attended these hearings. Everybody knows the remarkable and good work which the latter has done in these arbitration matters heretofore. Now, this bill is the concrete expression of the desire or wishes of those most directly interested in this sort of legislation, to wit, the great transportation companies of the country and the railroad employees themselves. They think, and I will agree with them in that opinion, that the machinery is ample to take care of the contingencies which the gentleman from Wisconsin [Mr. STAFFORD] has suggested, and they are unwilling to have the text of this bill altered. I think I violate no confidence when I say that it was suggested yesterday in that conference that certain amendments be made to this bill; for instance, to put in the shopmen, and to put in the telegraphers specifically, and it was objected to, not that such legislation is objected to, but that it would delay or hazard possibly the passage of this bill.

It was frankly stated by more than one gentleman yesterday in conference with the railroad companies—and they were represented by a number of presidents of the leading railroads of the East—that they would act under this bill and agree to arbitrate the differences in the pending strike which is now about to be ordered on the part of the railroad employees on some 54 railroads if the bill were amended in the two particulars that I have specified; but they declined to say that they would act on that bill if other amendments were offered. And the same view was expressed by the brotherhoods present, and I believe of the five interested in the pending strike four were represented by heads of the brotherhoods being actually present, and the fifth one was there by a proper representation. They all agreed that the railroads and the operatives would arbitrate under this bill, and perhaps thereby avert the most serious strike that the country has ever been confronted with, but they would not possibly—and I think one gentleman said in all probability—arbitrate under it if the text of this bill was altered except in the two particulars I have named.

Mr. MONDELL. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MONDELL. It has occurred to me in running over this bill that the objection made by the gentleman from Wisconsin [Mr. STAFFORD] is answered in this wise: This bill provides, which the Erdman Act did not do, for a stipulation for an agreement relative to arbitration. That agreement among the employees, of course, embraces all the employees, organized and unorganized, and all the different classes who have a grievance and who desire to submit the matter to arbitration. Section 4 of this act contains the provisions of that agreement to arbitrate, and when that agreement to arbitrate is entered into, as a matter of course all of the employees party to that agreement agree among themselves as to how other members of the board of arbitration shall be appointed, and therefore it is not necessary to particularize or specify, as the Erdman Act did, the way in which they are to be appointed, because there must be an agreement, the whole affair being voluntary, among all of the employees as to all the matter in controversy before there can be any beginning.

Mr. STAFFORD. Oh, there does not have to be an agreement as to all the employees. What this act provides for and what the Erdman Act provides for is for an agreement where a majority of employees are involved. I do not believe the present act provides for the case designated and pointed out by me.

Mr. MONDELL. It appears that the gentleman has only read section 4.

Mr. STAFFORD. The gentleman has read section 4 of both bills. Perhaps the gentleman from Wyoming has not. But, Mr. Speaker, in the exigency of the present railroad situation I shall not force an amendment of this kind upon the House at this time.

The SPEAKER. Is there objection?

Mr. BRYAN. Mr. Speaker, reserving the right to object, I desire at least to protest against the Progressives of this House, of whom I am one member, being tied by an agreement where they are in no way represented. It is all right in a great and important measure like this, and, I suppose, it is necessary for conferences to be had and for us to be tied up. But in this particular case I notice that the gentleman from Illinois [Mr. MANN], as the leader of the minority of this House, has been called into conference and has been considered, and that he has given consent for the Republican Members of this body, but the leader of the Progressives has not been considered or consulted in any way.

Mr. STAFFORD. Who is at fault for his not being considered? Wherein is the fault that he was not considered?

Mr. BRYAN. I do not know who is at fault, but I know that he was not considered.

Mr. SABATH. Mr. Speaker, do I understand that the Progressives are opposed to this measure?

Mr. MURDOCK. They are not; certainly not.

Mr. BRYAN. Of course we are for the measure. The Progressives, I suppose, are considered by the able and distinguished chairman of the Committee on the Judiciary and by the equally able and distinguished leader of the Republican 3,000,000 minority to be so thoroughly awake to all good measures that they can be relied upon and depended upon to stand by everything that is patriotic and right. But I say that when these details are considered and agreed to the leader of the 4,000,000 minority ought to be considered and recognized in these conferences.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me?

Mr. BRYAN. Yes.

Mr. MURDOCK. I think it is fair, Mr. Speaker, to say that I had an invitation to this conference of which the gentleman from Washington is not aware. Through a mistake I did not receive word until it was too late to attend. I had told the gentleman I was not invited. Afterwards, when I learned of my in itation, I did not inform him.

Mr. BUTLER. He ought to have been told.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, in view of the statements made by the gentleman from Washington [Mr. BRYAN], I would like to say I did not understand that I was asked to the conference because I was the Republican leader in the House. I had understood I was asked to the conference because I had given a great deal of attention to these bills and to this matter. For a good many years I have been frequently consulted by gentlemen who are identified with these propositions, both by Dr. Neill, by Judge Knapp, by the Secretary of Labor, and by many of the railroad organization officials and others. I did not undertake to bind any Republican or any Progressive or any other Member of the House by anything I agreed to, so far as I am concerned, and I am sorry——

Mr. CLAYTON. Mr. Speaker, before the gentleman proceeds——

Mr. MANN (continuing). That one of the brightest Members of the House, but a new Member, insists upon injecting politics into a situation like this.

Mr. CLAYTON. Mr. Speaker, just one word. This matter has been twice considered by the Committee on the Judiciary. It was considered as late as this morning, and the whole explanation that I have made here to the House was made to the Committee on the Judiciary. The matter was discussed and considered by the members of that committee. They concurred in the wisdom of the course proposed to-day. At that meeting of the committee the Progressive Party was ably and well represented in the person of that excellent gentleman from New York, Mr. CHANDLER.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to take Senate bill 2517 from the Speaker's table and to consider it in the House as in Committee of the Whole with permission to offer two amendments, all others to be shut out, and general debate to last one hour. Is there objection?

Mr. COOPER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER. I rise to reserve the right to object. I would like to ask the gentleman from Alabama [Mr. CLAYTON] one question. I came into the Chamber while the gentleman from Alabama was speaking and do not know what information he has given the House. As I understand, there was a meeting of railroad presidents and representatives of railroad employees yesterday in this city?

Mr. CLAYTON. There was.

Mr. COOPER. And they agreed that this bill, with the proposed amendments, might be enacted into law with their approbation?

Mr. CLAYTON. I would not state it that way. I would state that they desired it, and that they asked Congress to pass it in this form in order that the greatest strike that has ever confronted the country might possibly and in all probability be averted.

Mr. COOPER. But did those gentlemen, or the majority of them, sign a paper in writing to that effect, or was that simply an oral agreement?

Mr. CLAYTON. I will tell the gentleman just exactly what happened. No; there was no instrument of writing whatever, and there was no formal agreement as such. There was no discussion as to the particular text, written or unwritten, to be employed in the agreement. But the conclusion was reached by the people representing the great railroad corporations of the country, some fifty-four in number, and the five brotherhoods of railroad employees, that they could not arbitrate under the Erdman law as it now stands, and, therefore, they appealed to Congress to so amend that law of arbitration as that the parties to the pending controversy might arbitrate under a law acceptable to each side.

Mr. COOPER. Then, did they specifically agree to or approve the amendments that have been mentioned this morning?

Mr. CLAYTON. They did; and they were read. I have read those amendments word for word, and noted the places in the bill where they were to come, and asked if it was to be understood by all present that I, as chairman of the Committee on the Judiciary, should offer these amendments in this House, and it was unanimously assented to.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Will the bill be read afterwards for amendment?

The SPEAKER. Yes. Is there objection?

There was no objection.

The SPEAKER. The arrangement is that there may be one hour's debate. No agreement was made as to the control of the time.

Mr. CLAYTON. Mr. Speaker, I will ask how much time the gentleman from Illinois [Mr. MANN] will want, and how much time the gentleman from Kansas [Mr. MURDOCK] will want?

Mr. MANN. I suggest that the gentleman from Oklahoma

[Mr. MORGAN], ranking minority member of the committee, control the time on this side.

Mr. CLAYTON. How much time will my colleague from Oklahoma desire?

Mr. MORGAN of Oklahoma. I suggest that the time be divided equally.

Mr. CLAYTON. There are three parties to the agreement, and I should like to accommodate all.

Mr. MORGAN of Oklahoma. I will ask the gentleman from Kansas [Mr. MURDOCK] how much time he desires?

Mr. MURDOCK. I think we will need about 15 minutes.

Mr. MORGAN of Oklahoma. Can you not get along with 10 minutes and give us 20 or 25 minutes?

Mr. MURDOCK. Yes.

Mr. MORGAN of Oklahoma. How much time will the gentleman from Alabama give to this side?

Mr. CLAYTON. One gentleman has asked me for 10 minutes, and in view of the fact that possibly there are other members of the committee who may want some time, I would like, if I may, to have at my disposal 30 minutes, but I want to be agreeable, both to the gentleman from Oklahoma [Mr. MORGAN] and the gentleman from Kansas [Mr. MURDOCK].

Mr. MORGAN of Oklahoma. We are willing to take 25 minutes. Can the gentleman from Kansas get along with 10 minutes?

Mr. MURDOCK. Oh, yes; I can get along with 10 minutes. Does the gentleman from Oklahoma want 25?

The SPEAKER. Will the gentleman from Kansas speak loud enough so that the Chair can hear?

Mr. MURDOCK. I was addressing my remarks to the gentleman from Oklahoma rather than to the Speaker, because, as I now understand, the gentleman makes the proposition that he shall have 25 minutes. Is that it?

Mr. MORGAN of Oklahoma. That I have 25 minutes and the gentleman from Kansas 10 minutes. That would be about the fair proportion.

Mr. MURDOCK. I have no objection.

The SPEAKER. Then the understanding is that the gentleman from Alabama has 25 minutes, the gentleman from Oklahoma 25 minutes, and the gentleman from Kansas 10 minutes.

Mr. CLAYTON. Mr. Speaker, it is a matter of common knowledge that the greatest railroad strike in the history of our country is now threatened, involving, I believe, every railroad east of the Mississippi and north of the Potomac Rivers, involving thousands of railroad employees engaged in the operation of trains in that large portion of our country covered by the railroads to which I have referred.

I think, Mr. Speaker, that the gravity of the situation is apparent to this House, and that both branches of Congress are ready, with all decent haste, to pass this legislation, which it is believed will avert what we may term a national calamity.

The time has passed when there could be a strike of any considerable magnitude on the railroads of the country in which no one was concerned except the railroads and their employees. That is a matter I need not dwell upon, because it goes without saying that it is a matter of great concern to the people of the whole country, regardless of their occupations or pursuits.

I desire to say another thing, Mr. Speaker, that, I believe, in the whole history of congressional legislation there has never been an act proposed that was more far-reaching in its nature or more beneficent in its character than this.

I believe it marks a new era in the settlement of industrial disputes. I believe it will do more to show to the great corporations of the country and to their industrial workers the wisdom of settling their disputes without resorting to the warfare of an actual strike than anything that has ever been suggested. Mr. Speaker, surely this is a consummation devoutly to be wished. I hope that by this legislation we can teach the lesson to the workingmen of our country and to the capitalists in control of the corporations of the country that it is better to have a peaceful settlement of a dispute rather than a great industrial warfare; and that such a method of settlement is not only theoretically right, but that it can be made practical in all its accomplishments.

When we have done that we have gone further than any other piece of legislation has gone toward teaching the wholesome doctrine of mediation and conciliation, of arbitration, and of peaceful, costless settlement. I say costless, because the mere cost of the officials required under this bill is a bagatelle, and it will avert that great and calamitous cost of interrupting the business of the country, and avert that equally great and calamitous cost of throwing out of employment thousands of men who have the right to labor and who have also the right to have their grievances heard and redress given to them if their cause be just.

Mr. Speaker, that is this bill. Its origin is easily stated. Under the Erdman law there were, I think, some 60 strikes settled. For a number of years that law was not used, because the corporations and the employees would not trust its efficacy, and they were not willing to trust the men who constituted the board of mediation and conciliation. They doubted the men and they doubted the remedy.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Mr. Speaker, I wish the gentleman would permit me to complete this brief statement, and then I will be very glad to yield. As I said, for some years the Erdman law, which was approved June 1, 1898, was unused for the reasons stated. Then resort was had to it, and I want to pause here long enough to pay a deserved tribute to Judge Knapp and to Dr. Neill for the wise manner in which they made the Erdman law an efficient remedy in the settlement of disputes in many cases. As time went on, however, this fact was developed. In one controversy between the railroads and certain of their employees the railroads objected to operate under the law, because it provided for only three arbitrators. The railroads suggested to this brotherhood that they have an arbitration in the nature of common-law arbitration and arbitration independent of the Erdman law. That arbitration was had, and it was composed of seven members, the larger number to meet the wishes of the railroads. That did not work well, and for this reason: There was no sanction of authority of the Federal Government for that arbitration. It was held without the sanction of law.

The result of it was not satisfactory, for while the arbitrators took the testimony in the case in 14 days, they were 7 months before they rendered their award, and their award I think in some other particulars was unsatisfactory to the Brotherhood of Locomotive Engineers, one of the complaining parties. But be it said to the credit of that great organization and to the high-minded man who then headed it and to the high-minded man who now heads it, that brotherhood acquiesced in that award and lived up to it faithfully.

When this new controversy comes on, the railroads say they will not arbitrate under the Erdman law, because an arbitration board of three men means an arbitration involving a multitude of railroads and thousands of employees, and questions which shall be decided by one of those three men. That is the practical effect of it. The railroads select one and the employees select one, and then the umpire or the third man would settle a question of momentous consequences and of far-reaching effect. So it was said that, granting the necessity for arbitration, yet controversies arise to be arbitrated that are far-reaching beyond anything ever contemplated when the Erdman law was originally passed, and both sides agreed that it would be better to have an arbitration board of six, and that is what is agreed to in this bill.

As the Erdman law was originally passed it provided that the Commissioner of Labor and, as amended, the chief judge of the Commerce Court should be on this board of mediation and conciliation. The House bill, as brought in by the House committee, proposed to amend it by taking the members or certain of the members of the board of mediation and conciliation from the Department of Labor. The railroads and these brotherhoods object to that. They want an independent party or body, I might say, or an independent set of officials to constitute this board of mediation and conciliation. To use the happy language of one of the chiefs of these brotherhoods, which he employed yesterday, they want these men who are on the board of mediation and conciliation to be directly responsible to the President and not subject to the orders of a Cabinet officer. So that provision of the bill was agreed upon.

These are the two main or essential features whereby the Erdman law was changed. The railroad employees will not arbitrate their disputes under the law unless there is legal sanction for it. They have said so, they said so specifically yesterday and again and again they have said so orally and through the public press.

They want the power on the part of the arbitrators to subpœna witnesses. That is one reason they want this law. Then they want the oath administered to witnesses and want the law to provide the terms and stipulations of the arbitration agreement and to fix the agreement so that when the board of mediation suggests arbitration they will have some fundamental idea of what the proposition carries, because the proposition will be suggested by the board of mediation and conciliation that they arbitrate under this bill. Then they will know the general law and agreement under which they will work, and the details of it they can adapt according to the provisions of the law as it points out.

Mr. Speaker, I think I have explained the matter. Nothing else occurs to me at this time. Perhaps I have not been happy in my explanation, and therefore I would be very glad to answer any questions that may be asked, and I yield first to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. Mr. Speaker, as I understand the situation at the present time, it is that a number of railroads and their employees have serious trouble, not on account of not having an act under which to arbitrate their differences, but on account of the failure of those roads to pay what those men believe they are justly entitled to in the way of wages. That is the fundamental difference between the contesting parties, as I understand it, and they have had an agreement among themselves and the authorities of this Government whereby this bill is to be passed to-day, in an hour.

Now, what I want to know is this: After this bill is passed and becomes a law, how do we know that there will not be a strike on the part of these people, or how do we know that these railroads will make any concessions whatever other than they have already made, and how is the general public protected against the calamity pointed out by the gentleman in his remarks, under this bill?

Mr. CLAYTON. Mr. Speaker, I may say, in answer to what the gentleman has said, that we are taking these men at their word. We have some faith in this poor, weak humanity of ours. We believe that humanity's side and the intelligent side of a railroad president can be reached. We believe that this bill appeals not only to that humanity and to that intelligence, but appeals to a good business sense generally. And we believe further that the railroad employees ought to have somewhere, in some place, somebody to whom they can take their grievances which concern their conditions of employment, which concern their wages, and we have gone beyond that period when anybody should deny a fair hearing to a laboring man in any grievance that he may have.

Mr. GARRETT of Texas. Mr. Speaker——

Mr. CLAYTON. I hope the gentleman will not take up further of my time. I have only about eight minutes left.

Mr. GARRETT of Texas. I understand; but the gentleman has not answered my question.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] refuses to yield.

Mr. GARRETT of Texas. I am not opposed to the gentleman's bill.

Mr. CLAYTON. If the gentleman will ask a question and not make a speech, I will try to answer the question.

Mr. GARRETT of Texas. I will ask you this direct question——

Mr. CLAYTON. Put it to me.

Mr. GARRETT of Texas. What binding force is there in this bill upon any party?

Mr. CLAYTON. There is none, and can not be, and God forbid, Mr. Speaker, that Congress should ever enact compulsory arbitration laws. It would be in the teeth of the Constitution; it would be in the teeth of the inherited rights of every free American to have any sort of a law whereby any man could be compelled to render labor against the sovereign will which he carries under his own hat. [Applause.]

Mr. GARRETT of Texas. That is just the information I wanted, Mr. Speaker.

Mr. CLAYTON. But honor and business sense——

Mr. GARRETT of Texas. I will say to the gentleman, being opposed to compulsory arbitration, and not having read the bill, and having found no Member on this side who has read it, I wanted that exact information.

Mr. CLAYTON. Now, if the gentleman is satisfied, I will omit the rest of a most excellent peroration. [Laughter.]

Now, Mr. Speaker, I reserve the balance of my time.

Mr. QUIN. Will the gentleman yield?

The SPEAKER. The gentleman reserves six minutes.

Mr. CLAYTON. I can not yield, Mr. Speaker. I have promised the gentleman from Georgia [Mr. HARDWICK] 10 minutes, and I have only 6. Therefore will the gentleman excuse me under the circumstances?

Mr. QUIN. Certainly.

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] is recognized for seven minutes.

Mr. MORGAN of Oklahoma. Mr. Speaker, I would like to be notified when I have occupied seven minutes.

Mr. Speaker, as a member of the Committee on the Judiciary, I have been very greatly interested in this bill since it was called to our attention. Beginning nearly a month ago, we began to have hearings on this measure. Our first meeting was a joint meeting with the Commerce Committee of the Senate. Representatives of the railways and representatives of organizations of the railway employees have come before the Judiciary Committee and advocated this measure. I take it that there is not a single Member of this House who will not gladly and willingly vote for any measure that will in any way contribute to the industrial peace of this country. The Erdman Act was approved on the 1st day of June, 1898. The evidence before the committee showed that up until 1906 the act was dormant; that there were no arbitrations under the act from 1898 up to 1906, but that since that time the Erdman Act has been frequently used and has been of great benefit in preventing strikes. The evidence shows that 60 strikes have been prevented under this act. In other words, in 60 different controversies, when strikes were imminent on the part of the railway employees, through mediation and conciliation and arbitration the matter was amicably settled. It appears that most of these difficulties have been settled not by arbitration, but by mediation and conciliation. I think that out of these 60 strikes arbitrators were appointed only in about one case out of seven or eight. In other words, the great power of the Erdman Act has been in the wisdom and the skill exercised by the mediators and conciliators. As I understand it, both employees and the railways do not regard the arbitration part of it so important as the mediation and conciliation part of it.

There are three important changes in this bill as compared with the Erdman Act. In the first place, there is a change of the personnel. Under the Erdman Act at the present time the chief justice of the Commerce Court and the Commissioner of Labor Statistics constitute the mediators and conciliators. Under this act a new office, entirely independent of any department or of any Cabinet officer, is created. The President is authorized to appoint a commissioner of mediation and conciliation. The President appoints not more than two men, who shall be Government officers, appointed by the President with the advice and consent of the Senate, and these three, the commissioner of mediation and conciliation and the other two persons, will constitute the United States board of mediation and conciliation.

Now, the second change is that this act provides for six arbitrators, in case arbitration is used, instead of three as under the Erdman Act. As has been pointed out by the chairman of the Committee on the Judiciary, the gentleman from Alabama [Mr. CLAYTON], the bill——

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

Mr. MORGAN of Oklahoma. Certainly.

Mr. CLAYTON. If I caught him aright, he said that this bill provides for an arbitration board of six instead of three. This bill provides that the arbitration board may consist of three or may consist of six, as the parties may agree.

Mr. MORGAN of Oklahoma. I understand. In other words, under the present law the arbitration board can not exceed three, while under this law it may consist of six members.

Then there is a third change, which provides that whenever there is a controversy arising as to what the finding or award is the board of arbitration may be called upon to construe any part thereof the meaning of which may be in dispute.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask for one minute more.

The SPEAKER. Without objection, the gentleman from Oklahoma will be recognized for one minute more.

There was no objection.

Mr. MORGAN of Oklahoma. The importance of this legislation can not be overestimated. To provide industrial peace is the duty of Congress, so far as it is in its power. There are always three parties interested in these great controversies. First I would place in the rank of importance the interests of the men who are employed by the railways and the wage earners generally throughout the United States; second, the interests of the public; and third, the interests of the owners of the railways and the owners of our industrial institutions.

After all, back of all of these controversies comes the question of the proper distribution of the wealth that is earned and created by virtue of the labor of this country. That is the great question back of this matter. There must necessarily in all times be more or less controversy, more or less of contention, more or less of strife between the men who earn the wealth and the men who control the machinery and the resources out of which that wealth is created.

We should enact all laws necessary to give the wage earners every facility to secure justice without resorting to strikes. We should enact statutes that will enable employees to secure redress of all grievances—if they may desire—without being compelled to resort to a strike. This is an emergency measure to

prevent an impending strike involving 80,000 men and 54 railways. But it is more than an emergency. It is valuable legislation for the future. And I hope from time to time we may enact laws that will preserve industrial peace, protect the rights of wage earners, and protect the just rights of property.

The SPEAKER. The time of the gentleman from Oklahoma has again expired.

Mr. MURDOCK rose.

Mr. CLAYTON. Mr. Speaker, before the gentleman proceeds, I desire to ask unanimous consent that leave be given for five days to any gentleman to print his remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that any gentleman shall have leave to print his remarks on this subject within five legislative days. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized for 10 minutes.

Mr. MURDOCK. Mr. Speaker, I think that nearly all men will commend the dispatch and the determination in the conduct of this measure which has characterized President Wilson's course. I favor this attempt to extend the arbitration measure because I believe that it will bring peace in this particular industrial line, at least temporary peace.

But the situation, as I see it, and of which this is indicative, presents a distressing problem that no such compromise will permanently cure. Take this present situation, for example, and consider the case in hand. The railway trainmen were about to strike for higher wages. They are actually face to face with the problem of living. That is the fact of the business. All of us here know from personal observation the trainmen of this country. We all know that they are men of education and of high skill, as a rule, and of discriminating mind by reason of their occupation and training. They are not moved and have not been moved by whim or caprice in this matter. They are not inspired by any latter-day class consciousness against capital. These men are not warring upon the railroad managements of this country. They are not quarreling with their bread and butter for the mere love of controversy. They are not fighting for the maintenance of some theory involving their rights, but they are face to face with the increasing hardship due to the high cost and the modern standards of living.

It is a problem not only with the railway trainmen, but it is a problem also with all the wage earners of the country, and it is increasing in acuteness every day. There has not been a day in the last 20 years, or an hour or a minute, when the control of those who fix the standards and cost of living, when the control of those who determine the cost of the shelter and clothing and food of the people—there has not been a day or an hour or a minute in the last 20 years when that control has not narrowed. And there has not been a day or an hour or a minute in the last 20 years when the consumers in this country, despite all the protestations of the politicians, despite all the laws that are passed, have not been losing ground. It is a serious problem with the trainmen and with all breadwinners in the country.

We are busy here in a very unusual way to-day to pass this meritorious measure, putting it through under what is virtually cloture, and with warrant. We do it because it is exigent and pressing.

But the great fundamentals which are sapping at the vitality of this Nation we do not touch. We are handling only one side of the railroad problem. What about the other side of the problem? What about the waste in speculative financiering? What about the report of the Interstate Commerce Commission on the railroad situation in New England made within the hour? It is a report which shows that the New York, New Haven & Hartford Railroad has been guilty of wanton waste; that it paid in one instance, in the purchase of the Rhode Island trolleys, $13,000,000 for nothing; that it paid in another instance, in the Westchester road case, $12,000,000 more than the road's value.

Who will pay for the waste? Who will make good this sort of thing in railroad speculation? Why, the people make it good, and with them these railway trainmen who threatened to strike.

I say to the gentlemen that a Member of Congress, with his $7,500 a year, is apt to get rather far away from the real problems of life. These men who threaten to strike are regarded by many as well paid. The trainmen are superior in skill and in intellect. They do not regard their pay as adequate. And when the matter of their bread and butter came up before them—and this ought to challenge the thought of every man within the sound of my voice—the vote for the strike was almost unanimous.

I say to you as fellow legislators that I believe that the day of paltering and of postponement is passing in this country. I believe the day of compromise is almost gone. I believe that this body and the executive branch of this Government have got to get down to business and reach into the heart of this thing and correct the fundamental wrongs and find the real remedy, and when that is done there will be precious little use for this act. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman reserves 5 minutes of his time. The gentleman from Oklahoma [Mr. MORGAN] has 17 minutes. Does the gentleman from Alabama [Mr. CLAYTON] desire to use his 6 minutes?

Mr. CLAYTON. I will yield 4 minutes to the gentleman from Georgia [Mr. HARDWICK] and reserve 2 minutes.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for 4 minutes.

Mr. HARDWICK. Mr. Speaker, because of the fact that four or five years ago I served on one of the arbitrations held under the Erdman Act, and one of the most important ones held under it, I think I have had some practical experience with the way that act has operated in the past, and I believe that there are at least three or four very important changes for the better in the bill now pending before the House.

In the first place the personnel of the board of mediation is improved. I do not mean that exactly in a personal sense, either. It is improved for two reasons—first, because the board of mediation is made independent of any and all bureaus and departments; and, second, because it consists of three members instead of two, as under the Erdman law. Sometimes when the two came to select the umpire, when they could not agree the two might be deadlocked, and that has been threatened at times; but when you have three, as under the proposed bill, that is an impossibility.

In the next place the provisions for conducting the arbitration itself are improved in the respect of how long after the third man is selected before the arbitration shall begin, and how long after the arbitration begins before it shall end. That is made more flexible, and is to be fixed according to the needs of each case, in the submission.

In the next place, there is more flexibility in this law than in the Erdman Act on the question as to how long the award shall be binding on the parties. Under the Erdman Act no matter what the controversy was the law provided that the award should continue in force for 12 months, no more and no less. In this bill it is proposed that the award shall continue in force just such time as the board deem proper and right, either a greater or a less time. It is more flexible in that regard, and therefore I think can be made to fit the necessities of each particular case better.

In the next place, in the twelfth subdivision of the Senate bill that we are about to pass, the board has the power to construe any provision of the award when that provision is the subject matter of controversy after the award is made. To my certain knowledge in the case in which I served there was a good deal of controversy over the construction of one of the provisions of the award, and there was no way in which either the laboring men or the railroad companies involved could have that provision construed, without litigation.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HARDWICK. No; I think not. I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. HARDWICK. I am sorry I have not the time. In the case to which I referred neither the employees nor the railroads could get a certain provision of the award construed, unless they went to law about it, because the law did not provide that any or all of the members of the board could give their testimony as to what was meant by it. In this respect the pending bill provides a great practical improvement, because the board itself is allowed to construe the award if its meaning should become the subject matter of subsequent controversy. From the experience I have had with the Erdman law I believe it has been a practical working measure all along. I believe that with the improvements contained in this legislation it will be an even better instrument for securing much-desired results.

And in this connection I want to say that the President of the United States and every gentleman who participated in that momentous conference yesterday are, in my opinion, entitled to receive as their just due the thanks of the American people for the great work that was done for the public in securing the approval of the opposing parties of the provisions of this bill

and an agreement to arbitrate the pending differences under it, and thus avoiding the great losses, inconveniences, and hardships of the mighty strike that threatened to tie up so many of our great railroad systems. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, recognizing, as we all do, that this is an emergency matter, and one that must be acted upon without delay, I have reluctantly consented myself to the passage of this bill as it passed the Senate, with the two amendments offered by the gentleman from Alabama [Mr. CLAYTON] in behalf of the committee. While the Erdman Act has been a law for some 15 years, no successful effort has been made heretofore to bring it up to the present conditions and needs that have been pointed out from time to time by Judge Knapp and Dr. Neill, who have been the ones who have had to do, principally, with the settlement of these various disputes. It is said that some 60 or more controversies between the railroads and their employees have been adjusted since the law was enacted, and yet, Mr. Speaker, there are many other similar organizations that have had disputes where the men have gone out on strikes to the great detriment and loss of property and money, not only to the employers and the employees themselves, but to the third party, the public in general. I sincerely hope that this agitation that has come up at this time as to the necessity for amending or repealing the present Erdman Act and enacting this bill which is now before us will cause the House to see the necessity of making important changes in this law in the months of this Congress that are to come. There is one important class of people which naturally belongs in a matter of adjudication such as this proposes, and that is the people who are engaged in the transmission of messages by telegraph, telephone, or cable, either by wire or by wireless. Those employees and employers have been designated common carriers under the act to regulate commerce which was passed in June, 1910.

If they are common carriers, then it seems to me, Mr. Speaker, we should include them in the provisions of this law, and that all persons actually engaged in the transmission of messages by telegraph, telephone, or cable should come within the provisions of the law. This would do a great deal of good, because there are strikes from time to time by employees of telephone companies and cable companies and telegraph companies. There are such now. To-day in my own State there is a strike of employees of a telephone company, which not only does business in the State which I have the honor in part to represent, but which extends into other States, particularly the State of Illinois. The result is that business is tied up to a certain extent, and the public is suffering. Many people are out of employment, and it is only a question of getting the employee and the employer together that this controversy may be settled. It was my desire and intention to ask that this bill be amended to include these people, but I see the futility of it. I saw that it was most important that we should at this time pass this bill, because there are hundreds of thousands of people affected by the present bill under consideration, and it is like allowing a child to play with fire to do anything that will prevent the enactment of this bill into law at once.

The SPEAKER. The time of the gentleman from Missouri has expired. The gentleman from Oklahoma has 12 minutes, and the gentleman from Kansas 5 minutes, and the gentleman from Alabama 2 minutes.

Mr. CLAYTON. Mr. Speaker, I hope the gentlemen will use their time now.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, it is an extreme exigency that causes the House under unanimous consent to consider a bill of this importance under what is virtually a rule that forbids any amendment whatsoever. However, we are all acquainted with the threatened strike conditions affecting certain branches of some of the railways of this country—those located to the east of the Mississippi—where a great conservative force of railway men are in dispute with the railway companies as to conditions of employment and particularly as to wages. This bill is the direct result of the failure of, or rather dissatisfaction on the part of the employees with the voluntary agreement of arbitration which attempted to settle the differences between the Brotherhood of Locomotive Engineers and certain eastern railway companies, that arbitration board comprising one representative of the engineers, one representative of the railroad companies, and, I believe, three representatives from the public generally. While there was an agreement among the arbitrators, it did not meet with the full approval of the Brotherhood of Locomotive Engineers. In the year since then strikes with other branches of the employees of the railroads have been imminent, the railroads being averse to submitting the matters in dispute to a limited board of three under the Erdman Act with only one impartial arbitrator, and the employees being opposed to submitting the questions in dispute to a larger board that did not have the sanction of law.

I regret exceedingly that opportunity for amendment is not provided, because I would like to have seen the public represented on this board of arbitration. In this debate we have heard much emphasis laid upon the fact that the public is deeply interested in these strikes, and they are vitally, and yet no provision is made for a representative of the public on these boards of arbitration. Though we are making a great advance by the creation of a separate bureau of mediation and conciliation, the head of which is to receive a salary of $7,500 a year, yet in the settlement of these great affairs, in which the public are so vitally concerned, that representative, if mediation fails, has no power except to select one or two of the board of arbitrators in case the parties to the dispute can not agree upon the full board of three or six. It has been criticized that a board of six might not come to an agreement, but how much better had we provided for a board of seven and had created ex officio this chief of the bureau of mediation and arbitration to represent the public and not to allow the representatives of only the immediate parties concerned to decide the issue.

This is a step in the right direction, but much yet has to be provided for by legislation. This bill, as with the Erdman Act, limits the settlement of disputes to virtually those connected with the railway carriers of this country, but the time is coming and coming fast when the public will demand that the disputes between the industrial laborers of the country connected with the production of a prime necessity of life, such as coal, and their employers shall be adjudicated similarly to that provided in this bill by a board of arbitration determined upon by the parties in dispute. Nay, more. Who can sanction such a condition as resulted from the settlement of the anthracite coal difficulties, where the representatives of the laborers on the arbitration board entered into an agreement with the representatives of the coal operators whereby they were granted their increase of pay and then the operators turned about and levied a higher price than was necessary to compensate them for the higher wages paid? It exacted that increase from the public which had no voice in the settlement, but was obliged to pay the increased wage and considerably more to the mine owners. It is such conditions that make the public cry out in protest, and the coming remedy is for the public to be represented in the settlement of wage disputes, especially where the product has a monopoly characteristic and is limited in quantity. The principle embodied in this bill should be extended to other classes of a public or quasi public character, and the public should be represented in the arbitral deliberations.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. MURDOCK. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker and gentlemen of the House, the measure under consideration is one of encouragement, I am sure, to everyone who believes that the function of a government is to promote the general welfare. It is a measure which seems to me, at least, to prove that the old philosophy of political economy no longer serves the purpose of this day of 1913. The old writers on the subject of wages and economic conditions said that if we trusted all to the free play of natural forces, if we allowed free play of natural law to work out, wages would be just, and that the cost of living would be met by wages in automatic fashion. They also said if the dangerous occupations were allowed to have the benefit of the free play of natural forces they would be more highly paid than the occupations which were not so dangerous.

I want to say that those theories have absolutely failed, and we are showing that truth in the consideration of this measure to-day. We are showing that the free play of natural forces and laws of nature will not bring justice. We are showing that the most dangerous occupations of this country are not more highly paid than less dangerous ones. Even the railroad trainmen, following one of the most dangerous occupations in this country, can not trust to natural forces but must struggle against great odds in the task of securing a livelihood for themselves and families.

This Government recognizes to some extent at least that it can not permit the free play of the rival forces of labor and capital to work out a solution, but must take some steps, however slow and halting, toward the idea that the public welfare

is paramount in such struggles and that the end of government is the promotion of the common good.

The fact of the matter is that the theory that if natural conditions prevail all our problems will solve themselves automatically is false in its essence. As a theory it is a thing of beauty, but when we come to actual conditions it is as much outgrown as the stagecoach and the tallow dip.

In this measure we are providing a method of arbitration which may be used when railroad trainmen and the employing companies are facing each other as opponents. It takes no account of the conditions which have brought about such a situation, but it does recognize that this Government should do something to prevent a disastrous struggle which means tremendous loss and waste and injury to the public.

Because it recognizes that principle, no matter how gingerly, I favor it and believe it to be justifiable and worthy. I want to say, however, with the gentleman from Kansas [Mr. MURDOCK], that this measure in no way touches the heart of the problem involved.

The gentlemen who talk of this measure marking a new era in industrial conditions desire to prevent the waste and loss of a great railroad strike. But why not seek to prevent the waste and loss inherent in the present conditions of industry and transportation? Why not go to the root of the problem of waste in this Nation? Why not treat the disease instead of doctoring symptoms?

I have been receiving circulars daily from the managers' committee of the railroads involved in this controversy and I presume every Member of Congress has been favored in similar manner. I have read them carefully and I have noted that while great stress is laid upon the amount of wages paid, no comparison is made with the relative cost of living or the relative amount of dividends paid by the railroads.

The United States Bureau of Labor issued a report on retail prices March 18 of this year. That report shows that the cost of 15 of the principal articles of food has advanced 55 per cent in the past 20 years, and that prices of the other necessaries of life have advanced in still greater degree.

During that period the wages of railroad employees have increased 39 per cent, so that there has been a relative decrease of wages although a nominal increase. In the face of such a situation, and during the same period, the amount of dividends on railroad stocks has increased over 400 per cent, or from more than $87,000,000 in 1890 to over $460,000,000 in 1911.

Mr. Speaker, there is one overshadowing problem in America to-day. Other problems are important chiefly as they bear upon it. It is the burden of the increasing cost of living upon the people of this country. One of its chief factors is the toll levied by railroads upon practically every article of common use. It affects every man, woman, and child in the Nation, and even the trainmen who man the trains which transport these articles must carry the burden.

The cost of transportation is a direct and excessive addition to the prices of the necessaries of life, but still more important is the waste of humanity in our present system of transportation. It is a waste seldom considered, but it is in reality the greatest drain upon the resources of this Nation. It is the loss caused by accidents and sickness and unemployment, which is not considered in the question of wages.

An appalling proportion of railroad trainmen meet death and accident while in the pursuit of their daily toil. Sickness comes to them as to others, and, if the Bureau of Labor is correct in its conclusions, 1 out of every 5 employees is idle for a period of from 1 to 12 months every year.

But in spite of that employment must be undertaken as though men had banished accident and sickness and unemployment from the earth. Little wonder is it that industrial strife is omnipresent and that cries of hatred and shouts of revolt are swelling into a great chorus of discontent.

There is no use in blinding ourselves to the truth and talking of mere surface measures as though they marked a new era in industry. However effective this measure may be in preventing the present threatened conflict, the causes of conflict remain The cancer is still there and no application of court-plaster will avail in its treatment.

The great problem involved is not one which concerns solely the employers and employees. It is of vital importance to all the people of this Nation, and the people as a whole will pay all the bills.

To-day the railroads are paying dividends on $7,000,000,000 worth of fictitious and watered stock. To pay such dividends they are levying a tax upon every article that the American people use. In doing so they are widening the gap between the average man's income and the amount required to provide the necessaries of life for himself and family.

The railroads exist for the service of the public. They are common carriers upon the common highways of the Nation. I maintain that the Nation has the right to deal with them in any way which will promote the common welfare.

I take encouragement from the unanimity of feeling regarding this arbitration measure. I believe it is a step in the direction of the attitude that this Government of ours exists for the people and that its only just function is to promote the general welfare. With that attitude established, we will stop at no surface measures which do not touch the heart of the problems involved. The question of watered stock will be faced fearlessly and the tolls levied because of such fraud will be abolished. Not only that, but if the public welfare demands that the railroads be taken out of the hands of private companies and operated by the Government, that step will be taken without hesitation. The only question which deserves consideration in such a connection is, Will such action benefit or injure the people of this Nation?

I believe that the time will come when that question will be answered and the common good demand that the railroads, which exist for all the people, shall be owned and operated by the Government of the people. But to-day the immediate duty resting upon this body is that of turning governmental action into its true course for the common good. Then only may we flatter ourselves that we have helped to bring about a new era in industrial conditions.

The SPEAKER. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. MORGAN] has eight minutes remaining.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the Erdman Act has been a very useful statute. It has been exceedingly helpful in preserving industrial peace and in bringing about satisfactory settlements between railroad companies and their employees. I am pleased that we are about to amend that act in a number of helpful ways. My only regret is that the emergency is such that it is not possible under present conditions to further amend the measure. There are some provisions in the act before us that, to say the least, are superfluous, and that might well be stricken from it, but not particularly important one way or the other, perhaps. But, on the other hand, it would be well, had we the time to consider the matter, to extend the provisions of the act to at least practically all of the employees of railway corporations.

However, the bill as it stands, and as it is likely to be amended, is a great improvement over the present useful statute. We all hope that its passage will prevent a great railway strike and the turmoil and disorder and great loss which would certainly ensue from such a strike.

The public is vastly interested in matters of this sort, and I join with the gentleman from Wisconsin [Mr. STAFFORD] in an expression of regret that these boards of arbitration have not upon them at least one member representing the public at large, for in the final analysis the public at large must pay all of the increase of wages which may result from arbitration.

The railroad companies are now contending that they are unable to increase the salaries of their employees unless they increase the rates of transportation. And yet it is reported in recent Government reports that at least one great railway corporation in the country has recently increased very largely its fixed and permanent obligations without receiving any adequate return for that increase of obligations. The gentleman from Kansas [Mr. MURDOCK] asks what we are going to do about that. My hope is that the time is not far distant when no public-service corporation of any sort or kind shall be allowed to add to its fixed obligations, which the people must eventually pay, until it shall prove to a competent board representing the public that that increase of obligation represents value received. [Applause.] The people, who must eventually pay for these added obligations, have the right to say that the stocks and bonds of public-service corporations, which are a tax upon the public at large, shall not be increased one dollar unless that increase shall represent actual value tending to increase and improve the facilities of the corporation for the services of the public. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. MORGAN] has four minutes remaining.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for four minutes.

Mr. MANN. Mr. Speaker, I first want to congratulate the gentleman from Alabama [Mr. CLAYTON] upon the patience and

generosity which he has displayed in connection with these bills, both his and the one that is called the Newlands bill, the Senate bill.

Mr. Speaker, the history of this legislation is rather interesting. Several gentlemen to-day have clamored—and when I say "clamored" I do not mean to use the term opprobriously—for the right to offer amendments to take in other railroad labor. The first bill that was passed on this subject providing for mediation, conciliation, and arbitration was the act of October 1, 1883, which included all railway labor. It never was utilized. No arbitrations were ever held under it. But after the railroad strike of 1894 at Chicago and elsewhere in the West there was an effort made to prepare a law which might possibly receive the respect both of the railroad owners and the railway employees. That was the Erdman Act. A number of people interested in labor were then opposed to including any labor except those people who were actually included. The brotherhoods which were covered in the actual train service desired to have the Erdman law passed. The others were opposed to it, and the restriction was made as to the classes of employees who should be covered by it.

The Erdman Act was passed in 1898, 10 years after the original mediation, conciliation, and arbitration act was passed, the original act not having been used. The Erdman Act was not used for eight years. Nobody had the confidence to enter into any agreement or provide for any arbitration under its terms for many years, and they never acquired confidence in the law until they had acquired confidence in Dr. Neill, who was the Commissioner of Labor, and in Judge Knapp, who was on the Interstate Commerce Commission. Those were the two men who were called the "mediators" and who had the power of selecting the odd arbitrator in case they had arbitration and the two who were appointed on the respective sides did not agree upon a third arbitrator.

Owing to the confidence reposed in those two men, the Erdman Act came into active operation after 1906, both by mediation and by arbitration. But when the Erdman Act was passed it was expected to apply only to single railroads. Now through the amalgamation of interests between the railroads and their employees it covers controversies involving a great number of railroads and a great number of employees.

Both sides desire that the number of arbitrators may be increased from three, as provided in the Erdman Act, to six, as provided in this bill, and they do not want an odd arbitrator. An odd arbitrator means that one man in the end determines, and that is what both sides want to avoid. An even number of arbitrators forces the two men representing the employees and the two men representing the railroads to deal with each other, and try to reach an agreement through themselves rather than spend all of their time trying to influence an odd arbitrator.

Now, with the history of this legislation in mind, the employees desired to cover additional employees of the railroads. I think no one will object to amending the law hereafter so as to do that. With this bill passed into a law and recognized as it has been, with the Department of Labor bill, providing that the Secretary of Labor shall be a mediator and appoint conciliators, with various propositions which have been pending here, and with the Industrial Commission, created recently for the purpose of devising methods of preventing industrial disputes, I hope we have entered upon an era where men will have such confidence in themselves and in each other as that in the main we shall be able in the future to prevent strikes and lockouts and the troubles which come with them. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Alabama [Mr. CLAYTON] has two minutes.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FITZHENRY].

The SPEAKER. The gentleman from Illinois [Mr. FITZHENRY].

Mr. FITZHENRY. Mr. Speaker, the newspapers for some days have been discussing the emergency which the country faces due to the threatened strike by the conductors and trainmen of the railroads in what is known as the eastern division of the United States. It may be well now to refer briefly to the situation.

In a general way, for the disposition of the controversies between the railroads and their employees, the country is divided into three sections: (1) The territory north of the Ohio and Potomac Rivers and east of Chicago and St. Louis, which is known as the eastern division; (2) the territory south of the Ohio and Potomac Rivers and east of the Mississippi, known as the southern division; and (3) the territory west of Chicago and St. Louis, known as the western division.

A little more than a year ago the Brotherhood of Locomotive Engineers made a demand for an increase of wages for its members from all of the railroads in what is known as the eastern division, or those railroads north of the Ohio and Potomac Rivers. The parties did not avail themselves of the benefits of the Erdman Act, but a contract of arbitration was entered into between that brotherhood and the railroads to submit the controversy as to wages which then existed to a board of arbitration created by the contract. This board was composed of seven members. Some weeks were consumed in the taking of testimony, and then several months were consumed by the board in reaching an award. The contract was for one year and the year had almost expired before the award was handed down by the board of arbitration. This award resulted in a decided increase in the wages of locomotive engineers.

Following this award the Brotherhood of Locomotive Firemen and Enginemen sought a similar increase in the wages of its members from the same railroads. The railroads declined to grant the increase and the controversy was submitted to arbitration, which resulted in a similar increase in behalf of the firemen and enginemen.

Following the increases in wages of the engineers, firemen, and enginemen, a demand was made upon these same railroads for a similar increase in wages by the conductors and trainmen, through their respective organizations—the Brotherhood of Railroad Trainmen and Order of Railway Conductors. This demand of the conductors and trainmen was refused by the railroads on the ground that in 1910 they had granted the men in the train service an increase in wages which totaled the sum of $30,000,000 annually.

Upon the refusal of the railroads to grant the demands of the conductors and trainmen, the organizations representing them submitted a proposition to the railroads of the eastern division to arbitrate their differences under the Erdman Act of June 1, 1898, as amended. The railroads refused to arbitrate under this act, for the reason that it amounts to submitting the controversy to one man.

The Erdman Act provides for a board of arbitration, consisting of three persons, one to be selected by each party to the controversy and these two to select the third within a short time. In the absence of such selection by the two so appointed, then the representatives of the Government are empowered to make the selection. Upon the assumption that the arbitrators appointed by the respective parties would be biased toward the side which presented them, the determination of the issues would devolve entirely upon the third member of the board.

This great power, it was contended by the railroads and not controverted by the representatives of the employees, was entirely too great to be placed in the hands of one person. When the railroads refused the proposition of the employees to arbitrate under the Erdman Act the respective labor organizations submitted the question of a strike to a referendum vote of the respective members.

It has been stated in the press that the issue to be determined by the referendum vote was whether or not to strike because of the refusal of the railroads of the eastern division to grant the conductors and trainmen an increase of $17,000,000 annually in addition to the increase of $30,000,000 granted by these railroads to the conductors and trainmen of these same organizations in 1910. It is but fair to the employees to state in this connection that such was not the case, the issue being whether or not to strike because of the refusal of the railroad companies to arbitrate under the Federal law—the Erdman Act of June 1, 1898.

The vote has been taken and the counting of the ballots has just concluded. The result shows that 94 per cent of the membership of the two railroad labor organizations have voted to strike.

There are 45 railroads directly affected by this controversy, on the one hand, and approximately 30,000 conductors and 70,000 trainmen, on the other, while it is almost startling to estimate the indirect effects upon the happiness, comfort, and prosperity of the American people. If this strike is called by the officers of these two brotherhoods, it will result in the greatest industrial war the Nation has ever experienced, the great A. R. U. strike of 1894 being absolutely insignificant in comparison.

The men are willing to arbitrate under the Erdman Act, but will not arbitrate outside of statutory sanction. The railroads will not arbitrate under the Erdman Act, nor will they arbitrate under a mere civil contract. They say their experience in the arbitration of the engineers' controversy was entirely unsatisfactory to both sides. All of the objections urged by the railroads to the Erdman Act are practically conceded by the great railroad labor organizations representing all of the branches of labor employed by railroad companies. Representatives of these

great organizations as well as representatives of the railroad corporations are to be commended for what I believe is an honest effort on their part to save the country from the awful consequences which will follow should a strike order issue within the next few days, pursuant to practically the unanimous demand of the railroad employees.

The measure now under consideration, S. 2517, which was introduced in the Senate and House at the same time, being H. R. 6141, is a measure that meets all of the objections raised by both the representatives of the railroad corporations and employees. It was written at the instance of the railroads and representatives of the employees' organizations, with the assistance of the officers of the Civic Federation of New York, as well as that of Hon. Martin A. Knapp, Chief Justice of the United States Commerce Court, and Dr. Charles P. Neill, formerly Commissioner of Labor.

After the bill was drafted, representatives met in New York and considered every section and every sentence of this bill. Objections were urged by both sides, but in the mutual concessions of the parties directly interested the representatives agreed to the measure in the form in which it was presented to both Houses of Congress.

On June 20 a joint hearing of the Committee on Interstate Commerce of the Senate and the Committee on the Judiciary of the House was held in the Senate Office Building. Upon that occasion representatives of the railroads and almost all employees of the employees' organizations appeared and assured the members of the two committees that if Congress would pass this measure it would be acceptable to both sides. Mr. A. B. Garretson, the grand chief of the Order of Railway Conductors, was personally present, representing his organization, and stated that he was also authorized to represent Mr. W. G. Lee, the grand master of the Brotherhood of Railroad Trainmen, who had been unavoidably detained in San Francisco and was unable to be present at the hearing. He stated that the provisions of the pending measure were entirely satisfactory to both of the organizations and that arbitration would be accepted under it. Representatives of the railroads gave the joint committee the same assurances.

These two organizations constitute one side of the controversy which, unless submitted to arbitration, will soon throw this country into the worst strike the Nation ever knew.

The Senate passed the bill without amendment, while the Committee on the Judiciary of the House reported several amendments to House bill 6141, these amendments being suggested by the Secretary of Labor. Since the Committee on the Judiciary reported the bill with amendments to this House, and the several days' delay in its passage, I am informed that the Secretary of Labor has requested the Committee on the Judiciary to recede from its amendments to House bill 6141 and to press for immediate consideration Senate bill 2517, with the two amendments which have just been offered by the gentleman from Alabama [Mr. CLAYTON].

The material alterations in the present law which will be made by this bill are comparatively few, the important ones being only two in number—that is, one authorizing a board of six arbitrators as well as a board of three, the other authorizing the board to issue subpœnas for persons and papers and to swear witnesses. The other changes which are material, but not so controlling, are: It creates the board of mediation and conciliation, composed of a commissioner, who shall be appointed by the President, and also officers of the Government who have been appointed by and with the advice and consent of the Senate, not to exceed two in number, permitting the President to name a member of the Interstate Commerce Commission, Commerce Court, if there be one, or any other officer of the Government who has been appointed by and with the advice and consent of the Senate.

The board of conciliation and mediation will be absolutely divorced from political influence and will not be required to report to any Cabinet officer, being directly under the President. In this respect its status will be similar to that of the Interstate Commerce Commission.

Under the Erdman Act the Commissioner of Labor and the chairman of the Interstate Commerce Commission, originally, and afterwards the chief justice of the Commerce Court, were authorized to mediate.

That law was passed in 1898. It was never used until about eight years after it had been upon the statute books, and the reason for this was the lurking suspicion of both sides to great labor controversies that the officers charged with mediation and conciliation might possibly be controlled or biased to some extent by political influence.

As those representing the railroad corporations and the labor organizations learned to know the two gentlemen who occupied the respective offices named in the Erdman Act, respect and confidence grew into esteem when the parties submitted to the work of the Government officers in the settlement of great controversies. From 1906 down to the present time there have been at least 60 controversies, some of stupendous importance, others of less consequence, disposed of under the provisions of the Erdman Act. It was found efficient when controversies were confined to one railroad and its employees, but when these great controversies began to embrace a number of great systems of trunk lines it became apparent that the country had outgrown the usefulness of the Erdman Act, with its present limitations, and it must be apparent to every Member of this House that additional legislation is not only desirable now, but absolutely imperative.

The act fixes the salary of the commissioner at $7,500 per annum and provides that his term of office shall be for a period of seven years. In addition to the creation of this office the office of assistant commissioner is also created, and the salary of that office fixed at $5,000 per annum. The term of office of the commissioner is made seven years in harmony with the idea to create a board that will be as far removed from political influence as possible and in the hope that that officer may win the confidence and respect of those with whom he comes in contact.

The purpose of creating the office of assistant commissioner is to have an officer in training at all times who will be more or less skilled with the work and who will be known to the persons with whom he is likely to deal so that in the event of a vacancy in the office of commisioner that it can be immediately filled without interruption to the business of the board or the traffic of the country.

When the parties to a controversy are unable to have their disputes disposed of by the board of mediation and conciliation, then they are requested to submit to an agreement to arbitrate. Section 4 of the pending measure provides that the contract of arbitration shall be in writing and what it shall contain, so that the extent of the inquiry and the jurisdiction and power of the members of the board of arbitration are so well defined as to practically make it impossible for a future misunderstanding, and tends to make the adjudication clear and complete. This section is one which experience has found to be absolutely necessary.

In the recent controversy between the railroads of the eastern division and the Brotherhood of Locomotive Engineers, the members of the board of arbitration exceeded their authority, it was contended by the employees, and decided a great many matters which were not properly before them. This conduct on the part of the arbitrators beclouded the award and left the parties in substantially as unsatisfactory a position as they were before the arbitration commenced.

Mr. Warren B. Stone, the grand chief of the Brotherhood of Locomotive Engineers, appeared at the joint hearing of the Senate Committee on Interstate Commerce and the House Committee on the Judiciary, and among other things he said:

> On the 29th day of April, 1912, we signed a contract to arbitrate. It was binding for one year from that date—May 1. It expired on May 1 of this year. On the 28th day of November they handed down the first draft of their award. On the 16th day of February they handed down a subdraft of the report, or rather an additional explanatory draft of what the original draft really did mean, and now we are back to them again trying to find out what the last award they handed down really means. And now that the time has expired—on May 1 of this year—only 19 roads of the 54 have put it into operation, and we are still trying to get the rest, and we hope at least that our grandchildren will get the benefit of the award.

Section 4 of the pending measure was written in the light of the circumstances of the controversy between the engineers and the same railroads whose employees are now threatening to strike, and it is so designed as to compel the parties to reach an issue upon which the board of arbitration can readily reach a conclusion and hand down an official award.

The last paragraph of section 6 provides for a reconvening of the board of arbitration for the purpose of interpreting any finding which they may make. It further provides for a subcommittee, which may be appointed by the board of arbitrators, for the purpose of performing this duty, if necessary, which effectually disposes of the possibility of a deadlock upon the committee by reason of the death or inability of a member of the board of arbitration to be present at a session to be convened after the original finding.

Section 7 requires the board of arbitration to confine its deliberations to the matters in issue which have been specifically submitted to it or to matters directly bearing thereon.

All testimony shall be given under oath, and the members of the board, when appointed according to the provisions of the proposed law, are given the power to administer oaths and affirmations.

It is also provided in the same section that all of the evidence shall be preserved, and it, together with the finding of the board, duly certified by the members of the board, shall be filed in the

office of the clerk of the district court of the United States. After it is so filed it is provided by section 7 that judgment shall be entered by the court thereon at the expiration of 10 days from the date of its finding, unless within that time either party shall file exceptions thereto for matters of law apparent on the record. In such case the award shall go into practical operation, and judgment shall be entered accordingly when the exceptions have been finally disposed of, either by the district court or on appeal therefrom.

On questions of law an appeal may be had from the district court to the circuit court of appeals, whose decision shall be absolutely final, and the circuit court of appeals is given authority to set aside the award, in whole or in part, as to matters of law, giving the parties, however, authority to agree upon the judgment to be entered disposing of the subject matter of the controversy.

It further grants to employees the right to be heard in court through their representatives with reference to all questions affecting the terms and conditions of their employment in cases where railroads are in the hands of receivers appointed by a Federal court, and to prohibit a reduction of wages being made by receivers without the authority of the court, after 20 days' notice to the employees.

In writing the pending measure its authors have kept consistently in mind that any process of arbitration and obedience to the award must be voluntary to be effective.

When H. R. 6141 was before the House Committee on the Judiciary, at the suggestion of the Secretary of Labor the committee adopted an amendment to the effect that—

> Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel performance by an employee against his will of a contract for personal labor or service.

This clause does not appear in the bill as originally presented, but is tendered as an amendment by the Committee on the Judiciary and will be of virtue for several reasons. First, it will avoid the possibility of the act being held unconstitutional as contravening the thirteenth amendment to the Constitution, and, second, it will prevent any Federal court from attempting to enforce the terms of any award by its process, thus destroying the voluntary features of this bill which are so essential to effectual arbitration.

Some writers have called this bill a bill for the prevention of strikes, and I believe it comes as near being a bill for that purpose as it is possible to write. It is certainly a measure tending to prevent strikes, and when considered in the light of the experience of the American people under the Erdman Act, with its very circumscribed powers, and that at least 60 strikes of various degrees of consequence have been avoided, it is but reasonable to hope that the passage of this act by the Congress of the United States will have a tendency to very largely do away with the possibility of industrial wars.

There are 45 railroad companies and 100,000 of their employees directly interested in the controversy which now threatens the peace and prosperity of the American people. Of as great importance as the present hour is to both the railroads and these men, the present situation is fraught with infinitely more seriousness to the great agricultural and manufacturing interests of this country.

The railroads involved in the controversy which creates the present emergency represent about 50,000 miles of track and over 40 per cent of the total freight tonnage and passenger traffic of the United States. In the territory directly affected over 38,000,000 people are served by these railroads, and it is shocking even to contemplate the damage that would be sustained by the cessation of traffic at this time. With the wheels of transportation stilled upon 50,000 miles of railroad track in the most densely populated portion of the United States the millions of dollars which would be lost to the railroads and their employees would be infinitesimal as compared to the loss which would be sustained by the farmer and manufacturer of this country. I feel that we would, indeed, be derelict in the performance of our public duty if we were insensible to the exigencies of the present emergency. Our duty is very plain.

APPENDIX A.

AN AUTHORIZED STATEMENT TO THE PUBLIC FROM THE RAILROADS.

Baltimore & Ohio; Baltimore & Ohio Southwestern; Bessemer & Lake Erie; Boston & Albany; Boston & Maine; Buffalo, Rochester & Pittsburgh; Buffalo & Susquehanna; Central New England; Central Railroad of New Jersey; Chicago, Indianapolis & Louisville; Chicago, Indiana & Southern; Chicago, Terre Haute & Southeastern; Cincinnati, Hamilton & Dayton; Cincinnati Northern; Cleveland, Cincinnati, Chicago & St. Louis; Delaware & Hudson; Delaware, Lackawanna & Western; Detroit, Toledo & Ironton; Erie; Grand Rapids & Indiana; Hocking Valley; Kanawha & Michigan; Lake Erie & Western; Lake Shore & Michigan Southern; Lehigh & Hudson; Long Island; Maine Central; Michigan Central; New Jersey & New York; New York Central & Hudson River; New York, Chicago & St. Louis; New York, New Haven & Hartford; New York, Ontario & Western; New York, Philadelphia & Norfolk; New York, Susquehanna & Western; Pennsylvania Lines (East); Pennsylvania Lines (West); Philadelphia & Reading; Rutland; Toledo & Ohio Central; Vandalia; Western Maryland; Wheeling & Lake Erie; Zanesville & Western.

The above railroads are represented by the conference committee of managers.

ELISHA LEE, *Chairman.*

When the conference committee of managers, representing the eastern railroads, meet the conductors and trainmen on Tuesday, July 8, the employees will announce that 90 per cent or more of the men have voted to walk out if their leaders give the word.

The conductors and trainmen have asked for increases in pay of $17,000,000, or 20 per cent per annum, and the railroads have refused to grant any increases, for the reason that the wages now paid these employees are liberal—in many cases they are excessive.

The conductors and trainmen of the eastern railroads received increases of $30,000,000 per annum in 1910, according to President Lee, of the trainmen's brotherhood. As the wages of these employees now approximate some $85,000,000 in a year, their total wages prior to the 1910 increase must have been $55,000,000 or $60,000,000.

It appears, therefore, from President Lee's own estimate, that the trainmen and conductors in 1910 received an annual increase in wages of 50 per cent.

Yet in spite of this they are now asking for $17,000,000, or 20 per cent, per annum additional.

The engineers in 1912 were given an annual increase of $2,000,000, and in May, 1913, the firemen received an advance of $3,750,000 per annum.

If the roads granted the increase now asked by the trainmen and conductors, it would mean that in three years increases in pay to employees in train service would amount to $52,000,000 per annum, which is equivalent to placing on these properties a lien of $1,040,000,000 of 5 per cent securities having preference over first-mortgage bonds.

Wages of railroad labor can only be paid out of the funds received by the railroads for services performed. If these wages absorb a constantly increasing proportion of the receipts from this sole source of revenue, it is obvious that the public must pay the bill in the end.

The question the public has to answer is: How long shall this process of increases be allowed to continue unchecked?

APPENDIX B.

AN AUTHORIZED STATEMENT TO THE PUBLIC FROM THE ORDER OF RAILWAY CONDUCTORS AND THE BROTHERHOOD OF RAILROAD TRAINMEN.

A circular has been sent out in the name of 44 eastern railways regarding the unreasonable wage demands of conductors and trainmen. The statements contained therein are framed to purposely mislead those who may come into possession of the document, and the facts are that instead of extravagant wage being demanded the wage which is insisted upon by the eastern conductors and trainmen is exactly the wage which has been paid for 2½ years past by every railway company west of Chicago and St. Louis and a few cents higher than paid south of the Ohio, and we contend that it is worth exactly as much to run a train 100 miles east of Chicago and St. Louis as it is to run the said train west or south of Chicago and St. Louis.

Comparison of the earning ability of the eastern railways per mile with the earning capacity of the western railways per mile or with the railways south of the Ohio River per mile will readily determine whether the eastern railways are able to pay the same going rate as is paid by the western and southern roads.

As to the extravagance of the rate of pay, it is admitted by even the most conservative estimators that the increase in the cost of living in the past 20 years has been, at the very lowest, 59 per cent. In the past 20 years railway employees have received an increase of exactly 39 per cent. Therefore the conductor or trainman, living according to precisely the same standard, purchasing precisely the same amount of the same commodities that he consumed 20 years ago, has, after paying the increased price for those commodities, less money at the end of the month than he had in the year 1893. Is it reasonable to suppose that he will rest content with what constitutes a considerable decrease in wage during the period named?

Meanwhile how has the owner of railway stock fared? In the year 1890, according to the reports furnished by the railways to the Interstate Commerce Commission, the total amount paid in dividends on railway stocks amounted to $87,071,613. In the year 1911 the total amount of money paid in dividends, according to the same reports, amounted to $460,195,376, and it must be borne in mind that the returns for 1890 included switching and terminal companies, while in 1911 the returns excluded the returns for switching and terminal companies, these being some of the most remunerative properties in existence. Here you have an increase in the amounts paid in dividends of about 429 per cent, while wages have increased 39 per cent.

Attention is further called to the fact that in the year 1890 only $1,598,131,933 of the then existing railway stock of the country, which equaled 36 per cent of the amount then in existence, paid dividends, while in 1911 $5,730,250,326 of the existing stock, equaling 67 per cent of the stock that year in existence, paid dividends.

Attention is further called to the fact that the average dividend rate in 1890 was 5.45 per cent, while in 1911 the average rate was 8.03 per cent, the difference in results being largely produced by economies which placed far more onerous duties upon every conductor and trainman in the service.

These figures have been in the hands of the managers' committee more than 30 days, although their new but commendable devotion to the public interest and the loudly advertised although lately developed desire for publicity growing out of said devotion has not led them to incorporate them in the many statements issued by them for public information.

We may be able to contribute other data that will show that we, no less than the conference committee of managers, desire to add to the sum of human knowledge.

A. B. GARRETSON,
President Order of Railway Conductors.
W. G. LEE,
President Brotherhood of Railroad Trainmen.

Mr. CLAYTON. Mr. Speaker, there is very little more that I care to say on this subject. I wish, however, to amplify as

briefly as I may, and as I am compelled under the circumstances to do, one idea, and that is, what binding force and effect an arbitration board can have under this proposed law.

The proceedings had under this law, Mr. Speaker, must be voluntary, and the acquiescence in the award of the arbitrators must be voluntary, such as high-minded and honorable men usually display in standing up to the contracts and agreements that they make.

My observation, Mr. Speaker, is that the average man will stand by a voluntary agreement or a promise, or where his honor is involved, with a stricter sense of fidelity, or a more refined sense of honor, than he will in a contract that can be enforced by the mere power of the law. So I say that in this case the history of arbitrations has demonstrated that both parties to the arbitrations have uniformly complied with the awards; and therefore, reasoning from what has occurred heretofore, we can safely predict that there will be a repetition of it in the future, so that when we have improved the law under which the arbitration will be had this high sense of honor will bind and public opinion will help to enforce the agreements of men who voluntarily submit their questions in dispute to arbitration. In the high court of public opinion they are bound to stand by that agreement, and as honorable men both employees and the railroad heads will stand by the award, I have no doubt, in every case where one is had. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. All time has expired, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read section 3.

Mr. MURRAY of Oklahoma. Mr. Speaker, I move to strike out the last word.

Mr. CLAYTON. Mr. Speaker, I do not wish to deprive the gentleman of any right of debate, but I make the point now against any amendment to be offered when he has finished what he wishes to say.

Mr. MURRAY of Oklahoma. I understand that.

The SPEAKER. We are operating under a special rule which cuts out all amendments except the two that are to be offered by the chairman of the Judiciary Committee.

Mr. MURRAY of Oklahoma. I understand that we are operating under a rule which permits of only two amendments which the gentleman holds, those amendments having been agreed upon yesterday in the conference. But I wish to call the attention of the House——

The SPEAKER. But the gentleman is out of order. Whenever the gentleman from Alabama [Mr. CLAYTON] offers an amendment, one of the two that are permitted, then the Chair will recognize the gentleman from Oklahoma for five minutes, after the gentleman from Alabama has occupied his five minutes.

Mr. MURRAY of Oklahoma. That will be entirely satisfactory.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators to the board of mediation and conciliation, to be filed in its office. The clerk of any court of the United States in which awards or other papers or documents have been filed by boards of arbitration in accordance with the provisions of the act approved June 1, 1898, providing for mediation and arbitration, is hereby authorized to turn over to the board of mediation and conciliation, upon its request, such awards, documents, and papers. The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor are hereby authorized to turn over to the board of mediation and conciliation, upon its request, any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of said act.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, strike out all the language beginning with the words "the board" in line 4, down to and including the word "act," in line 22 of the same page, and insert in lieu thereof the following:

"The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 4 of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the board of mediation and conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the board of mediation and conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June 1, 1898, providing for mediation and arbitration."

Mr. CLAYTON. Mr. Speaker, in the very beginning of the consideration of this bill to-day I explained this amendment, but perhaps some of the Members were not present, and I therefore crave indulgence to make another brief explanation.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. CLAYTON. With pleasure.

Mr. GARDNER. I call the attention of the gentleman to the fact that his amendment as presented says to strike out all from the words "the board," in line 4, down to line 22 on the same page. I suppose the gentleman means line 11 on page 11.

Mr. CLAYTON. No. The gentleman is mistaken. The gentleman from Alabama meant exactly what he said. The gentleman from Massachusetts has the House print of the bill, but we are reading the print of the bill as it came from the Senate.

Mr. GARDNER. I was looking at the bill which was given to me by the Clerk.

Mr. CLAYTON. Yes. The gentleman fell into that error by having the House bill instead of the Senate bill.

Now, Mr. Speaker, in subdivision 11 of section 3 of the bill it is provided that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record.

Now, on page 10 the language stricken out provides that the board of arbitration shall furnish a copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearing, certified under the hands of the arbitrators, to the board of mediation and conciliation, to be filed in its office, and so forth.

Now, of course, you can not file these original papers both in the district court and also at the same time with the board of mediation and conciliation. Hence the language is stricken out, and the language provided in the amendment is substituted, so that by the proposed amendment certified copies of these papers may be transmitted to the board of conciliation.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. STAFFORD. I notice, on page 8, in section 6, it provides that the original agreement to have a board of arbitration is to be filed in the office of the board of mediation and conciliation, whereas under the pending amendment it provides that all original papers of the board of arbitration are to be filed with the clerk of the district court. How is the board of arbitration to file the original articles of agreement with the clerk of the district court if the original has theretofore been filed with the board of mediation and conciliation as provided in the first paragraph of section 6?

Mr. CLAYTON. It provides that certified copies may be filed with the board.

Mr. STAFFORD. Your amendment provides that the original papers shall be filed with the clerk of the district court.

Mr. CLAYTON. And certified copies with the board of mediation and conciliation.

Mr. STAFFORD. Here you provide in one paragraph that the original agreement of arbitration is to be filed with the board of mediation, whereas under the phraseology of the amendment you provide that the original papers are to be filed with the clerk of the district court. It appears to me that there is a conflict.

Mr. CLAYTON. That is just what this amendment seeks to remedy, and I think it does. It was the opinion of everybody who had the measure under consideration yesterday that this reconciled that conflict.

Mr. STAFFORD. If that is the case, very well. One provision provides that the original papers be filed with the board of mediation and conciliation and the other provision provided that they be filed with the clerk of the district court.

Mr. CLAYTON. I ask for a vote.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] desired to address the House for five minutes.

Mr. MURRAY of Oklahoma. Mr. Speaker, I understand that we are operating under a rule that permits but two amendments, and therefore I desired merely to make some observations with reference to this legislation, in which I have had much experience. We provide in this bill for an arbitration board of three or six, which in my opinion is a mistake. We had experience with that same mistake in my State. We violate the rule of the jury trial, wherein only those are permitted to serve who have no interest, by providing in arbitrations that only those shall serve who have an interest. It occurs to me to be a very serious mistake to provide that a board shall be divided equally between the contending parties, for the reason that selfishness exists universally among men.

As a fundamental proposition we know no interest but public interest. We deal with this question of strikes largely because of the public interest. Neither the laboring man nor the employer can be relied upon to provide or point out a complete remedy. It occurs to me that the language should be amended in this bill by providing, after the word "arbitrator," that the third man, or the two men in the case of six, should not be "employers of labor for any transportation, transmission company, or any common carrier, nor should he be an employee of any such company," so that men representing other occupations should thus become the deciding element in the determination. In Oklahoma we provided in a bill similar to this a board of seven, two of whom should be employees, two employers, and two other citizens, and one, the chairman, the labor commissioner, elected by the people. That was opposed in the beginning by some of our labor leaders under a mistaken notion that existed then and exists now in the preparation of this bill; but now all agree to it, because other citizens are placed on the arbitration board who have neither a direct nor personal interest in the controversy, and they should be the ones to decide, having in view the public interest and the rights between the two contending parties. We should not in legislation attempt to take the side of either of the contending parties, but to do exact justice, and that can not be done when you select a man, one representing one side and one representing the other and letting them select the third man, without such restriction. One of them may be biased in favor of the other side, and a man might be selected who might not be properly an arbitrator between the two. If the language were broad enough to eliminate the danger, it would be fair to the laboring man, because he would not be subjected to the liability of having a majority in interest against him. It will be fair to the great corporations in the same way. I am pleading for fairness, not as a representative of any class. I know no interest but the public interest, and right between man and man is the only policy upon which we should proceed. I realize that amendment can not be offered now, but I am sure that this is the wisest course in determining this legislation.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 11, insert, after the word "award," in line 26, the following:
"Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, just one word. The reason why this amendment was offered is to restore or keep in the law this provision which is now in the Erdman law. It was omitted by the draftsman from the bill which was introduced in the House, known as the Clayton bill, and from the bill which was introduced in the Senate, known as the Newlands bill. It was omitted from each one of those bills by some sort of inadvertence. It ought to go back into the bill, and it was agreed by all parties most directly interested in this legislation that it should go in, and on yesterday at the conference it was formally agreed that I should offer it to-day as one of the amendments to this pending Senate bill, which I now do, and I ask its adoption.

Mr. MORGAN of Oklahoma. Mr. Speaker, I desire to call the attention of the House to the fact that this provision in its entirety was not in the original Erdman Act. The first clause, "that nothing in this act contained shall be construed to require an employee to render personal service without his consent" was not in the original Erdman Act. We are adding that much to the Erdman law. There is another distinction. The rest of the clause was in that part of the Erdman Act which provides for the stipulation into which the parties shall enter, in subdivision 3, while this puts it in the main part of the law. The forepart of this amendment is not in the Erdman Act, as I understand it, although, I think, it is proper and should be adopted.

Mr. CLAYTON. Mr. Speaker, my opinion is that it is there in substance. The exact phraseology may not be there, but it ought to be in this bill before we pass it, and it was agreed by all parties most interested that it should go into the text as I have offered it.

Mr. MANN. If the gentleman would permit, the Erdman Act provides in one place:

Provided, That no employee shall be compelled to render personal service without his consent.

And in another place:

Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

All the gentleman has done is to consolidate the two into one.

Mr. CLAYTON. And, I think, to shorten and improve the phraseology.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was read a third time and passed.

On motion of Mr. CLAYTON, by unanimous consent, the bill (H. R. 6141) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees was ordered to lie on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees.

Mr. MANN (when the Committee on the Judiciary was called). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I ask for the regular order. What is the regular order?

The SPEAKER. The Chair thinks it is the call of committees.

Mr. MANN. Then I will take the liberty of reminding the Chair that a highly privileged matter was pending before the House and is still pending before the House as the unfinished business, and hence is the regular order, namely, a report from the Committee on the Judiciary recommending that the resolution offered by the gentleman from California [Mr. KAHN] lie on the table.

Mr. CLAYTON. I can not hear the inquiry, Mr. Speaker.

The SPEAKER. The inquiry which the gentleman from Illinois [Mr. MANN] made was, What is the regular order? Is there any unfinished business?

Mr. MANN. The unfinished business, Mr. Speaker, is the report from the Committee on the Judiciary which was under consideration when the House adjourned for lack of a quorum. It was some days ago, but the regular order has not been demanded since.

The SPEAKER. Of course not. The Chair will ask the gentleman from Illinois [Mr. MANN] a question: Is not the Palmer bill relative to the judge in the State of Pennsylvania unfinished business, too?

Mr. MANN. Undoubtedly it is unfinished business, but the other is a privileged report and has precedence.

The SPEAKER. If the gentleman from Alabama [Mr. CLAYTON] wants to call it up——

Mr. MANN. The demand for the regular order calls it up.

The SPEAKER. Nobody has made the demand for the regular order. If the gentleman makes such a demand, then it is the regular order.

Mr. MANN. The Speaker did not hear. I asked for the regular order. I understood that we had an arrangement about it.

Mr. CLAYTON. There is no trouble about it, Mr. Speaker. And I was about to get on my feet when the Committee on the Judiciary was called, and when the gentleman interposed his inquiry, to offer to the House for present consideration at this time the report made on House resolution No. 181, and to move that in accordance with the recommendation in the report of the committee that the resolution do lie on the table, and to couple with this a request for unanimous consent. Of course, we all know that a motion to lie on the table is not debatable. There has never been any disposition, Mr. Speaker, on the part of the committee or its chairman to deny to the gentleman from California [Mr. KAHN] an opportunity to be heard on the subject matter of this resolution; but the committee thought, and the chairman thought, that there ought to be a quorum present when that resolution was voted upon—that is, if the question of no quorum was to be raised. We could not reach an agreement about that, and we could not get a quorum when the matter was up before. But I think we have a quorum present to-day, and I understand, and I would invite the attention of the gentleman from Illinois [Mr. MANN] to this, as to whether I am correct or not, that the question of no quorum vel non will not be raised after this discussion, but after debate is had, then the motion to lie on the table will be put, and there will be no effort to ascertain the presence or the absence of a quorum?

Mr. MANN. Well, Mr. Speaker, I do not myself expect to raise a question of no quorum in that form. I expect to ask for a roll call, and if supported by enough Members in the House to obtain a roll call, that, of course, would develop whether there is a quorum here or not.

Mr. CLAYTON. That is tantamount to the same thing, and, Mr. Speaker, I believe we will have a quorum present to-day. If we have not, it will not be my fault nor the fault of the gentleman from Illinois [Mr. MANN]. I think in due deference to the gentleman from California [Mr. KAHN], as he has been contemplating a speech on this subject quite as long as it is safe for him to contemplate such a matter [laughter], we ought to accord him the opportunity for expounding his views on this question. And the committee thought that all of these communications of the Attorney General covered by the resolution had been brought in and the request complied with, and yet, Mr. Speaker, the opinion of any committee or the opinion of any one man is, fortunately, not to guide or control all of us. It may be fortunate to the gentleman from California that in this House of free speech he can not agree with the committee or the chairman, and therefore the chairman of the committee and the committee itself wishes this agreement that I have suggested to be made in order to afford to the gentleman from California ample opportunity to deliver himself.

The SPEAKER. I wish the gentleman from Alabama [Mr. CLAYTON] was to state his request over again.

Mr. CLAYTON. Mr. Speaker, my motion is that the resolution as reported by the committee do lie on the table. How much time would the gentleman wish for debate?

Mr. MANN. The gentleman from California [Mr. KAHN] desires an hour and one other gentleman desires a little time.

Mr. CLAYTON. That three hours be accorded for debate on the resolution, and that one-half of that time be controlled by the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] and one-half to be controlled by the chairman of the Committee on the Judiciary.

The SPEAKER. The gentleman from Alabama moves that the Kahn resolution lie on the table.

Mr. CLAYTON. It has been suggested that I modify it by saying two hours—one hour to a side.

The SPEAKER. And in addition to making his motion, he asks unanimous consent that the debate on the resolution to lie on the table run for two hours, one half of it to be controlled by himself and the other half by the gentleman from——

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. CLAYTON] if he will not make an extension of the time?

The SPEAKER. And the gentleman from Illinois [Mr. MANN] one-half.

Mr. MURDOCK. The gentleman from Illinois [Mr. MANN] wants to use his hour, and the gentleman from Alabama [Mr. CLAYTON] wants to use his hour.

Mr. CLAYTON. It is now about 16 minutes to the hour of 3, and two hours would take us to a quarter of 5, the usual adjourning time. Three hours would take us until nearly everybody's dinner time, and some of the Members have suggested to me that probably we could not have a quorum at 6 o'clock.

Mr. MURDOCK. There is probably not a quorum present now, but I will say to the gentleman that this division of an hour on either side is liable to shut me out, and I do not think the gentleman wishes to do that.

Mr. CLAYTON. I should very much regret that.

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, I want to say, with all due deference to the gentleman from Alabama [Mr. CLAYTON], that I do not see what public good could be accomplished in engaging in debate over the resolution which the committee has unanimously recommended, both Republicans and Democrats, to go to the table.

I understand that the Attorney General laid before the Committee on the Judiciary all of the papers and correspondence in reference to this case, and the committee went over it carefully and agreed unanimously, both Democrats and Republicans, that he had done all that was necessary, and they brought into the House all of the papers affecting this case.

Now, Mr. Speaker, I have always thought, and I think that everybody here in this House and the country believes, that the district attorney in California in sending his sensational telegram was simply burning a little red fire for his own personal and political advantage.

Mr. MANN. It appears that the gentleman himself desires to make a speech, but does not want anybody else to make one.

Mr. BYRNS of Tennessee. I will object now if the gentleman from Illinois objects to my being heard.

Mr. MANN. The gentleman himself makes a speech in which he objects to everybody talking, and then talks himself.

Mr. BYRNS of Tennessee. I will say, Mr. Speaker, that the gentleman from Illinois [Mr. MANN] is the only Member of the House who has had an opportunity to discuss this matter. It has been discussed by him, and simply because I believe that this effort to discuss it now is only for the purpose of embarrassing the administration, if possible, I object.

The SPEAKER. The gentleman from Tennessee objects, and the question is on the motion to lay the resolution on the table.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Illinois——

Mr. MANN. I did not desire to make the point of order, but the gentleman from Tennessee [Mr. BYRNS] was undertaking to run that side of the House, and——

Mr. BYRNS of Tennessee. Mr. Speaker, I resent that statement.

The SPEAKER. Both gentlemen are out of order on each side.

Mr. BYRNS of Tennessee. Mr. Speaker, this is the first time I have made a request for unanimous consent.

The SPEAKER. The gentleman does not need to give any reason for a unanimous-consent request, and the gentleman from Tennessee [Mr. BYRNS] made his objection, as he had the right to.

Mr. MANN. Certainly.

The SPEAKER. And the gentleman from Illinois [Mr. MANN] made his point of order, as he had the right to. The Chair will count.

Mr. UNDERWOOD. Mr. Speaker, before the Chair counts, I would like very much, if it should turn out that there is no quorum present——

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. It would be unfortunate, if a quorum is shown not to be present, for the Erdman bill to go over, and therefore I desire to ask unanimous consent to vacate the order made this morning to the effect that when the House adjourns to-day it adjourn until Friday.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to vacate the order made this morning that when the House adjourns to-day it adjourn until Friday. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, we just passed the amendment to the Erdman bill by unanimous consent under a rather restrictive unanimous-consent arrangement. It was desirable that there should be time for that bill to go to the Senate and for the Senate to agree to the amendments, and then for the bill to be enrolled and messaged back, so that it could be signed by the Speaker before the House adjourns, with a quorum present, and the same action had in the Senate.

The gentleman from Alabama [Mr. CLAYTON] and myself had agreed that under the circumstances it was desirable for the House to remain in session. We thought that the House might

as well have a discussion as long as we insisted on this side of the House on the pending proposition before the House. Unfortunately, the gentleman from Tennessee [Mr. BYRNS] is opposed to having a discussion of the pending proposition, and has objected, as, of course, he had the right to, and threw sand into the machinery—threw a monkey wrench where a monkey wrench was not desired. [Laughter.]

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNS of Tennessee. When I reserved the right to object a few moments ago I understood the gentleman from Illinois to make the point that I had no right to make a speech.

Mr. MANN. The gentleman is mistaken.

Mr. BYRNS of Tennessee. I understand the gentleman from Illinois is speaking now under a reservation of the right to object. I would like to ask the Speaker what is before the House?

The SPEAKER. The question before the House is for the Speaker to count to see if there is a quorum present. No. It is the request of the gentleman from Alabama [Mr. UNDERWOOD] for unanimous consent to vacate the order made awhile ago, that when the House adjourns to-day it should adjourn until Friday.

Mr. MANN. Of course, Mr. Speaker, even such a request is not permissible when a point of order is pending.

The SPEAKER. Of course the gentleman from Illinois is absolutely correct in that contention if he insists upon it.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. What will be in order if the Speaker counts and finds that a quorum is present?

The SPEAKER. To vote on tabling that amendment.

Mr. MANN. I would like to say to the gentleman from Tennessee [Mr. BYRNS] that I did not object to the gentleman making a speech; none at all. The gentleman misunderstood me. I said that the gentleman himself objected to other people making a speech. I have not objected to the gentleman making a speech. I am always glad to hear him, whether he is for me or against me.

Mr. CLAYTON. Mr. Speaker, may I ask unanimous consent to make a brief suggestion?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to address the House. Is there objection?

There was no objection.

Mr. CLAYTON. My suggestion is that we let this resolution 181 and the motion in relation thereto and the proposition of debate thereon be the order of business on next Friday, beginning at the hour of 12.

Mr. MANN. I do not see that we will be any better off then than we are now.

Mr. CLAYTON. We will agree——

The SPEAKER. Has the gentleman from Illinois [Mr. MANN] withdrawn his point of no quorum or not?

Mr. MANN. That depends on whether we can go ahead with this.

The SPEAKER. But the Chair can not put any of these requests unless he does withdraw it.

Mr. CLAYTON. I will ask the gentleman to allow me to amplify or modify my suggestion, and see if we can not come to an agreement whereby we can accommodate everybody who wishes to speak on Friday.

Mr. MANN. If the gentleman desires to make a request for unanimous consent, I will withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point of no quorum temporarily, and the gentleman from Alabama asks unanimous consent that this whole matter go over until Friday and be the first thing after the routine business on Friday; and then gentlemen can agree as to how long they are going to debate or agree not to debate.

Mr. MANN. Oh, we will agree now.

Mr. BYRNS of Tennessee. I do not think you can agree now.

Mr. CLAYTON. I should like the agreement made now.

The SPEAKER. Has the gentleman anything to suggest about the length of debate? Of course, there can be no debate whatever unless there is an agreement to debate.

Mr. CLAYTON. I suggest, then, that we have four hours debate, the time to be equally divided.

Mr. MANN. If the gentleman from Alabama will withdraw his motion temporarily, to lay this resolution upon the table, the resolution will then be subject to debate, and the gentleman from Alabama can at any time move to lay the resolution on the table, at the end of 2 hours or 2 hours and 10 minutes, or whatever time he wishes.

Mr. CLAYTON. I will agree to anything we can do that is at all reasonable, that will bring us to an agreement, and enable my esteemed friend the gentleman from California [Mr. KAHN] to make his speech at the earliest possible moment. I insist upon his right to speak. [Laughter.]

The SPEAKER. The gentleman from Alabama asks unanimous consent that this whole matter go over until Friday, and that it shall be the first thing after routine business.

Mr. CLAYTON. And I withdraw my motion to lay on the table at this time; but at the conclusion of the debate—the four hours, or whatever it is—I shall then renew my motion to lay resolution 181 upon the table.

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

My BYRNS of Tennessee. Does or does it not require unanimous consent to withdraw the motion to lay the resolution on the table?

The SPEAKER. Oh, no; he can withdraw it at any time, in the House.

Mr. BYRNS of Tennessee. It has been before the House and has been the subject of some discussion.

The SPEAKER. It has never been voted upon and never debated. You can not debate a motion to lay on the table.

Mr. MANN. The gentleman can withdraw his motion at any time, of course, this being in the House.

Mr. CLAYTON. I signified my desire to withdraw it a while ago, and I do withdraw the motion here and now, to lay the resolution on the table.

The SPEAKER. This matter goes over as unfinished business until the next meeting of the House under the rule.

Mr. CLAYTON. Yes.

The SPEAKER. And when it goes over to the next day there is no debate on it except by unanimous consent.

Mr. MANN. The gentleman has withdrawn his motion, and so the resolution is subject to debate until he renews his motion.

The SPEAKER. That is true.

Mr. CLAYTON. Then I will add that I will do what I can to accommodate all the gentlemen who wish to speak on this, and I suggest now that probably we ought to have a debate of four hours on Friday. I would like to reserve for the committee one half of that time, the other half to be distributed between the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK], and that will be the proposition that I will make. And, further, at the end of that four hours' discussion, which I think will be rather useless, I shall move that the resolution do lie on the table, in accordance with the instructions of the committee.

Mr. MANN. As I understand, the gentleman from Alabama [Mr. CLAYTON] now asks unanimous consent that this resolution be postponed until next Friday, with the notice which he has given.

Mr. CLAYTON. That is the understanding.

Mr. MANN. I shall make no objection.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks that the consideration of this resolution go over until next Friday, with the intimation, of course, that he is willing to ask for four hours' debate. Is there objection?

There was no objection.

CALL OF COMMITTEES.

Mr. CLAYTON. Mr. Speaker, you were calling the Judiciary Committee, as I understand.

The SPEAKER. But the gentleman from Illinois [Mr. MANN] has demanded the regular order, and this is the regular order.

Mr. PALMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PALMER. That matter having been disposed of, is not the Philadelphia judgeship bill the unfinished business which comes up now automatically?

The SPEAKER. It is.

Mr. MANN. But, Mr. Speaker, it is unfinished business when it is reached in its regular order, and can come up now on a call of the Judiciary Committee.

Mr. PALMER. There is nothing else on the calendar, so it is reached in its regular order right now.

Mr. MANN. It is not reached in its regular order until it is reached in its order on the call of committees. I have no objection.

The SPEAKER. The unfinished business undoubtedly comes ahead of the call of committees.

Mr. MANN. I have no objection to its coming up; but, however, it only comes up as unfinished business when it is

in order like any other matter that is called up by a committee. It is not a privileged matter.

The SPEAKER. Of course, the Chair understands that it is not privileged.

Mr. MANN. But as the Judiciary Committee is now on call, you can call that, and that will obviate it.

The SPEAKER. That bill is on the Union Calendar, and does not come up under the call of committees until the call of committees has consumed 60 minutes. Then the gentleman from Alabama or the gentleman from Pennsylvania or anybody else could move to go into Committee of the Whole to discuss that bill; but the question is whether it does not come up as the unfinished business. The only thing that shut it out in the first place was this privileged matter.

Mr. GARDNER. If the Chair will allow me, I do not think it comes up as unfinished business. The Chair will remember that before Calendar Wednesday was instituted frequently bills under calls of committee were left as unfinished business, and stood as such until the end of the session. The Chair will remember, for instance, that the bill to prevent the Marine Band from playing outside engagements was left as unfinished business by the adjournment of the House under a call of committees. Until that call of committees is reached again, until that stage is reached under which the bill is in order, then the bill is not unfinished business. In an hour the stage will again be reached under which this bill is unfinished business, to wit, when the call of committees is exhausted, and the motion to go into the Committee of the Whole House on the state of the Union will then be in order to consider any particular bill.

The SPEAKER. The Chair will inquire of the gentleman from Alabama whether the previous question has ever been ordered upon this bill?

Mr. CLAYTON. Mr. Speaker, my recollection is that it has not. I feel sure about that.

The SPEAKER. That bill was being considered in the House as in Committee of the Whole, and the particular thing under discussion when the House adjourned was a motion of the gentleman from Alabama to concur in the first Senate amendment. The Chair is inclined to think that the gentleman from Massachusetts is correct. The Clerk will proceed with the call of committees.

The Clerk proceeded to call the committees.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

Mr. CLARK of Florida (when the Committee on Public Buildings and Grounds was called). Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

The SPEAKER. On which calendar is that bill?

Mr. CLARK of Florida. It is on the Union Calendar.

The SPEAKER. It can not be considered at this time.

Mr. CLARK of Florida. I am asking unanimous consent.

The SPEAKER. That is exactly the thing that can not be done under the rule.

Mr. CLARK of Florida. But it is exactly the thing that we did the other day.

The SPEAKER. It was improperly done then. When the 60 minutes have been consumed, or when this call of committees has gone around, then the Chair would feel under obligations to recognize the gentleman from Alabama [Mr CLAYTON] first, if he wanted to be recognized, to make a motion to go into the Committee of the Whole on the Pennsylvania judgeship bill, or he would recognize the gentleman from Florida.

Mr. CLARK of Florida. Mr. Speaker, if I may be permitted, the Speaker, as I recollect it, a few days ago made the distinction, which was correct, in my judgment, that this was an emergency matter.

The SPEAKER. That is true, but the rule does not provide for emergency matters. The Chair has no earthly objection to recognizing the gentleman and putting his request for unanimous consent, if it were not for the rule, but when the Unanimous-Consent Calendar was established, that took away from the Speaker the power to recognize Members to make requests for unanimous consent.

Mr. BURKE of South Dakota. Mr. Speaker, I would respectfully call the Chair's attention to the fact that when this bill was called up the other day I submitted to the Speaker a parliamentary inquiry whether or not it was in order to submit the request for unanimous consent which was asked by the gentleman from Florida. The Speaker stated, referring back to the last Congress, that he had distinguished between what he considered emergency matters and other matters, and had recognized Members for unanimous consent, and that he considered this particular bill as being an emergency measure, and therefore decided that it was in order to submit the request for unanimous consent.

The SPEAKER. That is true; but the gentleman does not state all that the Speaker said. The Chair then said that on one occasion, to save the Government money, he recognized four or five gentlemen to call up little bills that the Chair thought ought to be disposed of. After he had recognized four or five of them the gentleman from Wisconsin [Mr. COOPER] rose and propounded a parliamentary inquiry and made several remarks of his own, the inquiry being whether we were going back to the old system, and the Chair has never felt like recognizing anybody for unanimous consent since that time. The rule is positive. The Clerk will proceed with the call of committees.

The Clerk proceeded with the call of committees.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and employees.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2517. An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

The Clerk called the Committee on the Judiciary.

Mr. CLAYTON rose.

Mr. CLARK of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill (H. R. 6383)——

Mr. CLAYTON. Mr. Speaker, I was responding to the call of the Committee on the Judiciary.

The SPEAKER. The call had already gone around.

Mr. CLAYTON. I thought the Clerk had just reached it again, and I rose immediately.

The SPEAKER. The Chair has already stated that he would first recognize the gentleman from Alabama. Of course each gentleman has exactly the same right. The gentleman from Alabama is recognized.

Mr. CLAYTON. Mr. Speaker, I call up the bill (H. R. 32) to provide for the appointment of an additional circuit district judge in and for the eastern district of Pennsylvania and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the bill (H. R. 32) in the House as in Committee of the Whole.

Mr. CLAYTON. Mr. Speaker——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was not an order entered at the session where this bill was taken up before?

The SPEAKER. That is the recollection of the Chair. If that is correct, then you do not have to ask unanimous consent.

Mr. MANN. I was not here, and I do not remember.

Mr. PALMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PALMER. Would it be in order now to move to disagree to the Senate amendments and ask for a conference, while the bill is in the House?

Mr. CLAYTON. I did not understand the inquiry of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois inquired if, when this bill was up before, the order had not been made by unanimous consent to consider it in the House as in Committee of the Whole. That is the recollection of the Chair, which has been confirmed.

Mr. CLAYTON. I ask unanimous consent, Mr. Speaker, to vacate that order, and that the Senate amendments be disagreed to, and a conference asked.

Mr. MANN. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was not the motion of the gentleman from Alabama [Mr. CLAYTON] to concur in the Senate amendment No. 1

pending when the House adjourned for lack of a quorum? Is not that the pending question now before the House?

The SPEAKER. It undoubtedly is.

Mr. CLAYTON. Therefore, I asked to vacate it.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. My recollection is that when this matter was under consideration the last time there was no motion pending, and that when the point of no quorum was raised and a roll call was ordered the Speaker ruled that there was no motion before the House and that therefore the roll call was simply for the purpose of developing a quorum.

The SPEAKER. That depends. The purpose of a roll call depends entirely on the situation at the time. Now, for instance, when they are dividing and some gentleman raises the point of no quorum, why then, when the doors are closed and the roll is called, they answer on the question that is pending "yea" or "nay," but if you have not reached that stage, then when you have the roll call under the circumstances you simply answer "here" or "present," or some equivalent. When the House adjourned on the point of no quorum being raised, or the House sitting as a Committee of the Whole, the motion of the gentleman from Alabama [Mr. CLAYTON] was pending to concur in Senate amendment No. 1. At least that is the recollection of the Chair. The gentleman from Indiana [Mr. CULLOP] moved to disagree.

Of course, the motion of the gentleman from Alabama [Mr. CLAYTON] was a preferential motion. That is where we were when the House adjourned, and that is where we are now.

The gentleman from Alabama [Mr. CLAYTON] submits a unanimous-consent request that the order to consider this bill in the House as in the Committee of the Whole be vacated and that the House disagree to the Senate amendment and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman asks us to agree by unanimous consent to disagree to the Senate amendment.

The SPEAKER. Yes; and the other Senate amendment, too.

Mr. CLAYTON. And I will be perfectly frank in saying to the gentleman that there will be a vote on this so-called Cullop-Mann amendment, whatever action the conferees may take.

Mr. MANN. I will be perfectly frank with the gentleman and say if the conferees should agree in the conference there is no possibility of a vote on this amendment.

Mr. CLAYTON. I think we can arrange that.

Mr. MANN. It can not be arranged. The conference can not be divided up, even by the consent of every Member of the House, because the conference report goes to both bodies and one House can not divide it up.

Mr. CLAYTON. I have seen a separate vote had on appropriation bills. I can not recall exactly when.

Mr. MANN. The gentleman has seen a separate vote, but where the conferees did not agree upon some item, or he has possibly seen the House reject a conference report in toto and then have a separate vote on the item. There is no parliamentary method for dividing up a conference report.

Mr. CLAYTON. My understanding is that no rule of this House is paramount to the unanimous-consent power of the House.

Mr. MANN. But a conference report does not depend upon the rule of one House.

Mr. CLAYTON. But our action in respect thereto in this House depends upon the will of the House.

The SPEAKER. The Chair would state that if it was attempted the Chair would undoubtedly rule that you could not cut up a conference report. Now, here is the situation which the gentleman from Alabama [Mr. CLAYTON] has in mind, in all human probability, namely, that the conferees bring in a partial report, to which the House agrees, and which leaves over certain other matters in controversy that have not been agreed to; then some gentleman moves to concur, or to concur with an amendment, or to disagree, and in that way what might ordinarily be supposed to be a conference report is divided up. But a conference report, if the conferees agree, is to be disposed of as an entity or whole.

Mr. CULLOP. A parliamentary inquiry, Mr. Speaker.

Mr. CLAYTON. I apprehend, Mr. Speaker, that probably there would not be an agreement. I do not know about that.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] will state his parliamentary inquiry.

Mr. CULLOP. In order to get a separate vote on the report of the conferees, would it not be in order, if the conferees saw fit, to make a partial report on amendment No. 1, and then let the House act upon that, and then afterwards make another report as to amendment No. 2, and, therefore, get a separate vote under the parliamentary rules on each amendment to this bill? Now, I can see no reason why that can not be done, and I ask the Speaker, as a parliamentary inquiry, if it can not be done?

The SPEAKER. That can be done. Here is the whole situation about conference reports: If the conference report is complete it has to be voted on as an entity. You can not divide it.

If the conference is incomplete or only partial, then the usual procedure is to agree to the partial conference report. That throws the rest of it open to a variety of actions and motions. Somebody can move to concur. Somebody can move to concur with an amendment. Somebody can move to disagree. The motion to concur has preference over a motion to concur with an amendment.

Mr. MANN. No, Mr. Speaker, it has not. It is just the reverse.

The SPEAKER. Yes; it is the reverse of that. All those motions can be made. But if it is complete, that is the end of it. You have got to vote "yes" or "no" on it.

Mr. CULLOP. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. In order to accommodate the situation that exists now in the House, the conferees could readily provide so that the House could have a separate vote on each one of these amendments

Mr. MANN. You might as well have it now as at any other time.

Mr. CLAYTON. I think the Chair is correct as to the indivisibility of a conference report. I was reflecting on the subject while the Chair was delivering his opinion, and I think the Chair is correct. Of course, the House could express its opinion on the report, and the debate and the opinion of the House rejecting a conference report might be predicated upon opposition to only one item in the report. But a disagreement as to one item, of course, is a disagreement to the whole report, because it must stand all together or fall all together. I think the Speaker is right about that.

What I was endeavoring to do, Mr. Speaker, was to get this legislation along. I do not want to deprive any man of his vote or of his record on any question, whether it has substance in it or whether it is a moot question involved in the amendment.

I do not think the so-called Cullop amendment in the bill is worth three hoorays, anyhow [laughter], because the President could utterly ignore it. He has the constitutional right to do that, and therefore it would be a mere brutum fulmen and would not have any other efficacy. Yet, on the other hand, if we adopt it I do not think the Constitution is being trampled under foot or that civil government on this hemisphere is being entirely destroyed; and therefore I wanted to get this legislation along, the point being that we want a judge over in Philadelphia to relieve that poor, perspiring, overworked judge over there who is undertaking to do the work that it requires three men to do.

Mr. MANN. Mr. Speaker, I ask unanimous consent that there be 30 minutes' debate on the motion of the gentleman from Alabama [Mr. CLAYTON], 15 minutes to be controlled by him and 15 minutes to be controlled by me.

Mr. PALMER. On which motion? Mr. Speaker, there is a request for unanimous consent pending now. The gentleman from Alabama has asked unanimous consent to vacate the order made.

The SPEAKER. The matter pending is the request of the gentleman from Alabama [Mr. CLAYTON] for unanimous consent to vacate the order by which this bill was considered in the House as in Committee of the Whole, to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. But, Mr. Speaker, reserving the right to object, the gentleman from Alabama must see that it is not possible for me or many other Members of the House to agree by unanimous consent to disagree to the Senate amendments. That is an expression in favor of the original Cullop amendment, and therefore I am compelled to object.

The SPEAKER. The gentleman from Illinois objects, and the question is on agreeing to the first Senate amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 1:
Page 1, line 9, strike out all after the word "therein" down to and including "judge," in line 11.

Mr. MANN. Now, Mr. Speaker, I ask unanimous consent that there be 15 minutes' debate on each side of this amendment, to

be controlled jointly by the gentleman from Alabama and myself.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that there be 15 minutes' debate on each side of this amendment. Is there objection?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, what does the gentleman mean by "on each side"? Does he mean pro and con?

Mr. CLAYTON. And he is to control the time on that side, and I on this side.

Mr. MANN. It would be under the 5-minute rule, anyhow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Alabama [Mr. CLAYTON] is recognized for 5 minutes.

Mr. CLAYTON. Now, Mr. Speaker, I have already made all the speech I care to make, I believe, except that I want to repeat that there is a poor, dying judge and nobody to discharge the duties of that high office; that one judge in this district wherein is the city of Philadelphia is undertaking to do the work of two judges. From undoubted testimony there is more work there than two men can do. This one remaining judge has worked unceasingly trying to do the work allotted to himself and to his sick colleague. He can not do that work. He is working now; he has worked without vacation; he has worked without rest; and the work is piling up, and our failure to provide for this additional judge in the courts of that district is tantamount to a denial of justice, because justice will be so long delayed and has been so long delayed in many of these cases as to amount to a denial of justice.

The SPEAKER. If any gentleman desires to oppose this amendment, the Chair will recognize him for five minutes.

Mr. MONDELL rose.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, on the 2d day of July, 1912—a year ago—a great political party met in Baltimore and there promulgated its platform. On that platform and by reason of several curious dispensations of Providence that party was successful at the polls. Among the declarations contained in that platform was the following:

> We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

A commendation of the action of the Democratic House in adopting a provision which the gentleman from Alabama [Mr. CLAYTON] now proposes to strike from this bill. When the motion was offered to which the platform refers—offered, I believe, by the gentleman from Indiana [Mr. CULLOP]—the Democratic side, including, I presume, the gentleman from Alabama [Mr. CLAYTON], voted for it, and so received the commendation of their party and the plaudits of the people. But election day came and passed. The party was successful; and following time-honored Democratic precedents, the chairman of the Committee on the Judiciary, leader for the time being of his party, now proposes to turn his back upon the declaration of the party made in this House a year ago, which was commended by the party in its platform.

Mr. Speaker, I believe this provision is wise and salutary. I am for the provision, and I am against its being stricken from the bill, and I am amazed at my friend from Alabama that, having led his party in the support of this proposition, he now proposes to turn his back upon it because, forsooth, there is nothing to be gained to-day, the election having passed, in posing before the country as a believer in publicity.

But, Mr. Speaker, there are other elections coming, some quite imminent; and I rise to suggest to my Democratic friends that they at least ought to be consistent from one presidential election to another. At least they should be consistent longer than a single year on a proposition which they espoused with enthusiasm, for which they congratulated themselves in their party platform, and which they now propose to repudiate.

Mr. Speaker, I am against the striking out of the provision.

Mr. CLAYTON. I would like to be heard for five minutes.

The SPEAKER. The gentleman has three and one-half minutes left of his original five minutes.

Mr. CLAYTON. I think that in three and one-half minutes I can answer this amazing speech made by the professional amazer of the House. [Laughter.] I desire, in perfect good humor, to say, in the language of Artemus Ward, that the gentleman from Wyoming is an amoosin' cuss; not only an amazing one, but an amoosin' one.

Mr. Speaker, the gentleman from Wyoming amazes us as to where he gets his misinformation. On every subject save one the gentleman from Wyoming has more misinformation than any man I have ever seen in Congress. As a correlative of that, on one subject he has more information, and as a corollary to that he speaks oftener on that subject than any man I ever knew upon any subject; to wit, he knows more about birds and bird lore than any man that ever walked on God's footstool, and speaks oftener than anyone else on that subject. [Laughter.] When he talks about the gentleman from Alabama being a leader of his party and turning his back, "the gentleman from Alabama" desires to say that he has never aspired to be a leader of anybody or of any party anywhere, and if he has ever led anybody into error anywhere it has been some time when he has persuaded the gentleman from Wyoming to vote with him on some measure. The gentleman from Wyoming often votes with the gentleman from Alabama, and I am proud of that distinction. I like my good friend from Wyoming. He always talks with great freedom and with remarkable volubility, and sometimes manifests a degree of intelligence that is amazing to me. [Laughter.]

Now, Mr. Speaker, why this diatribe against the gentleman from Alabama? What has he done? He is merely trying to pass a piece of necessary, nonpartisan legislation; and the gentleman from Alabama repeats what he has long since said, that he does not care whether the Mann-Cullop amendment goes into this bill or not. The President could ignore it, if he wanted to, because it is an attempt to make him give publicity to executive secrets, and that has been tried before, and the Executive is always justified in withholding any secrets relating to his office, if incompatible with the public good.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. With pleasure.

Mr. MONDELL. Assuming that what the gentleman has said is all true, why did the Democratic Party congratulate itself or congratulate the House in its platform for doing just what we have now before us?

Mr. CLAYTON. I thank the gentleman for the suggestion. The Democratic Party, either in making platforms or in its action here, does not need his guardianship. We will take care of all that.

Mr. MONDELL. The gentleman has not answered my question.

Mr. MANN. He can not.

Mr. CLAYTON. What bearing has that upon this particular time? Does not that pertain to the stump?

Mr. MONDELL. Is it your claim that this amendment is unconstitutional? If it is, then your platform congratulated the Democrats of the House on an unconstitutional act.

Mr. CLAYTON. I was not passing on its constitutionality or unconstitutionality. I said you could not compel the President to do it, and under the present administration, if the President should publish everything he has relative to the appointment of judges by him, there would be nothing gained in a public way, because he is going to appoint only the best and most excellent men, for the best of reasons, to judicial office.

Mr. CULLOP. Mr. Speaker, I hope that the motion of the gentleman from Alabama [Mr. CLAYTON] will be voted down, as it should be, and I disagree with the gentleman from Alabama when he says that the passage of this amendment would not be binding upon the President of the United States. It would be binding upon him because it trespasses upon no prerogative of his, and as an American citizen I hope never to see a man in the White House who will trample under foot any law which is made to prescribe his conduct in any public matter.

I would like to have any gentleman upon the floor of this House opposing this amendment point out some good legal reason why the President of the United States could ignore this law if it was passed. What is there in this law that would give him the right to trample it under foot when he came to make an appointment and place a judge upon either the Supreme, the circuit, or the district bench of this country? What President of the United States would hesitate for a single moment to make public the indorsements which moved him in making a judicial appointment in this country? The public has a right to know, the people of this country have a right to know, what are the forces behind every appointment for office, behind every man who seeks to administer the law in this country, and I take it that the present President of the United States would hail with delight the right, crystallized into law, directing him as the Chief Executive of this Nation to make public the indorsements of every candidate who applied to him for appointment to an office. [Applause.]

Is there any candidate who is carrying to the White House indorsements appealing to the President of the United States to appoint him to a public office, to administer the laws of this great Government, who is ashamed to have his indorsements made public? If so, he is unworthy of the appointment and unfit to hold the office.

Is there an appointing power in this country or in any State which would try to shield from the public the indorsements attached to the petition of any candidate who has applied to him for appointment to an office? They say, Why should he do it? What is the benefit of this amendment? It is to protect the court from unjust criticism and it is to protect the appointing power from unjust criticism. If these indorsements are required by law to be made public it will do a great deal toward removing the criticisms which are now made against the courts of this country and made sometimes against the appointing power. That is the purpose of this amendment. It is to shield the appointing power. It is to shield the parties who obtain appointments from unjust criticisms, and it is the thing the public has a right to know—how and through what means some men obtain the appointment to office, who their indorsers are, and from what quarter they came, whether some great interest is moving behind them. That is the purpose of this amendment. It is a good purpose and one that will prove wholesome in the administration of justice.

My fellow Democrats, let me put this proposition to you: This administration is keeping its platform pledges. This is one of the platform pledges. A Democratic House within three months before the Baltimore convention met passed this amendment. Our duty is plain; we should keep the pledge and uphold the faith.

The SPEAKER pro tempore (Mr. HOUSTON). The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Speaker, I want two minutes more.

The SPEAKER pro tempore. The time has already been disposed of.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two minutes.

Mr. PALMER. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. Nine minutes in support of the motion to concur and five minutes in opposition to it.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman have two minutes more.

Mr. CULLOP. That is all that I want.

The SPEAKER pro tempore. Not to be taken out of the time already allowed?

Mr. MANN. Yes.

The SPEAKER pro tempore. Is there objection to the request for unanimous consent? [After a pause.] The Chair hears none.

Mr. CULLOP. Mr. Speaker, four months prior to the Baltimore convention this amendment was passed through this House upon two roll calls and was indorsed by the Democratic membership by an overwhelming majority. It was indorsed by the Democratic press of the country. It was indorsed by the Baltimore convention, the Democratic national convention, on the 2d day of last July. It was indorsed in this House when it was up before on a roll call, and it has been indorsed upon four different roll calls in a Democratic House. I ask you, my Democratic brothers, whether within so short a time after the Democratic administration has begun under the most auspicious circumstances, commanding the respect and confidence of the country, living up to the Baltimore platform pledges, whether a Democratic House now will repudiate one of the planks in the platform and vote it down? If you do, your constituency will rebuke you for the act when you return to your homes and ask a reindorsement at the polls. The Democratic Party ought to keep its pledges. It is bound by its promises to the public. To keep this pledge is one of the sacred pledges, and I ask you as Democrats to vote down the motion of the gentleman from Alabama and demonstrate to the people of the country your good faith. [Applause.]

Mr. PALMER rose.

Mr. MURDOCK. Mr. Speaker, is the gentleman opposed to the Cullop amendment or in favor of it?

Mr. PALMER. I am in favor of the Clayton motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama to concur in the Senate amendment.

Mr. MURDOCK. Mr. Speaker, I would like to know how much time is remaining to those who are opposed to the motion of the gentleman from Alabama.

The SPEAKER pro tempore. Five minutes.

Mr. PALMER. Five minutes on each side?

The SPEAKER pro tempore. No; eight minutes on the other side. The gentleman from Pennsylvania is recognized for five minutes.

Mr. PALMER. Mr. Speaker, I am keenly interested in this bill to establish an additional judgeship in the eastern district of Pennsylvania, and I am strongly hopeful that it soon may become a law. It is an emergency matter of a most urgent character. The court in Philadelphia is in such a condition that if this bill is not soon passed it will be no exaggeration whatever to say that there will be an absolute denial of justice.

I regret more than I can say that this simple little emergency measure should be complicated and its passage endangered by the injection into it of this controversy about the publicity of the indorsement of judges in general. I attach so little importance to this so-called principle that I agree entirely with the gentleman from Alabama. I do not care whether the Cullop-Mann amendment goes into this bill or not. I am extremely anxious to have this judgeship for Pennsylvania, and I shall be satisfied if Pennsylvania gets it, whether publicity must be given to the indorsements or not. As for me, I propose to vote against the Cullop amendment, largely because I consider that it can have no possible effect whatever. I doubt the power of the legislative branch of the Government to control or impose conditions upon the right of the executive branch of the Government in making appointments to Federal positions. The power of appointment is strictly within the rights and prerogatives of the Executive. The President makes these appointments, by and with the advice and consent of the Senate. Congress, as such, can neither furnish advice nor withhold consent from such appointments, and if it may do this thing of hedging the Executive about with conditions regulating his appointments that is tantamount to a control of the appointments.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. PALMER. I can not yield in five minutes. If the amendment were ingrafted upon the bill it would be simply——

Mr. DONOVAN. The gentleman better let me ask a question rather than to have me make a point of no quorum.

Mr. PALMER. Very well, I yield to the gentleman on condition that no point of no quorum be made.

Mr. DONOVAN. I can not control the gentleman from Pennsylvania, let alone myself. Now, did anyone appear before the Judiciary Committee outside of the gentleman who is now addressing the House in favor of this emergency position of which he speaks?

Mr. PALMER. Yes. There was a committee of about 20 gentlemen from Philadelphia, practicing attorneys and judges in that district.

Mr. DONOVAN. You could have answered me yes or no.

Mr. PALMER. I am answering you yes, and I am telling you who it was.

Mr. DONOVAN. Now, the gentleman has misnamed this by calling it "emergency," because the judge is living. Why did he not call the attention of the Judiciary Committee to the case where the judge is dead, and there is no one to act, which would be more of an emergency case?

Mr. PALMER. It would not require any action on the part of Congress if the judge was dead.

Mr. DONOVAN. The gentleman is a Member of Congress and is doing his duty to the people of this country and ought to have those positions filled.

Mr. PALMER. I do not think that statement requires any answer. Evidently the gentleman from Connecticut is indorsing somebody for judge somewhere who has not yet been appointed. I wish him luck, and I hope the prospective judge whom he is indorsing will finally reach his place upon the bench and quickly reach it.

Mr. MOORE. Will the gentleman yield?

Mr. PALMER. I yield.

Mr. MOORE. Would not it be an answer to the gentleman from Connecticut [Mr. DONOVAN] to say that there is an emergency here in that the existing judge is utterly incapacitated and unable to perform the duties of the office?

Mr. PALMER. Yes. I have said that so many times that even the gentleman from Connecticut is fully aware of it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. PALMER] has expired.

Mr. PALMER. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent for two minutes more. Is there objection?

Mr. MANN. That the time be extended.

The SPEAKER pro tempore. That the time be extended two minutes. Is there objection?

Mr. PALMER. It will not be necessary to extend the time.

Mr. MURDOCK. The gentleman says it will not be necessary to extend the time.

Mr. PALMER. The gentleman is on the other side.

Mr. MANN. That the time be extended two minutes.

The SPEAKER pro tempore. That was included in the statement of the Chair, namely, that the time be extended two minutes more.

Mr. PALMER. Mr. Speaker, I only want to say a word about the mention of this proposition in the Democratic platform. I am as strong a stickler as there is in this House or as there is in the country for the faithful redemption of party pledges. I believe that whenever a political party makes promises to the people as to legislation which it will enact if intrusted with power, it behooves the members of that party in legislative place to see that those pledges are carried out. But I do not construe the declaration of the Baltimore convention in reference to this matter as anything like a pledge of action on the part of the party, anything like a promise which calls for redemption by the party as a party. The Baltimore platform commended the principle of publicity of indorsements for public place and congratulated the House of Representatives upon the passage of a law——

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. PALMER. I really have not the time.

The SPEAKER. The gentleman from Pennsylvania declines to yield.

Mr. PALMER. I have only a minute. I just wanted to add this: That the effect of that platform declaration was that it withheld commendation from those gentlemen in Congress who had failed upon the one occasion when the matter was up to vote that way. There was no condemnation of them. There was no promise of legislation in the future. There was no pledge which would make it necessary for the party as a party to put this kind of legislation upon the statute books. A platform of a party may commend many things without binding individual members of the party to support those propositions. The matter is quite different when it comes to the statement of fundamental, vital principles of a great party, coupled with pledges to put those principles into statutory form in the shape of legislation. Therefore this so-called platform declaration or pledge gives me no concern, and I think that no Member should feel seriously about the matter when it is called into question with reference to a single bill of this kind.

Mr. MURDOCK. Mr. Speaker, I am opposed to the motion of the gentleman from Alabama [Mr. CLAYTON].

The SPEAKER. The gentleman is entitled to five minutes.

Mr. MURDOCK Mr. Speaker, we have here the old game of teeter-totter. This year for a proposition and next year against it! We have here also a rather remarkable change in the mood of the House on one occasion from its mood on another occasion. I saw the House debate this matter once with the greatest gravity. What a far cry it is from that condition of gravity in the House to the spirit of levity we have seen here to-day.

Now, what was the origin of the Cullop amendment, which, by the way, I want to say the gentleman from Indiana [Mr. CULLOP] has earnestly and sincerely and assiduously pressed from the time he first introduced it? His amendment was originally offered to a bill in this House relating to a judicial district in northern Illinois. At that time the whole country was engaged in a profound scrutiny of the judiciary. There was pending the impeachment proceeding against Judge Archbald. There was discussion from one end of the country to the other about the judiciary, its integrity, and what could be done with it to correct it in certain particulars. This House gave the most serious attention when the gentleman from Indiana offered his amendment, and particularly was attention given to it on the Democratic side by reason of the fact that William Jennings Bryan in the Commoner had made a notable utterance in favor of the idea, one that was quoted extensively editorially throughout the country and on the floor of the House. It did not appear ridiculous then. It was a matter of greatest moment, and when the vote was taken it stood—I have it here in my hand—151 in favor of the Cullop amendment and some 80 against it—almost two to one. Those of us who were not of the legal profession voted for the Cullop amendment because we believed it was a small step in the right direction. It certainly could not do any harm. But we were backed up in our judgment as to the merit of this proposition by many of the leading lawyers of this House.

Among the men who supported it was the gentleman from Alabama [Mr. CLAYTON], now the head of the Committee on the Judiciary. The record shows that the gentleman from Pennsylvania [Mr. PALMER] also supported the proposition. We found plenty of support in that day from the lawyers in this body.

Now, a year passes. Meanwhile the Democratic Party has included an indorsement of this proposition in its platform. Another judiciary bill comes up, one relating to a district in Pennsylvania, and who offers the Cullop amendment this time? The gentleman from Illinois [Mr. MANN]. And he frankly says he does not believe in it. He is putting it up here in order to embarrass the Democrats.

Now, I am one who, regardless of any partisan feeling in this matter, believes in the Cullop amendment. I believe that no harm will come to this country if the President shall make public the indorsements of the man he appoints to a place on the Federal bench. It is a life place. It is a place of supreme power. The President and the Senate alone have the choice.

Mr. DIES. Mr. Speaker, will the gentleman yield to me for a question?

Mr. MURDOCK. There is a widespread belief, I will say to the gentleman from Texas [Mr. DIES], that certain influences have had at times in the past more than their due weight in recommendations. Now, I will ask the gentleman from Texas what good reason is there for not making public those indorsements?

Mr. DIES. I was asking the gentleman if he would allow me to ask him a question.

Mr. MURDOCK. I will say that there is no good reason why these indorsements should not be made public.

Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. How much, Mr. Speaker?

The SPEAKER. Three minutes. That is all there is left.

Mr. MANN. I thought there was more than that.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER], as I recall, had two minutes which were not to be taken out of the time.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I would like to be notified after I have spoken two minutes and a half. Another gentleman from Pennsylvania desires to be heard.

Mr. Speaker, I do not know that I can blame my distinguished friend from Pennsylvania [Mr. PALMER] for saying that the Democratic platform does not mean anything [laughter on the Republican side], and was not intended to. The gentleman from Kansas [Mr. MURDOCK] says that the House was in a spirit of levity. I do not know whether that is the truth or not, whether the House was acting in a spirit of levity or otherwise. I thought the House was quite serious on this subject.

I would like to suggest to my friend from Kansas [Mr. MURDOCK] that if he thinks a man has to look solemn and glum in order to be serious, the gentleman from Kansas can seldom qualify, because with that smiling countenance of his the people would think he was acting in the spirit of levity all the time. [Laughter.] The House is serious on this proposition. The Democrats are wondering how they are going to get out of the hole. The gentleman from Alabama [Mr. CLAYTON] moves to concur in the Senate amendment. He does not expect the motion to prevail. Gentlemen on the other side will all go home and each one will say, "We had another vote, and I voted to sustain the Democratic platform and make public all these indorsements." Then the bill goes to conference, and the conferees come back and this amendment is agreed to, cutting out this language, and the next amendment disagreed to, providing for an additional judge in Virginia. Then each of the gentlemen will say, "Oh, I had to vote on both propositions at once. I was not willing to add a new Federal judge, so that I had to stifle my conscience about the platform and vote to cut out this amendment." [Laughter on the Republican side.]

Now, my distinguished friend from Indiana [Mr. CULLOP], who introduced the amendment, and the gentleman from Kansas [Mr. MURDOCK], who favors it, go in for an amendment to instruct the conferees as soon as they are appointed, so that this can not be done. But will they do it? That is the only way really to test the sense of the House.

I am satisfied that the conferees will not agree to this amendment, because I have too much faith in their good judgment to believe that they will endeavor to perpetrate such a crime upon the country. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] is recognized for two and one-half minutes.

Mr. MOORE. Mr. Speaker, I am hopeful that some day the Democratic Party will be as fair to the people as many of its representatives are now undertaking to be fair to themselves in this House. The Democratic platform at Baltimore set up the pretense of demanding publicity in the matter of indorsements of presidential appointees. It was an unwarranted reflection

upon a Republican administration, which is now coming home to plague a Democratic administration. Crying "Publicity, publicity, publicity," in the platform at Baltimore, Democrats in the House are now seeking to avoid publicity in the matter of indorsements in relation to judicial appointees to be named by a Democratic President. It is evidence of a desire upon the part of Representatives to get away from the "bunk" that has been practiced upon the people in this and other respects after its effects in the campaign no longer apply.

In the Democratic caucus, despite the publicity platform at Baltimore, a tariff bill was prepared and passed. It was a party measure considered in secret without a single hearing to those whose interests were directly concerned. In this instance publicity did not pertain.

Again this morning, as for several days past, we had an attempted concealment by the majority of a display of facts and particulars in the Diggs-Caminetti case. Unmindful of the Baltimore publicity plank, there was an intense desire on the part of the other side of the House not to have laid conspicuously before the country the revolting particulars in this sensational white-slave traffic case.

Now we are to be hindered in the appointment of a judge because of differences in the ranks of the majority as to the propriety of publishing the indorsements to a Democratic President of candidates for a judgeship. Will the people ever be made to understand the difference between this sort of party pledge and party performance?

Now, it makes no difference to me whether the Cullop amendment, demanding publicity, or the so-called Mann amendment, which holds the Democratic Party up to its platform pledge, remains in the bill or not; the bill ought to pass. It is meritorious and should be treated by us in a deliberate manner, according to the necessities of the situation and without regard to politics. Personally I oppose the Cullop or Mann amendment. It was attached to the bill to test the sincerity of the Democratic Party, but it is unnecessary and is merely in consequence of a pretense to do something for the people for political effect.

I do not believe it was intended that we, as legislators, should embarrass every act of the Executive or should assume, because of public criticism, that the Executive or any other administrative officer is to be continually suspected of a desire to break the law. In this instance we are called upon to exercise our deliberate judgment with respect to the filling of a position upon the bench which is virtually vacant because of the utter incapacity of a judge. I do not believe in opposing this appointment, nor do I think, as Republicans, we should embarrass the Executive because his appointee may be a Democrat. Under existing circumstances, the people having elected a Democratic administration, it is fair that a Democrat should be appointed. We need this judge in the eastern district of Pennsylvania because of the exigency of business. It is not a time to cavil or to raise the point of no quorum. The passage of this bill is demanded in the interest of justice and the orderly transaction of business.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. All time has expired.

Mr. DIES. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the current amendment.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DIES. Mr. Speaker, I am surprised that the gentleman from Indiana [Mr. CULLOP] should again bring forward this amendment. This proposition is, in effect, identical with the original Cullop amendment introduced in the Sixty-second Congress. At that time I discussed upon the floor of the House the constitutionality and merits of this amendment. I have not the present amendment before me, but the original was in these words:

> Hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant.

Mr. Speaker, the powers of our Government are divided into three branches by the Constitution, the legislative, the judicial, and the executive. The power to appoint Federal judges is conferred upon the Executive, by and with the advice and consent of the Senate, by the express terms of section 2 of Article II of the Constitution in these words, referring to the power of the President:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such interior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Mr. Speaker, it is always difficult to find precedent for the establishment of a position which is so clear as never to have been challenged from an authoritative source. However, if the House will indulge me, I think I can make it perfectly clear that the Cullop amendment is as repugnant to the Constitution as theft is to the Ten Commandments.

The appointive power, so far as concerns a consideration of this proposition, is exclusively vested in the President. True, the Constitution provides that the appointive power, as relates to inferior officers, may be vested in the courts of law or heads of departments. The Congress has not seen proper to so vest the appointment of these inferior officers, and if it should enact a provision transfering the appointive power to courts of law or the heads of departments such appointive power would be as exclusive in them as it is now in the President.

That this appointive power is exclusive and not subject to limitations other than prescribed by the Constitution itself has been the opinion of all our Presidents, as far as they have given expression to their views, and no other branch of the Government has ever successfully challenged or seriously controverted the correctness of that view.

The power conferred by the Constitution upon the President to appoint Federal judges is embraced in the same article and section with the provision that the President shall appoint foreign ministers. The power to appoint in the case of the minister is, of course, as exclusive as in the case of the judge. The first attempt of the House of Representatives to encroach upon the powers of the President conferred by the terms of this provision of the Constitution occurred on the 24th of March, 1796, during President Washington's second term of office. On that day the House passed a resolution requesting the President to lay before the House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with such correspondence and documents as might not be improperly disclosed. President Washington declined to comply with the resolution because, as he said:

> It is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty.

Mr. Speaker, the Constitution gives the President the power to nominate and, by and with the advice and consent of the Senate, to appoint these officers. In 1834 President Andrew Jackson nominated certain directors of the Bank of the United States, and these nominations were rejected by the Senate. In a message to the Senate upon the subject President Jackson said:

> I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents.

Mr. Speaker, if the Senate, clothed with the power to advise with the President in regard to appointments, and to reject them, has not the power to call in question the reasons which actuated the President, how can it be for a moment contended that the House possesses any such power?

In another case of disagreement arising between President Jackson and the Senate the President said in a message to that body:

> The executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

If this is a different case, it must be conceded to be a much stronger one than the Cullop amendment, for Cabinet officers are not constitutionally provided for as such, but are created by acts of Congress under the Constitution.

President Tyler so clearly defines the powers of the several branches of Government in respect of the subject matter of the Cullop amendment that I shall insert the whole of his message to Congress upon the question:

> WASHINGTON, D. C., *March 23, 1842.*
>
> *To the House of Representatives of the United States:*
>
> A resolution adopted by the House of Representatives on the 16th instant, in the following words, viz, "*Resolved*, That the President of the United States and the heads of the several departments be requested to communicate to the House of Representatives the names of such of the Members, if any, of the Twenty-sixth and Twenty-seventh Congresses who have been applicants for office, and for what offices, distinguishing between those who have applied in person and those whose applications were made by friends, whether in person or by writing," has been transmitted to me for my consideration.

If it were consistent with the rights and duties of the executive department, it would afford me great pleasure to furnish in this, as in all cases in which proper information is demanded, a ready compliance with the wishes of the House of Representatives. But since, in my view, general consideration of policy and propriety, as well as a proper defense of the rights and safeguards of the executive department, require of me, as the Chief Magistrate, to refuse compliance with the terms of this resolution, it is incumbent on me to urge for the consideration of the House of Representatives my reasons for declining to give the desired information.

All appointments to office made by a President become, from the date of their nomination to the Senate, official acts, which are matter of record and are at the proper time made known to the House of Representatives and to the country. But applications for office or letters respecting appointments or conversations held with individuals on such subjects are not official proceedings and can not by any means be made to partake of the character of official proceedings unless, after the nomination of such person so writing or conversing, the President shall think proper to lay such correspondence or such conversations before the Senate. Applications for office are in their very nature confidential, and if the reasons assigned for such applications or the names of the applicants were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble, without accomplishing or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

But there is a consideration of a still more effective and lofty character which is, with me, entirely decisive of the correctness of the view that I have taken of the question. While I shall ever evince the greatest readiness to communicate to the House of Representatives all proper information which the House shall deem necessary to a due discharge of its constitutional obligations and functions, yet it becomes me, in defense of the Constitution and laws of the United States, to protect the executive department from all encroachment on its powers, rights, and duties. In my judgment, a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has conferred exclusively on the Executive, and therefore such compliance can not be made by me nor by the heads of departments by my direction. The appointing power, so far as it is bestowed on the President by the Constitution, is conferred without reserve or qualification. The reason for the appointment and the responsibility of the appointment rest with him alone. I can not perceive anywhere in the Constitution of the United States any right conferred on the House of Representatives to hear the reasons which an applicant may urge for an appointment to office under the executive department or any duty resting upon the House of Representatives by which it may become responsible for any such appointment.

Any assumption or misapprehension on the part of the House of Representatives of its duties and powers in respect to appointments by which it encroaches on the rights and duties of the executive department is to the extent to which it reaches dangerous, impolitic, and unconstitutional.

For these reasons, so perfectly convincing to my mind, I beg leave respectfully to repeat, in conclusion, that I can not comply with the request contained in the above resolution.

JOHN TYLER.

Mr. Speaker, an attempt was made by the Senate during the first term of President Cleveland to encroach upon the constitutional powers of the Executive in very much the same fashion as proposed by the Cullop amendment. That attempted usurpation was combated by every Democrat who sat in that body. Among the Democratic Senators who then combated this doctrine, I may mention Coke and Maxey, of Texas; Pugh, of Alabama; Vest, of Missouri; and Jackson, of Tennessee, who later became an associate justice of the Supreme Court of the United States. Time forbids me to quote from all of the speeches and reports of these learned expounders of the Constitution, but at the risk of tiring the House I shall read from the speech of Senator Coke, of Texas.

Senator Coke said:

Think for a moment, Mr. President, of the condition in which the President would be placed under the operation of the rule laid down by the Senator from Vermont. The President has vested in him all the executive power of the Government—that power which enforces the laws and appoints and removes officers. Who would write to the President recommending the removal of a dishonest officer; who would write him of suspicions that an officer was faithless; who would write him warning him against a bad man seeking an appointment; who would advise him of anything going wrong, if all these letters were to be open to the public and liable at any time upon the suggestion of partisan malice to be published to the world? The President would be isolated; his sources of information would be cut off, and his efficiency as an executive officer greatly impaired. In all our courts certain confidential communications are protected on grounds of public policy, and where is a higher public policy than that which protects the President in withholding his private and personal papers from the public gaze when through that means the entire executive department of a great government receives increased vigor and efficiency?

In refusing courteously but firmly to deliver upon demand of the Senate papers referring to the suspension of officers, a matter resting solely within the discretion of the President, with which the Senate has no concern and over which it has no jurisdiction, and in refusing to deliver copies of private, unofficial, and personal papers, while tendering to the Senate promptly all public and official papers and documents in the departments, the President has walked in the path trodden by all his predecessors. George Washington, the first President, established the first precedent in a similar case, and the record has been read in this debate to establish it.

Andrew Jackson more than once maintained the prerogatives of the presidential office by refusing to comply with demands of the same character, and John Tyler and President Grant, and even Mr. Hayes, all in notable instances, the records of all which have been read in this debate by the Senator from West Virginia [Mr. Kenna], have done just what Mr. Cleveland has done so well in this case. Mr. Cleveland has illustrious company and an unbroken line of precedents to support him. The chairman of the Judiciary Committee, with all his ability and research, and although challenged by the Senator from Alabama [Mr. Pugh] to produce an instance in which a demand like this upon President Cleveland has been acceded to by a President of the United States, has failed to find one. He has not shown a single one. All such demands have from the beginning of this Government, the time of Washington, been repelled as invasions of the executive domain without a single exception. Whenever the question has been made it has been decided as Mr. Cleveland has determined it.

Mr. Speaker, in all the discussions of the Cullop amendment, either upon the floor of the House or in the press, there has never been offered in support of its constitutionality a single precedent, decision, or suggestion from an authoritative source. In view of the fact that the author and supporters of this amendment have been repeatedly challenged for some authority in support of its soundness, I feel justified in concluding that they have failed to produce such authority because of the fact that none such exists.

I shall therefore feel justified, in the absence of some respectable precedent or authority in support of this amendment, in continuing to entertain the opinion that it was brought forward in the first instance and is resurrected now in obedience to that ignorant and impatient clamor against the Constitution of the United States which manifests itself with most violence in those quarters where that instrument is least understood.

I have not attempted a discussion of the merits of the Cullop amendment, if it has any. It has been my purpose to show that it is an attempted violation of the law—the organic law, the highest law of the land. As a Member of Congress, I have taken an oath to support this Constitution, which the Cullop amendment proposes to violate. Therefore if the Cullop amendment was otherwise a wholesome measure, I would not violate my oath of office by voting for it. But, Mr. Speaker, it is not only unlawful, it is unwholesome as well. When the makers of the Constitution divided the powers of government into three coordinate branches their purpose was to head off despotism and safeguard the rights and liberties of the people. The love of power, of prerogative, is among mankind universal. That is not only true of our time and our people but of all time and all peoples.

Samuel Johnson, the great philosopher, has very truly observed that few men desire to take human life, but that a very great number covet the power.

I know of no better way to make clear the wisdom of checking and balancing power than to quote the words of James Madison:

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of the attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

The wisdom of dividing the powers of government among several bodies of magistracy has long been recognized as an indispensable check upon despotism. Montesquieu, that great economist from whom the founders so largely drew wise inspiration, made these sage observations upon this question:

When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty, because apprehension may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

Again, there is no liberty if the judiciary power be not separated from the executive and legislative. Were it joined with the legislative the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power the judge might behave with violence and oppression.

There would be an end of everything were the same man or the same body, whether of the nobles or the people, to exercise those three powers—that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

Most kingdoms in Europe enjoy a moderate government, because the prince who is invested with the two first powers leaves the third to his subjects. In Turkey, where these three powers are united in the Sultan's person, the subjects groan under the most dreadful oppression. In the Republics of Italy, where these three powers are united, there is less liberty than in our monarchies.

Thomas Jefferson, the author of the Declaration of Independence, was in vigorous accord with this view, as may be seen from the following from his pen:

An elective despotism was not the Government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among the several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason that convention which passed the ordinance of government laid its foundation on this basis, that the legislative, executive,

and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.

To the same effect was the declaration of Mr. Madison that—

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Abraham Lincoln fully agreed with the founders, as may be seen from this declaration from his first inaugural address:

A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people.

Mr. Speaker, the wisdom of the constitutional division of powers between the branches of government is so apparent, and has been so long undisputed, that I could fill a volume from the writings of our great statesmen and patriots. But lest I tire the patience of those who do me the honor to follow this discourse, I shall content myself with but another such quotation, and that from President James K. Polk, in these words:

Congress, and each House of Congress, hold under the Constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress he avows in the most solemn form his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives, or if from any other cause Congress, or either House of Congress, shall differ with him in opinion, they exercise their veto upon his recommendations and reject them; and there is no appeal from their decision but to the people at the ballot box. These are proper checks upon the Executive, wisely interposed by the Constitution. None will be found to object to them or to wish them removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

What, then, Mr. Speaker, is the excuse for this attempted violation of the Constitution which we have each taken an oath to support? The gentleman from Indiana [Mr. CULLOP], who is the author of this amendment, should be qualified to explain its purpose. He said:

Let me put this question. There is unrest in the public mind to-day. Forget not the force and effect it is exercising throughout the Republic. It is better to satisfy public demand than to disregard it.

Mr. Speaker, I do not believe for an instant that intelligent public opinion anywhere in the United States demands the passage of this amendment. If any such demand exists among the people anywhere, it is because they have been misled as to the illegality of this proposition and misinformed as to the necessity urged for its passage. It is inconceivable to my mind that any citizen should demand of a Representative the doing of a thing which he is forbidden to do by his oath of office. Nor do I perceive how public opinion, should it ever become so blind and violent, could expect honest government and wholesome reform at the hands of Members of Congress who could be terrorized into a violation of their oaths to support the Constitution.

This resolution carries with it the false and sinister suggestion to the American people that all is not well at the White House in the matter of appointing Federal judges.

Coming from the people's most direct representatives at the National Capital, such an imputation, if allowed to go unchallenged, is calculated to shake public confidence in the Presidency. This sinister and illegal assault by suggestion was first made while William H. Taft was President. Ex-President Taft needs no eulogy at my hands. The historian will write him down as an able and patriotic statesman. He was probably more careful in the selection of Federal judges than any one of his illustrious predecessors; and, in my judgment, did as much, if not more, to improve the personnel of the judiciary than any President before him.

This resolution makes its second advent during the first term of President Woodrow Wilson, in whose patriotism and integrity the American people, without regard to politics, have implicit confidence. What, then, is the excuse for it unless it be an attempt to create prejudice among illiterate constituencies?

Mr. Speaker, the great officers of this Government are imbued with honesty and patriotism, and so they have been since the foundation of the Government.

That abuses have crept into the state I will not deny. And what government, past or present, has been free of abuses? Our Government has grown rapidly; our natural resources have surpassed in richness anything the world ever knew; and the result has been quick development, the colossal and dangerous concentration of wealth, carrying in its train many evils and abuses which it becomes the duty of wise and patriotic legislators to correct. But the foundation of the structure is sound and stable. The Constitution, generally broad enough for all wise reform, carries in its provisions a means of amendment if found insufficient.

If there has grown up a distrust of our system and its workings, it has been due not to defects in the Constitution but to the tardy use of the powers of the Constitution in effecting reform.

Mr. Speaker, if public opinion demands that the President be no longer trusted to exercise his constitutional duties in appointing to office without limitations by Congress, then let us take steps to amend the Constitution, not violate it.

To my mind this is a large and a serious question. I am not concerned with the effect it would have on the present occupant of the Presidency should it pass. Like Washington, Madison, and Jackson, President Wilson would rebuke our impertinence and go right along discharging his constitutional duties in disregard of the Cullop infraction. But the mischief lies in the attempt of this proposition to feed and fatten the ignorance and passions of certain elements in our country who look upon our flag as an emblem of oppression, upon Congress as the tool of lobbyists, and who regard the Presidency and the Supreme Court as being in sympathy, if not in collusion, with criminal wealth. If I believed that either branch of this Government was corrupt I would despair for the cause of free government. But I know, Mr. Speaker, as does the author of this amendment, that venality in high place does not exist in either branch to such an extent as to have any effect upon legislation.

But venality is not the only foe of free government. The people must have confidence in their agents, and those agents most possess the courage to deal candidly with the people.

To those gentlemen who seek to establish themselves as friends of the people by constantly inveighing against imaginary abuses I would commend the words of the great Chinese sage, Confucius:

The requisites of government are that there be sufficiency of food, sufficiency of military equipment, and the confidence of the people in their ruler. If it can not be helped, and one of these must be dispensed with, let it be military equipment. If one of the remaining must be dispensed with, part with food. From of old death has been the lot of all men; but if the people have no faith in their rulers, there is no standing for the state.

God forbid that the men who guide this Republic should ever be touched with the leprous hand of venality or that the people should ever be brought to lose confidence in faithful public officials by the vaporings of shifty demagogues.

Mr. HARDY. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I propose to vote for this so-called Cullop amendment. In fact, as it passed the House in this bill I believe it was partly worded by me. I am not proposing to compare records as to demagogy with anybody. I propose to vote for this amendment because I believe that in this age and time we, as the representatives of the people, are more and more in favor of giving to the people the full knowledge of all the motives that govern our actions. At one time I had some doubt as to whether we had the right to demand of the President publicity of the indorsements for his appointments, but I believe that under the oath of the President to support the Constitution of the United States, and under his obligation to support all laws in pursuance of the Constitution, if we pass a law requiring that he give publicity to the indorsements of those whom he appoints to the judiciary, under that law he will obey his oath and make public such indorsements. And I believe the time has come when the public has the right to know and ought to know what motives, influences, and powers are back of every appointment. As the gentleman from Indiana [Mr. CULLOP] has said, it does no harm to the President to give out such indorsements. No man appointed to office should be ashamed of his indorsements or wish to have them kept secret, and if he does wish them kept secret or is ashamed of them we ought that much the more to know them. For my part I believe in the law. I believed in it when we first passed it in this House, and believe in it now. I believe it is right in principle as well as in party policy.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the motion of the gentleman from Alabama [Mr. CLAYTON] to concur in the Senate amendment striking out the so-called Cullop amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MURDOCK, Mr. CLAYTON, and Mr. MANN demanded a division.

The SPEAKER. The gentleman from Illinois demands a division.

Mr. CLAYTON. I demanded it too, Mr. Speaker.

The SPEAKER. The gentleman from Illinois, the gentleman from Alabama, and the gentleman from Kansas all demanded it.

The House divided; and there were—ayes 49, noes 88.

Accordingly the motion to concur was rejected.

Mr. CULLOP. Now, Mr. Speaker, I understand that that motion being lost, it is equivalent to a vote that the House disagree to the Senate amendment. Is that the result?

The SPEAKER. That vote is equivalent to disagreeing to the Senate amendments.

Mr. CULLOP. Mr. Speaker, I move that the conferees appointed on the part of the House be instructed to adhere to the amendment of the House.

Mr. MANN. This is not the time to make that motion.

Mr. CULLOP. I understand that the proper time to make that motion is between the time of voting to send the bill to conference and the appointment of the conferees.

The SPEAKER. But there has been no motion for the appointment of conferees.

Mr. UNDERWOOD. Mr. Speaker, I understand that the proper time for the gentleman's motion is after the House has agreed to the conference and before the conferees are appointed.

Mr. CULLOP. I understand that this vote is equivalent to ordering a conference.

The SPEAKER. No conference has been provided for, and nobody can guess that it ever will be.

Mr. CULLOP. Now, Mr. Speaker, I move that a conference be asked, and that the conferees be instructed——

The SPEAKER. The gentleman is premature in making that motion. There is another amendment.

Mr. CLAYTON. There is another amendment upon which I desire the action of the House.

Mr. MANN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I was only going to help out the gentleman from Indiana.

Mr. CLAYTON. I move that the House disagree to the second amendment of the Senate.

The SPEAKER. The gentleman from Alabama moves to disagree to the second amendment of the Senate.

Mr. CLAYTON. That relates to the additional judgeship in West Virginia.

Mr. MANN. I ask to have that amendment reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section to read as follows:

"SEC. 3. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional circuit judge for the fourth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said fourth circuit: *Provided*, That the office of circuit judge to which Robert W. Archbald was originally appointed is hereby abolished and no successor shall be appointed to fill said office."

The SPEAKER. The question is on the motion of the gentleman from Alabama to disagree to the Senate amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 122, nays 9.

So the Senate amendment was disagreed to.

Mr. CLAYTON. Mr. Speaker, I now move that a conference be asked for on the disagreeing votes of the two Houses, and the conferees be appointed upon the part of the House.

The motion was agreed to.

Mr. CULLOP. Mr. Speaker, I think that I am not premature in rising to make my motion at this time.

The SPEAKER. The Chair announces the following conferees——

Mr. RODDENBERY. Mr. Speaker, one moment—a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. If the gentleman desires to be recognized to instruct the conferees, should he not be recognized at this time?

Mr. MANN. Undoubtedly; Mr. Speaker, it will be too late to instruct conferees after they are appointed.

Mr. RODDENBERY. If the conferees are announced, would not the point of order lie against the motion of the gentleman from Indiana?

The SPEAKER. That is correct. The gentleman from Indiana is entitled to recognition at this time.

Mr. CULLOP. Mr. Speaker, I move that the conferees be instructed to adhere to the disagreement of the House to Senate amendment No. 1.

Mr. DIES. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. Mr. Speaker, before the Chair announces the result of his count I would like to have the attention of the gentleman from Texas. I would suggest to the gentleman that he could make the point of no quorum after we have had a vote upon the motion of the gentleman from Indiana, and it would be just as effective then as if it were made now.

Mr. DIES. Mr. Speaker, that is correct. "I thank thee, Roderick, for the word." I only want to be sure of my point of no quorum against this political excrement. I withdraw the point of order for the present.

The SPEAKER. The gentleman from Texas withdraws his point of order of no quorum, and the question is on the motion of the gentleman from Indiana that the conferees on the part of the House be instructed to adhere to the action of the House in disagreeing to the Senate amendment No. 1.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Is not the motion of the gentleman from Indiana debatable? I desire to be heard upon it for a moment.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. BARTLETT. Mr. Speaker, it is unusual, it is extraordinary, it occurs to me, in the first instance, especially after the House has voted its wishes in reference to Senate amendments, to instruct its conferees. There certainly ought to be, and there usually is in the ordinary and usual—I will not say decent—course of parliamentary intercourse between the two bodies, opportunity for at least one free conference. The Senate would be justified, Mr. Speaker, I think, in refusing to have a conference in the first instance if the House should send its conferees over bound hand and foot. We have had some such occurrences in my experience in the House. I do not recall the bill, but I remember one instance where under similar circumstances the Senate declined to meet the House conferees until they had had an opportunity for a full and free conference upon the bill. It is presumed after this vote has been taken upon this amendment that the conferees will carry out the will of the House as expressed by its vote, and we ought not in the first instance, Mr. Speaker, both out of regard for the gentlemen, our own Members who will represent us, and out of regard also for the usual courtesy of full and free conference between the two Houses, to instruct our conferees at this time. It is unusual to do so. It is true that this amendment is an unusual amendment. It is true that there are many of us who do not agree with this unusual and extraordinary amendment. In my opinion, if it was adopted by both the House and Senate the President would be justified in not paying any attention to it and in disregarding it entirely. I shall not discuss that question at this time. I simply rose to call the attention of the House to what is proposed by this unusual effort to instruct the conferees.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. DIES. I would like to ask the gentleman from Georgia if all the authorities, beginning with the organic law down to the present time, do not declare in unequivocal terms, wherever touched upon, that an amendment in the terms of the Cullop amendment is violative of the terms of the Constitution?

Mr DYER. Mr. Speaker, a parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker, I have the floor, and I have no desire to be interrupted by a parliamentary inquiry. Mr. Speaker, I did not discuss that question, because, in my opinion, we have passed beyond that stage of it. Upon a roll call on two separate occasions I voted against this amendment, and I am prepared upon all occasions to vote against the amendment or one of like character. I agree with the gentleman from Texas.

Mr. Speaker, I was endeavoring, if I could, to answer the gentleman from Texas [Mr. DIES]. I agree with him thoroughly that any effort of this sort is an encroachment by the legislative branch on the powers of the Executive. That is the main reason, and the chief reason, why I have always voted against it. I did not, as I say, undertake to discuss that matter, because I wanted the House, before it voted on the motion of the gentleman from Indiana [Mr. CULLOP], to instruct the conferees——

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. BARTLETT. I yield.

Mr. GARRETT of Texas. If this amendment had been proposed by the Senate instead of the House, would it have been an encroachment on the executive department?

Mr. BARTLETT. I think so. I do not think it makes any difference by which branch it is proposed.

Mr. GARRETT of Texas. Does not the gentleman know that the Senate calls every day for papers to be sent over there by the Executive?

Mr. BARTLETT. Yes; I know. I know that President Cleveland, in 1886 or 1887, declined to furnish to the Senate this very kind of information, and that question when submitted to the Committee on the Judiciary, composed of such men as Edmunds, Hoar, Vest, George, and Pugh, investigated it thoroughly, and that a majority of the committee of the Senate reported that the Senate had not any power to compel the President to furnish this information.

Mr. CULLOP. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to proceed——

Mr. MANN. Is not the gentleman entitled to an hour, inasmuch as he has taken the floor?

Mr. BARTLETT. Mr. Speaker, I have said all I desire to say.

Mr. FOSTER. Mr. Speaker——

The SPEAKER. The Chair thinks the gentleman was entitled to an hour.

Mr. BARTLETT. Mr. Speaker, I reserve the balance of my time.

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. Was it not the understanding that the amendments were to be considered in the House as in the Committee of the Whole?

Mr. MANN. The report of the conferees is never considered in the Committee of the Whole. The Committee of the Whole can not ask for a conference.

Mr. BARTLETT. I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. FOSTER. I understand that. It was to be considered in the House as in the Committee of the Whole.

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. FOSTER] that the House had gotten through with the consideration of the bill.

Mr. DIES rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. DIES. The gentleman from Georgia [Mr. BARTLETT], having been recognized for an hour and not having used his time, yielded 10 minutes to me.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] reserved his time, and the Chair recognized the gentleman from Illinois [Mr. FOSTER].

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is not the gentleman from Alabama [Mr. CLAYTON] entitled to the time?

The SPEAKER. He undoubtedly is if he would reserve his right. [Laughter.]

Mr. CULLOP. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CLAYTON. He is now?

The SPEAKER. He is now.

Mr. CLAYTON. Then I am happy. [Laughter.]

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized for an hour.

Mr. CULLOP. Mr. Speaker, I have never been able to understand upon what authority either the gentleman from Texas [Mr. DIES] or the gentleman from Georgia [Mr. BARTLETT] asserts that no President has ever recognized this demand. The gentleman from Texas and the gentleman from Georgia overlooked the Constitution in this case. The President of the United States could not appoint this judge unless he was given authority to do so by a statute here. This Congress can authorize the Attorney General of the United States by a statute to appoint this judge, and the President would have nothing to do with it under the Constitution. We construe the Constitution as it is written and not as somebody would have it written. [Applause.]

This is a statutory office, and Congress has the power to say under a clause of the Constitution how this judge shall be appointed and what officer shall appoint him. Congress has the power to say that yonder court which sits midway between this House and the Senate of the United States shall be authorized to name every Federal judge of every inferior court in this country without the action of the House or of the Senate of the United States. Congress has the right to say that the head of any department in this Government can appoint this or every other judge except the judges of the Supreme Court, with or without confirmation by the Senate. That is the Constitution of our country, and able constitutional lawyers had as well begin to read it as it is written and as it has been construed.

Mr. Cleveland, when President, recognized this right, and I challenge gentlemen upon this floor to show a single instance in the 135 years of the history of the American Republic where a single President has ever challenged this right or denied this power. [Applause.] Oh, they mistake the constitutional provision for removal and treat it as the one for appointment of officials. These two provisions are entirely dissimilar.

The Constitution of our country clothes the President with the exclusive power of removal, and the courts and the Chief Executives have always guarded that power, but no court or President ever challenged the right of Congress to do what Congress is doing here to-day on this question. When the civil tenure of office act was passed, Andrew Johnson or no other man in the Senate or House ever challenged it upon the ground of the principle incorporated in this amendment. But it was challenged on the proposition concerning the removal from office, and very properly so.

Mr. DIES. Will the gentleman yield for a question?

Mr. CULLOP. In a minute. Andrew Johnson escaped impeachment because the civil tenure of office act attempted to take from the President the exclusive right of removal from office, and therefore was depriving him of this constitutional guaranty. Read the debates. Why, you can take the cases in which Presidents have acted from the beginning of the Government down, and I defy any gentleman to point to a single instance in which the Presidents have refused to make publicity of this question when it was asked of them in a proper way.

Mr. DIES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. CULLOP. Not now. Let me refer to the Cleveland case in Alabama. The gentleman from Alabama [Mr. CLAYTON] wants to be right, I know, but sometimes in an overenthusiastic spirit he gets wrong, and he got wrong in this case. Listen, gentlemen, and I will give you the facts about that case. In that Alabama case they demanded of President Cleveland to furnish the proof and his reasons for the removal of a district attorney, and he refused, and that is how you gentlemen have gotten wrong on this question. You never got the facts right. He refused to give them the papers that led to the removal of that district attorney, because he said, and the Senate said, and every court has said, that that power was exclusively lodged in him, and it was not the subject of senatorial or judiciary inquiry. But when they came to ask him for the recommendations, the indorsements upon which he appointed the successor of the district attorney in Alabama, patriotic, able, and brave as he was, he turned over to them cheerfully all of the indorsements and every paper bearing on the questions upon which he had made the appointment. [Applause.]

Those are the facts in the Alabama case, and that is the course that President Cleveland pursued. Yea, Grover Cleveland was too good a lawyer to question the Constitution upon this question. [Applause.]

Mr. DAVIS of West Virginia. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from West Virginia?

Mr. CULLOP. Yes; with pleasure.

Mr. DAVIS of West Virginia. I was somewhat surprised at the gentleman's proposition, that the President of the United States might be divested of the power to appoint this judge. It struck me as novel. I want to ask the gentleman what his construction is of this language of section 2 of Article II of the Constitution, referring to the President:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for.

I wanted to ask the gentleman under what clause of the Constitution the appointment of a Federal judge is provided for other than what I have read?

Mr. CULLOP. Listen. The gentlemen who combat my contention do not read all of that provision of the Constitution. I will read the remainder of it:

> But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

[Applause.]

I am talking to you about the real Constitution—all of the Constitution on this proposition. I am talking to you about the Constitution of my country. I am not talking about the Constitution that reactionaries would have to be the Constitution. They seem to only be bound by a part of it. [Applause.]

Mr. PAYNE. You gentlemen ought to have a caucus over there. [Laughter on the Republican side.]

Mr. CULLOP. What is this judge? He is an inferior officer, and that clause of the Constitution gives the right to Congress to put the appointment in the President, in the courts, or in the heads of departments if it sees fit. That is the Constitution of our country, and when you say by statute that the President can appoint this officer, when you say by statute that he shall have the authority to appoint this officer, and this Congress has that power, it likewise has the power to say how he shall appoint him. These propositions are self-evident, and I take it no one will seriously deny it.

Mr. DIES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. CULLOP. I have not the time now. Do you mean to say that the Constitution gives the right to invest a man with power but does not give the right to say how he shall exercise that power? Whenever that comes to be the construction of the Constitution, law writers upon this subject will have to change all that has heretofore been written and said on this question. A new doctrine will be adopted. If the power exists to give a man the right of appointment, the power to define how it shall be exercised may be prescribed. If the power exists to say what will be the qualifications of a judge, the power also exists to define eligibility for the office. One of these propositions follows the other as truly as day and night follow each other.

Now, what was the Andrew Jackson case? I expected some one to refer to that. That case was this: It was a matter about which Congress had nothing to do, for the reason the Constitution lodges in the President the sole power of removal. Congress, however, has something to do about this case, about this judge, because it is one of appointment and not removal. The President was asked to produce a written document of instruction which had been given to the heads of certain subordinate departments of the Government. He declined. Nobody ever questioned his right to decline. But Congress never asked Andrew Jackson to produce the indorsements of any candidate for office but what he responded speedily to the request. Why not? What objection should there be to him or any other President doing so?

Another case that will be cited is the Tyler case. President Tyler refused the request made of him because, as he said, the House of Representatives had not anything to do with the subject matter—had nothing to do with it; there was no law requiring him to produce the information requested; and that was true under the Constitution and under the law of the country.

Mr. DIES. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. CULLOP. Oh, yes; in order to pacify the gentleman. [Laughter.]

Mr. DIES. The gentleman has an hour of our time, and I did not think he would object to a question. I wanted to ask him this: The gentleman from West Virginia [Mr. DAVIS] pointed out section 2 of Article II of the Constitution, which gives to the President the exclusive right to appoint judges, by and with the advice and consent of the Senate. I understood the gentleman from Indiana to point to some provision of the Constitution or some decision of the court, and in the confusion I did not catch the citation of that decision or that provision that did sustain his contention.

Mr. CULLOP. Let me read it to the gentleman again, and then he will concede the mistake he has made. Will the gentleman read the whole provision?

Mr. DIES. With pleasure.

Mr. CULLOP. Let me read. I am reading from page 50, just where the gentleman would leave off—just where he would quit reading. Gentlemen on the other side of this question can hardly ever find this provision of the Constitution:

> But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

This covers the question completely and furnishes authority to sustain our proposition, and completely annihilates the position of our opponents.

Mr. DIES. Will the gentleman allow me to complete my question? The original Cullop amendment embraced the supreme judges of the United States, and they are not included in this provision of the Constitution as to inferior judges. Therefore the gentleman's attempt to dodge this provision of the Constitution does not serve his stead.

Mr. CULLOP. I am not attempting to dodge any provision of the Constitution, but I am standing upon its broad provisions with both feet, while the gentleman is only trying to get in at the back door, and I do not intend to let him do it. [Applause and laughter.] Now for an illustration. We provide by statute who shall be eligible to the Supreme Court. Suppose the President recommended a minor—a man under 21 years of age. He would not be eligible. We say by statute who is eligible to an appointment. The gentleman might as well rise up and say that we have no constitutional authority to say who is eligible to an office. One would be as reasonable as the other.

We say by statutory enactment who is eligible to vote at an election. Yet the constitutions of the States provide for the qualifications of voters. By statute we can disfranchise a man, and he can not vote under that particular clause of the Constitution, although the Constitution in general terms provides who are eligible to vote; yet because he does not comply with the statute he can not vote. The constitution of every State provides that a man must be 21 years old in order to have the right to vote at a general election, but every person of that age may not be eligible to vote. But along comes the legislature of every State in the Union, and according to these great constitutional lawyers, breaks the constitution of the State by saying that a man must reside within the State so long, in the county so long, in the township so long, and in the precinct so long before he shall have the right to vote. Yet the Constitution says that a man over 21 years old shall have the right to vote.

Mr. DIES. Did not the amendment contain these words:

> Hereafter before the President shall appoint any district, circuit, or supreme judge he shall make public all indorsements made in behalf of any candidate.

Mr. CULLOP. Any applicant.

Mr. DIES. Any applicant.

Mr. CULLOP. Certainly.

Mr. DIES. And does not the gentleman recognize that that falls within the express inhibition of the Constitution?

Mr. CULLOP. Oh, no. Not at all.

Mr. DIES. And does not the gentleman admit that he is bound by oath to support the Constitution?

Mr. CULLOP. Yes; and I am arguing with you, trying to keep you from breaking it to-day. [Laughter.] Certainly I do not want you to do that, and that is why I am taking this time on this hot afternoon. The power is given Congress to provide the manner in which appointments shall be made.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MANN. The gentleman speaks of it as a hot afternoon. I have been wondering whether it would not be possible to get an agreement as to the length of debate on both sides on this proposition?

Mr. CULLOP. Let me get through with my line of thought. I am having to combat these big constitutional lawyers on this constitutional question.

Mr. MANN. Could we not get an agreement as to how much time shall be extended on both sides?

Mr. CULLOP. I have an hour. Then, perhaps, somebody else will want the floor.

Mr. MANN. Why not agree on 15 minutes for debate, the gentleman to have the 15 minutes?

Mr. CULLOP. I thought I had more time than that. How much time have I left?

Mr. MANN. The gentleman has more than that; but why not agree to that?

The SPEAKER. The gentleman from Indiana has used 20 minutes.

Mr. CULLOP. After a little bit I will yield for a suggestion as to the time to be agreed upon. Now, upon this question there is no constitutional objection. We have as much right to say the manner in which a President shall appoint a judge of the Supreme Court as we have the right to say the circuit in which he shall preside. No one denies the power of Congress to create and define circuits and to regulate the questions of jurisdiction. It is no invasion of any constitutional provision for Congress to do so.

Mr. MANN. I make the point of order that there is no quorum present, Mr. Speaker.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. CULLOP. I am very sorry the gentleman from Illinois has seen fit to disturb me. I do not often consume a great deal of time, and will not use more now than the occasion requires.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. My only reason was that I thought the gentleman wanted to have a quorum here to listen to him. I was very much entertained by his argument.

The SPEAKER. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Why, if we are going to spend the evening here we might as well have a quorum. If we can reach an agreement as to the time for debate——

The SPEAKER. Will the gentleman from Indiana give attention to the gentleman from Illinois?

Mr. CULLOP. Certainly.

Mr. MANN. I am perfectly willing to reach an agreement as to how much time shall be extended; but, if nobody knows how long we are going to stay—it is nearly 5 o'clock, and there seems to be no possibility of a vote. I did not know but we could agree on the time. How much time does the gentleman want?

Mr. CULLOP. As I understand, I have 40 minutes of my hour left. I may use all of that, and I may not.

Mr. PAYNE. I hope no part of this comes out of the gentleman's time. [Laughter.]

Mr. CULLOP. I do not want it to come out of my time.

Mr. CLAYTON. If the gentleman from Indiana will permit me, would he not be willing to agree that this debate shall be concluded in 20 minutes, the gentleman to have all of the 20 minutes?

Mr. CULLOP. I do not know whether I would want all of it. Why not make it 30 minutes?

Mr. PALMER. Mr. Speaker, I ask unanimous consent that debate on this proposition shall close at the end of 40 minutes—20 minutes to be controlled by the gentleman from Indiana [Mr. CULLOP], 5 minutes by the gentleman from Texas [Mr. HARDY], 10 minutes by the gentleman from Texas [Mr. DIES], and the balance of the time by the chairman of the committee.

Mr. MANN. I do not understand that. How much time did the gentleman indicate?

Mr. PALMER. I mean 45 minutes—20 minutes to the gentleman from Indiana [Mr. CULLOP], 5 minutes to the gentleman from Texas [Mr. HARDY], 10 minutes to the gentleman from Texas [Mr. DIES], and 10 minutes, we will say, to the chairman of the committee. That will be 45 minutes.

Mr. MANN. Mr. Speaker, I withdraw my point of no quorum temporarily.

The SPEAKER. The gentleman from Illinois withdraws his point of order of no quorum.

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ascertain from the gentleman from Illinois whether he expects to renew the point of order after the expiration of the 45 minutes.

Mr. MANN. Mr. Speaker, I learned long ago that it is safe to cross bridges when you reach them. At this time I do not expect to.

Mr. SABATH. I know there was a gentlemen's agreement here about three weeks ago that there would be no business transacted, and the Members in good faith left for their homes; but within three days the gentlemen's agreement was broken and some business transacted, and a great many Members placed in a false position.

Mr. MANN. I will say to my colleague that the gentlemen's agreement was not broken on any occasion. No business was transacted which did not come up by unanimous consent. A point of no quorum was made at one time by myself and at another time by some one else. That, however, was a part of the understanding, that a point of order of no quorum could be made.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that debate shall extend for 45 minutes—20 minutes of which shall be given to the gentleman from Indiana [Mr. CULLOP], 5 minutes to the gentleman from Texas [Mr. HARDY], 10 minutes to the gentleman from Texas [Mr. DIES], and 10 minutes to the gentleman from Alabama, the chairman of the committee [Mr. CLAYTON]. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, this is no new question before Congress. When Andrew Johnson was President of the United States and the Republican Party was in power in both branches of Congress, a law was passed over the veto of the President called the civil tenure of office act. That act required that not only the indorsements for candidates for office should be submitted to Congress but the reasons that impelled the President for making his appointments. He did not object to that portion of the law, but the law went further and provided that he should surrender unto Congress the papers upon which he made removals from office and the reasons which impelled him to make the removals. He controverted that question, because, he said, as the Senate before had said, and the courts of the country had said, that that part of the law was an invasion of the constitutional right of the President. But no Member of Congress, no Senator, nobody appearing for Andrew Johnson in the great impeachment case, denied the power of Congress in the former—the publicity in appointments—but everybody conceded that part of it applying to removals was an invasion of the Executive's constitutional right—that power is solely vested in the President, and has so been conceded from the formation of this Government down to this time. Congress has no power to question the President about the removal from office, because that power is lodged in the President alone. That law led to the impeachment proceedings against Andrew Johnson, and he escaped the impeachment as President of the United States solely upon the ground that that part of the law which required him to furnish the reasons and papers for removal from office was unconstitutional. Nobody questioned the other part in that great trial or at any other time in that long and angry proceeding. The question was then settled on that proposition in accordance with the precedents of all our history.

What man who loves the traditions of his country, who loves its institutions, who believes in its laws and the upholding of its dignity could have an objection to the President furnishing the indorsements upon which he makes an appointment to office? What could be the objection? Is it because he wants to slip a man through and impose upon the President, when the man ought not to have the office, and against whom public opinion would be enraged, or is it because he wants to protect some man in office who ought not to be in office? I would rather stand for this open-door policy that will protect the President from unjust criticism, that will protect the courts from unjust criticism of the manner in which they secure their appointments. Let me put this question. There is unrest in the public mind to-day. Forget not the force and effect it is exercising throughout the Republic. It is better to satisfy public demand than to disregard it. By adopting this provision we trample upon no constitutional provision, we violate no sacred tradition of the law and customs of this Republic. Then yield to public demand and give to the people that which will be a great protection to two branches of this Government, the executive and the judicial. Oh, what would you think of a judge sitting upon the bench who was ashamed to have his indorsements made public? What would you think of an appointing power in this country, the greatest and freest Republic on earth, that was ashamed to make public the indorsements through which he gave some man a public office to administer the laws of this Republic? Let it be open. Turn on the searchlight. You will turn aside criticism and you will inspire confidence, and you will win esteem in the mind of the public for both the appointing power and the appointee.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Indiana reserves 14 minutes.

Mr. HARDY rose.

The SPEAKER. The gentleman from Texas [Mr. HARDY] is recognized for five minutes.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WINGO. I rise to make a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it in order to move to adjourn at this point?

Mr. HARDY. Mr. Speaker, I hope the gentleman will withhold for five minutes. I believe I have the floor.

The SPEAKER. It is always in order to move to adjourn whenever you have the floor, but you can not take a man off the floor when he wants to make a speech.

Mr. WINGO. Then, Mr. Speaker, I make the point that there is no quorum present.

Mr. HARDY. Will the gentleman withhold that point for five minutes, until I get this off my stomach. [Laughter.]

The SPEAKER. Does the gentleman from Arkansas make the point of no quorum?

Mr. WINGO. I make the point of no quorum.

The SPEAKER. The Chair will count.

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point of no quorum. The gentleman from Texas [Mr. HARDY] is recognized for five minutes.

Mr. HARDY. Mr. Speaker, I shall not indulge in any heroics. We have listened to some beautiful tributes to the Constitution, of which I think I am fully as fond and to which I am as much devoted as the gentleman who has just addressed the House. But there has not been on that side of the question one single syllable of authority presented to show that the proposition involved in the Cullop amendment is unconstitutional.

I grant that neither this House nor the Senate, without warrant of law, has the right to call upon the President to do anything that he is not required by the Constitution or some law under it to do. The Senate therefore had no right and has no right now to call upon the President for the indorsements under which he has heretofore made an appointment, because there is no law authorizing such a demand; but President Cleveland, recognizing the equity and the good sense and courtesy in the request for the indorsements on which he had made certain appointments, yielded to that request and gave them to the Senate.

The Senate had and has no right to demand of the President that he give his reasons for the removal of an officer, because the Constitution clothes him with the power of removal, and no law authorizes the Senate to demand his reason, and it is doubtful if sound policy would justify such a law. But if we place a law upon the statute books directing or commanding the President of the United States to communicate the indorsements under which he makes an appointment, then he, like every other officer under the Government of the United States, has taken an oath to obey the Constitution, which carries with it an oath to obey all laws made in pursuance of the Constitution. Let us leave out heroics. For my part all this talk about excrescences and putrescences and superior and inferior men—it matters not to me. I have learned that the man who so frequently denounces somebody else as a demagogue—oh, well, it is not worth while to discuss motives. That is not the question. Here is a proposition for a plain law demanding that the indorsements upon which appointments are made shall be made public.

Some gentleman said to me that what he wanted to know about was the indorsements of those who were refused appointment. I do not care who indorsed those who were not appointed. We have nothing to do with that; but when a servant of the people is appointed to high position, there ought to be nothing concealed as to the reasons why he was appointed. I believe there is nothing concealed in the bosom of this President or of past Presidents of the United States; but as was said by the gentleman from Indiana, let everything be done in the daylight.

Oh, it may be charged that it was demagogy to adopt a resolution that hearings before our committees should be held in public; but if that is the case every one of us is a demagogue, for we all voted in favor of the hearings before committees being public. We are all now in favor of having the noonday sun shine upon our own actions and upon all the actions that affect the general welfare of the public.

I do not care who it is, I do not believe there is a single appointee of the President of the United States who ought to ask that his indorsers be kept secret. Some very sensitive or very brave man may think it offends his dignity to require that his political acts be all in the full light, but I don't believe our President has any such feeling. Mark you, this House has no right to-day to demand of the President that he communicate any indorsement for any office, because there is no law providing for such a demand, and it might be presumed that such a demand in some special case only, and not in pursuance of some general policy, was based on some suspicion.

The only good reason that can be urged against the Cullop amendment in this bill is that it is a single appointment, but when it is considered that the amendment is only an application of a general principle which we have heretofore avowed and declared, that reason fails.

Mr. Speaker, I think also that it would, or might, appear insulting if one coordinate branch of the Government should demand of another coordinate branch of the Government that it communicate its reasons for doing a thing done under oath. But if a law is placed upon the statute books requiring certain data upon which action is taken by any officer or servant of the people to be made public, there is no insult. If we, as a House, were to demand of the President certain information that he did not think was properly required, he might well refuse to give it; but I read in the Constitution that an oath or affirmation to support the Constitution must be taken by every Senator and Representative and by every executive and judicial officer of the United States and of the various States. When that oath is taken with a plain law upon the statute books, is not he who takes it bound in good conscience to abide by the law? We could not arrest the President and bring him before any court. Perhaps we might impeach him. The equality of the two branches of Government, legislative and executive, has nothing whatever to do with requiring that the Executive obey his oath to support the Constitution. And it might be a ground of impeachment. But for one it seems to me that it is a simple question as to whether or not we favor as a public policy, as we favored before, publicity for the indorsements of those who are appointed to serve the people. For one I really want the status of all our officials to be so open, so clear, so free from any sinister imputation that all the world may see and find no fault.

Mr. CULLOP. Mr. Speaker, how many minutes have I?

The SPEAKER. Fourteen.

Mr. CULLOP. Mr. Speaker, the gentleman from Texas reminds me a great deal of the old town meeting that I once heard of. Seven old fellows——

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I wish the gentleman from Indiana would designate which gentleman from Texas he refers to. There are several of them.

Mr. CULLOP. I mean the gentleman from Texas, Mr. DIES. Seven old fellows who could not bear any innovation upon their ideas got together and had a town meeting. The first resolution that they unanimously passed was that no one but the saints should inherit the Kingdom of Heaven, and they then immediately followed it with another resolution that "we seven are all the saints, and therefore we alone shall inherit the Kingdom of Heaven."

I am going to make this statement: The gentleman did, in February, 1912, make an attack on this amendment and cited authorities to sustain his contention, but I will guarantee that the gentleman never read a single one of them, for there is not a single one of them, as a close examination of them will show, that touches this proposition. He referred to one decided case, but that case, when he will read it, he will find was decided upon the question of the power of removal vested in the President and not of appointment, and the President of the United States gets his authority to remove from a different provision of the Constitution altogether. That case arose over a removal and not over the power of appointment. If the gentleman had ever read that case, he never would have cited it here on this proposition, because it has no bearing on it whatever; and what is true of that case is true of every other precedent that he cites. I read every one of them from the first to the last.

Mr. DIES. Mr. Speaker, the gentleman does not mean to do me an injustice.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. CULLOP. For a question.

Mr. DIES. President Washington's message to the House told them they could not do just what the gentleman wants to do now, and that is based upon the identical provision of the Constitution, and not upon some other one.

Mr. CULLOP. Oh, the gentleman is as wide of the mark as a barn door. It had not any reference to this question. His message was based on a different proposition altogether, and is not similar in any respect. The trouble with the gentleman and those who follow him is that they are not able to distinguish between the two different provisions of the Constitution bearing upon different subjects altogether; one is the power of removal and the other is the power for appointing, and the best evidence of that is that when they come to debate this question they get mad. One of the first things I learned when I began the practice of the law was that if you had the other fellow cornered and he could not escape he was as sure as could be to get mad and go to abusing the other side. The gentleman seems to think that everybody who does not believe with him on this proposition is a demagogue. On what meat does our friend from Texas feed that makes him so much better than anybody else?

Mr. DIES. Mr. Speaker, I protest against such a quotation from Shakespeare.

Mr. CULLOP. Oh, the gentleman has had his time to effervesce. Of course, when he finds that he is absolutely wrong on this question he can not acquiesce. Do you know what is the trouble with those opposing this on the Democratic side? I will tell you the upshot of the matter. This was a proposition advocated by William J. Bryan, the greatest Democrat this country has ever known.

Mr. SLOAN. Where is he now?

Mr. CULLOP. He is Secretary of State now, and he is discharging his duties very well and satisfactorily to the country, and he will continue to do so. [Applause on the Democratic

side.] He honors and adorns that high office, and not only his party, but the country, rejoices that he occupies that high station, and nothing has done more to create the great confidence reposed in the administration of Woodrow Wilson than the selection of William J. Bryan as Secretary of State. [Applause on the Democratic side.] He is the idol of more people in this country to-day than any man that ever lived in it. They believe in his honesty of purpose, his ability, his wisdom, and his nobility of manhood.

He advocated this proposition and certain gentlemen in the House could not be for any proposition he was then advocating, but it is different now. Such an opposition now is not popular. That is what is the matter with them. I remember about hearing of a witness who swore in the case once on trial that a horse was 17 feet high instead of 17 hands high. When they pointed out to him the error he said, "Well, if I said it at first I will stick to it if it kills me." That is the way with the opposition of some to this amendment. They can not get away from the thing that started their opposition. It is very difficult for some people to concede they are wrong even when convinced of the fact. They have no constitutional law, no decisions of any court by which they can draw inferences sufficient to lodge a plausible objection to it. There is not one of them that dares read the authorities cited; if he does he contradicts his position and his defense falls to the ground. Whenever he does he reads himself out of his position.

Why, talk about this decision to which the gentleman refers, and he would have the House believe it decides his point. That question was decided upon the power of removal, under a different clause of the Constitution, and it held that the President had the exclusive right to remove from office; but it decides nothing on the question of appointments.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. HARDY. Is not that an additional ground, with the President taking the oath to obey the Constitution and the laws, and it is a still stronger case, if this be made the law rather than a demand by one branch of Congress?

Mr. CULLOP. Mr. Speaker, most assuredly. I take it that any man elected President of these United States would be too big and too broad to ever question that, and whenever he submitted it to a court or his Attorney General he would be informed that it was his duty to do it. Gentlemen here talk as if the President is empowered by the Constitution to appoint all the officers in this country. Who appoints the fourth-class postmasters? The Postmaster General, and they are not confirmed by the Senate or any other body. Receivers of national banks are public officials, and who appoints them? Not the President, but the Comptroller of the Currency, with the approval of the Secretary of the Treasury, and they are not confirmed by anybody; and yet gentlemen say that this first clause of the Constitution gives the entire power of appointment to the President and to nobody else. We have a right to say by statutory enactment here that the Attorney General shall appoint this judge, and he does not have to be confirmed by anybody. We have a right to say here by a statute that the Secretary of the Treasury shall appoint this judge, and his appointment shall be confirmed by the House of Representatives, if we want to so enact. The Constitution does not prevent it, but provides we may do so; and yet the gentleman from Texas, one of the seven saints, says that nobody but the President can do this. Congress may provide all judges of inferior courts shall be appointed by the Supreme Court. It has authority to enact such a law and take the appointments out of the hands of the President. These appointments may be made as Congress shall direct. The gentleman from Texas has never studied this provision of the Constitution or any of the cases bearing upon it, or he would not make the statement that he does. He got in wrong in February, 1912, because William J. Bryan was advocating this measure in his paper and on the stump throughout the country, and he has never been able to get right since. I believed it was a good law then when there was a Republican President, and I believe it is just as good now when there is a Democratic President. The doctrine is sound; the principle is wholesome; and there is no constitutional obstacle to prevent its enactment or the enforcement of it after it is enacted.

There is no reason why it should be objectionable. Who is going to be harmed by it? Not a single individual. But the gentleman from Texas [Mr. DIES] pleads that the President of the United States must not be embarrassed. I assure him this provision will not embarrass the present Chief Executive. It will not hamper him. He is too big and great and patriotic. A man who would be so constituted would not be big enough to be President of the United States, and no such man as that ever will be President of this great Republic. If a judge is to be appointed in some State, what harm is it going to do for the people of that circuit to have notice before the appointment is made as to who is indorsing the candidate? They have a right to know. They have a right to understand what are the moving forces behind the man who is chosen to administer the laws for them. If this had been the law for the last 20 years the Federal courts of this country would not have been the subject of many of the criticisms that have been poured out against them. Too often the influence of the Federal bench is impaired because of the secrecy attending the manner in which the selection was made. The people believe, whether rightly or not, that sometimes some things are done not in the best interests of the entire public; that forces are exercised in the selection of judges hostile to the best interests of the administration of justice. This should be rectified. If it was open, and the searchlight of publicity turned on, it would have saved the Federal judiciary in many instances from criticism, from the impairment of the influences which it should exert, and the influence which it is unable to exert in many instances all over the country. It would save the appointing power, the President of the United States, in many, many cases from the unjust criticism that is heaped upon him regarding the appointment of judges which the public believe to have been appointed at the special behest of special interests in this country. Does any man believe that Mr. Archbald would have been appointed a judge of the Commerce Court if just such a statute as this had been in effect at the time that his appointment was made? The announcement may have taken the country, the people of his locality, by surprise, but if this method had been properly pursued, they could not have been taken by surprise, but could have prevented his appointment. They would have had an opportunity to come and enter their protest and prevented the appointment, and have saved the judiciary of this country a great disgrace.

The SPEAKER. The time of the gentleman has expired. The gentleman from Alabama [Mr. CLAYTON] is entitled to 10 minutes.

Mr. CLAYTON. Mr. Speaker, inasmuch as Woodrow Wilson is President of the United States and he will appoint judges only on the recommendation of such patriots as the gentleman from Indiana [Mr. CULLOP] and myself, I take it, I yield 3 minutes of my 10 minutes to the gentleman from Pennsylvania [Mr. PALMER], and reserve the rest of my time.

Mr. PALMER. Mr. Speaker, I have taken this time in order to bring the attention of the House back to a matter which apparently has been forgotten around here lately, the Philadelphia district judgeship bill. I thought that the bar of Philadelphia, when it appeared before the Judiciary Committee, I thought that the members of the Judiciary Committee, when they appeared before the House, had convinced everybody that this judge was absolutely necessary for the administration of justice in that district. I believe there is hardly a Member in the House to-day but that agrees with me that we ought to have this judge in Pennsylvania. Yet, if you vote for this proposition of the gentleman from Indiana [Mr. CULLOP], you kill this Philadelphia judgeship bill just as dead as if every man in the House were against it. To what purpose? Not to get legislation upon this question, which seems so dear to your hearts, but simply to take once more a poll of the House upon the proposition. We have had a vote upon the Cullop amendment here this afternoon. Every man has gone on record upon it. If you now follow that up by instructions to the conferees before they go to conference, the Senate will be entirely justified in saying, "We can not confer with you; there is nothing to confer about." Therefore that would be the end of the Philadelphia judgeship bill, and it would be the end of this proposition of publicity of indorsement of judicial applicants. Therefore you can get absolutely nothing beyond what you have already secured—a poll of the House upon the question—by passing this motion to instruct the conferees. On the contrary, if you let it go to conference, it may be that you will be able to persuade the conference and the Senate of the wisdom of the proposal of a large proportion of the House. You stand a chance of putting in the legislation of the country this proposition for which the gentleman from Indiana [Mr. CULLOP] so strongly pleads.

Therefore I plead with you, in the name of 3,000,000 people in Pennsylvania who are suffering for the want of this judge, to let this bill go to conference, where the judge can be provided for and justice be given to those people. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I now yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] is recognized for three minutes.

Mr. BARTLETT. Mr. Speaker, I did not intend to discuss or raise an issue upon the merits of the amendment. The sole purpose I had in view was to call the attention of the House to the proposition then pending before it—to instruct the conferees—for the reason that I knew just what the gentleman from Pennsylvania has stated, that if that motion prevailed there would be no conference upon this bill.

I knew that, and I knew how important it was to the gentleman from Pennsylvania and the people whom he represents that there should be an opportunity given to the Senate to pass the bill and give the people the relief that the bill proposes to give them.

Another word, Mr. Speaker. I do not care what the gentleman from Indiana [Mr. CULLOP] thinks about the motives of those who voted against what is known as the Cullop amendment, nor am I at all concerned what his views are as to the position some of us occupy upon the constitutionality of such a provision. That does not concern me at all. But when the gentleman suggests that those of us who have always voted against this proposition—and I happen to be one of them—are influenced mainly or solely because the proposition was advocated by the present Secretary of State, so far as I am concerned he shoots wide of the mark.

I happen to be one of those who have taken their political lives in their hands at times in sustaining and advocating the principles advocated by the present Secretary of State. I opposed the Cullop amendment not because Mr. Bryan advocated it, but for the reason that I do not believe that this House has any right under the Constitution to put any such provision as that upon this bill. I still entertain those views, Mr. Speaker, and I can not be induced to yield those views even at the suggestion, erroneous and undeserved as it is, of the gentleman from Indiana to the effect that I was influenced by such motives as he suggests. [Applause.]

I will repeat, Mr. Speaker, that in the long service I have had in this House I recall but one instance where the House has in the first instance instructed its conferees before they had occasion to confer with the Senate. Such a course of procedure is not in accordance with the ordinary decent rules governing the meeting between representatives of the two Houses; and if this motion shall be adopted there will be no reason to expect that the Senate will confer with us, and they should not do so. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. The gentleman from Alabama has one minute.

Mr. CLAYTON. Mr. Speaker, the pending proposition is improper and discourteous to the Senate; that is, to say to the Senate that this House shall instruct its conferees before even the first conference is held. It is unusual. It marks a new event, so far as I know, in parliamentary procedure. What the Senate will do if the House votes in accordance with the contention of the gentleman from Indiana [Mr. CULLOP] I do not know.

As to the Cullop amendment itself, it is of very gravely doubtful constitutionality. But whether it be constitutional or no, it is unwise. It is not in accordance with the Democratic platform, for this reason: The Democratic platform proposes a general law. This is a proposition to make the President give publicity to the indorsement of the particular judge involved in this bill, and no more. It is not a compliance with the Democratic platform, and if it were a compliance with that platform, offered under these circumstances, in this emergency, this denial of public justice to 3,000,000 of people, it is a foolish proposition.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. To ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to speak for five minutes. Is there objection?

Mr. CLAYTON. Mr. Speaker, I understood that the order which was made contemplated a vote upon this proposition without any further debate. That was the unanimous agreement made at the beginning, and I shall have to insist upon it.

Mr. MANN. I hope the gentleman will not insist on that. The gentleman from Alabama has had 45 minutes on that side, and I ask unanimous consent that the gentleman from Connecticut [Mr. DONOVAN] have five minutes and that I have five minutes.

Mr. CLAYTON. Two or three gentlemen were talking to me, and it invariably happens that when I am trying to listen to some gentleman on that side, two or three friends talk to me on this side. I can not hear three men at once.

Mr. MANN. I ask unanimous consent that the gentleman from Connecticut [Mr. DONOVAN] have five minutes and that I have five minutes.

Mr. CLAYTON. If that time is given, I ought to have five minutes myself; but I will not object to the request of the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Connecticut [Mr. DONOVAN] have five minutes and that he have five minutes. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object——

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] intend to request that he have five minutes, too?

Mr. CLAYTON. I do not, Mr. Speaker. I do not think it will be necessary, and it has been suggested to me repeatedly on this side to move the previous question at the end of the time. I do not think the previous question is necessary, because the agreement had in the beginning provided that a vote should be taken at the expiration of the allotted time. I understand that with the exception of this added 10 minutes, the original order will be preserved, to wit, that we will vote at the expiration of these 10 minutes. Therefore the previous question is not necessary.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. RODDENBERY. Mr. Speaker, I dislike very much, owing to the lateness of the hour, to request any time in this debate at all, but I am constrained to ask for five minutes, and would like to have the gentleman, if he will, modify his request so as to permit me to have five minutes.

Mr. MANN. I will agree to give the gentleman from Georgia a part of my five minutes if I get it.

The SPEAKER. Does the gentleman from Alabama modify his request?

Mr. CLAYTON. I do, in accordance with the request of the gentleman from Georgia.

The SPEAKER. The request, then, is that the gentleman from Connecticut [Mr. DONOVAN], the gentleman from Illinois [Mr. MANN], and the gentleman from Georgia [Mr. RODDENBERY] each have five minutes in the order in which the Chair states it. Is there objection?

Mr. KORBLY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. KORBLY. I desire unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, that has already been granted to every gentleman, upon my motion, at the beginning of the debate.

Mr. MANN. Not on this bill.

The SPEAKER. The Chair will first put the request of the gentleman from Alabama. Is there objection to that request?

There was no objection.

Mr. CLAYTON. Now, Mr. Speaker, let the leave to print apply to everybody.

The SPEAKER. The gentleman from Alabama early to-day got unanimous consent that any gentleman who wished to do so might extend his remarks.

Mr. STAFFORD. But that was limited, was it not, to the bill under consideration?

Mr. SABATH. That was on the other bill.

Mr. CLAYTON. I make the same request in regard to this bill.

The SPEAKER. The gentleman makes the same request in regard to this bill. Is there objection?

Mr. MANN. I could not consent to that, Mr. Speaker.

Mr. CLAYTON. Then, Mr. Speaker, I withdraw the suggestion. I wanted to accommodate everybody who wanted to talk or to print.

The SPEAKER. Then the gentleman from Indiana ought to have his request put. Is there objection to his extending his remarks upon this bill?

Mr. BRYAN. Mr. Speaker, I ask to be joined in that request.

The SPEAKER. And the gentleman from Washington.

Mr. DIES. I want to join with the gentleman also, Mr. Speaker.

The SPEAKER. And the gentleman from Texas [Mr. DIES]. Is there objection? [After a pause.] The Chair hears none.

Mr. KORBLY. Mr. Speaker, the gentleman from Indiana [Mr. CULLOP] assumes to read men's minds and fathom their motives. I am reliably informed that he has in private con-

versation explained my opposition to his amendment on the ground that I oppose anything William J. Bryan advocates. Inasmuch as I am earnestly advocating the guaranty of deposits, a measure favored by Mr. Bryan, this statement need not be further extended, because the falseness of Mr. CULLOP'S declaration is made as clear as his motive in uttering it.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] is recognized for five minutes.

Mr. DONOVAN. Mr. Speaker, it strikes me that where we have so many very able lawyers here, capable to state the facts, in this particular case to misrepresent it is not according to our principles. The distinguished gentleman from Pennsylvania spoke here as if the position in question was one of importance. It is the minor court in the United States. It is as the petit justice of the peace is to the higher courts in the States—practically of no importance. The holder of the position passes upon laws and acts of your Congress. For instance, it passes upon statute-made crimes, not crimes at common law. That is the business of the court in the main. There is no suffering, except, perchance, in those who are out on bail, in that they are not brought to trial for possibly a week or two or a month or two later. The crimes consist of infractions of the internal-revenue laws in regard to tobacco and whisky and in regard to mail matters—obscene literature. The number of cases that are taken there that require ability, that require knowledge of the law, is not 3 per cent; and yet we are giving to whoever occupies that position practically a quarter of a million of dollars if he lives the natural life of man. Just think of it—$7,000 a year for life. You can see right away that it works no harm, because when those offices are vacant for a year no one knows it except some one who has a friend that he wants to enjoy that particular plum. That is all. We have cases where there is a vacancy for a year, and the distinguished chairman of the Judiciary Committee, one of the ablest men of our country, knows of that vacancy for months, and great lawyer that he is, knowing that the country is not suffering on account of the vacancy, he does not give it the slightest interest whatever. That is a picture of a lawmaking body, great lawyers, and what a pitiful picture it is.

One word in regard to the question of publicity. Of course in the gentleman's State of Alabama nothing goes wrong. They can not go wrong where the gentleman resides, but in other States they do have judges that do things that are wrong, and the judges ought to be in prison instead of on the bench, and those judges are recommended by men who ought to be in prison instead of at large. The public pays the salary. The public raises the money, and the least they are entitled to is to know the sponsors of these judges. If the distinguished gentleman from Alabama had in his State a crew of judges whose only duty to perform was to issue injunctions and restraining others in order that the public might be plucked, how long would he acquiesce in such a condition or stand for the crowd that benefited by these orders and injunctions, who were the sponsors of the judges—created them, so to speak. Nobody would stand for that. No doubt the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. CLAYTON], when this matter came up before in the other Congress, voted for these resolutions, no matter what requires them now to reverse themselves and to vote against them. If you wish to do your duty to mankind and to your oaths, obey the mandate of your convention at Baltimore, the first article of which is about economy in public expense that labor might be lightly burdened. Does it affect the distinguished gentleman from Alabama? The platform pledge at Baltimore goes in the wastebasket as all other rubbish. Thank you, gentlemen.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, in view of the lateness of the hour I yield back my time to the House. [Applause.]

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, I merely desire, in view of the range the debate has taken on the motion to instruct the conferees, to submit something that occurs to me as being germane to the motion about to be submitted. The House, by a vote of two to one, declined to concur in the Senate amendment. Thereupon the gentleman from Indiana [Mr. CULLOP] moved to instruct the conferees on the part of the House to insist upon the position of the House. Notwithstanding the sentiment of the House touching the Senate amendment to strike out the Cullop-Mann amendment, we find the chairman of the Committee on the Judiciary—and I say so with the greatest respect and with most profound confidence in the chairman of the Judiciary Committee—knowing that he will be one of the conferees on the part of the House, and the other ranking members of the Judiciary Committee in turn conferees on the part of the House—notwithstanding the will of the House has been expressed, we find the chairman of the Judiciary Committee does not content himself with accepting the judgment of the House to act as conferee on the part of the House, but his last language upon the question is the announcement that striking out the provision does not contradict the platform, is unconstitutional, and not only unwise but foolish, and I submit, Mr. Speaker, that under the circumstances——

Mr. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. RODDENBERY. In a moment. Under the circumstances it is a proper occasion for the House to instruct its conferees. [Applause.]

Mr. CLAYTON. Mr. Speaker, will the gentleman——

Mr. RODDENBERY. I state again, not because the House is wanting in confidence in the gentleman from Alabama——

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. RODDENBERY. In a moment.

Mr. CLAYTON. You are misrepresenting the "gentleman from Alabama." The "gentleman from Alabama" demands recognition.

Mr. RODDENBERY. Not out of my time, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is entitled to the floor.

Mr. RODDENBERY. I will yield to the gentleman in a moment, nevertheless.

Under the rules of the House the House has the right to instruct its conferees in the first instance, but under the rules of the House that instruction is not imparted to the Senate as a part of the action of the House, and the Senate therefore can take no cognizance of the instruction on the part of the House, because under the rules it is not communicated to it. If it does go outside, as it has in only one case in previous procedure, and decline to meet our conferees, the Senate can, under its rules, ask for a free conference, and the House can then grant a free conference if it desires. In that case the House will have expressed itself by its instruction to the conferees and it will not operate to defeat the bill of the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The time of the gentleman from Georgia [Mr. RODDENBERY] has expired.

Mr. RODDENBERY. Now I yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. The gentleman has no time to yield. Mr. Speaker, I ask unanimous consent to address the House on the pending matter for five minutes.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. RODDENBERY. Reserving the right to object, and I shall not be offensive——

Mr. CLAYTON. Certainly the gentleman can object.

Mr. RODDENBERY. I reserved the right to object. I should like to concur in that request by asking that I may have the privilege of five minutes.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent, in conjunction with the five minutes the gentleman from Alabama asks for, for five minutes for himself.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama have five minutes and the gentleman from Georgia have five minutes in which to reply to the gentleman from Alabama, and the gentleman from Alabama have five minutes in which to conclude.

Mr. CLAYTON. That exactly suits me. Does the gentleman from Georgia [Mr. RODDENBERY] agree to that?

Mr. CARLIN. I object to the request of the gentleman from Illinois [Mr. MANN].

Mr. CLAYTON. I hope the gentleman will not object.

Mr. CARLIN. All right. I will withdraw my objection.

Mr. CLAYTON. I do not wish to be misrepresented in another speech as I have been misrepresented.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have five minutes in which to address the House, that the gentleman from Georgia [Mr. RODDENBERY] have five minutes in which to address the House, and, then, that the gentleman from Alabama [Mr. CLAYTON] have five minutes more in which to address the House.

Mr. GARRETT of Texas. I object.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] can not object without rising in his place.

Mr. GARRETT of Texas. I beg the Chair's pardon. Make it two and one-half minutes and I will not object.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] objects.

Mr. RODDENBERY. Will the gentleman withhold the objection for a moment?

Mr. GARRETT of Texas. I withdraw it.

Mr. RODDENBERY. I agree to yield two and one-half minutes of my time to the gentleman from Alabama, and that will give him five minutes.

Mr. GREEN of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN of Iowa. I understand the gentleman from Alabama [Mr. CLAYTON] made his request for unanimous consent first, and I am asking if that should not be put to the House first?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] accepted the modification, as the Chair understands it.

Mr. CLAYTON. I would rather have it as the gentleman from Illinois [Mr. MANN] suggested.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have five minutes, that the gentleman from Georgia [Mr. RODDENBERY] have five minutes, and the gentleman from Alabama [Mr. CLAYTON] then have five minutes. Is there objection?

Mr. GARRETT of Texas. Mr. Speaker, I can not see why they should have 15 minutes more to discuss what the gentlemen will likely discuss here, and I am going to object to that much time.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] objects.

Mr. CLAYTON. Mr. Speaker, may I have unanimous consent for just two minutes in which to reply to a misrepresentation made by the gentleman from Georgia [Mr. RODDENBERY]—unintentionally, I suppose, because he has always been my friend.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. CLAYTON] may proceed for three minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama may proceed for three minutes. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I would like to modify the request by asking for two minutes.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] modifies the request of the gentleman from Illinois by asking for two minutes.

Mr. CLAYTON. Will the gentleman from Georgia occupy the two minutes now, and then I may ask him the question which he denied me a moment ago?

Mr. RODDENBERY. I do not know whether I want the two minutes at all or not, but the gentleman from Alabama discussed this matter for several days——

Mr. CLAYTON. The gentleman is mistaken. We have discussed it to-day.

Mr. MANN. Mr. Speaker, reserving the right to object to the request of the gentleman from Georgia, it has always been the practice, and always will be, that the man in charge of the bill is entitled to close the debate.

Mr. RODDENBERY. I have no objection to that.

Mr. MANN. Now, the gentleman from Georgia [Mr. RODDENBERY] desires to usurp that privilege, and I am not willing he should do that.

Mr. RODDENBERY. Mr. Speaker, if the gentleman from Alabama [Mr. CLAYTON] were addressing himself to the measure independently, I should make no question about it; but——

Mr. MANN. But, regardless of what he is addressing himself to, he is entitled to close. Somebody must, of necessity, speak last.

Mr. CLAYTON. The gentleman from Georgia is not a mind reader.

Mr. RODDENBERY. The gentleman from Georgia has stated exactly what he would do, and I notify the gentleman from Illinois and the gentleman from Alabama——

Mr. CLAYTON. The gentleman's notice is not necessary——

Mr. RODDENBERY. That you will not proceed unless both you and I have a fair opportunity.

Mr. CLAYTON. The gentleman shall have all he wants, and I guess he will need more then.

The SPEAKER. The Chair will state that the precedents and practice for the last 10 years have been that the man in charge has the right to close, and nobody can deprive him of that right.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. The question before the House is the motion of the gentleman from Indiana [Mr. CULLOP], to instruct the conferees, which is contrary to the position of the gentleman in charge of the bill. Now, the question I propound is, Who is entitled to close?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] has the right to move the previous question on this motion whenever he gets ready.

Mr. MANN. Mr. Speaker, I make this request, that the gentleman from Alabama [Mr. CLAYTON] have three minutes; that the gentleman from Georgia [Mr. RODDENBERY] have three minutes to reply; and that after the gentleman from Georgia replies, the gentleman from Alabama shall have two minutes in conclusion.

Mr. RODDENBERY. That is perfectly agreeable to me.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Mr. Speaker, I shall cut the matter short by making a statement in a minute or in a half a minute, and that statement is that the gentleman from Georgia [Mr. RODDENBERY] wholly misapprehends the position of the gentleman from Alabama. The gentleman from Alabama has opinions. He has expressed those opinions. Those opinions may not coincide with the opinion of a majority in this House, but the gentleman from Alabama, when authorized by the House to do a thing, always endeavors to meet the views of the House if he can, and if he can not——

The SPEAKER. The Chair will suggest to the gentleman from Alabama that nobody has the floor. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have three minutes, the gentleman from Georgia [Mr. RODDENBERY] three minutes, and the gentleman from Alabama two minutes in conclusion. Is there objection?

Mr. GARRETT of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. I wish to ask, Mr. Speaker, has not the bill been passed, and is it not now beyond the control of the gentleman from Alabama?

Mr. CLAYTON. Mr. Speaker, I move the previous question on the pending measure. [Applause.]

Mr. GARRETT of Texas. I second the motion.

Mr. CLAYTON. I am content, Mr. Speaker, to rest under the misrepresentation made by my friend from Georgia [Mr. RODDENBERY]. I want to do public business.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves the previous question on the pending measure. The previous question is not debatable.

Mr. RODDENBERY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Georgia will state his question of personal privilege.

Mr. RODDENBERY. The gentleman from Alabama [Mr. CLAYTON] makes the statement out of order that he "rests content under the misrepresentation of the gentleman from Georgia." I take exception to those remarks, because they are made out of order and under circumstances when I can not reply. My answer to the gentleman——

Mr. HAY. Mr. Speaker, I make the point of order that the gentleman has not raised a question of personal privilege.

Mr. RODDENBERY. My answer to the gentleman's reflection is——

Mr. HAY. It has no question of personal privilege whatever.

The SPEAKER. The point of order is sustained.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Georgia makes the point of order that no quorum is present, and evidently there is not. The Chair has counted this House half a dozen times this afternoon.

USELESS PAPERS IN THE TREASURY DEPARTMENT.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred a letter from the Secretary of the Treasury, transmitting schedules of papers, documents, etc., on the files of the Department of the Treasury which are not needed in the transaction of public business and have no permanent or historical value, submitted a report (No. 34) thereon, which was ordered to be printed.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House, under the order heretofore made, adjourned until Friday, July 18, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for temporary employees in the General Land Office for the fiscal year ending June 30, 1914 (H. Doc. No. 145); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of Labor submitting an estimate of appropriation for the immigrant station, Ellis Island, N. Y. (H. Doc. No. 144); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 6848) to authorize the Secretary of War to continue and complete the locking and damming of the Cumberland River in Tennessee, above Nashville and to the Kentucky line, and in accordance with the plan heretofore authorized and adopted by river and harbor act of 1886, on or before July 1, 1918, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BURKE of Wisconsin: A bill (H. R. 6849) to amend an act entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States," approved March 3, 1913; to the Committee on the Merchant Marine and Fisheries.

By Mr. McANDREWS: A bill (H. R. 6850) to enlarge the post office at Oak Park, Ill., and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: A bill (H. R. 6851) providing for exchange of lands on reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. GRIEST: A bill (H. R. 6852) to create a postal-note system and facilitate the transmission of small sums through the mails; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 6853) to amend an act entitled "An act relating to the liability of common carriers by railroads to their employees in certain cases," approved April 22, 1908 (35 Stat. L., 65, 66); to the Committee on the Judiciary.

By Mr. MOORE: A bill (H. R. 6854) to provide for the purchase or condemnation of the Chesapeake & Delaware Canal; to the Committee on Railways and Canals.

By Mr. LINDBERGH: A bill (H. R. 6855) requiring the Government to furnish post-office boxes free to regular patrons of post offices in towns, villages, and cities in which there is no free delivery; to the Committee on the Post Office and Post Roads.

By Mr. GRAY: A bill (H. R. 6856) authorizing the Secretary of War to furnish to Sol Meredith Post, No. 55, Department of Indiana, Grand Army of the Republic, of Richmond, in the State of Indiana, four condemned bronze or brass cannon or fieldpieces with their carriages and with suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 6857) to authorize the Secretary of Commerce to have prepared plans, specifications, and estimates of cost for new building for the Bureau of Fisheries; to the Committee on Public Buildings and Grounds.

By Mr. ESTOPINAL: A bill (H. R. 6858) to increase the limit of cost of the public building authorized to be constructed at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. MORGAN of Louisiana: A bill (H. R. 6859) for the erection of a Federal building at Plaquemine, La.; to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 6860) to provide for the purchase of a site and the erection of a public building at Norman, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6861) to provide for the purchase of a site and the erection of a public building at Stillwater, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6862) to provide for the purchase of a site and the erection of a public building at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6863) to provide for the purchase of a site and the erection of a public building at Purcell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6864) to provide for the purchase of a site and the erection of a public building at Pauls Valley, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of South Carolina: A bill (H. R. 6865) providing for an annual encampment of Union and Confederate veterans; to the Committee on Military Affairs.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 6866) to promote the comfort of passengers and to provide for the separation of the races on street cars, urban, suburban, and interurban cars, and in the various departments of the Government in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LOBECK: A bill (H. R. 6867) to increase and fix the compensation of the collector of customs for the customs collection district of Omaha; to the Committee on Appropriations.

By Mr. CARLIN: A bill (H. R. 6868) to appropriate $11,500 to supplement appropriations previously made for the construction of the roadways from the Highway Bridge across the United States agricultural experimental farm in the State of Virginia, to the southern boundary of the Arlington estate and for the roadway extending north and south in front of the eastern boundary line of the Arlington Cemetery; to the Committee on Appropriations.

By Mr. JOHNSON of Kentucky: A bill (H. R. 6869) repealing all laws limiting the sale of food or raiment to any person in the District of Columbia, etc.; to the Committee on the District of Columbia.

Also, resolution (H. Res. 203) authorizing the Committee on the District of Columbia to investigate and inquire into the condition of the financial relations between the United States and the District of Columbia; to the Committee on Rules.

By Mr. CURRY: Memorial of the Legislature of the State of California relative to the nature and cure of tuberculosis; to the Committee on Appropriations.

Also, memorial from the Legislature of the State of California, relative to the continuance of the Government line of steamers from eastern seaports to Colon, in the Canal Zone, and the continuance thereof to points on the Pacific coast of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, a memorial from the Legislature of the State of California, relative to the proposed restriction of the mint and assay service; to the Committee on Coinage, Weights, and Measures.

Also, a memorial from the Legislature of the State of California, relative to the amendment of the postal laws to permit inspection and treatment of nursery stock consigned through the parcel post; to the Committee on the Post Office and Post Roads.

Also, a memorial from the Legislature of the State of California, relative to the establishment of a Government-owned line of steamships to operate between Atlantic and Pacific ports; to the Committee on the Merchant Marine and Fisheries.

Also, a memorial from the Legislature of the State of California, asking for favorable consideration of the request for aid in the project for relief from floods in the San Joaquin Valley, etc.; to the Committee on Rivers and Harbors.

Also, a memorial from the State Legislature of California, requesting the Congress to authorize the postal savings system to loan its funds to school districts; to the Committee on the Post Office and Post Roads.

Also, memorial from the Legislature of the State of California, relative to the establishment of a national park in Butte County; to the Committee on the Public Lands.

Also, a memorial from the Legislature of the State of California, relative to acquisition of title under the homestead law; to the Committee on the Public Lands.

Also, a memorial from the Legislature of the State of California, relative to the purchase by the United States of the Tioga Road; to the Committee on Roads.

Also, a memorial from the Legislature of the State of California, relative to woman suffrage; to the Committee on the Judiciary.

Also, a memorial from the Legislature of the State of California, relative to the control of floods in the river systems of the Sacramento and San Joaquin Valleys; to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of California, relative to an investigation by the Department of Agriculture of measures for protection of fruit from frost damage; to the Committee on Agriculture.

Also, memorial from the Legislature of the State of California, relative to the continuance of surveys for the construction of storage reservoirs in the Sierra Nevada Mountains; to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of California, relative to the free passage of American ships through the

Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Memorial of the General Assembly of Pennsylvania, favoring the acquisition of a certain tract of land adjacent to the arsenal at Frankford, Philadelphia, for use of the United States; to the Committee on Military Affairs.

By Mr. RAKER: Memorial of the Legislature of California, favoring establishment of a national park in Butte County; to the Committee on the Public Lands.

Also, memorial of the Legislature of California, favoring placing women on an equality with men with respect to citizenship and suffrage; to the Committee on the Judiciary.

Also, memorial of the Legislature of California, favoring a Government owned and operated line of steamships to operate between Atlantic and Pacific ports via Panama Canal; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of California, favoring the purchase of the Tioga Road; to the Committee on Roads.

Also, memorial of the Legislature of California, favoring project for protection of the valleys of the Sacramento and the San Joaquin against floods; to the Committee on Rivers and Harbors.

Also, a memorial of the Legislature of California, favoring control of floods in the river systems of San Joaquin and Sacramento Valleys; to the Committee on Rivers and Harbors.

Also, a memorial of the Legislature of California, favoring amendment of the homestead law; to the Committee on the Public Lands.

Also, a memorial of the Legislature of California, favoring inspection of nursery stock sent through the mails; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 6870) granting an increase of pension to Duff G. Thornburg; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 6871) granting a pension to Adolphus Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6872) granting an increase of pension to Josiah Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6873) for the relief of W. J. Poland; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 6874) granting a pension to Charles Strassburg; to the Committee on Pensions.

Also, a bill (H. R. 6875) granting a pension to Daniel B. W. Stocking; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 6876) for the relief of Patrick Burke; to the Committee on Military Affairs.

By Mr. COVINGTON: A bill (H. R. 6877) for the relief of Elizabeth C. Marsh; to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 6878) granting a pension to Harriett Herzog; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 6879) for the relief of Frank Payne Selby; to the Committee on Claims.

Also, a bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on War Claims.

By Mr. FESS: A bill (H. R. 6881) granting a pension to Sarah E. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6882) granting a pension to Mary Ann Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6883) granting an increase of pension to Charles H. Pickerell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6884) granting an increase of pension to William A. Shrock; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 6885) granting an increase of pension to Jacob Hiller; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 6886) granting an increase of pension to William F. Harsch; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 6887) for the relief of the heirs of Charles M. Butler, deceased; to the Committee on War Claims.

By Mr. MAHER: A bill (H. R. 6888) granting an increase of pension to Annie Baines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6889) granting an increase of pension to Johanna Koerner; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 6890) granting an increase of pension to Sarah Harbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6891) granting an increase of pension to Lewis Parker; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6892) granting a pension to Lucretia Budd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6893) granting an increase of pension to William B. B. Knight; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 6894) granting an increase of pension to Aaron Snyder; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 6895) for the relief of Amy M. Sorsby; to the Committee on Foreign Affairs.

By Mr. POST: A bill (H. R. 6896) granting a pension to Edward Langhman; to the Committee on Pensions.

Also, a bill (H. R. 6897) granting an increase of pension to Samuel W. McGath; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 6898) to authorize the President of the United States to appoint Pickens Evans Woodson a lieutenant in the Army; to the Committee on Military Affairs.

By Mr. REILLY of Connecticut: A bill (H. R. 6899) granting an increase of pension to Sarah L. Nettleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6900) granting an increase of pension to Rebecca Libbey; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 6901) granting an increase of pension to William J. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6902) granting an increase of pension to William Brassfield; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 6903) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making appropriation therefor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6904) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, making appropriation therefor, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 6905) to remove the charge of desertion against George M. Watson; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 6906) for the relief of Lanson Zane; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 6907) granting a pension to Fannie A. Bordeaux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6908) granting an increase of pension to William H. Shipman; to the Committee on Pensions.

Also, a bill (H. R. 6909) for the relief of Henry Foust; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 6910) granting a pension to Laura J. Templeton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6911) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Joseph O'Reilly; to the Committee on Naval Affairs.

By Mr. UNDERWOOD: A bill (H. R. 6912) granting a pension to D. M. Murray; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN of West Virginia: Papers to accompany bill for the relief of W. J. Poland; to the Committee on War Claims.

By Mr. CURRY: Petition of the Tracy and West San Joaquin Board of Trade, the Stockton Chamber of Commerce, the Society for the Preservation of National Parks, a mass meeting of the citizens of Turlock, and a mass meeting of the citizens of Livingston, all in the State of California, protesting against the passage of House bill 6281, a bill granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. DALE: Petition of the Switchmen's Union of North America, protesting against the passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the Brooklyn Traffic Club, of Brooklyn, N. Y., favoring the continuance of the Commerce Court; to the Committee on Appropriations.

By Mr. FITZGERALD: Petition of the Switchmen's Union of Buffalo, N. Y., favoring the appointment of more inspectors to enforce the safety-appliance laws; to the Committee on the Judiciary.

Also, petition of the Brooklyn Traffic Club, favoring the continuance of the Commerce Court; to the Committee on Appropriations.

Also, petition of 2,000 citizens of Merced and Stanislaus Counties and Livingston, Cal., protesting against diversion of water from lands requiring irrigation; to the Committee on Irrigation of Arid Lands.

Also, petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, protesting against the passage of legislation repealing, suspending, or amending the present liability laws, Federal or State, unfavorably to the employee; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of sundry merchants of the twenty-first Illinois congressional district, requesting a change made in the interstate-commerce laws in regard to the selling of goods; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Board of Trade, Philadelphia, Pa., favoring passage of Senate bill 1344 and House bill 1733, for the permanent improvement of the Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. GRIEST: Petition of the Connellsville (Pa.) Chamber of Commerce, favoring the establishing of Federal residences in foreign countries for occupancy by the United States ambassadors, etc.; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of the Art Institute of Chicago, Ill., protesting against increase of duty on paintings and sculpture; to the Committee on Ways and Means.

By Mr. MOORE: Petition of the Pennsylvania State Launderers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: Papers to accompany bill for increase of pension for Tennessee A. Blackburn; to the Committee on Invalid Pensions.

By Mr. RAKER: Affidavits to accompany bill (H. R. 1528) for the relief of T. A. Roseberry; to the Committee on the Public Lands.

Also, petition of the Sacramento Chamber of Commerce, of Sacramento, Cal., favoring passage of bill (H. R. 4322) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Democratic county committees of Alameda County, Cal., indorsing the Underwood tariff bill; to the Committee on Ways and Means.

Also, petition of the Board of Education of San Francisco, Cal., favoring passage of Senate joint resolution 5; to the Committee on Education.

By Mr REILLY of Connecticut: Petition of the Meriden Business Men's Association favoring a more efficient and businesslike administration of our consular business, etc.; to the Committee on Foreign Affairs.

Also, petition of the Switchmen's Union of North America, protesting against the passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of sundry manufacturers and merchants of the city of Hartford, Conn., protesting against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. ROGERS: Petition of the Cambridge (Mass.) Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of sundry citizens of the State of Nebraska, favoring change in the interstate-commerce laws relative to mail-order houses; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of J. C. Jenson, of Scogmo, N. Dak., protesting against the passage of House bill 4653, relative to the sale of drugs and patent medicines; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *July 18, 1913.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

COTTON STATISTICS (S. DOC. NO. 134).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 26th ultimo, certain information showing how the figures referring to cotton goods in the table on page 39 of the report of the Department of Commerce entitled "Foreign Tariff Systems and Industrial Conditions" were obtained, and also the correctness of the statement that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom, etc., which was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. WEBB, and Mr. MORGAN of Oklahoma conferees on the part of the House.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented memorials of William Leon Dawson, of Santa Barbara, Cal.; Ellen A. Freeman, of Westerly, R. I.; Mrs. Viola Gray, of Lodi, Cal.; G. F. Kasch, of Akron, Ohio; and of the Pasadena Audubon Society, of Pasadena, Cal., remonstrating against the adoption of any amendment to the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the Chamber of Commerce of Los Angeles, Cal., favoring the enactment of legislation providing for the permanent improvement of the Diplomatic and Consular Service, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Chamber of Commerce of Berkeley, Cal., favoring an appropriation for the construction of a naval station and dry dock on San Francisco Bay, which was referred to the Committee on Naval Affairs.

Mr. McLEAN presented a resolution adopted by the Connecticut State Branch, United National Association of Post Office Clerks, remonstrating against the repeal of the present civil-service law, which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE presented the memorial of R. D. Loveland and 81 other citizens of Melrose, Mass., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Fruit and Produce Exchange of Boston, Mass., favoring the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented a memorial of Rebecca Pomroy Tent, No. 44, Daughters of Veterans, of Malden, Mass., remonstrating against any change or alterations being made in the United States flag, which was referred to the Committee on the Judiciary.

TARIFF DUTY ON LEMONS.

Mr. WORKS. I submit a short editorial from the Los Angeles Express bearing on the question of the tariff, which I ask to have read.

The VICE PRESIDENT. Without objection, it will be read.

The Secretary read as follows:

AN OBJECT LESSON.

[From the Los Angeles Express.]

The East is afforded an object lesson as to the consequences that will befall the consumers of lemons when the tariff bars shall have been removed and the Sicilian importers given a practical monopoly of the market along the Atlantic seaboard.

It is a matter of common knowledge throughout the country that an unprecedented period of low temperature last winter enormously injured the lemon crop of southern California. Consequently this section, that of late years has supplied over half the lemons consumed in the United States, has been unable to meet the demand. Sicilian lemons during the first week of July were selling in New York at $8.50 a box, more than twice the price that was asked for them at the same time last year, when they encountered the competition of the California product. It is predicted that the price may go to $10 a box.

Are the consumers of the East so short-sighted as not to see that the Sicilian importers are able to make these extortionate demands only because last winter's frost shut out California's competition this season? Do they not perceive that the proposed reduction of the duty will prove equally effective and exclude California growers hereafter as certainly as if a series of frosts swept their groves?

It is possible that the Treasury will derive a little larger revenue, but its gain will be achieved at tremendous cost to eastern consumers. Freed from California's competition, the Sicilian importers will make eastern lemon consumers pay every year the same extortionate prices this year witnesses.

Mr. STONE. Mr. President, my attention was diverted for a moment, and I inquire what the paper is which was read?

The VICE PRESIDENT. It is an editorial from the Los Angeles Express, which the Senator from California [Mr. WORKS] asked permission to have read. The Chair heard no objection to the reading of it.

Mr. STONE. I shall object to any future readings of that kind. I do not see why a Los Angeles newspaper or any other newspaper should be advertised through the CONGRESSIONAL RECORD. It may be supposed to do somebody a little local good, but it is hardly the proper course to pursue.

Mr. WORKS. I am unable to hear what the Senator from Missouri is saying.

Mr. STONE. I said I object to the notion of putting into the RECORD editorials of newspapers and advertising the newspapers through the CONGRESSIONAL RECORD. Everybody has heard this kind of talk a good while, and the Senator from California could state it himself, if he concurs in this view, with a good deal more of ability.

Mr. WORKS. Mr. President, the Senators on the Democratic side have not heard this quite often enough or the tariff bill would not be as it is to-day. This is a perfectly legitimate argument on the tariff question, submitted by an intelligent newspaper, and I see no reason why it should not be incorporated in the RECORD.

Mr. STONE. Oh, it is in the RECORD, but I object to having that sort of thing continued.

The VICE PRESIDENT. The matter which has been read will be referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KENYON, from the Committee on the District of Columbia, to which was referred the bill (S. 234) to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, reported it with an amendment and submitted a report (No. 82) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 654) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, reported it without amendment and submitted a report (No. 83) thereon.

He also, from the same committee, to which was referred the bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement, reported it with amendments and submitted a report (No. 84) thereon.

He also, from the same committee, to which was referred the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes, reported it with an amendment and submitted a report (No. 85) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 1243) directing the issuance of patent to John Russell, reported it without amendment and submitted a report (No. 86) thereon.

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 2415) relating to the exclusion of traffic from streets and avenues of the city of Washington during parades, reported it with amendments and submitted a report (No. 87) thereon.

ADDITIONAL LAND DISTRICT IN NEVADA.

Mr. PITTMAN. From the Committee on Public Lands I report back favorably without amendment the bill (S. 2727) to create an additional land district in the State of Nevada, and I submit a report (No. 88) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That an additional land district is hereby created for the State of Nevada to embrace the lands contained in the following-named counties, to wit: Churchill, Elko, Eureka, Humboldt, Lander, Lincoln, Nye, and White Pine, described as follows, to wit: Commencing at the common corner between townships 38 and 39 east, range 47 north, Mount Diablo base and meridian, being on the north boundary line of the State of Nevada; thence south on the dividing line between townships 38 and 39 east, to its intersection with the third standard parallel north, said parallel being the dividing line between ranges 15 and 16 north, of Mount Diablo base line; thence east along said third standard parallel north to the intersection of the Ruby Valley guide meridian, being the dividing line between townships 55 and 56 east; thence south along said Ruby Valley guide meridian to its intersection with the first standard parallel north, being the dividing line between ranges 5 and 6 north, of Mount Diablo base line; thence east along said first standard parallel north, between said ranges 5 and 6, to the east boundary line of the State of Nevada; thence north along the east boundary line of the State of Nevada to the north boundary line of the State of Nevada; thence west along the north boundary line of the State of Nevada to the point of beginning. The city of Elko, in the county of Elko, is hereby designated as the site of said land office, and the district shall be known as the Elko land district.

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Carson City land office which relate to or form a necessary part of the records of the lands embraced in the district hereby created to be transferred to the Elko land district.

SEC. 3. That the President is authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers of said State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. KERN. There seems to have been an impression prevailing among Members on this side of the Chamber that the adjournment was until 2 o'clock to-day. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Smith, Md.
Bacon	Fletcher	Myers	Smith, S. C.
Bankhead	Gallinger	Norris	Smoot
Borah	Gronna	O'Gorman	Sterling
Brady	Hollis	Page	Stone
Brandegee	James	Perkins	Sutherland
Bristow	Johnson, Me.	Pittman	Thomas
Bryan	Johnston, Ala.	Pomerene	Thompson
Chamberlain	Jones	Root	Thornton
Chilton	Kenyon	Saulsbury	Tillman
Clapp	Kern	Shafroth	Townsend
Clark, Wyo.	Lane	Sheppard	Vardaman
Clarke, Ark.	Lewis	Sherman	Warren
Colt	Lodge	Shields	Weeks
Crawford	McLean	Shively	Williams
Cummins	Martin, Va.	Smith, Ariz.	Works

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

TARIFF DUTY ON LEMONS.

Mr. BRANDEGEE. Mr. President, I desire the attention of the senior Senator from Missouri [Mr. STONE]. The Senator from Missouri made a statement a few moments ago in relation to the printing in the RECORD of editorials from newspapers. I want to know if I understood him correctly when I thought he said that in future he would object to any editorials being printed in the RECORD?

Mr. STONE. I did not mean to say, if I am so quoted, that I would object. I did mean to say that I thought I would protest; that printing such editorials in the RECORD was merely a bad habit; that if Senators wanted to make arguments on the floor they could do so, and refer other Senators to what the newspapers had said.

Mr. BRANDEGEE. Mr. President, I am tempted to go a little further than the Senator from Missouri signifies his intention of going. I think that in future I shall object to the printing of newspaper editorials as a part of the CONGRESSIONAL RECORD. Of course I do this in no spirit of hostility to the newspapers or to the writers of editorials, or, as the Senator from New York [Mr. ROOT] interpolates, to the CONGRESSIONAL RECORD. I think it would be far from an injury to the RECORD if such editorials were excluded; but my idea about it is this: The CONGRESSIONAL RECORD, in my opinion, should be an authoritative record of the doings and proceedings in the Congress of the United States, and that part of it which pertains to the Senate, in my view, should report accurately the speeches and votes and proceedings of the Senate of the United States.

Of course, I know that under the rule a Senator, when he is addressing the Senate, may, with the permission of the Senate, read any editorial which seems to him to throw light upon the question that he is discussing.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I do.

Mr. GALLINGER. Does the Senator from Connecticut mean to say that in making a speech a Senator must get permission of the Senate to read an extract, either from a newspaper or from any other source?

Mr. BRANDEGEE. Well, Mr. President——

Mr. GALLINGER. The consent of the Senate must be had for the Secretary to read such matter, but to say that a Senator himself can be denied the privilege of reading it I think is not quite accurate.

Mr. BRANDEGEE. I may be mistaken about the rule, Mr. President—I have not looked at it recently—but I was under the impression that such a paper could not be read except by permission of the Senate. I think, however, the Senator from New Hampshire is probably correct about it, that the Secretary can not read such a paper without the consent of the Senate.

Mr. GALLINGER. That is right, if objection is made.

Mr. BRANDEGEE. But the Senator himself may read it. If any Senator thinks that an editorial writer has stated his position upon the proposition which he is discussing in a

fashion better than he himself can state it, so that he thinks the matter would be more properly presented by making the editorial a part of his remarks, I, of course, should have no objection to his including it in his speech; and I want to say to the Senator from California [Mr. WORKS] that what I say has no reference whatever to the fact that he has this morning asked to have an editorial printed in the RECORD; but it has reference to the fact that I think it is a growing practice here, which is not a good practice. The principal thing I object to about the printing of editorials in the RECORD as a part of the record of Congress is that there is no end to it. No Senator wants to object to another Senator doing it if other Senators do not object to his doing it; so it becomes a matter rather of discourtesy to object. Therefore I want to give notice that I think, unless upon reflection I shall have cause to change my present intention, I shall object to the printing of editorials as a general thing in the CONGRESSIONAL RECORD.

There is another reason why I think they should not be so printed. Such editorials are accessible to all the country and can be copied from one newspaper into another. Nobody will be deprived of the argument contained in an editorial if it is excluded from the RECORD.

Another reason why I do not think editorials should be included in the RECORD is that they are always anonymous; nobody knows who writes them; nobody is responsible for them. If any Senator wants to combat an argument raised by an editorial he must stand up here and debate the question with some anonymous person out of his reach and out of his knowledge, and be answered in the newspaper. The newspaper having the last say, and not being subject to the rules of parliamentary debate which prevail in the Senate, has an unfair advantage in such a discussion, even if a Senator wanted to continue the controversy.

So I think the orderly proceedings of the Senate, the dignity of the Senate, and the economical expenditure of the public funds will be promoted by preventing the stuffing of the CONGRESSIONAL RECORD with anything that any Senator wants to put into it. If that practice is continued, it will produce a rivalry between the different sides of the controversy, which, by the introduction of rival or hostile editorials, would extend the RECORD to an amount of printing that would be absolutely disgraceful for us to countenance. Therefore, Mr. President, I think I shall object to any further printing of unsigned editorials.

Mr. WORKS. Mr. President, I am very glad that some Senators have awakened to the fact that the CONGRESSIONAL RECORD is being encumbered by matter that ought never to find its way into its columns. The editorial I offered this morning was a very brief one, containing a statement of fact bearing upon an important piece of legislation which was actually pending in the Senate. I did not offer it because of any argument that was advanced by the editor, but merely as a statement of facts that I think are very important as affecting one of the great industries of my State. The custom of introducing matter of that kind in the RECORD has been followed ever since I have been a Member of the Senate. I have felt many times that it has been abused. If any Senator had objected to this editorial going into the RECORD, I should have gracefully submitted to that objection.

I am going further than that, Mr. President. It has been intimated here by two Senators already that there should have been objection made to the introduction of that editorial into the RECORD. Therefore, I am going to ask the unanimous consent of the Senate that the editorial may be withdrawn.

It has been stated by the Senator from Missouri [Mr. STONE] that I might have made this same statement myself, but possibly I might not have made it as well as it was made by the editor of the newspaper, who is interested in the industries in my own State, and certainly I do not desire to encumber the RECORD with any matter that ought not to be there. I sympathize with what has been said by the Senator from Connecticut [Mr. BRANDEGEE]. Therefore, in order to show my own good faith with respect to the matter, I am going to ask leave to withdraw the editorial, so that it may not appear in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. CLARK of Wyoming. I object.

Mr. BORAH. Mr. President, does that require unanimous consent?

Mr. GALLINGER. Objection has been made.

Mr. BORAH. I was going to say——

The VICE PRESIDENT. The Chair will rule that it requires unanimous consent, and the Senator from Wyoming [Mr. CLARK] has objected.

Mr. BORAH. If this matter is to be controlled, it ought to be controlled by the rules of the Senate rather than by the action of some Senator upon a particular occasion by making objection; and until the matter is distinctly settled by the rules of the Senate, I myself should hope that we would not have to depend upon some Senator making objection every time such a case arises.

Mr. GALLINGER. I think, Mr. President, that during my somewhat lengthy service in the Senate I never have asked to have any extracts from a newspaper printed in the RECORD. I think the RECORD will substantiate that statement. It occurs to me, however, that this is "a tempest in a teapot" this morning and that no good will result from it. A very brief editorial has been inserted in the RECORD, which the Senator from California [Mr. WORKS] could himself have read, and the fact of its withdrawal will serve no good purpose.

There are times, Mr. President, as I look at the matter, when it is very important to put in the RECORD even the opinions of newspaper editors on great public questions. For that reason, and not having been an offender myself in this respect in the past—and I probably will not be in the future—I feel constrained to object to the request for the withdrawal which the Senator from California has made. He did not violate either the proprieties or the rules of the Senate in presenting and asking for the printing of the article, and there is no reason why he should be forced in any way, by criticism or otherwise, to ask for an unusual disposition of the matter. Therefore I object.

The VICE PRESIDENT. The ruling of the Chair is that under the rules of the Senate, if it is desired to have the Secretary read a paper, unless unanimous consent is given, it may be read by a vote of a majority of the Senators. The Senator from California asked unanimous consent to have the editorial read. There was no objection. It was read. The Chair holds that the same rule must apply with reference to the withdrawal of the matter from the RECORD—that it can not be withdrawn without unanimous consent. There is now a well-defined rule in the Senate that the Senate itself may determine whether papers shall or shall not be read into the RECORD.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 2774) for the relief of George B. Hughes (with accompanying papers); to the Committee on Claims.

By Mr. THORNTON:

A bill (S. 2775) to transfer Commander Arthur Bainbridge Hoff from the retired to the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. KENYON:

A bill (S. 2776) for the relief of Stilman Stotts; to the Committee on Military Affairs.

A bill (S. 2777) granting an increase of pension to Thomas C. Rutter; and

A bill (S. 2778) granting a pension to Marshall Smithhart; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 2779) to authorize the conveyance of the steel bridge over the Snake River between Lewiston, Idaho, and Clarkston, Wash., to the States of Idaho and Washington or local subdivisions thereof; to the Committee on Commerce.

By Mr. GALLINGER:

A bill (S. 2780) to provide for the purchase of a site and the erection of a public building thereon at Hanover, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 2781) providing for the recognition of certain persons, for rank only, as commissioned officers in the Civil War; to the Committee on Military Affairs.

A bill (S. 2782) granting an increase of pension to Hamilton M. Steele (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2783) for the relief of the estate of Edward Allsworth; to the Committee on Claims.

By Mr. WEEKS:

A bill (S. 2784) granting an increase of pension to Sidney Williams; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2785) granting an increase of pension to Willet Van Winkle; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 2786) for the relief of the New England Steamship Co., owner of the American steamer *Commonwealth*; to the Committee on Claims.

A bill (S. 2787) granting an increase of pension to Elinor F. Rodenbough (with accompanying paper); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 2788) for the relief of Templin Morris Potts, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. MARTINE of New Jersey:

A joint resolution (S. J. Res. 59) to discontinue the washing of money; to the Committee on Banking and Currency.

AMENDMENTS TO TARIFF BILL.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were ordered to lie on the table and to be printed.

THE TARIFF—GOODS IN BOND.

Mr. SUTHERLAND. I submit an amendment to the pending tariff bill, and ask that it may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Strike out subdivision Q of Section V and insert in lieu thereof the following:

"Q. That all goods, wares, and merchandise imported prior to the day when this act shall go into effect, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties now in force upon the entry or the withdrawal thereof."

Mr. SUTHERLAND. Mr. President, it is reported that there is now in bonded warehouses something over $100,000,000 worth of imported merchandise, most of which has been imported with a view of being held to await the passage of the pending bill, in order to take advantage of the lower duties that will be afforded by that bill. The duties upon those imported articles under existing law amount, I am informed, to about $35,000,000. Importations are going on all the time, and by the time this bill shall have been passed they will probably amount to more than double the quantity now on hand, with a consequent loss to the Treasury of the United States that nobody can accurately estimate, but which will amount to many million dollars.

In addition to that, there will be a vast accumulation of these goods in the country ready to be dumped upon the country immediately upon the passage of the tariff bill. I think it is worth while for the Senate to consider whether or not this amount of money should be saved to the Treasury, and whether or not the demoralization which, it seems to me, will result from the precipitation of this large quantity of goods upon the country at one time should be prevented. I ask that the amendment lie on the table.

Mr. STONE. Mr. President there is evidently some considerable force in what the Senator has said. He suggests a subject which well merits consideration. If the Senator desires his proposed amendment to the tariff bill to lie on the table, of course I have no objection; but I was about to suggest—it may not accord with his view—that it be referred to the Finance Committee.

Mr. SUTHERLAND. I have no objection to that being done, Mr. President. I ask that the proposed amendment be referred to the Finance Committee.

The VICE PRESIDENT. The proposed amendment will be printed and referred to the Committee on Finance.

SUBSTITUTE TARIFF BILL.

Mr. GALLINGER. Mr. President, I submit a proposed amendment in the nature of a substitute for House bill 3321, which I ask to have read, printed, and lie on the table.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Strike out the entire bill, including the enacting clause, and insert the following:

Whereas the Democratic Party is in control of the National Government; and

Whereas a tariff bill (H. R. 3321) is under consideration by the United States Senate; and

Whereas any tariff bill affects every citizen of the United States either favorably or adversely; and

Whereas the Democratic Party has repeatedly declared its adherence to the policy of referring national matters to the electorate; and

Whereas in several States now represented, in whole or in part, by Democratic Senators there is strong disapproval of some of the provisions in the pending bill: Therefore be it

Resolved, That further consideration of the bill be postponed until the first Monday of December, 1914, and that meanwhile the bill be submitted to a referendum of the legal voters of the United States at the State and congressional elections to be held during that year.

The VICE PRESIDENT. The proposed amendment will lie on the table and be printed.

THE TARIFF—INCOME TAX.

Mr. ROOT. Mr. President, I submit an amendment to the pending tariff bill and ask that it be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out, on page 172, line 24, the word "March," and on page 172 all of line 1, and in line 2 the words "both dates inclusive" and insert in lieu thereof the words "the passage of this act."

Mr. ROOT. Mr. President, I shall ask to have the amendment referred to the Committee on Finance; but I should like to call the attention of the members of the majority of the committee who are here to the precise point of the amendment. I do not see the chairman of the committee here.

Mr. SMOOT. He is absent.

Mr. ROOT. I see that the Senator from Missouri [Mr. STONE] is present, however.

Mr. STONE. I beg the Senator's pardon. My attention was called away.

Mr. ROOT. I have introduced a brief amendment to the tariff bill, which I shall ask to have referred to the Committee on Finance; but I wanted to call the Senator's attention to the precise point of the amendment. It is an amendment to the provision that the income tax shall be computed on incomes accruing from March 1 to December 31, 1913.

I think that provision will encounter very serious question. The change I propose is to have the income for the first year computed from the passage of the act, rather than from a fixed date—March 1, 1913.

The reason why I think it would be wise to make the change is that all direct taxes must be apportioned unless they come within the amendment relating to an income tax. We can impose a tax upon incomes without apportioning it because of the amendment, but we can not impose any other direct tax without apportionment. When income is received it immediately becomes principal. The income that was received on the 1st day of July of the present year, having been received, became principal, and no law hereafter can tax it without apportionment, any more than we can tax now the income that was received 10 years ago without apportionment. It is principal, and comes under the old provision of the Constitution requiring the apportionment of direct taxes, and not under the amendment which allows the taxing of income without apportionment.

So if the bill becomes a law with the provision in it that has been reported from the committee you will find yourselves endeavoring in one sentence to tax income that comes under the amendment, and to tax past income, income received, reduced to possession, and turned into principal before the passage of the act, and that you can not do without apportionment.

It is to avoid that difficulty, which I am sure is very serious, that I propose the amendment which I now ask to have referred to the Committee on Finance.

Mr. STONE. Mr. President, I merely wish to say that of course the Committee on Finance will be more than glad to have suggestions of an important character, such as have been made this morning by the Senator from New York [Mr. ROOT] and the Senator from Utah [Mr. SUTHERLAND], referred to the committee, with the very clear and intelligent explanations of their views, which have been put in the RECORD, in order that they may be considered, and they will be considered.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

DEMOTION OF RAILWAY MAIL CLERKS.

On motion of Mr. BANKHEAD, it was

Ordered, That the papers relative to the demotion of clerks in the Railway Mail Service, which were sent to the Senate in response to Senate resolution No. 460, Sixty-second Congress, third session, and which have been mainly printed in two parts, as Senate Document No. 1130, Sixty-second Congress, third session, be returned to the Postmaster General in accordance with his request of July 15, 1913.

AMENDMENT OF THE RULES.

Mr. SHEPPARD. In accordance with the notice which I have heretofore given, I submit a resolution, which I ask may be read and referred to the Committee on Rules.

The resolution (S. Res. 137) was read, as follows:

Be it resolved, etc., That Rule XXV of the Standing Rules of the Senate shall be amended as follows:

(1) Change the paragraph which now reads "A Committee on Expenditures in the Department of Commerce and Labor, to consist of five

Senators," so as to read "A Committee on Expenditures in the Department of Commerce, to consist of five Senators."

(2) Insert after the paragraph which reads "A Committee on Expenditures in the Department of Justice, to consist of five Senators," a new paragraph, to read as follows: "A Committee on Expenditures in the Department of Labor, to consist of five Senators."

(3) Insert after the paragraph which reads "A Committee on Revolutionary Claims, to consist of five Senators," a new paragraph, to read as follows: "A Committee on Roads, to consist of 17 Senators."

The VICE PRESIDENT. The resolution will be referred to the Committee on Rules and printed.

WASHED PAPER MONEY.

Mr. MARTINE of New Jersey. I present matter which I ask may be printed in the RECORD. Acting upon the suggestion of the Senator from Utah [Mr. SMOOT], I have consolidated or boiled down my five hundred and seventy-odd letters to 12 or a few more, and I ask that I may be granted permission to print them in the RECORD.

There being no objection, the letters were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

INDIANA.

FORT WAYNE.

DANGEROUS TO MAKE ANY CHANGES.

HAMILTON NATIONAL BANK,
Fort Wayne, Ind., March 29, 1913.

Hon. JAMES E. MARTINE, *Washington, D. C.*

DEAR SIR: I am very glad to receive the pamphlet entitled "Washed Money," and have read it with interest. When it was reported that the last administration proposed to change our currency in the manner described, and intended to reduce the size of the notes, I wondered what could be the reasons for so doing, by what authority, for I had never seen any act of Congress authorizing such changes.

I think our present currency is generally artistic, the engraving, I presume, up to the highest standard, and the manufacture of the paper under the sole control of the Government. The present size of notes are most conveniently handled by bank tellers and all others who distribute large sums.

What reason can there be for making any change, except, as is stated, a saving of a small amount in paper, and this saving would be absorbed for a long time by the cost of new plates. The profit that the Government makes by the destruction of notes in all manner of ways is certainly very much more than the cost of keeping bright new notes in circulation, for the washing business is, as you state, a strange economical proceeding for a great Government like ours. The Bank of England never pays out a note the second time; this proceeding may be extreme, but certainly the Government is rich enough and should have pride enough to keep in circulation fairly clean bills. I hope all the attempts of the last administration to change the style or size of our currency will be countermanded by Mr. McAdoo, and I think all such changes should be authorized by an act of Congress only when experts upon such matters can give good reasons for so doing.

FINE ENGRAVING AND PAPER BAFFLES COUNTERFEITERS.

Counterfeiters have found it impossible to do any work that has not been quickly detected. This is because such care has been exercised by the Government, both in engraving and paper. It is certainly dangerous to make any changes, particularly such as the last administration contemplated.

For many years in my younger days I was a bank teller (before the Civil War, when we had the greatest variety of bank notes and since the Government took charge); I paid considerable attention to the matter of engraving, and I believe the work now done in this line is beyond criticism in both mechanical work and design.

I am very glad that Senator MARTINE is giving this matter his personal attention, and hope he will prevent any changes. I look with confidence to the work of the new administration in all departments, from President Wilson down.

Respectfully, yours, CHARLES MCCULLOCH, *President.*

INDIANAPOLIS.

HISTORIC PICTURES SHOULD NOT BE ABANDONED.

THE UNION TRUST CO.,
Indianapolis, Ind., March 21, 1913.

Hon. JAMES E. MARTINE, *Washington, D. C.*

DEAR SIR: I am in receipt of your favor of the 8th, inclosing the article on washed money. I do not know much about washed money, but the idea has never appealed to me as a good one. But I am in complete sympathy with the article in reference to the abandonment of historic pictures on bills and the reduction in size. Our money has seemed to me to be almost perfect, and some of the notes have far surpassed anything I have ever seen in artistic design and beauty of finish. The size, too, is just what it should be, and I think if the small bills are introduced they will not give anything like the satisfaction the others have done.

Yours, very truly, JOHN H. HOLLIDAY.

PENNSYLVANIA.

HARRISBURG.

AMOUNTS TO HINDRANCE TO BUSINESS.

HARRISBURG, PA., *March 21, 1913.*

Hon. JAMES E. MARTINE, *Washington, D. C.*

DEAR SIR: I am in receipt of your favor inclosing Senate document entitled "Washed Money, the Counterfeiter's Delight" (and have read it with a great deal of interest), and asking me to furnish to you my views with respect to same.

The experiment of the United States Government of washing its paper money is probably a monetary saving, as far as the Government is concerned, inasmuch as it defers the issuance of new notes in lieu of the old ones turned in for redemption; but as far as the public is concerned it amounts to a hindrance to business, and it is to be hoped that the Government authorities will reconsider the step it has taken and abandon the project.

WASHED MONEY RELUCTANTLY ACCEPTED.

In the bank with which I am connected, in this city, I am advised by one of its employees that washed money is reluctantly accepted by those to whom it is tendered. Many who are accustomed to handling money—i. e., store clerks, shop dealers, etc.—are somewhat skeptical and dubious about it. The expert, however, does not hesitate, but the public in general does, and the public is depended upon for the circulation of the money.

A VERY INTERESTING AND SUGGESTIVE INCIDENT.

One of the bank's employees stated to the writer the following incident, which shows the inadequacy of the Government's new venture—that of washing money.

"A sum of money amounting to several hundred dollars—all in notes—was handed to the clerk, and in the center of the bundle was a washed note. The clerk hesitated a moment to examine the note. The depositor to whom the money belonged asked the clerk to return the note to him, and gave him another one in return. The clerk being somewhat surprised at the depositor's action asked him the reason, and he stated that one of his clerks had taken the note in payment of a purchase and doubted its genuineness, and he was afraid the bank clerk might mark the note 'counterfeit,' and he hastily withdrew it in order that he might make further investigation in regard to it."

I have no doubt that this incident is one of many that is happening every day, and it should discourage the Government to continue the washing of money for the reason that it is detrimental to the business welfare of the country.

Yours, very truly, C. H. BACKENSTOE.

NEW YORK.

BROOKLYN.

PROPHESIES RETURN TO HAND-PRINTED BILLS.

THE DIME SAVINGS BANK,
Brooklyn, N. Y., March 31, 1913.

Hon. JAMES E. MARTINE,
United States Senate Chamber, Washington, D. C.

DEAR SIR: Beg to acknowledge receipt of yours recently received, inclosing article from The Plate Printer relative to washed money.

At your request I will briefly state in reference thereto that nearly a quarter of a century's experience in observing and handling of money, etc., leads me to believe that this action will work to a very great disadvantage with the money-handling public. It would appear to me that the small saving accomplished by this method of washing was as nothing compared with the risk involved. Nearly every counterfeit we meet with is the faded and worn kind. It is seldom that a counterfeit has a chance of passing when it is new and crisp. In fact, it would appear that counterfeiters give them the worn and faded appearance purposely before floating them.

SMALLER SIZED BILLS ALSO IN INTEREST OF COUNTERFEITERS.

As to machine printing, I prophesy that within a twelve month after the experiment is begun they will have to go back to hand-printed man's size bills. Here, too, it would seem that the small saving in paper is as nothing compared to the convenience of the present bill. Anyone familiar with the handling of money knows that half the surety in discovering counterfeit money is that indescribable "feel" when the bill is passed through the fingers. With the new bills, as proposed, I feel sure it will be impossible to slide them through the hand in the present manner; it will be necessary, I feel sure, to "thumb" them. In the "thumbing" method of counting there is absolutely no chance for the "feel" referred to above. I have tried pieces of paper cut to the size proposed, and it does not seem to me that it will be possible to handle the proposed bills in the old way.

And further, think of the chance during the years when the new size currency is being gradually worked into the system there will be for the new small bills to be slipped in between the larger bills through error.

MACHINE PRINTING SMUDGY, MISERABLE WORK.

As to machine printing, see what smudgy, miserable work is shown on beer and cigar stamps. Nothing, I believe, has ever been invented to take the place of the pad which nature has placed on the human hand for the wiping off of the plate after the ink has been applied. Thanking you for this chance to express myself, I am,

Yours, very truly,

C. M. LOWES, *Treasurer.*

WAVERLY.

WANT FIRST-CLASS CURRENCY.

FIRST NATIONAL BANK,
Waverly, N. Y., February 3, 1913.

Hon. JAMES E. MARTINE, *Washington, D. C.*

DEAR SIR: Your circular on washed money received and read with interest. A number of years ago I prepared an article on the subject of the different forms of currency we were issuing, believing that we had too many varieties, which gave the counterfeiters opportunities to ply their trade, and I think the point you raise in regard to washed money is very important.

I think I can give you another argument against this plan; that is, that up to 1908 the national banks had paid in to the Government $180,000,000 in taxes for various purposes, largely upon circulation, and the expenses of the department for the same term, chargeable to this fund, were only $23,000,000, leaving $157,000,000 which the Government has taken. Since 1908 I think the banks have paid something over $10,000,000 of the same kind of taxes, and the expenses have been very small in comparison.

BANKS PAY ALL EXPENSES.

In this you will note that the banks are paying all expenses, and there is no reason why the Government should come in and allow the issue of anything but a fine class of note issues, especially as to work.

Hoping that you will secure a change in this plan and that they will give us first-class currency hereafter, I am,

Very truly, yours, F. B. LYFORD.

NEW YORK CITY.

MAKES MORE DIFFICULT TO DETECT COUNTERFEITERS.

THE FIFTH AVENUE BANK.
New York, April 11, 1913.

Hon. JAMES E. MARTINE.
United States Senate, Washington, D. C.

DEAR SIR: Your Senate Document No. 1020 is quite correct in so far as it relates to the washing of our paper currency.

Our teller says that it is much more difficult to detect a counterfeit now that washed bills are in circulation. Aside from the fact that a washed bill has lost in some slight degree the sharpness of the engraving, the paper has been changed in a way difficult to describe, so that it is very similar to the paper of most counterfeits, and therefore

the delicacy of touch by which a counterfeit is often detected is apt to be lost or greatly diminished.

TELLER'S WORK VERY TRYING.

I have had an experience of more than 50 years in banking, and in the early sixties was a teller in a bank in Poughkeepsie, N. Y. The difficulty of detecting counterfeits, and the vast number of them in circulation then made the teller's position very trying. The Government has changed all that by better engraving and by issuing new plates without stint whenever successful counterfeits appear, and by the unremitting pursuit of counterfeiters, as, for instance, in the celebrated Pennsylvania case in which Detective Burns was so successful.

It seems a pity to diminish the safeguards against counterfeits to save the cost of destroying old bills and issuing new ones in their place. The rule of the Bank of England never to reissue a note, but to redeem and destroy all notes they receive, even if fresh, is, in my opinion, a great hindrance to counterfeiting.

Thanking you for your interest in the subject, I am,

Yours, very truly,

A. S. FRISSELL.

MANAGER NEW YORK CLEARING HOUSE CONDEMNS WASHED MONEY.

NEW YORK CLEARING HOUSE,
New York, March 25, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: Complying with your favor asking for an expression of opinion on Document 1020, United States Senate, I have the honor to say that I consider it a very well-expressed argument against the washed-money scheme.

I can see no good reason for the adoption of that plan. As you truly say, it aids the counterfeiters' industry and will cause great loss to the people, larger, I believe, than will be saved by this mere experiment of washing.

SMALLER NOTES CONDEMNED.

In the important matter of the issuance of currency by the Government, I feel warranted, after a practical experience of 50 years in the handling of currency as a bank clerk, as a Treasury official, and manager of the New York Clearing House, in expressing warmly my objection to the plan to shorten and curtail the size of the currency notes of the Government, as I believe it will lead to confusion in the handling of money by the banks. The volume is exceedingly large, and if it is composed of mixed sizes of bills it will cause not only a loss of time but great risk of miscount and error.

Trusting that these experiments will not be tried, I am,

Very respectfully, yours,

WM. SHERER,
Manager New York Clearing House Association.

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OKLAHOMA.

MUSKOGEE.

DO AWAY WITH WASHING.

THE COMMERCIAL NATIONAL BANK,
Muskogee, Okla., April 1, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: With reference to Senate Document No. 1020, "Washed Money," beg to advise that this bank would much prefer paying its proportionate part for the printing of new money and do away with washing the old money. In other words, we can see no particular benefit from it, and do not believe it is a good practice.

Yours, truly,

D. N. FINK, *President.*

ALVA.

PRESIDENT OF THREE BANKS OPPOSES.

THE FIRST NATIONAL BANK OF ALVA,
Alva, Okla., March 31, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: I have been opposed to the "penny wise and pound foolish" idea of washing currency from its inception on general principles, but after reading your Senate Document No. 1020, have concluded that the honorable Senators, with their usual good judgment, will abolish the idea entirely.

Yours, most respectfully,

J. A. STINE,
President First National Bank, Alva, Okla.
President First National Bank, Woodward, Okla.
President First National Bank, Waynoka, Okla.

—

NEBRASKA.

SOUTH OMAHA.

SENATE DOCUMENT EXPRESSES HIS VIEWS.

LIVE STOCK NATIONAL BANK,
South Omaha, Nebr., March 11, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

SIR: I am in receipt of a copy of your Senate document entitled "Washed Money," which I have read with much interest and great pleasure, and which expresses my views upon the questions involved better than I could have expressed them myself.

When the proposed change in the form of our currency was first advanced by Secretary MacVeagh, I filed strenuous objections, but they received scant courtesy. Have also written Secretary McAdoo repeating my objections, copy of letter being herewith inclosed.

A SHAME TO GO BACK TO "SHINPLASTERS."

It would seem a shame that our great Government should go back to the issuing of "shinplasters," and street-car transfers in the form of currency, simply for the purpose of saving a few dollars expense, the larger part of which has heretofore been borne by the national banks without complaint, so far as I know, upon their part. If a part of the expense which is devoted to the franking of congressional mail and advertisements for muckraking magazines were devoted to the sending of new currency to the banks throughout the country, it would seem to be better for all.

It is said that the Bank of England never reissues a note after it has once been returned to the bank, even though it has never left the banking room.

SECRETARY MACVEAGH'S INSPIRATION.

I think the late Secretary of the Treasury, in making the order to change the form of our currency, was actuated by the same motive as the ruler of a country who orders the profile changed on the coin that his reign may be remembered.

I sincerely trust that you may be able to bring enough pressure to bear upon Secretary McAdoo to prevent the proposed change in our form of currency, and also stop the laundering of our money, which is a disgrace to our Government.

Respectfully, yours,

C. F. MCGREW, *President.*

(Inclosure.)

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OHIO.

CANTON.

SINCERELY OPPOSED TO WASHED MONEY.

THE GEORGE D. HARTER BANK,
Canton, Ohio, March 14, 1913.

Hon. JAMES E. MARTINE,
Washington, D. C.

DEAR MR. MARTINE: Your letter of March 8, inclosing printed matter on washed money, received. I read the contents of this folder some time ago and I heartily indorse all that was said in the subject matter, and I sincerely am opposed to washed money. Our tellers are having a great deal of difficulty examining these bills when presented for deposit. The currency after treatment is faded and presents anything but a perfect piece of work.

WILL BE COUNTERFEITER'S DELIGHT.

It certainly will be the counterfeiter's delight and probably be a great loss to the general public. I hope this practice will be eliminated immediately. Let us not lower the standard of our currency system.

Very truly, yours,

E. E. MACK, *Cashier.*

POMEROY.

WRONG KIND OF ECONOMY.

FIRST CITY BANK,
Pomeroy, Ohio, March 19, 1913.

Senator JAMES E. MARTINE,
Washington, D. C.

SIR: Your secretary has sent us the article you had printed on washed money, with the suggestion that our views would be welcome, and we are very glad to express them.

We are against the whole plan of washing money and we consider it a wrong kind of economy. We think it is wrong in principle and a step in the wrong direction. We rather favor an increased expenditure in the direction of putting new money in the people's hands. The money in circulation even this far West is far too dirty to be a credit to the Government, and in other sections we have heard it is even worse. And so far we have had no washed money to contend with—no doubt it will be even worse if the washed money reaches this locality. It will not reach us, however, through any of the local banks, I am sure, for none of them would receive any such bills from their city correspondents if they should attempt to force them on our community.

FAVORS A MORE LIBERAL POLICY.

Instead of trying to save money in this way, at the cost of untold annoyance and suspicion about every washed bill, we would favor a more liberal policy in the way of making it easier and cheaper for country banks to get new money from the Government—absolutely new money, no other.

Respectfully,

W. G. PLANTZ,
Assistant Cashier.

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MISSOURI.

KANSAS CITY.

HARD ENOUGH NOW TO DETECT COUNTERFEITS.

MISSOURI SAVINGS BANK,
Kansas City, Mo., April 9, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: We have read with considerable interest the article on washed money, but even before reading this we were fully convinced that trouble must ensue because of the condition of the bill after washing.

It is hard enough now to distinguish good money from counterfeit, and we urge you to use all efforts possible to protect our money.

Yours, truly,

W. S. WEBB, *Cashier.*

ST. JOSEPH.

POOR ECONOMY AND EXTREMELY DANGEROUS.

THE GERMAN-AMERICAN NATIONAL BANK,
St. Joseph, Mo., April 10, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: I have read your pamphlet referring to washed money and wish to state that it is very poor economy for our Government to wash its currency, and it is extremely dangerous to have such washed currency in circulation, and I hope a united effort will be made to discontinue the washing of our currency and give us the highest product of new bills that the artist's skill can produce, as the public is entitled to this.

Thanking you for your efforts in this direction, and trusting that the Government will at an early date discontinue the washing of currency, I am,

Sincerely, yours,

HENRY KRUG, Jr.

—

NEW HAMPSHIRE.

TILTON.

DULLS BILLS, BLURS THE INK, AND ENCOURAGES COUNTERFEITERS.

THE CITIZENS NATIONAL BANK,
Tilton, N. H., March 27, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: Having received a copy of Washed Money, published as Senate Document No. 1020, and an invitation being thereby extended to do so, I will briefly give you my opinion.

Our currency is, in my opinion, the finest product of the engraver's art in the world.

As such it is poor economy to undertake to spoil that effect by any washing process. My observation is that it dulls the bill, blurs some of the ink, and gives such an appearance as to encourage counterfeiters to imitate the same, which can be more readily done with washed currency than unwashed.

The Bank of England never pays out the same bill twice, but retires it when returned to the bank, even if it comes back the same day. This is an extreme treatment of the same, as, of course, new currency is still usable. On the other hand, we go to the other extreme, and currency is in use to-day that is positively filthy.

It is impossible to count up $2,000 of the average currency as it comes in over the counter without so soiling the hands that they need "washing."

DO NOT WASH, BUT DESTROY FILTHY BILLS.

If the Bank of England can afford to destroy over 90 tons of paper frequently, as it does, from the failure to reissue currency, I believe that the United States can afford to destroy filthy currency rather than to attempt to go into the laundry business.

From the standpoint of a banker of some years, having never known any other business, and with the memory of having been taught to sit on a high stool at 6 years and count money for my father, who died with an honorable record of 45 years of continuous service, I fully think that we would better study how to make our currency better by retiring the old, rather than to try to save a few dollars at the expense of public safety.

If a bank man can be deceived by the washing process, what about the rank and file of people who do not, and can not, tell a good counterfeit?

Enough said, perhaps.

I thank you for the opportunity.

Yours, very truly,

ARTHUR N. CASS, *Cashier.*

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MINNESOTA.

LITCHFIELD.

BLEACHED AND WASHED-OUT APPEARANCE.

THE FIRST NATIONAL BANK,
Litchfield, March 24, 1913.

Senator JAMES E. MARTINE,
Washington, D. C.

DEAR SIR: Wish to acknowledge receipt of article on washed currency. In reply to same would say that we do not favor this washing process at all. In the first place, the bills present a bleached and washed-out appearance, and, in the second place, it is a matter of small expense to have fresh, new currency. We are far inland and a great number of the bills in circulation are torn, ragged, and dirty, and it would only be fair that whatever bills are put in circulation that they should be new, and, in the third place, we should guard, as well as possible, from counterfeiting, which would be comparatively easy with a large amount of washed bills in circulation.

Before closing, would like to urge the necessity of currency legislation as soon as possible. Every fall, in crop-moving time, we are taxed to our fullest capacity, and it seems absurd that business operations should be slowed down because we have not got the currency to transact the business of the country. The panic of 1907 was in the fall in the midst of crop-moving time, and with us was a currency panic and nothing more. The twin-city banks were shipping currency into the interior for crop-moving purposes until they had none left.

The trouble with the Vreeland law is that this is not put into operation until there is a panic. Can not some constructive legislation be enacted whereby the necessary currency is furnished to transact the commercial business of the country, and when the stress is over that it be retired from circulation? Whether this is accomplished by a central bank, clearing-house associations, or rediscount associations, with the privilege of issuing currency, is of little moment to the most of us as long as we get the results.

Yours, truly,

A. W. KRON, *Cashier.*

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KANSAS.

LEAVENWORTH.

DANGEROUS AND RISKY.

LAMBERT LUMBER CO.,
Leavenworth, Kans., March 12, 1913.

Hon. JAMES E. MARTINE,
Washington, D. C.

DEAR SIR: We have yours of the 28th ultimo in reference to the washing of currency proposition, and in our opinion it seems to be a dangerous and risky thing to do, considering the apparent ease with which these bills may be counterfeited, and, in our opinion, no question of economy or saving to the Government within any reasonable limit should be considered if by so doing it would in any way, to the slightest degree, render our circulating medium unsafe and easy to imitate.

Very respectfully,

LAMBERT LUMBER CO.,
By O. P. LAMBERT,
Vice President.

PITTSBURG.

IS POOR ECONOMY.

THE NATIONAL BANK OF COMMERCE,
Pittsburg, Kans., March 13, 1913.

Hon. JAMES E. MARTINE,
Washington, D. C.

DEAR SIR: Answering your circular letter dated February 28, it impresses me that it is poor economy for the United States Government to attempt to save money by washing of currency; the saving is insignificant compared to the risk assumed by reason of the ease with which it may now be counterfeited.

Yours, truly,

A. E. MAXWELL, *President.*

McPHERSON.

IS A DISGRACE TO THE COUNTRY.

THE PEOPLE'S STATE BANK,
McPherson, Kans., March 18, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: I have read with considerable interest your pamphlet on washed money. I am surprised that a Government like ours, with all the pride we have along other lines, should stoop to the practice of "washing money" for the purpose of saving a few dollars. It is a disgrace to the country, and will cheapen our money and help to bring our currency into disrepute. I am sure the people would not stand for it a minute if left to a vote. Do all you can to stop it. The efficiency of the engraving should never be less, either. Counterfeiting will be rampant when the washed money is in circulation.

Yours, truly,

F. A. VANIMAN,
President.

—

SOUTH DAKOTA.

YANKTON.

APPRECIATE NEW CURRENCY.

THE FIRST NATIONAL BANK,
Yankton, S. Dak., March 11, 1913.

Hon. JAMES E. MARTINE,
Washington, D. C.

DEAR SIR: Your letter of February 28 received relative to the document printed at the request of Senator JAMES E. MARTINE, of New Jersey, on January 20, 1913, entitled "Washed Money, the Counterfeiters' Delight," and in reply to same will state that we are strongly opposed to washing our currency, for the following reasons:

First. We live in the West and have very little new currency, and practically the only new currency we have is what we get from Washington on account of our $50,000 circulation, and the farmers being the people with whom we deal and depend upon mostly, appreciate what little new currency we have to give them, and we find that this washed currency does not take its place.

OPPOSED TO REDUCING HIGH STANDARD.

Second. We are opposed to the Government trying to reduce their expenses in the currency department, for the reason that our present currency has a high standard, and, in our opinion, it would be folly to run any risk of reducing this standard which our currency has attained by taking any risks by counterfeiters imitating these washed bills.

We have discovered no counterfeit bills and possibly would not know them if we had, but can see where it is logical that these washed bills would be easier to imitate than the new currency where the cuts are clear and distinct.

GOVERNMENT SHOULD BE SATISFIED WITH ENORMOUS PROFITS.

Third. The Government realizes enormous profits from the manufacture of paper currency, and our present currency system has paid the Government many dollars in profit, and from the action they have taken one would think they are not satisfied with the millions of dollars of profit or rather accumulations which they have made in the past. Why they should cut down the high standard of this department we can not understand, unless it is for the purpose of increasing the enormous profits which they now have.

Fourth. In closing I wish to state that we are in favor of a revision of our present currency system, although this does not come under the topic upon which you asked us to write. I take the liberty to give you our expression on the question.

Very truly, yours,

E. R. HEATON,
Assistant Cashier.

—

CONNECTICUT

BRIDGEPORT.

CHEAPENS QUALITY OF OUR PAPER MONEY.

THE PEQUONNOCK NATIONAL BANK,
Bridgeport, Conn., April 5, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: We have read Document No. 1020, entitled "Washed money," with much interest, and as a banking institution with 60 years' experience we are very much opposed to the scheme to use washed currency. It would be a crime to cheapen the quality of our paper money, and it would certainly be difficult to detect counterfeits if the idea were carried into effect.

UNWISE TO CHANGE THE SIZE.

We also think it unwise to change the size and design of United States bills and national-bank currency after our people have become accustomed to handling the present issues. We sincerely hope that the plans will not be carried out.

Very truly, yours,

F. W. HALL, *Cashier.*

NEW HAVEN.

CONSIDERING DANGER, NOT GOOD BUSINESS.

THE W. T. FIELDS CO., INVESTMENT SECURITIES,
New Haven, Conn., April 19, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: We think your remarks as given in Senate Document No. 1020 on washed money were to the point. The washing of paper money, in view of the danger incurred in its subsequent use, does not strike us as good business, and we hope that the practice will be abandoned. We believe that new money should be supplied to take the place of mutilated currency when forwarded for redemption.

Yours, very truly,

W. T. FIELDS, *Treasurer.*

—

MASSACHUSETTS.

SPENCER.

WASHING OF SERVICE TO COUNTERFEITERS.

SPENCER SAVINGS BANK,
Spencer, Mass., March 28, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: It seems to me that the washing machine will simply result in being of service to the counterfeiter when a spurious note that has been so cleverly executed passes the official in the Treasury cash room in the belief that it was a washed note.

If this is done for the sake of economy, then why not establish along with it a bureau for renovating second-hand clothing for the use of the military branch of the Government?

Soapsuds cleaning and such a bureau might fairly represent a cheap, sickly republic, but not this Government, let us hope.

Respectfully, yours,

J. W. TEMPLE, *President.*

LOWELL.

UNQUALIFIEDLY PROTESTS AGAINST WASHED MONEY.

NORCROSS & LEIGHTON, INSURANCE,
53 Central Street, Lowell, Mass., March 10, 1913.

Hon. JAMES E. MARTINE,
Washington, D. C.

DEAR SIR: Your favor of February 28, inclosing article on "Washed money," duly received. Replying to your request for my views, would say:

I would unqualifiedly register my protest against the use of washed money, believing that the paper currency of this country should be of the very best workmanship and never reissued after its once being paid back into the Treasury. The article referred to is well named "The counterfeiters' delight."

Thanking you for giving me this opportunity to express my views, I remain,

Yours, truly, NICHOLAS G. NORCROSS.

BROCKTON.

MAKES WORK OF COUNTERFEITER EASIER.

PEOPLE'S SAVINGS BANK,
Brockton, Mass., March 21, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR MR. MARTINE: I am glad of the opportunity to express to you my views on the money question. It only requires the application of a little gray matter for any intelligent man to see that by making the engravings coarser and cheaper and washing away the life of the bill it makes the work of the counterfeiter more easy. Changing the size of bills is another serious mistake, as they can not be put up in packages with the large bills and will cause all kinds of confusion and mistakes. The United States is able and should use the finest work of the engravers' art on its money. Educational pictures are especially desirable.

Yours, very truly,

C. S. LUDDEN, *Treasurer.*

NEW BEDFORD.

CONFIDENCE OF PEOPLE SHOULD NOT BE SHAKEN.

SANDFORD & KELLEY, BANKERS,
New Bedford, Mass., April 2, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: Yours at hand, and in reply we beg to state that we are not in favor of the reissuing of washed money, as we believe that the confidence of the people should in no way be shaken through the possibility of any measure that would make it easier for counterfeiters to ply their profession and circulate their counterfeits. In the rush of business as it is done these days people should not have to stop to examine washed bills; and, further, we are paying too much money to protect the country from the wiles of the counterfeiter to let down the bars at this time, or, in fact, at any time. The Government should go to the limit to protect the handlers of the money which they have issued and in which the people place confidence.

Yours, very truly,

SANDFORD & KELLEY.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On July 9, 1913:

S. 2272. An act providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

On July 15, 1913:

S. 2517. An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

SALARY OF SECRETARY OF STATE.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution No. 132, relative to the salary of the Secretary of State.

Mr. KERN. Mr. President, I move that the resolution be laid on the table.

Mr. BRISTOW. Mr. President——

Mr. LEWIS. Mr. President, I make the point of order that under the rules a motion to lay on the table is not debatable.

The VICE PRESIDENT. It is not debatable.

Mr. BRISTOW. I demand the yeas and nays on the motion to lay the resolution on the table.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURLEIGH'S name was called). The junior Senator from Maine [Mr. BURLEIGH] is detained from the Senate on account of protracted illness. That Senator is not paired, and I am going to express the hope that a pair may be arranged so that he may be protected.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. I do not know how he would vote if present, and I therefore withhold my vote. I am in favor of the motion, however, and should vote "yea" if I were at liberty to do so.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence, I withhold my vote.

Mr. CRAWFORD (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. SHEPPARD (when Mr. CULBERSON'S name was called). My colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent. He is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. STONE (when Mr. REED'S name was called). I desire to state that my colleague, the junior Senator from Missouri [Mr. REED], is absent from the Senate on official business in connection with what is known as the lobby committee. He is paired with the senior Senator from Michigan [Mr. SMITH].

Mr. MARTIN of Virginia (when Mr. SWANSON'S name was called). My colleague [Mr. SWANSON] is unavoidably absent from the Senate. If present, he would vote "yea."

The roll call was concluded.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I learn that he is not in the Chamber, and I therefore withdraw my vote.

Mr. SMOOT. I desire to announce that the senior Senator from Delaware [Mr. DU PONT] and the junior Senator from Wisconsin [Mr. STEPHENSON] are unavoidably absent from the city.

Mr. CHILTON. I transfer my general pair with the junior Senator from Maryland [Mr. JACKSON] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. BACON (after having voted in the affirmative). The senior Senator from Minnesota [Mr. NELSON] is absent, being on duty with the investigating committee. During his absence I have undertaken to protect him. I rose to withdraw my vote and stand paired with him upon this question, but I transfer my pair with the senior Senator from Minnesota [Mr. NELSON] to the junior Senator from Virginia [Mr. SWANSON], and will permit my vote to stand as originally cast.

Mr. TOWNSEND. I desire to announce that my colleague [Mr. SMITH of Michigan] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (after having voted in the affirmative). I voted in the affirmative, forgetting that I have a general pair with the junior Senator from New Mexico [Mr. CATRON]. Therefore I must withdraw my vote; but if at liberty to vote I should vote in the affirmative.

Mr. GRONNA. I desire to announce that my colleague [Mr. MCCUMBER] is necessarily absent from the city. He is paired with the senior Senator from Nevada [Mr. NEWLANDS].

The result was announced—yeas 41, nays 29, as follows:

YEAS—41.

Ashurst	Johnson, Me.	Pittman	Smith, Md.
Bacon	Johnston, Ala.	Poindexter	Stone
Borah	Kern	Pomerene	Thomas
Bryan	Lane	Ransdell	Thompson
Chilton	Lewis	Robinson	Thornton
Clarke, Ark.	Martin, Va.	Saulsbury	Tillman
Fletcher	Martine, N. J.	Shafroth	Vardaman
Gore	Myers	Sheppard	Williams
Hollis	O'Gorman	Shields	
Hughes	Overman	Shively	
James	Owen	Smith, Ariz.	

NAYS—29.

Bradley	Cummins	Lodge	Sterling
Brady	Dillingham	McLean	Sutherland
Brandegee	Fall	Norris	Townsend
Bristow	Gallinger	Page	Warren
Burton	Gronna	Penrose	Weeks
Clark, Wyo.	Jones	Root	
Colt	Kenyon	Sherman	
Crawford	Lippitt	Smoot	

NOT VOTING—26.

Bankhead	Goff	Newlands	Smith, S. C.
Burleigh	Hitchcock	Oliver	Stephenson
Catron	Jackson	Perkins	Swanson
Chamberlain	La Follette	Reed	Walsh
Clapp	Lea	Simmons	Works
Culberson	McCumber	Smith, Ga.	
du Pont	Nelson	Smith, Mich.	

So Mr. BRISTOW'S resolution was laid on the table.

Mr. LODGE subsequently said: When the vote was taken on the motion to lay the resolution of the Senator from Kansas [Mr. BRISTOW] upon the table, I was out of the Chamber, having been called into the reception room. I came in after the call had been finished and voted. I did so in entire forgetful-

ness of the fact that I had a general pair with the junior Senator from Georgia [Mr. SMITH]. I could have transferred my pair, I find, to the Senator from Maine [Mr. BURLEIGH], and thus it could have been covered. I wish to make this explanation because it was my fault, and I very deeply regret it.

Mr. BRISTOW. Mr. President, I desire to say that our Democratic friends may be able to stop the discussion in this Chamber of this resolution by the action just taken, but they can not convince the American people that a member of the Cabinet can neglect his official duties and go out over the country in other employment when his services are needed in his department in Washington.

Mr. LEWIS. Mr. President, I rise to a point of order. What does the gentleman discuss?

The VICE PRESIDENT. The point of order is well taken.

Mr. LEWIS. I demand the regular order.

Mr. BRISTOW. May I inquire what is the point of order?

The VICE PRESIDENT. The resolution has been laid on the table, and the Chair holds that its discussion is out of order.

Mr. BRISTOW. I will discuss something else, then.

Mr. LEWIS. I call for the regular order.

COTTON TIES AND COTTON BAGGING.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day which will be stated.

The SECRETARY. Senate resolution 134, calling for an investigation by the Secretary of Commerce into the advance of the price of bagging.

Mr. BRISTOW. Mr. President, as I was saying, the Senate may dispose of one resolution, but other resolutions appear, and as long as there is freedom of discussion in the Senate a Senator may talk within the rules upon the resolution that is pending.

It would be just as consistent for the Attorney General to take two or three months of his time during the year and engage in the practice of law as for the Secretary of State to follow his private business to the neglect of his duty.

Mr. MYERS. Mr. President, I rise to a parliamentary question.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. BRISTOW. For what purpose does the Senator from Montana rise?

Mr. MYERS. I rose to make a parliamentary inquiry. What is the regular order, Mr. President?

The VICE PRESIDENT. The resolution now pending before the Senate.

Mr. MYERS. What resolution is it?

The VICE PRESIDENT. It has already been stated. It is Senate resolution 134.

Mr. MYERS. I ask for the reading of it, please.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. SMITH of South Carolina on the 15th instant, as follows:

Resolved, That the Secretary of Commerce be, and is hereby, directed to investigate the recent advance in price of bagging used in baling cotton, also the advance in price of ties used in banding or baling cotton, and to report to the Senate at the earliest possible time the cause or causes for said advances.

Mr. MYERS. I object to the present consideration of the resolution.

Mr. BRISTOW. I have the floor.

Mr. MYERS. I object to the resolution. Let it go over one day.

The VICE PRESIDENT. The Senator from Kansas has the floor.

Mr. BRISTOW. Mr. President, I do not intend to discuss at length the resolution that is pending, but I think there is a condition before the country that should demand the attention of Congress and of the administration in power. Can the members of the Cabinet, with business of the highest public importance pending, commanding the most careful and industrious attention of the entire administration, absent themselves from their departments and go about the country in private business for profit and gain, because the salary paid of $12,000 a year is not enough to sustain them, and leave subordinates that draw from $5,000 to $7,000 a year to do the work that they are supposed to be doing?

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. For what purpose does the Senator from Mississippi rise?

Mr. VARDAMAN. May I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. VARDAMAN. Are you really apprehensive that the business of the State Department will be neglected by the absence of the Secretary of State?

Mr. BRISTOW. Well, Mr. President, that is a pertinent question.

Mr. VARDAMAN. I hope the Senator will give me a very candid answer to it, because he is always candid.

Mr. BRISTOW. It has been said since this discussion came up that the department was better off with the present Secretary of State away than at home. [Laughter in the galleries.]

Mr. VARDAMAN. What is your opinion about that?

The VICE PRESIDENT. The Sergeant at Arms will enforce order in the galleries or clear them.

Mr. VARDAMAN. What is your opinion?

Mr. BRISTOW. I believe that if the present Secretary of State would devote his time and bring to bear on the problems that confront his department his great intellect he could render substantial service to his country. Whether there are men more fitted to perform the duties of Secretary of State, who are holding subordinate positions upon whom the duties now rest, than the Secretary of State himself, is a question which I can not answer, because I am not acquainted with the subordinates. I have endeavored to answer the Senator's question as clearly as I can. I could consume hours of the time of the Senate in the discussion of this question, but I do not intend to do it.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Mexico?

Mr. BRISTOW. I do.

Mr. FALL. I should like to ask of the Senator who is now addressing the Senate, as throwing some light on the question asked by the Senator from Mississippi, if it is not possible that if the Secretary of State had remained in his office attending to his duties the Senate of the United States might not ere this have had an answer to a resolution adopted by this body on April 24, 1913, which so far has been treated with silent contempt?

I refer the Senator to the resolution offered by the Senator from Arizona [Mr. SMITH], reported favorably from the Committee on Foreign Relations, unanimously adopted by this body, April 24, calling upon the President of the United States to furnish to this body information as follows:

Senate resolution 62.

Resolved, That the President is respectfully requested, if not incompatible with the public interest, to cause to be transmitted to the Senate:

First. A full list of the names of claimants, if any, and the nature and amount of the claims for damages to person or property made by citizens of the United States of America against the Republic of Mexico and filed or deposited with the Department of State at Washington, D. C., since the beginning of the Madero revolution in Mexico to the present time, together with the statement of fact on which said claims are based.

Second. A full list of the names of all citizens of these United States, if any, who, while leading lawful and peaceful lives in Mexico, have been killed or wounded in Mexico or driven out of Mexico by Mexican soldiers or other armed bands on Mexican soil, together with the facts and circumstances attending such killing, wounding, or forceful deportation.

Third. A full list, if any, of such peaceful citizens of the United States of America as have been forcibly seized and held prisoners for ransom in the Republic of Mexico during the time first mentioned, and what sums of money, if any, have been paid by any person or persons to secure the release of anyone so imprisoned or held.

Fourth. What redress, if any, has been offered by Mexico in the premises, or demanded by the United States of America, and the result of such offer or demand, and what assurance of protection to the lives and property of our peaceful, law-abiding citizens in Mexico does that Republic offer.

Mr. President, I submit the question to the Senator from Kansas as to whether, in his opinion, if the Secretary of State, rather than delivering lectures upon the Chautauqua platform, were to remain in the city of Washington and to attend to his business, it might not have been possible for the Senate to receive ere this the information which it demanded from the department? I presume that when the Senate unanimously requested the information it was with the idea in view that it was of interest to the people of the United States and possibly necessary in the consideration of very grave and important subjects which may at a very early day come before Congress.

Mr. BRISTOW. Mr. President, I think that if the department had been as industriously managed as it should have been we would have had that information ere this.

I want to say further that it has been the custom for years, when constituents of Members of the House and Senators are about to proceed abroad, to get letters of introduction, in order that our citizens when they are in foreign countries may call upon our consular agents for any information that they might desire. That is what we keep agents in foreign countries for. The American people pay our Consular Service to serve them

in various capacities. It has been the practice since I have been a Member of the Senate to have very prompt replies to such requests. In recent months, upon at least one occasion, I made such a request for a constituent and I did not get the reply until some weeks afterwards, when my constituent had sailed.

This is not a partisan discussion on my part. I desire to read an editorial from the New York World of July 17. Certainly the New York World can not be regarded as a paper that is unfriendly to this administration and that would pass an unjust criticism upon any of the President's Cabinet officers. The editorial reads as follows:

[From the New York World, July 17, 1913.]

A DEPLORABLE MISTAKE.

It is of course obvious that Mr. Bryan's explanation of his money-making lecture plans readily explains what can not be readily excused.

He says that he is going to limit his profits to his vacation. The last thing he should be thinking about at this time is a vacation.

The Mexican crisis alone makes any talk of a vacation little short of an insult to his office.

We earnestly believe that when the present administration reversed the former policy of dollar diplomacy and substituted the diplomacy of minding our own business in international affairs it was a splendid reform.

But this policy of hands off illegitimate diplomatic problems should make it all the more essential for the State Department to devote a full measure of time and attention to legitimate diplomatic problems. Otherwise there may arise grave doubts in the public mind as to where a policy of conviction ends and where a policy of convenience begins.

As for Mr. Bryan's financial sacrifices, they constitute a question which should have interested Mr. Bryan before he accepted the portfolio of State and which can not be expected to interest the public now.

That the public has a right to take the same view that Thomas Jefferson did in his letter to Richard Henry Lee, which Mr. Bryan possibly remembers, in which he said:

"In a virtuous government, and more especially in times like these, public offices are what they should be, burthens to those appointed to them, which it would be wrong to decline, though foreseen to bring with them intense labor and great private loss."

I do not want to give this discussion a partisan tinge, but I want to ask my Democratic friends if they do not think that the New York World, when it commended to Mr. Bryan the ideals of Jefferson, did a very fitting and proper thing in the interest of the administration now in power? Has the time come in American politics when the question of the profits of public office is the uppermost thing in the mind of high public officials?

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. STONE. The Senator asked a question. I should like to ask him a question for my personal information. The Senator has been a very distinguished and influential Member of this body for five or six years. Has the Senator from Kansas during his service here delivered Chautauqua lectures or other speeches for pay?

Mr. BRISTOW. I have not delivered Chautauqua addresses or other speeches for pay at any time when the Senate was in session or my public duties required my attention.

Mr. STONE. The question I asked was whether during his service——

Mr. BRISTOW. I desire to say further to the Senator from Missouri that the Senator from Kansas has been present in this Chamber every day that this body has been in session since it met last December, and has not absented himself for any personal or private reason or for any other cause.

Mr. STONE. The one question I asked the Senator has not been answered. I ask him if during his service here in the Senate he has delivered speeches for which he has received pay.

Mr. BRISTOW. I have delivered speeches during the vacations of the Senate occasionally for which I received pay.

Mr. STONE. Then the Senator belongs to the Chautauqua lecture class.

Mr. BRISTOW. I do not, Mr. President.

Mr. ASHURST. Mr. President——

Mr. BRISTOW. I will say that I have refused invitations this year and last year that would have aggregated at least half as much, I will say, as Mr. Bryan says he hopes to make. I refused them because I felt that I owed it to my country and my State to stay here and attend to my business while the Senate was in session.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. BRISTOW. I do.

Mr. ASHURST. Will my friend the Senator yield for a question?

Mr. BRISTOW. I certainly will.

Mr. ASHURST. Has the Senator from Kansas always entertained the views which he now urges?

Mr. BRISTOW. I have.

Mr. ASHURST. I have a letter, purporting to have been written by the Senator, containing the following words, addressed to Chester I. Long, then a Senator of the United States:

WASHINGTON, *May 27, 1906.*

DEAR SENATOR: I wrote you briefly last night. Received your letter to-day. If there was a vacancy in some desirable office, and you or Will White were here the day it was available, the President would appoint me to it, but otherwise no one knows what he might do.

He asked me what I wanted. I told him that I did not know what was available. He said he did not either, and for me to see Taft as soon as he returned. I think I would like to have one of those advisory places on the Canal Commission. They pay $7,500 and require a visit to the Isthmus once in three months. I could hold it and live in Kansas, being there at least half my time, and when the fight got hot, I could resign.

Did the Senator write that letter?

Mr. BRISTOW. I wrote that letter. [Laughter in the galleries.]

The VICE PRESIDENT. The Sergeant at Arms will preserve order in the galleries. This is the second notice, and the Chair instructs the Sergeant at Arms to see that this order is obeyed or clear the galleries.

Mr. BRISTOW. And it is not at all inconsistent, and nothing connected with that letter, directly or indirectly, is inconsistent with the position I take now. I will say to the Senator from Arizona, my friend, that that letter has been hawked about in every township in the State of Kansas for 10 years.

Mr. ASHURST. No; it was written in 1906.

Mr. BRISTOW. Well, since 1906. I think it is approximately 10 years; something less, probably.

Mr. LODGE. Eight years.

Mr. BRISTOW. It was circulated in every voting precinct in Kansas when I was a candidate for the United States Senate against the gentleman to whom it was written, and as a result I came to this body by the vote of the majority of the people in the primaries and of the majority of the people in the State. I stand here now and proclaim that, in my judgment, it is the business of a public official, when he is paid from the Public Treasury to transact public business, to be at his post of duty and to attend to the business for the transaction of which he is paid.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. BRISTOW. And I want to say to the Senator from Arizona, since he has been so kind as to bring up some old political campaign letters——

Mr. ASHURST. I merely wanted to see if the Senator had changed his views.

Mr. BRISTOW. I have the floor. I want to say to the Senator from Arizona, who has been so kind as to bring up some of the old political campaign documents that were circulated in Kansas years ago, that since I have been a Member of this body I have not expended a hundred dollars a day of the funds of the United States to carry private telegrams to my State on personal political business.

Mr. ASHURST. The Senator from Kansas has not been in touch with his constituents as much as his duty would require.

Mr. BRISTOW. Not by carrying on private correspondence by telegraph when it should have been by letter and carried at his own expense.

Mr. ASHURST. I fail to catch the Senator's statement.

Mr. BRISTOW. If the Senator from Arizona doubts my statement, I refer him to the records of the Secretary of the Senate relating to the Senator from Arizona and his own private account with the Western Union Telegraph Co.

Mr. ASHURST. Mr. President, will the Senator from Kansas yield to me?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. BRISTOW. I very gladly yield.

Mr. ASHURST. It does not require any abstruse lines of reasoning to ascertain that my friend, in a moment of heat, seems to be obsessed with the idea that I have been too much in communication with my constituents by means of the telegraph; but if the Senator from Kansas means to insinuate that I have used the telegraph, or aught else, sir, other than in a public way and in a proper way—if the Senator from Kansas dares to assert here or elsewhere that I have ever used the mails of this country or the telegraph of this country other than in a proper way, the Senator insinuates something that is wholly baseless, false, and without foundation. It is true that I write 200 letters a day during certain times. I recall at one time that I sent over 700 letters and over 100 telegrams in one day. Does the Senator from Kansas object to that? I remember one day I telegraphed every newspaper in Arizona—about 55 in all—asking their assistance in trying to bring about an

advisory election to ascertain just whom the people's choice was for United States judge for Arizona. There was no necessity for my friend to lose his head.

Mr. BRISTOW. The Senator from Kansas has not lost his head, and if the Senator from Arizona is through, I will answer the question which he asked me a few moments ago.

Mr. ASHURST. There was no occasion for my friend——

Mr. BRISTOW. The Senator from Kansas has not lost his head at all. He knows just what he is saying.

Mr. ASHURST. I trust the Senator does, but there was no occasion for his losing his head and his heart over this matter. I simply desired to know whether the Senator had changed the position which he occupied in 1906, when he said that he would draw the salary and live in Kansas, being there at least half the time, and when the fight got hot he could resign. The Senator does not usually resign when the fight gets hot. He fights instead of resigning. What I wanted to know was had the Senator changed his position, and I do not think I have violated the proprieties of debate or of the occasion in asking the Senator that question.

Mr. BRISTOW. In regard to the first part of the Senator's remarks I desire to say that in my judgment the Senator from Arizona has misused the privilege of charging official telegrams to the Government. He has carried on private correspondence at public expense. He has charged to the United States Government telegrams that should have been paid for by himself, and the telegraph companies have presented their bills to the Sergeant at Arms for payment of such messages.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. BRISTOW. I yield.

Mr. ASHURST. The Senator from Kansas has a reputation for combining the ability of a Sherlock Holmes with that of other famous characters, and if he has such evidence it is his duty to make a charge to that effect. It is his duty to see that the money improperly expended, if any, should be restored. That I have misused any privilege I deny.

Mr. BRISTOW. Well, the information has not been in my possession for a long time, but it came to me through official channels, and it has had my attention, as can be verified by other Members of the Senate who are entirely familiar with the attitude that I have taken upon such unwarranted expenditures of the public money to conduct private correspondence.

Mr. ASHURST. I deny with all the vehemence at my command that I have ever used any publicly paid telegram or letter to conduct private business. I make this assertion here in the Senate of the United States. I will say that I have no private business. I am probably financially the poorest man in the Senate. I have no private income whatever. I declined to practice law when I entered the Senate. I have used the telegraph in the conduct of the public business, and the Senator's rather bad temper this morning has caused him to make a charge that is without foundation. That I have telegraphed to my constituents very much I admit. I purpose continuing to do so. I think one of the chief faults with us is that we do not keep sufficiently in touch with our constituents, and I purpose, to the best of my ability, to inform my constituents as to what we are doing and how the public business is conducted. I am of opinion that keeping constantly in touch with my constituents by telegrams and letters gives me more accurate and reliable information than in listening to a speech—say, from the Senator from Kansas.

Mr. BRISTOW. The records of the Senate will determine whether the Senator from Arizona or myself is right. It is a question that can be verified. Copies of the telegrams are on file which have been charged to the Government, signed by the Senator from Arizona, and the nature of them will show in the telegrams themselves. So there need be no question of veracity between him and me. I am willing to leave the matter to the documentary evidence.

Mr. ASHURST. Mr. President, of course so am I.

Mr. BRISTOW. The Senator from Kansas has not neglected his duty in this respect so far as his duty goes, as the Senator from Arizona can learn if he will make proper inquiry of the chairman of the committee who is in charge of that part of the Senate's business.

Mr. ASHURST. Yes; and if the Senator finds a violation of the law in that respect in reference to myself he will lay it before the Senate, will he?

Mr. BRISTOW. Well——

Mr. ASHURST. I ask you will you do it?

Mr. BRISTOW. I have made the statement as broadly as I know how to make it. I was under the impression that it was before the Senate now.

Mr. ASHURST. This is the first I have heard of it; and I should like to have the specific facts and dates set down.

Mr. BRISTOW. I will be very glad to furnish the Senator and the Senate, if he desires, the specific facts and dates. I think we can call upon the Sergeant at Arms to do it. It will not be a very great task.

Mr. ASHURST. I will be very pleased to have the Senator do so.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. Would the Senator from Kansas object to having the resolution read again upon which he is proceeding?

Mr. BRISTOW. Well, it has been read twice, and I think the Senate is interested in the discussion far more than it usually is in the discussions of the body, at least the attendance seems so to indicate.

Mr. OWEN. I merely wished to call attention, Mr. President, if the Senator from Kansas will permit me, to the irrelevant character of this debate.

Mr. BRISTOW. I agree with the Senator from Oklahoma. It is entirely irrelevant, but since the Senator from Arizona [Mr. ASHURST] saw fit to drag into it an old political circular that was used and discredited in the Kansas campaigns years ago as a defense of the Secretary of State in his violating his public duty and neglecting the affairs of his office in order that he might accumulate a larger fortune than he now has, I think the remarks of the Senator from Arizona were not exactly pertinent to this question under consideration, and I am free to say that my retort did not have a direct bearing upon the resolution that is now before the Senate, but it probably contained some information that may result, especially on the part of some Senators, in economies in the future in the use of the telegraph for private business at public expense.

As I was proceeding to say—and I am not going to weary the Senate with this discussion—I think if the time has come when the consideration for public office is private gain, when we are to neglect our public duties in order to increase our bank accounts, and the American people will justify that kind of an administration of its public affairs, then we have approached a serious period in the history of our country.

It is with regret, I desire to say, that I felt compelled to introduce a resolution of this kind. I have been during recent years at least an admirer of Mr. Bryan. I have shown my admiration of his capacity as a political leader upon more than one occasion, as Senators here will remember, but because I may have admired him, because I have a friendly feeling for this administration, and will be very glad to see it succeed, is no reason why I should withhold a criticism which four-fifths of the Senators on the other side of the Chamber know ought to be made.

Mr. LEWIS. Mr. President, will the distinguished Senator from Kansas allow me to interrupt him by a question?

Mr. BRISTOW. I will.

Mr. LEWIS. Was the Senator from Kansas a Member of this Chamber during the last term of the Secretary of State under President Taft?

Mr. BRISTOW. I was.

Mr. LEWIS. Did the Senator from Kansas have his attention attracted to the general charge published throughout the country that the then Secretary of State was so constantly absent from his official duties at important times as to have to be brought back from his stock farm at Valley Forge?

Mr. BRISTOW. I am not aware of that. That may have happened, but it was not called to my attention.

Mr. LEWIS. Did the Senator from Kansas address himself to those conditions by introducing a resolution making inquiry?

Mr. BRISTOW. If the Senator will permit me, how could I introduce such a resolution when I was not advised that such was the fact?

Mr. LEWIS. Did not the Senator have the same opportunity of public information then as he has now?

Mr. BRISTOW. If there ever has been such another demonstration of the neglect of public duty in order to acquire private fortune, it has not been brought to my attention; but I will say further that if the last Secretary of State sacrificed the public business for his private gain he should be now condemned and should have been then condemned; and any Senator who was cognizant of those facts, if they were brought to his attention, as they might have been, and failed to present them to the Senate, fell short of his duty.

Mr. LEWIS. Then, as I understand the distinguished Senator from Kansas, his criticisms are not directed against the present Secretary of State because he is a Democrat?

Mr. BRISTOW. Not at all.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New York?

Mr. BRISTOW. I do.

Mr. ROOT. I rise for the purpose of preventing something which I am sure both the Senator from Illinois [Mr. LEWIS] and the Senator from Kansas [Mr. BRISTOW] would regret, that there should be left on the records any apparent finding or concession that the Secretary of State under the administration of President Taft did neglect his duties, whether for gain or for any other reason. I dispute any such proposition, and I am sure that no one will undertake to establish it here.

Mr. BRISTOW. I desire to say——

Mr. LEWIS. If the Senator from Kansas will allow me to address myself to the observation of the Senator from New York, may I ask the Senator from New York, will he show to the Senate that during the term of the service of Secretary Knox as Secretary of State under President Taft he was not absent from his official duties time and time again, and much of the time at his stock farm at Valley Forge, and that there was complaint of his absence, without any regard to whether his absence was for gain or not?

Mr. ROOT. Mr. President, I am not aware that Secretary Knox was absent from the city of Washington any more frequently or for any longer periods than was entirely within the proper limits of the discretion of the head of a department.

Mr. LEWIS. Ah, Mr. President, that begs the question and apologizes for the situation. [Laughter.]

Mr. ROOT. I am quite certain that if he visited his stock farm, if he has a stock farm, it could not have been for the purposes of gain.

Mr. LEWIS. Probably it had the object of getting accomplished some fast movement at that particul : time in order that the running might be better in the administration of the Senator's party. [Laughter.]

Mr. BRISTOW. Mr. President, I desire to say that, so far as I know, Secretary Knox never neglected the duties of his office. I am not informed if he did; it was never called to my attention, and did not come to my attention through the public press. I want to say that if he had neglected the duties of his office in the same way I should certainly have criticized him with equal severity that I have criticized the present occupant of that high office.

I have not been slow to criticize members of the political party with which I have been affiliated when I thought they were doing the wrong thing. I have not hesitated to vote against this side of the Chamber when I believed it was standing for things that were not best for the country. I have tried to follow what I believed to be right and obeyed the dictates of my judgment and my conscience since I have been a Member of this body; and I do not want the criticism which I make upon the Secretary of State to be regarded as a partisan criticism, because I know that I am reflecting the opinion of the majority of the Democrats of the country in the remarks that I am making here to-day, as well as the opinion of a majority of Republicans; indeed a majority of the entire people; and without prolonging the debate—there are many things that I should like to incorporate in the RECORD, but I will not take time to do so——

Mr. LEWIS. May I be permitted to interrupt the distinguished Senator from Kansas for one other inquiry?

Mr. BRISTOW. Yes.

Mr. LEWIS. Was the Senator a Member of this body when the former President of the United States, President Taft, made his general circuit for political campaign purposes throughout the States while he was President of the United States?

Mr. BRISTOW. I was.

Mr. LEWIS. Did the Senator offer a resolution under those circumstances either to investigate such conduct or to condemn such a course?

Mr. BRISTOW. I did not.

Mr. LEWIS. The President was a Republican. The Senator may proceed.

Mr. BRISTOW. But I desire to say here that I did not approve the absence from his office of the last President of the United States in the political campaign that he waged. I did not think it comported with the dignity of the high office he held. But while in my opinion he did neglect the duties of his office in pursuing a political campaign, he did not do so for gain.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. KERN. Will the Senator allow me to ask him a question?

Mr. BRISTOW. In a moment.

It has been too frequently the habit of men holding high official positions to absent themselves from their official trusts in order to carry on political campaigns. That has been done too much in the past. I hope it will be done less in the future. It has been one of the evils of our political life, and has been growing, I regret to say, during recent years. But that can not be offered as a justification for the course that is now being pursued by the Secretary of State.

Mr. KERN. Mr. President——

Mr. BRISTOW. I now yield to the Senator from Indiana.

Mr. KERN. I wish to ask the Senator from Kansas whether the President of the United States, when on that more or less celebrated tour of the country, was not operating for political gain, and whether he was not operating at public expense, and whether there is any real difference between a man leaving his post that he may gain in politics and a man leaving his post that he may gain in purse? On the other hand, is there not all the difference in the world between a man going out on business, paying his expenses out of his own pocket, and a public official going out to wage a political campaign at the expense of the taxpayers of the country?

Mr. BRISTOW. My friend from Indiana has too discriminating a mind not to realize the difference. It has been the habit of men holding positions in American politics to go upon the stump and defend the policies of the administration in power. It has been a political habit to have a campaign carried on by those responsible for the policies that have been adopted by the administration in power. I see a vast difference, and I think my friend from Indiana will also, between the head of a party or the head of the Government, or a subordinate who is responsible for a policy in the Government, on the one hand, going before the American people and presenting the arguments for such policies and discussing the political views on questions involved, defending the policies for which the administration stands and meeting the criticisms that have been made, and, on the other hand, abandoning the duties of the office and going out to make money, hawking about for purposes of profit—receiving so much of the gate receipts, if you please—the high honors that have been bestowed upon him by the American people. I see a very, very wide difference between the two situations.

I was going to close a few minutes ago with an observation, but I was interrupted. I desire to say, with all seriousness and earnestness, that I should at least like to see the heads of our great departments of government hold up to the American people the high ideals that came down to us from the founders of the Republic in regard to the public service.

The public service is a great honor in a free country like this, and men seek that honor. It is of the highest importance to our country that men should regard it as a high distinction to serve their country in these positions of great responsibility. While there may be rare exceptions, as a rule in the fierce political controversies which rage in this country of ours no man has attained high distinction except at personal sacrifice and financial loss.

The very genius of our political institutions is such that it can not be done otherwise by men who are patriotic and honest.

I want to protest here against the man who sits at the right hand of the President of the United States declaring, not only to his own country but to the nations of the earth, that he can not afford to sacrifice any of his profits in private business in order that he may hold the highest position within the gift of the President. I say, if public opinion in the United States will justify such a course of conduct, the days of free government in this country of ours are nearing their end.

Mr. STONE and Mr. TOWNSEND addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. STONE. Mr. President, if other Senators desire to discuss the matter which has been discussed by the Senator from Kansas, I shall not stand in their way very long. In my opinion this whole thing is a very small affair, too small in all its aspects to engage the serious attention of the Senate. In fact, I can not escape the impression that it has been injected here in a narrow, partisan spirit that does no credit to its originator.

The Senator from Kansas has been a Member of this body for nearly one full senatorial term. During that period two Republican Presidents, Roosevelt and Taft, have toured the country from the Atlantic to the Pacific, and from the Canadian boundary to the Gulf, being absent from their offices for weeks, engaged in political propaganda. They were seeking in these

repeated tours to promote the political policies for which they stood, and to promote their personal political interests.

The Senator from Kansas was here at that time and not a word of complaint, protest, or criticism fell from his lips. He says now that there is a difference between a President absenting himself from office and scouring the country for weeks at a time in advocacy of party policies and in the promotion of individual ambitions and a Cabinet officer going out on rare occasions to lecture in response to urgent invitations sent to him by communities desiring him to address them. The Senator is too hypercritical for most men to follow him; he is too hair-splitting for the ordinary man to understand him. While criticizing, strange to say, the Senator himself admits that he, while holding his position here in the Senate, with important and multiplied duties resting upon him, has gone out on the Chautauqua circuit to deliver addresses for which he received compensation.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. To be sure.

Mr. BRISTOW. I desire that the Senator's language may not be misconstrued. The way he put it would lead to the inference that while the Senate was in session, and I was occupied here with my duties, I had gone out for the purpose he mentions. The Senator from Kansas has done nothing of the kind, as he very clearly stated.

Mr. STONE. The Senator endeavors to escape by saying that he was in his seat when the Senate was in session, but in vacation he went out and delivered lectures or speeches, for which he received a compensation. He justifies himself in this behalf because he did this when the Senate was not in session.

Mr. President, the executive departments of the Government are supposed to be always in session, theoretically; but the President goes every year for rest to his summer home. The President has done this from time whereof the memory of man hardly runs to the contrary. Executive officers—that is, the heads of departments and the heads of bureaus—go to the seaports or to mountain resorts, on well-earned vacations, that they may have rest and recreation, but always within easy reach of their offices and in close touch with their duties, ready on the shortest notice to return; aye more, they are usually well prepared to keep close track of and to conduct the official business of their offices while on their vacations.

The Senator from Kansas has business to do, as all of us have as Senators, even when the Senate is not in session. He has complained about having to wait for an undue length of time for a letter for some constituent of his who wished to go abroad, and who wanted a letter of introduction to our foreign representatives. I suppose if the Senator from Kansas had been in California or Maine during the vacation of the Senate, lecturing for pay, it would have been difficult, if not impossible, for this anxious constituent to have reached him in order that the Senator might have made this important application to which he calls such particular attention. Mr. President, all of us here know that applications for letters of the kind referred to by the Senator are matters of routine departmental business, and that they can be and are just as well done when the Secretary is absent from his office as when he is present. Such a letter signed by one of the Assistant Secretaries is just as potent as if signed by the Secretary himself. This shows how puerile the criticisms of the Senator from Kansas are. While dilating on what the Secretary might do in matters of small detail I admonish the Senator not to forget that there is a multitude of things a Senator has to do and can do in vacation as well as during the sessions of the Senate, just as there is a multitude of things Cabinet officials might personally do if they were present instead of being away on a vacation or on official business. Mr. President, the Senator in making this childish criticism shows conclusively that he is just groping in a vain search for something on which to hedge a denunciation of an honorable public official.

Mr. President, the Senator from Kansas has himself done substantially the very thing he is now, in a narrow partisan spirit, which does him no credit, for the doing of which he attacks the Secretary of State. The honorable Senator and his partisan colleagues have long been in the habit of assailing with unwonted energy and bitterness the distinguished Secretary of State; and now the honorable Senator thinks he finds a new opportunity on this slight pretext, of which he seeks to take advantage, to make this attack.

The Senator from Kansas is playing his game on dangerous ground—in fact, a sort of quicksand as to him. The Senator from Kansas should remember that he has himself gone upon the lecture platform and received pay for speeches he made—receiving, no doubt, much less than his speeches were worth—while he was a Senator of the United States. But in this respect he is not exceptional, for other distinguished and able men, whose names add luster to our public life, members of both political parties, have done the same thing, and have done so for years and years in the past.

While sitting here at my desk I have made a list of some able Republicans who have engaged in this business of lecturing for pay. I give you a brief list of eminent Republicans who have done this character of work, and I could also give you a list of eminent Democrats who have done the same thing. For the present, however, I confine myself to the Republicans, for Democrats are not complaining.

Of course, at the top of the list I place the Senator from Kansas. But the Senator from Iowa [Mr. CUMMINS] has also been one of the most eloquent and attractive lecturers on the public stage. I make no criticism of him; I congratulate him.

The Senator from Wisconsin [Mr. LA FOLLETTE] has gone over the country from one ocean to the other during recent years delivering lectures, and has exercised a tremendous influence on public opinion.

Mr. KENYON. Does not the Senator from Missouri believe that the work of the Senator from Wisconsin on the Chautauqua platform has been of more good than anything he could have done in this body?

Mr. STONE. I would not like to say that. I think the work of the Senator from Wisconsin has been of great potentiality both in this body and out of it.

Mr. KENYON. I did not mean to say that his work was not of great value in this body, but the Senator from Wisconsin has been the forerunner in this country of the great movement for popular government, and he has done it on the Chautauqua platform. He had audiences there that he could not get in any other place.

Mr. STONE. I think that is true.

Mr. KENYON. And Mr. Bryan likewise.

Mr. STONE. I think that is true. But I do not care to be diverted into a discussion of this phase of the subject.

Mr. KENYON. The Senator said that this is a partisan attack. I think it is not a partisan attack. There are many on this side who——

Mr. STONE. Judging by the vote here this afternoon, it would seem that the Republican side of the Chamber had lined up with the Senator from Kansas to make this a partisan question. We regret that, but we stand ready to meet it.

All of us remember Senator Dolliver, dear to our hearts and memory, a magnificent man, a great Senator, the immediate predecessor, I think, of the Senator who just interrupted me. I am glad that Dolliver has been so well succeeded. Senator Dolliver delivered hundreds of Chautauqua lectures throughout the country, not only during the vacations of Congress, but also while Congress was in session. I never heard any criticism of him, and far be it from me to criticize him. I merely refer to the matter by way of giving answer to the unwarranted assault upon the Secretary of State by the Senator from Kansas.

The able and eloquent Senator from Idaho [Mr. BORAH] is accredited with delighting and instructing audiences on the Chautauqua platform.

Mr. BORAH. Does the Senator from Missouri refer to the senior Senator from Idaho?

Mr. STONE. I had reference to the Senator.

Mr. BORAH. I desire to say to the Senator from Missouri that I never delivered a Chautauqua address in my life. I have never at any time before or since entering public life delivered a speech under the employ of a Chautauqua bureau. I am not criticizing those who do or eulogizing those who do not. I am simply stating a fact.

Mr. STONE. Then I withdraw all I have said as to the Senator from Idaho.

Mr. WILLIAMS. The soft impeachment.

Mr. STONE. I withdraw the "soft impeachment," as my friend from Mississippi says.

Mr. BACON. The Senator will permit the compliment to stand, however.

Mr. STONE. Yes; the compliment stands; but I venture another assertion on perhaps less information, for I have not any information about it, that the Senator from Idaho has been often solicited to speak on the Chautauqua platform; and I say this because a man of his fine ability and superior eloquence could not well have escaped such importunity.

Mr. President, among those in this very limited and imperfect list I have is the name of former Senator Beveridge, of Indiana, a progressive of progressives, a leader of the most advanced thought of this day and generation.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. STONE. Certainly.

Mr. CLAPP. Of course, I am only speaking by hearsay, but Senator Beveridge has often told me that he never lectured for compensation. It is not that I am attempting to excuse a man who does that, but simply in justice to a Senator who is no longer here. He has often made that statement to me.

Mr. STONE. In what I said I never dreamed that I was doing Senator Beveridge an injustice.

Mr. CLAPP. No; but the Senator was implying that he had lectured for pay.

Mr. STONE. I did assume, if the Senator please, that when Senator Beveridge had gone over the country to address great assemblages, at Chautauquas and elsewhere, he went under the terms and conditions ordinarily obtaining in such cases.

Mr. CLAPP. What I am saying is not in any sense intended as a criticism of those who do it; but it is a singular fact, I think, in connection with Senator Beveridge's career that, while he writes, he never lectures for pay. At least, he has often told me that he never lectured for pay.

Mr. STONE. Of course I know nothing of that.

But now as to writing, it seems to be admitted that Senator Beveridge at least wrote articles for newspapers and magazines for which he received pay, and that work required investigation and time, time which I suppose the Senator from Kansas thinks Senator Beveridge should have been devoting assiduously and exclusively to his public duties.

By the way, it has just been whispered to me that even the Senator from Kansas, who is so uncompromisingly opposed to a public servant devoting any of his time to other than his public duties, has himself done some writing for magazines or newspapers in the way of reporting the proceedings of the last Republican and Democratic national conventions for pay. I will ask the Senator if that is true?

Mr. BRISTOW. Since the Senator addresses the inquiry, I will say that I have upon different occasions written articles for which I have received compensation, and I had the pleasure of writing a number of articles in regard to the Baltimore convention for which I received compensation.

I desire to say further that I offer no criticism on a man following the lecture business. It is an honorable occupation. I offer no criticism on a Senator or anyone else delivering lectures before colleges or Chautauquas or writing magazine articles presenting his views, or even writing occasionally for newspapers, provided that he does not sacrifice the public business in so doing.

Mr. STONE. Let me ask my distinguished friend this question: Did he attend the Baltimore convention of last year?

Mr. BRISTOW. I did.

Mr. STONE. Did the Senator undertake to report for some newspaper or magazine the proceedings of that convention?

Mr. BRISTOW. No.

Mr. STONE. Or to write his impressions of it?

Mr. BRISTOW. I wrote my impressions of the convention.

Mr. STONE. I call the attention of the Senator to the fact that at that time the Senate of the United States was in session, and will ask if he did not desert his post here and go to Baltimore to write articles for pay. [Laughter in the galleries.]

Mr. BRISTOW. I call the attention——

The VICE PRESIDENT. The Sergeant at Arms has now been given two notices, and there will not be another one from the presiding officer to the Sergeant at Arms about the conduct of the occupants of the galleries.

Mr. BRISTOW. I call the attention of the Senator from Missouri to the fact that the Senate was not in session during that period.

Mr. JAMES. I desire to say, Mr. President, that the Senate was in session during the Baltimore convention. The Senator from Kansas is entirely mistaken in saying that the Senate was not in session during that convention.

Mr. BRISTOW. The Senator from Kentucky should be more frank. If the defense of the Secretary of State depends upon such flimsy argument as that presented now by the Senator from Kentucky, it will have very little effect upon the public mind. If the Senator from Kentucky is informed, he knows that the Congress of the United States took a recess pending the two conventions and was not in session.

Mr. JAMES. I do not hardly believe that it lies in the mouth——

Mr. BRISTOW. There was an agreement that no business should be done. Two or three Members may have sat here to comply with the Constitution, but the Senate was not in session, and the Senator from Kentucky knows it.

Mr. JAMES. I do not believe it lies in the mouth of the Senator from Kansas, who has introduced the most buncombe of all buncombe resolutions I have ever heard of being introduced in this Chamber, to charge the Senator from Kentucky with using a flimsy argument when he merely presents the fact, which is that the Senate was in session; and perhaps there would have been enough Senators present to do business if all of them had not been away, as the Senator from Kansas was.

Mr. SMOOT. In justice to the Senator from Kansas I wish to state that I remember there was a virtual agreement among Senators that no business should be done during the time of the Republican convention at Chicago and the Democratic convention at Baltimore.

Mr. BRISTOW. Of course, as every Senator knows, that is the fact. There was a unanimous-consent agreement that no business should be done. The Senate was in recess.

Mr. STONE. I was personally so much occupied with the business of the Baltimore convention that I confess I was not only not in the Senate at that time but I do not know even what was done in the Senate; but the Senate could not have adjourned more than three days at a time, and the Baltimore convention lasted a week or more. In the interval there must have been one or two sessions of the Senate.

I should like to ask if the Senator from Kansas consented that the Senate of the United States might abandon its functions for days and days that he might attend a Democratic national convention and have an opportunity to write articles about it, for which he was to receive a liberal compensation? If he objected, let us have the page of the RECORD.

Mr. BRISTOW. Being a Member of the Senate and there having been unanimous consent, with almost every Member of the Senate consenting, that the Congress should stand in recess, I should think I was a party to the agreement with the Senator from Missouri.

Mr. STONE. Yes; the Senator was here. I was not here, and I have no apology to make for it.

Mr. BRISTOW. I have none either.

Mr. STONE. In view of the resolution and speech of the Senator, I think it is high time he should apologize.

Proceeding, I next recall that a Republican Secretary of the Treasury, Mr. Shaw—another Iowa man—went all over the country delivering speeches, whether for pay I am not prepared to say.

Mr. SMOOT. Not on the Chautauqua.

Mr. STONE. The Senator says he was not on the Chautauqua, but this——

Mr. WILLIAMS. It was oratorical.

Mr. STONE. Yes; an oratorical mission. These rounders-up and stem-winders usually get pay for making speeches whether they are on the Chautauqua or not. I do not know whether Mr. Shaw was paid, but I know while Secretary he went all over the country and made speeches, elaborating his views on financial affairs and on fiscal systems. I did not hear any criticism of that, although he was a member of the Cabinet and in a position fully as important as that of the Secretary of State.

Again, Mr. President, Members of the House have done the same thing. I recall to the attention of Senators one very distinguished Member of the House among many I might recall, Gen. Grosvenor, of Ohio, a very able man, a very distinguished man, who spent a great deal of his time in lecturing over the country.

Mr. GALLINGER. I believe it is an historical fact that Gen. Grosvenor collaborated with a gentleman by the name of CHAMP CLARK, of Missouri?

Mr. STONE. He did.

Mr. GALLINGER. They went together.

Mr. STONE. They went together, and Speaker CLARK and Senator Dolliver went together and "collaborated," as the Senator says. Certainly that was done. Who objected? I am not saying that Democrats have not done as Republicans did. Many Democrats have been on the lecture platform, probably more Democrats than Republicans, and this for reasons I fear I could not state without offense to some of my friends. There was a greater demand for them.

I see that my good friend the Senator from New York [Mr. ROOT] is absent. He stayed here a moment to refute some observations of the Senator from Illinois with reference to former Secretary Knox and then disappeared.

It is said that Mr. Bryan has been absent a great deal from his office. I have seen criticisms of him in the opposition press about the number of days he has been away from his office. A day or two ago I read a statement of his absences, among others that he had been quite a long time in California about the Japanese trouble out there, and it counted up something like two weeks that he lost from his office.

And then they told about him going down the Chesapeake Bay to meet Dr. Müller, the special ambassador sent here from

Brazil to return the visit made to that country by Secretary Root. He went down as the head of the State Department to welcome this special ambassador of a great neighboring state, and he is criticized for doing that. What would you say if he had not done it?

Secretary Root made a trip, and he did right in making it, on an American war vessel, to Central and South America. He visited those countries. He came in contact with the governmental representatives of those people, talked with them, and I am sure accomplished a good work; but he was absent from his office for many weeks.

Secretary Knox made a trip to Central America also, taking him from his office for a long time. In addition to that, he was commissioned by President Taft to go on a special mission to Japan. He boarded a war vessel in the harbor of San Francisco and was conveyed with due dignity as our special ambassador to Tokyo, the capital of Japan. His high mission was to deliver personally the condolences of our Government to the new Mikado, because of the death of his father, and to express to His Majesty the deep grief of the American people over the loss sustained by the Empire, and at the same time to give renewed assurances of our high esteem, and so forth. He was gone on this important diplomatic mission—a grave and most delicate diplomatic mission—for more than a month. I have never heard any criticism of that. I have never criticized it; I do not criticize it now. I do not know what the Senator from Kansas thinks about it. His voice even unto this day has been silent.

Now, Mr. President, dealing in common honesty with each other, am I not justified in saying that all this outburst is the merest partisan tommyrot injected here for purely partisan purposes, and in no sense worthy of a dignified consideration before this body? The motion to lay it on the table was agreed to, as it should have been; yet the Senator from Kansas has insisted upon speaking on another and wholly irrelevant resolution that he might give voice to his partisan spleen and exploit a bad spirit of partisan vindictiveness. I do not know how many of his compatriots on the other side are in sympathy with him or will join in supporting his most unhappy contention.

That is all I care to say.

Mr. TOWNSEND. Mr. President, I regret the circumstances which impel me to raise my voice in criticism of any officer of this Government. To my mind it is of vital importance that the people have confidence in their public servants, for lack of such confidence is, in effect, lack of confidence in government itself. I have felt, however, that the events upon which I am about to comment are of such a nature as to result in the establishment of bad precedents unless public protest is uttered.

I allude, Mr. President, to the publicly announced intention of the present distinguished Secretary of State to engage his time and energies and talents not only for his own pecuniary profit but for the profit of private individuals or organizations and at the expense of large numbers of American citizens who are to be charged a fee for the privilege of listening to an address by one to whom the people as a whole are paying a salary by no means small. I deem it the more important that notice be taken here of the adoption of this policy because of the public career of the man who is sponsor for it.

For more than 15 years Mr. Bryan has posed as a public censor of men and measures. He has preached the duties of citizenship and assumed to establish standards of public service. His public acts, therefore, more than those of any other man except the President, are of influence in the fixing of standards of public service and public policy. If the American people remain silent at this time, and by their silence give their inferential approval or assent to the policy Mr. Bryan has announced, that attitude of an official toward his duties must be assumed to be a permanent feature of our governmental institutions.

For my part I feel impelled to voice a protest. I am no respecter of persons. I see no reason why the head of a department should be permitted to make private gain by methods that are forbidden to his subordinates. I see nothing in his announced policy that is not equally available to any man or woman in the Government employ, and certainly no one will question the assertion that the general application of that policy would mean the absolute ruin of public service.

It has been ordered by another member of the Cabinet that postmasters shall not engage in any other business than that relating to their offices as postmasters. The same rule is applied to other subordinate Federal officeholders. Why this discrimination in favor of a high-salaried officer against the low-salaried one?

Mr. Bryan says he is selling his time, energies, and talents to private individuals or organizations because his official salary is not enough for him to live upon. He is receiving $12,000 a year. In the Government service there are thousands of employees who receive less than one-tenth of that sum, and who, in these days of high cost of living, find it difficult to live within their income. Not one of these thousands, however, is permitted to abandon his post of duty and sell his time and energies and talents to others for the reason that Mr. Bryan has given for his action. If Mr. Bryan's example shall be followed by public employees generally, who can see the extent of injury to the public service?

If it be said in further defense of Mr. Bryan that the work of his office proceeds just the same in his absence, let answer be given to the question why the same defense can not be made by each and every chief of a division or head of a bureau who can find opportunity to resell a portion of the time he has already sold to the Government.

It is true that the clerks, division chiefs, and bureau heads accepted their positions knowing what their salaries were and the time required of them; if they did not deem the salaries sufficient, they were not required to enter the Government employ; but I fail to see wherein this obvious truth applies to a $1,200 man with more force than to a $12,000 man. If we are to adopt the policy of placing the dollar above public duty, then the door of opportunity should not be opened to one citizen and closed to another. If there is to be discrimination, it should be in favor of the poorly paid man, but I can see no reason why a distinction should be made.

At a time when most unusual foreign complications confront us, when the perplexing Japanese question is up, when our relations with the disturbed Republic to the South of us are most grave and fraught with mighty responsibilities, when treaties affecting our relations with various nations of Europe are pending and awaiting the action of this Nation, when the question of Panama Canal tolls is pressing hard upon us, when the alleged claims of Colombia are being urged, when the Congress is dealing with the tariff containing provisions which may affect our diplomatic relations with other countries, indeed, at this time, above all other times, the statement of Mr. Bryan that he proposed to desert his office for the purpose of personal financial gain comes as a shock to all thoughtful people. This action is even more inexcusable when it is known that the Secretary has been in office but a few months and from the nature of things he can not have become familiar with all of the responsibilities of his great position. The Secretary of State is regarded as the most important executive officer of the Government below the President. He is premier of the Cabinet. He should be the first example of faithful, intelligent devotion to duty.

I know of nothing more unfortunate to the cause of public virtue and singleness of purpose for high ideals than this expressed determination of Mr. Bryan, upheld by the reasons which he gives. When he entered into the implied contract with the Government to serve as Secretary of State he knew what the salary of that position was. He had for years proclaimed the doctrine of the simple life of pure democracy. He knew that $1,000 per month was the compensation he would receive from the Government. To a majority of people in public and private life that compensation seems most adequate, and yet now he declares to the country that it is insufficient to meet his expenses as Secretary of State. His salary is the same as that received by other Cabinet officers, and no one of them has complained that it is inadequate. How now are the virtues of economy and simplicity to be impressed upon the people when their great advocate states that it is necessary for him to capitalize for financial gain his great ability as a Chautauqua lecturer because he can not support himself and family upon $12,000 a year? If he had resigned as Secretary, giving as his reason the one he did give, viz, that he could not live on his salary and by inference that he owed a higher duty to his desire for wealth than he did to public service, there would have been less reason for public complaint, but to hold his office and draw the full salary for only a part of the time he renders service, the balance of his time having been sold to individuals, is, in my judgment, improper and inexcusable.

I hold, Mr. President, that the public official must perform the full duties of his office to the best of his ability (and undivided service is of the very essence of his contract) and the higher the position the more imperative becomes that demand.

Mr. Bryan was one of the highest-priced lecturers in the country before he became Secretary of State. His superior ability as an orator plus the notoriety he secured as a several-times candidate for President gave him great drawing powers as lecturer at Chautauquas, and he had a right to improve the opportunities thus opened to him, but no man has a right to exploit the public office which he is holding for private financial gain,

especially not when such exploitation must of necessity interfere with the performance of the duties which he voluntarily assumes.

And so, Mr. President, it seems to me that aside from the technical and legal question of the right of a public servant to sell his services twice, the public announcement by Mr. Bryan that a man of his well-advertised democratic tastes can not live upon an income of $12,000 a year presents a moral question for the consideration of the American people. The question is simply this: Whether, under such circumstances, it is the duty of the citizen and the public servant to modify his style of living to bring it within his legitimate income or whether it is his privilege to resell his services in order to cover the cost of the style of living he has adopted.

Mr. President, I am sorry that an occasion has arisen which, from my viewpoint of public service, compels me to voice my protest, although my action may be misconstrued as an attack upon a coordinate branch of the Government. The President is responsible for the public service of the members of his Cabinet, and, to my mind, Mr. Bryan's action, whether with the President's consent or assent, must be considered as an approved policy unless publicly renounced.

Whatever I have had to say regarding the matter is not based upon innuendo nor presented in the form of generalities, but it is a criticism of a concrete example, which, unrebuked, might be assumed to be inferentially approved, and which, if generally followed, would certainly be greatly detrimental to good government by placing individual selfish interest above the general welfare.

Mr. LEWIS. Mr. President——

Mr. SHAFROTH rose.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. LEWIS. Mr. President, I had sincerely hoped that there would arise no occasion for any Senator on this side of the Chamber [Democratic side] to treat with dignity, much less responsibility, the resolution presented by the distinguished Senator from Kansas [Mr. BRISTOW], which, though laid on the table, is discussed through the privileges available under our rules. The Latins have an expression reading "Parturiunt montes; nascetur ridiculus mus," or, liberally translated, "the mountains labored and brought forth a mouse." I would not have my observation construed that these mountains which have thundered and parted have only brought forth mice. I recognize the leonine strength of these lions of debate and their assumption that legislative veracity and political integrity only abound on the other side of the Chamber; but I am instantly attracted by the evidence of the constant absence of any effort on the part of those distinguished gentlemen to have urged their exalted standards at the time when they could have been applied appropriately to those of their own party affiliations.

I am particularly attracted to my distinguished, able, and learned friend from Michigan, Senator TOWNSEND, who has addressed himself to a splendidly prepared oration, reading it with deliberation. It was accurate in construction, attractive in diction, perfectly poised, and eloquently phrased. For that the commendation of a fellow Senator and a friend goes ungrudgingly to the Senator, but as to its propriety, its statesmanship, or weight I reserve the right to pass judgment and now to express it. May I not inquire when have these distinguished gentlemen—the honorable Senators on the other side of the Chamber—been so suddenly inoculated with this great danger to the institutions of the Republic from the fact that now and then some official takes an excursion into some literary undertaking before the public? Or presents some public policy or proposed legislation in which the public have great interest and ought to be instructed from every source? Did the distinguished Senator from Michigan during his renowned service in this Chamber or when a Member of the House find it agreeable to voice these expressions of hostility to vacations when the President of the United States, a Republican, made it convenient to circumnavigate this country in a private car—coupled with other conveyances—for political purposes, and charged the expenses to taxpayers of the Republic? This while he was drawing the munificent salary of $75,000 a year and surely able to pay his expenses. I ask my friend from Michigan why should there be a rule, to quote and paraphrase his expression, for the high official different from that for the lowly? Why should the humble voter from Michigan working here in Washington be compelled to return to Michigan—as he was—to vote for Representative TOWNSEND in his contest for Senator and to pay his expenses for transportation, while the President of the United States, the highest official of the same party, can make his political expenses payable out of the Public Treasury?

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. LEWIS. I yield to my friend, anticipating a query that I trust may be pertinent at this moment.

Mr. TOWNSEND. I desire to say, in answer to the Senator, that I never did approve of the policy of the President in going out in the campaign. I think it was not only unwise but fateful. The Senator from Illinois should remember, however, that the Congress of the United States took deliberate action and expressed not only impliedly but directly its desire to have the President travel over the country, and appropriated $25,000 in express language for the purpose of having him go out to the people, believing that it was a good thing for them to meet their President. So Congress itself provided that the President should travel at the expense of an appropriation which it had allowed.

Mr. LEWIS. Does the Senator from Michigan say, upon the responsibility of his station, that the Congress of the United States passed a measure allowing President Taft to go to Massachusetts and Ohio and other States to make his political campaign at the expense of the taxpayers, and that he as a Senator or Representative voted for such a measure of imposition upon his countrymen?

Mr. TOWNSEND. I am not saying that Congress made any such express allowance, but they made no restriction. They simply allowed the President so much money for traveling expenses.

Mr. LEWIS. Then I ask, did the Senator from Michigan apply his present morals of condemnation to the President when he was apparently and publicly expending that sum in his political campaign, using the fund to the extent that even his cook and his bath attendant were likewise paid from the funds of the Federal Government?

Mr. TOWNSEND. I will say, in answer to the Senator, that I do not know for what the President expended this money. I am not able to say whether he used any portion of the money for doing that or not. I am satisfied that the President of the United States—and I am not making any excuses for some of the trips which he made—I am positive that the President never proposed to leave his office for six weeks in charge of somebody else with the idea of going out and receiving compensation because he could not live on $50,000 a year.

Mr. LEWIS. I will ask the distinguished Senator if while he has been a Member of Congress—and distinguished he was as such—and drawing his salary, did he not practice his profession of the law—legitimately, and draw compensation from clients?

Mr. TOWNSEND. I did not.

Mr. LEWIS. What was the reason your clients lost such confidence in you during that time? [Laughter.]

Mr. TOWNSEND. I desire to state—perhaps I ought to modify that—when I was elected to Congress I had a number of lawsuits pending. Those that I could turn over—and most of them were transferred, because they could be turned over to better hands—were transferred. There were, however, a few which were not turned over, to which I attended, not when Congress was in session, but the courts kindly postponed them until Congress adjourned, and I then went home and tried them. I have not taken any cases since the end of my first term in the House.

Mr. LEWIS. Then, I will ask the Senator, during the time which he calls "vacation," was he not both drawing his salary from the Government and likewise charging legitimate or proper compensation to his clients for his valuable services?

Mr. TOWNSEND. I was.

Mr. LEWIS. Of course. There is such a difference when it is a Democrat. [Laughter.] So legitimate for a Republican Senator—so criminal when done by a Democratic Secretary of State.

Now, Mr. President, we are particularly interested, and, I am sure, to a degree amused by this illuminating spectacle of virtue on the part of our distinguished friends—for all of whom we entertain deep affection; but where was this voice of protest that has been calcium lighted upon this particular stage when a high official of the Post Office Department deliberately deserted his official duties and turned himself into a political machinist to nominate a distinguished friend—Secretary of War Taft—for political office, abandoning all his duties and under circumstances publicly shaming this country? Where was the protest when an officer of the Army, Maj. Ray, was deliberately ordered to abandon a purely nonpartisan employment, that should have been fraught only with unquestioned patriotism and nonpartyism, and turn himself to the partisan employment by being a special political emissary located in the city of Chicago

for the Middle West to secure converts for a political aspirant for the Presidency? Now, before the eyes of the country this officer seeks reward of promotion for that questionable service. Did then from my distinguished friend from Michigan arise a protest, or any from the honorable Senator from Kansas?

The records are waiting for them to speak and are heavy with silence. Will they contend to the contrary? Is it because the gentleman against whom they now inveigh is a Democrat, an officer of the Wilson administration, and opposed to their political predilections that a lawmaker would engage himself in this undertaking of discrimination? Mr. President, it is not through patriotism that these distinguished Senators protest, but out of a narrow, small partyism; and it is apparent that it does not do credit to their intelligence, while it renders the dignity of their splendid position contemptible.

What is the claim the distinguished Senator from Michigan makes? Not, sir, that anything has happened to the hurt of public service; not, sir, that any wrong has been inflicted upon the Republic; not, sir, that any public duty has been neglected by the Secretary of State; nor, sir, that any particular omission in any form of performance can be sustained. No. Yet he prepares a lecture upon good behavior of Democratic officials, and in the agony of anticipation that permeates his throbbing body screams his quivering fear that the precedent might lead to others doing the things which he contends the Secretary of State threatens—to the great undoing of the Nation.

What is that threat? It is that he, the Secretary of State, will in the time of vacation go to the country and deliver addresses upon subjects of public importance. From this avowal it is claimed by the Senator from Michigan that the Secretary is to receive some form of remuneration; but in the meantime does the Senator from Michigan, from his very high and exalted station, upon his unimpeached honor, intimate to the Republic that this official is neglecting any duty; that he is not keeping in touch with his department; that he is not to be ever present at any hour that his presence is required, as much so as if the Senator returned to his home in splendid Michigan on private business subject to the call of the Senate in the performance of his official duties in this Chamber? Where is the difference?

Why all this cant? Why all this ridiculous performance? Now, Mr. President, let us be frank. There may be, on the part of some gentlemen with tender sensibilities lately aroused and newly announced, some objection to an important official adding to his income by a form of undertaking such as assumed by the distinguished Secretary of State, and who, without blush and without disguise, frankly concedes such as his object. The distinguished Senator from Kansas and likewise the Senator from Michigan delight to indulge in the retrospection that such practice has not been in the character and life of those named in the resolution of the Senator from Kansas (commented upon by the distinguished Senator from Missouri [Mr. STONE] in his able utterance). Sir, the hour has struck when common, plain truth in this elevated station is to be approved.

It may be admitted that a form of obnoxious and objectionable poverty afflicts many Members of the heretofore minority—the Democracy—fighting and struggling in behalf of the masses of America day by day and disdaining a form of employment that corrupted the souls and defiled the bodies of honorable men. They would not accept tendered opportunity of compensation of a nature and quantity that would enable them to hold with ease office in the great Capital City. They have not been, as other officials of another party, favored with the gift of splendid homes adorned with silken tapestries brought from the Orient, floored with burnished carpetings from Syria, walls refined with furnishings in Carrara marble, gilded and inlaid with onyx and precious stones, favors from certain admirers who could make the presentations to which I have alluded and which incidents are now familiar to the minds of the listening Senators. Our Democrats probably were compelled to resort to the honorable method of working for a living, and this by visible means of support. Ah, different, indeed, from that other era just passing, when commonly, notoriously, when obnoxious to decency, contemptuous of citizenship, certain officials under another political régime did not hesitate to use their office for the recoupment of their coffers by open speculation in the stock market, and basing these upon the tariff bills of the Government while they made profitable the gambling practices upon the legislative undertakings of the Government, by shaping their own official course along the line of recommendation of public measures on the one hand or the support of them on the other as would enrich their private fortunes and give to them the luxuries of coarse vulgarities. Sir, the true Democrat who, never having engaged in such undertakings, could never hope for the profit from such nor sought he to avoid labor to make good his needs caused by his honorable avoidance of such detestable business.

Oh, there is a difference, there is a change. We delight to know that patriotic men on both sides of the Chamber dream that the difference now intrenched shall always exist. Mr. President, when the hour really comes for examination by the American public as to what all this false tempest is about, they will waste no time in a petty analysis of these reverberating anathemas of the gentlemen who, spending days and nights devising sentences and meaningless utterances that are "sound and fury," hoping that the geniuses who preside over the press gallery may advertise them to their constituents as worthy of notice and possible of praise—fatuous allurement—no; the people are just.

When all of these pretenders have been excluded by the sincere, abandoned by the prudent, smiled at by the dignified and thoughtful; there will arise the query from the great heart of America, which knows this Bryan, asking, What wrong has this man, the Secretary of State, committed? What duty has he violated? What obligation has he avoided? What offense has he committed that distinguished Senators, under their solemn oaths to maintain the dignity of a great and exalted assemblage of their country, should be content to drag it along the lower plane to insignificance and contempt, while they humiliate an exalted officer, a Christian gentleman, merely to gratify some spleen of party on the one hand or to obtain political publicity to themselves on the other?

For myself I trust that no such scene may be duplicated in the time that I am permitted to honor myself by association with these distinguished gentlemen, and if it should arise again to their thoughts to repeat the comedy let them reflect that there is a sentiment of honor in their States and a manhood of citizenship in their homes. That from these already, in humiliation, breaks a protest, voicing of each of them the condemning execration—

> I had rather be a dog, and bay the moon,
> Than such a Roman.

Mr. SHAFROTH. Mr. President, in view of the fact that there has been such a heated discussion over this question, in which personalities have been hurled from one side to the other of this Chamber, it might be well for us now to look at what the resolution introduced by the Senator from Kansas is and what its purpose and motive were. When we consider this resolution and read the clause contained in it with relation to Mr. Bryan we find that this is the language used:

> Whereas the "Great Commoner" now holding that high office, Hon. W. J. Bryan, has stated in the public press that the salary of $1,000 per month is not sufficient to enable him to live with comfort, and that because of the meagerness of the salary of $12,000 per annum he is compelled to neglect the duties of his office and go upon the lecture platform in order to earn a living.
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> * * * * * * *
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> *Resolved*, That the President be requested, if not incompatible with the public interests, to advise the Senate what would be a proper salary to enable the present Secretary of State to live with comfort and to enable him to give his time to the discharge of his public duties, for which he is now being paid the sum of $1,000 per month.

In that language the position of Mr. Bryan is not only exaggerated but misrepresented. Since there has been a statement made by Mr. Bryan that he is not in favor of an increase of salary for any of the Cabinet officers, the object of the resolution has been met, and the Senator from Kansas should withdraw it instead of discussing the subject.

Last night Mr. Bryan delivered a lecture at Mountain Lake Park, Md., a few miles from Washington, and in the course of the discussion, as reported by the Washington Post of this morning, he made an explanation contained in the following report of the meeting:

> Subsequent to his lecture, however, when asked if $12,000 was not sufficient to maintain him and his family, would he advocate an increase, Mr. Bryan replied that he would not. The salary, he said, was sufficient to meet all expenses when these are confined to the home and official life. This, however, was not true in his case, for the reason that there were certain fixed charges that must be met.
>
> "These charges," he said, "with my living expenses and expenses incident to my position, exceed my salary." He added that the public would not suffer by his absence from Washington.

Mr. President, in all fairness the governmental question that would naturally be presented by this resolution is as to the policy of the Government concerning the salaries of Cabinet officers. When that is settled and determined by the man whom this resolution seeks to attack, it seems to me that it ought to close the discussion upon the subject; but we find contained in this resolution quotations that were never uttered by Mr. Bryan. For example, I quote the following:

> Whereas the "Great Commoner" now holding that high office, Hon. W. J. Bryan, has stated in the public press that the salary of $1,000 per month is not sufficient to enable him to live with comfort.

That declaration is absolutely negatived and denied in the statement which Mr. Bryan made. Before the Senator from Kansas introduced his resolution, in a conversation which I had with Mr. Bryan he stated to me that he was absolutely opposed to an increase in the salary of Cabinet officers. It seems to me, then, that this resolution is aiming at an object that is not a proper senatorial inquiry, whether the Government should pay its officers better salaries or not, but goes beyond that and criticizes unjustly and improperly a member of the Cabinet.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I do.

Mr. GALLINGER. I have no intention of participating in this debate, but I have been listening to it with great care. I observe that in the speech made last evening by the distinguished Secretary of State he alludes to certain "fixed charges." In business matters we know what that means. Will the Senator, if he has the information, advise the Senate as to precisely what the term "fixed charges" in connection with a public official mean?

Mr. SHAFROTH. Oh, I do not know. I have never talked with Mr. Bryan relative to that; but nearly every public official has some expenditures which he is compelled to make every year which probably can not be counted as part of his household or official expenses. Why, in this very interview some one asked him about his farm near Lincoln, Nebr., and in reply thereto he said it was a liability instead of an asset. I have not any doubt that item constitutes part of the fixed liability which he feels under obligation to meet. He farms there, I presume, by hiring labor; and every man who ever attempts to do that finds there is no profit, but usually a liability, in such an undertaking.

But I want to go further with relation to this unfair recital. The resolution proceeds:

> And that because of the meagerness of the salary of $12,000 per annum he is compelled to neglect the duties of his office.

Where is there any statement of his that he is going to neglect the duties of his office? Who has any right to assume that he is going to neglect his duties.

Everybody who is well acquainted with Mr. Bryan knows that he is one of the hardest-working men that ever lived, not merely during the paltry hours that he is compelled to spend in the office of the Secretary of State, but during the time after office hours and into the late hours of the night.

Where is there any statement of his, or any implication which can be drawn from Mr. Bryan's interview, that he is going to neglect his official duties? He has stated in this very interview that he expects to cancel whatever lecture engagements he may have if he finds that his presence is needed at the State Department. At all times he would be in telegraphic and telephonic connection with his office.

Senators are endeavoring to make it appear that the State Department is now handling a great crisis. I do not see that the present conditions are different from those that usually exist.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I do.

Mr. NORRIS. The Senator says Mr. Bryan is opposed to any increase of salary?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. I presume the Senator also takes as true Mr. Bryan's other statement, that the salary of the office is not sufficient for him to live on and pay the fixed charges, whatever those may be?

Mr. SHAFROTH. Yes; I suppose so.

Mr. NORRIS. Then does it not follow that men who are very wealthy, or who, like Mr. Bryan, can make something outside of the office, are the only ones who can be appointed to the office of Secretary of State?

Mr. SHAFROTH. Oh, not necessarily; no.

Mr. NORRIS. If those fixed charges are necessary, how could a man who did not have the eloquence or the ability of Mr. Bryan, or of men like him, or a man who had not sufficient wealth outside of his salary, afford to accept the place?

Mr. SHAFROTH. Mr. Bryan has always felt, no doubt, that he had a right to use in any manner he might wish the time which men ordinarily spend as their vacation.

Mr. NORRIS. I am not finding fault with that; but I call the Senator's attention to the fact that he has not yet answered my question. If it be true that the Secretary of State can not live and perform the duties of his office on a salary of $12,000, and that the salary should not be increased, does it not follow that only wealthy men can be appointed to the office, or men who can make some money outside of the salary of the office?

Mr. SHAFROTH. But Mr. Bryan has expressly stated that the compensation is amply sufficient to meet the ordinary expenses of living and the ordinary duties of his office, but that he himself——

Mr. NORRIS. What are the other charges?

Mr. SHAFROTH (continuing). That he himself has some fixed charges to pay; and that is a matter with himself, as to whether or not he would under those circumstances accept the office.

Mr. NORRIS. Do I understand, then, that the fixed charges of which the Senator is speaking are not charges pertaining to the office of Secretary of State, but something connected with Mr. Bryan's private affairs?

Mr. SHAFROTH. Oh, I suppose so.

Mr. NORRIS. I did not get that idea from what the Senator said.

Mr. SHAFROTH. Oh, yes; as I understand, they are connected with his own private affairs.

I am one who also believes that Cabinet officers, Senators, Representatives, and other officers of the Government are getting a fair compensation for their services. It may be that some are in the habit of making more money. I do not believe in great salaries. I do not believe men should get rich in public office out of the money which they get from the Government. I believe there should be some element of patriotism—some sacrifice, even, if necessary—in order that men should hold these high offices. For that reason it seems to me that our salary roll is sufficiently high, and should not be increased.

But Senators have said that if this rule prevails of a Cabinet officer going out and lecturing, it should also prevail as to subordinates; and it does. One month's annual leave is given to each of the employees in each of the departments of the Government. I apprehend that in that time if they want to lecture, or if they want to work on the farm, or if they want to do anything else, they have a perfect right to do it without criticism from anybody. So the privilege Mr. Bryan is exercising is not anything more than the privilege which is given to the very lowest of the Government employees.

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Colorado whether it is customary for these other employees to take their vacations at the end of the year or when they have been only three months in office?

Mr. SHAFROTH. I do not know about the time. I think those in authority generally accommodate employees to their convenience, and let them select the time whenever they wish.

Mr. LIPPITT. If the Senator is going to make a comparison, and to put the case under discussion on all fours with the illustration he makes, it really seems to me that at least the distinguished Secretary of State might have spent a few months in office without finding it necessary to go for a vacation.

Mr. SHAFROTH. Oh, well, the summer months are usually the months of vacation. Consequently I do not see that there is anything out of the ordinary in his choosing that time. In fact, there is usually less going on, and the presence of the head of the department is of less moment to the Government during the hot season.

Mr. LIPPITT. Certainly the Senator from Colorado does not mean to say that there is less than usual going on at this moment in the office of the Secretary of State. Unless all the signs of activity are false, I should suppose that at this very moment some of the most important questions that are apt to come before the department are on its files.

Mr. SHAFROTH. I do not know of anything except the Mexican matter that is being discussed to any extent. That is something which, in my judgment, should not be rushed, because of the fact that we know that the money brokers of Europe have been lending money to the Republic of Mexico, and now are exerting their influence upon the United States to induce it to recognize that Republic, not for any good to our Government, but in order that there may be more stability and more security to the loans which they have made to the Mexican Republic.

Mr. LIPPITT. It is reported that some foreign nations have made certain representations to this country on that subject. Of course, I am not informed upon that matter any further than I see in the public prints. But the statement and insinuation of the distinguished Senator would seem to imply that these foreign nations are being controlled in their action by foreign money lenders or somebody else. It seems to me that is going a long way beyond the facts in order to try to make it appear that this is a time when the Secretary of State can be most

particularly spared from his duties, whereas all the ordinary signs seem to show that it is a time when he should be particularly attentive to his duties.

Mr. SHAFROTH. I do not apprehend that there is anything of special moment pending. The policy which has been pursued up to this time, according to newspapers, has been that of nonrecognition of the Republic of Mexico. It has been announced, though I have no knowledge concerning the matter either from the Secretary of State or from anyone connected with the administration, that recognition of the Republic of Mexico will be made whenever there is an election in that country, and a duly elected and qualified president is chosen by the people. It seems to me that is a wise policy. The election does not occur until the 26th day of October. Consequently I can not see what rush there is in relation to the matter. This is the season when many of the foreign ambassadors are away from Washington and hence the most appropriate time for a vacation for the Secretary of State. But, anyway, whether it is or not, Mr. Bryan has announced that every single lecture engagement he may have will be canceled if his presence is necessary at the Capital. I have no doubt that he will keep in close touch with every movement that is made in the State Department.

It seems to me this is a tempest in a teapot. Hundreds of cases have existed where men in public office have left Washington during the vacation season for the purpose of lecturing and for the purpose of attending to some of their own private business. To single out for criticism one man because he has been our leader in three successive campaigns is unworthy of the Senator who introduced the resolution and unworthy of the consideration of the Senate.

The discussion has deviated from the resolution. The resolution was with respect to compensation to public officers; but instead of that the discussion has taken the turn as to whether any man should be permitted to earn a dollar aside from his salary while he is holding a public office. It seems to me that as Mr. Bryan has stated clearly that he does not want his salary increased that ought to foreclose discussion with relation to the resolution, and it should be withdrawn.

Mr. JAMES. Mr. President, I got into a colloquy a while ago with the Senator from Kansas [Mr. BRISTOW], in which I stated that the Senate was in session during the Baltimore convention which nominated Woodrow Wilson for President. The Senator from Kansas stated that that was a flimsy argument; that the Senator from Kentucky well knew that the Senate had an agreement that they were not to transact any business; that two or three only met and adjourned. He was particularly emphatic in his declaration. He had just before that stated that he was reporting the proceedings of that convention, or giving his observations of that convention, for some newspaper or magazine for money.

If I were as unkindly disposed to the Senator from Kansas as he has been to the Secretary of State, I might have applied a great many of these "whereases" to him, because the Senate of the United States was in session and did transact business. It did not, as the Senator from Kansas states, meet and adjourn. It transacted considerable business, and I intend to insert it in the RECORD.

On July 1, when that convention was in session, the Senate passed a bill appropriating $10,000,000 of the people's money. The Senate was in session to that extent.

Mr. BRISTOW. Mr. President, may I inquire of the Senator from Kentucky if that was not after the unanimous-consent agreement had expired?

Mr. JAMES. Ah! No matter when the unanimous-consent agreement expired; I know nothing of that. Senators who themselves are critical of other people can not excuse themselves to the people who send them here by saying that all the Senate agreed with them not to do work while they did other work at a national convention.

Mr. BRISTOW. The Senator from Kansas is not excusing himself for anything.

Mr. JAMES. I understand that.

Mr. BRISTOW. He takes the responsibility for everything that he has said and every act that he has done, and asks no excuse or apology from the Senator from Kentucky.

Mr. JAMES. The Senate met on Monday, July 1, 1912. This convention was then in session. The RECORD shows that the Senator from Minnesota [Mr. CLAPP], who had previously given notice that upon this day he would call up the Indian appropriation bill, rose and said:

> I move that the Senate proceed to the consideration of House bill 20728, being the Indian appropriation bill.
>
> The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which had been reported from the Committee on Indian Affairs with amendments.

Then follows the consideration of that bill, covering many pages of the RECORD.

Mr. BRISTOW. Mr. President——

Mr. JAMES. So, Mr. President, the Senator from Kansas was mistaken when he stated there was an agreement that the Senate was to meet and adjourn and that there were not enough Senators here to do business during the Baltimore convention. The RECORD shows that they did do business, and on one bill to the extent of ten or twelve millions of dollars.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Kansas?

Mr. JAMES. I yield to the Senator from Kansas.

Mr. BRISTOW. If the Senator from Kentucky were frank, he would state that that business was transacted after the unanimous-consent agreement had expired, when everybody supposed the Democratic convention would have adjourned; and the reason it had not adjourned was because it was prolonged beyond anyone's expectations.

Mr. JAMES. Let me ask the Senator whether he did not stay in the convention at Baltimore and report its proceedings during this time?

Mr. BRISTOW. I desire to say that I did not; that I returned when the Senate resumed its sessions, and wrote the article which was last printed from Washington.

Mr. JAMES. Was the Senator present in the Senate when this bill was under consideration?

Mr. BRISTOW. I was.

Mr. JAMES. Then why did the Senator state that when the convention was in session at Baltimore there were not enough Senators here to transact business?

Mr. BRISTOW. There were not until the unanimous-consent agreement had expired; and I want to repeat that if the Senator were frank he would admit that he seeks to impute a misstatement to me. But I am not on trial here, and if I were I would not be tried by the Senator from Kentucky.

Mr. JAMES. Oh, I am not seeking to put the Senator upon trial. I am seeking to sustain the statement I made.

Mr. BRISTOW. I am correct in the statement I made, and I repeat it now.

Mr. BRISTOW subsequently said: I should like to have incorporated in my remarks in the colloquy I had with the Senator from Kentucky [Mr. JAMES] the following order of the Senate. I should like to read it and have it made a part of the RECORD.

Mr. SMOOT. And the date of it, please.

Mr. BRISTOW. June 12, 1912.

UNANIMOUS-CONSENT AGREEMENT.

Mr. LODGE. I call up the unanimous-consent agreement which I offered last evening. I have changed it so as to make it more explicit.

The VICE PRESIDENT. The Senator from Massachusetts asks that the following unanimous-consent agreement be entered into.

The Secretary read as follows:

"It is agreed by unanimous consent that on Monday, June 17, 1912, immediately upon the conclusion of the routine morning business, the Senate will adjourn to Thursday, June 20, 1912; that upon the last-named day, immediately upon the conclusion of the routine morning business, the Senate will adjourn to Monday, June 24, 1912; that upon the last-named day, and immediately upon the conclusion of the routine morning business, the Senate will adjourn to Thursday, June 27, 1912; that upon the last-named day, and immediately upon the conclusion of the routine morning business, the Senate will adjourn to Monday, July 1, 1912; and that during the period from June 17 to July 1, 1912, no business, other than routine morning business, will be transacted, and that no bills shall be passed."

It is on page 7981 of the RECORD, volume 48.

Mr. JAMES. The Senator is no more correct in that statement than in the other one, because the Senate on Thursday, June 27, did transact business. Motions were made, petitions were presented, messages from the President were presented to the Senate, and bills were passed. If that does not constitute a session of the Senate, what does constitute it?

Mr. BRISTOW. Will the Senator please state what bills were passed?

Mr. JAMES. I have not had time to look over the particular bills. There are many pages of the RECORD here. I will put into the RECORD the whole proceedings, so that there may be no dispute about it. It shall all be before the Senate. But, Mr. President, this only goes to show that those who live in glass houses should not throw stones. [Laughter in the galleries.] So far as I am individually concerned, I find no fault with the distinguished Senator from Kansas because he went to the Democratic convention. I wish to God he would go to more of them. [Laughter in the galleries.] But I do insist, Mr. President——

The VICE PRESIDENT. The Sergeant at Arms will preserve order in the galleries. He has had four notices.

Mr. JAMES. But I do insist, Mr. President, that the Senator would be subject to the same criticism by those who are disposed to be critical to which he undertakes to subject the Secretary of State.

The Senator stated in his argument this morning that he called for a passport for some friend, and he did not get it for two or three weeks. Surely the Senator does not mean to insinuate that the illustrious Secretary of State was responsible for some failure in the routine business of the State Department. Is that the character of statesmanship that is to be shown upon this floor for the purpose of securing some petty party advantage, by attacking small things? It is really gratifying, Mr. President, to see our Republican friends unable to criticize the great policies of our party, unable to criticize the tariff bill we present, unable to criticize the currency bill we have under consideration, but that they resort to small things——

Mr. LIPPITT. Mr. President——

Mr. JAMES (continuing). For the purpose of making criticisms, and consuming the time of the Senate, and keeping back the passage of these great and important bills of relief to the people, while they discuss the question of the absence of the Secretary of State from the department for a few days to deliver lectures upon religious subjects.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. JAMES. Certainly.

Mr. LIPPITT. I just rose for the purpose of venturing to assure the distinguished Senator from Kentucky that Senators on this side of the Chamber have no intention of not criticizing the "great policies," as he calls them, of his party.

Mr. JAMES. Oh, the Senator from Rhode Island is always ready and always ludicrous.

Mr. LIPPITT. If he for a moment thinks the bill is going to be passed through this Chamber without there being called to the attention of the people a great many points that we think are thoroughly justified by way of criticism, he is proceeding under a very mistaken idea.

Mr. JAMES. I venture to say that, even as courageous as the distinguished Senator is, he would not undertake to say now that he would vote for the repassage of the bill that bears the name of one of the distinguished citizens of the State of Rhode Island.

Mr. LIPPITT. I wish to say to the Senator from Kentucky that before I would put my vote at the back of the tariff bill that has been brought in here, and which even at this moment is stopping the industries of my State and stopping the industries of neighboring States, I would vote for the bill that is now on the books ten times over.

Mr. JAMES. Let me say to the Senator, in relation to his remark about stopping industries, that that is an old gag. You played that off the boards long ago.

Mr. LIPPITT. Yes; that was an "old gag." It occurred in 1892 and 1893, and for months and months the employees of the mills in my State were walking the streets and going to the soup kitchens to get relief.

Mr. JAMES. Oh, that is an old, worn-out argument. I have heard that before.

Mr. LIPPITT. It is not worn out. It fits the present situation like a garment.

Mr. JAMES. But we will see the Senator when he comes in action upon the present tariff bill. That is the best answer to it all. But I think if there is one Senator above another upon that side that would stand for tariff duties so high that they would keep out competition of all sorts, I should most respectfully bow to the Senator from Rhode Island.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. JAMES. Certainly.

Mr. GALLINGER. I simply rise to call the Senator's attention to a statement he made. I know the Senator wants to be accurate.

Mr. JAMES. Certainly.

Mr. GALLINGER. The Senator stated a moment ago that Senators on this side of the Chamber are delaying the consideration of the tariff bill by the discussion that is now under way. I will say for myself that I came into the Senate Chamber this morning expecting that the distinguished Senator who is at the head of the Finance Committee [Mr. SIMMONS] would make his opening argument, and we would proceed with a good deal of haste to consider this important measure. We understand why the Senator from North Carolina has not spoken; and we all trust, on this side of the Chamber, that he will be able to open the discussion to-morrow. I want to say to the Senator, and I speak from knowledge, that Republican Senators have no disposition whatever to delay the consideration of the tariff bill after they have had fair time to discuss it and consider its various provisions.

Mr. JAMES. I am very glad to hear the Senator from New Hampshire make that statement. It must be known, however, because it is of record, that practically all of the members of the Republican Party—all except two, I believe—voted against the motion to lay this resolution upon the table this morning.

Mr. GALLINGER. Mr. President, that would be justified upon the ground that there was no other business before the Senate, and that we might as well have this interesting discussion as anything else.

Mr. JAMES. But the Senator is mistaken about that. The Senator from Missouri [Mr. STONE], the second in command upon the Committee on Finance, is here ready, and has been, to make the report of the Finance Committee upon the tariff bill. It would have been reported immediately but for this matter that has been precipitated here.

Mr. GALLINGER. That would take just two minutes. If the Senator from Missouri were prepared to make a report, unquestionably the Senate would agree that the Senator should make that report—by unanimous consent, if necessary.

Mr. JAMES. I merely rose, Mr. President, not to engage in any controversial discussion with my friends upon the other side but merely to present this record as it is.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. JAMES. Certainly.

Mr. CRAWFORD. One remark made by the Senator struck me as justifying a little statement on my part. That was his apparent challenge everywhere of the fact that there was no disposition to discuss or take issue with the propositions made on that side of the Chamber with relation to the tariff and, he also added, in relation to the currency.

Mr. President, I fully realize that the sentiment of the people of the country will not countenance a discussion of the proposed currency legislation as a matter of partisan politics. I do not believe thoughtful gentlemen on that side of the Chamber want to have a great question of that kind, far-reaching as it is and affecting as it does men in every walk and in every station of life, discussed and considered and determined from the standpoint of the kind of political discussion we have heard here to-day on both sides of the Chamber. I want to say to the Senator from Kentucky——

Mr. JAMES. I do not mean to interrupt the Senator, but I was trying to follow the line of his question.

Mr. CRAWFORD. If the question of currency legislation is to be put forward to the people of the country as a matter of the sort of partisan politics that is being discussed here this afternoon, God save the people of the United States.

Mr. JAMES. He will. [Laughter.]

Mr. CRAWFORD. I am sure He will; but I will add to that remark of the Senator that if the Democratic Party is going to approach the currency question in that spirit the Democratic Party will not save the people of the United States.

Mr. JAMES. Mr. President, what God Almighty intends to do with the people of the United States is a question about which I am not entirely informed. I think we are a good people and He will take care of us. I think we will do well now, however, to discuss the questions we have before us here, questions of great moment—the tariff bill, involving our consuming public and thousands of industries; the currency question, and other great problems—without halting this great work to play petty politics.

Mr. CRAWFORD. I am perfectly willing that that shall be done; but the distinguished Senator from Kentucky threw out a very broad statement with reference to currency legislation.

Mr. JAMES. I think the Senator will be prepared to vote for the currency bill when it comes from the House.

Mr. CRAWFORD. I want to reply to that suggestion. I happen to be a member of the Committee on Banking and Currency. I propose, so far as it is possible for me to do so, to act in sympathy and in a spirit of cooperation with all the members of that committee and to help, so far as I can consistently with my convictions, the distinguished chairman of that committee, who has brought a currency bill into the Senate. But I wish to say that when we come to discuss the details and propositions entering into the bill as it is presented here now I shall, as the bill is proposed at the present time, be compelled to differ in a decided manner from those who contend that the bill is all-sufficient in its present form, not as a partisan, but as one who wishes to get the best possible legislation for the country upon the subject. I do not care to discuss it in advance

of a full consideration by the committee of which I happen to be a member, but I suggest that the Senator should not make his charge too sweeping with reference to there not being sufficient conviction upon the subject to challenge discussion upon a great many features that are in the bill in its present form.

Mr. JAMES. Mr. President, so far as Mr. Bryan is concerned, no assault made here, no assault, in my judgment, made in the newspapers, no assault that may be fomented by political foes, can affect him. He is secure in the confidence and affection of his countrymen. No resolutions that you may pass, no partisan speeches that you may make, will ever convince the American people that William J. Bryan would desert his post of duty when there was the slightest necessity for his presence.

That has not been his record in times of defeat. It will not be his record in times of triumph. Our Republican friends used to tell us that if Bryan ever got into office he would ruin the country, and now the Senator from Kansas is telling us that if he leaves office he will ruin the country. [Laughter.]

Mr. President, many distinguished men, as the Senator from Missouri said, have gone upon the Chautauqua platform; and let me say, of all the forces of uplift, of all the powers that have made for our progressive life, of all the influences that have battled to relieve the people from the clutches of greed, I most respectfully point you to the Chautauqua platform. Free from the rancor and malice of partisanship, they gather to hear when they are cool and unprejudiced. They listen to these arguments, and the forces and the power of not only many distinguished men in this country, but more especially of Mr. Bryan, are responsible for the great uplift in this country and the trend toward better and higher ideals and purposes.

Mr. President, so far as criticism of Mr. Bryan is concerned, Senators upon the other side remained silent and free from criticism of the President of the United States, Mr. Taft, when he went, at Government expense, for the purpose of making political speeches, yet they freely and violently criticize Mr. Bryan when the speeches that he is making are those of a religious character, and I do not believe that even the Republican Party has much to fear from that.

And you may rest assured of just one thing, that Mr. Bryan will be in touch with his office at all times, and that at the slightest show of the necessity for his presence at the Capital he will be here to perform his duty.

In connection with my remarks, Mr. President, I ask that the entire proceedings of the Senate of June 27 and July 1, 1912, may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The proceedings of the Senate referred to are as follows:

SENATE.

THURSDAY, *June 27, 1912.*

The Senate met at 10 o'clock a. m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

The Secretary read the following communication:

UNITED STATES SENATE,
Washington, D. C., June 27, 1912.

To the Senate:

In the absence of the Vice President and of the President pro tempore of the Senate, by authority of Rule I, I hereby name DUNCAN U. FLETCHER, a Senator from the State of Florida, to perform the duties of the Chair to-day.

AUGUSTUS O. BACON,
President of the Senate pro tempore.

Mr. FLETCHER thereupon took the chair as Presiding Officer, and directed that the Journal of the last legislative day's proceedings be read.

Mr. SMOOT. I ask that the reading of the Journal be dispensed with.

Mr. HEYBURN. I should like to have the Journal read this morning. A number of us have been absent.

Mr. SMOOT. I have no objection.

The Secretary proceeded to read the Journal of the proceedings of Monday last.

Mr. NELSON. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. HEYBURN. I have asked that the Journal be read this morning. Some of us who were not here desire to know what the Journal contains. We can spend that much time in hearing it read.

Mr. NELSON. Very well; I withdraw the request.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

THE FLAG OF THE UNITED STATES.

Mr. HEYBURN. I notice in the Journal of the last legislative day that a communication from the Secretary of War, Senate Document No. 856, was referred to the Committee on Military Affairs. That was in response to a resolution which I offered, and I desire that it shall lie on the table so that I may call it up in the morning hour. I was not able to be here at the time it was referred, but I do not desire that it be referred to a committee, because I wish to address the Senate upon it at an early day. For that reason I ask that the communication be withdrawn from the committee and that it may lie on the table.

The PRESIDING OFFICER. The Senator from Idaho asks that the Committee on Military Affairs be discharged from the further consideration of the communication and that it may lie on the table. Without objection, it is so ordered.

INTERNATIONAL EXPOSITION AT GHENT, BELGIUM (S. DOC. NO. 863).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State, submitting an estimate of appropriation in the sum of $25,000 to enable the Government to participate in a universal and international exposition to be held at Ghent, Belgium, from April, 1913, to the end of October, 1913, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Edgar L. Swaine, administrator of the estate of Peter T. Swaine, deceased, *v.* United States (S. Doc. No. 859);

Lucy May Castor, administratrix of the estate of Thomas Foster Castor, deceased, *v.* United States (S. Doc. No. 861);

Diantha G. Littlejohn, administratrix of the estate of John Egan, deceased, *v.* United States (S. Doc. No. 860); and

Washington Loan & Trust Co., administrator of the estate of James W. Cuyler, deceased, *v.* United States (S. Doc. No. 864).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented resolutions adopted by the Swedish Evangelical Mission Covenant, in annual convention at Chicago, Ill., favoring the enactment of an interestate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by District Council, Amalgamated Meat Cutters and Butcher Workmen Society of North America, American Federation of Labor, of New York, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Auxiliary to the Board of Missions of the Diocese of New Hampshire, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Connecticut Avenue Citizens' Association, of the District of Columbia, and a petition of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WORKS presented a memorial of members of the National League for Medical Freedom, of Los Gatos, Cal., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pacific Beach, Cal., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers, which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the People's Church, of Washington, D. C., praying for the enactment of legislation granting the right of suffrage to the citizens of the Philippine Islands and the District of Columbia, which was referred to the Committee on the Philippines.

He also presented a memorial of sundry citizens of Eureka, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of La Crosse, Wash., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. ASHURST. I present a petition signed by a large number of stockmen of Mohave and Yavapai Counties, Ariz., with reference to the so-called leasing and grazing bill. I ask that the petition be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SELIGMAN, ARIZ., *June 22, 1912.*

Hon. HENRY ASHURST,
United States Senate, Washington, D. C.:

We, the undersigned stockmen of Yavapai and Mohave Counties, Ariz., do respectfully ask you to do everything in your power and influence to assist in having the present leasing grazing bill passed.

This bill, known as the La Follette bill, proposes to lease the Government grazing lands of the western part of the United States or the public domain. The bill is now pending before the Senate of the United States Congress, and we earnestly request you to present this petition to the committee in charge of the bill and use your utmost efforts to have this bill passed before the present session of Congress adjourns.

Sincerely, your petitioners,

J. W. Sullivan, E. L. Paterson, D. L. Williams, Thos. King, Chas. King, Arthur King, M. A. Perkins, N. Perkins, S. Perkins, N. Penteny, Chas. Penteny, Joe Mathie, Albert Mathie, M. L. Boner, J. W. Knootz, John Duke, J. W. Stewart, Clarence Stewart, Rall Stewart, Geo. Carter, J. H. Stevens, Ed. Stevens, Chas. Ridgen, John Hurley, Joseph Campbell, Abe Caufman, Al Sanford, A. L. Nelson, Ed Carrow, John Lawler, Joe Tribble, Robt. Tribble, Lee Cockrell, Ed Haskins, Walter Brown, Le Van Evens, John Markham, Jas. Johnson, Carl Davis, Ray Carr, Dee Nelson, John Neil, W. B. Stevens, M. L. Boner, Henry Bacon, Jones Bishop, Sam Sloan, Geo. Miller, Wm. Epperson, William Ellison, John Simpson, Geo. Daniels, Dave Kaiser.

Mr. CURTIS presented petitions of sundry citizens of Kansas City, Kans., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial signed by 459 members of the Florida Branch of the League for Medical Freedom, remonstrating

against the establishment of a department of public health, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7197) for the relief of the heirs of L. A. Davis; to the Committee on Claims.

By Mr. WORKS:

A bill (S. 7198) granting a pension to Ida A. Mitchell (with accompanying papers);

A bill (S. 7199) granting a pension to Rebecca J. Murphy (with accompanying papers); and

A bill (S. 7200) granting an increase of pension to Rosa L. Couch (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7201) granting a pension to Fannie M. Carey; to the Committee on Pensions.

A bill (S. 7202) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. ASHURST:

A bill (S. 7203) to provide for homestead entries in national forests; to the Committee on Public Lands.

DRY-FARMING PROCESS.

Mr. ASHURST. Mr. President, I desire to introduce a bill to exempt from cancellation and provide for patenting by dry-farming process desert-land entries. It is a very short bill, and I ask that it be printed in the RECORD. With the permission of the Senate, if it be in order, I should like to give notice that immediately after the morning business on Tuesday, the 9th of July, if such be the pleasure of the Senate, I shall submit a few remarks with reference to the bill.

Mr. HEYBURN. I did not catch the suggestion of the Senator, and I ask what the request was?

The PRESIDING OFFICER. The request, as the Chair understands, is to introduce a bill and to have the bill printed in the RECORD and lie on the table.

Mr. HEYBURN. I thought I heard something about the bill being printed in the RECORD.

Mr. ASHURST. I should like to have the bill printed in the RECORD.

Mr. HEYBURN. I think there is no rule permitting that.

Mr. GALLINGER. I think the Senator from Arizona is entitled to have the bill read, and in that way it will go into the RECORD. Let the Senator request that the bill be read.

Mr. HEYBURN. It is not in order to print the bill in the RECORD without having it read.

Mr. ASHURST. Then I most respectfully ask to have the bill read. It is very short.

The bill (S. 7204) to exempt from cancellation and provide for patenting of desert-land entries reclaimed by dry-farming process was read the first time by its title and the second time at length, as follows:

"Be it enacted, etc., That no desert-land entry heretofore made under the public-land laws for lands shall be canceled or in any wise impaired because of any failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to December 31, 1913: *Provided, however,* That patent shall be permitted to issue to any desert-land entry when the proofs disclose that the land embraced within such entry has fairly and in good faith been reclaimed to agricultural or horticultural crops by the dry-farming process."

The PRESIDING OFFICER. The Senator from Arizona gives notice that he will address the Senate on this bill on the 9th of July, and it will lie on the table.

Mr. ASHURST. With the kind permission of the Senate, I will change the notice to Tuesday, the 16th day of July. I feel it is due to the Senate that I should state that my remarks will be very brief, and it is simply because of what I deem to be the great public importance of the bill that I will take the time of the Senate to discuss it. My remarks, as I have said, will be brief, but I do feel that I should say something in support of the bill.

The PRESIDING OFFICER. The bill will lie on the table.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $100,000 to investigate the treatment of ores and other mineral substances with special reference to the prevention of waste in the mining and the utilization of important mineral resources, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate $1,250,000 for necessary improvements in the Colorado River to protect the land and property of Imperial Valley, Cal., from overflow, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment providing that hereafter the proviso to the act of July 1, 1898, directing that all bonds, notes, and checks be printed on hand-roller presses, shall not apply to checks, the backs and tints of all United States bonds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 to pay the city of Salt Lake, Utah, to assist in defraying the expenses of the International Irrigation Congress to be held in that city September 30, 1912, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $28,000 to enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in California, and to adjudicate the same in the General Land Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $41,615 for the protection and improvement of the Mesa Verde National Park, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act and joint resolutions:

On June 25, 1912:

S. J. Res. 120. Joint resolution authorizing and directing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain from the United States Treasury the money appropriated for salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives, and for other purposes.

On June 26, 1912:

S. J. Res. 101. Joint resolution authorizing the appointment of Andrew D. White a member of the Board of Regents of the Smithsonian Institution; and

S. 6479. An act authorizing the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

THE ORGANIZED MILITIA (H. DOC. NO. 852).

The Presiding Officer laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

Very complete arrangements have been tentatively prepared for the participation in camps and maneuvers of a large portion of the Organized Militia of the United States. Preparation has been made for this most important military instruction both by the United States and by the various States whose Organized Militia will participate. The magnitude of the maneuver plans can be seen when it is estimated that 70,000 officers and enlisted men of the Organized Militia will take part in them during the coming year. Should it be impossible to carry out the contemplated maneuvers it will be at a very great loss of efficiency to the troops concerned and will entail a great disappointment to the thousands of men who, with the maneuvers in view, have been preparing themselves therefor.

In contemplation of the maneuvers it has been necessary already to expend the sum of $80,000 from the unexpended balance of last year's appropriation for maneuver purposes for the Organized Militia, which sum will be lost should the project of maneuvers not be consummated. In addition to this, the various States have made arrangements to expend large amounts from their apportionment from the funds appropriated by Congress under section 1661, Revised Statutes, or from funds appropriated by the State. Without an appropriation by Congress the maneuvers may not be held. I have the honor, therefore, strongly to recommend and urge that the following item, taken from House bill No. 18956 (Army appropriation bill), be enacted separately and specially:

"One million three hundred and fifty thousand dollars 'Encampment and maneuvers, Organized Militia, 1912–1914.'"

In addition to the appropriation for the Organized Militia for maneuver purposes it would be necessary that certain amounts be appropriated and made immediately available for the Regular Army to participate with the Organized Militia and aid the latter in the purpose of the maneuvers. This appropriation would total $367,500, and is made up of the following items:

Regular supplies	$160,000
Incidental expenses	4,500
Barracks and quarters	33,000
Army transportation	75,000
Roads and walks, etc	4,000
Water and sewers	57,000
Clothing and equipage	34,000
Total	367,500

The immense importance of the training of the militia leads me again to urge most strongly that the two appropriations mentioned be made available on or before the 2d day of July, 1912, since, unless the maneuvers can be definitely determined upon by that date, the plans for the encampments and maneuvers of a great portion of the Organized Militia of the United States will have to be abandoned.

WM. H. TAFT.

THE WHITE HOUSE, *June 24, 1912.*

LIEUT. COL. J. F. REYNOLDS LANDIS (S. DOC. NO. 862).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a silver medal and a diploma awarded by the Italian Government to Lieut. Col. J. F. Reynolds Landis, United States Army, in recognition of services rendered by him at the time of the Messina earthquake.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the medal and diploma to Lieut. Col. Landis.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

CAPT. FRANK PARKER (S. DOC. NO. 858).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Cuban Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a decoration of the Order of Military Merit of the Third Class which has been conferred upon Capt. Frank Parker, United States Army, by the President of Cuba in recognition of services rendered by Capt. Parker as military instructor of the rural guard of Cuba.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the decoration to Capt. Parker.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and that the request of the House for a conference be granted, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. WETMORE, and Mr. FOSTER conferees on the part of the Senate.

ANNIE R. SCHLEY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4568) granting an increase of pension to Annie R. Schley, which was, on page 1, line 8, before the word "dollars," to strike out "one hundred and fifty" and insert "seventy-five."

Mr. MCCUMBER. In the absence of the Senator from Maryland [Mr. RAYNER], I ask that the bill and amendment of the House of Representatives lie on the table until his return.

The PRESIDING OFFICER. Without objection, that order will be made.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors which was, on page 4, to strike out lines 9 to 12, inclusive.

Mr. MCCUMBER. I inquire what are the lines stricken out?

The PRESIDING OFFICER. The Secretary will read the paragraph of the bill stricken out by the House.

The Secretary read as follows:

"The name of Anne Jones Banks, widow of William Banks, late of Capt. William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, and pay her a pension at the rate of $8 per month."

Mr. MCCUMBER. I move that——

Mr. NELSON. Mr. President, I desire to make the point of order that under the unanimous-consent agreement a motion to concur can not be made. That would be to pass the bill, and would be legislative business.

Mr. MCCUMBER. I think the Senator is correct in regard to that; but I was not going to move to concur.

The PRESIDING OFFICER. The Chair thinks the point of order well taken.

Mr. MCCUMBER. I was not going to move to concur, but simply that conferees be appointed. Probably, however, even that motion would not be in order, although I observe that in the case of the legislative, executive, and judicial appropriation bill conferees were appointed. I think, Mr. President, that all the pension bills amended by the House had better lie on the table until next Monday.

The PRESIDING OFFICER. The bills will lie on the table.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HEYBURN. Mr. President, I should like to make a suggestion. I was in some doubt when the conferees were appointed on the legislative, executive, and judicial appropriation bill as to whether that was not in violation of the unanimous-consent agreement. That period of the consideration of a bill often provokes considerable discussion. I do not raise any point against it, but it is no part of the morning business and I merely make that suggestion.

Mr. WARREN. Mr. President, I desire to say a word with regard to the appointment of the conferees in the case of the legislative, executive, and judicial appropriation bill. It was not the intention in moving that conferees be appointed to perfect or present any conference report until next week. Debate and action usually take place in connection with the presentation of the conference report, but I should presume, unless I am reminded otherwise by something not now evident, that morning business would carry with it the receipt of messages from the House and the reference of a bill to a conference committee, the same as if a bill were introduced and referred to one of the regular committees of the Senate. Of course the appointment of the conferees is not a matter of voting, but the custom is to take the senior Senators who have served on the subcommittee and appoint them conferees. I only wanted, of course, to carry out what I thought was the morning business of the Senate.

Mr. HEYBURN. I did not intend to raise any objection that would embarrass the Senate at all; but I was of the opinion at the time the unanimous-consent agreement was entered into that it should have been better protected. Of course the conferees should be appointed, but clearly their appointment was not in accord with the unanimous-consent agreement.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, I desire to give notice that on Monday next, at the close of the routine morning business, I will ask the Senate to consider the Indian appropriation bill, being House bill 20728. I observe that notice has been given for the same time for the consideration of the naval appropriation bill, and I desire to say that the giving of the notice of the intention to ask for the consideration of the two bills on that day is not to be taken as suggesting any differences whatever between those who have them in charge.

Mr. HEYBURN. The original notice, as appears from the calendar, for the consideration of that bill was June 27. I understand the Senator has already given notice to that effect. Is this intended to be an original notice in lieu of any notice heretofore given?

Mr. CLAPP. Oh, I do not know whether it is or not. There are several objections going to be made to the consideration of the Indian appropriation bill, and, in order that Senators may know when the bill will come up, I give this notice.

THE CHEMICAL SCHEDULE.

Mr. HEYBURN. Now, I, too, desire to give a notice. It is that on next Monday, when the Senate resumes business, I shall endeavor to have the Senate proceed immediately to the consideration of the chemical schedule bill. In the absence of Senators a unanimous-consent agreement, or what appears to be one, was obtained which undertook to confine the consideration of the chemical tariff bill to one calendar day. I think there will be some difficulty in enforcing that agreement, because it is my intention to discuss that measure when the order of the unfinished business is reached on that day, and if the unfinished business is laid aside it will be by a vote and not by unanimous consent. I merely give that notice.

Mr. CLAPP. Some time ago—in fact, very soon after the Indian appropriation bill was reported—I gave notice that I would ask for its consideration, and continued the notice from day to day. It is an appropriation bill, and I think Senators are desirous of getting the appropriation bills through the Senate and into conference. So I give this notice this morning.

The PRESIDING OFFICER. The morning business is closed.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. MCCUMBER. It seems to me that that is not morning business. I understood that nothing but morning business would be considered.

Mr. GALLINGER. I withdraw the motion, although I think it is in order.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. GALLINGER. I move that the Senate adjourn, to meet at 11 o'clock on Monday.

Mr. HEYBURN. Why make it 11? I should like to inquire why the Senate——

Mr. GALLINGER. I have made my motion.

Mr. HEYBURN. I move to amend by making the hour of meeting 12 o'clock.

The PRESIDING OFFICER. The Senator from New Hampshire has moved that the Senate adjourn to meet on Monday next at 11 o'clock. The Senator from Idaho moves to amend by making the hour 12 o'clock. The question is on the motion of the Senator from Idaho.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the original motion made by the Senator from New Hampshire.

The motion was agreed to; and (at 10 o'clock and 42 minutes a. m.) the Senate adjourned until Monday, July 1, 1912, at 11 o'clock a. m.

SENATE.

MONDAY, *July 1, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the order of the Senate of June 12, 1912.

The Journal of the proceedings of Thursday last was read and approved.

THE LAWRENCE (MASS.) STRIKE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of May 7, 1912, a report of the investigation of the recent strike at Lawrence, Mass., which, with the accompanying paper, was referred to the Committee on Printing.

CHARLES H. QUACKENBUSH (S. DOC. 866).

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of May 13, 1912, the correspondence in the possession of the Post Office Department relating to the discharge of Charles H. Quackenbush from the Railway Mail Service and his reinstatement, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

THE YELLOWSTONE NATIONAL PARK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of April 2, 1912, an estimate prepared by Capt. C. H. Knight, Corps of Engineers, relative to the cost of new roads in Yellowstone National Park.

Mr. HEYBURN. I should like to have the communication printed with the illustrations.

The PRESIDENT pro tempore. Without objection, it will be printed with the illustrations. To what committee is it desired that it should be referred?

Mr. HEYBURN. It should not go to any committee. It is in response to a resolution which I offered calling for information.

The PRESIDENT pro tempore. Such communications are usually referred to some committee.

Mr. HEYBURN. Let it lie on the table.

The PRESIDENT pro tempore. The communication will lie on the table, without objection.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was, on page 2, line 15, to strike out "Stotler" and insert "Statler."

Mr. MCCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. MCCUMBER. I move that the Senate disagree to the amendment of the House and ask a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MCCUMBER, Mr. Burnham, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. MCCUMBER. I move that the Senate disagree to the House amendments, ask a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MCCUMBER, Mr. Burnham, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6340) granting pensions

and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the House amendments and ask a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. Burnham, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers or sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House and ask a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. Burnham, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House and that a conference be requested on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. Burnham, and Mr. GORE conferees on the part of the Senate.

ANNIE R. SCHLEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4568) granting an increase of pension to Annie R. Schley, which was, on page 1, line 8, to strike out "one hundred and fifty" and insert "seventy-five."

Mr. McCUMBER. The Senator from Maryland [Mr. Rayner] evidenced some interest in this bill. I will ask that the bill and amendment of the House may lie on the table until his return.

The PRESIDENT pro tempore. It will be so ordered without objection.

MISSISSIPPI RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri which were, on page 1, line 6, after "a," to strike out "railroad," and on page 1, line 7, after "point," to insert "on the west side of said river."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PROPERTY IN SAN FRANCISCO, CAL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal., which was, on page 2, strike out lines 4 to 17, inclusive, and insert: "to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes, all right and title thereby relinquished shall revert back to and again vest in the United States," so that the act will read as follows:

"That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50 vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes all right and title hereby relinquished shall revert back to and again vest in the United States.

"SEC. 2. That Congress reserves the right at any time to amend, alter, or repeal this act."

Mr. PERKINS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 458. An act for the relief of Turner Hardware Co.;
S. 897. An act for the relief of Alfred L. Dutton;
S. 1293. An act for the relief of Herbert Thompson;
S. 4180. An act for the relief of Alessandro Comba; and
S. 5287. An act for the relief of Kate Ferrell.

The message also announced that the House had passed the bill (S. 1754) to correct the military record of William F. McKim, with an amendment to the title, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4113. An act for the relief of Robert E. Burke;
H. R. 4512. An act for the relief of Mary Beal;
H. R. 18425. An act to remove the charge of desertion from the military record of Simon Nager;
H. R. 19190. An act for the relief of John P. Risley; and
H. R. 25060. An act for the relief of Joe Cook.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 462. An act for the relief of Salvo Ramadanovitch, of Cettinge, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased;
S. 547. An act for the relief of Sarah A. White;
S. 837. An act to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905;
S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act;
S. 2127. An act for the relief of the heirs of Robert S. Gill;
S. 2427. An act for the relief of the legal heirs of A. G. Strain;
S. 2601. An act for the relief of Douglas B. Thompson;
S. 3469. An act for the relief of the American Surety Co. of New York;
S. 4751. An act for the relief of Albert S. Henderer;
S. 5046. An act to authorize the appointment of Shepler Ward Fitz-Gerald and of Alden George Strong to the grade of second lieutenant in the Army;
S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes;
S. 5176. An act granting a pension to Elizabeth B. Preston;
S. 5198. An act to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;
S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;
S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.;
S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;
S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army;
S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;
S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;
S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army;
H. R. 20628. An act for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture;
H. R. 20738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;
H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and
S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the American Seed Trade Association, in convention at Chicago, Ill., favoring the enactment of legislation to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds, etc., which was ordered to lie on the table.

He also presented a resolution adopted by the general mission board of the Church of the Brethren of Elgin, Ill., favoring the enactment of legislation to authorize the reading of the Bible in the public schools, which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented resolutions adopted by the Illinois Chapter of the American Institute of Architects, in convention at Chicago, Ill., and a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the repeal of legislation providing for competition among architects for all Federal buildings, which were referred to the Committee on Appropriations.

He also presented petitions of Local Union No. 6, Metal Polishers, Buffers, and Platers' Union; of Local Union No. 130, Journeymen Plumbers' Protective and Benevolent Association; and of Local Union No. 62, United Brotherhood of Carpenters and Joiners of America, all of Chicago; and of Local Union No. 2, International Brick, Tile, and Terra Cotta Workers' Alliance, of Bernice, all in the State of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Wenona, Ill., praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of Cigar Makers' Local Union No. 250, of Belleville, Ill., and a petition of Cigar Makers' Local Union No. 305, of Monmouth, Ill., praying for the enactment of legislation requiring manufacturers to place their own names upon manufactured articles, which were referred to the Committee on Manufactures.

He also presented a petition of Cigar Makers' Local Union No. 250, of Belleville, Ill., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented petitions of Local Union No. 765, United Mine Workers of America, of Breese; of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America, of Chicago; of

the Trades and Labor Assembly of Breese; of Typographical Union No. 213, of Rockford; of Local Union No. 15, Coopers' International Union, of Chicago; of Cigar Makers' Local Union No. 20, of Decatur; of Local Union No. 41, Coopers' International Union, of Alton; and of the Trades and Labor Assembly of Decatur, all in the State of Illinois, praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Branch, United Order of the Golden Cross, of Providence, R. I., praying for the adoption of an amendment to the Post Office appropriation bill relative to the transportation through the mails of publications issued by benevolent or fraternal societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of J. F. Taake, executive committeeman of the Associated Fraternities of America, of Des Moines, Iowa, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of Bartenders' Local Union No. 285, of Providence, R. I., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a memorial of the Lutheran Ministerial Association, of Pittsburgh, Pa., remonstrating against the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of members of the Pastors' Association of Easton, Pa., and a petition of sundry citizens of Kittanning, Pa., praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of Local Division No. 528, Amalgamated Association of Street and Electric Railway Employees of America, of Tarentum, Pa., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Philadelphia, Pa., remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted by the Ministers' Association of Oil City, Pa., favoring the enactment of legislation to prohibit the interstate transportation of moving pictures of prize fights, which were ordered to lie on the table.

He also presented a petition of the Woman's Auxiliary of the Church of the Messiah, of Gwynedd, Pa., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented memorials of sundry citizens of Philadelphia, McKeesport, and Luzerne County, all in the State of Pennsylvania, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Pittsburgh Chapter, American Institute of Architects, of Pennsylvania, and a memorial of the Pennsylvania State Association of the American Institute of Architects, remonstrating against the repeal of the act providing for competition among architects for all Federal buildings, which were referred to the Committee on Appropriations.

Mr. BRANDEGEE presented resolutions adopted by the Merchants' Association and the Chamber of Commerce of Honolulu, Hawaii, remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of Molders' Local Union No. 71, of Ansonia, Conn., praying for the passage of the so-called Clayton injunction-limitation bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Gales Ferry, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of the congregation of the First Christian Church of Sheridan, Wyo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of members of the Central Labor Union of Lincoln, Nebr., praying for the passage of the so-called Clayton injunction-limitation bill, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation to regulate the sale of convict-made goods, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation providing for the retirement of officers of the Civil War Volunteer force upon a fair and equitable basis, which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a telegram in the nature of a memorial from the San Francisco Chapter, American Institute of Architects, of California, remonstrating against the repeal of the act providing for competition among architects for all Federal buildings, which was referred to the Committee on Appropriations.

He also presented telegrams in the nature of memorials from Frank B. Anderson and members of the Chamber of Commerce of San Francisco, Cal., and of members of the Northern California Hotel Association, remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

Mr. BRADLEY presented a petition of sundry citizens of Fayette County, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of sundry citizens of Kingston, N. Y., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

PENSIONS AND INCREASE OF PENSIONS.

Mr. MCCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 898) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 7205) granting jurisdiction to the Supreme Court of the District of Columbia to quiet title to lands in certain cases; and

A bill (S. 7206) restricting the method of disposition of public land in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 7207) granting an increase of pension to Cyrus N. Lyons (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7208) to amend an act entitled "An act relating to navigation and vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893; and

A bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town of Sartell, Minn.; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 7210) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining and to regulate the expenditure thereof; to the Committee on Mines and Mining.

By Mr. MCCUMBER:

A bill (S. 7211) to correct the military record of Samuel Barry (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 7212) granting an increase of pension to Lucius E. Fletcher; and

A bill (S. 7213) granting an increase of pension to Myra Von Winkle; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 7214) granting an increase of pension to John Cook, alias Joseph Moore;

A bill (S. 7215) granting a pension to Amanda Barrett; and

A bill (S. 7216) granting an increase of pension to Alvah S. Howes; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7217) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," to place additional taxes on tobacco, snuff, cigars, or cigarettes when sold with coupons; to the Committee on Finance.

By Mr. BORAH:

A bill (S. 7218) providing for the disposition of town sites in connection with reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CRANE:

A bill (S. 7219) granting an increase of pension to George C. Rider; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7220) to provide for the sale of 39.69 acres of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the Pittsburg County Fair (with accompanying paper); to the Committee on Indian Affairs.

A bill (S. 7221) granting a pension to William H. H. Chestnut; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7222) granting an increase of pension to Hiram Lay (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A joint resolution (S. J. Res. 121) authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion; to the Committee on Appropriations.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CRAWFORD submitted an amendment proposing to appropriate $75,000 to reimburse the Government of the Philippine Islands for expenses relative to the disinterment, shipment, and transportation of the remains of the late Ormon K. Osbon, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment providing that no allowance or disallowance heretofore made shall preclude an officer or enlisted man of the United States or Volunteer Army or his next of kin or personal representative from applying for and receiving any pay and allowance which may be due him under the decision of the Supreme Court of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the number of topographic and hydrographic draftsmen in the Coast and Geodetic Survey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. OLIVER submitted an amendment relative to the donation of any land or building or the use of any land or building in or near the city of Pittsburgh, Pa., suitable for experimental work of the Bureau of Mines, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $100,000 for inquiries and investigations into the methods of mining and treatment of ores and other mineral substances, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $100,000 for inquiries and investigations into the mining and treatment of ores and other mineral substances, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to appropriate $250,000 for expenses of the semicentennial exposition for the celebration of the semicentennial anniversary of the act of emancipation, etc.,

intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,656.88 for the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 to enable the Census Department to collect statistics concerning the quantity of leaf tobacco in all forms in the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the punishment for violations of internal-revenue laws, etc., from $140,000 to $150,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

UNITED STATES DISTRICT COURTS.

Mr. WETMORE submitted an amendment intended to be proposed by him to the bill (H. R. 22126) relating to the compensation of clerks of the United States district courts, etc., which was referred to the Committee on the Judiciary and ordered to be printed.

IMPERIAL VALLEY, CAL. (S. DOC. NO. 867).

Mr. WORKS. Mr. President, a few days ago I offered an amendment to the sundry civil appropriation bill for the improvement of the Colorado River to prevent the overflow of land in the Imperial Valley. This is a matter of urgency. The appropriation has been urged by the Secretary of the Interior and has been recommended by a special message of the President.

I have here a statement showing the necessity for the improvement that is sought to be made. I move that the statement be printed and referred to the Committee on Appropriations, to accompany the amendment.

The motion was agreed to.

EXPENSES IN PRESIDENTIAL CAMPAIGNS.

Mr. WORKS. I offer the resolution which I send to the desk, and ask that it be read.

The Secretary read the resolution (S. Res. 350), as follows:

"Whereas it is asserted and has been charged on the floor of the Senate and elsewhere that large sums of money have been furnished to and used by candidates for the office of President of the United States by the various candidates for that office to control the presidential primary elections in the different States, and otherwise, to secure the election of delegates to the national conventions of the Republican and Democratic Parties; and

"Whereas it is well known that many persons drawing salaries or other compensation from the Government for services as public officials or employees, from the President, Cabinet officers, and United States Senators down, have been using the time for which they have been paid by the Government in campaigning for themselves and others and aiding as campaign managers and otherwise during this session of Congress, and in the endeavor to influence and control the primary elections in the various States for the election of delegates and the nomination of candidates for President of the United States: Now therefore be it

"*Resolved*, That a committee of seven Senators, four Republicans and three Democrats, be appointed by the Vice President a special committee to investigate, inquire into, and report to the Senate the following facts:

"1. What amount of money has been subscribed, paid, or furnished to or for the use of each and every candidate for the nomination as a candidate for President of the United States, both Republican and Democratic, or to their and each of their managers, treasurers, auditors, committees, agents, or friends, or paid out or subscribed in aid or support of his candidacy, directly or indirectly, and the amount paid out by such candidate himself for such purpose, giving the name of each such candidate, the amount subscribed, paid, and used for or in aid of his candidacy, by whom paid, subscribed, or furnished, directly or indirectly, the name of each person or corporation by whom subscribed, furnished, or paid, and in behalf of which candidate; the amount paid by each person; the total amount subscribed, paid, and furnished to or in aid of the candidacy of each of such candidates; the amount of money paid out by or in aid of the candidacy of each such candidates and for what purpose, in detail, and the total amount subscribed, paid, or furnished to or for and paid out by all such candidates.

"2. What persons engaged in the campaign by and for each of such candidates or in aid thereof, in whatever mode or form, were under salary or other pay of the Government, in what capacity, the amount of compensation paid each of them, the amount of time devoted by each of them, including the candidates themselves, and the total amount of money paid by the Government to such persons and the aggregate amount paid to all of them for the time consumed by them all in conducting, carrying on, or in any way aiding in the conduct of such political campaign, giving the amount so paid for workers of all kinds for all of said candidates, giving them separately.

"3. The proportion or percentage of the registered and qualified voters voting at the presidential primary elections in each of the States, giving the Republican and Democratic percentage of votes cast separately, and the total vote cast at such election in each of the States, giving the Republican and Democratic votes separately.

"4. The amount of money paid to newspapers and other publications and periodicals and newspaper and other writers for services of any and every kind rendered by said newspapers and other publications and periodicals and writers in aid or support of each and every candidate for such office; the names of such newspapers and other publications and writers and the amount paid to each, directly or indirectly, whether for additional subscriptions or otherwise; the amount paid by, for, or on account of any such candidate in the aggregate, and the whole amount so paid by all of such candidates to all of such newspapers, publications, or periodicals.

"5. The cost to the candidates and each of them, and of the delegates attending the same, of the national convention for the nomination of candidates for President of the United States, and each of them, and for what purpose moneys were paid and used at each such convention, and particularly whether the expenses of any delegate to such convention, or either of them, were paid, either in whole or in part, by anyone other than themselves, and if so, by whom and in what amounts and on what terms and conditions, if any.

"6. In what States corrupt-practice acts have been enacted applicable to primary elections and, in general terms, the provisions of each of said acts and the penalties imposed for the violation thereof.

"That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers; to send for persons and papers; to administer oaths; and to report the results of its investigations, including all testimony taken by it, and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee."

Mr. WORKS. Mr. President, I have been an earnest advocate of the direct and presidential primaries. I believe they are necessary to the preservation of the rights of the people and the prevention of fraud and corruption in elections. I believe they will have that effect if rightly and honestly conducted. They have been on trial for the past few months. I think it is time to take account of stock and see what they have profited us.

We have just passed through a campaign in both of the great parties for the nomination of candidates for President of the United States. No American citizen can look back upon it without the blush of shame. Candidates for that great office have gone on the stump and canvassed for their own election. That was shame enough. But one of them was President of the United States and another an ex-President, pitted against each other. Their campaign was undignified, malicious, and disgraceful. It was not a discussion of principles or an effort to inform or instruct the people, but consisted of personal attacks and counter-attacks, criminations and recriminations. If half the things they said of each other were true, neither of them was fit to be nominated. The whole country was shocked at this unexampled spectacle. The people were humiliated and indignant. It was openly charged on the stump and on the floor of the Senate that enormous sums of money were being used to carry the election. The people have a right to know whether this charge is true or not. They have a right to know whether the direct primaries can be controlled by the use of money, as we all know the caucus and convention can be controlled and corrupted. If they can, if the masses of the people can not be trusted and their votes can be had for money, the last hope of maintaining the institutions of the country free and uncorrupted has vanished. The hope of the country rests upon the integrity and patriotism of the people.

We all know that public officials, paid by the Government, from the President down, have given their time, that the people are paying for, in carrying on the campaigns of the various candidates. The people have a right to know how much of the time paid for by them has been used in conducting, managing, and manipulating politics in the interest of candidates. They have a right to know, too, how much it cost to hold the nominating conventions and who put up the money for these expenses. The enormous sums of money expended in political contests has become one of the crying evils of the time. This country has every right to be informed on these subjects. In other words, the people have a right to know how much it costs them, in money and time, to nominate a candidate for President, and how much the candidates and their supporters have paid in the attempt to secure the nominations. It is information that touches the very vitals of our systems, new and old, of nominating candidates for President.

We have tried both the direct primaries and conventions in this campaign. The national convention at Chicago was a fitting sequel to the campaign that preceded it. It was full of malice and hatred. Charges of fraud and corruption were openly and loudly made. The nomination made is tainted with the belief of thousands of people that it was procured by unjust, fraudulent, and illegal means. And now we have a torn and dismembered party and the prospect of a new one. The movement for a new party is founded upon hatred, revenge, and ambition. The Democratic Party is torn with the same dissensions, the result of like causes.

What is the duty before us in this condition of discord and unrest? The people are going to rule this country. Of that we may be assured. If they can not do it through the instrumentalities of the old parties, they will have a new one. They will no longer be ruled by political bosses and privilege-seeking corporations. But we do not need a new party in California. The Republican Party in my State is decent and respectable. Five years ago California was one of the worst boss-ridden States in the Union. It was owned and controlled by the Southern Pacific Railroad Co. and its hired bosses and corruptionists.

The question confronted us there, as it is confronting Republicans of the whole Nation to-day. Shall we form a new party to meet this consuming evil, or shall we undertake to free and redeem the old one? We chose the latter course. We succeeded beyond our fondest hopes. The good people of the State, Democrats and Republicans alike, came to the rescue. It was not a question of party, but of political freedom and civic righteousness. As a result the people and not the bosses have control of the party and the State government. They have complete control of the party organization. The Southern Pacific machine has retired from business. The State has the best and purest government in its history. We are not ready yet to surrender this redeemed and purified party to the old machine and embark in the perilous venture of a new party. When we do we want it to be a party founded on principle and the best interests of the public welfare. We want no political bosses or privilege seekers, who are looking for the loaves and fishes, to govern or control it, but men of courage and patriotism who are willing to sacrifice their standing and interest in the old party to the public good. But are we ready now for such a party? Is it necessary? Are we willing to surrender and give over the old party, with all its achievements and traditions, to the men who have brought it to the brink of ruin? Are we ready to give up the fight the Progressives have been making for a free and untrammeled party? Not yet. The fight has just begun, and the people have been winning battle after battle against the interests. Many of the States have already shaken off the shackles of boss rule and become free. So may all the others, and so they will if their leaders are faithful and vigilant.

I can remember when a mere boy shouting for Abraham Lincoln in his first campaign. Later, when still a boy, I took my place with thousand of others in the ranks of the Army formed to maintain the principles of freedom upon which the Republican Party was founded. I cast

my first vote for Ulysses S. Grant, who led that Army to ultimate victory. I have cast my vote with that party in national affairs until now. Now I am called upon to make my choice between the old party and a new one to be formed. The temptation is great. The provocation is almost overwhelming. This is a time when men should search their own consciences and their motives unmoved by anger or passion and do what seems to each of them to be his patriotic duty to the whole people. I shall not shirk my own individual responsibility or question the motives of others who may take a different course. As conditions now present themselves to my mind, I can not join a new party movement. But, Mr. President, I do not want to be misunderstood by the Senate or by the country. It does not follow, from what I have said, that I shall support the alleged nominee of the Republican convention. I believe he secured his nomination by unjust and illegal means. I do not believe that he is the nominee of the party in any just or proper sense. I hope he does not realize, in accepting such a nomination, what thousands and thousands of his party believe to be the fact—that it was procured for him by compromising with fraud and corruption and the violation of an express statute of a State. But its alleged nominee is not the Republican Party. He does not represent its principles or its sentiments. His title to the nomination is tainted and questioned by the great mass of the party. Neither I nor any other Republican who views the situation and believes as I do owe him, personally, any political allegiance or support. If any good Republican representing the real sentiments of the party were to become an independent candidate, running on a progressive platform that he could conscientiously stand upon, the voters of the party would sustain him; but in my judgment the man who attempts to form a new party, as conditions now are, will not be serving the interests of the people. Better far to see the great Republican Party go down to temporary defeat now for the sins its leaders have committed, and redeem it four years hence, than attempt the uncertain and dangerous remedy of forming a new party. Better, for the time being, to "bear the ills we have than fly to others that we know not of." The party had already been purged in many of the States of its worst and most dangerous elements. Many of the members of the national committee who made possible the nomination that was brought about had been repudiated in advance by the voters of their States. This victory was thrown away by the delegates chosen to represent the progressive element of the party in the convention, a victory that would in all probability have taken the control of that committee out of the hands of the powers that manipulated it at the convention. Four years from now, if we stand to our guns and do not follow after false gods, the people will have complete control over the Republican Party in the Nation, as it now has in many of the States.

Mr. President, this struggle for political freedom and civic righteousness is not confined to the Republican Party. Its great rival, the Democratic Party, has the same fight with the powers of evil; and one man, with a courage and patriotism that challenges my admiration and respect and should incite the gratitude of the American people, is bravely fighting for the integrity and righteousness of his party and fighting practically single handed and alone. He is making the fight that every good and loyal citizen should be making, not outside but inside of his party. If that effort, rightly made, fails, it will be time enough to form a new party? If it does fail, no one will be more ready than I to form that new party, founded on principles of justice, liberty, purity, and honesty in politics.

Mr. President, I have offered these resolutions so that the people may, so far as it can be ascertained by such an inquiry as they call for, be informed as to what has brought us to this present pass, so far as the campaign just closed is concerned.

I understand the Vice President is not likely to be present for some time to come. I desire, therefore, to amend my resolution, where it authorizes the appointment by the Vice President, so as to read "by the President pro tempore of the Senate."

I desire further to say that in view of the limited attendance this morning I shall not insist upon pressing the resolution at the present time.

The PRESIDENT pro tempore. The resolution will be modified as suggested by the Senator from California.

Mr. GALLINGER. I suggest that under the law the resolution will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WORKS. I was about to suggest that it take its regular course and go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. It is necessary that that be done.

The PRESIDENT pro tempore. The resolution necessarily will be so referred.

Mr. HEYBURN. Mr. President, before the close of morning business, if I may be indulged, in order briefly and imperfectly to do what should be done with care and elaboration, I will interpose a demurrer to the statement read by the Senator from California. I do not desire that it should be taken as accepted by Republicans.

I shall not occupy any considerable time. Not having the resolution of the Senator from California in print, and not having known that such a motion would be made, it will, of course, be somewhat difficult to cover the subject. I shall not undertake to do that.

An attack has been made in this resolution upon the integrity of the President of the United States as an incumbent and as a candidate for reelection. Concurrently an attack has been made upon those who are responsible for his nomination. Still further, an attack has been made upon the integrity of the Republicans of this Nation.

Mr. GALLINGER. And upon Members of this body who are upon the national committee.

Mr. HEYBURN. Yes; and as suggested by the Senator from New Hampshire who sits on my left, upon Members of this body who chance to be members of the national committee. More than that, with an ever-widening circle of slander, an attack has been made upon the citizenship of the country at large.

It is charged, in effect, that the standard of the citizenship of this country is so low and so venal that it may be bought and sold like chattels in the markets; that it may be controlled by corrupt men. This resolution undertakes to stamp a character of degradation, inefficiency, and corruption upon the citizenship of this country to the extent that it controls the Government. The man who can be corrupted is as bad a citizen as the man who corrupts him or attempts to do so. There is no difference under any rule of morals or of law.

So this resolution charges that these people constituting the citizenship have been subject, for a period not named, to the dominion and control and manipulation of corruption and corrupt men. I deny it. I challenge any man, responsible for this resolution or otherwise, to hand in to the Secretary of the Senate and have read from the desk the names of five men that within his knowledge come within the class of debauched citizenship.

No man should be allowed to slander another, even in political excitement or campaigns, without being held responsible. The offense of slandering the American citizenship, singly or in the aggregate, is as heinous a crime as that of attempting to bribe them. It is usually indulged in for the purpose of compelling some one to do or not to do something—heaping opprobrium and epithets upon your fellow citizen in order to deter him or to influence him one way or the other.

The statement in the resolution that an unhappy condition of affairs has existed in the country is true in a very large measure. It did not emanate from the rank and file or the leadership of either party, singly and alone. Whatever of the unhappy conditions pictured in this resolution have existed are the result of an attempt—an irresponsible and unwise attempt—to change overnight the form of this Government and the manner of the performance of the political duties of citizenship. Where there is no meeting or coming together of men there can be no riot. Where the opportunity is not given or accorded them to violate long-established principles the principles are safe.

It is not necessary to take up the resolution in detail and analyze it, because it is all based upon one wrong, vicious proposition. To stand in the Senate of the United States and charge that Members of this body, in the performance of their individual citizenship, have participated in disreputable and dishonest procedure in a national convention is intolerable, and if such a charge is made it should be accompanied by the names of those charged.

We have a rule in this body which precludes any Member from speaking disrespectfully of another. We have a rule in this body which precludes any Member from charging another with improper motives. It may be said that that applies only to his actions in the body. I hold that it applies to the action of the Senator, because he is a Senator of the United States wherever he is during the tenure of his office.

What a document that would be to read in the public schools of the United States! As well take in the infected flag of smallpox or cholera. It is a more serious offense to poison the minds of the children and the students of the country than it is to infect them with a disease. The mind, once tainted, never is restored to perfect health. A suggestion of dishonor made against the representative bodies of the people of the country is never eradicated from the mind of the child.

If it is said that the charges are true, why investigate them? No man should say that these charges are true unless he can stand in his place and show that they are true by giving the day, date, data, and names. The things charged in that document are crimes. They are crimes against the law of citizenship; they are crimes against the law of the land. There should be no necessity for an investigation of such a charge by a committee.

What would be the result? Send out a committee of this body to travel up and down the land for months and months, sitting in various places, with its daily proceedings made the subject matter of newspaper quibble and comment, charge and vituperation, and you had as well send the trailing bag of infectious disease from one end of the country to the other to poison the air. There is nothing more important than that the minds of the people of the country, especially of the youth and those whose minds are in process of formation, should remain untainted by a charge coming from a responsible body.

It is bad enough to be confronted with irresponsible slander, but it is infinitely worse to be confronted by a charge coming with the sanction of the Senate of the United States for investigation in the local communities of the United States. The committee would succeed in procuring conjecture, uncertainty, but would any man come before the committee and make a definite charge? If he would, he is accessible now without this public exhibition of irresponsible charges.

The thing to be desired is that whatever has occurred during these political contests shall be buried in oblivion as soon as possible, that most of the men shall be forgotten at the earliest possible moment. The names of men who engage in disgraceful conduct in the performance of public duty ought not to be remembered overnight. No man is entitled to fame because of his misbehavior.

This, if it is calculated for anything more than another, is calculated to perpetuate the consideration of the evil deeds of evil men. We do not want that kind of history written. We want to write only the history of the good deeds of good men, and how much of it would be found in the report of this committee? It does not ask that the committee shall investigate lawful deeds of men engaged in lawful proceedings. It is a little on the order of the journalism of the day. I have not seen in any paper any statement as to the good deeds of a man in display type at the head of a column. I have not noticed any reference to the class of men who do good deeds except, perhaps, in obituary. Would this committee sit under the resolution to hear the facts in regard to really great and pure statesmen actuated by high motives of statesmanship? It does not ask that they shall do it, and they have no jurisdiction. It is simply a dragnet in search of crime, in search of the disreputable, in search of that which should be forever hid.

Now, Mr. President, it is not a subject to elaborate on very much, in my judgment. It contains suggestions and innuendoes enough to wipe out every good and patriotic impulse in the mind and breast of every child in the land. A suggestion that those things are true to those who are studying the institutions and learning the lesson of citizenship is a blot upon their life, I care not what are the politics of the officials who are charged irresponsibly, against whom a suggestion is made that if you will enter into this investigation you will probably find that they are disreputable. I would like the man to stand up before us and make the charge. I like the habit when a man commences to tell you in confidence something to the detriment of another to say, "Wait; I will call him up on the phone that I may have him here and listen to the conversation." I have stopped a good many confidences of that kind in that way.

Let any man making those charges give the names, and in the presence of those whose names he gives take the chances. If he will not, the charge ought not to be made. Let us elevate the standard of citizenship so that there will be no possibility of such a condition as is presented here this morning.

I am not going to consider the question whether or not there will be two parties or three parties or many parties in the coming campaign. The man whose mind is bent on considering that question as paramount loses sight of the principles for which parties stand. The Republican Party at Chicago has redeemed itself in its tariff declaration. We do not find within that platform the old saw about the difference between the cost of production abroad and at home. That absurdity is eliminated. It is a perfect tariff plank, except for one little joke in it, which suggests that some duties are too high. I think so. I think myself the duty on beeswax and curled feathers might be reduced. I am not afraid to meet a platform anywhere in considering the question of adjusting business relations between the American people and the

people of other countries. I do not know what kind of a plank will come over from Baltimore. I do not know that I am very much interested in it, because a man can not ride in two cars at the same time, and he can not vote two tickets at the same election—that is, I do not think he can.

This resolution leaves the people up in the air, with nothing beneath their feet. It does not advise supporting either party. It rather intimates that there may come a deliverer out of Israel.

Now, Mr. President, I have said more than I intended to say, but I feel that a resolution like that should not go through in a perfunctory manner, be referred to a committee as though it were something serious, reported by a committee as though it were worthy of consideration, and considered in the Senate as though we were here to spend our time in the consideration of such a matter. I hope that the committee will be supplied with a proper undertaker for burial services.

Mr. WORKS. Mr. President, this resolution has been regularly referred, and I am not going to take up the time of the Senate now in discussing the merits of it.

The Senator from Idaho [Mr. HEYBURN] has made a resolution of his own and discussed it quite elaborately, not the resolution offered by me. Evidently he did not pay attention to the reading and has not read the resolution itself. The resolution does not charge anybody with anything. It is purely and simply a resolution calling for inquiry as to the truth of the charges that have been made by somebody else, and made on the floor of the Senate, not by me, not by the resolution. It calls for an inquiry into the truth of the facts that have been spread all over the country, not only as emanating from the floor of the Senate of the United States, but charges that were made in the political campaign over and over again affecting the integrity of the Republican Party and those who are connected with it.

Now, who should object to the truth being known about it? The best way to overcome the evil is to disclose it and then handle it. That is just what we have to do with the affairs of the Government and in politics to-day if we are going to accomplish anything.

It was charged, Mr. President, on the floor of the Senate within a very short time, that millions of dollars had been expended to control this campaign. It was said upon the floor of the Senate that a Member of this body had made that same charge on the stump throughout the country. All sorts of charges were made during the continuance of the Republican convention. How much of them were true, how much of them were false, none of us know. But I say, Mr. President—and I say it in all sincerity—that the people of this country have a right to know whether these charges are true or false and the Senate of the United States, standing as a representative of the people, have a right to ask that this kind of an investigation may be had in order to determine whether the charges are true or not.

These resolutions do not charge corruption upon the part of the citizens of this country, as the Senator from Idaho assumes. I sincerely hope that the investigation made under the resolution will disclose the fact that they are not subject to corruption, because it would be a sorry day for this country if it should ever come when the masses of the people of the country could be influenced and corrupted with money.

There are some things recited in the resolution that every Senator on this floor knows to be true. As the Senator from Idaho says, that does not need any investigation. Members of this body and other public officials have been giving their time day after day to carry on the political campaigns of the different candidates. We know it. A good many of the people of the country do not know it, and they have a perfect right to know if it be true that men sent here as their representatives, men employed in the departments of the Government, and paid by them, are using the time for which they are paid by the Government to carry on the campaign of any candidate for President or any other office within the gift of the people.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Minnesota?

Mr. WORKS. I do.

Mr. NELSON. I want to ask the Senator, in all candor, if those remarks would not apply to some of the Members of this body?

Mr. WORKS. I think they are applied to Members of this body, as the Senator would have known if he had listened to the resolution. I think, if an investigation of this kind is made, that it will be found to be true with respect to Members of this body the same as other public officials.

As I said in the beginning, I am not disposed to discuss the merits of this resolution. I am perfectly willing to take such responsibility as may flow from its introduction. It is for the proper committee and the Senate to determine whether this investigation shall be made or not. I have submitted the resolution in good faith. I think it calls for an investigation, which should be made and made thoroughly, but that, as I have said, is a matter for the Senate to determine.

Mr. MCCUMBER. Mr. President, personally I have no objection whatever to the resolution introduced by the Senator from California. I, however, do have objection and I wish to protest as a Republican against the argument that was used to bolster up the resolution. We have heard the cry of fraud throughout the country in reference to the presidential primaries from the very beginning, and there is not a man in the Senate of the United States who did not thoroughly understand why that cry of fraud went out months before an election was had in a single State. It is the practice of the incendiary who purposes to destroy by fire to cry fire in some other quarter of the city and thereby divert attention from his own work. We have heard the cry of fraud and what was going to happen and the contests that were going to be initiated from one end of the country to the other. We knew when that cry went forth that there was a purpose, a clear purpose, to create fake contests all over the country, and as those fake contests would necessarily be dismissed there would be seemingly some ground for suspicion and enable the cries of fraud to gain some attention when they were dismissed.

I think it most unjust at this time, in support of a resolution of this character, to declare that the President of the United States received his nomination through fraud and corrupt practices. I do not believe it. Mr. President, myself, and I do not believe that there will be any evidence forthcoming to sustain a charge of that kind.

I am perfectly willing to investigate the question of the amount of money that is necessary in these primary contests. I am willing to investigate and ascertain how many dollars it takes to bring out one-quarter, one-fifth, or one-tenth of the party vote in any one of the States.

There are some justifiable provisions included in the resolution of the Senator from California. I agree with him that a contest has been carried on that has been a disgrace to the American people, and the very system that the Senator supports so strongly and so earnestly has been the system that has invited the kind of personalities against which he complains.

Mr. WORKS. Mr. President——

Mr. MCCUMBER. In just a moment.

Personalities and personal abuse that never would be made before a convention of intelligent men, that never would be made before a legislature in any State in the Union, have been indulged in as fit arguments by those who think they can mislead the people by making charges of a criminal character, charges that would not be made before any convention or any gathering of men organized to make nominations. I agree with the Senator on many of those things contained in his resolution, but I do not agree with him that there has been any fraud or injustice whatever in the matter of dismissing any of those fake contests. There may have been some few contests in which there were close questions, but I believe as a whole the members of the national committee acted honestly and conscientiously in their decisions, and to charge that they have acted dishonestly and corruptly is not only uncalled for but is untrue.

Why, Mr. President, the greatest——

Mr. WORKS. Mr. President——

Mr. MCCUMBER. One moment. The greatest amount of money that was ever raised in any political campaign was raised in 1896 during the McKinley campaign, and not a dollar of the millions of dollars that were raised was used to buy votes; it was used for literature; it was used to pay the expenses of the speakers; it was used to cover the thousands of expenses that are necessary to carry on a great campaign of education. I do not condemn the using of a great amount of money, whether it comes from the Standard Oil Co., whether it comes from Mr. Perkins in support of his candidate, or whether it comes in support of the present President of the United States, if it is used honestly and fairly for the purpose of getting out literature, for the purpose of presenting facts to the people and not sensational falsehoods. I think the greater force we can have to disseminate true political knowledge over the country the better it will be for the country.

I now yield to the Senator from California.

Mr. WORKS. Mr. President, the Senator from North Dakota may be perfectly right that the presidential primary has resulted in such a campaign as we have just witnessed. If that be the case it has a great deal to answer for, and if it is going to have such an effect in this country I want to know it. I am not so wedded to any kind of machinery for conducting the elections of this country as to insist upon that or any other machinery that is going to result in such consequences.

With respect to the question of the expenditure of money, certainly there may be legitimate expenditures of money in a political campaign whether for President of the United States or anybody else. The object and purpose of the resolution is to ascertain whether the large sums of money alleged to have been used have been used properly or not. To that I should think the Senator from North Dakota would not object.

Mr. MCCUMBER. I do not object to that, Mr. President.

The closing remarks of the Senator from California in his first address on this subject were not surprising to me. It is a part of what has seemed to me for the last 8 or 10 years to be a consistent policy—a policy of rule or ruin. "If we can not rule the party, if we can not secure the success of our nominee this year, we will turn against the candidate who is nominated." Then they use that as a reason why some other person, representing a different view, should be selected next time. I have heard in a number of the States in the past few years, where we have conducted such elections, the claim made: "We have put up our candidate"—I will say "our progressive candidate"—"for a number of years in the primary; he has not been chosen; so we will elect a Democrat to that position. That will furnish evidence to you, the people of the country, that you had better nominate our candidate." It is simply a hold-up system. "Support our views; support our candidate; or we will destroy the party." That is the proposition in a nutshell that is presented to the Senate of the United States in the argument that has just been made. "If we can not secure the defeat of your candidate in the primary, then the next step is to defeat him in the election. We will try once more; we will defeat him, if it is possible; if we should not succeed in defeating him, it will be time enough then to consider whether it is necessary to create a third party in order to win."

Mr. President, I believe in fighting out our difficulties within the party itself. I do not believe that the public is so corrupt, I do not believe that the average people who go as delegates to conventions are so corrupt, as the Senator would have us believe. I do not believe that those who support one party are criminals and those who support the other party are saints. I believe that we should and can fight out these questions in our conventions, or fight them out in our primaries if we have the primary system, and then let us as good partisans stand by the party of our choice. If there is a plank in our platform that is not just according to our idea, let us try to better fit it to the necessities of the country. If we think our tendency is in the wrong direction, let us work together to guide the party in the right direction. We gain nothing by uniting a number of people who have been defeated in their purposes and attempting to destroy the old organization by creating a new one.

Mr. President, I only rose primarily to dissent most earnestly from this continuous cry of fraud by those who were defeated, and while I might have, with the majority, differed as to some of the contests that were decided I certainly believe that the men who decided them were honest in their convictions in every decision. The majority of the elected delegates favored the renomination of President Taft. As a Republican he is my nominee. Had either of his opponents been nominated I should have supported that nominee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies, in which it requested the concurrence of the Senate.

EXTENSION OF APPROPRIATIONS.

Mr. WARREN. Mr. President, I ask that House joint resolution No. 331 be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives.

Mr. WARREN. I think the joint resolution should be read for information, and then referred to the Committee on Appropriations. I will say

that the committee have already had the subject under consideration and will probably be prepared to report at once; but I wish that the joint resolution may be read so as to go into the RECORD.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies was read the first time by its title, the second time at length, and referred to the Committee on Appropriations, as follows:

"*Resolved, etc.*, That all appropriations for the necessary operations of the Government, and for the payment of pensions under existing laws, which shall remain unprovided for on the 30th day of June, 1912, be, and they are hereby, continued and made available for and during the month of July, 1912, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1913; and a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twelfth of the appropriations made for the fiscal year 1912 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1913 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twelfth of the appropriations for the fiscal year 1912, and eleven-twelfths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the same.

"This joint resolution shall be construed as authorizing the continuance of the salaries and other expenses under the organization of the Bureau of the Census of the Department of Commerce and Labor as the latter existed June 30, 1912, for the period of time and under the conditions provided herein for all other branches of the public service."

Mr. WARREN subsequently said: The Committee on Appropriations, having considered House joint resolution 331, I report it back favorably without amendment and ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS OF HON. N. C. YOUNG (S. DOC. NO. 865).

Mr. MCCUMBER. Mr. President, I have here a very short address delivered by Hon. N. C. Young, late a member of the Supreme Court of the State of North Dakota, on the subject, "Shall we change our plan of government?" I consider it a very worthy article, and ask that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MANEUVERS OF REGULAR ARMY AND MILITIA.

Mr. JOHNSTON of Alabama. Mr. President, I desire to ask the chairman of the Committee on Appropriations if any immediate action is being taken in regard to the appropriation for maneuver camps?

Mr. WARREN. We will await the action of the other House upon that matter. Of course we have been unable to act until to-day, but I assume that the other House will take care of it, and that we shall hear from them soon.

Mr. JOHNSTON of Alabama. Very well.

APPROPRIATIONS FOR GOVERNMENT EXPENSES (H. DOC. NO. 854).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I send herewith the report of the Commission on Economy and Efficiency on "The need for a national budget." The recommendations contained therein are approved by me. I recommend to the Congress the enactment of the legislation necessary to put them into effect.

The subject is one of fundamental importance to the Executive as well as to the Congress. Notwithstanding the magnitude and complexity of the business which is each year conducted by the executive branch and financed by the Congress, and the vital relation which each governmental activity bears to the welfare of the people, there is at present no provision for reporting revenues, expenditures, and estimates for appropriations in such manner that the Executive, before submitting estimates, and each Member of Congress, and the people, after estimates have been submitted, may know what has been done by the Government or what the Government proposes to do.

Briefly stated, the situation is this: Under the Constitution (and subject to its limitations) Congress is made responsible for determining the following questions of policy: What business or work the Government shall undertake; what shall be the organization under the Executive which is charged with executing its policies; what amount of funds and by what means funds shall be provided for each activity or class of work; what shall be the character of expenditures authorized for carrying on each class of work—i. e., how much for expenses, how much for capital outlays, etc.

As a means of definitely locating this responsibility Congress was given the sole power to levy taxes; to borrow money on the credit of the United States; to authorize money to be drawn from the Treasury. To the President also has been given very definite responsibility. To the end that Congress may effectively discharge its duties the article of the Constitution dealing with legislative power provided that "a regular statement and account of receipts and expenditures of all public moneys shall be published," and the article dealing with the Executive power requires the President "from time to time to give to the Congress information on the state of the Union and to recommend to their consideration such measures as he shall deem necessary and expedient."

Notwithstanding these specific constitutional requirements there has been relatively little attention given to the working out of an adequate and systematic plan for considering expenditures and estimates for appropriations, for regularly stating these in such form that they may be considered in relation to questions of public policy, and for presenting to Congress for their consideration each year, when requests are made for funds, any definite plan or proposal for which the administration may be held responsible.

Regular committees on expenditure have been established by the Congress for the purpose of obtaining knowledge of conditions through special investigations. During the last century over 100 special congressional investigations have been authorized to obtain information which should have been regularly submitted, and much money as well as much time has been spent by the Congress in its effort to obtain information about matters that should be laid before them as an open book; many statutes have been passed governing the manner in which reports of expenditures shall be made; specific rules have been laid down giving the manner in which estimates shall be submitted to Congress and considered by it. From time to time special investigations have been made by heads of executive departments. During the last century many such investigations have been carried on and much money has been spent in the conduct of these, as well as by Congress, for the purpose of obtaining facts as a basis for intelligent consideration of methods and procedure of doing business with a view to increasing economy and efficiency. From time to time Executive orders have been issued and reorganizations have taken place.

Generally speaking, however, the only conclusions which may be reached from all of this are that—

No regular or systematic means has been provided for the consideration of the detail and concrete problems of the Government.

A well-defined business or work program for the Government has not been evolved.

The reports of expenditures required by law are unsystematic, lack uniformity of classification, and are incapable of being summarized so as to give to Congress, to the President, or to the people a picture of what has been done and of cost in terms either of economy of purchase or efficiency of organization in obtaining results.

The summaries of expenditures required by law to be submitted by the Secretary of the Treasury, with estimates, not only do not provide the data necessary to the consideration of questions of policy, but they are not summarized and classified on the same basis as the estimates.

The report on revenues is not in any direct way related to the expenditures, except as the Secretary of the Treasury estimates a surplus or deficiency, and this estimate is based on accounts which do not accurately show expenditures or outstanding liabilities to be met.

Instead of the President being made responsible for estimates of expenditures, the heads of departments and establishments are made the ministerial agents of Congress, the President being called on only to advise Congress how, in his opinion, expenditures may be reduced or revenues may be increased in case estimated expenditures exceed estimated revenues.

The estimates do not raise for consideration questions which should be decided before appropriations are granted, nor does the form in which estimates are required to be presented by the Congress lay the foundation for the consideration of subjects of work to be done, the character of organization best adapted to performing work, the character of expenditures to be made, the best method of financing expenditures.

The present law governing the preparation and submission of estimates, requiring them to be submitted each year in the same form as the year before, was passed without due consideration as to what information should be had before Congress as a basis for action, the result being that the unsystematic and confused method before in use was made continuous.

The rules of the Congress do not provide for the consideration of estimates in such manner that any Member of Congress, any committee, or either House of Congress as a whole may have before it at any one time the information needed for the effective consideration of a program of work done or to be done.

The committee organization is largely the result of historical development rather than of the consideration of present needs.

Inadequate provision is made for getting before each committee to which appropriations are referred all of the data necessary for the consideration of work to be done, organization provided for doing work, character of expenditures, or method of financing.

Following the method at present prescribed, the estimates submitted by each organization unit may have to be split up for consideration by appropriation committees of the Congress and be made the subject of several different bills; in few places are all of the estimates or appropriations asked for by a single organization unit brought together.

The estimates for appropriations requested for a single class of work are similarly divided, no provision being made for considering the amount asked for, the amount appropriated, or the amount spent for a single general class of governmental activity.

Generally speaking, the estimates for expenses (or cost of each definite class of services to be rendered) are not separately shown from estimates for capital outlays (or cost of land, buildings, equipment, and other properties acquired).

While the classification and summaries of estimates do indicate a proposed method of financing, these summaries do not show classes of work or the character of expenditures provided for, and therefore can not lay the foundation for the consideration of methods of financing as a matter of governmental policy as is contemplated under the Constitution.

The appropriations are just as unsystematic and incapable of classification and summary as the estimates; in fact, follow the same general form, making it difficult and in many cases impossible to determine what class of work has been authorized, how much may be spent for each class, or the character of expenditures to be made; nor does any one bill cover the total authorizations for any particular general class of work.

Bills for appropriations (the authorizations to incur liabilities and to spend) are not considered by the committee to which measures for raising revenues and borrowing money are referred, nor are revenues and borrowings considered by committees on appropriations in relation to the funds which will be available.

So long as the method at present prescribed obtains, neither the Congress nor the country can have laid before it a definite understandable program of business or of governmental work to be financed; nor can it have a well-defined, clearly expressed financial program to be followed; nor can either the Congress or the Executive get before the country the proposals of each in such manner as to locate responsibility for plans submitted or for results.

Although the President has the power to install new and improved systems of accounts and to require that information be presented to him each year in such form that he and his Cabinet may intelligently consider proposals or estimates, although the President, under the Constitution, may submit to the Congress each year a definite well-considered budget, with a message calling attention to subjects of immediate importance, to do this without the cooperation of the Congress in the repeal of laws which would be conflicting, and in the enactment of other laws which would place upon the heads of departments duties to be performed that would be in harmony with such procedure would entail a large expenditure of public money in duplication of work.

The purpose of the report which is submitted is to suggest a method whereby the President, as the constitutional head of the administration, may lay before the Congress and the Congress may consider and act on a definite business and financial program; to have the expenditures, appropriations, and estimates so classified and summarized that their broad significance may be readily understood; to provide each Member of Congress, as well as each citizen who is interested, with such data pertaining to each subject of interest that it may be considered in relation to each question of policy which should be gone into before an appropriation for expenditures is made; to have these general summaries supported by such detail information as is necessary to consider the economy and efficiency with which business has been transacted; in short, to suggest a plan whereby the President and Congress may cooperate—the one in laying before the Congress and the country a clearly expressed administrative program to be acted on, the other in laying before the President a definite enactment to be acted on by him. Included in this report are summaries of expenditures for the year 1911, summaries of appropriations for the fiscal year 1912, and summaries of estimates of appropriations for the fiscal year 1913. To these summaries your special attention is invited. Attached is also an appendix containing a digest of laws pertaining to appropriations and allotments, to the preparation of estimates, and to forms of reporting expenditures; also the suggested pro forma draft of budget, which has been prepared by the commission and is submitted for your consideration as a matter bearing very directly on the economy and efficiency with which Government business is carried on.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

WILLIAM F. M'KIM.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representative to the bill (S. 1754) to correct the military record of William F. McKim, which was to amend the title so as to read: "An act for the relief of William F. McKim."

Mr. JONES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. MCCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 4113. An act for the relief of Robert E. Burke;
H. R. 4512. An act for the relief of Mary Beal; and
H. R. 25060. An act for the relief of Joe Cook.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs;

H. R. 18425. An act to remove the charge of desertion from the military record of Simon Nager; and
H. R. 19190. An act for the relief of John F. Risley.

UNEXPENDED BALANCE FOR PARTING AND REFINING BULLION.

Mr. WARREN. From the Committee on Appropriations, I report back favorably without amendment Senate joint resolution No. 121, authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion, and I submit a report (No. 899) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

"Resolved, etc., That the unexpended balance of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury June 30, 1912, may be drawn upon to defray in full the expenses incidental to refining and parting bullion in the mints at Denver and San Francisco and the assay office at New York, including labor, material, wastage, and loss on sale of sweeps, until the regular appropriations for the mint service for the fiscal year 1913 are available, and that the amount expended under this provision shall be deducted from the annual appropriation for this service."

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I ask that the report accompanying the joint resolution may be printed in the RECORD. It is short and carries with it a letter from the Secretary of the Treasury in explanation of the necessity for the passage of the joint resolution.

The PRESIDENT pro tempore. Does the Senator desire that it be printed in the RECORD without being read?

Mr. WARREN. Without being read.

The PRESIDENT pro tempore. It is so ordered, in the absence of objection.

The report submitted this day by Mr. WARREN is as follows:

"Mr. WARREN, from the Committee on Appropriations, submitted the following report, to accompany Senate joint resolution 121:

"The Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 121) authorizing the use of the unexpended balance of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury June 30, 1912, for said purpose for the fiscal year 1913 until the annual appropriation therefor is available, reports the same to the Senate with the recommendation that it pass without amendment, and in explanation of the action of the committee respectfully submits the following letter from the Secretary of the Treasury:

"TREASURY DEPARTMENT,
"OFFICE OF THE SECRETARY,
"*Washington, June 29, 1912.*

"Hon. FRANCIS E. WARREN,
"*Chairman Committee on Appropriations,*
"*United States Senate.*

"SIR: In connection with the consideration of a joint resolution to provide temporarily for the expenses of the Government after June 30, 1912, pending final action upon the regular appropriation bills for the fiscal year 1913, I beg to invite your particular attention to the situation relative to parting and refining operations in the mints and the assay office at New York.

"The provision under which all expenditures incident to parting and refining bullion have been met for years past is to be found in the deficiency act of July 7, 1898 (see ch. 571, 30 Stat. L., 657), and reads as follows:

"'Chapter 571. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for prior years, and for other purposes.

"'PAR. 4a. And refining and parting of bullion shall be carried on at the coinage mints of the United States and at the assay office at New York, and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, and also the proceeds of sale of by-products (spent acids arising from any surplus bullion recovered in parting and refining processes), pursuant to law, so far as may be necessary, to defraying in full the expenses thereof, including labor, material, wastage, and loss on sale of sweeps.

"'But no part of the moneys appropriated for the support of the coinage mints and assay office at New York shall be used to defray the expenses of parting and refining bullion.'

"The policy of using the proceeds of charges imposed upon bullion to meet the cost of operating the refineries was changed by a provision of the deficiency act of March 4, 1911 (see ch. 240, Public, 480), the repealing clause reading as follows:

"'All laws and parts of laws, to the extent that they make a permanent indefinite appropriation for the expenses of parting and refining bullion, are repealed to take effect from and after June 30, 1912; and the Secretary of the Treasury shall, for the fiscal year 1913, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates for the expenses of this service.

"'The unexpended balance, after meeting all obligations, of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury two years after the close of the fiscal year 1912 shall be covered into the Treasury as a miscellaneous receipt.'

"It is a grave question whether a resolution so worded as to extend the 1912 appropriations will have the effect of reviving a statute which is definitely repealed. Estimates for the cost of maintaining this service in the fiscal year 1913 in the Denver and San Francisco Mints and the assay office at New York were submitted to Congress, and provisions for the same appear in the bill making appropriations for the legislative, executive, and judicial expenses. It is highly important that provision be made for continuing these refinery operations at the three institutions without a break. The wages of 90 people are involved. At the New York assay office the larger part of all expenditures have been met from the charges imposed upon bullion and the institution can not be kept open for the transaction of business unless provision is made for meeting these expenses after June 30, 1912.

"I therefore suggest that the proposed resolution contain the following specific provision, or one similar that meets your judgment, to cover the situation above pointed out:

"'That the unexpended balance of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury June 30, 1912, may be drawn upon to defray in full the expenses incidental to refining and parting bullion in the mints at Denver and San Francisco and the assay office at New York, including labor, material, wastage, and loss on sale of sweeps, until the regular appropriations for the mint service for the fiscal year 1913 are available, and that the amount expended under this provision shall be deducted from the annual appropriation for this service.'

"Respectfully,

"FRANKLIN MACVEAGH, *Secretary.*"

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the morning business is closed.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 20728, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and that order is made.

Mr. CLAPP. Mr. President, before the Secretary proceeds to read the bill, I desire to make a very brief statement.

This bill, as reported from the Senate committee, very largely increases the House appropriations. The increases come from three sources: First, many of the appropriations are appropriations of Indian funds and not of Government funds. Second, many of the increases are simply cases where the House failed to grant the amount estimated for, and the Senate committee has increased the appropriation to the

estimate. Third, there are items affecting the conduct of irrigation and other projects where the Indian Office felt that it was wiser to have the larger sum appropriated.

The bill contains a great deal of general legislation, which it seems difficult to get in any other form. I am not so sensitive on that subject as heretofore, in view of the uniform custom at this session of putting much general legislation on the appropriation bills.

I call attention to these matters before the Senate proceeds to consider the bill. Of course it is for the Senate to determine what it will do with them.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, on page 2, line 16, before the word "thousand," to strike out "two hundred and fifteen" and insert "three hundred and thirty-five"; in the same line, after the word "dollars," to insert "$35,000 of which to be immediately available"; and in line 20, after the word "expended," to insert: "*Provided*, That the unexpended balances of all continuing appropriations heretofore made for survey, allotment, classification, or appraisement work, general or specific, are hereby made available for the purposes enumerated herein. Surveys provided for by appropriations for surveying and allotting Indian reservations shall be made in accordance with the provisions for surveys and resurveys of public lands, including traveling expenses and allowance in lieu of subsistence, to surveyors and clerks detailed as surveyors employed thereunder," so as to make the clause read:

"For the survey, resurvey, classification, and appraisement of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians,' and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the Office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $335,000, $35,000 of which to be immediately available, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended: *Provided*, That the unexpended balances of all continuing appropriations heretofore made for survey, allotment, classification, or appraisement work, general or specific, are hereby made available for the purposes enumerated herein. Surveys provided for by appropriations for surveying and allotting Indian reservations shall be made in accordance with the provisions for surveys and resurveys of public lands, including traveling expenses and allowance in lieu of subsistence, to surveyors and clerks detailed as surveyors employed thereunder."

Mr. GALLINGER. Mr. President, I would suggest to the Senator, inasmuch as we have commenced on another fiscal year, that the words "to be immediately available" should be stricken from the bill wherever they occur.

Mr. CLAPP. Mr. President, that occurred to me while the joint resolution we have passed was being read. It strikes me that while the joint resolution answers the purpose for the present, some provision must be made in all these appropriation bills to meet that proposition. In these bills there are certain appropriations with reference to a fixed day. That day has already passed; yet the joint resolution of the two Houses does not cover an appropriation made under those circumstances. I thought that, if necessary, when we get through with all of them, the Committee on Appropriations can meet that difficulty by some general provision.

Mr. GALLINGER. I shall not insist upon my suggestion, Mr. President. It does no harm to leave in the clause; but it seems to me it is unnecessary, for the reason that when the bill becomes a law all these appropriations will be immediately available.

Mr. CLAPP. Will they?

Mr. GALLINGER. Absolutely.

Mr. WARREN. The 1st of July will have passed before the bill becomes a law, but it will do no harm to leave in the language.

Mr. CLAPP. Some of them would be immediately available and some, in the very nature of things, would not be.

Mr. GALLINGER. I shall not insist upon it.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 3, line 10, before the word "thousand," to strike out "three hundred" and insert "three hundred and forty-five," so as to read:

"For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, $345,000, to remain available until expended."

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc.; on page 4, line 14, before the word "thousand," to strike out "ten" and insert "fifty-five," so as to make the clause read:

"For traveling expenses of two inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, $355,700: *Provided also*, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed."

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in line 17, after the word "employed," to insert:

"*Provided also*, That there shall be covered into each fund, from whatsoever source derived, for construction or maintenance and operation of any irrigation project or system within the jurisdiction of the Indian service or preliminary surveys and investigations for determining the feasibility or cost of new projects in the Indian service, the proceeds of the sales of material utilized for temporary work and structures, as well as of the sales of any other property which had been purchased from such fund, and also any moneys refunded in connection with operations necessary for and incidental to such work; and for lands under any such project the Secretary of the Interior may fix annual maintenance charges, which shall be paid as he may direct, such charges, when collected, not to be covered into the Treasury but to be immediately available for use for the maintenance and operation of the project or system for which collected."

Mr. CURTIS. I make the point of order against that amendment. I think the acting chairman will concede that it is general legislation, in violation of Rule XVI.

The PRESIDENT pro tempore. The Chair will be glad if the acting chairman of the committee will indicate whether or not there is an issue upon that point.

Mr. CLAPP. Mr. President, I do not see how there can be any issue. The Senator makes the point of order. It is a provision that the Indian Office is very anxious to have. That is the only thing I can urge in its behalf.

The PRESIDENT pro tempore. The Chair will sustain the point of order.

Mr. OVERMAN. Mr. President, I suggest that we go on to-day on these matters as in Committee of the Whole, and when we get into the Senate, if any Senator wishes to offer an amendment to strike out anything that has been agreed to—I do not know that such will be the case—he can do so. I do not suppose the Senator desires to have the bill passed to-day.

Mr. CLAPP. Of course I should like to have the bill passed to-day if it can be passed without pressing the matter against the convenience of Senators. It is an appropriation bill, and we want to get the appropriation bills out of the way.

Mr. OVERMAN. I realize that fact, but I think probably the Senator can not get it passed to-day. I simply make the suggestion so that we may reserve any amendments that any Senator desires to reserve. I have no amendments to offer myself and no fight to make on the bill. But there are only a few Democratic Senators here, and there may be some who will desire to have the course I suggest taken.

Mr. CLAPP. There is no objection to agreeing to that.

Mr. GALLINGER. I will ask the Senator, Mr. President, if he objects to a point of order being made and ruled upon by the Chair?

Mr. OVERMAN. Not at all. I only want, when the bill gets into the Senate, to reserve the right to submit any amendment that any Senator wants to submit. I am doing it only as a matter of caution.

Mr. GALLINGER. Certainly.

Mr. OVERMAN. I have no fight to make on the bill myself and no amendments to offer.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 5, line 10, after the word "Indians," to insert "including the illegal introduction of intoxicating liquors into the State of Oklahoma," so as to make the clause read:

"For the supression of the traffic in intoxicating liquors among Indians, including the illegal introduction of intoxicating liquors into the State of Oklahoma, $75,000."

Mr. CURTIS. Mr. President, in view of the decision of the Supreme Court that the law does apply to Oklahoma, I think that amendment is unnecessary, and I will ask that the Senate disagree to it.

Mr. CLAPP. I think so, too.

The PRESIDENT pro tempore. What is the suggestion of the Senator from Kansas?

Mr. CURTIS. That we disagree to the amendment.

The PRESIDENT pro tempore. The motion is properly put in the affirmative, and those who wish to disagree will vote against the amendment.

The amendment was rejected.

Mr. CLAPP. Mr. President, I have talked with some members of the committee, and I wish to offer an amendment at this point. In the conduct of this matter of suppressing the traffic in intoxicating liquors among Indians it has been found that a strict interpretation of the law would prohibit the introduction of wines into Indian country to be used for sacramental purposes. The undesirability of such a restriction is so manifest that I am going, at this time and in connection with this item, to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from Minnesota.

The SECRETARY. On page 5, line 12, after the word "dollars," it is proposed to insert a colon and the following proviso:

"*Provided*, That hereafter it shall not be unlawful to introduce and use wines solely for sacramental purposes, under church authority, at any place within the Indian country or any Indian reservation, including the Pueblo Reservations in New Mexico."

Mr. HEYBURN. Mr. President, I should like to ask a question for information. Can it be possible that the Indians may not make wine from the grapes grown in that part of the country? They grow plenty of grapes there.

Mr. CLAPP. There are some sections of the country where grapes could be grown and homemade wine made for sacramental purposes. There are other sections of the country where it is very doubtful whether that could be done. A strict construction of the liquor law, at least the construction placed upon it by the authorities, prohibits the having of wine within the Indian country even for sacramental purposes, and to set the matter at rest and avoid any further question in regard to it I have offered this amendment.

Mr. HEYBURN. I did not rise to object to the amendment, but my attention was attracted by the suggestion that any legislation is necessary.

The PRESIDENT pro tempore. The Senator will suspend for one moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I should like to ask if the Senator from Idaho desires to speak upon the unfinished business. If not, I shall ask unanimous consent that it be laid aside temporarily.

Mr. HEYBURN. I had intended at this time to make some remarks, but in view of the fact that the Indian appropriation bill is before the Senate I will defer any remarks. Of course it is not to be laid aside for the day, but only to be laid aside temporarily.

Mr. SMOOT. Temporarily. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEYBURN. I do want to get at an intelligent idea of this matter. Can it be possible that one in authority has held that Indians may not make wine out of the grapes at their door? Everyone who knows this country knows that grapes are one of the plentiful fruits, and that it

should require legislation in order that they might have wine for church purposes seems to me to imply that they may not make wine out of their own grapes.

Mr. CLAPP. I will ask the Senator if it is his understanding that under the law of this country an Indian within the prohibited classes has the right to manufacture liquor on a reservation?

Mr. HEYBURN. I should dislike to think that we had ever been so unwise in legislation as to make it impossible for Indians to make wine of their own grapes for such a purpose. If we have, then it is another of the curiosities that should be taken into consideration in legislation.

I was impelled to make the suggestion because of the fact that if any person should be permitted to do it they should be permitted to make out of their production whatever a white man might make out of his. These Indians there are probably quite up to the standard of average American citizenship.

Mr. CLAPP. That is all true, but the fact remains that those in authority maintain that wine for sacramental purposes comes within the general provision of the statute.

Mr. HEYBURN. Then my criticism would be shifted to those in authority.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in line 12, after the words "dollars" to insert the following proviso:

"*Provided*, That the powers conferred by section 788 of the Revised Statutes upon marshals and their deputies are hereby conferred upon the chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior."

Mr. GALLINGER. I suggest to the Senator that as he has already inserted a proviso, that this proviso should read "*Provided also*," and I would further suggest that it be made one paragraph instead of two.

Mr. CLAPP. That can be done now or in the final preparation of the bill.

Mr. GALLINGER. The clerks can make it a single paragraph.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In line 13, after the word "*Provided*," insert "*also*."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Let it appear in the RECORD that the part beginning in line 9 down to the end of line 19 shall be treated as one paragraph.

The PRESIDENT pro tempore. That will be done.

The next amendment was, on page 5, line 24, before the word "thousand," to strike out "sixty" and insert "two hundred and fifty," so as to make the clause read:

"To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $250,000."

Mr. HEYBURN. I should like to know something of the necessity for making so radical a change as to strike out $60,000 and insert $250,000 for purchase of vaccine and expense of vaccination.

Mr. CURTIS. It was my purpose to oppose this amendment, and if the Senator will——

Mr. HEYBURN. I will leave it to the Senator, who is much more familiar with the subject; but I was naturally put upon inquiry by the vast raise in the appropriation.

Mr. CURTIS. I dislike very much to oppose an amendment of this kind, but it seems to me that the report of the commissioner justifies me in taking that course. I hope the Senate will disagree to the amendment.

The Commissioner of Indian Affairs estimated for only $75,000. The House gave them only $60,000. Last year there was appropriated for this purpose $60,000, and only $53,000 of it was used. Twenty thousand dollars of that was used in the building of a hospital and only $10,000 was used for medicine; $1,000 was used to buy material for taking photographs, and all the balance was paid in salaries. The year before they had $40,000 and used only $29,000.

It seems to me that there is no justification for so large an increase in view of what has been expended and in view of the further fact that there are now 100 regular physicians, 64 contract physicians, 54 matrons, and 88 field matrons to look after matters of this kind and attend the Indians who need care and attention.

I hope the amendment will be voted down, and then I should like to have the Senate give the commissioner what he asked—$75,000.

Mr. HEYBURN. I should like to inquire if the Senator has information as to how much of this sum is expended for physicians and how much for vaccine matter.

Mr. CURTIS. Less than $10,000 was paid out for medicines of all kinds.

Mr. HEYBURN. That would include vaccine matter?

Mr. CURTIS. I will read the items that were paid out last year:

Relieving distress among destitute Indians	$3,000
Purchase of vaccine and antitoxin and the vaccination of Indians	3,000
Employment of special physicians and purchase of medicines	3,000
Equipment and maintenance of sanatoria in the North and Northwest	20,000
3 physicians at large, at $1,400 per annum each	4,200
Expenses of 3 physicians, at $1,200 each	3,600
1 nurse, field service	1,000
Expenses of nurse, field service	1,200
Traveling expenses and subsistence of physician detailed to Trachoma Hospital at Phoenix	1,200
1 nurse, field service	720
Expenses of nurse, field service	1,200
2 contract physicians, 1 at $480 and 1 at $720	1,200
2 nurses, at $720	1,400
2 assistant nurses, at $300	600
Incidental expenses, such as extra drugs, supplies, etc., in open market	500
1 nurse	720
1 cook	600
Incidental expenses at tuberculosis sanatorium, such as fresh fruit, extra food, and supplies in open market	500
Salary	2,000
Traveling and incidental expenses	2,095
Transportation for box of books and instruments	150
Motion-picture accessories, etc	204
Motion-picture accessories, chemicals, 2 boxes Ozone, 8 cans lime, and 100 barrels sulphuric ether	$204.00
6 cases photographic plates	100.00
3 cases lantern slides	50.00
6 gross developing paper	50.00
Photographic accessories, chemicals	100.00
5,000 feet positive film	212.50
7,000 feet negative film	262.50

Making a total of $53,104 expended last year.

Mr. HEYBURN. There is nothing in the report showing extraordinary conditions under which there should be an increase?

Mr. CURTIS. Nothing at all.

Mr. HEYBURN. Can the chairman of the committee advise us as to why the increase was made?

Mr. CLAPP. Mr. President, this item was increased from the amount allowed by the House over the estimate of the bureau on the request of the Indian Office. I will read a statement which appears in the report and which is brief:

"The records of the Indian Bureau show that a large per cent of the Indians are afflicted with tuberculosis as well as trachoma. The conditions of health among the Indians, as has been revealed by a careful study of conditions, especially as relates to trachoma, is very startling, indeed, as it is shown by carefully prepared statistics that anywhere from 15 to 80 per cent of the Indians in different parts of the country are suffering from trachoma, and if this terrible disease is not checked a large number of Indians will eventually become totally blind."

Then here comes another feature of it:

"It should be remembered that this disease not only endangers the sight of a large per cent of the Indians, but it endangers the health of millions of white people living in the immediate vicinity of the Indian reservations and who come in contact with the Indians."

Mr. HEYBURN. I should like to ask the Senator whether or not these Indians are living in their homes—on their farms. They are not in a reservation?

Mr. CLAPP. Some are on reservations; some are on farms and in their homes. There is an indiscriminate condition of the Indian situation with reference to residence from those who are still practically blanket Indians to those who now own and cultivate farms.

Mr. HEYBURN. Are the blanket Indians remaining within the purview of this bill?

Mr. CLAPP. There are yet a great many Indians who might properly be called blanket Indians.

Mr. HEYBURN. These are in Oklahoma?

Mr. CLAPP. No; this would apply to the whole country.

Mr. HEYBURN. I was just looking at the end to see whether it is so extensive.

Mr. CLAPP. If the Senator is correct, then the committee was laboring under a very serious misapprehension.

Mr. HEYBURN. The clause beginning in line 9 reads:

"For the suppression of the traffic in intoxicating liquors among Indians, including the illegal introduction of intoxicating liquors into the State of Oklahoma, $75,000."

I find no qualifying provision between that language and the language under consideration. I suppose the committee intended this to be of general application to all Indians.

Mr. CURTIS. A general provision, to apply to all Indians throughout the country.

Mr. CLAPP. Certainly. That criticism would apply to the provision for the day Indian schools.

Mr. HEYBURN. I had that in mind. I have it before me. I merely wanted information in regard to it. I have no sympathy with the vaccination proposition whatever, and to see a sum, including that kind of services, raised nearly $200,000 rather provoked inquiry.

Mr. CLAPP. Of course, vaccination is a very small item. It is included with the others. I will say that there was a time when smallpox was a very destructive disease, but to-day tuberculosis and trachoma are the two diseases that menace the Indians.

Mr. GALLINGER. Mr. President, I am going to ask a question that will reveal ignorance on my part, although I think probably I understand it. This bill does not apply to Indians in Alaska, I assume.

Mr. CLAPP. No; it does not, except in one or two schools that are specially mentioned.

Mr. GALLINGER. I have in mind a very eloquent and pathetic appeal of the Bishop of Alaska for Indians in that Territory, or whatever we may call it, and if I get an opportunity I should like very much to vote for a liberal appropriation to relieve the suffering of the people there. But I assume that this is not of general application.

Mr. CLAPP. Only where it is specified.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). The question is on agreeing to the amendment of the committee.

Mr. GALLINGER. Before the vote is taken I will ask the Senator from Kansas if I understod him correctly to say that the estimate of the department was $75,000?

Mr. CURTIS. Seventy-five thousand dollars.

Mr. GALLINGER. The House reduced it to $60,000.

Mr. CURTIS. Because last year only $53,000 was expended, and the year before, I think, $29,000 was expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. GALLINGER. I shall support a motion of the committee to insert $75,000 in lieu of $60,000.

Mr. CLAPP. I shall move now, on behalf of the committee, to insert $75,000 in lieu of $60,000, if there be no objection to that.

Mr. CURTIS. I think that ought to be done.

Mr. CLAPP. The motion now is to amend, on line 24, by striking out "sixty" before "thousand" and inserting "seventy-five" in lieu thereof.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, line 24, after the word "vaccination," strike out "sixty" and insert "seventy-five," so as to read "seventy-five thousand dollars."

Mr. MCCUMBER. I understand that the amendment proposing to appropriate $250,000 has been stricken out.

The PRESIDING OFFICER. It was disagreed to.

Mr. CLAPP. I propose to insert $75,000 in lieu of $60,000, conforming to the estimates of the Indian Office.

Mr. MCCUMBER. I wish to ask the Senator in charge of the bill if, in his opinion, $75,000 is sufficient for the purposes enumerated?

Mr. CLAPP. Personally, I do not feel that it is. I think the increase, especially of trachoma among the Indians during the last two or three years, warrants us in making a larger appropriation, and I not only moved the amendment at the request of the office but I very cheerfully supported it.

Mr. MCCUMBER. I think we ought to stop a moment to consider this matter before we hurriedly strike out a provision that has been adopted by the committee after a very full hearing. We are appropriating, Mr. President, some $10,000,000, I think, in the bill for the benefit of the Indians of the country. Large sums are being expended for instruction. I do not know what particular good we will obtain by instructing and educating Indians this year, when what knowledge they may have obtained could not be exercised, as they would be in the grave. I can not see the necessity of spending millions of dollars for the comfort of the Indians in certain lines while we neglect to appropriate a few thousand dollars necessary for the purpose of saving lives. It seems to me that the life of the Indian is about the first thing to take into consideration; that first we ought to look after their health. An Indian diseased with tuberculosis or smallpox is not going to be a very useful Indian, and the money expended will not be very beneficially expended in his behalf if we do not first adopt some means to stop the spread of this fatal disease among the Indians.

The evidence, as I now remember, that was taken before the committee showed that 30, 40, 60, or 70 per cent of the Indians in some sections were affected by tuberculosis. If we want to settle the Indian question in a very short time, we might withdraw all aid in this direction, and in a very few years it would not be necessary for us to pay out expenses for schools, and so forth.

I again appeal to the Senate to appropriate what ought to be appropriated to eradicate the disease. The commissioner says that it is necessary. Those who were present and testified as to the condition of the Indians in the several sections of the country showed, to my mind, most conclusively that $250,000 ought to be expended for their protection and in the attempt to wipe out this dread disease. Therefore, Mr. President, I move to amend the amendment of the Senator from Minnesota by inserting $150,000 in lieu of $75,000.

Mr. CURTIS. Mr. President, I agree with the Senator from North Dakota that sufficient appropriation should be made to take care of the health of the Indians, but the Senator will remember that a gentleman who appeared before the committee stated that in one case where the Indians had been under the care of the Government they had been bothered with trachoma, and after they were left alone and went to themselves trachoma had entirely disappeared. There was no evidence given before the committee that justified such a large appropriation or such a large increase as was made by the committee. There was nothing in the previous expenditures of the department to show that that amount of money was necessary.

I agree with the Senator from North Dakota that every precaution should be taken. So far as I am concerned, I shall vote for his amendment making the amount $150,000. If any facts had been given to the committee, if any cases had been cited, or if the report had shown that the money was expended for medicine or something for the use of the Indians instead of for photographs and things of that kind, and only $10,000 of it for medicine, I would have voted for the appropriation of $250,000.

I believe that before the department get at the hands of Congress large sums they should give an itemized statement to the Senate or to the House showing what they need the appropriation for. I shall support the amendment.

Mr. MCCUMBER. I agree with the Senator that probably there may have been some wastefulness in previous appropriations, but this paragraph is clear in reference to the purpose for which the money is to be used. If the department will use the money for the purposes indicated and not for films for kodaks, I have no doubt but that a great deal of benefit can be obtained. I believe that the whole amount should have been appropriated and most of it used, not so much for trachoma and for minor diseases as for the eradication of tuberculosis. I am glad that the Senator agrees at least that we should have $150,000.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from North Dakota if the hearings to which he alludes have been printed?

Mr. MCCUMBER. I am not certain.

Mr. CLAPP. They are in print.

Mr. MCCUMBER. We had a witness before us, a special examiner, who had been out in Montana and Washington, and his evidence was very strong on the subject.

Mr. GALLINGER. The proposition of the committee, Mr. President, was to increase the appropriation $163,000, which would necessarily have gone to physicians and for medicines. I think it is an extravagant suggestion. Trachoma undoubtedly exists among those people. It will not require a great deal of either medical treatment or medicine to care for that disease if it is properly handled. So far as tuberculosis is concerned, these Indians have to-day at their own command, without physicians and without medicine, all that advanced medical science says can do them any good; they are out in the open. The system now is to establish open-air camps for tuberculosis patients, and the physician who would use medicine to any very considerable extent in the treatment of that disease at the present time would be laughed at by the advanced members of the profession.

So, I see no reason why in this case a very large amount of money should be appropriated for physicians and medicines for these two particular diseases, and yet that is the proposition involved in this amendment. If the Senators who know more about the matter than I do think that the amount ought to be increased to $150,000, I certainly would not oppose it, although it occurs to me that as $62,000 was used last year and some of it was used for moving-picture films and all sorts of things that may have amused those people, $75,000 will be adequate for this year. But at best the matter is going to conference and it will be adjusted there. In that view, while I think it is not a necessary increase, I shall not vote against it.

Mr. WARREN. Mr. President, I hope that the motion to make the amount $150,000 will prevail. The ills of the Indians are not confined entirely to the diseases named here. The employment of physicians is very largely used for other diseases.

Mr. GALLINGER. One suggestion made by the Senator from North Dakota attracted my attention. It is that the testimony showed that in many instances 75 per cent——

Mr. MCCUMBER. I would not say 75 per cent. I suggest in some cases I think 70 per cent.

Mr. GALLINGER. That as high as 70 per cent were afflicted with tuberculosis. The Senator has in his own State a good many Indians, and we are making appropriations for the Indians in the State of North Dakota. I will ask the Senator if he has discovered any such percentage among the Indians in North Dakota as that even 50 per cent or 40 per cent of them are suffering from tuberculosis.

Mr. MCCUMBER. I do not know the exact per cent. I know that the percentage is very great, even among those in North Dakota. It is demonstrated, I think, that the disease is to some extent, at least, infectious, and while the Senator's remedy may be the proper remedy for the treatment of tuberculosis, and if it could be cured in a single summer by keeping the Indians out of doors, that might be quite a proper remedy, and would require but little expenditure; these Indians, especially in the northern regions, can hardly camp out when the thermometer registers 30 or 40 or 50 below zero. They are compelled to live in houses during at least six or seven months of the year, and possibly eight months in some sections of the country. Their houses are not sanitary. They need more or less instruction in the matter of their own treatment of themselves, and they need constant assistance. The Indian does not follow advice very readily. He is somewhat indigent and somewhat careless as to his personal habits. The buildings in which they live are often very insanitary and conducive to increasing the extent of tuberculosis. So there is something besides medicine that must be considered in the matter of treatment.

Mr. GALLINGER. Mr. President, I will not raise any issue on this point. I do not set myself up as an authority at all, but I have sometimes thought that we were pampering the Indian a little too much; that it is about time, after the centuries have come and gone, for the Indian to be taught some degree, at least, of self-reliance and some degree of self-support. But that probably is not the popular idea, and I have no disposition to deny to these poor people any governmental aid that they can reasonably ask, except I do feel that if this appropriation is to be largely used for physicians and medicines, while it is a good thing for the profession, with which I greatly sympathize, it is rather a profligate expense.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 6, to insert:

"To enable the Secretary of the Interior to investigate, audit, and adjust, under such terms, conditions, and regulations as he may prescribe, the claims of licensed traders and other bona fide claimants who have claims against individual Indians under the jurisdiction of the Department of the Interior, $75,000: *Provided*, That $10,000 of this amount may be used for clerk hire in the Indian Bureau."

Mr. CURTIS. Mr. President, I make the point of order against that amendment on two grounds: First, the appropriation was not estimated for; and, second, it is general legislation and in violation of Rule XVI.

Mr. CLAPP. Mr. President, the committee will have to accept as sound the objection made by the Senator from Kansas.

The PRESIDING OFFICER. The point of order is well taken.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 6, line 12, before the word "hundred," to strike out "four" and insert "five," and in the same line, before the word "thousand," to strike out "and fifty," so as to read:

"For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,500,000."

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "thousand," to strike out "four hundred and twenty-five" and insert "six hundred and fifty," so as to make the clause read:

"For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $650,000."

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

"That the Secretary of the Interior is hereby authorized to expend $100,000, or so much thereof as may be necessary, in the prevention and control of forest fires on Indian reservations during the fiscal year ending June 30, 1913, all sums expended hereunder to be reimbursed from the tribal funds of the Indians on the reservations where the sums are expended."

Mr. CURTIS. Mr. President, I make the point of order against that amendment that it is general legislation.

Mr. CLAPP. Mr. President, I hope the Senator from Kansas will not press the point of order. There is a great deal of destruction of timber belonging to these Indians. This is a reimbursable appropriation. I doubt very much whether technically it is subject to a point of order. The Senate held some years ago that even in the case of a claim against an Indian tribe the item was not subect to a point of order. I certainly hope the point will not be pressed.

Mr. CURTIS. Does the Senator from Minnesota say that this provision is wholly for the protection of timber from fire?

Mr. CLAPP. It reads:

"That the Secretary of the Interior is hereby authorized to expend $100,000, or so much thereof as may be necessary, in the prevention and control of forest fires on Indian reservations during the fiscal year ending June 30, 1913, all sums expended hereunder to be reimbursed from the tribal funds of the Indians on the reservations where the sums are expended."

Mr. CURTIS. I will withdraw the point of order on that amendment, Mr President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 9, after line 4, to insert:

"There is hereby appropriated the sum of $250,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund."

Mr. CURTIS. Mr. President, I make the point of order against that amendment on two grounds: First, the amount named was not estimated for; and, second, the amendment proposes general legislation, in violation of Rule XVI.

Mr. CLAPP. Mr. President, the committee will have to concede the correctness of the point of order, though I regret it.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 10, line 20, before the word "thousand," to strike out "four" and insert "five," and in line 21, after the word "rent," to insert: "*Provided*, That hereafter the Board of Indian Commissioners is authorized to employ a secretary, not a member of said board, and pay his salary out of the appropriation herein made or which shall hereafter be made for said board: *Provided further*, That the proper accounting officers of the Treasury are hereby directed to pay the salary of H. C. Phillips for services heretofore rendered said board as secretary out of the appropriation provided for the expenses of said Board of Indian Commissioners in the Indian appropriation act for the fiscal year ending June 30, 1912," so as to make the clause read:

"For expenses of the Board of Indian Commissioners, $5,000, including not to exceed $300 for office rent: *Provided*, That hereafter the Board of Indian Commissioners is authorized to employ a secretary, not a member of said board, and pay his salary out of the appropriation herein made or which shall hereafter be made for said board: *Provided further*, That the proper accounting officers of the Treasury are hereby directed to pay the salary of H. C. Phillips for services heretofore rendered said board as secretary out of the appropriation provided for the expenses of said Board of Indian Commissioners in the Indian appropriation act for the fiscal year ending June 30, 1912."

Mr. GALLINGER. I will ask the Senator from Minnesota if it is possible that the money shall be paid out of the appropriation of the last fiscal year?

Mr. CLAPP. I suppose it was upon the theory that there was money left over.

Mr. GALLINGER. At the end of the fiscal year, it strikes me, the money must be turned back into the Treasury, and that this would not be approved. We would have to reappropriate it.

Mr. CLAPP. That is true, but does not this amount to a reappropriation? That was the design.

Mr. GALLINGER. I am afraid not. I think the Senator had better let that amendment be passed over for the present, and look into it.

Mr. WARREN. I think, if that is the idea, it will have to be expressed as a reappropriation.

Mr. GALLINGER. Unquestionably so. Let it go over.

Mr. CLAPP. Let the amendment be passed over. I will change the language.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, line 24, before the word "thousand," to strike out "eighty-five" and insert "one hundred and twenty-five," so as to make the clause read:

"For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, $125,000."

The amendment was agreed to.

The next amendment was, at the top of page 12, to insert:

"*Provided*, That the Commissioner of Indian Affairs may expend not to exceed $1,000 of this appropriation in purchasing law books for official use in the Indian Bureau."

Mr. CURTIS. I want to ask the acting chairman of the committee why that amount of law books provided for can not be purchased out of the contingent fund of the Interior Department?

Mr. CLAPP. The Indian Commissioner advised the committee that the comptroller declined or objected—I do not know that he put it quite so strong as refused—at least he objected to paying this item out of the contingent fund. That was the reason why the amendment was put in the bill.

Mr. GALLINGER. I would suggest that the proviso should become a part of the text of the bill on the preceding page, and not be made a separate paragraph. The Senator, if he examines it, will see the point of that suggestion.

Mr. CLAPP. I think that ought to be done, Mr. President. Let the proper record be made for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 12, after line 4, to insert:

"For continuing the work of classifying and indexing the files of the Indian Office and preparing historical data from records therein, including the pay of employees, $5,000, to be immediately available."

The amendment was agreed to.

The next amendment was, on page 12, after line 8, to insert:

"For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., 855 to 866), and the regulations thereunder prescribed by the Secretary of the Interior, $100,000."

Mr. CURTIS. Mr. President, I wish the chairman of the committee would explain the necessity for that item, if he can.

Mr. CLAPP. Just a moment before I take the matter up. Acting on the suggestion of the Senator from New Hampshire [Mr. GALLINGER] I think the bill will read much better when concluded if the words "to be immediately available" are eliminated in all cases where they occur.

Mr. GALLINGER. That ought to be done.

Mr. CLAPP. I desire it understood that it shall be done.

Mr. WARREN. Why not ask that the Secretary may do that in this place the same as in the others?

Mr. CLAPP. It amounts to the same thing.

Mr. GALLINGER. That should be done in all cases.

Mr. WARREN. In all cases.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. CLAPP. Now, Mr. President, in answer to the inquiry of the Senator from Kansas [Mr. CURTIS], I will say that the Indian Office asks for this upon the ground that—

"The regular administrative work of the various Indian agencies taxes the efforts of those officials to the limit. There have been about 200,000 allotments to Indians on 52 reservations, of which number it is believed that about 40,000 allottees have died, leaving undetermined heirs. In order to clear up the tangled condition of the estates of deceased Indians so that the inherited lands may be disposed of to white settlers and so that the money may be available to provide the Indian heirs with funds with which to begin the farming of their own allotments and the building of sanitary homes, it is desirable that this item should be retained in the bill."

Mr. CURTIS. I have no objection to the amendment. I merely wanted to get into the RECORD the information which the Senator from Minnesota has furnished.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indians Affairs was, on page 12, after line 15, to insert:

"That so much of the provision of the Indian appropriation act of June 7, 1897 (30 Stat. L., pp. 62-90), as limits the amount that may be paid for salaries or compensation to employees regularly employed at any one agency to $10,000 and at a consolidated agency to $15,000 is hereby amended by increasing the amounts to $20,000 and $25,000, respectively."

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," on page 13, line 15, before the word "thousand," to strike out "eight" and insert "eleven"; and in line 16, before the word "thousand," to strike out "twenty-seven" and insert "thirty," so as to make the clause read:

"For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $11,000; in all, $130,400."

The amendment was agreed to.

The next amendment was, on page 13, line 20, before the word "thousand," to strike out "three" and insert "five"; and in line 21, before the word "thousand," to strike out "twenty-one" and insert "twenty-three," so as to make the clause read:

"For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $5,000; in all, $23,200."

The amendment was agreed to.

The next amendment was, on page 14, line 3, after the word "dollars," to insert:

"*Provided*, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

So as to read:

"For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $15,000: *Provided*, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

Mr. HEYBURN. Mr. President, I should like to ask the Senator in charge of the bill whether or not it is proposed in allotting irrigated lands to the Indians to make the cost of construction a lien upon the lands that may be foreclosed.

Mr. CLAPP. Not so long as they retain the land, but in case they dispose of the land, then it is a lien.

Mr. HEYBURN. Then it is a charge against the value of their lands.

Mr. CLAPP. Certainly.

Mr. HEYBURN. And a limitation on the right of sale.

Mr. CLAPP. Undoubtedly; it does amount, in effect, to a certain limitation.

Mr. HEYBURN. That would seem to me to be a very harsh way of dealing with the Indians. You take their lands, irrigate them, and say to them—and they are citizens of the United States—"you will stay right here, and if you sell these lands or do anything to better your condition in life then we will foreclose to the extent of the cost of putting water on them." The Indian would rather have the land without the water than to have it subject to so harsh a condition as that. No white man would submit to it for a moment.

I do not know where the idea originated, but, of course, I assume that it did not originate with the acting chairman of the committee. It is probable that a departmental clerk somewhere conceived the idea of making the burden of these Indians more onerous than it is. I would rather see the whole amendment go out of the bill than to see so harsh a burden as that placed upon the Indians. Two years ago and four years ago we had that same question here of seizing a man's land and, as Lord Eldon said, "improving him out of his title." That is what it amounts to. The Indian does not depend upon the market; he depends upon his own necessities for the value of the land, while

the white man depends upon the market where he can sell the proceeds of the land.

I do not like to raise a point of order against these matter, but I think if the Senator in charge of the bill will allow the amendment to go over and give it a little more thought he will find some way of eliminating that harsh feature from it.

Mr. CLAPP. Mr. President, this plan has been adopted quite generally with reference to Indian reservations, but it has not yet been applied to the Pima Reservation.

Mr. HEYBURN. Mr. President, it has not always been successfully adopted. In the case of the California Indians, some six years ago now, the Senate refused to accede to any such plan. Again, two years ago, when the question was before the Senate, the Senate again refused to recognize it. Now it is brought up again. If they are not doing one thing, they are doing another; if they are not cutting the units down so that the Indian can not possibly sustain himself and those dependent upon him, then they are putting a burden upon the Indian in the way of payment, and they say now, "So long as you and your family and your descendants live here we will not foreclose, but it will be a charge against you and a burden on your property, and if you undertake to exercise the right that ought to belong to you if you are citizens of the United States then we will foreclose." We have to keep our eyes on the departments; we have to keep our eyes on that department particularly.

Mr. CLAPP. I suggest that the matter go over for the present.

Mr. HEYBURN. A word before it goes over. These are Indians with whom we have treaty relations. We have entirely lost sight of those relations, and we seem to have reached a point where we think we can be forgetful of the relations that ordinarily exist and take their lands and, as I have said, improve them out of their title.

The PRESIDENT pro tempore. The Chair understands that the Senator from Minnesota asks that the amendment be passed over.

Mr. CLAPP. I suggest that it go over for the present.

Mr. ASHURST. Mr. President——

Mr. CLAPP. I understand the Senator from Arizona desires to say a word on the matter before it is passed over.

Mr. ASHURST. Mr. President, just a word. I appreciate what the distinguished Senator from Idaho [Mr. HEYBURN] has just said. I have the honor to be a member of the Committee on Indian Affairs, and I desire at this time publicly to make expression of my appreciation as a Senator of the faithfulness of that committee in the performance of its duty. That committee labored for nearly three months on this bill. This item was carefully considered, and the reason—if I remember aright—why it was inserted in this way was the committee felt that it would be for the benefit of the Indian. If he had land at that particular place allotted to him and he were permitted to alienate it, speculators could come along and buy his land, he would possibly squander the money received for the sale of the land and again soon become a charge upon the Government, whereas if allowed to retain the title and cultivate his land, the Government for all practical purposes has furnished him with an irrigation project without any charge to him——

Mr. HEYBURN. Mr. President, of course Indians differ in different sections. Now, we are not under the necessity of considering——

Mr. ASHURST. Just permit me a moment, and I will close. I wish, of course, this money could be appropriated without the reimbursement feature. I now yield to the Senator from Idaho.

Mr. HEYBURN. We are not under the necessity of considering the Indian as incompetent to take care of his money. A tribe of Indians in the adjoining county to that in which I live is, if not the first, the second wealthiest organization or body of citizens of the United States. They know how to keep their money in bank; they know how to invest it; and they know how to do business with it probably as well as any body of white men.

Mr. ASHURST. That may be true as to some tribes of Indians.

Mr. HEYBURN. That is true generally of our northern Indians.

The PRESIDENT pro tempore. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in the item of appropriation for the maintenance of the Gila Indian Reservation, on page 15, line 12, before the word "thousand," to strike out "ten" and insert "twenty-five," so as to make the proviso read:

"*Provided*, That the Secretary of War be, and he hereby is, directed to convene a board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings, and surveys for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon, on the San Carlos Indian Reservation, known as the site of the proposed San Carlos reservoir on the Gila River, Ariz., and the necessary irrigation works in connection therewith to provide for the irrigation of Indian, private, and public lands in the Gila River Valley. Said board of engineers to submit to Congress the results of their examinations and surveys, together with an estimate of cost, with their recommendations thereon at the earliest practicable date. The sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting said investigations."

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to strike out:

"For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., to be immediately available, $5,000."

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

"To enable the Secretary of the Interior to investigate the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands on the Papago Indian Reservation, Ariz., and report thereon to Congress at the beginning of its next session, $5,000."

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

"For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or other industrial schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians."

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to make an investigation of the conditions on the White Mountain, or San Carlos, Indian Reservation, in the State of Arizona, with respect to the necessity of constructing suitable steel and concrete wagon bridges, with approaches thereto, across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit of the cost for the construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912; and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes herein authorized."

Mr. CURTIS. Mr. President, I make the point of order that that amendment proposes general legislation and that the amount proposed to be appropriated is not estimated for.

Mr. ASHURST. Mr. President, I realize that the point of order made by the distinguished Senator from Kansas [Mr. CURTIS] may be dangerous to this appropriation of $2,000. Far be it from me to seek, for any purpose whatever, any strained ruling or strained construction of any rule which would give to Arizona or to any other State money to be expended within a State contrary to our rules. My remarks, therefore, will be directed more to the Senator from Kansas than to the Senate, if I may be permitted to so address him, in order to induce him to withdraw the point of order.

Mr. President, the necessity for this bridge at the point described in the amendment offered by the Senate committee is so great that my duty requires I should say a word here in its behalf.

The first main tributary of the Gila River is the San Francisco River, which comes into the Gila at or near Clifton. At the town of Duncan, about 20 miles above Clifton, in Arizona, the river begins to assume considerable proportions. The next important tributary is the San Carlos, which flows into the Gila River on the San Carlos Indian Reservation. These streams—that is, the Gila River and the San Carlos—are torrential rather than perennial. At times the Gila River would float a battleship, and during such periods of high water all traffic is suspended, farming lands are destroyed, and the commerce of that part of the country is wholly and completely suspended by reason of the raging and turbulent waters.

It was my intention, when I came to this distinguished body, to ask for a direct appropriation of $100,000 for the purpose of constructing a bridge there. After serving here for a few weeks I learned that it would be impossible to secure such appropriation just now. Therefore this amendment has been reported by the committee. It simply authorizes the Secretary of the Interior to investigate the situation, and if, in his opinion, when he makes his report to the next Congress, the bridge should be built there an appropriation may be secured.

I earnestly hope the Senator will withdraw his point of order. I desire at this time to say that this proposed bridge is favored by the department, and I request to have read at the desk the letter in which the department states that this bridge should be built. The department has no objection to it.

With the permission of the Senate, I will ask that that letter be read now.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Land contracts, 36118, 1911; 13579, 1912. R. J. H. Proposed bridges.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 2, 1912.

Mr. ABRAHAM L. LAWSHE,
Superintendent San Carlos School.

SIR: Referring to your letter of February 6, 1912, regarding proposed bridges across the Gila and San Carlos Rivers, there is inclosed for your information a copy of departmental report of March 25, 1912, to the chairman of the Committee on Interstate and Foreign Commerce, House of Representatives, on the subject.

Respectfully,
H. ABBOTT,
Assistant Commissioner.

[I–21497. Land contracts, 16794, 1911; 13579, 1912. R. J. H. H. R. 1682.]

MARCH 25, 1912.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

SIR: I have the honor to invite your attention to departmental letter of May 12, 1911, reporting on H. R. 1682, the purpose of which is "to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers on the White Mountain or San Carlos Indian Reservation, in the Territory of Arizona, and for other purposes."

Section 2 of the bill authorizes the Secretary of the Interior to select the most available sites for such purpose at points on said rivers "not to exceed 3 miles above the confluence."

In its letter of May 12, the department referred to the fact that there were pending certain applications involving the San Carlos reservoir site, and that if application to construct a dam were granted, the banks of both the Gila and San Carlos Rivers would be submerged to points in excess of 3 miles above the confluence.

In connection with this case there is inclosed a copy of a report dated February 6, 1912, from the superintendent in charge of the San Carlos Reservation, who thinks it would be entirely feasible to construct bridges within 3 miles of the confluence of the two rivers, as the shallowness of the water would make such construction easily possible. The department would be much pleased to see the proposed legislation enacted into law and an appropriation made available for constructing the bridges, which would be an important factor in the development of that section of the country. It seems that the citizens of Arizona are making special efforts to construct good roads and to open up a transcontinental highway of which the proposed bridges would be a part.

While the superintendent's letter of February 6 indicates that in all probability bridges could easily be constructed within the 3 miles of the confluence of the rivers, yet to obviate the contingency of having the proposed improvements defeated by reason of circumstances which would make it impossible to construct at sites within the limit named in the bill, the department respectfully suggests that the bill be

amended by striking out, in lines 12 and 13 of page 1, the words "not to exceed 3 miles above the confluence of said rivers."

If the bill be so amended, the department respectfully suggests that it be favorably considered and reported.

Respectfully, SAMUEL ADAMS,
First Assistant Secretary.

Mr. ASHURST. Mr. President, it is true that not all of the letter is pertinent to this particular amendment, but I had it all read in order that it might not go in the RECORD in a fragmentary or broken condition. That is all I wish to say at this time.

Mr. HEYBURN. Mr. President, I will ask the Senator to designate the lines where this amendment is found.

Mr. ASHURST. The amendment commences on page 16, line 24, and extends down to and includes line 13, on page 17. The amendment offered by the committee simply calls for an appropriation of $2,000 in order that the Secretary of the Interior may make an estimate as to the necessity for a bridge there.

Mr. HEYBURN. This is on an Indian reservation?

Mr. ASHURST. It is, sir.

Mr. HEYBURN. And on a navigable river?

Mr. ASHURST. At times the river assumes the proportions of a navigable river.

Mr. HEYBURN. Not practically navigable?

Mr. ASHURST. No.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. Most certainly I yield.

Mr. CURTIS. The letter that has been read, of course, is not an estimate, and can not be so construed. There are quite a number of bridge items in the bill. If this one is agreed to, all the others should be agreed to. I judge from the letter that the bridge is needed, and, so far as I am concerned, I have no objection to building bridges where they are needed. I think, however, the Government is going too extensively into the building of bridges on reservations that are likely to be soon opened to settlement; but I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn, and, without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 17, after line 13, to insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to make an investigation of the conditions on the Yuma Indian Reservation, in the State of California, with respect to the necessity of constructing a suitable thoroughfare bridge of sufficient strength and capacity to safely carry street cars, in addition to foot and wagon traffic, over and across the Colorado River, connecting Fort Yuma, on the Yuma Indian Reservation, Imperial County, State of California, with the town of Yuma, State of Arizona, and also to cause surveys, plans, and reports to be made, together with an estimated limit of the cost for the construction of said bridge, at such a site as he may select, and submit his report thereon to Congress on the first Monday in December, 1912; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein authorized.

Mr. CURTIS. Mr. President, I make the point of order against that amendment. I should like to ask the Senator, if the Chair will permit the inquiry before ruling upon the point of order, whether that bridge, if constructed, will be wholly within an Indian reservation?

Mr. ASHURST. A frank reply, which of course is always given by a Senator, requires me to say that it will not be wholly within an Indian reservation.

Mr. CURTIS. Then, Mr. President, I insist upon the point of order.

Mr. ASHURST. Before the ruling I should like to say a few words, if, under the rule, I may be permitted to do so. Appreciating very much the withdrawal of the other point of order, I insist most strenuously—respectfully, of course—that the point of order against this amendment also be withheld, for the following reasons: The great Colorado River is anomalous in America. It has no parallel on this hemisphere; it has a parallel only in one place, and that is in Africa—the Nile. The Colorado River is very long; it flows some 1,700 miles without being spanned by a wagon bridge. Like the Nile, it flows a thousand miles without a tributary. Like the Nile, it rises in June and spreads out for a number of miles on either side of its banks and irrigates alluvial soil which is so rich that it could be transported to Canada and used for fertilizing purposes if it were not for the prohibitive freight rates. At high water means of communication between the two banks are almost completely shut off.

It has been determined by the unanimous voice of the great Southwest, which includes southern California and the States of Arizona and New Mexico, that at this advanced stage of civilization, in this morning of the twentieth century, at this time when the ingenuity of man is making such progress in means and ways which make for the facility of transportation, it is almost a reproach to civilization that there is no wagon or automobile bridge across that great river.

Not long since the President of the United States sent a message to Congress asking an appropriation of a million or more dollars in order that the banks on either side of the river might be revetted and riprapping built to protect the farms on both sides of the river from the raging overflow. The Colorado River almost defies, if a river could defy, the very law of nature. At one time of the year it chooses a particular course or channel; and at another time of the year, or possibly another year, it chooses another place whither it shall go. On the Arizona side of the river, which would be the eastern abutment of the proposed bridge, is the prosperous city of Yuma, a marvel of industry and progress. Directly across the river, on the California side, is the Indian reservation. Many Indians—and they are strong swimmers—have been drowned there even when the river was at low water, for the reason that it is very heavily charged and impregnated with silt, and even the strongest swimmer is in danger. But consider that river in a raging, turbulent condition, such as the press dispatches announce it has been in for the last few weeks, and the necessity for a wagon bridge across it becomes apparent.

It may be, and it doubtless is, that this amendment proposed by the committee is obnoxious to the rule of the Senate. If it be obnoxious, I most respectfully insist, with all the earnestness at my command, that such a rule ought to be abrogated, because we ought not to have a rule which will stand in the way of the requirements of advancing civilization. I am very sorry if the rule does prevent the appropriation of a thousand dollars in order that an investigation may be made by the Secretary of the Interior to ascertain the suitability or the necessity of a bridge at that point.

Mr. CURTIS. I insist on the point of order.

The PRESIDENT pro tempore. On what ground does the Senator raise the objection?

Mr. CURTIS. It is general legislation, and the item was not estimated for by the department.

The PRESIDENT pro tempore. The Chair is constrained to sustain the point of order made by the Senator from Kansas.

Mr. ASHURST. Mr. President, of course I accept the ruling of the Chair.

The PRESIDENT pro tempore. The Chair will state to the Senator that he did not understand the Senator to contest the ruling. The Chair was ready to give full weight to any suggestion the Senator might make on the other side of the matter.

Mr. ASHURST. The Chair ruled correctly.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 6, to insert:

"For salary due Clarence I. Stacy, supervisor of ditches, Pima Indian Reservation, Ariz., from April 8, 1911, to October 25, 1911, at $1,200 per annum, $660."

Mr. CURTIS. Mr. President, I make the point of order against that item, because it was not estimated for. But surely there must be some reason for the committee having put it in, and I will ask the acting chairman of the committee if he will explain why that and the next item were put in this bill?

Mr. CLAPP. Mr. President, these items were inserted for the reason that some time ago there was trouble down there—I do not know the details of it nor would they be material—and these two employees were suspended pending an investigation or examination. The result of the investigation was that they were reinstated, but the comptroller held that he could not allow their pay for this time in view of the fact that they had been formally suspended. Consequently there is no way in which they can get their pay except by a direct appropriation. I trust the Senator will withhold his point of order.

Mr. CURTIS. I withdraw the point of order, Mr. President.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 11, to insert:

"For salary due N. D. Brayton as physician on the Pima Indian Reservation, Ariz., from April 7, 1911, to November 14, 1911, inclusive, at the rate of $1,200 a year, $726.67."

The amendment was agreed to.

The next amendment was, on page 18, after line 17, to insert:

"For constructing dike to protect allotments on the Fort Mojave Indian Reservation, $33,000."

Mr. CURTIS. Mr. President, I desire to make the point of order that that was not estimated for, and to ask the acting chairman of the committee whether that item was inserted at the request of the department?

Mr. ASHURST. It was estimated for.

Mr. CLAPP. Yes, sir; it was estimated for, as the record shows.

Mr. CURTIS. Then I withdraw my point of order.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 19, to insert:

"For continuing the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, $35,000, reimbursable as provided in said act." (Act of Apr. 4, 1910, vol. 36, p. 273, sec. 3.)

The amendment was agreed to.

The next amendment was, under the head of "California," on page 19, line 19, before the word "thousand," to strike out "ten" and insert "twenty-three," and in line 20, before the word "thousand," to strike out "one hundred and four" and insert "one hundred and seventeen," so as to make the clause read:

"For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for general repairs and improvements, $23,000; in all, $117,350."

The amendment was agreed to.

The next amendment was, on page 19, line 25, before the word "thousand," to strike out "eighteen" and insert "one hundred," so as to make the clause read:

"For the balance of the first annual reclamation and maintenance charge on Yuma allotments and for the second and third annual charge and maintenance $100,000, or so much thereof as may be required, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911."

The amendment was agreed to.

The next amendment was, under the head of "Idaho," on page 21, after line 4, to insert:

"To reimburse Peter Moctelmy, a member of the Coeur d'Alene Tribe of Indians, for damages sustained by him because of the sale by the United States to the State of Idaho of land for a State park on a portion of which the said Peter Moctelmy made his home, $500."

The amendment was agreed to.

The next amendment was, under the head of "Kansas," on page 21, line 21, before the word "thousand," to strike out "one hundred twenty-seven" and insert "one hundred and twenty-nine"; in line 22, before the word "thousand," to strike out "ten" and insert "eleven"; and in line 23, before the word "thousand," to strike out "one hundred thirty-seven" and insert "one hundred and forty," so as to make the clause read:

"For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $129,750; for general repairs and improvements, $11,000; in all, $140,750."

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the word "dollars," to strike out "three thousand" and insert "five thousand five hundred," and in line 7, before the word "dollars," to strike out "seventeen thousand eight hundred and sixty" and insert "twenty thousand three hundred and sixty," so as to make the clause read:

"For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., and for pay of superintendent, $14,850; for general repairs and improvements, $5,500; in all, $20,360."

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 22, after line 22, to insert:

"That the sum of $116.37 be, and the same is hereby, reappropriated for the purpose of paying the claim of John E. Meyer, of Shepherd, Mich., for the balance due him on construction of certain wells at the Mount Pleasant Indian School, located at Mount Pleasant, Mich., in the years 1901 and 1902, the appropriation out of which such balance should have been paid having heretofore lapsed."

Mr. CURTIS. Mr. President, I do not like to make a point of order against that item, but it sounds to me like a claim. I wish the acting chairman of the committee would explain why the item was put in here without an estimate.

Mr. CLAPP. In one sense, of course, it is a claim, although not in the ordinary sense of the word. This man entered into a contract to sink a well. He made three attempts, and the third attempt was successful. The department, after reviewing the case, recommends, in view of all the circumstances, that this amount be paid him.

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). The question is on the adoption of the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Minnesota," on page 23, line 12, before the word "thousand," to strike out "four" and insert "five"; in line 16, after the word "sheds," to insert "for the construction of a drain from the head of Pipestone Falls east in the bed of the creek to a point where it turns south, from thence east to the section line, $1,500"; and, in line 20, before the word "hundred," to strike out "forty-three thousand six" and insert "forty-six thousand one," so as to make the clause read:

"For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, $39,175; for general repairs and improvements, $5,500, $1,500 of which shall be used for the installation of an electric-lighting system and $500 of which shall be used for the construction of coal sheds; for the construction of a drain from the head of Pipestone Falls east in the bed of the creek to a point where it turns south, from thence east to the section line, $1,500; in all, $46,175."

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

"That there is hereby appropriated the sum of $700 in addition to the $1,000 heretofore appropriated for the construction of a bridge across Clearwater River, on the Red Lake Indian Reservation, in the State of Minnesota."

Mr. CURTIS. Mr. President, I make the point of order on that amendment, but I would like to ask if the bridge is wholly within an Indian reservation. If so, I shall withdraw the point.

Mr. CLAPP. It is on the reservation. The appropriation of $1,000 was made a year ago, and it was found that it was not sufficient, so that the committee inserted an item carrying the additional $700.

Mr. CURTIS. I withdraw the point of order.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 25, to insert:

"That there is hereby appropriated, out of any funds in the possession of the United States and belonging to the Chippewa Indians in the State of Minnesota not otherwise appropriated, the sum of $100,000, of which $85,000 shall be used to procure a site or sites and thereon to construct, furnish, and equip a building or buildings to be used as a hospital or hospitals as hereinafter directed; and of which $15,000 shall be used for the operation and maintenance of the said hospital during the 12 months next after its completion."

Mr. CURTIS. Mr. President, to save the time of reading, I should like to make a point of order against the amendments commencing at the top of page 25 and ending on page 28, line 9.

Mr. CLAPP. Mr. President, I must concede that the point is well taken. In view of that, I do not see any necessity of taking the time of the Senate with the full reading. Of course, I should like to have the items in the bill, but they are undoubtedly subject to the point of order.

The PRESIDING OFFICER. The point of order is sustained.

The remaining amendments ruled out on the point of order were, on page 25, after line 10, to insert:

"That the said hospital or hospitals shall be called the Minnesota Chippewa Hospital and shall be open to all Chippewa Indians in the State of Minnesota who can qualify for admission as hereinafter provided. It shall be under the control and government of a board of directors, who shall be called the board of governors of the Minnesota Chippewa Hospital. Said board shall consist of three members, one of whom shall be the secretary of the State board of health of Minnesota, who shall be ex officio chairman of said board of governors, and two of whom shall serve for a term of five years, one to be appointed by the Secretary of the Interior and one to be chosen by the Chippewa Indians in the State of Minnesota.

"The representative of the Indians on said board shall be selected by a council of the Indians, to meet at White Earth, Minn., consisting of delegates from the several bands of Chippewa Indians in Minnesota, each band being entitled to 1 delegate for each 100 members or major fraction thereof. The said board of governors shall meet at the hospital as occasion requires, and at least once every two months. As compensation the said governors shall receive $3 per day while attending meetings of the board and their actual and necessary traveling expenses within the State of Minnesota.

"That immediately upon the approval of this act and the selection of the board of governors, or a majority thereof, the said board shall proceed to acquire a suitable site in the State of Minnesota and thereon construct, furnish, and equip the said hospital. The title of the said site or sites shall be taken in the name of the board of governors of the Minnesota Chippewa Hospital as trustees for the Chippewa Indians in the State of Minnesota. One part or building of said hospital shall be adapted for and devoted to the care of patients afflicted with tuberculosis; one part or building shall be adapted for and devoted to the care of patients afflicted with contagious or infectious diseases; one part or building shall be adapted for and devoted to the care of patients suffering from old age, debility, or other bodily infirmities. Said board of governors shall also immediately appoint one physician, without regard to civil-service rules or requirements, who shall be regularly qualified to practice in the State of Minnesota, who shall receive a salary not exceeding $3,500 per annum, and who shall be selected without regard to civil-service rules. The said physician shall give his entire time, from the date of appointment, to the said hospital, first in its construction and later in its operation. He shall be the attending physician and known as the superintendent.

"That admission to the said hospital shall be upon the order of a majority of the board of governors, save in emergency cases admission may be on the order of the superintendent, subject to approval by the board at its next meeting. Only the following, who are also Chippewa Indians in the State of Minnesota, shall be entitled to admission for care and treatment.

"Indians afflicted with tuberculosis or some contagious, infectious, or fatal diseases.

"Indians who by reason of age or bodily infirmities are unable to earn a livelihood and who have not means with which to procure necessaries.

"Applications may be made by anyone in person or by others on behalf of such person, which application shall set forth the facts of the case, and be accompanied by a certificate setting forth the merits of the case signed by a physician. Discharge from the hospital shall be by order of the board of governors."

That the said board of governors shall appoint such hospital attendants as may be needed in the operation of said hospital and make such rules and regulations and perform such other acts as may be appropriate or necessary in said operation and not inconsistent with the provisions of this act.

"This appropriation shall be immediately available and all moneys drawn hereunder shall be drawn from the Treasury of the United States upon vouchers signed by the chairman of said board of governors."

The next amendment was, under the head of "Montana," on page 28, line 13, before the word "thousand," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

"For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $25,000."

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the word "hundred," to strike out "two" and insert "four," so as to read:

"For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $400,000."

Mr. CURTIS. Mr. President, I hope that amendment will not be agreed to. The estimate was only $250,000. It seems to me that without an estimate or a statement from the department, that that amount of money is needed, it is too large an increase to make to go from $200,000 to $400,000. I, for one, would have no objection to the department being given what they estimated—$250,000—but I hope the amendment making the amount $400,000 will be disagreed to.

Mr. MCCUMBER. Mr. President, before that is disagreed to I should like to have the report read in reference to that particular section. I am assuming that there is a report on it, and that the reason is given for the additional amount.

Mr. CURTIS. If the Senator from North Dakota desires, I will read the paragraph of the report relating to this item:

"The amendment on page 28, line 10, increasing the appropriation for the construction of the irrigation system on the Flathead Indian Reservation from $200,000 to $400,000, $50,000 to be made available, and striking out lines 13 to 16 of said item, was reported on favorably by the department under date of April 4, 1912. The department is of the opinion that it is more economical to expend larger sums during shorter periods so as to complete the project at the earliest date practicable. Overhead charges on large projects remain about the same, whether the amount expended be large or small. The department is also of the opinion that the work should not be limited to any particular unit, as that would cause discontent among Indians on other units within the reservation."

Mr. MCCUMBER. I think there was some testimony before the committee on that particular question.

Mr. CLAPP. There was.

Mr. MCCUMBER. If I remember rightly, the purport of the testimony was in effect that it would be a considerable saving to the Government to appropriate the necessary amount now and to continue and complete the work as soon as possible; and it was necessary to appropriate the full amount in order that we might have a completion and save the work that had already been done on the project. I confess that I am not entirely clear as to what the testimony was on that line, but I think it justified the committee in asking that the sum be added at the present time as proposed.

Mr. CLAPP. The statement of the Senator from North Dakota is practically the evidence we had before the committee, and the same consideration applies to some other items. The Indian Office was of the opinion that it would result in an economy in the end to have the appropriation made now instead of stringing it out at later periods.

Mr. CURTIS. In view of the fact that the Montana Senators are absent, I suggest that we pass over the Montana amendments and take them all up at one time. I understand there are other amendments in the bill to be passed over, and I presume there will be no objection to this course.

Mr. CLAPP. There is no objection to it.

The PRESIDING OFFICER. If there is no objection, the amendments under the heading "Montana" will be passed over for the present.

The next amendment, after those passed over, was, under the head of "Nebraska," on page 34, line 5, before the word "thousand," to strike out "three" and insert "six," and in line 10, before the word "thousand," to strike out "sixty-five" and insert "sixty-eight," so as to make the clause read:

"For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $52,100; for general repairs and improvements, $6,000; to complete the construction of two dormitories provided for in the Indian appropriation act of March 3, 1911, $10,000, or so much thereof as may be necessary, to be immediately available; in all, $68,100."

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

"For construction of septic tank on sewer main at the Indian school at Genoa, Nebr., $1,500."

The amendment was agreed to.

The next amendment was, on page 34, after line 13, to insert:

"For cottage for superintendent of Indian school at Genoa, Nebr., $4,000."

The amendment was agreed to.

The next amendment was, on page 34, after line 15, to insert:

"For additions to hospital and office at the Genoa Indian School, Genoa, Nebr., $3,500."

The amendment was agreed to.

The next amendment was, on page 34, after line 18, to insert:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of 1863, except such amounts as have been paid them under the treaty of 1868 or for an otherwise adequate consideration.

"That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

"Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore or may be hereafter employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved or which shall hereafter be approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed to be paid to the attorney or attorneys so employed by the said bands of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been or may hereafter be employed by said bands of Indians in said cause."

Mr. CURTIS. I make the point of order against the amendment beginning on line 17, page 34, and ending line 5, page 37. It is general legislation and subject to a point of order under Rule XVI.

Mr. MCCUMBER. I wish to suggest that this is a provision, as I understand it, to carry out a treaty stipulation, and if it is to carry out a treaty stipulation it removes it from the operation of the rule relating to general legislation.

Mr. CURTIS. This identical question has been raised upon two different occasions on amendments similar to this, and each time the point of order was sustained on the ground that it was general legislation. If the Senator desires, I can get those authorities.

The PRESIDING OFFICER. The Chair is inclined to believe that if it is to carry out a treaty stipulation, as suggested by the Senator from North Dakota, the point of order is not well taken under Rule XVI.

Mr. CURTIS. Mr. President, this is simply a claim against the Government. It repeals a law which was passed, as I recollect it, in 1863, which repealed the treaty and took away from these Indians their rights to annuities and other rights under the treaty. That treaty was done away with in 1863; the right was taken away; and now by this bill it is proposed to give these Indians an opportunity to go into court to have their rights reestablished. It virtually repeals the act of 1863.

Furthermore, on page 36, line 8, it provides for the employment of attorneys which is not provided for in any treaty with any Indians, and it provides for fixing the fees of the attorneys, which are not provided for in any treaty with the Indians. As I said before, this same question was raised on an identical claim upon two former occasions in the Senate, and the point of order was sustained.

Mr. MCCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. CURTIS. Certainly.

Mr. MCCUMBER. I think the Senator is a little in error about the amendment repealing any other law. This case grew out of the Indian massacre in Minnesota in 1862. Prior to that time a treaty had been entered into between the United States and the Wahpeton and Sisseton Bands of Sioux Indians. Under that agreement, as I now recall it, certain annuities were to be paid to those Indians. A provision was contained in the treaty requiring the Indians as a nation to keep peace with the United States, and, I think, with a provision in it for the abrogation of the annuity in case the tribe as a nation did not maintain peace with the United States.

In 1862, while the Civil War was in progress, a certain number of the Wahpeton and Sisseton Bands of Indians and of the bands mentioned here committed heinous depredations upon white settlers. The President of the United States then, as I remember, by an order, abrogated the treaty, and it was not done by a legislative act. I stand ready to be corrected in that respect if I am in error.

Mr. CURTIS. The amendment itself says:

"With right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed."

In other words, this act repeals the act of 1863.

Mr. MCCUMBER. Let us suppose that that is all true and that an act was passed repealing another act. The original act was a treaty. The treaty was a contract between the Government of the United States and the Sioux Nation of Indians. The treaty took certain lands of the Indians and in consideration agreed to pay them certain annuities for a given number of years. There was a contract fully executed upon the part of the Sioux Nation and the United States. The Sioux Nation relinquished its claim to a very large section of the country. The annuities fell due. The annuities were paid for a given number of years. They were paid until this uprising by a number of the bands Then the question arose, and it was the only question, whether or not the act of the depredators was an act by the nation. Congress, acting rather hurriedly, and influenced undoubtedly by the atrocities of the Indians in that massacre, passed the act referred to, which abrogated the treaty.

Now, Mr. President, after these many years and the blood of the nation is allowed to cool, I think the country generally concedes that we were hasty and unjust in punishing the entire Sioux Nation for the acts of some of their followers who could not be controlled by the old leaders of the nation.

Therefore, the treaty itself in all moral law still exists, and the question before us is whether we shall, notwithstanding this abrogation, fulfill the treaty stipulation. It is based upon a treaty; it is to carry out the terms of a treaty; and the fact that we may have been hasty in passing a law abrogating that treaty would not take it without the rule.

Mr. CURTIS. I desire to call the attention of the Chair to the point that was raised in the Fifty-fourth Congress, second session:

"On motion by Mr. Allen to further amend the same bill by inserting, after line 6, page 34"—

And if the Chair will read the amendment he will see that the amendments are almost identical—

"That the Santee Sioux Indians of Nebraska and the Flandreau Sioux of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, be, and they are hereby, restored to all rights, privileges, and benefits they and their ancestors had and enjoyed under the treaty entered into September 29, 1837, at the city of Washington, in the District of Columbia, between Joel R. Poinsett, on behalf of the Government of the United States, and the Medawakanton Sioux Indians, by certain of their chief men, proclaimed June 15, 1838, and the treaty entered into between the United States, through Luke Lea and Alexander Ramsey, as commissioners, and the Medawakanton and Wapakoota Sioux Indians, by certain of their chief men and proclaimed by Millard Fillmore as President of the United States, August 5, 1851, and all treaties and acts of Congress supplementary thereto and amending thereto, etc.

"Mr. Allison raised a question or order, viz: That the amendment proposed general legislation to a general appropriation bill and was not in order under clause 3, Rule XVI.

"The Presiding Officer (Mr. Faulkner in the chair) sustained the point of order."

In another Congress the same amendment was offered and the point of order was again sustained, because it repealed the act of 1863, which took away from the Indians all their right under former treaties. The courts have held that a treaty with the Indians is nothing more than an act of Congress, and it may be repealed, and it was repealed by the act of 1863.

Mr. CLAPP. Mr. President, it is true that the decisions referred to have been made, but the more one studies these acts the more he is inclined to think, with due deference to the presiding officers at the time, that the decisions were not correct. It is also true that Congress arbitrarily, in 1863, did pass an act purporting to forfeit the rights under a treaty between the Government and the Indians. The courts have gone a long ways toward holding that the United States Government can contract with an Indian, the Indian in the Constitution of the United States being recognized as competent to make contracts, because it is one of the functions of Congress to deal with foreign nations and Indian tribes; but the fact remains that without any act on the part of the Indians as a tribe consenting to the act of Congress of 1863 Congress passed that act.

Now, the outbreak of 1862 was perhaps one of the most atrocious in the history of this country, but the evidence was so overwhelming and the sense of gratitude to a part of those Indians who, against the rashness of the younger members of the band, protested and opposed the massacre, and the outbreak of the Indians was so recognized that almost 20 years ago an illustrious predecessor of mine, Senator Davis, on the floor of the Senate demonstrated the injustice of the act of 1863. That act was born of the passions that were engendered by that outbreak.

This measure is not in the nature of creating a claim. It is simply for the purpose of ascertaining what the value of those annuities thus sought to be forfeited by the act of 1863 amounted to. Those annuities were due and they are due to-day under the trems of that treaty.

The only difference between this amendment and an amendment appropriating the money for the annuities is that instead of Congress seeking without any further instrumentalities than they had an ascertainment of the value of the annuities it is proposed to send the matter to the court that the court may investigae the value of the annuities. The fact that it provides for procedure in court is none the less carrying out the terms of the agreement, because we ourselves have abandoned the other process of carrying out the terms of those treaties, which would be for Congress to directly appropriate the money.

That is all I care to say upon the subject. As I said, it engendered a great deal of passion at the time. The outbreak was one of the most diabolical ever known. Yet the people who had been part and parcel of those who suffered so recognized the debt that they owed some of these Indians who opposed the outbreak that 20 years ago, when the feeling had far less died out than it is to-day—and it took time for it to die out—the then senior Senator from that State not only urged this provision, but demonstrated the justice of settling the matter in some way, and surely no more just way can be found than to let the Court of Claims ascertain the value of the annuities.

The PRESIDING OFFICER. It seems to the Chair that the amendment simply proposes to transfer to the courts the right to determine whether or not there are any annuities due under the treaty. The court can in that same proceeding determine whether the treaty provision has been repealed, as insisted by the Senator from Kansas. If it sustains the repeal there can be no claim and there would be no adjudication or determination.

Mr. CURTIS. But, Mr. President, the provision of the bill provides in so many words that that decision shall be made regardless of the act of Congress repealing the former treaty.

Mr. CLAPP. Yes; that is true, Mr. President. I would not have the occupant of the chair labor under a false impression as to the terms of the amendment. It provides that the court shall entertain the case and act upon it "as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed."

The PRESIDING OFFICER. In other words, does the Senator think the amendment reinstates the act that was repealed?

Mr. CLAPP. It would amount to a legislative declaration that that act ought not to stand.

The PRESIDING OFFICER. In view of that situation, the Chair thinks the point of order is well taken. The Chair had not an opportunity to read the amendment, and supposed that it adjudicated the rights of the parties under the treaty if valid, and not to reinstate a treaty that had been repealed. Then it is not an appropriation made in pursuance of any treaty. The point of order is therefore sustained.

The next amendment was, under the head of "New Mexico," on page 37, line 20, before the word "thousand," to strike out "five" and insert "six"; in the same line, after the word "dollars," to insert "for addition to girls' dormitory, including heating plant, $10,000"; and in line 22, before the word "thousand," to strike out "fifty-six" and insert "sixty-seven," so as to make the clause read:

"For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for addition to girls' dormitory, including heating plant, $10,000; in all, $67,900."

The amendment was agreed to.

The next amendment was, on page 38, line 1, before the word "thousand," to strike out "three" and insert "six," and in line 3, before the word "thousand," to strike out "fifty-six" and insert "fifty-nine," so as to make the clause read:

"For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for water supply, $1,600; in all, $59,500."

The amendment was agreed to.

The next amendment was, on page 38, after line 4, to strike out:

"The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navajo Indian Reservation at Shiprock, N. Mex., with respect to the necessity of constructing a bridge across the San Juan River at Shiprock on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1912, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized."

And insert:

"For the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, to be immediately available, $16,000."

The amendment was agreed to.

The next amendment was, on page 38, after line 20, to insert:

"For the pay of one special attorney for the Pueblo Indians of New Mexico, and for necessary traveling expenses of said attorney, $4,000, or so much thereof as the Secretary of the Interior may deem necessary."

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 39, after line 9, to strike out:

"For pay of one special agent, at $1,050; one physician, at $600; and one financial clerk, at $600 per annum, in addition to employees otherwise provided for at the New York Agency; in all, $2,250."

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 39, line 20, after the word "dollars," to insert "for rebuilding employees' quarters destroyed by fire, $6,000," and in line 22, before the word "thousand," to strike out "twenty-eight" and insert "thirty-four," so as to make the clause read:

"For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $26,650; for general repairs and improvements, $2,000; for rebuilding employees' quarters destroyed by fire, $6,000; in all, $34,650."

The amendment was agreed to.

The next amendment was, on page 39, after line 23, to insert:

"For the purchase of a site at or near the town of Pembroke, Robeson County, N. C., and the erection thereon of a suitable building for a school for the Indians of Robeson County, N. C., the sum of $25,000."

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 40, after line 11, to insert:

"To assist members of Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments, $100,000."

The amendment was agreed to.

The next amendment was, on page 40, line 18, after the word "dollars," to insert "for the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500"; and in line 22, before the word "dollars," to strike out "twenty thousand two hundred" and insert "twenty-two thousand seven hundred," so as to make the clause read:

"For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; for the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500; in all, $22,700."

The amendment was agreed to.

The next amendment was, on page 41, line 2, before the word "thousand," to strike out "four" and insert "six"; in the same line, after the word "dollars," to insert "$2,000 of which shall be immediately available"; and in line 4, before the word "thousand," to strike out "seventy-two" and insert "seventy-four," so as to make the clause read:

"For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; for general repairs and improvements, $6,000; in all, $74,500."

The amendment was agreed to.

The next amendment was, on page 41, line 5, after the word "hundred," to insert "and fifty"; in line 8, before the word "dollars," to strike out "eighteen thousand two hundred" and insert "twenty-eight thousand five hundred"; in line 9, after the word "improvements," to insert "including fencing of building grounds"; in line 10, before the word "thousand," to strike out "two" and insert "three"; in the same line, after the word "dollars," to insert "for erection of silo and purchase of ensilage cutter and other farm machinery, $2,000; for purchase of milch cows and other live stock and poultry, $2,000; for erection of hospital building and equipment of same, $25,000"; and in line 16, before the word "dollars," to strike out "twenty thousand two hundred" and insert "sixty thousand five hundred," so as to make the clause read:

"For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $28,500; for general repairs and improvements, including fencing of building grounds, $3,000; for erection of silo and purchase of ensilage cutter and other farm machinery, $2,000; for purchase of milch cows and other live stock and poultry, $2,000; for erection of hospital building and equipment of same, $25,000; in all, $60,500."

The amendment was agreed to.

The next amendment was, on page 41, after line 16, to insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the Indians of the Standing Rock Indian Reservation in the States of North Dakota and South Dakota, immediately after the passage and approval of this act, out of moneys derived from the sale of certain of their lands under the act of May 29, 1908, and now in the Treasury of the United States to the credit of said Indians, a $40 per capita cash payment."

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 42, line 12, after the word "benefit," to strike out: "and he is hereby authorized to withdraw from the Treasury the further sum of $40,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma, to be used only for the benefit of Indians belonging to said tribes; in all, $65,000," so as to make the clause read:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit."

The amendment was agreed to.

The next amendment was, on page 42, after line 20, to insert:

"For the purpose of fitting up the old agency and other buildings of the Kiowa, Comanche, and Apache Agency for hospital purposes and the construction of other hospitals, $20,000."

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States, standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees promulgated August 17, 1846, and which award was approved by the Secretary September 16, 1884, and his action reaffirmed April 26, 1886."

Mr. CURTIS. The Senator from North Dakota [Mr. MCCUMBER] asked a question about that item a few moments ago. I suggest that it be passed over until his return.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to that request?

Mr. CLAPP. There is no objection.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The next amendment was, on page 44, line 11, before the word "thousand," to strike out "eight" and insert "nine," so as to make the clause read:

"For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $9,000."

The amendment was agreed to.

The next amendment was, on page 44, line 16, before the word "thousand," to strike out "six" and insert "seven," and in line 17, before the word "thousand," to strike out "ninety" and insert "ninety-one," so as to make the clause read:

"For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $7,500; in all, $91,000."

The amendment was agreed to.

The next amendment was, on page 45, line 17, after the word "Shawnee," to strike out "Agency" and insert "Superintendency," so as to make the clause read:

"For pay of 1 stenographer and typewriter, $900 per annum, in addition to employees otherwise provided for at the Shawnee Superintendency."

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert:

"That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of the several annual installments due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June 17, 1910, 'to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes': *Provided*, That purchasers shall pay interest at the rate of 5 per cent per annum on the deferred payments for the time of the extension herein granted."

The amendment was agreed to.

The next amendment was, under the head of "Five Civilized Tribes," on page 46, after line 13, to strike out:

"SEC. 18. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $150,000: *Provided further*, That during the fiscal year ending June 30, 1913, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, without specific appropriation by Congress."

And insert:

"SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $174,000."

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert:

"For salaries and expenses of district agents for the Five Civilized Tribes of Oklahoma and other employees connected with the work of such agents, $100,000: *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes except for schools for the ensuing year and for the equalization of allotments, per capita or other payments authorized by law to individual members of the respective tribes, and the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Five Civilized Tribes, and attorneys of said tribes employed under contract approved by the President, without specific appropriation by Congress, except as hereinafter provided: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance."

The amendment was agreed to.

The next amendment was, on page 47, after line 19, to insert:

"For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March 3, 1911, not exceeding $25,000, reimbursable from proceeds of sale."

The amendment was agreed to.

The next amendment was, on page 48, after line 2, to insert:

"For expenses incident to and in connection with collection of tribal revenues, including rent of unallotted lands, such amount as may be necessary: *Provided, however,* That such expenditures shall not exceed in the aggregate 20 per cent of the amount collected."

The amendment was agreed to.

The next amendment was, on page 48, after line 7, to insert:

"For traveling expenses of appraisers of the surface of the Choctaw and Chickasaw coal and asphalt segregated lands, $5,000, or so much thereof as may be necessary: *Provided*, That the houses and other valuable and permanent improvements placed upon the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, in the State of Oklahoma, by private individuals and not purchased by the Indian nations shall be scheduled to the present owners thereof, and shall be appraised independently of the surface of the land on which they are located; and if the owners of such improvements fail to buy the surface of the lands on which their improvements are located at the highest bid, said improvements shall be sold with the lands at the appraised value with the surface of the land, and the owners of such improvements shall receive out of such purchase money the appraised value of said improvements."

The amendment was agreed to.

The next amendment was, on page 48, after line 23, to insert:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept payment to the full amount of the purchase money due, including interest to date of payment, on any town lots originally sold as provided in agreements with any of the Five Civilized Tribes and declared forfeited by reason of nonpayment of amount due and not resold."

The amendment was agreed to.

The next amendment was, on page 50, line 16, after the date "1910," to strike out "to March 1, 1912," so as to make the clause read:

"The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of $3,000 per annum from March 1, 1910."

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

"For the construction of a sanitary sewer system in Platt National Park, Okla., to be immediately available and expended under the direction of the Secretary of the Interior, $35,000."

Mr. CLAPP. On page 50, line 19, in the amendment of the committee, I move to strike out the words "immediately available and."

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 50, line 19, after the words "to be," in the amendment of the committee, it is proposed to strike out the words "immediately available and," so as to read:

"To be expended under the direction of the Secretary of the Interior."

The amendment to the amendment was agreed to.

Mr. CURTIS. I simply want to call the attention of the acting chairman of the committee to the fact that while that item was estimated for in the sundry civil appropriation bill, I have no objection to it going into this bill; but I think that fact ought to be noted in the RECORD, so that it will be left out of the sundry civil bill.

Mr. CLAPP. Yes; that is true. The item ought not to go into the sundry civil bill.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 50, after line 21, to insert:

"The Secretary of the Treasury is hereby authorized and directed to pay to the heirs or legal representatives of John W. Noble and R. V. Belt the sum of $3,569.95, for legal services rendered to and expenses incurred on behalf of members of the Lyman family, Osage allottees, under contract made pursuant to section 2103 and the following of the Revised Statutes of the United States, and duly approved by the Commissioner of Indian Affairs and the Secretary of the Interior, said sum to be paid as provided for in the contract out of individual funds in the Treasury of the United States to the credit of the members of said Lyman family."

The amendment was agreed to.

The next amendment was, on page 51, after line 9, to insert:

"That the Secretary of the Interior is hereby authorized and directed to satisfy of record the judgments rendered in the district court of Oklahoma, for the eighth judicial district, on December 15, 1911, in favor of Albert J. Lee and against Jack Postoak, in the sum of $1,448, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Bessie Postoak; against King Isaacs and others, in the sume of $1,449, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Roger Isaacs; against Thompson Peters, in the sum of $1,476, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Sookie Peters; and against Zeno Huff, in the sum of $732, by the payment thereof out of any funds that may now or hereafter be to the credit of said Zeno Huff."

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

"The fund of $390,257.92, placed to the credit of the Choctaw Indians by act of March 1, 1907 (34 Stat. L., 1027), shall draw interest at 5 per cent per annum, and the accrued interest at this rate shall be placed to the credit of the Choctaw Nation."

Mr. CURTIS. I make the point of order against the amendment on the ground that it proposes general legislation; but I should like to ask the acting chairman why the item was inserted? The existing agreements and treaties do not fix the rate of interest to be paid to these Indians.

Mr. CLAPP. In answer to the inquiry of the Senator from Kansas I will say that the Office of Indian Affairs has asked for this appropriation on the following ground:

"The amendment on page 50, lines 4 to 10, inclusive, providing that the fund of $390,257.92 placed to the credit of the Choctaw Indians by the act of March 1, 1907 (34 Stat. L., 1037), shall draw interest at 5 per cent per annum and the accrued interest at this rate shall be placed to the credit of the Choctaw Nation, was reported on favorably to the chairman of the Senate committee in letter of April 23, 1912, on H. R. 20728."

Mr. CURTIS. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 52, after line 9, to insert:

"For incidental and necessary expenses of any suit heretofore brought at the request of the Secretary of the Interior and now pending on behalf of any of the Five Civilized Tribes, the sum of $10,000 is hereby appropriated to be expended under the direction of the Secretary of the Interior, reimbursable from funds belonging to the tribe in whose interest such suit was brought, or now pending."

The amendment was agreed to.

The next amendment was, on page 52, after line 16, to insert:

"That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stats., p. 861), and the subsequent agreement of June 30, 1902 (32 Stats., p. 500), and laws providing for a minimum allotment to each Creek citizen whose name has been placed on the rolls by the Government of the United States under the authority of said agreements and laws, of the standard value of $1,040, the Secretary of the Interior be, and is hereby, directed to pay, out of the funds of the said nation now in the Treasury or that may hereafter come into the Treasury to their credit, to each of said Creek citizens placed on the rolls under said agreement and subsequent agreements, a sum sufficient to bring the allotment of land and money to each up to $800 as a part payment on the standard allotment of $1,040; and that jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment in the matter of the claim of all citizens of said nation who have received allotments of less than the standard value of $1,040, and to render judgment for a sum of money sufficient to equalize the allotments of each citizen who shall be found to be so entitled up to the standard amount of $1,040; and that the action herein authorized shall be brought in the name of the Muskogee (Creek) Nation against the United States by petition to be filed within six months after the passage of this act, which petition shall be verified by the national attorney of said nation or by the attorney or attorneys employed by said nation to conduct said suit, whose employment is approved by the Department of the Interior in accordance with section 2103 of the Revised Statutes, and the Attorney General shall appear and defend said action; and in rendering judgment in said cause the court shall fix the compensation to be paid to the attorneys upon a quantum meruit for all services rendered in behalf of said Indians in the matter of the claim of all of said citizens for the equalization of their allotments, including services rendered before the departments of the Government, the committees of Congress, and the courts, in and for their interest in this matter in any way rendered, said compensation to be based on a per cent of the amount of said judgment, less any money in the Treasury to the credit of the Creek Nation, not to exceed 10 per cent, and the Secretary of the Treasury shall pay said sum out of the amount of said judgment or out of any funds of the said nation in the Treasury, and all the remaining funds of said nation not appropriated by the council and approved by the President of the United States (except the sum of $50,000) shall be utilized and applied in any judgment that may be rendered under this act; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed."

Mr. CURTIS. Mr. President, I make the point of order against the amendment that it is clearly legislation, in violation of Rule XVI. A point of order was sustained against the same provision a few years ago when it was offered as an amendment to the then pending Indian appropriation bill.

The PRESIDING OFFICER. Upon what ground is the point of order based?

Mr. CURTIS. On the ground that it is legislation on an appropriation bill.

Mr. CLAPP. Mr. President, it is a fact that the point of order has been heretofore sustained, and in view of the scant attendance this afternoon I shall not take the time of the Senate to discuss it or suggest an appeal.

The PRESIDING OFFICER. In the opinion of the Chair the point of order is well taken, and it is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 54, after line 21, to insert:

"The sum of $300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma during the fiscal year ending June 30, 1913."

The amendment was agreed to.

The next amendment was, under the head of "Oregon," in section 19, page 55, line 13, after the word "thousand," to insert "six hundred," so as to make the clause read:

"For support and civilization of the Wallawalla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, $3,600."

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

"To enable the Secretary of the Interior to construct a bridge and the necessary approaches thereto across the Deschutes River, abutting on the Warm Springs Indian Reservation, in the State of Oregon, at a point to be agreed upon between him and the county court of Crook County, Oreg., the sum of $15,000."

Mr. CURTIS. Mr. President, I want to make a point of order against that amendment; but I should like to ask the Senator from Minnesota [Mr. CLAPP], the acting chairman of the committee, or the Senator from Oregon [Mr. CHAMBERLAIN], if the bridge is on a river that runs through an Indian reservation, and is it within the reservation?

Mr. CHAMBERLAIN. A part of it runs through the reservation; but where the bridge is it abuts on the reservation. At the place where the bridge is to be built the bluffs are very precipitous, and the Indians, as they now travel from the reservation, have to go down with their teams to the stream and up these precipitous bluffs.

Mr. CURTIS. Is it to accommodate the Indians on the reservation?

Mr. CHAMBERLAIN. Yes, sir; almost altogether. A recommendation was made by the department, and the estimates have also been made.

Mr. CURTIS. Then I withdraw the point of order.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 56, after line 22, to insert:

"That there be paid to the Tillamook Tribe of Indians of Oregon the sum of $10,500, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Clatsop Tribe of Indians of Oregon the sum of $15,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Nuc-quee-clah-we-muck Tribe of Indians of Oregon the sum of $1,500, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Kathlamet Band of Chinook Indians of Oregon the sum of $7,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Waukikum Band of Chinook Indians of Washington the sum of $7,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Wheelappa Band of Chinook Indians of Washington the sum of $5,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that there be paid to the Lower Band of Chinook Indians of Washington the sum of $20,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear, and for this purpose there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $66,000: *Provided*, That said Indians shall accept said sum, or their respective portions thereof, in full satisfaction of all demands or claims against the United States for the lands described in the agreements or unratified treaties between the United States and said Indians dated, respectively, August 7, 1851; August 5, 1851; August 7, 1851; August 9, 1851; August 8, 1851; August 9, 1851; and August 9, 1851: *Provided further*, That if, after investigation by the Secretary, he shall find that all of the Indians of either of said tribes or bands and their lineal descendants are dead, then none of the money hereby appropriated for such tribe or band shall be paid to any person for any purpose: *Provided further*, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder, which compensation, if any, shall be paid out of the sum hereby appropriated, in full payment of services rendered; and the decision of the Secretary of the Interior with respect to the attorneys and their compensation shall be final and conclusive: *Provided further*, That before any money is paid to any attorney hereunder, he shall first execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered such Indians in the matter of their claims."

Mr. CURTIS. Mr. President, I desire to make a point of order against that amendment, but during the pendency of it I should like to have the Senator from Oregon explain that claim, for the purpose of getting the facts regarding it in the RECORD. As I understand, it is a claim to carry out the provisions of certain unratified treaties. Treaties made and sent to Congress were not ratified, but the Government proceeded to take possession of the lands without paying the Indians.

Mr. CHAMBERLAIN. Mr. President, that is practically a statement of the facts with reference to the matter as briefly as it can be made. These cases are like numerous other cases of sharp practice that was indulged in against the Indians in the early days on the frontier. It is rather amusing to look back at some of the treaties that were attempted to be entered into. I was just reading one to my colleague on my left [Mr. JOHNSTON of Alabama], where, instead of paying the Indians money, it was agreed to give them a silk dress or a calico dress or other such things in consideration for valuable tracts of land.

These particular unratified treaties were negotiated pursuant to the acts of 1850 and 1851, which authorized commissioners to treat with the Indians and to make treaties with them for the cession of valuable tracts of land in Oregon. It had been the purpose and desire of the Government for a great many years to try to get these nomadic tribes of Indians together on one reservation, and in pursuance of that policy these treaties were made with them.

Some of the treaties were ratified, but a great many of them were not ratified by the Senate, because it is supposed, although there is no record to show that fact, that the Indians refused to go on the reservations which had been designated by the Government. They did not care to go long distances from the places where they had been accustomed to live and where they had been accustomed to fish and hunt in times gone by.

To show you how the Government treated these people, Mr. President, I might say here that the claims under those treaties which were ratified by the Senate were paid a long while ago, and these are the only ones not paid. The Indians do not even ask interest on the amount of these claims, which I think are just. For instance, the Clatsop Indians ceded to the United States about 500,000 acres of land for a consideration of $15,000, and reserved to themselves only about 4,000 acres. The Government of the United States took that 500,000 acres of land and treated it exactly as they have treated other parts of the public domain. They have sold it, and have received the money for it; but, notwithstanding that fact, these claims have not been paid, because the Government says the Senate never ratified the treaties. That land is amongst the most valuable land in the State of Oregon; it is along the timber ridges of the Coast Range of mountains, and now, in private hands, is worth all the way from $50 to $500 an acre.

Mr. CURTIS. Mr. President, I withdraw the point of order.

Mr. CHAMBERLAIN. That same statement might be made with reference to all these claims. Mr. President, I am truly glad that the Senator has withdrawn the point of order, because these claims have been hung up here in the Senate for years, and ought to have been paid a long time ago.

The PRESIDING OFFICER. The Senator from Kansas withdraws the point of order, and, without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Pennsylvania," in section 20, on page 59, line 18, before the word "thousand," to strike out "nine" and insert "twenty"; and in line 22, before the word "dollars," to strike out "one hundred and forty-eight thousand five hundred" and insert "one hundred and fifty-nine thousand five hundred," so as to make the clause read:

"SEC. 20. For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, $132,000; for general repairs and improvements, $20,000; for completing steam-heating plant, $7,500, to be immediately available; in all, $159,500."

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," in section 21, on page 60, line 2, after the word "dollars," to insert "for the construction and equipment of a gymnasium building, $8,000"; and in line 5, before the word "thousand," to strike out "sixty-six" and insert "seventy-four," so as to make the clause read:

"SEC. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $61,500; for the construction and equipment of a gymnasium building, $8,000; for general repairs and improvements, $5,000; in all, $74,500."

The amendment was agreed to.

The next amendment was, on page 60, line 10, before the word "thousand" where it occurs the first time, to strike out "six" and insert "seven"; and in the same line, before the word "thousand" where it occurs the second time, to strike out "thirty-eight" and insert "thirty-nine," so as to make the clause read:

"For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; for general repairs and improvements, $7,000; in all, $39,000."

The amendment was agreed to.

The next amendment was, on page 60, line 16, before the word "thousand," to strike out "eight" and insert "nine"; in line 17, after the word "dollars," to insert "for a new school building, $35,000; for remodeling boys' building, $5,000"; and in line 21, before the word "dollars," to strike out "sixty-one thousand five hundred" and insert "one hundred and two thousand five hundred," so as to make the clause read:

"For support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, $48,500; for general repairs and improvements, $9,000; for completion and extension of heating plant, $5,000; for a new school building, $35,000; for remodeling boys' building, $5,000; in all, $102,500."

The amendment was agreed to.

The next amendment was, on page 62, line 9, after the word "dollars," to insert "for general repairs and improvements of agency buildings, $10,000; in all, $24,000," so as to make the clause read:

"For subsistence and civilization of the Yankton Sioux, South Dakota, $14,000; for general repairs and improvements of agency buildings, $10,000; in all, $24,000."

The amendment was agreed to.

The next amendmen was, at the top of page 64, to insert:

"To complete the work of straightening the Duchesne River within the limits of the town site of Duchesne, in the State of Utah, $2,000, to be immediately available and to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uinta Indian Reservation opened to entry under the act of May 27, 1902, including the sales of lots within the said town site of Duchesne."

Mr. CURTIS. Mr. President, I should like to ask the Senator in charge of the bill if the town of Duchesne, referred to in the amendment, is an Indian town or embraces Indian lands?

Mr. CLAPP. I understand it is within the reservation.

Mr. CURTIS. Is the land being sold for the benefit of the Indians?

Mr. CLAPP. Well, some of the lands are being sold. They were taken by allotment. The item is recommended by the Secretary of the Interior as necessary in order to serve the interests of the Indians on that reservation.

Mr. CURTIS. I will not make a point of order, then, against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 8, to insert:

"VIRGINIA.

"SEC. 23. For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040."

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 64, line 21, before the word "dollars," to strike out "one thousand" and insert "one thousand five hundred," so as to make the clause read:

"For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, $1,500."

The amendment was agreed to.

The next amendment was, on page 65, line 5, before the word "thousand," to strike out "thirteen" and insert "eighteen," so as to make the clause read:

"For support and civilization of Indians at Colville and Puyallup Agencies, Wash., for pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $18,000."

The amendment was agreed to.

The next amendment was, on page 65, line 13, before the word "thousand," to strike out "fifteen" and insert "seventy-five," so as to make the clause read:

"For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $75,000, reimbursable in accordance with the provisions of the act of March 1, 1907."

The amendment was agreed to.

The next amendment was, on page 65, after line 15, to insert:

"For support and education of 300 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $50,000, said appropriation being made to supplement the Puyallup School funds used for said school."

The amendment was agreed to.

The next amendment was, on page 65, after line 21, to insert:

"That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide 1,500 cubic feet of water per second of time at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $1,600,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service."

Mr. JONES. Mr. President, on page 65, line 23, in the committee amendment just stated, I offer an amendment which has been suggested

by the department. I will say that the chairman of the committee requested me to look after the matter.

Mr. CLAPP. Mr. President, I have no objection to the amendment. We might as well close the matter up now.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 65, line 23, after the word "provide," it is proposed to strike out "1,500 cubic feet of water per second of time" and insert "for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season"; and on page 66, line 4, before the word "thousand," to strike out "six" and insert "eight," so as to make the clause read:

"That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $1,500,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 66, after line 6, to insert:

"That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 32,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works."

The amendment was agreed to.

The next amendment was, on page 66, after line 13, to insert:

"That other lands under Indian ownership to the extent of 70,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that provided for in the preceding paragraph, which cost shall be a charge against said lands to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe."

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

"That the claims for water of the owners of the remaining area of 18,000 acres, more or less, of irrigable Indian land, the Indian title to which has been extinguished, shall be equitably adjusted by the Secretary of the Interior: *Provided*, That any payments by owners of said lands on account of said storage works shall be deposited in the Treasury to the credit of the United States."

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

"That the owners of irrigable lands within the project shall pay the proportionate cost of the distribution and drainage systems upon such terms as may be fixed by the Secretary of the Interior: *Provided*, That no water shall be furnished as herein provided for until the owners of deeded or sold lands and Indians holding lands in fee benefited thereby shall have agreed to pay such proportionate share, such payments when received to be a part of the tribal funds of the Yakima Indians."

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 67, line 17, before the word "thousand," to strike out "two," and insert "three"; in the same line, after the word "building," to strike out "an addition" and insert "additions"; in line 18, after the word "to," to strike out "dormitory" and insert "dormitories"; in line 19, before the word "dollars," to strike out "sixteen," and insert "twenty"; and in line 19, before the word "thousand," to strike out "fifty-four" and insert "fifty-nine," so as to make the clause read:

"SEC. 25. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $36,670; for general repairs and improvements, $3,000; for building additions to dormitories, $20,000; in all, $59,670."

The amendment was agreed to.

The next amendment was, on page 68, line 1, before the word "thousand," to strike out "three" and insert "seven"; and in line 2, before the word "thousand," to strike out "forty-eight" and insert "fifty-two," so as to make the clause read:

"For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; for repairing and rebuilding barn, $2,500; for general repairs and improvements, $7,000; in all, $52,950."

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to insert:

"For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, $9,000."

The amendment was agreed to.

The next amendment was, on page 68, after line 7, to insert:

"The time provided for bringing suits under the fifth paragraph of section 26 of the act approved April 4, 1910, entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911 (36 Stat. L., p. 287),' be, and the same is hereby, extended to the 30th day of June, 1913."

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of the sum of $1,500,000 set aside and held in the Treasury of the United States for the use and benefit of the Colville Indians under the provisions of an act approved June 21, 1906 (34 Stat. L., p. 337), the sum of $45,000 to Hugh H. Gordon for his individual services in behalf of said Indians, which sum of $45,000 is hereby appropriated for said Gordon's exclusive use and benefit out of any money in the Treasury not otherwise appropriated, and the same shall be charged against the funds set aside for the benefit of said Indians."

Mr. CURTIS. Mr. President, I make the point of order against that amendment, as being in violation of paragraph 3 of Rule XVI. It is general legislation on an Indian appropriation bill.

Mr. CLAPP. Mr. President, I will ask the Presiding Officer to withhold his ruling in deference to the absence of the senior Senator from Georgia [Mr. BACON]. With that understanding let the amendment be passed over for the present.

The PRESIDING OFFICER. Without objection, the point of order made by the Senator from Kansas will be entered and further action on the matter deferred until the Senator from Georgia is present.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Wyoming," on page 69, line 12, before the word "dollars," to strike out "thirty-one thousand and twenty-five" and insert "thirty-two thousand five hundred"; in line 13, before the word "thousand," to strike out "three" and insert "four"; and in line 15, before the word "dollars," to strike out "thirty-four thousand and twenty-five" and insert "thirty-six thousand five hundred," so as to make the clause read:

"For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, $32,500; for general repairs and improvements, $4,000; in all, $36,500."

The amendment was agreed to.

The next amendment was, on page 69, after line 21, to insert:

"For continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., $20,000, reimbursable in accordance with the provisions of the act of March 3, 1905."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ASHURST. Mr. President, I desire, if I may be permitted to do so, to recur to page 17 of the bill where, commencing with line 14, there is an amendment reported by the committee which was discussed a few moments ago, and against which a point of order, made by the Senator from Kansas [Mr. CURTIS], was sustained.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. Certainly.

Mr. CURTIS. If it can be done, I desire to withdraw the point of order and let the question come upon the amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Arizona to ask unanimous consent to recur to the amendment on page 17, beginning with line 14. Is there objection? The Chair hears none. The Senator from Kansas asks unanimous consent to withdraw the point of order which he made against the amendment and which was sustained. Is there objection? The Chair hears none. The point of order is withdrawn, and, without objection, the amendment is agreed to.

Mr. CLAPP. Mr. President, under the heading "Utah," and after the items now in the bill under that heading, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. To come after all the provisions in regard to Utah?

Mr. CLAPP. Yes, sir. In support of the amendment I desire to make a short statement.

This matter was referred to the Court of Claims. The court entered a judgment. Prior to the matter going to the court the amount due the Indians was drawing interest payable annually and was paid annually, but when it was merged into a judgment the comptroller held that he could not any longer pay interest except by direct authority of the Congress. This amendment is in part to cover that.

In connection with that it appears that a great many of these Indians have allotments upon which irrigation rights attach, subject to forfeiture if the improvements are not carried on. In addition to that it appears that many Indians require help in the matter of making improvements, getting stock, and so forth. So the department recommended an appropriation to cover this whole matter, to be used in the judgment and discretion of the Secretary of the Interior.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. On page 64, after line 8, it is proposed to insert:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,305,257.19, being the net amount of a judgment rendered by the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 13, 1911, exclusive of the amount awarded for attorney's fee, pursuant to the provisions of the jurisdictional act approved March 3, 1909 (35 Stat. L., p. 788), the same to bear interest at the rate of 4 per cent per annum from and after the date of said judgment, the amount thereof and the interest accruing thereon to be available for cash payments to the Indians or for expenditures for their benefit, in the discretion of the Secretary of the Interior (Mar. 3, 1909)."

The amendment was agreed to.

Mr. CLAPP. Mr. President, under the heading "Oklahoma," at the end of the provisions already in the bill under that heading, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Under the head of "Oklahoma," subhead "Five Civilized Tribes," on page 55, after line 3, it is proposed to insert:

"For the purpose of reimbursing the trust funds of the Kickapoo Community in Mexico, said fund having been created under the provisions of the act of Congress of April 30, 1908 (35 Stat. L., 89), for legal expenses necessarily incurred in defending said community, its funds, lands, and members from fraud, the Secretary of the Treasury is hereby authorized and directed to pay to Okemah, who is now trustee of said community, the sum of $41,000, the same to be immediately available."

Mr. LODGE. Mr. President, I should like to hear that amendment explained. It is a private claim.

Mr. CLAPP. The explanation of the amendment is this: Some years ago these people had lands in Oklahoma. While it would take some time to go through the details of the litigation, these Indians were subjected to a great deal of expense that was unfair and unjust. They are now in Mexico, and in need not only of this item but the item of their lease money, which has not been paid them and which is due them. In order to clean up both matters, I have offered this amendment to reimburse them; and I desire to offer one directing the Indian Office to pay their lease money over to them.

Mr. LODGE. Does this money go to the Indians?

Mr. CLAPP. It goes to the Indians; yes, sir. I want to say that from all the information I have been able to get, those Indians, after they went down to Mexico, became a contented, satisfied band of Indians and, in the main, are doing well. I have made inquiries from time to time about them—of course, the evidence which I have is all hearsay—and I believe it was a blessing to those Indians that we allowed them to go down there. They have these two items left; and the purpose of this amendment is to clean up the matter, so that we may be through with it.

Mr. LODGE. I made the inquiry because of the statement I saw in one of the hearings—that of the $2,000 heretofore appropriated for the

Kickapoos, I think, only $45 reached the Indians. The rest went in salaries.

Mr. CLAPP. That is too true with reference to their agency in Oklahoma. I have no hesitation in saying, from the evidence I have obtained in these matters, that those Indians are infinitely better off in Mexico and come much nearer getting a fair return for what is theirs and due them than they ever did while they were under the jurisdiction of our own Government.

Mr. LODGE. If this money goes to them, Mr. President, I have no objection to the appropriation; but I do think, in view of the appropriation of $2,690 for the benefit of the Kickapoo Indians, of which all but $45 was spent in the expense of distribution, that we ought to be careful to see that this money goes to the Indians.

Mr. CLAPP. So far as the law can safeguard it, this amendment provides that the money shall be paid over to them.

Mr. LODGE. I do not want it all absorbed in the salaries of agents.

Mr. CLAPP. No, sir; I am as anxious to avoid that as is the Senator.

The amendment was agreed to.

Mr. CLAPP. In addition to that, I am going to ask for the adoption of an amendment to pay over their lease money to them. I send the proposed amendment to the Secretary's desk.

The SECRETARY. After the amendment just agreed to it is proposed to insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to immediately cause to be deposited to the credit of the Indian owner in the First National Bank of Douglas, Ariz., all money known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the Mexican Kickapoo Indians now resident in the Republic of Mexico. The receipt by such bank for any such money shall operate as the receipt of the Indian owner and as a complete release of all liability on the part of the officer paying the said money as herein directed."

The amendment was agreed to.

Mr. CLAPP. Now, Mr. President, I offer the amendment which I send to the desk. I regret I have no statement concerning it. It was handed me by the senior Senator from Idaho [Mr. HEYBURN]. Perhaps it may be well to offer it and let it lie on the table until he returns.

The SECRETARY. On page 21, after line 9, it is proposed to insert the following:

"For the construction of buildings for agency headquarters on the Coeur d'Alene Indian Reservation in Idaho, $30,000."

The PRESIDING OFFICER. The Senator from Minnesota asks that the amendment lie upon the table. Without objection, it will lie upon the table.

Mr. CLAPP. I now offer the amendment I send to the desk, and ask for the reading of the letter from the Interior Department in regard to it.

The SECRETARY. Under the head of "South Dakota," on page 62, after line 19, it is proposed to insert the following:

"The Secretary of the Treasury is hereby authorized and directed to pay to A. C. Brink, of Pierre, S. Dak., the sum of $128.68 on account of repairs to a gas engine made while said engine was rented by him to the superintendent of the Pierre Indian School, and being used during September and October, 1911, in digging a test well for the purpose of securing a water supply for that school, and to charge said amount to the appropriation for Indian school, Pierre, S. Dak., water supply."

The PRESIDING OFFICER. In that connection, the Secretary will read the letter from the Secretary of the Interior in relation thereto.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 24, 1912.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: Answering your letter of June 17, 1912, relative to claim in favor of A. C. Brink, I have the honor to advise you that the bill originally consisted of a charge of $50 for 10 days' rental of a gas engine, which amount was allowed by the Auditor for the Interior Department, and of $128.68 for repairs on the engine while it was being used by the Government. As the agreement for the rental of the engine did not expressly specify that the repairs should be made at the expense of the Government and as their necessity appears to have been due, in part, to the negligence of the Government employees, the auditor held, following the decision of the comptroller dated March 26, 1912, in case of the Oregon Short Line Railroad Co., that the damages were unliquidated and, therefore, were not of such a nature as the executive departments are authorized to settle. The amount of $128.68 was, therefore, disallowed by him.

Mr. Brink, the claimant, has a legal right to appeal to the Comptroller of the Treasury at any time within one year from the date of settlement, which was April 24, 1912.

However, as the statutory authorization suggested by you would probably be more effective in the settlement of his claim, an item has been prepared as requested and is transmitted herewith so that you may take such action as you consider proper in the matter. The office deems the charge a just one and recommends its payment.

Respectfully,

F. H. ABBOTT,
Acting Commissioner.

The amendment was agreed to.

Mr. CLAPP. On page 43, at the suggestion of the Senator from Kansas [Mr. Curtis], we passed the item proposing to pay $5,000 to the estate of John W. West, beginning with line 1, going down to and including line 15. I desire to call up that amendment.

The PRESIDING OFFICER. The Senator from Minnesota moves to recur to page 43, lines 1 to 15, inclusive, the amendment which was temporarily passed over during the absence of the Senator from North Dakota. Is there objection? The Chair hears none. The amendment is before the Senate. The question is upon agreeing to the amendment.

Mr. CURTIS. I simply asked that it be passed over because the Senator from North Dakota was not here.

The PRESIDING OFFICER. It has now been recurred to. Does the Senator still ask that it be passed over?

Mr. CLAPP. No; I move the adoption of the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President, owing to the absence of some Senators there was an understanding that the bill would not be reported out of the committee to-day. Unless some Senator has an amendment he desires to offer I ask that the bill be laid aside until to-morrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, requested the Senate to return to the House of Representatives the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also informed the Senate that the House of Representatives had elected JOSHUA W. ALEXANDER, a Representative from the State of Missouri, Speaker pro tempore during the temporary absence of the Speaker.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies, and it was thereupon signed by the President pro tempore.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. BRANDEGEE) laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 25069) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LODGE. Mr. President, I understand that is a request for the recall of the sundry civil appropriation bill?

The PRESIDING OFFICER. It is.

Mr. LODGE. That bill has been referred to the Committee on Appropriations, and it is now under consideration by that committee. I should think the chairman of the committee should be consulted before any action is taken.

The PRESIDING OFFICER. The Chair is informed by one of the clerks at the desk that word was sent to the Senator from Wyoming, the chairman of the Committee on Appropriations, and he said he had no objection to the granting of the request of the House.

Mr. LODGE. Then that is sufficient.

The PRESIDING OFFICER. Without objection, the request of the House is complied with.

REGENT OF SMITHSONIAN INSTITUTION.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, which was, on page 1, line 6, after "Fairbanks," to insert "a citizen."

Mr. LODGE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. HEYBURN. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The motion was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, July 2, 1912, at 11 o'clock a. m.

THE TARIFF.

Mr. STONE. I desire to ask that House bill 3321 be now laid before the Senate.

Mr. SMITH of South Carolina. There is still pending before the Senate the resolution all this argument has hinged upon, and under the rules it is still before the Senate. I desire that there shall be some facts given to the Senate in reference to it, and as it is now in order, if the Chair will recognize me, I will present those facts.

Mr. STONE. If the Senator from South Carolina will pardon me, all I desire to do now is to submit the report of the Finance Committee and to ask for an order, and then to lay the matter temporarily aside. The consideration of the resolution of the Senator from South Carolina can be resumed.

Mr. SMITH of South Carolina. With that understanding, I will yield to the Senator from Missouri, but I should like to have it clearly understood that it is done by unanimous consent in order that the resolution may be disposed of.

The VICE PRESIDENT. The Chair understands that as soon as this matter is passed upon, then the resolution of the Senator from South Carolina is to be taken up. Is there any objection? The Chair hears none.

Mr. STONE. Then I will move that the Senate now proceed to the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The motion was agreed to.

Mr. GALLINGER. That will make it the unfinished business, which ought to be done.

Mr. STONE. I understand that automatically it makes it the unfinished business.

Mr. GALLINGER. It does.

Mr. STONE. Mr. President, it was the intention of the chairman of the Committee on Finance, the Senator from North Carolina [Mr. SIMMONS], to lay before the Senate to-day the

report of the committee to accompany this bill, which was reported several days ago. I regret to say that an unexpected death in the family of the Senator from North Carolina has made his absence from the Senate to-day imperative. At his request I present now the report of the committee (No. 80), stating that I am advised there will be a minority report. I send the report to the desk. The report is somewhat lengthy, and I do not know but that every end will be served if it should be printed in the RECORD.

Mr. SMOOT. I was going to ask that the report be printed in the RECORD, because of the fact that it may take some time to have it printed in document form, and Senators will then have it before them to-morrow morning in the RECORD.

The VICE PRESIDENT. The Chair hears no objection, and the report will be printed in the RECORD.

Mr. STONE. And the formal reading of it will be dispensed with.

The VICE PRESIDENT. It will be dispensed with.

The report is as follows:

[Senate Report No. 80, Sixty-third Congress, first session.]

TO REDUCE TARIFF DUTIES AND TO PROVIDE REVENUE FOR THE GOVERNMENT, AND FOR OTHER PURPOSES.

Mr. STONE (for Mr. SIMMONS), from the Committee on Finance, submitted the following report, to accompany H. R. 3321:

On May 8, 1913, the bill (H. R. 3321) to reduce tariff duties and to provide revenue passed the House of Representatives, and on May 12, 1913, it was referred to the Finance Committee. Since that date and up to the time it was reported to the Senate your committee has had this measure under careful scrutiny and analysis.

As a result of this examination and study your committee wishes to give its assent to the soundness of the general principles upon which this measure was originally constructed, as well as the theory upon which the revision of the tariff has proceeded. But while the principles of the proposed revision are conceded and while the general line of their application is believed to be beyond controversy, there have been other phases of the situation which in the judgment of the committee called for further analysis. On certain of these points the inquiries of the committee have confirmed the position taken by the Ways and Means Committee of the House, while on certain others it has been necessary on further inquiry to make additional modifications.

Following the lead of the House, your committee has sought in the amendments it now proposes to the House bill to further carry out and perfect the theory of establishing a revenue-producing tariff upon the basis of competitive rates as a just and fair interpretation in the light of existing conditions of the latest authoritative utterances of the party in power upon that subject, and now submits the result of its labors with the confident belief that the enactment into law of the House bill as amended will result in a more equitable distribution of the burdens and incidental benefits of our system of customs taxation; that it will tend to disintegrate the monopolies built up under the present system; that it will enlarge opportunity to individual effort, reduce the cost of living, and relieve the people from the burdens of the protective system strikingly exemplified in the so-called Payne-Aldrich bill, which this measure is intended to supersede. As reported to the Senate, the bill reflects the collective opinion of the Democratic Senators representing the party responsible for the proposed legislation.

SUMMARY COMPARISON OF HOUSE AND SENATE RATES.

Before beginning a discussion of the changes made by the proposed Senate amendments to the House bill, a summary table showing the changes proposed by the Finance Committee in the dutiable and free lists of the House bill will be helpful.

Table I gives the House rates of the dutiable list and the proposed Senate rates.

Table II gives the House rates on items transferred to the free list by the proposed Senate amendments.

TABLE I.—*Comparisons of rates of H. R. 3321 as passed by the House and as amended by the Committee on Finance.*

SCHEDULE A.—CHEMICALS, OILS, AND PAINTS.

Paragraph.	Article.	House rate.	Senate rate.
1	Gallic acid	4 cents per pound.	7 cents per pound.
	Oxalic acid	2 cents per pound.	1½ cents per pound
	Pyrogallic acid	10 cents per pound.	15 cents per pound.
	Tannic acid	4 cents per pound.	5 cents per pound.
6	Alizarin	10 per cent	Free.
14	Compounds of caffein	15 per cent	25 per cent.
15	Calomel, etc	do	20 per cent.
19	Glycerophosphoric acid	do	25 per cent.
21	Colors obtained from alizarin, anthracene, indigo, and carbazol.	30 per cent	Free.
23	Creosote oil	5 per cent	Do.
	Anthracene	do	Do.
26	Celluloid, crude	15 per cent	25 per cent.
	Manufactures of celluloid	35 per cent	40 per cent.
30	Ethers with 5 per cent or less of alcohol.	10 per cent and 20 per cent.	20 per cent.
31	Extract of nutgalls, Persian berries, and sumac.	Free	⅛ cent per pound.
37	Chicle, crude	20 cents per pound.	15 cents per pound.
	Amber chips	$1 per pound	Free.
	Potato dextrine	¾ cent per pound	1½ cents per pound.
46	Alizarin assistants	15 per cent	25 per cent.
	Linseed oil	12 cents per gallon.	10 cents per gallon.
	Olive oil, n. s. p. f.	20 per cent	20 cents per gallon.
53	Ultramarine blue, valued at less than 7 cents per pound.	15 per cent	1 cent per pound.
62	Lithopone	10 per cent	15 per cent.
	Zinc pigments mixed with oil	do	Do.
65	Potash cyanide	1½ cents per pound.	Free.
68	Soda cyanide	do	Do.

TABLE I.—*Comparisons of rates of H. R. 3321 as passed by the House and as amended by the Committee on Finance*—Continued.

SCHEDULE B.—EARTH, EARTHENWARE, AND GLASSWARE.

Paragraph.	Article.	House rate.	Senate rate.
74	Cement	5 per cent	Free.
78	Rock asphalt	25 cents per ton	Do.
	Asphalt and bitumen	50 cents per ton	Do.
79	Mica:		
	Valued not above 15 cents per pound.	30 per cent	4 cents per pound.
	Valued above 75 cents per pound.	do	20 per cent.
	75 cents per pound	do	25 per cent.
80	Stoneware and earthenware crucibles.	15 per cent	20 per cent.
94	Lenses	30 per cent	25 per cent.
	Gauging glasses and glass slides	20 per cent	Do.
95	Opera glasses and optical instruments.	35 per cent	35 per cent.
	Photographic cameras	do	15 per cent.
96	Surveying instruments, telescopes and microscopes, photographic and projection lenses.	35 per cent	25 per cent.
98	Glass enamel	Free	20 per cent.

SCHEDULE C.—METALS, AND MANUFACTURES OF.

104	Iron in pigs, iron kentledge, spiegeleisen, cast iron, iron and steel scrap.	8 per cent	Free.
104	Ferromanganese	15 per cent	Do.
105	Iron in slabs, blooms, loops, etc	8 per cent	Do.
	Muck bars, bar iron, rolled or hammered iron, etc.	do	5 per cent.
106	Beams and other structural iron and steel.	12 per cent	10 per cent.
107	Iron or steel plates, strips, sheets, etc.	15 per cent	12 per cent.
108	Iron and steel anchors, forgings, etc.	do	Do.
109	Hoop, band, or scroll iron or steel, n. s. p. f.	12 per cent	10 per cent.
111	Iron or steel sheets, etc., galvanized or otherwise cut, polished, or finished, including tin plates.	20 per cent	15 per cent.
112	Steel ingots, blooms, slabs, die blocks or blanks, and billets, crude.	10 per cent	Free.
	The same, if tapered or beveled	15 per cent	12 per cent.
	Steel products not containing alloys.	10 per cent	8 per cent.
	Containing alloys	15 per cent	12 per cent.
113	Steel wool and shavings	20 per cent	15 per cent.
114	Grit, shot, etc	30 per cent	25 per cent.
116	Iron or steel wire, covered or uncovered.	20 per cent	15 per cent.
	Wire rope	30 per cent	25 per cent.
121	Automobiles:		
	Valued at $1,000 or less	45 per cent	15 per cent.
	Valued between $1,000 and $1,500.	do	30 per cent.
	Finished parts of automobiles	20 per cent	Do.
122	Motor cycles, and finished parts thereof.	40 per cent	25 per cent.
125	Nuts, nut blanks, and washers	15 per cent	5 per cent.
	Bolts and hinges	do	10 per cent.
	Spiral nut locks and lock washers.	35 per cent	25 per cent.
126	Card clothing, not permanently fitted.	40 per cent	10 per cent.
	When plated or faced	do	30 per cent.
127	Cast-iron pipes	12 per cent	Free.
128	Sprocket and machine chains	20 per cent	25 per cent.
133	Files, etc., machine cut	25 per cent	20 per cent.
	Hand-cut and precision files	do	35 per cent.
137	Needles, needle cases, and bodkins of metal.	do	20 per cent.
	Needles for shoe machinery	do	Free.
144	Railway wheels and tires	do	15 per cent.
145	Aluminum and alloys in crude form.	do	2 cents per pound.
	Aluminum, rolled	do	3½ cents per pound.
146	Antimony ores	10 per cent	Free.
148	Bronze powders, etc	25 per cent	8 cents per pound.
	Aluminum in leaves	do	4 cents per 100 leaves.
152	Metal threads of tinsel wire	30 per cent	25 per cent.
154	Lead ores	½ cent per pound	¾ cent per pound.
164	Zinc ores	10 per cent	12½ per cent.
165	Metallic zinc	do	15 per cent.
169	Iron and steel products n. s. p. f.	25 per cent	20 per cent.
	Sugar machinery, sand-blasting and sludge machinery.	do	Free.

SCHEDULE D.—WOOD, AND MANUFACTURES OF.

Only a few changes of technical nature.

SCHEDULE E.—SUGAR, MOLASSES, AND MANUFACTURES OF.

Paragraph 179. Duties of existing law extended to March 1, 1914.

Paragraph 182. Chewing gum: House rate, 15 per cent; Senate rate, 25 per cent.

SCHEDULE F.—TOBACCO, AND MANUFACTURES OF.

No change.

TABLE I.—*Comparisons of rates of H. R. 3321 as passed by the House and as amended by the Committee on Finance*—Continued.

SCHEDULE G.—AGRICULTURAL PRODUCTS AND PROVISIONS.

Paragraph.	Article.	House rate.	Senate rate.
188	Cattle	10 per cent	Free.
189	Horses and mules, valued at $200 or less per head.	$15 per head	10 per cent.
190	Sheep	10 per cent	Free.
196	Oats	10 cents per bushel.	6 cents per bushel.
	Oatmeal and rolled oats	Free	33 cents per hundredweight.
	Oat feed	15 per cent	9 cents per hundredweight.
197	Rice for fermentation purposes	¼ cent	¼ cent.
198	Wheat	10 cents per bushel.	Free — subject to countervailing duty.
200	Butter and butter substitutes	3 cents per pound.	2½ cents per pound.
201	Cheese and cheese substitutes	20 per cent	Do.
203	Beets	10 per cent	5 per cent.
208	Eggs	2 cents per dozen	Free.
	Frozen eggs	2½ cents per pound.	2 cents per pound.
	Liquid egg albumen	3 cents per pound.	1 cent per pound.
209	Blood, dried, soluble	1½ cents per pound.	Free.
214	Peas	15 cents per bushel.	10 cents per bushel.
	Split peas	25 cents per bushel.	20 cents per bushel.
	Peas in small packages	½ cent per pound	½ cent per pound.
215	Greenhouse plants	25 per cent	Free.
217	Linseed	20 cents per bushel.	15 cents per bushel.
	Seed, n. s. p. f.	10 per cent	5 cents per pound.
223	Currants	2 cents per pound.	1 cent per pound.
227	Bananas	Free	⅛ cent per pound.
233	Meat extracts, n. s. p. f.	15 cents per pound.	10 cents per pound.
	Fluid extracts of meat	7 cents per pound.	5 cents per pound.
236	Cocoa, manufactured and sweetened chocolate valued between 15 and 20 cents per pound.	25 per cent	2 cents per pound.
240	Wild mace	8 cents per pound.	18 cents per pound.
	Ground spices—only in the Senate amendment, 20 per cent additional to the House rates.		

SCHEDULE H.—SPIRITS, WINES, ETC.

Paragraph 254. Mineral waters imported in packages of less than 1 quart: House rates, rates provided for plus additional duty on packages; Senate rates, House rates, but no additional duty on packages.

Paragraph 254½. Restoring the internal tax on wine spirits or grape brandy used for fortification of sweet wines.

Paragraph 254½. Placing a tax on all spurious wines of 25 cents per gallon.

SCHEDULE I.—COTTON AND MANUFACTURES.

Paragraph.	Article.	House rate.	Senate rate.
255	Cotton thread, yarns, etc., not bleached, mercerized, etc. (between Nos. 80 and 99).	20 per cent	22½ per cent.
	Yarns, bleached, mercerized, etc.	Same as unbleached.	2½ per cent above rates on unbleached.
	200 and over, bleached or unbleached, etc.	25 per cent	20 per cent.
	Cotton sliver	10 per cent	5 per cent.
257	Cotton cloth, unbleached and not mercerized (between 80 and 99).	22½ per cent	25 per cent.
260	Handkerchiefs, unhemmed	30 per cent	Do.
261	Cotton collars and cuffs	25 per cent	30 per cent.
265	Stockings, etc., valued up to 70 cents per dozen pairs.	40 per cent	Do.
	Valued between 70 cents and $1.20.	50 per cent	Do.
	Cotton gloves	35 per cent	45 per cent.
267	Bandings, beltings, bindings, etc.	25 per cent	30 per cent.

SCHEDULE J.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

272	Flax, undressed	½ cent per pound	Free.
273	Flax, dressed	1½ cents per pound.	Do.
274	Tow of flax	½ cent per pound	Do.
275	Hemp, and tow of hemp	1½ cents per pound.	Do.
	Hackled hemp	½ cent per pound	Do.
276	Single jute yarns not finer than 5 numbers.	15 per cent	20 per cent.
	Over 5 numbers	25 per cent	Do.
278	Threads of flax, hemp, or ramie, from yarn of 5 numbers or less.	do	Do.
	Finer than 5 numbers	30 per cent	25 per cent.
279	Single yarns of flax, hemp, or ramie, not less than 8 numbers.	15 per cent	12 per cent.
	Between 8 and 80 numbers	25 per cent	20 per cent.
280	Gill nets, webs, etc., of flax, hemp, or ramie.	30 per cent	25 per cent.
281	Straw mattings and rugs	2½ cents per square yard.	2 cents per square yard.
282	Carpets, mats, and rugs of vegetable fiber except cotton.	35 per cent	30 per cent.
284	Flax tapes	25 per cent	20 per cent.
287	Wearing apparel of flax, hemp, or ramie.	50 per cent	40 per cent.
288	Single jute fabrics for bags	20 per cent	Free.
289	Pile fabrics of flax, hemp, or ramie	45 per cent	40 per cent.
290	Bags of single jute yarns	25 per cent	10 per cent.
292	Woven fabrics of flax, hemp, or ramie.	35 per cent	30 per cent.

TABLE I.—*Comparisons of rates of H. R. 3321 as passed by the House and as amended by the Committee on Finance*—Continued.

SCHEDULE K.—WOOL, AND MANUFACTURES OF.

Paragraph.	Article.	House rate.	Senate rate.
295	Woolen or camel's-hair tops	15 per cent	5 per cent.
296	Wool yarns	20 per cent	15 per cent.
297	Wool stockings, hose, and half hose.	35 per cent	20 per cent.
	If finished or shaped, valued not more than $1.20 per dozen pairs.		
	Valued above $1.20 per dozen pairs.	do	50 per cent.
	Camel's-hair press cloth	Free	10 per cent.
298	Wool flannels and blankets above 50 cents per pound.	35 per cent	25 per cent.
298	Wool blankets, valued less than 40 cents per pound.	25 per cent	Free.
314	Angora-goat hair, alpaca and	20 per cent	Do.
315	Angora-hair tops	25 per cent	5 per cent.
316	Angora-hair yarns	30 per cent	15 per cent.
317	Manufactures of angora hair	40 per cent	35 per cent.
318	Plushes, velvets, and pile fabrics	50 per cent	40 per cent.

Duties on wool extended to Dec. 1, 1913.
Duties on woolens extended to Jan. 1, 1914.

SCHEDULE L.—SILKS AND SILK GOODS.

319	Carded and combed silk and silk noils.	15 per cent	30 cents per pound.
320	Silk, spun or in yarn	35 per cent	30 cents per pound up, according to weight and finish.
321	Thrown silk, floss, etc	15 per cent	35 cents per pound up, according to weight and finish.
322	Silk velvets, chenilles, etc	50 per cent	$1.25 per pound up, according to weight and finish.
323	Silk handkerchiefs or mufflers	40 per cent	45 per cent.
324	Ribbons, hat bands, etc., of silk	do	Do.
327	Artificial silk yarns	35 per cent	25 per cent.

SCHEDULE M.—PAPERS AND BOOKS.

332	Surface-coated papers	35 per cent	25 per cent.
	Embossed or printed papers	do	50 per cent.
	Sensitized paper	do	25 per cent.
	Plain paper for sensitizing	25 per cent	15 per cent.
333	Picture calendars, labels, etc	12 per cent	15 cents per pound.
	Decalcomanias	20 per cent	15, 20, and 60 cents, according to dimensions and weight of sheets.
	Textbooks	15 per cent	Free.
337	Landscape views	45 per cent	25 cents per pound.

SCHEDULE N.—SUNDRIES.

342	Ramie hat braids	15 per cent	40 per cent.
	Manufactures of ramie hat braids.	25 and 40 per cent.	50 per cent.
347	Ivory buttons, over 36 lines	40 per cent	35 per cent.
	36 and less lines	do	50 per cent.
	Shell and pearl buttons, over 26 lines.	do	25 per cent.
	26 and less	do	50 per cent.
	Agate buttons	do	15 per cent.
351	Crude artificial abrasives	10 per cent	Free.
353	Fulminates	5 per cent	Do.
354	Gunpowder, etc	1½ and 1 cent per pound.	Do.
356	Blasting caps	75 cents per M	$1 per M.
358	Raw furs	10 per cent	Free.
	Furs, dressed or dyed	40 per cent	35 per cent.
	Fur, wearing apparel of domestic animals.	50 per cent	15 per cent.
	Fur, wearing apparel of other than domestic animals.	do	45 per cent.
364	Hats, bonnets, etc	40 per cent	Do.
367	Glaziers' and miners' diamonds	10 per cent	Free.
	Marine coral, crude	Free	10 per cent.
370	Leather toilet sets and similar articles.	30 per cent	40 per cent.
373	Women's leather gloves	$2 per dozen pairs.	$2.50 per dozen pairs.
	Men's leather gloves	do	$3 per dozen pairs.
376	Harness and saddlery, n. s. p. f.	20 per cent	Free.
[1]376	Manufactures of amber and gut	10 per cent	20 per cent.
	Surgical catgut	do	Free.
378	India rubber druggists' sundries	do	15 per cent.
379	Manufactures of mother-of-pearl, shell, hard rubber, etc.	25 per cent	Do.
380	Masks	20 per cent	25 per cent.
383	Catgut strings	35 per cent	20 per cent.
386	Paintings and sculptures	15 per cent	25 per cent.
388	Pencils valued less than $1.44 per gross.	25 per cent	36 cents per gross.
390	Photographic cameras	30 per cent	15 per cent.
	Photographic films, sensitized but not exposed.	15 per cent	Free.
	Films for moving-picture exhibits.	20 per cent	Changed to specific rates equivalent to approximately 20 per cent.
391	Crude meerschaum	Free	20 per cent.

[1] New paragraph.

TABLE II.—*Free list.*

Paragraph.	Article.	House rate.	Senate rate.
393½	Alizarin	10 per cent	Free.
	Colors obtained from alizarin, anthracene, and carbazol.	30 per cent	Do.
401	Ammonia perchlorate	15 per cent	Do.
404½	Antimony ore, stibnite, and antimony matte.	10 per cent	Do.
416	Fabrics of single jute yarns for grain, wool, and other sacks.	20 per cent	Do.
427½	Wool blankets valued at less than 40 cents per pound.	25 per cent	Do.
428	Blood, dried	1¼ cents per pound.	Do.
434	Textbooks	15 per cent	Do.
	Braille tablets, objects and apparatus, types, etc., used for the benefit of the blind exclusively.	15 and 25 per cent.	Do.
450	Sand-blast machines, sludge machines, and sugar machinery.	25 per cent	Do.
456½	Cast-iron pipe	12 per cent	Do.
462	Surgical catgut	....do	Do.
465½	Cement, Roman, Portland, and other hydraulic.	5 per cent	Do.
469	Creosote, oil, anthracene, and anthracene oil.	.....do	Do.
471	Crude marine corals	Free	10 per cent.
481½	Glaziers' and engravers' diamonds, miners' diamonds, and diamond dust.	10 per cent	Free.
485	Eggs	2 cents per dozen	Do.
486	Crude artificial abrasives	10 per cent	Do.
492	Flax and hemp, not hackled or dressed.	½ cent per pound	Do.
	Flax, hackled	1½ cents per pound.	Do.
	Flax and hemp tow	½ cent per pound	Do.
496½	Fulminates	5 per cent	Do.
499½	Furs and fur skins	10 per cent	Do.
498	Glass enamel	Free	20 per cent.
505	Amber in chips	$1 per pound	Free.
506½	Gunpowder and explosives	½ cent per pound and 1 cent per pound.	Do.
518	Colors obtained from indigo	30 per cent	Do.
522	Pig iron, iron kentledge, spiegeleisen, wrought iron, steel scrap, ferromanganese, iron in slabs and blooms.	15 and 8 per cent	Do.
532	Lard compounds and lard substitutes.	15 per cent	Do.
537½	Limestone-rock asphalt	25 cents per ton	Do.
537½	Asphaltum and bitumen	50 cents per ton	Do.
550	Meerschaum, crude	Free	20 per cent.
559	Needles for shoe machines	25 per cent	Free.
564	Oatmeal and rolled oats	Free	33 cents per hundredweight.
571	Hemp and flax waste	10 per cent	Free.
580½	Photographic moving-picture films, not exposed.	15 per cent	Do.
584	Potash cyanide	1½ cents per pound.	Do.
586	Potatoes	Free	Free; subject to countervailing duty.
609	Soda cyanide	1½ cents per pound.	Free.
615½	Steel ingots, blooms and slabs, die blocks or blanks, billets, not containing alloys.	10 per cent	Do.
621	Cattle, sheep, domestic live animals, for food purposes.	.....do	Do.
626	Extracts of nutgalls, Persian berries, and sumac.	Free	⅜ cent per pound.
646	Wheat	10 cents per bushel.	Free; subject to countervailing duty.
650	Sawed cedar	10 per cent	Free.
652	Wool of the angora goat, alpaca	20 per cent	Do.
662	Paper twine for binding wool	25 per cent	Do.

DETAILED DISCUSSION OF CHANGES BY SCHEDULE.

While the preceding tables give in parallel columns a synoptic view of all the changes in rates made by the Committee on Finance in the House bill, a brief discussion of the reasons for the more significant alterations made in each schedule will perhaps contribute to a clearer understanding of those changes.

SCHEDULE A.—CHEMICALS, OILS, AND PAINTS.

It will be observed that the most important changes made by the Senate amendments in Schedule A are found in paragraph 1, dealing with acids; paragraph 6, dealing with alizarin; paragraph 25, dealing with celluloid; paragraph 31, dealing with vegetable dyes; paragraph 37, dealing with gums; paragraph 46, dealing with oils; and paragraph 62, dealing with zinc pigments.

Under the present law, alizarin and colors obtained from alizarin and anthracene are on the free list. The House bill placed a duty of 10 per cent on alizarin and 30 per cent on colors obtained from alizarin and anthracene. Under the present law colors obtained from carbazol and indigo pay a duty of 30 per cent and the House bill made no change.

The textile industries, the manufacture of leather, of pulp and paper, and of glass are among the heaviest consumers of chemicals and other products dealt with in Schedule A. In its glossary on the status of the chemical industry in this country, reprinted in House Report No. 326, Sixty-second Congress, second session, page 317, the Tariff Board gives the following table showing the value of chemicals and related products consumed in the industries mentioned, as ascertained by the census of 1905:

Textiles	$30,971,685
Leather	25,038,936
Pulp and paper	10,203,304
Glass	6,311,783

H. R. 3321 has made heavy reductions from the existing law in the rates on products of the industries enumerated above, and in a number of instances the Senate amendments have increased these reductions still further. On account of the extensive use of these colors in the textile industries and in the manufacture of leather and on account of the heavy reductions made in the bill in the duties on the products of these industries the committee thought it but just and fair that these dyeing materials should all be transferred to the free list, as provided in the Senate amendments.

The Committee on Finance has transferred creosote oil to the free list. Creosote oil is used on a very large scale for saturating wood for the purpose of its preservation. In the interest of conservation of our rapidly decreasing resources of woods the committee has deemed it advisable to place this preservative on the free list, the end in view being of more importance than the revenue which would be derived from the small House rate.

The Committee on Finance has transferred cyanide of potash and cyanide of soda to the free list. These products are dutiable respectively under the present law at 12½ per cent and 25 per cent ad valorem. The House rate is specific and equivalent in both cases to less than 10 per cent ad valorem. In the interest of the mining industry the committee decided to recommend their free admission.

A reduction was made by the committee in the rate on linseed oil. The present rate is 15 cents per gallon; the rate prescribed in the House bill is 12 cents per gallon, and the committee recommends a further reduction to 10 cents per gallon. Linseed oil is made from flaxseed. In the present law flaxseed is dutiable at 25 cents per bushel, H. R. 3321 reduces this duty to 20 cents per bushel, and the Committee on Finance has reduced it still further in the agricultural schedule to 15 cents per bushel to make the rate harmonize with the proposed reduction on linseed oil. Linseed oil is used in enormous quantities in making paints and varnishes, certain soaps used in the textile industries, for making linoleum, and in numberless other ways justifying the reduction proposed by the Senate committee.

A considerable reduction was made by the Committee on Finance in the rate on oxalic acid, viz, from 2 cents per pound to 1½ cents per pound. H. R. 3321 made no change in the rate on this acid from the existing law on account of the heavy revenue involved. Oxalic acid is used heavily in the textiles, the leather industries, laundries, and in households, and for this reason the committee deemed a reduction in rate of one-half cent per pound advisable.

In a number of instances the Senate committee has raised the rates in Schedule A of H. R. 3321; noticeably so in the rates on celluloid, calomel, alizarin assistants, lithopone, and zinc pigments. The reasons for recommending higher rates are partly to compensate for the losses in revenue to be expected owing to the changes made elsewhere, and partly because the rates established in H. R. 3321 seemed inconsistent with the rates on the raw materials entering into the manufacture of the products so affected.

The Committee on Finance recommends a rate of three-eighths of a cent per pound on extracts of nutgalls, Persian berries, and sumac. These articles are dutiable under the present law and were transferred to the free list in the House bill under the misapprehension that they are used in tanning leathers. They are used so only to a minimum extent, their principal consumption being in the textile industries. They belong logically with other dyewood extracts in paragraph 31, and for this reason the Senate committee placed them there.

SCHEDULE B.—EARTHS, EARTHENWARE, AND GLASSWARE.

A survey of the amendments made by the Committee on Finance to Schedule B shows that they relate principally to the following items:

(1) Cement, which is transferred to the free list.
(2) Asphalt, rock asphalt, and bitumen, which are made free.
(3) Mica, on which a new classification is introduced.
(4) Photographic cameras, upon which the duty has been reduced 50 per cent.

There were a number of minor changes made in this schedule, of which the reclassification of window glass is the most important.

Cement: The transfer of cement to the free list needs no justification. The cement industry has had in this country a phenomenal development, owing to the extensive and ever-increasing use of this material for building purposes and for paving. Applied originally only in connection with large building operations, cement is now rapidly becoming the foremost building material and an indispensable necessity on practically every farm. With the ever-widening demand for cement, the domestic supply has well kept step, and the production for 1912 is estimated to have exceeded in value the sum of $80,000,000. The law at present levies a duty on cement, equivalent to over 21 per cent ad valorem, on the basis of 1912, which rate was reduced in H. R. 3321 to 5 per cent ad valorem. The imports in 1912 were valued at less than $170,000, and under the radically reduced rates of the House bill imports are estimated to be $220,000. The exports of cement in 1912 were valued at over $5,000,000. Cement is manufactured in this country and at a cost no higher than anywhere else on this continent. It is characteristic of the competitive status of the cement industry of this country that, when some time ago the Panama Canal Commission asked for bids on 4,500,000 barrels of cement, with 12 foreign corporations bidding for the contract, the lowest bid submitted was that of a domestic corporation, whose bid was accepted. This, in connection with the heavy export, indicates that the cement industry of this country, when put on a free basis, need fear no serious competition from foreign imports as long as the domestic producers remain in competition and content themselves with reasonable profits, when it is considered that the bulky nature of the material entails heavy freight expenses, which in themselves act as a deterrent against too active foreign competition.

Asphalt: Asphalt, rock asphalt, and bitumen were put on the free list by the Committee on Finance largely on account of their heavy use in road building and for street paving. There are two classes of asphalt, namely, the natural asphalt found in lakes and imported mostly from Trinidad. Of this grade of asphalt practically none is produced in this country. The other kind of asphalt is of inferior quality and is obtained as a residual product from distillation of crude petroleum, the supply of which is chiefly controlled by the Standard Oil Co. and the manufacture of which is wholly above any competition from abroad. Petroleum products are on the free list, and asphalt obtained from petroleum logically belongs on the free list. To put a duty on asphalt is equivalent to placing a direct tax on communities desiring to improve the conditions of their roads and streets.

Mica: The Committee on Finance has reclassified the paragraph dealing with mica. Mica valued not above 15 cents per pound was put at a specific rate of 4 cents per pound, which rate will have the effect of raising slightly the House rate of 30 per cent on the low-grade product where the value does not exceed 13 cents per pound. The rates on mica of higher unit value have been reduced, and on mica valued above 75 cents per pound the reduction is one-third of the rate

established by the House bill, namely, from 30 per cent to 20 per cent ad valorem. A straight 30 per cent rate on mica of all grades, as fixed in the House bill, would discriminate against the low-priced article.

Photographic cameras: The Committee on Finance has eliminated from this schedule photographic cameras, at present dutiable under this schedule in paragraph 95, and has transferred them to Schedule N. The rate on photographic cameras under the present law is 45 per cent ad valorem. In the House bill the rate is fixed at 30 per cent ad valorem, and the committee has made an additional radical cut to 15 per cent ad valorem, reducing the rate to one-third of the Payne bill.

Photographic cameras are produced in this country as cheaply as anywhere in the world, and their manufacture, as well as their distribution, is closely controlled. Photographic cameras are finding a steadily increasing use among the masses, and since this use affords one of the most legitimate and most educational means of recreation, it ought to be encouraged as far as possible.

SCHEDULE C.—METALS, AND MANUFACTURES OF.

The bill as amended by the Senate committee made extensive changes in Schedule C in addition to alterations already made by the House committee in this schedule.

The principal alterations made consist in placing pig iron, iron kentledge, spiegeleisen, iron and steel scrap, ferromanganese, iron in blooms, loops, and slabs, steel ingots, blanks, and billets, cast-iron pipes, and antimony ore on the free list, and in materially reducing the rates upon many of the heavy products of iron and steel as a result of transferring the foregoing basic materials to the free list.

All of the enumerated products thus transferred to the free list, with the exception of ferromanganese, are produced in large quantities here at a cost which does not exceed that in other countries. They are all articles of prime importance in the industries generally, and, owing to their heavy and bulky nature, the relatively high cost of transportation in itself constitutes an impediment to excessive importations. In addition to this, the industry is largely controlled by a few great corporations.

"Judged by all available tests, the American iron and steel industry is fully able to sustain itself without Government aid. It has unrivaled supplies of raw material well situated with reference to one another. It has the use of abundant capital and the best of business organization, as shown by the large profits earned and the large reinvestments made in the industry. It is able to export in competition with foreign countries, as is freely admitted by its chief officials and as is shown by the figures of the Government. Were the domestic demand not so extensive as it has been, exports might be increased, and the testimony of the officers of the United States Steel Corporation shows that the prices abroad are about as satisfactory as they are at home. The industry has the advantage of low costs and when estimated from a rigid accounting standpoint. For all these reasons it may be regarded as well fitted from every point of view in which to establish rates of duty upon a strictly revenue-producing basis."

The House bill places iron ore upon the free list mainly because it was found that the domestic supply of iron ore was largely controlled by the United States Steel Corporation and for the purpose of aiding the independent iron and steel manufacturers in their competition with this monopoly.

For similar reasons the Committee on Finance thought that ferromanganese should also be placed upon the free list. The United States Steel Corporation largely controls the domestic ore out of which ferromanganese, which is a necessary material in the manufacture of steel, is produced. This corporation is the only producer of ferromanganese in this country, but produces it only for its own use and consumption. It was thought under these conditions just that the independent competitors of this monopoly should be permitted to import this high-priced alloy free of duty, and that with iron ore and ferromanganese on the free list domestic competition would be strengthened and the price of the finished products of iron and steel would be eventually lowered.

The changes otherwise recommended by the Finance Committee in Schedule C are practically all in the direction of reductions from the House rate.

Having placed pig iron and allied products upon the free list, your committee felt justified in reducing the House rates upon many of the products of these raw and semi-raw materials, such as beams, girders, joints, car trucks, anchors, tin plate, etc. For this reason, as well as because the House rates were thought not sufficiently low to be competitive, further reductions were made in some of the more highly organized products of this industry.

The committee amendment as to automobiles provides for reclassification of that paragraph and reduces the rates on low-priced automobiles 33 per cent and 66 per cent, respectively, from the House rate, according to the value of the automobiles. The duty is likewise reduced on motor cycles, rail wheels and tires, and a number of other products used heavily in the industries.

The duty on aluminum is changed from an ad valorem to a specific rate and the House rate reduced about 1 cent per pound. It was thought by your committee that the circumstances justified a further reduction than that made by the House, and that owing to the great variation in the price of this product and the close alliance between the domestic and the foreign manufacturers, justified the substitution of a specific for an ad valorem rate.

Of the very few cases where the Senate committee has raised the rates on the items carried in the steel schedule, those of lead ores, zinc ores, and zinc may be mentioned. In the House bill the rate upon lead ore is fixed at one-half cent per pound, which is a reduction of 66⅔ per cent from the rate of the Payne-Aldrich bill.

The reductions made in the House bill on lead ore, zinc ore, and zinc appealed to the Finance Committee as too radical and below the point of competition. In the interest of the industry, a continuation of which is absolutely essential for the welfare of the mining interests, the Senate committee raised the duty from one-half cent per pound to three-fourths of 1 cent per pound on lead ores, which was also the rate of the Wilson law.

Zinc ores were first made dutiable under the present law, the rate being one-fourth of a cent per pound on ores carrying zinc in excess of 10 per cent and less than 20 per cent, one-half cent per pound in excess of 20 per cent and less than 25 per cent, and 1 cent per pound on all ores in excess of 25 per cent. Duties paid on importations of zinc-bearing ores for 1910 show an equivalent ad valorem rate of 55.64 per cent and for 1912 of 44.64 per cent.

The House fixed a common duty of 10 per cent ad valorem upon zinc ore and zinc in bars. The rates appear to be somewhat lower than those upon lead ore or lead in bars. The metals are frequently found in association with each other and are extracted by similar processes. The committee has therefore reported the duty on zinc in ores at 1½ per cent ad valorem and upon zinc in bars at 15 per cent ad valorem, which, though lower than the rate on lead, compares more favorably with it and will increase the revenue derived from importations.

Antimony ores, which were placed on the free list by the Committee on Finance, are produced in this country only to a very limited extent. A duty on this article is exclusively for revenue purposes, but considering the extended consumption of antimony for manufacturing purposes in many lines of industrial activities the revenue from imports of antimony ore are dispensed with.

The rate for the so-called basket paragraph of this schedule, imports under which are very heavy, is under the present law 45 per cent ad valorem; in the House bill it is reduced to 25 per cent, and in the bill as amended by the Senate committee a further reduction of 20 per cent is made, or below one-half of the present rate.

To sum up, the changes made by the Committee on Finance in Schedule C may be classified under two general heads—those relating to iron and steel and those relating to other metals.

(a) In general, the committee was of the opinion that the rates fixed by the House on iron and steel were too high. The evidence produced in recent investigations of the steel industry has conclusively shown that that branch of manufacture is making large returns and is amply able to hold its own in the world market, as well as against foreigners in the domestic trade. Iron and steel products are essentially necessaries, and a reduction of rates on them to the lowest possible point is in line with the principles laid down by the party in past years. Not only, therefore, has the committee thought best to carry the heavier products to the free list, but it has made a general cut upon all of the more immediate derivatives of these products.

(b) On the other metals, lead, zinc, etc., it has been thought that the rates established by the House were too low, and consequently moderate advances were made over the House bill.

SCHEDULE D.—WOOD, AND MANUFACTURES OF.

The Committee on Finance recommends no change in this schedule, except such as are of technical nature, involving merely a change in verbiage in paragraph 171, in order to bring out fully the intentions of the bill and to avoid possible litigation.

In paragraph 174 the provision giving certain concessions to box wood of American production reimported into the United States in the form of boxes filled with oranges and lemons has been enlarged, so that the concession will now apply to boxes made of American wood filled with all kinds of fruit.

SCHEDULE E.—SUGAR, MOLASSES, AND MANUFACTURES OF.

The Committee on Finance, after a careful study of the manufacturing and marketing conditions of sugar, deemed it advisable to recommend that the sugar duties now in force shall be extended up to and including the 28th day of February, 1914, after which date the provisions regulating such duties as established in H. R. 3321 shall become operative. The purpose of this extension was to permit the sugar already contracted for under the custom prevailing in this trade, and which contracts were made under tariff conditions now in existence, to be disposed of at the prevailing rates. In paragraph 182 the committee eliminated the House provisions with reference to sugars fractured, colored, or adulterated after being refined. This provision was taken over from the law now in force and is appropriate there on account of the rates provided in the Payne-Aldrich bill for sugar. The changed status of dutiability of sugar under H. R. 3321 would seem to make such a provision superfluous and might lead to unnecessary litigation.

In this paragraph chewing gum was made dutiable at 25 per cent ad valorem. Under the law now in force chewing gum, if imported, is classified as a manufactured product, not elsewhere enumerated, and dutiable at 20 per cent ad valorem, and if this classification were to continue, under H. R. 3321 the rate would be 15 per cent. In view of the fact, however, that the rate on gum chicle, which is the principal ingredient of chewing gum, has been doubled under the proposed law, such a rate seems insufficient. A rate of 25 per cent on an article of this character is legitimate and in harmony with the plan of H. R. 3321.

SCHEDULE F.—TOBACCO, AND MANUFACTURES OF.

No change whatever is recommended by the Committee on Finance in this section.

SCHEDULE G.—AGRICULTURAL PRODUCTS AND PROVISIONS.

In an effort to mitigate the high and rising cost of living, the House bill placed on the free list a number of agricultural commodities, many of which are not the direct product of farm labor but are the products of great industrial establishments carrying on their manufacture with the most improved methods known to modern industry. For the same reasons the rates on other items of this schedule have been reduced. The Committee on Finance has placed on the free list additionally live animals used for food purposes, wheat, eggs, lard compounds, and lard substitutes. In a number of instances it has recommended further reductions in the House rates, such as on butter, cheese, peas, meat extracts, cocoa, currants, and other articles of minor importance. It has made in this schedule only two important changes in rates in the other direction. It has restored a duty on oatmeal and rolled oats, making it 33 cents per hundredweight, or one-third of the existing rate, and has increased the duty on rice used for fermentation purposes from one-eighth of a cent, as provided in the House bill, to one-fourth of a cent per pound.

The Senate committee has placed for revenue purposes a duty of one-tenth of a cent per pound on bananas. Bananas are admitted free under the existing law, and were left on the free list in the House bill. A small revenue tax on this article was deemed justifiable, in view of the fact that the importation of bananas to this country is a practical monopoly of the United Fruit Co. On account of the perishable nature of bananas and the smallness of the tax, it is not believed it can be readily shifted to the ultimate consumer.

The House bill and amendments made by the Committee on Finance fully recognized the paramount interests of our agricultural population by placing agricultural implements of every kind and description, fence and baling wire, cotton bagging and ties, low-priced blankets, boots and shoes, cement, nails, lumber, coal, harness, saddles, cotton gins, wagons, carts, bagging for grain, wool and other bags, sewing machines, and many other products of daily utility on the free list. In common with the rest of our people, our agricultural population will share in the benefits brought about by the reduction of the duty on sugar and its eventual elimination. The substantial reductions made all along the line on cotton and woolen goods, wearing apparel of every description, on crockery, household furnishings, and utensils, hardware, and similar products of our factories, will remove a con

siderable part of the burden of tariff taxation now borne by the farmer as well as the dweller in the city and the laborer in the factory, fields, and mines.

SCHEDULE H.—SPIRITS, WINES, AND OTHER BEVERAGES.

An important change made in this schedule, with reference to imports, was the elimination of the additional duty assessed on containers of mineral water of certain sizes. The duty on these being specific, there seems to be no valid reason to depart from the practice established over 70 years ago as an integral part of our tariff legislation and only infringed upon in exceptional cases, namely, not to assess duty on containers with contents dutiable at specific rates. Otherwise this schedule was left intact, as being, in connection with Schedule F, tobaccos, and the manufacture of tobacco, two of the heaviest and most legitimate revenue producers.

The Committee on Finance has added to this schedule a paragraph repealing the privilege of using wine spirits, or grape brandy, for the fortification of sweet wines, free of tax, and appropriate administrative machinery is provided. The amendment provides for the modification of the present statutes relating to the tax upon the wine spirits or grape brandy used in the fortification of pure sweet wine.

Section 42 of the act of October 1, 1890, relating to this subject, reads in part as follows:

"*That any producer of pure sweet wines who is also a distiller* * * * may use free of tax in the preparation of such wines * * * so much of such wine spirits so separated by him as may be necessary to fortify the wine for the preservation of the saccharine matter contained therein. * * * etc."

Section 45 of said act provides in part as follows:

"The use of wine spirits free of tax for the fortification of sweet wines under this act shall be begun and completed *at the vineyard of the wine grower* where the grapes are crushed and grape juice is expressed and fermented."

The tax for the manufacture and use of wine spirits for all other purposes is $1.10 per gallon. The statutes just referred to were later amended to provide for a charge of 3 cents per gallon for the wine spirits of grape brandy thus used to pay the expenses of the Government while attending and making the fortification of said sweet wines.

It will be noted that under this statute there are two classes of wine producers who are entitled to this privilege of 3 cents per gallon wine spirits. First, the wine producer "who is also a distiller." Secondly, the wine producer who has his winery "at the vineyard." All other manufacturers and users of these wine spirits must pay $1.10 per gallon. This discriminates, first, against all wine producers who are not distillers and who do not have their wineries at the vineyard, and, secondly, it discriminates against all other makers and users of wine spirits.

There is no sound reason for this legislative favoritism. During the fiscal year ending June 30, 1912, there was used in the fortifying of sweet wines 6,322,303.9 gallons of this wine spirits or grape brandy. If this had been subject to the internal-revenue tax of $1.10 per gallon, the same as that paid by the users thereof, instead of paying 3 cents per gallon as provided for in this law, the revenue during the fiscal year ending June 30, 1912, would have been increased $6,954,534.29, and if these wine producers had to pay the tax which they ought to have paid, except for this special favoritism shown by the statutes above referred to, the revenue of the Government would have been increased since 1890 by $65,702,601.59. In other words, by this legislation, a bonus has been given to the producers of pure sweet wine of $65,702,601.69, nearly all of which has gone to the California wine producers.

A paragraph has been added to this schedule imposing upon wines known in the trade as "spurious or artificial" wines an internal-revenue tax of 25 cents per gallon, and requiring that all containers of wines or liquors which contain benzoic acid, benzoate of soda, salicylic acid, or fluorides shall be labeled with the per cent of such contents.

This was for the purpose of subjecting to taxation such wines as are made from the pomace of grapes, berries, or other fruits, where the alcohol strength of such wine does not exceed 24 per cent by volume.

In these low-class wines the chemicals above referred to are frequently added for the purpose of preservation and preventing fermentation.

SCHEDULE I.—COTTON MANUFACTURES.

The Senate committee has followed very closely the provisions of the House bill with reference to cotton manufactures. Most of the changes were made after consulting customhouse officials for the purpose of facilitating administration.

The House bill fixed the rate of duty on cotton yarns according to the number of the yarn and upon cotton cloth according to the number of the yarn contained in the cloth. The House bill provided a rate for cotton cloth, not bleached, dyed, etc., at from 7½ per cent on cotton made from yarns of lowest number, increasing to 27½ per cent where the highest number of yarns in the cotton cloth exceeded 99. It also provided that cotton cloth when bleached, dyed, etc., shall be subject to a duty of 2½ per cent ad valorem in addition to these rates.

For the purpose of preventing any doubt as to whether the 2½ per cent duty would be added for each one of the processes, the Senate committee expressly designated the rates to attach to cotton cloth when bleached, dyed, etc., giving in each instance the 2½ per cent increase from the rate on cotton cloth in the gray and providing only for one increase of 2½ per cent, even though one or more processes are used on a single piece of cloth.

It will be observed that the 2½ per cent increase contained in the House bill applies to cloth when bleached, dyed, etc., whether the bleaching, dyeing, etc., takes place before or after the cloth was woven, but the House bill does not provide for an increase of the duty on yarns if the yarns are bleached, dyed, etc., before the process of weaving takes place. The bill as reported provides for an increase of 2½ per cent upon yarns when bleached, dyed, etc. This makes no increase upon the rate of duty upon the cloths. It was simply a question as to the place at which the 2½ per cent increase should be made. The House made it on the cloths whenever they were bleached, dyed, etc., and the Senate committee made the increase take place with the yarns instead of the cloths if the yarns used by the weaver had already been bleached, dyed, etc. The increase was intended to be placed on account of the processes of bleaching, dyeing, etc., and the Senate made the increase where the process takes place.

The Senate committee reduced the duty on cotton card laps, roping, sliver, or roving, from 10 per cent ad valorem to 5 per cent ad valorem. The House bill provided a duty upon hose and half hose and stockings, if valued at not more than 70 cents per dozen, of 40 per cent ad valorem. The Senate committee changed this so that hose valued at not more than $1.20 per dozen bear a duty of 30 per cent ad valorem.

The House provided for a duty on cotton gloves of 35 per cent ad valorem. These gloves are of a class not generally in use, and the Senate committee increased the duty to 45 per cent ad valorem.

The House made a duty on handkerchiefs and mufflers composed of cotton, 30 per cent ad valorem. The Senate committee reduced the duty upon handkerchiefs and mufflers, not hemmed, to 25 per cent ad valorem.

The Senate committee increased the duty on collars and cuffs from 25 per cent ad valorem, to conform to the duty provided on products manufactured from cotton cloth.

SCHEDULE J.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

The fundamental amendments proposed by the Senate committee to Schedule J consist in transferring hemp, tow of hemp, flax, and tow of flax, hackled, etc., to the free list. These amendments are strictly in line with the general purposes and objects of the revision, and bring hemp and flax into line with all other textile raw materials.

Burlaps, or fabrics of simple jute yarns, used for making bagging for grain, wool, and similar agricultural products are also transferred to the free list, thus giving the farmer generally, and especially the grain and wool producers, the same relief as is given the cotton growers by putting jute cotton bagging on the free list.

Corresponding reductions are also made in the duties on practically all manufactured products composed of flax and hemp.

SCHEDULE K.—WOOL, AND MANUFACTURES OF.

The essential changes in Schedule K and their significance may be reviewed as follows:

(*a*) The Senate committee, as a result of its investigations, thought that the rates on tops and yarns in the House bill, though materially lower than the rates in the present law, were still too high, and therefore reduced them from 15 per cent to 5 per cent.

(*b*) It was thought inconsistent to retain a schedule dealing with cotton hosiery and leave wool hosiery to be covered only in general language. Hence a wool hosiery schedule corresponding to the cotton hosiery grouping has been introduced.

(*c*) There was thought to be no good reason for the retention of a duty on goat hair when wool was free, hence the hair of the Angora goat, alpaca, and other like animals have likewise been relieved of duty.

(*d*) Reductions have been made in the derived products of goat hair, such as tops, yarns, etc., to adjust the schedule to the basis afforded by making goat hair free.

Essentially the plan of duties on wool and woolens devised by the House has been left unchanged in its basis, the changes being mostly in the direction of reductions. Wool blankets valued at less than 40 cents per pound were made free, and the duty on low-priced hosiery was reduced and the duty on the higher quality increased.

SCHEDULE L.—SILKS AND SILK GOODS.

Articles dutiable under this section are justly considered luxuries and subject to as high duties as purposes of revenue will permit. Consistent with this view, H. R. 3321 has made but very slight reductions in the ad valorem rates, and expected revenues to be derived from this schedule are practically the same as those obtained under the existing law. The House bill, however, substituted throughout this schedule ad valorem rates instead of specific rates as at present. The Finance Committee has not raised the rates provided in the House bill except in the instance of certain handkerchiefs, and in the rates on ribbons where the duty was raised from 40 per cent ad valorem to 45 per cent ad valorem. Inversely, it has reduced the rates on yarns, threads, etc., of artificial silks from 35 per cent ad valorem to 25 per cent ad valorem. With the view of protecting the expected revenues, the Finance Committee recommends the adoption of specific rates which are substantially the equivalent of the House rates in the first four paragraphs of this schedule dealing with partially manufactured silk, spun silk, silk in the gum, velvets, and chenilles. The adoption of such specific rates was most urgently recommended by importers, domestic manufacturers, and customs officials alike, all of whom have convincingly argued that it is practically impossible to ascertain the value of imports under these paragraphs; they believed the rates on an ad valorem basis would lead to much litigation and invite undervaluation to the serious impairment of revenues.

Specific rates, however, necessitated a wide differentiation in the rates established according to the weight or the width of the material, fineness of yarn, and degree of manufacture. Such a system of cumbersome rates may seem undesirable from a theoretical point of view, but for the purposes of practical administration of the law it was thought advisable.

SCHEDULE M.—PAPER, BOOKS, ETC.

The House bill made very heavy reductions in the rates in this schedule and transferred about 46 per cent of imports under this schedule on the basis of 1912 to the free list.

The average ad valorem rate was lowered from 21.42 per cent to 11.85 per cent, a reduction of approximately 45 per cent.

The Finance Committee has raised the average ad valorem rate to 12.35 per cent, and this slight raise is due principally to changing the ad valorem rate in the House bill to specific rates. The reasons for doing this are the same as given in connection with Schedule I. The verbiage of some of the principal paragraphs was changed and the scope somewhat enlarged, and in this way what is thought a more satisfactory arrangement was arrived at in accordance with the recommendations made by the trade.

SCHEDULE N.—SUNDRIES.

This schedule embraces a variety of manufactures with little or no generic relationship between them and not covered by any other schedule in the tariff law.

The plan of arrangement in this schedule called for the transfer of a number of items scattered among other schedules amounting to many millions of dollars in value, and also the transfer of certain items from the dutiable schedule to the free list, and vice versa. These changes brought about an apparent increase in the average ad valorem rate to 33.5 per cent as indicated in the report submitted with the House bill. The chief cause for this apparent increase is the transfer of $52,000,000 worth of laces and braids and similar articles of luxury, dutiable at 60 per cent ad valorem, which hitherto were dutiable under Schedule J. As an additional cause tending in the same direction may be mentioned that many million dollars of imports dutiable at comparatively low ad valorem rates or low ad valorem equivalents, such as coal, coke, and leather, were transferred to the free list in the proposed bill, while, on the other hand, the duty on cut diamonds and other luxuries was raised, and in some instances the raw materials used for these luxuries placed on the dutiable list, which indirectly increased the average ad valorem rate.

The Finance Committee made rather extensive changes in this schedule, not only as far as the rates are concerned, but also with a view to eliminating possible ambiguity and uncertainty as to rates applicable to the individual items. This necessitated a broadening of the language; in some instances, an entire reconstruction of the respective paragraphs.

The Senate committee has raised the rates on ramie hat braid and manufactures thereof, because they are in the nature of luxuries, coming into broad competition with corresponding articles made of silks, also because of the tax on the raw material.

For like reasons a minimum specific duty of 36 cents a gross on pencils is proposed for the House rate. Increased duties are also provided on toilet sets and leather gloves.

The paragraph relating to buttons was reconstructed, assessing a higher rate of duty than is provided for in the House on buttons where foreign competition is heaviest, and lowering the duty below the rate prescribed in the House bill on buttons in which a competitive basis has not yet been reached.

The duty on blasting caps was raised from 75 cents per 1,000 to $1 per 1,000, so as to put an impediment in the way of importers of blasting caps of low quality, the use of which might involve loss of life and limb to the consumers.

Crude marine corals and meerschaum were made dutiable by the Finance Committee for reasons needing no further explanation.

Against these and other instances where the duty has been raised, the Senate committee has gone equally as far, if not farther, in the opposite direction. It has put crude artificial abrasives, fulminates, gunpowder, etc., glaziers' and miners' diamonds, harness, saddlery, not specially provided for, surgical catgut, unexposed photographic films, on the free list. It also made heavy reductions on agate buttons, cheap fur wearing material, manufactures of mother-of-pearl, hard rubber, photographic cameras which were transferred to this schedule from Schedule B. The rates in some few instances, notably in the case of films for moving-picture exhibits, were changed from an ad valorem to a specific basis, for the purpose of protecting revenues and to prevent undervaluations.

The Senate committee has changed very materially the provisions of paragraph 358, furs, etc., both in substance and in rates. Raw furs, hitherto on the free list, were made dutiable in the House bill at 10 per cent ad valorem, being considered a legitimate revenue product, and in this view your committee concurred. They differed from the House, however, as to the ultimate result of such a transfer for the following reasons: In 1912 imports of raw furs into the United States were valued at $17,000,000, and the report accompanying the House bill estimates an import under the 10 per cent rate of $14,000,000 with a corresponding revenue of $1,400,000.

These last figures seem unwarranted in view of the fact that exports of raw furs for 1912 were valued at $14,360,000, leaving a net surplus of imports over exports of only a little over $3,000,000. To what extent the raw furs of animals of the United States enter as a factor into the exports can not be established, but reliable testimony from interested and disinterested parties forces the conclusion that an overwhelming part of the American trade in imported furs is for reexport. Under such conditions the eventual revenue would be very considerably below the estimates of the House if the dealers are to take advantage of the drawback provisions of the law. This, it seems, however, is rather problematical, owing to the fact that the sorting and other operations necessary to prepare the furs for export involve almost insurmountable difficulties in the way of their being carried out under strict governmental supervision, as is required by the Treasury Department for drawback purposes. It seems, also, obvious that with a 10 per cent duty, if the benefit of the drawback is unavailable, the American fur traders would have small opportunity to carry on their business in the world markets against merchants of other countries with raw furs on the free list. The net result of levying a duty of 10 per cent on raw furs would, therefore, in all probability be, first, an absolute loss of a large amount of exports, with all the international exchange of merchandise which this involves, and, second, only a comparatively small net revenue. For these reasons, and because furs have always been on the free list and are on the free list in other countries, it was thought best not to incur the risk of a heavy curtailment in our export trade in this commodity at this time, where other sources of revenue are open to the Government and an extension of our foreign trade is deemed so important. Proceeding from such considerations, the Senate committee has retransferred furs to the free list.

Paragraph 386 has been entirely remodeled in phraseology and extent. The rate, too, was changed. The committee has made all due allowance for the free entry of all kinds of legitimate objects of art accessible or eventually to be made accessible to the masses for their education, but it saw no reason why art objects purchased abroad by the possessors of wealth, intended to be stored away in private mansions for the delectation of the owners and some few privileged friends and often bought merely to gratify a desire for ostentation and irrespective of cost, should not pay a reasonable duty toward the support of the Government.

THE FREE LIST.

Changes in the free list have, for the most part, been treated with sufficient fulness in connection with the respective schedules from which they were transferred.

Table II gives a summary of the articles on the dutiable list of the House bill which have been transferred to the free list, and need not be enumerated again.

Crude marine corals, glass enamel, crude meerschaum, oatmeal and rolled oats, as also extracts of nutgalls, Persian berries, and sumac, on the free list in the House bill, have been transferred to the dutiable list. Crude marine corals used in the manufacture of ornamental articles and crude meerschaum used in making meerschaum pipes are regarded as luxuries and therefore proper objects of taxation.

In the House bill fusible enamel is on the dutiable list. As a result of its investigation the committee did not see any tenable reason why glass enamel should not be placed in the same category with fusible enamel and likewise subject to a revenue duty.

Extracts of nutgalls, Persian berries, and sumac were placed on the free list in the House bill under a misapprehension, as hereinbefore stated in the discussion of the changes in Schedule A, and they were restored to the dutiable list for the reason there given.

Oatmeal and rolled oats, while used as a human food, their use for this purpose is circumscribed and can not be regarded as one of the necessaries in the sense that bread and many other food products are necessaries. After consideration the Senate committee decided it was advisable to impose upon these products a small duty of 33 cents per hundredweight, that being a reduction of 66.6 per cent from the rate in the existing law.

The other alterations made in the free list are largely descriptive, and were made for the purpose of facilitating the administration of the law. This is notably the case in paragraph 647, dealing with barbed and baling wire, and in paragraphs 654 to 658, dealing with works of art, the scope of which last paragraphs has been somewhat restricted. In paragraph 585, dealing with potatoes, the same countervailing provision was used as is carried in paragraph 646 on wheat and wheat products, so that imports of potatoes, wheat, and products thereof from countries that levy no duty on corresponding exports from the United States will be admitted free.

COMPARATIVE STATEMENT OF IMPORTS AND REVENUES, BY SCHEDULES.

To arrive at a fair comparison of customs operations under the present law with those of the House bill and under the amendment proposed by the Senate committee, the same items must be considered under each respective schedule; that is, any item that is dutiable under either the present law, the House bill, or the Senate amendment must appear in the comparison throughout. For example, raw wool being dutiable under the present law, free under the House bill, as well as under the amendment proposed by the Committee on Finance, the import value of raw wool and similar materials must appear in Schedule K throughout. Similarly, furs, which are free under the present law and were again transferred to the free list under the amendment proposed by the Senate committee, appear in Schedule N throughout the comparison.

The same process was followed all along the line in the construction of Table III herewith appended. The itemized imports under the respective schedules of this table are estimates only. They have all been recalculated and the results are therefore not comparable with the corresponding data furnished in the report on H. R. 3321.

TABLE III.—*Comparative statement of imports, revenues, and average ad valorem rates, by schedules, under the present law and under H. R. 3321 as passed by the House and as amended by the Senate for a full year after all its provisions have been in full operation.*

	Imports under present law (1912).	Estimated imports.		Free listed by—	
		Under House bill.	Under Senate bill.	House.	House and Senate.
SCHEDULE A.					
Imports	$63,877,494	$65,925,786	$66,343,320		
Duties	$12,389,654	$12,987,887	$12,486,011	$3,425,657	$7,808,188
Average rate of duty (per cent)	19.39	19.70	18.82		
SCHEDULE B.					
Imports	$22,489,321	$28,334,985	$27,879,984		
Duties	$11,273,032	$9,209,632	$9,000,757	$108,081	$1,198,482
Average rate of duty (per cent)	50.12	32.50	32.28		
SCHEDULE C.					
Imports	$50,649,306	$76,597,232	$76,651,232		
Duties	$17,731,323	$16,252,475	$14,092,370	$6,567,032	$12,420,727
Average rate of duty (per cent)	35.01	21.22	18.38		
SCHEDULE D.					
Imports	$24,253,765	$25,029,173	$25,029,173		
Duties	$3,041,800	$898,425	$898,495	$18,888,159	$18,888,159
Average rate of duty (per cent)	12.54	3.59	3.59		
SCHEDULE E.					
Imports	$105,743,850	$111,865,725	$111,865,725		
Duties	$50,951,199	$40,196,405	$40,196,405		
Average rate of duty (per cent)	48.20	35.93	35.93		
SCHEDULE F.					
Imports	$31,116,027	$30,595,300	$30,595,300		
Duties	$25,571,509	[1]$26,001,650	[1]$26,001,650		
Average rate of duty (per cent)	82.18	84.99	84.99		
SCHEDULE G.					
Imports	$138,082,162	$142,623,081	$143,766,847		
Duties	$34,027,924	$21,442,830	$21,863,368	$19,621,862	$25,371,424
Average rate of duty (per cent)	24.64	15.03	15.21		
SCHEDULE H.					
Imports	$20,421,978	$21,911,066	$21,911,066		
Duties	$17,334,945	$18,937,140	$18,937,140		
Average rate of duty (per cent)	84.88	[2]86.43	[2]86.43		
SCHEDULE I.					
mports	$24,688,535	$34,026,500	$34,251,500		
Duties	$11,257,235	$10,368,983	$10,069,075		
Average rate of duty (per cent)	45.60	30.47	29.40		

[1] The rates in this schedule remaining the same as under the House bill and as in the existing law. The increase in the estimated duties as also the average ad valorem rate is due solely to variations in the value of importations.

[2] Though the rates are not increased, the estimated imports show an increase over 1912 because the latter was a year of abnormal importations due to the termination of the reciprocity agreements with countries producing commodities dutiable under Schedule H. In anticipation of the higher rates of duty effective after the termination of these agreements the importations were increased. Normal imports under existing rates of duty may now be expected since the overstock is practically consumed.

TABLE III.—*Comparative statement of imports, revenues, etc.*—Contd.

	Imports under present law (1912).	Estimated imports.		Free listed by—	
		Under House bill.	Under Senate bill.	House.	House and Senate.
SCHEDULE J.					
Imports	$62,964,947	$61,699,031	$62,457,271	$370,741	$26,939,782
Duties	$20,815,320	$16,176,747	$9,789,646		
Average rate of duty (per cent)	33.06	26.22	15.67		
SCHEDULE K.					
Imports	$48,361,374	$96,120,000	$96,120,000	$33,309,415	$33,309,415
Duties	$27,072,116	$12,774,000	$12,548,000		
Average rate of duty (per cent)	55.98	13.29	13.05		
SCHEDULE L.					
Imports	$24,023,205	$28,060,600	$28,049,310		
Duties	$12,166,266	$12,252,085	$12,360,465		
Average rate of duty (per cent)	50.65	43.66	44.06		
SCHEDULE M.					
Imports	$22,834,184	$24,960,141	$24,736,141	$11,426,841	$11,426,841
Duties	$4,886,670	$3,061,230	$3,145,955		
Average rate of duty (per cent)	21.40	12.26	12.72		
SCHEDULE N.					
Imports	$187,572,596	$177,537,806	$179,254,806	$9,282,559	$10,000,220
Duties	$56,578,887	$56,988,279	$56,391,386		
Average rate of duty (per cent)	30.11	32.04	31.46		
Total imports	$827,078,744	$925,286,426	$928,911,675	$103,000,327	$147,367,238
Total duties	$304,899,360	$257,583,768	$247,780,723		
Average rate of duty (per cent)	36.86	27.84	26.67		

The predominant features of this table are the great reduction in average rates and the increase of imports to be admitted free under the amendments proposed by the Senate committee. The House bill has free listed imports valued, on the basis of 1912, at $103,000,000; this amount has been increased under the amendment proposed by the Senate committee to $147,367,000. Partly owing to this transfer, and also owing to the reduction in the House rates, the total revenues under H. R. 3321 as amended by the Senate Committee on Finance have been reduced from $257,583,000 to $247,780,000, a total reduction in revenues from imports of $9,600,000. The average ad valorem duty levied on imports for the year 1912 under the existing law, as shown by this table, was 36.86 per cent; based on estimated imports under the House bill, the ad valorem rate was 27.84 per cent; and under the amendment proposed by the Senate committee the average rate is reduced still further to 26.67 per cent.

Expressed in percentage, the reduction in the average ad valorem rate on all imports made by the amendments of the Senate committee is as follows:

	Per cent.
From the rates under the existing law	27.64
From the rates of the House bill	4.22

GOVERNMENT REVENUES.

Revenues for the current fiscal year, and especially those from customs receipts, though covering a period of transition from a policy of high protection to a policy of competitive tariff legislation, will be fully equal to the expenditures appropriated for the corresponding period.

The estimates were made by Treasury experts on lines usually adopted in such contingencies. Table IV, as below, gives a balance sheet for receipts and disbursements for the current fiscal year.

TABLE IV.—*Disbursements of the Government and estimated receipts under H. R. 3321 as amended by the Senate committee for the fiscal year ending June 30, 1914.*

[Statistics of the ordinary receipts and expenditures of the Government, including those of the Post Office Department, but excluding those for the Panama Canal, the sinking fund, and the national bank-note redemption fund.]

Item.	Estimated revenues for fiscal year ending June 30, 1914.
RECEIPTS.	
Revenues for 10 months under H. R. 3321 as amended, less duty on sugar	$173,250,000
Duties on imports under the Payne bill for 2 months, exclusive of sugar and wool, additional under Payne bill	40,650,000
Duties on sugar 8 months under Payne bill and 4 months under H. R. 3321	47,000,000
Duties on wool 5 months under Payne bill	5,830,000
Total customs receipts	266,730,000
Internal revenue (including $5,000,000 from tax on cotton futures)	297,000,000
Wine and liquor tax under amended H. R. 3321 for 6 months	750,000
Corporation tax	37,000,000
Income tax for 10 months	58,330,000
Sales of public lands	5,000,000
Miscellaneous	52,000,000
Postal revenues	280,000,000
Total	996,810,000
DISBURSEMENTS.	
Civil and miscellaneous	175,000,000
War Department	159,000,000
Navy Department	148,000,000
Indian service	20,000,000
Pensions	180,000,000
Interest on public debt	22,790,000
Postal service	280,000,000
Total	994,790,000
Surplus	2,020,000

TABLE IV.—*Disbursements of the Government and estimated receipts under H. R. 3321, etc.*—Continued.

It will be seen from Table IV, as above, that according to expert computations the estimated receipts for the current fiscal year will exceed expenditures by about $2,000,000. For the fiscal year ending June 30, 1915, during which period the House bill as amended by the Committee on Finance will have been in full operation, the additional customs revenues allowed for in the above estimate, owing to the continuation of the Payne rates for part of the year, will not be available. But the income tax, as well as the tax on spurious wines, wine and grape brandy used in the fortification of pure sweet wines, and the tax on cotton futures will have been operative for a full year, and the revenues so realized, together with the natural increase in customs receipts, will, it is confidently expected, more than equal the economical needs of the Government.

SECTION H.—THE INCOME TAX.

In ascertaining the taxable income of an individual the House provision of the bill allows an exemption of $4,000 and allows no additional exemption on account of wife or children, except in the case of a wife living permanently apart from her husband, in which case the wife may be independently taxed and would be entitled independently to an exemption. By paragraph C of the bill as reported, and which paragraph is amendatory of a portion of paragraph D of the bill as it passed the House, your committee reduces the amount of exemption of net income to $3,000 and allows on account of marriage an additional exemption of $1,000 to either the husband or wife where they are living together, but not to both. In the case of a minor child or children living with and dependent upon the parent such parent is allowed an additional exemption of $500 for one minor child and up to $1,000 on account of minor children, except where both parents are taxable, in which case no exemption is allowable on account of children. By the amendment the lowest possible exemption to any one person would be $3,000 and the highest possible exemption to any one person $5,000. While the amendment may make no wide difference in the volume of revenue derivable from the tax, it is deemed equitable as recognizing the added obligations on account of marriage and children and salutary as emphasizing the family as the unit in our social structure.

Paragraph D is further amended to obviate the constitutional objection to computing the tax on income accruing prior to the date on which the amendment to the Federal Constitution authorizing the tax went into effect. The proposed amendment is repeated in the text of the bill wherever necessary to secure uniformity and effectuate its intent and purpose. The practical effect of the amendment, in connection with other provisions of the bill, is to continue in force the present corporation tax to March 1, 1913, and to compute, assess, and collect the income tax for the remaining months of the calendar year, allowing for these 10 months five-sixths of the deductions authorized by this section of the bill. Thereafter the tax becomes computable, assessable, and payable on the income for each succeeding calendar year.

Your committee conceived that so much of the provision of paragraph E as requires lessees of real estate to make return of rents and withhold and pay the tax would prove, in many cases, impracticable of administration and propose to amend the paragraph in this respect by requiring the landlords to make their own returns, except in cases where the tenants, by the terms of the lease, are required to pay the State and municipal taxes, local assessments and cost of insurance, maintenance and repairs against the property, in which cases the tenants are authorized to deduct the tax from the gross rental and pay the same. The amendment further provides that where the owner is a corporation the tenant shall not be required to deduct the tax from the gross rental, but that the corporation shall be required to make the return and pay the tax.

The paragraph is further amended by requiring that when under a contract entered into before this act takes effect "the payment to which the taxable person is entitled is required to be made without any deduction by reason of any tax imposed, the obligor shall not be compelled to make such deduction or withhold the income tax," but shall be required to give notice to the collector of the payment made as a part of his return, which payment is thereupon required to "be computed as a part of the income of the taxable person." If the obligor fails to give such notice to the collector, then "he shall be personally liable for the tax if the same is not paid by the taxable person."

Paragraph F is amended so as to provide that nothing in this section of the bill shall apply to "business leagues, nor to chambers of commerce or boards of trade, not organized for profit of a private stockholder or individual; nor to any civic league or organization not organized for profit, but operated exclusively for the promotion of social welfare."

Immediately following the foregoing amendment a further provision is inserted to meet the cases of States, cities, towns, and other political subdivisions which are in receipt of income from sources other than that of taxation and about which question was raised that such in-

comes might be held subject to the tax. One State enjoys a revenue from the gross earnings of a railway company to which a land grant was made by the State years ago. A city under its contracts with the street railway companies is entitled to a certain per cent of the net earnings per annum. While it was regarded improbable under the provisions of the bill that these revenues to States and municipalities would be construed as taxable income, to foreclose all doubt the amendment is inserted expressly exempting such revenues from the operation of the act.

Paragraph F is further amended by the insertion of the following:

"That mutual life insurance companies shall not be required to return as a part of their income any portion of premium deposits actually returned to their policyholders within the year for which the income tax is paid, nor any portion actually credited to the policyholders by being applied as a deduction from the amount of the premium otherwise due the company within the year for which the income tax is returned."

The paragraph is also amended so that in ascertaining net income a corporation, joint-stock company, or association may deduct interest on an amount of indebtedness equal to the sum of one-half of its combined bonded indebtedness and paid-up capital stock, instead of on an amount equal to its capital stock, as provided in the bill as it passed the House, and the paragraph is further amended as follows:

"That in case of indebtedness wholly secured by collateral the subject of sale in ordinary business of such corporation, joint-stock company, or association, the total interest secured and paid by such company, corporation, or association within the year on any such indebtedness may be deducted as a part of its expense of doing business."

Attention is invited to an amendment proposed to paragraph H. A peculiar situation exists in Alaska. Under a Federal statute the railroads of that Territory are subject to a license tax of $100 per mile of track per annum. About all but one line of the railroads in the Territory are insolvent, and on portions of some of them operation has practically ceased. The Department of Justice, the railroad companies, the people of Alaska, and all others concerned seem to agree that the $100 a mile is a futile tax and should be superseded by some other form of taxation. To meet the situation an amendment is proposed which, in addition to the normal tax of 1 per cent, subjects the railway corporations doing business in Alaska to a 4 per cent tax on their net income from the business done in that Territory, and provides that this additional tax shall be in "lieu of the license tax of $100 per mile per annum now imposed by law."

Your committee have submitted other amendments to this section, but these go to administrative detail rather than to substance. The graduation of the income and the rate of tax imposed are unchanged, and other substantive provisions remain as they came from the House, save in the respects indicated in the foregoing.

SECTION III.—TAX ON CONTRACT FOR FUTURE DELIVERY OF COTTON.

In considering sources for raising necessary revenue the committee felt authorized to select for this purpose the business of dealing in what is known as "cotton futures" on the cotton exchanges of the country and other like places. This business has been the subject of thorough and protracted discussion, with the result of a divided public opinion as to whether the business is wholly pernicious and therefore to be suppressed, or is a real service in the distribution of one of our great agricultural products and therefore to be encouraged. Without assuming to dispose of this controverted issue, the committee adopted, as a justifiable course for present action, the imposition of a tax on such transactions on the cotton exchanges of the country as are not consummated by actual delivery of the cotton specified in such contracts. It is contended by persons related to the sale and consumption of cotton that there is a legitimate branch of the business of dealing in contracts for the future delivery of cotton on cotton exchanges in the way of hedging actual cotton for sale or manufacture. It is, however, admitted by all that there is a large volume of business done upon these exchanges nominally for the purchase and sale for future delivery of cotton where no delivery is ever made, and where there is no real intention to make any such delivery, and the transaction in its last analysis is one of gambling on the future price of one of the staple agricultural products of the country. This latter practice is universally recognized as an evil, and by none more emphatically than by those who claim to resort to the cotton exchanges of the country for protection by means of the so-called hedging system. The tax imposed by the committee is deemed to be sufficiently small to make its payment justifiable by those who resort to the exchanges for the purpose of hedging and sufficiently large to deter the activities of those who resort to such exchanges for the sole purpose of speculation and gambling in the differences of price created from time to time by fluctuations frequently artificially produced.

The committee believes the subject matter to be one fit for the imposition of a proper tax, not only because of its indirect influence in eliminating a parasite which has afflicted the business of dealing in purchases of cotton for future delivery, but because it will result in the collection of a considerable sum of revenue from a source which in its usual operation produced abnormal profits from a business that is not susceptible of just taxation in any other way. The committee is advised that since 1907 no official record of the extent of the dealings on the cotton exchanges in contracts for future delivery is accessible to the public, but reliable estimates fix these dealings at about 130,000,000 bales annually in recent years. It seems to be the consensus of opinion that about 10 per cent of the contracts of sale and purchase of cotton for future delivery is embraced in that branch of the business known as hedging, and that the other 90 per cent thereof is of a speculative or gambling character, where no delivery of the product is ever really intended to be made. If the effect of the proposed tax is to eliminate all of the latter class of business and to leave intact that part of the dealings resorted to for hedging purposes, the revenue derived from this tax should amount to about $7,000,000 a year, and if its imposition does not have the effect of eliminating the gambling or speculative end of the business the revenue derived therefrom will be enormously in excess of this amount.

SECTION IV.—ADMINISTRATION.

The committee deemed the amendments of the House entirely too drastic. We found the tax administration features of our Government were scattered back for half a century, here and there, chaotic, somewhat confusing, but, at any rate, with nearly all debatable points adjudicated, and we thought it better to leave the law for the present substantially as it is, making a provision for a joint committee of the two Houses to revise, simplify, and codify, and to report back to the House Ways and Means Committee by the 1st of January next.

It is believed that in nearly every case where we struck out a provision of the House bill it was new legislation. Some of the new legislation was so obviously right we have left it in.

We added some few amendments for statistical purposes. One of them will be found beginning on line 12, page 215, and going down to and including line 17 on same page, and others for the same purpose will be noted by the reader as he goes through the bill.

Another of these provisions will be found beginning on line 21, on page 219, going down to and including line 7, page 220. Every Senator will recognize there has been a great deal of trouble in determining the precise ad valorem equivalent of a specific duty where many articles are in the same paragraph and where the Government's statistical returns are made for the entire paragraph. This is especially true with regard to "jumping duties." We thought in this amendment to get a list or enumeration of articles in sufficient detail as to time and quantity and value to obviate the trouble which has been referred to.

We do not think that the new and extensive power of giving to the Secretary of the Treasury, without appeal, the right to determine the existence or nonexistence of a foreign market should be given. It was putting too much power into one man's hands, especially when it is remembered that the Secretary of the Treasury would not be the person to exercise the power, but some special agent of the Treasury would be, the Secretary acting, necessarily, upon his report without much personal knowledge of the facts.

The House bill required a fee of $1 with respect to each separate appraisement. We thought a fee of $1 with respect to the appraisement of an invoice would be sufficient.

The House required also a separate fee of $1 for each separate protest with regard to each article protested and did not permit the protest as to appraisal and the protest as to duty to be included in one document. We saw no more reason why the various grounds of objection to the action of an appraiser should not be included in one document and one fee to cover it all than why various counts should not be placed in a declaration as in a court of law, one fee including them all. At present there is no fee required to be paid at all.

On page 235, lines 3 to 9, inclusive, we struck out the language giving inquisitorial and judicial functions to an appraiser, and leaving it to the discretion of the general appraiser or Board of General Appraisers whether an importer could be present himself or by his attorney to examine and cross-examine witnesses. We substituted for that provision the language beginning on line 20, page 230, going down to and including the word "Appraisers," on line 6, page 231, and required reasonable notice to be given both to the importer and to the Government of the subjects and times of hearings, and permitting the attorneys representing both to be present, but admitting the use of affidavits as being necessary sometimes to take the place of oral testimony and as being simpler than depositions.

We adopted the House provision on line 17, same page, saying that the absence of samples would not invalidate an appraisement or reappraisement, but with an amendment that this should apply only to the cases where neither party in interest had demanded the inspection of the merchandise or sample.

We agreed with the House in its policy of doing away with the contingent-fee arrangements between lawyers and importers at the ports of entry, and we undertook, in the language beginning on line 7, down to and including line 13 on same page, to strengthen and clarify its purpose. We believed with the Ways and Means Committee that a great deal of unnecessary litigation had been brought about and perpetuated by the contingent-fee custom at the ports of entry.

We struck out the very drastic language of the House, line 3, down to and including line 9, page 235, giving to the report of a collector or chief officer of customs the whole force and effect of a judgment of a United States district court, without the right of appeal or any other right. We had doubts of the constitutionality of that provision, but no doubt at all that it was of very doubtful expediency.

You will note an amendment, beginning on line 9, down to and including the first word on line 12, page 236. We thought the decision of the Board of General Appraisers and of the appraisers ought to be published in full when either the board or the Secretary of the Treasury desired. Thus the reasons for the decision would appear to the enlightenment both of the officers and of the importers.

We struck out the language of the House, beginning with the words "and in," on line 13, page 236, down to and including the word "defendant," on line 17, which placed the burden of proof at all stages of litigation upon the defendant; that is, in court. Under the present law the burden of proof rests upon the Government as long as the goods are in the custody of the Government and before they are delivered; then the burden shifts to the importer.

We struck out paragraphs U, V, and W of the House bill, all being new, and, in our opinion, drastic and capable of abuse, if not certain of being abused. This was more especially true of paragraph U, where an innocent American importer could have been punished, and in some cases even perhaps bankrupted, because of the refusal of a firm in a foreign country to submit its books to our inspection. Paragraph V of House bill carried this principle very much further, and penalized not only those engaged in the importation of merchandise, but those "engaged in dealing with such imported merchandise," which might have been stretched to cover the case of a retail merchant in the heart of South Dakota to whom goods had been shipped without any knowledge upon his part of whence they were imported or how.

Paragraph W of the House bill provided for a registry of commissionaires or purchasing agents in each of the United States consulates abroad, and undertook to give our Government what was closely akin to extraterritorial jurisdiction in foreign countries. We thought that the United States Government and its people would not permit any such exercise of authority and jurisdiction by another Government in our own country and that we ought not to attempt to exercise it abroad.

Paragraphs U, V, and W were not only obnoxious to the objection that they were too drastic and would be subject to abuse, but were clearly violative of international equity and equality.

The committee struck out the language of the House on line 3, page 251, beginning with the words "or which," down to and including the words "allowed therein," on line 7. It is a general Democratic principle that the people living in any territory under the flag ought to be treated like people living in any other part of our common domain. As long as the Filipinos are under the flag of the United States they should be entitled to the same rights and privileges as residents of New York or California, and certainly not entitled to any greater rights or privileges than either. A man importing goods into the port of New York from New Orleans containing foreign materials which had not paid duty at New Orleans and which were taxable under the

tariff law to the value of more than 50 per cent of the total value which the materials were subject to, or manufactures of tobacco containing 20 per cent of foreign tobacco subject to an import duty, would have to pay a tax upon the 50 per cent in the one case and the 20 per cent in the other. There was no reason why, therefore, the importations from the Philippine Islands should be permitted to contain 50 per cent and 20 per cent of the materials taxable under our import laws and yet allowed to come free into continental United States. The truth is that, the 10-year period prescribed by the treaty with Spain having expired, imports into the Philippines now ought to be subject to precisely the same duties as in the balance of the United States, although it might be well to let the revenues from importations into the Philippine territory go into the Philippine treasury.

Your committee struck out subsection 7 of paragraph J, page 263, giving a discount of 5 per cent on all duties upon goods imported in American bottoms. The provision was in contravention of some 19 or 20 treaties of the United States without having been preceded by the courtesy of a notice of revocation, and was very properly protested against by the high contracting parties with whom we had the treaties. In our opinion it would have led to no good result, as every other country could have retaliated, and all the countries at the end would have been just about where they started. Moreover the country which could use that principle with most force and effect in injuring other countries would be the country with the largest merchant marine, and the country which could least effectively use it would be the country with the smallest merchant marine. We were therefore not only inviting an endless retaliation but a retaliation where our opponents would have had in nearly every case the better of it, and in many cases infinitely the better.

The provision on page 267 providing for the withdrawal for home consumption of cigars manufactured entirely of tobacco imported from any one country, provided the manufacturing is done under such regulations as the Secretary of the Treasury may prescribe, and provided that the United States Government shall put a stamp upon the box containing the cigars to indicate their character and the country of origin of tobacco of which made and place of manufacture, was adopted to meet a condition prevailing in this country and to enable the independent manufacturers of tobacco to have better chances with the Tobacco Trust. It was furthermore done because where cigars made out of Cuban tobacco are manufactured in Cuba the Cuban Government affixes its stamp, which attests the place of origin of the tobacco, and every cigar connoisseur is controlled by the presence or absence of that stamp.

There was no reason why cigars made of identically the same tobacco by American labor and American capital should not have an advantage of a Government stamp here, attesting the same purity of origin, etc., thus putting cigars made out of Cuban tobacco in the American market upon an equality of opportunity of sale with cigars made out of Cuban tobacco in the Cuban market, provided only that the manufacturing was done under such rules and regulations as to prevent any possibility of fraud in substituting other tobaccos for the ones attested by the Government to compose the cigars. It is believed that this proviso will very largely increase our revenue because it will encourage the importation of Cuban tobacco, paying a very high duty, by increasing the sales of cigars made out of Cuban tobacco upon American soil.

We struck out the dumping clause of the House provision, first, because it applied to only dutiable articles, and if to be applied to any articles at all it seemed to us it ought to apply to all; secondly, if it did apply to all it was capable, under an unfriendly administration, of being used as a means of increasing the duty upon dutiable articles 15 per cent, and of putting articles upon the free list under a duty of 15 per cent.

The provisions contained in the existing law with regard to undervaluations and the increasing tax because of it up to 70 per cent is a very good antidumping provision and, as we are informed and believe, immediately stopped dumping in the American market, and this, too, without making it discretionary with any executive officer (to be exercised in a broad way) to raise the duty.

On lines 11 to 17, inclusive, on page 273, we have given to the circuit courts of appeal in certain cases concurrent jurisdiction with the Court of Customs Appeals. The Court of Customs Appeals sits in Washington. Frequently litigation may arise in Portland, Me., or in San Diego or San Francisco, Cal., and we thought the settlement of controversies ought to be nearer the place of residence of the citizen than the existing system permits them to be.

Finally, recognizing the chaotic, confused, and scattered nature of the tax administration laws of the United States, we provided in the amendment, beginning on line 18, page 273, and going down to and including line 14, page 274, for a joint committee consisting of four Members of the House and three Members of the Senate to investigate and consider the revenue administration laws—simplify, revise, harmonize, and codify them. We gave to this committee the power to subpœna and compel the attendance of witnesses, to record and print hearings and employ an expert clerk, a stenographer or stenographers, make a final report to the Ways and Means Committee of the House, and print it for the use of the Senate and the House, and required it to make this report not later than February 1, 1914. We make an appropriation for the purpose of the sum of $15,000, or so much thereof as may be necessary.

The amendment ending on line 18, page 276, has already been explained as having been intended to offset a possible constitutional objection to the retroactive power of Congress and to continue the old excise law in operation until the new income-tax law shall become operative.

RETALIATORY DUTIES.

The Committee on Finance calls special attention to the provision designated to furnish the President with power to impose tariff duties of a retaliatory character upon all articles comprised in a specified list. For some years there has been a development of maximum and minimum tariffs abroad, and in not a few instances the Government of the United States has been compelled to see its citizens subjected to harsh and discriminating tariff treatment abroad without being able under the law to afford relief. The tariff act of 1909 recognized this situation and established a general maximum schedule of duties 25 per cent higher than the general or minimum rates of the law. This maximum schedule has proved embarrassing, clumsy, and inadequate, and the situation under it has been less satisfactory than that which previously existed. No material advantages have been derived from it, but, on the contrary, it has stood in the way of successful commerce with other countries. The provision now recommended will, it is believed, place in the hands of the President powers which, though extensive in their sphere, are sufficiently circumscribed to permit of their being exerted within the limits assigned them without disturbing the general fiscal system of the United States. Wise use of the retaliatory power will, it is reasonably to be expected, bring about equitable arrangements with those countries which do not now afford us fair treatment, and it is probable that the weapon thus provided will be so available and effective as to render its actual use entirely unnecessary under any ordinary conditions.

Accordingly the bill H. R. 3321, which was referred to the Committee on Finance, is reported back with amendments, with the recommendation that as amended it do pass.

Mr. STONE. In this connection I wish to send to the desk a concurrent resolution, and I ask that it be referred to the Committee on Printing.

The concurrent resolution (S. Con. Res. 6) was read and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the report (S. Rept. No. 80) of the Finance Committee of the Senate, accompanying the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes; 20,000 copies for the use of the House of Representatives and 10,000 for the use of the Senate.

Mr. SMOOT. I have polled the Committee on Printing on the concurrent resolution and I report it back and ask for its immediate consideration.

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. STONE. I desire to state to the Senate that the chairman of the Committee on Finance, the Senator from North Carolina, will to-morrow on the assembling of the Senate make the statement he had intended to make to-day, giving a general analysis of the bill and such observations as he thinks proper to add. He is not able to be here to-day, but he will be here to-morrow.

Mr. SMITH of South Carolina. Mr. President——

Mr. STONE. I ask that the unfinished business may be temporarily laid aside.

Mr. CUMMINS. Before that is done——

Mr. SMOOT. Will the Senator from Missouri yield to me for just a moment?

Mr. STONE. Yes.

Mr. SMOOT. I desire to give notice that on Monday next, July 21, I will address the Senate, after the routine morning business, on the pending tariff bill.

Mr. CUMMINS. Mr. President, I desire to give notice that immediately following the statement by the Senator from North Carolina [Mr. SIMMONS], which is to be made to-morrow, I will address the Senate upon the tariff bill, not to interfere, of course, with the notice already given, although the Senator from Utah has known of my purpose for some time.

The VICE PRESIDENT. The Senator from Missouri asks that the consideration of the tariff bill be temporarily laid aside.

Mr. STONE. That the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Missouri asks that the unfinished business be temporarily laid aside. There being no objection, it is so ordered.

COTTON TIES AND COTTON BAGGING.

The Senate resumed the consideration of Senate resolution 134, as follows:

Resolved, That the Secretary of Commerce be, and is hereby, directed to investigate the recent advance in price of bagging used in baling cotton; also the advance in price of ties used in banding or baling cotton; and to report to the Senate at the earliest possible time the cause or causes for said advances.

Mr. SMITH of South Carolina. Mr. President, some time in the early spring—about the usual time when the prices for covering and putting in marketable order the great commercial crop of the South were being considered—inquiries were coming in from the merchants and from different sources throughout the South as to just what would be the current price or what would be the status, so far as any legislation is concerned. I was unable to answer that, as I suppose other Senators interested were unable to answer it.

Subsequent to that there have come letters in great numbers calling attention to the fact that, without any reason, the price of this common article, the covering of the American cotton crop, has advanced 2 cents a yard, aggregating a cost to the producers of cotton of $1,800,000. The parties engaged in the manufacturing business, as I am informed from the Department of Commerce this morning, are only 14 in number. Those 14 are subsidiaries, according to my information, to the American Manufacturing Co., 63 Wall Street, New York.

I have attempted to investigate to find what is the reason for this rise in price from 8 cents a yard last year, on exactly the same covering, to 10 cents a yard this year, and I have been unable to find it. There is no report current that the jute crop has been short; there is no report that there has been any excess in the cost of labor; but at the arbitrary will of these few parties engaged in this industry, in the preparation of the

article, $1,800,000 is to be added to the cost of marketing a great product.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH of South Carolina. I do.

Mr. SMOOT. Mr. President, this is rather refreshing to me, because in the past I have always heard the Senator from South Carolina say that the reason for these extreme prices has been the tariff.

Mr. SMITH of South Carolina. It is the cause, in my opinion, now.

Mr. SMOOT. The pending bill provides that cotton bagging shall be free. So, I say, it is quite refreshing to me to hear the Senator now ask for reasons why there is an increase in the price of cotton bagging.

Mr. SMITH of South Carolina. The Senator from Utah well knows that those engaged in this business have been protected by a duty that forbade competition and importation. Realizing the danger which now threatens them and knowing that they have this one stroke at the American people, they are holding them up to get $1,800,000 before they are forced by the Democratic tariff to deal fairly.

Mr. SMOOT. The Senator ought to know that the few manufacturers of this country of cotton bagging have not a million eight hundred thousand dollars on hand, nor any considerable portion of it.

Mr. SMITH of South Carolina. I suspect that is one of the reasons why they want to get it.

Mr. SMOOT. All I wanted to call the Senate's attention to was that the rate on cotton bagging is only six-tenths of a cent a square yard. Now, the Senator from South Carolina rises in his seat and says the price has advanced 2 cents a pound.

Mr. SMITH of South Carolina. That is correct.

Mr. SMOOT. In the very face of free bagging. I say to the Senator that there is some other cause for increased prices besides the tariff, as I have told him in the past. Instead of being increases by American manufacturers in the future, he will find the foreign manufacturers dictating to the southern planters as to what they shall pay for their cotton bagging.

Mr. SMITH of South Carolina. All I have to say in reply to that is that on account of the duty existing previously the great arteries of trade through which the article passed were preempted by that duty, and it takes some time even with a smaller duty for trade to become accustomed to the fact that the markets of our country are open to competition. Now, with free bagging a thing that is possibly permanent—and which I hope will be permanent under the long stretch of Democratic rule that lies before us—they are getting ready to go out of business, and as a last stroke under their monopoly and under their protection they are exacting $1,800,000 from the people who are dependent upon them for this cover.

Mr. SMOOT. The manufacturers of cotton bagging have very little cotton bagging on hand to-day. There is no question about it, and I do not want the planter of the South to be misled, and I promise him foreign dictation in prices after the passage of this bill. After this tariff bill becomes law, the American manufacturers of cotton bagging will be wiped out of existence, and the Senator knows that that will be the case. He has admitted that they will cease making these goods. The southern planter will be the sufferer. I want the Senator to remember that I predict this day that the cotton planter of the South, as soon as the American manufacturer is destroyed, will pay more for his cotton bagging than last year, and it will be an advance of more than six-tenths of a cent a square yard, the present duty.

Mr. SMITH of South Carolina. If this is a sample of their beneficence to the cotton planter I should like to contribute to their destruction, which I have consistently done up to the present. But I want to call attention to the fact, Mr. President, that there is some cause, and the people who produce this article are entitled to know what that cause is.

Mr. President, there are other Senators here who have received communications like my own, and there are Senators present who are not forgetful of the period of about 1898 that we went through, almost paralleling this very condition on the part of the growers of cotton throughout the South, when the price was put up arbitrarily so high as to cost the American cotton grower anywhere from 35 to 50 cents per bale at the arbitrary will of those who have a monopoly of this article.

My resolution instructs the Secretary of Commerce to investigate it. If it is a natural cause, the simple law of supply and demand that is producing this burden upon the American people, then there is nothing to be done; but if upon investigation it is found that this is done in spite of the law we have for the regulation of this kind of oppression, it should be known.

I think it is the duty of the Senate to pass this resolution and let the officers of the Government charged with it see that the facts shall be laid before the Senate. If the cotton growers of this country have got to pay $1,800,000, let them pay it legitimately along the line of supply and demand, and not at the sweet will of a combination who wish to raise the price and extract this stupendous sum from the cotton growers.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. SMITH of South Carolina. I yield.

Mr. LIPPITT. I have not the slightest objection in the world to the passage of this resolution. If the Senator from South Carolina thinks that it will throw any light upon the situation, I am quite ready to join with him in having that light thrown.

I simply rose to ask him about the statement which he made a few minutes ago, of which I am not informed, in which he said that the factory or factories, I do not know which, making this cotton bagging, in consequence of the proposed tariff bill, were now preparing to close their industry and go out of business.

Mr. SMITH of South Carolina. I did not say that. I said, in contemplation of taking advantage of their monopoly and the protection that was thrown around them, they were putting up the price in order that they might take advantage of that they had been enjoying all these years. I did not say that they were about to go out of business, because I do not believe they will. I believe there is a legitimate profit in the business on the lines of competition. I believe there is illegitimate profit in it that they have been enjoying all these years or they would not be clamoring for protection.

Mr. LIPPITT. Then I misunderstood the Senator.

Mr. SMITH of South Carolina. I am glad the Senator called it to my attention.

Mr. LIPPITT. I understood the Senator to make that assertion.

Mr. SMITH of South Carolina. No; I made no such assertion.

Mr. LIPPITT. So far as the inquiry goes, I can see no objection to it at all. If any light can be thrown on the situation, there is no reason in the world why it should not be.

Mr. BACON. Mr. President, I have received letters and communications from parties in my State who are interested in this question. I want to say that one communication which I have before me is not from a cotton grower, but from those who are known with us as cotton warehousemen, cotton factors, those who sell immediately the cotton bagging to the cotton grower. I have a letter here from a concern known as Peacock's Warehouse, in the town of Pavo, in my State, men who are entirely reputable and whose statements can be relied upon with perfect confidence, in which it is stated that now, as the cotton crop is about to be marketed, they are charged by the manufacturers 20 per cent higher for bagging than they have ever been charged before and 15 per cent higher for ties than they have ever been charged before.

The principal interest which these factors or cotton warehousemen have in this question of increased price is that they may not be misunderstood by their customers. They do not desire that it shall be thought by the grower of cotton that they are the parties who are imposing this additional burden upon them, and consequently these communications to us inquiring as to the cause of this enormous increase in the cost of these articles.

Now, Mr. President, I do not propose to be now misled into an argument on this subject of the tariff. I do not think that this particular situation is one where a discussion of the tariff is going to lead to any particular information on this subject or give any relief. I suppose, Mr. President, from what I have heard, though I am not informed fully, that the increase in price is due to the fact that a trust has gotten possession of this business and is controlling it and can put the price arbitrarily wherever it pleases. I presume that is the fact.

Mr. SMOOT. The Senator is speaking of the foreign trust? Of the foreign trust, that is true.

Mr. BACON. I do not know about there being a foreign trust. Those whom we deal with in this country are certainly those who are the immediate parties putting this into force and operation. Whether they have any relations with parties in a foreign country or not I do not know; but if my information is correct there are parties in this country who absolutely control the question of the production of bagging. The jute is imported into this country and the bagging is manufactured in this country. If my information is correct, the entire busi-

ness of the manufacture of bagging has been absorbed by parties who have gone into a combination for this purpose. Of course there is no way by which we can say that they shall sell for less, but if there is anything in law, Mr. President, in this country there is a way by which those who seek thus to oppress the people shall be brought to judgment and punishment.

While this resolution has in contemplation the Department of Commerce, the department which I think should direct its activities particularly in this direction is the Department of Justice. If it be true, as I have no doubt from the letters which I have and which have been sent to the Senator from South Carolina and others, that there is a combination in this country of those who are manufacturing bagging, a combination by which they have absorbed to themselves all the manufacture of this product, and that they are arbitrarily levying a tax of from $1,000,000 to $1,800,000 in excess of legitimate profits upon the producers of cotton in this country as a result of this combination, then if the Department of Justice can not bring them to judgment it is of little use that we should have such a law upon the statute book.

I have heard, Mr. President, the expression of the desire that the antitrust law should be one that should "have teeth in it." That is a somewhat coarse expression, but it is one frequently used. If the statements now made are true, that this combination of bagging manufacturers have deliberately, without any justification and solely in the lust of extortion, deliberately set themselves to work through the power of their monopoly to levy a tax between $1,000,000 and $1,800,000 upon the cotton growers of this country, then, Mr. President, if the Sherman antitrust law is one which has any efficacy it is a time when not simply the penalties of fine should be imposed, but when the prison doors should be closed upon these men.

Mr. President, it is difficult to conceive of a thing more iniquitous than this. The most laborious, never-ceasing, hard-working people in this country are the agricultural classes, and chief among them are those who raise cotton. It takes 12 long months in the year, and there is in general very little direct profit in it to the men who grow it except when occasionally conditions are such that the price goes above the normal standard. When men have been engaged in this important industry, devoting to it during all the year all their time and their energies, and just at a time when there is a possibility of their reaping some small profit as the fruit of their labors to have a lot of men sit in an office and by this monopolistic combination in violation of law exact from these men nearly $2,000,000, certainly presents an occasion when the powers of the Department of Justice should be brought into play and practically demonstrated.

I think, Mr. President, that here is the place for the activities of the Department of Justice to manifest themselves. I trust that the resolution, whether it will accomplish anything or not through the Department of Commerce, will have the effect of calling the attention of the Department of Justice to a situation which requires immediate attention. I trust that it may result in securing such a judgment against them as will be a warning in the future to those who will flagrantly defy and violate the law of this country which prohibits such combinations and such extortionate exactions from the people of the land through combinations and monopolies.

Mr. SMOOT. Mr. President, I have no objection whatever to the passage of the resolution. I think that it is very proper indeed that the investigation should be made. I will watch with particular interest the report when made, because we shall have some reason given other than that the tariff has raised the price.

The Senator from Georgia [Mr. BACON] says that these goods are made entirely in this country. There were 13,365,349 square yards of them imported in 1912.

Mr. SMITH of South Carolina. Will the Senator from Utah again state how many yards were imported?

Mr. SMOOT. There were imported 13,365,349 square yards.

Mr. SMITH of South Carolina. Is the total amount of consumption stated?

Mr. SMOOT. The total amount of production is stated in dollars and cents.

Mr. SMITH of South Carolina. But the tables do not give the number of yards consumed?

Mr. SMOOT. No; but the total amount of production is $3,507,000. To show the Senator the values they place upon these goods, I will say that I find that the unit of value of bagging is 4.7 cents per square yard.

Mr. SMITH of South Carolina. I merely rose to call the Senator's attention to the fact that there is used in this country for the covering of cotton alone something like 120,000,000 square yards.

Mr. SMOOT. Mr. President, I was giving these figures——

Mr. BACON. Mr. President, when merely 10 per cent is imported, it is not unreasonable, speaking generally, to say that the article is manufactured in this country.

Mr. SMOOT. Mr. President, if the figures of the department are right, the production in this country is $3,507,000, then, of course, there is not 120,000,000 square yards used, because it could not possibly be, considering the production at the price at which it is sold. But be that as it may, I simply want to say that it strikes me very forcibly, if Senators of the South expect to get any advantages at all from free bagging, that they will have to vote against House subsection 2, paragraph 1, which provides:

> I. That no goods, wares, articles, and merchandise—except immediate products of agriculture, forests, and fisheries—manufactured wholly or in part in any foreign country by convict labor, or principally by children under 14 years of age in countries where there are no laws regulating child labor, shall be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.

Mr. President, these very goods, and particularly bags, sacks, and all fabrics that come in for the manufacture of bags and sacks, for grain bags, and so forth, used by the farmers all over the country, are made in Calcutta. I have in my office photographs showing children from 9 years up who are laboring in those mills. The only clothing the men, women, and children wear is the breech clout. The wages are from 8 to 10 cents a day, and their bodies show that they are almost starved to death. Pass this provision, and I want to say to every farmer in this country and to every cotton grower of the South, if the American manufacturer is destroyed that you will thereby prevent the importation of these goods that are needed by all farmers and all cotton growers in this country from Calcutta.

I simply call that now to the attention of the Senate for its consideration.

Mr. BACON. Mr. President, the Senator from Utah seems to have some doubt upon the estimate of the number of yards of bagging used in this country in the baling of cotton. It takes about seven yards to cover a bale of cotton. If the Senator will multiply 15 by that number, he will get a pretty accurate estimate of the amount of bagging used in this country.

Mr. SMOOT. Of course, Mr. President, what I am quoting from are the figures of the department.

Mr. BACON. The department may be wrong, but the estimate that I suggest is one that no one will dispute. We know how many bales of cotton have been made in the country; we know how many yards it takes to cover a bale of cotton; and we know how much 7 times 15 would be.

Mr. SMOOT. Let me ask the Senator, then, if there is not a great quantity of second-hand bagging used in the baling of cotton?

Mr. BACON. I am not myself engaged in the production of cotton. I am simply an observer. The Senator from South Carolina [Mr. SMITH] is doubtless familiar with the matter.

Mr. SMOOT. I will ask the Senator from South Carolina if that is not a fact?

Mr. SMITH of South Carolina. There is a great deal of piece bagging, but that piece bagging is as nothing in proportion to the other. I will state to the Senator that, even the sale of that piece bagging is, through some manipulation of the market with which I am not familiar, controlled entirely by the same persons who sell the whole bagging. Just how they have obtained control I am unable to say, but I hope that the investigation will reveal that fact.

Mr. SMOOT. I have no sympathy with the control, Mr. President, at all. I only suggested this to account for the difference between the report made by the department and the amount used as stated by the Senator from South Carolina. I think that that fully explains the matter, because I do know that there is a great deal of secondhand bagging used for the covering of cotton.

Mr. BACON. I do not want to delay this matter. I simply wish to say that I am not going to go into the subject of the tariff discussion now. I have no doubt that will be very fully discussed by those more competent than myself. Really, the principal object I have in saying anything at all is to try to incite the Department of Justice to action in reference to this matter and to get at it pretty quickly.

Mr. GALLINGER. Mr. President, I desire to ask the Senator from Utah a question. If it be true that this bagging is made in Calcutta under conditions such as the Senator has detailed, how does it happen that we have not much larger importations of it?

Mr. SMOOT. On account of the six-tenths of 1 cent per square yard under the present law; but this bill proposes——

Mr. GALLINGER. I understand; but can our manufacturers compete with this condition in Calcutta and be protected by the small duty now imposed on that foreign product?

Mr. SMOOT. That is a pretty fair duty on the square yard: in fact, I think the duty amounts to nearly 10 per cent on this very coarse article; but so far, in the past, it has allowed our manufacturers in this country to manufacture a great part of the cotton bagging that is used here.

Mr. STONE. Mr. President, I understand this resolution merely directs the Secretary of Commerce to make an inquiry and to report.

Mr. SMOOT. That is all.

Mr. STONE. If that is the full scope of the resolution, I have no objection to it.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

FOREIGN TARIFF SYSTEMS AND INDUSTRIAL CONDITIONS.

Mr. POMERENE. Mr. President, I hold in my hand a report prepared by the Bureau of Foreign and Domestic Commerce of the Department of Commerce at the request of the chairman of the Committee on Ways and Means of the other House, entitled "Foreign Tariff Systems and Industrial Conditions." This document was the subject of some pretty severe strictures at the hands of the senior Senator from Utah [Mr. SMOOT] on June 21. Without referring in detail to the bill and to the speech that was at that time made, it was in substance charged that this report was prepared in support of the hobby of the Secretary of Commerce and that figures were manipulated to support certain conclusions. At the end of the speech these words were used:

> Whenever statistics are gathered from the realm of speculation, and with no other object in view than to demonstrate some pet idea, the information sought to be conveyed by them necessarily becomes misleading, and such a practice should be condemned, no matter by whom indulged in.

The subject is discussed under such subheads as "Bolstering up the Secretary's hobby," "Manipulating the figures," and so forth. If these statements were to go unchallenged, it would be doing a great injustice to the Secretary of Commerce, as well as to the bureau chief and his aids who prepared this document. The fact is that this document had its origin in a communication which was addressed by the honorable chairman of the Way and Means Committee of the other House to the then Secretary of Commerce, the Hon. Charles Nagel, under date of November 29, 1912, to which a certain reply was made, a portion of which is contained in the document referred to.

Later the chairman of the Ways and Means Committee, on January 1, 1913, addressed another letter to Mr. A. H. Baldwin, the chief of the Bureau of Foreign and Domestic Commerce. The work was immediately taken up by that bureau. It progressed very rapidly. It was completed, I believe, about April 5. The entire work of this report was made by a Republican bureau under the direction of a Republican Secretary of Commerce. That bureau has not been changed in any particular since the Democratic administration was installed on March 4, 1913. The collation of figures and the deductions therefrom are all the work of that bureau. It has not been since reorganized.

In the interest of truth and that the facts may exactly appear in the RECORD, so that they may be in the possession of Senators, I desire to send to the desk a letter addressed to me by the Secretary of Commerce, under date of July 2, 1913, with the request that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 2, 1913.

MY DEAR SENATOR: I note that Hon. REED SMOOT, Senator from Utah, made an address before the Senate on the 21st of June, which is printed on pages 2123–2127, inclusive, of the RECORD of that date, respecting the pamphlet entitled "Foreign Tariff Systems and Industrial Conditions," to which reference is made somewhat in detail in the Senator's address. In particular this language was used by Senator SMOOT:

"* * * but some one in the Bureau of Foreign and Domestic Commerce evidently thought it was wise to try and bolster up the Secretary's theories."

Perhaps I ought to add the following clause from the first sentence of the Senator's address:

"The work of any Government bureau should be free from anything akin to partisan bias."

I venture respectfully to suggest that the statements made in what is alleged to be serious debate by the distinguished Senator from Utah should have the merit of accuracy.

The pamphlet from which the Senator quotes was not published by or for this department or any bureau of it. It was prepared entirely by appointees of the past administration, and the whole matter was originated and developed almost to its final stages before the present administration entered office.

The department gave to the press on May 13, 1913, a brief summary prepared by the authors of the pamphlet and has utilized a portion of 150 copies kindly given it by the Ways and Means Committee of the House of Representatives, for whom the document was prepared and by whose order it was printed and published.

The matter had its origin in a letter from Hon. O. W. UNDERWOOD, chairman of the Committee on Ways and Means, House of Representatives, to Hon. Charles Nagel, dated November 29, 1912, pursuant to which there was furnished on February 19, 1913, to Mr. UNDERWOOD by Hon. B. S. Cable, Acting Secretary, certain data which now forms that portion of the pamphlet covered by pages 10 to 12, inclusive. Meanwhile, on January 1, 1913, Mr. UNDERWOOD, by letter direct to Mr. A. H. Baldwin, then and now Chief of the Bureau of Foreign and Domestic Commerce, requested further information, the preparation of which was at once undertaken and, as the records of the department show, was well under way during the month of January. It reached its final form on April 5, and was then presented by me in the form of a report to Mr. UNDERWOOD with letter stating that it was "in compliance with your request of January 1, 1913."

Certain abstracts of foreign books and articles were on April 12 transmitted to Mr. UNDERWOOD, which form a portion of the publication made by the Ways and Means Committee.

On April 17 this department was advised by Mr. UNDERWOOD "that the material will be published in pamphlet form by the Ways and Means Committee."

The substance of the Senator's address has been examined by the Bureau of Foreign and Domestic Commerce, who advise as follows:

"Senator SMOOT states that the report 'contains statements that are not founded on fact and which should never have appeared in the report of any bureau.' His chief criticism of the report is twofold. He claims (1) that the statistical treatment on pages 29–42 is faulty, but fails to indicate in what respects the minor differences in census methods vitiate the results, and (2) that the smaller outlay for labor in comparison with the value added by manufacture in the United States, as compared with the United Kingdom, is 'ridiculous,' apparently on the assumption that the statistics show lower labor cost in comparison with quantity of output, while the comparison is really based on value, and three times at least in the report (pp. 34, 38, and 41) the effect of the difference in price level is emphasized.

"The most striking feature of Senator SMOOT'S speech is the fact that practically all the arguments against the use of the figures on which the bureau's report is based are quotations of some of the qualifying statements contained in the report itself. In the report the attempt was made to present, as fully as the facilities of the bureau permitted, the data deemed pertinent to the inquiries of the chairman of the Committee on Ways and Means, and all differences in statistical method were carefully explained. In the use of the statistics allowance should be made for such differences in method, but no reasons have been adduced by Senator SMOOT to show that these differences are sufficient to affect materially the comparisons made in the report.

"Special reference should be made to the following points in the speech of Senator SMOOT:

"1. That the report has a political bias.

"2. That the comparison of average ad valorem duties is unfair, because of differences in method of valuation and because of the absence of averages 'for France and some other countries' based on dutiable imports alone.

"3. That the inclusion in the British census of production of certain industries excluded by the census of the United States renders the results of the two censuses incomparable.

"4. That the omission from the British returns of the number of establishments and the amount of capital prevents comparison with the United States census.

"5. That differences exist between the census methods of the two countries in respect to engine capacity.

"6. That the data used for the wages paid in the United Kingdom 'are absolutely fraudulent.'

"A separate reply to each of these points of criticism is given below:

"1. The claim that the report shows a partisan bias on the part of the bureau is unfounded. The report was not prepared by the bureau on its own initiative. The subject matter was practically determined by the questions submitted for consideration, and the statistics presented were selected, without preconceived theory, as the most authoritative and the most comparable that were available within the field prescribed. The conclusions stated were merely the expression in text of the averages shown in the tables, and inferences that it was deemed were open to question were carefully avoided.

"2. France is the only country for which the dutiable imports were not given separately for at least one year, and the reason for the absence of such figures is indicated on page 10 of the report. It is hardly fair to suggest that separate figures for dutiable imports were omitted in the case of foreign countries for the purpose of emphasizing the high ad valorem rates in the United States, in view of the fact that no comparison is made in the report between the United States rates and those of foreign countries, and that in the United States statistics the average ad valorem duty is shown on the basis of both total imports and dutiable imports, so that a comparison with the rates for foreign countries may be made on either basis. In regard to the method of converting the specific rates of the French tariff into ad valorem rates by the use of the official figures for the value of imports it may be said that, while no high degree of accuracy can be claimed for the French figures, they could hardly be characterized as 'rankest kind of guesswork.' It may also be added that similar methods for ascertaining the value of the foreign trade are employed by a number of European countries, including Germany, Austria-Hungary, and Italy. A full discussion of the statistical methods of different countries, prepared by this bureau, is given in House Report No. 5, Sixty-third Congress, first session, pages 499 to 506, to which pages reference is made on page 10 of the report on 'Foreign tariff systems and industrial conditions.'

"3. The data for certain industries included in the census of the United Kingdom and not in the census of the United States have been deducted from the British returns and a separate column shown under the heading 'Manufactures proper,' which is fairly comparable with the returns of the United States. Most of the comparisons in respect to industrial efficiency of the two countries are, however, based on returns for separate industries which are obviously not affected by the total number of industries that are included in the British census.

"4. Similarly the absence from the British report of returns for the number of establishments and for the capital employed does not affect in any way the comparisons made, which have to do exclusively with

(a) Value added by manufacture; (b) capacity of engines; (c) number of wage earners; (d) amount of wages.

"5. As will be seen from the statement on page 31 of the report, there is no variation in the methods of compiling the figures for engine capacity in the United Kingdom and the United States, except in regard to the motors using purchased current. The amount of current used for other purposes than power is estimated at not more than one-fourth of the purchased current, and while it is not shown separately in the original returns and can not therefore be deducted, the amount is not sufficient to affect materially the comparison.

"6. The figures used in the report of the bureau for purposes of comparison with census returns were taken from the British Board of Trade report on earnings and hours of labor in 1906, as stated on page 58 of the report, and not, as inferred by Senator SMOOT, from the report of the board of trade on wages and cost of living. The British investigation of the subject of earnings and hours of labor was not so comprehensive as the United States census of manufactures, but the proportion of wage earners employed in the different industries covered by the British investigation is sufficient to indicate accurately the general level of wages in those industries. Senator SMOOT refers in particular to the comparative outlay for wages in the glove industry of the United States and the United Kingdom, apparently on the assumption that the outlay is larger in the United Kingdom. The figures which he quotes from the report show the contrary, and the importation of gloves into this country from the United Kingdom would therefore seem quite natural. The low wage cost for Canada, which Senator SMOOT declares 'unbelievable,' may be due, as suggested on page 38, to the fact that some of the Canadian industries are confined to finishing or assembling operations.

"In view of the amount of space devoted by Senator SMOOT to the question of low wages in the United Kingdom as compared with wages in the United States, there is reason to believe that there is a tendency on his part to confuse the rate of wages and the amount of wages paid. It was not the intention of the bureau to convey the impression that the industrial efficiency of the United States was due to cheaper labor; the figures given in the report show, on the contrary, that in spite of the higher rate of wages paid in the United States the outlay for wages in proportion to the value of the net output is less than in the United Kingdom, owing to the more economical employment of labor at high wages in combination with highly developed machinery. A striking illustration of that form of industrial efficiency is presented by the automobile industry, in which the supremacy of the United States, in regard to low and medium priced cars produced in large quantities by automatic machinery, is admitted generally and attested by the rapidly growing export trade."

The distinguished Senator from Utah, if he is to establish his contentions, must explain away our sales of manufactured goods of all kinds abroad in competition with the world to the extent during the fiscal year just closed of about $1,500,000,000. In particular he should show why the chief increase in our export trade is in the sales of fully finished manufactures, in which lines the increased sales for the first 11 months of the last fiscal year were $96,000,000.

I await with interest the Senator's explanation as to why, when we can not, as he is understood to believe, compete with the world we are as a matter of fact doing so increasingly. How is it that we sell if we are unable to sell, and if we are able to sell how is it that we need to be guarded against our customers?

Finally, let me add that the personnel and organization of the Bureau of Foreign and Domestic Commerce remains to-day just as it was taken over from the preceding administration. In neither respect is it deemed fully satisfactory. Therefore the problem of reorganizing this important bureau so that it may more efficiently gather and publish commercial statistics and better promote the foreign and domestic commerce of the Nation has long been the subject of study. A tentative plan for the reorganization of the bureau has been prepared which it is intended soon to present to the President for his approval, and which will in due course be laid before Congress.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

Mr. POMERENE. Mr. President, of course it was not so intended, but the report itself points out the particulars—I am speaking generally now—wherein the tables are not mathematically correct. We all understand that when it comes to the collection of data to prove a given state of facts, a given condition, there may be modifications due to different conditions existing in different countries, and these facts are specifically pointed out in the report itself. I think that it was entirely unfair, though no doubt it was not so intended, that the criticism was made that this report was dictated by party bias.

In discussing the question of the efficiency of labor in the several countries, the Senator from Utah, in attempting to refute the position taken by the Secretary of Commerce, makes the statement that—

> The imports alone would demonstrate the falsity of the assertion that labor is more efficient here than abroad.

Assuming, for the sake of the argument, that that statement is true, by the inexorable force of his own logic, then, when the fact appears, as it does appear, that during the last year we exported to foreign countries $1,500,000,000 worth of goods, a large part of which were manufactured products, that must prove the superior efficiency of American labor over that which exists in any other country.

I do not care to take the time to now discuss this report further, but I thought that it was due to Senators that this letter should be laid before the Senate.

Mr. SMOOT. It is rather a remarkable circumstance, Mr. President, that the Secretary of Commerce should write a letter to a Senator of the United States, being a defense of a report prepared by his department, and have it delivered immediately upon his answer to a resolution of the Senate of June 26, 1913, asking for certain information. I am glad the Senator has had that——

Mr. POMERENE. I did not hear the Senator's statement.

Mr. SMOOT. I said it was a rather remarkable circumstance that the Secretary of Commerce should address a letter to a Senator of the United States upon the subject covered by the letter, and that it should be delivered at the same time he responds to a resolution of the Senate.

Mr. POMERENE. May I ask the Senator the date of the resolution to which he refers?

Mr. SMOOT. The date of the resolution is June 26, 1913, and the communication of the Secretary of Commerce transmitted in response to that resolution only reached the Senate an hour or so ago.

Mr. POMERENE. Mr. President, the Senator from Utah——

Mr. SMOOT. Mr. President, I am not making any particular objection to that, but I prefer now to answer——

Mr. POMERENE. No; Mr. President, I insist upon the right to answer the insinuation.

The VICE PRESIDENT. The Senator from Utah has the floor. Does he yield to the Senator from Ohio?

Mr. SMOOT. I wish to say to the Senator that I have made no insinuation at all. I am simply stating the facts. I have the report here in my hand.

Mr. POMERENE. Mr. President, the fact is that that communication has been in my possession for nearly 10 days. I have had it here on several occasions with the intention of presenting it. The opportunity, in my judgment, did not present itself until to-day. If any fault lies in the fact that it was not presented, it is mine, and not that of the Secretary of Commerce.

Mr. SMOOT. I have no criticism to offer on that point, either as to the Senator or as to the Secretary of Commerce. I thought, though, that it was rather a peculiar circumstance that it should be presented to the Senate at exactly the same time that the Senate received the communication from the Secretary of Commerce transmitting a response to the Senate resolution of June 26.

Mr. POMERENE. I am afraid the difficulty arises from the fact that my very distinguished friend from Utah is always suspicious of everything that does not accord with his own pet theory.

Mr. SMOOT. That remark, Mr. President, is uncalled for and unjust, and does not do credit to the Senator from Ohio.

There is sent to the Senate to-day a response to the Senate resolution of June 26, 1913, offered by the Senator from Rhode Island [Mr. LIPPITT]. I want to call the Senate's attention to this report, to the admission that is made in this communication, and let them judge whether I was not justified in calling the country's attention to a document that has been issued by one of the departments of the Government upon request of the Ways and Means Committee. I felt when I read that report that it was time to call a halt upon issuing reports based upon the sort of information that this report contains.

The Secretary of Commerce says:

> The resolution speaks of "The Report of the Department of Commerce entitled 'Foreign Tariff Systems and Industrial Conditions.'" The Department of Commerce took no initiative with respect to this report.

Of course it did not. Upon the very title-page it says that it was issued at the request of the Ways and Means Committee of the House, and I so stated in my remarks.

The Secretary continues:

> The publication bearing this title is a committee document published by the Committee on Ways and Means of the House of Representatives, containing a report prepared at the request of that committee by the Bureau of Foreign and Domestic Commerce, as the title of the pamphlet shows. The Committee on Ways and Means kindly gave to the Department of Commerce 150 copies of the pamphlet. A brief summary, a single page prepared by the authors of the report, was given to the press by the department on May 13, 1913. No edition of the pamphlet was issued by the Department of Commerce.

Mr. President, after that pamphlet was issued, and after it was in the hands of the Ways and Means Committee, and after it no doubt had been examined by the members of the Department of Commerce, did a single person from that department call attention to the now admitted fact that the figures in the report were incorrect? Did anyone in Congress undertake to correct them? Did anyone even intimate that they were not to be put out to the public as absolute facts?

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly.

Mr. POMERENE. Does not the report itself point out the particulars in which these tables are not complete?

Mr. SMOOT. I will ask the Senator to wait until I get through, and then I will answer him by this communication. I am not complaining of any figures that are in the report that are not incorrect, but I want to show the Senator that the Secretary of Commerce says some of them are not correct. I am calling his attention to the fact that their incorrectness was never called to the attention of Congress nor did Congress or anybody else ask for a reprint whereby the errors could be corrected.

I read from the Secretary's letter:

The resolution mentions "the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom."

This is the wording of the resolution, about which I had nothing whatever to say and with the preparation of which I had nothing to do.

I continue reading:

If reference is made to page 39 of the pamphlet, this language does not quite accurately represent what there appears. It is stated in the table on page 39 that there are 504 horsepower capacity of engines in the United States for every $100,000 added by manufacture, and that there are 114 horsepower capacity of engines in the United Kingdom for every $100,000 added by manufacture. It is respectfully pointed out that the statement of the resolution that it "takes 504 horsepower in the United States to add the same value" as 114 horsepower in the United Kingdom is another and very different thing from the statement that there are 504 horsepower capacity of engines in the United States for the same value of output for which there are 114 horsepower capacity of engines in the United Kingdom. It is one thing to have the horsepower capacity exist, it is another and different thing to state that its full use is required for a certain result.

What are the facts? Let us take them from what the Secretary says:

The corrected statement should therefore be that there are 504 horsepower capacity of engines in the United States for every $100,000 added by manufacture as compared with 571 horsepower capacity of engines in the United Kingdom for every $100,000 added by manufacture, and that there are 147 wage earners in the United States for every $100,000 added by manufacture as compared with 255 wage earners in the United Kingdom for every $100,000 added by manufacture.

If a corrected statement had been made, I never should have addressed the Senate; but after May 23, when the report was issued, it was circulated through the country, and nobody asked for a correction of the figures. As the statement says, instead of 114 horsepower, the corrected statement ought to be 571 horsepower; and instead of 47 wage earners in the United States it ought to be 147.

Why should the Secretary of Commerce object to a Senator of the United States making a correction of a matter which, as I stated, was absurd on its face? It is, and I have nothing to withdraw.

Again quoting:

In view of the corrections thus brought to the attention of the department, a rigorous reexamination of all the statistics contained in the report of the Bureau of Foreign and Domestic Commerce to the Committee on Ways and Means was ordered. Several other purely clerical errors have been discovered, the more significant ones being as follows:

Should not they have been corrected?

(1) Tin plate, capacity of engines in the United Kingdom 707 horsepower (instead of 105 horsepower) for every $100,000 added by manufacture: (2) butter, cheese, condensed milk, and oleomargarine, 112 (instead of 49) wage earners in Canada for every $100,000 added by manufacture, and $321 (instead of $141) as wages in Canada for every $1,000 added by manufacture.

Mr. President, has it come to this, that when a Senator knows figures are not correct he can not call attention to the fact?

I want to say to the Senate now that I do not remember the issuance of a document similar to this since I have been a Member of this body. Documents are generally issued by the departments of the Government or by the House or Senate. This report was requested by the Ways and Means Committee from the Secretary of Commerce, and was issued by that committee. No number was given to it. It was not made a public document. It was simply printed by the Ways and Means Committee and sent broadcast through the country. I have no doubt in my mind but that it was sent for the purpose I said it was—to bolster up the rates made in the tariff bill by the Ways and Means Committee of the House.

So that all of this information may be at hand and in the RECORD at once, I now ask that the communication from the Secretary of Commerce transmitting his response to the Senate resolution of June 26, 1913, be printed in the RECORD.

Mr. WILLIAMS and Mr. LIPPITT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I will be through in just a minute.

Mr. WILLIAMS. I should like to be acquainted with the character of that document.

Mr. SMOOT. The Senator from Rhode Island [Mr. LIPPITT], on June 26, offered a resolution in the Senate calling for certain information from the Secretary of Commerce. This is a communication from the Secretary of Commerce in answer to that resolution.

Mr. WILLIAMS. What was the subject of it?

Mr. SMOOT. The subject was a document issued by the Ways and Means Committee of the House, prepared by the Department of Commerce at the request of the committee.

Mr. WILLIAMS. What is the nature of the reply?

Mr. SMOOT. I have just been reading from the reply, and a great deal of it is in the RECORD in my remarks.

Mr. WILLIAMS. I happened not to be in the Chamber at the time. What is the substance of it?

Mr. SMOOT. It is in answer to a resolution offered by the Senator from Rhode Island [Mr. LIPPITT], in which certain information was requested as to statistics that were printed in this particular document.

Mr. WILLIAMS. I merely thought the matter might lead to some debate this afternoon. If so, it would be better for us to hear just what the reply was rather than to print it.

Mr. SMOOT. I will say to the Senator that I quoted a great deal of it. If there is any objection, I will withdraw the request.

Mr. WILLIAMS. No; I have no objection to its being printed. I merely suggested that perhaps it would be better to have it read, so that we could all understand it, before it is printed.

Mr. SMOOT. We have been discussing it now for nearly three-quarters of an hour.

Mr. WILLIAMS. I know; but the Senator has been discussing it without reading it. I should like to have it read.

Mr. SMOOT. I withdraw the request.

Mr. WILLIAMS. I should like to have it read so that it will go out as a part of the Senator's remarks.

Mr. LIPPITT. If the Senator from Mississippi will permit me for just a minute, I think perhaps I can clear up the situation somewhat. The paper from which the Senator from Utah has just been reading is in reply to a resolution——

Mr. WILLIAMS. I think the Senator from Rhode Island does not understand me. I was not asking for an explanation. I thought this document ought to be read to the Senate as a part of the remarks of the Senator from Utah, so that it might go to the country and might go to Senators' minds at the same time with the criticism of it by the Senator from Utah.

Mr. LIPPITT. I will say to the Senator from Mississippi that it has already been arranged that this document, the reply of the Secretary, shall be printed in to-day's RECORD; so that all of this matter will appear where it can be plainly seen and criticized.

Mr. WILLIAMS. I understand that, but it is not present in our minds with the criticism of it which the Senator from Utah is making.

Mr. SMOOT. I made no criticism of the report.

Mr. WILLIAMS. I heard some very violent criticisms of the statisticians, and a suggestion that they had made their figures purely to please the Ways and Means Committee, and various other things. My mind recurred to one Austin, a statistician, and how for years and years his figures simply pleased the Republicans, and I thought perhaps there might be some merit in this document.

Mr. SMOOT. I want to say to the Senator that I have offered no criticism of the Secretary's report. I was quoting from the Secretary's report to sustain the statement I made in the Senate.

Mr. WILLIAMS. Does the Secretary's report sustain or renege upon the other document that the Senator from Utah was criticizing?

Mr. SMOOT. If the Senator will allow the report to go into the RECORD, it will be seen that it admits that many of the figures in the report are wrong.

Mr. WILLIAMS. Did we ever have an investigation of Austin's statistical reports during the Senator's term of service?

Mr. SMOOT. I do not know whether Mr. Austin prepared these figures or not.

Mr. WILLIAMS. I did not say he made them. I do not think he did.

Mr. SMOOT. I want to say to the Senator that the Secretary of Commerce says some of the figures are wrong, and anybody that knew anything about this country and England, or had studied the question at all, knew they were wrong. My criticism is not a criticism of his report. It is a criticism of the pamphlet that was issued by the Ways and Means Committee.

Mr. WILLIAMS. Mr. President, I am somewhat accustomed to the quiet assumption of my friend, the Senator from Utah, that people who hold different views from his do not know anything about the subject under discussion, or much of anything else; but it has become such a habit of thought with him that

I am not always inclined to believe that it is a conclusive thing. I shall not insist upon his reading the report now and shall make no objection to its going into the RECORD. I merely wanted to call attention to the fact that the mental attitude of Senators might be different if they had heard the report together with the criticism.

Mr. SMOOT. Mr. President, I withdrew the request; so I shall not ask that the letter be printed.

Mr. GALLINGER. Mr. President, the Senator from Mississippi does not seem to object to it. Some of the rest of us would like to see the letter or report.

Mr. SHIVELY. And the Senator from Utah ought to remember that thus far there has been no objection to his request.

Mr. SMOOT. Then I will ask that the communication be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be printed in the RECORD.

Mr. WILLIAMS. As part of the Senator's remarks.

Mr. SMOOT. Yes.

Mr. SHIVELY. I understand that it will appear as part of the Senator's remarks?

Mr. SMOOT. Yes; in connection with the remarks I have been making.

The matter referred to is as follows:

[Senate Document No. 134, Sixty-third Congress, first session.]

COTTON STATISTICS.

Letter from the Secretary of Commerce, transmitting a response to a Senate resolution of June 26, 1913.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 11, 1913.

SIR: By direction of the President, I have the honor to acknowledge receipt of the following resolution of the Senate, under date of June 26, 1913:

IN THE SENATE OF THE UNITED STATES,
June 26, 1913.

Resolved, That the Secretary of Commerce be directed to furnish, for the use of the Senate, detailed information—

First. To show how the figures referring to cotton goods in the table on page 39 of the report of the Department of Commerce entitled "Foreign Tariff Systems and Industrial Conditions" were obtained; and

Second. To establish, if possible, the correctness of the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom, and that 47 wage earners in the United States add as much to the value of cotton goods as 255 do in the United Kingdom.

Attest:

JAMES M. BAKER, *Secretary.*

The resolution was referred to the Bureau of Foreign and Domestic Commerce and to the Division of Foreign Tariffs therein, in which division the data to which the resolution refers were prepared and their reply follows.

Before quoting it, however, permit me, in justice to my predecessors, by whom this work was authorized and by whose appointees the figures were gathered and the report prepared from beginning to end, to suggest what seems to be misapprehensions in the resolution itself adopted by the Senate. It may be stated also that the work was well advanced before the department came under my charge.

The resolution speaks of "the report of the Department of Commerce entitled 'Foreign Tariff Systems and Industrial Conditions.'" The Department of Commerce took no initiative with respect to this report. The publication bearing this title is a committee document published by the Committee on Ways and Means of the House of Representatives, containing a report prepared at the request of that committee by the Bureau of Foreign and Domestic Commerce, as the title of the pamphlet shows. The Committee on Ways and Means kindly gave to the Department of Commerce 150 copies of the pamphlet; a brief summary, a single page prepared by the authors of the report, was given to the press by the department on May 13, 1913. No edition of the pamphlet was issued by the Department of Commerce.

The resolution mentions "the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom." If reference is made to page 39 of the pamphlet this language does not quite accurately represent what there appears. It is stated in the table on page 39 that there are 504 horsepower capacity of engines in the United States for every $100,000 added by manufacture, and that there are 114 horsepower capacity of engines in the United Kingdom for every $100,000 added by manufacture. It is respectfully pointed out that the statement of the resolution that it "takes 504 horsepower in the United States to add the same value" as 114 horsepower in the United Kingdom is another and very different thing from the statement that there are 504 horsepower capacity of engines in the United States for the same value of output for which there are 114 horsepower capacity of engines in the United Kingdom. It is one thing to have the horsepower capacity exist; it is another and different thing to state that its full use is required for a certain result.

The Bureau of Foreign and Domestic Commerce, Division of Foreign Tariffs, advises:

"First. The figures shown in the table on page 39 of the report, with the exception of the last column, are averages based on the statistics presented in the table on pages 36–37. The method adopted for calculating the amount of wages in the United Kingdom, shown in the last column, is fully explained in the third paragraph on page 38.

"Second. The averages for the engine capacity in the United Kingdom and the number of wage earners in the United States for every $100,000 added by manufacture in the case of cotton goods are incorrect. For the former the correct amount, derived from the returns on page 36, is 571 horsepower and for the latter 147 wage earners."

The corrected statement should therefore be that there are 504 horsepower capacity of engines in the United States for every $100,000 added by manufacture as compared with 571 horsepower capacity of engines in the United Kingdom for every $100,000 added by manufacture, and that there are 147 wage earners in the United States for every $100,000 added by manufacture, as compared with 255 wage earners in the United Kingdom for every $100,000 added by manufacture. Justice to the Bureau of Foreign and Domestic Commerce requires me to point out that the printing of the figure 47, clearly a typographical or clerical error, may perhaps be accounted for by the repetition of the figure 47 in the second line above of the same column of the same table.

In view of the corrections thus brought to the attention of the department a rigorous reexamination of all the statistics contained in the report of the Bureau of Foreign and Domestic Commerce to the Committee on Ways and Means was ordered. Several other purely clerical errors have been discovered, the more significant ones being as follows: (1) Tin plate, capacity of engines in the United Kingdom 707 horsepower (instead of 105 horsepower) for every $100,000 added by manufacture; (2) butter, cheese, condensed milk, and oleomargarine, 112 (instead of 49) wage earners in Canada for every $100,000 added by manufacture, and $321 (instead of $141) as wages in Canada for every $1,000 added by manufacture. Neither has adverse bearing on the question of relative industrial efficiency in the United States.

As soon as the work of review is completed, such errata as exist will be communicated to the chairman of the Committee on Ways and Means, by whose direction the report was printed. The general comparisons shown on pages 41 and 42, under the heading of "Relative industrial efficiency," are not appreciably affected by any of the changes. Neither are the comparisons by industries, on page 39, modified to the disadvantage of the United States in respect to industrial efficiency, save in the change in the relation of wage earners in the cotton industry from 47 to 255 in favor of the United States to 147 to 255, also in favor of the United States.

Respectfully,

WILLIAM C. REDFIELD,
Secretary.

THE PRESIDENT OF THE SENATE,
Washington, D. C.

Mr. SMOOT. The Senator from Ohio criticizes, indirectly at least, the statement I made in relation to the efficiency of American labor, and points out the great exportations of American goods as proof that my statement was incorrect.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. In just a minute; then I will be through. If the Senator will read my remarks, he will find that I state that there are certain lines of manufacture where the machinery and the process of handling in great quantities are such that they do produce goods in this country which are exported; and it is true that it is the efficiency of labor, if that can be called "efficiency of labor," that allows the exportation of these goods, namely, the heavy steel products—not the light ones.

Mr. POMERENE. Did the Senator refer to that in his last speech?

Mr. SMOOT. I think if I had a copy of it here I could show the Senator where I referred to certain lines of goods that are manufactured here in great quantities by the use of machinery that is far advanced over some of that used in foreign countries.

Mr. POMERENE. Mr. President, I have a very distinct recollection that the Senator, with his usual zeal to sustain himself, sought to point out the very great difference between the wages of bricklayers in this country and bricklayers in other countries, and between the wages of carpenters in this country and carpenters in other countries.

Mr. SMOOT. Does the Senator deny those figures?

Mr. POMERENE. Oh, no; but it would have been very much more instructive to the country at large if the Senator had pointed to the low wages that are paid in some of the very highly protected industries of the country, instead of referring to the wages which are paid in the unprotected industries of the country, such as those to which I have referred, and which the Senator knows are not even indirectly affected by the tariff.

Mr. SMOOT. The Senator does not know any such thing. The Senator knows that the bricklayer in this country is protected above all other workers. His work in a foreign country can not be imported into this country. Of course he is directly benefited by the American tariff.

Mr. POMERENE. Is there anything on the statute books preventing a bricklayer from coming into this country?

Mr. SMOOT. No, Mr. President; there is not.

Mr. POMERENE. Or preventing a carpenter from coming into this country?

Mr. SMOOT. That is not the point. The point is that when he comes into this country he receives a greater wage. The Senator is speaking of the low wage paid in many of the industries in this country. I defy the Senator to name a single, solitary industry in the United States that is not paid higher wages than are paid in any other country in the world.

Mr. POMERENE. Oh, Mr. President, we have heard that argument time out of mind.

Mr. SMOOT. I do not make it as an argument now. I ask the Senator to point out one such instance.

Mr. POMERENE. If the Senator will be a little patient, I will point out the truth about it. Our protectionist friends,

time out of mind, have been accustomed to point to the daily wages that exist in this country and compare them wit the daily wages that exist in other countries; but they have always, or nearly always, failed to point to the wage cost per unit of production. That is the difference between the Senator and the Secretary of Commerce. The truth is that in very many of the industries of this country the wage cost per unit of production is much less than it is in Europe. For that reason many of the manufactured products of this country are sold abroad in competition with the pauper-paid labor of Europe. That is the fact which our friend the Senator from Utah is constantly trying to ignore.

Mr. SMOOT. I want to ask the Senator to name one industry in this country——

Mr. WILLIAMS. Will the Senator permit me?

Mr. POMERENE. Just one moment. The distinguished Senator from Utah, since this debate began, referred to the fact that in Great Britain and Germany the cost of production is higher than it is in this country.

Mr. SMOOT. Mr. President, I do not know what the Senator refers to.

Mr. POMERENE. If the Senator will recall what he has stated, he will remember it.

Mr. SMOOT. No; I do not.

Mr. POMERENE. The Senator said that in the manufacture of the heavier products of iron and steel in this country we could beat the foreign countries. That is the fact.

Mr. SMOOT. No, Mr. President; I did not say any such thing.

Mr. POMERENE. It is extremely fortunate that we have a reporter.

Mr. SMOOT. Mr. President, I am willing to let the notes speak for themselves. I simply said that it was the heavier products of the steel manufacturer of this country that were shipped abroad. That is what I said. I did not say anything in relation to the cost per unit.

Mr. WILLIAMS. Mr. President, will the Senator from Utah pardon me just one more interruption. Then I think I shall try to let him finish his speech without further interruption.

Mr. SMOOT. Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, the Senator from Utah [Mr. SMOOT] has just apparently squelched the Senator from Ohio [Mr. POMERENE] by asking him to name a single industry in the United States which pays lower wages at this time than the same industry in some other country. The sophism underlying it all is that he throws himself upon an undisputed and indisputable fact, and then assumes that the reason of it is that the particular industry has been protected. The trouble with his assumption is one which I will point out.

I shall now ask the Senator a question, and shall yield to him to answer it. My question will have reference to a time when we were Colonies, when we had no protective system, and when we were subject to industrial tyranny on the part of the mother country, at a time when, as the great Pitt said, "an American could not make a horseshoe."

I want to ask the Senator, and I want to give him six weeks in which to answer it, because I do not want to take any advantage of him right now, and I will give him a cheap two-dollar-and-a-half chromo if he can answer it in the affirmative, whether he knows during colonial times, when we were 13 Colonies of Great Britain, a single industry in the United States in which the laborers were on the average and as a rule not paid a higher wage than they were paid in Great Britain?

Mr. SMOOT. Mr. President, it will not take me six weeks or six minutes to answer that question.

Mr. WILLIAMS. Very well.

Mr. SMOOT. I know of a good many such industries; and I want to call attention to a report that was made to the Senate by the committee on the high cost of living. If the Senator will examine that report he will find out whether wages were not less in this country even at that time.

Mr. WILLIAMS. Prior to the Declaration of Independence?

Mr. SMOOT. Prior to the Declaration of Independence.

Mr. WILLIAMS. Less than they were in Great Britain?

Mr. SMOOT. Less than they were in Great Britain.

Mr. WILLIAMS. Or any other European country?

Mr. SMOOT. A hod carrier was not receiving the amount here that he was in Great Britain. A bricklayer was not receiving the amount here that he was in Great Britain. I do not know as to the cotton planter, but I doubt it very much.

Mr. WILLIAMS. There were no cotton planters then.

Mr. SMOOT. I mean, the people of the South.

Mr. WILLIAMS. The United States exported, I believe, 20 bales of cotton some years after the War of Independence.

Mr. SMOOT. I think, perhaps, the Senator is old enough to remember the time when the wage of the laboring man in the South was no higher than it was in England.

Mr. WILLIAMS. The wage of the laboring man in the South at that time was the wage of a slave, as a rule; that is, no wage in money measure at all. I am talking about the wages of the laboring man in that part of the United States where wages were paid.

Then the Senator has just made the assertion that he can find somewhere, somehow, the proof of the fact that in Colonial days there were higher wages in Great Britain than in America. I put against it, without knowing what his sources are and what he proposes to rely upon for a basis, my statement that he can not find it and that he can not prove it, and that it never existed as a fact.

Mr. LIPPITT. Mr. President——

Mr. WILLIAMS. Every man who came to America as a traveler, whether from France or from Great Britain, dwelt in his diary and the report of his travels in those days upon one salient fact, the high amount of pay received by common workmen. Every historian of any standing has referred since to the same fact.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. WILLIAMS. In one moment I shall yield. If any figures have been since originated by somebody or other for the purpose of proving the contrary, they were figures that did not exist at the time the conditions existed. It cost more in those days to hire a servant in an American household than it did in Great Britain. It cost more to hire a hostler. It cost more to hire a bricklayer. It cost more to hire a carpenter. Indeed, it is a well-known fact to everybody from the West that it costs more now in any comparatively unsettled new part of this country to hire a carpenter or bricklayer or house servant or farm laborer than it does in the well-settled parts of the country. Why? Because there is more work to be done and there are less skilled and unskilled laborers of that sort to do the work wanted.

What is the result, then, of the ratiocination along this line, as far as there is any? It is just simply this, that where you have a comparatively new country to compare with a comparatively old country the comparatively new country has more jobs to be done and less laborers to perform them, and the comparatively old country has more laborers to work and less work to be done. The former, therefore, by the law of demand and supply of work, pays higher and the latter lower wages for the work actually done.

Mr. LIPPITT. I should like to ask the Senator from Mississippi if he will not yield to me for just two or three minutes. I am anxious to leave the Chamber, and I should like to make a short statement, which I have been trying to make for nearly half an hour.

Mr. WILLIAMS. I do not know that the Senator is peculiarly unfortunate in that. Every now and then we are caught that way. I suppose he has got the habit as a manufacturer of thinking he ought to come in whenever he pleases; but I yield to him, anyhow, now.

Mr. LIPPITT. I will not delay the Senate more than two or three minutes.

Mr. WILLIAMS. Very well.

Mr. LIPPITT. Mr. President, there has been here under discussion the reply to a resolution which I introduced asking for information from the Department of Commerce in regard to the pamphlet upon tariff statistics which the Senator from Utah has discussed. In that pamphlet there were two very remarkable statements made. One was that it took five times as much horsepower to make American cotton goods as it did to make English cotton goods. The other was that it took five times as much labor in England to make American goods as it did in this country. One of those statements——

Mr. SHIVELY. Does the Senator mean, to make American goods in England?

Mr. LIPPITT. One was that it took five times as much horsepower in this country as in England; the other was that it took five times as much labor in England as in America. One of those statements was highly complimentary to the textile industries of this country. One of those statements was highly critical of the textile industries of this country.

From my general knowledge on this subject I could not believe that either of those statements was even remotely true, and if there was any evidence in support of it, I knew my constituents engaged in the industry would want very much to know the reason for it, that they might investigate it.

I therefore introduced a resolution asking the Secretary of Commerce to state whether or not those statements of his were

correct: and if so, upon what ground they were founded. He now sends in his reply, and the reply is that whereas there was in his original statement five times as much horsepower used in this country as in England, there is more horsepower used in England than there is in this country; and his reply in regard to the point that it takes five times as much labor in England as it does in this country to make the goods, is that the figure of 47 people, as used in connection with that statement, should have been 147; in other words, that it in reality takes nearly four times as many people to make these goods as he had originally stated.

Now, I am not disposed in any way to criticize the causes which led up to these misstatements. I simply wanted the facts stated as they should be, and not have this information sent broadcast over the country, to be used as it naturally would be.

I therefore merely wish to put on record the same day that the publication from the Secretary will be printed, and I ask that it be printed by itself and not in connection with anybody's remarks, as it has come to the Senate.

Mr. WILLIAMS. I shall object to that for I am sure the Senator from Utah desires——

Mr. LIPPITT. Then I ask that it be printed in connection with my remarks, Mr. President.

Mr. WILLIAMS. I shall object to that. The Senator from Utah brought it up, and the main part of his speech was a criticism of it; and I want it to appear in that connection.

Mr. LIPPITT. I have no objection to its appearing with the remarks of the Senator from Utah.

Mr. WILLIAMS. The Senator wants it to appear additional, in connection with his remarks?

Mr. LIPPITT. Additional.

Mr. WILLIAMS. All right; I have no objection to that.

Mr. LIPPITT. Therefore, I simply wanted to go on record with the report as now communicated to the Senate by the Secretary of Commerce, showing that it is entirely the opposite of the figures that appear in the pamphlet which gave rise to the resolution.

Mr. WILLIAMS. Now, Mr. President——

The VICE PRESIDENT. May the Chair inquire of the Senator from Rhode Island if he is aware of the fact that it is already ordered to be printed in the RECORD? Is it to appear three times?

Mr. LIPPITT. I suggested that it be so printed, and the Senator from Mississippi objected to its going into the RECORD as an independent document. If it is to go in as an independent document, I do not care to have it printed in connection with my remarks. If it is not to go in as an independent document I want it printed in connection with my remarks so that it may be clearly evident to anybody who peruses the RECORD.

Mr. WILLIAMS. I have no objection to printing it with the Senator's remarks.

The report referred to is as follows:

[Senate Document No. 134, Sixty-third Congress, first session.]

COTTON STATISTICS.

Letter from the Secretary of Commerce, transmitting a response to a Senate resolution of June 26, 1913:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 11, 1913.

SIR: By direction of the President, I have the honor to acknowledge receipt of the following resolution of the Senate, under date of June 26, 1913:

IN THE SENATE OF THE UNITED STATES,
June 26, 1913.

Resolved, That the Secretary of Commerce be directed to furnish, for the use of the Senate, detailed information—

First. To show how the figures referring to cotton goods in the table on page 39 of the report of the Department of Commerce entitled "Foreign Tariff Systems and Industrial Conditions" were obtained; and

Second. To establish, if possible, the correctness of the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom, and that 47 wage earners in the United States add as much to the value of cotton goods as 255 do in the United Kingdom.

Attest:

JAMES M. BAKER, *Secretary.*

The resolution was referred to the Bureau of Foreign and Domestic Commerce and to the Division of Foreign Tariffs therein, in which division the data to which the resolution refers were prepared, and their reply follows.

Before quoting it, however, permit me, in justice to my predecessors, by whom this work was authorized and by whose appointees the figures were gathered and the report prepared from beginning to end, to suggest what seems to be misapprehensions in the resolution itself adopted by the Senate. It may be stated also that the work was well advanced before the department came under my charge.

The resolution speaks of "the report of the Department of Commerce entitled 'Foreign Tariff Systems and Industrial Conditions.'" The Department of Commerce took no initiative with respect to this report. The publication bearing this title is a committee document published by the Committee on Ways and Means of the House of Representatives, containing a report prepared at the request of that committee by the Bureau of Foreign and Domestic Commerce, as the title of the pamphlet shows. The Committee on Ways and Means kindly gave to the Department of Commerce 150 copies of the pamphlet; a brief summary, a single page, prepared by the authors of the report, was given to the press by the department on May 13, 1913. No edition of the pamphlet was issued by the Department of Commerce.

The resolution mentions "the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom." If reference is made to page 39 of the pamphlet, this language does not quite accurately represent what there appears. It is stated in the table on page 39 that there are 504 horsepower capacity of engines in the United States for every $100,000 added by manufacture, and that there are 114 horsepower capacity of engines in the United Kingdom for every $100,000 added by manufacture. It is respectfully pointed out that the statement of the resolution that it "takes 504 horsepower in the United States to add the same value" as 114 horsepower in the United Kingdom is another and very different thing from the statement that there are 504 horsepower capacity of engines in the United States for the same value of output for which there are 114 horsepower capacity of engines in the United Kingdom. It is one thing to have the horsepower capacity exist; it is another and different thing to state that its full use is required for a certain result.

The Bureau of Foreign and Domestic Commerce, Division of Foreign Tariffs, advises:

"First. The figures shown in the table on page 39 of the report, with the exception of the last column, are averages based on the statistics presented in the table on pages 36–37. The method adopted for calculating the amount of wages in the United Kingdom, shown in the last column, is fully explained in the third paragraph on page 38.

"Second. The averages for the engine capacity in the United Kingdom and the number of wage earners in the United States for every $100,000 added by manufacture in the case of cotton goods are incorrect. For the former the correct amount, derived from the returns on page 36, is 571 horsepower and for the latter 147 wage earners."

The corrected statement should therefore be that there are 504 horsepower capacity of engines in the United States for every $100,000 added by manufacture as compared with 571 horsepower capacity of engines in the United Kingdom for every $100,000 added by manufacture, and that there are 147 wage earners in the United States for every $100,000 added by manufacture, as compared with 255 wage earners in the United Kingdom for every $100,000 added by manufacture. Justice to the Bureau of Foreign and Domestic Commerce requires me to point out that the printing of the figure 47, clearly a typographical or clerical error, may perhaps be accounted for by the repetition of the figure 47 in the second line above of the same column of the table.

In view of the corrections thus brought to the attention of the department a rigorous reexamination of all the statistics contained in the report of the Bureau of Foreign and Domestic Commerce to the Committee on Ways and Means were ordered. Several other purely clerical errors have been discovered, the more significant one being as follows: (1) Tin plate, capacity of engines in the United Kingdom 707 horsepower (instead of 105 horsepower) for every $100,000 added by manufacture; (2) butter, cheese, condensed milk, and oleomargarine, 112 (instead of 49) wage earners in Canada for every $100,000 added by manufacture, and $321 (instead of $141) as wages in Canada for every $1,000 added by manufacture. Neither has adverse bearing on the question of relative industrial efficiency in the United States.

As soon as the work of review is completed, such errata as exist will be communicated to the chairman of the Committee on Ways and Means, by whose direction the report was printed. The general comparisons shown on pages 41 and 42, under the heading of "Relative industrial efficiency," are not appreciably affected by any of the changes. Neither are the comparisons by industries, on page 39, modified to the disadvantage of the United States in respect to industrial efficiency, save in the change in the relation of wage earners in the cotton industry from 47 to 255 in favor of the United States to 147 to 255, also in favor of the United States.

Respectfully,

WILLIAM C. REDFIELD,
Secretary.

The PRESIDENT OF THE SENATE,
Washington, D. C.

Mr. WILLIAMS. Mr. President, I do not think there is anything in the world that poor, erring, fallible humanity has made so many mistakes about as in connection with the fact of mistaking a coincidence for cause and effect. Wages are higher in Australia than they are in Great Britain. Wages were for many years higher in New Zealand than they are in Great Britain. Wages for long years have been higher in Cape Colony than they have been in Great Britain. Yet New Zealand and Australia are protectionist colonies and Cape Colony was a free-trade colony and England is a free-trade country. Wages have been higher in England than they were in Germany, and yet Germany is next to the United States, and Russia, the most barbarous of all nations in connection with the prevalency of protectionism.

Now, then, when a man says that the reason why wages are higher in Great Britain than they are in Russia or Germany or France is because Great Britain is a free-trade country and Russia and Germany and France are protectionist, he simply makes a mistake or else he willfully makes a misstatement. The truth is that they are higher in England because the general standard of living of the English people is higher than of the people upon the Continent.

You frequently hear it said that high wages produce a high standard of living. The truth is that, as a rule, a higher standard of living—the people having once become accustomed to it—demands of necessity and obtains higher wages.

The next truth is that as a general proposition, although not always true, wages are high just in proportion as institutions are democratic. In using that word I do not mean democratic spelled with a big D of course, but with a little d. In other

words, just in proportion as the will of the people is asserted in government itself, it is also proportionately asserted in industrial life, and as a majority of the people are laborers, their will is asserted and they always will strike for higher wages. Just in proportion as the people are suppressed the laboring man is suppressed, and his wage suppressed with him. Just in proportion as institutions are popular the laboring man has labor rights which he may assert by strike or otherwise, and in proportion as he may assert them he obtains a higher wage, and in proportion as he can not or dare not assert his rights by strike or by ballot or otherwise, he receives lower wages.

Then, in addition and in the next place, wages, as a rule, are in inverse proportion to the price of fertile lands. Agriculture is the basic, natural business of man. A man is not going to work for a low wage if he can go out and buy cheap land or rent land cheaply. You can not press him in a factory if he can do that. Consequently, as a rule, in countries with cheap fertile lands, wages in factories are high, because a man demands it and can get it. He must have it or he will not work in the factory. That is the next principle.

The next principle is this, and I have stated this once before: Wherever there are two jobs hunting one man there are high wages. Whenever there are two men hunting one job there are low wages. In a new country which is industrially not developed but developing there are generally two jobs, or more than one, at any rate, hunting one laborer; and in an old developed country, depressed and worn out, especially if it be overridden by a burden of militarism and navalism and everything else, there will be found two men hunting one job, or at least more than one man hunting one job, and so wages are low.

Now, let us try to be honest with one another. The God's truth is that free trade does not increase wages; protectionalism does not increase wages. The next truth is that either may, and the next truth is that either may not. It depends upon other conditions entirely.

Now, here is Mississippi and here is Utah. Here is Alabama and here is North Dakota. They are living exactly under the same tariff tax laws; they are subject to precisely the same fiscal arrangements; they have precisely the same rights of popular government; and yet wages in North Dakota are about double what they are in Alabama, and wages in Utah for the same sort of work are about double what they are in Mississippi.

Now, why? Because Alabama and Mississippi comparatively are developed up to the ability of their peculiar sort of labor to develop them.

Now, what is the character of the labor? An inefficient, ignorant, uninitiative negro labor. So it is paid half as much because it is worth half as much as the labor of Utah or North Dakota; in fact, it is not worth half as much, to be still more paradoxical. It is better paid in proportion to what it is worth to the man who employs it than the man in North Dakota and Utah is. The tariff has nothing to do with it in either case.

Mr. SMOOT. Mr. President——

Mr. WILLIAMS. Tariff had nothing to do with American wages prior to the Revolution. Tariff had nothing to do with English wages prior to the Revolution. Tariff has nothing to do with the fact that English wages are higher now than wages in Germany or France. The tariff has nothing to do with the fact that wages in the Transvaal are higher than they are in various parts of Great Britain.

Mr. SMOOT. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Yes.

Mr. SMOOT. The Senator says that the tariff has nothing whatever to do with the wage that may be paid in Utah or with the wage that may be paid in Mississippi. I want to call his attention to the fact that as to the labor in Mississippi coming in contact with the labor in Utah, Mississippi does not produce what Utah produces; but the tariff has a great deal to do with the wage in Utah for this reason: Utah produces, we will say, lead.

Mr. WILLIAMS. I am not talking about lead. I am going to leave the protected interests out.

Mr. SMOOT. This is the only point in answer to the Senator. If there was no protection whatever on lead and it could be shipped into this country free, we could not pay the wage that is paid a miner—$3.50 to $4.75 a day—as against the labor in Spain; that is, about 50 or 60 cents a day, or the labor in Mexico, if conditions in that country were such that mining could go on uninterrupted, where wages of about 50 cents a day are paid.

Mr. WILLIAMS. Mr. President——

Mr. SMOOT. I only say to the Senator that it could not be done; we could not produce lead in this country.

Mr. WILLIAMS. I have heard that so frequently that I almost believe it.

Mr. SMOOT. The Senator may not believe it, but I know——

Mr. WILLIAMS. I have heard it so frequently that I almost believe it. You know the force of habit on the human mind. Now, Utah not only mines lead, but she mines copper, and copper is not protected, and the copper man receives the same wages as the lead man. But I was not talking about Utah's especial and protected industries.

Mr. SMOOT. Allow me——

Mr. WILLIAMS. Wait one moment. I was not talking about your protected industries.

Mr. SMOOT. That is all I am talking about.

Mr. WILLIAMS. I am talking about industries as compared with men. I was not talking about any industry as alone peculiar to you. Of course, you can not effect any comparison—any 14-year-old schoolboy ought to know that—between Utah and Mississippi upon a lead basis, because Mississippi does not produce any lead. I could not say what the wages in Mississippi, if we had lead, would be; but I can say that we hire men as hostlers and herders to attend our horses, cattle, and sheep. We raise corn, like you do; we raise oats, like you do; we cut hay, like you do; we hire general farm labor, like you do. We have cotton factories. I do not know whether you have or not. Have you?

Mr. SMOOT. No; we have no cotton factories.

Mr. WILLIAMS. We can not then compare that, but I bet if you had cotton factories your laborers in the cotton factories would be paid more highly than ours. In all the things where we can compare with one another, because of having like work, you pay a higher wage.

Mr. SMOOT. I do not know——

Mr. WILLIAMS. You pay more for bricklayers; you pay more for carpenters; you pay more for farm laborers. As far as the farm laborers are concerned and various of these other people, the Senator will remember that I brought a lot of that out before the Finance Committee when we were sitting on the question of Cuban reciprocity.

Now, I am trying to reenforce this fact, that the next great reason for the difference in labor is the efficiency of the labor itself. Mississippi has a much more fertile soil on the average than Utah. Her white population is equal to that of Utah in every possible respect. Her climate is superior to that of Utah, so far that the angels in heaven would not undertake to compare them.

Mr. SMOOT. The Senator has never been in Utah, Mr. President.

Mr. WILLIAMS. I passed through it once and that was enough for me.

Mr. SMOOT. Then he is a good judge if he passed through the State.

Mr. WILLIAMS. I passed through once and that was enough for me. We had to close down the windows most of the time to keep the alkali dust out of our throats; but up to that time there were a mighty few things that looked green to a Mississippian except a Mississippian himself, of course, in Utah. I suppose if I had gone among genuine Utah folks I would have felt green at any rate.

What is the only difference with regard to labor and wages between the two States? In Utah you have a live, wide-awake, intelligent, progressive, enterprising, initiative, and inventive white labor. In Mississippi we have an indolent, good-natured, careless, thriftless, happy-go-lucky negro labor. The white man spends 10 months thinking about his wife and children to where he spends 1 thinking about himself. He spends 10 minutes thinking about the future to where he spends 1 thinking about the present. He is building and building and building for wife and children and children's grandchildren. The negro is building for nothing except what he wants to eat to-day and some sort of an assurance of what he can eat during the balance of the month.

Do you want to know the real cause of American prosperity? It consists chiefly in these two things: First, hitherto in our history cheap, fertile land, in inverse ratio to which wages were fixed; and, in the second place, the fact that the most adventuresome, enterprising, and initiative people of all countries came here to make their homes—men who were not afraid to cut away from old ties; in the early days, men who were not

afraid to carry a plowhandle in one hand and a rifle in the other while they worked at achieving what? Not happiness for themselves—a fool knew that he could be happier in an English or Middle States village—but in working out a future heritage for their children and their children's children.

Then, with the democratic institutions, which had their birth in the woods, where one man was another man's equal provided he could handle the rifle and the ax equally well, came the disappearance of all caste, all rank, all authority, everything except the authority of reason as between man and man. So they built themselves up in Albemarle County, Va., and out in Vermont; down in Tennessee, and in Kentucky, and Ohio, across the river from one another.

The only superiority we have over other people is the fact that our sires were the men who were willing to take great big risks for their children, and, being thrown out into the world by themselves, without the aid of an industrial society, had to do everything. So, they had to be inventive, not because of superior intelligence but because of superior necessity. I will call the Senator's attention to the fact that just in proportion as this country is in that attitude to-day, wages are high in one section as compared with another.

Mr. SMOOT. The Senator's conclusions as to wages being high and low just in proportion as we have fertile lands to be developed——

Mr. WILLIAMS. And cheap lands.

Mr. SMOOT. Fertile and cheap lands to be developed by the people will hardly be justified, in my opinion, by the facts, for this reason: Twenty years ago there were in the United States more lands subject to entry than there are to-day, and 20 years ago wages were not so high as they are to-day.

Mr. WILLIAMS. I understand that; and wages have since increased.

Mr. SMOOT. Yes. So the Senator's conclusions——

Mr. WILLIAMS. The answer to that is very simple. While men have increased in number and land has grown in value, yet owing to the great inventiveness and initiative of the American people jobs have grown faster than either; work has grown faster than either; and it was growing faster than either from 1850 to 1860 under the lowest tariff this country has ever seen. By the way, if you will take that decade from the beginning to the end of it, it will compare favorably with any decade in which this country ever existed in industrial activities, in increased banking power, in the increased percentage of railroad facilities—of course the mileage did not compare with that at present or during the last few years, but the percentage of increase was immensely larger—the number of new farms opened, the number of new mines developed, the number of new factories opened, and what may surprise some of you is the fact that during the last half of that decade the part of the country showing the greatest advance, as compared with itself previously, was the South, which since that time has lagged comparatively.

Mr. President, I did not intend to break into this discussion. The Senator from Virginia [Mr. MARTIN] just a moment ago asked me if I were going to take up a lot of time discussing the tariff instead of getting a vote as soon as we could, and I said "No"; but I simply could not resist when I saw the confidence, the aplomb, the nonchalance, the intellectual certainty of my friend the Senator from Utah [Mr. SMOOT]. It reminds me a little of what Lord Mansfield said about Thomas Babington Macaulay. He said, "If I were as cocksure of one thing in the world as Thomas Babington Macaulay is of everything, I would be the happiest man of my acquaintance." The Senator must get over the idea that people who differ with him do not know anything. For the most part they do not, but it is not because they differ from him; it is because, for the most part, humanity does not know much anyway. Very few of us do, and I will frankly confess that after a study of this tariff question the more we study it the greater our consciousness of our ignorance grows. If the Senator from Utah is not prepared to confess that, I am so far as I am concerned. Let us not be too sure now of our intellectual superiority to one another.

Mr. SMOOT. Mr. President, I do not want to go unchallenged the remarks of the Senator from Mississippi, wherein he intimates that I have said at any time, here or elsewhere, that no one knows anything. That is a conclusion the Senator draws, but it is not what I have said.

Mr. WILLIAMS. I will tell the Senator why I said that, and then he may explain it. It was because, in attacking this report to which he has referred, he turned to some one—I forget to whom—and said: "Anybody who knew anything about anything, or about conditions in England, knew better than to believe the statements contained in that report." The men who prepared the report were sincere, men who were trying to arrive at the truth.

Mr. SMOOT. But they admit it is not correct.

Mr. WILLIAMS. They have admitted two errors in the report, as I understand.

Mr. SMOOT. Oh, there are more than that, as the Senator will see if he will read the report.

Mr. WILLIAMS. Very well; I have heard of but two.

Mr. SMOOT. Mr. President, I desire to say, in explanation, that I am positive that if the Senator from Mississippi had picked up the report and read the statement there that 47 people in the United States could make $100,000 worth of cotton goods, which it required 255 people in England the same time to make, he would know that it was not true.

Mr. WILLIAMS. I would have known that it was a misprint, and I would not have required any information of anybody to inform me of that fact.

Mr. SMOOT. And that is all I said.

Mr. POMERENE. Mr. President, I have before me a copy of the CONGRESSIONAL RECORD of May 13, 1913, which contains a quotation from the report of the British Board of Trade on the wage question in 1904, volume 1, page 280. Without stopping to read it, I ask permission of the Senate to incorporate it in my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission to do so is granted.

The matter referred to is as follows:

At the outset it should be understood that the problem of comparing the average level of wages of the different countries is a very difficult and complex one, not only because of the defects of the data, but also because of the essential ambiguity of the problem itself.

1. We may approach the question of comparative wages from two entirely different points of view, leading to divergent and sometimes even to opposite conclusions. We may either seek to compare the material well-being of the wage earners or the wages cost of a given amount of work.

From the former point of view we are mainly interested in the average money income of the wage-earning population, modified, of course, by differences in cost of living, but irrespective of differences in the efficiency of labor. If a bricklayer in France earns half the wages of a bricklayer in America, we should say his money wages were half as great, although conceivably the American might lay so many more bricks per hour that his labor might be even cheaper to his employer. From the second point of view we are interested, not in the weekly income of the laborer, but in his wages regarded as an item in the cost of production, i. e., the wages cost of hewing a ton of coal, spinning a pound of yarn, or laying a hundred bricks, of course under identical conditions.

How entirely divergent are the above two methods of comparison will be realized from the fact that competent American economists are of the opinion that in the United States the average "labor cost" of a given volume of production is at least as low in Europe, if not lower, while the average income of the working classes is certainly higher in America than in any European country. However this may be, it is clear that the real cost of labor varies much less from country to country than the level of weekly wages or of yearly earnings, and that a high labor cost is compatible with low wages, and vice versa, owing to the variations in the efficiency of labor.

Mr. POMERENE. Mr. President, I also desire to add as a part of my remarks merely a paragraph from the Census Report on Manufactures for the year 1902, part 1, page 61. I ask permission to have that inserted in my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission to do so is granted.

The matter referred to is as follows:

He (Mulhall) estimated £107, or about $500, for Great Britain in 1894 and £270, or about $1,300, for the United States, the latter being nearly three times the English average. In 1900 the census shows an average product per wage earner of $2,450, nearly five times Mr. Mulhall's estimate for Great Britain.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

HOUR OF DAILY MEETING.

On motion of Mr. KERN, it was

Ordered, That hereafter the daily sessions of the Senate be 12 o'clock noon until otherwise ordered.

Mr. BACON. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 19, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 18, 1913.

MEMBER OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

Joseph C. Sheehy, of the District of Columbia, to be a member of the Excise Board for the District of Columbia for a term of one year from July 1, 1913.

COMMISSION OF MEDIATION AND CONCILIATION.

William L. Chambers, of the District of Columbia, to be Commissioner of Mediation and Conciliation, as provided for in the

act approved July 15, 1913, entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees."

G. W. W. Hanger, of the District of Columbia, to be Assistant Commissioner of Mediation and Conciliation, as provided for in the act approved July 15, 1913, entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees."

MINISTER.

Charles S. Hartman, of Montana, to be envoy extraordinary and minister plenipotentiary of the United States of America to Ecuador, vice Montgomery Schuyler, jr.

UNITED STATES DISTRICT JUDGE.

Maurice T. Dooling, of California, to be United States district judge for the northern district of California, vice John J. De Haven, deceased.

UNITED STATES ATTORNEYS.

Albert Schoonover, of California, to be United States attorney for the southern district of California, vice A. I. McCormick, whose term has expired.

James C. Wilson, of Texas, to be United States attorney for the northern district of Texas, vice William H. Atwell, whose resignation has been accepted.

UNITED STATES MARSHALS.

Joseph S. Davis, of Georgia, to be United States marshal for the southern district of Georgia, vice George F. White, whose term has expired.

John Montag, of Oregon, to be United States marshal for the district of Oregon, vice Leslie M. Scott, who is serving under appointment by the United States district court.

RECEIVER OF PUBLIC MONEYS.

Le Roy E. Cummings, of South Dakota, to be receiver of public moneys at Pierre, S. Dak., vice Douglas W. Marsh, term expired.

PROMOTION IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Neb B. Rehkopf, First Field Artillery, to be captain from July 11, 1913, vice Capt. James H. Bryson, First Field Artillery, detailed in the Quartermaster Corps on that date.

APPOINTMENT IN THE ARMY.

FIELD ARTILLERY ARM.

Joe Eikel, of Texas, late midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from July 14, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 18, 1913.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Robert T. Menner to be a lieutenant commander.

Asst. Surg. Joseph J. A. McMullin to be a passed assistant surgeon.

Carpenter Theodore H. Scharf to be a chief carpenter.

The following-named ensigns to be lieutenants (junior grade):

Richmond K. Turner.
Henry F. D. Davis.
Eugene E. Wilson.
Francis T. Chew.
William R. Munroe.
John F. Shafroth, jr.
Walter L. Heiberg.
Charles L. Best.
Allan G. Olson.
John C. Jennings.

The following-named citizens to be assistant surgeons, Medical Reserve Corps:

William H. Massey.
David S. Hillis.

COLLECTOR OF INTERNAL REVENUE.

Hubert L. Bolen to be collector of internal revenue for the district of Oklahoma.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

ASSISTANT SURGEONS.

Joseph Bolten.
Robert Clarence Derivaux.
John Sebastian Ruoff.
Tully Joseph Liddell.
Harry Clinton Cody.
Walter Lewis Treadway.

POSTMASTERS.

FLORIDA.

Samuel M. Wilson, Bartow.

IDAHO.

H. E. King, Nampa.

IOWA.

L. H. Brede, Dubuque.

NORTH DAKOTA.

Sophie Sherman, Donnybrook.

OHIO.

William H. Beam, Ansonia.
J. H. Connor, West Union.
Charles H. Hackett, Yellow Springs.

TEXAS.

W. L. Coleman, Alpine.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 18, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O righteous God, in whom is all wisdom, power, and goodness, help us, we beseech Thee, to subdue the evil within us, to strengthen and accentuate the good, that we may increase the confidence of our fellows in our integrity and thus widen the sphere of our activities, and have a closer walk with Thee. That our ways may be ways of usefulness and all our paths be paths of peace, that we may praise and magnify Thy holy name, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of Tuesday, July 15, 1913, was read and approved.

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. I understand there are one or two little matters that may come up at that time under suspension of the rules, particularly one about the extension of time for buildings.

Mr. MANN. Mr. Speaker, why not make it Tuesday? That matter could be called up at any time.

Mr. UNDERWOOD. I wanted particularly to accommodate the gentleman from New Jersey [Mr. McCOY] about a public building, about which there is urgent necessity.

Mr. MANN. As far as I am concerned, I am perfectly willing to pass the bill now.

Mr. McCOY. Mr. Speaker, if it would be possible to get unanimous consent to modify the special order that was made on Tuesday last, so that the call of committees could be taken up, I presume that my bill could come in in that way, and then the other matter could come in later.

Mr. MANN. The call of committees would be the regular order on Tuesday in any event. I suggest to the gentleman from Alabama that he make Tuesday suspension day.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that Tuesday next may be suspension day, in lieu of Monday next, and that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next, and that Tuesday next be substituted in lieu of Monday for suspension day. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 58. Joint resolution authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 58. Joint resolution authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J.; to the Committee on Naval Affairs.

MONROE DOCTRINE.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Monroe doctrine.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENT. Mr. Speaker, in asking unanimous consent to extend my remarks in the RECORD, I wish to be of service to the Congress and to the people of the United States, by bringing to their attention a remarkably thoughtful and able essay on "The Monroe doctrine: An obsolete shibboleth," printed in the Atlantic Monthly, June, 1913.

The author, Hiram Bingham, Ph. D., professor of Latin-American history and curator of the collection on Latin America at Yale, is an archæologist of note, a man brought up in sympathetic association with different races of men, and whose great work in exploration has made him especially familiar with the people of the South American Continent and with their point of view. I commend a careful reading of his statement to all those who, as Members of the National Legislature, must soon face definite issues that concern this dictum, which is neither international law nor doctrine, but merely an expression of our own views, a statement of our intentions, which can only be enforced upon others by the power of arms.

The article is as follows:

"THE MONROE DOCTRINE: AN OBSOLETE SHIBBOLETH.

"(By Hiram Bingham.)

"I.

"'The American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by European powers. * * * We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. * * *'

"Thus, in 1823, did President James Monroe, acting under the influence of his able Secretary of State, John Quincy Adams, enunciate a doctrine which has been the most universally accepted foreign policy that we have ever had. No one questions the fact that the enunciation of this policy of 'America for Americans,' and our firm adherence to it for so many years has had a very decided effect upon the history of the Western Hemisphere.

"There have been times when ambitious European monarchs would have liked nothing better than to help themselves to poorly defended territory in what is now termed Latin America. When the doctrine was originated the Holy Alliance in Europe was contemplating the overthrow of republican government in Spain, and unquestionably looked with extreme aversion at the new Republics in South and Central America, whose independence we were hastily recognizing. Russia was reaching out beyond Alaska. The firm declaration of this policy of exclusion, backed up by England's attitude toward the Holy Alliance, undoubtedly operated to give the American Republics sufficient breathing space to enable them to get on their feet and begin the difficult process of working out their own salvation, a process which was rendered all the more difficult by reason of Hispanic racial tendencies, of centuries of autocratic colonial government, and of geographical conditions which made transportation and social intercourse extremely arduous.

"Journeys across Peru even to-day may be beset with more difficulties than were journeys from Mississippi to California 60 years ago—before the railroads. It still takes longer to go from Lima, the capital of Peru, to Iquitos, the capital of Peru's largest Province, and one which the Putumayo atrocities have recently brought vividly to our notice, than it does to go from London to Honolulu.

"Had it not been for the Monroe doctrine the American Republics would have found it very much more difficult to maintain their independence during the first three-quarters of a century of their career. And this notwithstanding the fact that the actual words 'Monroe doctrine' were rarely heard or seen.

"In 1845, without mentioning this shibboleth by name, President Polk declared that the United States would not permit any European intervention on the North American Continent. This, as Prof. Coolidge has brought out (see, for an able exposition of the Monroe doctrine, Prof. A. C. Coolidge's The United States as a World Power (Macmillan).—The Editors), pushed the theory further than it has been carried out in practice, although it restricted the original idea by leaving South America out of account.

"A few years later, while we were engaged in civil war, Napoleon III attempted to set up a European monarch in Mexico. Scarcely had we recovered, however, from the throes of our great conflict when Mr. Seward took up with the French Government the necessity for the withdrawal of the French troops from Maximilian's support. Here we were acting strongly in accordance with the best traditions of the Monroe doctrine, and yet the mysterious words were not employed in the correspondence.

"In fact, while it was generally understood that we would not countenance any European interference in the affairs of North and South America, it was not until 1895, during the second administration of President Cleveland, that a Secretary of State thought it expedient or necessary to restate the Monroe doctrine and to bring us to the verge of a European war by backing it up with an absolutely uncompromising attitude. Venezuela had had a long-standing boundary dispute with British Guiana. Nobody cared very much either way until it was discovered that in the disputed territory were rich gold fields. In the excitement which ensued the Venezuelans appealed to the United States, and Secretary Olney, invoking the Monroe doctrine, brought matters to a crisis.

"Our defiant attitude toward Great Britain astonished the world and greatly pleased the majority of American citizens. The very fact that we had not the slightest personal interest in the paltry 60,000 square miles of jungle southeast of the Orinoco added to our self-esteem. It raised our patriotism to the highest pitch when we realized that we were willing to go to war with the most powerful nation in Europe rather than see her refuse to arbitrate her right to her ancient possession of a little strip of tropical forest with a Government which was not in existence when England took British Guiana, but which was an 'American Republic.' Fortunately for us Lord Salisbury had a fairly good sense of humor and declined to take the matter too seriously. Instead of standing, in the proverbial British manner, strictly for his honor and his rights, he politely ignored the boundary commission which we had impetuously called into existence, and, dealing directly with his neighbor Venezuela, arranged for an international court of arbitration.

"In our exuberance over the success of Mr. Olney's bold and unselfish enunciation of the Monroe doctrine we failed to realize several aspects of this question.

"In the first place, we had proudly declared the Monroe doctrine to be a part of international law, failing to distinguish between law and policy.

"In the second place, we had assumed a new theorem. In the words of Mr. Olney: 'The States of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States.'

"A few years earlier the then Secretary of State, Blaine, had brought into existence the International Union of American Republics and had enunciated the doctrine of pan-Americanism, which has glowed more or less cheerfully ever since.

"Mr. Olney's words recognized this doctrine. But when he gave 'geographical proximity' as one of the reasons for this pan-American alliance he overlooked the fact that the largest cities of South America are geographically nearer to Spain and Portugal than to New York and New England. He failed to consider that the rich east coast of South America is no farther from Europe than it is from Florida, and that so far as the west coast is concerned, it actually takes longer to travel from Valparaiso, the chief South American west coast port, to San Francisco, the chief North American west coast port, than it does to go from Valparaiso to London. Peru is as far from Puget Sound as it is from Labrador.

"Most of our statesmen studied geography when they were in the grammar school and have rarely looked at a world atlas since. In other words, we began the new development of the Monroe doctrine with a false idea of the geographical basis of the pan-American alliance.

"Furthermore, the new Monroe doctrine was established on another false idea, the existence of 'natural sympathy' between South and North America. As a matter of fact, instances might easily be multiplied to show that our South American neighbors have far more natural sympathy for, and regard themselves as much more nearly akin to, the Latin races of Europe than to the cosmopolitan people of the United States.

"How Spain feels was shown recently in the case of a distinguished Spanish professor who was able to find time to make an extended journey through Latin America, urging pan-Hispanism, but could find no time to make an extended journey through the cities of the United States, although offered lavish hospitality and considerable honorariums. How Brazil feels was seen a few years ago in Rio de Janeiro, when Brazil was holding a national exposition. Each State of that great Republic had a building of its own, but no foreign nations were represented except Portugal, the mother country, which had her own building.

"Of the difficulties of establishing any kind of an alliance between ourselves and the South American Republics no one who has traveled in South America can be ignorant. As has been well said by a recent Peruvian writer: 'Essential points of difference separate the two Americas—differences of language, and therefore of spirit; the difference between Spanish Catholicism and the multiform Protestantism of the Anglo-Saxons; between the Yankee individualism and the omnipotence of the state natural to the South. In their origin, as in their race, we find fundamental antagonisms. The evolution of the north is slow and obedient to the lessons of time, to the influences of custom; the history of the southern peoples is full of revolution, rich with dreams of an unattainable perfection.'

"One of the things which make it, and will continue to make it, difficult for us to treat fairly with our southern neighbors is our racial prejudice against the half-breed. As Señor Calderon bluntly says, 'Half-breeds and their descendants govern the Latin-American Republics'; and it is a well-known fact that this leads to contempt on the part of the average Anglo-Saxon. Such a state of affairs shows the difficulty of assuming that pan-Americanism is axiomatic, and of basing the logical growth of the Monroe doctrine on 'natural sympathy.'

"In the third place, the new form of the Monroe doctrine declared, in the words of Secretary Olney, that the 'United States is practically sovereign on this continent.' This at once aroused the antagonism and the fear of those very southern neighbors who, in another sentence, he had endeavored to prove were 'friends and allies, commercially and politically, of the United States.'

"Less than three years after the enunciation of the new Monroe doctrine we were at war with Spain. The progress of the war in Cuba and the Spanish colonies was followed in South America with the keenest interest. How profoundly it would have surprised the great American public to realize that while we were spending blood and treasure to secure the independence of another American Republic, our neighbors in Buenos Aires were indulging in the most severe and caustic criticism of our motives! This attitude can be appreciated only by those who have compared the cartoons published week after week during the progress of the war in this country and in Argentina. In the one, Uncle Sam is pictured as a benevolent giant saving the poor maid Cuba from the jaws of the ferocious dragon, Gen. Weyler, and his cruel mistress in Spain. In the other, Uncle Sam, in the guise of a fat hog, is engaged in besmirching the fair garments of the Queen of Spain in his violent efforts to gobble up her few American possessions. Representations of our actions in the Philippines are in such disgusting form that it would not be desirable to attempt to describe some of the Argentine cartoons touching upon that subject.

"Our neighbors felt that a decided change had come over the Monroe doctrine. In 1823 we had declared that 'with the existing colonies or dependencies of any European power we have not interfered, and shall not interfere' (so runs the original Monroe doctrine). In 1898 we not only interfered, but actually took away all of Spain's colonies and dependencies, freeing Cuba and retaining for ourselves Porto Rico, Guam, and the Philippines.

"Without for a moment wishing to enter into a discussion of the wisdom of our actions, I desire to emphasize the tremendous difference between the old and the new Monroe doctrine. This is not a case of theories and arguments, but of deeds. What are the facts?

"In 1895 we declare that we are practically sovereign on this continent; in 1898 we take a rich American island from a European power; and in 1903 we go through the form of preventing a South American Republic from subduing a revolution in one of her distant Provinces, and eventually take a strip of that Province because we believe we owe it to the world to build the Panama Canal. Again, let it be clear that I am not interested at this point in defending or attacking our actions in any of these cases; I merely desire to state what has happened and to show some of the fruits of the new Monroe doctrine. 'By their fruits ye shall know them.'

"Another one of the 'fruits' which has not escaped the attention of our neighbors in South America is our intervention in Santo Domingo, which, although it may be an excellent thing for the people of that island, has undoubtedly interfered with their right to do as they please with their own money.

"Furthermore, within the past three years we have twice landed troops in Central America and taken an active part by way of interfering in local politics. We believed that the conditions were so bad as to justify us in carrying out the new Monroe doctrine by aiding one side in a local revolution.

"Of our armed intervention in Cuba it is scarcely necessary to speak, except to refer in passing to the newspaper story, credited and believed in Cuba, that if American troops are again obliged to intervene in the political life of that country they will not be withdrawn, as has been the practice in the past.

"The menace of intervention, armed intervention, the threatened presence of machine guns and American marines have repeatedly been used by Latin-American politicians in their endeavors to keep the peace in their own countries. And we have done enough of that sort of thing to make it evident to disinterested observers that the new Monroe doctrine, our present policy, is to act as international policeman, or at least as an elder brother with a big stick, whenever the little fellows get too fresh.

"Is this doctrine worth while?

"Let us see what it involves, first, from the European; second, from the Latin-American point of view.

"II.

"By letting it be known in Europe that we shall not tolerate any European intervention or the landing of European troops on the sacred soil of the American Republics, we assume all responsibility. We have declared, in the words of Secretary Olney, that the United States is 'practically sovereign on this continent, and that its fiat is law upon the subject to which it confines its interposition.' Therefore European countries have the right to look to us to do that which we prevent them from doing. A curious result of this is that some of the American Republics float loans in Europe, believing that the United States will not allow the Governments of their European creditors forcibly to collect these loans.

"Personally I believe that it ought to be an adopted principle of international law that the armed intervention of creditor nations to collect bad debts on behalf of their bankers and bondholders is forbidden. If this principle were clearly understood and accepted, these bankers and underwriters would be far more particular to whom they lent any great amount of money and under what conditions. They would not be willing to take the risks which they now take, and many unfortunate financial tangles would never have a beginning. It is natural for a Republic which has great undeveloped resources, much optimism, and a disregard of existing human handicaps, to desire to borrow large amounts of money in order to build expensive railroads and carry out desirable public improvements. It is equally natural that capitalists seeking good interest rates and secure investments, should depend on the fact that if the debtor country attempts to default on its national loans, the Government of the creditors will intervene with a strong arm. It is natural that the money should be forthcoming, even though a thorough, businesslike, and scientific investigation of the possessions and resources of the borrowing nation might show that the chances of her being able to pay interest, and eventually to return the capital, were highly problematical and to be reckoned as very high risks.

"Millions of dollars of such loans have been made in the past. It is perfectly evident that many of these loans can not be repaid; that the time is coming when the creditor nations will look to us as the policeman or 'elder brother' of the Western Hemisphere to see to it that the little boys pay for the candy and sweetmeats they have eaten. Is it worth while that we should do this?

"One can not dodge the truth that the continuation of our support of this doctrine implies that we will undertake to be responsible for the good behavior of all of the American nations. If we are the big brother with the club, who will not permit any outsider to spank our irritating or troublesome younger brothers, we must accept the natural corollary of keeping them in order ourselves, for we can not allow the American family to become a nuisance, and some members of it have a decided tendency in that direction. Is this task worth while? Will it not cost more than it is worth? Is there not a better way out of the difficulty?

"Furthermore Europe knows that in order to continue to execute our self-imposed and responsible mission we must run counter to the most approved principles of the law of nations.

"The right of independence is so fundamental and so well established a principle of international law, and respect for it is so essential to the existence of national self-restraint, that armed intervention, or any other action or policy tending to place that right in a subordinate position, is properly looked upon with disfavor, not only in Latin America, but by all the family of civilized nations. The grounds upon which intervention is permitted in international law differ according to the authority one consults, but in general they are limited to the right of self-preservation, to averting danger to the intervening State, and to the duty of fulfilling engagements. When, however, the danger against which intervention is directed is the consequence of the prevalence of ideas which are opposed to the views held by the intervening State, most authorities believe that intervention ceases to be legitimate. To say that we have the right to intervene in order to modify another State's attitude toward revolutions is to ignore the fundamental principle that the right of every State to live its life in a given way is precisely equal to that of another State to live its life in another way.

"In the last analysis no intervention is legal except for the purpose of self-preservation, unless a breach of international law has taken place or unless the family of civilized States concur in authorizing it.

"If, then, our adherence to the Monroe doctrine means practically disregard of the principles of the accepted law of nations, is it worth while to continue? Why should we not abandon the Monroe doctrine, and publicly disclaim any desire on our part to interfere in the domestic quarrels of our neighbors? Why should we not publicly state to Europe that we shall not intervene except at the request of a Pan American Congress, and then only in case we are one of the members which such a Congress selects for the specific purpose of quieting a certain troublesome neighbor?

"III.

"From the Latin-American point of view, the continuance of the Monroe doctrine is insulting, and is bound to involve us in serious difficulties with our neighbors. We seem to be blind to actual conditions in the largest and most important parts of Latin America, such as Brazil, Argentina, and Chile. We need to arouse the average citizen to study the commercial situation and the recent history of those three Republics. Let him ponder on the meaning of Brazil's $100,000,000 of balance of trade in her favor. Let him realize the enormous extent of Argentina's recent growth and her ability to supply the world with wheat, corn, beef, and mutton. (In 1912 Argentina's exports amounted to $480,000,000, of which $200,000,000 represented wheat and corn and $188,000,000 pastoral products.—The Author.) Let him examine Chile's political and economic stability. Let him ponder whether or not these nations are fit to take care of themselves, and are worthy of being included in an alliance to preserve America for the Americans, if that is worth while, and if there is any danger from Europe. Let him ask himself whether or not the A B C powers—that is, the Argentine, Brazilian, and Chilean Governments—deserve our patronizing, we-will-protect-you-from-Europe attitude.

"The fact is we are woefully ignorant of the actual conditions in the leading American Republics. To the inhabitants of those countries the very idea of the existence of the Monroe doctrine is not only distasteful but positively insulting. It is leading them on the road toward what is known as the 'A B C' policy, a kind of triple alliance between Argentina, Brazil, and Chile, with the definite object of opposing the encroachments of the United States. They feel that they must do something to counteract that well-known willingness of the American people to find good and sufficient reasons for interfering and intervening; for example, for taking Porto Rico from Spain, for sending armies into Cuba, for handling the customs receipts of Santo Domingo, for taking a strip of territory which (South Americans believe) belongs to the Republic of Colombia, for sending troops into Nicaragua, and for mobilizing an army on the Mexican frontier. (In regard to the latter point it may be stated, in passing, that it is not the custom for South American nations to mobilize an army on a neighbor's frontier merely because that country is engaged in civil war or revolution.)

"To the 'A B C' powers even the original Monroe doctrine is regarded as long since outgrown and as being at present merely a display of insolence and conceit on our part. With Brazil now owning the largest dreadnoughts in the world; with Argentina and Chile building equally good ones; with the fact that the European nations have long since lost their tendency toward monarchical despotism and are in fact quite as democratic as many American Republics, it does seem a bit ridiculous for us to pretend that the Monroe doctrine is a necessary element in our foreign policy.

"If we still fear European aggression and desire to prevent a partition of South America on the lines of the partition of Africa, let us bury the Monroe doctrine and declare an entirely new policy—a policy that is based on intelligent appreciation of the present status of the leading American powers; let us declare our desire to join with the 'A B C' powers in protecting the weaker parts of America against any imaginable aggressions on the part of European or Asiatic nations.

"Some people think that the most natural outlet for the crowded Asiatic nations is to be found in South America, and that Japan and China will soon be knocking most loudly for the admission which is at present denied them. If we decide that they should enter, well and good; but if we decide against such a policy, we shall be in a much stronger position to carry out that plan if we have united with the 'A B C' powers.

"If these 'A B C' powers dislike and despise our maintenance of the old Monroe doctrine, it is not difficult to conceive how much more they must resent the new one. The very thought that we, proud in the consciousness of our own self-righteousness, sit here with a smile on our faces and a big stick in our hands, ready to chastise any of the American Republics that do not behave, fairly makes their blood boil. It may be denied that this is our attitude. Grant that it is not, still our neighbors believe that it is, and if we desire to convince them of the contrary we must definitely and publicly abandon the Monroe doctrine and enunciate a new kind of foreign policy.

"We ought not to be blind to the fact that there are clever authors residing in Europe who take the utmost pains to make the Latin Americans believe—what they are unfortunately only too willing to believe—that we desire to be not only practically but actually sovereign on the Western Hemisphere. A recent French writer, Maurice de Waleffe, writing on The Fair Land of Central America, begins his book with this startling announcement of a discovery he has made:

"'The United States have made up their mind to conquer South America. Washington aspires to become the capital of an enormous empire, comprising, with the exception of Canada, the whole of the New World. Eighty million Yankees want to annex not only 40,000,000 Spanish-Americans but such mines, forests, and agricultural riches as can be found nowhere else on the face of the globe.'

"Most of us, when we read those words, smile, knowing that they are not true; yet that does not affect the fact that the Latin American, when he reads them, gnashes his teeth and believes that they are only too true. If he belongs to one of the larger Republics, it makes him toss his head angrily and increases his hatred toward those 'Yankis,' whose manners he despises. If he belongs to one of the smaller Republics, his soul is filled with fear mingled with hatred, and he sullenly awaits the day when he shall have to defend his State against the Yankee invaders. In every case the effect produced is contrary to the spirit of peace and harmony.

"In another book, which is attracting wide attention and was written by a young Peruvian diplomatist, there is a chapter entitled 'The North American Peril,' and it begins with these significant words: 'To save themselves from Yankee imperialism, the American democracies would almost accept a German alliance or the aid of Japanese arms; everywhere the Americans of the north are feared. In the Antilles and in Central America hostility against the Anglo-Saxon invaders assumes the character of a Latin crusade.' This is a statement not of a theory, but of a condition set forth by a man who, while somewhat severe in his criticism of North American culture, is not unfriendly to the United States, and who remembers what his country owes to us. Yet he asserts that in the United States 'against the policy of respect for Latin liberties are ranged the instincts of a triumphant plutocracy.'

"The strident protest in this book has not gone out without finding a ready echo in South America. Even in Peru, long our best friend on the southern continent, the leading daily papers have during the past year shown an increasing tendency to criticize our actions and suspect our motives. Their suspicion goes so far as actually to turn friendly words against us. Last September a successful American diplomat, addressing a distinguished gathering of manufacturers in New York, was quoted all over South America as stating that the United States did not desire territorial expansion, but only commercial, and that the association should combat all idea of territorial expansion if any statesman proposed it, as this was the only way to gain the confidence of South America. This remark was treated as evidence of Machiavelian politics. One journalist excitedly

exclaimed, 'Who does not see in this paternal interest a brutal and cynical sarcasm? Who talks of confidence when one of the most thoughtful South American authorities, Francisco Garcia Calderon, gives us once more the cry, no longer premature, "Let us be alert and on our guard against Yankeeism."'

"Even the agitation against the Putumayo atrocities is misunderstood. 'To no one is it a secret,' says one Latin-American writer, 'that all these scandalous accusations only serve to conceal the vehement desire to impress American and English influence on the politics of the small countries of South America; and they can scarcely cover the shame of the utilitarian end that lies behind it all.'

"Another instance of the attitude of the Latin-American press is shown in a recent article in one of the leading daily papers in Lima, the Government organ. In the middle of its front page in a two-column space is an article with these headlines: 'North American excesses—The terrible lynchings—And they talk of the Putumayo!' The gist of the article may easily be imagined. It begins with these words: 'While the Saxons of the world are producing a deafening cry over the crimes of the Putumayo, imagining them to be like a dance of death, and giving free rein to such imaginings; while the American Government resolves to send a commission that may investigate what atrocities are committed in those regions, there was published, as regards the United States, in La Razón, of Buenos Aires, a fortnight ago the following note, significant of the "lofty civilization and high justice" of the great Republic of the north.' Here follows a press dispatch describing one of the terrible lynchings which only too often happen in the United States. Then the Peruvian editor goes on to say, 'Do we realize that in the full twentieth century, when there is not left a single country in the world whose inhabitants are permitted to supersede justice by summary punishment, there are repeatedly taking place, almost daily, in the United States lynchings like that of which we are told in the telegraphic dispatch?'

"IV.

"Is it worth our while to heed the 'writing on the wall'?

"Is it not true that it is the present tendency of the Monroe doctrine to claim that the United States is to do whatever seems to the United States good and proper so far as the Western Hemisphere is concerned? Is there not a dangerous tendency in our country to believe so far in our own rectitude that we may be excused from any restrictions, either in the law of nations or in our treaty obligations, that seem unjust, trivial, or inconvenient, notwithstanding the established practices of civilized nations? Our attitude on the Panama tolls question, our former disregard of treaty rights with China, and our willingness to read into or read out of existing treaties whatever seems to us right and proper have aroused deep-seated suspicion in our southern neighbors, which, it seems to me, we should endeavor to eradicate if we have our own highest good at heart.

"Are we not too much in the state of mind of Citizen Fix-it, who was more concerned with suppressing the noisy quarrels of his neighbors than with quietly solving his own domestic difficulties? Could we see ourselves as our southern neighbors see us in the columns of their daily press, where the emphasis is still on the prevalence of murder in the United States, the astonishing continuance of lynching, the freedom from punishment of the vast majority of those who commit murder, our growing disregard of the rights of others, bomb outrages, strikes, riots, labor difficulties—could we see these things with their eyes, we should realize how bitterly they resent our assumed right to intervene when they misbehave themselves or when a local revolution becomes particularly noisy.

"So firmly fixed in the Latin-American mind is the idea that our foreign policy to-day means intervention and interference that comments on the splendid sanitary work being done at Panama by Col. Gorgas are tainted with this idea.

"On the west coast of South America there is a pesthole called Guayaquil, which, as Ambassador Bryce says, 'enjoys the reputation of being the pesthouse of the continent, rivaling for the prevalence and malignity of its malarial fevers such dens of disease as Fontesvilla on the Pungwe River in South Africa and the Guinea coast itself, and adding to these the more swift and deadly yellow fever, which has now been practically extirpated from every other part of South America except the banks of the Amazon. * * * It seems to be high time that efforts should be made to improve conditions at a place whose development is so essential to the development of Ecuador itself.' Recent efforts on the part of far-sighted Ecuadorian statesmen to remedy these conditions by employing American sanitary engineers and taking advantage of the offers of American capital were received by the Ecuadorian populace so ill as to cause the fall of the cabinet and the disgrace of the minister who favored such an experiment in modern sanitation.

"Peru suffers from the conditions of bad health among her northern neighbors, and yet the leading newspapers in Peru, instead of realizing how much they had to gain by having Guayaquil cleaned up, united in protesting against this symptom of 'Yanki' imperialism, and applauded the action of the Ecuadorian mob.

"Is it worth while to continue a foreign policy which makes it so difficult for things to be done, things of whose real advantage to our neighbors there is no question?

"The old adage that actions speak louder than words is perhaps more true in Latin America than in the United States. A racial custom of saying pleasant things tends toward a suspicion of the sincerity of pleasant things when said. But there can be no doubt about actions. Latin-American statesmen smiled and applauded when Secretary Root, in the Pan-American Congress at Rio Janeiro, said, 'We consider that the independence and the equal rights of the smallest and weakest members of the family of nations deserve as much respect as those of the great empires. We pretend to no right, privilege, or power that we do not freely concede to each one of the American Republics.' But they felt that their suspicions of us were more than warranted by our subsequent actions in Cuba, Santo Domingo, and Nicaragua. Our ultimatum to Chile on account of the long-standing Alsop claim seemed to them an unmistakably unfriendly act and was regarded as a virtual abandonment by Secretary Knox of the policy enunciated by Secretary Root.

"Another unfriendly act was the neglect of our Congress to provide a suitable appropriation for the Second Pan-American Scientific Congress.

"Before 1908 Latin-American scientific congresses had been held in Argentina (Buenos Aires), Brazil (Rio Janeiro), and Uruguay (Montevideo). When it came Chile's turn, so kind was her feeling toward Secretary Root that the United States was asked to join in making the Fourth Latin-American Scientific Congress become the first Pan-American. Every one of the four countries where the international scientists met had made a suitable, generous appropriation to cover the expenses of the meeting. Chile had felt that it was worth while to make a very large appropriation in order suitably to entertain the delegates, to publish the results of the congress, and to increase American friendships. This First Pan-American Scientific Congress selected Washington as the place for the second congress, and named October, 1912, as the appointed time for the meetings. But when our State Department asked Congress for a modest appropriation of $50,000 to meet our international obligations for this Pan-American gathering, our billion-dollar Congress decided to economize and denied the appropriation. When the matter came up again during the Congress that has just finished its sessions, the appropriation was recommended by the Committee on Foreign Affairs, but was thrown out on a technical point of order.

"Now, you can not make a Latin-American believe that the United States is so poor that it can not afford to entertain international scientific congresses as Argentina, Brazil, Uruguay, and Chile have done. They argue that there must be some other reason underlying this lack of courtesy. No pleasant words or profuse professions of friendship and regard can make the leading statesmen and scientists throughout Latin America forget that it was not possible to hold the Second Pan-American Scientific Congress because the United States did not care to assume her international obligations. Nor will they forget that Chile spent $100,000 in entertaining the First Pan-American Scientific Congress and that the 10 official delegates from the United States Government enjoyed the bounteous Chilean hospitality and were shown every attention that was befitting and proper for the accredited representatives of the United States.

"In short, here is a concrete case of how our present policy toward Latin America justifies the Latin-American attitude toward the country that has been maintaining the Monroe doctrine.

"V.

"Finally, there is another side to the question.

"Some of the defenders of the Monroe doctrine state quite frankly that they are selfish, and that from the selfish point of view the Monroe doctrine should at all costs be maintained. They argue that our foreign commerce would suffer were Europe permitted to have a free hand in South America. Even on this very point it seems to me that they make a serious mistake.

"You can seldom sell goods to a man who dislikes you, except when you have something which is far better or cheaper than he can get anywhere else. Furthermore, if he distrusts you, he is not going to judge your goods fairly or view the world's market with an unprejudiced eye. This can scarcely be denied. Everyone knows that a friendly smile or cordial

greeting and the maintenance of friendly relations are essential to 'holding one's customers.' Accordingly, it seems that even from this selfish point of view, which some Americans are willing to take, it is absolutely against our own interests to maintain this elder-brother-with-the-stick policy, which typifies the new Monroe doctrine.

"Furthermore, Germany is getting around the Monroe doctrine, and is actually making a peaceful conquest of South America which will injure us just as much as if we had allowed her to make a military conquest of the southern Republics. She is winning South American friendship. She has planted colonies, one of which, in southern Brazil, has 350,000 people in it, as large a population as that of Vermont and nearly as large as that of Montana. Germany is taking pains to educate her young business men in the Spanish language, and to send them out equipped to capture Spanish-American trade. We have a saying that 'Trade follows the flag.' Germany has magnificent steamers, flying the German flag, giving fortnightly service to every important port in South America—ports where the American flag is practically never seen. She has her banks and business houses which have branches in the interior cities. By their means she is able to keep track of American commerce, to know what we are doing, and at what rates. Laughing in her sleeve at the Monroe doctrine as an antiquated policy, which only makes it easier for her to do a safe business, Germany is engaged in the peaceful conquest of Spanish America.

"To be sure, we are not standing still, and we are fighting for the same trade that she is, but our soldiers are handicapped by the presence of the very doctrine that was intended to strengthen our position in the New World. Is this worth while?

"At all events let us face clearly and frankly the fact that the maintenance of the Monroe doctrine is going to cost the United States an immense amount of trouble, money, and men.

"Carried out to its logical conclusion, it means a policy of suzerainty and interference which will earn us the increasing hatred of our neighbors, the dissatisfaction of Europe, the loss of commercial opportunities, and the forfeiture of time and attention which would much better be given to settling our own difficult internal problems. The continuance of adherence to the Monroe doctrine offers opportunities to scheming statesmen to distract public opinion from the necessity of concentrated attention at home by arousing mingled feelings of jingoism and self-importance in attempting to correct the errors of our neighbors.

"If we persist in maintaining the Monroe doctrine, we shall find that its legitimate, rational, and logical growth will lead us to an increasing number of large expenditures, where American treasure and American blood will be sacrificed in efforts to remove the mote from our neighbor's eye while overlooking the beam in our own.

"The character of the people who inhabit the tropical American Republics is such, the percentage of Indian blood is so great, the little understood difficulties of life in those countries are so far-reaching, and the psychological tendencies of the people so different from our own, that opportunities will continually arise which will convince us that they require our intervention if we continue to hold to the tenets of the Monroe doctrine.

"It is for us to face the question fairly and to determine whether it is worth while to continue any longer on a road which leads to such great expenditures and which means the loss of international friendships.

"That international good will is a desideratum it needs no words of mine to prove to anyone. Looked at from every point of view, selfishly and unselfishly, ethically, morally, commercially, and diplomatically, we desire to live at peace with our neighbors and to promote international friendship. Can this be done by continuing our adherence to the Monroe doctrine?

"From the unselfish point of view and from the point of view of the world's peace and happiness, there seems to be no question that the Monroe doctrine is no longer worth while. Mr. Bryce, in an able exposition in his recent 'South America,' has clearly pointed out that the Spanish-American's regard for the United States and his confidence in its purposes have never even recovered from the blow given by the Mexican War of 1846 and the annexation of California. For many years a political tie between ourselves and the other American Republics was found, says Mr. Bryce, in our declared intention 'to resist any attempt by European powers either to overthrow republican government in any American State or to attempt annexation of its territory. So long as any such action was feared from Europe the protection thus promised was welcome, and the United States felt a corresponding interest in their clients; but circumstances alter cases. To-day, when apprehensions of the old kind have vanished and when some of the South American States feel themselves already powerful, one is told that they have begun to regard the situation with different eyes. "Since there are no longer rain clouds coming up from the east, why should a friend, however well intentioned, insist on holding an umbrella over us? We are quite able to do that for ourselves if necessary."' Mr. Bryce continues: 'It is as the disinterested, the absolutely disinterested and unselfish, advocate of peace and good will that the United States will have most influence in the Western Hemisphere, and that influence, gently and tactfully used, may be of incalculable service to mankind.'

"Old ideas, proverbs, catchwords, national shibboleths, die hard. No part of our foreign policy has ever been so continuously held and so popularly accepted as the Monroe doctrine. Hoary with age, it has defied the advance of commerce, the increase of transportation facilities, and the subjugation of the yellow-fever mosquito. Based on a condition that has long since disappeared, owing its later growth and development to mistaken ideas, it appears to our South American neighbors to be neither disinterested nor unselfish, but rather an indisputable evidence of our overweening national conceit. The very words 'Monroe doctrine' are fraught with a disagreeable significance from our neighbors' point of view. There is no one single thing nor any group of things that we could do to increase the chances of peace and harmony in the Western Hemisphere comparable with the definite statement that we have outgrown the Monroe doctrine, that we realize that our neighbors in the New World are well able to take care of themselves, and that we shall not interfere in their politics or send arms into their territory unless cordially invited to do so, and then only in connection with and by the cooperation of other members of the family.

"If it is necessary to maintain order in some of the weaker and more restless Republics, why not let the decision be made not by ourselves, but by a congress of the leading American powers? If it is found necessary to send armed forces into Central America to quell rebellions that are proving too much for the recognized Governments, why not let those forces consist not solely of American marines, but of the marines of Argentina, Brazil, and Chile as well? In some such way as this we can convince 'the other Americans' of our good faith and of the fact that we have not 'made up our minds to conquer South America.' By adopting a foreign policy along these lines we can establish on a broad and solid foundation the relations of international peace and good will for which the time is ripe, but which can not arrive till we are convinced that the Monroe doctrine is not worth while."

APPLIANCES FOR ENGINES IN INTERSTATE COMMERCE.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to know the subject upon which the gentleman desires to speak.

Mr. RAKER. It is upon the subject of headlights for engines engaged in interstate commerce, upon the subject of proper engines and appliances for engines engaged in interstate commerce, and one or two other matters.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I submit herewith some resolutions by the Brotherhood of Locomotive Firemen and Enginemen, adopted at their twenty-sixth convention, held in the city of Washington, D. C., during the month of June, 1913, in which they urge legislation by Congress upon the following subjects:

1. Placing some restrictions upon immigration into the United States.

2. That a proper headlight law be enacted, embodying the provisions of H. R. 103, Sixty-third Congress, first session.

3. That common carriers engaged in interstate commerce be compelled to equip their locomotives with safe and suitable boilers and appurtenances.

4. That Senate bill No. 4, Sixty-third Congress, first session, relating to our merchant marine, etc., be speedily enacted into law.

All of these are important matters and demand immediate attention and consideration by this Congress. I am in full accord with the purpose to be accomplished by each of these resolutions.

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Peoria, Ill., July 12, 1913.

Hon. JOHN E. RAKER, *Washington, D. C.*

DEAR SIR: By instructions of the twenty-sixth convention of the Brotherhood of Locomotive Firemen and Enginemen, held in the city of

Washington, D. C., during the month of June, 1913, the following resolution is transmitted for your information:

"Whereas for many years representatives of labor organizations have urged upon Congress the necessity of the placing of some restriction upon the immigration of millions of foreign people to the United States, by which unrestricted immigration American labor has been displaced, wages reduced, labor unions destroyed, and the American standard of living seriously affected: Be it

"*Resolved*, That the national legislative representative at Washington is hereby instructed to join with representatives of all other labor organizations in an endeavor to induce the United States Congress to adopt laws that will restrict any immigration that tends to lower the standard of living of the American working people: Be it further

"*Resolved*, That the international president and the general secretary and treasurer be, and are hereby, instructed to file a copy of these resolutions with the President of the United States and the Members of both Houses of Congress."

Yours, respectfully,

W. S. CARTER,
President.

Attest:

A. H. HAWLEY,
General Secretary and Treasurer.

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Peoria, Ill., July 12, 1913.

Hon. JOHN E. RAKER, *Washington, D. C.*

DEAR SIR: By instructions of the twenty-sixth convention of the Brotherhood of Locomotive Firemen and Enginemen, held in the city of Washington, D. C., in the month of June, 1913, the following resolution adopted by that convention is transmitted to you for your information:

"Careful perusal of the report rendered by the Bureau of Standards convinces us that the electric headlight alone will afford adequate protection to the lives of our members, the traveling public, and the property of the railroads, but to overcome the claims of class legislation made by manufacturers of other lights, it was deemed advisable that a clause be inserted in the bill providing for other lights if the required candlepower could be furnished.

"We have ascertained that laws have been passed in 20 States, namely, Alabama, Arizona, Mississippi, Montana, North Carolina, Oklahoma, Texas, Washington, Oregon, Nevada, Colorado, Arkansas, Florida, Georgia, Indiana, Kansas, Ohio, South Carolina, South Dakota, and Wisconsin, providing for headlights to meet certain requirements. In the first 11 States mentioned laws have been passed requiring locomotives to be equipped with electric headlights, and 1,500 candlepower, measured without the aid of a reflector, is specified. The other 9 States have laws requiring a headlight which will enable the engine crew to clearly discern an object the size of a man at distances varying from 500 feet in Ohio to 800 feet in Kansas, South Carolina, and Wisconsin.

"We find that, in addition to these States in which laws have been enacted, the railroads in the State of California have agreed to equip all locomotives used in road service with electric headlights of not less than 1,500 candlepower, with the addition of a 60-candlepower incandescent light to be placed in the headlight and controlled with a switch in the cab, making it possible to operate or cut out either light independent of the other. This latter improvement for the purpose of overcoming the objections interposed by certain officials of these railroads that headlights of this power are dazzling in their brightness and have a tendency to blind the engineer, preventing him from properly observing signals, etc.

"After giving careful consideration to the foregoing, we recommend that the Brotherhood of Locomotive Firemen and Enginemen, in convention assembled, indorse House bill No. 103, introduced by Congressman JOHN E. RAKER, of California, at the first session of the Sixty-third Congress.

"That the international president, acting in the capacity of national legislative representative, be, and is hereby, authorized and instructed to use all honorable means to secure the passage of this bill.

"That he issue a circular letter to all lodges in the United States calling upon them to furnish him with specific cases where wrecks have occurred (giving dates, casualties, and such information as will properly identify same) that could have been averted had the locomotives been equipped with headlights of sufficient power; also specific instances where such accidents were averted because of the locomotives having been equipped with proper headlights.

"That we furnish each lodge in each State with the name and addresses of their Congressmen and request them to write a suitable letter to each urging them to support this headlight bill.

"That we address a suitable letter to W. S. Stone, grand chief engineer of the Brotherhood of Locomotive Engineers, requesting that he take similar action through the divisions of that organization.

"That a copy of this indorsement of House bill No. 103 be forwarded to the Committee on Interstate and Foreign Commerce and to Congressman JOHN E. RAKER."

Yours, truly,

W. S. CARTER,
President.

Attest:

A. H. HAWLEY,
General Secretary and Treasurer.

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Peoria, Ill., July 12, 1913.

Hon. JOHN E. RAKER, *Washington D. C.*

DEAR SIR: By instructions of the twenty-sixth convention of the Brotherhood of Locomotive Firemen and Enginemen, held in the city of Washington, D. C., during the month of June, 1913, the following resolution is transmitted for your information:

"Whereas the law to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, was passed by Congress as a result of long and vigorous efforts on the part of this and kindred organizations whose members were being killed or injured by boiler accidents; and

"Whereas the passage and enforcement of this law has greatly added to the safety and comfort of locomotive firemen and enginemen, and has facilitated train movement and reduced engine failures by bringing about improved conditions of the motive power to which the provisions of the law apply; and

"Whereas it is a well-known fact that accidents and derailments are frequently due to the defective condition of locomotive machinery, which is not covered by the law, and that additional protection to locomotive firemen and enginemen, and to the traveling public, would result from an extension of its provisions to cover all parts of the locomotive as well as the boiler and its appurtenances: Therefore be it

"*Resolved*, That this convention indorse the present locomotive-boiler inspection law and commend the efficient and practical manner in which it has been enforced by the Locomotive Boiler Inspection Division of the Interstate Commerce Commission; and be it further

"*Resolved*, That this convention earnestly urge Congress to enact, and the President to approve, such additional legislation as may be necessary to extend the authority of the Locomotive Boiler Inspection Division of the Interstate Commerce Commission to cover all parts of the locomotives and tenders, so that when locomotives are operated with any defect which makes them in an unsafe or improper condition for service, the same action may be taken and penalties applied that now apply to 'locomotive boilers and their appurtenances'; and be it further

"*Resolved*, That a special committee be appointed to deliver this resolution to the President."

Yours, respectfully,

W. S. CARTER,
President.

Attest:

A. H. HAWLEY,
General Secretary and Treasurer.

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Peoria, Ill., July 12, 1913.

Hon. JOHN E. RAKER,
Washington, D. C.

DEAR SIR: By instructions of the twenty-sixth convention of the Brotherhood of Locomotive Firemen and Enginemen, held in the city of Washington, D. C., during the month of June, 1913, the following resolutions adopted by that convention are hereby transmitted for your information and consideration:

"Whereas the absence of native Americans in our merchant marine is conclusive evidence that the living conditions of our seamen are so far below the usual standards as to cause our men and boys to shun this calling; and

"Whereas the increase in wrecks of vessels and the increase in the loss of life proves that the standard of skill of the men employed is continually deteriorating, the dangers to life at sea increasing; and

"Whereas the official investigation of wrecks all point to and demand some real and effective remedy; and

"Whereas congressional committees have had hearings during the sessions of Congress for the last dozen years, and there has finally passed the House a measure which has since had the unqualified approval of the Department of Commerce and the Department of Labor: Therefore be it

"*Resolved by this the Twenty-sixth Convention of the Brotherhood of Locomotive Firemen and Enginemen*, That we indorse Senate bill No. 4 and urge its adoption as recommended by the departments above referred to at this session of Congress; and be it further

"*Resolved*, That copies of this resolution be sent to the Committee on Commerce of the Senate, the Committee on Merchant Marine and Fisheries of the House, to the President of the United States, and to Senator LA FOLLETTE, the author of the bill in the Senate."

Yours, respectfully,

W. S. CARTER, *President.*

Attest:

A. H. HAWLEY,
General Secretary and Treasurer.

EXTENSION OF REMARKS IN THE RECORD.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I hold no brief to speak for the present Democratic administration in relation to the Caminetti-McNab controversy. But I can not remain idly by and permit stand-pat Republican politicians to traduce—and in my judgment willfully misrepresent and misinterpret—the actions of Secretary Wilson and Attorney General McReynolds in this matter. I do not believe that the Attorney General, as the head of the Department of Justice in this city, should have the power to control Federal court prosecutions in distant States. This power should be vested in the local courts and attorneys alone. However, for many years the Attorney General has directed at will such prosecutions. Indeed, they have ordered the local attorneys to dismiss prosecutions, and in the noted case of the prosecution of Mansfield, McMurray & Cornish, in the southern district of Oklahoma, in the year 1905, the Attorney General peremptorily ordered the local attorney to dismiss said indictment before the creation of the new State. This order was made and these men were never tried, though it is well known that they were guilty, as charged, with defrauding the Chickasaw Tribe of Indians in Oklahoma out of the sum of $28,876.90. Now, in this Caminetti case, a short continuance was all that was asked. Why did not these valorous defenders of justice criticize President Roosevelt and Taft for dismissing many prosecutions? Mr. Speaker, the editorials of several of the leading papers of the United States will answer my question more fully than I have time to do, and suffice it for me to say that I fully concur in their statements and conclusions.

These editorials are as follows, viz:

[From the Washington Post.]

THE DIGGS-CAMINETTI CASE.

The political twist that has been given the Diggs-Caminetti case was well illustrated at San Francisco Tuesday, when United States Judge Van Fleet was compelled to rebuke the grand jury for filing a report

in which the jury assailed Attorney General McReynolds and President Wilson. The offensive report was returned to the jury with the sharp reminder that it had better attend to its own business and not set itself up as a critic of national officers.

There has been altogether too much buncombe and hysteria in this case—buncombe on the part of the politicians who are using it for their own advantage, and hysteria on the part of ill-informed persons who have been misled into thinking that "white slavers" guilty of an atrocious crime have been protected by the Government.

The evidence against Diggs and Caminetti is conclusive. The outcome of the trial, whether conducted immediately or whether it be postponed, is a foregone conclusion. There was no palliation in Washington of the hideous offense, and no evidence has been adduced to show that the Government was derelict in any respect in working up the case against the defendants. It was cunningly made to appear, however, that the Government was willing, and even anxious, to defeat the ends of justice by postponing the case a couple of months. If there had been any such monstrous motive in the hearts of the Government chiefs there would have been justification for the indignation that has been expressed. But the remote danger in delay was grossly exaggerated in order to cast discredit upon the President and his Attorney General. The natural tendency of the public to resent interference with the course of justice was fomented into hysterical indignation by politicians for their own purposes.

The Diggs-Caminetti case in itself is shocking enough, but it is made much worse by muckraking politicians who use it for the purpose of imputing base motives to the heads of the Government.

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[From the Dallas Morning News, Dallas, Tex., June 28, 1913.]

"Frightened rabbits never got away quicker than the President and the Attorney General when this matter was brought up," exclaims Mr. MANN, the minority leader in the House, in referring to the California white-slave episode. And yet we may be sure that if the President had faltered with this situation for as long as a day Mr. MANN would have been even more indignant and have declared, when finally the President had acted, that he had been reluctantly driven to act by outraged public opinion. All which is merely illustrative of the petty and demagogic motives that make up so large a part of our party politics. The action of Secretary Wilson and of Attorney General McReynolds was a gross and inexcusable blunder, but there has not been disclosed one fact or circumstance to suggest that either of them was actuated by unworthy motive. As for the course of the President, both the precise action that he took and the promptness with which he took it deserve the applause of the whole country, and if there were more sincerity in our political controversies and a greater regard for the truth, Republicans would be as ready as Democrats to applaud him. Not the least regrettable consequence of such episodes as this is the exhibition of hypocrisy which they usually occasion.

—

[From the Portland (Oreg.) Journal, July 11, 1913.]

ON DRESS PARADE.

The process of extracting political buncombe out of the Caminetti-McNab episode continues.

Never before were so many gentlemen shocked at a white-slave case. Never before were so many alleged virtuous persons thundering in the index. More apostles of virtue are on dress parade now than at any time in a century. From the racket raised one would think there never was a white-slave case before. Gentlemen are holding up their hands in holy horror, and many of them are gentlemen who have probably been helping to perpetuate vice, who have been extracting profits from vice and have helped to furnish recruits for vice.

Young Caminetti is vile. No postponement of his case should have been requested by the Secretary of Labor. Attorney General McReynolds ought not to have postponed the cases at the request of the Secretary of Labor. The whole incident has been blundering.

But thousands of other cases have been postponed by order of the Attorney General. The case against the Chicago beef packers was postponed by order of the Attorney General until the packers finally escaped conviction by pleading the statute of limitation in court. Not one of the gentlemen now yelling their heads off was up protesting against the order of postponement then. Mr. McNab was not then so outraged by a postponement that freed men who have indirectly extorted millions from their countrymen. Congressman MANN, who was virtuously vociferous on the floor, attacking the President, never lifted his voice then.

The Sherman law has been a law more than 20 years, and its provisions for sending trust magnates to jail have been postponed by Republican Attorney Generals so consistently and so studiously that not one captain of industry has ever been jailed.

But no McNab has ever resigned before; no Congressman KAHN, of California, has ever protested; no Congressman MANN has ever been shocked.

But they are all whooping it up now, whooping it up as though young Caminetti were the original white slaver and they the cleanest, most virtuous persons outside of paradise.

Young Caminetti will be thoroughly prosecuted, and he ought to be. But for the itch of some gentlemen for office and but for their desire to do something by which to exploit themselves for office, he could have been tried, convicted, and punished and the country been spared the hideous details of his crime.

The main feature of the whole hullabaloo is the willingness of the McNabs and others to capitalize the nasty facts of a white-slave case as a means of getting official position.

—

[From the Denver News, July 11, 1913.]

M'NAB AND HIS PEARS.

One Mr. McNab, of San Francisco, who happened to have held over as United States district attorney for California, worked up a violent wrath a few days ago and forthwith telegraphed his resignation to the President for immediate action. The McNab grievance was that a couple of criminal cases which he had a palpitating ambition to try at once were postponed for a few months, and immediately he concluded that there was a dark and deep-laid conspiracy hatching somewhere in the Department of Justice at Washington. Whereupon the President, harking to the McNab anxiety, investigated, found that the California lawyer was wrong, and let Mr. McNab out of a job precisely as the lawyer had requested in various kinds of language, following rather voluminous intimation and suggestion.

Now it appears to the satisfaction of everyone save McNab and a few of his cronies close to the singing waves of the Golden Gate that there never was any intention of deferring the trial of the cases indefinitely and that everything was done in legal fashion, just as is agreed every day in law courts to meet fair and reasonable conveniences. The accused will be tried in the near future, but the prosecutor will not be McNab. This will likely displease the gentleman with the distended and vociferous vocabulary, but it will hardly hurt the administration of justice much.

The McNab idea was to besmirch the character of United States Attorney General McReynolds and incidentally to play a little game of small politics, which might inure to the standing of the stand-pat wing of the Republican Party, of which he is a stern and inflexible pillar. But between the President and the Attorney General they have effectually punctured the scheme. McNab says the incident is now closed. So is McNab, glory be!

THE PANAMA CANAL.

Mr. REED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED. Mr. Speaker, volumes have been written upon the Panama Canal project, but because of the lack of knowledge of many of the authors, there has been consequent inaccuracy in the statements of those dealing with the subject, and I am constrained to the belief that a vast majority of the people to-day are as ignorant of the facts upon this subject as I confess myself to have been previous to my recent semiofficial visit to the Canal Zone.

Undoubtedly many have spoken or written with earnest desire to properly portray the wonders of this stupendous undertaking. Few possess sufficient knowledge of this particular kind of work to enable them to properly describe the active operations of the canal commission.

That the work of building the canal requires high-class mechanical skill and ingenuity, none can gainsay. Our able commission has perfected an organization of men who are peers in their respective professions. They have resolutely and diligently pursued the policy laid down with the beginning of this gigantic task in 1904, have surmounted innumerable unforeseen obstacles, and are now nearing the completion of the work which, when completed, will stand a perpetual monument to American skill, courage, and ingenuity.

The following facts, prepared by William M. Baxter, jr., official guide and lecturer of the Isthmian Canal Commission, will be found a descriptive, instructive, and interesting story from an absolutely reliable and authoritative source.

THE PANAMA CANAL.

THE CANAL ZONE.

"The Canal Zone is a strip of land 10 miles wide, 5 miles each side of the center line of the canal, extending from the Atlantic to the Pacific. All told, it contains 436 square miles, of which the United States now owns about 363 square miles. The remainder is privately owned and was not acquired by the Government, as it was not needed for the construction of the canal. If, however, this land should ever be needed, the United States can by its treaty right acquire, either by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights, or other properties necessary for the construction, maintenance, operation, sanitation, or protection of the canal.

"The two cities of Panama and Colon, although within the boundaries of the Canal Zone, are excluded from it and are under the Government of Panama. They have no outlet, however, except through the zone. The United States reserves the right to enforce sanitary ordinances in those two cities, and also to maintain public order in the event that the Republic of Panama is unable to do so.

ROUTE OF CANAL.

"The canal traverses this zone from Colon to Panama in a general southeasterly direction, Panama being located 22 miles east of a line running due south from Colon.

"In passing through the canal from the Atlantic vessels enter a sea-level channel extending from deep water in the Atlantic to the foot of the locks at Gatun. This channel is 7 miles in length, 500 feet wide, and 41 feet deep.

"At Gatun, vessels are lifted from sea level to 85 feet above through a flight of three locks, passing directly into the waters of Gatun Lake.

"Gatun Lake is an artificial body of water with an area of approximately 164 square miles. This lake is formed by impounding the waters of the River Chagres and its tributaries by means of a large dam at Gatun, where there is a break in the range of hills which surround the basin of the Chagres. By building a dam a mile and a half long across this gap, it is possible to back up the waters of the Chagres and form the Gatun Lake. The surface of this lake stands 85 feet above sea level, the summit level of the canal, and extends from Gatun clear through the Culebra Cut to the southern end at Pedro Miguel, a distance of 32 miles. From the foregoing it can be clearly seen that the Culebra Cut is merely a spur of the Gatun

Lake, the same water level existing in the cut as in the balance of the lake.

"Vessels after entering the lake may go at practically full speed for a distance of 23 miles from Gatun to the mouth of the cut. The first 16 miles of the channel through the lake is to be 1,000 feet wide, and is marked by buoys on the surface of the lake; then for 4 miles the channel is to be 800 feet wide, narrowing to 500 feet for 3 miles before entering the cut. Through the Culebra Cut, which is 9 miles in length, the channel is to be 300 feet in width at the bottom. Passing through this cut at a reduced speed, vessels arrive at the Pedro Miguel Lock at the south end, through which they are lowered in one step from 85 feet above sea level to 55 feet above, a drop of 30 feet, passing out into Miraflores Lake, a small artificial lake covering an area of about 2 square miles. This lake is formed by impounding the waters of the Cocoli, the Rio Grande, and the Pedro Miguel Rivers by means of the dam, locks, and spillway at Miraflores. The dam at this point runs practically parallel to the locks on their west side instead of at right angles to them. This is done in order to take in the Cocoli River, which comes in from the west, striking midway of the locks, which makes it necessary either to divert this stream or else to build a dam so as to throw it back into the lake. The latter plan gives additional water for the lake and avoids the silting up of the sea-level portion of the canal at the point at which the diverted Cocoli would enter it. The spillway is located on the east side of the locks between the side wall and a rocky point, and is of sufficient size to discharge all the water that might flow through one of the twin locks at Pedro Miguel in the event that an accident should establish free communication between Gatun and Miraflores Lakes. In this way an accident at Pedro Miguel does not necessarily endanger the locks at Miraflores.

"Passing through the Miraflores Lake, a distance of a mile and a half, through a channel 500 feet in width, the vessels arrive at the Miraflores Locks and pass down through two locks in flight from 55 feet above sea level to the sea-level channel on the Pacific side, steaming out through this channel from the foot of the locks at Miraflores to deep water in the Pacific, a distance of 8 miles.

"The total length of the canal is 50½ miles and the time for passing through from one ocean to the other will be from 10 to 12 hours, according to the speed a vessel maintains in the lake area. Three hours of this time are taken up in passing through the six locks. Of the total length of the canal, 40 miles will be of sufficient width to allow vessels to go at practically full speed, there being 15 miles of sea-level channel, 7 on one side and 8 on the other, and 25 miles of open lake navigation in the two lakes, in all of which the minimum channel width is to be 500 feet, and the maximum 1,000 feet. This leaves only 10½ miles which is at all narrow, 9 miles being in the cut where the bottom width is to be 300 feet and through which vessels will go at a reduced rate of speed, and the remainder being through the locks, where the vessel will be towed by means of electric towing engines. Everywhere except through the locks vessels will go under their own power.

OCEAN LEVELS.

"The general conception seems to be that the Pacific Ocean is higher than the Atlantic; this, however, is not the case. Mean sea level, the point midway between extreme high and low tide, is exactly the same in both the Atlantic and the Pacific. The difference is all in the tides. There is an average tide on the Pacific of 20 feet, while there are approximately but 20 inches of tide on the Atlantic side.

"This excessively high tide on the Pacific side is apparently due to the shape of the Bay of Panama, which, being shaped like a funnel, tends to exaggerate the action of the tide. The same thing occurs at several other points throughout the world, the most remarkable case being the Bay of Fundy in Nova Scotia, where the tide sometimes rises and falls 60 feet.

BREAKWATERS.

"Breakwaters are being constructed on both the Pacific and the Atlantic sides. The one on the Pacific end is simply an extension of a large dump at East Balboa of material excavated from the Culebra Cut, connecting Naos Island with the mainland, and designed to cut off a cross current which comes in at right angles to the line of the canal. This current, although moving slowly, carries an enormous amount of silt and sand, and it was to prevent the filling in of the sea-level portion of the canal that this breakwater was constructed.

"The Toro Point breakwater on the Atlantic side extends northeast from Toro Point a distance of 11,000 feet, and is designed to protect the Bay of Limon from heavy storms which occur during the winter months and are commonly known as 'northers.' These storms are of such violence that when one occurs vessels can not lie at the docks at Cristobal and Colon, but are forced to move out into deep water to seek shelter farther down the coast in the land-locked harbor of Porto Bello. In addition to this breakwater a mole is being built in connection with the dock-improvement work at Cristobal, behind which the docks will be constructed. If it should be found, after this mole is completed, that still further protection is required, then a second breakwater will be extended from the headland opposite Toro Point.

FRENCH WORK.

"Active work was started by the French on their canal in 1881, and this first French company, which was organized by De Lesseps, failed during the latter part of 1888, after spending $260,000,000. For five years the company remained in the hands of a receiver, and in 1894 the new French company was organized and kept up the work on a very small scale until 1904, when the United States took over the construction.

"The plan of this last French company was to build a lock-type canal with a total of eight locks and a summit level through the Culebra Cut at 97 feet above sea level. Starting just behind Cristobal Point, in order to secure the protection of that point against the northers, and extending for 16 miles inland to Bohio, the canal was to be a sea-level type. At Bohio a dam and two locks were to be located, forming the Bohio Lake, with a surface level of 65 feet above sea level. Passing through this lake a distance of 14 miles the vessels would arrive at Bas Obispo, at the northern end of the cut, where it was intended to locate two more locks with a combined lift of 32 feet. In order to secure water for the summit level through the cut it would have been necessary to build an additional reservoir at Alhajuela, farther up the valley of the Chagres, bringing a ditch line along the hillsides from this lake down and into the cut. Passing through the cut, vessels were to be lowered to the Pacific through four locks, one at Paraiso, two at Pedro Miguel, and one at Miraflores, from which point a sea-level canal 8 miles long led out into deep water in the Pacific.

FRENCH PURCHASE.

"The rights and property of this French company were purchased by the United States for $40,000,000, and up to date our country has realized on this purchase, on a very conservative estimate, over $42,000,000.

"Out of 80,000,000 cubic yards of excavation work which the French company had done only 30,000,000 yards were useful in the construction of the present type of canal, and in estimating the value of the French purchase an allowance of $25,380,240 was made for this excavation work. It had cost approximately $120,000,000.

"The value of the Panama Railroad was estimated at $9,000,000. This railroad was acquired by the French at a cost of $18,000,000. In addition to these two main items, the purchase included a great deal of machinery, and the commission is to-day using 85 French locomotives and 7 ladder dredges included in the property purchased. The French also turned over a great many buildings, maps, and scientific data, including records of the flow of the Chagres River through a period of 15 years. On these records it is impossible to place any cash value, as they would not have been available at any price had not the French kept these records, and with the present type of canal it is a matter of vital importance to be able to estimate accurately the volume of the flow of the Chagres, as it is the Chagres that supplies the water to fill the Gatun Lake and make the lockages through the canal. Now, due to the fact that we have secured these French records, we have a complete record of the flow of the Chagres extending through a period of 23 years.

RELOCATION OF PANAMA RAILROAD.

"As the construction of the canal progressed, it became necessary from time to time to abandon small sections of the original Panama Railroad line, which was built in 1850 by three Americans—Aspinwall, Stephens, and Chauncey. In 1908 the section between Mindi and Tiger Hill was relocated, as the old line passed right through the site of the Gatun Dam and Locks. In 1910 the section between Pedro Miguel and Corozal was relocated, establishing the line permanently at an elevation sufficiently high to be above the level of Miraflores Lake, and on February 15, 1912, the relocated line between Gatun and Matachin was put into service, as the rising water of the Gatun Lake, due to the closing up of the Chagres at Gatun on February 9, soon flooded most of the old line between these points.

"The Gatun Lake now stands 50 feet above sea level, at which elevation it floods the old railroad right of way to about Tabernilla and covers an area of over 90 square miles.

"Finally, with the canal completed, a new railroad will have been constructed, running from Colon to Panama entirely on the east side of the canal. The new road after leaving Gatun swings east along the hillsides, and crossing through the lake on high earth fills, follows the borders of the lake to Gamboa, where it crosses the Chagres on a steel-girder bridge a quarter of a mile long. From here it swings away from the cut and, passing around back of Gold Hill, follows the Pedro Miguel Valley to Pedro Miguel. Originally it was intended to carry the railroad through the cut on a bench 10 feet above the water, but the slides in the cut made that impracticable.

GATUN DAM AND LAKE.

"The Gatun Dam is a huge earth structure and is, in fact, more of a mountain than a dam. It is so constructed as to complete the natural range of mountains which, excepting at this one point, entirely surround the low-lying basin of the Chagres. By completing this basin it is possible to retain the waters of the Chagres and thereby form the Gatun Lake.

"The dam is constructed of two outer walls of dry fill, a large part of which was excavated from the Culebra Cut. These two walls, or toes, as they are usually called, were constructed so as to be 1,200 feet apart (inside measurement) and this space in between the two walls was filled with a mixture of sand and clay which was sucked up from the river bed of the Chagres, both above and below the dam, by means of large suction dredges, and then pumped through long pipe lines into the space between the two walls of dry-earth fill. About 20 per cent of the material passing through these pipe lines was solid matter, the balance water. After the solid matter settled the surplus water was drained off and in that way the inner portion of the dam was built up. This inner core is usually known as the hydraulic core and forms the water-tight portion of the dam. After the hydraulic core had been carried a short way above the water level it was discontinued, and the outer walls were then carried higher and closer together until they entirely encased and capped over the inner core.

"The Gatun Dam at the base is 2,100 feet, or about a half mile, thick—400 feet thick at the water surface and 100 feet wide across the crest. The crest of the dam stands 105 feet above sea level and 20 feet above the surface of the water of the lake. The length of the dam measured along the crest is 7,500 feet, but of this length only 500 feet will be subject to the full pressure of 85 feet of water, due to the natural rise of the ground along the inner slopes of the dam.

"In connection with this dam it is interesting to know that a Frenchman named Lepinay was the first to propose the plan of constructing a dam at Gatun. He proposed this plan in 1879 to the International Scientific Congress which had been convened at Paris to determine upon the general route of the proposed canal, but De Lesseps, who was the leading spirit of this Congress, was so strong an advocate of the sea-level canal that Lepinay's plan was hardly discussed, and is simply a matter of record.

SPILLWAY.

"The spillway, which is located about midway of the dam, is built right into a natural hill which stood at an elevation of 110 feet above sea level. This hill was practically solid rock, so it was only necessary to cut a channel 300 feet wide through this hill and line it with concrete, building a dam across the head of this channel to form the spillway or regulating works for Gatun Lake. This dam forms nearly a semicircle across the head of the spillway channel and will be constructed of solid concrete up to elevation 69. At this level piers rise 45 feet apart on the crest of the solid portion of the dam, and in between these piers come the steel gates 19 feet high which control the level of the lake.

"With these gates closed the crest of the dam would be 88 feet above sea level, so that it would be possible to store up water in the Gatun Lake up to about 87 feet above sea level. The normal level of the lake is to be 85 feet, and it will be maintained at that level during most of the year; just at the last of the rainy season, however, the lake level will be brought up to 87 in order to supply the water for lockages during the dry season. This will give an additional 2 feet of water over an area of 164 square miles, which would be sufficient to make 58 lockages a day during the dry season; that is 10 more than could possibly be made with vessels following one another at intervals of one hour.

"With the lake at 85 the spillway will be capable of discharging 154,000 cubic feet per second, which is more than the greatest momentary discharge on the Chagres River at Gatun.

"If the Gatun Lake should ever go to elevation 92 the spillway would be capable of discharging over 200,000 cubic feet of water per second, which is very nearly equal to the discharge of the Horseshoe Falls at Niagara. In addition to the control of the Chagres effected by means of the spillway, there is the great reservoiring effect of the Gatun Lake, it being of such great area that it would take the greatest known flood of the Chagres River nine hours to raise the level of the lake 1 foot, even though no water was discharging through the spillway at Gatun.

WATER SUPPLY.

"To those who are skeptical as to the supply of water which will be available to fill the Gatun Lake the following figures may be of interest:

"The rainy season on the Isthmus usually extends through the last eight months of the year and the remaining four months make up the dry season.

"At Colon the average annual rainfall amounts to 130 inches a year and, as one comes across the Isthmus from Colon to Panama, the rainfall decreases gradually until at Panama the rainfall averages 70 inches per annum. Now, as one goes east and west from the zone, one gets into sections that are more mountainous in which it rains almost every day in the year, so that at Porto Bello one finds an annual average rainfall of 173 inches. In 1909 Porto Bello had 237 inches of rain; during one month of that year it had 58 inches, or more than the average annual rainfall around New York or Boston, which is 40 to 45 inches.

"Porto Bello also holds the record for 24 hours' rainfall, which amounted to 10.86 inches. The greatest recorded rainfall for one hour is 5.86 inches at Balboa in June, 1905. The heaviest rainfall of short duration occurred at Porto Bello in December, 1911, amounting to 2.46 inches in three minutes.

"The area drained by the Chagres and its tributaries is 1,320 square miles, and in 1910 the volume of the discharge of that river at Gatun equaled once and a half the volume of water that will be contained in the Gatun Lake. At Gamboa the river has been known to rise 40 feet in 24 hours and to discharge one hundred times the water that it does in the dry season, amounting during one flood to a flow of 170,000 cubic feet per second, which equals two-thirds of the volume of water which passes over the Horseshoe Falls at Niagara.

POWER PLANTS.

"On the east side of the spillway will be located a large hydroelectric plant. This plant will take water from the Gatun Lake, pass it through turbines, and discharge it through openings in the side wall of the spillway channel, thereby generating all the power necessary to operate the lock machinery throughout the entire length of the canal. This plant consists of three 2,000-kilowatt generators, one of which is a reserve, producing ordinarily over 5,000 horsepower, with a reserve of 2,500 horsepower.

"The fall from the level of Gatun Lake to the level of the spillway floor being 75 feet, the supply of water for operating this plant will be ample at all times of the year.

"As an extra precaution, however, the present 6,000-horsepower construction plant at Miraflores, which is an oil-burning steam plant, will be retained as an auxiliary to the Gatun plant should it ever be needed.

CULEBRA CUT.

"The Culebra Cut, from which it was necessary to excavate over 105,000,000 cubic yards of rock and earth, representing nearly half of the excavation work on the entire canal, begins at the point where the canal leaves the valley of the Chagres, near Bas Obispo, and follows the winding valley of the Rio Obispo until it reaches the Continental Divide, near Culebra. After cutting through the divide it follows the valley of the Rio Grande to Pedro Miguel.

"The cut is 9 miles long and will be 300 feet wide on the bottom. At all the angles it is widened out sufficiently to allow a vessel 1,000 feet long to make the turn with perfect ease. The average depth to which it was necessary to excavate below the natural surface was approximately 120 feet through the entire length of the cut. At the point where the Continental Divide was severed, between Gold Hill and Contractor's Hill, the cutting will average 375 feet.

EXCAVATION.

"On January 1, 1913, there remained to be excavated throughout the cut 5,501,419 cubic yards of material. In the year 1911, 16,600,000 cubic yards were excavated; so that at this time there remains to be taken out less material than was excavated in the past 12 months. The 5,501,419 cubic yards which are still to be excavated lie in the cut in the shape of a mound 4 miles long at the base and 25 feet high. At the highest point this summit is located just opposite Culebra, and the mound slopes both ways from that level, so that on either end of the cut a point is reached where the excavation work

has been carried down to the final grade. Thirty-eight steam shovels are at work excavating this material, each one taking out on an average 1,500 cubic yards of rock and earth each day. Records have been made, however, of over 4,000 cubic yards in eight hours. As a matter of fact, the number of hours that a steam shovel is generally employed in loading cars amounts to only about six, as the problem in the cut is more one of transportation than of excavation, and it is not possible to keep trains standing under the shovels more than six hours out of the eight. All told, there are now about 75 miles of track in the cut, of which it is necessary to move about a mile each day. At the present time about 150 loaded trains of earth are passing out of the cut daily, but at the time when the excavation work was at its maximum 175 trains were leaving each day, which amounted to about one train every two and one-half minutes. The monthly output from the cut reaches close to 1,500,000 cubic yards.

"The buckets used on most of the shovels in the cut load 4 and 5 cubic yards at a time, which by weight means from 6 to 7½ tons to the bucketful.

DRILLING AND BLASTING.

"All of the material which is excavated by the shovels is first drilled and then blasted before it can be handled, and in the length of the cut a great number of drills are constantly working. All of these drills, of which there are two styles, churn and tripod, are operated by compressed air supplied from one long air main which parallels the line of the cut. Three compressor plants are pumping into this line, one located near the middle and one near each end of the line. The average depth to which the holes are drilled is 24 feet, and after drilling to this depth a small charge of dynamite is placed in the hole and discharged by means of the magneto battery, enlarging in that way the size of the hole at the bottom. Then, after the hole has cooled off it is ready to receive the large charge of dynamite varying from 75 to 200 pounds to each hole. This charge is exploded by means of the regular electric-light current, the ordinary magneto battery having been found too unreliable and its use resulted in too many misfired shots, which had to be subsequently excavated, thereby greatly endangering the lives of the workmen.

"Each month an average of 75 miles of drill holes are sunk, and if all the drill holes which have been put down since the United States has been at work were placed end to end the hole would pass entirely through the earth, coming out in the Indian Ocean south of the island of Sumatra. Five hundred thousand pounds of dynamite are used each month in the cut, and on the entire canal 800,000 pounds are consumed.

SLIDES.

"At the present time, there are in the length of the cut 19 slides varying greatly in size, the total area involved amounting to 210 acres. One of the largest is the Cucaracha slide just south of Gold Hill, which started during the French time and now covers an area of 47 acres, and is broken back a distance of 1,800 feet from the center line of the cut. A great number of smaller slides have occurred throughout the cut, the worst section for slides being right around the town of Culebra. From time to time small slides have occurred here on both the east and west banks, which have gradually combined, forming two large slides, until they have become more difficult to handle than the Cucaracha slide.

"Two general characters of slides are found in the cut. One is the true slide, which is a mass of earth that is sliding from a hard surface that pitches toward the cut, and this slide is glacial in its action. There are no means of overcoming or correcting this character of slide; the only thing that can be done is to take the material out as it slides in and continue to do so until the sliding material reaches an angle flat enough to stand. The other is a slide that is caused by the great weight of the banks on either side of the cut weighting down and squeezing out the soft underlying strata, which in giving away bulge up at the bottom of the cut, allowing the banks on either side to settle. These banks in settling break loose and begin to move toward the cut. The first movement of the banks in this kind of slide is downward and then the lateral motion follows. The slides near Culebra are of this type. In order to correct this character of slide steam shovels are working on top of the banks, taking material off the top, thereby reducing the weight of the banks and to a certain extent preventing further sliding.

DIVERSION CHANNELS.

"As the cut follows the valleys of the Rio Obispo and Rio Grande, it was necessary to divert these streams and their main tributaries to prevent the cut from being flooded during the rainy season. So that paralleling the line of the cut on the west side we have the Rio Grande and Comacho diversions, and on the east side the Obispo diversion. These diversion channels parallel the line of the cut and carry off the water of these small streams, as well as a large part of the surface drainage-water, thus preventing the flooding of the cut itself. These channels were all started by the French, but were enlarged after the United States began work on the canal.

LOCKS.

"There are six locks in the canal, three in flight at Gatun, one at Pedro Miguel, and two in flight at Miraflores. All locks are constructed in pairs, so that vessels can go in opposite directions at the same time. Each lock or flight of locks is in general to be reserved for ships going in one direction, the twin lock or flight being used for vessels going in the opposite direction.

"The length of the lock chamber is 1,000 feet, the width 110 feet, and the depth of water over the sills 41½ feet in fresh water and 40 feet in salt water.

"The Pedro Miguel Lock is the same in all the essential features as the other locks, and as there is only one lift at this point it is the best one to describe.

"A simple definition of a lock is a walled chamber between two bodies of water of different levels having gates at either end, in which it is possible to confine vessels while they are being raised or lowered from one level to another by allowing water to flow in or out of the lock chamber.

"The method of raising or lowering the level of the water in the lock chamber varies on different lock canals. The lock chambers on most of the old canals are emptied or filled through sluice gates that slide up and down in the lock gates themselves. This system, however, caused a great deal of surging of the water at that end of the lock at which it was flowing in or out, and the system that has been adopted on the Panama Canal was designed with the idea of avoiding this disturbance of the water in the lock.

"All the locks on the Panama Canal have two parallel lock chambers, separated by a center wall. The water is brought in or out of these chambers through huge tunnels 18 feet in diameter passing lengthwise of the lock through the center and side walls. Branching out from these tunnels at right angles and running out under the lock floor are laterals, and these laterals communicate with the lock chamber through openings in the lock floor. The flow of water in or out of the lock is controlled by the gate valves located at both the upper and lower ends of the feed tunnels. In order to raise the water in the lock chamber the valves at the lower end are closed and the ones at the upper end opened. The water then flows from the upper level into the lock, passing down the tunnel in the side wall, and out through the laterals under the floor, coming up through the openings in the floor. It continues to flow in this way until the elevation of the water in the lock chamber is the same as that of the water above. To lower the water in the lock the process is simply reversed. The upper valves are closed and the lower ones opened. The water then flows out from the lock chamber and, passing back through the same tunnels that brought it in, seeks the level of the water below. So that in order to raise a vessel from one level to another the level of the water in the lock chamber is brought to the same level as that at which the vessel stands.

"The lock gates are then opened, the vessel passes into the chamber, and the gates are closed. Water is then allowed to flow into the lock until the vessel is raised to the level of the upper body of water, and with the same level on both sides of the upper gates those gates are thrown open, the vessel passing out at a greater elevation than that at which it entered the lock.

"The big tunnels passing through the side walls are the main operating tunnels, the one through the center wall being an auxiliary used to assist in filling the lock during the latter part of the operation, thereby increasing the volume of the inflow at the time when the velocity of the water entering the lock from the side wall tunnels is decreasing, keeping up in that way an average rate of filling which would amount to about 2 feet per minute. So that at Pedro Miguel, where the lift is 30 feet, a vessel would be raised from one level to the other in 15 minutes. The desired rate of filling can be kept up for the 600-foot and 400-foot locks by the side culvert only. It is probable that the center wall tunnel will be used only in case of the 1,000-foot lockages.

"From the center wall tunnel laterals, which alternate with laterals from the side walls, lead out under the floors of both lock chambers. They are controlled, independent of the main tunnel, by cylindrical valves located at the head of each tunnel, so that it is possible to close the laterals all the way down on one side, opening those on the other side, and feed water to one lock chamber; or, by reversing the process, feed water to the other chamber. By opening the valves to the laterals on both

sides it is possible to pass water through from one chamber to the other, in that way effecting a saving of water whenever vessels are going in opposite directions at the same time.

"Another means of economizing water is by using the intermediate lock gate which divides the 1,000-foot lock into two sections of 600 and 400 feet, respectively; so that in putting through small vessels it is not necessary to fill or empty the entire chamber.

ELECTRIC LOCOMOTIVES.

"The protective devices are one of the most interesting features of the lock construction, and of these the electric locomotives are the most important. About 90 per cent of all accidents to other locks have been due to misunderstanding in signals between the captain and engineer of the vessel, and all accidents of that kind will be eliminated by requiring vessels to go through the locks in tow of electric locomotives operating on the center and side walls of the locks. A vessel comes in and ties up to the center wall, which is extended beyond the side walls at both the upper and lower ends of the lock simply to act as a wharf or mooring wall. The vessel waits here until the locomotives come down and tow it up to a point where the locomotives on the side walls make fast their lines. The vessel then goes into the lock chamber with two locomotives in front towing, one on either side, and two others behind to retard when she gets into proper position.

"These towing locomotives operate on tracks close to the edge of the wall and engage in a center cog rail. While running on this cog rail the maximum speed at which they can operate will be 2 miles per hour. When they have completed a tow, however, they switch over to a track farther back from the edge of the wall and here the cog rail is omitted, so that they can return at a greater speed.

PROTECTIVE CHAIN.

"Should a vessel not obey the order to stop out alongside the center wall, but come ahead, it first would encounter a chain stretched across the entrance to the lock chamber. This chain connects on either side with large hydraulic cylinders located in shafts in the lock walls. The pressure from these cylinders causes the chain as it plays out to offer more and more resistance to the motion of the vessel. The chain is capable of stopping in 70 feet a 10,000-ton vessel running 4 miles per hour. The stock from which it is to be forged is three inches in diameter.

"When not in use the cylinders are forced up and the weight of the chain carries it down into the groove in the bottom of the lock floor and the vessel passes over it.

GUARD GATES.

"If a vessel should break through the fender chain, it would then ram the lock gate; but with this contingency in view two gates instead of one have been provided at the upper and lower ends of the highest lock in each flight, the upper or guard gate of each pair serving to protect the lower gate from ramming. Both gates would have to be broken down to put the lock out of commission.

LOWER GUARD GATE.

"At the lower end of all the sets of locks a small guard gate has been put in, mitering the other way from the main lock gates, which miter toward the high level, and it has been designed to serve two purposes: First, as a coffer gate or dam if at any time it is necessary to pump the water from the lower lock chamber; second, as a guard gate to the lower lock gate, for, mitering as it does, it will stand a heavier blow from the lower side than the lock gate itself.

EMERGENCY DAM.

"If all of these devices should fail and there should be an accident which would establish free communication between the two levels above and below a lock, a most destructive accident would be the result, for the velocity of the water flowing through the lock chamber would be 24 feet per second and the discharge would amount to 90,000 cubic feet per second. In order to shut off this water and prevent it from tearing out the lock floor it is necessary to employ a device known as an emergency dam, of which there are two installed at the upper end of each set of locks, one for either side. These resemble a swing bridge, and when put into use they are swung out across the lock and from their lower side a set of openwork wickets are lowered, engaging in a grooved sill on the lock floor. When these wickets are down and in place, small plates resembling little flat cars are allowed to run down, one on each wicket, building up a row of plates across the bottom, one joining the other. When the first complete set has been let down 9 feet of water will be shut off, and then another set of plates will be let down, until finally the water rushing through the lock will be entirely shut off. Of course, there will be some seepage through the plates, but the water above this temporary dam will be still water and the electric locomotives will go down and take in tow a floating caisson, or hollow steel float, and towing it around seat it against a sill at the upper end of the lock chamber. Then by filling water into the caisson it is sunk, entirely shutting off the water flowing through the lock. The emergency dam is then raised and the necessary repairs made to the locks.

LOCK GATES.

"The construction of the lock gates is also interesting. They were built up of big horizontal girders weighing from 12 to 18 tons each, with vertical framework in between and sheathing plate both on the inside and outside of this frame. They are cellular in construction and the lower half of the gate is an air chamber which supports about three-quarters of the weight of the gate when submerged. The upper half of the gate is arranged with openings in the plates on the upstream side, so that water can flow in or out of the upper half of the gate at the same time that it flows in and out of the lock, increasing the weight of the gate as the height of the water on the outside increases, overcoming in that way the lifting effect of the air chamber in the bottom of the gate as it is placed deeper and deeper under water.

"These gates vary in height from 47 to 82 feet, and in weight from 300 to 700 tons to each half gate. If each half gate were laid flat one on top of the other they would build up a tower containing 58,000 tons of steel standing 32 feet higher than the Singer Building in New York. There are 92 half gates and each is 7 feet in thickness.

"Another interesting comparative figure is one pertaining to the excavated material. All of the excavated material which will have been taken out when the canal is completed, including the 30,000,000 cubic yards of useful French excavation, if loaded on one train of flat cars similar to the wooden cars one sees commonly on the work, would make a train over 110,000 miles long, reaching more than four times around the earth.

SANITATION.

"Not one single factor has been more important in making the construction of this canal a possibility than that of sanitation. One of the worst snags that the French ran against was this very question of sanitation. Unfortunately there are no accurate figures obtainable on the lives lost during the French time; the only figures available are for the mortality in Ancon Hospital, which for the eight years between 1881 and 1888 amounted to 5,527. But the French were at this time doing their work by contract, and each contractor was charged a dollar per day for each man he had in hospital. It will readily be understood, therefore, that if the French contractor were anything like the ordinary contractor, not a very large proportion of the sick would go to this hospital. We hear of many individual instances of heavy loss. The first French director, Mr. Dingler, came to the Isthmus with his wife and three children. At the end of the first six months all had died of yellow fever except himself. One of the French engineers, who was still on the Isthmus when we first arrived, stated that he came over with a party of 17 young Frenchmen. In a month they had all died of yellow fever except himself. The superintendent of the railroad brought to the Isthmus his three sisters; within a month they had all died of yellow fever. The mother superior of the sisters nursing in Ancon Hospital told me that she had come out with 24 sisters. Within a few years 21 had died, the most of yellow fever. Many other instances of this kind could be cited. During the eight years that the Americans have been at work on the canal the death roll has reached 5,141, of which 995 have been deaths from violence. For the fiscal year 1912 the death rate per thousand on the Isthmus was lower than in almost any large city in the United States, as the following figures will show:

Deaths from accidents	3.08
Deaths from diseases	7.08
Total deaths from all causes	10.16

"The most important work of the sanitary department and the one which has had most to do with the reduction of the death rate is undoubtedly that which has to do with the control of the breeding of mosquitoes, so that I will speak only of that one feature of its work.

"I have found it a very prevalent idea among the visitors to the Isthmus that the mosquitoes have been entirely exterminated from the zone; such, however, is not the case, for,

although there are 448 square miles within the zone, the destruction of the mosquito is carried on over only about 100 square miles. Outside of this area of 100 square miles mosquitoes can be found just as thick as they ever were; but by constant vigilance and effort the number of mosquitoes in the sanitated areas has been reduced to such a very few that adult mosquitoes are but seldom seen by the casual observer.

"For the purpose of sanitation the zone is divided into sanitary districts, each district being placed in charge of a sanitary inspector. As a general rule, the sanitary work is carried on to a distance of about 1,000 yards outside the extreme limits of any inhabited district, as this has been found to be about the flying radius of the varieties of mosquitoes which the sanitary department has to deal with. The work of controlling the mosquitoes within these districts falls under three heads:

"First. Elimination of favorable breeding places by filling, drainage, removal of grass to favor evaporation, clearing of banks of streams and other bodies of water to give access to fish that eat the larvæ of the mosquitoes, removal of vegetation and other foreign matter, such as algæ, which gives shelter to the larvæ of the mosquitoes, introduction of water supplies to reduce the number of water-holding containers in which the yellow-fever mosquito breeds, and screening of such water containers as can not be done away with.

"Second. By oiling or larvaciding such bodies of water as can not be conveniently and economically eliminated, the oil used for this purpose being the ordinary crude oil and the larvacide a mixture of creosote, caustic soda, and resin.

"Third. By preventing the access of mosquitoes to the inhabitants by effectively screening as many dwellings as possible and, in addition, by catching in specially designed traps and by hand such mosquitoes as find their way into dwellings.

"By the constant application of these methods the malaria rate has been reduced from about 6.83 per cent of employees admitted each month to the hospital in 1906 to about 1 per cent per month for the current year, and in totally eliminating yellow fever from the cities of Panama and Colon and the Canal Zone, the last case of this disease having occurred in Colon in May, 1906."

Interesting facts and figures.

Length of canal from deep water to deep water—miles	50½
Length from shore line to shore line—do	40
Time of transit through completed canal—hours	10 to 12
Time of passage through locks—do	3
Bottom width of channel, maximum—feet	1,000
Bottom width of channel, minimum, 9 miles Culebra Cut—feet	300
Locks, in pairs	12
Locks, usable length—feet	1,000
Locks, usable width—do	110
Gatun Lake, area—square miles	164
Gatun Lake, channel depth—feet	85 to 45
Culebra Cut, channel depth—do	45
Excavation, estimated total—cubic yards	212,504,138
Excavation, amount accomplished to Jan. 1, 1913, cubic yards	188,280,312
Excavation by the French—cubic yards	78,146,960
Excavation by French, useful to present canal, cubic yards	29,908,000
Excavation by French, estimated value to canal	$25,389,240
Value of all French property	$42,799,826
Concrete, total estimated for canal—cubic yards	5,000,000
Weight of 1 cubic yard of concrete or earth—pounds	3,000
Relocated Panama Railroad, estimated cost	$9,000,000
Relocated Panama Railroad, length—miles	47.1
Maximum grade on Panama Railroad—per cent	1.25
Maximum curve on Panama Railroad—degrees	7
Gauge of Panama Railroad—feet	5
Canal Zone, area—square miles	448
Canal and Panama Railroad force actually at work (about)	35,000
Canal and Panama Railroad force, Americans (about)	5,000
Cost of canal, estimated total	$375,000,000
Amount spent by French	$260,000,000
Work begun by Americans	May 4, 1904
Date of official opening	Jan. 1, 1915
Population of Colon	17,740
Population of Panama City	37,505
Tide on Pacific side—feet	20
Tide on Atlantic side—inches	26
Area drained by the Chagres River—square miles	1,320
Average rainfall at Colon—inches	130
Average rainfall at Panama—do	70
Average rainfall at Porto Bello—do	173
Maximum rainfall of record for 3 minutes—do	2.46
Maximum rainfall of record for 1 hour—inches	5.86
Maximum rainfall of record for 24 hours—do	10.86
Maximum temperature of record—°F	96.6
Minimum temperature of record—do	59
Average mean temperature	79
Mean relative humidity—per cent	89
Evaporation per annum—inches	52
Maximum momentary discharge of Chagres at Gamboa, cubic feet per second	170,000
Volume of water passing over the Horseshoe Falls at Niagara—cubic feet per second	250,000
Average amount excavated in 8 hours by each steam shovel in cut—cubic yards	1,500
Record for 8 hours for steam shovels of any class—do	5,554
Record for 8 hours for 70-ton shovels, 3-yard bucket, cubic yards	3,930
Location of rock crushers and sand pits:	
Atlantic side—	
Rock quarry, Porto Bello, capacity, cubic yards per day	3,600
Sand pits, Nombre de Dios.	
Pacific side—	
Rock quarry, Ancon Hill, capacity, cubic yards per day	2,000
Sand pits, Point Chame.	
Amount of oil used per month—barrels	45,000
Cost of same—per barrel	41.1c
Amount of coal used per month—tons	55,000
Cost of same, delivered in fire box—per ton	$3.60
Number of miles of track on Isthmus (about)	500
Death rate per thousand, 1912:	
Accidents	2.88
Disease	7.88
Total from all causes	10.76

Equipment.

Steam shovels:	
105-ton, 5 cubic yard dippers	15
95-ton, 4 and 5 cubic yard dippers	30
70-ton, 2½ and 3 cubic yard dippers	50
66-ton, 2½ cubic yard dippers	30
45-ton, 1¾ cubic yard dippers	20
26-ton	10
Trenching shovel, ¾ cubic yard dipper	1
Total	160
Cranes:	
American	64
French	6
Total	70
Locomotives:	
American—	
106 tons	100
105 tons	40
117 tons	20
Total	160
French—	
20 tons	3
28 tons	50
30 tons	16
38 tons	20
Decauville	8
Total	97
Narrow gauge, American, 40 tons	10
Narrow gauge, American, 16 tons	25
Electric	12
Total	47
Grand total	280
Drills:	
Mechanical churn, or well	250
Tripod	381
Total	631
Cars:	
Flat, used with unloading plows	1,800
Steel dumps, large	600
Steel dumps, small	1,500
Ballast dumps, steel	12
Ballast dumps, wood	12
Steel flats	500
Narrow gauge	200
Motor	6
Pay car	1
Total	4,221
Spreaders	20
Track shifters	6
Unloaders	20
Pile drivers	12
Dredges:	
American ladder	11
French ladder	11
Dipper	1
Pipe-line	1
Seagoing suction	1
Clam-shell	1
Total	25
Rock breaker, floating	1
Tugs	12
Towboat	1
Houseboats	11
Clapets	1
Pile driver, floating	1
Crane boat	70
Barges, lighters, and scows	14
Launches	1
Cutters	1
Drill boats	1
Derrick barges	1

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. HULINGS, for five days, on account of important business.

To Mr. GOEKE, indefinitely, on account of illness.

To Mr. LA FOLLETTE, for one week, on account of illness.

To Mr. MANAHAN, for three weeks, on account of important business.

WITHDRAWAL OF PAPERS—FRED HOPPE.

By unanimous consent, leave was granted to Mr. GARD to withdraw from the files of the House, without leaving copies, papers accompanying H. R. 23460, granting a pension to Fred Hoppe, Sixty-first Congress, second session, no adverse report having been made thereon.

MAURY DIGGS AND DREW CAMINETTI.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take up for present consideration House resolution 181, that four hours of debate be had upon the resolution, one half of the time to be controlled by the chairman of the Committee on the Judiciary, myself, and the other half to be controlled by the gentleman from Illinois [Mr. MANN], the leader of the minority, and the gentleman from Kansas [Mr. MURDOCK], the leader of the Progressive Party; and that at the expiration of the four hours of debate it be in order, without amendment, to move to lay the resolution on the table.

The SPEAKER. The gentleman from Alabama asks unanimous consent that there be four hours of general debate on what is known as the Kahn resolution, House resolution 181, one-half of that time to be controlled by the gentleman from Alabama [Mr. CLAYTON] and one-half by the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK], and that at the end of that time, without amendment or intervening motion, the motion to lay the resolution on the table be voted upon. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNS of Tennessee. Is the resolution now before the House?

The SPEAKER. Yes.

Mr. BYRNS of Tennessee. Then I desire to submit a preferential motion. I move that the resolution do lie on the table.

Mr. CLAYTON. Mr. Speaker, pending the suggestion made by the gentleman from Tennessee, I desire to make a statement.

Of course, Mr. Speaker, the House is well aware of the responsibility which is imposed upon any committee of this House in the handling of any particular resolution or bill. The committees are appointed for the purpose, and a chairman is selected in furtherance of that purpose, of giving careful and proper consideration to the matters referred to the committees. The Committee on the Judiciary gave careful consideration to this resolution and of every question touching it. They were unanimous in their report and conclusion that the resolution had accomplished its purpose, and were unanimous in the recommendation that it ought to lie on the table.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CLAYTON. I wanted in justice to myself to make one more observation.

Mr. BYRNS of Tennessee. I did not want to open the matter up for debate.

Mr. CLAYTON. I will endeavor not to do that. But as in the nature of a postulate for what I was coming to say, I have said what I have.

Now, Mr. Speaker, on several occasions the gentleman from California [Mr. KAHN] has manifested a desire to speak to this resolution. Of course it is not within the power of the committee nor any Member of this House to prevent the gentleman from California at some time during the session of Congress to speak on this subject. It occurred to the chairman of the committee and to his associates, all with whom he could confer, that it would perhaps be well under all the circumstances that the gentleman from California be permitted now to engage in the remarks that he desires to submit to the House, the range of which I can not tell, and that the chairman and the committee should also have an opportunity to reply to anything that he might say, if such reply was deemed advisable or necessary. The Attorney General has said in effect that he had no desire to withhold anything from publication pertaining to the so-called Caminetti case, but that on the contrary it is his desire that the fullest publicity be given to his acts and doings. He has concealed nothing and has done nothing for which he wants any excuse on the part of this House. Now, in pursuance of that, I will be frank to state it to the House——

Mr. BYRNS of Tennessee. Now, Mr. Speaker, I dislike to object, but I will say to the gentleman——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. I am not going to discuss the question, but I would like to state one sentence.

Mr. BYRNS of Tennessee. I do not want to be in the position of objecting, but——

Mr. CLAYTON. Just one sentence.

The SPEAKER. The gentleman from Illinois [Mr. MANN] said that he wished to make a parliamentary inquiry.

Mr. CLAYTON. Will the gentleman from Illinois allow me to add one sentence?

Mr. MANN. Certainly.

Mr. CLAYTON. And that is, I feel myself, and my colleagues of the committee with whom I have conferred feel, in some way under obligation to make the proposition that I have made, and to respectfully ask the House to accede to it, and to respectfully insist upon it.

Mr. BYRNS of Tennessee. That was not the position of the committee the other day when it reported the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] will state his parliamentary inquiry.

Mr. MANN. Mr. Speaker, the resolution having been reported from the Committee on the Judiciary by the gentleman from Alabama [Mr. CLAYTON], he having withdrawn his motion to lay on the table, is he not entitled to the floor for the discussion of the resolution ahead of any demands of any person to be recognized for the purpose of moving to lie on the table? It is perfectly patent, Mr. Speaker, when a bill is called up before the House, if any Member on the floor can take off his feet a person in charge of the bill by a motion to lay the bill on the table, it would be a very common method of filibustering.

Mr. CLAYTON. Mr. Speaker, I shall have to insist that I have the floor.

Mr. BYRNS of Tennessee. Mr. Speaker, I would like to be heard.

The SPEAKER. Section 740 of the Manual says:

> In debate the members of the committee, except the Committee of the Whole, are entitled to priority of recognition for debate, but a motion to lay a proposition on the table is in order before the Member entitled to prior recognition for debate has begun his remarks.

Therefore the motion of the gentleman from Tennessee [Mr. BYRNS] is in order.

Mr. KAHN. Mr. Speaker——

The SPEAKER. The gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I ask unanimous consent to address the House for two minutes before the motion of the gentleman from Tennessee [Mr. BYRNS] is put.

Mr. McKELLAR. Mr. Speaker, reserving the right to object, does the gentleman desire to discuss this case in any way?

Mr. KAHN. No. I want to show the committee why this motion should not prevail.

Mr. BYRNS of Tennessee. Mr. Speaker, I object.

Mr. McKELLAR. I object, Mr. Speaker.

The SPEAKER. The motion to lay on the table is not debatable. The question is on the motion of the gentleman from Tennessee [Mr. BYRNS] to table this resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Speaker.

The House divided, and there were—ayes 91, noes 67.

Mr. MANN. I ask for tellers, Mr. Speaker.

Tellers were ordered.

Mr. BYRNS of Tennessee and Mr. CLAYTON took their places as tellers.

The House again divided, and the tellers reported—ayes 99, noes 75.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays. We are here for all summer now.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 85, answered "present" 7, not voting 205, as follows:

YEAS—132.

Abercrombie	Broussard	Carr	Eagle
Aiken	Brown, W. Va.	Carter	Fergusson
Alexander	Bruckner	Church	Fitzgerald
Ashbrook	Brumbaugh	Claypool	FitzHenry
Aswell	Buchanan, Tex.	Collier	Floyd, Ark.
Baker	Bulkley	Connelly, Kans.	Francis
Baltz	Burgess	Davenport	Gard
Barkley	Burke, Wis.	Davis, W. Va.	Garner
Bartlett	Burnett	Decker	Garrett, Tenn.
Beakes	Byrnes, S. C.	Deitrick	Garrett, Tex.
Bell, Ga.	Byrns, Tenn.	Dickinson	Gillmore
Booher	Candler, Miss.	Dixon	Gittins
Borland	Caraway	Doremus	Glass
Bowdle	Carlin	Doughton	Goodwin, Ark.

Gregg	Kinkead, N. J.	Oldfield	Stringer
Hamlin	Kirkpatrick	Patten, N. Y.	Sumners
Hardwick	Konop	Pepper	Taggart
Hardy	Korbly	Peterson	Talcott, N. Y.
Harrison, Miss.	Lazaro	Quin	Taylor, Ark.
Hay	Lee, Ga.	Reed	Ten Eyck
Heflin	Lesher	Reilly, Conn.	Thacher
Hill	Lever	Russell	Thomas
Holland	Lloyd	Sabath	Tuttle
Houston	McAndrews	Sharp	Underwood
Howard	McGillicuddy	Sims	Vaughan
Hughes, Ga.	McKellar	Sisson	Walsh
Hull	Maguire, Nebr.	Smith, Md.	Watkins
Igoe	Montague	Smith, Tex.	Watson
Jacoway	Moon	Stanley	Webb
Johnson, S. C.	Morgan, La.	Stedman	Whaley
Keating	Morrison	Stephens, Nebr.	Wilson, Fla.
Kennedy, Conn.	Oglesby	Stephens, Tex.	Wingo
Kettner	O'Hair	Stout	Young, Tex.

NAYS—85.

Austin	Evans	Lindbergh	Sherley
Barton	Foster	Lobeck	Shreve
Bell, Cal.	French	McCoy	Sinnott
Brockson	George	McGuire, Okla.	Sloan
Bryan	Gillett	McKenzie	Small
Burke, S. Dak.	Gray	Mann	Smith, Idaho
Butler	Greene, Mass.	Mapes	Smith, Minn.
Callaway	Hamilton, N. Y.	Martin	Stafford
Campbell	Hayden	Miller	Stevens, N. H.
Casey	Helgesen	Mondell	Stone
Chandler, N. Y.	Helvering	Morgan, Okla.	Tavenner
Cline	Henry	Moss, W. Va.	Taylor, Colo.
Cooper	Johnson, Ky.	Neeley	Thomson, Ill.
Cox	Johnson, Utah	Nolan, J. I.	Towner
Cullop	Johnson, Wash.	Page	Treadway
Curry	Kahn	Payne	Walters
Davis, Minn.	Kelly, Pa.	Prouty	Weaver
Dillon	Kennedy, Iowa	Raker	Willis
Donovan	Kent	Roddenbery	Woods
Doolittle	Kinkaid, Nebr.	Rupley	
Dyer	Knowland, J. R.	Scott	
Elder	Lewis, Pa.	Seldomridge	

ANSWERED "PRESENT"—7.

Adamson	Crisp	Murray, Okla.	Smith, J. M. C.
Clayton	Fowler	Rubey	

NOT VOTING—205.

Adair	Fairchild	Kiess, Pa.	Rainey
Ainey	Faison	Kindel	Rauch
Allen	Falconer	Kitchin	Rayburn
Anderson	Farr	Kreider	Reilly, Wis.
Ansberry	Ferris	Lafferty	Richardson
Anthony	Fess	La Follette	Riordan
Avis	Fields	Langham	Roberts, Mass.
Bailey	Finley	Langley	Roberts, Nev.
Barchfeld	Flood, Va.	Lee, Pa.	Rogers
Barnhart	Fordney	L'Engle	Rothermel
Bartholdt	Frear	Lenroot	Rouse
Bathrick	Gallagher	Levy	Rucker
Beall, Tex.	Gardner	Lewis, Md.	Saunders
Blackmon	Gerry	Lieb	Scully
Borchers	Godwin, N. C.	Lindquist	Sells
Bremner	Goeke	Linthicum	Shackleford
Britten	Goldfogle	Logue	Sherwood
Brodbeck	Good	Lonergan	Slayden
Brown, N. Y.	Gordon	McClellan	Slemp
Browne, Wis.	Gorman	McDermott	Smith, N. Y.
Browning	Goulden	McLaughlin	Smith, Sami. W.
Buchanan, Ill.	Graham, Ill.	Madden	Sparkman
Burke, Pa.	Graham, Pa.	Mahan	Steenerson
Calder	Green, Iowa	Maher	Stephens, Cal.
Cantrill	Greene, Vt.	Manahan	Stephens, Miss.
Carew	Griest	Merritt	Stevens, Minn.
Cary	Griffin	Metz	Sutherland
Clancy	Gudger	Mitchell	Switzer
Clark, Fla.	Guernsey	Moore	Talbott, Md.
Connolly, Iowa	Hamill	Morin	Taylor, Ala.
Conry	Hamilton, Mich.	Moss, Ind.	Taylor, N. Y.
Copley	Hammond	Mott	Temple
Covington	Harrison, N. Y.	Murdock	Thompson, Okla.
Cramton	Haugen	Murray, Mass.	Townsend
Crosser	Hawley	Nelson	Tribble
Curley	Hayes	Norton	Underhill
Dale	Helm	O'Brien	Vare
Danforth	Hensley	O'Leary	Volstead
Dent	Hinds	O'Shaunessy	Walker
Dershem	Hinebaugh	Padgett	Wallin
Dies	Hobson	Palmer	Whitacre
Difenderfer	Howell	Parker	White
Donohoe	Hoxworth	Patton, Pa.	Wilder
Dooling	Hughes, W. Va.	Peters	Williams
Driscoll	Hulings	Phelan	Wilson, N. Y.
Dunn	Humphrey, Wash.	Platt	Winslow
Dupré	Humphreys, Miss.	Plumley	Witherspoon
Eagan	Jones	Porter	Woodruff
Edmonds	Keister	Post	Young, N. Dak.
Edwards	Kelley, Mich.	Pou	
Esch	Kennedy, R. I.	Powers	
Estopinal	Key, Ohio	Ragsdale	

So the motion to lay on the table was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Mr. SLAYDEN with Mr. BARTHOLDT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. SAUNDERS with Mr. KEISTER.

Mr. DALE with Mr. AVIS.

Mr. GOEKE with Mr. FESS.

Mr. GODWIN of North Carolina with Mr. MURDOCK.

Mr. RICHARDSON with Mr. ESCH.

Mr. FIELDS with Mr. LANGLEY.

Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.

Mr. MITCHELL with Mr. WINSLOW.

Mr. HELM with Mr. KREIDER.

Mr. CANTRILL with Mr. EDMONDS.

Mr. FLOOD of Virginia with Mr. SLEMP.

Mr. EDWARDS with Mr. GRAHAM of Pennsylvania.

Mr. MURRAY of Massachusetts with Mr. SELLS.

Mr. DONOHOE with Mr. GRIEST.

Mr. DENT with Mr. PATTON of Pennsylvania.

Mr. TALBOTT of Maryland with Mr. BARCHFELD.

Mr. RUBEY with Mr. HAWLEY.

Mr. ADAIR with Mr. BRITTEN.

Mr. BARNHART with Mr. ANDERSON.

Mr. BATHRICK with Mr. ANTHONY.

Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.

Mr. BLACKMON with Mr. BROWNE of Wisconsin.

Mr. BROWN of New York with Mr. CALDER.

Mr. BUCHANAN of Illinois with Mr. COPLEY.

Mr. CONRY with Mr. CARY.

Mr. COVINGTON with Mr. DANFORTH.

Mr. CURLEY with Mr. DUNN.

Mr. DIES with Mr. CRAMTON.

Mr. DUPRÉ with Mr. FARR.

Mr. DRISCOLL with Mr. FALCONER.

Mr. HAMMOND with Mr. FORDNEY.

Mr. ESTOPINAL with Mr. FREAR.

Mr. FAISON with Mr. GOOD.

Mr. FERRIS with Mr. GREENE of Vermont.

Mr. FINLEY with Mr. GREENE of Massachusetts.

Mr. GALLAGHER with Mr. HAUGEN.

Mr. GOLDFOGLE with Mr. HAYES.

Mr. GOULDEN with Mr. HOWELL.

Mr. GRAHAM of Illinois with Mr. HUMPHREY of Washington.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. HAMILL with Mr. HULINGS.

Mr. HARRISON of New York with Mr. LANGHAM.

Mr. HENSLEY with Mr. KELLEY of Michigan.

Mr. HUMPHREYS of Mississippi with Mr. KIESS of Pennsylvania.

Mr. JONES with Mr. LA FOLLETTE.

Mr. KITCHIN with Mr. MCLAUGHLIN.

Mr. LEVY with Mr. LINDQUIST.

Mr. LINTHICUM with Mr. MANAHAN.

Mr. L'ENGLE with Mr. MORIN.

Mr. PETERS with Mr. MADDEN.

Mr. LOGUE with Mr. MERRITT.

Mr. MCDERMOTT with Mr. NORTON.

Mr. MAHER with Mr. MOTT.

Mr. POST with Mr. NELSON.

Mr. POU with Mr. PARKER.

Mr. RAGSDALE with Mr. PLATT.

Mr. RAINEY with Mr. PLUMLEY.

Mr. RAUCH with Mr. ROBERTS of Nevada.

Mr. RIORDAN with Mr. POWERS.

Mr. ROTHERMEL with Mr. PORTER.

Mr. ROUSE with Mr. SAMUEL W. SMITH.

Mr. SHACKLEFORD with Mr. SWITZER.

Mr. SHERWOOD with Mr. STEENERSON.

Mr. SPARKMAN with Mr. VARE.

Mr. STEPHENS of Mississippi with Mr. SUTHERLAND.

Mr. TAYLOR of Alabama with Mr. TEMPLE.

Mr. UNDERHILL with Mr. VOLSTEAD.

Mr. WALKER with Mr. YOUNG of North Dakota.

Mr. WHITACRE with Mr. WILDER.

Mr. WHITE with Mr. WOODRUFF.

Mr. WILSON of New York with Mr. GUERNSEY.

Mr. WITHERSPOON with Mr. HAMILTON of Michigan.

Mr. SMITH of New York with Mr. STEPHENS of California.

Mr. PALMER with Mr. MOORE.

Mr. CRISP with Mr. HINDS, commencing July 2, until further notice.

Mr. ALLEN with Mr. J. M. C. SMITH, until further notice, ending August 6, except on banking and currency.

Mr. PADGETT with Mr. ROBERTS of Massachusetts, until further notice, ending July 26.

The SPEAKER. The Clerk will begin over at the left and call the names of gentlemen desiring to change their votes.

Mr. J. M. C. SMITH. Mr. Speaker, I voted "no," but on account of a pair with Mr. ALLEN, of Ohio, I wish to change my vote to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. J. M. C. SMITH, and he answered "Present."

Mr. MANN. Mr. Speaker, how is the gentleman from Iowa, Mr. TOWNER, recorded?

The SPEAKER. He is not recorded.

Mr. MANN. Several gentlemen state that he voted "no" on the first roll call.

The SPEAKER. The roll call shows that he did not vote at all.

Mr. MANN. A gentleman right here says he heard him respond on the first roll call.

The SPEAKER. Where is Mr. TOWNER?

Mr. MANN. I presume he is at lunch, although I do not know. He went out, presuming or knowing that he had voted.

Mr. BURKE of South Dakota. Mr. Speaker, I wish to state that I was here and heard Mr. TOWNER vote "no" in a very distinct voice

The SPEAKER. How did the matter of Mr. TOWNER'S vote get up?

Mr. BURKE of South Dakota. Because his name was called on the second roll call.

Mr. AUSTIN. Mr. Speaker, I heard him vote on the first roll call, and then I heard the Clerk's voice calling his name a second time.

The SPEAKER. Of course, on the statements made, the Clerk will record him as voting "no."

Mr. CRISP. Mr. Speaker, I voted "aye." I notice that I am paired with the gentleman from Maine, Mr. HINDS. I wish to withdraw my vote, and to answer "present."

Mr. KELLY of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. KELLY of Pennsylvania. I should like to inquire how the gentleman from Pennsylvania, Mr. LEWIS, is recorded.

The SPEAKER. He is not recorded.

Mr. KELLY of Pennsylvania. He voted "no," Mr. Speaker.

The SPEAKER. Gentlemen must be here and attend to their own business.

Mr. KELLY of Pennsylvania. He was here and voted twice, on both the first and second call.

The SPEAKER. Is the gentleman from Pennsylvania, Mr. LEWIS, here?

Mr. LEWIS of Pennsylvania. Yes.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. LEWIS of Pennsylvania, and he voted "No."

The result of the vote was announced as above recorded.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I desire to ask if the regular order now is the proposition to instruct the conferees on the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania?

Mr. MANN. Mr. Speaker, I submit that the previous question not having been ordered upon that bill, it can come up only when that order of business is reached.

Mr. UNDERWOOD. Mr. Speaker, it seems to me it is evident that the bill has been sent to conference. As I understand the parliamentary situation, it is this: The House had before it two Senate amendments. It acted on those two Senate amendments, disagreeing to both, I believe, and then passed a resolution asking the Senate for a conference. Now, so far as the House is concerned, it could have stopped there. It was not necessary for the House to name the conferees in order to send the bill to the Senate. As a matter of fact, it could have sent the bill to the Senate without asking for a conference at all. So I take it, under the parliamentary situation, if nothing further is done the bill will go to the Senate without further proceedings, except that there will be no conferees appointed.

The SPEAKER. The gentleman does not state the whole case, though. There was a motion made by the gentleman from Indiana [Mr. CULLOP] to instruct the conferees.

Mr. UNDERWOOD. That is just what I am saying, Mr. Speaker. Now, the thing pending is not the passage of a disagreement on the part of the House to the Senate amendments. That is concluded. The bill is out of this House. The House can at any time disagree to the Senate amendments and send a bill over to the Senate without asking for a conference, and upon the Senate asking for a conference the House could subsequently, as a matter of privilege, appoint the conferees; so that, so far as the status of the bill is concerned, I take it that the bill is practically out of this House. The only question that is pending before this House is the question of appointing conferees, and that is a privileged matter in this House.

Mr. HARDWICK. If the gentleman will yield for a moment——

Mr. MANN. Mr. Speaker——

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield first to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Is seems to me, if the gentleman's position is correct, it would deprive the House of one of its undoubted rights under the rule, namely, the right to instruct the conferees.

Mr. UNDERWOOD. Not at all.

Mr. HARDWICK. Why not? If the gentleman's position is sound, and the Chair could at any time appoint the conferees as a matter of right, then there would be no place for the motion of the gentleman from Indiana [Mr. CULLOP] to instruct the conferees.

Mr. UNDERWOOD. The gentleman misunderstood what I stated.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Will the gentleman allow me to answer this question of the gentleman from Georgia first?

Mr. MANN. That matter is not before the House.

Mr. UNDERWOOD. But I do not like to be discourteous to the gentleman from Georgia [Mr. HARDWICK]. The proposition I make is not that the Speaker can appoint the conferees without the motion of the gentleman from Indiana [Mr. CULLOP] first being voted upon. I do not contend that at all. I contend that whenever these conferees are appointed the Speaker must, prior to the appointment of the conferees, lay before the House the motion of the gentleman from Indiana [Mr. CULLOP]; but I do contend that this bill could have gone to the Senate without any motion to appoint conferees—absolutely so. We were not compelled to ask for a conference. We could have disagreed to the Senate amendments and sent the bill back.

Mr. HARDWICK. But we have asked the Senate for a conference.

Mr. UNDERWOOD. Yes.

Mr. HARDWICK. That part can go to the Senate. The bill itself can not go——

Mr. UNDERWOOD. The bill can go to the Senate without——

Mr. HARDWICK. Not until you get the House conferees appointed.

Mr. UNDERWOOD. I beg the gentleman's pardon.

Mr. MANN. On reflection I agree with the gentleman from Alabama [Mr. UNDERWOOD] that the bill has reached a privileged status. I doubt whether the gentleman is correct about sending the bill over to the Senate before the House has disposed of the motion before it, but that is not——

Mr. UNDERWOOD. I happened to do that with one of the tariff bills in the last Congress, because I did not want to appoint the conferees.

Mr. MANN. But the gentleman did not ask for a conference there.

Mr. UNDERWOOD. Yes.

Mr. MANN. Oh, no. The gentleman disagreed to the Senate amendments and let it go without asking for a conference. But I do think that the gentleman is correct in contending that the bill has reached a privileged status where it can be called up at any time.

Mr. UNDERWOOD. I do not think there is any question about that.

Mr. MANN. I think the gentleman is right about that. I had the other impression at first.

The SPEAKER. How does the gentleman contend that it has reached that status?

Mr. MANN. The House has disposed of everything that it could dispose of in the Committee of the Whole House on the state of the Union. The Senate amendments were Union Calendar amendments and would have had to be considered in the Committee of the Whole House on the state of the Union, except that by unanimous consent here they were considered in the House as in the Committee of the Whole. But the House has disposed of those amendments by disagreeing to them, so that the matter is now before the House, not before the Committee of the Whole House on the state of the Union, and hence has reached the privileged status, the House having disagreed to the Senate amendments. Otherwise the matter could never be called up, for you can not go into the Committee of the Whole House on the state of the Union on this bill any longer, because there is nothing pending that could be considered in the Committee of the Whole House on the state of the Union.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RODDENBERY. I notice that on the calendar for to-day appears the bill H. R. 32, being a bill to provide for the appointment of a district judge in Pennsylvania. If as a matter of fact the bill is now out of the House, why should it be upon the calendar at all?

Mr. MANN. I did not say the bill was out of the House. I do not think the bill is out of the House, but I do not think that is a question that is material.

Mr. RODDENBERY. If the bill is still in the House and it be in the House and is not finished business, is it not necessarily unfinished business?

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman that if the bill were in the House, and there were no question of appointing conferees at all and the Senate amendments had been disagreed to and the bill sent back to the Senate, it would still be a privileged motion in the House, and the gentleman from Alabama could move to appoint conferees and ask for a conference.

Mr. RODDENBERY. But the motion of the gentleman from Indiana to instruct the conferees, followed by the motion of the gentleman from Alabama to move the previous question, was made at a time when the House was acting as in Committee of the Whole, so far as the RECORD shows.

Mr. UNDERWOOD. Oh, no, Mr. Speaker. The gentleman asked unanimous consent that this bill might be considered in the House as in Committee of the Whole. When the amendments had been passed upon and voted on the status or consideration in the House as in Committee of the Whole had ceased, and the status of the bill in the House then reached the stage it would have reached if the amendments had been considered in the Committee of the Whole, and the committee had risen and reported them back to the House, and the House were considering them. To appoint conferees or to ask for a conference is not a function of the Committee of the Whole House on the state of the Union, but it is a function of the House itself, and this question of asking for a conference and appointing conferees on a bill in disagreement between the two Houses has always been considered a matter of privilege and is a matter of privilege at this time.

Of course, I do not mean to say that that interferes at all with the motion of the gentleman from Indiana. Whenever the matter comes up that motion comes up also, but I do contend that it is a matter of privilege for the gentleman, whenever he is recognized for that purpose by the Speaker, to move to call the matter before the House and have it disposed of.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, as I understand it, then, the proposition before the House is to instruct the conferees in accordance with the motion made by the gentleman from Indiana, and I move the previous question on that proposition.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Indiana to instruct the conferees.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Indiana to instruct the conferees.

The motion was agreed to.

The Chair appointed the following conferees: Mr. CLAYTON, Mr. WEBB, and Mr. MORGAN of Oklahoma.

CALL OF COMMITTEES.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded to call the committees.

FEDERAL BUILDING, NEWARK, N. J.

Mr. McCOY (when the Committee on Public Buildings and Grounds was called). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOY. Is it in order now to move to go into the Committee of the Whole House on the state of the Union to consider the bill (H. R. 6383) to increase the limit of cost of certain public buildings, and so forth?

The SPEAKER. It is not. There are two limitations when the House starts on this call. Once started, the call must be finished, unless it be interrupted by a committee having business upon the calendar.

Then, after 60 minutes has been consumed, it is in order for one to move to go into the Committee of the Whole House on the state of the Union. If the 60 minutes are not consumed, and the call goes clear around, then, at the end of the call, it has been ruled that it is as though 60 minutes had been consumed, and the motion to go into the Committee of the Whole House on the state of the Union is then in order. The Clerk will proceed with the call.

The Clerk proceeded with and concluded the call of committees.

Mr. McCOY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6383, with Mr. GRAHAM of Illinois in the chair.

Mr. McCOY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCOY rose.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. McCOY. I yield for a question. How long a time does the gentleman desire?

Mr. MANN. I desire to be recognized in my own time.

Mr. McCOY. I believe that I should first make a statement about the bill.

Mr. MANN. Certainly.

Mr. McCOY. Mr. Chairman, the purpose of this bill is to amend a section of the public buildings bill of the Sixty-second Congress, which section, No. 19, provided that the Secretary of the Treasury might sell the public building in the city of Newark, N. J., now used for the post office and for other Government uses, and invest the proceeds of the sale of that building in the purchase of a new site for a post office and other Government offices and in the erection of a new building upon that site.

The Committee on Public Buildings and Grounds believed that it had accomplished that purpose, but when the bill came before the Secretary of the Treasury he felt it necessary to obtain an interpretation of it from the Attorney General's office, and that interpretation was that, although the Secretary of the Treasury was authorized to expend for the purchase of a new site a part of the proceeds of the sale of the old site, he was not authorized to expend any part of those proceeds for the erection of a new building.

The result of that situation is this, due to one or two provisions contained in section 19 of the public buildings bill: In that bill it was provided that the Government should not be authorized, notwithstanding the proposed sale of the old building, to pay any rent for the use of that old building. The bill also provided that no money should be available for the purchase of a new site and for the erection of a new building except such money as we could get from the sale of the building and site now owned. Now, the net result of that is that we must find a purchaser for this old building under the terms of a contract providing for payments at such times as the Secretary of the Treasury will need to have money for the purchase of a site and for the erection of a new building.

Now, the would-be purchaser who signs that contract can not go into possession of the present building until the new building is completed and we are ready to occupy it. Consequently, although he is paying his money down, he will not be able to get into possession of the building and get any use of the property until such time. So the only thing for him to do when he comes to make up his mind how much he can afford to pay for this building, knowing that he will not be able to get possession of it for two and one-half years or as the matter now stands with us, perhaps not for five years, he will say, "I am going to pay out certain sums of money for certain periods of time, and, although this building and site to-day, if I could get the deed, might be worth two and one-quarter millions, if I can not get the deed for it immediately, and have to pay my money out long in advance, I have got to offer as much less for the site and the building as the amount of interest I shall lose on the money I have been paying to the Government comes to."

Mr. MANN. Will the gentleman yield for a question?

Mr. McCOY. Certainly.

Mr. MANN. As I understand the bill, it proposes to authorize the sale of the site at a price not less than $1,800,000, the Government to remain in possession of the present building on this site until the new Federal building is completed and ready for occupancy?

Mr. McCOY. That is right.

Mr. MANN. Does the gentleman think that is a very good way to sell a site——

Mr. McCOY. I do not.

Mr. MANN (continuing). When the purchaser does not know whether he will be in possession in three years, five years, or seven years, and maybe longer?

Mr. McCOY. Personally, I should have prepared some other sort of provision, but that was the provision which the Committee on Public Buildings and Grounds inserted.

Mr. MANN. The gentleman takes the provision of the existing law relating to this sale in this bill, I understand?

Mr. McCOY. Yes.

Mr. MANN. Now, this bill also provides for a special architect?

Mr. McCOY. It does; yes.

Mr. MANN. The last Democratic House repealed the Tarsney Act. Now, are there special reasons why a special architect or a consulting engineer ought to be employed on this building?

Mr. McCOY. I think so, and I was just about to state the reasons, which are that we are limited in the sale of this building to obtaining for it the sum of $1,800,000. Now, it is supposed that the building and site are worth something like two million to two and one-quarter million dollars. We have had no appraisal put on it. But, as I say, the purchaser has to discount the amount he will offer for the building, because he is going to be out of possession for a long period, and if we can not get ready to complete this building by the employment of special architects, he will be forced to make so large a discount on those payments that necessarily he will be obliged to offer less than $1,800,000 for the site; and if so, the bill fails us altogether.

Mr. AUSTIN. If you should depend on the Supervising Architect's office to prepare the plans of that building, it must take its regular order, and this building will not be reached for five and one-half to six years?

Mr. McCOY. That is it.

Mr. AUSTIN. Whereas if this amendment is passed it furnishes you for immediate use an architect who will complete these plans and enable the Supervising Architect's office to complete this building within these two years and a half? And the bill itself here provides for a maximum amount to be paid the Supervising Architect which is equal to the present cost of getting out and preparing plans in the Supervising Architect's office?

Mr. McCOY. So I understand; and the money which is paid for the fees of a special architect comes out of the proceeds, and consequently the payment for such services will not in any way postpone any other project which is now in the office of the Supervising Architect.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. McCOY. For a question; yes.

Mr. KINKEAD of New Jersey. It is a short statement apropos of what the gentleman from Tennessee [Mr. AUSTIN] has stated. He will recall as a member of the committee that when the evidence was submitted by the committee from Newark favoring this plan, they made it perfectly clear that the situation there was extremely urgent; and I know that he and the other members of the committee who were present will bear out my colleague [Mr. McCOY] in his contention that everything that is possible to be done in order to pass this measure, which means so much to the city of Newark, should be done at this time.

Mr. AUSTIN. I will say to the gentleman that when this bill was up recently, perhaps a week or ten days ago—and we discussed it pretty thoroughly—I stated it was the most congested Government building in the United States.

I made that statement after a personal investigation as a member of the subcommittee from the Committee on Public Buildings and Grounds, and gave the figures showing that the number of employees when the building was completed was 181, whereas at present the number is 440. The present building is wholly inadequate. It would be inhuman and cruel to the public officials to require them to occupy that overcrowded building for six and a half years, or perhaps eight years, because the Supervising Architect's office is five and a half or six years behind in its present work, and it will require a period of two or three years at least to construct a new building, which would make the period of its occupancy at least eight years. So that unless this relief is granted, the purchaser of the present lot and building must wait at least eight years before he can occupy it for his purposes, whereas under the conditions prescribed by the Treasury Department, if he buys it and pays down $800,000—the outside price for a new lot—he would be out of his money, $800,000, for eight years, and the interest on which, at 5 per cent, would amount to over $320,000.

On the other hand, if we give this relief and pass this bill, the Government employees will be relieved, the public will have an up-to-date building, such as they deserve and need in that city, at the end of two and a half years, and the Government itself would save at least $200,000 or $250,000 in the matter of interest.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. McCOY. For a question; yes.

Mr. MONDELL. It is proposed in this bill to allow the use of 5 per cent of the cost of the building for the services of an architect?

Mr. McCOY. Not to exceed that amount.

Mr. MONDELL. That is for the purpose of expediting the erection of the building, which ought to be done probably in any event, but particularly in view of the conditions under which the building has been sold. The gentleman has suggested that if built in the usual way, under the plans of the Supervising Architect, it may be seven or eight years before the building is completed and ready for occupancy, and the bidder for the old building would be justified in assuming it would be that length of time and bid accordingly. I consider the provision for an architect a wise one, but in making this provision, would it not also be wise to estimate a reasonable length of time within which the successful bidder may be certain that he can move into and occupy his premises?

While you are attempting to provide for the completion of the building at the earlier date, are you, as a matter of fact, giving the bidder for the property any more assurance than he had before? You are encouraging his hopes and increasing his expectation of the use of the building at a reasonably early date, but you are still leaving the whole thing in the air. Under those circumstances, I doubt if you would get a better bid for the property than you would if you did not have this provision in your bill, whereas if you added an amendment to the effect that the date when the purchaser shall have possession shall not extend beyond a certain time at the utmost, then the purchaser would have an assurance upon which he can bid with some degree of certainty as to when he can enjoy the property. It seems to me that while the committee has wisely provided for expediting the erection of the new building, it has not given any assurance that will have the effect of the Government receiving a larger price for the property.

Mr. McCOY. I would say in regard to that, that in the contract which the Secretary of the Treasury will draw, and consequently in the advertisements for bids, he will undertake to specify the time not later than which the possession of the old site will be delivered.

Mr. MONDELL. Will he do that?

Mr. McCOY. He is bound to do that for the reason that the gentleman from Wyoming stated. He is bound to get the price.

Mr. MONDELL. Can he do it? Can he do it under the provisions of this act, that the purchaser shall not have the use of property until the new building is completed? Could the Secretary make a contract in the face of a mandatory provision in this bill to the effect that the Government should enjoy the use of the property until the new building was completed?

What would happen if the new building was not completed at the expiration of the period fixed by the Secretary of the Treasury in his contract? Here is the act of Congress. That governs.

Mr. McCOY. He will fix a time sufficiently long ahead to make certain of that, and I believe he will provide in the contract for a time later than that at which the title can be delivered and provide that the price will have to be increased by the proper percentage in case of an earlier delivery of possession. In other words, he will give himself plenty of time, so that beyond peradventure almost the building can be completed, and if the title to the old building is delivered sooner than that the purchaser will have to increase his price by so much.

Mr. MONDELL. Does the gentleman assume that under this legislation the Secretary of the Treasury can make a sale under which the price may be graduated, depending upon the date when the purchaser may come into possession of the property?

Mr. McCOY. No; but the Secretary of the Treasury, in the exercise of sound judgment, would, under this bill, I believe, be authorized to say to the purchaser, for instance, "We will deliver title to the old building and possession within two years and a half from a certain date." Now, if he wanted to, he could absolutely leave the contract in just that shape, and notwithstanding the Government was ready to go into possession of the

new site at an earlier date, he could wait for that date so fixed and deliver possession of the old building. Now, if that is so, he could go further and say, "We may be able to deliver possession of the building six months sooner than that date, and if we do, then your price must be so much more for the property."

Mr. MONDELL. The gentleman evidently has not got my idea.

Mr. McCOY. I think that I have.

Mr. MONDELL. Assuming that under this legislation the Secretary of the Treasury shall make a contract in which the property is to be turned over in a given time, if at that time the new building should not be ready for occupancy, that contract would be without force or effect in the face of this legislation.

Mr. McCOY. Yes; I think the gentleman is quite right.

Mr. AUSTIN. Let me answer that.

Mr. MONDELL. What advantage would it be to the purchaser that the Secretary was willing to make a contract with him that would have no force or effect if perchance the building were not completed? It would be perfectly idle. It seems to me the way to meet it is for Congress, after consultation with the Supervising Architect's Office, to fix a date at which the purchaser may have the building. Then it is the business of the Supervising Architect, or of the architects that he employs, to finish the building by that time. It might be well to fix the penalty for failure to turn over the property at the date fixed at a sum equal to a fair rent, and it might be well to provide for a small bonus for earlier delivery of the property.

Mr. McCOY. I yield to the gentleman from Tennessee [Mr. AUSTIN], of the committee, to answer that.

Mr. AUSTIN. If this amendment to the original omnibus bill becomes a law, the first thing that will happen will be this: The Supervising Architect, an able and efficient man, will engage outside architects to prepare plans and specifications. He can require them to complete them within a definite time. Then he can also advertise for bids for the construction of this building under these plans and specifications, and can require the completion of the building within a fixed time; and with that information, there is no difficulty about the Secretary of the Treasury fixing a definite date when the new building will be completed and ready for occupancy on the part of the employees of the Government and when the old or present building can be delivered to the purchaser or new owner.

Mr. MONDELL. Yes; but as an assurance to the purchaser that would have no force or value whatever, because if perchance anything should occur to delay the building any contract or agreement that the Secretary may have entered into would have no force or effect, because Congress has provided that the Government shall enjoy the use of the old building until the new one is completed without regard to any agreement the Secretary may make.

Now let me make this suggestion to the gentleman: In a case of this kind there will not, I assume, be many bidders. I assume that there will be comparatively few people wanting to purchase. Every one of those purchasers would base his bid on the proposition that under this act he might not have the enjoyment of his property for 5, 10, or, in an extreme case, 15 years. There is nothing in this act which insures him the use of his property in a quarter of a century. It is true that you have endeavored to increase his grounds of hope and expectation relative to the early use and enjoyment of the property by providing for a special architect; but what if the special architect should be a slow-moving gentleman, and what if there should be the usual amount of red tape unwound before this building is completed? What assurance is there to the purchaser? That is my proposition. You have attempted to secure a better price for the Government by providing for some additional architects; but, as a matter of fact, you will not get a dollar more than you would if you did not have that provision in the bill, for there is no assurance that this provision will actually expedite the erection and completion of the building. You hope it will. Why not do as any business man would? Fix a reasonable date, let the penalty for nonfulfillment be a reasonable rent, and a reasonable bonus for the turning over of the property at an earlier date.

Mr. AUSTIN. This amendment has been submitted to the Treasury Department. It has been carefully examined by the Supervising Architect's Office. It has been approved by that office, and they are satisfied that they can do precisely what we have claimed, if Congress will amend the original act.

Mr. MANN. Will the gentleman yield for a question there?

Mr. AUSTIN. Yes.

Mr. McCOY. I believe I have the floor. I will yield to the gentleman.

Mr. MANN. I desire to ask a question of the gentleman from Tennessee, to whom the gentleman from New Jersey yielded.

Mr. McCOY. I yield for that purpose.

Mr. MANN. I understood the gentleman from Tennessee [Mr. AUSTIN] to say that before selling the present site he might go ahead and prepare plans for the new building. Did I understand that correctly?

Mr. AUSTIN. I did not state it exactly in that way. I said this is about what will happen in the event that this legislation is granted, that in discussing the question of a definite time when the building can be turned over to the purchaser, the Supervising Architect will employ an outside architect. Before he is employed he can tell exactly how long it will require to prepare these plans and how long to complete the new building under contract, specifying the time or date of completion.

Mr. MANN. Is this all before the present site is sold?

Mr. AUSTIN. No; I think not.

Mr. McKELLAR. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. McCOY. I hope the gentleman will not do that.

Mr. KINKEAD of New Jersey. Mr. Chairman, I hope the gentleman from Tennessee will withhold his point of order. The gentleman from New Jersey [Mr. McCOY] has been here right along, endeavoring daily to bring this matter up. After the clear, concise, and intelligent statement that was made by his colleague from Tennessee [Mr. AUSTIN] there can be no question in the mind of any of those who are present as to the urgent necessity for this public improvement in the city of Newark. I hope the gentleman will withdraw his point.

The CHAIRMAN. The point of no quorum present is well taken. There are but 60 Members present.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, and had come to no resolution thereon.

REQUEST TO WITHDRAW PAPERS.

The SPEAKER laid before the House the request of Mr. HAY for unanimous consent to withdraw from the files of the House, without leaving copies, the papers accompanying the bill to correct the military record of David Crowther, Sixty-second Congress, no adverse report having been made thereon.

The SPEAKER. If there be no objection, this request will be granted.

Mr. MANN. Mr. Speaker, I object.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p. m.) the House, under the order heretofore agreed to, adjourned until Tuesday, July 22, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury transmitting a copy of a communication from the Acting Secretary of War submitting an estimate of appropriation for $10,907.81 to pay the interest on the principal sum of the judgment of the Circuit Court of the United States for the Eastern District of Tennessee in favor of J. E. Parrish against the Board of Managers of the National Home for Disabled Volunteer Soldiers (H. Doc. No. 147); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Westport Harbor and Saugatuck River, Conn. (H. Doc. No. 148); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Appoquinimink River, Del. (H. Doc. No. 149); to the

Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of the Treasury transmitting a letter from the Acting Secretary of War submitting an estimate for an additional appropriation required in the work of prevention of deposits, harbor of New York, etc. (H. Doc. No. 150); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for establishing a cost accounting system in the Bureau of Indian Affairs (H. Doc. No. 146); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 6903) authorizing the payment of damages to persons for injuries inflicted by Mexican federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making appropriations therefor, and for other purposes, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEITRICK: A bill (H. R. 6913) for the acquisition of a site and the erection thereon of a public building at Cambridge, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 6914) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 6915) appropriating $50,000 (as a deficiency appropriation) for the purpose of providing necessary assistance to the Secretary of the Interior to care for 2,200 cases now on appeal from the General Land Office to the Secretary of the Interior; to the Committee on Appropriations.

By Mr. DILLON: A bill (H. R. 6916) prescribing the duties of the Federal judges in cases tried by a jury; to the Committee on the Judiciary.

Also, a bill (H. R. 6917) restricting the franking privilege in certain cases; to the Committee on the Post Office and Post Roads.

By Mr. HELVERING: A bill (H. R. 6918) to provide for the erection of a public building at Junction City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. DONOVAN: A bill (H. R. 6919) authorizing the Secretary of War to donate to William Timmons, in the town of Greenwich, in the State of Connecticut, one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 6920) to amend section 20 of chapter 1 of the act entitled "An act to regulate commerce," approved February 4, 1887, and as heretofore amended by fixing the limitation within which actions may be brought on bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: A bill (H. R. 6921) to amend an act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. THACHER: A bill (H. R. 6922) to provide for enlarging the site for the United States building at Plymouth, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 6923) providing for the transfer of forest reserves from the Department of Agriculture to the Department of the Interior; to the Committee on the Public Lands.

By Mr. JOHNSON of South Carolina: A bill (H. R. 6924) authorizing and directing the Public Health Service to acquire site and erect hospital; to the Committee on Interstate and Foreign Commerce.

By Mr. J. R. KNOWLAND: A bill (H. R. 6925) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce and the licensing of the operators thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: A bill (H. R. 6926) for the erection of a Federal building at Albia, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6927) for the erection of a Federal building at Newton, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. TOWNER: A bill (H. R. 6928) amending the act providing for a tax on notes secured otherwise than by bonds of the United States; to the Committee on Banking and Currency.

Also, a bill (H. R. 6929) amending the act of May 30, 1908, regarding national currency associations, the issuance of additional circulating notes, and other matters, by extending the limitation of said act; to the Committee on Banking and Currency.

By Mr. PROUTY: A bill (H. R. 6930) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893, so as to require railroad companies to equip their coaches with cinder deflectors; to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: A bill (H. R. 6931) authorizing the Secretary of War, in his discretion, to deliver to the town of Fremont, county of Mahaska, State of Iowa, for the use of the Phil Kearney Post, No. 40, Department of Iowa, Grand Army of the Republic, two condemned iron or steel fieldpieces; to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 6932) to encourage, equalize, and standardize vocational education among the several States; to the Committee on Education.

By Mr. FRENCH: A bill (H. R. 6933) providing for an appropriation for the use of the Interior Department in considering cases on appeal from the General Land Office to the Secretary of the Interior; to the Committee on Appropriations.

By Mr. BARTON: Resolution (H. Res. 204) directing the Commissioner of Corporations to make a full and complete report of the cost of an armor-plate factory, etc.; to the Committee on Naval Affairs.

By Mr. ALEXANDER: Resolution (H. Res. 205) authorizing the Committee on the Merchant Marine and Fisheries to continue investigations of the Shipping Trust; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 6934) granting a pension to Anthony H. Walich; to the Committee on Pensions.

Also, a bill (H. R. 6935) granting a pension to Rutherford B. H. Kinback; to the Committee on Pensions.

Also, a bill (H. R. 6936) granting an increase of pension to George W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6937) granting an increase of pension to Francis Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6938) granting an increase of pension to Birtzell Gotham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6939) to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency in South Dakota; to the Committee on Indian Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 6940) for the relief of J. Cooney; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 6941) granting an increase of pension to Thomas J. Thomas; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 6942) granting an increase of pension to Elizabeth J. Wood; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 6943) granting a pension to Charles F. Pandorf; to the Committee on Pensions.

Also, a bill (H. R. 6944) granting a pension to John Pearson; to the Committee on Pensions.

Also, a bill (H. R. 6945) granting a pension to Nolan Read; to the Committee on Pensions.

Also, a bill (H. R. 6946) granting a pension to Thomas Miller; to the Committee on Pensions.

Also, a bill (H. R. 6947) granting a pension to Beatrice Snyder; to the Committee on Pensions.

Also, a bill (H. R. 6948) granting a pension to James Skelton; to the Committee on Pensions.

Also, a bill (H. R. 6949) granting a pension to James M. Ballard; to the Committee on Pensions.

Also, a bill (H. R. 6950) granting a pension to Harry B. Robb; to the Committee on Pensions.

Also, a bill (H. R. 6951) granting a pension to Edward McCabe; to the Committee on Pensions.

Also, a bill (H. R. 6952) granting a pension to Hale F. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 6953) granting a pension to Thomas E. Haggerty; to the Committee on Pensions.

Also, a bill (H. R. 6954) granting a pension to John C. Ferneding; to the Committee on Pensions.

Also, a bill (H. R. 6955) granting a pension to Edward F. Denny; to the Committee on Pensions.

Also, a bill (H. R. 6956) granting a pension to Charles Mayrwieser; to the Committee on Pensions.

Also, a bill (H. R. 6957) granting a pension to James E. Martin; to the Committee on Pensions.

Also, a bill (H. R. 6958) granting a pension to Alice V. Lutes; to the Committee on Pensions.

Also, a bill (H. R. 6959) granting a pension to Fenton B. King; to the Committee on Pensions.

Also, a bill (H. R. 6960) granting a pension to Daniel Jones; to the Committee on Pensions.

Also, a bill (H. R. 6961) granting a pension to Horace W. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 6962) granting a pension to Fred Hoppe; to the Committee on Pensions.

Also, a bill (H. R. 6963) granting a pension to Joseph Debli; to the Committee on Pensions.

Also, a bill (H. R. 6964) granting a pension to George B. Bolender; to the Committee on Pensions.

Also, a bill (H. R. 6965) granting a pension to Edward Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6966) granting a pension to Hettie H. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6967) granting a pension to Royal Colvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6968) granting a pension to Mrs. William H. Earley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6969) granting a pension to Lucinda St. John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6970) granting a pension to William Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6971) granting a pension to Eliza Jane Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6972) granting a pension to Fredrica Wurthner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6973) granting a pension to Jacob Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6974) granting a pension to Annie O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6975) granting an increase of pension to James Heyburn; to the Committee on Pensions.

Also, a bill (H. R. 6976) granting an increase of pension to John Muir; to the Committee on Pensions.

Also, a bill (H. R. 6977) granting an increase of pension to Lawrence Dempsey; to the Committee on Pensions.

Also, a bill (H. R. 6978) granting an increase of pension to Francis Keating; to the Committee on Pensions.

Also, a bill (H. R. 6979) granting an increase of pension to Mary F. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6980) granting an increase of pension to John Barbeau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6981) granting an increase of pension to Jennie Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6982) granting an increase of pension to John Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6983) granting an increase of pension to Christian H. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6984) granting an increase of pension to Alpheus D. Coulson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6985) granting an increase of pension to John Sipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6986) granting an increase of pension to William M. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6987) granting an increase of pension to Joseph Gigandet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6988) granting an increase of pension to Eli R. Westfall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6989) granting an increase of pension to Alexander Hanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6990) granting an increase of pension to Milton Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6991) granting an increase of pension to William Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6992) granting an increase of pension to John M. Allender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6993) granting an increase of pension to William D. Tod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6994) granting an increase of pension to John G. Whitman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6995) granting an increase of pension to William W. Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6996) granting an increase of pension to William H. Noggle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6997) for the relief of George Sloughman; to the Committee on Military Affairs.

Also, a bill (H. R. 6998) to remove the charge of desertion against James Featherstone; to the Committee on Military Affairs.

Also, a bill (H. R. 6999) to remove the charge of desertion against the name of John L. Yohn; to the Committee on Military Affairs.

Also, a bill (H. R. 7000) to remove the charge of desertion against Anton Smith, alias Charles Roehmer; to the Committee on Military Affairs.

Also, a bill (H. R. 7001) to remove the charge of desertion against James Green; to the Committee on Naval Affairs.

Also, a bill (H. R. 7002) to remove the charge of desertion against Mathias Henry; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 7003) granting an increase of pension to Asbury C. Lower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7004) granting an increase of pension to Hiram J. Smith; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 7005) granting an increase of pension to David N. Cochran; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 7006) granting a pension to Addie Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7007) granting a pension to Alice O. White; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 7008) granting an increase of pension to William Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7009) granting an increase of pension to Thomas C. Diltz; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 7010) granting an increase of pension to Tennessee A. Blackburn; to the Committee on Pensions.

By Mr. PETERSON: A bill (H. R. 7011) granting an increase of pension to Thomas E. Donnelly; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 7012) granting an increase of pension to David Young; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 7013) for the relief of Francis W. Maxwell; to the Committee on War Claims.

By Mr. TOWNER: A bill (H. R. 7014) for the relief of A. C. Brice, late consul of the United States to Matanzas, Cuba; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., relative to safe and suitable boilers and headlights on railroad engines; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Brooklyn Traffic Club, of Brooklyn, N. Y., favoring the retention of the Commerce Court; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring improvement of the living conditions of our seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. BELL of California: Petition of the California State Branch of the United National Association of Post Office Clerks, protesting against the passage of any legislation making any change in the Reilly eight-hour law; to the committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of Los Angeles, Cal., favoring the passage of legislation for a reform in the Consular Service; to the Committee on Foreign Affairs.

By Mr. BYRNS of Tennessee: Papers to accompany bill (H. R. 6940) for the relief of the estate of J. Cooney; to the Committee on War Claims.

By Mr. DALE: Petition of the Banana Buyers' Protective Association of New York, N. Y., protesting against a tariff on bananas; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., relative to proper headlights and safe and suitable boilers on railroad engines; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring improvement in the living conditions of our seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. DILLON: Petition of the members of the Pierre Commercial Club, of Pierre, S. Dak., favoring Federal ownership of buildings for foreign representatives; to the Committee on Foreign Affairs.

By Mr. DYER: Petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of legislation compelling the use of safety appliances, etc., for all common carriers; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of immediate legislation tending to restrict immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brown Shoe Co., St. Louis, Mo., favoring the passage of legislation for the adoption of the postal express; to the Committee on the Post Office and Post Roads.

Also, petition of the National Life Insurance Co., Chicago, Ill., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of House bill 103, requiring that locomotives be equipped with lights of certain specified requirements; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of Senate bill 4, to better the living conditions, etc., of seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: Petition of sundry residents of Gooding, Idaho, relative to land owned by the Oregon & California Railroad Co. and to the right of applicants to purchase the same from the United States; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: Petition of the Association of Quartermen and Leadingmen of the Puget Sound Navy Yard, indorsing House bill providing for Saturday half holidays for all Government employees; to the Committee on Reform in the Civil Service.

Also, petition of the North Western Association of Box Manufacturers, of Portland, Oreg., favoring an increase of the rate of interest now paid on postal savings to 3 per cent and the establishment of a farm-loan department; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of immediate legislation tending to restrict immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of Senate bill 4, to better the living conditions, etc., of seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of legislation compelling the use of safety appliances, etc., for all common carriers; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of House bill 103, requiring that locomotives shall be equipped with lights of certain specified requirements; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of the Pennsylvania State Launderers' Association favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Petition of the Switchmen's Union of North America protesting against the passage of the workmen's compensation act; to the Committee on the Judiciary.

By Mr. MANN: Petition of the Brotherhood of Locomotive Firemen and Enginemen, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, relative to proper headlights and safe boilers for railroad engines; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, favoring bill for improvement in living conditions for our seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Banana Buyers' Protective Association, New York, N. Y., protesting against the passage of the proposed import tax on bananas; to the Committee on Ways and Means.

By Mr. SMITH of New York: Petition of the Central Council of Business Men and Taxpayers' Association of Buffalo, favoring the appointment of a national commission to consider a plan for vocational education; to the Committee on Agriculture.

By Mr. THACHER: Petition of the Boston Fruit and Produce Exchange, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of the Brotherhood of Locomotive Firemen and Enginemen, favoring the adoption of a more stringent immigration law; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, favoring the extension of authority of locomotive boiler inspectors of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *July 19, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL DISTRICT JUDGE FOR PENNSYLVANIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. NORRIS. I should like to inquire of the Senator from North Carolina how many amendments there are in the bill?

Mr. OVERMAN. I have no idea. I only know what was the action of the House of Representatives in requesting a conference.

Mr. NORRIS. If the matter could go over, the amendments would be printed under the rule, would they not?

Mr. OVERMAN. Yes; the amendments ought to be printed. When the bill comes back from conference the Senate should be fully informed as to the amendments, whether there is an agreement or a disagreement, as the case may be.

Mr. NORRIS. I should like to say to the Senator from North Carolina that, as I understand the situation, while I have not seen the amendments I have heard what, for instance, one of the amendments is, and I should like to reserve the right at the proper time to move to concur in that particular amendment. I am not prepared to do it now, and I may not on examination want to make the motion. I have not been able to find out what the particular amendment is.

Mr. OVERMAN. I confess to the Senator that this is the first time I have had my attention directed to it. The House having asked for a conference, I think it is our duty to agree to the conference, unless the Senator desires to make a motion now. I am not sufficiently informed as to the amendments, and I will have to examine the bill. It may go over, if the Senator desires.

Mr. NORRIS. If the Senator will let it go over, I do not think there will be any delay caused. The House does not meet to-day.

Mr. OVERMAN. I am told that the House of Representatives disagrees to the amendments of the Senate. It is a House bill.

Mr. NORRIS. Then, if that is the parliamentary situation, my motion would be to recede from the Senate amendments.

Mr. OVERMAN. That would be the proper motion.

Mr. NORRIS. I should like to have an opportunity to examine it, and if I think it proper I will make that motion.

Mr. OVERMAN. With that understanding, I withdraw my motion for the present so as to let the Senator have time to examine it. I will call it up again next week.

Mr. NORRIS. I am very much obliged to the Senator.

The VICE PRESIDENT. The motion is withdrawn for the present.

MEMORIAL.

Mr. WEEKS presented a memorial of the Central Labor Union of Boston, Mass., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired (with accompanying paper); to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 2790) granting a pension to Nancy J. Northrup; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 2791) granting a pension to William Kennedy; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2792) granting an increase of pension to Ezra Rice; and

A bill (S. 2793) granting an increase of pension to Eliza Hummon; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2794) to reimburse John A. Lowrie, postmaster of Seville, Medina County, Ohio, for postal savings stamps stolen; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 2795) for the relief of heirs or estate of John M. Wright, deceased;

A bill (S. 2796) for the relief of heirs or estate of Moses Camak, deceased; and

A bill (S. 2797) for the relief of heirs or estate of John Y. Jackson, deceased; to the Committee on Claims.

HEARINGS BEFORE LOBBY INVESTIGATING COMMITTEE.

Mr. OVERMAN submitted the following resolution (S. Res. 138), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and they are hereby, authorized to have printed for their use 1,000 copies, or as many thereof as they may deem necessary, of the hearings being held by a subcommittee of that committee, under Senate resolution 92, adopted May 29, 1913, instructing said committee to investigate the charge that a lobby is being maintained in Washington.

PROTECTION OF AMERICAN CITIZENS.

Mr. FALL. I offer the following Senate resolution and ask for its immediate consideration.

The resolution (S. Res. 139) was read, as follows:

Resolved, That the constitutional rights of American citizens should protect them on our borders, and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

The VICE PRESIDENT. The Senator from New Mexico asks unanimous consent for the present consideration of the resolution.

Mr. KERN. I object.

The VICE PRESIDENT. There being objection, the resolution goes over.

Mr. FALL. I ask the Senator not to make an objection to the adoption of a Democratic plank in the last Democratic platform.

Mr. KERN. It is offered under such suspicious circumstances——

Mr. FALL. It was adopted possibly under suspicious circumstances, if other planks in the Democratic platform are not meant to be kept, Mr. President. There is another plank which I did not think it was necessary to write into this resolution:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

If there were any suspicious circumstances with reference to this resolution, Mr. President, the Senator from Indiana and those who were with him at Baltimore were responsible for it, and not myself. I have taken it that it was in just as good faith as the plank in the Democratic platform with reference to the reduction of the tariff, or the currency, or any other measure whatsoever.

I hope, Mr. President, that the Senator from Indiana will see his way to withdraw his objection and allow the resolution to pass unanimously.

Mr. KERN. We do not know what the resolution is. I am objecting to it on general principles, and I insist on my objection.

Mr. FALL. Mr. President, I find this plank in what is said to be the Democratic platform adopted by the Democratic convention of 1912 held at Baltimore, Md., June 25 to July 3. I will here read the plank, and the Senator can compare the resolution with the plank in the platform, and if he then desires, as the leader of the Democratic Party, to repudiate the platform——

Mr. OVERMAN. Mr. President, may I ask a question? When did the Senator become the exponent of the Democratic platform?

Mr. FALL. I was the exponent of what I considered to be true Democratic principles for many years until the Democratic Party was led into the wilderness, in my judgment, by one of those who now occupies a very important position in the United States, which he has been since endeavoring to exploit upon the Chautauqua platform.

Mr. OVERMAN. Mr. President, I rise to a question of order.

Mr. FALL. I am answering the Senator's question.

Mr. OVERMAN. I do not think we ought to get into a discussion. Yesterday we had a very full discussion that ought not to have taken place, and here we may get into another.

Mr. GALLINGER. That was a Republican discussion and this is a Democratic discussion.

Mr. FALL. I do not propose to get into any discussion.

Mr. OVERMAN. There are other important matters to attend to.

Mr. CLARK of Wyoming. Mr. President, I ask that the resolution be again read.

Mr. FALL. I ask that the plank of the Democratic platform which I send to the desk be read with it, that it may be compared with the resolution.

The VICE PRESIDENT. There being an objection upon the part of the Senator from Indiana to the present consideration of the resolution, the resolution goes over until to-morrow.

Mr. CLARK of Wyoming. I ask unanimous consent that it may be again read for the information of the Senate.

Mr. KERN. I object.

The VICE PRESIDENT. There being objection, the question is, Shall the resolution again be read?

Mr. OVERMAN. The Senator can read it for himself.

Mr. CLARK of Wyoming. The Senator desires to know what is the question put before the Senate.

The VICE PRESIDENT. Shall the resolution be read? [Putting the question.] The ayes have it, and the resolution will be again read.

The Secretary again read the resolution, as follows:

Resolved, That the constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

Mr. FALL. I ask unanimous consent that the Democratic platform upon that subject may be read for the information of Senators upon the other side.

The VICE PRESIDENT. Is there any objection?

Mr. KERN. I object.

The VICE PRESIDENT. There being objection, the question is, Shall the Democratic platform on this proposition be read? [Putting the question.] The Chair is in doubt.

Mr. LEWIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Norris	Thomas
Brady	Gallinger	Overman	Thompson
Bristow	Hollis	Page	Thornton
Bryan	Johnston, Ala.	Perkins	Tillman
Catron	Jones	Pittman	Townsend
Chamberlain	Kenyon	Robinson	Vardaman
Chilton	Kern	Saulsbury	Walsh
Clapp	Lane	Sheppard	Warren
Clark, Wyo.	Lewis	Sherman	Weeks
Colt	McLean	Smith, S. C.	Works
Cummins	Martine, N. J.	Smoot	
Dillingham	Nelson	Sterling	

Mr. SMOOT. I desire to state that the senior Senator from Delaware [Mr. DU PONT] and the junior Senator from Wisconsin [Mr. STEPHENSON] are unavoidably absent.

Mr. GALLINGER. I wish to make the same announcement concerning the junior Senator from Maine [Mr. BURLEIGH].

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on business. He is paired on all matters with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for all votes during the day.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. OVERMAN. I ask for a call of the names of the absentees.

The VICE PRESIDENT. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. BACON, Mr. HITCHCOCK, Mr. O'GORMAN, Mr. POINDEXTER, Mr. ROOT, Mr. SHIELDS, Mr. SMITH of Arizona, Mr. STONE, Mr. SUTHERLAND, and Mr. WILLIAMS responded to their names when called.

Mr. BORAH, Mr. LODGE, Mr. GRONNA, Mr. POMERENE, and Mr. CLARKE of Arkansas subsequently entered the Chamber and responded to their names.

Mr. BACON. Mr. President, I wish to state that members of the Foreign Relations Committee were absent this morning in attendance upon a meeting of the committee, and therefore several of them were not present to answer to the roll call.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The question pending before the Senate is whether the plank of the Democratic platform which is said to have to do with the resolution of the Senator from New Mexico [Mr. FALL] shall be read.

Mr. FALL. If the Chair will allow me, I will say that the resolution has already been read.

Mr. GALLINGER. It has been.

Mr. FALL. It was read on motion. The motion now is that the plank of the Democratic platform upon the question of the protection of American citizens shall be read, so that it may be compared with the resolution, when it will be shown to be verbatim with it.

The VICE PRESIDENT. The Chair so understands and has so announced.

Mr. FALL. I beg pardon of the Chair.

The VICE PRESIDENT. The question is, Shall the Secretary read the plank from the Democratic platform as requested by the Senator from New Mexico? [Putting the question.] The Chair is in doubt and will ask Senators to rise and stand until counted.

The Senate proceeded to divide.

The VICE PRESIDENT. The Chair is in no further doubt. The Secretary will read as requested.

Mr. TILLMAN. I move, as a substitute, that the whole platform be read.

Mr. LANE. I second the motion.

Mr. FALL. Mr. President, I have no earthly objection to the request of the Senator from South Carolina, and, with the consent of the Senate, I am perfectly willing to give my consent.

Mr. CUMMINS. Mr. President, I have objection. We are met here for some purpose, I assume. This day has been set aside to begin or continue the debate upon the tariff bill, and I think it is indefensible to take up the time of the Senate in reading party platforms.

The VICE PRESIDENT. The Secretary will read the plank of the platform which he has been requested to read.

The Secretary proceeded to read from page 179 of the publication Platforms of the Two Great Political Parties, 1856 to 1912, inclusive, compiled by South Trimble, Clerk of the United States House of Representatives, July, 1912——

Mr. TILLMAN. Mr. President, I moved a substitute a little while ago, and I insist on its being put.

The VICE PRESIDENT. The Chair rules that the question has been put and carried, and no substitute and no amendments are in order.

Mr. GALLINGER. That is right.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government both for himself and his property.

The VICE PRESIDENT. The resolution goes over, on objection.

STABLE MONEY (S. DOC. NO. 135).

Mr. CHAMBERLAIN. I ask to have printed as a public document a memorial by George H. Shibley, Director of the American Bureau of Political Research, on stable money and the freedom provided for in the Democratic banking and currency bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

THE TARIFF.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. CUMMINS. Mr. President, may I ask the Senator from Missouri [Mr. STONE] if the chairman of the Finance Committee is ready to proceed with the tariff bill? It seems to me that we ought to go ahead as rapidly as possible with this very important measure, and that unless it be very inconvenient to Senators upon the other side we ought to take it up now. I do not want, of course, to impose any inconvenience upon the Finance Committee or the Senator from North Carolina [Mr. SIMMONS], but if ready I hope that the bill will be called up now and that the debate will proceed.

Mr. STONE. Mr. President, the Senator from North Carolina [Mr. SIMMONS] told me on yesterday that he expected to proceed with his address to-day.

Mr. SIMMONS entered the Chamber.

Mr. STONE. The Senator from North Carolina has just entered the Chamber. Mr. President, I ask that the bill known as the tariff bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. SIMMONS. Mr. President, before beginning the statement which I intend to make with reference to this bill I wish to say that, in order that my statement may be consecutive, I should be glad not to be interrupted. When the bill has arrived at that stage when we take up for consideration the various schedules and paragraphs, I shall be glad, as I am sure every majority member of the committee will also be glad, to answer any question and to make any explanation that we are able to answer and make.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. Certainly.

Mr. BRISTOW. Before the Senator proceeds with his address I should like to inquire about when we can have the book in explanation of the bill, which we were advised would be printed?

Mr. SIMMONS. I will state to the Senator that the gentleman in charge of that work advised me this morning that he thought it could go to the printer by Monday.

Mr. BRISTOW. Very well.

Mr. SIMMONS. Mr. President, when the national conventions of the two great political parties met in 1908 they were confronted with an overwhelming demand for relief from the intolerable burdens of a tariff framed in the interest of privilege, and which, while enormously augmenting the wealth and power of the few, restricted the opportunities of the many, and advanced the cost of living beyond the income not only of the average man but of the moderately thrifty and well-to-do.

The Democratic response to these complaints and demands was unreserved and unequivocal.

The response of the Republican Party, while not so specific, was accepted by the country as a pledge to substantially lower tariff duties and to remedy the evils complained of, at least to the extent of limiting the power of combinations and of the protected industries to arbitrarily fix prices, by admitting competition from the outside when prices here were raised above the margin of a fair profit.

In the election of that year the Republican Party was successful, electing the President and a majority in both branches of Congress. Feigning to redeem these pledges, the Republican Congress of 1909 passed the so-called Payne-Aldrich bill, reenacting in effect the Dingley law, with a few minor changes in rates—some upward and some downward—resulting in practically no change in the general average, giving little or no relief to the people on the one hand, and on the other hand taking from the beneficiaries of the tariff but little, if anything, which was regarded by them as worth retaining.

The substituted act was in effect and substance so nearly the same as the one it superseded that the question whether it operated to revise the tariff downward or upward was at the time and still is a matter of dispute.

Scarcely had the act gone into operation when the dissatisfaction of the people found expression in a nation-wide agitation for its repeal, culminating in the congressional election of 1910 in the overthrow of the Republican majority in the House of Representatives and the elevation to power in that branch of Congress of the Democratic Party—pledged to revise the tariff to a revenue and competitive basis.

I need not detain the Senate to recount the struggle of the Democratic Party in both branches of Congress during the spe-

cial session of 1911 and again during the session of 1912 to carry out these pledges through the series of schedule bills that were submitted, nor the opposition to these bills from the Republicans in both branches of Congress, resulting in the final failure of those measures which passed both the House and the Senate, through the veto of President Taft. The facts are well known by Senators, and I need not detain the Senate to recount them.

In the national campaign of 1912 the Republican Party nominated Mr. Taft for President and the Democratic Party nominated Mr. Wilson. In that campaign the tariff and the record of the two parties, as exemplified by their action in Congress with reference to these schedule bills, and of President Taft in his veto of them, became the paramount issue. Out of the 531 votes in the electoral college President Taft received only 8, and Mr. Wilson received 435. The Republican Party in the Senate was superseded by a Democratic majority of 6, while the Democratic majority in the House was increased from 68 to 146.

The bill now presented to the Senate, it is confidently believed, is a fair interpretation of the will of the people and is an honest compliance with the pledges of the Democratic Party with respect to the revision of the tariff.

The conditions under which the schedule bills of 1911 and 1912 were drawn and submitted to Congress were radically different in many respects from those which now obtain.

These schedule bills were submitted as individual pieces of legislation and only as a part of a general system of customs taxation. Moreover, at that time, on account of constitutional limitations upon the power of Congress with respect to taxing incomes, revenue from this source, except from incomes of corporations, was not available. The extension of the power of Congress with respect to taxing incomes, as well as the enlargement of the scope of the proposed revision, has made it possible for this bill to make greater reductions in the rates in the present law than was possible under the conditions under which these schedule bills were framed and presented.

I wish in the outset to say that the amendments offered by the committee are not proposed in a spirit of disagreement with the House or to the theory of tariff revision upon which that body acted. On the contrary, they are offered with a view of further carrying out and perfecting the principles of a revenue-producing tariff upon the basis of competitive rates enunciated by the Ways and Means Committee of the House as a just and fair interpretation in the light of existing conditions of the platform pledges of the dominant party upon the tariff.

Like the House, we have sought to find a basis of action which would untax the necessaries of life as far as is consistent with the revenue needs of the Government, which would lay the heaviest burdens upon the luxuries of the rich, and which would impose upon those things which are neither prime necessities nor luxuries, but which are proper subjects of tariff taxation, a rate sufficiently competitive to yield revenues adequate to meet the needs of the Government on the one hand and on the other operate as a regulation of domestic prices by making outside competition at all times possible.

In the analysis which I propose to make of the bill it is not my purpose to discuss, except incidentally, the tariff question nor the House bill, but to confine myself chiefly to the amendments proposed by the Finance Committee to the House bill, and I shall only discuss the more important of these changes.

SCHEDULE A.

The Senate has made quite a number of changes in the chemical schedule, designated in the bill as Schedule A, but many of them are of minor importance, being mainly changes in verbiage or classification, with now and then a slight reduction or increase in rate.

COLORS AND DYESTUFFS.

The amendments of most importance are those relating to colors and dyestuffs, especially those used in the textile industries and in the manufactures of leather, pulp, and paper.

Under the present law alizarin and colors obtained from alizarin and anthracene are on the free list. The House bill placed a substantial duty upon these products. Under the present law colors obtained from carbazol and indigo are highly dutiable, and the House made no change. The textile industries and the manufactures of leather, pulp, and paper consume enormous quantities of these colors and dyestuffs.

Both the House bill and the Senate amendments have made heavy reductions in the duties upon the products of these industries, and it was thought just and fair, in view of these reductions, that these dyeing materials, constituting as they do such a considerable element in their production cost, should be transferred to the free list in the interest of both the manufacturer and the consumer.

CREOSOTE OIL.

Creosote oil is used largely for impregnating wood for the purpose of its preservation. In line with the policy of conserving our rapidly decreasing resources of wood materials we have placed this preservative upon the free list, believing that the object to be accomplished is of more importance than the revenue which would be derived from the duty the House placed upon it.

LINSEED OIL AND FLAXSEED.

For like reasons the committee has reduced the rate of duty in the House bill on linseed oil and flaxseed, from which linseed oil is made. This material is used extensively in mixing paints and varnishes, and to make certain other articles of common consumption, such as soap and linoleum.

SCHEDULE B.

Changes in this schedule are few, and practically all in the line of reductions or to correct errors. In a few instances the Senate has increased the House rates of this schedule because the article involved was in the nature of a luxury.

CEMENT.

We have transferred Roman and Portland cement, dutiable under the present law at an ad valorem equivalent of about 20 per cent and under the pending bill at 5 per cent, to the free list.

Cement is a material used largely for house building and street paving. It is produced in enormous quantities in this country, the production last year being in value about $80,000,000, while the total imports of that year amounted to less than $170,000. It is both produced and sold here as cheaply as anywhere else in the world. This is conclusively evidenced by the fact that only recently, when the Panama Canal Commission advertised for bids for 4,500,000 sacks of cement, although there were 12 foreign bidders, the lowest bid submitted was that of a domestic corporation. The investigation of the committee showed conclusively that the cement industry of this country has reached a position of strength and independence where it does not need the helping hand of the Government in order to stand in competition with foreign countries.

ASPHALT.

We have also placed asphalt upon the free list. Asphalt is used extensively for road building and street paving. A duty upon this material would be a tax upon road construction and street paving, both objects of the highest importance.

There are two kinds of asphalt in common use in this country—one known as natural asphalt, which is not produced in this country, but is imported chiefly from Trinidad. It is of high quality, especially for use in the construction of roads. The other is the residuum product of petroleum oil, and its production is largely controlled by the Standard Oil Co. The petroleum out of which this residuum product is made is at present on the free list.

The committee thought these conditions justified putting asphalt of all kinds upon the free list.

SCHEDULE C.

We have put pig iron and certain of its allied products upon the free list. There is no reason for a duty on these products. That pig iron can be and is produced as cheaply in this country as anywhere in the world is abundantly established by the testimony, not only of disinterested witnesses, but by the admission and sworn testimony of the leading representatives of the iron and steel industry.

The domestic production of iron ore is largely controlled by the United States Steel Corporation. To aid the independent producers of iron and steel in their competition with this monopoly the House bill placed iron ore upon the free list. Partly for like reasons the Finance Committee, after thorough investigation, reached the conclusion that ferromanganese, a blast furnace product, should be placed upon the free list along with iron ore, pig iron, and so forth.

Ferromanganese is a necessary material in the manufacture of steel, and the United States Steel Corporation largely controls the manganese ore out of which this alloy is produced. This corporation is the only producer of ferromanganese in this country, but it produces it for its own use and consumption and not for sale. The independent competitors of this monopoly have to supply their demand for it from abroad. Under these conditions it was thought by your committee that with iron ore, pig iron, and ferromanganese on the free list, domestic competition in iron and steel products would be strengthened and the price of the finished product in this market eventually lowered.

MANUFACTURES OF IRON AND STEEL.

These are in a sense the raw materials of the iron and steel industry. Partly because of the transference of these raw materials to the free list, and partly because we thought

the House rates were not sufficiently competitive, we felt justified in making substantial reductions in the House rates upon their crude products, such as structural iron and steel, anchors, tin plate, and so forth. For similar reasons further reductions were made in the more highly organized products of this industry, but it is believed that the duty has not in any instance been reduced below a reasonably competitive basis.

The average ad valorem rate of the House bill upon all the products included in this schedule is 21.22 per cent. Our amendments reduce this ad valorem to 18.38 per cent.

With an annual domestic production of approximately $4,500,000,000; with relatively insignificant imports; with $306,000,000 exports, sold in nearly every civilized part of the world; with unequaled natural advantages in raw material and otherwise; with an artificial advantage in ad valorem charges on imports of 18 per cent, manifestly the domestic producers of these products, who neither desire nor seek by illegitimate methods to exploit their customers, need not fear undue competition from abroad.

For the reasons given in the report, and which need not be repeated, your committee has slightly increased the House rate on zinc, zinc ore, and lead ore. With a few exceptions, it is believed that all the amendments made to this schedule are in the direction of reductions.

SCHEDULES I, J, AND K.

WOOL.

The manufactures of wool and cotton and of hemp, flax, and jute constitute three of the greatest industries in this country. They are each treated in this bill in separate schedules.

For more than a third of a century the duties on wool and woolens have remained practically unchanged. That these duties are not only excessive but indefensible is generally admitted, even by the advocates of protection.

The House bill placed wool upon the free list and greatly reduced the duties upon its derivative products.

While the House bill places wool upon the free list, it retains a duty of 15 per cent upon combed wool, tops, and roving made in part of wool and camel's hair. The House also retained a duty of 20 per cent upon the hair of the Angora goat, alpaca, and other like animals.

The committee could see no tenable reason why the hair of the Angora goat should be treated differently from the wool of the sheep, and it has therefore put that product upon the free list.

Your committee, after thorough investigation, also reached the conclusion that the rate of 15 per cent on combed wool, tops, and so forth, fixed in the House bill, was too high, and that in order to place these products upon a competitive basis this duty should be reduced to 5 per cent. Combed wool and tops are basic materials in the manufacture of woolens, and having reduced those duties your committee felt warranted in making further reductions upon woolens, especially upon yarns, the rate on which has been reduced from 20 to 15 per cent.

As a result of putting the hair of the Angora goat upon the free list, corresponding reductions have been made on the various products of this material.

FLAX, HEMP, AND JUTE.

Under the present law flax is taxed when hackled at the rate of 3 cents per pound, and when unhackled at 1 cent per pound; the House reduced hackled flax to 1½ cents, not hackled to one-half cent.

Under the present law tow of flax is dutiable at $20 per ton; the House reduced this to $10 per ton. Under the present law hemp and tow of hemp is taxed at $22.50 a ton and hackled hemp at $45 a ton. The House changed these rates to $10 a ton on tow of flax, and one-half a cent a pound on hemp and tow of hemp and 1 cent per pound on hackled hemp.

Flax and hemp are the raw materials of the manufacturer. They are not produced in this country for commercial purposes. The duties upon them, therefore, are purely revenue duties. The products of this industry are consumed in enormous quantities by the people, especially by the farmer. In order that this industry might be put upon a parity with respect to its raw materials with the other textile industries, and in order that the cost of the finished product might be reduced both in the interest of the manufacturers who make and the people who consume these finished products, your committee, at a considerable sacrifice of revenue, have put flax and hemp, hackled and unhackled, and so forth, upon the free list, and as a result of this they have made heavy reductions upon the finished products of these materials.

The average reduction upon this schedule has been from 22 per cent in the House bill to 15.76 in the Senate bill, that being the heaviest reduction made in any schedule in the House bill.

COTTON.

Large quantities of long staple cotton are consumed in the manufacture of cotton goods. We do not produce in this country a sufficient amount of this grade and quality of cotton to supply the domestic demand, the additional amount required, totaling something like $25,000,000, is imported.

The House left cotton upon the free list and the Senate committee concurred in making no change.

Your committee has made but few changes in House rates on cotton goods, and those which have been made are mostly changes of classification and affect only slightly the schedule of rates.

The average ad valorem under the House rate for this schedule is 34.47 per cent and under the Senate bill 29.40 per cent.

The chief change made by the Senate committee is with respect to the differentiation made by the House on plain and colored cloths by the process of dyeing and bleaching. The House allowed this differentiation on cloths that were dyed and bleached. The Senate committee extended it to yarns out of which these cloths are made, believing that as the process of dyeing occurs in the yarn as well as in the cloth the yarn should have the benefit of the differential allowed on account of the cost involved in the process of dyeing and bleaching.

SCHEDULE G—AGRICULTURE.

THE FARMER.

It is charged that this bill deals unfairly with the farmer. There is no foundation for this charge.

In 1911 we passed the so-called reciprocity agreement with Canada, giving to many of the products of the Canadian farmer free entrance into our markets.

The Democratic House, with a view to compensating the American farmer for any losses he might sustain by this free-listing of his products, passed what was known as the "farmers' free-list bill," placing many of the necessaries which the farmer buys upon the free list. There was opposition among the farmers in many sections of the country, especially along the border and in the wheat-growing States, to this reciprocity pact, but for the most part the farmers of the country would have accepted it if the farmers' free-list bill had not been vetoed by ex-President Taft. They would have accepted it because it provided, as this bill does, for adjustment on a compensatory basis of advantages and disadvantages.

The pending bill, as passed by the House and amended by the committee, places many of the products of the farm upon the free list. It places wheat and flour upon the free list, with a countervailing duty against countries that prohibit the free entrance to their market of our wheat and flour; it places cattle, sheep, swine, sugar, wool, eggs, and potatoes upon the free list, and it reduces the duty upon some other products of the farm, such as oats, rice, barley, and butter.

The duty upon many of these products is of little value to the farmer under the present trade conditions, and upon some of them of no value under any conditions.

In revising the present highly protective tariff to a revenue and a competitive basis, logically and necessarily heavy reductions have been made all along the line.

Every man, whatever his occupation may be, will be the beneficiary in some direction, to a greater or less degree, of this general system of reductions. In this respect the farmer has been shown special consideration. Practically everything he buys has been put upon the free list or the duty on it has been greatly reduced. For his special benefit cotton bagging and ties have been put upon the free list. For his special benefit the materials out of which sacks for grain, wool, fertilizer, and so forth, are made have been put upon the free list. For his special benefit wire for fencing and baling purposes and similar articles of farm consumption have been put upon the free list. For his special benefit plows, shovels, hoes, rakes, mowers, reapers, planters, and agricultural implements of every kind and description have been put upon the free list. He will be in a large degree the beneficiary of putting building materials of various kinds, materials used in the construction of roads, textbooks for school, and so forth, on the free list. He will be largely the beneficiary of putting boots and shoes, ordinary blankets, harness, saddles and saddlery, wagons, carts, sewing machines, and other like articles of household and farm utility and consumption on the free list.

In common with the rest of the people, he will share in the general benefits from the reduction of the duty on sugar and its ultimate abolition. And, finally, he will share with all the people the benefits of the heavy reductions which this bill makes on wearing apparel of every description, on crockery, hardware, household and kitchen furnishings and utensils.

No class of our people has reaped as little benefit from the Republican tariff system and suffered as heavily from its exactions as the farmer. No class of our people understands the practical operation of our tariff better than the farmer. He knows that under the Republican system he has had to buy in a highly protected market and sell most of his products on a basis of free competition with the world. The studied efforts to mislead him with respect to the effect of this bill upon him will not succeed. He will study it and study it closely, as is now his custom with respect to all questions affecting his interests and the common welfare. There is in my mind no doubt that his verdict will be one of approval, especially in view of the fact that he will be among the first to feel the beneficent results of the transition from a tariff in the interest of the classes to a tariff in the interest of the masses.

SCHEDULE N.

SUNDRIES.

Schedule N, covering sundry merchandise not covered in any other schedule of the tariff bill, has been remodeled rather extensively. Even a cursory glance at the text of this schedule will show that it covers commodities of most heterogeneous character, such as buttons and explosives, furs, gloves, manufactures of rubber, paintings and sculptures, pencils, photographic cameras, diamonds and jewelry articles, pipes and toilet sets, and many other items of no generic relationship. In the main, however, the schedule covers luxuries and some raw materials used in the manufacture of these luxuries, and the House bill has transferred to this schedule a number of items, notably laces, scattered in the existing law under various other schedules. The changes extend not only to the dutiable status of certain merchandise but also to the character of rates proposed, variations in these rates, and to alterations in the phraseology of the several paragraphs. The changes in rates and in the dutiable status of merchandise covered by this schedule are thoroughly in harmony with the principle underlying the construction of this entire tariff bill, namely, to eliminate altogether the burden of taxation on the necessaries of life or to reduce it to the lowest possible limit compatible with our revenue requirements, and to increase the burden of tariff taxation upon luxuries or semi-luxuries up to the point where a maximum amount of revenue will be derived from imports. Schedule N as submitted to the Senate proposes to transfer to the free list crude artificial abrasives, fulminates, gunpowder and other explosives, glazier's and miner's diamonds, harness and saddlery not specially provided for, surgical catguts, and sensitized but not exposed photographic films. It is also proposed to retransfer furs to the free list.

Inversely, the bill as submitted to the Senate has transferred from the free list to this schedule crude marine corals and crude meerschaum, both of which are articles used in the manufacture of luxuries.

It increases the rate on ramie hat braids and manufactures thereof, on leather toilet sets, on leather gloves, on manufactures of amber, on masks, on paintings and sculptures, all of which are luxuries, while reductions are proposed on agate buttons, on wearing apparel of cheap furs, combs and other articles made of hard rubber, and on photographic cameras, all of which are necessities. The changes in the rates on buttons made from vegetable ivory, mother-of-pearl, or shells, which changes are above as well as below the rates of the House bill, are proposed with a view of harmonizing such rates with the conditions prevailing in these industries, and to establish therein a genuine competitive basis. Substantially the same reason is adducible in justification of the change proposed in the rates on pencils.

Schedule N of the House bill carries in paragraph 357 a proviso prohibiting the importation of feathers, plumes, quills, heads, wings, tails, and skins, or parts of skins of wild birds, and so forth. The schedule as proposed to the Senate limits the prohibitory proviso to aigrettes and aigrette plumes, or so-called osprey plumes. While it is generally recognized that stringent limitations should be put upon the indiscriminate killing of wild birds carried on principally for the purpose of vain adornment, it was equally recognized that an efficient remedy against such wanton extermination can be had only by international agreement, and that little good can be accomplished by prohibiting such imports in the United States when all other countries offer a free market for the victims of such unrestricted slaughter.

Alterations in the phraseology of the particular paragraphs of this schedule, or in the cases where rates were changed from an ad valorem to a specific basis, were made principally with a view of facilitating the adminstration of the law, to limit possible litigation by eliminating ambiguities, and to protect the revenues by making the rates specific in cases where proper valuation is next to impossible, as, for instance, in moving-picture films, negatives or positives.

THE FREE LIST.

Under the House bill importations of the value of $[illegible] are transferred from the dutiable to the free list. The amendments by the Finance Committee add $44,000,000 to this free list, making a total of $147,000,000.

It is estimated that the increase in importations, free and dutiable, under the House bill as amended will amount to $123,000,000. Calculated upon the comparative basis of free and dutiable imports as explained in the report, the average ad valorem in the House bill is 27.84 per cent and in the Senate bill 26.67 per cent.

On this basis of calculation the average ad valorem of the Senate bill is 4.22 per cent lower than the average ad valorem of the House bill and 27.64 per cent lower than the average ad valorem of the present law.

Because of its extension of the free list and its reductions in rates on dutiable commodities this bill is denounced by the advocates of protection as a free-trade measure.

It is true that the bill as amended carries a large free list; so does the Payne-Aldrich law, but there is a broad difference between the free lists of these two measures.

The free list in the Payne-Aldrich bill is a free list in the interest of the protected manufacturers. The free list in this bill is a free list in the interest of the consumer as well as of the manufacturer. Under the Payne-Aldrich law more than half of all importations to this country are on the free list. More than 80 per cent of these free imports are the raw materials or semi-raw materials of the manufacturer. Only about 18 per cent of them go directly into the homes of the consumer. Manifestly, you can not reduce the price of the finished product to the consumer by putting the raw material out of which it is made on the free list unless you correspondingly reduce the duty on the finished product, and this was not done either in the McKinley, Dingley, or Payne-Aldrich revisions. Clearly, therefore, the free list of those measures is a free list for the benefit of the manufacturer and not of the purchaser of his wares.

Not so with the free list of this bill. Under it the articles transferred to the free list are of three kinds:

First. Finished products. Obviously the ultimate consumer should get the benefit of this remission of the tax.

Second. Raw products which go directly into the homes of the people and are finally consumed in their raw state. The ultimate consumer should get the benefit of this remission of tax.

Third. Raw or semi-raw materials of the manufacturer. Coincidently with untaxing these raw materials of the factory, the bill reduces rates on the finished products made from them to a competitive basis, so that the consumer as well as the manufacturer may get the benefit of the remission of the duty on the raw product.

I can not understand how the authors and champions of a law which admits 54 per cent of all imports free of tax, which imposes a duty upon the remaining 46 per cent largely in excess of what is needed for the purposes of protection according to their own theory of the proper measure of protection, can denounce this bill which reduces that admittedly excessive tax only about 27 per cent, and, after all its reductions, retains an average ad valorem of over 26 per cent—an average higher than any other country in the world except Russia and possibly one other—can claim that this is a free-trade bill unless they mean to be understood as asserting that all the world except Russia and ourselves are at present on a free-trade basis.

COMMERCIAL EXPANSION.

Mr. President, there was imported into this country last year $1,600,000,000 worth of foreign products. It is estimated that the changes made in this bill will eventuate in increasing these importations about $123,000,000, in addition to the normal increase.

In the face of a domestic production of over $30,000,000,000, over two billions of which was exported and sold abroad in competition with like products of other countries, the opponents of this bill declare in effect that if the people of this country are permitted to increase their purchases abroad to this moderate extent the doors of industry will be closed and labor deprived of employment.

This is an argument predicated upon the theory that the importation of things which can be made in this country should be practically prohibited through the tariff. It is an argument not for a protective tariff, but it is an argument for a prohibitory tariff.

A revision of our tariff laws upon such a basis would be not only vain and futile so far as giving relief to those who complain against their exactions, but it would be a fatal blow to

our great export trade, through which we annually tap the gold reservoirs of the world.

Undoubtedly there will be increased importations under this bill; that was intended and provided for in the reductions in rates it makes. Moreover, you can not revise the tariff so as to give relief from present tariff burdens except by enlarging opportunities for importations. Undoubtedly, on the other hand, there will be increased exportations under this bill. That was also intended by its framers and is provided for in such ways as were found possible and practicable.

To this latter end it untaxes the things the farmer employs in making the products he sells abroad. It untaxes the raw materials of the manufacturer and it largely untaxes the material used in the construction of his plant and the machinery needed for its equipment to enable him to meet his foreign competitor on more advantageous terms, not only at home but abroad.

In short, it seeks in such ways as are open to us to establish upon a broader basis that spirit of comity on which international good will rests, to remove hampering restrictions, to broaden the basis of international trade and enable the American producer to take advantage, in greater measure than has been possible under past and existing tariff conditions, of our great national opportunity in the markets of the world.

Mr. President, the passage of this bill will not result in closing factories; it will not throw labor out of employment. On the contrary, I confidently predict that it will open a broader field to our manufacturers and farmers, both at home and abroad, and that the resulting expansion of both our foreign and domestic trade will open new opportunities to industry and enlarged employment for labor.

FINANCIAL STATEMENT.

It is estimated that the ordinary receipts under the amended bill for the fiscal year ending June 30, 1914, will amount to $366,810,000. Ordinary expenditures for the same period will amount to $994,790,000, leaving a surplus of $2,020,000.

The receipts for the current fiscal year are materially affected by the Senate committee amendments changing the time for the assessment of the income tax from January 1 to March 1; postponing the time when the bill will go into operation as to wool and woolens until December 1 and January 1, respectively; as to sugar, until March 1, 1914; and by deferring the date when the Senate amendment imposing a tax on spirits used in fortifying wines becomes effective.

It is estimated that during the fiscal year 1915, when all the provisions of the amended bill will be in operation, there will be a revenue of between nine and ten million dollars in excess of the probable needs of the Government.

INCOME TAX.

The adoption of the amendment to the Constitution authorizing Congress to tax incomes has made it possible, in revising the tariff upon the lines of the new principles of this bill, to make many remissions and reductions of tariff duties in the interest of a fair and just distribution of the burdens of government and for the relief of the people fror oppressive exactions which, on account of the revenue needs of the Government, would have been impracticable but for the additional source of revenue furnished under the authority of this beneficent and long-delayed amendment to the organic law.

The income section of this bill is not framed upon the theory that the chief object of an income tax is to supply a deficit in revenue, but, on the contrary, it is based upon the theory that property should bear its just share of Federal as well as State taxation, and that therefore the rate of this tax should be fixed with a view to requiring the wealth of the country as reflected in the incomes of the well-to-do to contribute equitably to these expenses.

Under the old system, from which this income-tax amendment emancipates us, the money for defraying the expenses of the Government was obtained from a tax on consumption—that is, a tax on the things the individual man consumes—and as the actual necessities of food and raiment of the poor man are relatively the same as that of the rich man, the result was that the rich man paid but little more tax to support the Government than the poor man.

Why this unjust system should have been allowed to continue so long, it is difficult to understand. It is as much the function of the Government to protect the rights of property as it is its duty to protect the rights of persons.

In our complicated industrial system it is safe to say that the expense of adequate governmental protection of our great property interests is as great as that required for the due protection of the life and liberty of the citizen.

Since 1870 our population has increased from 38,000,000 to 98,000,000, or about 150 per cent, while property has increased in the same time from thirty billions to one hundred and twenty-five billion dollars, or 300 per cent. The per capita of wealth has increased during this time from $775 to $1,500. Much of this wealth had its origin in what may be called the unearned increment—in the appreciation of property from causes not due to the individual exertions of the possessors. This part of the wealth of the country has not been created by the owners, but has resulted from the productive energy and enterprise of the community generally. It has accrued through the sweat of the brow of others and without toil on the part of those who enjoy it. It is the offspring of our existing institutions, of our land, and of our Government, and from its ample storehouse a reasonable share should be contributed for the support of the Government.

The income-tax amendment to the Constitution confers the power upon Congress to impose upon property its just share of the general burdens of taxation, and the authors of this section of the bill in its original and amended forms have not hesitated not only to use this power, not only to supply any deficiency in the revenues resulting from the reductions in consumption taxes, but they have invoked it as an effective means of exacting a fair contribution to governmental needs from accumulated wealth.

It has not imposed this tax upon those whose incomes does not exceed $3,000, that being the income upon the basis of 6 per cent earning capacity of $50,000. It was thought by your committee that the possessor of an excess of this amount of wealth, if he was a single man, should contribute to the revenues of the Government at least 1 per cent of the income arising from it. If the taxable person is a married man or woman, the exemption is increased to $4,000, and if there are children it may reach $5,000.

It is expected that the income and excise tax will yield at least $100,000,000 of revenue annually, thereby enabling us to remit to the taxpayer a like amount in the consumption taxes.

ADMINISTRATIVE SECTION.

The changes made in the administrative section of the House bill are specifically pointed out in the report of the committee, and need not be enumerated here in detail.

The provision allowing a 5 per cent differential in duties on imports shipped in American bottoms, the so-called dumping clause, and the provision authorizing the inspection of books of foreign manufacturers, and so forth, were eliminated for the reasons given in the report.

One of the most important amendments made by the committee to the House bill is contained in the so-called retaliatory clause of this section. The House bill authorized the President to negotiate reciprocal trade agreements, but it contained no provision for the protection of American trade against invidious discriminations. The Senate amendment authorizes the President in such cases to raise the duties prescribed in the bill to a specified amount on certain articles if imported from the offending country and to continue them in force against that country so long as the discrimination is continued.

Another amendment provides for a congressional commission to investigate and consider our revenue-administration laws, with a view to simplifying, harmonizing, revising, and codifying them.

SPECIFIC AND AD VALOREM RATES.

Aside from the reduction of duties the most important difference between this bill and the Payne-Aldrich bill, which it is intended to supersede, is the method providing for levying duties.

Duties under the present law are, in the main, either specific or compound.

The duties under this bill are, in the main, ad valorem. In other words, this bill assesses taxes upon the basis of the value or selling price of the thing taxed, while the present law assesses taxes upon the basis of the weight and quantity without regard to the quality or value of the thing taxed.

The controversy over the relative merits of specific and ad valorem duties is one of long standing in this country. It began more than three-quarters of a century ago and related chiefly to possible frauds upon the revenue of the Government through undervaluations on the one hand, and to underweighings on the other. These arguments, pro and con, are well understood and need not now be restated.

The objections now urged against this feature of the bill are substantially the same as those that have been made against the ad valorem system in every controversy over specific and ad valorem rates in connection with our tariff legislation from the beginning.

Speaking generally it may be said where protection is the primary purpose of a tariff tax specific duties naturally lend themselves, so to speak, to that purpose; and where the primary

purpose of a tariff tax is revenue ad valorem duties are best adapted to the accomplishment of that purpose. The present law is a protection measure and was framed with protection as its primary purpose, and naturally specific rates were adopted. The pending bill is a revenue measure. To raise revenue to pay the expenses of the Government is its primary purpose, and for that reason its authors prescribe ad valorem rates.

INEQUALITIES OF SPECIFIC RATES.

Mr. President, while these questions of administrative difficulties and possible frauds in the enforcement of our tariff laws are undoubtedly important, they are of but minor consequence compared with the injustice, inequality, and the unfairness of assessing an article for taxation upon the basis of quantity, or weight, or measure without reference to value or quality.

The inevitable effect of assessing duties upon the basis of quantity instead of value under the present law is to discriminate against the cheaper and coarser articles covered by the tariff which the poor consume, in favor of the finer and more costly articles which the rich consume. It was repeatedly shown in the discussions of the Payne-Aldrich bill that the specific duties of that bill taxed the coarser grades of woolen and cotton goods, flannels, and carpets which the poor buy much higher than the finer grades which the rich buy.

In his great report upon the Walker bill, Robert J. Walker, then Secretary of the Treasury, in denouncing the minimum and specific duties carried in the law which that bill superseded, declared that these duties exacted annually over $5,000,000 from the poorer classes by raising the duty on cheaper articles above what they would have been if the duties had been assessed upon the basis of actual value.

Mr. President, equality is a fundamental principle of popular government. Whatever does violence to that principle is undemocratic as well as unjust. A tax upon importations upon the sole basis of quantity is an unequal tax, an unjust tax, and an undemocratic tax.

It is as obnoxious to the fundamental principle of equality as would be direct taxation upon the basis of quantity. It is just as unequal as would be a State tax assessing lands upon the basis of acreage without reference to location, fertility, or productiveness. It is just as unequal as would be a State tax assessing a draft horse at the same price as a thoroughbred because they were both horses. It is just as unequal as would be a State tax assessing the humble cottage of the laboring man at the same price as the costly mansion of the rich because they were both houses. Direct taxes levied upon such a basis would be intolerable, and indirect taxes levied upon the same basis while differing in degree nowise differ in principle.

CONCLUSION.

Your committee has devoted two months of earnest thought, study, and investigation in considering the bill submitted to them. It has at all times been impressed with the demand of the people for relief from existing tariff conditions and the necessity for prompt action in this behalf. But we have felt that prudence and wisdom required that there should be a most thorough scrutiny and analysis, and for this reason we have not hesitated to take the time necessary for a thorough understanding and study of the changes proposed and the effect of those changes upon the business interests of the country, both as they affect the producer and the consumer.

It has constantly kept in mind the evils which have resulted from our existing tariff law in establishing monopolies, increasing the cost of living, and imposing unnecessary burdens upon the people. It has also had constantly in mind the pledges of the party now in power and the just expectation of the people with respect to the fulfillment of these promises.

It has given due consideration to the representations of those interested in retaining high rates and has duly considered the arguments and facts upon which they have relied in support of their contention. Like the Ways and Means Committee of the House, it has rejected many of the theories upon which these contentions are based, and likewise it has found many of the contentions upon which these theories were attempted to be justified unwarranted by actual conditions in this country and abroad.

For the reasons given by the Ways and Means Committee of the House your committee has rejected the cost-of-production theory. The grounds upon which this theory was rejected are so conclusive and so exhaustively stated in the several reports of the House committee upon this subject filed during the years 1911, 1912, and 1913 that it is not deemed necessary to restate them here.

Following the lead of the Ways and Means Committee, your committee has sought in its amendments to the House bill to further carry out and perfect the theory of establishing a revenue-producing tariff upon the basis of competitive rates as a just and fair interpretation, in the light of existing conditions, of the latest authoritative utterances of the party in power upon that subject. Your committee now submits the results of its labors with the confident belief that the enactment of the House bill as amended into law will result in a more equitable distribution of the burdens and incidental benefits of our system of customs taxation; that it will tend to disintegrate the monopolies built up under the protective system, and offer enlarged opportunity to individual effort; reduce the cost of living and relieve the people of many of the burdens of the unjust, discriminatory, and oppressive tariff imposed upon them by the Republican Party at the dictation and in the interest of the privileged few who have for more than a third of a century dictated the policy and legislation of that party.

Mr. CUMMINS. Mr. President, the Senator from North Carolina [Mr. SIMMONS] is to be congratulated upon his very clear and understandable analysis of the bill now under consideration. There is one question that I desire to propound to him before I proceed with my own suggestions.

May I ask the chairman of the Finance Committee to make a little plainer to me what is the average rate of duty in the bill before us?

Mr. SIMMONS. I do not know that I exactly understand the question. Does the Senator inquire with reference to the average ad valorem rate comparison I made between the present law and the pending bill?

Mr. CUMMINS. The average rate of duty, which of course would be the ad valorem rate of duty.

Mr. SIMMONS. I do not know that I can make it plainer than to state that upon the basis of the calculation which I gave this morning, which included both free and dutiable articles, the average rate carried in the present law would be something over 36 per cent. Using the method that obtains in the departments, of calculating only upon the basis of dutiable imports, the rate in the present law, as I understand, would be something over 40 per cent.

Mr. CUMMINS. A little more than that, Mr. President.

Mr. SIMMONS. A little more than that. I believe in the House report it is estimated at about 40 per cent, upon the basis of the importations of the last year.

Mr. CUMMINS. My question is, Upon the same basis—that is, reckoning only the dutiable commodities—what is the average rate carried in the bill before us? I thought I understood the Senator from North Carolina to say about 27 per cent.

Mr. SIMMONS. No; the amended bill carries something over 26 per cent on the basis of free and dutiable imports. The average rate carried in the House bill, upon that basis of calculation, is something over 27 per cent and in the Senate bill something over 26 per cent.

Mr. CUMMINS. I was very solicitous to be clear upon that point, Mr. President.

Mr. SIMMONS. I wish the Senator, however, to bear in mind that this basis of calculation was one for comparison. We felt that the only proper basis of comparison of the rates of the three bills was one which took into consideration both free and dutiable articles transferred by either the House bill or the Senate amendments to the free list.

SHOULD BE NO UNNECESSARY DELAY.

Mr. CUMMINS. Mr. President, I am concerned only with the bill now under debate. I had reached the conclusion, upon investigations made by myself, that the average rate of duty upon the dutiable commodities alone is about 25 per cent, and as I shall have occasion to refer to that fact in the course of my argument I wanted the assurance and the verification of the chairman of the committee before I proceeded.

It has been stated very often that there were certain Republican Senators—and I have been mentioned as one of them—who had it in mind to delay the conclusion of the bill through unnecessary and prolonged debate. I take this opportunity to say that, in so far as I am concerned, there is no truth whatsoever in the statement. I shall express my opinion frankly, freely, and fully. I shall present certain amendments as we pass through the bill, but a very short time will suffice for all I have to say. I can not say honestly that I hope the bill will speedily become the law of the land, but I can say with sincerity that I hope it may, with due regard for the fair limits of debate, be speedily voted upon by the Senate.

BILL INVOLVES PERILS OF FREE TRADE AND INSUFFICIENT PROTECTION.

Mr. President, the Republican Party lost the confidence of the people and was driven from power largely because it insisted upon the maintenance of import duties many of which were unnecessarily and oppressively high. The Democratic Party will

soon be overtaken by like disaster, because it is about to inflict upon the country a tariff law which, with respect to many things, invites the perils of free trade; which, with respect to many others, imposes duties that are dangerously and destructively low; and which from end to end grievously discriminates against the West in favor of the East—that is to say, in favor of the manufacturer against the farmer.

We have been sailing over tariff seas for a century, and we ought by this time to be fairly well acquainted with the voyage. We ought to know something about the channels through which we can safely pass, the coasts upon either side, and the storms which the mariner must meet; but notwithstanding the experience of more than a hundred years, the navigators of these political and economic waters alternately and regularly meet their end in the waves of selfish and excessive protection or dash themselves upon the shores of unfair and unequal competition. The Republican craft went down in the whirlpool of Scylla in 1912, and its Democratic successor is steering straight for the rocks of Charybdis, where it will go to pieces in the stress of 1916. There is a passageway to safety and prosperity. The progressive Republicans charted it in 1909 and they will chart it again in 1913. Some time the American people will make the trip under these pilots, but in the meantime we must suffer another shipwreck, bearing its hardships, as I hope we will, with patriotism and fortitude.

BELIEVES IN FULFILLMENT OF PARTY PLEDGES.

I voted against the Payne-Aldrich tariff bill not because it was more offensive than the Dingley Act, but because it failed in the fulfillment of a pledge and because a great number of its duties were unreasonably high. I made up my mind to vote for no general revision of the tariff that did not fairly embody the doctrine of protection, a doctrine that can be violated by excessive duties just as it can be repudiated by insufficient and discriminating duties. I will vote against the bill now before the Senate, although in many things it meets my approval, precisely as the bill of 1909, in many respects, was fair and equitable. I will vote against it because it puts many commodities upon the free list which ought to bear a duty and upon many others prescribes duties that are so low that they will give, as admittedly they are intended to give, the American market to the foreign producers, and because its protection is mainly bestowed upon the manufacturing class, while its burdens must be borne by the agricultural class.

In debates elsewhere Republicans, who for years have been fighting for lower duties, have been taunted with inconsistency because they are opposing this bill, which unquestionably presents a revolutionary reduction of the tariff. The taunt comes from either an insincere or a shallow mind. It will not deceive anybody. It is either the cry of ignorance or the thin froth of demagoguery. It could be said with equal force that those of us who for many years have insisted upon lower and more equitable railroad rates must, in order to be consistent, stand for free service from the railways, if a misguided political party were to propose it.

The unjustly high duties of the existing law are bad enough, but the discriminations and the withdrawal of adequate protection in this bill are still worse. To be plainer and more specific, I believe that the men and women of the country who must struggle year in and year out to live comfortably and maintain their families decently will find the struggle more arduous under the proposed law than they have found it under the present law. I sincerely hope that time will prove that I am in error, for I have no pride of opinion that I would not gladly yield to promote the happiness of my fellow men. I am compelled now, however, to act upon my own judgment—a judgment that has resulted from long, patient, and honest study. I feel no party obligation that would restrain me from voting for the Democratic bill if I could believe that it would serve the general welfare. There are hundreds of items in the measure for which I can vote conscientiously, and for which I will vote if I am given an opportunity to do so; but the happenings of the last few months warn me that in the end I must vote for the bill as a whole or vote against it as a whole, and when that times comes the path of duty will be as plain before me as it was in 1909, when I voted against the Republican bill.

It is not my purpose at this time to discuss particular duties. I have it in mind rather to make a general survey of the bill and point out what I believe to be its fundamental errors; but before doing even that I must observe that there are some matters connected with the measure which do not appear in its provisions well worthy of the attention of the Senate and of the country.

EXECUTIVE MUST NOT ATTEMPT TO COERCE CONGRESS.

The influence that has been exerted by the President upon Members of Congress, an influence so persistent and determined that it became coercive, is known to every intelligent citizen of the United States. Without respect to the soundness or unsoundness of his economic views, I am opposed to the executive interference of which he has been guilty, and I intend now, and upon every appropriate occasion in the future, to record my protest against it. There is nothing personal in this criticism. I have urged it against his predecessors, and if I live I shall utter it against his successors, if they follow a like course. The only difference between the present Chief Executive and those who preceded him is that, like all misuse or usurpation of power, the evil grows and becomes more and more pronounced, more and more objectionable. I do not appeal to the Constitution, for it might be changed to give the President the power that he has in fact exercised upon this bill. I appeal to the spirit of free institutions and to the fundamental principles of representative government.

There are many thinkers who believe that the legislative department of a government should hold the executive power, as does, in fact, the Parliament of Great Britain, but it is yet to be proposed that in a free government a single executive should hold the legislative authority of a great people; and yet we are rapidly drifting in that direction. I doubt if there is a man in America bold enough to assert that the legislative branch of our Government should be abolished and that the people should elect at stated times a dictator who would both make our laws and execute them; and yet it would be far better to make this change, revolutionary and shocking as its mere suggestion is, than to tolerate the practice of executive coercion. The President of the United States has greater power and holds more potent influences in his hands than any other man in the world, and if he be strong, in and of himself, he can overcome the legislative will and direct it toward his own purposes. He is the head of his party and holds the chief office of the country.

The administration of the laws imposes upon him the selection of the hundreds of thousands of subordinate officers through which the vast work of the Government is carried on. I do not charge, nor do I believe, that the President, in terms, barters this power for legislative subordination, but I do say that without barter the knowledge of the consequences that may follow legislative independence will bring about all the evils of actual wrongdoing unless the most scrupulous care is exercised in communications between the President and Members of Congress. It lies with the President himself to mark out the path of propriety and to pursue such a course as will enable every Member of the legislative branch of our public affairs to feel free and unrestrained in every vote that he casts. I grant that the President is interested, and ought to be interested, in legislation. The Constitution empowers him to communicate to Congress his opinion upon every subject that touches the public welfare. It is right that he should consult with Members of Congress, and especially with those with whom he is affiliated as a partisan, but it ought always to be made clear that in such consultations or conferences the President enters them stripped of the power which the laws of the country confer upon him as President, and that the failure to agree with him upon any given matter means no more than the failure of two Members of Congress to agree with each other. So long as the President is permitted to set up a standard of loyalty to the party to which he may belong and condemn every man who does not accept it, and so long as Members of Congress vote under the apprehension that they may suffer from the presidential power, controlled by his judgment instead of their own, so long Congress will incur and will deserve the contempt of all true lovers of free and representative government.

Within the fair limits of compromise every act of Congress should embody the reflective, intelligent, and independent convictions of a majority of the Members of both the House and the Senate, and as often as a failure occurs in this regard, just so often do our institutions fail in their high purpose.

I have been a close observer of the measure now under consideration. I believe that in many important particulars it would be modified if every Member of Congress were to vote according to his own view of the public good. I believe, however, that it will not be modified or amended in any essential respect, largely because the President of the United States, assuming to interpret and apply the economic doctrine of his party, has laid the heavy hand of his power upon a branch of the Government that ought to be coordinate, but which, in fact, has become subordinate. It ought to humiliate us all somewhat when we look around and find that the people generally not only understand this surrender of our rights and privileges, but observe it with a certain degree of satisfaction. It is perhaps natural for them to enjoy it, because they have gradually come to believe that Congress looks upon itself as inferior; and it

is very human to deride a body of men who, lacking the courage to assert themselves, are whipped by a master hand into subjection.

I have said these things not because they pertain more to the tariff bill than to any other proposed legislation. I have said them not because they are more pertinent now than they have been apt in times past, for what I have just uttered is a mere repetition of sentiments that I declared on the floor of the Senate long, long ago. I would not have my Democratic friends believe that in what I have said there is a particle of party feeling or partisan tinge.

As I said, I have said these things, not because they pertain more to the tariff bill than to any other proposed legislation, but because this is the first important act of the present administration; and so long as I am a Member of this body I intend to do all that I can to lift the legislative branch of governmental power from the low estate into which it has fallen.

LEGISLATIVE PROCEEDINGS SHOULD BE PUBLIC. SECRET CAUCUS DESTRUCTIVE OF POPULAR GOVERNMENT.

Executive interference is not the only misfortune which has attended this bill. It is the product of secret party caucus. It may be that I have no right to speak of the proceedings which matured it in the House of Representatives, and therefore I confine my observations to its history in the Senate. When it came here from the House it was referred to the Committee on Finance. It was at once parceled out among so-called subcommittees made up entirely of members of the majority party. For many weeks these misnamed subcommittees worked over their respective allotments, excluding not only the minority members of the Committee on Finance but the public as well. They gave hearings to those who were immediately interested, and I have no doubt devoted all the time they could to the subject; but the country did not know what was happening before them, and the other Members of the Senate have no information of their proceedings. The whole process was secret and intended to be secret, save as to those of the majority party to whom the work was committed. When these subcommittees had finished their assignments the bill came before a body made up of all the Democratic members of the Finance Committee. Again the Republican members of the committee were not admitted, and again the public was excluded. For something like three weeks this fragment of the committee considered the bill, and it finally reached a conclusion. It was then reported to a closed caucus made up of all the Democratic Members of the Senate, and for two weeks the caucus debated it, offered amendments to it, and voted upon it both in detail and as a whole. Again the public was forbidden the opportunity to know what was being done or what arguments and influences in the end prevailed. I do not know just what occurred, but it is commonly understood that in some fashion or other an obligation grew up by the force of which nearly all of the majority Members of the Senate will feel compelled to abide by the action of the majority of the caucus. When all this had been done the bill was then brought before the full Finance Committee, and was before the committee less than two hours, which, of course, means no consideration whatever. It was then reported to the Senate, and it is here with the strength not only of the Democratic members of the Finance Committee behind it, but with the seal of the secret caucus upon it.

I want to be entirely fair. I believe that I have it in my heart to be fair, and therefore I say that, with the exception of the final caucus, the proceedings this year are a practical repetition of the proceedings attending the Payne-Aldrich bill in 1909. They were indefensible then; they are indefensible now. The Republican leadership in 1909 was willing to exclude the minority of the Finance Committee from participation in making up the bill; but, bold as it was, it was not rash enough to attempt a revival of the tyrannical rule of a caucus.

I do not forget that the people of the country are divided into political parties and that with respect to many matters of organization the minority must yield to the majority; but the solidarity of organization can not be extended to legislation, and especially to legislation conducted in the secrecy of a party caucus. The effect of the proceedings upon this bill is to make the work of Congress as a whole—a work which must be performed in the public eye and where every word uttered in debate is for the public ear—a mere formality. If the caucus is to be supreme, why should we meet here day after day at vast expense with no other possible outcome than that finally the decree of the caucus will be entered as the finding of the Senate? If conscience is to be stifled and judgment bound by the secret vote of a majority of a majority, it would be far better to so amend the Constitution that only members of the dominant party shall sit in Congress. Then, at least, the debates and votes would be public and some individual responsibility would attach to those who may participate in public business. So long as the real legislation takes place in a caucus it can not be known what any man says or how any man votes.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. KERN. I think it would be fair if the Senator would state the fact that the caucus referred to was more in the nature of a conference and that no action that was taken was regarded as binding action on any Senator participating. Not only that, but perhaps it might be well for the Senator to know that in all the sessions of the conference there was the most perfect freedom of debate. The debate extended over a period of nearly two weeks, but under the practice of that conference any one member had the right to demand a roll call, and all roll calls were by order of the conference given to the public, so that on all votes taken the attitude of every member of the conference was made known to the public on the day the action was taken.

In that regard I think it was quite different from that kind of a caucus where the members are bound by caucus action to vote either one way or the other. It was different from that kind of a caucus where a roll call can not be had and where the votes taken are not given to the public. In this case every vote which might be demanded by any member of the conference was by order of the conference given to the public at once, so that the public was fully advised as to how every man in that body stood, or voted, on every disputed question which was there considered.

Mr. CUMMINS. Of course, the Senator from Indiana knows what happened in the caucus, and I do not.

Mr. KERN. Mr. President——

Mr. CUMMINS. I, however, availed myself of every means of information open to the general public. I have no doubt that these matters were debated freely and fully in the caucus. I have no doubt that upon all differences of opinion there were votes. The only thing now suggested by the Senator from Indiana which I did not know before is that those votes were made public. I am a somewhat careful reader of the newspapers, and while I frequently saw in their columns, during the course of the caucus, the aggregate vote on the one side or the other, I assumed that, like the proceedings of the executive sessions of the Senate, those votes had reached the public through the grapevine route, through some undisclosed channel.

I am very glad to learn from the Senator from Indiana that the public was given an opportunity to know the outcome of those votes, but I will be glad if he will tell me further just how those votes were communicated to the public.

Mr. KERN. They were communicated to the public by the roll calls that were taken and recorded by the secretary, being handed out to the representatives of the press, who were always present.

Mr. CUMMINS. I beg pardon; as to that last statement I have not so understood it. Does the Senator from Indiana say that reporters were present in the caucus room?

Mr. KERN. Oh, no.

Mr. CUMMINS. No; for I saw them myself camping on the outside. They were very carefully excluded.

Mr. KERN. The reporters were not in the room, but the roll calls were, by order of the conference, given out each day to the representatives of the press.

Mr. CUMMINS. Were those roll calls such as we have in the Senate?

Mr. KERN. Yes, sir.

Mr. CUMMINS. Did those roll calls show how each Senator voted?

Mr. KERN. Yes, sir.

Mr. CUMMINS. I did not see such roll calls during all the proceedings of the caucus, although I do not, of course, question the accuracy of the statement just made by the Senator from Indiana.

So long as the real legislation takes place in a caucus, I repeat, it can not be known and it is not known throughout the country what any man says or how any man votes.

It is not only invisible but it is inaudible government. We have heard many and severe criticisms launched against the invisible government of the United States, and we have now added to it the inaudible government of the country as well. Any contrivance, scheme, or combination that prevents, or has a tendency to prevent, freedom of individual opinion, or that makes a vote cast here the reflection of party authority rather

than the expression of individual judgment, is an offense against free government and a denial of the most sacred rights of the people. It is to be regretted that in these days of progress, these days of publicity, these days when standards of fidelity are being lifted higher and higher, the Congress of the United States is the scene of legislation through party caucus. I venture the prediction that there will be swift and overwhelming condemnation of a practice which has nothing to commend it and which was long ago rejected by the best sense of civilized mankind.

BELIEVES IN SYSTEM OF PROTECTION FAIRLY APPLIED.

I now turn to the bill itself for such general analysis as the time at my command will permit me to make.

I believe in that system of taxing imports which is commonly known as the system of protection. It is difficult for the country to view it without prejudice, because, for many years at least, we have had, in my opinion, no law which fairly expressed it. The existing statute imposes so many exorbitantly high duties that the principle itself has fallen into apparent disfavor with a great many people who ought to be and who upon further reflection will be its sincere friends. It would serve no good purpose to set forth at this time the argument which sustains it or to recite the experience which vindicates it. It is in the truest sense a regulation of our commerce with foreign nations. Against the protective doctrine there stand two economic theories: First, that duties should be laid for revenue alone, or for revenue as the chief object; second, free trade with foreign nations, just as we have free trade among the States.

TARIFF FOR REVENUE UNJUST AND INTOLERABLE.

With regard to a tariff for revenue—and I beg the attention of my Democratic friends now—with regard to a tariff for revenue, whether solely or chiefly, I believe it is obsolete, unjust, and intolerable. If tariff duties are not to be levied to equalize conditions of production—that is to say, for protection—they ought not to be levied at all. The moment protection becomes unnecessary free trade is demanded by every consideration of justice and equality. Duties imposed for the purpose of raising a revenue are taxes upon consumption, and whatever may have been true in the days when governments seemed to exist for the encouragement of the rich rather than to defend the poor, in these days when governments are taking more thought of humanity and less of property a tax upon the consumption of all the people merely to raise a revenue is abhorrent to even the bluntest conception of fair dealing. There is but one exception to the rule I have just stated. It is this: That such taxes may be laid either upon imports or domestic production if the commodities upon which they are laid are of such character that the public welfare will be promoted if their consumption is diminished; or, to be more specific, upon such things as intoxicating liquors, tobacco, and the like. If I did not believe that an import duty put upon an article would benefit the man who bought it and used it commensurately with the higher price he is compelled to pay for it, nothing could induce me to favor a duty upon it. I would hold myself an enemy of mankind if through import duties I were to raise the price of any commodity which the people generally used and ought to use simply to put money into the Treasury of the United States. If I ever cease to be a protectionist I will be an absolute free trader, for there is no tenable ground between these two economic principles.

TAXES SHOULD BE PAID ACCORDING TO THE ABILITY OF TAXPAYER TO BEAR THE BURDEN.

We have reached a stage in our development when the great majority of the humane students of public affairs believe that taxpayers should contribute to the expenses of the Government according to their ability to bear the burden rather than according to their necessities. Or, in other words, they should pay in proportion to their accumulation and not in proportion to their consumption.

If this revision has merit, it ought to endure either the test of the Democratic faith or the Republican faith. In my opinion it is a dismal failure, whether tried by the one or the other. Let us look at the bill, therefore, from two standpoints—first, the Democratic, and, second, the Republican. I do not, of course, occupy the former, but I know what it is, for the traditions and creed of that party are known to every student of history and to every observer of public affairs.

The Senators upon the other side believe—I hope they will mark now what I say, because if I am wrong in this I desire to be corrected—the Senators upon the other side of the Chamber believe that the only object which justifies a duty or a tax on an imported article is to raise the necessary money to pay the expenses of the Government. They believe that the tax so laid not only increases the price of the imported article by the amount of the duty, but also the price of any like article produced in this country. They believe that the only person who receives any benefit from such increase in price is the person who produces and sells the domestic article. They believe that all who buy or use it are taxed for the profit of the producer, without any compensating advantage. If there be any Senator present who cares to deny the statements I have just made, I will gladly yield for an interruption.

Mr. BACON. Mr. President, I am not going to enter into a discussion with the Senator on those propositions now, because they could not properly be discussed in a colloquy. I want to say there are several of the propositions which the Senator announced that I do not think anybody agrees to, but I will not do more than enter a denial at this time.

Mr. CUMMINS. In order that I may be perfectly clear, I am going to state them again, because I have always supposed that these were cardinal declarations in the Democratic faith; and I do not speak of them disparagingly, because they have been held by a vast number of not only good but patriotic men.

Let us see. They believe that the only object which justifies a duty or tax on an imported article is to raise the necessary money to pay the expenses of the Government. I have heard that declared upon the Democratic side of this Chamber more than a hundred times since I became a Member of this body. They believe that the tax so laid not only increases the price of the imported article by the amount of the duty, but also the price of any like article produced in this country. I have heard that emphasized an equal number of times, with one possible modification, namely, that there are some of the competitive articles the price of which is not raised the full amount of the duty upon the imported article, but that is only a matter of degree and not of principle. They believe that the only person who receives any benefit from such increase in price is the person who produces and sells the domestic article. I have heard that declared in terms so fervent and with an eloquence so inspiring that I have not been able to doubt that it was the Democratic faith that the tax benefited only the man who produced the article and could not by any possibility benefit the man who used or consumed it.

Mr. BACON. I simply wish to say, Mr. President, that I hope the Senator from Iowa, who has heard that statement so frequently, will turn to the page of the RECORD and quote it.

Mr. CUMMINS. I do not believe that I have misinterpreted the Democratic doctrine. If so, you have all become protectionists.

Mr. BACON. Oh, no; by no means, Mr. President, and, least of all, have we become the kind of protectionists that the Senator from Iowa is.

Mr. CUMMINS. No, sir.

Mr. BACON. Mr. President, if the Senator from Iowa will pardon me a moment, I will say that I can very well appreciate the man who is a genuine protectionist; I can appreciate the man who advocates the doctrine of protection without qualification; but I do not appreciate the attitude of such a protectionist as is the Senator from Iowa. The Senator from Iowa is a protectionist who thinks it is an iniquity to take a high degree of toll by a high protective duty, but that it is an entirely proper thing to take a low toll by a low degree of duty; in other words, admitting the fact, which I presume the Senator will not deny, that the levying of a tariff duty raises the price of an article to the consumer, the Senator from Iowa thinks it is all right to take a little bit from a man by such a process, but all wrong to take a large amount from a man by such a process.

That is the sort of protectionist I say he is; the last kind of protectionist that I would be. If I were going to be a protectionist, I would be, I will say without disparagement or offense to the Senator, an honest protectionist—a man who believes in the doctrine and is ready to follow it to its legitimate conclusion—not a man who puts one foot on one horse and the other foot on another horse.

DUTIES SHOULD NOT BE HIGH ENOUGH TO MAKE COMBINATIONS POSSIBLE.

Mr. CUMMINS. Mr. President, of course I did not invite any personalities in the suggestion that I made; I did not ask the Senator from Georgia to appreciate the kind of protectionist that I am. I have not made any inquiry of him in that regard. I am discussing the Democratic faith, and he answers me by at once assailing the consistency of my own. However, I pause for a moment for the purpose of stating just what kind of protectionist I am.

I do believe in fair protection; I do believe in raising the price of articles produced in the United States to the American level of price; I do believe in protecting the American producers from the unfair and unequal competition of other lands. I do not believe, however, in such duties as will enable the

American producers to combine among themselves and lift the American price above the point of fair profit in American production. If the Senator from Georgia sees dishonesty in that belief, I must leave him to cherish such an opinion of my views as he may see fit to do.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. GRONNA. I desire to interrupt the Senator to read just a few lines from the Democratic platform in connection with the statement made by the Senator from Georgia [Mr. BACON] of what he believes is the view of the Democratic Party.

Mr. CUMMINS. I yield to the Senator from North Dakota for that purpose.

Mr. GRONNA. I read from the Democratic platform of 1912, as follows:

> We declare it to be a fundamental principle of the Democratic Party that the Federal Government, under the Constitution, has no right or power to impose or collect tariff duties except for the purpose of revenue, and we demand that the collection of such taxes shall be limited to the necessities of government honestly and economically administered.

Mr. BACON. I wish that could be read in every Republican speech that is made.

Mr. CUMMINS. I was not unaware of that declaration of the Democratic platform. It has been in every Democratic platform, with possibly one exception, since I have known anything about public affairs. I have no thought in my mind of dishonesty on the part of those who believe that doctrine. It is a view that has been accepted by a great many men over a great length of time, and in stating that doctrine as I did state it I supposed that I was repeating the most familiar axiom of the Democratic belief.

Mr. BACON. And the Senator was not in error in that particular.

TAX ON CONSUMPTION UNJUST; BURDENSOME TO THE POOR.

Mr. CUMMINS. It is expected by the authors of the bill before us to raise, when all its provisions have become effective, a revenue of about $200,000,000 or $250,000,000 yearly. If its duties were laid entirely upon articles the like of which are not produced in this country, namely, upon noncompetitive things, the result would be, from the Democratic point of view, that the consumers of those articles would be taxed to the extent of $200,000,000 or $250,000,000, or practically one-third—not reckoning the postal receipts—of all the expenditures of the Nation. The tax would be paid by the people in proportion to their use or consumption of the articles bearing the duties. The poor man, earning just enough to feed and clothe himself and family, would pay substantially as much as the man with princely income, and inasmuch as the vast majority of the people work for barely enough to supply their actual wants, the final outcome is that the men who are always struggling against poverty and hunger would pay by far the greater part of the immense sum I have just mentioned. This is always the result of the iniquitous system of taxing consumption instead of wealth, unless those who consume share the benefits of increased price.

The Government must live, and if there were no other way of providing for its support we would be compelled to resort to the injustice of such a tax, but no Democratic Senator can take refuge behind a defense of that kind. There are other ways, easy, open ways for creating a revenue without laying the burden of a penny upon the consumption of the people, and I have marveled in the past, and I am wondering now, why a great political organization, the members of which believe that the consumer can not be benefited by an import tax, persists in crucifying the great mass of the people, who are already suffering the misfortunes of poverty, upon the cross of a mediæval and repudiated theory of taxation.

If the proposers of this bill, who are so emphatic in their denunciation of the system of protection, had done nothing more than levy duties in the manner I have described, they would be defenseless in the court of reason and justice, but they could perhaps summon from the antiquity of semicivilization precedents to sustain them. What I have already described, however, barely suggests the enormity, from their standpoint, of the thing they have actually done. They have not confined their duties to noncompetitive articles—that is, to commodities not produced in this country; on the contrary, they cover a wide range of commodities which are produced at home, and in the sale of which in our markets we compete with foreign rivals. This means that the duties levied, not from my standpoint, not from the standpoint of a protectionist, but according to the Democratic belief, will raise the prices by the amount of the duty, upon our entire competitive domestic production. I have undertaken to ascertain, as best I could, the value of that yearly production.

First, let us have no controversy with regard to this fundamental idea: Do you believe or do you not believe that duties upon competitive imports will increase the price in America of the like products manufactured at home? That is the charge against protection made by our friends, the Democrats; the sum and substance of it all is that we increase the price of our domestic articles in order to permit them to be manufactured here. Let us see. We produced in the United States commodities competitive in their character in the year 1909—that being the year whose energies are recorded in the last census report—and upon which duties are levied in this bill of the value of not less than $18,800,000,000, a sum, of course, so vast that it is impossible for the human mind to grasp it. Remember, now, that I asked the chairman of the Finance Committee just at the close of his address the average rate of duty upon articles upon the dutiable list, and you will remember that he replied to me, substantially 26 per cent, including both dutiable and free importations. I will take it at 25 per cent upon dutiable importations alone. My assumption will work rather against the conclusion I am now reaching than for it. You have levied an average rate of at least 25 per cent upon imported articles the like of which we produce in this country, and we produce them to the extent of $18,800,000,000. Tell me whether you believe that the duty upon these articles increases the price of these $18,800,000,000 of commodities by the amount of the duty? I do not suppose that any one of you will dare assert that it does; but do you believe that it increases the price of this vast production in some degree? I will take it, however, now as increasing the price or prices by the amount of the duty.

IF DEMOCRATIC THEORY IS SOUND, DUTIES WILL INCREASE PRICES NEARLY FIVE BILLIONS.

If the average rate of duty upon these articles is 25 per cent, the duties will increase the price of one year's product in the aggregate $4,700,000,000, and, according to the Democratic view, that, together with the $250,000,000 that we pay upon the imports themselves, is the tax that you put upon the consumers in order to raise the $250,000,000. This increase in price can be justified only by the assumption that those who buy and consume are benefited equally with those who produce and sell; and the very moment that we depart from that proposition the whole scheme of taxation at our customhouses becomes insupportable and indefensible.

I am assuming, of course, in the argument I am making that the Democratic side of this Chamber repudiates the doctrine of protection. If they do, I invite them to dwell upon the picture I have drawn. I am bound to believe—and I say in all sincerity that I do believe—that in their hearts these Democratic Senators are protectionists. If they are not, they can never atone for the wrong they are about to commit.

Pursuing the analysis further, it will be interesting to study the classification of the producers who will be benefited by these duties and of the producers and workers who receive no favor in the bill, who must not only sell what they have to sell without an increase of price, but must pay the favored ones the billions added by the duties of the bill. I have prepared a map of the United States, which now hangs in your sight and to which I invite your attention. Upon the area of each State is marked the value of its dutiable production and its free production; also the total production and the percentage which the dutiable production bears to the whole. I do not assert that these figures are mathematically exact, and I desire now to make to the Senate a statement of the manner in which they were prepared.

I have been compelled to estimate some of the factors which enter into these aggregates for the reason that the sources of information in the Census Bureau and other bureaus of the Government are not so classified that the statistics there found can be applied with absolute precision to the various items of the tariff bill. I do assert, however, that this showing is substantially correct, and no variation of estimates, which generally relate to small enterprises, would affect the conclusions which appear in this showing.

Observe, first, that I have divided the country by a line drawn along the course of the Mississippi River. The upper part of the line, however, departs from the river and pursues the eastern border of the State of Minnesota, which is entirely included in the western group of States. All of Louisiana is also included in the western group of States. It is my purpose now to make some comparisons in the application of this bill to the States which lie in these two great divisions of the United States.

Permit me to take my own State as a beginning. The total production of Iowa in 1909, as shown by the census of 1910 and the reports of the Geological Survey for 1911 and 1912, was in value $1,069,988,280. Pausing here a moment permit me to say, parenthetically, that the statistics relating to manufacture and agriculture which I am about to present are all taken from the last census, and with respect to minerals from the recent reports of the Geological Survey. Of the total production of Iowa, $472,914,934 is dutiable and $597,073,346 is free; that is to say, 44 per cent, in value, of the things which we in Iowa produce are dutiable.

EIGHTY PER CENT OF NEW JERSEY'S PRODUCTION ON DUTIABLE LIST; ONLY 44 PER CENT OF IOWA'S PRODUCTION ON DUTIABLE LIST.

I notice my friend from New Jersey [Mr. MARTINE] is giving me close attention and therefore I compare, for a moment, the State of New Jersey with my own. I do it also because there is not much difference between the value of the yearly production in New Jersey and in Iowa. New Jersey produced in 1909 a total of $1,277,643,237. Of that production we of Iowa are permitted to buy without duty $265,965,729, and we are compelled to pay a duty upon the productions of New Jersey, if we buy them, to the amount of $1,011,877,558, or 80 per cent of the whole; that is to say, the State of New Jersey, which has furnished to the Nation a most distinguished and learned President, and which has furnished to the Senate of the United States two of the most valiant champions of free trade, or an approach to free trade, who have ever been received within its walls—New Jersey has 80 per cent of her production protected while Iowa has but 46 per cent.

Mr. MARTINE of New Jersey. I beg to say, Mr. President, so far as one of New Jersey's representatives in this body is concerned, that if I, honored as I am as a Senator from the State of New Jersey, had my own way I would lighten even further the burdens that Iowa has to bear.

Mr. CUMMINS. I am sure of that. I only mention it to indicate the helplessness of the Senator from New Jersey. [Laughter.]

Mr. MARTINE of New Jersey. Well, I am not so abjectly helpless.

Mr. CUMMINS. The Senator is helpless in this respect, or he would have put upon the free list more of the productions of his State, I am sure.

Mr. MARTINE of New Jersey. I realize, and the Senator must, too, that I am a member of a great party; and I want to say, in defense of our caucus, to which the Senator has alluded, that it was a most typical Democratic caucus. We advocated our respective sides of the various schedules to our hearts' content, and as Americans, as Democrats, and as citizens under a democratic form of government we bowed to the edict of the majority and allowed our individuality and our individual thoughts to be swallowed up by the majority of our party. We believed that we were best advancing the welfare of our Commonwealths and the welfare of our country by so doing.

Mr. CUMMINS. I can have no doubt of the sincerity of the Senator from New Jersey; and the only difference which he and I manifest at this time is that I have long cherished the notion that, under the institutions of our country and the Constitution of our land, we ought to bow to a majority of the Members of the Senate and not to a majority of the members of a secret caucus.

Mr. MARTINE of New Jersey. Well, I beg to say, Mr. President, that I believe I am a patriot; I bow to that which I believe shall be best not only for my Commonwealth and for my party, but to that which I believe may best inure and accrue to the welfare of my country. I am so imbued with Democratic doctrine, I have such deep and abiding faith in the principles of justice of the Democratic Party, that I believe I am advancing the country's interests by adhering to its decrees.

Mr. CUMMINS. Again, I say there is not a suspicion of doubt in my mind regarding the sincerity of my friend from New Jersey, and I am quite sure that he feels vastly more confidence in the decision of the caucus than he would feel in the decision of the Senate.

COMPARISONS BETWEEN VARIOUS EASTERN AND WESTERN STATES.

I pursue the inquiry a little further, because I do not want to seem to be invidious. Minnesota, one of the bright stars in the western constellation, had a total production in value of $915,056,559, of which $360,654,983 are dutiable and $554,401,576 are free. I may say that what I have already shown means that 39 per cent of the production of Minnesota is in some way or another, in some degree or another, protected by this bill.

I turn to Pennsylvania. Pennsylvania has a total production of $3,697,821,639, of which $2,134,735,384 is dutiable and $1,563,086,255 is free, which means that of her production 58 per cent is dutiable as against the 39 per cent of Minnesota.

Kansas, to use another illustration, with a total production of $880,771,826, has on the dutiable list $262,430,761 and upon the free list $618,341,065, or, in other words, 30 per cent of her production is protected either in greater or less degree by this bill. I now compare Kansas with Connecticut and Rhode Island.

Mr. THOMPSON. Mr. President, I simply want to ask whether in those figures the Senator has included wheat and flour in the free list or the dutiable list?

Mr. CUMMINS. The free list, both of them.

Mr. THOMPSON. The Senator understands, of course, that there is a countervailing duty in the Senate bill?

Mr. CUMMINS. I understand that there is a pretense of a countervailing duty; but I answer the question by saying that they are both reckoned in the free list in the figures I have made up.

Mr. THOMPSON. They are not actually upon the free list.

Mr. CUMMINS. They are upon the free list, Mr. President, unless some other country is permitted to make our tariff bill for us. For myself, while I believe there may be some especial merit in a particular reciprocity treaty, I have never believed in putting the commerce and the business of the United States at the mercy of any foreign nation through a general law for countervailing duties. But I have answered the question by saying that I have reckoned them to be on the free list.

Connecticut, in the eastern group, with a total production of $548,229,146, has $459,191,252 dutiable and $89,037,894 free, being 87 per cent dutiable—more aggravated than New Jersey, for New Jersey has but 80 per cent, while Connecticut has 87 per cent of all her productions on the dutiable list, and Kansas has 30 per cent of her productions under the same protection.

MOST INVIDIOUS AND DEFENSELESS DISCRIMINATION IN THE HISTORY OF TARIFF MAKING.

I might pursue this comparison to cover all the States west of the Mississippi River. In the map before you I have put upon each State its full production, its dutiable production, its free production, and the percentage which the dutiable production bears to the whole. I earnestly hope Senators will give that showing the most careful consideration, because it is conclusive of the most invidious, the most defenseless, discrimination that was ever practiced in the history of tariff making.

Mr. GALLINGER. Mr. President, would the Senator deem it wise to insert the entire table in his speech so that we may see it?

Mr. WARREN. I hope the Senator will do so.

Mr. CUMMINS. Mr. President, I have the tables here; and the suggestion of the Senator from New Hampshire recalls to my own mind a purpose to ask that they be printed as a part of my remarks.

Mr. GALLINGER. I trust that will be done. I think it will be very interesting to all of us to examine them at our leisure.

Mr. CUMMINS. I have prepared a table embracing all the States of the Union, showing the grand total of production, the free production, and the dutiable production; the production in manufactures, with the free and the dutiable production; the production in agriculture, with the free and dutiable production; and the production in minerals, with the free and the dutiable articles separated; also certain summaries. I ask that I may have them printed as a part of my remarks.

The VICE PRESIDENT. There being no objection, permission is granted.

The matter referred to is as follows:

Table of production in manufactures, agriculture, and minerals in the various States.

ALABAMA.

Grand total	$442,229,776
Free (67 per cent)	299,152,579
Dutiable (33 per cent)	143,077,197
Manufactures	137,119,000
Free	73,459,000
Dutiable	63,660,000
Agriculture	243,837,496
Free	165,471,476
Dutiable	78,366,020
Minerals	61,273,280
Free	60,222,103
Dutiable	1,051,177

ARIZONA.	
Grand total	$127,901,248
Free (91 per cent)	116,603,827
Dutiable (9 per cent)	11,297,421
Manufactures	50,257,000
Free	47,868,000
Dutiable	2,389,000
Agriculture	34,160,236
Free	26,137,709
Dutiable	8,022,527
Minerals	43,483,912
Free	42,598,118
Dutiable	885,794
ARKANSAS.	
Grand total	303,882,348
Free (66 per cent)	200,572,038
Dutiable (34 per cent)	103,310,310
Manufactures	74,916,000
Free	58,319,000
Dutiable	16,597,000
Agriculture	223,593,243
Free	138,578,443
Dutiable	85,014,800
Minerals	5,373,105
Free	3,674,595
Dutiable	1,698,510
CALIFORNIA.	
Grand total	960,040,288
Free (49.8 per cent)	477,716,186
Dutiable (50.2 per cent)	482,324,102
Manufactures	529,761,000
Free	240,075,000
Dutiable	289,686,000
Agriculture	339,761,722
Free	164,316,577
Dutiable	175,445,145
Minerals	90,517,566
Free	73,324,609
Dutiable	17,192,957
COLORADO.	
Grand total	325,122,373
Free (55 per cent)	179,628,349
Dutiable (45 per cent)	145,494,024
Manufactures	130,044,000
Free	51,562,000
Dutiable	78,482,000
Agriculture	139,855,799
Free	83,221,407
Dutiable	56,634,392
Minerals	55,222,574
Free	44,844,942
Dutiable	10,377,632
CONNECTICUT.	
Grand total	548,229,146
Free (13 per cent)	89,037,894
Dutiable (87 per cent)	459,191,252
Manufactures	490,272,000
Free	63,992,000
Dutiable	426,280,000
Agriculture	54,672,251
Free	24,908,119
Dutiable	29,764,132
Minerals	3,284,895
Free	137,775
Dutiable	3,147,120
DELAWARE.	
Grand total	73,385,918
Free (50.27 per cent)	36,786,799
Dutiable (49.73 per cent)	36,599,119
Manufactures	52,840,000
Free	26,983,000
Dutiable	25,857,000
Agriculture	819,881,847
Free	9,736,959
Dutiable	10,144,945
Minerals	954,073
Free	66,869
Dutiable	887,204
FLORIDA.	
Grand total	147,349,967
Free (54 per cent)	79,737,952
Dutiable (46 per cent)	67,612,015
Manufactures	72,895,000
Free	39,892,000
Dutiable	33,003,000
Agriculture	65,579,202
Free	31,171,256
Dutiable	34,407,946
Minerals	9,284,765
Free	8,669,646
Dutiable	615,119
GEORGIA.	
Grand total	548,724,557
Free (60 per cent)	332,542,490
Dutiable (40 per cent)	216,181,067
Manufactures	202,861,000
Free	88,913,000
Dutiable	113,950,000
Agriculture	344,006,114
Free	242,928,193
Dutiable	101,077,921
Minerals	1,855,243
Free	1,401,407
Dutiable	453,836
IDAHO.	
Grand total	133,623,792
Free (57 per cent)	76,125,829
Dutiable (43 per cent)	57,497,963
Manufactures	22,406,000
Free	16,135,000
Dutiable	6,265,000
Agriculture	95,788,379
Free	55,304,964
Dutiable	40,483,415
Minerals	15,437,493
Free	4,685,859
Dutiable	10,751,347
ILLINOIS.	
Grand total	2,848,295,609
Free (49.5 per cent)	1,413,851,316
Dutiable (50.5 per cent)	1,434,444,293
Manufactures	1,915,180,000
Free	858,305,000
Dutiable	1,056,875,000
Agriculture	786,157,142
Free	428,582,606
Dutiable	357,574,536
Minerals	146,949,577
Free	126,964,280
Dutiable	20,985,297
INDIANA.	
Grand total	1,979,623,349
Free (46 per cent)	914,666,379
Dutiable (54 per cent)	1,064,956,970
Manufactures	572,653,000
Free	219,619,000
Dutiable	352,434,000
Agriculture	449,517,629
Free	252,878,874
Dutiable	196,638,755

	$58,052,701
Minerals	42,168,496
Free	15,884,205
Dutiable	
IOWA.	
	1,069,988,280
Grand total	597,073,346
Free (56 per cent)	472,914,934
Dutiable (44 per cent)	
	259,238,000
Manufactures	135,043,000
Free	124,195,000
Dutiable	
	789,642,784
Agriculture	447,091,937
Free	342,550,847
Dutiable	
	21,107,496
Minerals	14,938,409
Free	6,169,087
Dutiable	
KANSAS.	
	880,771,826
Grand total	618,341,065
Free (70 per cent)	262,430,761
Dutiable (30 per cent)	
	325,104,000
Manufactures	269,667,000
Free	55,437,000
Dutiable	
	532,667,826
Agriculture	339,882,876
Free	192,784,950
Dutiable	
	23,000,000
Minerals	8,791,189
Free	14,208,811
Dutiable	
KENTUCKY.	
	559,702,930
Grand total	240,575,993
Free (42 per cent)	319,126,937
Dutiable (58 per cent)	
	233,754,000
Manufactures	85,677,220
Free	148,076,780
Dutiable	
	304,631,712
Agriculture	138,775,258
Free	165,856,354
Dutiable	
	21,316,318
Minerals	16,123,515
Free	5,193,803
Dutiable	
LOUISIANA.	
	375,707,822
Grand total	240,708,013
Free (64 per cent)	134,999,809
Dutiable (36 per cent)	
	223,949,000
Manufactures	160,934,000
Free	63,015,000
Dutiable	
	141,638,829
Agriculture	70,827,608
Free	70,811,221
Dutiable	
	10,119,993
Minerals	8,946,405
Free	1,173,588
Dutiable	
MAINE.	
	269,134,572
Grand total	136,988,601
Free (51 per cent)	132,145,971
Dutiable (49 per cent)	
	176,029,000
Manufactures	96,165,000
Free	79,864,000
Dutiable	
	88,392,449
Agriculture	40,783,288
Free	47,609,161
Dutiable	
	4,713,123
Minerals	40,313
Free	4,672,810
Dutiable	
MARYLAND.	
	$428,697,460
Grand total	161,601,888
Free (37 per cent)	267,095,572
Dutiable (63 per cent)	
	315,639,000
Manufactures	86,316,000
Free	229,323,000
Dutiable	
	97,429,148
Agriculture	63,794,544
Free	33,634,604
Dutiable	
	15,569,312
Minerals	11,491,344
Free	4,077,968
Dutiable	
MASSACHUSETTS.	
	1,593,551,802
Grand total	570,697,895
Free (35 per cent)	1,022,853,907
Dutiable (65 per cent)	
	1,490,529,000
Manufactures	529,230,000
Free	961,299,000
Dutiable	
	97,118,826
Agriculture	41,255,179
Free	55,863,647
Dutiable	
	5,903,976
Minerals	212,716
Free	5,691,260
Dutiable	
MICHIGAN.	
	1,175,149,187
Grand total	496,514,603
Free (42 per cent)	678,634,584
Dutiable (58 per cent)	
	685,109,000
Manufactures	241,095,000
Free	444,014,000
Dutiable	
	373,214,810
Agriculture	171,361,461
Free	201,853,349
Dutiable	
	116,825,377
Minerals	84,058,142
Free	32,767,235
Dutiable	
MINNESOTA.	
	915,056,559
Grand total	554,401,576
Free (61 per cent)	360,654,983
Dutiable (39 per cent)	
	409,420,000
Manufactures	251,114,000
Free	158,306,000
Dutiable	
	420,808,760
Agriculture	224,477,878
Free	196,330,882
Dutiable	
	84,827,799
Minerals	78,809,698
Free	6,018,101
Dutiable	
MISSISSIPPI.	
	336,665,490
Grand total	242,058,511
Free (72 per cent)	94,606,979
Dutiable (28 per cent)	
	80,555,000
Manufactures	67,662,000
Free	12,893,000
Dutiable	
	255,270,338
Agriculture	174,237,469
Free	81,032,869
Dutiable	
	840,152
Minerals	159,042
Free	681,110
Dutiable	

MISSOURI.

Grand total	$1,218,077,375
Free (54 per cent)	653,934,163
Dutiable (46 per cent)	564,143,212
Manufactures	574,111,000
Free	298,272,040
Dutiable	275,838,960
Agriculture	591,094,522
Free	326,851,811
Dutiable	264,242,711
Minerals	52,871,853
Free	28,810,312
Dutiable	24,061,541

MONTANA.

Grand total	249,952,262
Free (65 per cent)	162,737,928
Dutiable (35 per cent)	87,214,334
Manufactures	78,272,000
Free	25,862,000
Dutiable	47,410,000
Agriculture	122,202,143
Free	85,242,540
Dutiable	37,049,603
Minerals	54,388,119
Free	51,633,388
Dutiable	2,754,731

NEBRASKA.

Grand total	667,436,983
Free (65 per cent)	435,087,969
Dutiable (35 per cent)	232,349,014
Manufactures	199,019,000
Free	135,193,000
Dutiable	63,826,000
Agriculture	466,865,189
Free	299,726,714
Dutiable	167,138,475
Minerals	1,552,794
Free	168,255
Dutiable	1,384,539

NEVADA.

Grand total	62,804,775
Free (88 per cent)	55,303,577
Dutiable (12 per cent)	7,501,198
Manufactures	177,000
Free	94,000
Dutiable	83,000
Agriculture	28,010,648
Free	21,256,858
Dutiable	6,753,790
Minerals	34,617,127
Free	33,952,719
Dutiable	664,408

NEW HAMPSHIRE.

Grand total	206,751,566
Free (47 per cent)	98,022,456
Dutiable (53 per cent)	108,729,110
Manufactures	164,581,000
Free	78,843,000
Dutiable	85,738,000
Agriculture	40,027,713
Free	19,177,880
Dutiable	20,849,833
Minerals	2,142,853
Free	1,576
Dutiable	2,141,277

NEW JERSEY.

Grand total	1,277,643,287
Free (20 per cent)	265,965,729
Dutiable (80 per cent)	1,011,877,558
Manufactures	$1,145,529,666
Free	211,867,100
Dutiable	933,724,566
Agriculture	100,250,249
Free	42,959,887
Dutiable	57,290,362
Minerals	32,064,372
Free	11,208,842
Dutiable	20,855,530

NEW MEXICO.

Grand total	75,381,104
Free (73 per cent)	55,205,972
Dutiable (27 per cent)	20,175,132
Manufactures	7,808,000
Free	5,309,000
Dutiable	2,499,000
Agriculture	59,781,088
Free	42,564,048
Dutiable	17,217,040
Minerals	7,792,016
Free	6,880,924
Dutiable	1,221,092

NEW YORK.

Grand total	4,661,185,103
Free (29 per cent)	1,169,491,312
Dutiable (71 per cent)	2,891,693,791
Manufactures	3,369,490,000
Free	881,408,000
Dutiable	2,488,082,000
Agriculture	951,311,119
Free	246,872,799
Dutiable	704,438,317
Minerals	80,284,059
Free	41,124,543
Dutiable	39,159,507

NORTH CAROLINA.

Grand total	461,269,413
Free (45 per cent)	207,871,011
Dutiable (55 per cent)	253,398,402
Manufactures	216,656,000
Free	68,750,000
Dutiable	147,906,000
Agriculture	241,882,595
Free	138,860,647
Dutiable	103,021,948
Minerals	2,730,818
Free	262,264
Dutiable	2,468,554

NORTH DAKOTA.

Grand total	331,289,113
Free (54 per cent)	178,759,293
Dutiable (46 per cent)	152,529,820
Manufactures	19,138,000
Free	14,665,000
Dutiable	4,473,000
Agriculture	311,270,852
Free	163,480,021
Dutiable	147,789,861
Minerals	880,273
Free	613,272
Dutiable	240,802

OHIO.

Grand total	2,153,262,687
Free (41 per cent)	885,441,480
Dutiable (59 per cent)	1,267,820,907
Manufactures	1,437,936,000
Free	468,024,000
Dutiable	969,912,000

Agriculture	$529,935,941
Free	280,150,344
Dutiable	249,785,597
	185,390,146
Minerals	
Free	137,267,136
Dutiable	48,123,010
OKLAHOMA.	
Grand total	417,761,782
Free (65 per cent)	270,727,764
Dutiable (35 per cent)	147,034,018
	53,682,099
Manufactures	
Free	37,334,080
Dutiable	16,348,099
	331,090,917
Agriculture	
Free	203,860,432
Dutiable	127,230,485
	32,988,805
Minerals	
Free	29,533,272
Dutiable	3,455,533
OREGON.	
Grand total	226,409,829
Free (57 per cent)	130,662,053
Dutiable (43 per cent)	95,747,776
	93,605,000
Manufactures	
Free	56,593,000
Dutiable	36,412,000
	129,664,902
Agriculture	
Free	72,506,020
Dutiable	57,158,872
	3,739,927
Minerals	
Free	1,563,023
Dutiable	2,176,904
PENNSYLVANIA.	
Grand total	3,697,821,639
Free (42 per cent)	1,563,086,255
Dutiable (58 per cent)	2,134,735,384
	2,626,742,000
Manufactures	
Free	786,574,000
Dutiable	1,840,168,000
	429,510,864
Agriculture	
Free	197,968,924
Dutiable	231,541,940
	641,568,775
Minerals	
Free	578,543,331
Dutiable	63,025,444
RHODE ISLAND.	
Grand total	295,194,218
Free (11 per cent)	32,579,118
Dutiable (89 per cent)	262,615,100
	280,344,000
Manufactures	
Free	26,519,000
Dutiable	253,825,000
	14,049,715
Agriculture	
Free	6,060,118
Dutiable	7,989,597
	800,503
Minerals	
Free	
Dutiable	800,503
SOUTH CAROLINA.	
Grand total	320,622,139
Free (55 per cent)	176,994,047
Dutiable (45 per cent)	143,628,092
	113,236,000
Manufactures	
Free	30,330,000
Dutiable	82,906,000
	205,364,768
Agriculture	
Free	145,840,272
Dutiable	59,524,496
	2,021,371
Minerals	
Free	823,775
Dutiable	1,197,596

SOUTH DAKOTA.	
Grand total	$301,191,966
Free (55 per cent)	167,807,716
Dutiable (45 per cent)	135,384,250
	17,870,000
Manufactures	
Free	10,512,000
Dutiable	7,358,000
	277,226,452
Agriculture	
Free	151,595,078
Dutiable	125,631,374
	6,095,514
Minerals	
Free	5,700,638
Dutiable	394,876
TENNESSEE.	
Grand total	482,366,975
Free (54 per cent)	261,698,740
Dutiable (46 per cent)	220,668,235
	180,217,000
Manufactures	
Free	102,825,000
Dutiable	77,392,000
	278,841,030
Agriculture	
Free	145,463,407
Dutiable	133,377,623
	23,308,945
Minerals	
Free	13,410,333
Dutiable	9,898,612
TEXAS.	
Grand total	1,005,838,350
Free (67 per cent)	678,247,104
Dutiable (33 per cent)	327,591,246
	272,896,000
Manufactures	
Free	181,874,000
Dutiable	91,022,000
	714,538,096
Agriculture	
Free	482,473,431
Dutiable	232,064,665
	18,404,254
Minerals	
Free	13,899,673
Dutiable	4,504,581
UTAH.	
Grand total	157,738,315
Free (55 per cent)	87,171,455
Dutiable (45 per cent)	70,566,860
	61,989,000
Manufactures	
Free	19,562,000
Dutiable	42,427,000
	55,651,311
Agriculture	
Free	35,807,169
Dutiable	19,844,172
	40,097,974
Minerals	
Free	31,802,286
Dutiable	8,295,688
VERMONT.	
Grand total	149,477,717
Free (40 per cent)	60,397,784
Dutiable (60 per cent)	89,079,933
	68,519,000
Manufactures	
Free	22,305,000
Dutiable	46,004,000
	72,447,308
Agriculture	
Free	37,957,244
Dutiable	34,490,064
	8,720,409
Minerals	
Free	134,540
Dutiable	8,585,869
VIRGINIA.	
Grand total	459,419,853
Free (51 per cent)	232,003,191
Dutiable (49 per cent)	227,416,662

Manufactures	$219,794,000
Free	110,117,000
Dutiable	109,677,000
Agriculture	217,419,390
Free	107,197,285
Dutiable	110,222,105
Minerals	22,206,463
Free	14,688,906
Dutiable	7,517,557

WASHINGTON.

Grand total	390,050,479
Free (61 per cent)	238,725,786
Dutiable (39 per cent)	151,324,684
Manufactures	220,746,000
Free	147,271,000
Dutiable	73,475,000
Agriculture	152,263,900
Free	80,188,541
Dutiable	72,075,359
Minerals	17,040,570
Free	11,266,245
Dutiable	5,774,325

WEST VIRGINIA.

Grand total	369,133,462
Free (63 per cent)	217,116,061
Dutiable (37 per cent)	152,017,401
Manufactures	161,950,000
Free	83,564,000
Dutiable	78,386,000
Agriculture	112,183,462
Free	60,688,995
Dutiable	51,494,467
Minerals	95,000,000
Free	72,863,066
Dutiable	22,136,934

WISCONSIN.

Grand total	989,582,942
Free (32 per cent)	318,927,501
Dutiable (68 per cent)	670,655,441
Manufactures	590,306,000
Free	123,783,000
Dutiable	466,523,000
Agriculture	381,806,062
Free	189,332,349
Dutiable	192,473,713
Minerals	17,470,880
Free	5,812,152
Dutiable	11,658,728

WYOMING.

Grand total	105,009,461
Free (80 per cent)	84,251,357
Dutiable (20 per cent)	20,758,104
Manufactures	6,249,000
Free	4,518,000
Dutiable	1,731,000
Agriculture	85,993,546
Free	67,994,795
Dutiable	17,998,751
Minerals	12,766,915
Free	11,738,562
Dutiable	1,028,353

SUMMARY OF THE WHOLE PRODUCTION.

Total production of the United States	35,215,689,361
Free (46 per cent)	16,363,412,792
Dutiable (54 per cent)	18,852,276,569
Total production west of Mississippi River	10,301,016,313
Free (61 per cent)	6,259,791,985
Dutiable (39 per cent)	4,041,224,327
Total production east of Mississippi River	$24,914,673,048
Free (40 per cent)	10,103,620,807
Dutiable (60 per cent)	14,811,052,242

SUMMARY OF MANUFACTURES AND AGRICULTURE.

Total manufactures of the United States	20,623,455,000
Free (37 per cent)	7,640,948,200
Dutiable (63 per cent)	12,982,486,740
Total agriculture of the United States	12,357,944,448
Free (57 per cent)	6,956,280,859
Dutiable (43 per cent)	5,381,363,589

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I yield.

Mr. CHAMBERLAIN. I should like to ask the Senator if he has made any comparison with reference to the commodities of the different States under the present tariff bill, showing what proportion is on the dutiable list and what proportion on the free list?

Mr. CUMMINS. I have not.

Mr. CHAMBERLAIN. The Senator does not know what the ratios would be?

Mr. CUMMINS. I do not know precisely, but I know that no such disparity exists as I have just suggested. I have not, however, made a comparative table so as to present the table to the Senate. I hope before the debate is over some one who is industriously inclined will prepare a comparison of that kind, because I myself should like very much to see it.

I might pursue this comparison to cover all the States west of the Mississippi River with a similar number of States east of the Mississippi River, and the disparity which has been pointed out would be found to be substantially the same as has been indicated in the comparisons already instituted. I will add a table which will complete the showing already outlined. I sum it up, however, with this statement: Now, mark this:

The total production east of the Mississippi River in the year I have mentioned was $24,914,673,048. Of this production $14,811,052,242 is on the dutiable list, being 60 per cent of the entire production of that part of the country.

Mr. SUTHERLAND. Mr. President, before the Senator leaves this subject will he institute a comparison between Arizona, for example, which is a Southwestern State, and North Carolina, which is a Southeastern State, and give us the difference between the two?

Mr. CUMMINS. I can do so in a moment. I am glad the Senator mentioned that, because it gives an opportunity to show that my friend from Arizona, or somebody for him, has worked out very closely his theory in this bill.

The product of Arizona amounted to $127,901,248. Of that $116,603,827 is on the free list and $11,297,421 on the dutiable list. That means that just 9 per cent of the products of Arizona are found on the dutiable list and 91 per cent are on the free list.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Arizona?

Mr. ASHURST. I ask the Senator to yield only for a moment.

Mr. CUMMINS. Certainly.

Mr. ASHURST. This bill has been denounced as a free-trade measure, but the criticism is not correct, sound, or just. There is no absolutely free-trade civilized nation in the world, as the learned Senator knows.

There may be free ports in the world, but, I assert, no free-trade civilized nation. Not even is England a free-trade nation.

Mr. CUMMINS. I hope the Senator will not interrupt me by citing history. Of course, this is all very well known to us.

Mr. ASHURST. I will only be a moment; but I wish to emphasize the facts I have stated. While all I have just stated is true, it is also just as true that every man is a free trader at heart after he gets his own interests protected.

I am perfectly proud of the position that Arizona occupies. Out in that State of boundless resources we do not demand protection. We produce a class of men and women who are able to go into the arena of life and take care of their own affairs; are able to manage their own business and earn a subsistence without any gift, bounty, or largess from the Government. The people of Arizona have provided poorhouses for men who must have a bounty from the Government in order to subsist.

So I am perfectly proud that Arizona occupies the position that has been stated. I am pleased that the Senator saw fit to advert to it. A protective tariff system is nothing more and nothing less than a means of allowing one man to get without

working for it that which another man works for but does not get.

Mr. CUMMINS. Mr. President, I am sincerely obliged to the Senator from Arizona. When I announced a few moments ago that that was the Democratic view I was sharply rebuked. I beg now that what you have just heard from the Senator from Arizona may be added to what I said in trying to explain or to interpret or to state the Democratic doctrine. I agree with the Senator from Arizona that if you tax one man to benefit another and the person who is taxed does not share the benefit it is nothing less than robbery. But in view of what the Senator from Arizona has said, I commend him to the tender mercies of the Senator from New Jersey [Mr. MARTINE], who has 80 per cent of the products of his State upon the dutiable list.

Mr. ASHURST. Then the State of New Jersey suffers by that comparison, Mr. President. If her interests require more protection than ours, then all the more pity for New Jersey.

Mr. CUMMINS. I leave that also to the Senator from New Jersey. [Laughter.]

I was asked to compare Arizona with North Carolina. North Carolina had a total production of $461,269,413, of which $253,-396,402 are on the dutiable list, or 55 per cent, as against the 9 per cent of Arizona.

I will restate a sentence:

The total production east of the Mississippi River in the year I have mentioned was $24,914,673,048. Of this production, $14,-811,052,242 is upon the dutiable list, being 60 per cent of the entire production of that part of the country. The total production west of the Mississippi River in the year named was $10,301,016,313, of which $4,041,224,327 was upon the dutiable list, being 39 per cent of the whole production of that part of the country lying west of the Mississippi River.

This is the equivalent of saying that according to the Democratic view prices are raised by this bill upon 60 per cent of the enormous production east of the river, while it raises the prices of but 39 per cent of the lesser production west of the river. If the Democratic doctrine so often announced is sound, and if it be true that the producers of domestic products are alone benefited by import duties, and that the consumers are taxed for the sole advantage of the producers, it will be interesting to hear the defense for this grievous discrimination against the people who live in the Mississippi Valley and beyond.

The value of the entire production of the United States in the year was $35,215,689,361. Dismissing for my present purpose the mineral product, I find that the value of manufactures was $20,625,435,000, of which under this bill $12,984,486,740 is upon the dutiable list, being 63 per cent in value of all the manufactured product. The total value of all agricultural products was $12,337,644,446, of which $5,381,363,596 is upon the dutiable list, or 43 per cent of the whole. Even this comparison does not adequately show the discrimination against agriculture, for the average percentage of duty upon agricultural products is very greatly less than the average percentage upon manufactured products. Taking the comparison of the figures themselves and the fact I have suggested it seems clear that there has never been so gross and unwarrantable a discrimination against agriculture in the last hundred years of our national history.

Remembering still that this measure is based upon the theory that an import duty upon a competitive product raises the price of the domestic product by the amount of the duty, and not forgetting that the Democratic doctrine is that the consumer is taxed for the benefit of the producer, I have worked out a few illustrations which will show in a graphic way some of the effects which the bill will accomplish.

Again, I take Iowa and New Jersey as my first illustration. Assuming that the average rate of duty on all dutiable things is 25 per cent and that the people of Iowa were to consume all that New Jersey produces, and that the people of New Jersey were to consume all that Iowa produces, we would have this result: Iowa would pay New Jersey $202,375,512 on account of the duties imposed by the bill. New Jersey would pay Iowa $94,582,987 by reason of the duties upon the commodities she produces, with the final outcome that the people of Iowa would pay the people of New Jersey $107,792,525 every year in excess of the amount they would receive.

Again, take Massachusetts on the one side, producing $1,593,551,802, and Nebraska and Minnesota on the other side, producing $1,582,493,542. Upon the same assumption Nebraska and Minnesota would pay Massachusetts $204,570,781 yearly on account of the tariff. Massachusetts would pay Nebraska and Minnesota on the same account $118,600,799, which means that Nebraska and Minnesota would pay Massachusetts every year an excess of $85,969,982.

Again, take Connecticut and Rhode Island in the eastern group, and Kansas in the western group. The production of the two former States is $843,423,364. The production of the latter State, in the western group, $880,771,826. Kansas will pay to Connecticut and Rhode Island on account of the tariff annually $144,361,270. Connecticut and Rhode Island will pay Kansas $52,486,152, leaving Kansas to pay annually to Connecticut and Rhode Island in excess of the amount she receives $91,875,118.

Let us take another and larger group of States, namely, Louisiana, Texas, Arizona, New Mexico, Utah, Wyoming, Missouri, Nevada, and Oklahoma. All these States produce in the aggregate substantially the same amount as does Pennsylvania alone. Nevertheless upon the same basis or assumption, they will pay in a year to Pennsylvania $166,133,603 more on account of the tariff duties than Pennsylvania will pay to all of them.

Let us take a still larger group of States and in order not to be in the least discriminating I will begin on the western coast and take them in their order, as follows: California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, Texas, New Mexico, Oklahoma, Wyoming, Colorado, and Montana. These States produced $4,237,633,641. New York, in the East, produced $4,091,-085,166. Upon the assumption that I have already set forth, this group of Western States will pay in one year to New York $241,431,319 on account of the tariff in excess of the amount that New York will pay to them.

It may be said that these comparisons are fanciful and imaginary. So they are in one sense, for of course the people of one State do not consume all the products of the people of another State. Nevertheless, in the mighty clearing house of the Nation, if the Democratic proposition is sound, there will follow substantially the results which I have pointed out in the hypothetical cases.

BILL RANK WITH INJUSTICES EVEN FROM DEMOCRATIC STANDPOINT.

I need go no further. The bill is rank with injustice and discrimination, even if we accept the Democratic faith and test it by the revenue standard.

Under the permission already granted I add here a series of tables illustrating the comparisons I have just made.

Suppose that New Jersey consumed what Iowa produced, and vice versa. Let the tariff rate be assumed 25 per cent.

New Jersey production	$1,277,643,287
Iowa production	1,069,988,280
New Jersey, dutiable	1,011,877,558
New Jersey, normal value	809,502,046
Iowa pays New Jersey on account of the tariff	202,375,512
Iowa, dutiable	472,914,934
Iowa, normal value	378,331,947
New Jersey pays Iowa on account of the tariff	94,582,987
Iowa pays New Jersey on account of the tariff	202,375,512
New Jersey pays Iowa on account of the tariff	94,582,987
Iowa pays New Jersey every year on account of the tariff the excess of	107,792,525

Suppose that Massachusetts consumed what Nebraska and Minnesota produced, and vice versa. Let the tariff rate be assumed 25 per cent.

Massachusetts production	$1,593,551,802
Nebraska and Minnesota production	1,582,493,542
Massachusetts, dutiable	1,022,853,907
Massachusetts, normal value	818,283,126
Nebraska and Minnesota pay Massachusetts on account of tariff	204,570,781
Nebraska and Minnesota, dutiable	593,003,997
Nebraska and Minnesota, normal value	474,403,198
Massachusetts pays Nebraska and Minnesota on account of tariff	118,600,799
Nebraska and Minnesota pay Massachusetts on account of tariff	204,570,781
Massachusetts pays Nebraska and Minnesota on account of tariff	118,600,799
Nebraska and Minnesota pay Massachusetts every year on account of tariff the excess of	85,969,982

Suppose that Kansas consumed what Connecticut and Rhode Island produced, and vice versa. Let the tariff rate be assumed 25 per cent.

Kansas production	$880,771,826
Connecticut and Rhode Island production	843,423,364
Kansas, dutiable	262,430,761
Kansas, normal value	209,944,609
Connecticut and Rhode Island pay Kansas on account of tariff	52,486,152
Connecticut and Rhode Island, dutiable	721,806,352
Connecticut and Rhode Island, normal value	577,444,982

Kansas pays Connecticut and Rhode Island on account of tariff	$144,361,270
Connecticut and Rhode Island pay Kansas on account of tariff	52,486,152
Kansas pays Connecticut and Rhode Island every year on account of the tariff the excess of	91,875,118

Suppose that the following-named States consumed what Pennsylvania produced, and vice versa. Let the tariff rate be assumed 25 per cent.

Louisiana, Texas, Arizona, New Mexico, Utah, Wyoming, Missouri, Nevada, and Oklahoma production	$3,546,220,232
Pennsylvania production	3,697,821,639
Pennsylvania, dutiable	2,134,735,384
Pennsylvania, normal value	1,707,788,307
Above group of States pays Pennsylvania on account of tariff	426,947,077
Group of States, dutiable	1,304,067,370
Group of States, normal value	1,043,253,896
Pennsylvania pays group of States on account of tariff	260,813,474
Above group of States pays Pennsylvania on account of tariff	426,947,077
Pennsylvania pays group of States on account of tariff	260,813,474
Group of States pays Pennsylvania on account of the tariff every year the excess of	166,133,603

Suppose that the following-named States consumed what New York produced, and vice versa. Let the tariff rate be assumed 25 per cent.

California, Washington, Oregon, Idaho, Nevada, Utah, Arizona, Texas, New Mexico, Oklahoma, Wyoming, Colorado, and Montana production	$4,237,633,641
New York production	4,001,085,166
New York, dutiable	2,831,683,824
New York, normal value	2,265,347,059
Group of States pay New York on account of tariff	566,336,765
Group of States, dutiable	1,624,527,231
Group of States, normal value	1,299,621,785
New York pays the group of States on account of tariff	324,905,446
Group of States pays New York on account of tariff	566,336,765
New York pays the group of States on account of tariff	324,905,446
Group of States pays New York every year on account of the tariff the excess of	241,431,319

I turn now to view the measure from the Republican standpoint; that is to say, from the standpoint of one who believes that the chief, if not the only, object in levying duties upon imports should be to equalize the conditions of production, the general purpose being to enable our producers to reach the American market and supply it, if they are willing to do it, at fair prices. I do not intend at this time to enter upon an argument in defense of the doctrine of protection. Its validity has been under discussion almost continuously for more than a century. The literature of the subject is complete, and our experience under it as a nation is recorded in almost numberless volumes. The doctrine assumes, with respect to the greater number of commodities, that the cost of production is greater here than abroad—greater because the laboring man gets more for his work and the general standard of life is higher. It is obvious that the Republican doctrine, to be either just or successful, must be consistently applied to all production falling within its scope—that is to say, to all productions wherein there is, or is likely to be, a substantial difference in the cost of production.

Discrimination practiced either in imposing too high a duty upon some things and too low a duty upon other things, or in attaching an adequate duty to some things and no duty to other things, if there is a difference in cost here and abroad, while not destroying all the benefits of the system must inevitably distribute its benefits unequally and therefore unjustly.

We have been told by our Democratic friends over and over again that they abhor the protective doctrine, but that in levying duties solely for revenue some protection incidentally and necessarily follows. This is manifestly true; but the difficulty is that the incidental protection becomes not only incidental but accidental as well, and the result is that from my point of view the bill before us is not only glaringly unjust from the protective standpoint, but so disproportionate in its various parts that it is absurd and grotesque.

PEOPLE DID NOT VOTE FOR ANY SUCH DISTORTED REVISION.

In my judgment the people at the last election did not vote for any such distorted revision of the tariff as is now presented for our adoption. They wanted a reduction of duties in order to prevent combinations at home from exacting exorbitant prices and thereby extorting excessive profits and accumulating piratical fortunes. They wanted a reduction of the duty on every commodity to the point of fair, decent protection, and if upon investigation it was found that any article is produced here as cheaply as it is abroad, they wanted the duty entirely removed from that article.

They did not want to transfer any part of the American production to foreign lands. They did not want to lessen the wages of any American workingman. They did not want to furnish the manufacturer with free raw material from abroad to the ruin of the domestic producer of that raw material. They did not want to expose the small producer of the more finely organized forms of manufacture to the destructive competition of other countries simply because the great trusts needed little or no protection. They did not want to classify American producers into manufacturers and farmers, protecting one and exposing the other to the raids of the outside world. They did not want to sacrifice the West upon the altar of the East. They did not want unfairness, inequality, or discrimination.

The Democratic Party has misunderstood the meaning of the election of 1912, as it will discover at the first opportunity which the voters have again to express themselves. I am not one of those who believe that general disaster will necessarily follow the enactment of the bill now before us. Unquestionably it will increase the importation and diminish the home production of a great many things, and will force into idleness many workingmen; but I earnestly hope that its effect in that respect will not reach the proportions of an industrial revolution. It is easy to see, however, that the depression which must inevitably follow might be aggravated by other causes into a general disaster.

REASONS WHY MEASURE CAN NOT BE ACCEPTED BY PROTECTIONISTS.

I am not censuring the Democrats for their failure to present a wise, reasonable, protective measure. They make no pretense of a desire to levy duties for protection, and I am referring to that phase of the subject to show why one who has so long insisted upon a reduction of the tariff can not support a bill in which the protection is accidental and haphazard, even though it does reduce duties. This measure can not be accepted by a protectionist, no matter how earnestly he believes that the duties of the Payne-Aldrich law are too high or how sincerely he may be fighting for their reduction, because—

First. It takes the products of agriculture and puts them, in the main, upon the free list, not on account of an equality with foreign producers in cost of production, but solely on account of the character of the commodities which are raised on the farm. It is probably true that some of these commodities need no protective duty, and ought to be on the free list for that reason; but many of them do require such a duty, and to treat the farmer as an outlaw simply because he uses the soil instead of a machine as the basis of his production is so manifestly wrong that I can no more give my support to the proposition when presented in this form than I could give it when it was proposed to exclude him from the benefits of the protective system through an alleged reciprocal arrangement with Canada. I do not intend just now to inquire into the cost of production with respect to any commodity. I content myself with the proof of discrimination that I have already suggested, and I repeat that of the total value of domestic manufactured products 63 per cent are dutiable, while of the total value of agricultural products only 43 per cent are dutiable. Striking as these percentages are, they do not disclose the full enormity of the Democratic classification, for it happens that a very large part of the agricultural products that are put upon the dutiable list is made up of commodities which either can not be imported into this country at all, or which can enter only a little, narrow strip of our territory bordering upon eastern Canada, or which, by their very character, must be consumed in the localities in which they are produced.

Second. Generally speaking, the bill proceeds upon the theory that the manufacturer of the finished product—that is to say, the product in the form in which it is finally used or consumed—is entitled to its raw material free of duty. I am utterly opposed to this view of a tariff law. If the so-called raw material can be produced in this country as cheaply as it can be brought in from abroad, then there should be no duty upon it, and no honest advocate of protection would propose a duty upon it; but if it costs more here than it costs elsewhere, and if the industry which produces it is one which ought to be carried on in this country, then the raw material of the manufacturer should be dutiable, and the measure of the duty should be precisely the same as is accorded to the manufacturer upon his finished product. To me the proposition that the manufacturer of woolen goods should be protected by a duty because it costs him more to make them than it costs his competitor in England, Germany, France, or Belgium, and that wool should be admitted free, although admittedly it costs

more to produce it here than in Australia, South America, or Africa, is a monstrous doctrine. Many other instances could be pointed out, but I reserve whatever I have to say upon particular schedules for another time.

Third. Entirely apart from the obvious discriminations of the bill, its duties are, upon many commodities, destructively inadequate. While some of them are quite high enough, and indeed too high, measured by the protective standard, it still remains true that what may be called the lesser industries of the country will seriously suffer. Every careful observer must be aware of the fact that what are loosely called the trusts have two characteristics in the management and conduct of the business in which they engage—first, the substitution to the last degree of machinery for men and the reduction of men to the rank of machines, so that their labor demands the lowest order of intelligence, with a corresponding diminution in the price paid for it; second, an overwhelming and irresistible power over their employees, which extinguishes independence of action.

SMALL ENTERPRISES DETERMINE PROSPERITY OF COUNTRY.

With such institutions the difference in cost of production between our own country and other countries must necessarily be slight, and therefore very low duties, or none at all, are required. When, however, we pass from these mammoth undertakings to those of smaller enterprises, which in the aggregate determine the prosperity of a country and which produce things which demand the employment of a great deal of manual labor, which can be performed only by men and women of high intelligence and long training, and which must be performed under circumstances that give to the laborer an independence which is unknown in the so-called big business of the country, we enter the field of high wages, large labor cost, full competition, and fair prices. It is with respect to such industries that this bill most signally fails. There has been no inquiry, apparently, into the cost of production, either here or elsewhere, and I am warranted in saying that because but a few moments ago the distinguished chairman of the Finance Committee declared to the Senate and to the country that the committee had repudiated in all its work an inquiry into the cost of production. I fear that we are about to cripple the very industries that we should be most solicitous to encourage and maintain. As the debate proceeds I intend to point out specifically and prove conclusively the unfairness of the bill in this respect. For the moment I do nothing more than to assert that duties upon articles produced by labor that is really free and that require in their manufacture the training, skill, and fidelity which distinguish the American above all his fellow men are in the main below the protective point and must result in putting these men and women, of whom we are so justly proud, into a competition with the men and women of other countries so unfair that all of us—Republicans and Democrats alike—will be shocked when we see it in actual operation.

In a former part of this argument I have pointed out how unequally the protection which it contains is distributed among the producers of the Nation. I will not review again the statistics I have already presented; it is sufficient to say that when duties are imposed without regard to the difference in labor cost or cost of production here and abroad, and without entering at this time into the hopeless confusion in manufactures themselves or in agricultural products themselves, it appears that 63 per cent in value of all the manufactures of the United States are either adequately or inadequately protected by duties and that only 43 per cent in value of all the agricultural products are protected, a man who believes in protection, and at the same time in equality and fairness, can not look with favor upon the measure. This thought is intensified and emphasized when it is remembered that, disregarding the classification of commodities, taking them all together, 60 per cent of those produced east of the Mississippi River are dutiable and but 39 per cent of those produced west of the river are dutiable. I do not suggest that there was either class or sectional feeling among the Democratic members of the Finance Committee or in the Democratic caucus. On the other hand, I believe that their motives ought not to be, nor can they be, successfully impugned. The whole trouble has been that upon a stormy sea they have been without chart or compass and their ship is on the rocks. They began their work repeating to themselves their favorite maxim, "A tariff for revenue only." They encountered the declaration in their platform which bade them injure no legitimate industry, and they were confused and bewildered. They collided with the demand of the President that agricultural products must be reduced in price, and they tried to put that idea into the bill. Moved by all these conflicting principles and emotions, they have produced the most inconsistent and indefensible tariff law ever offered to the American people.

I repeat my hope that it will not bring on general disaster, but at the same time I assert that the burdens which it imposes are put upon the people who are least able to bear them.

We can go along for years with one part of this country bearing an unjust burden without meeting financial or industrial disaster. It is in the power of the people of our country to bear these burdens. They have borne them in the past in a degree, and they can bear them again. I am not assailing this bill because I believe it will generally close the shops and the factories of the United States. I am opposing it because I believe that in it, without any intelligent or conscious desire to protect American interests and American labor, you are taxing one body of the people for the benefit of another body, and taxing them to a degree never before dreamed of in the laws of the country.

INCOME-TAX PROVISION WISE IN PRINCIPLE BUT OUGHT TO BE AMENDED.

I have dealt solely with that part of the measure which concerns duties upon imports. I have not referred to the income-tax provision. I am now and long have been an earnest advocate of a Federal income tax. While the proposal for such a tax in this bill ought to be amended in some respects, yet, if it can not be amended, I am for it as it is, and will gladly vote to adopt it if I have an opportunity to do so as a distinct matter. Whether that chance will be given to those of us who believe in this form of taxation is with you.

I am sincerely obliged to you for the attention you have given me, and I close with just one further thought—this bill illustrates, just as the revision of 1909 illustrated, the iniquity and the injustice of a general revision of the tariff. If the Congress of the United States wanted to take the real judgment of its Members, if it wanted to sift their consciences, if it wanted to embody their convictions in the law, we would be given the opportunity of voting for those things in this bill in which we believe and the opportunity of voting against those things which our judgments reject. The evil of the system against which I protested in 1909 and against which I protest again is drawing within the limits of a single bill thousands of applications of an economic doctrine that can not by any possibility be classified in a single vote. I suppose I will appeal in vain now as I did then, but I hope from the bottom of my heart that some time we will be sufficiently intelligent and sufficiently patriotic to present these laws so arranged that the votes upon them will divide the Members of Congress according to their convictions and not according to their party affiliations.

Mr. THOMAS. Before the Senator from Iowa takes his seat I should like to make an inquiry. The Senator has in a map divided the country into two grand sections, the Mississippi River being the common boundary for the most part. I should like to inquire of the Senator whether he made any calculation or can give any statement of the amount or proportion of duties laid upon the products of either side of the boundary?

Mr. CUMMINS. I can not. I made no calculations upon that subject, nor do I think it would be material, for this reason: The importations under the law of 1909 furnish no guide whatsoever to the importations that may or will come in under the law of 1913.

Mr. THOMAS. I should like to inquire whether that would not be true of all tariffs and of 1909 and all other years?

Mr. CUMMINS. I have said many times that the effort to estimate the imports under a particular duty on the basis of the imports under some other duty is utterly futile. It teaches nothing whatsoever, and we have many times been misled by that effort. You have a duty at one point which excludes importations. It may be reduced 10 per cent and the foreign producer will take the market. That depends entirely upon the condition of the domestic producer.

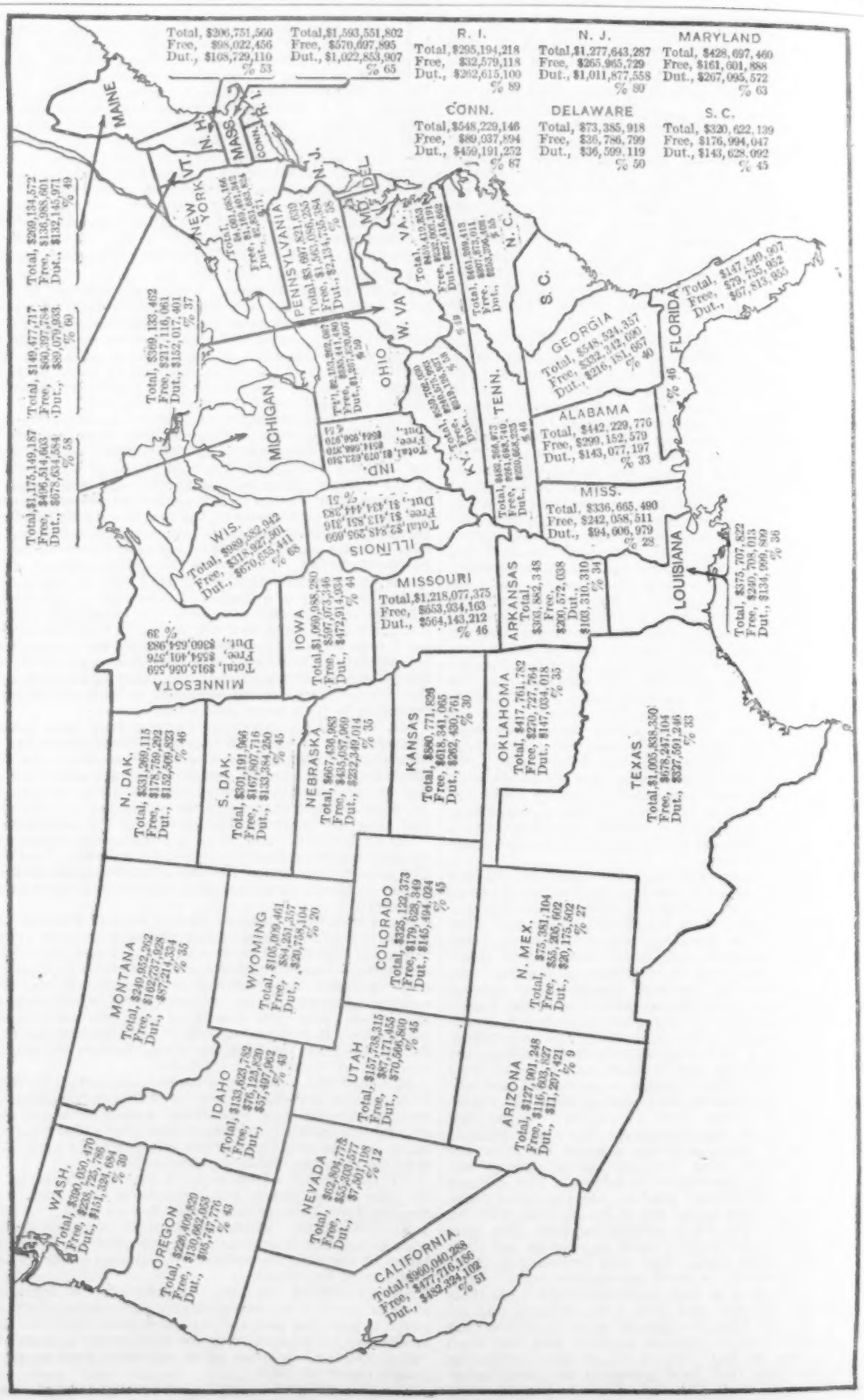
Mr. SMOOT. I desire to make a suggestion to the Senator. If he will let me take the map on which he has given this information as to the total production of each State and the amount of products dutiable and free, I will add in blue figures upon the same map the total production of each State and the products dutiable and free under the present law.

Mr. CUMMINS. Very well. I can not, of course, reproduce the map in my speech, but I would be very glad to allow the Senator from Utah to take it for that purpose.

Mr. CHILTON. Before the Senator takes his seat I merely wish to ask him if I understood him correctly. Does the calculation of the Senator embrace the mineral products and all the products of the State?

Mr. CUMMINS. It does. It embraces the three great divisions of production—manufacture, agriculture, and minerals. I ought to say here that the statistics with regard to the mineral production were taken from the most recent reports of the Geological Survey. All the other statistics were taken from the census report of 1910.

The map referred to was subsequently ordered to be printed in the RECORD and it follows.


MAINE
Total, $206,751,566
Free, $98,022,456
Dut., $108,729,110
% 53
VT.
N. H.
MASS.
CONN.
R. I.
Total,$1,593,551,802
Free, $570,697,895
Dut., $1,022,853,907
% 65
R. I.
Total,$295,194,218
Free, $32,579,118
Dut., $262,615,100
% 89
CONN.
Total,$548,229,146
Free, $89,037,894
Dut., $459,191,252
% 87
N. J.
Total,$1,277,643,287
Free, $265,965,729
Dut., $1,011,877,558
% 80
DELAWARE
Total, $73,385,918
Free, $36,786,799
Dut., $36,599,119
% 50
MARYLAND
Total, $428,697,460
Free, $161,601,888
Dut., $267,095,572
% 63
S. C.
Total, $320,622,139
Free, $176,994,047
Dut., $143,628,092
% 45
NEW YORK
Total, $269,134,572
Free, $136,988,691
Dut., $132,145,971
% 49
PENNSYLVANIA
Total, $149,477,717
Free, $60,397,754
Dut., $89,079,963
% 60
N. J.
MD.
VA.
N. C.
S. C.
GEORGIA
Total, $548,524,357
Free, $332,342,690
Dut., $216,181,667
% 40
FLORIDA
Total, $147,549,907
Free, $79,735,952
Dut., $67,815,955
% 46
W. VA.
OHIO
Total, $1,175,149,187
Free, $496,514,643
Dut., $678,634,544
% 58
MICHIGAN
Total, $399,133,462
Free, $217,116,061
Dut., $182,017,401
% 37
IND.
KY.
TENN.
ALABAMA
Total, $442,229,776
Free, $299,152,579
Dut., $143,077,197
% 33
MISS.
Total, $336,665,490
Free, $242,058,511
Dut., $94,606,979
% 28
LOUISIANA
Total, $375,707,822
Free, $240,708,013
Dut., $134,999,809
% 36
WIS.
Total, $989,582,942
Free, $318,927,501
Dut., $670,655,441
% 68
ILLINOIS
Total, $2,945,295,699
Free, $1,413,851,383
Dut., $1,434,444,316
% 51
MISSOURI
Total,$1,218,077,375
Free, $553,934,163
Dut., $564,143,212
% 46
ARKANSAS
Total, $303,852,348
Free, $200,572,038
Dut., $103,310,310
% 34
IOWA
Total,$1,099,988,280
Free, $507,073,346
Dut., $472,914,934
% 43
MINNESOTA
Total, $915,026,559
Free, $554,401,576
Dut., $360,624,983
% 39
N. DAK.
Total, $331,269,115
Free, $178,739,292
Dut., $152,529,823
% 46
S. DAK.
Total, $301,191,966
Free, $167,807,716
Dut., $133,384,250
% 45
NEBRASKA
Total, $667,438,983
Free, $435,087,969
Dut., $232,349,014
% 35
KANSAS
Total, $980,771,826
Free, $618,341,065
Dut., $262,430,761
% 30
OKLAHOMA
Total, $417,761,782
Free, $270,727,764
Dut., $147,034,018
% 35
TEXAS
Total,$1,005,838,350
Free, $678,247,104
Dut., $327,591,246
% 33
MONTANA
Total, $240,932,262
Free, $102,737,928
Dut., $87,214,334
% 35
WYOMING
Total, $105,099,461
Free, $84,251,357
Dut., $20,738,104
% 20
COLORADO
Total, $325,122,373
Free, $179,628,349
Dut., $145,494,024
% 45
N. MEX.
Total, $75,381,104
Free, $55,205,502
Dut., $20,175,502
% 27
IDAHO
Total, $133,623,752
Free, $76,123,820
Dut., $57,497,932
% 43
UTAH
Total, $157,738,315
Free, $87,171,455
Dut., $70,566,860
% 45
ARIZONA
Total, $127,901,248
Free, $116,603,827
Dut., $11,297,421
% 9
WASH.
Total, $390,050,470
Free, $238,725,786
Dut., $151,324,684
% 39
OREGON
Total, $226,409,829
Free, $130,662,053
Dut., $95,747,776
% 43
NEVADA
Total, $62,809,773
Free, $55,209,577
Dut., $7,601,196
% 12
CALIFORNIA
Total, $960,040,268
Free, $477,716,166
Dut., $482,324,102
% 51

EXECUTIVE SESSION.

Mr. BACON. Mr. President, if there is no Senator who desires to continue the discussion, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. THORNTON in the chair). The Senator from Georgia moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until Monday, July 21, 1913, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 19, 1913.

COMMISSIONER OF MEDIATION AND CONCILIATION.

William L. Chambers to be Commissioner of Mediation and Conciliation.

ASSISTANT COMMISSIONER OF MEDIATION AND CONCILIATION.

G. W. W. Hanger to be Assistant Commissioner of Mediation and Conciliation.

POSTMASTERS.

ALASKA.

John E. Worden, Wrangell.

IDAHO.

Frank S. Harding, Weiser.

MASSACHUSETTS.

James G. Cassidy, Sheffield.
Dennis J. Dullea, Peabody.
John H. Flavell, Hanover.
John J. Haverty, Canton.
John H. Kane, Lexington.
Joseph J. McMahon, Randolph.

NORTH DAKOTA.

John W. Schulenberg, Bisbee.

OKLAHOMA.

John Huskey, Fort Towson.

UTAH.

Joseph Anderson, Lehi.
H. C. Smith, Price.

WASHINGTON.

Robert T. Johnson, Sumas.
S. J. Mothershead, Edmonds.
Benjamin L. Smith, Okanogan.

SENATE.

MONDAY, *July 21, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Vice President being absent, the President pro tempore took the chair.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Industrial Club, of Cheyenne, Wyo., favoring an appropriation to provide suitable homes for American representatives abroad, which was referred to the Committee on Foreign Relations.

Mr. CLAPP presented petitions of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

He also presented petitions of sundry citizens of Minneapolis and St. Paul, in the State of Minnesota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were ordered to lie on the table.

He also presented a resolution adopted by the Northern Minnesota Development Association, favoring an appropriation for the construction of drainage ditches, roads, and firebreaks upon portions of the ceded Chippewa lands owned by the Government, which was referred to the Committee on Indian Affairs.

He also presented a resolution adopted by the city council of Minneapolis, Minn., favoring the Government ownership of telegraph and telephone companies, which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a memorial of sundry manufacturers and merchants of Chicago, Ill., remonstrating against the importation free of duty of cigars from the Philippine Islands, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERKINS:

A bill (S. 2798) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work; to the Committee on Commerce.

By Mr. BRISTOW:

A bill (S. 2799) granting a pension to Lucinda P. Fayette (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2800) to amend section 34, volume 31, United States Statutes at Large; to the Committee on Naval Affairs.

AMENDMENT TO TARIFF BILL.

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. WARREN submitted an amendment proposing to appropriate $400,000 to make payment of a part contribution to the acquisition of a site and the erection thereon of a memorial in the District of Columbia to commemorate the women of the Civil War, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on the Library, and ordered to be printed.

SARAH PATRICK.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 140), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Sarah Patrick, widow of Lewis S. Patrick, late clerk to the Committee to Investigate Trespassers on Indian Lands, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PROTECTION OF AMERICAN CITIZENS.

The PRESIDENT pro tempore. Senate resolution 139, by Mr. FALL, comes over from a previous day. It will be laid before the Senate.

The Secretary read Senate resolution 139, submitted on Saturday last by Mr. FALL, as follows:

Resolved, That the constitutional rights of American citizens should protect them on our borders, and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

Mr. BACON. Mr. President——

Mr. SMOOT. The Senator from New Mexico [Mr. FALL] is not in the Chamber, being unavoidably detained. I ask that the resolution may go over to-day without prejudice.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the further consideration of the resolution may be postponed for the day without prejudice.

Mr. BACON. I rose for the purpose of moving the reference of the resolution to the Committee on Foreign Relations, but in deference to the suggestion of the Senator from Utah I have no objection to its going over until the Senator from New Mexico can be present.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered. The morning business is closed.

THE TARIFF.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 3321, the unfinished business, on which the Senator from Ohio [Mr. BURTON] gave notice that he would speak this morning.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. BURTON. Mr. President——

Mr. CUMMINS. Will the Senator from Ohio yield to me for a moment?

Mr. BURTON. Certainly.

Mr. LEWIS. May I at this moment, for purposes which are evident——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator.

Mr. LEWIS. If I may be permitted just to make a suggestion, which I have reason to believe necessary to make, I must suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Illinois suggests the absence of a quorum. The Secretary will call the roll.

Mr. LEWIS. Does that suggestion of mine violate what the Senator thought I would do? Will it take too much time?

Mr. CUMMINS. I was about to make a request.

Mr. BACON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Georgia will state the point of order.

Mr. BACON. The point of no quorum having been made, nothing can be done but the calling of the roll.

The PRESIDENT pro tempore. The Chair was about to state that it could only be postponed for a moment by unanimous consent. As the suggestion of the Senator from Georgia is in the nature of an objection, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lippitt	Simmons
Bacon	Fletcher	Lodge	Smith, Ariz.
Borah	Gallinger	McLean	Smoot
Brady	Gronna	Martin, Va.	Sterling
Brandegee	Hitchcock	Martine, N. J.	Stone
Bristow	Hollis	Norris	Sutherland
Bryan	James	O'Gorman	Swanson
Burton	Johnson, Me.	Page	Thomas
Catron	Johnston, Ala.	Perkins	Thompson
Chamberlain	Jones	Pittman	Thornton
Chilton	Kenyon	Pomerene	Townsend
Clapp	Kern	Root	Vardaman
Clarke, Ark.	La Follette	Saulsbury	Warren
Colt	Lane	Sheppard	Williams
Crawford	Lewis	Sherman	Works

Mr. GALLINGER. I was requested to announce that both the Senators from Pennsylvania are unavoidably absent on important business.

I wish also to make an announcement concerning the junior Senator from Maine [Mr. BURLEIGH]. He is detained from the Senate by reason of protracted illness. I will not repeat this declaration in any future calls of the Senate to secure a quorum.

Mr. SMOOT. I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] and the senior Senator from Delaware [Mr. DU PONT] are unavoidably detained from the Senate.

Mr. THORNTON. I desire to announce that the junior Senator from Louisiana [Mr. RANSDELL] has been absent all morning on departmental business, which accounts for his absence from the Senate at this time.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS. Mr. President, in the address I made on Saturday I referred to a map that was on the wall, in sight of Senators, but I did not ask that the map be made a part of my address for the reason that I assumed it was not practicable to do so. I have ascertained since that it is, and that it can be photolithographed, or in some other way made available at a cost not to exceed $5. That is not my estimate, but the estimate of the printing clerk of the Senate.

I am aware that it can not be done without the consent of the Joint Committee on Printing, but I think that before I even ask to send the request to the Committee on Printing I ought to have the consent of the Senate, inasmuch as I did not ask it while I was making my speech. Therefore I ask unanimous consent that the map be reproduced and be made a part of my observations.

Mr. GALLINGER. For my own information I wish to inquire whether, if the Senate itself orders the map inserted in the RECORD, we should have, in addition to that, the consent of any committee of the Senate?

The PRESIDENT pro tempore. The Chair does not so understand. The Chair thinks that the Senate is sufficient under existing rules and regulations.

Mr. GALLINGER. That is my view. I think it ought to be sufficient.

Mr. CUMMINS. I was informed by the printing clerk that I must have the consent of the Joint Committee on Printing. I do not know other than that.

Mr. SMOOT. The Joint Committee on Printing has in the past had control over the RECORD, and of course it has control over the RECORD to-day. It has made an order that no photographs or maps shall be printed in the RECORD, and members of the committee on the part of the Senate have refused time and time again to permit Members of the other House to have photographs and maps put into the RECORD. We have also refused it in the Chamber here. I think the Senate has expressed itself upon one or two occasions to the effect that it was a very bad practice to be indulged in, and I should like——

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Certainly.

Mr. CHAMBERLAIN. I think the map which was presented by the Senator from Iowa [Mr. CUMMINS] was most illuminating, and I sincerely hope the Senator from Utah [Mr. SMOOT] will not object to its being printed in the RECORD. Further than that, I hope the Senator will keep his promise to offer for printing the same kind of a map in connection with the Payne-Aldrich law.

Mr. SMOOT. Mr. President, I was going to suggest to the Senator from Iowa that this matter be referred to the Joint Committee on Printing. Then, they, in turn, will report to the other House and to the Senate whatever their decision may be.

Mr. CUMMINS. Mr. President, if it is not necessary for me to have the consent of the Joint Committee on Printing for this purpose, I do not want the matter referred to that committee.

Mr. SMOOT. Mr. President, it is necessary to have the consent of the Joint Committee on Printing, both under the order of the Joint Committee on Printing and under the rules of the two Houses.

Mr. GALLINGER. Mr. President, I will ask the Senator if the Congress itself has given jurisdiction to the Joint Committee on Printing to control these matters and take them out of the hands of either House of Congress? It seems to me that the Senate ought to have authority to decide that a matter of this kind, which was a part of the Senator's speech, should be inserted in the RECORD, and that it ought not to be held up by any committee of the body.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. Certainly.

Mr. CRAWFORD. May I ask the Senator from Utah if the rule does not make a distinction between a map or an exhibit of that kind that is asked, independently of a speech, to be inserted in the RECORD, and a map or a matter a Senator is using in his speech to illustrate the points he is making and which is necessary for a full understanding of his argument? It seems to me almost preposterous that a map of that kind, so associated with a Senator's remarks that it is of very great convenience in understanding the force of his argument, can not be controlled by the body to whom he is delivering the address, but must be referred to a joint committee, part of which is composed of Members of another body. I therefore ask the Senator from Utah if there is not some distinction between the two situations?

Mr. SMOOT. Mr. President, I am in full sympathy with the request of the Senator from Iowa; I should like very much to see the map printed in the RECORD, and I have no doubt that the Joint Committee on Printing will authorize it to be so printed; but the order or rule is as I have stated in reference to photographs and maps, and it has been followed in the past in relation to the printing of the CONGRESSIONAL RECORD.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. SMOOT. Certainly.

Mr. BRANDEGEE. The Senator from Utah stated, if I understood him correctly, that the Joint Committee on Printing had control of the CONGRESSIONAL RECORD.

Mr. SMOOT. No; of the printing of the RECORD.

Mr. BRANDEGEE. Control of the printing of the RECORD. I notice on page 2894 of the RECORD a reference to section 40 of the public-printing act of January 12, 1895. Does the Senator from Utah mean that the joint committee has control of the printing of the RECORD under that statute or under any statute of the United States?

Mr. SMOOT. Mr. President, it is not an objection to the printing of the map. I wanted the request of the Senator from Iowa [Mr. CUMMINS] to have the map printed in the RECORD to take the same course as all similar requests have taken ever since I have been a member of the Joint Committee on Printing. When that course is taken I do not hesitate to say

to the Senator that more than likely a meeting of the committee can be had to-day to pass upon the question.

The PRESIDENT pro tempore. The Chair would like to make a statement in answer to the Senator from New Hampshire [Mr. GALLINGER]. The Chair declared it to be his opinion that it was competent for the Senate to include the map in the RECORD. The Chair presumed that because there was no statute prohibiting it the Senate was in control of its own RECORD. The Chair, however, finds that the Joint Committee on Printing has formulated a system of rules, which was published in the RECORD of July 19, on page 2804, the sixth of which is as follows:

Sixth. No maps, diagrams, or illustrations shall be inserted in the RECORD without the approval of the Joint Committee on Printing. All requests for such approval should be submitted to the Joint Committee on Printing through the chairman of the Committee on Printing on the part of the Senate or of the House, in whichever the speech desired to be illustrated may be delivered, and no maps, diagrams, or illustrations shall be inserted that exceed in size a page of the RECORD.

The Chair proceeded upon the theory that that rule was applicable only where the Senate had not taken different action.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield.

Mr. FLETCHER. The rule quoted by the Chair was formulated, I am quite sure, with the idea that there ought to be some kind of an estimate made as to the cost of the printing of maps that might be used in argument or offered to be printed. The usual course is to refer such matters, as the rule prescribes, to the Joint Committee on Printing. It often occurs that that committee is able to limit the cost, that otherwise might be very enormous, of the printing of maps and encumbering the RECORD in a way in which the Senate would not approve. I am quite sure that the committee will be very glad, indeed, to facilitate the proper presentation of the argument and the data that any Senator offers. I presume that very likely there will be no objection whatever raised to that; but there ought to be some kind of an estimate made and some sort of consideration of the matter with a view of limiting the cost and the scope within which this sort of matter may appear and the space it may occupy.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. Mr. President, I have no disposition to prolong the discussion; I do not think it is necessary to do so. I was aware of the fact that the Joint Committee on Printing had adopted the rule to which reference has been made; but that rule has never been adopted by the Senate itself; and if a committee of the body can adopt a code of rules governing legislation here, of course we are then in the hands of a committee and not in our own hands. Therefore, I repeat that, in my judgment, notwithstanding that the committee has formulated the rule, it is entirely competent for the Senate itself to determine its procedure and to have inserted in a speech such matter as the Senate in its wisdom shall decide. I think the position taken by the Chair on this question is absolutely correct.

Mr. SMOOT. Of course, Mr. President, if I wanted to do so I could, under the statute, object to the printing of this map, because the statute specifically provides that there shall be an estimate as to the actual cost before anything is printed as a document.

Mr. GALLINGER. The request is not to print it as a document, but as part of a speech.

Mr. SMOOT. I am not going to object.

Mr. CUMMINS. I have not asked that it be made a public document.

Mr. SMOOT. I understand that, Mr. President. I am not going to object to this map being printed, because I should like very much to have it printed; but I do believe that it will be the means of bringing into the RECORD many objectionable maps and photographs which in the past have been kept out under this rule. Of course I think that the committee could report to-day upon the question in its regular order and have the map duly printed in the RECORD; but I shall say nothing more about it if the Chair decides that it may be printed without reference to the Joint Committee on Printing.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Utah whether, in the formulation of rule 6, which has been referred to by the President pro tempore, one of the provisions of which is that—

no maps, diagrams, or illustrations shall be inserted that exceed in size a page of the RECORD—

the committee claims that the statute has given the Joint Committee on Printing authority to make that rule?

Mr. SMOOT. I thought I had the printing laws here with me, but I find I have not.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. Certainly.

Mr. FLETCHER. I can answer that, if the Senator from Utah will allow me.

Mr. SMOOT. If the Senator has the statute before him, I should like to have him quote it.

Mr. FLETCHER. I have the statute here. Section 13 of the act of January 12, 1895, provides that—

The joint committee shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk, and shall provide for the publication of an index of the CONGRESSIONAL RECORD semimonthly during the sessions of Congress and at the close thereof.

It is under the act of 1895 that the joint committee claims authority to make the rules.

Mr. BRANDEGEE. But does the Senator claim that under that act the Congress of the United States has taken away from the power of either House to order anything inserted in the RECORD of its proceedings that it chooses?

Mr. FLETCHER. I do not claim that precisely; but I claim that under this act the committee had the power to make this rule and that that is the regular course of procedure. Of course, if the Senate desires by special action to do something else, I presume the Senate has the power to do it.

Mr. BRANDEGEE. Mr. President, it seems to me that if the Senator is justified in his claim that under this statute of the United States the committee had authority to make a rule which provides that no maps, diagrams, or illustrations shall go into the RECORD except upon its approval, the statute has deprived either House of Congress of the authority to put anything in the RECORD without the approval of the Joint Committee on Printing. I should like to see the map published, but under the rule it can not occupy more than one page of the RECORD. The only interest I have in the matter is to straighten out the powers of the Joint Committee on Printing, if possible.

The PRESIDENT pro tempore. The question is on the adoption of the motion of the Senator from Iowa that there be printed in the RECORD the map used by him at the last meeting of the Senate in connection with the speech delivered by him. [Putting the question.]

The motion was agreed to.

The order as agreed to was reduced to writing, as follows:

Ordered, That the map of the United States as marked and referred to by Senator CUMMINS during the delivery of his address on H. R. 3321 on the 19th instant be printed in the CONGRESSIONAL RECORD as a part of his address.

Mr. BURTON. Mr. President, as I have endeavored to prepare a connected argument, I request that I may be allowed to proceed without interruption.

Mr. President, I approach the discussion of this subject with no worship of protection as a fetish, but rather with a conviction that whenever there shall be an era of comity and mutual concession in trade among nations and our own country shall have reached a point when its productive capacity has been fully developed free trade might be a rational policy. But such is not the present situation. The disposition to restrict trade among nations and to grant access to markets only on rendering concessions in return is on the increase rather than otherwise. Again, while our own country has made marvelous progress in almost every branch of industry and production, it is still far from reaching that varied development in which its capabilities shall be thoroughly tried. Consequently, this year 1913 is no time for entering upon untried paths or the acceptance of theories which do not square with existing facts. Although the statement may be made that the one guiding principle is the creation of competitive conditions, the proposed measure is based upon the idea that tariffs should be levied for revenue and not for protection. If duties which are in fact protective have been retained, it is rather accidental than intentional or results from the necessity of securing adequate revenues.

The pending bill proposes vital changes in principle and sweeping changes in the details of our fiscal legislation. I believe that the proposed measure is based upon theories which are erroneous and that its adoption will prove to be disastrous to our industrial activities and to the whole framework of our economic and social life. Again, it will not accomplish the beneficial results which are claimed.

In order that legislation may be framed which shall be permanent, it is desirable that we should give attention to great fundamental principles and facts. These principles and facts should govern our action rather than purely local interests or partisan considerations. It is especially desirable that from

the great mass of conflicting arguments and statements relating to tariffs we should eliminate those which will not stand the test of analysis.

There is no question upon which there has been a wider divergence than that of protection and free trade. The great majority of writers on economics have taken one view, while statesmen and men of affairs, at least in the making of laws, have accepted another, and as a result of this situation we have often heard the absurd expression that free trade is correct in theory but that protection is right in practice. Theory and practice can not be opposed. That which is right in practice must be theoretically right as well. If they differ it must be because the information upon which the theories are based is not sufficient or the inferences from that information are wrong. What, then, is right both in theory and practice?

We can not rely on two arguments for protection used by Mr. Henry C. Carey, namely: First, the great saving in the cost of carriage consequent upon producing commodities at or near to the place where they are to be consumed—transportation alike with production is a part of the cost to the consumer, and if it can be delivered to him at a lower price after paying the cost of transportation as well as that of production no different rule or principle applies; second, that relating to agricultural products—distant consumers do not, as home consumers do, give back to the land of their country the fertilizing elements which they abstract from the soil. Here again the same principle applies; the cost of maintaining the quality of the soil is naturally a part of the cost of production, though the extent of the deterioration of the soil is not so readily computed as the cost of transportation and often is not taken into account.

Another argument of Mr. Carey's which has much more of validity is that it is a necessary condition of human improvement that towns should abound, that men should associate with others of pursuits and mental cultivation different from their own. These associations are highly important, though with the modern tendency to the city there is no question but that towns will abound.

There is also a difference in the principles relating to commodities, in furnishing which we are under a permanent handicap as compared with those which after a time, with acquired skill and the investment of capital, can be produced here as cheaply as elsewhere.

Let us concede the full force of the argument that free trade is the best policy for this and all countries. It is maintained that free trade between nations is a necessary consequence of the advantages arising from a division of labor. Just as among individuals in every community there is a variety of employment and those having special capacity or skill for providing certain commodities furnish those commodities for all, so as between nations the exceptional advantages and capacities of different countries should be taken into account. Just as the carpenter resorts to the hatter for a hat, so the citizens of a country having fewer advantages for the manufacture of any article should resort to another country where the industry in question has an exceptional foothold.

It is alleged that protection causes industry to turn to less advantageous channels and lessens the productivity of labor; that in providing within our borders a supply of a certain article which requires the fostering influence of a tariff there is a waste of energy. If an article can be obtained more cheaply abroad, domestic labor should be exerted in the making of something for which it has special skill or advantages which could be exchanged for the given product. It is said that protection prevents this. Protection, in short, is obstruction. It is a way of preventing people from getting things. Free trade sanctions the idea that wherever in any part of the earth an article can be obtained at the cheapest price there it should be purchased, and all markets should be open for it; that to seek to provide a local supply causes a waste of capital and labor. If in changing from a régime of protection to free trade protected industries are destroyed, the eventual result will be that workmen will turn to more advantageous industries. Supplies of goods produced under conditions of superior efficiency will be available to export in exchange for imports, thereby resulting in a more productive employment of labor.

It is conceded by the advocates of free trade that some of a nation's industries may be crippled or even killed by unrestricted commerce. They view this possibility with calmness, not because they deny the fact but because they are content with the compensation. Many leading advocates of free trade, however, have maintained a more liberal opinion toward the doctrine of protection. They have conceded that for a time the imposition of duties may be desirable for the development of a particular industry; that a fostering influence should be afforded similar to that furnished by the granting of a patent which extends to the patentee a measure of protection from competition for a period of years. Economy of production attained by a people who have perfected a branch of industry constitutes a formidable obstacle to the introduction of the same branch into a country in which it does not exist. It will be difficult without protective duties to maintain competition between newly established industries and the long-matured establishments of another country; time is required for the acquisition of the requisite skill and efficiency. Encouragement must be given to capital to establish new undertakings and to labor in order that it may be induced to turn aside from other occupations and acquire the facility necessary for the work.

There is another view as regards protective tariffs similar to that just named which maintains that every country in its normal development must pass through three stages. The first is the condition met in a newly settled country, under which absolute freedom in the admission of products of other countries is most desirable. In new areas abounding in minerals, in timber, or in tillable lands, divers implements are required for recovering the minerals, cutting the timber, and the cultivation of the soil, and making available for use their natural resources. The furnishing of commodities which involve large investments of capital and acquired skill is practically out of the question.

In a second stage, which marks the beginning of a more advanced society, with a desire for local sufficiency and for affording a field for all the varied capabilities of an ambitious people, there is naturally a period of restriction in which very considerable duties are imposed upon imports. It is recognized that manufacturing and other enterprises must in their beginnings labor under serious disadvantages in comparison with older communities. It is equally recognized that if assured and symmetrical growth and diversity of employment are desired, such a period of restriction is essential. The whole history of trade and manufacture show this disposition to impose barriers upon imports wherever a more complex and developed society has been sought.

In a third period, whenever all the varied possibilities of a country have been developed and the special adaptability for certain lines of enterprise have been made known, there is a natural tendency toward free trade and the removal of restrictions.

One of the most conspicuous defects in the applicability of the doctrine of free trade as taught by Adam Smith and the early economists is the fact that they did not live in an era when wholly unprotected industries were possible. The physical circumstances with which they were surrounded inevitably gave a measure of protection to local industry which was only dimly recognized, but which nevertheless was a very potent factor in the situation.

The crude and expensive means of transportation available in those times placed between the producers of commodities separated by only comparatively short distances an almost insuperable barrier. The added cost of foreign commodities occasioned by the cost of transportation afforded a degree of protection far in excess of the ordinary modern impost. Under the conditions prevailing a hundred years ago the cost of transporting a bushel of grain from the interior of the United States to the consumer in London would have afforded a measure of protection to British farmers in comparison with which the burdens imposed by the Corn Laws were inconsequential. Mr. Mulhall, the statistician, made the striking statement that it now costs less to transport a bushel of wheat from Minneapolis to Liverpool than it cost in the days of Miltiades to carry it from Marathon to Athens. The fact is that free trade in the sense in which it is possible under modern conditions of communication and of transportation is a thing heretofore unknown in the world and is a condition which must inevitably modify our views as to the freedom of trade which might be wisely practiced.

Against all the arguments for free trade it may be said that in the first place the theory proceeds upon the hypothesis that man is wholly an economic creature, with perfectly single and simple motives; that he is moved entirely by the desire for gain. In the second instance the theory assumes that it is the individual consumer who is the sole determining factor with which the policy concerns itself. Neither of these assumptions is correct. In the first place, the purely economic man does not exist; in actual practice human nature is exceedingly complex, and the motives that control the springs of action may be so different from those assumed by the economist as to destroy the validity of the entire theory. In the second place, the theory is defective in that those who control the fiscal policies of a people must consider not only the individuals who make up the Nation, but national life as a thing quite apart from the life of its individual citizens. Mere cheapness or accumulation is of minor

importance in comparison with the organization and maintenance of the productive forces of society. While the interest of the consumer must not be lost sight of, the protection and development of national life, the maintenance of its internal sufficiency, making possible the development of its natural resources and affording diversity of employment for all the varied capabilities of its people, are objects which must be promoted even at the expense of individual consumers.

Again, the free-trade policy, if applicable at all, is applicable only on the theory that it can be universally applied. If the consumer is to secure the benefit that is urged as its essence, it must be possible for the producer anywhere in the world to exchange the products which he can produce most efficiently for other products which can be more efficiently produced by some other producer, no matter where located, and the process of this exchange must be wholly unfettered. The very statement of the theory is a prediction of its downfall; the very fact that different races exist, to say nothing about their organization into alien nations, is indicative of disastrous results. Nearly all the nations of the earth sedulously maintain barriers against the trade of other countries.

The above analysis suggests the peculiar weakness of the free-trade policy. The attempt on the part of a free-trade nation to apply the theory in practice without the concert of other nations reveals the serious disadvantage of such a position. Even if theoretically in the most correct situation, she is in far the worse position to enforce her point of view. She can have recourse to no other means of protecting her interests except to persuade the statesmen of other countries that they, together with herself, would be better off under a régime of freedom in commerce; while they, on the other hand, can bargain between themselves to her disadvantage and at the same time profit by access to her open markets. One nation under an established policy of protection may deal with another nation, which is under a policy of protection, and agree as between themselves to admit the goods, the one of the other, under the most favorable circumstances as to production and demand, while a free-trade people must stand by as a suppliant saying, "I have given all as of good will."

Such a people might console themselves with the theory that as within their own borders freedom of trade would teach their laborers and artisans to direct their energies into the channels of the highest efficiency, yet as a matter of fact it would not be the policy of her own statesmen but the policy of foreign statesmen that must eventually determine into what channels her industrial activities must go. Englishmen, for example, might at a given period be the most efficient producers of certain manufactures, but if France, Germany, and the United States, being the chief markets for these products, should each build a high protective wall and thus enable their own citizens to supply these products, Englishmen must direct their energies into some other fields in which they were less efficient. Hence it happens that a one-sided free-trade policy can not fulfill its own fondest hope—that of directing energy into the fields of the highest efficiency. To illustrate, suppose there is a list of products, which we may term "Group A," which can be produced in our country on a basis, say, of 75, while the cost in foreign countries is 100. On the other hand, there is a list of articles, which we may call "Group B," which can be produced in foreign countries at a basis of 75, while in our own country they cost 100. It is an hypothesis not different from an actual fact to suppose that the foreign country or countries levy a duty of 40 per cent on "Group A," while our own country levies a duty of 40 per cent on "Group B," so that, although the articles can be produced in this country at 75, they can be disposed of in the foreign country only after paying a duty of 40 per cent, making the cost to the consumer there 105 as against 100 in their own country, and the same is true of articles in "Group B" produced in a foreign country. They can only be disposed of within our borders after paying a duty of 40 per cent, or at a cost to the consumer of 105 as against 100, at least, unless the foreign exporter is willing to sell below the price obtained in his own country; that is, below 75. This simple illustration shows that unless the free exchange of products universally exist the theories of free exchange can not be made applicable. Prof. MacCunn, although a warm eulogist of Cobden, forcibly expresses himself in relation to his forecasts regarding free trade. He says:

> One of the great reasons for the failure of his predictions is undoubtedly the growth, both in fact and idea, of that spirit of nationality which is perhaps the most forceful and pregnant political movement of the present age. The spirit of nationality has also made itself felt in an ideal of citizenship which has been gaining ground since the middle of the nineteenth century. It is the very essence of the idea of citizenship that the citizen and nation are bound together by bonds more intimate and more organic than was previously supposed. Cosmopolitanism is still desired, but there is no antagonism between it and patriotism, because a genuine cosmopolitanism must rest on patriotism.

He also says:

> It is a matter of fact that the vitality of the protective spirit has falsified all Cobden's forecasts. And it is not to be wondered at. For Cobden's eye was upon trade. And it is not considerations of trade alone that have maintained and built tariff walls. In that case they would not be so formidable; they might fall before free-trade arguments. No; these tariff walls which stand so firm, which show no signs of crumbling, are due to the alliance of trade with the spirit of nationality. For this spirit of nationality, to which the national interests are paramount, looks upon markets from a different point of view from that of cosmopolitan Cobden, who would fain have opened all of the markets of all the world to everybody. It does not concern itself much with the world as a whole. It does not think of leveling the barriers between nations. It thinks first, and sometimes it also thinks last, of securing markets for the national industries. Its instinct is for monopoly—a large, a national monopoly, but still monopoly. And if it can handicap or exclude altogether other nations from its own home markets or oust them in foreign markets or monopolize spheres of influence, the probability is that it will try to do so. It has no aspirations after an international division of labor. It lends no ear to free-trade theories. It is deeply dipped in the spirit not only of industrial but of political rivalry. And though it may be denounced by free traders as fatuous and as defeating its own ends by its fiscal follies, it is not shaken; it goes on. For the reason why it does not accept free-trade arguments is not that it can not understand them. They are not at all hard to understand. The reason is that it looks at the facts—the facts of trade and commerce—from a different point of view.

Thus the arguments for free trade have been rejected. This is illustrated by the tariff history of the most advanced nations of the world. In countries other than England the almost universal policy until about 1860 was in the line of restriction. High protective tariffs were in vogue in Europe. In the year 1860 Louis Napoleon of France entered into an agreement with England under which there was freer trade, and marked reductions were made by France and other nations by treaties of reciprocity, but with the overthrow of the empire in France in 1870 and the establishment of a republic a change commenced which has been called the protectionist reaction.

France increased duties in 1871 and again in 1872. In 1881 many increases were made, though raw materials in large numbers escaped taxation. At the last date specific were substituted for ad valorem duties. The law of January 11, 1892, made a great advance in duties on most imports and established the policy of concession of lower rates to nations according reciprocal favors. Germany did not quite so speedily come under the influence of the so-called reaction as France, but under the leadership of Bismarck in 1875 and later years very considerable increases were made in duties and a definite policy of protection was adopted. Bismarck in his presentation of the proposals on the subject called special attention to the example of the United States and ascribed to our protective policy the reason for our growth and prosperity. By a tariff in force since 1906 many duties were increased, except as in favor of countries with which trade agreements exist, and the policy of general and conventional tariffs more completely adopted. Italy until the year 1875, as shown both by treaties and legislation, was somewhat disposed against protection; but a revision of the duties in 1877 and again in 1887 made material increases in rates and made of Italy, as well as of Germany, a distinctively protective country. In the same period Austria raised duties. Russia has continued and strengthened those which already existed. In Japan the same policy has been adopted. A treaty of reciprocity with Great Britain, which gave great advantages to English trade, was terminated at the earliest possible moment. Perhaps the most striking of all has been the course of the colonies of Great Britain, every one of which has adopted a protective policy, and the tendency has been decidedly toward increased duties and to allow reductions only to countries granting equivalent advantages.

A striking lesson in support of the wisdom of a protective policy is derived from the comparative growth of different countries in recent years. A comparison of Great Britain with the United States, Germany, Italy, and Japan shows a far more rapid increase in the latter countries in many of the most essential branches of trade and industrial activity. Notwithstanding the almost stationary population of France, that country has shown more rapid advance in some lines of trade. This disproportionate growth is especially striking in the case of iron and steel, regarded as the best barometer of trade and industrial activity. Until the year 1889 the quantity of pig iron produced in Great Britain exceeded that of either the United States or Germany, but in the year 1890 the United States produced the larger quantity. Until 1903 Great Britain still, however, retained her position as a producer of pig iron in advance of Germany. In that year, however, Germany led by more than a million tons, and by 1911 the quantity produced in Germany was once and two-thirds as much as in Great Britain, while that in the United States was nearly two and a half times as much. France also showed a greater gain in the

percentage of increase. In the 20 years from 1891 to 1911 the percentage of increase in pig iron in Great Britain was about 28.6 per cent, while that in France was more than 137 per cent. The reasons for this are obvious enough. The idealistic conception of free trade that there should be free access from one country to another is negatived by the almost universal policy of nations, and if any country makes itself an exception to the rule it is necessary that it take the position of a suppliant seeking outlets for its trade.

With the so-called protectionist reaction, which commenced about 1870, there was a marked growth in the spirit of nationality. Each of the great nations of the earth gained a degree of assertiveness and a desire for independence, which had lain dormant and for which there was freer play in the great progress of modern life. There was a united Germany and a unified Italy. It was not long before Japan also came to the front rank among nations.

Manufacture has become more nearly a matter of machinery. The possibilities of growth and of assuming a new place among the nations are far better than ever before. All these tend to arouse the national spirit both in industrial as well as political organization. The free-trade movement in England under Mr. Cobden's leadership was distinctively associated with a cosmopolitan movement. Mr. Cobden had the very commendable desire of bringing nations nearer together, of uniting them not only commercially but in a great world movement, in which their rivalries should be suppressed.

Free trade—

Mr. Cobden said in 1843—

is the breaking down of the barriers that separate nations, these barriers behind which nestle the feelings of pride, revenge, hatred, and jealousy which every now and then burst their bonds and deluge whole countries with blood.

To him free-trade principles were eternal truths. He likened them to the law of gravitation, the eternal law of the Almighty, a principle eternal in its truth and universal in its applicability, and which must be applied to all nations and all times. He clearly erred in many of his prognostications.

In 1846 he said there will not be a tariff in Europe which will not be changed in less than five years, to follow our example. He prophesied that the cultivation of land would be quite as profitable as it had been in the past, notwithstanding the abolition of the corn laws and the expected fall in the price which the farmer obtained for his wheat. He was the apostle of cheapness. He said the race was for commercial supremacy and the battle will rest with the cheapest. He maintained that England must secure from all available sources and at the least possible cost raw materials and products partly manufactured, as well as the instruments of production, and out of these turn out the finished product, which, by its cheapness, will force its way into the markets of the world. The trend of actual events has surely disappointed these hopes.

CHANGE IN RATES.

Another most serious objection to the provisions of the pending bill is the sweeping nature of the reductions in rates. If we have reached the third stage of development referred to, when duties may be reduced or removed, the transition should be gradual. The business of the country, its industrial life, has adjusted itself to a policy of protection. For 50 years the prevailing rates have been high. We can not change from these rates in a single year without widespread injury. The extent of the proposed changes are without precedent in the fiscal legislation of our own or any other country. It is estimated in the report of the Finance Committee that the reduction is 27.64 per cent. This is far in excess of the reductions made by the Wilson-Gorman tariff law of 1894.

The tariff act of March 2, 1833, furnishes a judicious example of gradual reduction. It provided that on duties exceeding 20 per cent one-tenth part of such excess should be deducted on the 31st day of December following, another tenth part on the 31st of December, 1835, and a similar reduction on the last days of 1837 and 1839; one-half of the residue of the excess on the last day of 1841, and all the excess above 20 per cent on the 30th day of June, 1842. It postponed until the 30th of June, 1842, the placing of numerous articles on the free list.

Mr. CHAMP CLARK, now Speaker of the House of Representatives, in a speech at Dayton on January 13, 1910, said:

I believe as firmly as I believe I must die one day and appear at the judgment bar of God to answer for the deeds done in the body and for the words spoken in this life that, had the Republicans fulfilled their promise to revise the tariff downward—had they cut it down 5 per cent on the average, or even 2 per cent, they would have eliminated it from the political equation for a generation. * * * They thereby make the tariff issue the most important issue in 1910 and 1912.

The bill certainly did reduce the average rates as much as 2 per cent, and according to the computation made in the Treasury Department applying the Dingley rates to importations after August 5, 1909, as much and more than 5 per cent.

What a change has come over the leaders of the Democratic Party. They are not now satisfied even with 5 or 2 per cent, but must have 27.64 per cent.

It seems a prevalent impression that in England duties were reduced at one fell swoop in 1846, the date of the abolition of the corn laws. But this is far from the fact. The promise of reduction dates back as far as 1786, when the younger Pitt concluded a treaty with France providing for large reductions. The reductions in both countries remained in force for five years.

In 1824–25, under the leadership of Mr. Huskisson, great reductions were made in the duties on raw materials, such as wool, silk, flax, and iron, and considerable reductions were made on manufactured goods. Prior to 1824 silks had been prohibited from importation, but in that year they were admitted at 30 per cent. Still further reductions were made in the next decade, especially in the year 1832. The fact is that England had reached a supremacy in manufactures which during all this period gave her such an advantage that duties on manufactures were hardly required. It was also regarded as a beneficial policy to admit raw materials free of duty. Notwithstanding all this, many duties were retained until their final abolition under the leadership of Mr. Gladstone in 1860. The same policy of gradual change has been adopted in other countries as well, and is dictated by every consideration of economic policy and regard for industrial prosperity.

AD VALOREM AND SPECIFIC DUTIES.

It appears to have been one of the fixed policies of the Ways and Means Committee to change, as far as possible, all specific duties to ad valorem duties. The Senate Finance Committee has adopted the same rule. The reasons for this change, advanced by the majority of the Ways and Means Committee in their report on the bill H. R. 3321, are not convincing. The only two definite reasons adduced are—first, that a specific duty is relatively low when prices are high, and relatively high when prices are low, "notwithstanding the undesirability of such method." Why the method is undesirable is not explained. The second reason is that the burden of the tariff is masked by specific duties, which is another rather vague accusation. There has never been a discussion of the tariff when the rate or percentage of duty has not been clearly disclosed. The third and only argument of importance is that the specific system requires a very detailed and highly organized classification and description of dutiable goods, in order to prevent deception and evasion. With infinite pains such a classification has been accomplished and has been found to work well. A classification into large groups is certainly much less complicated than a valuation of every separate invoice.

On the theory that the tariff is levied purely for revenue purposes an ad valorem basis may find some justification; but based upon any theory of protecting American industries by a scientifically constructed tariff system, or even of establishing "competitive" conditions, tariff rates based wholly on market value must prove utterly unsatisfactory. Some of the objections to the ad valorem principle are the following:

First. It means a heavier burden upon the consumer during periods when prices are highest and he is least able to bear it and a smaller burden when prices are low and he is therefore less in need of relief.

Second. From the standpoint of the American producer this system has the effect of giving him a maximum of protection when prices are most satisfactory and competition least destructive and affords a minimum of protection when competition is sharpest and his markets most liable to be invaded by the foreign producer.

Third. Assuming that the proper measure of protection which should be accorded to the American producer is the difference in the cost of production at home and abroad, and assuming further that by far the most important element in the production cost is the element of labor, our protective tariffs have in practice been constructed upon the difference in cost of labor at home and abroad. If this theory is correct, then fixed specific duties are much better suited to permanently adjust this difference than an ad valorem rate, since the difference in labor cost is a comparatively fixed amount for months at a time, changing slowly and entering very slightly into the current fluctuations in any given product. On the other hand, ad valorem rates move up and down with changing prices, which may have wide fluctuations within a short period of time, due to market conditions and many other transient influences in no way incident to the cost of production.

To illustrate this fact—it is not probable that wages in any industry, either in Europe or America, changed materially dur-

ing the year 1912, yet the price of many imported products fluctuated widely. For example, in the metal markets pig iron sold as low as $11.08 per ton and as high as $14.97 per ton, an advance of 35 per cent above the minimum price. In the London markets lead sold as low as £15 8s. 9d. and as high as £23 15s., being a fluctuation of 53.8 per cent. Antimony sold as low as $5.72 per hundred and as high as $8.81 per hundred, a fluctuation of 54 per cent. Ferromanganese sold as low as $38.50 and as high as $62.50, a movement of 62.3 per cent. Aluminum sold as low as $11.75 and as high as $20.06 per hundred, a fluctuation of 70.07 per cent. These substances are all of the most staple character and of almost world-wide production, in which such striking changes might be least expected. It is unnecessary to call attention to the fact that ad valorem duties can only heighten and aggravate this already troublesome price fluctuation, which is in no way incident to the cost of production.

The fourth objection to ad valorem rates is the fact that they afford temptation for undervaluation and thus encourage and favor the dishonest importer as against those who are honest.

The fifth objection is the difficulty of administration. Goods vary so enormously in real value as well as being subject to constant, in fact, almost daily, changes of market value, that anything like a uniform and accurate administration of the law is practically impossible. Ad valorem rates, therefore, make it possible for the wealthy importer to place his goods in bond and await a turn in the market, which adds further to the disadvantage of the American producer by compelling him to compete not with the average foreign price, but with the lowest price.

On the other hand, an ad valorem rate for exactly the opposite reason works to the disadvantage of the American manufacturer who must buy raw material abroad. Our manufacturers must frequently make contracts for future deliveries, often running as long as two years, to fulfill which they must rely on their importations of foreign material. It will probably not be denied even by free traders that it is desirable that American manufacturers should be successful in buying their foreign supplies abroad in the most favorable possible market. In order to do this it is frequently necessary or desirable to buy at periods of low prices under contracts for future deliveries, thus obviating the necessity of heavy carrying charge for stocks of raw materials. Under the system of ad valorem duties these materials will have to be assessed at the current prices at the time of entry. Thus a thrifty manufacturer may lose a large element of the benefit derived from his thrift and foresight.

The ad valorem system is condemned by all the leading nations wherever a considerable variety of articles are dutiable. France in the first days of the Republic tried it, but later abandoned it.

Henry Clay said:

> Let me fix the value of foreign merchandise and I do not care what your duty is.

Practically every Secretary of the Treasury, from Secretary Walker in Polk's administration, in 1846, to the time of the present administration, has advocated specific duties. Secretary Manning, Secretary of the Treasury under President Cleveland, when reductions were contemplated by the Mills bill in 1888, said:

> Whatever successful contrivances are in operation to-day to evade the revenue by false invoices, or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously, inherent in that system. One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that, under the former, duties are levied by a positive test, which can be applied by our officers while the merchandise is in possession of the Government, and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon "home value"; but there are constitutional impediments in the way of such a system which appear to be impossible. But under an ad valorem system, the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away, and under circumstances most unfavorable to the administration of justice. One hears it often said that if ad valorem rates did not exceed 25 or 30 per cent, undervaluation and temptation to undervaluation would disappear, but the record of this department for the years 1817, 1840, and 1857 do not uphold that conclusion.

Mr. James D. Power, special agent of the Treasury, said:

> Ad valorem rates of duty afford temptations and opportunities for fraud which can not be guarded against, even by the most rigid rules and vigilant watchfulness. The assessment of values under this system is based upon expert knowledge of values, the most uncertain and arbitrary method that could be devised. Under the ad valorem system fraud has prospered and demoralized the importing trade, which has passed from the hands of American citizens into the control of men who have taken advantage of our high import duties to enrich themselves at the expense of the revenue and the ruined trade of American wholesale firms.

INCONSISTENCIES.

At another time I may call attention to certain incongruities and inequalities in this bill which are objectionable under the guiding principle which seems to have been adopted, and indeed under any principle of which we can conceive, though in this regard it should be conceded that the measure as it is now before us contains many improvements upon the House bill.

As it passed the House duties were imposed on wheat and oats, but none upon flour or oatmeal. While the flesh, hide, hair, bones, blood, hoofs, and horns of an animal were specifically made free, the live animal was subject to a duty of 10 per cent. For such an adjustment there can be no justification on any principle of economics or business. Ferromanganese, an article used to an increased extent in the manufacture of steel, was made subject to a much higher duty than under the existing law, but all the products into which it enters as a constituent were subject to a very material decrease in duty. There now appears in the bill a very considerably lower duty on paint than upon the constituent elements which enter into it. Paving posts, telegraph and telephone poles, and railroad ties are subject to a duty of 10 per cent, while other kinds of posts and highly finished forms of lumber, even that which is tongued and grooved, are placed upon the free list. One bad result of such a duty is to stimulate the cutting of young timber. These are illustrations of the crudities which appear throughout the bill. What justification can there be for a duty on bananas, a food which is increasingly utilized by consumers in humble circumstances?

With what justification is a duty levied on objects of art which are imported for the purpose of promoting the education and culture of our people? By the same token, why should a duty be levied on books in foreign languages which have hitherto been admitted duty free?

MISTAKEN NOTIONS REGARDING HIGH PRICES.

The Democratic Party in its recent platform adopted at Baltimore, and by the utterances of its advocates on the stump, have charged that the chief cause of the prevailing high cost of living is the existing protective tariff enacted by the Republican Party. They boasted that they could and would immediately reduce the cost of living by lowering the tariff wall; that the exorbitant prices of the necessaries of life in particular would immediately fade away and the poor man's table would hereafter be furnished at a fraction of its former cost. This, my Democratic friends, was your campaign argument; this was the promise on which you regard yourselves as delegated to tear to pieces the fiscal policy which has been the sheet anchor of nearly two decades of unprecedented prosperity and which is the only guaranty of its continuance. You have erected a tariff policy, blind to every consideration except the consumer. You can benefit him only by reducing the cost of the commodities he consumes without degrading their quality or destroying his opportunity to earn the price of that which he must buy. On this result you must stand or fall. There is no escape. Unless a very material reduction of prices immediately follows the enactment of this bill it will record one of the most ill-boding policies ever adopted by a responsible party in a representative government.

The bill was frankly not framed to encourage capital to enter new fields of industry or to extend those already established; it was not devised for the purpose of inviting our farmers to reclaim new acres for cultivation; it is certainly not calculated to enlarge the opportunities for labor to find profitable employment. Its sole justification is a reduced cost of living. If it fails in this, it fails utterly.

That it can not by any possibility fulfill the mission for which it is being created is now admitted even by some of its original sponsors, who then, as now, are regarded as its most responsible advocates. Mr. Redfield, who was selected for his responsible position in the President's Cabinet because he was regarded by the President as an expert on tariff matters, was evidently smoothing the way for the descent of Democratic hopes when he gave out a signed interview, from which I quote. After mentioning several of the causes of the high cost of living, the Secretary says:

> I mention these things to show that the tariff bill is no cure-all. It is a step toward removing obstacles which prevent the freer exchange of products of the farm, the mill, and the mine; but no intelligent man expects it to be more than a step. What, then, is the principal benefit arising from the tariff bill? To my thinking it is a moral and a mental benefit.

For years the delusion has rested upon many people—for it is no less—that the present high cost of living is due to protective tariffs. Assuming that this is true, some in ignorance and some by shrewd design have played upon the feelings of the people. The time is coming when this specious argument will fail. The most elementary examination of the subject disproves the

idea that high prices are due to tariffs. This phenomenon of high prices is world-wide. It is in evidence in every country of advanced civilization, and it manifests itself in a degree approximate to the progress that the various peoples have made. In our own country the most notable increases have been in commodities of which we have a considerable surplus for export.

The increase has been manifested indiscriminately without regard to higher or lower rates in the last tariff act and has been most considerable in the case of articles on which there are no duties at all. There have been illustrations of a decrease in price where duties have recently been increased, and a multitude of instances in which they have increased though duties have been lowered. It is unnecessary to multiply illustrations. The facts are clear. The index of this increase in price is the greater production of gold, the world's monetary standard, and even that is rather an indication than a cause, for the reason that in any progressive era like the present, where the demands of human life are so increased and its luxuries are the possession of so much larger a number, the cost of living is sure to rise.

It is for the Democratic Party to fulfill its promises. I am unable to believe that the reductions proposed in this bill will be permanent. Many duties under the existing law should be lowered; others might be removed entirely, for we are nearing a more complete and symmetrical development, and industries which have enjoyed protection may need it in less degree or not at all; but we shall err if we take the radical steps proposed. Protection may have been abused, but the purpose of a protective tariff has been to establish here, between the lesser and the greater oceans, between the Lakes and the Gulf, an industrial empire, the most complete, the most beneficent to all that dwell within its borders which the world has ever seen. We can not afford to stay the march of progress toward that splendid ideal by erroneous policies such as are embodied in this bill.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, in my remarks to-day I shall not attempt to make an extended argument on any particular schedule of the bill, but simply call the Senate's attention to many of the inadequate, excessive, and inconsistent rates provided for in the bill, and shall hereafter address the Senate in detail, if occasion permits, on the sugar, wool, and chemical schedules. I shall attempt to present statistical facts of the growth and development of our industrial life and show, if possible, that our marvelous industrial growth for the last 40 years can not be maintained nor will it continue to increase under this Democratic tariff bill as it has increased in the past under the system of Republican protection.

ENORMOUS INCREASE IN IMPORTS UNDER EXISTING LAW.

The imports for the fiscal year ending June 30, 1913, were in value $1,812,621,160. That is an increase in imports of $159,356,226 in a single year. The increase in imports since the fiscal year of 1909, under the new tariff, has been $501,330,936. And yet with that enormous increase in imports this bill makes a sweeping reduction in duties and transfers to the free list a billion dollars and more of products. It is amazing that any political party in the face of those statistics can propose such a revolutionary measure as this tariff bill. The percentage of imports free of duty was nearly 55 per cent for the last fiscal year. In other words, $987,289,994 in value of imports came in free of duty, while $825,331,166 were dutiable. In 1850, under the much-vaunted Walker tariff, after which the pending measure is fashioned in some respects, only 9.32 per cent of the imports were free, as compared with about 55 per cent at the present time. The average duty on all imports in 1850 under the Walker law was 23.16 per cent, whereas the rate now is only a little over 18 per cent. In 1908 the average rate of duty was 23.88 per cent, showing a reduction since that time of nearly 6 per cent. That is what was accomplished by the existing law, concerning which so many falsehoods have been told and so much misrepresentation made as to lead many persons to think that it imposes even higher rates than the old law instead of this very large reduction. In 1854, under the Walker tariff, the per capita of duties was $2.46, and at the present time the per capita is only a little over $3, so that with this enormous increase in imports the average tax varies little from 1854. The imports under the Walker tariff averaged about $8 per capita, as compared with over $17 per capita in the last fiscal year, and yet this bill makes enormous and sweeping cuts in duties in order to still further increase these very large importations. All the world knows how this country suffered as a result of the Wilson tariff law in 1896, but the average rate of duties now is over 2 per cent lower than was the case under the last Democratic tariff, when the business of the Nation was paralyzed and 3,000,000 persons thrown out of employment. The imports of manufactures under the existing law have increased about $200,000,000 since 1909. In agricultural products and provisions there has been an increase in imports of about $75,000,000, and yet this bill places nearly all the agricultural products of the North on the free list.

Not only is this destructive blow delivered to the agricultural industry of this country, but Porto Rico and Hawaii are also given blows from which they can not recover. Hawaii, under our labor laws, can not produce sugar in competition with Java, Borneo, or Cuba. Porto Rico is in the same way. Porto Rican coffee is sold in Cuba, but that market will be lost as a result of the abrogation of the reciprocity treaty due to placing sugar on the free list. Cuba will be able to sell its sugar in this country without any duty, and she will buy her manufactured products in Europe, as she did before the reciprocity treaty went into effect. All financial interests are showing the effect already, but the prosperity prevailing in Europe will alleviate the blow temporarily, though it will come in full force without long delay.

This bill I regard as the most injurious tariff measure ever taken up for consideration by Congress. It is a partisan and sectional measure, the outcome of secret caucus methods such as never ruled before in the Senate of the United States. In his book, Our New Freedom, President Wilson says that there is no excuse for caucusing in Congress, and in a speech in Indiana preceding his election he emphasized that point by asserting that there was no necessity for secrecy in congressional proceedings. And yet this vastly important measure, affecting in one way or another every citizen of the United States, is wholly the product of secret and caucus methods. No public hearing was ever given on this bill. Hearings were allowed by the House committee before the bill was framed, and before anyone could possibly know of many of its features. It was then drawn up in secret and considered for weeks in a secret caucus and then brought up immediately for consideration in the House. When it had passed that body an effort was made in the Senate to obtain public hearings, but they were refused by the Democratic majority. We succeeded in getting permission for those interested to file briefs, but it is doubtful if a single person concerned in drafting this measure ever read those briefs. Certainly little attention was given to the facts put forward in them for the consideration of the committee.

After the Democratic members of the committee finished their secret work, a party caucus took up their draft of the bill and continued its secret consideration for weeks more. Then the committee was called together and the bill reported and the minority given five days to prepare for its consideration in this body. Not in the history of Congress has there been anything equal to that record in the way of dark methods in the preparation of a tariff measure.

DISCARDING SEPARATE BILLS.

For two years and more we have been hearing our opponents advocate the advantage of tariff revision schedule by schedule, and several such bills came to this Chamber from the House. We said at the time that those bills were largely buncombe, passed without proper consideration and for political effect, and so the facts have proved. Not a word is now heard about revision of the tariff schedule by schedule. But even matter such as that providing for an income tax, or for taxing the sale of cotton for future delivery, not bearing any relation to the tariff, is made a part of the bill. The sweeping changes that have been made in the bill now before the Senate, as compared with some of the popgun bills of 1911 and 1912, conclusively demonstrate the disastrous effect that would have followed the enactment of some of those measures. President Taft wisely used his veto power to prevent such a wrong.

This bill threatens disaster to many American industries as complete as we had under the last Democratic tariff law. It is because of the experience under that law that business men are practically certain of what is to come under this proposed law. As stated by the president of the Louisiana Cane Growers' Association, assurances were given before election that the sugar industry would not be injured. A similar promise was made in regard to all business, and may voters were misled by such statements, but there is no longer any question about the injury to the sugar industry, wool industry, and all manufacturers of the finer grade of chemicals. The fact that the time of putting the bill into effect, in regard to free sugar, is deferred three years, in order, as the chairman of the Ways and Means Committee said, that the sugar growers would have time to liquidate, is proof of the certain effect. This bill will wipe out at least $200,000,000 investment in the sugar industry alone to help the Sugar Trust and sugar refiners, who have been agitat-

ing at such large expense to bring about this result. In the wool industry labor is paid the highest wages in the agricultural world, but the banks have stopped loaning money to the wool-growers because wool is going on the free list, and already wages are declining and men are being thrown out of employment in that industry, as in others. With wages two and one-third times greater in this country than in the United Kingdom and with shorter hours, according to the report of the British Government, it is evident that but few industries can continue to pay such wages and exist under this proposed law. The average pay to men in the textile industries in England, according to the Government report in that country, is $6.74 a week, and for women, $3.70, and for boys under 20 years of age, $2.50, and for girls under 18, $2.14. The average pay for 1,500,000 workers in the clothing trade—that is, for those employed in factories, where the wages are higher than for those doing work at home, for full time—is for men, $6.78 each a week, and for women, $3.12 a week, and for boys under 20 and girls under 18 years of age, $1.36, and often employment is irregular. How can any sane man expect Americans to pay wages two and three times greater and compete under the rates of duty provided in this bill? That it can not be done is clear enough from evidence furnished from all directions.

Gov. Foss, of Massachusetts, who has been three times elected to his present office by the Democratic Party, and who was supported as a candidate for President at the last Democratic national convention, denounces this bill as a sacrifice of the interests of the Nation. He has purchased a site in Canada for his large manufacturing establishment in Massachusetts, and says that he will remove his business there if this bill becomes a law. Mr. William R. Hearst, another prominent Democrat mentioned as candidate for President, agrees with Gov. Foss. We all know what Democrats of Louisiana, Colorado, Montana, and other States vitally interested think of this measure. A former Democratic United States Senator from Colorado has denounced it in vigorous terms. How could he do otherwise when it sacrifices practically every important industry of that State, and also of every other Rocky Mountain State, as well as other States, excepting possibly some Southern States, and the experience of the past has demonstrated that those States have all flourished under the protective tariff to a degree unknown under free-trade legislation? Manufacturing is developing all over the South, crops are more diversified, and there is every reason to believe that if left alone under the protective tariff its prosperity will continue to increase with great strides. But this bill will hurt, instead of helping the South, as its originators seem to think will be the case. Cobden thought he was stating the truth when he declared that free trade would promote agriculture in the United Kingdom, whereas millions of acres of extremely fertile soil have ceased to be cultivated and a million less in number of persons are now engaged in agriculture in the United Kingdom than was the case when Cobden spoke, although the demand for such products there has doubled. Free trade was the death knell to a large extent of agriculture in that country, as it will be a severe blow to this country.

In the production of silk goods, sugar, cutlery, and many other items, Great Britain goes backward instead of forward, while the opposite is the case in every other nation with a protective tariff, and it must not be forgotten that every important nation on earth has such a tariff, excepting the United Kingdom, and its industries were built up under protection of the rankest kind. One great party in that country now favors the reimposition of such duties, and would be in control of the Government to-day but for the Irish party, which, while it favors protection, thinks more of home rule and is acting with the free-trade party to bring about that change. All indications are to the effect that Great Britain, though more peculiarly fitted for free trade than any other nation on earth, will in the future more and more incline to protection which she now carries into effect in many ways, such as her patent laws, and in protecting her live stock, and so forth. With less than half our population she has twenty paupers to our one, and expends vast millions of dollars for poor relief in various ways, including old-age pensions, and so on. The Democratic Party in this country is moving in the same direction by this legislation.

TEXTILE MILLS SUFFER.

Shares in the textile mills in New England have declined greatly as a result of this proposed tariff law. The Boston correspondent of the New York Journal of Commerce, a free-trade newspaper, says:

> The enormous shrinkage which the market value of mill stock has undergone is regarded as conclusive proof that there is nothing feigned in the current expressions of concern.

The Textile Manufacturers' Journal says:

> A large proportion of the textile standard stocks are now offered for 25 points below the price of last year. And there are many stocks formerly selling far above par that have declined 25 to 50 points. The decline during the last two months has been most serious. But the full recession can be traced directly to the effect of tariff revision.

It is estimated that only 50 per cent of the mill capacity in woolen and worsted mills in New England is now employed, and that will be reduced 25 per cent by the time this bill takes effect. A New York financial journal states that there has been three billion shrinkage in the value of securities in five months, or 21 per cent of the active capitalization. Beet-sugar stocks in Michigan have declined 40 to 60 points. That is simply an illustration of what is taking place all over the country.

ONLY A MINORITY BACK OF THIS LEGISLATION.

Mr. C. N. Wallace, president of a New England manufacturing company, writing as to the effect of this bill, says:

> In some of our lines—woolen carpets, for instance—there has been a reduction of 25 per cent in the orders during the past three weeks, but apparently the end is not yet.

That is the kind of reports that are coming from all parts of the country. Mr. Wallace further says:

> I understand our bagging competitors are looking abroad for a place to locate their plant. As Americans we are loath even to consider such a matter, but may be compelled ultimately to do so. But we can not believe that the settled policy of the United States will be to legislate against its citizens.

The president of that company is entirely correct in assuming that the settled policy of the United States will not be to legislate against its citizens. It must not be forgotten that there was a majority of over 2,000,000 voters in the last election against the kind of legislation now being pushed through Congress, and against which Mr. Wallace protests. Division in the Republican ranks has placed temporarily in power the party responsible for this kind of legislation, but it is entirely safe to say that they will not remain long in power after sacrificing the interests of the American people in the way proposed by this bill.

TIME SHOULD BE GIVEN TO ALL CONCERNED FOR LIQUIDATION.

Protests come from all sections of the country from importers, merchants, and manufacturers against the loss that would be inflicted on them by putting these lower rates into effect without giving them an opportunity to dispose of products they have on hand which have been influenced in price by existing duties. No other great country in the world inflicts any such loss on its importers or manufacturers or producers. In both Germany and France a year's notice was given before rates took effect that might result in losses. In debating this bill in the House, Chairman UNDERWOOD, of the Ways and Means Committee, said:

> The President felt that it would be fairer to all concerned that these sugar growers be allowed three years in which to liquidate, as they have much paper in the banks; and they have suffered from two bad crops, and to put sugar on the free list to-day would damage them greatly. By giving them three years in which to liquidate we will give them time to get their houses in order.

The concession to the sugar growers in allowing them to die a slow death is perhaps merciful, but the privilege of selecting a slow or immediate death should be granted to other American producers.

A firm in Chicago which sells plate glass for windows to a large extent, and which it imports, sends a very just protest to the same effect. So far as importing foreign goods is concerned this firm may be benefited by lower rates, but it states the indisputable fact that putting such rates into effect immediately after the passage of the bill will inflict on it heavy and unjustifiable loss. The firm has to carry a large stock of goods for its jobbing trade, and when duties are reduced that stock will be depreciated in value without the firm first having opportunity to dispose of it. That is the same complaint that comes from dealers in all lines of goods affected by these reduced rates. It is a great injustice to put such rates into effect without giving sufficient time for the disposal of the stock on hand and to provide for new stock at the reduced rate.

NUMEROUS CHANGES IN THE BILL.

A great many changes have taken place since the passage, for instance, of the chemical bill in the last House. This measure differs materially from the bills passed heretofore. The first bill imposed mostly ad valorem duties. Specific rates were to some extent used in the second measure, and to a larger degree in this bill. The fact that many ad valorem rates have been abandoned for specific in this latter measure shows that the men who drafted this bill are beginning to appreciate that they did not know everything about the subject. Articles are now on the free list that were dutiable in former bills, and many other articles have been transferred to the dutiable list that were on the free list. There is no schedule that is in greater need of investigation by an intelligent tariff commission than the chemical schedule. European nations resort to such a commission for information on this subject, but, though we had a

commission, the authors of this measure abolished it, and the numerous changes that have taken place since in the way of rates, and so forth, only demonstrate how fatal that mistake was. For instance, crude gum resin was made dutiable last year for the benefit of the Standard Oil Co., which controls the sale of the product in this country. But now, after the public has been heard from, that product goes on the free list. Still, bone black, which is produced in this country, and is dutiable now at 20 per cent, is placed on the free list for the benefit of the Sugar Trust.

The Steel Trust was cared for by the House in making ferromanganese dutiable, as it is the only manufacturer of the product, although all steel manufacturers use it. But the Senate committee put it back on the free list in compliance with the recognized public demand. Castor oil is cut from 35 cents a gallon to 12 cents a gallon, but linseed oil is cut only 5 cents a gallon. There is a Linseed Oil Trust which may account for the smaller reduction in duty. Peanuts, bananas, rice, and so forth, are made dutiable for the benefit of the South, but wheat, potatoes, and other agricultural products of the North go on the free list. Wool, sugar, boots and shoes, agricultural implements, and many other important products, representing great industries with hundreds of millions of dollars of invested capital, which were made dutiable last year, are now put on the free list. Machine tools, printing presses, and so forth, were put on the free list last year though industries also with hundreds of millions of invested capital, but this year they are put on the dutiable list, all of which serves to illustrate the shamefully reckless way in which Democratic tariff bills have been prepared.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. The Senator speaks of articles put on the dutiable list and on the free list in the bills. The Senator means in the bills that were reported to the Democratic House, and which were passed, but which did not become a law?

Mr. SMOOT. Those are the bills to which I had reference, Mr. President.

Last year we were told of the great virtue of legislating in the way of a different bill for each schedule. This year that method has been abandoned altogether, and one bill only introduced. Nothing more conclusive as to the lack of intelligent preparation and handling of this immensely important measure need be furnished than to recount the multitude of changes and vicissitudes through which it has already passed. There could be no greater evidence of the need of a tariff commission such as the Democrats abolished than the history of their procedure on this bill.

WELL-FOUNDED CRITICISM.

The Manufacturing Chemists' Association, which comprises 42 of the largest chemical manufacturers in this country, has protested against revision of the chemical schedule without careful and expert investigation, which can only be given by a nonpartisan commission. And the same arguments apply to every other schedule. This association says:

> The revision of rates is distinctly illogical in that the relation of raw material to finished products is persistently ignored. The relation of one product to another is apparently in many cases misunderstood, and there are many errors which undoubtedly would be eradicated in the light of expert consideration. It is an enormous task, and no adequate revision can be had under the ordinary method of revising.

The association calls attention to the numerous changes from the free list to the dutiable list on raw materials and the increase in duty in other cases on similar articles. The increased revenue provided for by the House of Representatives would result entirely from the increase of rates on raw materials and the income tax. Reducing rates on finished products and imposing rates on raw materials not produced in this country is disastrous.

The original chemical bill, which was House bill No. 20182, took 80 articles from the free list and made them dutiable, and on 17 other articles which are raw materials duty was increased. The estimated revenue was increased nearly $3,500,000 as compared with 1911, but the gain was all in the imposition of duties on raw materials, or from $1,826,955 to $6,081,060, an increase of over four millions. Duties on finished products were decreased more than $1,000,000, a double hardship on manufacturers. That bill would have brought inevitable disaster upon the chemical industry of the United States. Now this bill, No. 3321, as it left the House made nearly 100 changes in the rates in bill No. 20182, relating to chemicals, not to mention changes in classification, and so forth. Approximately 17 different raw materials or groups of raw materials which were free under the Payne Act and which were dutiable under bill No. 20182, with an estimated revenue of nearly $1,000,000, were restored to the free list. Materials or groups to the number of 13 or more which were dutiable under bill No. 20182, with an estimated revenue in excess of $1,250,000, were reduced in rates under this bill, which makes it less radical in regard to raw materials. But the duties on finished products as established by bill No. 20182 were materially reduced in this bill, though increases were made in nine cases. The average ad valorem rate of the schedule, which had been reduced from 25 to 16 per cent, is still further reduced. In the changes of classification, and so forth, the provision for a minimum duty has been left out, which takes away a safeguard against undervaluation. Hence the chemists naturally declare that the bill is worse now than it was before.

In over 50 cases the rates on finished products, as established by the bill passed in the last Congress, have been very materially reduced by the provisions of the bill passed in the House at this session, while an increase in rates was made in less than 10 cases. The 50 cases of decreased rates help largely to reduce the average ad valorem, and that they are entirely inexcusable is evident from the fact that there has been no change in the situation since the previous session of Congress. In 18 different cases the bill this year omitted the provision for specific duty in the alternative for ad valorem rates, which takes away a certain safeguard against undervaluation.

The House caucus was not in favor of putting sugar on the free list, but that was done because the President so requested. In the same way the Ways and Means Committee was in favor of imposing a duty on raw wool, the same as was done last year, but the demand was made for free wool and it was granted. The majority seems to have been ready at all times to sacrifice not only the industries of the country but the opinion of the majority in order to give expression to that of others.

The Democrats of the Finance Committee, in their weeks of consideration of the bill as it left the House, made hundreds of changes, counting the alteration of an entire paragraph or section as only one change. The Senate caucus inserted a new section and made many more changes, so that as the bill now appears there are several hundred changes in it as it left the House, counting the change of an entire paragraph only once, and so it goes. And yet we are told that a tariff commission is not necessary. In preparing a bill for political purposes, that is probably correct; but not when the interests of the Nation are to be considered.

A FEW OF THE INCONSISTENCIES OF THE BILL.

The criticism of the Manufacturing Chemists' Association and also that of the chemical engineers is just. Expert study is required in Europe to draft such a law, which deals with hundreds of different raw materials imported from all parts of the world. But no such study was given here, and many changes are made in rates, articles are put on the free list, changes are made from ad valorem to specific rates, and vice versa, without the information necessary, with consequent unfortunate results. These sweeping changes relating to the chemical industry, for instance, which is making great progress here and is only partially developed, could not come at a more unfortunate time. The action of the Democratic caucus of the House in voting against putting indigo on the free list and afterwards making that change at the recommendation of the committee, because of a hint from the South, illustrates the way in which the bill is made up. It is like other things which have been done, such as putting a duty on licorice root, now on the free list, and reducing the tax on licorice paste, and so forth, or taking peanut oil from the free list and making it dutiable, although it is used to a large extent as a substitute for butter. But while making that article used by poor people dutiable, in another paragraph they reduced the rate on perfumed soap and reduced the duty on vanillin, made in part from cloves, and put a duty on cloves. The bill reduces the duty on celluloid, made in part from camphor, and then imposes a duty on raw camphor, and, as it passed the House, imposed less duty on dextrine than on starch required to make it. That has been changed by the Senate committee, but many other inconsistencies are still there.

THE ALLEGED GREATER EFFICIENCY OF LABOR.

One of the modern arguments of our Democratic friends is that of the greater efficiency of American labor. In many industries the opposite is the truth. In Europe men work in the same industry for generations. They have a life training. But in the United States they move around from one place to another and can not be expected to acquire the same efficiency as if possessed of a life training and remaining in one establishment. A large proportion of the labor in our manufacturing industries is that of men who have come here from Europe, and it is absurd to say that such labor is any more efficient here

than it is in Europe excepting, possibly, as to the effect of better pay, better living, and shorter hours.

The New York Times is one of the leading American newspapers supporting the free-trade theories of the present administration. The following is an extract from a recent cable dispatch to that newspaper from London:

The assertion that the efficiency of the British workman is far below that of the American, which was made in the recent report issued by the Secretary of Commerce, is disputed on all hands by British employers. The manager of one of the largest tin-plate manufacturing firms in Great Britain said:

"I should like to know on what basis the American figures were obtained. The men in the British tin-plate mills work continuously in shifts of eight hours and are very skillful. In fact, a great number of workers in American tin-plate mills are Welshmen who were trained in British mills. If the American output is greater, his work is not so good. British tin goods are of superior finish. Our exports to the United States are increasing, notwithstanding the keenest competition and the tariff."

B. Hunter, of the firm of Swan, Hunter & Richardson, Ltd., builders of the steamship *Mauretania*, said:

"It is not correct to say that American shipbuilding is cheaper than the English or the wage bills lower. Although at the present moment the difference in the cost of British and American built ships is smaller than usual, the price is still higher in the United States than here."

Harold Cliff, secretary of the Oldham Master Cotton Spinners' Association, said:

"It is inconceivable that, as the American report alleges, it would take 255 skilled Lancashire operatives against 47 Americans to create $100,000 increase in the value of raw material."

Bolton spinners and manufacturers asserted that, whatever Americans said, British cotton workers were more efficient than American.

No wonder the British masters ridicule the assertion about the greater efficiency of labor in this country, and particularly statements contained in a recent publication of the Bureau of Foreign and Domestic Commerce to the effect that the cost of production is much cheaper in this country than in Europe. Such statements are so amazing that it is almost unbelievable that any sane American who keeps himself in any wise informed about labor cost in this country and in Europe should entertain them for one moment.

A SECTIONAL AND MONSTROUS FREE LIST.

Wheat, flour, corn and corn meal, meats, potatoes, swine, cattle, sheep, and various other farm products go on the free list, including sugar. Then of the manufactured products—wire, type, steel ingots, and so forth, steel rails, printing paper, nails, spikes, horseshoes, leather, boots and shoes, pig iron, hoop or band iron for baling cotton, certain kinds of leather gloves, bituminous coal, cash registers, linotype and typesetting machines, sewing machines, typewriters, shoe machinery, sand blast and slug machines, agricultural machinery, all sugar-cane machinery, bagging for cotton, and various other manufactured products, the raw materials of which are dutiable in most cases—go on the free list. But rice, which is produced in the South, is put on the dutiable list. It is a food product which, it is claimed, is the cheapest of all kinds of food. It is used by poor people generally. In Porto Rico it is consumed to the extent of 100 pounds per capita. In China and Japan the consumption is over 200 pounds per capita. It can be used instead of corn and wheat. But corn, wheat, potatoes, and other such products go on the free list, while rice is made dutiable. If protection were being extended to agricultural products in general there would be ample reason for imposing a duty on rice, and I do not want to be understood as objecting to the duty imposed. But when other products are put on the free list with the pretense of reducing the cost of living there is not a shadow of reason why rice should not be treated in the same way. The labor required to produce it is of the cheapest kind and, as the cheapest of all foods, it should be on the free list if other food articles go there.

In the bill passed last year machine tools, printing presses, and so forth, were put on the free list. In this bill they are made dutiable at 15 per cent. Of course, it was a monstrous piece of work to put machine tools or printing presses on the free list, but it is as great a crime now to put beet sugar, wool, boots and shoes, sewing machines, typewriters, wire, and so forth, on the free list. The exports of boots and shoes from Great Britain have increased enormously in recent years, and the number of persons employed in that industry in that country has more than doubled in 20 years. There are 40,000 women employed in the boot and shoe industry in England, and over 21 per cent of them earn less than $2.40 a week for full time of about 54 hours a week. A man working full time earns from $6.22 to $7.20, and it is with labor paid such wages that the 215,923 persons employed in that industry in this country are to compete hereafter on a free-trade basis. There are nearly 70,000 persons producing wire, over 12,000 producing typewriters, over 20,000 making sewing machines, 81,000 paper, 67,000 leather, 60,000 agricultural implements, and those and many other manufactured articles go on the free list, but rice is to be protected with only a comparatively few hundred persons employed in the industry. In rice cleaning there were only 1,777 persons employed in 1909, and that was a less number than were employed five years earlier. But rice is a southern product, as are peanuts, and both have protective duties, though wheat, potatoes, and the other northern products go on the free list, to say nothing of the great sacrifice in manufactured products. Citrate of lime, now on the free list and not produced in this country, is made dutiable. Nearly 6,000,000 pounds were imported in 1912. It is used in medical compounds and temperance beverages, and perhaps that may explain why a duty is placed on it.

LOWER DUTIES ON FINISHED PRODUCTS—RAW MATERIALS MADE DUTIABLE.

While this bill decreases duties greatly on finished products, it follows the extraordinary course of imposing duties on raw products not made in this country. This means a double hardship on the American manufacturer. It not only removes his protection against the more favorable conditions of manufacture existing in foreign countries, but it renders those conditions more difficult to meet, if not making competition impossible by taxing the basic principals which enter into the finished product. As a large manufacturing concern testified before the House committee, when they attempted to compete with European manufacturers at their home market they were met not only with conditions of lower cost of labor and raw materials, but a high protective tariff in every country but the United Kingdom. In Germany, for instance, where manufacturers have adopted all improvements to be found in America, they are protected by a tariff ranging from 25 per cent to 60 per cent on manufactured products. But by the admission of manufactured products free of duty, or practically so, as provided for in many cases by this bill, the American manufacturer is not only debarred by a prohibitive tariff in Germany, Canada, and other countries, but he must meet these foreign products when admitted to this country either free or at a low rate of duty, and which will be sold here at low prices to get rid of surplus products.

It is not questioned that a large establishment producing at full capacity can manufacture at a less proportionate cost than one producing in a limited capacity. Hence it pays such an establishment, when necessary, to sell a certain percentage of its products at bare cost, to keep fully employed, as it enables it to produce the remainder of its product at less cost. For these reasons foreign establishments can well afford to send their surplus products to the United States and sell at cost or less, which our manufacturers can not meet without cutting wages and overcoming other conditions that now seem insurmountable. Many raw materials cost more in this country than abroad, more capital is required because of the greater labor cost, while interest and transportation rates are higher. The foreigner has the advantage of low water rates, aided by his home government, as in the case of Germany, whose rates on its railroads, and so forth, are less on goods for export than on those used for any other purpose. It is impossible for an American manufacturer to overcome these advantages on the part of the foreigners without a protective tariff.

NECESSITY FOR HOME PRODUCTS.

It is of vast importance to this country that it should not be dependent upon foreign nations for necessities, such, for instance, as chemicals. In the case of great disasters, war, and the like, our people must depend on American manufacturers. In such disasters as the Galveston flood, the Johnstown flood, the San Francisco earthquake, the Spanish-American War, and others, it was imperative that there should be a source of supply of necessaries immediately accessible. Such a supply can only be obtained when there is sufficient encouragement for home manufacture of these products. A great number of manufactured products can not be produced in this country in competition with similar foreign products unless a sufficient duty is levied to offset the higher cost of manufacture here. There can not be any dispute as to this higher cost, due to the higher wages paid to skilled and unskilled labor, higher salaries paid to chemists, engineers, and all other experts and professional men; higher first and maintenance cost of machinery, buildings, and general fixtures, due in general to the higher wages in this country. The crude materials for many products are not available in the United States, and the imposition of duty on them in many cases, as is proposed in this bill, simply means increased handicap to the American manufacturer. With free raw materials and protective duties the American industries will continue to develop as they have done in the past. To encourage such development is not only in the interest of the many thousands connected directly and indirectly with these industries, but it is also to the advantage of the Government and the consumer. It is an established fact that many of these products which are not manufactured in

this country are selling at excessive prices, while many other products can be enumerated which are selling 30 to 50 per cent lower now that they are manufactured here than was the case before. The duty on those products, which made home manufacture possible, not only did not increase the selling price, but it was the actual cause of bringing down such prices to reasonable figures. The increased importation of dutiable products has clearly demonstrated that the tariff on such products is not too high.

There is, for instance, probably no line of human industry in which this country is more justified in seeking protection than in the chemical industry, nor is there any line in which we are more distinctly led, up to the present time, by Europe. Nevertheless, we have been making great strides in this industry in recent years. Many branches of the chemical industry are just struggling to get ahead at the present time, and it is most unfortunate that they should be dealt such a shameful blow as is proposed by this bill.

This talk about infant industries is misinterpreted by our opponents. If the foreign competitor has the same advantages in machinery and in other things as does the United States producer and pays only one-third as much wages, the American can not continue to compete without protection, be they infant or old-established industries.

With low ocean freights to eastern points and combined ocean and inland freights to interior points lower in many cases than the inland rate alone from the seaboard factories, coupled with cheaper labor and free raw materials abroad, this bill produces a situation for American producers which will seriously threaten the existence of many industries and which will be more acute in the Cuban, Hawaiian, and Porto Rican markets. Canada, on our northern border, will have a great advantage with its protective tariff, and in other ways serious injury will be done to American interests.

THE DUMPING CLAUSE.

A dumping-clause provision was made in the bill as it came from the House, but it has been rejected by the Senate Democratic caucus. There is no ground for such a course as is shown in the case of the Canadian dumping provision, which is enforced in this country by the examination of the books of manufacturing concerns by agents of the Canadian Government, without objection by manufacturers. There is no doubt concerning the practice of these foreign trusts and manufacturers in dumping their surplus products into this country at prices far below the foreign market rates, and far below any price at which domestic producers can compete. This fact was recognized in the report on Schedule A made by the Committee on Ways and Means of the House at the last session of Congress. It is further generally known that articles imported into this country, and subject to an ad valorem duty here, oftentimes are entered at much less than their real or market value in the country of export. This is peculiarly true of the chemical industry. The direct effect of the imposition of an adequate dumping duty would be to prevent fraudulent undervaluation to a large extent, as the test of value would be the fair market price for home consumption in the country of export or in this country. Hence, the proposed dumping clause would help to prevent such unfair competition on the part of foreign manufacturers, as is not provided for by this act, and to give American manufacturers equal opportunity in preventing fraud, such as manufacturers in Canada have, and in those countries which maintain dumping duties. It is surprising under these circumstances that this dumping clause should be eliminated by the Senate committee, the only reason for such course, apparently, being the lack of consideration for American industries and American workmen. The dumping clause is all the more necessary because of the substitution of ad valorem for specific rates. Where specific rates are imposed there is less need of any such legislation.

TRUSTS FAVORED IN EUROPE.

Instead of legislating against trusts European governments favor them, particularly Germany. It has giant factories, one of which employs 10,000 persons, not counting the great number of distributing agencies maintained all over the world. Many of the German organizations are in "cartels" and international agreements which make the United States a dumping ground. This kind of organization also exists in England, where one chemical organization has 7,000 employees, and, in fact, controls several thousand other employees in a consolidation of 40 or more individual establishments. One organization in France operates 17 establishments in that country. These great combines work together to destroy competition here, to which end this bill greatly contributes by taking away protection from American producers and workmen. The American market is the most favorable, for which purpose it is exploited by foreigners, and with an insufficient protection and unguarded against dumping, the chemical industry, for instance, has developed only in part. But with still lower duties and raw products made dutiable even when not found in this country, development here will cease, and we will become dependent upon Europe with the dire consequences that may follow in the case of war or other trouble with ocean transportation.

WHEN FREE RAW MATERIALS ARE NECESSARY.

President Cleveland said: "We have in our platform and in every way possible declared in favor of the free importation of raw materials." Secretary Bryan, in speaking on this same subject, said: "We can make no permanent progress in the direction of tariff reform until we free from taxation raw materials which lie at the foundation of our industries." But notwithstanding those Democratic declarations the bill now before this Chamber imposes duties on raw materials necessarily imported. It is true that many products which were dutiable in this bill as it passed the last Congress have now again been restored to the free list. When criticism was made of the fact that many raw products were put on the dutiable list our opponents defended that course. Now that they have restored some of them to the free list they resort to the income tax as an excuse. If there were any foundation for such an excuse it would apply just as well to the articles heretofore free that are now made dutiable as to those that have been restored to the free list.

IMPORTERS GIVEN MORE THAN THEY ASKED FOR.

The importers figure largely in this tariff reduction. The Italian Chamber of Commerce, in New York, which is an organization helped by the Italian Government, and looks after the interests of its fellow countrymen in Italy, appears to have been able to get pretty much what it asked for. That chamber proposed a duty of 10 per cent on partly refined argols containing not more than 90 per cent of bitartrate of potash, but the bill as reported reduces the duty 5 per cent lower than the Italians asked for, making it 5 per cent, and they imposed 2½ cents a pound on a higher grade, as asked for by the same Italian organization. That chamber asked for 2½ cents a pound on cream of tartar and got it, although the duty was reduced from 6 to 5 cents in 1909, with a large increase in imports as a result.

The bill puts a duty on licorice root, a raw material not produced in this country, equal to 14.28 per cent, which is the equivalent of a specific duty of one-fourth of a cent a pound, and then on extracts of licorice in paste, and so forth, it has an equivalent ad valorem of 7.91 per cent, a higher percentage on the raw than on the finished product. The Italian Chamber of Commerce, speaking for the foreign interests, asked for 15 per cent on licorice extract, but the framers of this bill imposed only 7.91 per cent. The chamber asked for a reduction on ground sumac to an equivalent of 10 per cent, but the bill puts it on the free list. But bergamot oil, not produced in the United States, is taken from the free list and made dutiable at 20 per cent, and the same is done with the oil of limes, spike, lavender oil, juniper, jasmine, fennel, and other oils. If they were produced in this country there might be some excuse for this 20 per cent duty, but now it is simply an inexcusable tax.

The Italian Chamber of Commerce wanted the duty reduced on castile soap, and they got what they asked for. They also asked for reduced rates on medical preparations containing alcohol, and the bill cuts the duty one-half, as recommended. Calcined magnesia was reduced from 7 to 3½ cents a pound, as recommended by the chamber. It also asked to have sulphur free, so sulphur, refined or sublimed, was put on the free list. The chamber asked for the reduction of the duty on ground talc, of which over 20,000,000 pounds were imported in 1912, and the duty was reduced as requested. In the same way sienna, crude, was reduced to 5 from 10.63 per cent, and when powdered the same duty is imposed; and the same 5 per cent duty is imposed when ground in oil or water.

FREE TRADERS FAVOR AD VALOREM RATES.

As no important nation in the world imposes ad valorem rates, it is very natural that so many protests should be lodged against such unwise legislation. Even the United Kingdom, which levies duties on a few articles for revenue purposes, changed to specific rates a few years ago. Every Secretary of the Treasury, with the exception of Walker, in 1846, has favored specific rates. The experience of all nations demonstrates that such rates are practically the only way to prevent undervaluation frauds—and they also enable the importer to know what he has to pay, and they better protect the American competitor. When prices vary the specific rate does not fluctuate, but when prices are high and a protective rate less needed the ad valorem rate imposes higher duties, and the opposite when prices are low. As a rule ad valorem rates tend to fraud and help to destroy

respect for the tariff. The Italian chamber's protest against ad valorem rates was natural, as it holds that the duty on olive oil, for instance, should be specific, as qualities and grades vary so greatly as to make it practically impossible to comply with the requirements as to value. The Senate committee accepted the advice and made the change. Ad valorem rates lead to litigation and help unscrupulous importers to take unfair advantage.

A SPECIFIC DUTY REQUIRED ON ALUMINUM.

A company in Michigan engaged in the manufacture of motor cars protests against the imposition of ad valorem instead of specific rates on aluminum. It is produced mostly in one grade and should be required to meet a fixed rate of duty at all times, and especially in hard times when prices are low. This firm says that it favors the removal of the tariff from aluminum, but, as this is not to be done, it thinks that the duty should be specific. The same argument applies in this matter as to all others in regard to specific and ad valorem rates. The prices fluctuate constantly, and the collection of an ad valorem duty would be attended with greatly increased difficulties and expense, and would tend to hinder importers and hamper and annoy them in obtaining prompt delivery. Ingot aluminum is a raw material used in fabricating industries, and the price should be stable so that the selling price of the manufactured articles could be made with an absolute knowledge of the cost of the raw materials. This could not be done with an ad valorem duty, based not on the contract price but on the price of aluminum at the time of import instead of at the time of purchase, and the finished product would be increased in cost to the extent of an increased price of the raw material made between the date of its purchase and actual importation. This would hamper the manufacturer in making prices to the customer, as the price would be dependent on the fluctuating cost of the raw material. Users of aluminum make contracts months in advance of their actual requirements in order to be assured of an adequate supply, and with a specific duty there would be no trouble, but with an ad valorem duty it would permit the fixing of fictitious prices by those who might control the product. There is no sound reason for changing specific to ad valorem duties, and it is to the credit of the Senate committee that it has not agreed to all of these proposed changes. The same course should be followed wherever feasible in every other case where ad valorem rates have been substituted for specific.

THE EXPERIENCE OF GERMANY—THE SUGAR FRAUDS.

The German Government in forming its last tariff consulted 2,000 technical specialists, representing various subdivisions of trade and industry, and took every means to gain information and find out the opinion of the leaders in every branch of trade. But here when men offer such information they are derided and charged with lobbying. It was the opinion of all these persons in Germany, with rare exceptions, that the duty should be specific, and the German Government accordingly imposes specific rates, as does France and other governments. It is difficult and often impossible to determine the value of imported goods. No one knows this better than the heads of the Treasury Department in this country who have had experience in that line. Perhaps this practically unanimous opinion of our Secretaries of the Treasury and the fact that the governments of other countries favor specific duties have influenced our Democratic friends in adopting ad valorem rates. The same reasoning that leads them to favor practically free trade while all other countries are working in the opposite direction, with the possible exception of the United Kingdom, would lead them to adopt ad valorem instead of specific rates of duty. It has been stated that the sugar frauds in New York show that specific rates are not a guaranty against such practices. But dishonesty can not be absolutely prevented by any form of duty. The sugar frauds were not the result in the slightest degree of specific rates. Men will sell themselves at all times, but the opportunities for sale are infinitely less under the specific system of duties than under the ad valorem.

CHANGE FROM SPECIFIC TO AD VALOREM RATES.

One of the worst features of this bill is the change in the duties on cotton goods from specific to ad valorem rates. It seems to be a theory of the tariff-for-revenue advocates that ad valorem rates help their cause. Our internal-revenue rates are all specific. As the Tariff Board remarked:

> From the point of view of protecting the domestic manufacturer by equalizing the difference in cost of production at home and abroad by means of tariff duties, the system of specific duties is the natural and logical method. Market values fluctuate continuously, according to the prices of the raw material. The cost of manufacturing this material, however, remains relatively constant and does not change with such fluctuations. That is, the difference in the cost of production is a relatively constant quantity, and, consequently, a duty assessed in ad valorem terms would inevitably be at one time in excess of the difference in the cost of production and at another time less than the difference in the cost of production, according to the temporary and speculative changes of the market.

It is a simple matter to adopt the specific system. It is equitable and fair. But the pending bill throws to the four winds the experience and discriminatory thought of the world in this respect and proposes an arrangement which has been cast aside as insufficient from the point of view of the producer, who is interested in obtaining honest revenue from imports.

AN IMPORTER'S SMALL INVESTMENT.

An importer invests very little money in this country. He gets a letter of credit in New York, from a foreign banker, which he furnishes to the foreign manufacturer, as much as is necessary to cover the goods he purchases. When they are sold he is relieved of even the small expense of his letter of credit; but the manufacturer in this country has to invest a large sum of money and incur many risks, not the least of which is the unfair competition he meets with from numerous trusts and combinations that export goods from Europe. In not a few cases it has been shown that buyers in this country of foreign chemicals have had to sign an agreement not to reexport any part of their purchases. That, of course, was due to the fact that the products were sold for less here than is charged in Europe.

PROTECTED GERMANY OUTSTRIPS FREE-TRADE BRITAIN.

The celebration of Emperor William's quarter of a century on the German throne has led to the publication of much statistical information, showing the wonderful progress of that country under a protective tariff. In the last 25 years alone Germany's exports have risen from $798,000,000 to $2,146,000,000. The tonnage movement in its shipping was 42,000,000 tons in 1888 and 137,000,000 in 1912. In 1888 that country produced 81,000,000 tons of coal, including lignite, but in 1912 259,000,000 tons were produced. In the same time crude iron has increased in production from 4,300,000 to 17,800,000 tons, and the imports of raw cotton from 913,000 bales to 2,276,000. The great electrical industry in that country has been practically created in the last 25 years, the capital invested in which has increased twentyfold. The general machinery trade has been revolutionized and its products enormously increased, while the efficiency of all the leading industries has been multiplied several times over by the introduction in the past 25 years of improved machinery. While the efficiency of the individual workingman has been greatly enhanced by machinery, the number of working men and women has been greatly increased, as is evident from a gain of about 19,000,000 in the population since 1888. Emigration has almost ceased in recent years, and that has been altogether due to the protective tariff. Emigration in free-trade Great Britain increases rather than diminishes, notwithstanding the enormous number that have already left that country. Germany has overtaken and gone far ahead of Great Britain in iron and steel, chemicals, and many other industries, the result of affording protection to her home producers. No better demonstration could be furnished of the magnificent results achieved under a protective tariff than by the contrast between Germany since she adopted protection in 1879 and free-trade Great Britain, although the British had an enormous advantage in their vast investment in foreign fields before Germany established her tariff.

FREE TRADE THROWS 1,000,000 AGRICULTURAL WORKERS OUT OF EMPLOYMENT.

By free trade the United Kingdom has thrown away steady employment for a million men in agriculture. Enormously decreased agricultural production has forced a great army to migrate to the cities or seek a living in other lands, and the country has not secured cheaper food but dearer, while millions of acres of land have ceased to be productive. That is the result of an unbalanced condition of agriculture and manufactures. Keir Hardie, a supporter in the British Parliament of the free-trade Government, in writing last January of conditions in the United States, said:

> Living there has more freedom than at home, and the very fact of the wages being higher leads to a greater self-respect and a higher all-around standard of living. Men walk with more independence in their gait than they do with us, and their opportunities, generally speaking, for getting on in the United States are such as do not exist in the United Kingdom.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I will ask the Senator if Keir Hardie was not a member of the royal commission which investigated the matter of labor costs and wages both in Europe and in the United States?

Mr. SMOOT. Both in England and in the United States; and the commission also made investigations in Germany and Italy.

Mr. GALLINGER. The commission, as I remember, was in existence four or five years, making that investigation; and the Senator has quoted the substance of the report.

Mr. SMOOT. Those are the words that were uttered by Keir Hardie on his return to his own country. After investigating the conditions in the United States, after visiting the homes of the people, after visiting the manufacturing concerns in all parts of the United States, he went home, and, it must have been in humiliation, acknowledged in those words the superior condition of the working people in this country as compared with the working people of England.

With the exception of the United Kingdom, all leading nations maintain a flourishing agriculture both for economic reasons and for defense. Germany's agriculture under protection has prospered as much as her manufacturing industries. The same is true of France, Italy, and other countries. Such a thing as legislating to ruin a great industry, as, for instance, the sugar industry in this country, or any other agricultural industry, would not be entertained for a moment in Germany or France. But here we have the party in control of the Government deliberately setting out not only to extinguish the sugar industry, which promises so much for the future benefit of the Nation, but also that of nearly every other northern product of agriculture. Will it make living cheaper?

Under the last Democratic tariff law the workmen had to resort to soup houses, supported by municipal and charitable organizations, to keep life in their bodies, and there is every prospect, as soon as the tide of prosperity now enjoyed the world over recedes, of a similar condition under this proposed law. Since the passing of control in Congress to the Democratic Party enormous losses have resulted from the depreciation of securities of all kinds, and the tightening coils of depression are seen on every hand. But the chastening has only begun. James J. Hill, who is not a Republican, in writing of conditions in Germany, where every industry needing it is protected, said:

> How to meet German competition to-day is the study of every intelligent leader of industry, of every cabinet on the Continent of Europe. A large share of her world-wide success is due to symmetrical national development. The agricultural industry has not been slighted. Behold a contrast that throws light upon the idle host of England's unemployed, marching despondently through streets whose shop windows are crowded with wares of German work. Between 1875 and 1900, in Great Britain, 2,691,428 acres which were under cereals and 755,225 acres which were under green crops went out of cultivation. In Germany during the same period the cultivated area grew from 22,840,950 to 23,971,573 hectares, an increase of 5 per cent.

THE FREE-TRADE BLIGHT—BISMARCK'S REMEDY—FRANCE'S EXPERIENCE.

England could not produce sufficient food to feed all of her people, but that should make her land all the more valuable.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I do.

Mr. FLETCHER. I should like to ask the Senator right there if the prosperous condition of agriculture in Germany is not due very largely to the financial systems established there, such as the Landschaft and other land-credit organizations and rural banks throughout Germany, and not to the tariff?

Mr. SMOOT. Not in the least, Mr. President; and if the Senator will follow me, I think before I get through I will convince him that that is not the case.

As I say, England could not produce sufficient food to feed all of her people; but that should make her land all the more valuable. Her farmers have the best market for food products in all Europe right at their doors, with a great army of men unemployed, willing to work at such low wages that it is difficult to understand how they can live on them; yet, under such circumstances, millions of fertile acres are abandoned, and every year adds to their number, while Germany and France increase the area of cultivation, and agriculture in both countries prospers to an unwonted degree. But in neither country are the natural conditions as favorable as in the United Kingdom. Bismarck said in a speech in the Reichstag in May, 1879:

> Is not the moment approaching when our agriculture will be no longer able to exist, because corn (cereals) is pressed down to a price at which it can not be remuneratively produced in Germany—taxation, the cost of living, and the cost of land being as they are? When that moment comes not only agriculture but Prussia and the German State will go to ruin as well.

Under the inspiration of Bismarck, the German Government established a protective tariff and has maintained it without a break ever since. Each time a revision takes place its protective features are strengthened instead of weakened. And the result is seen in the enormous development of its commerce, while agriculture has prospered at the same time. France went through the same experience. There was a persistent fall in the price of agricultural products in that country, which was arrested by the tariff of 1892 and of preceding years. Since that time the French farmers have been even more prosperous, if anything, than those of Germany. It is common to hear free traders explain the decline of agriculture in England by attributing it to the opening of new land on this continent and in Australia and elsewhere and the cheapening of transportation. That explanation might have been accepted had it not been for the wonderful prosperity of the agricultural classes on the Continent, where they are under protective tariffs. They are subject to precisely the same influences from America, Australia, and elsewhere as the farmers of the United Kingdom. But with protective tariffs European continental nations have prospered both in manufactures and in agriculture, while that has not been the case in the United Kingdom. Not only have a million men been driven from the farms in England, but many manufacturing industries, such as the silk industry, sugar refining, and others, have greatly declined because of the competition of other nations as a result of the English free-trade policy.

NEW ENGLAND'S DECLINE IN FARMING—REDRESS IN THE WEST.

Many farms in New England declined in value and others ceased to be cultivated because of the opening of the agricultural sections of the West. These conditions are more equal now, but with free trade in farm products and hundreds of millions of acres in Canada and elsewhere opening to development, the farmers in the West will suffer without any redeeming feature. Those in the East, when unable to cultivate their farms under as favorable conditions as formerly, removed to the West and took up land there, while others engaged in manufacturing pursuits. A large number of our farmers have already gone to Canada, and when this bill becomes law there will be an increased number, all of which means an absolute loss to the United States.

We must all admit that what this country needs is more intensive farming, and nothing will bring it about quicker or contribute so much to increasing the fertility of the soil as the production of sugar beets. This is not a matter of speculation but of absolute demonstration in Germany, France, and in other countries. Germany did not produce, on an average, any more per acre of farm products before she began the cultivation of sugar beets than does the United States to-day. But under the influence of the beet-sugar culture Germany now produces 30 bushels of wheat to the acre, on an average, to our 15; 50 bushels of oats to our 30; 208 bushels of potatoes to our 106; 39 bushels of barley to our 24; and 29 bushels of rye to our 16. Throughout the beet-sugar countries of Europe, Germany's experience has been duplicated, and the same thing is taking place in this country. But the destruction of this industry, as proposed by this bill, will prove a tremendous loss to the agricultural industry.

WHAT AN EXPERIENCED DEMOCRAT SAYS—MIDDLEMEN'S PROFITS.

Mr. James J. Hill, who has made a lifelong study of agricultural conditions, in writing on this subject, said:

> Only one-half the land in private ownership is now tilled. That tillage does not produce one-half what the land might be made to yield without losing an atom of fertility. An industrious, fairly intelligent community can raise from the soil food enough for the needs of 490 persons to the square mile. Adopting that ratio, the 414,498,487 acres of improved farm lands in the United States, on the date of the last official report—an area materially enlarged by the present time—would support in comfort 317,350,405 people, enabling them at the same time to raise considerable food for export and to engage in necessary manufacturing employments.

Thus it is evident that there is no sound reason to excuse the importation of wheat, flour, corn, and other farm products, on which the duty is removed by this bill to the advantage of the foreign producers.

Hay is made dutiable at $2 a ton, a reduction of 50 per cent, though nearly 700,000 tons of it were imported last year. The House committee estimated that 1,200,000 will be imported next year under this reduced duty, though that is probably an underestimate.

MAKING THE FARM LESS ATTRACTIVE, AND THE DISASTROUS EFFECT.

We have heard a great deal about making the farm more attractive and inducing more people to go into agriculture instead of leaving the farms and engaging in work in towns and cities. But this bill will have an opposite effect from that of helping agriculture, even should it conduce to lowering prices on farm products along the coast, because of cheap ocean transportation rates; it would have a deleterious effect on consumption generally, and on all industries. If the farmer's crops are limited, as they will be if not profitable, the result will be disastrous to commerce in general. Railroads will employ fewer men, the demand for home products will diminish, and there will be surplus help in many lines. It will cause a further increase in the ranks of the unemployed in cities, lower wages,

strikes, disorder, and discontent generally. There is no pretense of furnishing new employment as a result of this free-trade measure, and whatever we import to a larger extent in the way of foreign goods will necessarily throw the persons now engaged in producing such goods in the country out of employment. That is largely what caused 3,000,000 persons to be idle under the last Democratic tariff law.

KILLING THE BEET-SUGAR INDUSTRY.

Of the many monstrous provisions of this tariff law perhaps the worst is the one designed to annihilate the production of sugar in this country. The demand for such legislation comes principally from the cane-sugar refiners. They have expended money in agitating for free trade in sugar in order to kill off the growing beet-sugar industry, which has caused them to reduce prices and threaten the destruction of this industry. A more unwise step could not be taken. Not only does the growth of sugar in this country cheapen the product, but it increases the production of the soil for other crops and keeps at home the vast sum that would be sent abroad to pay for sugar raised by half-civilized labor in Java and other foreign countries. There would be no assurance of cheaper sugar under free trade after the American producer is destroyed.

It would probably be the same experience as we have had with coffee, which was put on the free list and the price has doubled, although in the case of coffee it was not then a home product, though it is now produced in Porto Rico. But we can produce all the sugar we consume as easily as any other nation on earth. The Agricultural Department says that there are 247,000,000 acres of land in this country adapted to the cultivation of beets for sugar, and we could produce from 1,446,000 acres all the sugar now consumed. By importing sugar the money all goes abroad, except the refining cost, which is very small, and the profit is absorbed by the Sugar Trust and other sugar refiners. But by home production the money is retained in this country and distributed over a great area with incalculable benefit. An illustration of the effect of home culture may be seen at Logan, Utah, where, before the beet-sugar industry was established, land was selling at $100 to $150 an acre, and it now sells for $225 to $350. Some of that land averages from 25 to 30 tons of beets per acre, and the yield of other crops has been doubled. Every line of business has increased from 50 to 100 per cent since the beet-sugar industry was established there. Farmers with small pieces of land make a comfortable living and have homes of their own all through the beet-sugar section. They use the pulp from the beets to furnish feed for the cattle and sheep, and thus business in every direction is stimulated and prosperity prevails. That is only an illustration of what takes place in a section where the cultivation of beet sugar is carried on.

It seems almost incredible that any party should make itself responsible for such a great calamity as putting sugar on the free list to benefit a few refiners on the seacoast. The average prices of other farm products have increased while sugar has declined. For instance, for 10 years, beginning with 1900, the average wholesale price of 33 articles of farm and food products increased from 14 to 89 per cent, and sugar beets increased in price 26.8 per cent, but the sugar itself declined in price 7 per cent. The per capita consumption of sugar is over 81 pounds annually now, and 40 per cent of that enters into the manufacture of confectionery, and so forth, making a per capita consumption of the remainder of 48 pounds. No one anticipates the slightest reduction in confectionery and such things as a result of the removal of the duty on sugar. On the remaining consumption free sugar would apparently make an annual per capita saving of 64 cents, but when the beet-sugar industry is extinguished the sugar refiners will control the business and the consumer would not benefit, as experience has shown.

SUGAR DECLINES IN PRICE AS A RESULT OF PROTECTION.

In 1880 the average wholesale price of standard granulated sugar was 9.8 cents a pound. The sugar refiners then had exclusive control, but in April of this year, with the competition of beet sugar, Willett & Gray report: "All refiners are now asking 4.20, less 2 per cent." In 1910 the world's selling price of sugar increased 50 cents a hundred pounds, but the United States was not involved in that increase because of the home and Cuban production. Last November and December the refiners quoted sugar at $4.90 per 100 pounds in New York, while beet sugar sold, delivered, in Minneapolis and St. Paul at $4.65; Chicago, $4.40; Detroit, $4.64½; all subject to a discount of 2 per cent for cash. The tariff of 3.50 cents a pound was taken off in 1890, but the average price of sugar between 1890 and 1891 declined only 1.62 cents. With 40 per cent ad valorem duty in 1897 the price was only thirty-eight one-hundredths cent higher, or 38 cents per 100 pounds, than with free sugar. That shows how the trust absorbed the profits. Sugar now is about the same as in 1893, when on the free list.

They have absorbed a considerable part of the reduction made in Cuban sugar, and they also have for a long time forced the sale of Louisiana sugar for the same price as the Cuban sugar, less freight to New York. They deduct from the price given to Louisiana planters the freight to New York, and then they refine that sugar at New Orleans and pocket the freight charge. It is a species of robbery. The Louisiana planters are beginning now to produce sugar fit for consumption without going through the hands of the refiners. They have new machinery for that purpose and threaten to become independent of the trust, hence this desire of the refiners to extinguish the Louisiana cane-sugar industry, as well as the beet-sugar industry.

THE VALUE OF THE HOME SUGAR PRODUCT.

The sugar produced last year, and the by-products in the United States, was of the value of $117,000,000. If the industry is killed and that increased sum sent abroad or lost to home producers, it will be a tremendous injury to the Nation. Over 63 per cent of the value of Porto Rico's crops is sugar, and the island purchases $40,000,000 worth of American manufactured goods. Porto Rico will suffer as well as Louisiana and all of the sugar-producing States in this country. Hawaii will suffer in the same way. The planters there now are forbidden to employ Chinese labor, and if sugar is put on the free list they can not compete with the coolie labor of Java and other such countries. That will mean another great loss in the sale of goods to Hawaii, and Cuba will suffer in a like manner, as the reciprocity treaty will go out of existence when sugar goes on the free list.

R. G. Wagner, of Milwaukee, testified of a visit he made to Germany in 1911, where he inspected a 700-acre estate devoted to sugar growing, where women were paid 31 cents a day, and men 43 cents, in addition to a quart of milk a day and 25 pounds of potatoes a week and sleeping and working quarters, they being compelled to work 12 hours a day. In sugar factories common labor was paid 48 cents a day, and the best skilled labor $1.44 a day. Those rates are less than one-third the prices paid for similar labor in Wisconsin. But in Java, Borneo, and other oriental countries, where sugar is raised to a large extent, and where the production can be greatly increased, wages a mere fraction of those paid in Germany are doled out to the laborers in the sugar fields. And it is such wages that sugar producers in this country would have to compete with, and they could not conduct their business with profit under such competition.

The Denver Chamber of Commerce protests that while food prices have gone up 50 per cent in 15 years the price of sugar has declined as a result of the protection given to that industry, in the same way that the price of tin plate, steel, and other things declined when protected at home. Fifteen years ago the domestic supply of sugar, even including Porto Rico and Hawaii, scarcely amounted to 500,000 tons, while last year it was 2,000,000 tons. That is the result of the tariff, which has encouraged production. The Denver Chamber says that if the American manufacturer is destroyed by this bill sugar will go up in price again, and that is the truth. In Oshkosh, Wis., recently, $200,000 was raised for a beet-sugar factory, but all work has been stopped because of the threat in this bill to put sugar on the free list.

EXPERT TESTIMONY.

The National Sugar Refining Co. of New Jersey is one refining establishment in the country that has opposed free sugar. It says:

> Free sugar, or excessive reduction of the tariff, will cause a large reduction in supply, demoralize a business in which hundreds of millions of dollars are invested in this country and its possessions and dependencies, and give the foreign producer possession of the market on his own terms. Prices would rise as a result. The 1912 consumption was 3,500,000 tons, of which 100,000 tons paid full duty. The average price was below the European price. We would lose our preference in the Cuban trade, to which we export over $60,000,000 in value of goods, and Porto Rico and Hawaii would suffer.

Chairman UNDERWOOD, of the Ways and Means Committee, said that Mr. W. P. Willett, of New York, is "a recognized sugar expert." Chairman HARDWICK, of the House committee which investigated the sugar question, said of Mr. Willett: "He is the greatest sugar statistician in America, and one of the greatest in the world." This is what Mr. Willett said on this subject:

> The sugar trade of the world is not free and open and clear, and it is subject to bounties and restrictions and conditions. What we want to do is to get independent of all that, and we can do it. Increase the domestic product, the Porto Rican, the Hawaiian, and the Philippine domestic cane and beet and we would get the cheapest sugar on earth. The increase in our local supplies is of greater importance in legislating than a reduction of duties. To decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

The Democrats from the time of Jefferson have always imposed a duty on sugar. Even Calhoun advocated a duty on sugar, though not produced in South Carolina. Secretary Carlisle opposed putting sugar on the free list, and the last Democratic platform asserted that the party "will not injure or destroy a legitimate industry." No Democrat would even assert that sugar is not a legitimate industry. The refiners always insisted on a duty until hurt by the domestic beet-sugar product. To continue their great profits they now want to destroy the domestic industry. Every enlightened nation, with the exception of Great Britain, encourages and protects the beet-sugar industry, and even in England there is a strong agitation now in favor of protecting the industry in that country. It is one of the great mistakes that country has made not to produce its own sugar, when its soil is well adapted for the purpose.

REFINERS PREDICT THE ANNIHILATION OF THE BEET-SUGAR INDUSTRY.

J. H. Post, president of the National Sugar Refining Co., testified that with free sugar they could lay down refined sugar in the market at a price at which beet sugar could not survive, except possibly at a few places in Colorado, California, and Utah. The beet-sugar industry, he said, would be wiped out. Mr. Atkins, president of the Sugar Trust, testified that in 1892, the first full year of free sugar, the refiners increased their margins from 0.82 to 1.035, and next year to 1.153. That was done under free sugar, showing how the trust acted when it controlled the market. Mr. Atkins testified that Louisiana could not produce sugar without some protection, and that free sugar would cripple the beet-sugar industry and would "almost destroy it." Secretary Heike, of the Sugar Trust, testified that free sugar would destroy the cane and beet industries. Horace Havemeyer testified that with free sugar the beet and cane industries in this country would "cease doing business." J. D. Spreckels said that "if the duty were taken off sugar that would mean the annihilation of the beet-sugar interests in this country." Morey, Nibley, and Wilkinson agreed with that statement. Mr. Spreckels said that if the beet-sugar industry were killed there would be a shortage of sugar, and Mr. Atkins said that free sugar would "put up the price of imported raw sugar." Mr. Willett testified that to kill the home industry would not cheapen sugar. Mr. Post testified:

I would like personally to see free sugar, but looking at it for the country at large I think that it would be a very unfair proposition.

W. G. Gilmore, a partner of Arbuckle Bros., said:

It would be to my advantage as a refiner of cane sugar to take off the duty on sugar. I think that we would make more money. If they produce 1,500,000 tons of beet sugar we will have to quit business.

W. A. Jamison, another cane-sugar refiner, said that if there was no duty on sugar he thought the beet industry would not be so prosperous, and the refiners would sell more sugar. W. B. Thomas, chairman of the board of directors of the American Sugar Refining Co., known as the trust, said:

We have good competition now from beet sugar. If the beet industry were destroyed we would extend our sales, as cane sugar then would take the place of beet sugar.

C. A. Spreckels said:

The beet-sugar growers make the competition severer all of the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar refiners. I want free trade.

That explains the situation as to the cane-sugar refiners. Mr. Spreckels testified that he used one of his employees, Mr. Lowry, to agitate in behalf of free sugar. Mr. Lowry organized himself into what he called a "wholesale grocery association," and, with Mr. Spreckels's money and the aid of the Democrats, circulated literature all over the country in behalf of free sugar. These so-called "wholesale groceries" were only concerned, according to Mr. Lowry, in putting sugar on the free list. They had no concern with flour and meats and other things, but they were willing to expend money freely to break up the competition of the beet-sugar men. The sugar refiners seem to have caused the Democratic Party to change its long-established policy of imposing a duty on sugar and now to favor its going on the free list. When the Democrats were last in power they changed the law which provided for free sugar and imposed a duty on it. Now they take off the duty and make sugar free. Why? Let the sugar refiners answer.

THE LEAD INDUSTRY HURT.

The proposed reduction of the rates on lead would be very injurious to the lead-producing States and, in fact, to all other States and allied industries. The duty on lead in ore is one-half of 1 cent a pound as fixed by the House and three-fourths of a cent as amended by the Democratic caucus, instead of the 1½ cents of the present law, with an estimated increase of imports of over 7,000,000 pounds of lead-bearing ore as compared with 1912. On dross lead in pigs, and so forth, there is a duty of 25 per cent ad valorem imposed as compared with an equivalent specific duty now of 94.26 per cent. There is a wide variety in value per pound of lead at neighboring ports, as shown by the Treasury figures. In 1911 the average at New York was 1.88 cents, at Perth Amboy, 2.10 cents, and at Paso del Norte, 2.12 cents. This serves to show the importance of specific rates. With an equivalent ad valorem under the Wilson law more than double that proposed in this bill, many western mines were closed, and others operated at a loss. The Wilson law did not increase the revenue to any extent, but the imports of lead ores were 55,775 tons in 1895. The highest under the McKinley law was 10,000 tons. There was also a great increase in imports in lead in other forms, showing what may be expected under the reduction in this bill, twice as great as that made by the Wilson law. The United States consumes 30 to 35 per cent of the world's annual yield of lead, and the production in this country in 1911 was equivalent to 32.7 of the world's production. Utah produces 15 per cent of the country's total of lead, and 5 per cent of the world's total. But no lead mine in the State could produce at a profit except for other metals. It costs 4 cents a pound to produce and deliver that lead in New York, and except for the value of the other metals obtained at the same time the cost would be 8 cents a pound.

Without the lead-silver mines the production of precious metals in this country would fall away rapidly, showing the importance of keeping them in active operation. The injury that would follow in all kinds of business, and the demoralization in all departments of trade and commerce that would follow the closing of those mines, need not be dwelt upon. Canada pays a bounty on the production of lead, so as to maintain a steady value. Mexico pursues a liberal course in favoring its lead miners, though wages there are low. The American, to compete with the Mexican, as stated by a competent witness before the Finance Committee, has to sacrifice cleanliness, safety, ambition, and a place for his bones to lie when death comes. Mining is the basis for much of the prosperity of our agricultural districts. The largest part of the freight tonnage for the railroads is made up from the products of the mines, to which the silver-lead mines contribute a very large proportion. Between 5,000 and 6,000 men are employed in such mines in Utah, receiving $3 to $4.75 for eight hours' work. Our miners can not work for the low wages or live under the abject conditions peculiar to Mexico; hence if Mexican lead is allowed to undersell our market, many western mines must necessarily close.

HOW THE LEAD PROVISION INJURES IDAHO.

In the Coeur d'Alene district of Idaho 117,000 tons of lead are produced annually, or more than 30 per cent of the United States production, and the industry in that State has been developed altogether under the protective tariff. Lead mining there is the sole support of a community of 12,000, most of whom own their own homes. The pay is $3.60 to $4.75 a day of eight hours. No private corporation can employ an alien unless he has declared his intention to become a citizen. It is an American community. Besides the men in the mines there are thousands of others employed, transporting ore, smelting it, and in the distribution of the refined product. The value of that ore is nearly $14,000,000 and furnishes a livelihood for 40,000. The mines in that State are carried on at a small profit, and any reduction in the tariff on lead will lead to the vanishing point in many cases, and to the point in others below the equitable return, causing distress and paralysis to business. In the three years 1909, 1910, 1911 there was a deficit of 0.366 of a cent per pound of the lead produced. That was made up by the silver, which left an average surplus for the three years of $2,315,158 per annum, or about 8 per cent on the investment. Crediting the silver, the cost of production and marketing was 3.413 cents a pound, and the average selling price was 4.401 cents. Deducting amortization payments left less than 5 per cent return on the investment.

After investigation W. R. Ingalls, a recognized expert, says in his book, Lead and Zinc in the United States, that the cost of producing lead in the Idaho district is in the neighborhood of 4 cents a pound, when silver is worth only 50 cents per ounce. The price in London for long periods has been lower than 3 cents a pound. With a duty of one-half or three-fourths of a cent a pound on lead in the ore and 25 per cent ad valorem on pig lead, instead of 1½ and 2½ cents a pound, the industry in this country will be but a small fraction of what it is to-day, and only the richest of mines can be operated. The average price of pig lead in London from 1880 to 1911, inclusive, was 2.85 cents a pound. Freight to New York would increase the price to 3.1 cents, and a 25 per cent duty would make the price 3.88 cents. But the lead imports nearly all come in ores and bullion from Mexico to be smelted in bond. It is that lead that

will be retained. The proposed duty on lead bullion shows a reduction of 69.26 per cent.

CHEAP LABOR IN MEXICAN MINES—LARGE IMPORTS CERTAIN.

Besides their cheap labor Mexican producers have a great advantage in transportation. From the mines to the smelters and then to New York makes a total cost of transportation of $10 per ton of pig lead. From the Coeur d'Alene mines to New York costs $23 per ton, giving the Mexican mines an advantage of 0.65 cent a pound. The consumers are not likely to derive any substantial benefit. The largest consumption of lead is in the form of white-lead pigment, the price of which bears no fixed ratio to the price of pig lead. From 1895 to 1897, when the duty was one-half the present rate, the price of pig lead was 1.229 cents per pound lower than from 1898 to 1911, but the price of white lead was only 0.490 cents a pound lower. In the fall of 1907 pig lead declined 2¼ cents a pound, but white lead fell only three-fourths of a cent a pound. Imports will have to increase greatly to receive as much revenue under the proposed rate as under the existing law. That will mean millions of dollars sent out for lead instead of paying it as wages to American workmen.

The ad valorem 25 per cent proposed in this bill would have admitted at all times during the last 10 years foreign pig lead, so that it could have been sold much below the price of the domestic lead. The average London price during that period was 3 cents a pound, making the cost, duty paid, 3.75 cents a pound. The average New York price was 4.57 cents. The largest producers would have been unable to meet that competition except by a sweeping reduction in wages. The prices in London and New York are substantially parallel—a low price in London means a correspondingly low price in New York. With an ad valorem duty on pig lead, the duty would be least when protection is most needed. The duty should be specific. Miners are paid $3.50 and $4.75 a day in the West for doing the same work for which 75 cents are paid in Mexico.

WILL DECREASE THE PRODUCTION OF GOLD AND SILVER.

The effect of the proposed reduced rate would be to close many mines under development and decrease the production of gold and silver. Smelting charges would be increased because of the lack of ores of the kind necessary for such work. The successful recovery of gold and silver from refractory ores depends on smelting them with lead ores, and the deficiency of such ores would cause an advance in the smelting charges and discourage precious-metal mining. The mines now work on a low margin, and many at a loss. There are always a large number of mines that do not pay, which are in the course of development, and under this large reduction in duty such development would cease. The decline in the production in the United States would lead to an advance in the world's prices. In the meantime the mines would be closed, many flooded or caved, thousands of miners out of employment, railroads would suffer, smelters also, farmers lose markets for many products, and the injury would be severe in many communities and States. Millions of dollars would be sent abroad to purchase lead, the price of which would advance, and the country would lose much and gain nothing.

The gold production in the United States has declined. It was $91,685,168 in 1912, $96,890,000 in 1911, and $99,673,400 in 1909. At the same time there is a large increase in gold used in the arts, amounting to $33,756,554 in the United States in 1910, as compared with $24,445,797 in 1908 and $18,061,553 in 1900. The only mining States where precious-metal mining pays are those that have the benefit of lead production and lead smelting. All of the lead produced in the far Western States comes from gold and silver ores, and shows a profit of only a fraction of a cent a pound. And this includes the benefit of the existing duty of 1½ cents a pound. The tariff has been the deciding factor between profit and loss in mining. The mines of Tonopah and Goldfield, Nev., offer a case in point. They now produce more than one-tenth of the country's annual gold product. But in their infancy they had to depend upon lead smelters to handle their product. If it had not been for the transportation and smelting facilities designed for handling low-grade and lead-bearing ores, it is doubtful if these mines would ever have tided past infancy. The Government can not consistently shut its eyes to the needs of an industry in which the tariff on lead seems to be the deciding factor between profit and loss. The lead-ore producers of the Rocky Mountain States have recommended a cut of 29.04 per cent in the rate of duty on lead in pigs, bars, and bullion, the form in which most of the imports are made, placing it on the same basis as lead in the ores, but there should be no greater reduction. The increasing use of both gold and silver in the arts leaves a decreased quantity for coinage or export. Some $40,000,000 comes from lead mines and smelting. There is nothing akin to monopoly in the mining industry. Excluding placers and copper mines, there were 8,352 nonproducing mines in the United States in 1910 and 2,845 producing mines. The expenses of operation and development as compared with the value of the product left a deficit of $5,199,938. The only States in which the expenditures in developing gold and silver mines have not greatly exceeded the surplus of products mined are the ones that have had the benefit of neighboring lead production and lead smelting.

For 10 years the annual revenue on lead has been $734,628, or 80 per cent more than the revenue as estimated in the bill introduced in the last Congress, House bill 18642. Hence the present duties are competitive.

ZINC IMPORTS INCREASING—WAGES AND CONDITIONS IN MEXICO.

The present duty on zinc is a revenue duty, averaging $250,000 annually, and the imports have increased under the present law. There is no monopoly or no foreign or cheap labor in the industry in this country. The disturbance of conditions in Mexico has lessened imports. There are many small producers of zinc. There are 15,000 men employed in that industry, receiving from $2.59 to $5 a day. From 66 to 70 per cent of the cost of manufacturing zinc is expended in mining and concentrating. It costs $39.61 to produce and deliver to the smelters a ton of average Joplin zinc ore. In Mexico the cost is $20.96 to produce and deliver 1½ tons containing the same quantity of zinc, the difference being principally in wages.

Consul General Hanna, of Monterey, Mexico, reported that wages in zinc mines were 50 cents a day in gold for a 10-hour shift. He reported that "miners live in caves, holes in the ground, or in thatched huts made of stones or sticks and covered with palm leaves or other such material." He stated that the shelter was lamentably insufficient in the time of rain, and that the men wore clothing of the rudest materials, leather sandals bound with thongs to protect the feet, and they had a limited variety of food, such as wheat or corn tortillas, beans, and coffee, and goat meat at intervals. At certain places in Mexico ore can be placed on the surface at a cost of $2 a ton, and at other mines it costs from $6 to $7 a ton. From a mine where large quantities of ore are shipped, though badly situated as regards transportation facilities, it can be laid down at smelters in the United States for $22.57 a ton, containing 40 per cent of zinc.

The consul at Saltillo says that the better ore in the Bonanza district contains 40 per cent of zinc, while other ore contains 30 per cent, and the wages vary from 37 cents to 75 cents a day, making the cost of mining $2 a ton.

The consul at Chihuahua gives the cost of mining and hauling to the smelters in Kansas as $12.32 a ton, American currency, for one mine, and for another $13.57, and for still another $9.75. That ore contains 35 to 45 per cent of zinc. The consul says that the living conditions of workmen are extremely humble. A man and his family live in a one-room shack, mud house, stone hut, or dugout. Their food is dried meat, tortillas from boiled pumpkin, beans, and coffee. The meals are cooked over a little fire made between stones and the family sleeps on blankets on the floor.

INCONSISTENCY ON WOOL—A SHAMEFUL COURSE.

The United States is suited by nature for the production of wool in great variety and large quantities, but owing to higher wages and the difference in living in this country as compared with other woolgrowing countries the industry can not be successfully maintained here without a protective duty. The total value of the product of the country for the year ending October 1, 1912, was $75,819,251. That industry is to be crippled by putting wool on the free list. This is done in defiance of the Democratic platform not to injure or destroy legitimate industries, and also of the President's assurance that the Democratic Party does not propose anything approaching free trade. How is free wool in the Democratic free bill of 1913 reconciled with the 20 per cent duty of the Democratic bills of 1911 and 1912? On wool manufactures a duty is proposed of 35 per cent ad valorem by the House, which has been changed in some respects by the Senate committee, being made lower on stockings, hose, and half hose, and 5 per cent higher on plushes, velvets, and other pile fabrics. But on such fabrics made wholly or in part of wool, or hair of the Angora goat, or other like animals, the duty is cut from the 50 per cent fixed by the House to 40 per cent. This serious cut in the protection afforded to this industry means serious consequences, as is shown by the stoppage of work to a large extent in many mills and the preparation of some manufacturers to close their business in this country and operate in Europe.

The Democratic House of the last Congress twice originated and passed bills providing for a duty of 20 per cent on wool. Twice the House agreed to a compromise with the Senate by which that rate was increased to 29 per cent, and once it actually passed such a bill over the President's veto. There

was no promise of free wool in the Democratic platform nor in the speeches of the party leaders.

If reports are true, the Democratic members of the Ways and Means Committee at this session agreed to a duty of 15 per cent on wool, which was changed to free trade in wool at the suggestion of the President. At any rate, a handbook issued by the Ways and Means Committee before the duty on wool had been eliminated at the request of the President contained figures estimating what the revenue would be on the 15 per cent ad valorem duty. We have had as high as 63,964,876 sheep in this country at one time, and sheep furnish a very valuable meat product consumed more by the working people than perhaps any other meat. But this industry will also be largely extinguished by the admission of such meat from foreign countries and wool and sheep free of duty. The value of the manufactures of wool for 1909, as returned by the census, was $507,166,710, and $87,962,669 were paid out in wages in woolen and worsted mills. Those are now producing only about 50 per cent of their capacity, which will be still further reduced when this bill becomes a law. Foreign manufacturers, according to trustworthy reports, have taken orders in this country for vast quantities of woolen goods to be delivered when this bill takes effect.

THE WILSON LAW HIGHER, BUT IT BROUGHT DISASTER.

The Wilson tariff law, under the Cleveland administration, imposed on cloths, knit fabrics, and so forth, equivalent ad valorem duties of about 48 per cent, as compared with 35 per cent in this bill. The industry under that former Democratic law was paralyzed, and an enormous number of workmen were thrown out of employment. Since that time wages have largely advanced, and nearly $40,000,000 more in wages are paid out under the existing law than was the case under the last Democratic tariff bill. This will give some idea of what is in store for the country by this piece of legislation.

Canada imposed a 35 per cent duty on woolen manufactures in 1898. In 1885 there were 241 woolen mills in that country, but in 1912, under this 35 per cent duty, there were only 78 such mills. Thirty per cent of the mills closed in 8 years after that rate was imposed, and 13 years after the passage of that law two-thirds of the mills in operation when it passed had gone out of business. In 1899 the woolen and worsted mills of Canada produced nearly 14,000,000 yards of cloth, and last year they turned out a little over 7,000,000 yards, while the importations on woolens and flannels, and so forth, increased from 7,434,027 yards in 1893 to over 24,000,000 yards in 1912. That was the effect of a much less reduction in duties than is provided for under this bill, and wages, cost of operation, and so forth, are less in Canada than they are in the United States. There are about $450,000,000 invested in the manufacture of woolen goods which will be seriously affected by this bill when it takes effect. The value of the product as given by the last census was $507,166,710. It is a great industry that has been built up under a protective tariff, and to strike such a disastrous blow at it means vast loss to a great number of persons. We know what the wages are in this industry in Europe. They are less than half as much in Great Britain as in this country, and if the wages paid in the mills alone were reduced one-half that would mean a loss of $45,000,000 to wage earners of this country, to say nothing of the enormous loss to the woolgrowers. It will not make woolen clothing cheaper to the masses.

OPENING THE DOOR TO SHODDY—SECTIONAL DISCRIMINATION ON GOAT HAIR.

Shoddy has been excluded from the United States by high tariff duties, and it was a wise policy, as it prevented the diseased rags of the world from being manufactured into cloth for the American people. This bill puts shoddy on the free list. We shall have plenty of shoddy goods for sale under this new law, as they are produced in Europe to a great extent. That will be one of the so-called advantages of this legislation.

A fair illustration of what governed in the preparation of this bill was shown by the action of the House in placing a duty on the hair of the Angora goat, while putting wool on the free list. They have always been included in the same paragraph in the tariff, and there is no reason for any distinction between the hair of the goat and the wool of the sheep. But the production of Angora goats is confined largely to Texas, and that is why a duty was retained on goat hair, while the wool of the sheep was put on the free list. There is comparatively a small production of goat hair in this country, and imposing a duty on it while making wool free was a discrimination of a sectional character highly discreditable to the party responsible for it. The Senate committee has listened to the public indignation expressed because of this discriminatory action of the House and has placed Angora-goat hair on the free list along with wool. As Turkey and South Africa, the only countries where these goats can be obtained, absolutely forbid their exportation, it is unfortunate that the industry should be afforded no protection in this country.

Wool and the hair of the Angora goat ought to be placed on the dutiable list. I shall offer at the proper time a substitute for Schedule K, providing for a duty on both.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. The Senator from Utah has now spoken about three hours, and while he appears to be reasonably fresh at the end of that long period of time, I apprehend that the Senator would prefer to continue his remarks to-morrow. I will ask the Senator if he would not?

Mr. SMOOT. Mr. President, I am a little tired, and I should prefer to conclude my remarks to-morrow, if not interfering with the business of the Senate.

Mr. SIMMONS. Mr. President, I should very much prefer that the Senator should go on until 6 o'clock. Is there any Senator on the other side of the Chamber ready to proceed?

Mr. GALLINGER. In rejoinder to the inquiry of the Senator from North Carolina, I will say that while we have a long list of Senators who propose to discuss the bill no one is ready, so far as I know, to continue the discussion this afternoon.

In that connection, Mr. President, I will ask the Senator from North Carolina if he could inform this side of the Chamber as to the intention of Senators on the Democratic side to engage in the general discussion of the bill?

Mr. SIMMONS. Mr. President, in reply to the Senator from New Hampshire, I will say that I am not able to now state definitely how many speeches will be made on this side of the Chamber in the general discussion, but I think very few, probably not more than two or three at the furthest.

Mr. GALLINGER. Mr. President, it will be observed that, so far as Republican Senators are concerned, we have been very diligently discussing this bill since the report was made, following the speech of the Senator from North Carolina [Mr. SIMMONS], and I would suggest to the Senator from North Carolina that no progress out of the ordinary will be made by crowding us on this side.

Mr. SIMMONS. I do not wish the Senator from New Hampshire to understand that I am seeking to crowd Senators on the other side. My inquiry was, whether, if the Senator from Utah suspended, there was anyone on the other side ready to take up the debate?

Mr. GALLINGER. I will say to the Senator, in response to that interrogatory, that there is no Senator on this side prepared to go on to-day; but we are arranging so that there will be a continuous debate, so far as it is possible to bring that about. We have no disposition to hinder the consideration of the bill; in fact, we want to expedite it as much as possible.

Mr. SIMMONS. I understand the Senator from Utah [Mr. SMOOT] desires now to discontinue his remarks until to-morrow.

Mr. SMOOT. Rather than have it said, Mr. President, that there is any delay in the passage of this bill, I will proceed.

Mr. SIMMONS. I am not saying that, and I do not wish the Senator from Utah to understand me as saying that.

Mr. SMOOT. Of course, I am a little tired; I have been talking now for about three hours, and I prefer to finish to-morrow. If I could get through to-night it would be a different thing, but I can not, and I should very much prefer to go on to-morrow.

Mr. SIMMONS. Then, Mr. President, I suggest that we proceed with the reading of the bill.

Mr. BRISTOW. Mr. President, when we proceed with the reading of the bill there will be amendments offered probably from the beginning, and I think we ought to have the bill printed in the form that it is proposed to put it, so that we shall all have the data before us on our desks when the bill is taken up by paragraphs.

Mr. SIMMONS. I am not proposing to take up the bill by paragraphs for consideration; I am simply proposing to have the bill read. As it will have to be read at some time, I do not see why we might not occupy the hour remaining this evening in reading the bill, not for amendment of course. I am not proposing to have read the committee amendments, but the bill has to be read, and we might just as well have it read this afternoon when we have the time.

Mr. BRISTOW. I had supposed the Senator would ask that the formal reading of the bill be dispensed with, and that it be read for amendment. I had expected that to be requested.

because otherwise it would be read once and then would have to be read again for amendment, and the usual practice is——

Mr. SIMMONS. I do not think it is necessary to read it a second time for amendment. I think it is customary to read a bill once.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I do.

Mr. GRONNA. I will say to the Senator from North Carolina that the Senator from Missouri [Mr. STONE] in presenting the report asked that the formal reading of the bill be dispensed with.

Mr. SIMMONS. At that time.

Mr. GRONNA. At that time; and that was agreed to.

Mr. SIMMONS. But that does not dispense with the necessity of reading the bill as a whole at some stage of the proceedings, and I was proposing that we should do that now.

Mr. BRISTOW. The formal reading of the bill having been dispensed with, it then will be read for amendment. Of course it will all have to be read, but from the very beginning of the reading amendments will be offered to every paragraph before the paragraph is adopted or rejected.

Mr. SIMMONS. If the action of the Senate at the time of the presentation of the report dispensed with the necessity of the formal reading of the bill, of course I do not care to have it formally read.

The VICE PRESIDENT. The Chair so understands, but the Chair does not know what the RECORD shows.

Mr. SIMMONS. I will say to the Senator from Kansas that I was not here at the time the bill was reported, and I was not aware that there was any order dispensing with the formal reading of the bill.

Mr. GALLINGER. If it should prove to be the fact that the formal reading was dispensed with, all the reading that would be required would be to read the bill for amendments.

Mr. SIMMONS. That is true.

Mr. WILLIAMS. Mr. President, I do not understand that that is what occurred. The Secretary can find out from the RECORD.

The VICE PRESIDENT. The Chair said he did not speak with authority, but it was the understanding of the Chair that that was the request of the Senator from Missouri.

Mr. WILLIAMS. We can refer to the RECORD and find out in a second.

Mr. GALLINGER. If that should prove not to have been done at that time, I will suggest to the Senator from North Carolina that if he will request that the formal reading be dispensed with I am sure we will all agree to it.

Mr. SIMMONS. Then, Mr. President, at the suggestion of the Senator from New Hampshire, I now ask unanimous consent that the formal reading of the bill be dispensed with.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the formal reading of the bill under consideration be dispensed with. Is there objection? The Chair hears none, and the formal reading of the bill is dispensed with.

Mr. BRISTOW. I desire to suggest to the Senator from North Carolina that, of course, he is aware that those of us who expect to give more or less care to the reading of the bill and offer amendments to the various paragraphs have been waiting for the data referred to, otherwise it would necessitate a very great deal of clerical work in order to ascertain just what changes have been made, and that would be made useless, since the committee is going to furnish us the data. I understand the matter has been prepared by the various members of the committee.

Mr. SIMMONS. As I stated to the Senator from Kansas on Saturday, I think all the data have been prepared and are ready for the printers. The matter will go to them to-night, but the gentleman in charge of the work informs me that it is rather voluminous and the Printer says it probably will be Wednesday before we will be able to get the copies.

Mr. GALLINGER. Wednesday of this week?

Mr. SIMMONS. Wednesday of this week.

Mr. SMOOT. What document is the Senator referring to?

Mr. SIMMONS. I am referring to a comparative statement prepared along the lines of the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMOOT. Is that along the line of the handbook prepared by the House?

Mr. SIMMONS. No; not exactly that, and yet somewhat along that line. It contains in parallel columns the present law, the House bill, and the Senate bill, with data under each paragraph showing imports, exports, unit value, production, and so on.

Mr. GALLINGER. I will venture to suggest to the Senator from North Carolina that, inasmuch as the Senator from Utah [Mr. SMOOT] will consume a considerable part of the time to-morrow, I think there will be no difficulty in finding some other Senator who will take the remainder of that day and that we can well afford to wait until Wednesday morning, at least, for the data that have been promised and that are very important. I will venture to say that there will be no delay and that we would better have the data before the reading of the bill is commenced, because almost every item in the bill will be discussed.

Mr. SIMMONS. In view of that statement, I shall not make any objection to laying the bill aside at this time.

Mr. SMOOT. I wish to state, for the information of the Senator from Kansas, that by Wednesday morning at the latest there will be printed the comparison that I asked to have printed as a public document, and as soon as it is ready I will see that copies of it are placed on the desks of Senators.

Mr. BRISTOW. I will say to the Senator from North Carolina that he can readily see that we ought not to begin to consider the bill by paragraphs until we have on our desks the data so essential to its intelligent consideration. That is the only reason I made the suggestion.

Mr. SIMMONS. The Senator from Kansas surely has not understood me as suggesting that we take up the bill now for consideration by paragraphs?

Mr. BRISTOW. I understand the Senator.

The VICE PRESIDENT. The RECORD shows that when the bill was reported from the committee the formal reading of it was dispensed with. It has been dispensed with twice now.

Mr. BRANDEGEE. Mr. President, do I understand correctly, then, that unanimous consent has been given that the bill be temporarily laid aside?

Mr. SIMMONS. I stated that I had no objection to that course.

Mr. BRANDEGEE. I did not know whether or not the order had been entered.

The VICE PRESIDENT. It has been.

Mr. BRANDEGEE. Then, to go on to another matter, Mr. President, this morning there came before the Senate the question as to the power of the Senate to order the printing of illustrations in the CONGRESSIONAL RECORD without the consent of the Joint Committee on Printing. The then occupant of the chair, if I remember correctly, ruled that it could be done, and thereupon the Senate voted that it should be done. I have forgotten whether it was done by a vote or by unanimous consent.

Mr. GALLINGER. It was a vote.

Mr. BRANDEGEE. I think it was a vote.

Mr. GALLINGER. It was submitted to the Senate.

Mr. BRANDEGEE. It was submitted to the Senate, and the Senate authorized it. There had been a difference of opinion expressed by different Senators before that was done.

I think the matter is one of considerable importance. I think the act of January 12, 1895, which was an act of Congress and not an act of the Senate or of the House, was passed for the very purpose of taking away from either branch of Congress separately the authority to encumber the RECORD with all sorts of illustrations and diagrams.

I was unable this morning to get a satisfactory answer to my question in relation to the matter, and so, in order to put in the RECORD my view of it, which, of course, will go for what it is worth and no more, I will read section 13 of the act of January 12, 1895, as it stands to-day:

SEC. 13. The joint committee shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk and shall provide for the publication of an index of the CONGRESSIONAL RECORD semi-monthly during the sessions of Congress and at the close thereof.

That is a statute of the United States. In my opinion, one of the motives that induced Congress to place that provision in the statute was that out of senatorial courtesy, or out of the desire of one Member of the House to accommodate another, the RECORD should not be unduly inflated with maps and illustrations. I think it was the intention of Congress to place it beyond the control of either branch of Congress to authorize this course, unless with the consent of the Joint Committee on Printing.

In support of that view I read from the CONGRESSIONAL RECORD of February 20, 1912, at page 2353, the proceedings in the House, as follows:

Mr. AKIN of New York. Mr. Chairman, I wish to introduce to the members of the committee here an object lesson on the full dinner pail

that they may have the same for their inspection—— [Placing large illustration on Clerk's desk.]

The CHAIRMAN. To whom did the gentleman from Alabama yield?

Mr. UNDERWOOD. To the gentleman from New York [Mr. AKIN].

The CHAIRMAN. How much time?

Mr. UNDERWOOD. Five minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. AKIN of New York. Mr. Chairman, that is a speech without words. [Laughter and applause.] I yield back the balance of my time.

Mr. BUTLER. I can see the force of that, Mr. Chairman.

On the next day, at page 2404 of the RECORD, the RECORD discloses the following, under the head of "Printing of illustrations in the RECORD":

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to have my speech of yesterday, in regard to the chemical schedule, printed in the RECORD.

Mr. MANN. Mr. Speaker, the matter of illustrations, under the law, has to go to the Joint Committee on Printing, and the House can not control it.

The SPEAKER. The gentleman is correct.

I now read from page 1007, volume 5, of Hinds' Precedents of the House of Representatives, under subdivision numbered 7024, as follows:

The insertion of maps or diagrams in the CONGRESSIONAL RECORD is within the control of the Joint Committee on Printing.

I am informed, and the record of the clerk of the Joint Committee on Printing will show, though I have not been able to get it from him this afternoon, that at a time between the occurrences in the House proceedings as given in the two passages of the CONGRESSIONAL RECORD from which I have quoted, the request was made of the Joint Committee on Printing to print the illustration, and it was denied, and the Speaker of the House ruled that the House itself could not give the permission.

I simply wanted to put this into the RECORD, if there be any doubt about it, in order to express my opinion that the action of the Senate this morning in authorizing the placing of the map in the RECORD was null and void and of no effect.

Mr. GALLINGER. Mr. President, as I took the other side of this question, I desire to say a single word.

It is a forced construction of the law that the matter of illustrations is covered by this statute. The Joint Committee on Printing is authorized by section 13 of the statute practically to edit the CONGRESSIONAL RECORD. If the Joint Committee on Printing had carried out the provisions of that act, the RECORD would not have been half so large as it is from month to month. A great deal of extraneous matter goes into the RECORD that might well be omitted. But the idea that the printing of a table that a Senator uses in his speech is a violation of the provisions of that statute, to my mind, is not tenable. In the first place, what the Senator from Iowa used was not a diagram; it was a table.

Mr. BRANDEGEE. It was a map.

Mr. GALLINGER. It was a table in which he made comparisons; and had I made that speech—which I wish I had been able to make, because it was an extremely able speech—I should have felt at liberty to have inserted the table in my speech as a part of it, just as I should have inserted any other table. To say that it comes under the inhibition of the statute is to my mind not tenable, as I remarked before.

In the next place, I can not believe that Mr. HINDS, or even the Speaker of the other body, if I may be permitted to allude to him, has any authority to say that the joint committee has jurisdiction over that matter. If we grant to the Joint Committee on Printing the right to formulate a code of rules, as they seem to have done, which is going to control our action as a Senate, the committee is going to legislate for us; and I am never going to agree to that myself.

I think the Senate acted wisely in voting that the Senator from Iowa could use the table which he had prepared as a part of his remarks; and while it may be wise to prohibit the introduction of some illustrations, I have been of opinion that if we should strike out a very considerable proportion of what goes into the RECORD and insert a picture now and then the CONGRESSIONAL RECORD would be more popular than it is at the present time.

Mr. WILLIAMS. In other words, make it an illustrated daily.

Mr. BRANDEGEE. Mr. President, I agree that the Senate acted wisely when it did that, if it had the power to do it. I am very glad to have in the RECORD this map, as I perversely persist in designating it, because I think it will be useful and full of information. It was a map, Mr. President. It hung on the wall in plain sight of all Senators, and was a map of the United States of America, divided into States. The purpose of the map was to show by the figures which were affixed to each State the products of the State, and what proportion of protection they enjoyed out of the tariff, or something analogous to that.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I yield to the Senator.

Mr. GALLINGER. Would the Senator from Connecticut insist that in every instance where we designate the States, alphabetically or otherwise, for purposes of illustration, it is a map of the United States?

Mr. BRANDEGEE. Not at all. It never entered my head to claim that the insertion of the names of the States in the RECORD would be a map.

Mr. GALLINGER. I thought that was what the Senator said. I may have misunderstood the Senator.

Mr. BRANDEGEE. No; on the contrary, the Senator from Connecticut stated that the map hung upon the wall; it was a map upon parchment or paper; and if I remember correctly, it was a colored map. It had the names of the States and various figures upon it. The Senator from Utah kindly suggested, and I believe some other Senator this morning suggested that he promised, that he would add to the map by writing on it some other figures to show something that he wanted to show, and the Senator from Iowa kindly gave him the use of the map for that purpose. It was a map, in my opinion, if I know what a map is.

Section 13 of the act I read before provides as follows:

And while providing that it shall be substantially a verbatim report of proceedings shall take all needed action for the reduction of unnecessary bulk.

In my opinion that clearly gives the committee authority to reduce the bulk of the RECORD, and, while substantially it must contain a verbatim report of the proceedings, if a Member of Congress should stand up and insist on repeating the same rhapsody over and over again it would be clearly within the province of the Joint Committee on Printing to cut it all out except the original in the interest of reduction of unnecessary bulk.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator how they can reduce bulk until the bulk is made? This so-called map is not in the RECORD at all, and I do not see how the Joint Committee on Printing can reduce bulk by excluding a map that is not in the RECORD. After the map is inserted, if the committee should take the responsibility to cut it out, as under this statute they might take the responsibility to cut out the speech the Senator made, possibly they might have some ground for taking that action. But until the bulk is an ascertained fact I do not see how the committee can reduce it.

Mr. BRANDEGEE. If the Senator takes the stand that in order to reduce the unnecessary bulk of the RECORD the committee first has to create the RECORD in a condition of unnecessary bulk and then withdraw a part of its own creation, I should not think that would be in the interest of the reduction of bulk or of economy of the Government's funds for printing.

Mr. GALLINGER. Manifestly the Joint Committee on Printing can not meet in the evening and take the notes of the official reporters and proceed to blue-pencil the proceedings so as to reduce the bulk. That is an impossibility and carries with it the point I have made, that it can not be done.

Mr. BRANDEGEE. In my opinion, it all comes right back to the sustaining of my contention about this matter; that is, that the members of the committee do not have to sit up nights in order to blue-pencil out what they have put in, but in my view of it the permission of the committee has to be obtained in advance before the map is put in. If they do not approve it, the unnecessary bulk is not created; the map does not get into the RECORD. Of course it is not confined to maps, but applies to any sort of illustration.

I say that under section 13 of the statute I think the committee had authority to make these rules; and if they did, there can be no question that Congress delegated to the Joint Committee on Printing authority to say what illustrations—whether maps or other illustrations—may go into the RECORD.

Mr. FLETCHER. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Florida.

Mr. FLETCHER. I thought the Senator had finished.

Mr. BRANDEGEE. I have finished, if the Senator does not wish to ask me a question.

Mr. FLETCHER. Mr. President, I wish to say in this connection that I called attention this morning to the statute

which the Senator from Connecticut has read again. Clearly the statute was intended to cover cases of this kind.

I think the Senator from Connecticut is eminently correct in saying that this is an illustration. It is a map. It is something that can not be reproduced from type, and therefore it is an illustration. We can not escape that conclusion.

The Joint Committee on Printing has had vested in it authority to determine upon the arrangement of the RECORD and to take steps to control its bulk. For instance, a President's message is offered in both Houses. The rule is that it can be printed only once in the RECORD. That is a perfectly reasonable rule, and yet it is a rule made by the Joint Committee on Printing. It is to regulate matters of that kind that this rule was adopted back in 1888. In 1895 Congress enacted the statute to which the Senator has called attention, showing that Congress never attempted to repeal the rule which was then in existence.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. FLETCHER. I do.

Mr. BRANDEGEE. Was there not a previous statute, and had there not been other statutes prior to that, as far back as 1873, in relation to the same matter?

Mr. FLETCHER. I think so; but at any rate this rule has been recognized on all occasions. As the Senator has pointed out, as late as February 21, 1912, the Speaker of the House of Representatives ruled that illustrations had to be referred to the committee.

The doctrine is laid down in Hinds' Precedents that—

The insertion of maps or diagrams in the CONGRESSIONAL RECORD is within the control of the Joint Committee on Printing.

I find that on August 21, 1911, at pages 4264–4265 of the CONGRESSIONAL RECORD, Senator LA FOLLETTE had an illustration that he desired to have printed in the RECORD, a kind of map. After attention had been called to this rule and the matter had been discussed pro and con, Senator LA FOLLETTE made this motion, which was agreed to:

Mr. President, if the Chair, then, will submit the motion which I propose, it is:

That it is the sense of the Senate that the Joint Committee on Printing be authorized and directed to order the Public Printer to incorporate in the RECORD, in connection with my remarks, the map which I offer at this time.

And that was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Florida if the action of the Senate this morning was not substantially a similar action? In other words, the Senate voted that the diagram, or whatever you may choose to call it—I call it a table—should be inserted in the RECORD. Instead of authorizing the committee to authorize the Public Printer, the Senate did it itself.

Mr. FLETCHER. This motion recognizes that the power was vested in the joint committee by act of Congress; not merely by the Senate, but by both the House and the Senate. The Senate to-day attempted to undo the act of the whole Congress by itself directing the printing of this illustration in the RECORD. Here Senator LA FOLLETTE recognized that this power was vested in the Joint Committee on Printing, and he simply got the expression of opinion of the Senate. It was merely advisory; it was not directory at all. It was merely advising the Joint Committee on Printing that the Senate thought it well to print the illustration in the RECORD.

Mr. BRANDEGEE. Mr. President, I must have misunderstood the Senator when he read what the Senate did in that instance. I clearly understood him to say that it was declared to be the sense of the Senate that the Joint Committee on Printing "be requested and directed," and so forth.

Mr. FLETCHER. "Be authorized and directed."

Mr. BRANDEGEE. If it was "directed," the Senator would not claim that it was purely advisory, would he?

Mr. FLETCHER. Yes; because the whole discussion preceding that was based upon the proposition that the Senate did not have the power or authority to put this illustration in the RECORD.

Mr. BRANDEGEE. The Senator would not claim, would he, that the Senate had authority to "direct" the Joint Committee on Printing?

Mr. FLETCHER. No; I would not. I think perhaps the last word is erroneous; but it had authority to authorize the committee to allow it to be done. The whole discussion indicates that it was merely an expression of view on the part of the Senate that the Joint Committee on Printing should grant the request, and allow the illustration to be printed, which was done.

Mr. SMOOT. Mr. President, I remember very vividly the request made by the Senator from Wisconsin. It was I that objected at the time, calling attention to the law, and then the motion was made. After the motion was made the Joint Committee on Printing met, and the motion was presented to them for their action. The joint committee passed upon it, allowing the matter to be printed in the RECORD, and so instructed the Public Printer.

Before an illustration or a map can be printed in the RECORD, the Public Printer requests that an order be issued from the Joint Committee on Printing; and he would not have printed the map at that time without the order. I do not know whether or not he will print this map in the speech of the Senator from Iowa without some kind of an order from the Joint Committee on Printing; but I think it was a very bad precedent to establish, Mr. President; and we will have a great deal of trouble hereafter if this action stands without some kind of modification.

Mr. BRANDEGEE. Mr. President, in my view the Senator from Utah has announced in the last few words of his remarks where the chief practical trouble about this difference of construction comes in. The Public Printer has to get permission from somebody if an illustration is to be printed in the CONGRESSIONAL RECORD. The clerks in the Secretary's office are puzzled about it; and where a statute of the United States prescribes that the Joint Committee on Printing may do certain things, the clerks look to them for an order to the Public Printer to do those things. When the Senate assumes authority of itself to do the same things, neither the Secretary's office nor the Public Printer knows whom to obey.

I suppose in this particular instance there will be no conflict of authority, because I have no doubt the Joint Committee on Printing, after the Senate showed what it wanted done this morning, will issue the order; but then it will all be left in the dark, so far as the Public Printer and the Secretary's office are concerned, because both have authority, and in the future no one will know whether the Senate can at any time override the Joint Committee on Printing or whether the United States statute authorizes the Joint Committee on Printing exclusively to issue such orders.

Mr. GALLINGER. Mr. President, I want to read section 13 once again. I was here when this statute was enacted, and I remember it was called the Manderson bill. I never heard the question raised that it applied to tables and diagrams which illustrated a Senator's speech. I never have supposed that it did.

The joint committee shall have control of the arrangement and style of the CONGRESSIONAL RECORD—

I do not know what that means; I confess I do not; I do not know when they are going to do it unless they do it before it is printed.

Shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of the proceedings—

Which that table was—

shall take all needed action for the reduction of unnecessary bulk.

Can anyone interpret that language to give the Joint Committee on Printing the right to decide that a table which is used to illustrate a Senator's speech must be first submitted to that committee and that it must summon the members of the joint committee who might be out of the jurisdiction and hold up a Senator's speech indefinitely as a result? I fail to interpret the language to mean that. I think the Senate acted wisely. I hope the Senate will not reverse its action.

Mr. BRANDEGEE. I do not think the Senator states the point when he says that this would be construed to include tables which a Senator used in his speech. A table would be nothing when reproduced in the RECORD, except some lines at right angles to each other and some figures and letters, all of which can be reproduced from the ordinary stock of the Printer's office. An illustration, an illustrated map particularly, is an entirely different thing; it has to be engraved specially in order to be put in the RECORD.

Mr. GALLINGER. I would add to my suggestion that there is not a word in the statute relating to an illustrated map. It is an assumption on the part of the joint committee that they have jurisdiction over a matter the statute did not give them jurisdiction over. If the committee is to control that matter the statute ought to be amended.

Mr. BRANDEGEE. The statute does not use the word "illustrations" or the word "maps," nor is there a provision which uses the words "tables and figures." The statute speaks in general terms of reducing the bulk and gives the committee authority to prescribe the style and make-up of the RECORD. It is not necessary under that language to assume that the committee has to sit up every night and tell the Public Printer right on the spot exactly what the next morning's RECORD shall

be. But I assume the committee provides a general system of rules—that the RECORD shall be a document of certain dimensions, at least as to length and breadth, the kind of type to be used, and so forth, leaving the thickness subject to us.

Mr. FLETCHER. Mr. President, just a word in connection with the suggestion that there may be something in this map that ought to appear in the RECORD or that the map itself ought to appear. I think it would be pretty well agreed that everything that is shown on the map can be set out in the RECORD. For instance, it shows each State and the production of each State. All the figures and the whole data as shown by the map can be covered without inserting the map. It will be no detraction from the speech at all if the map is not inserted.

Another reason for this rule, Mr. President, is that if illustrations are to be ordered inserted in the RECORD by the Senate without any reference to the committee we are liable to find ourselves here inserting colored illustrations, and the Printing Office is not prepared to do that kind of work. It has to be done outside, and there would be a delay of the RECORD—it might be for weeks—in inserting illustrations, because they are to be set forth in various colors, and so forth. That is one reason why this matter ought to go to the committee, and I am sorry that the precedent is about to be set that it can be ordered without a reference to the committee.

Mr. WILLIAMS. Will the Senator pardon me? Why could we not have a regular cartoonist and a daily illustrated RECORD, with proper headlines and loving and lovable caricatures of our friends across the Chamber? Why not employ Berryman for that purpose? He would be a very good man.

Mr. FLETCHER. I think that shows the importance of a motion to reconsider. I move that the action of the Senate be reconsidered.

Mr. GALLINGER. Mr. President, the importance of this matter may well be stated in a few words. The Printing Office has outline maps of the United States to-day with mortised spaces in which it can insert figures. It will cost the Government of the United States $5 to reproduce this table, which I call it, which the Senator from Iowa used in his speech. It may be an important question to be reconsidered and acted upon, and while I shall interpose no factious opposition to it I really think that it is made a great deal more of than the facts of the case warrant.

Mr. FLETCHER. I move a reconsideration of the vote by which the motion was adopted.

The VICE PRESIDENT. It is moved by the Senator from Florida that the Senate reconsider the action taken with reference to the table or map ordered to be inserted in the RECORD.

Mr. FALL. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Colt	Lane	Smoot
Bacon	Fall	Lea	Sterling
Brandegee	Fletcher	Lewis	Swanson
Bristow	Gallinger	Oliver	Thomas
Bryan	James	Page	Thompson
Burton	Johnston, Ala.	Robinson	Tillman
Catron	Kenyon	Sheppard	Warren
Chilton	Kern	Smith, Ga.	Williams

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is necessarily absent. I will let this announcement stand for the rest of the day.

The VICE PRESIDENT. Thirty-two Senators have answered on the roll call. There is not a quorum present.

Mr. BACON. I ask that the names of the Senators who have not responded be called.

The VICE PRESIDENT. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. JOHNSON of Maine, Mr. JONES, Mr. MCLEAN, Mr. SAULSBURY, Mr. SHERMAN, Mr. SMITH of South Carolina, and Mr. VARDAMAN answered to their names when called.

Mr. MARTIN of Virginia and Mr. BORAH entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-one Senators have responded to their names—not a quorum.

Mr. BACON. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

Mr. GALLINGER. Pending that motion I move that the Senate do now adjourn.

Mr. BACON. Mr. President, I hope not.

Mr. GALLINGER. It is not debatable.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Senate adjourn.

The Senate refused to adjourn, there being on a division—ayes 17, noes 21.

Mr. GALLINGER. There is no quorum voting.

Mr. BACON. Mr. President, a quorum is not needed on that question.

The VICE PRESIDENT. The Senator from Georgia moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. BRADLEY, Mr. SHIVELY, Mr. POINDEXTER, and Mr. MARTINE of New Jersey entered the Chamber and answered to their names.

Mr. LEWIS. May I ask the unanimous consent of the Senate that I hand to the Secretary the names of the Senators who are engaged in committee work on what is known as the lobby investigating committee rather than call out their names, as I wish to explain their absence.

Mr. GALLINGER. No business can be done in the absence of a quorum.

The VICE PRESIDENT. Nothing can be done except to secure the presence of a quorum or to adjourn.

Mr. LEWIS. Is it determined that there is no quorum present?

The VICE PRESIDENT. There is no quorum present.

Mr. POMERENE, Mr. WEEKS, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

Mr. OLIVER. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the Senate adjourn. [Putting the question.] By the sound the "noes" appear to have it.

Mr. OLIVER. I call for a division.

The Senate refused to adjourn, there being, on a division—ayes 15, noes 22.

Mr. GALLINGER. I inquire if a quorum is present?

The VICE PRESIDENT. Not yet.

Mr. STONE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. BACON. I ask unanimous consent that the order instructing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The VICE PRESIDENT. In the absence of objection, the order will be vacated.

Mr. FLETCHER. Mr. President, I wish to have the motion I made noted as pending, leaving the matter before the Senate.

Mr. GALLINGER. Mr. President, I was about to appeal to the Senator, inasmuch as the Senator from Iowa [Mr. CUMMINS] is not present nor the Senator from Arkansas [Mr. CLARKE], who occupied the chair when the action was taken, that he allow the matter to go over. I will say to the Senator that I think by a little diplomacy this matter can be arranged so that there will be no trouble to-morrow.

Mr. FLETCHER. I was going to say in that connection that the Joint Committee on Printing meets to-morrow morning at 11 o'clock, and I have no doubt the whole matter can be disposed of then. That is one reason why I wanted to have the motion to reconsider acted on to-day.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 22, 1913, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 21, 1913.

MINISTER.

Albert G. Schmedemann to be envoy extraordinary and minister plenipotentiary to Norway.

UNITED STATES DISTRICT JUDGE.

Jeremiah Neterer to be United States district judge for the western district of Washington.

POSTMASTERS.

ILLINOIS.

Benjamin F. Neal, Toledo.

MICHIGAN.

William S. Drew, Augusta.
Paul Harrison, Bloomingdale.
Henry M. Jacobs, Hamtramck.
John W. O'Leary, Brooklyn.
Charles Snelling, Elsie.

MINNESOTA.

M. Brixius, Watkins.
C. H. Dickey, Wayzata.
Erick Erickson, Murdock.
William H. Franklin, Dodge Center.
P. O. Fryklund, Badger.
Alfred W. Johnson, Sebeka.
C. F. Lieberg, Clarkfield.
E. S. Scheibe, Cloquet.
Louis A. Schwantz, Evansville.

NEBRASKA.

C. F. Beushausen, Loup City.

SOUTH DAKOTA.

James L. Minahan, Geddes.

TEXAS.

J. W. Hardcastle, Lexington.

WYOMING.

Elizabeth W. Kieffer, Fort Russell.

SENATE.

TUESDAY, *July 22, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. FLETCHER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. LANE presented a memorial of sundry citizens of Union, Oreg., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented resolutions adopted by Local Branch No. 61, United National Association of Post Office Clerks, of Portland, Oreg., remonstrating against any change being made in the eight-hour law relative to employees in the postal service, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Joseph Bernhardt, of Portland, Oreg., praying for the enactment of legislation granting to certain applicants the right to settle upon and purchase from the United States for the sum of $2.50 per acre the land which they applied to purchase from the Oregon & California Railroad Co., should the same be decreed or declared to be forfeited to the United States, etc., which was referred to the Committee on Public Lands.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 2801) for the relief of settlers on unsurveyed lands of the public domain.

Mr. JONES. This bill is submitted by the Commercial Club of Seattle, Wash., together with resolutions of the club. It relates to public lands occupied by settlers within the primary or indemnity grant of the Northern Pacific Railroad. I move that the bill and accompanying resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

By Mr. LANE:

A bill (S. 2802) to authorize any farmer or association of farmers, any fruit grower or association of fruit growers, or other person or persons to manufacture, denature, and sell alcohol, and providing penalties for a violation thereof.

Mr. LANE. The bill permits farmers, fruit growers, and others to use the waste produce of their farms, such as vegetables and fruits, for the purpose of making it into denatured alcohol without the restriction of the present law. There are millions of bushels of fruit and vegetables which go to waste in this country, and which farmers are denied the use of, and from which they make no profit, for the reason that the restrictions of the present law are so great they can not take advantage of the opportunity thus afforded them.

The VICE PRESIDENT. The bill will be referred to the Committee on Manufactures.

Mr. SMITH of Georgia. It seems to me the bill should go to the Committee on Finance.

The VICE PRESIDENT. It can go to the Committee on Finance. It will be so referred.

By Mr. THOMPSON:

A bill (S. 2803) relating to the syndicating or otherwise supplying to newspapers, magazines, or other periodicals admitted to the privileges of the mail as second-class matter, reading, editorial, illustrative, or other matter, and forbidding the insertion therein of matter specially paid for unless plainly marked "advertisement," and prescribing penalties for the violation of the provisions herein; to the Committee on Post Offices and Post Roads.

By Mr. LODGE:

A bill (S. 2804) to amend section 87 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 2805) granting an increase of pension to Jennie A. Norton (with accompanying paper); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 2806) relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 2807) providing for a special study by the Secretary of Agriculture of diseases among sheep and goats and making appropriation therefor; to the Committee on Agriculture and Forestry.

A bill (S. 2808) authorizing negotiations with certain countries regarding the exportation of goats to the United States; to the Committee on Foreign Relations.

By Mr. NORRIS:

A bill (S. 2809) granting an increase of pension to Alfred L. Cain; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 2810) for the relief of the heirs of Joshua Nicholls; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 2811) to establish a fish-cultural station on Long Island, in the State of New York; to the Committee on Fisheries.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $6,000 to make suitable provision for the heirs of Angelo Albano, an Italian subject, who was killed at Tampa, Fla., September 20, 1910, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

PROTECTION OF AMERICAN CITIZENS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 139, submitted by Mr. FALL on the 19th instant, as follows:

Resolved, That the constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

Mr. FALL. I have no desire, Mr. President, to debate the resolution at all nor to precipitate any discussion upon it. I can not see that there is any necessity for a reference of the resolution. It is short and is easily understood. It was a part of the platform of one of the great parties in the last campaign. It was presumably discussed and understood before the people, and apparently by a large number of them approved, or, at any rate, acquiesced in.

As I said, I do not care to go into a full discussion now nor to precipitate any debate upon the subject. I note, however, that on yesterday the Senator from Georgia [Mr. BACON], the chairman of the Committee on Foreign Relations, was prepared to move the reference of the resolution to that committee. I think no Senator here can have any more respect for or confidence in the ability of the Foreign Relations Committee to handle matters of this kind which are necessary for consideration by a committee before being considered by the Senate than I have, but in view of the history of this resolution I ask unanimous consent for its present consideration.

Mr. BACON. I could not hear a word the Senator said. I do not know whether other Senators were more fortunate or not.

Mr. GALLINGER. I will state to the Senator from New Mexico that the resolution is before the Senate in its regular order.

Mr. FALL. I am informed by those more familiar with the rules than I am that unanimous consent is not necessary for the consideration of the resolution.

My suggestion, if the Senator from Georgia did not hear me, was that the resolution should be passed; that there is no necessity for a reference of it. As to the resolution, it is easily understood. Every Senator here knows exactly what it is, and presumably those on the other side particularly knew exactly and know now precisely what the purpose of it is.

I am sure there will be no objection to the passage of the resolution from this side of the Chamber, and I hope none from the other side of the Chamber.

Mr. JONES. Mr. President——

Mr. FALL. I am not authorized, however, to speak for the Senators on this side.

Mr. JONES. I desire to say to the Senator that I would not consent to the passage of the resolution at this time. I do not know exactly how far the resolution goes. It seems to me to be a most important one.

As I understand the resolution it means about this: That if some person is not satisfied with conditions in the United States and wants to go to a foreign country and engage in business and gets into trouble there, he can embroil in war all the people of the United States by an attempt to protect him and his property. I am not in favor of the policy if that is the effect of the resolution. I would not want to consent to its passage at this time without consideration. It should be considered most carefully.

Mr. FALL. I understand the effect of the resolution to be this: At least one of the great parties of the United States stood ready before the last election and said to the people that they propose to follow the time-honored doctrine of this country, as I have always understood it, that where an American citizen, even in a foreign country, was obeying the laws of that country and was legally there in that country, pursuing his daily avocations or his business pursuant to the laws of that country, not at fault himself, he was to be protected to the full extent of the power of this Government to protect him in his property, in his life, and in his liberty. I understand this is a reiteration of that doctrine, and it is with that understanding that I ask for the adoption of the resolution.

Mr. BACON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Gallinger	Norris	Smith, S. C.
Bankhead	Hitchcock	O'Gorman	Smoot
Borah	Hollis	Page	Sterling
Brady	James	Perkins	Stone
Brandegee	Johnston, Ala.	Pittman	Sutherland
Bristow	Jones	Poindexter	Swanson
Bryan	Kenyon	Pomerene	Thomas
Burton	Kern	Ransdell	Thompson
Catron	Lane	Robinson	Thornton
Chilton	Lea	Saulsbury	Tillman
Clark, Wyo.	Lewis	Sheppard	Townsend
Clarke, Ark.	Lippitt	Sherman	Vardaman
Colt	Lodge	Shields	Warren
Cummins	McLean	Shively	Weeks
Dillingham	Martin, Va.	Simmons	Williams
Fall	Martine, N. J.	Smith, Ariz.	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city and is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMOOT. I wish to state that the senior Senator from Delaware [Mr. DU PONT] and the junior Senator from Wisconsin [Mr. STEPHENSON] are unavoidably absent from the city. I desire this notice to stand for the remainder of the day.

The VICE PRESIDENT. Sixty-eight Senators have answered on the roll call. There is a quorum present.

Mr. BACON. Mr. President, I do not propose to discuss now, nor do I understand it to be the desire of the Senate that there should be a discussion, as to the question of the correctness or the incorrectness of the proposition contained in the resolution. What may be an abstract and correct statement of a principle it may not be expedient to express and announce without reference to the particular circumstances at the time and without reference to the application which may be sought to be made of it.

A declaration of principle which is correct in itself may, when intended to be applied to a particular situation, require elaboration and amplification. Otherwise the purpose of the declaration may be misunderstood, and an improper construction may be put on the words of the declaration.

Everyone knows, Mr. President, that we are now in a position of very grave responsibility. Everyone knows that there are conditions which make that responsibility to those of us who sit here to-day one to which no man who values his obligation can shut his eyes. In view of the gravity of the present situation I think I may safely say that any enunciation in which it is proposed that there shall be an expression by the Senate affecting the present situation, should be most carefully considered by us under the particular advice of the committee which the Senate has constituted for that purpose with reference to questions of that character.

Words are very serious things at times, and this is one of those times. The words which should be uttered should be carefully considered and weighed. Therefore, Mr. President, without discussing the question at all as to whether or not this resolution enunciates the truth, or whether there ought to be an expression of the truth at this time, I respectfully say that the resolution should be considered by the Committee on Foreign Relations, and I move its reference to the Committee on Foreign Relations.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. What portion of the resolution—I have not a copy of it before me—is it that the Senator from Georgia thinks is incorrect or wrongly stated?

Mr. BACON. Has the Senator understood me to suggest that there was any part of the resolution that was incorrect or wrongly stated?

Mr. LODGE. I am trying to find out.

Mr. BACON. Well, if the Senator had listened he would have heard that I had expressly stated to the contrary.

Mr. LODGE. I listened to every word the Senator said.

Mr. BACON. I stated expressly that I did not intend to discuss the question whether it was or was not; and I suppose the Senator from Massachusetts heard that.

Mr. LODGE. I did, and I do mean to discuss the resolution. That is just it.

Mr. BACON. Very well. The Senator can proceed, if he chooses to do so.

Mr. LODGE. I want to discuss the resolution, and I am asking what there is in the resolution—I am not now speaking of the expediency of passing it—that is not sound?

Mr. BACON. Mr. President, I am addressing myself solely to the question of expediency, and not to the question as to whether or not there is a correct enunciation of a sound principle.

Mr. President, if we are to consider this question now, of course, there will be consideration as to whether or not the resolution is sufficient in itself or whether it should be added to and amplified in any way. We could not shut our eyes to the fact; we all know what the purpose of the Senator from New Mexico [Mr. FALL] is. The Senator from New Mexico desires that this shall be an enunciation on the part of the Senate of the proposition that the United States Government should by force undertake to redress any wrong which may be recognized as having been committed in Mexico upon American persons or upon American property.

Mr. FALL. Mr. President, will the Senator from Georgia yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I think the Senator from Georgia possibly is considering matters from another standpoint when he attributes to the Senator from New Mexico purposes which the Senator from New Mexico has not expressed on the floor at this time or at any other time. I think that the Senator from Georgia is attributing to the Senator from New Mexico motives possibly to which he certainly has not given utterance with reference to his purpose in introducing the resolution. If the Senator from New Mexico had added a second resolution to this, as under the circumstances he might well have done, authorizing the President of the United States to use the land and naval forces of the United States to carry out the purposes of the resolution when, in the discretion of the President, such course might be necessary, then the sentiments attributed to the Senator from New Mexico by the Senator from Georgia might have been correct, but so far the Senator from New Mexico has expressed no such sentiments.

Mr. BACON. Well, I may have drawn an incorrect conclusion from the utterances which the Senator from New Mexico has made upon this floor. If so, of course I do not wish to misrepresent him. I had certainly understood from what I have heard the Senator heretofore say that that was substantially his attitude. If it is not, of course I do not wish to attribute anything to him which he does not profess.

Mr. FALL. Does the Senator have reference expressly to the speech I made here on July 22 of last year and to the

remarks which I made subsequently, and particularly to those made prior to the meeting of the Baltimore convention?

Mr. BACON. Well, Mr. President, I yielded to the Senator from New Mexico. I do not know how far he desires me to yield.

Mr. FALL. The Senator from Georgia has attributed to the Senator from New Mexico certain purposes in offering this resolution, and he says now that he arrives at the purposes of the Senator from New Mexico by virtue of other expressions which the Senator from New Mexico has made on the floor; and I ask the Senator if those other expressions to which he refers were those made in July of last year and prior to the Baltimore convention.

Mr. BACON. Mr. President, I do not recall the exact dates of the speeches with which the Senator from New Mexico has entertained the Senate, and I think I made the proper amende, if such may be needed, when I stated that if I had in my construction of what the Senator had said misrepresented him I did not wish to be understood as insisting upon that construction of his language. I do not know how he could expect me to go further than that. I will say to him very frankly that the general impression which has been made upon myself—I do not know whether or not it has been made upon other Senators—by several utterances of the Senator upon this floor, the dates of which I can not recall, has been to the effect which I have indicated; but I do not wish to misrepresent the Senator, and, of course, I shall not insist upon that if he disclaims it.

But, Mr. President, the Senator purposes to limit the Senate to an expression of this kind at such a time without a consideration as to whether or not there should be, if any expression is made at all, additional expressions in connection with the resolution to prevent any misunderstanding of any declaration now made. I do not know that any resolution on the subject is required. If there is anything of the kind necessary, it seems to me much better that it should be put in a concrete form. This resolution would refer to the Balkan States as well as to Mexico. If the Senator from New Mexico has in view only Mexico in making the utterance, and if the conditions are such as to require any declaration from us, let us have it in a direct, concrete form, where we can meet it and judge of it and weigh it; but the proposition I make is that a matter of this gravity, involving such serious interests and considerations, should not be acted upon by the Senate without a reference to the committee charged particularly with that subject.

I am sorry that my very learned and distinguished and honored colleague upon that committee, the Senator from Massachusetts [Mr. LODGE], would so far permit his present attitude of energy—I started to say "bellicose" attitude, but I am afraid the Senator might not relish that word—to lead him astray from what I have always heretofore understood him to be very carefully guarding; that is, the propriety of everything of this kind, before it is considered and passed upon by the Senate, receiving the careful attention of the Committee on Foreign Relations, and that a matter of this kind should not be hurried to the consideration and expression of the Senate without the opportunity for that careful consideration and examination which can not be given by the Senate at large at such a time, and which can only be given by the patient and careful examination which the committee has the opportunity to give to it.

Mr. President, if I stopped to analyze this resolution and to discuss the propriety of its approval from the standpoint of its correctness—I care not whether it is founded on the Democratic platform or upon something else—there might be some very just criticisms made upon it. For instance, what constitutional right has a citizen of the United States in Mexico? What constitutional right has a citizen of the United States in the Balkan States?

Mr. FALL. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I will yield for a question or a suggestion, but I do not yield now for a speech. The Senator will have his opportunity later.

Mr. FALL. Very well; I will answer the Senator later.

Mr. BACON. I yield to the Senator for any suggestion he wishes to make.

Mr. FALL. I understood that the Senator had asked a question which I thought in my very feeble way I might be somewhat prepared to answer offhand, but I will answer it in my own time.

Mr. BACON. The Senator did not indicate his purpose when he rose. I am perfectly willing that the Senator shall answer now.

Mr. FALL. I think possibly, Mr. President, that it might be better to allow the Senator to conclude his remarks, and then I will have an opportunity to answer.

Mr. BACON. I do not intend, unless the sense of the Senate should indicate that such is its desire, now to enter into an elaborate discussion of this question.

Mr. FALL. Mr. President, allow me to disabuse the mind of the Senator of the idea that I want to make a speech. If I want to make a speech, I can make it in my own time and not by interrupting him. Therefore I thought the statement of the Senator that he would yield to me for a question or for a certain purpose, but not for the purpose of making a speech, was a little uncalled for. I will have the opportunity, I presume, of making a speech; but that is not my purpose. The Senator asks what constitutional right has an American citizen abroad? I think that has been decided so often that the question easily answers itself.

Mr. BACON. I did not have even a remote allusion to the Senator in the suggestion I made, to which he is replying with so much heat. I was speaking about myself, and not about him. It had been suggested that something might be said after I finished my speech, and I simply said I did not propose to make a speech. I do not know that that utterance should give any particular offense to anybody or excite any particular feeling. That is all I meant.

Mr. FALL. Allow me to assure the Senator from Georgia that the Senator from New Mexico has taken no offense and has not imagined that any offense was intended at all; but the Senator's words were that he would yield to the Senator from New Mexico for certain purposes, but not for the purpose of making a speech. The Senator from New Mexico did not interrupt for the purpose of making a speech.

Mr. BACON. I have no objection whatever to that, Mr. President. The Senator went on, then, to say that he would speak after I had finished my speech. I simply meant to say that I did not intend to make any speech at this time. I do not know why it was necessary to recur to what had previously occurred and take up unnecessarily the time of the Senate upon such a matter as that.

I do not propose at this time, Mr. President, to go into an elaborate discussion of this question. I do not think it is the proper time for it. I say that, if this is a matter recognized by the Senate as one which should now have the consideration of the Senate, it should come to the Senate in a proper form after consideration by the committee charged with that work. Therefore I do not propose now to discuss the resolution unless it is developed, as I have said, to be the sense of the Senate that it should be now discussed; and, Mr. President, if it is now to be discussed, I shall insist that the resolution shall be put in a shape to relate to that which doubtless the Senator had in his mind when he introduced the resolution. The Senator did not have the Balkan States in his mind, although there is a war over there, nor did he have in his mind any other country in which war might break out to-morrow. Every Senator will recognize that the Senator had Mexico in his mind; and if we are going to pass a resolution which is intended to apply to Mexico, let us be honest and put it in shape to mean exactly what it says and to say what it means, and not by indirection or by general expression seek to commit the Senate to the declaration of a principle the application of which is intended for a particular purpose, and not for a general purpose.

Mr. President, I will not move to lay this resolution on the table, because the Senator has given notice that he desires to say something and I have no desire to cut him off; but I do say that, if the temper of the Senate is such that they think the matter should be considered, I desire that it shall go to the Committee on Foreign Relations, and if such is not the desire of the Senate, then we might end it in another way.

Mr. LODGE. Mr. President, I had no intention of being "bellicose" in the question I asked, nor am I aware that I have opposed the reference of this resolution to the committee; but I had a curiosity to know just what there was in it which was objectionable. It now appears that there is some fault to be found with the phraseology and the use of the word "constitutional."

I take it that the American citizen's constitutional rights go with him to the border, but when it comes to his constitutional rights going with him throughout the world, I should personally have phrased it differently; I think I should have been inclined simply to say "the rights of American citizens." However, I have no desire to discuss this resolution on that particular point. It is taken from the Democratic platform, which I understood was in large measure prepared by the present Secretary of State and by the distinguished Senator from New

York [Mr. O'GORMAN], who is entirely capable of defending his own phraseology from every point of view if he happens to be responsible for it.

The intent of the first sentence of the resolution is plain enough. It is that the rights of American citizens, constitutional on the border and international in the rest of the world, should protect them. I for one am not ready to vote against that proposition. I think it is perfectly sound. The other statement is that every American citizen is entitled to full protection in a foreign country, both for himself and his property. I take it that is an equally sound proposition, and I should be sorry to vote against it, because I think the American citizen abroad is possessed of all the rights that are given him by treaties and by international law and is entitled to the protection which is given him by the law of nations. I can not conceive why anybody should want to question that.

Those are the two general propositions. The Senator from Georgia [Mr. BACON] doubts the expediency of dealing with the matter at this time. I am not speaking of the reference, which is one method of dealing with it. That which I speak of now is the substance of the resolution, and I wish to call attention to the fact that in the same platform from which these words are taken there is also this statement:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

Mr. President, is it possible that we can not consider and, if necessary, act upon two abstract principles like these, because those very principles are now being violated in a neighboring country? It seems to me that would be an unfortunate attitude to take at this time.

Mr. BACON. Will the Senator from Massachusetts permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. BACON. Of course, there is always latitude of construction in any language which may be used. In view of the application which is doubtless in the minds of all Senators when we are called upon to pass upon this resolution, in the expression—

> And every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property—

I want to ask the Senator if he would understand that to mean that if an American citizen 200 miles from the border, or 500 miles from the border, had property which he had purchased there, he himself bearing the management and control of it, and there should be an outrage committed upon that property and the American citizen, if you please, should be imprisoned, does the Senator understand that to mean that it would be the duty of the United States Government, if this proposition is recognized as a correct one, to send an armed force to liberate him?

Mr. LODGE. Certainly not, Mr. President. Those principles do not commit us to war.

Mr. BACON. That not being the case, the Senator at once is brought to confront the fact that in giving utterance to a principle of that kind, in view of the present conditions, we should give utterance to it in such a way as not to commit us to something to which the Senator himself says he would not agree.

Mr. LODGE. Mr. President——

Mr. STONE. Mr. President, if I may "butt in"——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I shall be glad to do so.

Mr. STONE. If an American citizen were imprisoned in a foreign country and despoiled of his property, and if he could not be speedily released by diplomatic intervention through peaceable means, I for one would be willing to send an armed force into the country to take care of him.

Mr. BACON. There are too many "ifs" in what the Senator proposes, though.

Mr. LODGE. Mr. President, when I replied to the Senator from Georgia he asked if that meant sending down an army. It does not, in my opinion, for there are many steps which precede the use of military force. There are, in the first place, the usual diplomatic methods of enforcing our rights, which, of course, must be exhausted before further steps are taken. If such occurrences have existed in Mexico as have been referred to by the Senator from Missouri, it is our duty to put into operation every recognized engine of diplomacy for the protection and rescue of any American citizen under such circumstances.

No doubt a point can be reached where a nation so maltreats, outrages, wrongs, and possibly kills the citizens of another nation that if diplomatic methods fail the only resort is to armed force. We are not, perhaps, in that situation to-day. I trust and believe we are not. But, setting aside the question of the wording of these propositions—which, even if they might be better phrased, are perfectly clear in their intent—I think the announcement to this country and to Mexico that we will not pass a declaration of general principles of this sort is a very serious thing to do.

The resolution is here. We can not escape it. We must act upon it. To fail to act upon the resolution, or to lay it on the table, or to reject it, would be practically equivalent to saying that we are not prepared to protect our citizens in Mexico. Therefore it is not a question which can be brushed aside as an unimportant declaration of general principles upon which it is not expedient at this moment to act.

To my mind it would be a very serious thing for the Senate to refuse to take proper action upon the principles set forth in the resolution and proposed for our action. It can not be that we have reached the point where we are unable or unwilling or afraid to affirm general propositions of this kind, which have nothing to do with war, of course, but are simply abstract declarations of the right and the duty of the Nation to protect its citizens abroad. It may not be necessary to make such declaration in a resolution; but the resolution is here, requiring action, and I think proper action should be taken upon it.

Of course I have no objection to the reference of the resolution to the Committee on Foreign Relations. I think that is the proper course. But I do not think the resolution should be lightly dismissed, because negative action will be much more serious than affirmative action upon it.

Mr. WILLIAMS. Mr. President, if the resolution is to be passed it ought to be amended. It reads:

> That the constitutional rights of American citizens should protect them on our borders, and go with them throughout the world.

The Constitution of the United States can not go with any American citizen throughout the world. It stops at the border. It does not make any difference who worded the resolution originally, or whether it was in a Democratic platform or not. That is a mere ad hominem crumb. It is absurd for any legislative body to make the assertion that the constitutional rights of its citizens exist upon the territory of foreign countries. What was meant, I suppose, was that the constitutional rights of American citizens should protect them on our borders, and that their rights under the law of nations should go with them throughout the world.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. WILLIAMS. One word more. Farther on it reads:

> And every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government.

That also is not sound international law. I suppose what was meant was must be given the full protection of the law of nations by the United States Government.

If the resolution were amended so as to read in that way, it would be only an abstraction. It would be the utterance of a truth which nobody would dispute anywhere, at any time. But I differ with the Senator from Georgia [Mr. BACON] when he draws the conclusion that because it is an abstraction it might be useless. I think it would be a very good thing to strengthen the arm of the Secretary of State with a resolution of this sort at this time, properly amended.

I do not think we need make ourselves absurd in the wording of the resolution, however, simply because somebody else, somewhere else, worded it wrongly at the beginning. The persons who chose this language were not considering then the delicate international question involved. They were considering simply the appearance of the thing to the American people. The adjective "constitutional" has become so constantly a prefix of the word "rights" that I suppose it slips in by force of habit of thought.

I think that to utter an abstract truth of this sort, which no nation can dispute, which no lawyer can dispute, which no American would dispute, and send it out as a resolution of the United States Senate, would be the greatest possible aid that we could give to our diplomatic forces in wrestling with the problem at our southern border; and all the more so because it is worded in such phraseology that it may apply to anybody, anywhere, as well as to Mexico and the forces operating there.

I agree with both the Senator from Georgia [Mr. BACON] and the Senator from Massachusetts [Mr. LODGE] that before the resolution passes the Senate it would be well for it to be considered in the Committee on Foreign Relations. My chief reason for desiring it to be considered there is that it may come

back properly and accurately worded, in such a way that we may for all time stand by it as an accurate and correct expression of the abstract principle involved.

Mr. O'GORMAN. Mr. President, if there is an amusing feature to the discussions that are heard from time to time on the floor of this Chamber, it is caused by the dogmatic utterances which sometimes mark the expressions of individual Senators.

A nice appreciation of the correct use of language should indicate to the mind of any observing Senator that the use of the adjective "constitutional" before the word "rights" in the first line of the resolution is quite proper, and is not subject to the criticism even of the purist in speech.

There are various rights of an American citizen. There are private rights, personal rights, statutory rights, and beyond all of them, and far more important than the rest, are the constitutional rights, the fundamental rights upon which American citizenship is based.

Reference is made to the thought that the constitutional rights of American citizens do not extend beyond the borders of the United States. I am astonished that such a statement should be uttered by any occupant of a chair in this Chamber. In every treaty made by the United States Government with a foreign power there are provisions guaranteeing to the citizens of the United States in the territory of that power the same rights that they enjoy in their own territory. Moreover, by express language in our Constitution, every treaty made with a foreign power becomes the supreme law of the land.

When the declaration embraced in the resolution was made, it was intended to emphasize the attitude of the United States, if it found enactment in our laws, that these fundamental, constitutional rights of citizens of the United States should attach to their persons and their property in every part of the world.

As for myself, I am prepared to vote for the passage of the resolution now. I doubt whether there is a Senator upon this side who would hesitate to vote for its adoption. Yet very properly the chairman of the Committee on Foreign Relations has called the attention of his colleagues to the eminent propriety of observing the precedent, which has rarely been disregarded, of submitting the resolution to the appropriate committee—the Committee on Foreign Relations—because it does touch the question of our right with foreign powers under our treaty engagements.

Mr. WILLIAMS. Mr. President, in connection with what has just been said, three plain instances, I think, will furnish a complete reply.

The Constitution of the United States gives to every citizen of the United States the right to bear arms. Nobody would contend that that sort of a constitutional right accompanied an American citizen in France or Germany. The Constitution of the United States gives to every American citizen the right to resort to the writ of habeas corpus. It gives to every American citizen the right to be tried by a jury. Those are constitutional rights. Nobody would contend that either one of them would exist in a country which had neither habeas corpus nor trial by jury. All that America could claim for her citizen in such a country would be that he should be tried fairly by the laws of the land in which he was alleged to have committed the crime.

Mr. WORKS. Mr. President, the declaration in the pending resolution touches a subject that has given me a great deal of concern. A great many of the citizens of California are in Mexico. Many of them have lost their property; some of them have lost their lives; and still others of them are imprisoned in that country, I think, without right or warrant of law.

The question is, By what means should this Government protect them? We can not conceal from ourselves the fact that the resolution is directed to the relations of this country with the Republic of Mexico. The country will so accept it. Foreign countries will so look upon it. Are we prepared to declare at this time, as set forth in the resolution, that this Government should give full protection to its citizens in Mexico, both for themselves and for their property? What is meant in the resolution by "full protection"? It must necessarily mean that if at this moment our citizens in that country can not be protected by diplomatic means, we should go to war to protect them.

This question has been presented to me at various times personally by people who are suffering under the conditions that exist in Mexico. They are insisting, a good many of them, that this country should resort at once to intervention for their protection. That may be so. We may have reached a condition where it is absolutely necessary for us to take that step in order to protect the citizens of this country in Mexico. But I submit, Mr. President, that before we make a declaration on the part of the Senate of the United States to that effect we should consider this resolution or any declaration that we propose to make seriously and carefully before going to that extent.

So far as the resolution simply declares a principle it is unobjectionable. Everyone recognizes the fact that it is the duty of this country to protect its citizens abroad as well as at home. I am not disposed to cavil about the use of language or to split hairs with respect to it. It does not make very much difference whether the right of an American citizen in another country is a constitutional right or some other kind of a right. His Government, of course, should protect him in his rights, whatever they may be.

I do not agree with the Senator from New York [Mr. O'GORMAN] that the Constitution of this country extends beyond its borders or that the rights he is talking about are constitutional rights.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New York?

Mr. WORKS. I do.

Mr. O'GORMAN. I fear the Senator from California did not honor me with his attention when I was attempting to express some views a moment ago. I never declared, I never meant, that the Constitution extends beyond the domain and the frontier of our own country except indirectly by treaty engagements, where the principles of the Constitution, so far as they affect the citizen, are guaranteed to him in the various countries with which this country has negotiated treaties.

Mr. WORKS. Then, Mr. President, the right on the part of an American citizen as it exists in another country is not a constitutional right; it is a treaty right guaranteed to him not by the Constitution but by the treaty with another country, and that may, by virtue of the language of the treaty itself, protect him in his constitutional rights as he would enjoy them at home.

I agree with the Senator from Georgia that the resolution should go to the Committee on Foreign Relations, and that it should be considered deliberately and carefully before making any declaration on this subject. If it involved simply the matter of making this declaration as a matter of principle, we could do it without any hesitation; but if it is a declaration of principle that is to affect our relations with the Republic of Mexico, that is quite another thing, and it would undoubtedly be construed in that way.

Therefore I am not in favor of action upon the resolution now or hastily, but should very much prefer to see it go to the appropriate committee.

Mr. FALL. It is rather singular to me, Mr. President, that there should arise any discussion at all upon the adoption by the United States Senate, and the immediate adoption, of this resolution.

Words have been put in the mouth of the Senator from New Mexico, Mr. President, on more than one occasion in the Senate with reference to the discussion of foreign affairs, particularly relative to the conditions in Mexico. On the first occasion when the Senator from New Mexico undertook to call the attention of the Senate to the conditions existing in Mexico he endeavored to impress upon the Congress of the United States that unless some strong policy was declared and preparations made if necessary to carry it out by this country with reference to Mexico or any other country on this continent in the condition of Mexico, this country would eventually be dragged into a war.

The sole purpose of the Senator from New Mexico from the first word that he has uttered in this Chamber down to the present time has been to prevent war with Mexico. Every effort of the Senator from New Mexico with the last administration was to urge upon it the necessity of realizing the conditions in Mexico and of taking such action as, in the judgment of the Senator from New Mexico, would prevent war.

This matter has been allowed to drag along, until now we are told the situation is so delicate that we should not make a declaration of this broad principle which has been recognized as the American policy, and, as applied to individuals, to a certain extent setting forth the constitutional right of every citizen of this country.

The Senator from New Mexico is not responsible for the conditions in Mexico. It is delay, reference to a committee, failure to report back by the committee, failure of the administration to act when action was necessary, failure of the administration to carry out its warnings to the people of this foreign country which are responsible for the conditions which now exist in Mexico, and continued failure is going to result in what you, gentlemen, know will come about.

This is a Republic. It is not a centralized Government, where the people act through one man. We hesitate as a Republic, and rightfully so; we hesitate more than any other nation on the globe to protect our citizens because of the fear that we may bring on war. We hesitate to protect them in their rights to property and in their treaty rights, and a treaty by the Constitution is made the supreme law of the land. We hesitate, and, as I said, rightfully so and naturally so, because this is a Republic. Finally we are aroused. How? By some great disaster like the blowing up of the *Maine;* and then we are aroused to such an extent that instead of mediation, instead of interposition, instead of intervention quietly, with the entire armed force of the United States the people of this great Nation, being aroused, pursue the enemy to the uttermost corner of the earth and carry on a war—a war for civilization.

It is in your power, and it has been in the power of the last administration and the power of this administration up to the present time, to prevent war. It is not just or politic for any administration to say to foreigners or contending factions threatening battle or disturbance along our border that "you must not fire a shot into American territory nor injure anyone upon this side of the line," placing our armed forces in a position to enforce this warning; and when the injunction is violated and we are defied, our territorial rights invaded, and our citizens killed as in Agua Prisbo and El Paso, fail entirely to punish such outrage and direct defiance of our order.

Strong action taken two years ago would have prevented war. The demand of Mr. Madero for proper assurances to this country that he was able to and would protect the rights of American citizens, which proper assurances could have been demanded then, would have prevented war. A determined policy on the part of this Government at any time during the last two years in dealing with these conditions would have prevented war. The protection of American citizens who were killed or who have been held for ransom on the border, such protection being extended through the armed forces, if absolutely necessary, would have prevented war instead of precipitating war.

But the policy of the last administration and, so far of this administration, the policy of the Congress of the United States, has been to delay, with the hope that something might happen to avoid the necessity of the United States, declaring that they would protect American citizens wherever they were.

Mr. President, I am a little bit astonished at the Senator from Mississippi [Mr. WILLIAMS] advancing the argument he has made here as to constitutional rights. Of course, the Constitution of the United States declares inalienable the right of American citizens to bear arms. Still we know perfectly well that means that the right to bear arms is subject to local rules and regulations in every State or in every municipality of the Union.

I call his attention to the fact that the constitutional rights of American citizens to protection, and not through the courts of Mexico, has been passed upon by this country. In what are known as the Laffragua letters every argument which the ingenuity of the Senator from Mississippi and of his colleague from Georgia or any distinguished gentleman on the other side could use upon this subject was used, and was used, if they will permit me to say, with the same ingenuity that they might advance. It was the same argument used by Mr. Laffragua, the minister of foreign affairs of the Mexican Republic and afterwards minister to this country. The right of the Mexican Government to force American citizens into the local courts, under the treaty of 1831, which is yet in force for the protection of American citizens in Mexico, was insisted upon by Laffragua, was fully passed upon, and it was decided by this Government that conditions changed, and that, although the general rule was as stated, this general rule only applied during times of peace and to peaceable conditions, and not when conditions were such as exist at the present time; that under such conditions American citizens would not be expected to appeal or submit first to local tribunals, but would receive directly the assistance and protection of their Government and not be relegated to a miserable Mexican court to try out his rights.

Now, Mr. President, so much for this general argument. In 1860 the great Democratic Party went on record before the people of the United States in almost identical language with that which is now embraced in the resolution:

> *Resolved*, That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad and whether native or foreign.

Mr. President, there has been a time when I myself took great pride in the fact that the Democratic Party of the United States stood for American citizenship at home and abroad. I want to say as an American citizen that I am yet proud of the fact that in its last convention the Democratic Party, presumably after due consideration, in as full knowledge of conditions in New Mexico as is possessed by the Senator from Georgia or any other Senator, because those conditions existed then, and with the conditions in Mexico in view and not the conditions in the Balkans, adopted exactly this plank in your platform. But I say that it applies to American citizens in the Balkans, as we have before this made it apply to them in Armenia and in other countries of the world.

It is not only in Mexico, Mr. President, that this country has interposed by its armed forces by the authority of the Congress of the United States and without such direct authority to protect American citizens in their property rights and to protect their lives and their liberty. Hundreds of cases can be referred to in which the United States has gone into foreign countries with its armed forces and with its ships of war and there demanded, and has committed acts of war in, the protection of the property and the rights of its citizens.

Now, the Senator from Georgia undertakes to put words into my mouth. I call his attention to the speech which I made in the Senate on April 22. At that time the Senator sought to put me in the position of seeking to bring on war, a war for filthy lucre, by stating that he would not agree, as he intimated that I desired, to send the armed forces of the United States into the Republic of Mexico for the protection of the dollars of those citizens who had gone across there.

My reply was then:

> If I intimated that an army should be sent into Mexico for any purpose, I do not recall it. The Senator has stated that if I want to know whether he is willing to send an army down to Mexico to secure these damages he wanted me to understand he was not. I say with perfect and equal frankness to the Senator that if it becomes necessary to protect one American citizen in Mexico or anywhere else to send 200,000 men there to do it, I am in favor of sending American troops there to do it, not to collect a dollar, but to protect an American citizen, wherever he may be.

I called his attention then and I call the attention of the Senate of the United States again, and I call the attention of the Secretary of State of this great United States again to the fact that Americans in Mexico are not mere adventurers who have gone across the line to make a few dollars from Mexico and bring them back. It is not alone for the protection of property rights of the American citizens that those of us who understand the conditions have asked this Government to make declaration of its policy at least through this high lawmaking body.

Five thousand American citizens, Mr. President, many with children born on Mexican soil, making homes there under concessions by which the Mexican Government guaranteed to them their American citizenship and like citizenship of their children born in Mexico, with protection of lives and property, of their little farms and homes—American citizens living in Mexico, who drove out the Apaches from the Sierra Madre where no Mexican dared to go, have been thrown out, their houses burned to the ground, themselves driven at the muzzle of rifles from the Mexican Republic, and no redress has been asked or offered. The Senate of the United States has passed two resolutions providing funds to remove these people from the danger zone and to provide for their temporary needs until they could obtain employment on this side of the line, where they sought refuge, with the accumulations of a lifetime taken from them by armed banditti without protest from this Government.

A year ago the Senate passed a resolution, concurred in by the House, appropriating $20,000 to pay the expenses of sending trains down there to get these people out of Mexico, and a few days later it passed a bill appropriating $100,000 to support them until they could obtain work with which to support themselves. These were American citizens. Let me repeat that their children, although born on Mexican soil, under the laws and concessions of the Mexican Government have all the rights of American citizens. It is not only the capitalist who has gone across the border for the purpose of "mulcting" Mexico that is appealing for protection.

Mr. President, the United States has developed Mexico. Citizens of the United States have built practically every street railroad, every electric line, every power-transmission line, and practically all the railroads. They have developed the mines and have now invested in Mexico one hundred times as much in productive property as the Mexicans themselves have, and all that is asked is that the Senate of the United States shall reannounce the American doctrine that an American citizen behaving himself in a foreign country is entitled to the protection of his Government.

Mr. President, the writers on national law are those I think whom our forefathers followed and whom our statesmen have generally followed in expounding the American doctrine. We have not followed the writers on civil law, but rather our statesmen have founded their doctrine upon those laid down by

Vattel and Grotius and the other writers, and I hope they will continue to build upon that foundation.

Mr. President, when this country becomes so thoroughly commercialized, so thoroughly selfish within its own borders, that it will not render absolute protection by its armed forces, if necessary, to its American citizens abroad, then I ask you what will be the spectacle if this United States of ours were in a great war with some country which was our equal or our superior?

One of the axioms of the old law writers is that the prince is entitled to the loyalty of his subject wherever that subject may be. Even if in the remotest corner of the earth, when the subject hears that his prince is in danger he is supposed to hasten home and to offer his sovereign his life in defense of the liberty or life or the property or the rights of that sovereign. And conversely it is true that a citizen of this country wherever he may be—in Russia, or in Japan, or in China, or in Nicaragua, or in Mexico—has a constitutional right, because this is a Republic founded upon a Constitution—has a constitutional right to rely upon his sovereign, his Government, for protection.

This Republic of ours is and should be responsible for the protection of the citizen where he stands, obeying the local laws of the land, and I tell you, Mr. President, that when any country grows so weak that it will not extend that ultimate protection to that citizen, the days of that republic or that country are numbered.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. I yield.

Mr. BACON. I simply desire to ask the Senator practically the same question I asked the Senator from Massachusetts. The Senator insists upon the right of a citizen in Mexico to protection by this Government. I have been unfortunate in misunderstanding him in the past, and therefore I ask the question now, Does the Senator contend under that proposition that if an outrage is committed upon a citizen of the United States, say 500 miles in the interior of Mexico, and he is imprisoned, the duty of protection devolves upon this Government, the duty to send an armed force for his release?

Mr. FALL. If such armed force is necessary for his release, if no other method will secure his release, he is entitled to the assistance of the last citizen of the United States to release him.

Mr. BACON. Then, as I understand the Senator from New Mexico, his proposition is this: The Senator states that there have been a great many of these outrages, a great many instances in which citizens have been imprisoned, a great many instances in which their property has been destroyed, and the Senator says that so far our diplomatic efforts in the direction of redress and protection have failed. Does the Senator mean from that to deduce the conclusion as now the position occupied by him that it is the duty of this Government to send armed troops into Mexico for the purpose of liberating those men and for the purpose of getting redress for the property thus destroyed?

Mr. FALL. Mr. President, the argument of the Senator from Georgia reminds me of that of one of the greatest lawyers that we ever knew of in our southwestern country, of whom it was often said that if you would grant his premise, you must give him the decision. In the first place, the Senator from New Mexico has not said that the diplomatic efforts of the United States Government to avoid the present conditions have failed.

Mr. LODGE. They have never been attempted.

Mr. FALL. They have not been attempted. Nothing has been done to protect American citizens in Mexico.

Mr. BACON. Mr. President, the Senator from New Mexico makes that statement very broadly, and for me to permit it to pass unchallenged might be construed as consent to its accuracy. I am very certain that the Senator is absolutely without warrant in making that statement, if there is any truth in men. I know not only has there been under the present administration, but that under the past administration there was the most constant effort made through our consular officers and through our diplomatic officers for the purpose of securing protection for our citizens there and for the purpose, so far as it was reasonable and practicable, of securing redress. Of course everybody will recognize the fact that in the disturbed condition of affairs in Mexico, with their people rent in twain, with one part of the country under the domination of one faction and another part of the country under the domination of another faction, they were not in a condition then to furnish the money to repay the millions and millions of dollars which would be necessary to recompense for the destruction of property; but it is a fact, and I assert it as a fact on this floor upon the faith of the truth of statements made to me by officers of the Department of State in the last administration and by officers of the Department of State in the present administration, that there have been such efforts continuous and unceasing.

They may not have availed; but it is not true, Mr. President, that the Government of the United States, either under the past administration or under the present administration, has been indifferent to the rights and interests and protection of the lives and property of citizens of the United States in Mexico. I know, not only from general statements made by officers of the State Department of the past administration to me and to other Senators, but also by statements made to me by officers of the State Department of the present administration, as to these general efforts, but I know in particular instances, Mr. President, where citizens of my own State are in that country and where they have business enterprises that numerous times, in response to my appeal, both in the past administration and in the present administration, efforts have been made to insure the safety of the persons of those people—I say "those people"; I mean our citizens—and to provide, as far as possible, for the protection of their property. So when the Senator from New Mexico gets up here and makes the statement to go out to the world that there has been no effort made through diplomatic measures to protect the persons and property of our citizens, it must be denied, Mr. President, and the Senator must be put upon his proof.

Mr. FALL. Mr. President, I might reply by suggesting——

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I will in just one moment. I might reply by suggesting to the Senator from Georgia that if he were put upon his proof there might be a tale involved of the efforts in behalf of citizens of his own State which I think would corroborate what I have said to some extent. One of them was in this city recently. He was here with a delegation of some 15 men making representations to the State Department. I think the Senator is aware of that fact. I have a letter from that constituent or client of the Senator, as well as having had a conversation with him.

Possibly, Mr. President, the Senator from Georgia and the Senator from New Mexico do not agree as to what a "diplomatic effort" or a "necessary effort" might be. We are so far apart, apparently, in our ideas upon this subject that it seems impossible for the Senator from Georgia to understand the Senator from New Mexico, although, in the opinion of the Senator from New Mexico, his language is not ornate, but is usually plain.

Mr. President, I am aware of the fact that on more than one occasion where, for instance, as in Madera, within the last day or two, Americans were surrounded by a lot of bandits and threatened with being wiped out, the department here has cabled to the City of Mexico, 1,200 miles south of Madera, with all the railroads blown out between Madera and the City of Mexico, with three-fourths of that great country, as the State Department knows, in the hands of the insurgents—they have cabled to the City of Mexico representing to them that Americans were in danger in Madera and asking them to use efforts, if possible, to secure the liberty of those Americans so endangered. Mr. President, I myself have some documents directly from the State Department, and the efforts of the State Department in the last administration and in this administration have been along those lines entirely, along the lines of making representations to the Government in the City of Mexico.

The great trouble is that apparently some of our Senators, who should be most thoroughly informed, seem to think that the City of Mexico is Mexico, and that all you have to do is to appeal to whomsoever happens to be temporarily in command in the City of Mexico, however unable we may know him to be to afford protection, even granting that he desired to do so, and to rest content, and say that we have exhausted the efforts of diplomacy and have done all that we could do to secure the protection of American citizens. Mr. President, I do not agree that that is the ultimate end even of diplomatic effort.

Now, I want to say one other thing. I have noticed within the last week one occasion in which it was reported in the newspapers that the Secretary of State called upon the Secretary of War to communicate with Col. Brewer along the Texas border, and through him to demand of the insurrectionists the release of certain Americans. I hope, Mr. President, that this newspaper story is absolutely true.

Mr. BACON. Will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. I do.

Mr. BACON. Just in that connection I wish merely to say that my information has not been in accord with that now stated by the Senator from New Mexico [Mr. FALL], to the effect that the efforts of the American Government through the Department of State, either in the former administration or the present administration, have been limited to representations made at the City of Mexico, as suggested by the Senator; but from matters that came within my personal knowledge, aside from general statements, I know that efforts have been repeatedly made through our consuls to try to deal with whatever force was then the active militant force in the particular neighborhood and try to secure protection for our people.

Mr. LODGE. Will the Senator from New Mexico yield to me?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. FALL. I yield.

Mr. LODGE. On the matter of consuls, I will say that I know the consuls have been so treated in connection with their dispatches here, or were last winter—I do not know how it is now—that they were afraid to exert themselves. They did not think that zeal and energy would be rewarded or recognized by the State Department at Washington; and I have no reason to suppose that that condition has been changed.

Speaking of diplomatic efforts, I certainly want no war; but I do want our international treaty rights exerted to the full through diplomatic channels. I wish to ask the Senator from New Mexico if it is not true that the German minister in Mexico recovered 100,000 marks, or whatever the sum was, and made them pay him 100,000 marks for the murder of a German subject?

Mr. FALL. That is true.

Mr. LODGE. I would like to know if it is not also true that a member of the German legation went before a court-martial and rescued from that court-martial an American citizen who could get no relief from our representatives in Mexico because they were not backed up at home.

Mr. FALL. That was in the City of Mexico. Mr. President, I think I have given some——

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. Certainly.

Mr. STONE. I desire to express my gratification at the lively awakening of my friend from Massachusetts on this important subject and to congratulate him. The speech he has made just now is one that appeals much more strongly to my heart than the speech he made about a year ago when this subject was up.

Mr. LODGE. I did not make a speech a year ago on Mexico, although I was against military intervention, Mr. President. I have maintained silence until this time. I had hoped that when a new President and a new Secretary of State came into office they would pursue a different course, and I am disappointed that they have not done so.

Mr. BACON. Mr. President, I owe an apology to the Senator from Massachusetts for having used the term "bellicose" in connection with himself. I want to say, as my justification, that I have been hearing some such belligerent expressions from him in private conversations of late as those he has now uttered, which caused me to use the adjective, for which probably I ought to apologize to him, but the Senator will recognize now my justification.

Mr. LODGE. If the Senator from New Mexico will allow me for a moment——

Mr. FALL. Certainly.

Mr. LODGE. I only want to say that if it is belligerency to insist that every diplomatic effort shall be put forth for the protection of American citizens, then I am belligerent, and I always have been.

Mr. BACON. I have faith in the statements made to me by present officials of the executive department of this Government that every effort is being made which it is practicable to make now. There is nothing which rests more heavily on the minds of those charged with this duty and this responsibility than the difficulties which are presented by the present situation in Mexico and by the plight of our citizens who are there. But, Mr. President, if the Senator from New Mexico will pardon me—I am afraid I am interrupting him unduly——

Mr. FALL. I should be glad if the Senator would allow me to conclude, unless he desires to continue at this moment; and if he does, of course I yield to him.

Mr. BACON. I merely want to say, with the permission of the Senator from New Mexico, recognizing his courtesy in that regard, that it is a very easy thing to make general statements.

Mr. FALL. I want to say to the Senator, inasmuch as that is apparently in answer to the statements I have made——

Mr. BACON. I am talking of the statements made by the Senator from Massachusetts now.

Mr. FALL. That I will call his attention to enough specific statements, I think, to occupy him a little while, if he will yield to me for a moment.

Mr. BACON. Mr. President——

Mr. FALL. If the Senator will just wait a moment, I will give him specific statements right up to within the last day or two, and verify them by the record.

Mr. BACON. If the Senator will permit me, before I take my seat I desire to say that I had no reference to the statements made by the Senator from New Mexico, not having reference when I used the word "statements" to the question of statements of specific facts. I was speaking about statements of propositions such as the proposition suggested by the Senator from Massachusetts, and I was simply proceeding to speak of the ease with which these propositions can be presented, and how difficult it is to determine upon the specific acts to be performed to carry out these propositions. It is that which I had in mind, and not what the Senator from New Mexico now refers to.

Mr. LEWIS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. If the Senator from Illinois will allow me——

Mr. LEWIS. May I ask the Senator from New Mexico if he will allow me a moment of his time to make an inquiry of the Senator from Massachusetts [Mr. LODGE]?

Mr. FALL. I would be very glad to do so, Mr. President, if——

Mr. LEWIS. May I be permitted to ask the Senator from Massachusetts at what time did the event occur to which he has alluded when some American citizen was deprived of the protection of the American flag and was saved by a German?

Mr. LODGE. I think it was within the last two months. I can not give the exact date, but I can procure it.

Mr. FALL. It was reported by one of the Secret Service men of the United States Government, I will say to the Senator.

Mr. LEWIS. Can the Senator from New Mexico give, approximately, the date?

Mr. FALL. Yes, sir; it happened more than four months ago. The Senator from Massachusetts was mistaken by about two months.

Mr. LODGE. Mr. President, if the Senator from New Mexico will allow me before he sits down, I should like to state one proposition which I have never seen reversed by the present administration, although it was enunciated by the last administration, to the effect that American citizens injured and shot on American soil should find their redress before Mexican courts.

Mr. LEWIS. May I ask the Senator from New Mexico whether the occurrences to which both he and the Senator from Massachusetts allude have transpired since the present administration came into power?

Mr. FALL. No, sir.

Mr. LEWIS. It was previous to that time?

Mr. FALL. It was.

Mr. LEWIS. Now, I ask the Senator from Massachusetts, did the Senator from Massachusetts make a protest to the Republican administration, of which he was a member, against this outrage against which he now raises his voice?

Mr. LODGE. I did not; for the very simple reason that I did not know of it until about six weeks ago. Those matters are not made public.

Mr. LEWIS. Was the Senator from Massachusetts at that time a member of the Foreign Relations Committee under the previous administration?

Mr. LODGE. I was.

Mr. LEWIS. Did he not have an opportunity of obtaining information from the Department of State as to what had transpired?

Mr. LODGE. I did not have information of that case. They did not give it to me.

Mr. LEWIS. Has the Senator from Massachusetts, as a member of this body, taken such information as he now has to the State Department and asked from the present administration relief for the American citizen?

Mr. LODGE. Mr. President, the Senator from Illinois seems to think this is a question of party. There is no question of party about it. I blame my own party quite as much as I do the Democrats to-day.

Mr. LEWIS. The Senator from Massachusetts is the party to whom I am now alluding. I want to know what that party from Massachusetts did in the matter.

Mr. LODGE. What did I do? I did everything I possibly could. I did not attack the administration then in power and I have not attacked the administration which is now in power.

Mr. LEWIS. I have asked the Senator if, since he became possessed of the knowledge, he has made any appeal to the present administration or to the State Department for the relief of the person to whom he has alluded?

Mr. LODGE. The person to whom I have alluded was already relieved.

Mr. LEWIS. Then there was no cause of complaint.

Mr. CLARK of Wyoming. Mr. President, I rise to a question of order. I ask that the debate be carried on under the rules of the Senate.

Mr. FALL. I must insist that I have the floor.

Mr. LEWIS. I yield the floor to the Senator from New Mexico.

The VICE PRESIDENT. The Senator from New Mexico has the floor. The Chair will try to preserve order.

Mr. FALL. As suggested by the Senator from Massachusetts [Mr. LODGE], the Senator from Illinois [Mr. LEWIS] seems to think that in some way this debate is tinged with partisanship or by partisan politics. Mr. President, it is an effort on the part of a Republican Senator here to have the Senate of the United States indorse a plank in the Democratic platform.

The Senator from Georgia [Mr. BACON] has referred to the exhaustive efforts made to protect Americans in Mexico. Now, I will call attention to one case under the last and under this administration.

The present defender of the Federal post at Juarez is a bandit known as Inez Salazar. Salazar upon one occasion took the town of Paral, in Mexico, and there captured an American citizen, Thomas A. J. Fountain. He threatened to shoot him immediately, although he was taken in uniform. The consular agent of the United States at Paral, Mr. J. A. Long, immediately protested and communicated the circumstances to Marion Letcher, from the State of Georgia, the American consul at the city of Chihuahua, the consular agent at Paral being within the district of Chihuahua. The consul, I am glad to say, is one of the few American consuls in the Republic of Mexico who have attempted in any way to protect American citizens. Under instructions the consular agent at Paral informed this man Salazar that Fountain was under the protection of the United States, and that he should not be killed. The next morning he was shot through the head and killed.

In the meantime the action of the consul at Chihuahua had been reported to and partially approved by the Secretary of State. I say "partially," because the Secretary held that the consul's representation that the United States wanted the execution of Mr. Fountain suspended until an investigation should be had was the proper course to pursue.

Fountain was killed. The President of the United States sent a message to Francisco I. Madero, then the President of Mexico, to Pascual Orozco, then in insurrection in the State of Chihuahua, and to Inez Salazar, who at that time was one of Orozco's captains in the field, saying: "These acts must not be repeated. American citizens must be protected; and if you do not protect them the people of the United States will hold you responsible."

A few days since Inez Salazar, with his hands red with the blood of an American citizen, come over to El Paso, Tex., on this soil, where we have 2,500 or 3,000 American soldiers engaged in guarding the Mexican border for the Mexican Government at the expense of the United States. Mr. Salazar went to one of the most prominent hotels in El Paso and remained there. Just before he left he was arrested by a United States commissioner, Mr. Oliver, for violation of the neutrality laws in attempting to smuggle arms across the border. He was released under a $1,000 bond, which he promptly forfeited, stepped across the international line, and is there safe. This was the red-handed murderer whom the American people were going to hold responsible, according to the "diplomatic" statement of the last administration.

The attention of the present State Department was called to the fact that Salazar was across here on American soil, and that the President of the United States had notified him that he would be held responsible. The answer was, "But he said 'the American people,' not 'the American Government.'" That is one of the cases.

Mr. BACON. Mr. President, I do not wish to interrupt the Senator, but I should like to ask him a question, because I really want information.

Mr. FALL. I am trying to impart it, so I will consent to the interruption.

Mr. BACON. I desire to propound this question to the Senator: After that notice had been given by President Taft, and when the man who had committed this undoubted and unquestionable outrage was found on American soil, if the President of the United States had desired to punish him under what law could he have done it?

Mr. FALL. I am not arguing the legal proposition. I am giving the Senator the results of his course, the results that he is trying to bring about, the results that he is demanding shall follow—that we shall pursue pure "diplomacy" and allow our murdered citizens to go unavenged.

Mr. BACON. If the Senator will pardon me, the Senator did, as I understood him, criticize the administration for not having carried out its threat. The threat was that if that thing was done the American people would hold this man responsible.

Mr. FALL. Very well.

Mr. BACON. I hope the Senator will pardon me a second. The Senator criticizes the past administration, not the present one, because when this man appeared upon American soil the threat was not carried out, and the President shielded himself for failing to do so behind the statement that the threat was that the American people, not the American Government, would hold him responsible.

Mr. FALL. I did not mention the President's name in connection with this matter.

Mr. BACON. Oh, no; the Senator did not mention the President's name.

Mr. FALL. I am very sorry that the present occupant of the White House, in my judgment, knows very little about the situation. I believe when he is informed he will possibly follow another course.

Mr. BACON. But I am asking a question, Mr. President, and I hope the Senator will answer it. Suppose that not the President, but the officer of the Government charged with the duty, had desired to punish this man for this red-handed outrage when he was found on American soil, in what way would he have proceeded to do it?

Mr. FALL. This man is the leader of the insurrectionary forces on the opposite side of the river. At the present time there are 284 soldiers from the Mexican side of the river incarcerated at Fort Bliss, within 2 miles of where this man was. He could have been placed with them, where no longer, as a human tiger, could he have sought the blood of American citizens.

Mr. BACON. If the man was found on American soil, and he was to be proceeded against, he must have been proceeded against under some law, either military or civil. I am asking the Senator to point out under what law that could have been done.

Mr. FALL. I am telling the Senator. I say, under the same law under which these other soldiers are held at Fort Bliss as prisoners. They are held there as military prisoners, under military law, which has been invoked in their case.

Mr. BACON. That may have been an omission.

Mr. FALL. I do not propose to go into any discussion with the Senator as to details. In answer to the Senator's challenge to me to do so, I am now citing instances in which diplomacy has not been used, as I claim, or, if used, has failed.

Another instance, Mr. President: Within the last few days the acting American consular agent in the town of Cananea, Mr. Charles L. Montague, was threatened with deportation from the Republic under article 33 of the constitution of Mexico. Mr. Montague, as it happened, is the manager of the bank at Cananea. As the manager of the bank he refused to turn over to a certain constitutionalist official money deposited in his bank belonging to a Huerta sympathizer, who lived at Guaymas, without an order or a check or a draft or the consent of the depositor. At once it was sought by this official to have Mr. Montague deported as a pernicious citizen under the clause of the constitution which I have mentioned.

Article 33 of the Mexican constitution is in direct conflict with the treaty of 1831 between the United States and Mexico, which is in full force and effect, for the protection of American citizens. But without action by the State Department Mr. Caracristi, a citizen of Virginia, has been deported from the City of Mexico without trial, without even being allowed to go before any authority to prove his innocence, without having any question of his guilt raised except by a warrant served upon him, when he was hustled to the train and forced out of Mexico. At the same time Mr. H. H. Dunn, a correspondent for a syndicate of American newspapers, was deported from the City of Mexico, under article 33, without trial. Within the last two or three weeks another reporter for newspapers, a resident

of California, was deported from the City of Mexico without trial. In each case the American ambassador was called upon, the American consuls were called upon, the protection of the American Government was called for by these American citizens, and in no instance has the American Government interfered even by making diplomatic representations.

In the Montague case, as it happened, Montague was not only a banker and an American citizen, but he was also acting consular agent of the United States at that point. Upon representations made to the State Department by myself, before a telegram had been received from Consul Simpich, at Nogales, the acting Secretary of State prepared a cablegram to Consul Simpich. That was sent to Simpich, but was changed in some respects to acknowledge the receipt of his cablegram. Simpich is one more American consul who is an American. He is located at Nogales. He is one of the best that we have in the foreign service, in my judgment. Immediately upon the facts being represented to Simpich, he called upon the constitutionalist government of Sonora to protect Montague as an American citizen and as a consular agent. The State Department of the United States approved his telegram in so far as it demanded the protection of a consular agent, but distinctly informed him that in making his representations he must bear in mind the distinction between an American citizen sought to be deported under article 33 of the constitution and an American consular agent.

I say that the American citizen working in the mines of Cananea for his $3 a day is just as much entitled to the protection of this Government as any other American citizen or any acting consular agent of the United States Government in Mexico. A consular agent is not a diplomatic officer. Therefore when some matter comes up with reference to a consular agent it is not a diplomatic question, as it would be with reference to an ambassador, a minister, or an attaché of an embassy or a ministry. The same rule of international law does not apply to a consular agent that applies to a person accredited to a country as a diplomatic agent. A consular agent is no more entitled to the protection of the Government than is a horny-handed American working in the bowels of the earth in the mines of Cananea.

I am glad to say, Mr. President, that other influences were brought to bear which, in conjunction with the representations with reference to his official capacity, have not only secured the release of Mr. Montague, but he is entertained every day as the guest of the men who were seeking to force him out of the country and rob his bank. All that is needed is strong representations, in some instances, and you will secure results. But you will never do it by undertaking to make a distinction, and this result never would have been brought about had that distinction been left in the minds of these people, between a consular officer and an American citizen.

Mr. Montague was protected because these men found that vengeance of another character would seek them; because 200 American citizens in Cananea said to the 50 Mexican soldiers: "Don't you touch Montague; he shall not be deported, neither shall you touch him;" and because there were several thousand good, true American citizens within 40 miles of the border who let it be understood that if Montague were touched Sonora would be an adjunct to some other country than the so-called Republic of Mexico, possibly in a very short time. Representations were made, and they had effect. The diplomatic representations alone, as usual, would, in my judgment, have gone unheeded.

The Senator has asked for specific instances. Mr. President, this debate, as I said in the beginning, has gone very much further than I intended. I thought there should be no argument. I can see absolutely no necessity for the reference of the resolution. Instead of attempting to precipitate trouble, I have invariably yielded here in the Senate to the great wisdom and the long experience of the Senator who is chairman of the Committee on Foreign Relations. Against my judgment I have so far yielded in the past as with reference to the last resolution which I introduced in this body on the 27th day of last month, and as to which the Senator gave me his word that its consideration by the Committee on Foreign Relations should not be delayed. Nothing has been heard from it, Mr. President; yet I know that the Senator, in his great wisdom and from his long experience in foreign affairs, has concluded that that is the better course for the interests of the country generally, "diplomatically speaking." We must always put quotation marks around "diplomatic," and emphasis under it and over it, in dealing with matters here in the United States Senate. I know that it is not because of any desire that the resolution should not be reported back and discussed, but because the Senator believes it best for the interests of the country that the resolution should be retained in the secrecy of the Foreign Relations Committee.

I agreed at that time that the resolution might be referred to the Foreign Affairs Committee. If the Senators on the other side are not ready to reaffirm the policy which they announced, presumably after due consideration, knowing the circumstances as they existed in Mexico at that time as well as they know them now and as they knew them before, presumably meaning what they said when they further declared that this plank should be kept when they were in office, and should not be used merely to catch votes during the campaign; if the Senator still believes that under all the circumstances the resolution should go into the hands of the Committee on Foreign Relations, and there should be amended by striking out the word "constitutional," or putting a comma somewhere in it, I shall not oppose the reference of the resolution. The American people will bring resolutions out of the Foreign Relations Committee before long, and will not submit much longer to a policy which puts a period or a comma between an American citizen and proper protection.

Mr. LANE. Mr. President, I want to say just a word. The resolution naturally appeals to anyone, and the recitation of instances which happened in Mexico wherein American citizens were maltreated makes any native-born American citizen feel indignant. As an American citizen and as a Democrat one is in favor of passing almost any kind of a resolution, even though it be a bit incendiary under the circumstances and in the heat of excitement. But there is a history back of this, lying deeper and farther, which rises up to annoy me as I listen to the discussion.

I quite agree with the Senator from Mississippi [Mr. WILLIAMS] that the general statement that the power of the Government should accompany American citizens in all foreign countries is proper if it is perfectly worded, and we are all in favor of it. We have heard from the Senator from New Mexico recitals of incidents of injustice which have been practiced upon American citizens in a few cases.

A number of years ago I was down upon the northern border of Mexico, and I accompanied a gentleman who was engaged in mining over in the very little place the Senator speaks of now—Cananea. He recited to me, as an evidence of his great skill in acquiring the goods of this world, how he got into possession of copper-mining and other property in that country. He stated that he had been aided in getting hold of large possessions in that country by using undue financial influence with the Government; that by that means citizens of this country were acquiring large tracts of immensely valuable properties in Mexico, not by virtue of any such laws as we have in this country, but by bribery of officials and chicanery and skullduggery, if you please; and having gained possession at a very low rate, for 5 or 10 cents an acre, the land was afterwards sold for $20 and $30 an acre. Thus they were enabled to make a great deal of money, and——

The VICE PRESIDENT. The hour of 2 o'clock having arrived the morning hour has expired, and——

Mr. LANE. I should like to say a little more about that.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. SIMMONS. Mr. President, for the purpose of taking a vote on the resolution that has been under discussion, I am willing to lay the unfinished business aside, and also to enable the Senator who had the floor to finish his remarks.

Mr. GALLINGER. I object, Mr. President. Let the regular order be proceeded with.

The VICE PRESIDENT. There is objection on the part of the Senator from New Hampshire.

PRINTING OF MAP IN RECORD.

Mr. FLETCHER. Mr. President, I wish to make a parliamentary inquiry. A motion was entered yesterday to reconsider the vote by which an order was made directing the printing of a map in the speech of the Senator from Iowa [Mr. CUMMINS]. That motion is still pending. I wish to understand what its status is.

The VICE PRESIDENT. The Chair rules that a vote on the motion to reconsider is in order.

Mr. FLETCHER. It is in order now?

The VICE PRESIDENT. Yes.

Mr. GALLINGER. While I am not going to be captious about the regular order, the unfinished business is before the Senate and can not be interrupted by any proposition of that kind.

Mr. SIMMONS. Without a motion to lay aside the unfinished business, I do not see how it would be possible for anything else to take precedence of it.

Mr. FLETCHER. I was going to ask the Senator from North Carolina if he would not allow the unfinished business to be laid aside long enough to take a vote on that question, because it is a matter which properly comes up to-day.

Mr. SIMMONS. If it is a mere matter of taking a vote, unless there is some objection to it, I will consent.

Mr. GALLINGER. The Senator from North Carolina has served notice on me two or three times that he is going to insist on the tariff bill being considered.

Mr. SIMMONS. Yes; and I am insisting on it; but I understand that this is a matter connected with a speech of one of the Senators on the tariff bill, and he is withholding his remarks until the question can be settled.

Mr. GALLINGER. I insist upon the regular order being proceeded with.

The VICE PRESIDENT. The Chair was under the impression that without any objection a vote could be taken on the question to reconsider. There being objection, the regular order is the consideration of what is known as the tariff bill.

Mr. FLETCHER. Then I understand that the motion to reconsider will go over until to-morrow.

The VICE PRESIDENT. Until the morning hour to-morrow.

Mr. FLETCHER. At the conclusion of the routine business?

The VICE PRESIDENT. During the morning hour to-morrow the motion to reconsider will be in order.

STABLE MONEY (S. DOC. NO. 135).

Mr. FLETCHER. The Senator from Oregon [Mr. CHAMBERLAIN] asked permission on the 19th instant to have a document printed and leave was granted by unanimous consent. There are certain illustrations which go with the document, and he failed to include in his request the illustrations accompanying it. For that reason the matter is being held up. I ask unanimous consent that the illustrations accompanying the document be printed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. Will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield.

Mr. GALLINGER. Did I understand the Senator from Florida to ask that certain illustrations should be printed in a document by consent of the Senate, or printed in the RECORD?

Mr. FLETCHER. Not in the RECORD, but printed in a document offered by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. GALLINGER. By consent of the Senate?

Mr. FLETCHER. Yes.

Mr. GALLINGER. Without reference to the Joint Committee on Printing?

Mr. FLETCHER. The Senator from Oregon obtained unanimous consent to have the document printed, but failed to include the accompanying illustrations. I am now simply adding that as a part of his request.

Mr. GALLINGER. I simply wanted to express my gratification that the Senate can order illustrations printed without a reference of the question to the Joint Committee on Printing.

Mr. FLETCHER. I never questioned that in reference to a Senate document.

Mr. GALLINGER. I think it is right.

Mr. FLETCHER. It is quite different in its application to the RECORD.

Mr. GALLINGER. Simply because the Joint Committee on Printing has made a rule that there is a difference, that is all.

Mr. FLETCHER. It made no rule with reference to documents, I think.

The VICE PRESIDENT. The unfinished business will be proceeded with.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

MEATS AND CATTLE ON THE FREE LIST.

Mr. SMOOT. Mr. President, the provisions of the House bill to admit meat, hides, wool, and so forth, free, while imposing a duty on cattle and certain other live stock, were so clearly an attempt to deceive the farmers that the majority party in the Senate is to be congratulated for seeking to make the provisions more consistent. In doing this they have, however, added to the injury already provided for by the House, and instead of making meats, and so forth, dutiable the bill now adds live stock to the free list. With meats free it will help concentrate the control of those products in the hands of what are known as the beef barons and will help kill off small dealers and throttle competition. The expense of feeding and the shrinkage of carcass are eliminated in transporting beef, hence a large corporation with facilities for importing dressed beef can save a good deal in labor, feeding, and so forth. When no duty is imposed it will be a discrimination against the farmer and others raising live stock in this country. But if meat, and so forth, is to be admitted free it is better that the deception should be done away with and live stock also allowed to come in free. Eighty-five per cent of the corn raised in this country is used for live stock. The importation of meats and of live cattle will give a tremendous advantage to Canada, Mexico, Argentina, and other such countries, at the expense of the American producer. It will strengthen the grip of the large packer, and will not in any probability reduce the cost of meats a particle to the consumer.

THE VAST CEMENT INDUSTRY SHAMEFULLY TREATED.

The House reduced the duty on Roman, Portland, and other hydraulic cements from specific rates equivalent to 21.32 per cent to 5 per cent ad valorem, and even this 5 per cent has been cut off in the bill now before the Senate. The cement industry is one of the great mineral industries of the United States of the nonmetallic minerals that rank with copper and salt. Last year over 79,000,000 barrels of Portland cement were produced, employing a capital of $150,000,000. About 35,000 persons are employed in this industry, and there are about 200,000 dependent upon it for a living. It is a national industry. That is, it is not localized, and practically every State in the Union has cement works. Cement can be made almost any place where clay and limestone can be found. It is an industry that is the outgrowth of a protective tariff. In 1897, when the Dingley tariff law was passed, only 2,677,775 barrels of Portland cement were produced in this country, with a value of $4,315,891.

Mr. MARTINE of New Jersey. Will the Senator from Utah allow me a moment?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. MARTINE of New Jersey. Are we not now exporting cement?

Mr. SMOOT. I will give the exact figures just as soon as I reach them in my speech.

Mr. MARTINE of New Jersey. May I say just a word?

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I will say yes; to a limited extent.

Mr. MARTINE of New Jersey. I shall not interfere with the Senator's speech.

In the State of New Jersey our citizens are largely engaged in the manufacture of cement. Within the past three weeks the president of one of the largest manufactories of cement in the State of New Jersey, a man of large wealth, came to my office. He is a gentleman whom I know very well. I said to him, referring to him by his first name, "Earnest, do you feel that we are going to wreck all the industries in cement in New Jersey?" He is a Republican senator in the State of New Jersey, and is a protectionist. He said, "No; I think nothing of the kind. I had hoped that you might leave 3 or 4 cents a hundred on cement, but we are doing a fine export business to-day and will continue to do it. We really need no protection on our cement."

Mr. SMOOT. Before I get through I will cover what the Senator has said.

The production in this country has gradually increased from year to year until last year it reached nearly 80,000,000 barrels. At the same time the price, which before production began in this country was $3 a barrel, and was $2.13 in 1891, and $1.61 in 1897, was reduced to as low as an average of 81 cents a barrel in 1901. This enormous increase in production with a corresponding decrease in price offers no excuse for the removal of all duty and the opening of our markets to foreign competition. In times of world panics America is made the dumping ground of Portland cement by European nations, and this is particularly the case in view of the fact that Portland cement could form one of the most important articles of ballast for foreign vessels coming to this country for cargoes of the products of the soil.

The points of heaviest imports of Portland cement are Charleston, Savannah, Pensacola, Mobile, New Orleans, and Galveston, where foreign vessels come for outbound cotton cargoes. The same applies to the Pacific coast, where not only German, Belgian, and English cement comes in ballast in vessels coming for grain, but also Chinese and Japanese cement made by the cheap labor of the Orient, which, by the way, the State of New

Jersey is not in a position to be interfered with by that trade as are California and the Western States, and all this in face of the fact that only within a few miles of San Francisco there are four cement works in actual operation. Two other plants have lately opened buildings in Washington, north of Seattle, and they also have felt the inroads of foreign cement. About two years ago 10 of the largest cement plants in Canada were consolidated in a single firm under one management. They are protected at home by heavy duties, and the removal of the duty here will enable them to dump cement into the northern border States at prices ruinous to the United States mills now supplying that district. The mills in New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, and Washington would be seriously affected by this removal of the duty, and as the mills in these States produce to-day 67 per cent of the output of the whole country it can readily be seen what a detrimental effect such a change in the tariff, as proposed by this bill, will have on the entire industry. In 1906, under the rates of duty then in effect, 2,273,493 barrels were imported. By the increase in production and the reduction in price imports have greatly decreased. With such great competition at home and such low prices, with nothing in the way of a trust or combination, what possible excuse can there be for the removal of all the duty on this product involving the living of 200,000 persons?

HOW AMERICAN LABOR WILL SUFFER.

The payment of labor in this industry has constantly increased. According to the Government returns, the average was $430 a year in 1890 and $576 in 1909. This removal of the duty would practically close all cement works along the coast and near the Canadian border and also at such other ports as could be reached by water transportation. The cost of the production of cement is practically all labor. At least about 90 per cent of the cost is labor. There are no great profits in the industry now, as shown by the fact that 32 out of 110 works have gone into bankruptcy, and two or three failures have occurred since this proposed tariff change was brought to public attention. The advantage to the community at large in the development of this industry has been to make schoolhouses, theaters, and buildings and houses of all kinds to a large extent fireproof; to make old streets safe with good paving instead of wooden and brick paving; to make a great advance in the way of good roads, and the strengthening of bridges, and improvements in many other ways. The value of the cement produced last year was about $66,000,000, all but about 10 per cent of that amount going to labor, which, under this bill—a large portion of it—will be transferred to workers in foreign countries. Vice Consul General Poole, of Berlin, in a recent report on the cement industry of that country, says that the average yearly wage of workers in the industry was $280 a year, as compared with $576 in the United States, as shown by our census. The consul in Germany gives the value of the cement there as 85.3 cents a barrel, as compared with 84.4 for the same year in the United States. The prosperity of Germany and the great demand for cement there keep up the price. But this will not always be the case, and with the labor cost here 100 per cent higher than in Germany and with ships bringing cement to this country as ballast, the industry can not be maintained here at existing wage prices, in competition with Germany and other foreign countries.

WHITE CEMENT WILL ALL BE IMPORTED.

The production of white nonstaining Portland cement has grown rapidly in this country in recent years. In 1908 the production was 60,000 barrels and in 1911 over 135,000 barrels. Two companies engaged in the production of this cement have gone out of business, owing to the high cost of production. This product being white in color and nonstaining—by which is meant that when used as a mortar for setting, pointing, and backing fine-textured stones they are relieved from the staining which occurs when brought into contact with ordinary Portland cement—there has been an increasing demand. Ordinary gray Portland cement is burned with coal, while in the manufacture of white Portland cement the burning process must be accomplished by using fuel oil, which is a very substantial factor in its cost. The advance in the cost of this commodity was 33 per cent in 1912 over 1911, and contracts made for the year 1913 are at an advance of 55 per cent over the price at which fuel oil sold in 1911. The production of the cement in this country has caused a large reduction in its price. The increasing cost of its production and the removal of all duty will simply force Americans out of the business. The average selling price of white nonstaining Portland cement is now $2.75 per barrel of 400 pounds, at the mill, including the value of the package, and the present duty of 8 cents per 100 pounds, or 32 cents per barrel, is the equivalent of but 12 per cent ad valorem. This duty should at least be maintained.

The effect is shown in a letter of May 30 from Mr. C. Boetticher, president of the Colorado Portland Cement Co., before the Democratic Party in the Senate had agreed to remove all the duty. He says:

> Our business is very light; we are shipping only about one-half the amount of cement that we should ship at this time of the year. There are no improvements of any kind going on in this State at the present time.

Similar reports come from other parts of the country, and are simply an indication of what will take place when this proposed law takes effect.

THE AMAZING PROVISION AS TO LIME.

Lime furnishes another exhibition of the reckless way in which American workmen are treated by this bill. The duty now on lime is 5 cents a hundred pounds. This it is proposed to reduce to 5 per cent. The average ad valorem of the present duty is only about 10 per cent, which it is proposed to cut one-half. That the lime business is not profitable now is shown by the earnings of various companies engaged in its production. This proposed change seems to be for the benefit of the Canadian manufacturers. They are now protected by a duty of 12½ cents a hundred pounds, including weight of barrel, bag, or cask, or a duty 60 per cent higher than that imposed by the United States. Hence American lime is entirely excluded from Canada, but considerable lime is now exported from that country. In 1905 the imports were 46,148,700 pounds. There has been no change in duty since that time. In northern Maine over 800,000 pounds of lime were imported last year from New Brunswick, and the Rockland & Rockport Lime Co. said before the Ways and Means Committee that there were imported through the Portland customs district over 8,000,000 pounds last year. With this cut in the duty of one-half it will give the Canadian manufacturers practically control of the Atlantic coast trade as well as that of the States bordering on the Canadian line. The Canadian lime manufacturers can use water transportation and can ship their product in foreign bottoms to all of the principal consuming markets of the Atlantic coast, whereas the American manufacturer must use American ships, which pay higher wages, for this coastwise trade. Lime is manufactured in all parts of the United States, with very sharp competition, and there have been large losses in the business in recent years because of low prices. What possible excuse there can be for opening our border markets to the Canadian producers while their American competitors are excluded from the Canadian markets is beyond comprehension.

The imports of crude gypsum in 1901 were 190,000 tons, in 1909 they were 288,781 tons, and in 1912 they reached 426,500 tons. With such a large increase in imports there can be no excuse for the proposed reduction in the duty imposed by this bill. The imported article is quarried easily on the coast of Nova Scotia, is brought to the coast cities by cheap barge freight, where it is milled and then again transferred by water ready for distribution all along the Atlantic coast for use in the coast cities and for shipment inland. There was a large reduction in the duty on this product in 1909, since which time imports have largely increased.

A SMASHING BLOW AT THE GLUE INDUSTRY.

Glue has been treated in this bill in the same way as other articles which have increased enormously in production in this country as a result of a protective tariff, and which at the same time have been greatly reduced in price. The rates on glue and gelatin have never been high, thus allowing ample competition from abroad, which has increased in recent years. In 1899 the glue imported, valued at not more than 10 cents a pound, amounted to 2,706,304 pounds, while in 1910 the imports were 5,947,184 pounds. That clearly shows that there is no excuse for the provision in this bill to reduce the average rate of the tariff on imports, valued at not above 10 cents a pound, from 35.06 per cent in 1912 to an average estimated rate of 14.29 per cent. Such a violent change, as the manufacturers have protested, will practically destroy their industry in this line of goods and will be of no ultimate benefit to the consumers of the country in the way of lower prices, but will mean an enormous loss by sending abroad a large sum to pay for a product now largely produced in this country. It will tend further to hasten the concentration of the industry in a few hands. The American manufacturers not only compete with each other, but they have to compete with the great German syndicates and combinations, which under our laws would be held illegal and void as trusts. Under this change Germany will control the market, regulate prices, and dump surplus products into this country at prices with which the domestic manufacturer can not compete. The existence of these foreign trusts is not and can not be disputed. They were distinctly pointed out by the nonpartisan report of the Tariff Board.

The glue industry gives employment in this country to thousands of persons, and produced in 1909 nearly $14,000,000 in products. The average number of wage earners employed increased 77 per cent in the five years ending with 1904, and 14 per cent in the five years ending with 1909. The average rates on glue and gelatin have always been fixed at something less than the average rates on other products. Under that policy the industry has always been conducted on a competitive basis, but it is now proposed practically to destroy the industry.

GREAT INFLUENCE OF THE AGENT OF A GIGANTIC FOREIGN TRUST.

The chief advocates of low rates both before the House and Senate were importers, the chief one of whom said that he had been engaged for four years as general agent of a German and an Austrian glue concern, a well-known gigantic trust, adding:

I have no experience in glue manufacture and have come into possession of a few elementary ideas which, secondhand though they may be, derive their value from their source.

In a long letter to the Finance Committee this agent of the gigantic foreign trust tells of "saving $1,000,000 to the American people by the revenue from imports." The greater part of the glue imported comes in under the value of 10 cents or less a pound. To make a revenue of a million dollars from such imports would mean the practical annihilation of the American industry. Thousands of men would be thrown out of work, while millions of dollars would be sent abroad to pay for glue, and that would mean other thousands thrown out of employment here, because when the money is kept at home it is expended for American products. To call it a "saving" to impose $1,000,000 in tariff dues and send an enormous sum to Europe to pay for things that could better be made in this country is characteristic free-trade talk.

This agent of the gigantic European trust tells us that a protective tariff "is justified neither by constitution nor by moral law," and yet Germany and Austria have the most complete and effective protective laws in existence. Considering wages and cost of production, their rates are much higher and more effective than ours. The American manufacturer can not under the duties imposed by this bill, without a great reduction in wages, hope to meet the competition of this European glue trust. It is one of the strongest and most complete monopolies in the world and has the advantage of being able to do its work with the approval of the various European Governments. At present it absolutely controls the glue-manufacturing industry of Germany and Austria, has plants in Italy, France, Holland, Russia, and recently extended its operations to South America. The trust claims to control 75 per cent of the output of glue on the Continent of Europe and is largely engaged in the manufacture of gelatin. In view of the attitude of the American Government toward monopoly, this great reduction in the tariff rates on glue and gelatin for the benefit of this European trust is inexplicable.

There is no trust in this industry in the United States. Under present conditions the glue makers of this country are importing about 50,000,000 pounds of their raw material from countries with which the United States desires closer trade relations, and this interference with the glue industry here would greatly injure our trade with these other nations. Then, in the manufacture of glue and gelatin there is produced throughout the United States, as a by-product, an immense quantity of nitrogenous and phosphatic material available and used for fertilizing purposes. A tariff law that will disastrously affect the glue and gelatin industries of this country will deprive the farmers of many thousands of tons of fertilizer now procurable at a low cost. If the rates proposed in this bill are enacted into law a large quantity of raw glue stock now imported will go to Europe to be used there in making glue, which will be exported to this country, not only to the injury of our home manufacturers but also to the disturbance of freight rates between our country and other countries to which we desire to increase our exports.

WAGES IN EUROPE AND AMERICA.

One importer tells of selling in the past "enormous quantities of French gelatins in this country, where now he is selling very little, entirely due to the superiority and low prices of the domestic manufactured article." That is very good testimony to the beneficial effect of a protective tariff, but he has the assurance to ask for a reduction in duties so that he can recover his lost trade, and the Democratic Party seems to be anxious to oblige him. Consul General Dillingham, reporting from Coburg, Germany, in 1911, stated that the maximum wages paid there to men in the gelatin industry for 60 hours' work was $4 a week. To allow as low as 12 per cent duty as protection against such wages is monstrous, and that is the proposed rate on gelatin valued at not above 10 cents a pound.

The American manufacturer now has to comply with the exacting requirements of the pure-food law, that has greatly increased the cost of production, but the European manufacturer does not have to comply with similar requirements in his own country. The glue that is exported from this country is a packing-house product, a specialty, to produce which only the packing houses have the raw material. It is not a competitive glue, and is a very small proportion of the production of the country. The assertion has been made that the glue manufacturers are controlled by the meat packers. There is no truth in that statement. I have in my possession sworn affidavits from about two-thirds of the manufacturers showing that they are entirely independent. The imports of glue not above 10 cents a pound in value were $186,988 in 1902 and $455,029 in 1910, showing a competitive condition. The average consumer would not be benefited by reduced rates. The cost of glue as a component part of other products is relatively small. Only the purchasers of large quantities would benefit from lower prices, but, as experience has shown, when the foreign trust gets a hold here prices would go up. American competitors could not exist long when this trust desired their extinguishment. Glue has not advanced in price in the last three years, though the raw materials have greatly advanced in cost. That shows the benefit of keen home competition, which will be destroyed by subjecting our market to the control of this immense foreign trust.

AUTOMOBILES—EXTRAORDINARY CHANGES—FOREIGNERS FAVORED.

Just why the European manufacturers should have any consideration whatever in fixing this or any other duty is beyond the comprehension of any fair-minded American citizen. But they figure very extensively in this fixing of the rate on automobiles, occupying many pages of the hearings, and filing threats which if made by American manufacturers in any other country would be considered insolent and, no doubt, meet with proper retaliative treatment. The boards of trade of Belgium, Germany, France, and Italy, through their attorney, stated that they would watch the spirit of Congress in reference to automobile provisions and would retaliate if their protests against the existing rate did not receive consideration. It was admitted by their attorney that the wages paid in this country by automobile manufacturers are from two to two and one-half times more than are paid in Italy. In fact, they are from three to five times as much as the wages in Italy, and in about the same proportion to the wages paid in Belgium, England, or any other country in Europe.

This attorney for the foreign manufacturers declared that if the duties on chassis were reduced, as requested by the foreign manufacturers, to 25 per cent, they would quadruple imports of chassis. Another one of their attorneys asked for a duty of 33 per cent, and is given 3 per cent less, or 30 per cent. The Italian Chamber of Commerce in New York, a subsidized Italian organization, states in a letter that it—

has for its principal duty the protection and the promotion of the Italian commerce in general, and has to try to obtain from the Government of the United States the best advantage to the great current of business from Italy to the United States, and that may produce the most benefit to the Italian producer.

This Italian chamber asked for merely a reduction of 5 per cent, but our Democratic friends in this Chamber conceded 15 per cent to them.

A number of the leading automobile manufacturers in Italy said, in a joint letter to the minister of commerce of that country, that the group of American importers which composed their agents in this country had called—

for moral and material help for the purpose of putting an ease end at the campaign in question.

Which means that these American importers called upon their principals in Italy to furnish means to push the campaign here for lower duties, and they got what they wanted, as is clear from this statement:

The invitation of the American importers was welcomed in Italy by the manufacturers, and the same are now asking you to try your very best to have the Italian Government favor the request of the American importers of Italian automobiles.

The Italian Chamber of Commerce said that it had not asked for more than 5 per cent reduction on complete automobiles, and it furnished this reason in reply to the Italian manufacturers, who made complaint because a greater reduction had not been requested:

We have to consider that before making a great reduction on the Italian automobiles, for which entrance in this country is not less than $2,000,000 a year, we have other products more important for the Italian commerce. The silk, for $12,000,000; olive oil, $4,500,000; vegetables, $3,500,000; cheese, $4,000,000; leather, $1,200,000; marble, $1,500,000; coral, $500,000; chemical products, $1,500,000, etc.

The Italian Chamber of Commerce seems to have been very successful in getting lower duties on all these products, with many of them on the free list.

It is ridiculous to put a duty of 45 per cent on automobiles valued at $1,500 or more, and then to admit at 30 per cent chassis and finished parts. The bodies of automobiles are too bulky, and subject to damage in shipping, and too expensive to ship by reason of their bulk in proportion to their value. Hence European manufacturers, as a rule, do not make the bodies, and as long as they can send chassis into this country at 30 per cent, the 45 per cent duty on any kind of an automobile would be of no value as a protection to American manufacturers. One of the Democratic members of the Ways and Means Committee of the House said that—

the automobile chassis is practically the finished car, with the exception of the body and the tires.

That is the truth. The chairman of the Ways and Means Committee said:

The automobile is the chassis; the balance is merely a carriage body.

Hence the duty of 45 per cent is meaningless. The chairman of the Democratic congressional committee, in an interview in the Detroit Free Press, which has been generally quoted and not contradicted, says:

We put the tariff down to the point where the representatives of the automobile importers told us they could compete, and we expect that they will take advantage of the reduction on parts and import in sections for assembling here.

That is the truth of the matter, and this reduced duty on automobiles is made, not for the benefit of American workmen and manufacturers or the American people, but for the benefit of workmen in Italy and other countries that will be able to send their goods here under this proposed law.

IMPOSING A DUTY ON BANANAS—TEXTBOOKS FROM THE ORIENT.

There were imported in 10 months of last year bananas of the value of $10,856,554. This fruit is consumed by poor people and is produced in the United States to a very limited extent in Florida and some other southern points. The imposition of a duty on such a product, while sugar, wheat, flour, potatoes, and other food products produced in the United States to an enormous extent are put on the free list, is a most extraordinary proceeding. A few more bananas may be produced in the South, but the time will never come when anything more than a mere fraction of the consumption now of bananas can be produced in the United States.

According to the report of the British Government, wages in the printing industry in the United States are two and one-third times higher than in the United Kingdom, but the wages there are materially greater than elsewhere in Europe. There are about 400,000 persons engaged in printing and publishing in the United States, practically all of whom will be affected by the provisions of this bill putting books used in schools and other educational institutions on the free list. There is no limit as to what may be used as an alleged "educational" institution. If all such books can be printed outside of the United States and brought in free, it will mean a material reduction in the wages of printers or the loss of an enormous industry in the United States for the benefit of foreign publishers and workmen. Good printing is now done in the English language in both China and Japan, and as the printing of such books would largely be merely the work of copying what has already been done in this country, we may expect, under this provision, that many of our textbooks in future will come from the Orient.

INCONSISTENCIES AS TO FISH, COAL, IVORY, AND BOOTS AND SHOES.

Canada pays a bounty to her fishermen, but they are to be allowed to send their fish into the United States without the payment of any duty, which means the extinguishment to a large extent of the fishing industry of this country.

Canada imposes a duty of 60 cents a ton on bituminous coal coming from the United States, but she is to be allowed to send coal mined in Canada to this country free of duty. In the same way Canada imposes a duty of 10 cents a pound on tea coming from the United States, but a large proportion of the tea consumed in this country comes in by way of Canada free of duty. However, that is the course in regard to agricultural products and other things put on the free list by this bill. As there are already two or three hundred American establishments in Canada producing manufactured goods which are dutiable in that country, it is fairly certain that the number will be doubled after this bill becomes law, because all of those manufacturers will have the advantage of a protective tariff in Canada, with the freedom of the American market in many of their products, and a duty that will not be protective to American manufacturers in their lines of industry.

It is as difficult to imagine any excuse for some of the duties imposed in this bill as it is to understand why other articles are put on the free list. For instance, a duty is put on ivory tusks. No country in the world imposes a duty on such ivory, and, of course, there is no thought of home production of that article. But $1,300,000 is imported, and taken almost altogether in payment for cotton goods sold in Africa. This ivory is used principally in making keys for pianos and other musical instruments used in schools, homes, and so forth, in developing higher ideals and making life more comfortable for a large proportion of our working people. To impose an unnecessary duty on this ivory not only will interfere with the sale of cotton goods in Africa, but will make it more difficult for the ordinary persons to get the small types of musical instrument in the production of which ivory is used. While a duty is placed on ivory, such articles as mother-of-pearl, tortoise and other shells, jet, whalebone, coral, mahogany, rosewood, satinwood, lancewood, ebony, and so forth, remain on the free list. One New York firm last year sold $865,000 worth of cotton cloth in Africa and took ivory tusks in payment. The cloth went to Zanzibar, Mombasa, Aden, and Khartum. This duty should not be insisted upon.

Putting a duty on ivory and admitting boots and shoes free is an illustration of the inconsistency of this measure. In the manufacture of boots and shoes the following articles are used as raw materials, which are dutiable in this bill: Worsted cloths, cotton goods, velvets, velveteens, satin, cotton braid laces, silk braid laces, and buckskin, kid skin and bronze, kid-skin leather, and a number of other things. Putting the finished articles on the free list and leaving a duty on the raw materials is a characteristic feature in this bill. Bone char and animal carbon are duty free for the benefit of the Sugar Trust, but bones crushed or broken, or bone particles used in the production of bone char, are dutiable.

A HARD BLOW TO THE SOAP INDUSTRY.

The treatment of soap in this bill is indefensible. In House bill No. 20182 laundry soap was reduced from 20 to 15 per cent, while in this bill it is reduced to 5 per cent, and a duty of 20 per cent is imposed on essential oils used in the manufacture of soap. There is no soap trust to limit competition. Prices show no substantial change in a long period, though prices of other things have advanced. The price of soap is determined by the output, a large manufacturer being able to produce cheaper than a small one. There are large manufacturers in England who, with a 5 per cent duty, will take the seaboard trade in particular. Canada exacts the equivalent of 25 per cent duty on such soap. There were 436 establishments, according to the census, making laundry soap in 1909, but the laundry-soap catalogue shows 600 and more establishments, scattered in every State except Alabama, Florida, and North Carolina, while there is one in Mississippi, one in South Carolina, and one in Virginia. Materials such as essential oils and vegetable oil are now purchased through European markets, and the imposition of a duty of 20 per cent on them will give the European manufacturers an advantage in the purchase of such articles. They now have an advantage in the cost of labor, of alkalies, and of vegetable oils. Europe formerly held the trade with Porto Rico, Hawaii, Panama, and the Philippine Islands, but it is now controlled by the American producers. With a duty of only 5 per cent on soap that trade will soon pass into the hands of foreign manufacturers. In the exports of soap are crude saponified cotton-seed oil, "foots," shipped in barrels, used for textile purposes. Excluding our insular possessions, exports of soap have not increased in the last six years.

Imposing a duty of 20 per cent on essential oil used in the soap industry, with only 5 per cent on soap, is absolutely inexcusable. The distinction should be made between essential oil used by perfumers and the low-priced oil used in laundry soap to counteract the natural odor of the soap. Such essential oils are necessary ingredients and a 20 per cent tax on them is a rank injustice. The words "fancy or" are omitted in designating perfumed toilet soaps. They were inserted in 1909 to prevent the dumping of so-called nonperfumed toilet soaps manufactured abroad, when they are really fancy soaps. Pears' soap came in in that way until the courts interfered and classified it as a fancy toilet soap. England exacts a duty on such transparent soap of approximately 35 per cent. If this wording is not changed they can send their soap here at 10 per cent. The paragraph should contain "perfumed, fancy, transparent, and all descriptions of toilet soap," at 40 per cent. On castile soap the duty is reduced to 10 per cent; at present it is 1½ cents a pound. The imports of castile soap have increased largely at the existing rates and amounted to nearly 4,000,000 pounds in the nine months ending this year in March, showing that there is no need of any reduction in the rate. The soap industry has been built up with reliance on free essential oils. They have been upon the free list under all tariffs. The imposition of a duty upon the ingredients which enter into the manufacture of these necessities, and thus discriminating against an industry

in which competition is so strong, is without any excuse whatever. The laundry soap manufacturers add to the basic tallow an oil which gives a greater lather, making the soap serviceable in hard-water districts and greatly improving the soap. The admixture of these oils is also made a feature. Some of the raw materials have been placed upon the dutiable list without any reason, and such a reduction of duty as is proposed would open our market to a very large inflow of foreign soaps, without any advantage to our people.

HOW THE BILL WILL INJURE COTTON MANUFACTURING.

The cotton industry suffers under this bill in the same way as other industries. As the United States produces about two-thirds of the cotton used in the world, it should be able to produce such cotton goods as are consumed in this country. But there is the same difficulty in this industry as in any other, with wages from two and one-third to five times greater in this country than in Europe and Asia, where cotton goods are produced. About $68,000,000 worth of cotton manufactures were imported in 1910, $48,953,231 in 1905, and $37,789,988 in 1900, showing the rapid growth in these imports. The only reason why a single dollar's worth of those goods is imported is because of the lower cost of labor abroad. We have the advantage in the raw material, though, owing to low transportation rates, such material costs as much to a New England manufacturer as it does to one in Europe. But notwithstanding the large importation of manufactured goods in ordinary years, this bill proposes a sweeping reduction in duties based on a miscalculation as to conditions in this country and abroad. Even those who have been active in agitating for lower duties are protesting vigorously against the rates fixed in this bill. Mr. Walter H. Langshaw, of New Bedford, Mass., has been one of the men criticizing existing rates on cotton manufactures, but he is protesting vigorously against the rates proposed by this bill. In a letter he says:

There are thousands of bales of cotton and cloth in storehouses which millmen would like to sell at cost; also some new mills. I have one, bought under "protective duties." Part of it has been stopped for two years, because we can not get cost for its product. I should like to find a customer at cost, or even 20 per cent less.

Mr. Langshaw says that five or six mills in New Bedford, completed about three years ago, have not earned a dividend, and their stocks are offered as low as $45 a share, with no buyers. There have been 125 failures in a few years in the knit-underwear manufacturing, and yet it is proposed to reduce the duties on such goods a good deal more than one-half. American goods of that kind can not be sold in even the West Indies and Latin American countries in competition with those of Europe, because of the higher wages paid here, and the consequent higher cost of construction, equipment, and maintenance, and therefore the increased cost of manufacturing knit underwear, which pays $35,000,000 in wages in this country annually. There is no combination and competition is keen, but on cotton underwear there is a cut in the duty of one-half, and on woolen of more than one-half. The imports of cotton hosiery in the fiscal year of 1910 were in value nearly $6,000,000, but duties are to be severely cut all the same.

ENGLISH MANUFACTURERS EXPECT TO INCREASE EXPORTS.

The conditions in the United Kingdom are quite different from those in the United States. The Fine Cotton Spinners and Doublers' Association of Manchester, England, with 3,000,000 spindles, recently declared an 8 per cent dividend on ordinary stock, with a 5 per cent bonus. The mills in Bombay, India, engaged in spinning and weaving, all paid dividends last year of from 4 to 30 per cent. Sir Charles Macara, president of the Federation of Master Cotton Spinners' Association, of Lancashire, England, recently declared in discussing industrial conditions in the cotton industry in this country and this proposed new law:

All American concerns have cost a tremendous amount more to capitalize than ours have cost. They are left with a big handicap. At present, despite their tremendous tariff, we have retained the finer end of the trade and there is every likelihood that in this branch of the industry the tariff reduction will benefit us, because it is very difficult for them to secure the skilled workers we have at our disposal. Their workers are of mixed nationalities and constantly migrating and they can not compete with Lancashire in fine fabrics. The reduced tariff will increase this end of our trade.

It is in the finer goods that our American producers find great difficulty in meeting foreign competition and most of these goods are produced in Northern States, which will explain to some extent the lack of interest shown by our Democratic opponents in that branch of the industry. Over 90 per cent of the cotton yarns produced in this country are No. 40's and under. Yarns over 40's are now on a competitive basis, as the imports average over 90 per cent of the domestic production and yet a slashing cut is made on this finer class of goods, which is nearly all produced in the North. The chairman of the Ways and Means Committee of the House is quoted as saying:

New Bedford mills are rich—they can stand it.

But with several mills in that city unable to pay any dividends he is evidently as much mistaken about New Bedford as about the rest of the country.

From an official report of the British Government we learn that in the cotton industry 16 per cent of the men in England, working full time, earn less than $5 each, with nearly the same percentage in the woolen industry. Nearly 44 per cent of the men in the cotton industry earn between $5 and $7.20 a week. Women largely predominate in that industry in the United Kingdom, and 13 per cent of them, working full time, earn less than $2.40 a week each, while 39 per cent earn between $2.40 and $3.60 a week. The average hours of labor in the cotton industry in England are 55.5 a week.

MUST COMPETE WITH ASIATIC LABOR.

Those are the wages and the hours in the country where the highest wages are paid outside of the United States, but in other countries wages are very much less. Japan, which has taken away our cotton trade in Manchuria and which, according to a report of its delegate at the recent meeting of the International Cotton Federation held in Paris, will soon control the trade of China and has "400,000 more spindles in the course of erection," pays in wages a mere fraction of what is paid in the United States. But Japan will soon become a competitor in our cotton trade in this country and, when the Panama Canal is opened, can easily reach our eastern markets. At that Paris meeting it was said that in Bohemia yarn prices were so low that yarns were exported to Germany, the Netherlands, and even to the United Kingdom, and Germany reported that in cotton manufacturing its position was "prejudiced by surplus yarns from Austria being offered at prices below cost." It was said that production in Austria was curtailed one-third and would evidently be further curtailed, unless a market could be found for the goods. In England there has been an increase of 12,000,000 spindles since 1906, and new looms are being put down at a rapid rate, and exports of yarn are increasing on a rapid scale. Foreign manufacturers are already preparing to flood our market when this bill becomes a law. They have taken large orders already in this country for goods to be delivered under the new rates. The Senate committee has improved the cotton schedule to a small extent as compared with its condition when it left the House, but it is now altogether inadequate to protect the workmen in that industry. Samuel Ross, president of the Mill Spinners' Union and a member of the emergency committee of the United Textile Workers of America, in speaking for the workingmen said:

The proposed duties are too low to prevent large importations of competitive products. The large textile unions have declared in their conventions that wages must not be reduced. Any attempt to lower the wages will meet with our most strenuous opposition. It is not lower wages that we fear, but periods of no wages from a cessation of output. From conversations with the workingmen I know that they trusted the Democratic Party not to make such reductions as would tend further to increase the hardships of the workingman. But this would be the result, as shown by the fact that preparations are now being made by foreign manufacturers, at no little expense, to manufacture products for export to this country, which products are similar to those now being made by us. The jubilant spirit with which the cotton schedule has been received in England by the president of the English Manufacturers' Association down to the smallest manufacturer is very apparent from trade and business conditions in England. Jobbers and users of yarns from 50's upward are using the argument that it will be impossible for our manufacturers to quote prices within several cents a pound of that for which the foreign manufacturer can sell. I have in mind a case in New Bedford where a mill bought 80's yarns from England in preference to making it themselves, although possessed with the facilities for so doing, but a general reduction of wages of 10 per cent took place, and they then began making the yarns themselves. That was some years ago and only shows the effect of even a small reduction in wages. The wages paid in proportion to the wholesale value of finished product at New Bedford are as high in some cases as 70 per cent, but this bill imposes duties ranging from 5 to 30 per cent. The condition would apply in a greater or lesser degree to the larger textile centers of the country.

That is what a workingman says about the effect of this bill.

STRIKING AT THE PRODUCERS OF FINE GOODS.

Fine and fancy cotton goods are not a necessity of the great majority of the American people. A fair rate on them, therefore, could be justified on the ground that they are luxuries. But this bill is drawn up so as to allow the importation of such goods. The conversion cost alone of the finer yarns in the United States and England proves conclusively that 30 per cent is the minimum rate of duty necessary to equalize that cost. As the yarn becomes finer the difference in cost becomes greater. The Tariff Board reported that "the comparatively small difference in output per weaver does not offset the higher wages paid in this country" on the finer goods. Since the Tariff Board made its report there has been a 10 per cent increase in wages in Massachusetts and a 3½ per cent decrease in the hours of

employment, both of which tend to increase the labor cost, and there has been nothing of the kind in competing countries. Fine cotton goods are made of yarns chiefly between 60's and 99's, and yet these 40 numbers are given only 20 per cent and 22½ per cent ad valorem even in the Senate bill, and a little more on the gray cloth. The labor cost of yarns in number 100's is one-half more than in 60's, and that has been recognized in all tariff bills since 1883. The difference in cost here and in England is greater as the yarn becomes finer. But no recognition was made of that fact in the House bill and a wholly inadequate recognition is made in the Senate committee amendment. The production of fine-yarn goods in this country is comparatively new and the industry is now struggling to establish itself, but this bill gives it a staggering blow. Cotton yarn is the raw material for spool thread, but a higher duty is imposed on the yarn than on the thread by the House bill, and no satisfactory remedy has been made by the Senate committee.

Handkerchiefs, hemmed, of linen, are reduced 15 per cent, but the cloth out of which they are made is reduced only 5 per cent. Handkerchiefs of cotton are given a protection of only 5 per cent over the cost of the raw material—only one-half what is given in the case of linen handkerchiefs.

There are large mills exclusively devoted to the manufacture of cotton goods in 42 States, employing 500,000 persons and consuming over 4,500,000 bales of cotton annually. There is nothing sectional about the cotton industry of this country and there should not be anything of that kind in this bill. The products from the mills of the South are of a heavier and coarser grade than those of the eastern mills, but the production of finer goods is progressing in the South and if not killed by this bill will grow rapidly.

SOUTHERN MANUFACTURERS THE LEAST HURT.

The manufacturers of heavy-weight cotton and coarse cotton yarn are not seriously threatened by the rates of this bill. They have a large advantage geographically, where the mills and the cotton fields are contiguous, and wages are much lower in the mills of the South than in the North. The manufacturers of fine fancy shirtings, fancy cotton dress goods in woven and printed styles, are obliged to pay more for their yarns and more for finishing their goods than foreigners, and under the proposed reduction in rates the goods from England, Scotland, Belgium, France, and Germany will enter into sharp competition with the products of the New England mills, and the growing trade of those southern plants that are now endeavoring to produce fine yarn goods. American cotton goods manufacturers are season after season producing goods of higher intrinsic worth. But they now meet with sharp foreign competition which will be vastly increased under this proposed law. American-made cotton goods have found a market in some foreign

There is hardly any other line of industry in which the working margin is so close as in that of cotton manufacturing. Styles change rapidly, so that any fine goods, if not promptly disposed of, will remain a loss. In all branches of the textile industry in the United States arbitrary labor regulations regulate hours of labor and pay, and otherwise greatly increase the cost of production. No other country is under such restrictions. We are all glad that workingmen are thus protected, but nothing will so interfere with the success of such regulations as this reduction in tariff rates.

STRIKING AT AMERICAN WATCHES AND CLOCKS.

The reduction in the duty on watches and clocks to an extent of nearly 20 per cent and the eradication of all the specific rates is another one of the monstrous blunders committed by this bill. In the manufacture of both watches and clocks American genius took the lead. European countries engaged in this industry have assiduously and deliberately copied and imitated every improvement adopted by American producers, so that this country now has no advantage in that respect, while it has not labor as efficient and well trained in this industry as is the case abroad, and wages are three and four times greater in this country than in Europe. For over a century the American clock was the pride of the American traveler, who found its face a familiar friend in nearly every country of the globe. But American clock machinery has been copied by foreigners sent here in disguise as laborers, and even the names adopted by American manufacturers have been used, and trade-marks also, so that with the cheaper labor abroad, working long hours, any reduction of duty means just so much lower wages to Americans, or else driving them out of employment altogether. American clock manufacturers do not sell abroad cheaper than at home; there is no trust; no water in their capitalization, and no manipulation of any kind. Several firms engaged in this business have either failed or given it up for lack of sufficient profit. Only one new concern has attempted to go into the manufacture of clocks, while two have failed. Prices have been reduced to a very great extent, while the factories have paid and are paying more and more each year for material and help. By sending experts to this country to pose as ordinary laborers, and obtaining employment in the factories here, foreign manufacturers were enabled in this way to copy American machinery, the shape of the clocks, their names, and then to export them to Australia and elsewhere where American clocks were extensively sold, and by selling the inferior articles, under the same name, ruin American trade. They have carried on that work in Canada, as well as in other countries, where they use the same name and even put on the dial of a clock the name of the American city where it was alleged to have been manufactured, although in this case it was produced in Germany.

The so-called Tariff Reform Club, of New York, a free-trade organization, in the campaign of last year, circulated a paper asserting that a certain clock made in New Haven was sold in this country for 68 cents, and if exported for 55 cents. The New Haven Clock Co., when this was brought to their attention, promptly invited the chairman of this free-trade club to examine its books and be convinced of the falsity of the statement made by the club. This was done, and the club acknowledged its misstatement and admitted that "these clock companies did not discriminate against the American producer."

TRUTH FROM A PRODUCER—GERMAN COMPETITION.

Walter Camp, the president of the New Haven Clock Co., says:

The life of an eight-day striking mantle clock is at least 10 years, and such a clock can be bought anywhere in this country to-day at retail for $2 or less, making it represent an annual outlay of 20 cents. We have reduced the cost of clocks to the consumer 50 per cent in the last 25 years. We have practically reached the limit of human ingenuity in the matter of machine work on clocks. The foreigners have gradually imitated our machinery until they are as well equipped as we are, and are paying their labor only about one-third or one-half as much. The increase of these foreign clocks from 1908 to 1912 was 70 per cent. Somewhere between two and three million of them came into the United States last year. The skilled workers' budget in Europe shows that a man and his wife and three children, all of them working, earn approximately $365 a year. Our people earn two and one-half times as much as that. We are already informed that there are large shipments of clocks awaiting the proposed reduction of duty; and, of course, we realize that any of the patterns that are brought in here below a margin of profit must be abandoned, and we do not see why the Germans will not then increase their prices. The saving, in any event, to the consumer, when he is only paying 20 cents a year for his clock, is, of course, infinitesimal.

One of the reasons put forward for reducing the duty is that American clocks are exported. A little over twice as many clocks and parts of clocks in value are exported as are imported, but American exports go to countries where the American producer is protected by preferential rates of duty, as, for instance, in Brazil, where a 20 per cent reduction is made on American clocks; but even then the export business is gradually dwindling in its proportion, and the clocks that are exported are such as have not been copied in patterns by the Germans and others. German clocks are sold in this country at less than they can be purchased for in Germany. The American consul at Mannheim, Germany, reporting on this industry in Baden, says:

The earnings of many of those employed in factory labor in their homes exceed those of like employees in factories, but these earnings are often the result of labor extended far into the night. In the Black Forest clock industry a working day of from 14 to 16 hours is common; also in many other industries. In the city of Pforzheim, which is the center of an enormous jewelry manufacture, the average wages for adult females is said to be 38 cents, and in the surrounding villages 31 cents, while the average daily wage of female chain makers is 46 cents, and in other branches of jewelry manufacture is 45 cents.

Foreign importations under the present duty have steadily increased, showing no ground for any lowering of the duty. The horological schools established by the governments in the clock-making districts of foreign countries save the manufacturers the cost of expert and experimental work, all of which the American manufacturer is obliged to bear himself. There is nothing in the way of a trust in the clock business, and no reason for any lowering of duties to invite greater foreign competition.

INDEFENSIBLE REDUCTION ON WATCHES.

There is less ground for reducing the duty on watches than on clocks, and there is no sound reason for any reduction in either case. The imports of watches and parts for the fiscal year 1912 were, in value, $2,313,677, while the exports were only $1,880,667, and these exports largely went to countries giving preferential rates and where there are advantages in time of delivery, etc. Ad valorem duties, which are imposed in the pending bill, are impracticable when applied to watch movements.

The value of a watch movement is in its timekeeping qualities, which can not be determined by an external examination however critical, even by expert watchmakers, and can only be ascertained by elaborate tests for the purpose of determining whether or not it is properly jeweled, and the number and kind

of its adjustment, which tests would require a great deal of time and special equipment. Ad valorem rates leave the Government at the mercy of foreign manufacturers, as their valuation will have to be accepted. The test of watches for temperature and position adjustment and for determining the qualities of materials and finish requires special equipment and skilled experts schooled in that line of work, to say nothing of the time and patience required. Many of the largest importers of watch movements in this country have their own factories in Switzerland and the movements are billed to themselves here at cost or under cost. Five of the largest factories in this country said that they exported no goods, except possibly a little to Canada. Most American manufacturers of watches import at least from 50 per cent to 65 per cent of the materials that go into a watch movement, on a part of which they pay duties, which fact alone gives the foreign manufacturer of watches a great advantage. The "home industry" in the watchmaking trade is still prevalent in Europe, and especially in Switzerland. The Swiss manufacturer has an advantage in many instances in the use of water power at a low cost. The American factories have to maintain repair departments, as all movements are guaranteed against defects, and a hospital must be maintained for putting into shape all movements which fail to keep accurate time. The foreign manufacturer is not bothered in that way, as he makes no such guaranty. In Switzerland, which country exports some years nearly $30,000,000 worth of watches and parts, or 10 times as many as are exported from the United States, watchmaking schools are established by various municipalities, with the result that the Swiss watchmaker is a trained expert having a general knowledge of every phase and process in the production of a watch. For that reason watchmakers in Switzerland have a greater efficiency and a wider knowledge of their trade, as a rule, than those in the United States. The Swiss manufacturer has at his command any amount of trained, skilled workmen, but the American manufacturer must train his own workmen.

DUTY EVADED—HOUSE WORK IN SWITZERLAND.

Many foreign watches are imported under what are called "knock-down" systems for the purpose of evading the duty on complete watch movements.

Watches and watch movements do not properly belong to Schedule C. The metal used in the construction of a watch movement makes up an infinitesimal part of the cost of production. The labor cost averages from about 81 to 87 per cent of the total cost, and the jewels used in the construction of a movement amount in many cases to about 50 per cent of the cost of the raw material in a watch movement. Metals, therefore, do not compose the chief values of a watch movement, but only a very small part of the value. Such a movement is a most delicate and intricate piece of mechanism. The most skilled and able workmen are required in the production of this most wonderful time-keeping instrument, and it should not be classified with iron and steel products, but properly belongs in Schedule N. Watch cases are largely composed of gold and silver, and articles of gold and silver are classified in Schedule N.

A consular report states that a peculiar feature of the industrial system of Switzerland is what is known as the "house industry," or the production of various articles of manufacture in the homes of the workmen. The importance of this particular branch of industry is due to the fact that it involves the relation of cheap hand labor to mechanical production. It practically eliminates the labor question and enables the importers to compete successfully in markets where organized labor dominates the situation and where standards of labor are maintained. The percentage of cost of labor thus employed in the various branches of industry in Switzerland is as follows: Textiles, 39 per cent; watches and jewelry, 24 per cent; clothing, 10 per cent; straw braids, 56 per cent; and wood carving, 52 per cent. Of the total engaged in industrial pursuits in Switzerland, 24 per cent belong to the house industry. At home in that country over 13,000 are engaged in the production of watches.

The general trend of prices in the American watch industry has been downward for many years, while the quality of the movement has each year been improved and the cost of production has been much greater. Straight specific duties on all classes of watch movements are desirable, and the change to ad valorem duties is most unwise. While the difference in the cost of material and labor is startling, yet when the difference in conditions, and in hours of work, plant investment, working capital required, and general expense of manufacture is considered, together with the fact that prices have gone down, any reduction in the duty is indefensible. The condition of the industry in this country demonstrates that fact.

THE APPEAL OF THE GLASSWORKERS NOT ENTERTAINED.

The appeal of the workingmen in the glass industry against a reduction of duty which would admit a large proportion of foreign wares of this kind is very touching, though it will be ineffective. There are in this country about 11,000 skilled glass-bottle blowers, whose average wage per day is about $4.60, and there are dependent upon this industry 35,000 unskilled workmen and their families. The necessity for maintaining the present tariff is as great now as at any former time, and already there are many workmen out of employment because of threatened tariff changes. One of the appeals of the workingmen reads:

> The reduced tariff means reduced wages to our members and other sacrifices such as we experienced under the Wilson tariff law; we therefore beseech you not to make any reduction on the present tariff rates on imported glassware, as these rates do not now afford sufficient protection to American workmen, notwithstanding the extraordinarily keen competition, and if the tariff rates are reduced it will bring on us a deplorable state of affairs.

Mr. T. W. Rowe, in behalf of the American Flint Glass Workers' Union, told of his experience in Europe, where he made a tour of investigation last year. He said:

> The conditions under which the people are employed around the glass works in continental Europe are so horrible that they defy exaggeration. Wages of continental European glassworkers are about one-fourth those paid to American glassworkers, and in addition to that there is female labor and child labor. I saw married women carrying their babies to the factory, the manufacturer having provided a nursery so that when the baby became hungry the mother could leave her work and go and nurse the baby. I visited a large factory at Val St. Lambert, and I saw young girls wheeling cinders and coal and carrying boxes that I am sure would tax the strength of ordinary men. When the tariff was reduced in 1894 goods were shipped into this country by the boatload and laid down in competition with American labor cheaper than our labor cost. A large number of our plants were thrown into idleness. We accepted a 20 per cent reduction in wages. When the tariff was restored the American manufacturers restored that 20 per cent reduction. We have greatly increased production and have removed the limit and increased the output in certain lines with a view of enabling the American manufacturer to meet the foreign competitor. I am glad to say that it has done some good, but it has not entirely remedied the evil. Every time the tariff has been touched and there has been a reduction on glassware it has meant a reduction in wages and injury to the workingmen.

WINDOW-GLASS WORKERS THREATENED.

Belgium exports 95 per cent of its product of window glass, which is dumped into this market whenever there is a surplus that can not be disposed of elsewhere. The business in Europe is in the hands of a syndicate, or trust, as we call it in this country. The failures in the window-glass business in this country have been larger than in any other industry.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. In reference to glassware, which the Senator has been discussing, has he investigated the matter as to whether or not under the last low-tariff law that industry was greatly harmed in this country and whether there was any very great reduction in the price of that commodity to the consumers of the United States?

Mr. SMOOT. Mr. President, I remember very well the discussion of the tariff bill of 1909, when we were honored here by the presence of a Senator who was a glass manufacturer. He showed to the Senate glassware that was made in different parts of this country, gave the price the manufacturers received for it and what the ultimate consumer paid, and the difference in the figures was so great that I doubt whether there was a Senator on the floor who listened to the remarks who was not amazed to learn that there was so great a difference between the price received by the manufacturer and the price paid by the ultimate consumer. As suggested by the Senator from New Hampshire, in the retail price there was no difference, and I say now that the retail price to the consumer, if this bill goes into effect, will be no less than it is to-day.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. SMOOT. Certainly.

Mr. GALLINGER. I recall the very interesting exhibit that the Senator from West Virginia, Mr. Scott, made on that occasion. It is my recollection that the discussion developed the fact that the consumers of glassware in the country got no benefit from the reduction of the tariff. I will ask the Senator, who has given very great attention to this matter, whether he is of the opinion, if the reductions which are contemplated in the pending bill upon that product become a law, that the consumer is likely to be any better off so far as purchasing those articles is concerned than he is to-day under the existing law?

Mr. SMOOT. My opinion is that he will be no better off.

Mr. President, in 1909 when this schedule was being considered, I took as an example a 12 by 15 pane of glass. I purchased one here at a store in Washington. I had one purchased at a retail store in New York. That pane of glass laid down in this country duty paid cost 2¼ cents. I paid in the store here in Washington 15 cents for it and in New York it cost 25 cents. Is there any likelihood that by taking off half a cent a pound it is going to reduce the retail cost of a pane of glass or glassware of any kind to the ultimate consumer, judging from the great difference that always has existed between the price the manufacturers receive and the consumer pays?

In only two years in the last seven, according to the national association, have any profits been made. One-half of the glass is made by hand, and this large employment of labor at prices three or four times as great as in Belgium, accounts for the lack of profit in the business, which is subject to the dumping process from Europe. The freight rates from Antwerp to New York are 19.3 cents per hundredweight, and from Pittsburgh to New York 18 cents. From Antwerp to New Orleans the cost is 14 cents, and from Pittsburgh 43 cents. From Antwerp to San Francisco the transportation cost is 35 cents, while from Pittsburgh and points east of the Mississippi River to the Pacific the cost is 90 cents per hundredweight. The opening of the Panama Canal will help the European manufacturers. The English manufacturers have announced the intention of establishing factories in Canada, and what effect that will have remains to be seen. Prices have advanced in Belgium in prospect of the increased demand here. A firm of importers have made statements before Congress in regard to this matter, stating that the Imperial Window Glass Co., formed in this country some years ago, cost the people of America $6,000,000. That is an illustration of the length to which importers go in trying to break down our industries in order to increase their business of importing from abroad.

The Imperial Window Glass Co. was not in business long, and its total sales amounted to only $7,104,447, and the net profits were $569,408—not a very large profit; but a half a million is a very different thing from $6,000,000. The window-glass manufacturers ask: "Why should any of our representatives favor a measure that will ruin an industry and reduce the wages of 15,000 workmen? We believe many glass workers will be without employment and many valuable plants will be idle and will never again become active should this proposed scale of duties become operative. All sections will feel the depressing effect of closing our shops entirely, or trying to operate for an uncertain period under what we consider unfavorable conditions." The decreased rates under this bill run from 36.3 to 55⅝ per cent. Eighty per cent of the production is included in brackets, on which the reduction runs as high in some cases as 54.2 per cent. American workingmen can not live as the Belgian workmen have to live or exist. Eighty dollars is paid in this country for labor in the production of window glass where $30 is paid in Belgium. The plants in this country are the most modern in the world and are practically all of recent construction, while in Europe some very ancient plants exist, but the profits here are often very small owing to competition. Reducing rates is simply helping foreign producers at the expense of those engaged in the same industry in this country.

The cut-glass industry, on which rates are also reduced, is suffering now from the provision inserted in the Panama Canal act that allows free entry to everything required to equip a ship.

HELPING A FOREIGN TRUST CONTROL THE PLATE-GLASS MARKET.

In the production of plate glass, Belgium is the keenest competitor with America in this market. Labor in Belgium in this industry averages 65 cents a day, as compared with $2.30 in the United States. It costs twice as much to complete a factory here, raw materials are more, and there is no trust, but keen competition, while the European manufacturers are combined in a syndicate, regulating production and prices, and all selling through one agency, thus doing away with any competition at home and making it easy for them to sell at low prices in this country. Plate glass was first made in this country under the tariff of 1875. Before that time the cost was $1.75 to $2.25 a square foot. The price has gradually gone down, so that it was $1.21 in 1880, 99 cents in 1890, 90 cents in 1900, 46 cents in 1905, 43 cents in 1908, and 39 cents under the present tariff. That reduction was accomplished in a tariff that imposed 22½ cents per square foot on a size that it is now proposed to reduce to 12 cents. Owing to the great difference in wages it costs 28½ cents a square foot for a factory here in complete operation to produce such glass, while in Belgium, with a curtailed production, the cost is only 11 cents, and they are capable of increasing their production 46 per cent. The difference in cost is 17½ cents a square foot. Germany has a flat rate equivalent to 12.42 cents a square foot, which keeps out the Belgian product. The existing law here, on sizes not exceeding 720 square inches, does not make up the difference in cost of production here as compared with Belgium. There is a small excess on sizes over 720 square inches, but American manufacturers lose on the first two brackets and do not make enough on the last to be remunerated, while the foreigners, because of their trust agreement, make very large profits. The reduced rates proposed would place the foreign trust in control of our market. The consumer is paying only one-third or one-fourth as much for plate glass now as he did 35 years ago, when he was dependent upon foreign production. The increase in imports this year, 42 per cent for the dull months of January and February over the same months last year, shows what may be expected. The Pacific coast and Rocky Mountain trade will be lost to American producers, because the foreigner now has an advantage of 5 to 5½ cents a square foot in freight. The freight from Belgium to any Pacific coast city is 2 cents a square foot. From Pittsburgh it is 7½ cents in carload lots and 10 cents on a less quantity, and railroads have filed notice to increase that rate to 18 cents on less than a carload lot.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. I should like to inquire if the Senator has made any calculation as to the freight from Europe to interior points in the United States—as from Antwerp to Pittsburgh, for instance.

Mr. SMOOT. The freight rate from Antwerp to New York is 19.3 cents per hundred, and from Pittsburgh to New York 18 cents. From Antwerp to New Orleans the cost is 14 cents, and from Pittsburgh it is 43 cents.

Mr. BRISTOW. I remember that. I was listening to the Senator. Now, what is the rate from Antwerp to Pittsburgh?

Mr. SMOOT. I have not the exact figures, but I doubt whether it is very much more from Antwerp to Pittsburgh than from New York to Pittsburgh. I do know, Mr. President, that the freight rate from England through to Salt Lake City on crockery ware is less than the freight rate from Ohio to Salt Lake City.

Mr. BRISTOW. That is what I have been advised. Does not the Senator think that more important legislation, so far as the consumer is concerned, would be the control of freight rates rather than to undertake to control that by a duty?

Mr. SMOOT. I am simply calling attention to these freight rates and stating the advantages that the foreign manufacturer has over the American manufacturer to show under existing conditions disadvantages the American manufacturer is laboring under.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. CUMMINS. I take the liberty of stating to the Senator from Kansas that I have a table showing these rates, and I intend to use it presently in connection with an amendment I have proposed to the tariff bill, which provides that railroad or transportation companies shall not charge more for carrying products or commodities from the seaboard inland when produced in the United States than they charge for like products when imported into the United States. I intended to press that amendment with all the vigor I possess, because I regard it as one of the most unfair practices that can be instanced in all our transportation system. Now that the domestic producers are in many instances denied adequate protection, to make them pay from one-third to one-half more than their foreign rivals must pay for transportation over our own railroads is to me utterly indefensible.

Mr. GALLINGER. Will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield to the Senator from New Hampshire.

Mr. CUMMINS. I can not answer the specific question as to any one rate, but I have a table of that kind which I will produce when I present my amendment.

Mr. GALLINGER. I will say to the Senator that as at present advised I am in full sympathy with his contention on that point, and I rose to ask the Senator if that matter is not in the control of the Interstate Commerce Commission.

Mr. CUMMINS. It is, but unfortunately the Interstate Commerce Commission has decided that rates from foreign countries into the interior points of the United States may be judged by the same rule that governs through rates in our own

country, and the commission has affirmed the validity of the discriminations that I have suggested.

Mr. GALLINGER. Am I safe in assuming that the Senator from Iowa does not agree with that position?

Mr. CUMMINS. I do not. I do not believe there should be any such thing as a through rate from a foreign country into the United States. When a product reaches the port of New York and must be transferred from a ship to a car, and at the same time a domestic producer in New York loads a car that is carried in the same train that takes the foreign product, I think it is a gross wrong to charge the domestic producer more than is charged his foreign competitor.

Mr. GALLINGER. I quite agree with that position.

Mr. CUMMINS. But it will need a legislative declaration in order to change the practice which has been affirmed by the Interstate Commerce Commission.

Mr. BRISTOW. If the Senator from Utah will yield for just another question, I should like to ask the Senator from Iowa if the same rate from the port of entry to the interior points was charged the domestic shipper from that port that the foreign shipper pays, would it not be possible now probably to ship from Pittsburgh to New York and then under the foreign rate from New York back past Pittsburgh into the interior at a less rate than the rate now from Pittsburgh or interior points?

Mr. CUMMINS. There may be some rates so adjusted as to bring about the possibility suggested by the Senator from Kansas. For instance, I have been told that rice from China or Japan can be shipped into the United States to Galveston and then to some point in the interior more cheaply than it can be shipped from Galveston to the point of destination.

Mr. SMOOT. Mr. President, I, too, have a list of freight rates that I used here, I think, two years ago in the tariff discussion, showing the rates from all foreign shipping points to almost all the large cities and distributing points in the United States. I quite agree with the Senator from Iowa in what he says in relation to the rates from foreign countries to interior points in the United States.

The freight rate from Belgium to New Orleans is only one-third as much as from Pittsburgh to the same city. Of course if it is designed to give the foreign trust, with its low-priced labor, control of our markets, the passage of this bill with reduced rates will bring about that result.

Mr. BRISTOW. If the Senator will pardon another interruption, in speaking of the freight rate from Belgium to New Orleans, of course that is a water rate, while from Pittsburgh to New Orleans it is probably a rail rate. That shows a very great advantage to the European country, but the illustration of the Senator from Iowa shows that where both rates are rail rates practically the same advantage is given to the foreign manufacturer.

Mr. SMOOT. I recognize that fact, Mr. President.

Mr. OLIVER. Will the Senator allow me?

Mr. SMOOT. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I should like to ask the Senator from Utah before he leaves this subject whether he has made any study of the trade conditions in Belgium with regard to the glass business; that is, the operations of the syndicate in control of business there, and the advantages which are given them with regard to charging reduced prices for the ware.

Mr. SMOOT. I suppose the Senator was not in the Chamber when I referred to it, but the glass industry in Belgium is under one control, one management, one sale agency. Prices are made by that agency and no other price can be given, whether it be for home consumption or whether it be for export. I know in some cases, especially of iron and steel in Germany, production is controlled by cartels and agreements, and one year there was assessed against all the manufacturers $3.51 a ton for the goods that had been exported from that country, and that $3.51 a ton was divided among all the manufacturers whether they exported a pound of it or not. This industry is under just such control, and not only this industry but nearly all the chemicals manufactured in Germany are in the same condition.

EFFECT ON POTTERY.

In the production of pottery greater capital is required in proportion to the annual output than in other industries, and more labor is necessary in proportion to the capital. About 90 per cent of the cost is labor, and 66⅔ per cent goes out in pay envelopes. The wages in this industry in the United States are the highest paid and there has been no strike in 20 years. Competition here, as a result of the establishing of this industry, has reduced prices two-thirds to the consumers, and prices are lower now than ever before. American manufacturers supply less than two-fifths of the consumption. Chairman UNDERWOOD, in his speech on this subject, said: "When we see a large amount of importation as compared with the American consumption, I believe we can all concede it is competitive." When three-fifths of the consumption is of imported goods that certainly ought to be satisfactory competition without any reduction of rates to bring about larger importations. There is no trust in this business, and the average profits have been less than 6 per cent. Included in the import figures of the Government are many goods of a special character made of pottery ware, but not used by or sold to the crockery trade, which should be excluded from any comparison. The import figures are the value of the foreign product where made, and there has been a great deal of undervaluation in imports of crockery, chinaware, etc. The imports in 1884 were $4,945,813 of foreign value, and in 1912, $10,062,203. The imports from England since 1885 have decreased 20 per cent, while those from Germany have increased 410 per cent; from Austria 266 per cent; and from Japan 1,523 per cent. The selling value of the imports in 1890 was about $14,000,000, and in 1912, $28,000,000. With such a large increase in importations it is extraordinary that anyone should propose a reduction in rates, which necessarily means so much work taken away from Americans employed in this country. Twenty-six factories in Trenton, N. J., engaged in this industry have gone out of business in the last 34 years.

Of the chinaware consumed in this country there is 400 per cent more of it imported than produced here, and yet this bill reduces the rate on such ware.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I do.

Mr. MARTINE of New Jersey. I should like to say, if any such number of factories have gone out of service in the last 34 years they have gone out of service under the beneficent reign of Republican protection, and it is the Republican Party that has blighted the industry and driven it out.

Mr. SMOOT. I want to say if it had not been for that protection there would not have been any factories in New Jersey to fail, as the Senator suggests. I wish to say that if the industries in New Jersey have failed in the past, under the protection system as suggested, God help them in the future under this bill.

Mr. MARTINE of New Jersey. God knows they will be quite as safe as they have been under the Republican régime.

Mr. SMOOT. That is not what the people of New Jersey will think within three or four years.

Mr. MARTINE of New Jersey. It is useless to bandy words over that question, but the flat of the people of New Jersey has been the condemnation of your system of protection. I can bring to this body a list of men who have been workers in the mills and shops of Trenton who will testify that they got infinitely better wages in the pottery shops under a lower tariff than under the present tariff.

Mr. SMOOT. Such a statement is so extraordinary that I doubt whether it is worthy of discussion.

Mr. MARTINE of New Jersey. The Senator refers to the fact that in 34 years 26 factories have gone out of business, and I submit that it was under the Republican system of protection.

Mr. SMOOT. I think most of the 26 factories failed when the Democrats were in power before, in the years 1893 to 1897.

The percentage of labor cost is usually large in the manufacture of pottery wares, but differs according to the kind of ware made and whether decorated or not. About 55 per cent of the cost of white ware is paid in actual wages, while the remainder goes for materials, salaries, and other expenses, a considerable proportion of which goes to labor in producing materials. In decorated ware the largest factory in this country last year paid 62.04 per cent of the cost in wages, while 25.72 per cent went for materials in the production of which labor was paid a large percentage, and labor cost also figures in the remainder of the expenditures. In terra-cotta and other fire-clay products not so much is expended for labor, as more machinery is used, but the census returns group pottery, terra cotta, and fire-clay products together, and yet the returns show that 60 per cent of the cost of the product is paid out in wages. British reports show that from 40 per cent to 45 per cent of the finished value, according to the kind of ware made, is paid out for labor.

AMERICAN WAGES 110 PER CENT HIGHER THAN ENGLISH.

The American piecework prices average 110 per cent higher than the English, while the American wages earned are on an average over 126 per cent higher than in England, and the wages in England are higher than in other countries. The average earnings per hour for all classes of labor in the potteries of the several countries are as follows: United States, $0.2483; England, $0.11; Germany, $0.0913; Austria, $0.086; France, $0.0825; Belgium, $0.0693; Holland, $0.065; Japan, $0.025.

The New Jersey reports for 1912 give the average weekly earnings per capita of all wage earners as $13.88, while the English Government trade reports for the week ending January 25, 1913, give the average earnings there as $4.73. The ratio of males and females employed is, in New Jersey, 100 males to 20 females; in England, 100 males to 80 females; and in Germany, 100 males to 300 females.

In the United States a woman doing the same class of work as the man receives the same rate of pay, but in England and other European countries she receives approximately one-half as much. Much of the work done in this country by men is done by women in Europe, who receive correspondingly low pay. A plate maker is paid in New Jersey $27.30 and in England for the same work, $6.90; a jigger man gets $29.01 in this country, as compared with $8.42 in England, and so on with other workingmen. These figures are taken from the report made by the president of the English Pottery Manufacturers' Association at the time of the labor dispute, his purpose being to show that the potters were earning good wages, fully up to those in other lines of industry. Another English manufacturer said that the average of all of his working people was $4.88 per head per week. Labor in this country gets all and more than the entire duty assessed under the present law. In 1852 the rate imposed was 24 per cent, and in domestic competition an assortment of white tableware sold for $35.30. In 1864, in war times, with 40 per cent duty, the price was $210.75. In 1875 the price was $129.61. In 1900, with 55 per cent duty, the price had declined to $41.67, and this year, with the same duty, the price is $35.72.

EFFECT OF THE LAST DEMOCRATIC TARIFF LAW.

The reduced rates of the last Democratic tariff bill were disastrous to the pottery industry, closing a number of factories, which were never able to reopen. It resulted in a reduction of over 60 per cent in the earnings of the operatives on account of not having sufficient work to keep them employed, while there was an actual reduction of 12½ per cent in the rate of wages. In 1892 the domestic product was in value $8,800,000, and the imports were nearly the same in foreign value. In 1894, under the Wilson law, the domestic product had declined in value to $4,200,000, while the imports had declined to $6,879,437. The people did not have the money to pay for pottery, and as a result not only the domestic production, but the imports decreased vastly, but in 1896 the imports had increased to $10,695,861, while the domestic production was little more than in 1894, but in 1899, when we had a protective tariff, the domestic product had increased to $9,434,109, while the imports had declined to $7,603,959.

English earthenware has been displaced largely by the increased imports of cheap German and Japanese chinaware. These goods are used for the same purposes and take the place of earthenware. The imports from Japan were less than $200,000 worth in 1895, but had increased in 1908 to $1,452,156. That is the direction from which our workingmen have to fear increased competition from any lowering of the rate. The railroads owned by the German Government give special rates to goods for export, in some cases being about half the rate covering the same distance for home consumption.

The Democratic handbook estimates an increase in importations of over $1,600,000 foreign value. That is an underestimate, but even that much means a displacement of at least $3,200,000 to the American product. That would mean increased cost in whatever remainder was produced, because a factory working full time is working to the best advantage, whereas working slack time always leads to increased proportionate cost.

The Democratic mayor of Trenton, N. J., says that the cost of producing earthenware in the United States is 75 per cent greater than in England, while the average wages are 110 per cent higher. He says that from 60 to 66⅔ per cent of the cost of pottery ware goes into pay envelopes and that any reduction in the tariff must fall heaviest on the wage earner. That is the unbiased opinion of a leading Democrat given at a time when a political campaign was not being conducted, but when he was fearful of a destructive blow being directed against a leading industry of his home town by the party in power.

Mr. MARTINE of New Jersey. And notwithstanding the fact of the anticipated calamities which the Senator from Utah has just narrated, the Democrats, with a full knowledge of them, carried the city of Trenton a number of times.

Mr. SMOOT. That may be; and if the Democrats were the only ones to suffer I should say, let them take the consequences.

The New York importers arguing in behalf of foreign earthen and china ware state that the imports have decreased, which is not the case; and they further add that there must be "considerable relief from a reduction in the duty or importations will fall off." What a great misfortune it would be if importations should decline according to the view of these importers. They add: "There is cutthroat competition among the domestic potters which is the principal cause of their troubles." Under those circumstances, why should duties be reduced to add to this cutthroat competition, as the importers call it? There are about four times as much chinaware imported as is made here. The ground for any reduction in the duty is far from clear.

In the production of earthenware and chinaware labor is the chief cost. There is no such thing as superiority of American labor in the production of these goods, because it is a matter of life training in foreign countries, the Governments of which pay particular attention to the encouragement of the industry by maintaining Government shops and factories, where experiments and various methods are made and tried at the expense of the Government. England, France, Germany, Denmark, and Japan supply means for that purpose. But there is nothing of the kind here. American employers have to comply with employers' liability laws, State income tax, Federal excise laws, and laws requiring contribution to American standards, and so forth.

A STILL GREATER IMPORTATION OF GLOVES.

This country has long been paying large sums to Europe for gloves. There is no reason why gloves should not be manufactured here just as well as in Europe. The glove industry has gradually been increasing in this country as a result of protective duties, though they never have been sufficient to interfere with imports in some lines of that industry. From 1904 until 1909 there was an increase of $6,000,000 in the annual value of gloves and mittens of leather produced in this country. There are about 13,000 persons engaged in the industry, and it is making satisfactory progress if not interfered with by tariff-for-revenue legislation. There were nearly $8,000,000 worth of gloves imported last year, but it is proposed under this bill to reduce the duties to such an extent as to admit a large additional importation, and even to put some kinds of gloves on the free list. No leather gloves of domestic manufacture are exported, although competition is fierce, and wages in this country prevent their manufacture here to a large extent in competition with the low-paid European workers. Only one-twentieth of the fine leather gloves now used in this country are made here, the remainder being imported, and even that one-twentieth part can no longer be produced here under this proposed law without a great change in present conditions.

ALUMINUM AND ALUMINUM LEAF.

The people of Knoxville, Tenn., as shown by their Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, all in joint session, are greatly opposed to the disturbance of the duty on aluminum. This bill reduces the rates over one-half. The South has the only deposits of bauxite, while it has vast coal deposits and water power. The manufacture of this product in the last 20 years has grown from practically nothing to $40,000,000 per annum in value, while the price has declined from $4 a pound to 18 cents. It is more expensive to produce in this country than in Europe. The foreign bauxite ores are richer, while the coal and water power are in close proximty to the bauxite.

LINOLEUM, COLLARS AND CUFFS, AND HANDKERCHIEFS.

The change in the duties on linoleum from specific rates that equaled 47 per cent in 1910 to 30 per cent ad valorem seems to have been based on misleading figures furnished the House committee in its handbook and used in its report. Table oilcloths and all kinds of artificial leather were included in these statistics. It was said that $356,761 worth of linoleums and other such fabrics for the floor were exported, but practically none were exported. It was this apparent misstatement as to exports which probably led to the cut in the duty, as our Democratic friends seem to regard export trade as something in the nature of a crime to be punished. But the exports in this case were of tablecloths and things of that kind, and not floor fabrics. The production was also wrongly stated. There is no consistency in rates in this bill. The duties on finished products in many cases with free raw materials range from 25 to 35 per cent, while oilcloth and linoleum, of which the raw materials are dutiable at 20 to 25 per cent, are also made dutiable at from 20 to 35 per cent.

The existing duty on collars and cuffs is 45 cents a dozen and 15 per cent ad valorem. It is proposed under this bill to make them dutiable at 30 per cent, and when made of cotton, 25 per cent. There is no combination or trust in this business and the competition is keen. Canada and Germany impose a duty of 37½ per cent, and the duty is still greater in some other

countries. The American producer should have at least as much protection, instead of discrimination against him, as is proposed in this bill. The Japanese are coming into the market as producers of these articles, and we all know what that means when the wages paid in that country are taken into consideration. Female labor is largely employed in this industry and it can not compete with Japanese and European labor under the rates now proposed.

I have pointed out but few of the objections to the bill. Indefensible as they are, I assure the Senators there are others and of just as serious a nature.

I might add that the first industries of this country to suffer from the passage of this bill will not be the great trusts and powerful corporations, but the thousands of manufacturers of small capital—the independent concerns making such goods as require the highest type of workmen and workmanship. It is this class that I am interested in seeing protected and for them I shall try to see that certain rates in this bill are amended.

For the last two years, particularly since the last election, the leading Democrats find in the past of their country since the Civil War only the record of a nation provincialized, hampered, and hobbled by legislation which has stunted its growth and kept it in industrial swaddling clothes. I have listened to and read such statements with amazement, for the marvelous, unheard of, and unknown industrial development of our country is not only known by every American, but by the people of every civilized country of the world. Notwithstanding this, pictures portrayed in speech and press of our country being dominated by selfish interests with a result of a universal robbery of the American people, though unjustifiable, have had the effect of creating distrust and unrest among a certain class of the American people. Whether for good or bad will be yet demonstrated.

I have been so proud of my country's development, her history, her people, that I never get tired of singing her praises, nor never cease thanking my God that I was born an American. It is natural that I should be jealous of her every interest. I am interested in maintaining her present standard of living and preventing, if possible, her working people from coming in direct competition with the unfortunate working people of less favored countries. I have visited the leading industrial countries of the world. I have seen there the value placed upon human labor. I have seen the poverty, the squalor, and suffering to which the laborer is subjected. I have seen the effect of such upon the men, women, and children of those countries, and I have made a vow that no act of mine shall ever place an American workman in the position of having to compete with such conditions. There is only one way to prevent it, and that is by a protective tariff, and therefore I have been, and am still, a protectionist without qualification.

Mr. BACON. Mr. President, if there is no Senator who desires to continue the discussion—and I assume by no one attempting to take the floor that that is true——

Mr. GALLINGER. The Senator from Idaho [Mr. BORAH] had intended to speak this afternoon, and, unless he thinks it is too late, I think he will probably now proceed. I will ask the Senator from Idaho if he cares to proceed this afternoon?

Mr. BORAH. I should prefer not to proceed unless there is no other way in which the Senate can occupy its time. I can speak if it is desired, but I prefer not to do so now.

Mr. SIMMONS. Mr. President, as there is no Senator over here who desires to speak, unless there is some Senator on the other side who wishes to take the floor, I think we had just as well proceed with the bill.

Mr. GALLINGER. Mr. President, objection has been raised by certain Senators on this side that the bill ought not to be read for amendments until the statistics, which are being prepared, which I understand will soon be ready, are on the desks of Senators.

Mr. SIMMONS. They will be ready to-morrow morning, I think.

Mr. GALLINGER. Very well.

Mr. SIMMONS. But if there is any Senator who is ready to speak—and I understand the Senator from Idaho could go on this afternoon—I do not think we ought to lose the next two hours.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. SIMMONS. I think the Senator from Idaho—if the Senator from New Hampshire will pardon me—is ready to go on.

Mr. BORAH. I am perfectly willing to go ahead if it is the desire of the Senator in charge of the bill that I shall do so.

Mr. SIMMONS. I have no object in the world, except that I am very anxious to push this matter as rapidly as possible without inconveniencing Senators, and I know the Senator from New Hampshire is in entire sympathy with me in that view.

Mr. GALLINGER. I am in much greater sympathy with the Senator than the Senator was with us during the consideration of the last tariff bill, which was debated here three months; so that we do not feel in a temper, or I do not, to be urged very much in this matter, no matter from what source the urging comes. We are going to conduct this debate, so far as this side is concerned, as rapidly as possible. There will be a Senator ready to speak to-morrow. If the Senator from Idaho does not speak to-day, there will be two Senators ready to-morrow, and another Senator will be ready to speak the next day. As I have said, I think we ought not to be urged very much in the matter.

Mr. SIMMONS. I hope the Senator from New Hampshire does not understand me as desiring unduly to urge anyone at this time to speak who is not prepared to do so; but I understood the Senator from Idaho [Mr. BORAH] to get up and announce that he would go on this afternoon.

Mr. GALLINGER. The Senator from Idaho, however, stated that he would prefer not to go on until to-morrow, and I recall that in all previous debates such a statement has been sufficient for us to yield and to allow the Senator to proceed at a time when it best suited his convenience.

Mr. SIMMONS. It is only a little after 4 o'clock now, and this is the cool part of the afternoon. Of course, however, if the Senator from Idaho does not desire to go on, I shall not insist upon it.

Mr. BORAH. Mr. President——

Mr. BACON. I hope it will be left entirely with the Senator from Idaho to do whatever he prefers.

Mr. GALLINGER. I think that is right.

Mr. BORAH. Mr. President, perhaps the discussion of that portion of the bill which I propose to take up might very well have been left to a later hour, until such time as the provision with reference to the income tax was more directly before the Senate. But in view of the desire of those who have the bill in charge to occupy the time, I can perhaps say as well this afternoon, upon one phase of the subject at least, what I desire to say as at any other time. I am in sympathy with the desire to complete this bill, or rather, I should say, to vote upon the bill, as I understand it is already completed. I am willing, therefore, to proceed at this time, although I had expected not to speak until later in the week.

Mr. President, we have now succeeded in adopting an amendment to the Constitution of the United States which removes all embarrassment with reference to enacting a proper income-tax law. Heretofore whatever legislation has been had, has been had with the knowledge upon the part of those advocating it that the constitutionality of such a law was or would be involved. Certainly that has been true for the last few years; but we are now in a position where we may consider the question of an income tax and what it should be with a view of making it a permanent part of our national tax system. I recognize in the beginning that it is no easy task to frame a satisfactory income-tax measure.

When Mr. Gladstone was taunted and criticized with maintaining an income tax in times of peace, his reply was, "If the country is content to be governed at a cost of from sixty to sixty-two million pounds, or even sixty-four million pounds, a year, there is no reason why it should not be governed without the aid of an income tax, provided Parliament so will it to be; but if it be the pleasure of the country to be governed at a cost of from seventy to seventy-five million pounds a year, it must be governed by the aid of a considerable income tax. That," said the premier, "in my judgment, is the whole case."

Congress is often criticized for its extravagance and must share the responsibility for our increased expenditures. But no one knows better than Congressmen, from correspondence and from numerous requests to support different measures, that the country itself is not averse to heavy expenditures. Everyone is in favor of curtailing appropriations except as to those matters in which he is interested, and as to those matters he looks upon even increased appropriations as parsimonious. Congress will never deal successfully with the question of expenditures nor adopt any plan of permanent worth and value as to economy until the country itself is aroused and joins in an intelligent effort to bring about that result.

Those who look upon an income tax as a war tax—as a tax to be reserved for great national emergencies—will regret to see the United States coming to its use in time of peace. Those who believe that the income tax should constitute a permanent part of our national tax necessary in order to equalize the burdens of government will regret that even with its adoption

so much must still be collected by taxes from other sources. In other words, if the reduction of unnecessary expenditures was to accompany the adoption of this tax, if all taxes were to be reduced and yet a proper portion of that which yet remained to be collected could be collected from those more able to respond, it would be a matter of congratulation. But if this tax is to be levied and those now bearing the great weight of taxation are to find no relief, if their burden is to remain the same while more money is simply gathered for waste and extravagance, it will be a national misfortune.

In 1891-92 our appropriations for that Congress reached the sum of a billion dollars. That fact gave rise to considerable discussion for a while and became a subject of criticism by the opposition party—one of the distinct issues of the political campaign following. We have now reached the point where we appropriate more than a billion dollars for a single session. At the close of this last session it was found that the appropriations and obligations upon the Treasury amounted to the stupendous sum of $1,175,604,134. Thus, regardless of which political party we find in power, regardless of party pledges, regardless of the pressure with which these things rest upon those least able to bear up under them, our expenditures increase, not in steady and uniform harmony with the law of natural increase, but through irregular leaps and bounds characteristic of recklessness and waste, of unconcern for the individual welfare and indifference to the public interest. And it would seem that the saturnalia has just begun, only the fringe of the revelry have we thus far witnessed. We are beginning to feel already that we should build embassies and increase salaries, that we should impound, coordinate, and unify the waters of our streams and rivers, that we are to construct a vast system of public highways, that we are to replenish and reforest our hills and mountains, that we are to provide for old-age pensions, and thus for things legitimate and things unnecessary, for things real and things fantastical, we are to have an increased demand for revenue.

Mr. President, this spirit of extravagance is not confined to the National Government nor to our own country. It is nation-wide and world-wide. In 1870, if my memory serves me correctly as to the date, Mr. Gladstone budgeted for £70,000,000; and in doing so he felt called upon to inveigh against the great extravagance of his country, and the effect of extravagance both upon the Government and upon the people. His great budget speech upon that occasion is noted for his remarkable presentation of the effect of extravagance upon a people aside from the mere question of the pecuniary loss involved. To-day England budgets for £195,000,000, and with each returning year it becomes a serious question, and a question of some nicety for the chancellor of the exchequer to ascertain from what part of the goose he can pluck a few more feathers with the least possible noise. It has become in that great country a study, a science, as to how to apply the taxes in order to get from the English people sufficient revenue to meet the ever-increasing expenditures of the nation.

It will be said, of course, that England has grown in population and in wealth, and that the increase of expenditures must be expected to keep pace to some extent with the other increases. But her increase of expenditures has far outrun her increase of population or wealth, proportionately speaking. In 1870 the tax of the English people was £2 8s. 3d. per head. To-day with her increased population it is double that, or £4 6s. 3d. per head.

In our own country, if we look about, we find the same condition as to public expenditures in both city and State affairs. In 1907 the expenditures of the State government of New York were $58,000,000. Five years thereafter they had increased to the sum of $84,000,000. In 1907 the appropriations for the city of New York were $273,000,000. Five years thereafter they had increased to $355,000,000. I do not choose New York because it is an exception or for invidious comparison, but because the data from that State seem more recent and accurate. Totaling the county, State, and National expenditures of this country, they increase by two and a half times about every 12 or 15 years.

I make these statements with reference to expenditures in order that I may apply a little later the question of how we are to meet these expenditures, and from what source we are to receive the means by which to take care of them.

It has always been counted a singular triumph of statesmanship to find a new source of revenue—to tap some reservoir into which industry and frugality had stored their gleanings. Pitt and Peel and Gladstone, Turgot and Necker, Hamilton, Gallatin, and Chase, with varying degrees of success, won renown in this field of statecraft. But he will be an exceptional leader and financier indeed, rare among all the benefactors of men, who while opening up new sources of revenue finds a way to close down others, who while distributing more equitably the burdens of taxation finds a way to provide against the ever-increasing and stupendous weight of the burden as a whole. I pause long enough to say that so far there is no change in sight. We are treading the old paths, finding new sources of revenue, and taxing the old sources up to the limit. There will be no relief for those who ought to have relief under the present plan unless there are changes elsewhere. While we will have an income tax, the people of this country will experience no lifting of the present weight. We will simply have found a new source of revenue to feed our insatiable, unconscionable, and scandalous desire to spend money.

For instance, we find that under the revenue law in force in 1912 we collected from customs $311,000,000. I am taking these figures from the report which accompanied this bill to the House. We collected from internal revenue $293,000,000, making, in all, the sum of $604,000,000. Of course we had at that time no income tax. Under this bill, according to the report which accompanied the bill to the House, it is estimated that the customs receipts will be $267,000,000 and the internal-revenue receipts $322,000,000, or a total of $589,000,000. That is some $15,000,000 less than the amount collected in 1912. Adding to that the estimate of the income tax of $70,000,000, we have $659,000,000 to be collected from these sources; or, in other words, an excess of $55,000,000 over the sums collected in 1912. So our expenditures climb more rapidly than all schemes for securing new revenue. I do not believe that we are ever to have economy in government again unless the people themselves become thoroughly aroused upon the subject. This, in my opinion, is the first argument for an income tax. Extravagance is an American disease, permeating and enervating the whole body politic. Will an income tax educate us to consider of our waste, not educate us into parsimoniousness, but to slow down our indiscriminate and shameless waste?

We must expect a certain increase of expenditures. The obligations and duties of government are becoming more complex and multifarious, and I presume they will be more and more so; but the waste and extravagance which accompany legitimate expenditures have reached the point where it is conservative to call it a scandal. Take, for instance, the improvement of our rivers and harbors—a most necessary and legitimate outlay—yet the waste, the utter waste, which accompanies this legitimate expenditure is astounding. In many of our departments here in Washington they use the money saved by the industry and frugality and often drawn through personal sacrifice from the citizen as if they had a shop in one corner of the department where it was manufactured. I am not talking now about theft and graft such as when discovered may be the subject of criminal prosecution. I am speaking of that utter disregard of the value of money, of what it costs in labor and management to secure it, of that duplication and loose and regardless expenditure which in its effect is far worse and far more injurious to the people than mere petty pilfering by which we are sometimes justly stirred. Now, so long as this waste and extravagance go on, so long as these enormous expenditures continue, whether we have a protective tariff or a tariff for revenue or whether we have a spotted and incongruous mixture of both, we are going to have an income tax. It is inevitable and it is necessary.

It would not be so bad if all this spending were but a pecuniary loss. But waste and extravagance in public expenditure as in private expenditure, the collecting of more money from the people than is necessary for a just and economical government, means enfeeblement; it means moral disintegration; it means in the end dissatisfaction with the government. It means social unrest, disorder, pauperism, crime, anarchy, and revolution. That is what it has meant in every free government where it has obtained, and, proud and self-sufficient as we are, we are not yet exempt from the laws of economy or of morals, the violation of which laws have brought about the disintegration of other governments. Let us hope, therefore, that when the taxgatherer's hand is uncovered, when we see it as it reaches out for these enormous sums, that we will be aroused to ask, What are you going to do with all this money? Let us hope that when they call for a part of our income we will beget a system of strict accounting and strict accountability and that both the people and the representatives, the representatives so because the people demand it, will be vigilant to know what becomes of the money which is taken openly from our savings. I have always believed that the income tax would be an educator for public economy.

But if it does not prove so, Mr. President, then more and more must this great burden be put upon the large incomes of the country. Especially must it be laid with an ever-increasing

weight upon the more idle incomes, the inactive, the settled and fixed incomes. It is not possible to continue to raise this whole amount, constantly increasing, through taxes upon consumption, and if it were possible it is entirely unjust to do so. I have no doubt that were this Government economically administered you could raise all the taxes necessary and never vary the rule of fair protection to those industries which for the prosperity of the country ought to be protected. But it is wholly impracticable under our system to collect all that we want under which those of limited means pay far more than their proportion. Our luxuries of government must be taken care of according to the ability to pay and not according to our necessities.

There is one class of expenditures which ought to be very interesting in these days, in view of the discussion which is constantly going on in regard to the era of universal peace, which seems to be so near at hand in the minds of many people. For the last 15 or 20 years there has been, upon the part of influential and benevolent people, advocacy of universal peace; and I doubt not that great and marked progress has been made. But the period in which we have been advocating with great zeal and earnestness the doctrine of universal peace is the period characterized above all others in the history of the world by the increase of expenditures for armament. They have grown in proportion to the earnestness and zeal of the advocates of universal peace.

In 1911 the expenditure for this purpose upon the part of Germany was $318,000,000; upon the part of France $270,000,000; upon the part of Great Britain $341,000,000; upon the part of the United States $282,000,000. Last year, 1912, our expenditures for wars, past and anticipated, amounted to $383,000,000. The sum total of expenditures for armament during the year 1911 upon the part of all the civilized nations of the earth was $2,263,000,000.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. Does the amount that was spent by the United States include the pension appropriation?

Mr. BORAH. The last figures do.

Mr. GALLINGER. The pension appropriation is included?

Mr. BORAH. That is what I had reference to when I said "wars, past and anticipated." The last figures did include that.

So, notwithstanding the fact that we anticipate the somewhat hasty fulfillment of the dream of universal peace, it would seem that there is to be no relief so far as expenditures are concerned. While we are to be relieved, it is to be hoped, of the horrors of war, we are not to escape the misery superinduced by the deadening drain which comes from heavy expenditures.

A short time ago the German Emperor held his silver jubilee. During that occurrence people very generally throughout the world accorded him unusual credit for the efforts which he had put forth in behalf of this great movement. If the public press quotes the Emperor correctly, he stated that he hoped his reign would be characterized in history by the efforts which had been put forth in behalf of this cause. Yet while the German Emperor was celebrating his silver jubilee, and the world was paying proper regard to him for what he had done, the Imperial Parliament of Germany increased the expenditure for armament this year over the previous year $250,000,000. The significant feature of it is, so far as this discussion is concerned, that the increase of $250,000,000 was not secured by raising the percentage of taxation upon the great incomes of Germany, by raising the rate a little higher at the top among those who could well pay for this luxury without feeling any discomfort or inconvenience. Instead, it was raised by lowering the exemption from $2,500 to $1,250, thereby placing the increased burden of $250,000,000 almost entirely upon the moderately well-to-do people of Germany whose incomes range between $1,250 and $2,500 a year.

I have spoken, Mr. President, of the income tax as a teacher of economy. I understand perfectly that it will be said, and that it is said, that unless it applies to all it will not have this effect. As I am going to urge a higher instead of a lower exemption, I understand also the charge of inconsistency which will be brought against me. But it is all answered, to my mind, by the fact that the majority of the people are paying more than their proportion of the taxes; that they fully understand this and feel the burden; that they are altogether anxious to assist in curtailing expenditures; and that our spirit of extravagance in government is supported in a very large degree by those who are extravagant in private life—those who never notice the tax upon consumption and can only be aroused by curtailment of the incomes with which they satisfy their own extravagance. I have watched very closely for several years when a proposal was made for increased expenditures in some line of appropriations, and I have never yet observed any marked criticism of any extent from the source which has so much to do with molding public opinion in this country. On the other hand, my observation leads me to believe that the men of small means in this country are thoroughly interested in the question, and are willing at all times to assist in curtailing expenditures.

In discussing the income tax, the question is, How are we going to equalize these burdens, which constantly increase, as between consumption and property?

Or, rather, the question is, Are we willing to equalize these burdens between taxes on that which we want and that which we have?

The beginning of an income tax is the question of exemption. I am quite aware of the general, almost universal, feeling that the exemption in this bill as it came from the House was too high. We can not discuss the question of exemption without bringing to its consideration, however, the question of who pays the other taxes—the indirect taxes of the country. In other words, if all revenues were raised by direct taxation, everyone would be in favor of a very low exemption in an income tax.

Speaking for myself, if we raised even the greater portion of our revenue by direct taxation, I should be in favor of an exemption of from eight hundred to a thousand dollars, if not lower, because everyone should pay taxes. It makes better citizens, and it is a duty which every citizen owes to his Government, to share in the burden of maintaining and supporting the Government.

In our country everyone does pay taxes. My contention is that the man of limited means pays now more than his proportion of indirect taxes. As soon as this bill came into the House there was a general criticism throughout the country that the exemption was class legislation. As I am opposed to the lowering of the exemption as it stood in the House, I desire for a few moments to direct attention to that subject and to that feature of the bill.

A distinguished leader in finance, making a speech in the city of New York a few days after the bill came into the House, said:

> I regard as the most dangerous at the present time the disposition of legislative bodies to pass laws which are calculated to produce classes. I think, for instance, the proposition to assess the incomes of men who have incomes of more than $4,000 and exempting the incomes of those who receive less than $4,000 per annum is one of the worst things that has ever happened in this country, because it immediately arrays 97 per cent of the people against 3 per cent of the people.

The distinguished financier seemed to omit entirely from his consideration the fact that seven-eighths of the revenues of the country, as they will be raised by this bill, will be raised by a tax levied upon consumption. I think I have the figures here.

According to the estimates which accompanied the bill to the House, we are to realize from customs $267,000,000, and from internal revenue $322,000,000, or a total of $589,000,000. That, according to the statement of the report, is the tax which is levied upon consumption—the tax which you must pay when you consume that which you want and which you must have. The income tax, under the exemption of $4,000, as against this $589,000,000, amounts in the estimate to $70,000,000. So we are placing upon consumption, through collecting indirect taxes, a burden of $589,000,000 and upon the wealth and incomes of the country, the great property holdings of the country, the sum of $70,000,000.

Mr. President, it seems to me that in view of the fact that the wealth of the country, according to the exemption as it came into the House, was to pay but one-eighth of the taxes of the country, there was no real necessity for yielding to the demand to decrease the amount of the exemption. Some time ago there was an estate probated in one of the cities of the United States, and it probated for $87,000,000. Another estate was probated, and it probated for the amount of $100,000,000. The day laborer working for these estates which probated such sums realized during the year an income of perhaps from $800 to $1,000, and out of that income of a thousand dollars it is perfectly safe to say that he paid not 2 per cent, not 4 per cent, not 6 per cent, but 10 or 20 per cent in the way of taxes. In my judgment there is not a laborer working in the mines of the great financier who complains of this as class legislation that does not pay out of his income yearly as taxes twice the proportion that would be charged against the financier's income by the bill, even if he had an income of $100,000 a year and took the highest rate.

In the report which accompanied the bill to the House, no doubt drawn by the brilliant leader of the majority in that body, I find this statement:

For the fiscal year ending June 30, 1912, the Government derived $311,000,000 from tariff taxation and $293,000,000 from internal revenue proper. These taxes rest solely on consumption. The amount each citizen contributes is governed not by his ability to pay tax, but by his consumption of the articles taxed. It requires as many yards of cloth to clothe and as many ounces of food to sustain the day laborer as the largest holder of invested wealth, yet each pays into the Federal Treasury a like amount of taxes upon the food he eats, while the former at present pays a larger rate of tax upon his cheap suit of woolen clothing than the latter upon his costly suit. The result is that the poorer classes bear the chief burden of our customhouse taxation.

The tax upon incomes is levied according to ability to pay, and it would be difficult to devise a tax fairer or cheaper of collection.

I am not going to stop to discuss the proposition, which always comes up in the discussion of a tariff for protection and a tariff for revenue, as to what proportion of the tax levied the consumers of the country pay. But this much we know: That upon consumption there is levied $589,000,000 and upon the property of the country, the wealth of the country, there is levied $70,000,000. Under those circumstances, is it necessary to reduce the amount of exemption from $4,000 to $3,000? Or is it not, according to the rule of equity and equalization of burdens, perfectly fair and perfectly proper to lay this other tax, $70,000,000, upon those who can pay it out of their incomes and suffer no inconvenience or lessening of comfort? Would not the man with less income pay fully as much tax proportionately as the man with an income in excess of $4,000?

Therefore, if I had my way about it, I should place this exemption back at $4,000, and then make the exceptions which were made with reference to the dependent wife and children. When you have done that, you have given to a man in this country no more than it is necessary for him to have in order to feed and clothe and educate his children or his family. When you have done that you have gone not a step beyond a fair distribution according to ability between the man below the exemption and the man who is so fortunate as to be above it. When you take a few hundred dollars from a man who has an income of ten or twenty or thirty thousand dollars, you diminish not at all his comforts; but in so far as you draw from a man's income that is not in excess of four or five thousand dollars, you reduce the possibility of his doing that which he ought to do for the comfort and the education of his family.

I take the liberty of quoting from some who have given much study to this question and whose statements bear out, it seems to me, my line of thought. Prof. Seligman says:

Under existing conditions in the United States, the burdens of taxation, taking them all in all, are becoming more unequally distributed and the wealthier classes are bearing a gradually smaller share of the public burden. Something is needed to restore the equilibrium; and this something can scarcely take any form but that of an income tax.

Mr. Gladstone in discussing the question of exemption, as usual in discussing a subject, covered the whole subject matter. While fixing the exemption lower than I contend it should be fixed here he calls particular attention to the fact that the indirect taxes which bear most heavily upon the poor were being eliminated. Then speaking particularly of the small income he says:

One circumstance which makes the tax particularly galling to this class of taxpayers, perhaps, is that the charge is more accurately and fully levied in their case than in the case of many wealthier persons assessed in respect of trades and professions. As a general rule, the concerns of those who possess only these small incomes are more transparent, so to speak, than the private affairs of their richer fellow countrymen. Every neighbor can see through them. They may be said to live in glass houses. Deception, if they were disposed to deceive, would be for them almost wholly impossible. They pay the tax fully and rigidly; and they see or they surmise that many persons above them in the world are not and can not be always brought to account with equal strictness. * * * In principle there is no injustice in requiring any man to pay income tax who is able to pay it.

William P. Fessenden in 1864 said:

The adoption of a scale increasing the rates of taxation as they rise in amount, though unequal in one sense, can not be considered oppressive or unjust inasmuch as the ability to pay increases in much more than arithmetical proportion as the amount of income exceeds the limit of reasonable necessity.

John Sherman in 1882 declared:

The public mind is not yet prepared to apply the code of a genuine revenue reform, but years of further experience will convince the whole body of our people that a system of national taxes which rests the whole burden of taxation on consumption and not one cent on property or incomes is intrinsically unjust. While the expenses of the National Government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means. This is not true. Everyone can see that the consumption of the rich does not bear the same relation to the consumption of the poor that the income of the one does to the wages of the other. * * * As wealth accumulates this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

But, furthermore, Mr. President, we levied a tax two or three years ago known as the corporation tax, and that tax is often considered as a tax upon wealth, a tax upon the property of the country. The fact is that the larger portion of that tax upon corporate income is paid by the consumers of the country precisely as the other tax upon consumption. When you levied a tax upon the income of corporations in 1898, upon refining companies, tobacco companies, and oil companies, it was ascertained, after the tax had been on there two and a half years, that we had collected from the incomes of these corporations $211,000,000, and it was said that those great corporations had responded in a patriotic way to the call of the Government at a time when it was at war and had paid out of their treasuries $211,000,000 for the purpose of assisting the Government. Yet when an investigation followed it was afterwards ascertained upon what seems to be entirely accurate information that those corporations paid no part of the $211,000,000, but that by the raising of the price of the articles and the decrease of the size of the packages they had transferred the entire $211,000,000 to the consumers in this country, and they paid the tax in advanced prices instead of its being paid out of the earnings of the corporations.

In my judgment that will prove to be true with reference to the present corporation tax so far as that tax is levied upon the incomes of those corporations which are operating in a field where competition has been destroyed. The vast corporations who control in a monopolistic way certain industries and have the power to fix prices will transfer this tax to the consumer by the raising of the prices, precisely as they did in 1898, while the corporations operating in the field of competition where they can not fix prices and control the price of the articles will pay the tax. Those corporations are composed of people, however, of small means in this country, who are already paying more than their proportion of the taxes of the country. But the monopolistic power represented by the corporations operating in a field where competition has been destroyed, those whom we ought to reach, whom it is our duty to reach, will transfer this tax in its entirety to those who are already bowed under the weight of taxation.

An income tax, Mr. President, is only justifiable, in my judgment, in time of peace for the purpose of equalizing the burdens of taxation, and if it does not serve the purpose of equalizing the burden there is no reason for its imposition. The only way that you can equalize between consumption and property is to keep the exemption up so that the exemption will measure that income which has already been taxed by reason of tax which the owner pays out for indirect taxes and then by graduation.

This bill, in my judgment, ought to retain the exemption which was placed there by the House with the additions which have been placed here for those who are dependent upon the income payer.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I do.

Mr. GALLINGER. I am very much interested in the Senator's discussion of this part of the tariff bill. I had an impression that we might well reduce the exemption which is carried in the House bill, and yet my mind is open on that subject. The Senator quotes approvingly Mr. Gladstone's declaration in reference to an income tax. Yet the exemption in Great Britain is only £160 a year, $800. So Mr. Gladstone or the British Parliament did not seem to think it desirable to put a high exemption in their legislation.

Mr. BORAH. Mr. President, Great Britain raises far more tax by direct taxation than we do, and it is supposed to raise less by indirect taxation. The proportionate amount I have not with me, although I have seen the statement of late made by Mr. Lloyd George in his last budget speech. If my memory serves me correctly, the amounts raised by customs revenue and other internal taxation and by direct taxation were about equal; that is to say, the amount raised by customs was about equal to that raised by direct taxation, and the amount raised by internal revenue the same as that raised by indirect taxation.

Mr. GALLINGER. But, if the Senator will permit me further, while Great Britain has very little exemption, so far as the income tax is concerned, Great Britain taxes the poor people of her country to an extent that we do not, by imposing a duty on tea, on spices, and on various other substances that every poor person in the Kingdom must consume.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. I ask the Senator from Idaho if it be not true that by far the larger part of the revenue raised by England through import duties is raised by taxes upon commodities the consumption of which may very well be diminished? It is true that England does levy import duties upon things that she does not produce, but I think the overwhelming proportion of the revenue of England that is raised by import duties is upon such things as spirits, tobacco, and other articles of that character. There is comparatively little of her revenue, as I remember it, raised by a tax on the consumption of things that people really need to use.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I do not remember just the amount at all of the two, but that is my recollection of the division in England.

Mr. GALLINGER. It is a fact that England has a tax upon tea and coffee and spices, which I apprehend are necessary, and the poor men in this country—I do not know how it may be abroad—insist that tobacco is just as much a necessary as bread, and England taxes tobacco.

Mr. BORAH. Mr. President, during the last year there were 425,000 adult people died in England. Out of those 425,000 there were 355,000 who died without any property worth mentioning. They were practically paupers at the grave. Two hundred and ninety-two persons out of the 425,000 owned 492,000,000 worth of property.

Mr. President, that condition of affairs may exist for some time in Great Britain, but that condition of affairs could not exist for any considerable length of time in this country and this form of government be maintained. The minority with its wealth and the majority with its political power would ultimately clash. Four hundred and twenty-five thousand people died and 355,000 of them were paupers, and 292 people owned most of the property which stood for all. Now, we can not equalize fortunes by taxation, but we can equalize burdens in accordance with ability to meet them, and in that way lift the weight to some extent from the poor in the struggle of life. And when I see our great wealth bearing only seventy million of this tremendous tax, I can but believe that a mistake was made in lowering the exemption. I would rather raise the percentage above, and I would feel that I was acting fairly between fellow countrymen in doing so.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I yield.

Mr. BRISTOW. I was interested in the suggestion of the Senator that he thought the exemption should not have been decreased as it was by the Senate committee. I want to inquire if he does not think that the amount collected could have been increased better by increasing the percentage as the income advanced. I think that where the income is more than $100,000 the per cent of tax ought to be very much greater than the bill proposes. It seems to me the defect is more in the smallness of the levy on excessive incomes than in the amount of the levy on smaller incomes.

Mr. BORAH. I think there might be an increase in percentage on the higher incomes, but I am opposed to taxing an income which has once been heavily taxed out of all proportion. When a person has an income in this country of $3,000 a year he has paid all the tax in proportion to the amount of property which he owns, in my judgment, which he should pay to the National Government until those who are above him have responded corresponding to the proportion of property which they own. If a man has an income in this country of $3,000 a year, it is perfectly safe to say that he has paid much more proportionately out of his income to the National Government than a man who has an income of $100,000 upon which he has paid only 4 per cent.

Mr. BRISTOW. If the Senator will yield, I agree absolutely to that statement; but it seems to me that there are thousands and hundreds of thousands who have an income of a thousand dollars a year who pay just as much tax under the present system as the man with an income of $3,000 a year. The consumption tax levied on the man with a thousand dollars income is practically the same as the consumption tax levied on the man with an income of $3,000. It seems to me that instead of putting the exemption higher we should increase the per cent more rapidly. I think a 10 per cent tax on $100,000 is a far less excessive tax according to ability to pay than one-half of 1 per cent on an income of $3,000. It seems to me the great weakness is in the small amount that is levied as the income becomes far beyond the necessities of the individual.

Mr. BORAH. Mr. President, there is another feature of that proposition which is presented. The small property holder with a small income has all his property in sight. He practically lives in a glass house, so far as the tax collector is concerned. He pays the entire per cent upon all the property that he has, seventy-five or eighty times out of a hundred, while the man with a vast income and a great estate will not pay upon anything like all the property he has. For instance, a short time ago there were some seven estates probated in this country and they amounted in probating them to $215,000,000. They had paid taxes upon $3,000,000 before the death of the parties. I have a statement here from a report made by the tax commission in a State of the East. A part of that report reads as follows:

> First. That the assessed value of all personal property is (in New York State) approximately $800,000,000.
>
> Second. That the value of all personal property owned by citizens of this State is not less than $25,000,000,000.
>
> Third. That the richer a person grows the less he pays in relation to his property or income.
>
> Fourth. Experience has shown that under the present system personal property practically escapes taxation for either local or State purposes.

That report is in harmony with what we know to be the general practice, that the larger the estate the less fully do they give in their property to the tax collector and the more difficult it is to discover it, because it consists of that kind of property which can not be ascertained or located by the assessor as can the property which is ordinarily owned by the man of small means.

When you take into consideration, Mr. President, the greater proportion which the man of limited means pays naturally, because it does not make any difference how poor he is he must eat and he must clothe himself; when you take into consideration the ease with which this tax is transferred by raising prices and raising rent; when you take into consideration how difficult it is to locate the entire extent of the large estate; when you take into consideration that upon consumption there is levied $589,000,000 and upon all the wealth together only $70,000,000, it does seem to me that we can afford to start our exemption to our income system in this country at not less than $4,000.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. I do not want, in submitting a question to the Senator, to indicate any dissent from what he is saying. I quite agree with him as to the justice of an income tax, but the Senator has said several times that we were imposing a tax of $589,000,000 per annum upon consumption and $70,000,000 upon property or wealth, and in answer to a question put by the Senator from New Hampshire [Mr. GALLINGER] the Senator from Idaho contrasted unfavorably to this country the taxes which were being paid in England, showing that the proportion of tax imposed upon wealth or property, as compared with the tax upon consumption, was greater in England than in this country.

I ask the Senator whether or not he has considered in that connection the dual form of government which we have in this country and which does not exist in England? It is true that the Federal Government imposes a tax which the Senator has indicated, $589,000,000 upon consumption, and proposes to impose this $70,000,000, if that is what it will amount to, upon wealth. But while the Federal Government is doing that, and while this disproportion between the two kinds of tax so far as the Federal Government is concerned is very striking and very great, we must remember that the States are also imposing taxes, and in the various States is it not true that what the Senator is saying is practically the reverse—that the States impose very little upon consumption, but their taxes are imposed in the main upon property or upon wealth? Taking the two governments together, does not the proportion more nearly reach that which is assessed by the single government in England?

Mr. BORAH. Mr. President, there is no doubt our dual form of government has something to do with the question of what will be a proper distribution of taxes as between consumption and property when the National Government comes to levy a tax, but the Senator must take into consideration that the tax which is levied by the State is a tax which is very easily transferred to the consumer upon the part of the property holders in many instances, the same as in the National Government.

When you take into consideration, in the second place, that we have nevertheless a National Government to support, and that if the property of the country belongs to a very limited few, as the speaker said here whom I was quoting from awhile ago, about 3 per cent of those over $4,000, then if we adopt the rule laid down by Adam Smith, which all profess to follow and none obey—that is, to tax according to the ability to pay—they

should respond to the National Government the same as the State government. You can not get away from the proposition, in my judgment, that you have to come to the time when you are to levy the extravagant and the great expenditures more and more upon the property of this country. These vast fortunes have got to take care of a large portion of this expenditure, and there is no reason under any fair rule of taxation why they should not do so. Consumption is bearing more than its share and more than it will long consent to bear. And this is not class legislation; it is seeking to equalize in accordance with the ability to respond.

Mr. SUTHERLAND. Mr. President, I quite agree with the Senator from Idaho that the condition to which he calls attention in England is deplorable. I think that one of the serious menaces to this country to-day consists in the vast accumulation of money in the hands of a few people, and I think it is a condition that ought to be remedied; but while I agree with most of what the Senator from Idaho has said, I am not quite prepared to agree with his contention that the exemption ought to be increased rather than lowered. The thought in my mind, to which I hope the Senator will address himself, is that by imposing an income tax upon large incomes exclusively we shall be taxing a limited number of people, a very small percentage of the people, and a vast majority of the people, so far as that tax is concerned, will be escaping taxation.

The Senator has adverted to the extravagance of our expenditures, and in that he is quite correct, but if the Senator's view is carried out and the income tax is imposed upon only a few of the people of the country, will not that have a tendency to increase extravagance, because a vast majority of the people escaping that tax would have no personal interest, so far as that tax was concerned, in keeping down expenditures? In other words, to the extent of that tax the funds would be supplied by very few of the people, and their expenditure in a popular Government like ours would be directed by the vast number of the people who would not contribute to the tax. It seems to me—and I submit that for the consideration of the Senator from Idaho—that the suggestion which the Senator from Kansas [Mr. BRISTOW] has made is probably the better way to deal with it—not to permit incomes above, say, a thousand dollars or twelve hundred dollars or fifteen hundred dollars to escape all taxation, but to put a relatively small tax upon incomes of that size, and then to graduate it, making it 2 per cent, 3 per cent, 4 per cent, or whatever amount may be thought necessary. In that way you would enlist the interest of all or of a very large number of the people in the expenditures of your revenues instead of, as under the system which the Senator from Idaho proposes, a very few.

Mr. BORAH. Mr. President, if we were to levy all our taxes by direct taxation the argument of the Senator from Utah would be very conclusive to my mind, but we are not doing that, and we are never going to do it. There will never be a time in this country when we shall not have a vast tax upon consumption. So long as we have it, taking into consideration the means by which all taxes naturally seek the low man, I do not think that we are justified in lowering the exemption. I have already referred to the first suggestion of the Senator as to feeding extravagance by the exempting the many and do not feel that I should travel over that ground again. I recognize the strength of that argument, but believe that it is fully met in a previous part of the remarks.

Under no system yet devised can you sufficiently control the incidence of the tax to protect the low man. Do the very best we can, we can not impose upon property the tax which we seek to impose. By transfer, by shifting, by withholding, the tax finally reaches with unproportionate weight the man who has no one else to whom it can be transferred.

Mr. SUTHERLAND. Mr. President, that is all true, but the difficulty is that with an indirect tax, a tax upon consumption, the various individuals who pay it pay it, so to speak, without realization, whereas the direct tax comes immediately out of the pocket, as, for instance, a tax upon the homestead or upon the tangible property or upon the income. Then every individual knows, and knows immediately, that he is paying the tax. The result is that there is not the same objection to expenditures from individuals who are paying a tax in an intangible way, in an indirect way, who do not realize it, that there would be if the tax were paid in the direct way.

Mr. BORAH. It has been said by some writer upon taxation that so long as you can conceal the hand of the taxgatherer you can tax people to impoverishment, if not to starvation; and, in my judgment, that is one of the arguments in favor of an income tax; but we will never have the influence of the vast wealth of this country in favor of economy in the great appropriations of the country if we continue to collect seven-eighths of the taxes of the country from those who are practically without income. Let the wealth of this country start a campaign against extravagance and I fear not that men of small means will be sufficiently spurred on by the tax which they already pay.

If you go to a man and say to him, "I want $5,000 out of your income for this year," he will want to know what you are going to do with it, and it immediately arouses interest upon his part; but if you quietly charge the amount up with his meals or his clothing, and so forth, you may continue to tax without practically any resistance upon the part of the taxpayer at all. I believe that is one of the great arguments in favor of an income tax.

Now, while it would seem that the laborer or the man of small means needs this spur of an uncovered tax in order to interest him in economy, yet he feels and knows the pressure of the indirect tax much more keenly than the man of means. The man of means does not stop to figure the slight raises on goods which he buys, but the man who must sit down and figure how it is possible to cover each month's expenses with his income realizes very quickly the slightesst raise and immediately makes inquiry. And while too often he is helpless, let him understand that the powerful influence of wealth wants his company in a crusade against extravagance and it will not be necessary to put on an income tax to get him in action.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I do.

Mr. CRAWFORD. In all of his thorough study of this question has the Senator from Idaho been able to devise any practical method by which it is possible to prevent the shifting of a very large portion of the tax that we call an income tax?

Mr. BORAH. No, Mr. President; of course not. I have not been able to do that; but the most difficult tax to transfer is the income and inheritance tax. But I would not connive at its transfer, as, in my opinion, the Congress of the United States has been doing for the last five or six years. The Senator from South Dakota will remember, a few years ago, when we had before the Senate the proposition of passing the income-tax law, that there was immediately brought into the Senate here the corporation tax, and the Senator is perfectly aware of the fact that some of the largest corporations in the country immediately petitioned us to pass a corporation tax instead of an income tax. Why was that? It was for the simple reason that they could transfer the corporation tax, while the most difficult tax to transfer is the tax upon incomes.

Mr. CRAWFORD. I remember that discussion very well. I voted for the corporation tax largely, as the Senator from Idaho will remember, because of the grave doubt about the general income tax standing the test of the courts, although I was in favor of the general income tax and am now heartily in favor of the general income tax; but does not the Senator from Idaho think that in the provision here, among the possible defects in it, is the failure to distinguish between the class of incomes that can not be shifted and the class which may be shifted? For instance, a man earning a large salary in a profession through his effort and his ability may not have any property at all, but will he not be required to pay a tax based upon his income under the same rate that is paid by the idler, the drone, who is doing absolutely nothing to serve society, but who has inherited a large fortune and is spending his time in riotous living? In the Senator's judgment ought there not to be some distinction between incomes along that line? I know the Senator has studied this question profoundly—I do not claim to have done so—but does he not concur in saying that that is a weakness in the provisions of the bill?

Mr. BORAH. Mr. President, that brings up another subject entirely; that is, the subject of differentiation with reference to incomes. Mr. Gladstone declared for 50 years that it never could be carried into effect, and Mr. Pitt also declared that it was impossible to differentiate as to income. One reason why Mr. Gladstone was opposed to an income tax as a permanent part of the taxing system was because it would be impossible to differentiate or discriminate between the man who went out daily and earned by actual physical labor $5,000 a year and the man who had had left him a sum which brought him $5,000 a year and for which he did nothing at all. He said that, by reason of that fact, he was not in favor of an income tax as a permanent proposition; that it was only an emergency tax. But notwithstanding Mr. Gladstone's views, in my judgment Mr. Asquith and Mr. George have demonstrated that differentiation is possible, and they have carried it to a marked degree of success in England. However, Mr. President, that must necessarily

come, in my judgment, after a good deal of experience and a good deal of study.

While I am thoroughly in favor of the proposition, I should not expect to see it in the first income-tax law that passed the Congress, because it requires a vast amount of study, adaptation of the law to the conditions which you find in the country, and a classification of incomes which I have no idea in the world the committee was prepared to make. It did not have the classifications; it did not have the means, the statistics, or the data which they have been gathering for years in England by which to make the differentiation, although, as I have said, I am thoroughly in favor of the proposition. I think that a man who goes out and earns $5,000 a year by actual effort, by devoting himself daily to his work, should not be taxed the same as a man who has an income of the same amount for which he does not turn a hand. It is flying in the face of justice and common sense to impose such a tax, but we must approach that after some years of experience. I could not find any fair justification for criticizing the committee for omitting that from this bill, although it must come in time; nevertheless this question which I am arguing indirectly reaches in that direction. I hope, however, later in the debate to say something on the subject of differentiation, not with the hope of putting it in this bill, but as a notice that it must be inserted in any income law that is to represent the matured effort of legislation.

Mr. CRAWFORD. Mr. President, if the Senator will permit me, is not that a kind of income that can not be shifted so that the consumer somewhere will have to pay it? An income that is the result of personal effort, skill, and ability, and in which there is no property involved, can not be shifted.

Mr. BORAH. The time will undoubtedly come in this country, if we maintain an income tax, when we will have to differentiate as to incomes. If we are going to maintain an income tax, we have not only got to have a progressive rate of taxation, but we have got to differentiate as to incomes. As I said a moment ago, however, that will have to be after considerable experience and after the gathering of a great deal more data than we now have. It took England something like 60 years to secure the experience and the data by which she could adopt it. It need not take us that long, but I did not hardly expect it at this time. In fact, I am exceedingly glad to mark progress. If I could see this exemption adjusted as I feel it ought to be, I would feel more encouraged to take up the subject of differentiation.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. In view of the contention of the Senator from Utah [Mr. SUTHERLAND], namely, that it would tend to secure an economical government to tax under an income-tax law the great proportion of the people, it would be interesting to know, if the Senator from Idaho has the information, what proportion of the people of the United States now enjoy an income of $3,000 or more.

Mr. BORAH. I have not accurate information on that point. The gentleman from whom I quoted, in making his speech in New York, stated that the proposed income tax would be paid by but 3 per cent of the people of the United States.

Mr. CUMMINS. I simply wanted to emphasize that idea.

Mr. BORAH. And my answer to that suggestion of the gentleman from New York is that if 3 per cent of the people of the United States own property above $4,000 they should pay the taxes.

Mr. CUMMINS. I agree with the Senator from Idaho, and rose only to call out the fact in order to draw the conclusion that, even if we were to tax incomes of $3,000, we would tax but a very small proportion of the people and, therefore, the good which the Senator from Utah thought would come from a general distribution of the tax would not be attained. If we were to attempt to bring under the income tax so large a proportion of the people as to give them all concern respecting its expenditure, we would have to reduce the limit to about $500.

Mr. SUTHERLAND. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield.

Mr. SUTHERLAND. The suggestion, Mr. President, which I made about the matter was purely tentative. I have not entirely made up my own mind about it; I am thinking about it; and I have been trying to make up my mind; but if it be correct that under this bill 3 per cent of the people would pay the income tax, I take it that reference was to the House bill, where the exemption was $4,000. I imagine there is a very much larger number who are earning between three and four thousand dollars than who are earning over $4,000 per annum, so that very likely the reduction of the exemption to $3,000 would raise the percentage of the taxpayers considerably. However, the suggestion which I had in my mind was not a limit of $3,000, but to put it still lower. England fixes the limit at $800 and France, I think, at still less; but, however that may be, suppose we were to fix the exemption at a thousand dollars a year, so that a man having an income of $2,000 would pay a tax upon a thousand dollars. At 1 per cent that would be only $10 per annum; yet the payment of that $10 would give that individual a much more lively interest in the expenditure of the entire amount collected, made up of his and similar contributions, than if he were not paying anything at all.

Mr. BORAH. Well, Mr. President, the Senator does not seem——

Mr. SUTHERLAND. If the Senator will pardon me just a moment further, I imagine if the limitation were put at $1,500, instead of having 3 per cent of the people, you would probably have 10 or 12 or 15 per cent. I have no idea just how large the percentage would be, but a considerable proportion of the adult people of the country would be paying the taxes, and it would be a class of people who ordinarily take greater interest in governmental affairs than those who receive less salaries.

All that I have said upon the subject, I repeat, is merely tentative, by way of suggestion, and by way of a desire to hear what the Senator from Idaho has to say upon the matter.

Mr. BORAH. I hope the Senator will further consider the matter. It is well worthy of his industry and great ability.

Mr. President, I think I have served the convenience of the Senate by occupying its time while it had nothing else to do, and I will therefore yield the floor. Before doing so I want, in conclusion, to say I am quite aware that in advocating a higher exemption I lay myself open to serious criticism, especially by those who do not, it seems to me, give proper weight to the fact that those of limited means pay very much more than their proportion of indirect taxes. The fact is that the incidence of taxation under our system or under any system which has yet been devised is one of the real tragedies in the struggle of life.

Mr. President, I am not in favor of leveling fortunes by taxation. I am not yet ready to accept the doctrine now earnestly advocated in England, that all indirect taxes should be abolished and that all incomes above a certain amount should be considered social property. I go no further than to desire to ingraft as nearly as possible upon our system of taxation the golden rule for collecting revenue that in these days of great expenditures and tremendous burdens the obligations of government should be met according to the ability to meet them. I want the luxury of high living on the part of the Government to be met in their due proportion by those who make the least sacrifice in doing so.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 23, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 22, 1913.

COMMISSIONER OF LABOR STATISTICS.

Royal Meeker, of New Jersey, to be Commissioner of Labor Statistics, Department of Labor.

ASSISTANT ATTORNEY GENERAL.

Preston C. West, of Oklahoma, to be Assistant Attorney General (to be assigned to the Department of the Interior), vice Charles W. Cobb, resigned.

APPOINTMENT IN THE ARMY.

FIELD ARTILLERY ARM.

Charles Gardiner Helmick, of Kansas, late ensign, United States Navy, to be second lieutenant of Field Artillery, with rank from July 18, 1913.

PROMOTIONS IN THE NAVY.

Commander Josiah S. McKean to be a captain in the Navy from the 1st day of July, 1913.

Commander Benton C. Decker to be a captain in the Navy from the 1st day of July, 1913.

Commander Newton A. McCully to be a captain in the Navy from the 1st day of July, 1913.

Lieut. Commander Andre M. Proctor, an additional number in grade, to be a commander in the Navy from the 15th day of June, 1913.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1913:

John T. Tompkins,
Ernest L. Bennett, and
Roscoe C. Moody.

Lieut. Ernest J. King to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. Byron A. Long to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) Edwin A. Wolleson to be a lieutenant in the Navy from the 1st day of July, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

William W. Turner,
Joseph J. Broshek,
Clyde G. West,
David C. Patterson, jr.,
Howard H. Crosby,
James McC. Irish,
John C. Cunningham,
Ernest W. McKee,
Dallas C. Laizure,
Rufus King,
Timothy J. Keleher,
Eddie J. Estess,
William H. Stiles, jr.,
John L. Schaffer,
Edward G. Blakeslee,
Leland Jordan, jr., and
Worrall R. Carter.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 28th day of March, 1913:

William L. Irvine,
Earle W. Phillips,
Gardner E. Robertson, and
George R. W. French.

Asst. Paymaster Irwin D. Coyle to be a passed assistant paymaster in the Navy from the 19th day of January, 1913.

Asst. Paymaster Paul A. Clarke to be a passed assistant paymaster in the Navy from the 19th day of January, 1913.

Carpenter Ernest P. Schilling to be a chief carpenter in the Navy from the 19th day of April, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 22, 1913.

UNITED STATES MARSHALS.

Joseph S. Davis to be United States marshal for the southern district of Georgia.

Howard Thompson to be United States marshal for the northern district of Georgia.

Charles W. Lapp to be United States marshal for the northern district of Ohio.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert T. Frazier to be First Assistant Commissioner of Patents.

POSTMASTERS.

KANSAS.

Charles H. Harvey, Haddam.

RHODE ISLAND.

William R. Congdon, Wickford.
Edward Reynolds, Harrisville.
S. Martin Rose, Block Island.
James S. Scully, Crompton.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 22, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, source of all our longings, hopes, and aspirations, draw us by Thy holy influence to Thee that we may learn at Thy feet wisdom, truth, justice, mercy, love, righteousness, the crowning virtues of the soul life which fit it for the sublime duties of the now, and will be its passport into the realms where the choicest spirits dwell, when it shall have passed over the great divide. Help us to strive diligently for those eternals until we all come unto the measure of the stature of the fullness of Christ. Amen.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of Friday, July 18, 1913, was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, reserving the right to object, as I heard the reading of the Journal by the Clerk, I understood the Journal to state that Mr. BYRNS of Tennessee moved to lay the "motion" on the table.

The SPEAKER. If the Journal recites that the gentleman from Tennessee moved to lay the "motion" on the table that is wrong. It ought to be that he moved to lay the "resolution" on the table. Without objection, the word "motion" as read in the Journal will be changed to the word "resolution."

Mr. MANN. Mr. Speaker, I also understood the Clerk in reading the Journal to state that Mr. McCOY called up a certain bill. Of course, the gentleman from New Jersey did not have the power to call up a bill. What Mr. McCOY did was to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a certain bill. He could not call up a bill. All he could do was to make the motion to go into the Committee of the Whole.

The SPEAKER. The Chair is inclined to think the gentleman from Illinois is correct. Without objection, the Journal will be corrected in both these respects.

Mr. BYRNS of Tennessee. Mr. Speaker, I have no objection to that, but inasmuch as the matter has been called to the attention of the House, I desire to correct the RECORD.

The SPEAKER. Is there objection?

Mr. MANN. Objection to what?

The SPEAKER. Objection to correcting the Journal in the manner indicated by the Chair. Without objection, these corrections in the Journal will be made. [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD rose.

Mr. MANN. Mr. Speaker, I understand that the Journal has not yet been approved.

The SPEAKER. Is there objection to the approval of the Journal as corrected?

Mr. MANN. Mr. Speaker, I object.

Mr. UNDERWOOD. Mr. Speaker, I move the approval of the Journal.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the Journal be approved.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 113, nays 0.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 212, nays 0, answered "present" 8, not voting 209, as follows:

YEAS—212.

Abercrombie	Eagle	Kennedy, Iowa.	Reed
Alexander	Edmonds	Kettner	Reilly, Conn.
Anderson	Elder	Key, Ohio	Roddenbery
Ashbrook	Estopinal	Kinkaid, Nebr.	Rucker
Aswell	Evans	Kirkpatrick	Rupley
Austin	Falconer	Knowland, J. R.	Russell
Baltz	Fergusson	Konop	Sabath
Barkley	FitzHenry	Korbly	Saunders
Barton	Flood, Va.	La Follette	Scott
Beakes	Floyd, Ark.	Lazaro	Seldomridge
Bell, Ga.	Foster	Lee, Ga.	Sherley
Booher	Fowler	Lever	Shreve
Borchers	French	Lewis, Pa.	Sims
Borland	Gallagher	Lieb	Sinnott
Bowdle	Gard	Lindbergh	Sisson
Brockson	Gardner	Linthicum	Sloan
Broussard	Garner	Lloyd	Smith, Idaho.
Brumbaugh	Garrett, Tenn.	Lobeck	Smith, Minn.
Bryan	Garrett, Tex.	Logue	Smith, Tex.
Buchanan, Tex.	George	McAndrews	Stafford
Bulkley	Gilmore	McCoy	Stedman
Burgess	Goodwin, Ark.	McDermott	Stephens, Nebr.
Burke, S. Dak.	Gordon	McGillicuddy	Stephens, Tex.
Burke, Wis.	Gorman	McGuire, Okla.	Stone
Byrnes, S. C.	Graham, Ill.	McKellar	Stout
Byrns, Tenn.	Gray	McKenzie	Stringer
Callaway	Gregg	Maguire, Nebr.	Sumners
Campbell	Hamlin	Mann	Switzer
Candler, Miss.	Hardwick	Mapes	Taggart
Caraway	Hardy	Martin	Talcott, N. Y.
Carter	Harrison, Miss.	Miller	Tavenner
Casey	Hay	Mondell	Taylor, Ark.
Church	Hayden	Moon	Temple
Clark, Fla.	Heflin	Morgan, La.	Ten Eyck
Claypool	Helgesen	Morgan, Okla.	Thacher
Clayton	Helvering	Morrison	Thomas
Cline	Henry	Moss, W. Va.	Thomson, Ill.
Collier	Hill	Murray, Okla.	Underwood
Connelly, Kans.	Holland	Neeley	Walker
Cooper	Houston	Norton	Walsh
Covington	Howard	Oglesby	Walters
Cox	Howell	O'Hair	Watkins
Curry	Hughes, Ga.	Oldfield	Watson
Davis, Minn.	Humphrey, Wash.	Payne	Weaver
Davis, W. Va.	Igoe	Pepper	Webb
Decker	Johnson, Ky.	Peterson	Whaley
Deitrick	Johnson, S. C.	Phelan	White
Dies	Johnson, Utah	Platt	Willis
Dillon	Johnson, Wash.	Post	Wilson, Fla.
Doolittle	Keating	Prouty	Wingo
Doremus	Keister	Quin	Woods
Doughton	Kelly, Pa.	Ragsdale	Young, N. Dak.
Dyer	Kennedy, Conn.	Raker	Young, Tex.

NAYS—0.

ANSWERED "PRESENT"—8.

Adamson	Crisp	Kahn	Smith, J. M. C.
Bartlett	Glass	Rubey	Talbott, Md.

NOT VOTING—209.

Adair	Dooling	Jones	Rauch
Aiken	Driscoll	Kelley, Mich.	Rayburn
Ainey	Dunn	Kennedy, R. I.	Reilly, Wis.
Allen	Dupré	Kent	Richardson
Ansberry	Eagan	Kiess, Pa.	Riordan
Anthony	Edwards	Kindel	Roberts, Mass.
Avis	Esch	Kinkead, N. J.	Roberts, Nev.
Bailey	Fairchild	Kitchin	Rogers
Baker	Faison	Kreider	Rothermel
Barchfeld	Farr	Lafferty	Rouse
Barnhardt	Ferris	Langham	Scully
Bartholdt	Fess	Langley	Sells
Bathrick	Fields	Lee, Pa.	Shackleford
Beall, Tex.	Finley	L'Engle	Sharp
Bell, Cal.	Fitzgerald	Lenroot	Sherwood
Blackmon	Fordney	Lesher	Slayden
Bremner	Francis	Levy	Slemp
Britten	Frear	Lewis, Md.	Small
Brodbeck	Gerry	Lindquist	Smith, Md.
Brown, N. Y.	Gillett	Lonergan	Smith, N. Y.
Brown, W. Va.	Gittins	McClellan	Smith, Saml. W.
Browne, Wis.	Godwin, N. C.	McLaughlin	Sparkman
Browning	Goeke	Madden	Stanley
Bruckner	Goldfogle	Mahan	Steenerson
Buchanan, Ill.	Good	Maher	Stephens, Cal.
Burke, Pa.	Goulden	Manahan	Stephens, Miss.
Burnett	Graham, Pa.	Merritt	Stevens, Minn.
Butler	Green, Iowa	Metz	Stevens, N. H.
Calder	Greene, Mass.	Mitchell	Sutherland
Cantrill	Greene, Vt.	Montague	Taylor, Ala.
Carew	Griest	Moore	Taylor, Colo.
Carlin	Griffin	Morin	Taylor, N. Y.
Carr	Gudger	Moss, Ind.	Thompson, Okla.
Cary	Guernsey	Mott	Towner
Chandler, N. Y.	Hamill	Murdock	Townsend
Clancy	Hamilton, Mich.	Murray, Mass.	Treadway
Connolly, Iowa	Hamilton, N. Y.	Nelson	Tribble
Conry	Hammond	Nolan, J. I.	Tuttle
Copley	Harrison, N. Y.	O'Brien	Underhill
Cramton	Haugen	O'Leary	Vare
Crosser	Hawley	O'Shaunessy	Vaughan
Cullop	Hayes	Padgett	Volstead
Curley	Helm	Page	Wallin
Dale	Hensley	Palmer	Whitacre
Danforth	Hinds	Parker	Wilder
Davenport	Hinebaugh	Patten, N. Y.	Williams
Dent	Hobson	Patton, Pa.	Wilson, N. Y.
Dershem	Hoxworth	Peters	Winslow
Dickinson	Hughes, W. Va.	Plumley	Witherspoon
Difenderfer	Hulings	Porter	Woodruff
Dixon	Hull	Pou	
Donohoe	Humphreys, Miss.	Powers	
Donovan	Jacoway	Rainey	

So the Journal was approved.

The Clerk announced the following pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Mr. SLAYDEN with Mr. BARTHOLDT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. DALE with Mr. AVIS.

Mr. PALMER with Mr. MOORE.

Mr. GOEKE with Mr. FESS.

Mr. GODWIN of North Carolina with Mr. MURDOCK.

Mr. RICHARDSON with Mr. ESCH.

Mr. MITCHELL with Mr. WINSLOW.

Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.

Mr. RUBEY with Mr. HAWLEY.

Mr. DIXON with Mr. GRIEST.

Mr. FINLEY with Mr. HUGHES of West Virginia.

Mr. DENT with Mr. KAHN.

Mr. TALBOTT of Maryland with Mr. BARCHFELD.

Mr. MURRAY of Massachusetts with Mr. GREENE of Massachusetts.

Mr. JACOWAY with Mr. FARR.

Mr. RAINEY with Mr. PATTON of Pennsylvania.

Mr. ADAIR with Mr. AINEY.

Mr. AIKEN with Mr. BELL of California.

Mr. BARNHART with Mr. ANTHONY.

Mr. BATHRICK with Mr. BRITTEN.

Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.

Mr. BLACKMON with Mr. BROWNE of Wisconsin.

Mr. BROWN of West Virginia with Mr. CARY.

Mr. BUCHANAN of Illinois with Mr. CHANDLER of New York.

Mr. BURNETT with Mr. COPLEY.

Mr. CANTRILL with Mr. DANFORTH.

Mr. CARLIN with Mr. CRAMTON.

Mr. CONRY with Mr. DUNN.

Mr. CULLOP with Mr. FREAR.

Mr. CURLEY with Mr. GILLETT.

Mr. DICKINSON with Mr. GOOD.

Mr. DIFFENDERFER with Mr. GREEN of Iowa.

Mr. DONOHOE with Mr. GREENE of Vermont.

Mr. DRISCOLL with Mr. GUERNSEY.

Mr. DUPRÉ with Mr. HAMILTON of Michigan.

Mr. EDWARDS with Mr. HAMILTON of New York.

Mr. FAISON with Mr. GRAHAM of Pennsylvania.

Mr. FERRIS with Mr. HAUGEN.

Mr. FITZGERALD with Mr. CALDER.

Mr. FRANCIS with Mr. HAYES.

Mr. GUDGER with Mr. HULINGS.

Mr. KITCHIN with Mr. FORDNEY.

Mr. HARRISON of New York with Mr. LANGHAM.

Mr. HELM with Mr. KELLEY of Michigan.

Mr. HENSLEY with Mr. HINEBAUGH.

Mr. JONES with Mr. KREIDER.

Mr. KINKEAD of New Jersey with Mr. LINDQUIST.

Mr. LEE of Pennsylvania with Mr. MADDEN.

Mr. L'ENGLE with Mr. MANAHAN.

Mr. MONTAGUE with Mr. MERRITT.

Mr. PAGE with Mr. MORIN.

Mr. PETERS with Mr. NELSON.

Mr. PATTEN of New York with Mr. MOTT.

Mr. POU with Mr. J. I. NOLAN.

Mr. RAUCH with Mr. PARKER.

Mr. ROUSE with Mr. PLUMLEY.

Mr. RIORDAN with Mr. POWERS.

Mr. ROTHERMEL with Mr. PORTER.

Mr. SHACKLEFORD with Mr. ROBERTS of Nebraska.

Mr. SHARP with Mr. ROGERS.

Mr. SHERWOOD with Mr. SELLS.

Mr. SMALL with Mr. SAMUEL W. SMITH.

Mr. SMITH of New York with Mr. SLEMP.

Mr. SPARKMAN with Mr. STEENERSON.

Mr. STANLEY with Mr. STEPHENS of California.

Mr. STEPHENS of Mississippi with Mr. SUTHERLAND.

Mr. STEVENS of New Hampshire with Mr. TOWNER.

Mr. TAYLOR of Alabama with Mr. TREADWAY.

Mr. TUTTLE with Mr. VARE.

Mr. UNDERHILL with Mr. VOLSTEAD.

Mr. VAUGHAN with Mr. WILDER.

Mr. WHITACRE with Mr. WOODRUFF.

Mr. WILSON of New York with Mr. MCLAUGHLIN.

Mr. CRISP with Mr. HINDS.

Ending July 26:

Mr. PADGETT with Mr. ROBERTS of Massachusetts.

On all political questions, except on banking and currency, ending August 6:

Mr. ALLEN with Mr. J. M. C. SMITH.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

WITHDRAWAL OF PAPERS—DAVID CROWTHER.

Mr. HAY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of David Crowther, Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. MANAHAN, by unanimous consent, was granted leave of absence for three weeks, on account of important business.

FEDERAL BUILDING, NEWARK, N. J.

Mr. CLARK of Florida. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 6383, with an amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Florida asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Would it be in order to report the proposed amendment to the bill at this time?

The SPEAKER. The Clerk will report the bill, reading the amendment into it.

The Clerk read as follows:

A bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

Be it enacted, etc., That section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, be, and hereby is, amended so as to read as follows:

"SEC. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell the site and buildings thereon now occupied by the United States as a post office and courthouse, and for other purposes, in the city of Newark, in the State of New Jersey, after proper advertisement, and at such time and upon such terms as he may deem to be for the best interest of the United States, but for not less than the price of $1,800,000, and to enter into a contract for such sale on behalf of the United States with a responsible bidder, which contract shall provide for the use by the Government of the said site and buildings thereon free of rent until the completion and occupation by the Government of a building upon the site hereinafter mentioned, and the Secretary of the Treasury is hereby authorized to execute and deliver to the purchaser upon such completion and occupation a quit-claim deed of the property herein authorized and directed to be sold.

"That the Secretary of the Treasury be, and he hereby is, authorized and directed, after entering into such contract of sale, but not before, to acquire, by purchase, condemnation, or otherwise, a site for a suitable building and approaches for the use and accommodation of the United States post office and other Government offices in the said city of Newark, the cost of said new site not to exceed the sum of $800,000, and to erect on the said new site a new building, complete, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States post office and other governmental offices, and to use and expend the money realized from the sale of said present site and buildings for the purchase of such new site and the balance thereof for the erection thereon of such new building, complete, including, fireproof vaults, heating and ventilating apparatus, elevators, and approaches, and also for the payment for such consulting and other architectural, engineering, and technical services as the Secretary of the Treasury may deem necessary and specially order in writing, to serve either within or without the District of Columbia, exclusively to assist the Supervising Architect in the preparation of the designs, drawings, specifications, and estimates for said new building and for the equipment thereof, customarily paid for from the construction appropriation for public buildings under the control of the Treasury Department, and also for special supervision, not including superintendence, of the construction of said building. The fee for such consulting and other architectural, engineering, and technical services shall not exceed 5 per cent of the cost of said building, and the proceeds of the sale of the said present site and buildings thereon are hereby appropriated for the purpose herein set forth.

"That the consulting and other architectural, engineering, and technical services hereinbefore authorized and directed to be employed and paid for from the proceeds of the sale of the present Federal building and the site thereof shall be employed without regard to civil-service laws, rules, or regulations, any statute to the contrary notwithstanding; and such services shall be in addition to and independent of the authorizations for personal services for the Office of the Supervising Architect otherwise made.

"That the total expenditure herein authorized and directed to be made shall not exceed the amount of the net proceeds of the sale of the present site and buildings hereinbefore provided for.

"That the Secretary of the Treasury, in his discretion, may disregard the provision requiring 40 feet open space for fire protection."

The SPEAKER. The gentleman from Florida [Mr. CLARK] has 20 minutes, and the gentleman from Illinois [Mr. MANN] has 20.

Mr. CLARK of Florida. Mr. Speaker, did the Clerk read the amendment?

The SPEAKER. It was read into the bill. It has to be.

Mr. CLARK of Florida. Mr. Speaker, this is a bill——

Mr. MANN. Mr. Speaker, before the gentleman proceeds, may we have the amendment that was read into the bill reported by itself?

The SPEAKER. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amend, page 3, line 24, by adding at the end of line 24 the following: "And the proceeds of the sale of the said present site and buildings thereon are hereby appropriated for the purpose herein set forth."

Mr. MANN. It should be "purposes"—in the plural.

Mr. CLARK of Florida. Is it "for the purposes" or "for the purpose"?

The SPEAKER. It is "purpose."

Mr. CLARK of Florida. It should be "purposes."

The SPEAKER. Without objection, the word "purpose" will be changed to "purposes."

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, the bill in question is simply a bill to meet the opinion of the legal officials of the Treasury Department.

In the last omnibus public building bill there was a provision for the sale of the present Government property in the city of Newark, N. J. It was stipulated in that bill that this property should be sold for not less than $1,800,000. The committee undertook to provide that a portion of the proceeds of the sale, not to exceed $800,000, should be used by the Secretary of the Treasury in the purchase of a new site in the city of Newark for a public building. We undertook to provide that the remainder of the proceeds should be used by the Secretary in the construction of a new Government building for the city of Newark sufficient to meet the demands of the Government service in its various activities at that place.

The law officers of the Treasury Department, in construing this paragraph, held that while the language was sufficient to authorize the Secretary to sell the property, and that while the language was sufficient to authorize him to use not to exceed $800,000 in the purchase of a new site, yet the language was not sufficient to authorize him to use the remainder of the proceeds in the construction of a new building.

This bill was introduced by the gentleman from New Jersey [Mr. MCCOY] to meet this opinion of the law officers of the Treasury. It does not take one dollar from the Treasury of the United States.

There are two purposes to be subserved by this present bill. One is to meet the view of the legal officers of the Treasury and to give the Secretary the power or the authority to have this new building constructed. The other is to permit the Secretary to employ outside architects to expedite the construction of the building, and thereby secure a better price for the Government property than could be secured if the construction of the building should be delayed for five or six years, as it would be under the ordinary operations of the Office of the Supervising Architect of the Treasury.

That is about all that there is in the bill. As I stated, not one dollar is taken from the Treasury, and only the proceeds arising from the sale are to be used in the payment of outside architects, in the purchase of a new site, and in the construction of a new building.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Florida [Mr. CLARK] reserves 15 minutes. The gentleman from Illinois [Mr. MANN] is recognized for 20 minutes.

Mr. MANN. Mr. Speaker, if one were to offer his own house for sale on the terms that the purchaser should pay cash for it, but should not obtain possession of it until the late owner had built a new house for himself and occupied it, with no provision as to length of time he would have to build the new house, it would be a case identical, I think, with the proposition now before the House.

Here is a proposition to sell the Government's site—the present site and building—the purchaser to pay cash, but not to obtain possession of the property until the Government has purchased a new site and built a new building and taken possession of it for use.

No one knows how long that would take. No purchaser would dare to buy and pay the proper price for it, not knowing how long he would be deprived either of the use of the property or the use of his money. It may be that the Government will deliver the site to the purchaser in 5 years. It may be that it will deliver the site to the purchaser in 10 years, and God knows, if they keep a Democratic Congress, it may be 20 years. [Laughter on the Republican side.]

Mr. PAYNE. They do not take so much risk on that. [Laughter on the Republican side.]

Mr. MANN. That queer provision does not appear in this bill for the first time. It appeared in the last public buildings bill, which, by the way, never became a law, and never passed the House. Never did the House agree to the conference report on the public buildings bill which this assumes to amend. The Journal of the House shows that that bill never became a law. Still we propose to amend it in a very queer feature of it.

In addition to that, the last Congress, in a burst of righteousness, repealed the so-called Tarsney Act, which authorized the Secretary of the Treasury in special cases to employ outside special architects at the usual architects' fees. We thought that would not do, and we repealed it. The first time anybody comes along and wants a special architect, the committee reports a bill authorizing the employment of a special architect at the usual architect's fee. We do one thing to-day and, without knowing, we reverse it to-morrow.

Mr. Speaker, this bill might have passed the House on last Friday had it not been for the objection of the distinguished gentleman from Tennessee [Mr. BYRNS]—one of the distinguished gentlemen from Tennessee, the State of the distinguished Attorney General of the United States. First one distinguished gentleman from Tennessee objected to proceeding with another matter. Then another distinguished gentleman from Tennessee—still the home of the distinguished Attorney General of the United States—made a point of no quorum when

the Committee of the Whole was considering this bill on Friday last.

Mr. BYRNS of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BYRNS of Tennessee. I just stepped in. I want to make a point of order that the gentleman must confine his remarks to the bill pending before the House.

Mr. MANN. If the gentleman had been in the Chamber, where he belongs, he would know I was confining my remarks to the bill before the House.

Mr. BYRNS of Tennessee. I just came in, but I do not understand what "the gentleman from Tennessee" has to do with the bill before the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has not exceeded the rules so far.

Mr. MANN. I have not yet, but I may. [Laughter.]

Mr. BYRNS of Tennessee. I make the point of order, Mr. Speaker.

Mr. MANN. I was discussing the attitude of the House on Friday last on this bill, and if the gentleman from Tennessee had been where he belonged—in the Chamber—he would have known what I was discussing.

The SPEAKER. The gentleman will proceed.

Mr. MANN. And I will say this for the distinguished gentleman from Tennessee [Mr. BYRNS], for whom I have very high regard: I do not blame him for raising a point of order now, or for making a point of no quorum the other day, or for moving to lay another resolution on the table. If I represented the home of the Attorney General, I would not want the public to have let in the light of day on what he has done.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman is not confining himself to the bill which is now before the House, and is therefore out of order.

The SPEAKER. The point of order is sustained.

Mr. MANN. Well, Mr. Speaker, we are getting very technical about it. I have been talking about this bill. Has it come to the point that a man in discussing a bill can make no incidental reference to anything? Was I violating the rules when I referred to the gentleman from Tennessee, and paid him a compliment? Is that what he objects to? He might have better reasons for that than for the other. [Laughter.]

Now, Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized for five minutes.

Mr. KAHN. Mr. Speaker, as has been well stated by the gentleman from Illinois [Mr. MANN], this bill should have been passed last Friday, but the gentleman from Tennessee [Mr. BYRNS] insisted upon a quorum when it was proposed to take up the discussion of a resolution that had been reported by the Judiciary Committee. The gentleman from Texas [Mr. STEPHENS] received unanimous consent to extend his remarks in the RECORD; he inserted a speech about the Diggs-Caminetti cases, and then voted to gag this side of the House, so that we could not speak on that question.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman is not confining himself to the subject before the House.

The SPEAKER. The point of order is sustained.

Mr. KAHN. The bill that is pending——

Mr. HARDY. The gentleman said I put something into the RECORD——

Mr. KAHN. Oh, your side did not want to hear the truth about those cases; then you put things in the RECORD that you do not want to let us reply to.

Mr. HARDY. I just want to say to the gentleman——

Mr. KAHN. I do not yield, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. HARDY. Mr. Speaker, I rise to a question of privilege. The gentleman has stated that I put something in the RECORD.

Mr. KAHN. I did not refer to the gentleman from Texas, Mr. HARDY, but I did refer to the gentleman from Texas, Mr. STEPHENS.

Mr. HARDY. I did not know to whom the gentleman referred, but the gentleman looked at me——

Mr. KAHN. Oh, I looked at you when you interjected a remark.

Mr. HARDY. And replied to me.

Mr. KAHN. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I wish to say that I have no objection to the gentleman making any comments he desires about myself. I have acted strictly within my rights.

The SPEAKER. The gentleman from Texas, Mr. STEPHENS, was being referred to, and the gentleman from Texas, Mr. HARDY, concluded erroneously that he was being referred to. The gentleman from California [Mr. KAHN] will proceed.

Mr. KAHN. Mr. Speaker, I did not refer to the gentleman from Texas, Mr. HARDY. Now, this bill has been unanimously reported by the committee, I understand, and it ought to be enacted into law. I imagine that the gentlemen who are interested in the measure want the bill discussed freely. That is what the House is for—free discussion of all public matters; and when the time shall come that we can not discuss matters freely upon this floor, our vaunted liberty will have become a thing of the past.

Now, gentlemen on the other side seem to be afraid to have matters discussed freely. They do not want to let in the light of day upon the act of the Attorney General of the United States in connection with——

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman is not proceeding in order.

Mr. McKELLAR. I make the point of order that the gentleman is not in order.

The SPEAKER. The point of order is sustained.

Mr. MANN. Mr. Speaker, before the Chair sustains the point or order let me call the attention of the Speaker to the fact that in the report on this case is an opinion of the Attorney General of the United States. Do I understand that we can not refer to an opinion of the Attorney General?

The SPEAKER. Why, of course you can refer to an opinion of the Attorney General, or anybody else, if it refers to this case.

Mr. MANN. But that is all the gentleman from California did. He referred to the opinion of the Attorney General. Thereupon the gentleman made the point of order, and the Speaker sustained it, although the report on this bill contains an opinion of the Attorney General, and a rotten opinion at that.

The SPEAKER. The gentleman from California will proceed in order. He knows what the point of order is.

Mr. KAHN. Mr. Speaker, the Attorney General has done many peculiar things that the country wants to know about. This decision referred to in this report is one of those peculiar things. Another is when he tried to allow political pull to influence him in the setting of certain white-slave cases for trial.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman from California is not in order. With all due deference to the gentleman, he insists upon proceeding out of order, in spite of the rulings of the Chair to the effect that he has no right to discuss anything except the measure before the House. I ask that he be required to proceed in order.

The SPEAKER. The gentleman from California will proceed in order.

Mr. KAHN. Mr. Speaker, I have not been out of order at all. I am surprised——

The SPEAKER. The time of the gentleman from California has expired.

Mr. MANN. Mr. Speaker, I yield the gentleman two minutes more.

The SPEAKER. The gentleman from California is recognized for two minutes more.

Mr. KAHN. Mr. Speaker, I am somewhat surprised at the attitude of the gentleman from Tennessee [Mr. BYRNS]. He himself on Tuesday last undertook to criticize the former United States attorney for the northern district of California, and said that he was——

Mr. McKELLAR. Mr. Speaker, I make the point of order that the gentleman from California is not in order.

Mr. KAHN. Said that he was actuated by ambitious political motives——

The SPEAKER. The gentleman from California will proceed in order, if he proceeds at all.

Mr. HARDWICK. Mr. Speaker, I desire to call the attention of the Chair to what the rule is in a case of this kind, if the point of order is made and sustained.

The SPEAKER. The point of order is sustained.

Mr. HARDWICK. Then the gentleman from California must take his seat, and he can not proceed unless the House permits him to proceed.

The SPEAKER. The gentleman from Georgia has stated the rule correctly.

Mr. MANN. Mr. Speaker, I move that the gentleman from California be permitted to proceed in order.

The SPEAKER. If the gentleman will suspend a moment, the Chair will state what the rule is. When any gentleman rises to a point of order that another gentleman is not proceeding in order and the Chair sustains the point of order, then it is the duty of the gentleman who is out of order to take his seat and to keep his seat until some one moves that he be allowed to proceed in order.

Mr. MANN. Mr. Speaker, I have made that motion.

Mr. HARDWICK. Mr. Speaker, I make the point of order that the gentleman from California had not resumed his seat when the motion was made.

The SPEAKER. The gentleman from California has resumed his seat now.

Mr. MANN. I make the point of order that the gentleman from Georgia is not in his seat.

Mr. HARDWICK. Oh, I did not make the point of order that the gentleman from Illinois was not in his seat.

Mr. THOMAS rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MANN] and the gentleman from California [Mr. KAHN] have one hour in which to debate this Caminetti-Diggs affair, and that the next time this House meets I have an hour in which to reply to them.

Mr. McKELLAR. Mr. Speaker, I object.

Mr. GARDNER. Mr. Speaker, reserving the right to object, I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Illinois [Mr. MANN] that the gentleman from California proceed in order.

Mr. THOMAS. Mr. Speaker, I can state that I know personally that the Attorney General——

Mr. BARTLETT. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Kentucky can not discuss the Attorney General in the California cases any more than can the gentleman from California. Both gentlemen are out of order. The question is on the motion of the gentleman from Illinois that the gentleman from California [Mr. KAHN] be permitted to proceed in order.

The question was taken, and the motion was agreed to.

Mr. KAHN. Mr. Speaker, the public buildings of this country, of course, receive a great deal of attention from Congress. We hear much criticism of the "pork barrel" in the way public buildings are distributed by Congress. Honest criticism can do no harm. The country would like to hear the truth in some white-slave cases that have been pending. I now desire to say, Mr. Speaker, that I hope at some time to let in a little light upon that controversy in the way of honest criticism.

The SPEAKER. The time of the gentleman from California has again expired. The gentleman from Illinois [Mr. MANN] has 7 minutes remaining, and the gentleman from Florida has 15 minutes.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Florida to consume some of his time.

Mr. CLARK of Florida. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I believe I have stated, when this measure was before the House last week, that in my judgment it deserves the vote of every Member of Congress. As a member of the Committee on Public Buildings and Grounds, with an opportunity during the past four years to hear many statements, written and verbal, presented by Members of this House and also by the various heads of the departments in Washington, I undertake to say that the present building in Newark is the most congested Government building in the United States. I make this statement not only upon the information brought to the attention of the committee by the local Federal officials occupying the building in Newark but as a result of a personal visit made to that city with seven or eight other members of the Committee on Public Buildings and Grounds.

The Newark building is a duplicate of the Government building first constructed at Wilmington, Del., when the population of Newark was 221,000. Since that time the population has more than doubled. The number of employees in the postal service has increased from 180 to 440. There are 2,000 manufacturing plants in the city of Newark, representing 242 different lines of manufacture. There sit on the Democratic side of this House three Members who represent in part the city of Newark—Messrs. McCOY, TOWNSEND, and KINKEAD—who can verify what I state in connection with the absolute necessity for immediate action on this bill.

The minority leader, the gentleman from Illinois [Mr. MANN], calls attention to the fact that perhaps this building will not be occupied for 5 or 6 or 10 years.

The very object of the pending bill is to make the question of the change in the public building in that city at practically a definite time, and with that end in view this bill, introduced by Mr. McCOY, was presented to the Supervising Architect of the Treasury Department, carefully examined by him and approved, and he has stated if this relief is granted it will enable him to have plans prepared, a building advertised for and completed within a fixed time. There were excellent reasons which prompted both the majority and minority of the Committee on Public Buildings and Grounds in making this proposition separate and distinct from any other carried in the last public buildings bill, among them the congested, overcrowded condition of the present building.

I have said, and I repeat it, that it will be cruel, harsh, and inhuman for Congress to compel the Government officials to occupy the present building. If this bill is not passed, then the Newark proposition must take the same course of every other new building, namely, it must wait its turn to be reached upon the list, and the Supervising Architect's office is now from five and one-half to six years behind with its work. It was the purpose and the intention of the Committee on Public Buildings and Grounds to make this a special case and to expedite it as much as possible. But, unfortunately, in the phraseology of that item, under a ruling of the Attorney General, we did not carry the language of the original act far enough so as to comply with a technical construction of the law. The cost of the preparation of the plans, specifications, and supervision of the new building will not exceed the average cost of the buildings turned out and constructed under the direct supervision of the Supervising Architect of the Treasury.

Now, the people of Newark are a unit in favor of this proposition—the business men, the professional men, the Democrats, and the Republicans. It has received the approval of every member of the Committee on Public Buildings and Grounds of the Sixty-second Congress, and the bill now under consideration has received the approval of every member of that committee in this Congress who were present when it was considered. I hope there will be no opposition and that there will be no consideration of any other outside affair in this House that will delay or prevent the favorable consideration of this bill and its final passage.

The SPEAKER. The time of the gentleman from Tennessee [Mr. AUSTIN] has expired.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RUPLEY].

LATE REPRESENTATIVE MARLIN E. OLMSTED.

Mr. RUPLEY. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the career and death of the late Marlin E. Olmsted, late a Member of Congress from the State of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] asks unanimous consent to extend his remarks in the RECORD on the life and character of the late Representative Marlin E. Olmsted, a Member of Congress from Pennsylvania. Is there objection? [After a pause.] The Chair hears none.

Mr. RUPLEY. Mr. Speaker, Hon. Marlin E. Olmsted, former Congressman from the Harrisburg district in Pennsylvania, where I reside, died in a New York hospital early Saturday morning, July 19.

In response to a desire to pay tribute to his ability and prominence I have asked leave to place this memorial in the CONGRESSIONAL RECORD of this date. Through these same columns he had spoken for 16 years. After the test of statesmanship had been applied by his colleagues in this House and upon the completion of his seventh term, he was hailed as the next Speaker of the Sixty-second Congress. His party, however, being in the minority, he was not elected, but the recognition of his peculiar fitness for the position was attested on all sides by his fellow Members.

I have publicly protested and opposed his political beliefs, and in doing so was in a position to know the temper of the steel of his wonderful ability. In this tribute I have no desire to compromise my principles. As fearlessly and sincerely as I supported them I proclaim the virtues of this national figure, the able Congressman, the noted lawyer, the kind father and husband.

A home newspaper, the Carlisle Herald, in an editorial, has ably summed up his greatness in these words:

A NATIONAL LOSS.

In the death of Marlin Edgar Olmsted, of Harrisburg, the Nation loses one of its most brilliant and useful men. Here in the congressional district which he represented faithfully and ably for so many years his loss will be felt keenly. Residents of every political faith mourn his death; his place can never be refilled in the hearts of his thousands of friends.

Marlin Edgar Olmsted was a self-made man in every sense of the word; every honor that was bestowed upon him was deserved. He climbed high, but never forgot those whom he left behind as he ascended the ladder of life to a high position among the great men of the Nation.

As a public servant he was faithful to his constituents. Through his efforts the eighteenth congressional district obtained beautiful public buildings; the rights of the people were continually guarded; and if the voters had been given their option Marlin Olmsted, who was held

so high in the esteem of the people, might have had a life tenure of office as their Representative if he had desired it. But he resigned after eight successive terms. Few men have had such a record.

Mr. Olmsted was considered a leader in the Halls of Congress. He was the sponsor for numerous acts of legislation of national import, and as a lawyer he was recognized as among the ablest in America.

His loss is by no means confined to a few miles of territory; it is national. But it will be felt most at home. Sympathy is being extended to his family from every section of Cumberland County.

The Harrisburg Patriot, a fair and courageous opponent in his lifetime, has this to say of him when dead:

THE DEATH OF MR. OLMSTED.

The announcement of the death of Hon. Marlin E. Olmsted, a resident of Harrisburg since his early manhood and for 16 years the Representative in Congress of the Dauphin-Lebanon-Cumberland district, came upon the people of this city on Saturday morning almost with startling suddenness. Only a few days ago he walked the streets of the city apparently in his usual good health, and it is hardly a week since the public heard that he had undergone an operation in New York, and then it was not known nor supposed, except by his closest friends, that his condition was at all serious.

Those who most earnestly dissented from Mr. Olmsted's political tenets were free to acknowledge his intellectual ability. In Congress he was one of the strong men of his party. During the eight years that Joseph G. Cannon occupied the Speaker's chair, Mr. Olmsted had a larger influence in the national House of Representatives than any other man in the Pennsylvania delegation, not even excepting the veteran, John Dalzell.

As a neighbor and a factor in the social life of Harrisburg, Mr. Olmsted was genial and obliging; a tactful and hospitable host, who never allowed political difference to affect his personal relations.

And the editor of the Harrisburg Telegraph, a life-long friend, has testified to his worth in these well-chosen words:

AN HONOR TO HIS STATE.

The late Marlin E. Olmsted's worth as a man and statesman is emphasized outside of his home city by the strong testimonials of those associated with him at Washington and by the unusual tributes of the metropolitan press. His friends, of course, always appreciated the qualities of his mind and heart, but many of them did not realize the large place which he had made for himself through great ability and conscientious and earnest devotion to the public interests. No man in public life ever gave more unstintedly of all that was best within him to the public service.

His record of achievement in Congress and in the professional life which he adorned is one of unusual brilliancy. Mr. Olmsted was not a showy man in the sense of spectacular endeavor, but he was a persistent, earnest, and indefatigable worker, with a keen and analytical mind, which brushed aside all the surplusage of any question under consideration.

For the reason that his manifold interests demanded so much of his time and thought, he was sometimes misunderstood as an austere and cold man. Nothing could have been further from the truth.

Once having placed his hands to the plow, he never turned back. He was thoroughness personified; no detail escaped him, and on his day he has left the impress of a well-ordered and successful life.

His friendships were as enduring as the mountains of his native State, and those who were privileged to touch more intimately the springs of his nature know how true and constant was his affection. This was shown in many quiet ways. Enshrined in the memory of his companions are countless little things indicating his loyalty to those whom he called friends.

High and low, rich and poor, all will cherish the memory of a true son of Pennsylvania, who honored himself in honoring his State.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 6.

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the report (S. Rept. 80) of the Finance Committee of the Senate accompanying the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes; 20,000 copies for the use of the House of Representatives and 10,000 for the use of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2727. An act to create an additional land district in the State of Nevada.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2727. An act to create an additional land district in the State of Nevada; to the Committee on the Public Lands; and

S. Con. Res. 6. Concurrent resolution authorizing the printing of 30,000 copies of the report of the Finance Committee of the Senate accompanying the tariff bill, H. R. 3321; to the Committee on Printing.

FEDERAL BUILDING, NEWARK, N. J.

The SPEAKER. The gentleman from Florida [Mr. CLARK] has 10 minutes remaining and the gentleman from Illinois [Mr. MANN] has 6.

Mr. CLARK of Florida. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. McCOY].

The SPEAKER. The gentleman from New Jersey [Mr. McCOY] is recognized for five minutes.

Mr. McCOY. Mr. Speaker, I think that this bill has had a distinguished career in the House of Representatives. So far as I can ascertain, there is not any opposition to its passage; but it has been before the House so many times that I have lost count of the number, and each time in some way or another it has been caught in the machinery of parliamentary procedure and been squeezed out of the wrong end of the machine. I am rather reluctant to tell my story about the bill again, inasmuch as I have told it so many times. The situation reminds me of the little verse of Oliver Wendell Holmes in his poem on the katydid. The verse goes—I think that I can quote it:

I love to hear thine earnest voice,
Wherever thou art hid;
Thou testy little dogmatist,
Thou pretty katydid!
Thou 'mindest me of gentlefolks—
Old gentlefolks are they—
Thou say'st an undisputed thing
In such a solemn way.

So on three solemn occasions, and without dispute, I have undertaken to explain why I think that this bill should pass, and I will restate the principal reason. Without amending that section of the public-buildings bill which applies to Newark, passed in the third session of the Sixty-second Congress, the bill might better never have been passed, as we should know where we are to-day so as to take a fresh start. But the situation is, as the chairman of the committee has explained, that the Public Buildings Committee of the Sixty-second Congress intended to allow the sale of this building and the investment of the proceeds in the purchase of a new site and in the erection of a new building. I believe myself that the language of the bill was sufficient for that purpose, but the Attorney General thought differently, and of course the Secretary of the Treasury is controlled in his expenditures of money by the opinion of the Attorney General. So I believe that this bill now, especially with the amendment which was so kindly suggested to me by the leader of the other side of the House, is certainly sufficient, if it becomes a law, to make it clear that we can go ahead with this project. Of course there is an unusual feature in the bill, although there were provisions, I believe, in the public-buildings bill in the Sixty-second Congress similar to that which permit, notwithstanding the repeal of the Tarsney Act, the employment of the services of a special architect. As I have explained two or three times when the bill was up previously, we are to pay for those special services out of the proceeds of the sale of this building, so that we do not get in the way of any other project upon which the architect's services are paid for out of appropriations; in fact, we really push some of the projects forward. Unless we can proceed under this bill as it is proposed, or under the previous bill as it is now proposed to amend it, I believe that we can not proceed at all, because of the situation which the gentleman from Illinois [Mr. MANN] has pointed out, namely, that we have got to propose to a purchaser that he pay down his good money and not get possession of the property until we finish a new building.

But a contract can be worked out that will carry that along successfully, as I am told by the Supervising Architect—in fact, was told this morning—provided that we can begin immediately upon the project and push it through to a speedy conclusion in two years or two and one-half years, which the Supervising Architect said would be about the limit of time required. And the reason for that is this, as I stated the other day: That under the peculiar and special wording of this bill we shall have to pay for everything out of the proceeds of the sale of the present building. As we can not pay any rent for the present building after we have sold it we have got to remain in possession of it until the new building is erected, and consequently the would-be purchaser, knowing that he has got to make his payments from time to time as we proceed with the erection of the new building, will be obliged to estimate a reduction from the price which he otherwise would be able and willing to pay for the building in order to compensate him for the time during which he would be out of the money which he had to pay.

I believe that the bill is meritorious. As the gentleman from Tennessee [Mr. AUSTIN] has said, the committee was unanimous in the Sixty-second Congress. It is unanimous now, and I hope that no opposition will be placed in the way of the passage of the bill.

The SPEAKER. The time of the gentleman from New Jersey [Mr. McCOY] has expired. The gentleman from Illinois [Mr. MANN] is recognized for six minutes.

Mr. MANN. Mr. Speaker, a moment ago, referring to the decision of the Attorney General in the report, I stated that it was "a rotten opinion." I want now to take that back. I do not wish to do injustice to any official of the Government. I think

the opinion of the Attorney General, quoted in the report, is the only opinion which he could render in accordance with the law.

Mr. Speaker, this bill provides for the sale of the present post-office and courthouse building at Newark and for the construction of a new building to accommodate the post office and other Government offices. The post office, growing very rapidly with its work, probably needs a new building. Then there is an additional reason why the bill should pass, from one point of view, and that is it proposes to sell the present courthouse. Of what use is a courthouse over at Newark at present under this administration? [Laughter on the Republican side.]

One of the principal purposes for the building of a courthouse at present is the trial of lawsuits, the prosecution of cases. I am informed that up to the time of the incoming of the present administration the principal number of cases tried over there were violations of the revenue laws and of customs laws and of the white-slave law. You propose to revise the law as to customs and to add something to the revenue laws, and by Executive order practically to abolish the white-slave law. Of what use, I ask, is the courthouse, as long as political influence can obtain the abandonment or the nonprosecution of a white-slave case? Of what use is the courthouse?

Mr. McKELLAR. Mr. Speaker, I rise to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. McKELLAR. The gentleman is not proceeding in order. He is not discussing the case here, but he is discussing the nonprosecution of another case.

The SPEAKER. It seems to the Chair that the gentleman from Illinois has not gotten over the limit.

Mr. MANN. The gentleman from Tennessee [Mr. McKELLAR] is looking through crooked glasses and colored glasses, both. He can not see straight, and he does not hear correctly.

Mr. McKELLAR. I think I do.

Mr. MANN. The gentleman is so excited over a particular case that he imagines that "every road leads to Rome," and that all talk leads to the particular case he is engaged in defending without proper warrant.

Here is a proposition to sell a Government courthouse. Why? Because there is no longer any need of it. [Laughter on the Republican side.] Why is there no longer any need of it? Because the Attorney General of the United States has given to the world notice that he does not propose to prosecute white-slave cases where political influence is used with him.

Mr. McKELLAR. Mr. Speaker, I make the point of order that the gentleman is not proceeding in order.

The SPEAKER. The point of order is sustained.

Mr. GARDNER. Mr. Speaker, I move that the gentleman from Illinois be allowed to proceed in order.

The SPEAKER. The rule is that the gentleman must take his seat.

Mr. MANN. I will sit down now, but I shall be up again many times. [Laughter on the Republican side.]

Mr. GARDNER. Mr. Speaker, I move that the gentleman from Illinois be allowed to proceed in order.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] moves that the gentleman from Illinois [Mr. MANN] be permitted to proceed in order. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois will proceed in order.

Mr. MANN. Mr. Speaker, I did not take an appeal from the decision of the Chair. I do not know that an appeal would lie. But I contend that I am proceeding in order. I contend that the point has not come in the House of Representatives where, in discussing the sale of a post office, we can not discuss the work of the Post Office Department, or where, in discussing the sale of a Federal courthouse, we can not refer to the work in the Department of Justice. The Speaker has just ruled that in discussing the sale of a courthouse we can not refer to the work of the Department of Justice. I do not think that is a correct ruling, and I am sure the distinguished Speaker, on reflection, will not consider it a correct ruling.

We have a right in discussing these questions to discuss all incidental questions. I know that some of you gentlemen on that side think you can prevent the discussion of matters by putting the gag on us, but you will find that that will not work. It may take a little while for it to soak into your hides, but no legislative body on earth has ever succeeded in putting the gag on discussion, because when that is done the legislative body ceases to exist. You may prevent for a time the discussion of questions in the House by not sitting, but you can not prevent us from talking in the House to you and to the country. We will have our say, and you will learn that it is a very expensive proposition to try to prevent it. It will only center the attention of the country upon the desire on your part to prevent the light of day from being let into nefarious transactions. [Applause on the Republican side.]

The SPEAKER. The gentleman from Florida [Mr. CLARK] has five minutes.

Mr. CLARK of Florida. Has the gentleman from Illinois [Mr. MANN] consumed all his time?

The SPEAKER. He has.

Mr. CLARK of Florida. I simply desire to say that I want the House to understand that I am presenting this bill, not discussing any other bill or anything connected with any other bill.

The Government can not be injured by the passage of this bill, because it is stipulated that the property shall not be sold for less than $1,800,000.

I want to be perfectly frank with the House and to say that the consensus of opinion among people who know is that if we could sell this property to-morrow and deliver immediate possession we could probably get $2,000,000 for it. I believe that is considered a fair price for this property. But when it is understood that the purchaser of the property must pay his money and be without the use of the property for at least two years, a price somewhat less than that will probably be obtained. It is hoped that by the employment of these special architects the purchaser may be let into possession within about two years.

Mr. McCOY. The Government will pay no rent in the meantime.

Mr. CLARK of Florida. The Government pays no rent in the meantime, but occupies this property until the new building has been completed and is ready for occupancy. Five per cent on $2,000,000 in two years amounts to $200,000. I do not know what this property would rent for, but it would certainly amount to a considerable sum.

Mr. McCOY. And the taxes will be added, too.

Mr. CLARK of Florida. When it passes into private ownership the taxes will be added, and the purchaser has got to take all that into consideration.

So it was thought by your committee, and it was thought by the best business men in the city of Newark, that under the circumstances $1,800,000 would be a fair price for this property.

Mr. COOPER. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. COOPER. Is it understood that this contract is to contain a specific provision giving possession of this property on a certain date?

Mr. CLARK of Florida. No particular date; no.

Mr. McCOY. The contract is not drawn yet.

Mr. COOPER. But is not the purchaser to have some provision in the contract as to the date when he can obtain possession?

Mr. CLARK of Florida. Certainly. When the contract is drawn it will undoubtedly be stipulated that within a certain time the purchaser is to have possession. There is no question about that.

Mr. COOPER. Will the contract contain a provision for liquidated damages in case the Government does not give possession at that time?

Mr. McCOY. We can not tell about that. We do not know what the contract will contain.

Mr. CLARK of Florida. I do not know. I do not think so. There will be a contract with the purchaser, and I understand that plenty of men in Newark are perfectly able and willing to purchase the property under the conditions contained in this paragraph of the bill.

Mr. COOPER. The gentleman said he thought they could finish it in two years?

Mr. CLARK of Florida. Yes.

Mr. McCOY. Two years and a half.

Mr. COOPER. I have not seen a copy of the bill. Suppose the contract contains a provision that on January 1, 1916, the purchaser shall have possession of the property, and suppose it runs on for six months afterwards, as is not improbable in the construction of a public building, is there any provision for liquidated damages?

Mr. CLARK of Florida. Not in the law.

Mr. COOPER. But will there be in the contract? Would the purchaser buy the property without such a provision?

Mr. CLARK of Florida. I think the Secretary of the Treasury can be relied upon to control that feature of it, in his judgment.

Mr. MANN. Does not the bill expressly provide that the Government shall have the occupation of this building free of rent

until the completion and readiness for occupancy of a building upon a site to be hereafter purchased?

Mr. CLARK of Florida. Undoubtedly.

Mr. MANN. The Secretary of the Treasury can not change that, can he?

Mr. McCOY. No.

Mr. CLARK of Florida. I think not.

Mr. MANN. He can not tell when the new building will be ready for occupancy?

Mr. CLARK of Florida. Why should we worry about the purchaser?

Mr. MANN. We should worry about the purchaser because that provision will be an element in fixing the price.

Mr. CLARK of Florida. Very well. The property can not be sold for less than $1,800,000. That is stipulated in the law.

Mr. MANN. But it might bring more.

Mr. CLARK of Florida. If the purchaser is willing to pay $1,800,000, which we consider a fair value under all the circumstances, I do not think we ought to be too solicitous as to liquidated damages and as to when the purchaser may get possession. That is a matter for him to take into consideration when he pays his money and takes the risk.

The SPEAKER. The time of the gentleman from Florida has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. CLARK of Florida. Does that carry the amendments with it?

The SPEAKER. Yes.

ANONYMOUS BILLS.

The SPEAKER. There are a number of bills which have been put into the basket upon which the gentlemen introducing them have neglected to put their names. The Clerk will read the titles of those bills.

The Clerk read as follows:

A bill granting an increase of pension to Hannah A. Brigham;
A bill granting a pension to Mary J. Brophy;
A bill for the relief of J. Will Morton and the estate of Clarissa H. Morton, deceased;
A bill granting a pension to Elizabeth Elliott;
A bill granting a pension to Augusta A. Bentgen;
A bill granting an increase of pension to Frederick C. Hammetter;
A bill granting an increase of pension to Benjamin F. Morgan; and
A bill granting an increase of pension to Henrietta Lee Coulling.

ADJOURNMENT UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

Mr. MANN. Mr. Speaker, I object.

COMMITTEE ON MERCHANT MARINE AND FISHERIES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 205 (H. Rept. 36).

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, authorized to continue during the Sixty-third Congress the investigations begun during the Sixty-second Congress under the provisions of House resolution 425, adopted March 5, 1912; House resolution 470, adopted April 11, 1912; and House resolution 587, adopted July 16, 1912, for the purposes and under the conditions therein stated; and that the expenses thereof, not exceeding the unexpended balance of the whole amount authorized by said House resolution 470, be paid out of the contingent fund in the manner provided by said House resolution 470 of the Sixty-second Congress and House resolution 82, adopted May 8, 1913.

Mr. LLOYD. Mr. Speaker, this resolution authorizes the Committee on Merchant Marine and Fisheries to make further investigation and draw the money out of the contingent fund to the extent of the unexpended balance. A resolution was offered some time ago which provided that the members of the committee of the Sixty-second Congress who are Members of the Sixty-third Congress be permitted to sit, and that they be permitted to draw warrants as if the committee were all present. It did not provide for any expenditure after the new committee had been named. This is to provide for the new committee to have the same power that that committee had after the 4th of March and before the naming of the committee.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. COX. What is the unexpended balance remaining?

Mr. LLOYD. I can not give the exact figures. There has not been very much expended. I yield to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the amount expended has been about $13,000. The amount authorized was $25,000.

Mr. COX. So that there is about $12,000 remaining unexpended?

Mr. ALEXANDER. Yes; more than that. We simply want to wind up our investigation. We are preparing the report now.

Mr. MANN. Mr. Speaker, I understood from some source that the only purpose of this was to permit the committee to pay the expert it has had for doing this tabulating work or making a report.

Mr. ALEXANDER. Mr. Speaker, we are preparing a report now and have it nearly completed.

Mr. LLOYD. It also includes a stenographer that the committee has employed.

Mr. ALEXANDER. They are the same employees that we had prior to the 4th of March, except the attorney, who was dismissed as soon as the public hearings were discontinued.

Mr. MANN. How much would that amount to?

Mr. ALEXANDER. We pay our expert $20 per day, and the stenographer $100 per month, and the young man who is working with Dr. Huebner receives $5 per day. He was his helper while a professor in the University of Pennsylvania.

Mr. MANN. Why is it necessary to employ a special stenographer for a committee when the House has four committee stenographers who have very little to do at this session of Congress? Why could not one of the committee stenographers do this work?

Mr. ALEXANDER. I did not know that there was any that was not engaged. I will say this: That when we had our public hearings we did employ stenographers who were furnished to us by the official force of the House, and the entire cost of the public hearings was less than $300.

Mr. MANN. This stenographer now, as I understand, is employed in the main working in connection with the expert?

Mr. ALEXANDER. Yes; she is used by Dr. Huebner in his work. She must be there regularly every day. She is entirely familiar with the work.

Mr. LLOYD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the resolution of the gentleman from Missouri.

The question was taken.

Mr. MANN. Mr. Speaker, I ask for a division, and pending that I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-five Members are present, not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House do now adjourn. The Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 51, answered "present" 6, not voting 238, as follows:

YEAS—134.

Abercrombie	Elder	Kirkpatrick	Sabath
Aiken	Estopinal	Konop	Saunders
Aswell	Evans	Korbly	Seldomridge
Baltz	Falconer	Lazaro	Sherley
Barkley	Fergusson	Lee, Ga.	Sims
Bartlett	FitzHenry	Lever	Sisson
Beakes	Flood, Va.	Lieb	Smith, Md.
Bell, Ga.	Floyd, Ark.	Lloyd	Smith, Tex.
Booher	Foster	Lobeck	Stedman
Borchers	Fowler	Logue	Stephens, Nebr.
Brockson	Gallagher	McAndrews	Stephens, Tex.
Broussard	Gard	McDermott	Stone
Brumbaugh	Garner	McGillicuddy	Stringer
Buchanan, Tex.	Garrett, Tenn.	McKellar	Sumners
Bulkley	Garrett, Tex.	Maguire, Nebr.	Taggart
Burke, Wis.	Glass	Moon	Tavenner
Byrnes, S. C.	Goodwin, Ark.	Morgan, La.	Taylor, Ark.
Byrns, Tenn.	Gordon	Morrison	Taylor, Colo.
Candler, Miss.	Gorman	Murray, Okla.	Ten Eyck
Caraway	Graham, Ill.	Neeley	Thacher
Casey	Hamlin	Oglesby	Underwood
Church	Hardy	O'Hair	Vaughan
Clayton	Harrison, Miss.	Oldfield	Walker
Cline	Hay	Pepper	Walsh
Collier	Heflin	Peterson	Watkins
Connelly, Kans.	Helvering	Phelan	Watson
Cox	Henry	Post	Weaver
Davenport	Hill	Quin	Webb
Decker	Holland	Ragsdale	Whaley
Deitrick	Houston	Raker	White
Doolittle	Hull	Reed	Wilson, Fla.
Doremus	Igoe	Roddenbery	Wingo
Doughton	Keating	Rothermel	
Eagle	Kettner	Russell	

NAYS—51.

Alexander	Edmonds	La Follette	Shreve
Anderson	French	Lindbergh	Sloan
Austin	Gardner	McKenzie	Smith, Idaho
Barton	Green, Iowa	Mann	Smith, Minn.
Bowdle	Hollingsworth	Mapes	Stafford
Bryan	Humphrey, Wash.	Mondell	Switzer
Burke, S. Dak.	Johnson, Utah.	Morgan, Okla.	Temple
Campbell	Johnson, Wash.	Moss, W. Va.	Thomas
Cooper	Koster	Norton	Thomson, Ill.
Curry	Kelly, Pa.	Prouty	Treadway
Davis, Minn.	Kennedy, Iowa	Rucker	Willis
Dillon	Kent	Rupley	Young, N. Dak.
Dyer	Knowland, J. R.	Scott	

ANSWERED "PRESENT"—6.

Adamson	Gray	Rubey	Smith, J. M. C.
Crisp	Kahn		

NOT VOTING—238.

Adair	Donovan	Johnson, Ky.	Plumley
Aiken	Dooling	Johnson, S. C.	Porter
Allen	Driscoll	Jones	Post
Ansberry	Dunn	Kelley, Mich.	Powers
Anthony	Dupré	Kennedy, Conn.	Rainey
Ashbrook	Eagan	Kennedy, R. I.	Raker
Avis	Edwards	Key, Ohio	Rayburn
Bailey	Esch	Kiess, Pa.	Reilly, Conn.
Baker	Fairchild	Kindel	Reilly, Wis.
Barchfeld	Falconer	Kinkaid, Nebr.	Richardson
Barnhart	Farr	Kinkead, N. J.	Riordan
Bartholdt	Ferris	Kitchin	Roberts, Mass.
Bathrick	Fess	Kreider	Roberts, Nev.
Beall, Tex.	Fields	Lafferty	Rogers
Bell, Cal.	Finley	Langham	Rouse
Blackmon	Fitzgerald	Langley	Scully
Borland	Fordney	Lee, Pa.	Sells
Brenner	Francis	L'Engle	Shackleford
Britten	Frear	Lenroot	Sharp
Brodbeck	George	Lesher	Sherwood
Brown, N. Y.	Gerry	Levy	Sinnott
Brown, W. Va.	Gillett	Lewis, Md.	Slayden
Browne, Wis.	Gilmore	Lewis, Pa.	Slemp
Browning	Gittins	Lindquist	Small
Bruckner	Godwin, N. C.	Linthicum	Smith, N. Y.
Buchanan, Ill.	Goeke	Lonergan	Smith, Saml. W.
Burgess	Goldfogle	McClellan	Sparkman
Burke, Pa.	Good	McCoy	Stanley
Burnett	Goulden	McGuire, Okla.	Steenerson
Butler	Graham, Pa.	McLaughlin	Stephens, Cal.
Calder	Greene, Mass.	Madden	Stephens, Miss.
Callaway	Greene, Vt.	Mahan	Stevens, Minn.
Cantrill	Gregg	Maher	Stevens, N. H.
Carew	Griest	Manahan	Stout
Carlin	Griffin	Martin	Sutherland
Carr	Gudger	Merritt	Talbott, Md.
Carter	Guernsey	Metz	Talcott, N. Y.
Cary	Hamill	Miller	Taylor, Ala.
Chandler, N. Y.	Hamilton, Mich.	Mitchell	Taylor, N. Y.
Clancy	Hamilton, N. Y.	Montague	Thompson, Okla.
Clark, Fla.	Hammond	Moore	Towner
Claypool	Hardwick	Morin	Townsend
Connolly, Iowa	Harrison, N. Y.	Moss, Ind.	Tribble
Conry	Haugen	Mott	Tuttle
Copley	Hawley	Murdock	Underhill
Covington	Hayden	Murray, Mass.	Vare
Cramton	Hayes	Nelson	Volstead
Crosser	Helm	Nolan, J. I.	Wallin
Cullop	Hensley	O'Brien	Walters
Curley	Hinds	O'Leary	Whitacre
Dale	Hinebaugh	O'Shaunessy	Wilder
Danforth	Hobson	Padgett	Williams
Davis, W. Va.	Howard	Page	Wilson, N. Y.
Dent	Howell	Palmer	Winslow
Dershem	Hoxworth	Parker	Witherspoon
Dickinson	Hughes, Ga.	Patten, N. Y.	Woodruff
Dies	Hughes, W. Va.	Patton, Pa.	Woods
Difenderfer	Hulings	Payne	Young, Tex.
Dixon	Humphreys, Miss.	Peters	
Donohoe	Jacoway	Platt	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KEY of Ohio with Mr. SINNOTT.

Mr. ASHBROOK with Mr. BELL of California.

Mr. BORLAND with Mr. WILDER.

Mr. BURGESS with Mr. LEWIS of Pennsylvania.

Mr. CALLAWAY with Mr. MCGUIRE of Oklahoma.

Mr. CLARK of Florida with Mr. PAYNE.

Mr. CARTER with Mr. FREAR.

Mr. COVINGTON with Mr. DUNN.

Mr. DAVIS of West Virginia with Mr. GREENE of Vermont.

Mr. DIES with Mr. WALTERS.

Mr. GREGG with Mr. GUERNSEY.

Mr. HARDWICK with Mr. HAYES.

Mr. HAYDEN with Mr. SELLS.

Mr. HUMPHREYS of Mississippi with Mr. MERRITT.

Mr. JOHNSON of Kentucky with Mr. STEPHENS of California.

Mr. JOHNSON of South Carolina with Mr. VARE.

Mr. REILLY of Connecticut with Mr. WOODRUFF.

Mr. TALCOTT of New York with Mr. MCLAUGHLIN.

Mr. MCCOY. Mr. Speaker, is it too late to vote on this motion?

The SPEAKER. It is, unless the gentleman was in the Hall and listening when his name was called.

Mr. MCCOY. I was out of the Hall when my name was called.

The SPEAKER. The gentleman does not come within the rule.

The result of the vote was announced as above recorded.

Accordingly (at 2 o'clock and 2 minutes p. m.) the House adjourned until Wednesday, July 23, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of the Navy submitting an estimate of appropriation of $968 for reimbursing claimant's damages found to be caused by vessels of the United States Navy (H. Doc. No. 151); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia, submitting an estimate of deficiency appropriation for the militia of the District of Columbia (H. Doc. No. 152); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster General calling attention to his letter of June 11, 1913, in regard to an appropriation for the payment of limited indemnity for lost insured mail (H. Doc. No. 153); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Assistant Secretary of Commerce, submitting a claim for damages which has been considered, adjusted, and determined to be due by the Commissioner of Lighthouses (H. Doc. No. 154); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney General, submitting a list of judgments from the Court of Claims in Indian depredation cases (H. Doc. No. 155); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments of the Court of Claims (H. Doc. No. 156); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a schedule of claims allowed by the several accounting officers under appropriations the balances of which have been exhausted or carried to the surplus fund (H. Doc. No. 157); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky: A bill (H. R. 7015) to regulate the running of street cars in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PETERSON: A bill (H. R. 7016) to authorize the donation of certain unused and obsolete guns now at Chickamauga Park, Ga., to the board of commissioners, Lake County, Ind.; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 7017) providing for the erection of a public building in the city of Staunton, Va.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER: A bill (H. R. 7018) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BROWN of New York: A bill (H. R. 7019) to establish a fish-cultural station on Long Island in the State of New York; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Wisconsin: A bill (H. R. 7020) to amend an act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, as amended in sections 16, 17, and 19 by the act of Congress approved March 4, 1909, and in sections 4 and 13 by the act of Congress approved June 25, 1910; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 7021) to amend section 2166 of the Revised Statutes of the United States for the year 1878, and to amend the Twenty-eighth Statutes at Large, page 124, act of July 26, 1894; to the Committee on Immigration and Naturalization.

By Mr. O'LEARY: A bill (H. R. 7022) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

By Mr. GOULDEN: A bill (H. R. 7023) for the improvement of the Harlem River, N. Y., with a view of straightening the channel at the curve near the Johnson Iron Works, authorized by the river and harbor act of March 3, 1909; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7024) to provide for the cession to the State of New York of all lands heretofore acquired by the United States in that part of the bed of the Harlem Ship Canal to be eliminated up to the new bulkhead to be hereafter established by the Secretary of War; to the Committee on the Public Lands.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 7025) to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma; to the Committee on Indian Affairs.

By Mr. RUPLEY: A bill (H. R. 7026) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on Labor.

By Mr. DOOLITTLE: A bill (H. R. 7027) authorizing the Secretary of War to deliver to Custard Post, No. 39, Grand Army of the Republic, Department of Kansas, of Onaga, Kans., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. RUPLEY: A bill (H. R. 7028) to amend the judicial system of the United States by increasing membership of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. WEAVER: A bill (H. R. 7029) extending the jurisdiction of the Court of Claims of the United States; to the Committee on the Judiciary.

By Mr. WINGO: A bill (H. R. 7030) to aid in the protection of the bank on the south side of the Arkansas River in the county of Le Flore, State of Oklahoma; to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 7031) providing for the disposition of unclaimed effects of deceased patients of the Public Health Service, of deceased officers and enlisted men of the Army, and of civilian employees of the War Department; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELEY: A bill (H. R. 7032) to further increase the efficiency of the Organized Militia of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 7033) authorizing the removal of cannon and shells from Shiloh Park, Tenn., to Chickamauga and Chattanooga National Military Park and other places; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 7034) to amend the act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees; to the Committee on the Judiciary.

By Mr. HOWARD: Resolution (H. Res. 206) authorizing the appointment of W. H. Bell as assistant foreman of the folding room; to the Committee on Accounts.

By Mr. HARDWICK: Resolution (H. Res. 207) amending Rule X of the House by adding a new paragraph; to the Committee on Rules.

Also, resolution (H. Res. 208) amending clause 9 of Rule XVI of the standing rules of the House; to the Committee on Rules.

Also, resolution (H. Res. 209) amending paragraph 56 of Rule XI of the rules of the House; to the Committee on Rules.

By Mr. MANN: Resolution (H. Res. 210) directing the Secretary of the Navy to furnish certain information; to the Committee on Naval Affairs.

By Mr. BRYAN: Resolution (H. Res. 211) directing the Secretary of the Navy to furnish the House of Representatives with certain information; to the Committee on Naval Affairs.

By Mr. PROUTY: Joint resolution (H. J. Res. 107) directing the Treasurer of the United States to transfer $1,003,257.24 upon his books from the District of Columbia to the credit of the United States; to the Committee on the District of Columbia.

By Mr. FLOOD of Virginia: Joint resolution (H. J. Res. 108) authorizing the President to accept invitations extended by foreign governments to be represented by official delegates at future sessions of the International Statistical Institute; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 109) authorizing the President to extend invitations to foreign governments to participate in the International Congress of Americanists; to the Committee on Foreign Affairs.

By Mr. MURRAY of Oklahoma: Concurrent resolution (H. Con. Res. 12) for the protection of American citizens in Mexico and authorizing the President to intervene therefor; to the Committee on Foreign Affairs.

By Mr. REILLY of Connecticut: Concurrent resolution (H. Con. Res. 13) calling the attention of the President and of the Postmaster General to the advisability of arranging for the reduction of the common export rate of the various parcel-post conventions of the United States with foreign countries to 8 cents a pound; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Memorial of the Legislature of the State of Wisconsin, praying for a law providing for the investment of not to exceed 20 per cent of the deposits in postal savings banks in bonds of the several States for the purpose of securing funds for making long-time loans to farmers; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURRY: A bill (H. R. 7035) granting a pension to Josiah George Swinney; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 7036) granting a pension to Joseph Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7037) granting a pension to Mary Van Dyck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7038) granting a pension to Jennie E. Griggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7039) granting an increase of pension to Martin H. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 7040) granting an increase of pension to Leonard A. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7041) granting an increase of pension to Michael O'Brien; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 7042) granting an increase of pension to Daniel Libbey; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 7043) for the relief of Nabor and Victoria Leon; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 7044) granting a pension to Lewis Doll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7045) granting a pension to Katharine Brunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7046) granting an increase of pension to Elizabeth Dorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7047) granting an increase of pension to Rodney W. Anderson; to the Committee on Pensions.

By Mr. JOHNSON of Utah: A bill (H. R. 7048) making appropriation for the relief of C. Jensen for injuries sustained from forest team; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 7049) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish*; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 7050) granting an increase of pension to Charles Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7051) granting a pension to Margaret Foley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7052) granting an increase of pension to Claude D. Truskett; to the Committee on Pensions.

Also, a bill (H. R. 7053) granting a pension to John D. Ashley; to the Committee on Pensions.

Also, a bill (H. R. 7054) for the relief of Byard Hickman; to the Committee on Military Affairs.

Also, a bill (H. R. 7055) for the relief of Henry Wagner; to the Committee on Military Affairs.

Also, a bill (H. R. 7056) for the relief of the city of Pueblo; to the Committee on Claims.

Also, a bill (H. R. 7057) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on the Public Lands.

Also, a bill (H. R. 7058) granting a pension to Charles A. Van Atta; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 7059) granting a pension to Mary E. Fulmer; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 7060) granting an increase of pension to Mary McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7061) granting an increase of pension to Bridget M. Bannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7062) granting an increase of pension to Caroline S. Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7063) granting an increase of pension to Ellen M. Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7064) granting a pension to Patrick Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7065) granting an increase of pension to Charlotte M. Harmon; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7066) for the relief of Theodore (or Thomas) F. Cook; to the Committee on Naval Affairs.

By Mr. MAPES: A bill (H. R. 7067) granting a pension to Oscar Sholtus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7068) granting a pension to Emma L. Parker; to the Committee on Pensions.

By Mr. MOON: A bill (H. R. 7069) granting an increase of pension to Alfred J. Thomas; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 7070) for the relief of Silas Quackenbush; to the Committee on War Claims.

By Mr. NEELEY: A bill (H. R. 7071) granting an increase of pension to Mary A. Hillyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7072) granting an increase of pension to William Van Vleet; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 7073) granting an increase of pension to Preston P. Sullivan; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 7074) granting an increase of pension to William J. White; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 7075) granting a pension to Charles R. Carter; to the Committee on Pensions.

Also, a bill (H. R. 7076) granting an increase of pension to Levi L. Fecrin; to the Committee on Pensions.

Also, a bill (H. R. 7077) granting an increase of pension to Ellen J. Merritt; to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 7078) for the relief of Mary Macon Howard; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 7079) granting a pension to Cora J. Church; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7080) granting a pension to Minerva Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7081) granting a pension to Rufus A. Theis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7082) to reinstate Frank W. Ball as first lieutenant in the United States Army and to place him on the retired list of Army officers; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Holy Name Societies of the Diocese of Newark, N. J., protesting against using the United States mail to injure the Catholic Church; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Gen. Alex. Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, Pittsburgh, Pa., tendering their thanks to the State of Pennsylvania and to the commission in charge of the camp and to the United States Government for their participation in the event of the great camp of Gettysburg, Pa.; to the Committee on Military Affairs.

By Mr. CURRY: Petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring legislation compelling the equipment of locomotives used on the road with electric headlights and safety appliances for boilers; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring the passage of the bill (S. 4) to better the living conditions, etc., of seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California State Branch of the United National Association of Post Office Clerks, Sacramento, Cal., protesting against any change in the Reilly eight-hour law; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Illinois: Petition of the Banana Buyers' Protective Association of New York City, protesting against a tariff on bananas; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring improvement in the living conditions of our seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring the equipment of all locomotives used in road service with electric headlights; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Life Insurance Co., Chicago, Ill., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of legislation extending the authority of the Locomotive Boiler Inspection Division of the Interstate Commerce Commission to cover all parts of locomotives and tenders; to the Committee on Interstate and Foreign Commerce.

By Mr. HELGESEN: Petitions of sundry business men of the State of North Dakota, favoring an amendment to the interstate-commerce law; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of the United National Association of Post Office Clerks, protesting against any attempt to repeal or nullify the civil service; to the Committee on the Judiciary.

By Mr. MAPES: Petition of sundry post-office clerks, favoring provision for service promotions for clerks and engineers of the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany bill for the relief of Alfred J. Thomas; to the Committee on Invalid Pensions.

By Mr. PROUTY: Petitions of sundry citizens of the State of Iowa, favoring certain changes in the interstate-commerce law; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petitions of the H. Raphael Co., of Los Angeles, and the Chamber of Commerce of Watsonville, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the California State Branch, No. 30, United National Association of Post Office Clerks, Sacramento, Cal., protesting against the repeal or change in the Reilly eight-hour law; to the Committee on Labor.

SENATE.

WEDNESDAY, *July 23, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, in which it requested the concurrence of the Senate.

PETITION AND MEMORIAL.

Mr. OLIVER presented a petition of the Chamber of Commerce of Homestead, Pa., praying for the enactment of legislation providing for the establishment of Federal reserve banks, for furnishing an elastic currency, and for a more effective supervision of banking in the United States, which was referred to the Committee on Banking and Currency.

Mr. O'GORMAN presented a memorial of sundry manufacturers of the United States, remonstrating against the adoption of the proposed cotton schedule in the pending tariff bill, which was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2812) waiving the age limit for the appointment as assistant paymaster in the United States Navy in the case of Chief Yeoman Meyer Cox, United States Navy; and

A bill (S. 2813) waiving the age limit for the appointment as assistant paymaster in the United States Navy in the case of John Edward Bibb, now in the accounting department of the Navy at Philadelphia; to the Committee on Naval Affairs.

By Mr. SHEPPARD (for Mr. CULBERSON):
A bill (S. 2814) granting permission to Ella S. Gilliland and Clara E. Gilliland, joined by her husband, W. H. Gilliland, to institute suit against the United States of America in the District Court of the United States for the Eastern District of Texas for the partition and adjustment of the rights and titles claimed by them in certain lands situated in said eastern district of Texas; to the Committee on the Judiciary.

By Mr. PERKINS:
A bill (S. 2815) to provide for the completion of certain homestead entries for lands within the abandoned Mount Whitney Military Reservation; to the Committee on Public Lands.

By Mr. BRISTOW:
A bill (S. 2816) authorizing the Secretary of War to donate to the city of Abilene, Kans., two cannon; to the Committee on Military Affairs.

By Mr. JACKSON:
A bill (S. 2817) granting a pension to Laura K. Simpson; to the Committee on Pensions.

By Mr. BRYAN:
A joint resolution (S. J. Res. 60) to amend section 8 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on Post Offices and Post Roads.

AMENDMENTS TO THE TARIFF BILL.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was ordered to lie on the table and be printed.

ADDRESS ON WORLD'S PEACE (S. DOC. NO. 139).

Mr. NORRIS. I ask unanimous consent to have printed as a Senate document an address on the world's peace under American leadership, by Rev. T. M. C. Birmingham, of Beatrice, Nebr.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it will be so ordered.

NOTES ON TARIFF REVISION, 1913 (S. DOC. NO. 136).

Mr. SMOOT. On July 7 I requested that Notes on Tariff Revision, 1913, prepared by Thomas J. Doherty, Esq., be printed as a public document. This publication embraced comments on the meaning and effect of the changes in the phraseology of the proposed tariff law, H. R. 3321, as passed by the House of Representatives.

I have had Mr. Doherty bring those comments down, so as to include the amendments that have been made to the bill by the Finance Committee of the Senate, and I ask that it be printed as a public document. In other words, it is simply a second edition, with comments on the amendments made by the Senate Finance Committee.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it will be so ordered.

SPEECH OF HON. HOKE SMITH (S. DOC. NO. 137).

Mr. FLETCHER. I ask unanimous consent to have printed as a public document a speech delivered July 18, 1913, by Hon. HOKE SMITH before the Legislature of Georgia, reviewing legislation before the Senate during the past two years.

The VICE PRESIDENT. Is there any objection?

Mr. GALLINGER. What is it, Mr. President?

The VICE PRESIDENT. The Secretary will state it.

The SECRETARY. A speech delivered July 18, 1913, before the Legislature of Georgia, reviewing legislation before the Senate during the past two years, by the junior Senator from Georgia [Mr. SMITH].

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

HOUSE BILL REFERRED.

H. R. 6383. An act to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

THE TARIFF.

Mr. SIMMONS. Mr. President, has the morning business been disposed of?

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I should like to inquire of the Senator from New Hampshire [Mr. GALLINGER] if there is any Senator on the other side who desires to speak this morning on the tariff bill?

Mr. GALLINGER. I will say to the Senator from North Carolina that I think no Senator on this side is prepared to go on to-day. A Senator will speak to-morrow, possibly two Senators. I can see no reason now why the reading of the bill for amendments should not be proceeded with.

Mr. SMOOT. For committee amendments?

Mr. GALLINGER. For committee amendments.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 3321.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. GALLINGER. I will ask the Senator from North Carolina if it was his understanding—I think it was not definitely stated—that in the consideration of the bill the committee amendments should be first considered?

Mr. SIMMONS. That was my understanding, as it is the usual practice in connection with the consideration of tariff measures.

Mr. GALLINGER. I think no such understanding was had. Inquiry has been made of me, and that is the reason why I asked the Senator from North Carolina the question.

Mr. SIMMONS. I will ask unanimous consent that the bill be read first for the consideration of the committee amendments.

Mr. LODGE. If the Senator will allow me before he makes that request, I am not sure that I remember the practice correctly, but I think it has been found better to take all the amendments as we go along over the items; that is, not to consider merely the committee amendments first, because, if we go through this long bill and consider the committee amendments first and not those offered by individual Senators and then have to go back and throw the others in at any place, I think it would lead to delay.

Mr. SIMMONS. I have no objection to that course, if the Senator prefers it.

Mr. LODGE. I merely suggest it. I think it would save time to dispose of amendments as far as possible as we go along.

Mr. SMOOT. Mr. President, just one word. I should like to call the attention of the Senator from Massachusetts to this fact: I understand the committee has but few amendments to propose, and if that is the case it seems to me the best way would be to proceed to read the bill for action on the committee amendments, and in doing that all Senators would be prepared to offer their amendments—that is, to start with Schedule A, at the beginning, and as soon as the committee amendments have been considered, whether they are accepted or rejected, to take up amendments other Senators may desire to offer. I think that would be the best course.

Mr. SIMMONS. I understand the Senator to suggest that we take up the bill for action on the committee amendments as to a schedule and when we have finished with that schedule then any other amendments that may be offered to it shall be considered before we proceed to the next schedule.

Mr. SMOOT. I know quite a number of Senators are not here to-day, and if we follow the course suggested we would pass over the chemical schedule and they would not be advised of it. Therefore, my suggestion is to take up the bill and read the bill and get all the committee amendments out of the way, beginning with Schedule A.

Mr. LODGE. It seems to me there are a good many amendments to the whole bill. I do not know, but there must be a couple of hundred.

Mr. BRISTOW. Five hundred.

Mr. LODGE. How many committee amendments are there to the bill?

Mr. SMOOT. Nearly 400.

Mr. SIMMONS. Between 400 and 500.

Mr. LODGE. The Senator referred to that as a few amendments.

Mr. SMOOT. I, of course, meant in comparison with the other amendments already offered and which will be hereafter offered.

Mr. SIMMONS. I understand that by unanimous consent we have agreed to dispense with the formal reading of the bill.

Mr. LODGE. That has been dispensed with.

Mr. GALLINGER. Twice.

Mr. SIMMONS. That has been done by unanimous consent.

Mr. LODGE. Now, I ask that it be read for amendment.

Mr. SIMMONS. The bill is to be read now for amendment, I understand.

Mr. LODGE. The only question is whether we will deal with all amendments to each item as it is read or only with committee amendments. My suggestion was that if we dealt with all amendments I thought we would make better progress.

Mr. SIMMONS. The better practice, it seems to me, would be to read the bill first for action on the committee amendments, and I ask unanimous consent that that course be pursued.

Mr. LODGE. I do not care to press the point at all. I am perfectly content with any arrangement the Senator makes.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the bill be read and that the amendments of the committee be considered as they are reached, but no other amendments.

Mr. BRISTOW. Mr. President, I do not want to press my own view especially, but it seems to me that the plan suggested by the Senator from Massachusetts would be very much more convenient. This is a very bulky bill and contains a very large number of items. As I remember, four years ago when we went through the last tariff bill we passed the paragraphs and the committee consented to a reconsideration of anything that was desired. The paragraphs as we went through the bill were tentatively adopted. It appears to me that by that course we would save time and I think avoid confusion. If it was a small bill and there were only three or four amendments or half a dozen, the case would be different, but where there are four or five hundred amendments to go through with the bill, and then go back and go over it again, it seems to me, would be almost interminable.

Mr. WARREN. Mr. President, regarding what the Senator from Kansas has said, I understand that the bill is open to amendment until its final passage. Am I right about that? I ask the Senator from North Carolina.

Mr. SIMMONS. I beg the Senator's pardon, I did not hear him.

Mr. WARREN. I understand that no matter how we proceed through the bill, whether we take the committee amendments first or take all those offered, the bill is practically open to amendment until the final closure of the bill.

Mr. SIMMONS. Undoubtedly. There is no purpose to foreclose any amendments. I have asked unanimous consent for that course because I thought it was probably the better practice. It is the practice that we have uniformly pursued with reference to the appropriation bills where there are a great many amendments, I think; and I am under the impression that that was the practice with reference to the Payne-Aldrich bill.

Mr. WARREN. I see no objection to it if the bill is open to amendment and no closure made until we finally finish the measure.

Mr. SIMMONS. Do I understand the Chair as having put the request for unanimous consent?

The VICE PRESIDENT. It has not yet been put.

Mr. CUMMINS. I understand the Senator from North Carolina has asked for a unanimous-consent agreement.

Mr. SIMMONS. Yes.

Mr. CUMMINS. And that is the matter now pending? Am I right?

The VICE PRESIDENT. It is.

Mr. CUMMINS. Then I rise to a parliamentary inquiry. I do not intend to object to the request proposed by the Senator from North Carolina, for I should like to see the committee amendments disposed of before we enter upon the general amendments, but suppose the committee has offered an amendment to a paragraph that I, for instance, desire to also amend, would the action of the Senate upon the committee's amendment preclude further action upon the amendment offered by myself, for instance, to the same paragraph?

The VICE PRESIDENT. The Chair understands that the request of the Senator from North Carolina is for unanimous consent to consider at the present time the amendments proposed by the Committee on Finance, with the distinct understanding that upon the bill as in Committee of the Whole and in the Senate all amendments may hereafter be proposed regardless of what the technical rules of the Senate may be with reference thereto. Is that correct?

Mr. SIMMONS. That is correct, Mr. President.

Mr. CUMMINS. With that understanding——

Mr. SIMMONS. Of course, an amendment by the committee will not preclude the Senator from offering another amendment to that paragraph unless it is the identical amendment that had been proposed by the committee and acted upon.

The VICE PRESIDENT. The Chair understands the inquiry of the Senator from Iowa [Mr. CUMMINS] to be substantially this: That, an amendment being proposed by the Committee on Finance, if the Senator from Iowa desires to move to amend in a different way, his proposition being an amendment to an amendment, whether the consideration by the Senate of the amendment proposed by the Committee on Finance would foreclose the Senator from Iowa from presenting his amendment to the amendment. The Chair does not want to be misunderstood, but the Chair understands that the motion of the Senator from North Carolina [Mr. SIMMONS] will not preclude the Senator from Iowa from thereafter proposing to amend an amendment.

Mr. CUMMINS. That is entirely satisfactory.

Mr. SIMMONS. I want to say distinctly that I do not mean to preclude or desire to foreclose the offering of any amendment that would be in order by virtue of the fact that we act upon the committee amendments in the first instance.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. I wanted to——

Mr. ASHURST. Will the Senator from Connecticut yield to me for a moment?

Mr. BRANDEGEE. Well, I have only just got the floor myself, and rose to a parliamentary inquiry, which is this: If there is an amendment proposed by the Finance Committee in the nature of a substitute for what the House has passed, and the Senate, as in Committee of the Whole, adopt the amendment proposed by the Senate Committee on Finance by striking out and inserting, then the paragraph having been perfected as in Committee of the Whole in that respect, Is it still open to further amendment? I do not know that there is anything in the suggestion, but there lies vaguely in my mind the recollection that in some cases in the past where the Senate has adopted an amendment to strike out and insert, it has been held that it could not be further amended as in Committee of the Whole, but that an amendment to further modify could only be offered when the bill had been reported to the Senate.

Mr. LODGE. It could not, of course, Mr. President, be amended under parliamentary law after that action had been taken, but we have frequently agreed in bills like this, notwithstanding the rule, that they should be open to amendment if any Senator subsequently chose to offer an amendment.

Mr. BRANDEGEE. That is the very point that I desire to have clearly understood. I wanted to understand it clearly myself, and I suppose it is of equal interest to other Senators. If the unanimous consent requested by the Senator from North Carolina [Mr. SIMMONS] means that after an amendment proposed by the Finance Committee has been adopted as in Committee of the Whole, then any Senator may rise and offer an individual amendment utterly inconsistent with the substitute adopted by the Finance Committee, I have no objection to such a unanimous consent.

Mr. SIMMONS. Mr. President, I did not hear the observation of the Senator from Massachusetts [Mr. LODGE] a few moments ago. My attention was distracted while the Senator from Massachusetts was making his statement.

Mr. LODGE. What I said, Mr. President, was that if, for instance, as in line 6 of this bill, we should strike out "two" and insert "one and a half," that, having stricken from the bill "two" and inserted "one and a half," under parliamentary law that is not open to further amendment.

Mr. GALLINGER. Except in the Senate.

Mr. LODGE. Except in the Senate. I mean not as in Committee of the Whole. If, however, we choose to make a unanimous-consent agreement, as we frequently have done, that that should be still open to amendment if any Senator should choose to call it up and return to it, we can do so. We have often made that kind of a unanimous-consent agreement.

Mr. CUMMINS. Mr. President, I understand that.

Mr. LODGE. But that does not touch the Senator's point, as I understand it.

Mr. CUMMINS. That is precisely the point and, therefore, I asked the understanding of the Chair with regard to the proposed unanimous-consent agreement. It does, as I understand, include and provide for the very thing now suggested by the Senator from Massachusetts.

Mr. LODGE. I think I misunderstood the Senator from Iowa, as possibly the Chair also did. I understood the Senator to ask as to the amendment which I have used for an illustration. It being an amendment of the committee, it was open to any Senator to move to amend such an amendment of the committee. Of course, he could do that.

Mr. CUMMINS. That is perfectly plain in parliamentary law.

The VICE PRESIDENT. That is what the Chair ruled.

Mr. CUMMINS. What I asked was, Suppose the amendment of the committee is adopted, as in Committee of the Whole, and there being another amendment offered to the amendment.

whether we were then precluded from again offering an amendment to that amendment?

Mr. LODGE. Under parliamentary practice we undoubtedly would be. We can, however, make an agreement to go back, if we choose.

Mr. CUMMINS. I think the Chair has stated that the proposed unanimous-consent agreement does include the privilege of going back and offering an amendment for adoption precisely as though it were offered at the time the amendment was before the Senate as in Committee of the Whole.

Mr. SIMMONS. Mr. President, I do not wish this matter to get into any complication, and if it is likely to lead to that, I should prefer that we merely take up the bill and proceed with it, without any agreement, under the rules of the Senate.

Mr. LODGE. If that is the case, then any amendment is in order.

Mr. CLARKE of Arkansas. Mr. President, I think the practice which obtained in the consideration of the Payne-Aldrich bill was an excellent one. It expedited the proceedings here quite as rapidly as a proper understanding of what was being done warranted. That practice was that whenever we reached a paragraph to which there was no objection; that is to say, to which there was no amendment to be made, it was adopted with the right to go back to it in the event that any Senator should thereafter desire to offer an amendment to it. When a committee amendment was reached, if it was one that presented a proposition that was sharply antagonized and also strongly supported, which was likely to lead to debate, and the Senate was not at that time prepared to proceed on that, the matter was passed over with the right to go back to it. In that way we got probably three-fourths of the bill out of the way, leaving only the controverted parts of it. I believe that that represented the parliamentary experience on that subject up to that time, and I see no reason why we should not pursue that course now.

Mr. LODGE. That was the proposition I made, and I think it is a sound one. In that case we do not need to have a unanimous-consent agreement that committee amendments shall first be considered.

Mr. CLARKE of Arkansas. The only feature of it that would involve consent would be the right to go back to a paragraph after it had been adopted.

Mr. LODGE. That is all.

Mr. SIMMONS. Mr. President, I have no sort of objection to agreeing that amendments may at all times be in order after action on committee amendments, but I would not desire to be a party to a unanimous-consent agreement which, in its effect, would make in order an amendment which otherwise would be contrary to the rules of the Senate. Furthermore, I think possibly we might have considerable controversy as to what we had agreed to, and, in that view, I withdraw my request and ask that we proceed under the rules of the Senate.

Mr. THORNTON. Mr. President, I was under the impression that general debate on the tariff bill would be concluded before we took up the bill for the consideration of amendments. I was also under the impression that the general debate would last throughout this week. I had expected to join in it myself, and I should like to ask now whether the general debate is concluded?

Mr. SIMMONS. Mr. President, I inquired before the Senator came into the Chamber whether there was any Senator who desired to address himself to the bill, and I was advised that there was no Senator who was ready to go on to-day. In that condition, I proposed to take up the bill and proceed with its consideration. Whenever a Senator is ready to address himself to the general phases of the bill, of course we will temporarily lay it aside for that purpose.

Mr. GALLINGER. It need not be laid aside at all. A Senator can address himself to the bill at any time.

Mr. SIMMONS. It need not be laid aside, but the consideration of amendments can be suspended.

Mr. THORNTON. Then I should like to ask the chairman of the Finance Committee whether he expects any amendment to be voted on to-day?

Mr. SIMMONS. Yes.

Mr. GALLINGER. If I can have attention for a moment, I simply desire to say to the Senator from Louisiana——

The VICE PRESIDENT. The Chair desires to make an inquiry as to whether the Senator from North Carolina has not moved to take up the bill for consideration and have it read for amendment?

Mr. SMITH of Georgia. That motion has been adopted.

Mr. SIMMONS. I made the motion, and it was put by the Chair, as I understood, and adopted.

Mr. SMOOT. It was not adopted.

Mr. GALLINGER. It will be, however.

Mr. SMOOT. There was an agreement practically reached regarding it. I have no objection to taking up the bill.

Mr. SMITH of Arizona. The vote on taking up the bill was put and adopted.

Mr. GALLINGER. Mr. President, I want to address myself to the Senator from Louisiana and to say that at any point in the consideration of the bill, whether it is upon an amendment or otherwise, any Senator will have the opportunity to address himself to the Senate at such time and length as may be convenient to him, so that there will be no difficulty in the Senator making a speech at any time during the consideration of the bill.

Mr. THORNTON. I am much obliged to the Senator from New Hampshire for the information. I also made inquiry whether any amendment would be likely to be voted on to-day, because I have not yet even begun the preparation of my address, which I want to deliver by the end of this week or by Monday next, if possible. That is why I asked if any amendment would be likely to be voted on. If so, I will have to be here, and that would cut me out of any time to prepare myself.

Mr. BRANDEGEE. I ask for order. We can not hear at all on this side of the Chamber.

The VICE PRESIDENT. It has even reached such a condition of disorder in the Senate that the reporters say they can not hear.

TELEGRAPH FRANKING PRIVILEGE—PERSONAL EXPLANATION.

Mr. ASHURST. Mr. President, I ask the recognition of the Chair and the indulgence of the Senate for a time in order that I may amplify or explain a statement made by myself in reply to the Senator from Kansas [Mr. BRISTOW] in debate upon the floor of the Senate upon the 18th of this month.

First, I wish the Senator from Kansas to understand that I do not cherish toward him the slightest resentment for the statement he made upon the floor of the Senate, because what I had read to the Senate tended to anger him; it tended to cause him to suffer chagrin and immensely vexed him. I can not reasonably hold him to account for what he said in a moment of anger, because in my younger days, if I were called to account for what I had said and done in a moment of anger or vexation I doubt if I would have ever reached the Senate. But the statement the Senator made is to my mind one that I may not with justice to the Senate, with justice to the State I in part represent, and with justice to myself pass over in silence.

I respect the views of other men who, when unfounded insinuations are made against them, do not see fit to reply. That is probably a wise plan, but it occurs to me that a charge made upon the floor of the Senate of the United States, even though made in anger and in heat—I have no doubt much regretted by the Senator at this time—may not be passed over in silence. Certainly the great State of Arizona which I have the honor in part to represent will not sustain a Senator, will not sustain any public official, who uses any privilege or who uses any right granted to him by the laws of his country to line his pockets.

The State of Arizona preeminently among other States is a State which demands the very highest type of faithfulness and civic virtue from her officials. Whether I shall live up to that high standard completely will never be disclosed until the final chapter is written and I shall have left these seats forever.

Mr. President, the Senator from Kansas said, among other things, that I had conducted through the telegraph personal, political correspondence that ought to have been sent by mail. To that charge, with the lights before me, so far as I understand the rules and understand the precedents, I enter a most emphatic denial. That I have ever improperly used the mails, that I have ever improperly used the telegraph or aught else to conduct any private business, I most vehemently deny. I deny especially that at any time I have ever willfully done so.

Some days after I took my seat in this Chamber, over a year ago, the then Sergeant at Arms, now gone "to where beyond these voices there is peace," delivered to me a card, sometimes called a telegraph frank. He said, "You are entitled to use this." I regret that I must quote a man who is not now in existence, who has passed away; but I believe that the Senator sitting by my side, the Senator from Arkansas [Mr. CLARKE], in regard to the Sloan case, told me that that case was public business, and that I had a right to send telegrams in respect thereto.

I took this so-called frank, and believed that I was the judge as to what was public business. If a Senator may not be trusted to judge as to what is public business and what is private business, he would be unfit to deal with matters which affect the destinies of 96,000,000 people. Every Senator must

himself be the judge of what is public business. So I assert here that I have never willfully misused the franking privilege; and to prove my point and show to the Senate and the Nation the kind or class of business concerning which I have sent out telegrams, I ask unanimous consent that some of the telegrams may be read at the desk. I ask, first, that some copies of the telegrams sent out by me, as I have heretofore said, to 50 or 55 newspapers in my State be read.

The VICE PRESIDENT. Is there objection to the reading of the paper? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

WASHINGTON, D. C., *April 3, 1913.*

I am anxious to see advisory election held in Arizona at earliest practicable date in order that the people may have an opportunity to express their choice for Federal judge. The constitutional amendment allowing the people directly to choose their Senators will soon be ratified by the required number of States and surely the people have the same right to make an expression as to their choice for Federal judge, especially in view of the fact that the Federal judge holds his position, for all practical purposes, for life. Will you kindly, through the medium of your valuable paper, urge that proper petitions be prepared, signed, and filed calling for an advisory election to the end that the two Senators from Arizona may present to the President of the United States the name of the gentleman who will be the people's choice? Kindly publish this telegram and any cooperation and assistance you can give in bringing about the advisory election in order that the people may have an opportunity to vote in this matter will earnestly be appreciated by me. I wish advisory election might be held to ascertain the people's choice on all Federal appointments in Arizona.

HENRY F. ASHURST,
United States Senator.

—

[Telegram.]

I am anxious to see an advisory election held in Arizona at the earliest practicable date in order that the people may have an opportunity to express their choice for Federal judge. The constitutional amendment allowing the people directly to choose their Senators will soon be ratified by the required number of States, and surely the people have the same right to make an expression as to their choice for Federal judge, especially in view of the fact that the Federal judge holds his position, for all practical purposes, for life. Inasmuch as a vast majority of the harsh, unreasonable, and unjust decisions against organized labor have been rendered by the Federal courts, and particularly in view of the fact that the power of the issuance of injunctions and other extraordinary writs has been greatly abused by some Federal judges, will you kindly urge that proper petitions be prepared, signed, and filed, calling for the advisory election of Federal judges in Arizona, to the end that the two Senators from Arizona may present to the President of the United States the name of the gentleman who will be the people's choice? Any cooperation or assistance you can give in bringing about the advisory election in order that the people may have an opportunity to vote in this matter will earnestly be appreciated by me. I wish an advisory election might be held to ascertain the people's choice on all Federal appointments in Arizona. I have requested the press of Arizona to assist in securing the advisory election.

HENRY F. ASHURST.

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[Copy of telegram to editor of Arizona Gazette.]

WASHINGTON, D. C., *April 9, 1913.*

Mr. CHARLES H. AKERS,
The Gazette, Phoenix, Ariz.:

Your telegram received. Of course I do not know whether the appointment of a Federal judge will be withheld by the President until we can have the advisory election, for I do not pretend to speak for him, but I have already vehemently urged Secretary of State Bryan and Attorney General McReynolds to request the President to make no appointment of Federal judge until the people's choice has been ascertained by the advisory vote, and I will continue to urge that the appointment of a Federal judge for Arizona be withheld till the people have had an opportunity to express their choice.

HENRY F. ASHURST,
United States Senator.

Mr. ASHURST. Mr. President, it certainly should be obvious to all persons who indulge in the luxury of thinking, that if I were going to violate the franking privilege of the Senate I would not send a telegram to 45 or 50 newspapers and urge them to print it. When men do something improper they do not seek the full glare of publicity and urge the newspapers to publish their improper acts.

I say, therefore, as to telegrams of that kind I sent a large number. If they cost $100,000, and by virtue of such telegrams we could secure a law or a movement in the United States which would bring about a law or constitutional amendment whereby the President of the United States would appoint as Federal judges the men whom the people wished, $100,000 would be a meager expenditure and a small cost, indeed.

The above telegrams are samples only of a great number of telegrams of the same tenor, purport, and effect sent out by me. I do not wish the Senate to understand or believe that these are the only telegrams I have sent relating to the question of Federal judge. There are many more, but I shall not encumber the RECORD by inserting them all. I shall, however, ask unanimous consent that there may be read at the desk the following telegraphic dispatch from a leading daily newspaper published in the city of Tucson, Ariz., and my reply thereto.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

TUCSON, ARIZ., *April 5, 1913.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

The Citizen acknowledges receipt of your telegram favoring advisory vote for Federal judge and other Federal offices and congratulates you on your stand for people's rule. Story is being widely circulated here, however, that you are not sincere in your position and have already recommended and are still supporting appointment which will be made without waiting verdict of people. The Citizen is condemning these stories as injustice to you and advising public to wait until report is confirmed by an appointment before reaching any conclusion. A telegram from you that President Wilson will give people opportunity to circulate petitions in accordance with your suggestion and await outcome of advisory election before making appointment, will be complete answer to charge that you are not sincere in advocacy of same popular procedure for election of Federal judge by which you were elected Senator. People of Arizona would also like to know whether you have withdrawn all recommendations for Federal office. Will wait their verdict and recommend in accordance therewith; in other words, what is the use of an election if you have all appointments framed up as reported? Most respectfully,

TUCSON CITIZEN.

[Telegram.]

APRIL 7, 1913.

TUCSON CITIZEN,
Tucson, Ariz.:

Further answering your telegram of 5th instant and referring to portion in which you say that popular satisfaction would follow a telegram from me that President Wilson will await outcome of advisory election for Federal judge, I can not pretend to speak for the President, but should the President make any appointment I will deem it my duty to ask the Senate to withhold confirmation until after the people shall have expressed their choice at the advisory election, even though the President's appointment should be in accord with my previous recommendation.

HENRY F. ASHURST,
United States Senator.

Mr. ASHURST. Mr. President, I now ask that there may be read at the desk copy of a telegram transmitted by me to the Attorney General of the United States, in which I requested him to suggest to the President that no nomination for Federal judge in Arizona be made until the advisory election should have been held, or it should have been ascertained that it was not to be held, and my reply thereto.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

APRIL 7, 1913.

Hon. J. C. MCREYNOLDS,
Attorney General:

I have received dispatches from Arizona indicating that beyond doubt advisory election will be held for the purpose of ascertaining people's choice for Federal judge. Will you please see to it that no nomination is sent to Senate until people's verdict in Arizona may be recorded?

HENRY F. ASHURST,
United States Senator.

Mr. ASHURST. I now ask the further indulgence of the Senate that I may include in the RECORD, and that there may be read at the desk, two more telegrams on this subject in their sequential order. These will be all the telegrams I shall ask to include in the RECORD on the subject of the Federal judge. I will then pass to other subjects.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

[Telegram.]

PHOENIX, ARIZ., *April 5, 1913.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Have filed petitions with 888 names from Maricopa County in re Federal judge advisory election. Other petitions from this and other counties to hear from. Election will no doubt be held very soon. Please advise Secretary of State and Attorney General of these facts.

FRED. A. LARSON,
Secretary of Committee.

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[Telegram.]

APRIL 6, 1913.

Mr. FRED. A. LARSON,
Secretary of Committee, Primary Nominations, Phoenix, Ariz.:

Your telegram received, and I note with pleasure that advisory election for Federal judge is going to be held. Before receiving your telegram I had already requested Attorney General and Secretary of State to urge the President to withhold sending any nomination for Arizona Federal judge to the Senate until people's verdict in Arizona could be obtained by advisory vote.

HENRY F. ASHURST,
United States Senator.

Mr. ASHURST. Mr. President, no man can afford to be uncandid—I was going to say in the Senate of the United States, but I shall not qualify the statement, for no man can afford to be uncandid anywhere; the highest kind of candor should prevail in the Senate of the United States. I say now that

the Sergeant at Arms of the Senate, or any other person, may go to my office at any time of the day or night and take all of my correspondence and all of my telegrams and print them in the RECORD, and I shall not be ashamed of the contents of any of them. I assert here that every letter, every telegram, ever sent by me at public expense had solely in view the good of this country and was public business.

I shall not say that I feel humiliated because some unfriendly critics have misconstrued my acts. I do not feel humiliated, for I have done no wrong, and any charge that I have willfully done wrong is wholly and foully false.

The hardest words in the English language for me to pronounce are the words "I am wrong"; but when the time comes for me, as it sometimes does, to pronounce those words, I manfully do it. I did it in the conference of the Democrats. I urged a particular amendment upon a bill, as you remember, sir, and voted that way. The next day I learned I was in error, and so stated.

If I were convinced that these telegrams were private business, I should be the first to confess the error.

A Senator friend suggested that I ought not to offer to repay the amount of any telegrams that the honorable committee might find to be private business; but I do not agree with that view, as it is not in accord with my philosophy of life, and here and now say to the honorable committee, "Scrutinize my telegrams. Resolve every doubt against me; and if you find, in your judgment, that they are private business, after you shall have measured every other Senator by the same rule, I will cheerfully and manfully pay the amount involved."

Indeed, the money has not been paid out as yet. The telegraph company has presented its bill for the months of January, February, March, April, May, and June, 1913.

A Senator has sent telegrams in a cipher code. These telegrams have been held to be public business by the committee. Who can ascertain what is public business and what is not when a Senator sends his telegrams in cipher? If a Senator may send a telegram in a cipher code, the committee is forced to construe the rule or contract on the subject to mean that every Senator is his own judge of what relates to public business. The committee must adopt that construction, or how could they conclude a telegram in cipher was or was not public business?

I use no cipher. I use no secret code. I will, if the committee wishes, or if one Senator wishes, include in the RECORD all telegrams sent by me since I took my seat in the Senate; and, as Horace Greeley once said, some of them will make "mighty interesting reading."

I may some day leave the public service. I hope, however, for a long, useful career in the Senate; but when I leave public office it will not be because I have willfully misused the franking privilege, or the telegraph privilege, or any other privilege. When I leave the public service it will be because a majority of my constituents take the view that some other man will be more nearly in accord with their views than I.

In the State of Arizona, where I have held office since I attained the age of 18, no sane, no sensible person in any party questions my integrity. They question my judgment, I fear, sometimes rightfully; they question my ability, sometimes properly, I have no doubt; but no sane man in the State questions my integrity. I have been through a fiery furnace of partisan proscription, seven times heated.

At the age of 18 I was appointed a deputy sheriff, and served with such capacity as I possessed. Immediately upon reaching maturity I was appointed to the office of justice of the peace, in a town where at that time to preserve the peace and order required no small degree of resolution, determination, and coolness. The same year I was nominated and elected to the office of representative in the Territorial legislature. I was reelected two years later, and was chosen speaker of the house. Later I was elected to the Territorial senate, or council, and twice elected district attorney of my county, and in my contest for a seat in the United States Senate I was opposed both in the primary and the election by extremely able, bold, and resourceful men.

So I repeat that I have for a long time, in Arizona, been in that fierce light that beats upon officials.

I have no complaint to make against the newspapers of the country, no matter what their construction of these telegrams should be; indeed, I believe that one of the most potent factors for good in this country is the newspapers. We are all glad to see ourselves praised in them, and are all displeased when we see criticisms. But the man in public life must expect criticism. So far as the papers are concerned, no man in public life feels more grateful to the papers than I do, because, as I said here once before, the only injustice they have ever done me was to overpraise me.

I now come to another line of telegrams. It may occur to you, Mr. President, and to some Senators, that I have been very active with the telegraph. That is true. I doubt whether a single Senator on the floor here, or any Senator that ever served here, has been more active with the telegraph during the same period of time than have I. I have nothing to conceal in that respect. It so happens that people, not only from Arizona but from all parts of the United States, from Alaska and from Europe, have written and telegraphed me on important matters, which I thought it my duty to look after.

I well remember when a citizen of Arizona was in Algiers and cabled me to procure for him some assistance from the then Secretary of State. I procured that assistance and induced the Secretary of State to cable him. Substantial service came to the people of this country, for by reason of such activity we were able to import a certain kind of fruit or date that will flourish in Arizona.

There were several telegrams sent and received by myself, possibly a score of long telegrams sent on my part, in an attempt to save a human life. Am I to be criticized as having improperly used the franking privilege because I sent telegrams in an effort to save a human life? Whatever the judgment of the Senate may be on this point I shall respect it; but I shall believe it is in error when it says, if it does, that I am not to telegraph at public expense when human life is at stake.

There was a man, a citizen of the United States, immured in a dungeon in the City of Mexico. This man was unlawfully imprisoned. All civilized Governments must recognize that the man never should have been imprisoned. He was the author, John Kenneth Turner. I received dispatches from Richard Harding Davis; I received dispatches from Fred D. Warren, and from other eminent men, imploring me to intercede with the then Secretary of State and induce the Secretary to take some action which might cause the modus vivendi, or provisional government, in Mexico not to execute that man. I did so. I caused the Secretary of State to telegraph to Ambassador Wilson. I presume $25 or $30 of the public funds were expended in attempting to save that man's life. I am very proud of the part I played in that matter. I should surely do so again under like circumstances. All energies of our Government should be exercised in protecting our citizens who are improperly used or maltreated while in foreign countries. If I had my way about it, every foreign power that maltreats an American citizen would pay the damages.

I ask, therefore, that I may have read at the desk copy of a telegram received by me from Mr. Warren, also copy of a telegram sent by me in response thereto, with respect to this man John Kenneth Turner, who was held in duraince vile in Mexico. I ask that they may be read at the desk.

The Secretary read as follows:

[Telegrams.]

GIRARD, *February 21, 1913.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Newspaper dispatches report John Kenneth Turner prisoner in the hands of Diaz; likely to be shot, charged with being a Maderist. I received letter from Turner January 28, in which he says: "I had a long interview with Madero. He greeted me with 'You are a very famous man,' gave me a sweeping letter to civil and military authorities ordering them to give me any information asked for. I assure you it will not buy him anything when I come to write my articles." This letter ought to clear Turner of any partisanship with Madero. I am sending it to you and urge that you use every effort in your power to prevent his assassination by Diaz, which would be a crime against civilization and an outrage upon justice.

FRED D. WARREN.

To this telegram I replied as follows:

WASHINGTON, D. C., *February 21, 1913.*

FRED D. WARREN, *Girard, Kans.:*

Your wire respecting Mr. Turner received. I shall take the matter in hand with State Department and leave nothing undone to prevent the execution of Mr. Turner.

HENRY F. ASHURST,
United States Senator.

WASHINGTON, D. C., *February 21, 1913.*

FRED D. WARREN, *Girard, Kans.:*

I have sent message to Secretary of State Knox as follows: "I have just received long telegram from Fred D. Warren, of Girard, Kans., stating that he has advices which cause him to believe that John Kenneth Turner, a citizen of the United States, probably will be executed in the City of Mexico by the provisional government under Huerta upon the alleged charge of being a partisan of Madero. There exists an abundance of documentary evidence which will show conclusively that Mr. Turner is in no sense an offensive partisan of Madero. From information which I have received from this and other sources I am of the opinion that the execution of Mr. Turner would be a mere butchery, which our Government should prevent at all hazards if possible. I

earnestly implore you to see to it that this citizen of the United States is accorded such protection as our Government is able to give. I pray that his life may be spared." I will call at the department later in regard to this.

HENRY F. ASHURST,
United States Senator.

WASHINGTON, D. C., *February 24, 1913.*

FRED D. WARREN, *Girard, Kans.:*

Huntington Wilson, Acting Secretary of State, advises that he has sent urgent instructions to embassy at Mexico asking that nothing be done toward harming Mr. Turner until this Government can fully inform itself regarding Mr. Turner. I have private information to the effect that Mr. Turner was released on 21st.

HENRY F. ASHURST,
United States Senator.

Mr. ASHURST. Without reading it, I ask that I may include in the RECORD an article from the New York Times of February 25, 1913, which sets out the activity of Mr. Richard Harding Davis and myself in procuring the release of Mr. Turner. I ask it that I may show to the country and the Senate that this paper recognized my activity was of some service in saving that man's life. Moreover, it contains a telegram from Mr. Richard Harding Davis to the then Secretary of State. I ask that it be inserted without reading.

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

[From the New York Times, Feb. 25, 1913.]

TURNER REPORTED FREE—RICHARD HARDING DAVIS WRITES STRONG APPEAL FOR BROTHER AUTHOR.

WASHINGTON, *February 24.*

Information was received at the State Department to-day from Arnold Shanklin, the United States consul general in Mexico City, that he had been assured by officers of the Huerta administration that John Kenneth Turner, the American who wrote Barbarous Mexico, had been released from the custody of the Government authorities. Mr. Turner was arrested in the City of Mexico during the fighting that followed the overturn of the Madero Government, and there were fears for his safety on the part of his friends in this country.

Consul General Shanklin's telegram was in response to instructions from Secretary Knox to Ambassador Wilson, in which Mr. Knox said that Mr. Turner was an American citizen whose personal safety must be respected, and that unless he had committed an offense against the laws of Mexico any harm done to him would be regarded by the United States as an act calling for decisive action by this Government. It was pointed out by Mr. Knox that the presence of Mr. Turner in the citadel while an insurrectionary force was striving to overturn the legally constituted Government of the Republic, however indiscreet or offensive it might have been, was not an act that under the law of nations would justify the punishment of the American writer.

The action taken by Mr. Knox was at the instance mainly of Senator HENRY F. ASHURST, of Arizona. Senator ASHURST wrote to the Secretary of State last Saturday in Turner's behalf. To-day Mr. Knox received the following appeal from Richard Harding Davis, of New York:

MOUNT KISCO, N. Y., *February 23, 1913.*

To Hon. PHILANDER KNOX,
State Department, Washington, D. C.

DEAR SIR: Some years ago, to please a Mexican President, our Government placed in jail for one year the New York artist, Fornaro. His offense was that he told the truth about Mexico. This sacrifice to Diaz was an act of injustice not only to Fornaro but to every newspaper correspondent whose work takes him to Mexico City. At present in that city in jail is John Kenneth Turner, an American newspaper correspondent. His crime is that in a book called Barbarous Mexico he, like Fornaro, also wrote the truth about that unclean and uncivilized country. It is extremely likely that at any hour he may be murdered. A word from you spoken to-night might save him. In a week you will be out of office, but should you to-night not speak that word Turner may be dead.

Should he die newspaper men will not forget him or you. I am

Yours, etc.,

RICHARD HARDING DAVIS.

Consul General Shanklin said in his message telling of Mr. Turner's release that he had been assured by the Huerta Government that no harm had been intended to Mr. Turner.

While Mr. Shanklin said that he was informed that Mr. Turner had received his liberty, the State Department was not notified that the consul general was certain that the writer had actually been set free.

It is apparent that the officials are a little doubtful that the assurance given to Mr. Shanklin has been made good.

Mr. ASHURST. Now, Mr. President, I ask the Senate, Are these telegrams I have caused to be read private business?

Mr. OWEN. They are not.

Mr. ASHURST. They are not. Certainly not. If they are not private business they are public business. They can not be quasi public or quasi private. They are either private business or public business. I firmly believe them to be public business. These are not all the telegrams; there are hundreds, possibly. I repeat, if the honorable committee says that these telegrams and others of like import are private business I shall experience no humiliation in paying from my pocket the amount of the tolls, although, as I said on the floor of the Senate the other morning, I have no private business. I have no income whatever except my salary as a Senator. When I was elected to the Senate I had some few law cases pending before the courts in Arizona, the fees for which I had already been paid. After the close of the Sixty-second Congress I went home and even neglected the campaign that I might try those cases for which I had been paid before I became a Senator. I announced through the public press when elected to this body that I did not believe, so far as I was concerned, it would be proper for me to practice law while I was in the Senate; although I might have supplemented my salary as Senator with a large amount of money as fees in law cases, I did not choose to do so.

Moreover, Mr. President, when I reached the Senate I incurred some little raillery upon myself. I communicated with other Senators upon personal matters, and sent them my card in stamped envelopes, whereas such matters are transmitted without postage; but I used postage stamps in order to be clearly within the rule.

I desire further to say that I procured and paid for a very large number of stamped envelopes, and that upon all mail matters that seemed to be of a private nature I have used the stamped envelope instead of the franked envelope. I do not like to refer to such matters, for it appears indelicate, and in doing so I may seem to attribute to myself virtues above other Senators, but I must assert that no Senator here now or who ever served in this Chamber could have been or has been more scrupulously careful not to make an error than have I.

I pass to another subject. Arizona was a new State when I came here. It is far away from the National Capital. The advent of a new State always brings a Johnstown flood of public business upon the officials from such State. When I came here from a new State I was overwhelmed with letters and telegrams of a personal and private and public nature with respect to matters before all the departments. I was obliged to use, and I did use, the method of communicating by telegraph very freely upon all matters I believed to be public business.

When the messenger started to the National Capital with the electoral vote of the State of Arizona last February he had not been properly advised as to the date he should reach the Capitol, and about the last legal day prescribed for his arrival the press of the country took up the question of the messenger's nonarrival, explained that the last hour was about to expire and that the messenger in the event he willfully loitered would be guilty of a violation of the law, and the vote of that sovereign State would not be counted in the canvass of the electoral vote. Thereupon I caused a number of telegrams to be sent to all parts of the United States where I thought the messenger might be, and to my mind it was public business of the very highest order and privilege.

Mr. President, on a recent occasion I was obliged to use the telegraph because there was a postmaster in a town in Arizona who either willfully or carelessly caused my mail to be opened. I wired to the gentleman with whom I was communicating that until that postmaster was removed I would communicate no longer with him by the mail, and the Postmaster General has asked for that postmaster's resignation.

It is for the Senate and the country now to say whether I have misused any privilege. I fear that my friend from Kansas in making this charge that I had misused a privilege looked to the bulk of the telegrams, looked to their verbosity, looked possibly to their circumlocution in some cases, but did not look closely to the question as to whether they were public or private business. I think he drew his conclusion because of the enormous volume of the telegrams rather than because of their character. That my telegrams, and speeches also for that matter, are not models of conciseness I admit, but that these telegrams are private business I deny, and I shall commend to the Senator from Kansas the following couplet:

Of all the things by which mankind is curst
Our violent tempers are certainly the worst.

[Laughter.]

We have in the State of Arizona two irrigation projects—the great Roosevelt project, which cost $10,000,000, and the Yuma, or Laguna, project, which has cost $5,000,000. A volume of public business grew out of that, especially when the Secretary of the Interior called for a conference of delegates. Some telegrams were sent by me on that subject.

In addition to that, Mr. President, there are more office seekers in Arizona per capita than in any other State in the Union, and they have the right to apply for office. I have regarded all applications for public office as public business and not private business. If telegrams upon such subjects may not be sent as official business, then letters upon such subjects may not be sent as official business. I have treated all communications as to confirmations, nominations, and probable nominations as public business. Certainly such business is not private. Senators will bear in mind that the telegrams referred to are the accumulations of the months of January, February, March, April, May, and June, 1913. I have not examined the telegrams that are on file in the office of the Committee to Audit and Control the Contingent Expenses of the Senate and have not had time to

go through the enormously voluminous files of my office to obtain copies of all thereof, and it is, of course, possible that one or two, or even three, purely private messages might have, through some accident or inadvertence, crept into the account, but with the scrupulous care I have used in such matters I shall be inclined to doubt it.

I felt it was my duty to make this statement. The Senate and the country have a right to know the facts and have a right to know what kind of business that was dispatched.

Believing profoundly that I have violated no propriety, no privilege, I shall go forward serenely in the performance of my public duty. In conclusion I may be pardoned if I say that when the time comes for me to retire from the Senate, as come it will some day, I believe my friends will be able to point to a long line of useful things done by me in behalf of the people of my State and in behalf of the people of this Nation. And they will be able, I confidently believe, proudly to point to the fact that I never willfully or deliberately violated a rule or a privilege, and have always striven to promote the physical and moral good of the American people and to defend the cause of virtue and good citizenship, and have resolutely contested for honesty in government and for equal opportunity before the law.

I thank the Senate for its attention.

Mr. CRAWFORD. Mr. President, just one word. I shall not detain the Senate at all. I simply want to correct what I think might create a misunderstanding throughout the country with reference to the use of the word "frank." I think the word "frank" used in connection with sending telegrams may create the belief that Members are receiving and using complimentary franks as matters of personal favor from the telegraph company. I am quite sure that such is not the case; at any rate it is not the general rule. As I understand these little cards they represent nothing more nor less than evidences of a contract between the Government and the telegraph company that the messages sent by Members shall be paid for, if it is public business, by the Government at the Government rates, and it is a pure business transaction in behalf of the Government, for which the Government pays, and is not at all in the nature of a complimentary frank received by Members.

It would be unjust and unfair to Members, in view of the criticism which generally prevails against their accepting courtesies of that kind from public-service corporations, to have the impression go out that Members are receiving complimentary franks from the telegraph company. I simply desire to correct such a misapprehension.

Mr. JAMES. Not only is not the frank used by a Member of Congress but it is a violation of the Federal statute to use a frank.

Mr. CRAWFORD. It would be a violation of the statute as well.

Mr. SIMMONS. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Chair understands that the Senate agreed unanimously to take up, for the purpose of considering the Finance Committee amendments and possibly other amendments, what is known as the tariff bill.

Mr. BRISTOW. Mr. President, I feel that I should state, in view of what the Senator from Arizona [Mr. ASHURST] has said, that, so far as I am concerned, I shall apply the same rule to any conduct of his that I would apply to every other Senator. I should not apply a different rule to him from what I would apply to any other Senator in passing upon any act of the Senator's. If the Senator from Arizona thinks that the telegrams which he has read into the RECORD are public business and should be paid for out of the Treasury of the United States, his conception of the public business is very different indeed from mine.

Mr. OWEN. Mr. President——

Mr. SIMMONS. Now, Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. SIMMONS. However, I yield to the Senator from Oklahoma [Mr. OWEN] for a moment.

Mr. OWEN. I merely want to put in the RECORD the statement that the public business of this country is so widely interpreted that Senators upon this floor constantly rise and have printed at public expense documents upon every kind of topic, from the control of insect life affecting vegetation up to the question of international peace. I think the criticism upon the Senator from Arizona has been harsh, and I think he has triumphantly vindicated himself in making his answer. I want that to appear in the RECORD.

Mr. WILLIAMS. Mr. President, I wish to correct one error that seems to be in the minds of Senators. This contract does not say "public business"; it says "official business." So the distinction between private and public business is not the one to be made; it is the distinction between official and unofficial business, whether the unofficial business be public or private. In other words, it is the business transacted by a Senator in pursuance of his duties as a Senator. I merely want that understanding to be in the minds of all.

The VICE PRESIDENT. The unfinished business will be proceeded with.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. BRISTOW. In regard to the understanding as to proceeding with the bill, I want to inquire if it is the intention of the chairman of the committee to follow the practice that was followed four years ago, to have it understood that the adoption of a paragraph is tentative, and that a Senator may return and offer an amendment to a paragraph and he will not object?

Mr. SIMMONS. Mr. President, I have understood that to be the practice.

Mr. BRISTOW. That was the practice; and I simply wanted a clear understanding of the matter.

The Secretary proceeded to read the bill, which had been reported from the Committee on Finance with amendments.

The first amendment of the Committee on Finance was, on page 2, line 5, before the word "cents," to strike out "four" and to insert "seven," so as to read:

Gallic acid, 7 cents per pound.

The amendment was agreed to.

The next amendment was, on page 2, line 6, before the word "cents," to strike out "two" and insert "one and one-half," so as to read:

Oxalic acid, 1½ cents per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I hope that the Senate will not agree to that amendment. I want to call the attention of the Senate merely in a few words to the reason why oxalic acid has been made in this country.

The first factory was erected in 1903. Until that time every pound of oxalic acid that was used in this country came from Germany and England, and the consumer in this country paid whatever price the foreign syndicate demanded. Mr. Emery, a gentleman living in Pennsylvania, thought, from the price that the syndicate were asking at that time, that oxalic acid could be made in this country, and started to build a factory. No change in the price of oxalic acid occurred until the first product from an American factory was placed upon the market. Immediately after it was placed upon the market the price was reduced, and reduced not once but reduced two or three times, until the factory was compelled to close. As soon as the factory closed the syndicate immediately again advanced the price. After the owners of the factory had learned that the price had been increased to the old original price which had been asked, they again started the mill and again manufactured oxalic acid. Immediately the foreign manufacturers again reduced the price, and thus forced the closing of the mill.

When we passed the tariff bill of 1909 we gave them a rate of duty of 2 cents, which has kept the mill in operation. I believe, Mr. President, that if this rate of 2 cents is reduced to even 1½ cents, with that one-half cent reduction and the reduction that will be made by the foreign syndicate, it will result in closing the only two mills that we have in the United States.

Mr. NELSON. Will the Senator yield to a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. NELSON. I should be glad to have the Senator from Utah inform me for what this acid is used?

Mr. SMOOT. It is used for dyeing purposes, as a mordant. Let us look at the importation of this article and at what is produced in this country. The importations for the year 1912 were 7,077,462 pounds. The equivalent ad valorem rate of the 2 cents was 40.28 per cent. The ad valorem rate as provided by the House is 30.21 per cent.

Mr. President, I feel that the product of that one industry in this country has demonstrated as much as any other article imported into the United States the necessity for just sufficient protection to keep it running as against the manufacturers in England and in Germany, who control this article by a syndicate; and I hope and trust that the figures I have quoted and the facts I have stated will induce the Senate of the United States not to accept the amendment, and save that industry to this country.

Mr. JOHNSON of Maine. Mr. President, the reasons why the committee changed the House rate, making a slight reduction, from 2 cents a pound to 1½ cents a pound, were these: By this bill leather has been placed upon the free list as well as manufactures of leather. Oxalic acid is used in tanning; it is also largely used in the textile industries and in laundries. The committee felt that the slight reduction from 2 cents a pound to 1½ cents a pound would be met by the industries established here, and that it was due to the industries which find their products placed upon the free list that wherever we could, we should make a reduction of duties upon the articles which they used. Those are the reasons which influenced the committee in recommending this slight reduction.

Mr. SMOOT. Mr. President, I have no objection to the statement which the Senator from Maine has made. What he says is absolutely true; but I want to call his attention to the fact that every time oxalic acid has been entirely furnished by foreigners the consumer has had to pay more for it. If this rate of 1½ cents per pound should be the means of closing the two factories in this country, the object of the Senator would be lost, and the consumer in this country will have to pay more for his oxalic acid as soon as those factories are closed.

Mr. JOHNSON of Maine. I can not believe, and the committee could not believe, that so slight a reduction as this will have the serious consequence upon this industry which the Senator from Utah predicts.

Mr. SMOOT. Well, Mr. President, the reduction is equivalent to 10 per cent and over ad valorem, which means a reduction of 25 per cent from the present rate. There is not an oxalic manufacturer in this country who has made 10 per cent per annum on his production.

The VICE PRESIDENT. The question is on the amendment.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBINSON. Mr. President, I inquire if this vote is on an amendment offered by the Senator from Utah.

The VICE PRESIDENT. No; the question is upon agreeing to the amendment reported by the Committee on Finance to change the rate of duty on oxalic acid from 2 cents to 1½ cents per pound.

Mr. ROBINSON. Did not the Senator from Utah offer an amendment to that amendment?

The VICE PRESIDENT. He did not. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a pair upon this question and all other questions applying to to-day with the Senator from Maryland [Mr. SMITH]. I transfer that pair to the Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. GRONNA (when Mr. MCCUMBER's name was called). I wish to announce that the senior Senator from North Dakota [Mr. MCCUMBER] is necessarily absent from the city. He is paired with the senior Senator from Nevada [Mr. NEWLANDS]. I will let this announcement stand for the day.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce for the day that my colleague, the senior Senator from Michigan [Mr. SMITH], is absent on business, and that he has a general pair with the junior Senator from Missouri [Mr. REED].

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. The Chair is informed that the Senator has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], who has not voted. If the Senator from New York were present, I should vote "yea." As it is, I withhold my vote.

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that my colleague, the senior Senator from Texas [Mr. CULBERSON], is necessarily absent and is paired with the Senator from Delaware [Mr. DU PONT].

Mr. REED (after having voted in the affirmative). When my name was called I voted. I did not at the time observe the absence of the Senator from Michigan [Mr. SMITH]. I take this occasion to say, however, that I do not have a general pair with the Senator from Michigan, but we have had a sort of gentlemen's agreement that whenever one of us was out of town, and sent the other word to that effect, the one remaining would not vote. I did not know that the Senator from Michigan was out of town or I would have recognized the pair. I now transfer the pair to the Senator from Tennessee [Mr. SHIELDS], and will allow my vote to stand.

Mr. WILLIAMS (after having voted in the affirmative). I inquire if the senior Senator from Pennsylvania [Mr. PENROSE] has voted.

The VICE PRESIDENT. The Chair is informed that that Senator has not voted.

Mr. WILLIAMS. Then, I withdraw my vote, as I have a pair with him.

Mr. CHILTON (after having voted in the affirmative). I inquire if the junior Senator from Maryland [Mr. JACKSON] has voted.

The VICE PRESIDENT. The Chair is informed that that Senator has not voted.

Mr. CHILTON. I have a pair with that Senator, but I transfer it to the junior Senator from New Jersey [Mr. HUGHES], and will let my vote stand.

The result was announced—yeas 50, nays 26, as follows:

YEAS—50.

Ashurst	James	O'Gorman	Simmons
Bacon	Johnson, Me.	Overman	Smith, Ariz.
Bankhead	Johnston, Ala.	Owen	Smith, Ga.
Borah	Jones	Pittman	Smith, S. C.
Bristow	Kern	Poindexter	Stone
Bryan	La Follette	Pomerene	Swanson
Chilton	Lane	Ransdell	Thompson
Crawford	Lea	Reed	Thornton
Cummins	Lewis	Robinson	Tillman
Fletcher	Martin, Va.	Saulsbury	Vardaman
Gore	Martine, N. J.	Shafroth	Works
Hitchcock	Myers	Sheppard	
Hollis	Norris	Shively	

NAYS—26.

Bradley	Dillingham	Lodge	Smoot
Brady	Fall	McLean	Sterling
Brandegee	Gallinger	Nelson	Townsend
Burton	Goff	Oliver	Warren
Clapp	Gronna	Page	Weeks
Clark, Wyo.	Kenyon	Perkins	
Colt	Lippitt	Sherman	

NOT VOTING—20.

Burleigh	du Pont	Penrose	Stephenson
Catron	Hughes	Root	Sutherland
Chamberlain	Jackson	Shields	Thomas
Clarke, Ark.	McCumber	Smith, Md.	Walsh
Culberson	Newlands	Smith, Mich.	Williams

So the amendment of the committee was agreed to.

Mr. JONES. Mr. President, the amendment proposed in line 5 was adopted while I was engaged. I wish to ask the chairman of the committee why the committee made such an increase over the House rate. The House rate was 4 cents, and the committee has raised it to 7 cents. I should like to know why that was done.

Mr. JOHNSON of Maine. I will say, in answer to the inquiry of the Senator from Washington, that gallic acid is made from tannic acid; and in view of the rate of duty which was fixed upon tannic acid and the loss in conversion, the committee thought the duty on gallic acid should be raised as it has been raised and reported here.

There are three acids that are related to each other. Gallic acid is made from tannic acid; and another acid in the same list, pyrogallic acid, is made from gallic acid. To cover the cost of conversion and the loss in conversion this increased duty was recommended by the committee.

Mr. JONES. Is that increase particularly for revenue or a compensatory rate?

Mr. JOHNSON of Maine. For revenue, and also to equalize the conditions and equalize the cost of conversion.

Mr. JONES. What are the imports of that acid now? Can the Senator tell me?

Mr. JOHNSON of Maine. Twenty-eight thousand nine hundred and seventeen pounds, as given in the handbook.

Mr. JONES. Will the Senator state what the consumption is?

Mr. SMOOT. The present equivalent ad valorem rate is 23.84 per cent; and the 7-cent rate that is provided for in this bill is 1 cent lower than the rate in the present law. It amounts to 22.58 per cent equivalent ad valorem.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 2, line 6, after the words "pyrogallic acid," to strike out "10" and insert "15."

Mr. GRONNA. Mr. President, may I ask the Senator in charge of the bill why this large increase of 50 per cent is made?

Mr. JOHNSON of Maine. Pyrogallic acid is made from gallic acid, and we have fixed a duty on gallic acid of 7 cents a pound. The loss in conversion is about 60 per cent, we are

told, and to cover the loss in conversion and to equalize the rates we fixed this duty upon pyrogallic acid.

Mr. GRONNA. As I understand, then, this is a sort of compensatory duty, is it?

Mr. JOHNSON of Maine. Not a compensatory duty; but when one product is made from another which bears a duty that fact has been taken into consideration by the committee, and the loss in conversion has also been taken into consideration, so as to make the duties relatively the same, if possible.

Mr. SMOOT. I will say to the Senator, with reference to the duty of 15 cents per pound on pyrogallic acid, that the equivalent ad valorem is 19 per cent. Under the present law it was not mentioned; it fell in the basket clause and carried a rate of duty of 25 per cent. The duty of 15 cents per pound provided in the present bill is a reduction of only 6 per cent.

Mr. GRONNA. May I ask the Senator from Utah what is made of pyrogallic acid? Is that again reduced to some other acid?

Mr. SMOOT. It is used again in a number of items. It is used also in compounds of other chemicals.

Mr. GRONNA. May I ask the Senator the names of the other acids and the rates of duty imposed upon them?

Mr. SMOOT. Some of them fall in the basket clause and carry a rate of only 15 per cent under the pending bill. I think that is one of the inconsistencies of the bill. When we reach those particular items I shall offer an amendment to cover the very point the Senator speaks of now.

Mr. GRONNA. Mr. President, I did not rise for the purpose of making any defense of this particular bill, but I am somewhat curious to know why it is necessary to have an increase of 50 per cent. I ask for a vote on this particular item.

Mr. JOHNSON of Maine. I do not understand that the bill provides for an increase of the duty contained in the present law. It is a decrease.

Mr. LODGE. It is a decrease from the present law.

Mr. GRONNA. I understand that; but it is an increase over the rate in the House bill.

Mr. LODGE. Oh, yes; that is right.

Mr. JOHNSON of Maine. That is true; and it is for the reason I stated—that we ought to make the increase to cover the loss in conversion.

Mr. GRONNA. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the junior Senator from Maryland [Mr. JACKSON]. I transfer that pair to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce that on questions arising to-day I have a pair with the senior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH]. I make that announcement for the day and upon all questions arising during the day. On this question I vote "yea."

Mr. SMOOT (when Mr. DU PONT's name was called) I desire to announce that the senior Senator from Delaware [Mr. DU PONT] is ill and absent from the city. I will let this announcement stand for the day.

I also desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] is unavoidably detained from the Senate. I will let that announcement also stand for the day.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I inquire if the senior Senator from Missouri [Mr. STONE] has voted.

The PRESIDING OFFICER (Mr. SHIVELY in the chair). He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withhold my vote.

Mr. REED. I inquire if the Senator from Tennessee [Mr. SHIELDS] has voted.

The PRESIDING OFFICER. He has.

Mr. REED. I understand the Senator is in the Chamber, so it is not necessary to look it up. I withhold my vote because of the absence of the senior Senator from Michigan [Mr. SMITH].

Mr. ROBINSON (after having voted in the affirmative). I am informed that I am paired on this vote. I therefore withdraw my vote.

The result was announced—yeas 35, nays 16, as follows:

YEAS—35.

Ashurst	Hughes	Myers	Simmons
Bacon	James	O'Gorman	Smith, Ariz.
Bradley	Johnson, Me.	Oliver	Smith, Ga.
Brandegee	Johnston, Ala.	Overman	Smith, S. C.
Bryan	Kern	Owen	Stone
Burton	La Follette	Page	Sutherland
Chilton	Lane	Pittman	Swanson
Clarke, Ark.	Lea	Pomerene	Thompson
Dillingham	Lewis	Ransdell	Thornton
Fletcher	Lippitt	Shafroth	Tillman
Gallinger	Lodge	Sharpe	Townsend
Gore	McLean	Sheppard	Vardaman
Hitchcock	Martin, Va.	Shields	Walsh
Hollis	Martine, N. J.	Shively	

NAYS—16.

Brady	Cummins	Kenyon	Poindexter
Bristow	Gore	Nelson	Sherman
Clapp	Gronna	Norris	Warren
Crawford	Jones	Perkins	Works

NOT VOTING—25.

Bankhead	Culberson	Reed	Stone
Borah	du Pont	Robinson	Thomas
Burleigh	Fall	Root	Weeks
Catron	Jackson	Smith, Md.	Williams
Chamberlain	McCumber	Smith, Mich.	
Clark, Wyo.	Newlands	Stephenson	
Colt	Penrose	Sterling	

So the amendment was agreed to.

The Secretary continued the reading of the bill, as follows:

Salicylic acid, 2½ cents per pound; tannic acid and tannin, 4 cents per pound.

The next amendment was, in line 8, before the word "cents," to strike out "4" and insert "5," so as to read:

Tannic acid and tannin, 5 cents per pound.

Mr. SMOOT. I should like to ask the Senator in charge of this schedule why that exceedingly heavy cut has been made. I notice that the present law is 35 cents per pound on tannic acid and tannin. The House provided 4 cents per pound. The Senate committee has increased it to 5 cents. Of the 5 cents per pound the equivalent ad valorem is but 10.43 per cent. Is there any reason why it should be reduced to that amount?

Mr. JOHNSON of Maine. In answer to the inquiry of the Senator I will say that the duty of 35 cents per pound was prohibitive. The importations were very small indeed as compared with the domestic production. The Senate committee thought a duty of 5 cents a pound bore a proper relation to the other duties. Under the present rate there were very small importaions, as I recall it.

Mr. SMOOT. Is it not true that this article is used mostly in patent medicines?

Mr. JOHNSON of Maine. I understand that it is used in making gallic acid and from gallic acid pyrogallic acid is made. It is the basis of those acids.

Mr. SMOOT. But as to salicylic acid?

Mr. JOHNSON of Maine. I am not informed whether it is used in making salicylic acid or not.

Mr. SMOOT. I was speaking of salicylic.

Mr. JOHNSON of Maine. I understood the Senator asked if it was used in making salicylic acid. I have no information about that, if that was the question.

Mr. SMOOT. I notice in the House hearing Dr. Summers, under the head of salicylic acid, makes this statement:

Our Government and its citizens are being unjustly taken advantage of by a $100,000,000 corporation of Germany. Through the inequalities of our tariff laws, in conjunction with our patent laws and the skillful manufacture and dissemination of defamation calculated to discredit competition, this special interest has patented control of opportunity and deprived the noncombative sick of the use of what would best restore their health.

Mr. JOHNSON of Maine. I understood the Senator to inquire in regard to tannic acid, not salicylic acid.

Mr. SMOOT. I spoke of salicylic; I thought we had that under consideration?

Mr. JOHNSON of Maine. Tannic acid.

Mr. SMOOT. I understood that it was salicylic acid.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was continued, as follows:

Tartaric acid, 3½ cents per pound; all other acids and acid anhydrides not specially provided for in this section, 15 per cent ad valorem.

Mr. SMOOT. Mr. President, the provision is that all other acids not specially provided for in this section shall pay 15 per cent ad valorem. That is the basket clause for the acids. The present law is 25 per cent. I know of no reason why the rate in the basket clause should be lower than any specific rate of acids provided for in the paragraph. Such is the case, and in

the basket clause will fall all the unenumerated acids that come into this country. There are thousands of those articles, and they will fall in the basket clause at the rate of 15 per cent.

Mr. President, it is inconsistent with all former tariff acts that the basket clause should have a lower rate than the items specifically mentioned in the paragraph. No one can tell offhand what will fall in the basket clause. It includes everything but what is specifically mentioned. I hope the Senate will not ultimately agree to the 15 per cent. There is no amendment offered at this time, but I simply give notice that when we have the bill up for consideration I expect to offer an amendment to correct that inconsistency.

Mr. JOHNSON of Maine. I call the attention of the Senator to the fact that some of the acids bear a lower rate of duty than 15 per cent.

Mr. SMOOT. Certainly; I know that.

Mr. JOHNSON of Maine. And some higher.

Mr. SMOOT. That is absolutely true.

Mr. JOHNSON of Maine. It is not only the acids mentioned here that are to be considered but those mentioned in the free list also—sulphuric acid and other acids which are there mentioned.

Mr. SMOOT. Oh, no, Mr. President. This provision applies only to the acids that are not specifically provided for in this section, and the free list is in this section. It provides for every acid that is not particularly mentioned in the bill.

Mr. JOHNSON of Maine. In the bill? I mean not only in this paragraph, but in the free list as well.

Mr. SMOOT. It says "in this section," and the free list is a part of this section.

Mr. JOHNSON of Maine. That is the statement I just made.

The reading of the bill was continued.

The next amendment was, on page 2, line 13, before the word "albumen," to strike out "egg" and insert "dried egg," so as to read:

4. Dried egg albumen, 3 cents per pound.

The amendment was agreed to.

The next amendment was to strike out lines 18 and 19 and the following words:

6. Alizarin, natural or synthetic, dry or suspended in water, 10 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was continued to the end of paragraph 9, the last paragraph read being as follows:

9. Argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 5 per cent ad valorem; containing more than 90 per cent of potassium bitartrate, cream of tartar, and Rochelle salts or tartrate of soda and potassa, 2½ cents per pound; calcium tartrate crude, 5 per cent ad valorem.

Mr. LODGE. Mr. President, the paragraph which has just been read I shall not undertake to amend, I think, but I want to call attention to the thoroughly false principle that is adopted in the paragraph. There are much grosser instances of it in the bill elsewhere. Some of them have been moved by the Senate committee and some have not. Of course the Senate is well aware that argols or crude tartar are the lees of wine which adhere to the bottom and sides of the cask. Practically the labor involved in it is very small.

That is the raw material for the other articles at the end of the paragraph of which there is very great consumption. Cream of tartar is used in cooking, in medicine, in dyeing, and in very many ways. It is in very large use. Now, they have left the rate on the argols, the raw material, the same that it is to-day, and they have cut the manufactured product.

Mr. President, I can understand the position of the protectionist who seeks to discriminate in favor of the native industry. I can understand the position of the free trader, even if I do not agree with him. But I know of no defense that can be offered for discriminating in favor of the foreign producer. It is giving him a protection. Of course, if you raise the duty or maintain it on the raw material and reduce it on the manufactured article, you discriminate in favor of the foreign producer, because you discriminate against the native producer, and it seems to me that that is utterly indefensible.

If it is the desire to reduce all alike or to put argols on the free list or anything of that sort, I do not know that I should waste the time of the Senate by saying anything about it, but I do want at this point to enter a protest against the system which is adopted here and there in the bill of giving protection to the foreign manufacturer and discriminating against the native manufacturer.

Mr. President, as the rate on the raw material is maintained in the old bill as in the present law I shall move to make "2½" in line 7, "3 cents," which leaves them both unchanged. If it is desired to cut them both down or to cut down, as I think we had better, the raw material, which would cheapen the product to the consumer more than anything else, I shall be glad to vote for it, but I do not think that on any ground it is possible to justify a discrimination in favor of the foreign manufacturer.

In line 7, I move to strike out "2½ cents" and insert "3."

The VICE PRESIDENT. The Senator from Massachusetts offers an amendment to paragraph 9, which will be read.

The SECRETARY. On page 3, line 7, strike out "2½" and insert "3," so as to read:

Containing more than 90 per cent of potassium bitartrate, cream of tartar, and Rochelle salts or tartrate of soda and potassa, 3 cents per pound.

Mr. LODGE. That, I will say, is a reduction of 2 cents on cream of tartar, but keeps the duty the same as on Rochelle salts.

Mr. JOHNSON of Maine. Mr. President, the duty upon crude argols is purely a revenue duty. We imported in 1912, as given in the table, 23,648 pounds and we got a revenue of $111,172. The importation of refined argols, to which the Senator from Massachusetts refers, were very slight. The only importations were 10,000 pounds at a value of $1,800.

The duty upon cream of tartar was reduced to 2½ cents a pound, cream of tartar being the principal product made from argols. We placed a duty upon refined argols the same as upon cream of tartar, 2½ cents a pound, both of which are made from crude argol by a very simple process, as the Senator from Massachusetts has said.

Mr. LODGE. The result, of course, of this arrangement would be to reduce the revenue on the raw material, because it would be more profitable to send in the finished material. The finished material, of course, is made here. It will transfer the business there by discriminating in favor of the foreign producer. That is not free trade. It is not fair competition. It is giving an advantage to your foreign competitor. I do not know on what principle of political economy that can be defended.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BRISTOW. I desire to make some inquiries in regard to the bill, and this paragraph illustrates the point upon which I want to make the inquiry.

I note that the duties collected in 1912 under this paragraph were $111,172. It is estimated that there will be a revenue of $125,000 under the present bill. How does the committee arrive at this estimate of revenue?

Mr. JOHNSON of Maine. As one of the committee, having made some study of it, I am very free to confess that I myself have very little faith in these estimates. They are mere speculations as to what the imports may be under conditions, but it has been customary, I find in reference to other bills, to make these calculations, and the House has made them. It has taken the importations which have come in and the rates, and the officer of the Treasury Department has made an estimate, or a guess I call it, as to what the imports will be under the new rate. For myself I can not place much confidence in them.

Mr. BRISTOW. If the Senator will note the ad valorem equivalent as indicated in the report here and the data that have been furnished the Senate, under the Dingley bill the importations for the year 1905 were 5.05 per cent. Under the Payne bill the importations of 1910 were 5 per cent; in 1912, 5 per cent; and they are estimated at 5 per cent in this bill. Yet with that estimate the same percentage ad valorem, which practically would be the same rate, there is an estimate of an increased revenue.

Mr. LODGE. If the Senator will allow me, particularly as it will undoubtedly increase the admission of the finished product, this would probably fall off. I do not mean to say from the whole paragraph we may not get so much revenue, but it will certainly reduce the revenue on the raw material and increase it on the finished product.

Mr. BRISTOW. There are so many articles in the paragraphs where these estimates are made that it seems to me they are misleading. I do not see how it is possible to estimate an increased revenue under the paragraph.

Mr. JAMES. I will say to the Senator from Kansas the estimates were made in the usual way by the experts of the Treasury Department, and have always been so made. Estimates compiled in this manner were made in reference to the Payne-Aldrich bill.

Mr. BRISTOW. That may be. There may be somebody in the Treasury Department who understands it, but I thought possibly the Committee on Finance understood it also.

Mr. JAMES. Of course the committee did not have time to make estimates. We had to rely upon the experts at the department as to the amount of goods that would likely be imported under reduced rates of duty or increased rates of duty.

Mr. BRISTOW. This is not either reduced or increased, but still there is an estimate for increase in the revenue.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Rhode Island?

Mr. BRISTOW. I yield.

Mr. LIPPITT. I doubt if the statement of the Senator that these estimates were made in the way in which they were made in the Payne-Aldrich bill is entirely correct. I only wanted to take a little objection to that, because I propose shortly to discuss the way in which the estimates have been made for some of the textile schedules. They are so very unique and the result is so very extraordinary that I want to enter my protest against the statement being accepted by this body that the estimates here inserted are on the same basis as those in any previous bill.

Mr. BRISTOW. In order to illustrate the point I should like to refer back to paragraph 7:

7. Alumina, hydrate of, etc.

According to the data furnished us by the committee on the importations of 1905 the ad valorem was 7 per cent, on the importations of 1910 under the Payne bill it was 23.45 per cent, and in 1912 it was 24.19 per cent. That shows a very, very large increase in importations. The importations in 1910 were 1,538,619 pounds. In 1905 the importations were but 16,291 pounds, showing in the five years from 1905 to 1910 an increase of more than a million and a half pounds, an enormous increase. Then two years later, in 1912, there is an increase of 800,000 pounds, another large increase in the importations, and also an increase in the price, apparently, and an increase in the ad valorem rate. There appears to be an increase in the ad valorem rate also, but the price appears to be the same.

I was at lunch at the time this paragraph was passed over. I wanted to inquire as to the theory upon which a reduction was made in that duty, the increased importations year by year showing that we were still getting from abroad a large amount of this material. If this is a revenue bill, why should that be reduced?

Mr. JOHNSON of Maine. Of course I suppose the Senator recognizes the general method which has been pursued to divide the duties collected by the value of importations, using the value of importations as the divisor and getting the ad valorem equivalents in that way. I have not followed that out.

Mr. BRISTOW. Was the duty reduced because the importations were not sufficient to cause competition, or was it reduced for the purpose of securing revenue? I wanted to know why the duty was reduced from an estimated ad valorem of 24.19 to 15.

Mr. JOHNSON of Maine. I understand the Senator to refer to alum.

Mr. BRISTOW. No; to alumina, hydrate of, and so forth.

Mr. JOHNSON of Maine. That is a hydrate or refined bauxite of alumina?

Mr. BRISTOW. Yes.

Mr. JOHNSON of Maine. The importation was small, amounting to only $38,294. I have not before me at this time the amount of production. The production of alum makes a very large showing in this country and the importations are very small.

Mr. BRISTOW. That brings up another question I wanted to inquire about. I see there is no estimated production given to this paragraph; that is, alumina, hydrate of, or refined bauxite. Why have we not an estimate of the production in this country for that item?

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. BRISTOW. Yes; I gladly do so, because I am inquiring for information.

Mr. SIMMONS. I will state to the Senator that it is exceedingly difficult to get figures showing the domestic production of many articles manufactured or produced in this country. None of the departments has had any systematic scheme for making those estimates. We have to rely altogether, almost, upon the census estimates, and, as the Senator very well knows, the Census Office groups the separate articles under some general head. Therefore we are not able through that source to secure the production except as to all the numerous articles embraced in the schedules.

We have, as the Senator will discover upon closer investigation, very much more data in these tables than the House had in their tables. That is because the experts were directed, wherever it was possible to obtain any reliable data as to production in this country of an article, to obtain it and to use it in these tables, and they have done so.

In the paragraph to which the Senator was calling attention, where it refers to alumina and alum, the Senator will observe a little lower down, in the second bracket, the production by pounds of alum.

Mr. BRISTOW. Yes; I observed that.

Mr. SIMMONS. I think that, of course, includes alumina, but there was no way to ascertain what part of it was alumina and what part of it other things that come under the head of alum. The Senator will observe, further answering the inquiry made of the Senator in charge of this schedule, that while the number of pounds of alumina imported in 1910 and 1912 sound rather large, one a million five hundred thousand and the other two million three hundred thousand, when you reduce that to dollars the amount is very insignificant; it is almost negligible. In one year it amounted to only $26,000, in round numbers, and in the next to only $38,000, in round numbers.

The Senator will observe that as to the next bracket, which, as I said, I am sure includes alumina along with a great many other things that come under the general head of alum, that the production in this country, in pounds, amounted to 220,000,000 in 1905 and to 246,000,000 pounds in 1910. Estimated in dollars, in 1910 this production amounted to something over $3,000,000.

Mr. President, we have this state of affairs: We have an importation of only $26,000 of alumina, while we have a production under that schedule under the head of alum, which includes alumina, as I assume, of $3,000,000 in this country. So the importations of alumina compared with our production of alumina are very slight indeed.

Mr. BRISTOW. As I understand——

Mr. SMOOT. Mr. President——

Mr. BRISTOW. If the Senator from Utah will excuse me a moment, as I understand—I may be mistaken, and, if I am, the Senator will correct me, and I shall be glad to have him do so—alumina is a kind of earth or mineral from which material is made that is used for various mechanical purposes, and it is found largely in the State of Arkansas. That is my understanding. The figures relating to alum appear here and speak for themselves, but I do not think that alum is a product of alumina.

Mr. JOHNSON of Maine. Oh, yes.

Mr. BRISTOW. I never have heard of that.

Mr. JOHNSON of Maine. Alumina is a valuable constituent of bauxite, which has been protected by tariff laws, and alum is made by the treating of alumina.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. There is nothing wrong with the figures here in reference to alumina or hydrate of alumina, which is refined bauxite. Bauxite is produced in Arkansas. We do not import very much alumina, but we do import considerable bauxite. All of the bauxite produced in Arkansas, of course, is made into hydrate of alumina. Then the alumina is made into aluminum. That is the process. The amount of importation and of the production of alum in this country are correct as given in the handbook. The Government does not keep its account of the production of alum and of hydrate of alumina together. They are kept separately. The figures as to the importation and production in this country are right and——

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. Inasmuch as we are conducting a school of instruction, there is one thing about this as to which I should like to have some information. In 1905 the average unit of hydrate of alumina was valued at 8¼ cents a pound; in 1910 at 1⅞ cents a pound; and in 1912 at the same rate.

What brought about this very remarkable reduction in the value of hydrate of alumina? I can see very little connection between it and alum, for I notice that alum was worth during the year 1905 but 1 cent a pound, as against 8¼ cents for hydrate of aluminum; in 1910 it was worth only nine-tenths of a cent a pound, and in 1912 it had recovered in price to 1 cent a

pound. I should like to know whether the duty that was put upon this article, hydrate of alumina, so developed the domestic production that this enormous decrease in price has been brought about?

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. The reduction in price has been brought about by the superior mode of handling bauxite and making aluminum. Aluminum a few years ago was $4 a pound; to-day it is but 18 cents a pound. Bauxite is the raw material from which it is made.

Mr. CUMMINS. But, Mr. President, asking pardon of the Senator from Utah, I should like to hear an answer to my question from some one who is responsible for this bill and who is promoting its passage.

Mr. JOHNSON of Maine. Mr. President, the only information I can give is open to the Senator from Iowa, which is that the largely increased production, not only in this country but in Europe, as I understand, of crude bauxite has affected the price. Certainly if the duty in this instance did not raise the price, but cheapened the article to the consumer, it did not perform the duty which some of our protectionist friends claim it is the office of a tariff duty to perform.

Mr. BRISTOW. But, if the Senator will permit me a suggestion, if it did accomplish what the Senator from Utah [Mr. SMOOT] says it did, then it has been a very desirable agency, has it not?

Mr. JOHNSON of Maine. I will say to the Senator from Kansas that might be true if you could trace it, but so many other things operate to produce a result that I do not think the Senator from Utah will claim that in this particular the duty was the sole cause of this reduction in the price and that the largely increased production in the United States and in Europe did not affect the price.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I yield to the Senator from Iowa.

Mr. KENYON. I simply want to suggest to the Senator from Kansas that the lowering of the price of this article, in my judgment, has been largely due to several facts: Originally there were patents issued to one Pratt, I think, of Pittsburgh. Another inventor was also working along the same line. There was a great deal of litigation. Finally one concern acquired all of these patents. They then entered into a gigantic monopoly, which not only controlled all the business in this country, but became world-wide. They controlled the bauxite, alumina, and aluminum.

The great development of the bauxite fields, which are found in many places, coupled with the fact that the patents have expired and new processes developed, and the fact of the formation of this gigantic monopoly which absolutely controls prices and production in this country has brought about this very strange situation in that production and in the price of the article.

Mr. BRISTOW. Does the Senator from Iowa mean that the monopoly voluntarily reduced the price of this article from 8½ cents a pound to 1⅕ cents a pound?

Mr. KENYON. No; I do not mean that the monopoly has voluntarily done it except for their own convenience, perhaps, but they had all the product, and aluminum, which formerly had been supposed to be as valuable as diamonds and precious metals, became a very common metal.

Bauxite can be purchased for something like 25 cents a ton; and the increased discovery of bauxite and the increased use of and better instrumentalities for the making of aluminum, including the power that has been secured from Niagara Falls and along the St. Lawrence River have all tended to cheapen production of this article.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Pennsylvania?

Mr. BRISTOW. I do.

Mr. OLIVER. I should like to ask the Senator from Iowa a question. As I understand, bauxite is the raw material used in the manufacture of aluminum, is it not?

Mr. KENYON. Yes, sir.

Mr. OLIVER. I should like to ask the Senator from Iowa, bauxite being the raw material which the manufacturer, this monopolist, had to acquire, how it came about that it was through his work that the price of bauxite was reduced?

Mr. KENYON. As the Senator from Pennsylvania knows, they acquired practically the whole bauxite production of the United States. The United States Government brought an action against this monopoly. They were decreed to be a monopoly, and agreed to a consent decree which held that they were a monopoly controlling these various products.

Mr. OLIVER. But that does not explain why the price of this article came down from something like 8 cents a pound to between 1 and 2 cents a pound.

Mr. KENYON. The company that absolutely controlled this product in this country declared such enormous dividends—in one instance the dividends being 500 per cent on $3,200,000 worth of stock; in other words, a dividend of $16,000,000—that even that monopoly had not the audacity to keep prices up to the old standard.

Mr. OLIVER. I am aware that the manufacture of aluminum has been very profitable, but I know something about the history of the patents connected with it, and the Senator from Iowa is laboring under something of a mistake when he says that the patents were brought together by a combination. The patent monopoly was acquired after a long course of adverse litigation, and not by reason of the bringing together of a large number of plants.

Mr. KENYON. I did not say that; but the original patents and then the Bradley patents flowed into the same channel and were controlled by the same company in the Senator's own town.

Mr. OLIVER. But it was through adverse litigation that they flowed in, and not through negotiation one with another.

Mr. KENYON. They eventually reached the same end.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. I do.

Mr. SHIVELY. The reduction of the price of alumina is due to the vast improvement in the process of extracting the alumina from the bauxite and to competition between American and European producers in the use of this improved process. The chief and practically the only producer of aluminum in this country had a patent on the process. But this did not avail in Europe. The European producers used precisely the same process. The competition between these producers did bring about a substantial reduction of the price of this very useful metal. The patent in the United States was owned and controlled by the Aluminum Co. of America. In 1909 the patent expired. At about the time of the expiration of the patent the Northern Aluminum Co. was organized under the laws of Canada. This company located a site and constructed a plant on the Canadian side of the St. Lawrence River. The Northern Aluminum Co. was conceived and promoted by the Aluminum Co. of America. The latter was the chief owner, if not the sole owner, of the stock of the Canadian corporation. It was through this Northern Aluminum Co. that the trust agreement was negotiated with European producers. The device was a manifest effort to evade the operation of the Sherman Antitrust Act and establish a world control of the price of aluminum. This brief history may be aside from the main question, and I repeat that the reduction in price to which the Senator calls attention is due to the cheapening influence of the improved processes and the competition between American and European producers.

Mr. BRISTOW. Mr. President, I am very much obliged to the Senator for the very clear statement he has made. The principal purpose I had in referring to this paragraph was to call attention to the absence of an estimate as to the amount of local production. Such an estimate is given in the following paragraph relating to alum. I am free to say that I was very much interested in learning, if possible, what has been the increase in the amount of production in the United States, and observing the very great increase in the amount of importations and at the same time a reduction of duty, the absence of any information as to the increase in production at home led me to ask the question.

The question I asked in regard to the estimates as to revenue has been answered by the Senator from Maine [Mr. JOHNSON], and from the brief examination I have been able to make since this book was published I have been compelled to concur in his judgment that the estimates as to the amount of revenue are certainly of very little value.

Mr. SHIVELY. Mr. President, what the Senator says will be found true of not a few articles falling under these brackets. Bauxite is only a clay containing this article called alumina. The extraction of this alumina from the clay is one stage in the process in manufacture of the metal called aluminum. When we come to the bauxite or the alumina extracted from it, no separate items of domestic production are furnished by any department of Government. For instance, the deposits of bauxites are rich in Arkansas. There the clay is mined and transported

to St. Louis, where it is subjected to the process by which the metal is extracted and appears in the crude form called alumina. This alumina is then transported to another plant of the Aluminum Co. of America, at Niagara, where it is subjected to a process called electrolysis.

The product of this process is the aluminum of commerce and the form in which it goes forward into various manufactures. The statistics of aluminum, the finished product of these materials, have been assembled with reasonable accuracy and are available, while the statistics of the materials themselves, for reasons readily apparent, have not been gathered with the same degree of care.

Mr. BRISTOW. That is the aluminum that is produced at Niagara Falls by this concern?

Mr. SHIVELY. Yes; that is the article in the production of which these intermediate processes are employed.

Mr. BRISTOW. Well, as I understand, this earth is secured in paying quantities in Arkansas. It has not been discovered in other States to the extent, so far as the amount of aluminum it contained is concerned, that it has been in certain parts of Arkansas.

Mr. SHIVELY. If the Senator will allow me, there is no question that the deposits of bauxite clay are by no means confined to Arkansas. But in Arkansas the presence of this metal in the clay exists in such large percentage as to make it commercially profitable to extract it. In my own State we have great bodies of clay containing the metal in varying proportions. It is only a question whether in any of the deposits it is present in sufficient quantity to justify reduction of it.

Mr. BRISTOW. That is my understanding.

Mr. SHIVELY. There are lands containing this metal in Alabama, in Georgia, and in Tennessee, and I doubt whether there is a State of the Union wherein it is not present.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE], on page 3, line 7, to increase the rate there proposed from 2½ to 3 cents per pound.

The amendment was rejected.

Mr. JONES. Mr. President, I want to ask the Senator from Maine whether or not, in his opinion, the result suggested by the Senator from Massachusetts would occur. As I understood him, if the rates are left in line 5 at 5 per cent and in line 8 at 2½ cents a pound there would be an inducement to refine the product before it comes into this country; in other words, it would promote the refining of the product in foreign countries rather than encourage bringing the raw material into this country and then refining it here. I want to know whether, in the opinion of the Senator from Maine, that result will occur if the rates remain as set forth in this paragraph.

Mr. JOHNSON of Maine. Mr. President, in my opinion that result will not occur. The process of refining and making cream of tartar from argols is well established in this country. It is a simple process, and I do not believe that any such additional duty is necessary, even from the viewpoint of a protectionist.

Mr. JONES. In other words, they could not refine it abroad and bring it in here more cheaply than they could bring it into this country with this rate of duty and then refine it.

Mr. JOHNSON of Maine. Well, the importations of the refined have been negligible. The duty has been prohibitory upon the refined. What we have imported has been the crude argols, and they have been refined here.

Mr. JONES. Was not that because the duty was so arranged as to encourage the bringing in of the raw material and its refining in this country? Is not that the reason why we have so few imports of the refined product?

Mr. JOHNSON of Maine. If that be true, I do not know why cream of tartar, which is the principal product made from argols, would not have been made abroad and imported here. That was not done. Our production of cream of tartar in this country in the year 1910 was 15,593,000 pounds, with only a small importation of 116,000 pounds in that same year.

Mr. JONES. Mr. President, I move to strike out the figure "5," in line 5, and insert "3."

The VICE PRESIDENT. The Senator from Washington offers an amendment, which will be stated.

The SECRETARY. On page 3, line 5, it is proposed to strike out "5" and insert "3," so as to read:

9. Argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 3 per cent ad valorem.

Mr. BURTON. Mr. President, I hope that amendment will be adopted. It seems that this duty is to be levied purely and simply for revenue purposes, and but for the fact that I have not my memoranda with me I should have made a motion to strike out entirely the duty on argols. They are not produced in any quantity in this country. The revenue derived would be comparatively insignificant, and it can not be denied that by retaining the same duty on the raw material and by very greatly diminishing the duty on the finished product the industry will be very seriously handicapped, if not destroyed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington [Mr. JONES].

The amendment was rejected.

The reading of the bill was resumed and continued to the end of line 24, page 3, as follows:

10. Balsams: Copaiba, fir or Canada, Peru, tolu, and all other balsams, which are natural and uncompounded and not suitable for the manufacture of perfumery and cosmetics, if in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, all the foregoing not specially provided for in this section, 10 per cent ad valorem; if advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, all the foregoing not specially provided for in this section, 15 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senate to the fact that all of those balsams which are natural and uncompounded are to-day on the free list, and on the same balsams if advanced in value by any condition or process of treatment whatever, the rate of duty is one-fourth of a cent per pound and 10 per cent ad valorem. Now note the inconsistency of this paragraph. Paragraph 5 of this bill provides that all chemical and medicinal compounds shall carry a rate of duty of 15 per cent. All the balsams assessed here at 10 per cent are the raw product for the preparation of medicinal compounds and chemicals; and they carry a duty of 10 per cent. While the balsams in the advanced condition carry a duty of 15 per cent, the products that are made from them under paragraph 5 only carry a duty of 15 per cent. When the time arrives I shall offer an amendment to put these balsams on the free list, where they have always been and where they properly belong. They are not produced in this country at all.

Mr. SHIVELY. I merely wish to observe that, on the theory of this bill, that would not be an objection to the duty. We are looking for revenue, and that is clearly a revenue duty.

Mr. SMOOT. Does the Senator mean to say that in looking for revenue he is going to place the same duty upon the raw material that he does upon the manufactured article?

Mr. SHIVELY. We shall meet that question fully when the Senator offers his amendment.

Mr. SMOOT. All of these balsams that are advanced in value in any way carry 15 per cent, just the same as the medicinal compounds carry under paragraph 5.

Mr. SHIVELY. Under paragraph 5 the duty on these medicinal compounds is fixed at 15 per cent.

Mr. SMOOT. Balsams are also dutiable at 15 per cent if advanced in any manner. They are the intermediary products for the preparation of all of these medicinal compounds carrying exactly the same rate of duty.

Mr. SHIVELY. The ad valorem rate automatically takes care of the differential.

Mr. SMOOT. There is no differential. They are the same.

Mr. SHIVELY. But the duty is 15 per cent on both, on the ad valorem basis.

Mr. SMOOT. All right.

The reading of the bill was resumed and continued to line 10, page 4, as follows:

11. Barium, chloride of, one-fourth cent per pound; dioxide of, 1½ cents per pound; carbonate of, precipitated, 15 per cent ad valorem.

12. Blacking of all kinds, polishing powders, and all creams and preparations for cleaning or polishing, not specially provided for in this section, 15 per cent ad valorem: *Provided*, That no preparations containing alcohol shall be classified for duty under this paragraph.

13. Bleaching powder, or chloride of lime, one-tenth cent per pound.

Mr. TOWNSEND. Mr. President, I should like to ask the Senator in charge of this schedule of the bill if he can tell me how he arrives at the duty in paragraph 13. Why was the reduction made?

Mr. JOHNSON of Maine. In the first place, I will say, looking at the importations into the country, taking into consideration the vast extent to which bleaching powder is used in different industries, by the paper mills, by the bleachers, and by the textile industries, and having lowered the duties upon those products, we have cut the duty upon the articles used by the manufacturers of them. This is one article which they use extensively.

Mr. TOWNSEND. Can the Senator state the amount of the domestic production of bleaching powder?

Mr. JOHNSON of Maine. I have not the figures here.

Mr. TOWNSEND. Has the Senator considered the selling price in Great Britain and in the United States at the present time?

Mr. JOHNSON of Maine. I have no knowledge of that.

Mr. TOWNSEND. Bleaching powder is manufactured in two places in the United States. There is a large factory at Midland, Mich., and another at Niagara Falls, N. Y. This article was on the free list under the Wilson bill. In 1897 there was placed on bleaching powder a duty of two-tenths of a cent per pound. At that time there was practically no bleaching powder made in the United States. The price was about $2 per hundred pounds, or 2 cents per pound. Almost immediately after imposing a duty of two-tenths of a cent per pound the price of bleaching powder dropped to $1.87½ per hundred pounds. It is now $1.25 per hundred pounds, the selling price in Europe being practically the same as in the United States.

Mr. JOHNSON of Maine. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Maine?

Mr. TOWNSEND. I yield.

Mr. JOHNSON of Maine. Is it not true that this decrease of price has resulted largely from the adoption of the improved method of manufacture by electrolysis and the abandonment of the older method of manufacture by using hydrochloric acid? Has not the adoption of the present method of simply passing a current of electricity through a solution of salt resulted in lowering the price?

Mr. TOWNSEND. I have no doubt improvements in production have had much to do with it; but that does not alter the fact that we are selling bleaching powder in the United States as cheaply as they are selling it in Europe. I assume, according to the statement of the Senator, that the purpose of this change was either to provide a cheaper product for people in this country who use bleaching powder or else it is to increase the revenue. I am also stating a fact when I say that either at the same time or a very few weeks or months after placing the duty of two-tenths of a cent per pound upon bleaching powder, the price went down.

This industry is of considerable importance. At least it is important to the community where it is located. Unless somebody is going to get some benefit from the change, unless there is some probability that the price of bleaching powder to the consumer is going down, it seems to me it will be a very unwise thing to interfere with an industry of this kind. It is now proposed to reduce the duty 50 per cent, or from two-tenths of a cent per pound to one-tenth of a cent per pound.

The industry located at Midland is of great importance to that little city which is located in a prosperous agricultural community. Midland and the surrounding farming country has prospered because of the bleaching powder factory located there. The Senator seems to have no information which justifies this proposed reduction, and there certainly is a possibility that injury if not destruction may result to this industry.

I desire to have read a statement made by one of the concerns manufacturing bleaching powder in this country, namely, the Midland plant.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. TOWNSEND. Certainly

Mr. GALLINGER. Before the statement is read, can the Senator tell us how many concerns there are in the United States making bleaching powder?

Mr. TOWNSEND. Two.

Mr. GALLINGER. Only two?

Mr. SHIVELY. And I understand the Senator to say that they are actually making and selling the article here as cheaply as it is sold abroad?

Mr. TOWNSEND. Yes, sir. That is a part of the proof.

Mr. WILLIAMS. May I ask the Senator a question?

Mr. TOWNSEND. Certainly.

Mr. WILLIAMS. If that be true, how could a reduction of the duty hurt them?

Mr. TOWNSEND. These concerns have struggled for existence up to date, and this reduction may involve them in ruin. Unless some benefit is going to come from the change in duty, it seems to me it would be a mistake to interfere with it, because of the possibility of a temporary reduction of the price in order to give a complete monopoly to the foreigner, who already has a monopoly in Great Britain, but who when American competition was destroyed would again raise his price, as he had before. The manufacturers are not making a great amount of money. No one will claim that either one of these concerns, which employ a great many men and are producing a large amount of bleaching powder, are getting an unusual profit.

Mr. WILLIAMS. If the Senator will pardon one more interruption, I understood him to say just now that putting the duty upon the article had reduced its price.

Mr. TOWNSEND. It did; or, in any event, the price was reduced when the duty was placed there.

Mr. WILLIAMS. Ah, I was going to say that perhaps the House had failed to retain the duty, or had declined to increase it, for fear that increasing the duty much further might put the industry clear out of existence by reducing the price so much that manufacturers in this country could not afford to make the article.

Mr. TOWNSEND. That is a fairly good Democratic argument.

Mr. WILLIAMS. That is a fairly good inconsistent Republican argument. The Senator puts a duty on an article in order to raise the price for the purpose of protection. Then he comes in and makes an observation the necessary logical inference from which is that putting on the duty lowered the price; in other words, that the duty failed of its purpose; and because it failed of its purpose he wants it retained.

Mr. TOWNSEND. That is not the logical conclusion at all. At the time this duty was put upon bleaching powder the United Alkali Co., a monopoly of Great Britain, had the market in this country. The presumption is that it was charging too much to the American consumer because it had a monopoly. By giving protection to the American manufacturer and assuring him that he could invest his money in building a factory without fear of destruction by reason of a temporary reduction in price by his foreign competitor American enterprise constructed two factories in the United States. When this was done, the price of bleaching powder dropped and the consumer got the benefit. Whatever philosophy you may apply as to cause and effect, these are the facts, and now the price is $1.25 per hundred.

Mr. WILLIAMS. But if the Senator will pardon me——

Mr. TOWNSEND. Just a moment; let me finish my statement, if you please.

Another thing in connection with this matter: If it be true that the reduction of this duty is for the purpose of obtaining revenue, it certainly must fail in that purpose. I am not claiming that it will necessarily put these concerns out of business, I feel that it may result in that. If our market is worth it, the United Alkali Co., of Great Britain, can destroy them and then have the field to themselves. The margin of profit in the production of bleaching powder is so small and the investment required for its production so large that no new concerns will be created. Adequate protection is necessary for the success and progress of this business.

I do not say that even 1½ cents a pound for this powder is not a profitable return. I assume that it is, because the product is sold on both sides of the water at practically the same figure. But I do contend that the present duty can not be found to have brought any injustice to the American consumer.

Mr. GALLINGER. Mr. President——

Mr. TOWNSEND. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The importations of bleaching powder last year seem to have been 72,000,000 pounds. The estimate made by the Committee on Finance is that under the present bill the importations will be 119,000,000 pounds, so that according to the estimate 47,000,000 pounds more will be imported into this country if the present bill becomes a law.

That, it seems to me, is a sufficient reason for resisting this change, because if 47,000,000 more pounds are imported into this country the establishment in Michigan and the other establishment to which the Senator alludes will naturally make 47,000,000 pounds less; and if it be true that the product is now sold as cheaply here as abroad, what earthly reason is there for depriving the American manufacturer and the American workingman of the opportunity of making that 47,000,000 pounds.

Mr. TOWNSEND. I can see none; but I was discussing the subject from a Democratic standpoint. Either this is done for the purpose of increasing the revenue or it is done to cheapen bleaching powder to the American consumer. I maintain that neither one of those conditions will be brought about in the end by the reduction of the duty.

I ask to have read the statement I send to the desk, which I think is a very candid and clear statement from a manufacturer of this product.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

BLEACHING POWDER.

By the tariff act of 1897 bleaching powder was taken off the free list and a duty of 0.2 cent per pound was placed upon it. Prior to this change the price of bleaching powder in the United States was about

2 cents per pound. Either simultaneously with the placing of this 0.2 cent per pound duty, or shortly afterwards, the United Alkali Co. of Great Britain, who controlled more than 90 per cent of the bleach sold within the United States, lowered the price in the United States to about $1.87 per 100 pounds, and also paid the import duty.

The placing of this small import duty that was only about 10 per cent of the ruling price proved to be sufficient to inspire enough confidence among capitalists so that two bleaching-powder plants were erected in the United States, one at Niagara Falls and the other at Midland, Mich.; both plants increased their capacity from time to time until competition became very keen and prices were reduced to $1.25 per 100 pounds, which is the ruling price to-day on yearly contracts, the price being substantially the same in the United States and Great Britain.

The United Alkali Co. of Great Britain, and not the consumer, is paying the 0.2 cent per pound now assessed on imported bleach, and if the duty is reduced we do not think that any more bleaching powder would be imported or the price to the consumer reduced, for the following reason:

A bleaching-powder plant costs several times the annual output of the plant, and if the selling price changes 10 per cent, it would only affect the return on the investment in the bleaching-powder plant by a small part of the 10 per cent. It is not likely that the proposed reduction in the import duty will cause any plants now built to discontinue their operations, and thereby permit any increased amounts of bleaching powder to be brought into this country from abroad; neither would the prices be likely to change, for the reason that the selling price at the present time does not return a normal profit on the investment and new competitors are not likely to enter this market and thereby cause a still further reduction in the selling price.

To summarize: We believe the present import duty will furnish a larger revenue to the Government than a lower import duty, and at the same time the risk of an American industry being blotted out by a foreign monopoly is less than it would be if the import duty were lower.

Respectfully submitted.

THE DOW CHEMICAL CO.,
By HERBERT H. DOW,
General Manager.

MIDLAND, MICH.

Mr. TOWNSEND. I desire to call attention to the probable Democratic claim, and that is, that the proposed reduction of duty will increase the revenue.

According to the statistical document placed before us, the Finance Committee estimate that under the pending bill the importations of bleaching powder will be increased from 93,000,000 to 119,000,000 pounds. It is clear that if they are correct about this, and the duty is reduced one-half, one-tenth cent a pound duty on 119,000,000 pounds can not equal the amount of revenue which would be derived from the present duty of one-tenth of a cent a pound on 93,000,000 pounds. So evidently, from their own figures, there will be a clear loss of revenue to the Government from this reduction, and no one has yet stated, nor do I believe he can state, that the price to the consumer is going to be reduced by the reduction of the duty.

For these reasons, at the proper time, I shall move to amend the bill by substituting the present duty of two-tenths of a cent a pound.

Mr. SIMMONS. Mr. President, the Senator from Michigan has just stated that at the proper time he will offer an amendment. I desire to say that I have no sort of objection to Senators withholding their amendments if they see fit, but when Senators discuss a proposed amendment, and then, after having debated it for 10 or 15 minutes or half an hour, say they propose at some other time to offer that amendment, I think it is a waste of time. Senators ought either to offer the amendments now or to refrain from discussing proposed amendments to be submitted at some other stage of the consideration of the bill.

Mr. TOWNSEND. I think the criticism of the Senator is proper.

Mr. SIMMONS. I suggest that that has happened twice in the last hour. This is the second time it has occurred. We had quite a lengthy discussion, I think, over a proposed amendment of the Senator from Kansas [Mr. BRISTOW]. He did not offer it. That was just so much time wasted, because when the amendment is offered later we will go through the same process of discussion.

Mr. BRISTOW. Mr. President——

Mr. TOWNSEND. Just let me answer the Senator. I agree that the criticism of the Senator is just. When I rose I thought the Senate had changed the House bill. I find I read it incorrectly. When I commenced to speak, I had that in mind. After I rose my attention was called to the fact that the House, not the Senate, had made the change in the duty. I shall not offend again in this particular.

Mr. BRISTOW. Mr. President, the Senator from North Carolina is mistaken if he thinks I discussed a proposed amendment and then refused to offer it. I rose to inquire in regard to certain duties and the reasons for certain changes that were made.

Mr. SIMMONS. Probably I was mistaken in naming the Senator from Kansas. I think I was mistaken. Probably it was the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I am not complaining. I simply wish to call attention to the fact that we lose time when we engage in these discussions as to amendments that are to be proposed hereafter.

Mr. SMOOT. I referred to paragraph 16 of the bill. There is no amendment offered there by the House. I simply said that when the proper time came I should offer an amendment to it, and that is what I intend to do.

Mr. SIMMONS. To that statement I have no objection. What I was rather protesting against was, in connection with the statement that there would be an amendment offered later, that we should enter into debate upon the amendment that is to be hereafter offered.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 14, page 4, lines 11 and 12, before the words "impure tea," to insert "compounds of caffein, 25 per cent ad valorem," so as to make the paragraph read:

14. Caffein, $1 per pound; compounds of caffein, 25 per cent ad valorem; impure tea, tea waste, tea siftings or sweepings, for manufacturing purposes in bond, pursuant to the provisions of the act of May 16, 1908, 1 cent per pound.

Mr. SMOOT. Mr. President, I ask that paragraph 14 and paragraph 19 go over. They are connected; that is, the remarks I have to make about the one I will make about the other at the same time. I have not the papers with me now.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 15, page 4, line 17, after the word "preparations," to strike out "15" and insert "20," so as to make the paragraph read:

15. Calomel, corrosive sublimate, and other mercurial preparations, 20 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 22, page 4, as follows:

16. Chalk, precipitated, suitable for medicinal or toilet purposes; chalk put up in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, and other manufactures of chalk not specially provided for in this section, 25 per cent ad valorem.

Mr. BRISTOW. Mr. President, I desire to make some inquiries in regard to the paragraph relating to chalk.

There is a duty of 25 per cent provided, the same in both the House bill and the Senate bill, which is apparently a reduction from the present duty, which on the importations for 1912 was 43.10 per cent. The duty on the importations for 1905 was 46.12 per cent. The importations for that year were 400,000 pounds. Five years later it had increased from 400,000 pounds to 2,728,000 pounds, and there was an apparent decrease in the ad valorem duty, though there appears to be an increase in the price. I may not understand this, but how can there be a decrease? Oh, I see; the increase in the price resulted in the decrease in the ad valorem duty.

Mr. JOHNSON of Maine. Mr. President, the duty is the same in the proposed bill and in the existing law, 25 per cent ad valorem. The only change in that paragraph is made by striking out the words "French chalk," that being really a talcum or a hydrated silicate of magnesia. That was the only change made by the House or by the Senate committee. The ad valorem duty is 25 per cent in both. We made no change.

Mr. BRISTOW. As I understand, the 25 per cent duty is applied to the entire paragraph here, while in the present law it is 1 cent a pound on certain chalks and 25 per cent on manufactures of chalks.

Mr. JOHNSON of Maine. Oh, yes; I was looking at the manufactures of chalk. I beg the Senator's pardon. Those are dutiable at 25 per cent.

Mr. BRISTOW. There is estimated a very large increase in the importation. I suppose that estimated increase is due to the reduction in the duty. Is that the basis for the estimated increase in the importation?

Mr. JOHNSON of Maine. So far as I am concerned, I think I have already stated my belief in regard to these estimates, that they are merely speculations, and I think the Senate so understands. They may be made by the experts on some basis, but I think they are not to be depended on and are simply approximations or estimates.

Mr. BRISTOW. Of course I may have taken the estimates too seriously, and I suppose I have, from the discussion we have had here to-day, but they are the basis upon which the revenue to be secured is estimated. If it is mere speculation or guesswork, there is nobody that can estimate how much revenue we are going to get from the bill, is there?

Mr. JOHNSON of Maine. I shall be very glad to have the Senator suggest any better method than has been adopted and

has been followed in this bill, of taking the imports under the rates which have existed and making an approximation as to what, in the opinion of the experts, the imports may be under new conditions. I know of no way in which one can look into the future and determine what it is to bring forth.

Mr. BRISTOW. I am inclined to think the Senator is right about that, but, taking this as an illustration, if we are to import 2,000,000 pounds more of this chalk next year than this year, will not such a large increase, an increase of practically 33⅓ per cent, estimating it roughly from the figures, have a tendency to reduce greatly the amount of American production? That is, are we not transferring the business from the United States to the foreign country, and in such transfer of the business from the United States to the foreign country will it not take from the American producer a business which he now has and result in reduced production, men out of employment, and hard times as far as that industry goes?

Mr. JOHNSON of Maine. Mr. President, there is no supply of good chalk in this country. What we use is imported almost entirely. It is drawn from England and from France.

Mr. BRISTOW. I understand there is a great deal produced in Texas of the products contained in this paragraph. My information may be wrong, but I have been informed that the State of Texas does produce some of this material, and a large quantity of it.

Mr. JOHNSON of Maine. My only source of information was the glossary prepared by the expert of the Tariff Board, who stated that there is no supply of chalk of good quality in this country, at least no supply available for the eastern manufacturing markets. We draw practically the whole of our consumption of this article from England and France.

Mr. BRISTOW. If the Senator is correct as to chalk, ground, precipitated, and so forth, that simply means an increase in revenue and not a loss to an industry, but my information is different.

The reading of the bill was continued.

The next amendment was in paragraph 18, page 5, line 12, after the word "compounds," to insert the word "combinations," so as to make the paragraph read:

18. Chemical and medicinal compounds, combinations, and all similar articles dutiable under this section, except soap, whether specially provided for or not, put up in individual packages of 2½ pounds or less gross weight (except samples without commercial value) shall be dutiable at a rate not less than 20 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, shall be dutiable at not less than 25 per cent ad valorem.

The amendment was agreed to.

Mr. SMOOT. Mr. President, so that there may be no misunderstanding as to whether we can return to this paragraph 18 or not, I wish to make an inquiry. I have no objection at all to the word "combinations" being put in as an amendment, but I do want to refer to the paragraph as a whole. When all the committee amendments are through and the bill has been read I wish to offer an amendment to the paragraph as a whole, but not to affect the particular word "combinations."

The SECRETARY. Paragraph 19, at the foot of page 5, has already been passed over.

The reading of the bill was continued.

The next amendment was, in paragraph 23, on page 6, line 13, after the word "distillates," to strike out the words "including dead and creosote oil."

Mr. SMOOT. I move that paragraph 23 be stricken out of the bill entirely. I wish to say as a reason for that motion that benzol, naphthol, resorcin, toluol, and xylol, and all the coal-tar distillates that are named in this paragraph are at the present time on the free list, and there is where they ought to be now. They have not been on the dutiable list. They are not produced in this country. They are used in manufacturing coal-tar dyes, and they ought to go on the free list, where they are to-day. I move that paragraph 23 be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out paragraph 23 in the following words:

23. Coal-tar distillates, including dead and creosote oil not specially provided for in this section; anthracene and anthracene oil, benzol, naphthol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes, 5 per cent ad valorem.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. NELSON'S name was called). The senior Senator from Minnesota [Mr. NELSON] is absent from the Chamber in the transaction of public business. He is paired with the senior Senator from Georgia [Mr. BACON].

Mr. OLIVER (when his name was called). I transfer my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Wisconsin [Mr. STEPHENSON]. I make the announcement of this transfer for the day. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], who is absent. If he were here, I should vote "nay."

The roll call was concluded.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to my colleague [Mr. WALSH] and vote "nay."

Mr. PERKINS. I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is absent on business of the Senate. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. WILLIAMS. I desire to transfer my pair to the Senator from South Carolina [Mr. TILLMAN] and vote. I vote "nay."

Mr. THOMAS. I transfer my pair with the Senator from New York [Mr. ROOT] to the junior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. GALLINGER. I was requested to announce a pair between the Senator from Rhode Island [Mr. COLT] and the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 27, nays 40, as follows:

YEAS—27.

Bradley	Dillingham	Lodge	Sterling
Brandegee	Gallinger	Norris	Sutherland
Bristow	Gronna	Oliver	Townsend
Burton	Jackson	Page	Warren
Clapp	Jones	Perkins	Weeks
Clark, Wyo.	Kenyon	Poindexter	Works
Cummins	La Follette	Smoot	

NAYS—40.

Ashurst	Johnson, Me.	Owen	Smith, Ga.
Brady	Johnston, Ala.	Pittman	Smith, Md.
Bryan	Kern	Pomerene	Smith, S. C.
Chilton	Lane	Robinson	Stone
Clarke, Ark.	Lea	Shafroth	Swanson
Fletcher	Lewis	Sheppard	Thomas
Gore	Martin, Va.	Shields	Thompson
Hollis	Martine, N. J.	Shively	Thornton
Hughes	Myers	Simmons	Vardaman
James	O'Gorman	Smith, Ariz.	Williams

NOT VOTING—29.

Bacon	Culberson	Nelson	Sherman
Bankhead	du Pont	Newlands	Smith, Mich.
Borah	Fall	Overman	Stephenson
Burleigh	Goff	Penrose	Tillman
Catron	Hitchcock	Ransdell	Walsh
Chamberlain	Lippitt	Reed	
Colt	McCumber	Root	
Crawford	McLean	Saulsbury	

So Mr. SMOOT'S amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee to paragraph 23, line 13, striking out the words "including dead and creosote oil."

The amendment was agreed to.

The next amendment was, in line 15, before the word "benzol," to strike out the words "anthracene and anthracene oil."

Mr. BURTON. I should like to know what becomes of those items, "anthracene and anthracene oil." Do they go on the free list or in the basket clause?

Mr. JOHNSON of Maine. On the free list.

Mr. SMOOT. They go to paragraph 460 of the free list.

The amendment was agreed to.

Mr. GALLINGER. We have now reached paragraph 24. I have sometimes thought that the Secretary did not read with his usual distinctness. I trust that he will read this paragraph so that we will all hear it.

The Secretary read paragraph 24, as follows:

24. Coal-tar products known as anilin oil and salts, toluidine, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, nitrobenzol and nitrotoluol, naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes, 10 per cent ad valorem.

Mr. SMITH of Arizona. I congratulate the Secretary.

Mr. WILLIAMS. I hope the Senator from New Hampshire is perfectly satisfied.

Mr. GALLINGER. The paragraph was read very correctly and lucidly. Now I should like to ask the Senator from Maine to give an explanation as to what these various products are.

Mr. JOHNSON of Maine. They are coal-tar dyes.

Mr. GALLINGER. They must be different or there would be only one designation. Will the Senator tell us in what respect they differ?

Mr. JOHNSON of Maine. They differ from those in paragraph 23.

Mr. SMOOT. Mr. President, I move that paragraph 24 be stricken out of the bill. I do this because all these are intermediary products for the manufacture of coal-tar dyes. They are not coal-tar dyes, but they are products from which coal-tar dyes are made. They are now on the free list, and there is no necessity for taxing them 10 per cent. They are not made in this country. They can not be made in this country. They are used, however, in this country in the manufacture of coal-tar dyes. I move that the paragraph be stricken out.

The VICE PRESIDENT. The Senator from Utah moves to strike out paragraph 24.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Nebraska [Mr. HITCHCOCK]. I vote "nay."

The roll call was concluded.

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH], and therefore withhold my vote.

Mr. LODGE (after having voted in the affirmative). I have just been informed that the Senator from Georgia [Mr. SMITH], who I thought I saw in the Chamber, has not voted. I should like to ask if that is the case?

The VICE PRESIDENT. He did not vote.

Mr. LODGE. I have a general pair with that Senator. However, I transfer my pair to the Senator from New Mexico [Mr. CATRON] and will let my vote stand.

The result was announced—yeas 30, nays 40, as follows:

YEAS—30.

Bradley	Cummins	Lodge	Sterling
Brady	Dillingham	Norris	Sutherland
Brandegee	Gallinger.	Oliver	Townsend
Bristow	Gronna	Page	Warren
Burton	Jackson	Perkins	Weeks
Clapp	Jones	Poindexter	Works
Clark, Wyo.	Kenyon	Sherman	
Crawford	La Follette	Smoot	

NAYS—40.

Ashurst	Johnston, Ala.	Pittman	Smith, Md.
Bryan	Kern	Pomerene	Smith, S. C.
Chilton	Lane	Ransdell	Stone
Clarke, Ark.	Lea	Robinson	Swanson
Fletcher	Lewis	Shafroth	Thompson
Gore	Martin, Va.	Sheppard	Thornton
Hollis	Martine, N. J.	Shields	Tillman
Hughes	O'Gorman	Shively	Vardaman
James	Overman	Simmons	Walsh
Johnson, Me.	Owen	Smith, Ariz.	Williams

NOT VOTING—26.

Bacon	Culberson	McLean	Saulsbury
Bankhead	du Pont	Myers	Smith, Ga.
Borah	Fall	Nelson	Smith, Mich.
Burleigh	Goff	Newlands	Stephenson
Catron	Hitchcock	Penrose	Thomas
Chamberlain	Lippitt	Reed	
Colt	McCumber	Root	

So Mr. SMOOT's amendment was rejected.

The reading of the bill was continued.

The next amendment was, in paragraph 26, page 7, line 6, after the word "cellulose," to insert "15 per cent ad valorem."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. I desire to speak briefly in regard to this paragraph. I should like to take it as a whole before the amendments are agreed to. I should like to have the whole paragraph read before the question is put on the first amendment.

The VICE PRESIDENT. The Secretary will read the paragraph.

The Secretary read paragraph 26, as follows:

26. Collodion and all other liquid solutions of pyroxylin, or of other cellulose esters, or of cellulose; compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made into finished or partly finished articles, 15 per cent ad valorem; if polished, wholly or partly, or if finished or partly finished articles, of which collodion or any compound of pyroxylin or other cellulose esters, by whatever name known, is the component material of chief value, 35 per cent ad valorem.

Mr. LODGE. Mr. President, there are in the United States only four manufactories making collodion and the liquid solutions of pyroxylin and turning them into blocks, sheets, rods, and tubes, but the products of those factories are the foundation of the celluloid industry. The celluloid industry is a very large one, comparatively speaking. I believe it employs some 40,000 hands throughout the United States. It constitutes the principal industry in many places. In my own State there is one quite large town which is entirely supported and based upon the celluloid industry, and there are other factories scattered about the same neighborhood in Worcester County.

The celluloid industry has had severe competition. It has had difficulty in maintaining itself under the existing duties. The figures given in the Tariff Handbook as to importations are entirely misleading, for the simple reason that celluloid articles come in under many different heads and are classified under other kinds of goods.

The Tariff Handbook gives the manufactured articles or compounds of pyroxylin at $184,820, but a report of the German celluloid industry published in Berlin gives the exports of manufactured celluloid articles from Germany to the United States for the year 1912 as $348,000 from that one country. The figures also given in regard to exports from Germany show at once that our duties are far from being prohibitive; on the contrary, they leave the door wide open to a severe competition. The exports from Germany in 1907 amounted to $120,000, in 1908 to $122,000, in 1909 to $97,000, in 1910 to $127,000, in 1911 to $325,000, and in 1912 to $348,000. So that from Germany alone there comes $348,000 worth.

We also import largely from France. There is one large firm which imports a particular manufacture known as Parisian ivory, and that firm is believed to do a business of $300,000 per annum in this country. There is also a large amount brought from Japan.

This increase of importation shows that the duties are not prohibitive, but, on the contrary, that the competition of the foreign maker with our people is constantly increasing.

The other House cut the duty to a very low point, putting collodion and liquid solutions, together with the cellulose esters and cellulose, the raw material, into the same classification as the blocks, sheets, rods, and tubes, at 15 per cent ad valorem. They then put the manufactured articles at 35 per cent ad valorem. The old duties were specific, being 40 cents per pound on collodion and cellulose esters when made up in blocks, sheets, or tubes, and 65 cents per pound and 30 per cent ad valorem on the finished celluloid articles.

From the finished celluloid articles, where the severe competition comes, the specific duty of 65 cents per pound has been removed and the duty has been fixed by the other House at 35 per cent, as against the present duty of 60 per cent, and by the Senate at 40 per cent. The others have been cut from 40 and 45 cents a pound to 15 and 25 per cent, according to the Senate amendments.

I believe, Mr. President, that although the Senate amendments greatly improve the bill they still will make it almost impossible for this industry to maintain itself at all. I desire, as it is an industry of very great importance in my State and in other States, to state to the Senate something about its history.

In the first place, the industry is distinctly an American industry. It was owing to our inventions and our improvements that the manufacture of celluloid was developed and made possible in so many directions.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Massachusetts a question. As I understood him, there are imports from Germany and France very much in excess of the total amount here stated?

Mr. LODGE. The imports from Germany alone are $348,000, according to their official report.

Mr. JOHNSTON of Alabama. More than twice as much as the Treasury Department reports?

Mr. LODGE. For all imports of celluloids.

Mr. JOHNSTON of Alabama. How does the Senator from Massachusetts account for that? Does the Senator think those articles have been smuggled into the country?

Mr. LODGE. No; I account for it by reason of the fact that these articles come in classified under the heads of other articles.

Mr. JOHNSTON of Alabama. What heads could they come in under?

Mr. LODGE. They are classified, for instance, as toilet articles; as toothbrushes, and so forth. They are classified under the head of the article in which the celluloid is used. They are used in an infinity of small articles.

Mr. SMOOT. As hairbrushes, for instance.

Mr. LODGE. As hairbrushes, toothbrushes, combs, and endless things; and so many of them are classified under different headings.

Mr. JOHNSTON of Alabama. Do they not pay a higher duty under that form under the old tariff act?

Mr. LODGE. I have not made the comparison in all cases, but I fancy they pay a lower duty under those forms, for, if they did not, they would come in under this form.

There is an invested capital in the American industry of $14,000,000, and since the beginning of the industry to the present day there has been no undue circumstances in the growth of the business whatever, and the clean, clear conduct of the industry's affairs has merited the admiration of everybody who is familiar with it. There exist no trusts, no combinations, no intermingling of stockholders, directors, or anything of the character, and the keenest competition has always existed between the four manufacturing concerns in this country that make the raw material for the industry. I am speaking now of the raw material. Our foreign competitors are large and numerous. Factories for the manufacture of collodion and pyroxylin exist abroad as follows: Five in Germany, 2 in Austria, 3 in France, 1 in England, and 2 in Japan.

Now, I am going to take up the process of our manufacture and point out specifically the advantages of the countries which are our competitors.

The basis of our material is cotton. It is necessary for cotton to be of the very highest grade, clean, and through the manufacturing process of cotton cloths to be made into paper. Of course, in cotton we have the best standing in the world or as good as that of any other nation.

The paper entering into the manufacture of celluloid must be of the finest tissue. Its cost is difficult to average, but the records of manufacturers will show positively that the range is from 14 to 20 cents per pound. Absolute records will show that the German manufacturer secures his paper at a net cost of 8 cents per pound and the Japanese manufacturer undoubtedly as low, if not at a less price even than this.

The next process is the solution of this tissue paper into a combination of nitric and sulphuric acids. It is a well-known fact that Germany is the center of the acid market of the world. It has the great chemical combinations, trusts, or syndicates, which in Germany are not only sustained by the Government, but the Government has a part and lot in them. They have the greatest production of acids and the greatest consumption of acids of any country on earth, and this condition enables the manufacturers in Germany who use acids in their processes of celluloid manufacture to purchase them at from 20 to 25 per cent cheaper than they can be purchased in this country.

In the new bill acids used in the manufacture of celluloid have been placed on the free list; but, due to their corrosive nature, it is impracticable to transport them, and our manufacturers can not take advantage of the cheap German acids for this reason.

We now come to the most important element in the manufacture of celluloid. The result of the solution of tissue paper in acids is known as nitrocellulose. This is solvent in camphor. Camphor sells on the market to-day for about 42 cents per pound. The price is the same in European countries and in this country.

More than 90 per cent of all the camphor of the world comes from the island of Formosa. It is a Japanese Government monopoly, and we and the rest of the world outside of Japan have to buy at the price which Japan fixes. The agent of the Government is a great firm there, known as Mitsui & Co., who practically control all the camphor supply of the world.

Mr. JOHNSON of Maine. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. Certainly.

Mr. JOHNSON of Maine. I should like to ask the Senator from Massachusetts if it is not true that the Germans make camphor synthetically?

Mr. LODGE. Oh, yes; there is synthetic camphor, but it is very little used.

Mr. JOHNSON of Maine. But it prevents the control of the supply of the other camphor by Japan.

Mr. LODGE. Not practically.

Mr. JOHNSON of Maine. And it brings down the price.

Mr. LODGE. Not practically. It has no effect. Synthetic camphor does not take the place of the other at all.

Mr. JOHNSON of Maine. Let me ask the Senator if when the Germans learned to make camphor synthetically it did not largely reduce the price of camphor, and is not that a check?

Mr. LODGE. Undoubtedly it forced down the price. It is an inferior product that is very little used either abroad or at home. It is probable that the Japanese manufacturer secures his camphor at considerably less cost than this, and I believe that the Japanese manufacturer pays in the neighborhood of 18 cents per pound for crude camphor. As regards European countries, the following conditions exist: There are two grades of crude camphor—B grade and BB grade. B grade is the crude camphor imported into the United States, and it is necessary for the American manufacturer to have this grade refined before it is possible to use it, and it is done at an additional cost of from 6 to 8 cents per pound. That is what is known in this country as refined camphor.

The BB grade is of higher distillation and is of such finer quality as to be suitable for the manufacture of celluloid without further purifying. It has been decided by customs officials in this country that the BB grade could not enter this country except under the head of refined camphor, on which in the past there has always been a duty of 6 cents per pound. Through the most reliable information, I learn that this BB grade is permitted to enter every country in the world as crude camphor, and free of duty. They not only admit the crude camphor but what we call refined, which it costs us 6 or 8 cents a pound to refine. In Germany, however, there is no duty on either crude or refined camphor.

As I have said, Mitsui & Co. are the selling agents of camphor in this country, acting as the representatives of the Japanese Government, and I have been informed by one of our manufacturers that his last contract for a supply of camphor contains a clause that any duties imposed on camphor in this country would be added to the purchase price demanded of the celluloid industry in their contract for this material.

I have here an article from an industrial chemical paper concerning the great factory for the manufacture of celluloid which has just been completed at Sakai by Mitsui & Co., which I shall not read.

Alcohol is also necessary as a solvent for nitrocellulose, and here the disadvantage of the American manufacturer is very serious. European manufacturers, and particularly German manufacturers, can purchase their alcohol at a net price of 25 and 26 cents per gallon. American manufacturers pay 40 to 42 cents per gallon. The reason for this great difference in the cost of those raw materials is that European alcohol is made chiefly from potatoes. Every German farmer raises potatoes, and spirits of all kinds are made from potatoes in Germany. It is one of their great industries.

The laws of this country will not permit the importation of grain alcohol, but the laws permit the use, free of excise tax, of denatured alcohol in our industries, yet our people are compelled to pay nearly twice as much as the European manufacturer, because alcohol in this country is made principally from corn or molasses. The American farmer secures a good price for his corn, and it is owing to this high price that the cost of alcohol is correspondingly high, and no amount of close buying, manipulation, or adjustment will secure a better price for our people. Some years ago, when the celluloid industry was making every effort to secure legislation allowing the use of denatured alcohol, denatured alcohol was selling in other countries, such as Canada, for from 13 to 25 cents per gallon, but by the time the law became effective the prices had advanced and American industries did not receive the expected benefit, as is well known from the experiment we made in respect of denatured alcohol. It did not turn out as we all hoped it would.

The pending tariff bill places methylated spirits or wood alcohol on the free list. This does not help the American celluloid industry in the slightest sense. Such spirits are not imported into this country at all. They can be made cheaper in this country than abroad, and, as a matter of fact, most all wood alcohol that is used abroad is manufactured in the United States. Furthermore, it is not fit for the purpose. The same is true of chemicals. For the reason that I have already stated, the Germans have an immense advantage with regard to chemicals.

Now, I come to the question of labor. Four years ago I looked up the question of wages with great care, taking the German official reports and the official Government reports of Japan, so that it was not mere guesswork. The other figures I know are correct, for they come from factories in my own State.

In France and Germany the male laborer in this industry gets from 70 to 80 cents per day and the women from 40 to 50 cents per day. In our factories the wages range from $2.10 to $2.50 per day for men and from $1 to $1.62 for women, while in Japan the Government statistics show that labor in kindred industries receives approximately 12 cents a day; but according to the report of the general superintendent of the recently completed Sakai celluloid factory—this is later than the figures I had before—the average daily wage of labor is 40 cents, and it is said that their labor is 90 per cent as productive as ours.

The records of the exports of other countries show that there was exported from Germany to all countries other than the United States unfinished celluloid sheeting to the extent of

5,791,000 pounds, valued at $2,527,000, at an average price per pound of 43.6 cents. From France there was exported of unfinished celluloid sheeting during 1912, 1,130,360 pounds, valued at $465,400, being an average price per pound of 41.1 cents, giving an average price per pound on which a levied tax of 15 per cent would be 6.3 cents per pound.

Those figures, taken in connection with the respective labor costs in this and foreign countries, show how impossible it would be for our people long to compete with foreign producers of this product.

Mr. President, the tremendous reductions that have been made in the rates of duty affecting the celluloid industry are not the worst part of it. For the first time, I think, in our tariff history a duty has been placed upon crude camphor. I need hardly say we do not produce any camphor in this country. The duty on it is, of course, a pure tax, and adds at once the rate of duty to the price of camphor; and, according to the contracts which the manufacturers have made, the Japanese will also add the duty.

That puts an additional burden on the industry in this country. You have not only in this bill cut the duties from 40 cents per pound to 15 per cent; from 45 cents per pound to 25 per cent; and from 65 cents a pound and 30 per cent ad valorem to 40 per cent ad valorem, as provided in the Senate bill, but you have put a tax on the raw material of the industry, one of its great constituent parts.

That, Mr. President, as I have pointed out in connection with another paragraph, is not free trade; it is not opening the market to fair competition; but it is a direct discrimination in favor of the foreign manufacturer.

The other makers of celluloid all have their camphor free. In Germany, as I have already pointed out, both the crude and the refined are free, and we are not only to have the present duty—which, in my judgment, is barely sufficient—cut all to pieces, but we are going to have the burden of a duty placed upon the crude raw material largely used in the industry. I think it will be a burden under which the industry can not possibly continue.

As I have said, Mr. President, it is a large industry in the sense that it employs 40,000 people. That is not large compared with some of the very great industries, such, for example, as the great metal and textile industries, but it is the livelihood of the people engaged in it. It has built up in my State one town with an extraordinarily good population. The factories are small individually; no one factory employs a great many hands; but the conditions are extremely healthful, the industry is a good one for people to engage in, and they are well paid.

I have taken the liberty of trespassing upon the time of the Senate because I think this industry has been treated with extreme severity, and I do not see how it is possible to justify, under any general proposition, the absolute discrimination in favor of the foreign maker. If everything had been made free, however hard that might have been upon the industry, it probably would not have destroyed it. At least, it would not have been a discrimination; but this is a direct discrimination—a direct protection of the foreign manufacturer.

When the item of camphor is reached I shall move—I fear only in vain—to restore camphor to the free list. In the meantime, Mr. President, I move to substitute, as the classification is the same, for the duties proposed by the Senate committee the existing duties, namely, instead of "15 per cent ad valorem," in lines 6 and 7, "40 cents per pound"; instead of "25 per cent ad valorem," in line 11, "40 cents per pound"; instead of "40 per cent ad valorem," in line 15, "65 cents per pound and 30 per cent ad valorem." I do not wish to delay the Senate, but I should like a vote on those three amendments, treated as one.

Mr. JOHNSON of Maine. Mr. President, I find, on examination of the celluloid industry, that one year ago the statistics showed that we were large exporters and manufacturers of celluloid and that this export trade had largely increased. I find that for the year ending June 30, 1911, we exported $1,694,000 of these manufactured products, while in 1907 our exports were $444,000, showing an increase of nearly 300 per cent in 1911. A large duty was placed on the manufacture of celluloid by the Dingley bill because of the tax upon alcohol; but with the removal of the tax the manufacturer can use denatured alcohol, so some of the burdens have been removed.

I want to call the attention of the Senate to the testimony of the president of the Arlington Manufacturing Co. before the Finance Committee in 1911. Mr. J. R. France, president of the Arlington Co., one of the companies appearing before the Finance Committee in 1911, in speaking of a bill permitting the use of denatured alcohol in the manufacture of celluloid, said:

The increasing cost of manufacture makes this tax entirely prohibitive to the sale of our goods in all markets except home. There are large fields open to us from which, for this cost, we are entirely shut out. The superiority of American manufacturers in this line is so much in advance of foreign competition that despite the disparity of earnings by employees as compared with foreign labor we could easily compete and that with good profits, except for this tax.

The tax has been removed.

Mr. LODGE. The tax on what?

Mr. JOHNSON of Maine. On denatured alcohol.

Mr. LODGE. The Senator must know that the legislation of some years ago concerning denatured alcohol has not proved successful. We have not been able to put denatured alcohol on the market. The farmers have not entered into its production as we expected they would.

Mr. LANE. There were certain restrictions placed upon the farmer in the way of testing and in connection with the apparatus used in the manufacture of the product which rendered it absolutely impossible for him to take advantage of the law. I introduced a bill on yesterday—I hope the Senator will help me get the bill through—relieving the farmers of these restrictions and freeing their hands. When we do that, I feel confident they will turn to the manufacture of this product.

Mr. LODGE. I sincerely hope they will. I supported the legislation when it was before the Senate; but the Senator confirms what I said that thus far it has not worked.

Mr. JOHNSON of Maine. In relation to the tax upon alcohol this bill provides for the free importation of denatured alcohol.

Mr. LODGE. It provides for the importation of methylated spirits or wood alcohol free of duty.

Mr. JOHNSON of Maine. And denatured alcohol.

Mr. LODGE. Denatured alcohol?

Mr. JOHNSON of Maine. Yes; denatured alcohol under the bill is to come in free.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I repeat the announcement I made on the last vote. I vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. Has the Senator from Arkansas [Mr. CLARKE] voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator and therefore withhold my vote.

Mr. BANKHEAD. Has the junior Senator from West Virginia [Mr. GOFF] voted?

The VICE PRESIDENT. He has not.

Mr. BANKHEAD. I withhold my vote.

Mr. BACON. I inquire whether the senior Senator from Minnesota [Mr. NELSON] has or has not voted?

The VICE PRESIDENT. He has not.

Mr. BACON. I am paired with that Senator and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. REED. I again announce my pair with the senior Senator from Michigan [Mr. SMITH]. If at liberty to vote, I should vote "nay."

Mr. SAULSBURY. Has the junior Senator from Rhode Island [Mr. COLT] voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. MYERS. I ask if the junior Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a general pair with that Senator. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Arkansas [Mr. CLARKE] to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. CHILTON (after having voted in the negative). I see that the junior Senator from Maryland [Mr. JACKSON] has not voted. I thought he was in the Chamber. I therefore withdraw my vote.

The result was announced—yeas 21, nays 46, as follows:

YEAS—21.

Bradley	Dillingham	Oliver	Sutherland
Brandegee	Gallinger	Page	Warren
Bristow	Jones	Perkins	Weeks
Burton	Kenyon	Sherman	
Clark, Wyo.	La Follette	Smoot	
Cummins	Lodge	Sterling	

NAYS—46.

Ashurst	Fletcher	James	Lea
Borah	Gore	Johnson, Me.	Lewis
Brady	Gronna	Johnston, Ala.	Martin, Va.
Bryan	Hollis	Kern	Martine, N. J.
Crawford	Hughes	Lane	Norris

O'Gorman	Robinson	Smith, Ga.	Tillman
Overman	Shafroth	Smith, Md.	Townsend
Owen	Sheppard	Smith, S. C.	Vardaman
Pittman	Shields	Stone	Walsh
Poindexter	Shively	Swanson	Williams
Pomerene	Simmons	Thompson	
Ransdell	Smith, Ariz.	Thornton	

NOT VOTING—29.

Bacon	Colt	McCumber	Saulsbury
Bankhead	Culberson	McLean	Smith, Mich.
Burleigh	du Pont	Myers	Stephenson
Catron	Fall	Nelson	Thomas
Chamberlain	Goff	Newlands	Works
Chilton	Hitchcock	Penrose	
Clapp	Jackson	Reed	
Clarke, Ark.	Lippitt	Root	

So Mr. LODGE's amendment was rejected.

Mr. SMOOT. Mr. President, I should like to have the Senate make the rates of this paragraph a little more consistent. I am not going to ask the Senate to vote upon changing the 15 per cent duty upon the liquid solution, but I am going to call the attention of the Senate to the rate provided on blocks, sheets, rods, tubes, or other forms not polished.

The rate to-day upon those articles is 45 cents a pound. The equivalent ad valorem on those articles to-day is 20.07 cents per pound. The Finance Committee of the Senate have raised that from 20.07 to 25 per cent; and then they have taken the finished product and reduced it from the equivalent ad valorem of to-day of 59 per cent to 40 per cent.

I move that, in line 11, paragraph 26, page 7, the figures "25" be stricken out and "20" inserted; and that, in line 15, the figures "40" be stricken out and "45" inserted. I do this to make the rates more consistent. If we reduce the rate upon blocks, sheets, rods, and tubes, as provided by the Finance Committee of the Senate, to what it is to-day, we will then at least give the manufacturer of the finished product in which there are importations a chance to live; and we will take off 5 per cent on the one and make it what it is to-day, and then reduce the present duty from 59.28 per cent to 45 per cent.

I make that as a motion, and ask for the yeas and nays upon it.

The VICE PRESIDENT. Prior to that, there is a committee amendment which has not yet been agreed to. The Secretary will state the amendment.

Mr. SMOOT. The whole paragraph was read.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the committee.

The SECRETARY. On page 7, line 6, after the word "cellulose" and the comma, it is proposed to insert "15 per cent ad valorem."

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. On line 11, instead of the numerals "25," proposed to be inserted by the committee, it is proposed to insert "20"; and on line 15, instead of inserting the numerals "40," as proposed by the committee, it is proposed to insert "45."

The VICE PRESIDENT. On that the Senator from Utah asks for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, just one word before the yeas and nays are taken. The Senator from Maine [Mr. JOHNSON] stated that denatured alcohol was on the free list under this bill. I wish to say that the Senator from Maine is mistaken. It is not on the free list in this bill.

Mr. JOHNSON of Maine. If the Senator will permit me, I have an explanation to make. As he understood, we have that matter before our committee. I thought we had acted upon it. It is still before the Finance Committee, however, and not disposed of. I was wrong in making the statement that it is in the bill. I labored under a misapprehension about that. It has not been agreed upon.

In answer to the statement of the Senator from Utah, that as to collodion in blocks and tubes we have raised the duty, I wish to call the attention of the Senate to the fact that in the present law the duty is 45 cents per pound, and the average unit of value in 1912 was $2.24. We placed the duty at 25 per cent ad valorem.

Mr. SMOOT. And the equivalent ad valorem at 45 cents per pound on the $2.24 is 20.07 per cent.

Mr. JOHNSON of Maine. Twenty-five per cent upon the $2.24 per pound would be more than 45 cents per pound.

Mr. SMOOT. Why, certainly; I have said that, Mr. President. It is an increase.

Mr. JOHNSON of Maine. Oh, no; the Senator stated it the other way.

Mr. SMOOT. No; I beg the Senator's pardon. I stated that it was an increase. It is an increase from 20.07 per cent to 25 per cent.

Mr. JOHNSON of Maine. I misunderstood the Senator. I thought he had made it somewhat less. But we left a margin between the duty upon the two things, the difference between 25 and 40 per cent, as a manufacturing margin.

Mr. SMOOT. And I have asked that that be made 20 and 45.

Mr. CUMMINS. I ask what the amendment proposed by the Senator from Utah is on the finished product?

Mr. SMOOT. The amendment I propose is to make the duty on the finished product 45 per cent, and to decrease the rate of 25 per cent provided by the Senate Finance Committee to 20 per cent on blocks and sheets.

Mr. CUMMINS. It seems to me the Senator from Utah ought to divide the question. I should like to vote to substitute 20 for 25, but I also desire to vote against raising the other figure to 45. I would rather keep it at 40. I think the proper course would be to divide the amendment.

Mr. JOHNSON of Maine. I am convinced——

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. I believe the Senator from Utah had the floor. I beg his pardon.

Mr. SMOOT. No; I did not have the floor.

Mr. JOHNSON of Maine. I simply wish to state that I think the unit of value given for collodion in blocks and in tubes at $2.24 must be a mistake, because the value of the finished product given below is only $2.22. Therefore I shall not accept these figures as being correct. The Senator from Utah will observe that the unit value of finished collodion is less than that given for collodion in blocks and tubes.

Mr. SMOOT. Mr. President, I know that $2.24, the unit value, at 45 cents per pound, is 20.07 per cent. If it were 20 per cent, it would be one-fifth of $2.24, which would be 44.8 cents per pound; and the seven one-hundredths of a cent additional makes it 45 cents per pound.

Mr. JOHNSON of Maine. Yes; but I call the attention of the Senator from Utah to the apparent mistake. Here are reports of 1,178 pounds, with a value of $2,641; and it seems to me it can not be that that is correct.

Mr. SMOOT. It is incorrect. I will say, the compiler, no doubt, has made a mistake as to the unit value of the manufactured product in your handbook. The unit value of the manufactured product in the print is $2.22, whereas on the blocks and tubes the unit value is $2.24, an increase of 2 cents over the manufactured product. But if the Senator will notice the equivalent rate named is correct. That is 59.28 per cent. The mistake is only in the one item of the cost per unit of the manufactured article.

Mr. POINDEXTER. Mr. President, I ask for a division of the amendment submitted by the Senator from Utah.

The VICE PRESIDENT. The Secretary will state the first amendment offered by the Senator from Utah.

The SECRETARY. On page 7, in line 11, instead of the numerals "25," proposed to be inserted by the committee, the Senator from Utah moves to insert "20."

The VICE PRESIDENT. Does the Senator call for the yeas and nays upon that amendment?

Mr. SMOOT. No; I will not ask for the yeas and nays.

The VICE PRESIDENT. The question is upon agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The next amendment submitted by the Senator from Utah will be stated.

The SECRETARY. On page 7, line 15, strike out "35"; and instead of inserting "40," as proposed by the committee, the Senator from Utah proposes to insert "45."

Mr. TOWNSEND. What is the duty now?

Mr. SMOOT. The equivalent ad valorem now is 59.28.

Mr. CUMMINS. It is obvious that there must be some misunderstanding here. The finished product could not be reduced to a unit, because it comprises a great many forms of manufacture. There could be no unit, properly speaking, in the finished product. Therefore I can not rely upon that statement in the report that we have before us.

Mr. SMOOT. I have stated that I myself believe that is an error, although the unit value in this particular is the unit value per pound. While I believe there is an error, and do not question that there is, if the Senator will notice the amount of importations and the amount that was collected, he will see that the rate would be 59 per cent.

Mr. CUMMINS. It must be obvious, however, that a pound of celluloid pulp might be very, very different from a pound of

celluloid boxes. Therefore I do not believe any weight can be attached to this classification. That is one of the reasons I thought the question ought to be divided.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Utah if, under the Payne-Aldrich bill, the tax on the manufactured product is less than on the raw material?

Mr. SMOOT. The equivalent ad valorem duty upon the manufactured product is less than the equivalent ad valorem duty upon the liquid solution, but about two and a half times the amount of duty upon the blocks, sheets, rods, and tubes.

Mr. JOHNSTON of Alabama. The Senator from Massachusetts [Mr. LODGE] has said that the imports were very much larger than are indicated by the handbook.

Mr. SMOOT. That applied only to the manufactured article; not to the liquid solution.

Mr. JOHNSTON of Alabama. But it is possible that under the Payne-Aldrich bill the manufactured product was cheaper than the raw material?

Mr. SMOOT. Why, no; of course it is not.

Mr. LODGE. The average unit of the manufactured article is $2.74.

Mr. SMOOT. Yes.

Mr. LODGE. Mr. President, I wish to call the attention of the chairman of the committee to the difficulty of getting along with this handbook. My attention is drawn to it because we have been looking it over.

If the Senator will look at the tables dealing with collodion, according to the first one, which covers the raw material, the average unit under the Wilson bill was 71 cents; under the Dingley tariff $6.23; under the Payne tariff, in 1910, 74 cents; in 1912, 55½ cents; estimated for a 12-month period under the pending bill, $1. The statement that $6.23 was the average unit under the Dingley tariff must be an error, I think.

Mr. SIMMONS. I entirely agree with the Senator that there must be some error as to the unit values in these three brackets. To illustrate a little bit further, in the second bracket the unit value of 1910 is given as 86 cents; the unit value of 1912 is given as $2.24. In the third bracket the unit value of 1910 is given as $4.11 and the unit value of 1912 as $2.22. It is apparent to me that there has been some mistake.

Mr. LODGE. There is a mistake or misprint, no doubt. Of course they are confusing. I should also like to ask, in that same item, the average unit being 55 cents in 1912, what is the basis for making it $1 in the estimate? I do not think the price has doubled.

Mr. SIMMONS. I imagine these figures are largely misprints, Mr. President.

Mr. WILLIAMS. The figure for 1905 ought to be 0.623, instead of $6.23.

Mr. LODGE. I had guessed that that was probably what was meant, but the basis of the estimate was what interested me. Fifty-five cents being the unit this year, why should it rise and be estimated to be $1 next year?

Mr. SIMMONS. I should imagine that in making the estimate of $1 under the Senate bill, the statistician probably took the averages during two or three prior years and reached the result in that way. Of course, I am not prepared to say to the Senator exactly the process by which the expert of the department reached that conclusion. I wish to say, however, that the expert who prepared this table is the same expert who has done this work for the committee for many years. He was with the committee in 1909 when the Payne-Aldrich bill was prepared.

Mr. LODGE. I am not blaming the expert. I think perhaps the expert had an idea when he raised the figure from 55 cents to $1, but I wanted to see whether or not anybody else had the same idea. That is, you put a duty on camphor, and the duty on camphor of course advances the value of the liquid pyroxylin. Therefore, your expert, I think probably correctly, has put his unit of value 45 cents higher than it was last year, and I wanted to see whether the committee knew it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT].

The amendment was rejected.

The SECRETARY. The committee proposes, in line 11, to strike out "15" and in lieu thereof to insert "25."

The amendment was agreed to.

The SECRETARY. Also, in line 15, to strike out "35" and in lieu thereof to insert "40."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of paragraph 29, on page 8, as follows:

27. Coloring for brandy, wine, beer, or other liquors, 40 per cent ad valorem.

28. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, and weeds, any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

29. Ergot, 10 cents per pound.

Mr. LODGE. I should like to ask the Senator from Maine why ergot has been taken from the free list? It has been there since 1872. I ask as a matter of curiosity.

Mr. JOHNSON of Maine. Simply for the revenue, with the other drugs.

Mr. WILLIAMS. To collect some revenue from it, of course.

Mr. LODGE. I think on this item of taking ergot from the free list and making it dutiable at 10 cents a pound I shall ask for the yeas and nays.

The VICE PRESIDENT. The Chair inquires of the Senator from Massachusetts on what he asks for the yeas and nays?

Mr. LODGE. I move to strike out the paragraph.

The VICE PRESIDENT. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend the bill by striking out paragraph 29, being all of line 6, on page 8, as follows:

29. Ergot, 10 cents per pound.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I therefore withhold my vote. If I were at liberty to vote I would vote "nay."

Mr. REED (when his name was called). I make the same announcement as heretofore with reference to my pair with the Senator from Michigan [Mr. SMITH]. If I were at liberty to vote I would vote "nay." I desire to say at this time, if I may be permitted to do so, that on all roll calls where I have not been present to answer I have been engaged on committee work of the Senate.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. If he were present, I would vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. On account of his absence I withhold my vote. I will let this announcement stand for the remainder of the day.

Mr. WILLIAMS. I repeat the announcement made by me upon the last roll call, and vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair to the senior Senator from South Carolina [Mr. TILLMAN] and vote "nay."

Mr. BACON. May I inquire if the senior Senator from Minnesota [Mr. NELSON] has voted?

The VICE PRESIDENT. He has not voted.

Mr. BACON. I again announce my pair with that Senator. If I were at liberty to vote I would vote "nay."

Mr. BANKHEAD. I announce my pair with the junior Senator from West Virginia [Mr. GOFF] and withhold my vote.

Mr. TILLMAN. I vote "nay."

Mr. CHILTON (after having voted in the negative). That necessitates the withdrawal of my vote, as I had transferred my pair to the Senator from South Carolina.

The result was announced—yeas 26, nays 39, as follows:

YEAS—26.

Borah	Crawford	Lippitt	Smoot
Bradley	Cummins	Lodge	Sterling
Brady	Dillingham	Norris	Townsend
Brandegee	Gallinger	Oliver	Warren
Bristow	Gronna	Page	Weeks
Burton	Jones	Poindexter	
Clark, Wyo.	Kenyon	Sherman	

NAYS—39.

Ashurst	La Follette	Ransdell	Smith, S. C.
Bryan	Lane	Robinson	Stone
Fletcher	Lea	Shafroth	Swanson
Gore	Lewis	Sheppard	Thompson
Hollis	Martin, Va.	Shields	Thornton
Hughes	Martine, N. J.	Shively	Tillman
James	O'Gorman	Simmons	Vardaman
Johnson, Me.	Owen	Smith, Ariz.	Walsh
Johnston, Ala.	Pittman	Smith, Ga.	Williams
Kern	Pomerene	Smith, Md.	

NOT VOTING—31.

Bacon	Colt	McLean	Root
Bankhead	Culberson	Myers	Saulsbury
Burleigh	du Pont	Nelson	Smith, Mich.
Catron	Fall	Newlands	Stephenson
Chamberlain	Goff	Overman	Sutherland
Chilton	Hitchcock	Penrose	Thomas
Clapp	Jackson	Perkins	Works
Clarke, Ark.	McCumber	Reed	

So Mr. LODGE's amendment was rejected.

Mr. BRISTOW. I call the attention of the chairman of the committee to the figures on this paragraph as to the value of the average unit. The whole paragraph in 1896 under the Wilson Act was valued at 15 cents per pound. In 1905 under the Dingley Act it was valued at 36.3 cents per pound. In 1910 under the Payne Act at 29.1 cents. In 1912 under the Payne Act at 90½ cents. Its estimated value under this bill is 30 cents. With a duty of 10 cents a pound imposed on an article that has been on the free list, how do you get an average reduction in the value per unit from 90½ cents to 30 cents?

Mr. JOHNSON of Maine. Mr. President, it seems to me there must be a misprint there. It must be that instead of 90 it should be 30. I can not see any other explanation. Being only 29.1 cents for 1910, of course there could not be such a rise in the value as that.

Mr. BRISTOW. That probably may be true, but I am afraid this is not of as much value to us as it might be, because of the many errors it seems to contain.

The reading of the bill was continued.

The next amendment was, in paragraph 30, page 8, line 12, after the word "containing," to insert "more than 5 per centum of."

Mr. SMOOT. Mr. President, I wish to offer an amendment to that amendment by making it "10 per centum of." I wish to call the attention of the Senate to the reason why I offer the amendment. If it is not 10 per cent ethyl acetate or acetic ether will fall back into paragraph 17 and take the extreme high rate provided for articles manufactured and containing 20 per cent of alcohol or less. The 5 per cent takes care of sulphuric ether, which is, of course, the great anæsthetic that is prepared from ethyl alcohol with sulphuric acid, but ethyl acetate or acetic ether is prepared from alcohol with acetic acid and contains about 10 per cent of alcohol. Unless we increase 5 per cent to 10 per cent, ethyl acetate and acetic ether will fall back into paragraph 17 and take the higher rate. If you leave it at 5 per cent it takes care only of the sulphuric ether, which is the anæsthetic.

Mr. President, I sincerely hope that the Senate will agree to this amendment at least and not allow those articles to take an extremely high rate, and that is what they will do if the bill passes as reported.

Mr. JOHNSON of Maine. Mr. President, the reason why the committee used that percentage was because the expert upon whom we relied stated, and he now states, that 5 per cent of alcohol is sufficient; that beyond that they should pay the duty which articles containing alcohol pay; but so far as sulphuric ether is concerned, the expert informs us that 5 per cent is sufficient.

Mr. SMOOT. Five per cent on sulphuric acid is sufficient. There is only 4 per cent of alcohol used in the compounding of sulphuric acid. That is the great anæsthetic. But 5 per cent will not take care of the ethyl acetate or the acetic ether, because about 10 per cent of alcohol is used in the ethers I have mentioned. If you leave the rate at 5 per cent, then those two ethers will fall into paragraph 17 and take the rate that is provided for compounds containing not more than 20 per cent of alcohol.

Mr. BRISTOW. Let me ask the Senator, if I may interrupt him, what will be the specific difference in the rate? How much higher than this rate will that make it?

Mr. SMOOT. I will tell the Senator in a moment. On all alcohol compounds not specifically provided for in this section, if containing 20 per cent of alcohol or less, it would be 10 cents per pound and 20 per cent ad valorem. That is where it would fall, because that is the least that is provided for in that paragraph. I have not figured as to the equivalent ad valorem, but I will assure the Senator that it will be a very high rate.

Mr. BRISTOW. The rate in this paragraph is 5 cents per pound.

Mr. SMOOT. It is the proviso that I am speaking of now.

Mr. BRISTOW. Oh, the proviso.

Mr. SMOOT (reading)—

Provided, That no article containing more than 5 per cent of alcohol shall be classified for duty under this paragraph.

Therefore, if the ethers contain more than 5 per cent of alcohol they are not assessed under this paragraph, but fall under paragraph 17.

Mr. BRISTOW. And under paragraph 17, as I understand it, the rate is 10 cents per pound and 20 per cent ad valorem.

Mr. SMOOT. Yes; 10 cents per pound and 20 per cent ad valorem, which would be an exceedingly high rate on those ethers.

Mr. BRISTOW. It is 10 cents a pound more, this duty.

Mr. CRAWFORD. What will be the amount of those articles in commerce as to the volume of importations?

Mr. SMOOT. I have not——

Mr. CRAWFORD. I mean the two ethers that the Senator claims will not be within the 5 per cent limit.

Mr. SMOOT. I will see if the figures are here.

Mr. CUMMINS. While the Senator from Utah is preparing to answer the question of the Senator from South Dakota, I should like to ask the Senator from Maine whether he disputes the statement made by the Senator from Utah in regard to some of the articles here in their ordinary form, that they would fall under another paragraph with a higher duty.

Mr. JOHNSON of Maine. I, of course, have no special knowledge of my own about it. I do not pretend to have; but we had an expert upon whom we relied, and the expert now states to me that that percentage is sufficient, notwithstanding the statement made by the Senator from Utah.

Mr. SMOOT. I will say to the Senator from Iowa that I am perfectly aware that it is sufficient for the sulphuric ether.

Mr. JOHNSON of Maine. I have called the expert's attention particularly to the other articles. He is here present. He says it is sufficient for them. I know nothing except what he says.

Mr. SMOOT. I say it is not sufficient for them; manufacturers of those ethers say they do contain more than 5 per cent of alcohol.

Mr. LANE. I should like to ask the Senator from Utah why they do?

Mr. WILLIAMS. I wish to ask the Senator——

Mr. SMOOT. Because it requires that quantity of alcohol to produce them.

Mr. WILLIAMS. Where does the Senator get his information?

Mr. LANE. What is the reason?

Mr. SMOOT. They can not be prepared in any other way.

Mr. LANE. Then, the Senator says that acetic acid is not as good a solvent as sulphuric acid. Acetic acid is one of the most perfect solvents known by chemists. I should like to know the reason why it will not dissolve as much alcohol as sulphuric acid.

Mr. SMOOT. It takes more alcohol.

Mr. KERN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Indiana will state his point or order.

Mr. KERN. The point of order is that we do not hear a word said by the Senators engaged in the colloquy, and we would like to hear.

Mr. WILLIAMS. Before the Senator from Utah takes his seat, he has made the assertion that it will take 10 per cent. May I ask the Senator whence he obtains his information?

Mr. SMOOT. I obtain my information not only from men who pass upon the rate of duty levied at the port of New York, but from the manufacturers themselves.

Mr. WILLIAMS. You have obtained your information from the manufacturers?

Mr. SMOOT. Yes; from the manufacturers.

Mr. WILLIAMS. Have you obtained your information from any men who are experts with regard to these particular matters and found that amount of alcohol to be necessary?

Mr. SMOOT. I have.

Mr. WILLIAMS. So it is a difference of opinion between your expert and the expert who serves the Senator from Maine, is it?

Mr. SMOOT. I have not confined my investigation of this question to one man. I have gone further than that and I am fully convinced that the ethers spoken of by me contain about 10 per cent alcohol.

Mr. CRAWFORD. Is the Senator prepared to give an answer to my interrogatory a moment ago as to the amount of importation of these classes of ether and what——

Mr. SMOOT. The importations even under the present rate are very, very small. In fact, I will say that the specific duties do not amount to 25 per cent, as shown by the Democratic handbook. The value of imports in 1905 was $3,485; in 1910, $3,656.

Mr. CRAWFORD. To what extent are they manufactured in this country? To what extent are they articles of commerce?

Mr. SMOOT. A large quantity of them are manufactured here.

Mr. CRAWFORD. Of these particular classes of ether?

Mr. SMOOT. Yes.

Mr. CRAWFORD. Has the Senator any figures on that?

Mr. SMOOT. Not as to the production in this country, but even with the rate to-day there is very little importation of those ethers.

Mr. CRAWFORD. What I want to find out is whether we are spending time over some technical classification of ether which may not be in general significance or general use or whether it is something of more consequence. I am sure I do not know.

Mr. SMOOT. They are used very extensively.

Mr. BRISTOW. Mr. President, I should like to ask the Senator from Utah what is the present duty, and whether the proposed duty as he estimates increases or decreases the rate of the present law?

Mr. SMOOT. If they fall into paragraph 17, as the wording of the paragraph will take them, then they will carry an increased percentage.

Mr. LANE. Mr. President, I should like to say, for the information of Senators who are not familiar with this subject, that it does not require a particle of alcohol to make acetic ether, for the reason that acetic acid and alcohol are made by the same process. Just one particle more of oxygen converts alcohol into ether. Stopping just short of that process in distilling it, the ether, with the alcohol which goes on into ether, will be converted into acetic ether. I do not know of any reason, physical or chemical, why it would require or would take a larger proportion of alcohol than do the other ethers. That is not known to us who use the article.

Mr. SMOOT. Those who make it know, and they say that it does take about 10 per cent of alcohol.

Mr. STONE. Mr. President, while I do not want to be offensive—far from it—I should like to inquire again of the Senator from Utah [Mr. SMOOT] just upon what information he bases this positive assertion of his about a technical matter of this kind?

Mr. SMOOT. Mr. President, the information upon which I base my statement is obtained from an expert who has given me the information and also from the manufacturers of ether.

Mr. STONE. The expert who gave the information! I am curious, if I may venture the inquiry, to know who this expert is. Whom does he serve—the Government or some private interest?

Mr. SMOOT. He serves the Government; but any Senator has a perfect right to write to New York to find out exactly how these articles enter into this country, the classifications under which they come, and the rates that are imposed upon them, or for any other information connected therewith.

Mr. STONE. But the committee can not write to the expert unless we know who he is. If he is a Government official, we would like to communicate with him and see whether the other expert furnished by the Government of the United States, in the employ of the United States, and supposed to be thoroughly competent in matters of this particular kind tells the committee what has been related here in the hearing of the Senate. This expert is here at the call this moment of Senators. He states one thing. The Senator from Utah assumes to contradict him and assumes to have some special scientific knowledge of this matter, but when we ask him about it it seems he quotes from some mysterious man off in New York, who, he says, is in the Government employ. Of course, I accept his statement that the man is in the Government employ; and if so, I should like to question him and the committee would like to question him. Who is he?

Mr. SMOOT. Well, Mr. President, so far as that is concerned, I am not compelled to tell the Senator to whom I write or where I get my information.

Mr. STONE. No; the Senator is not compelled to do so.

Mr. SMOOT. I want to say that if the Senator really desires to know, and is interested in finding out, I can tell the Senator, and will tell him.

Mr. WILLIAMS. I will tell the Senator from Missouri. I have the information here.

Mr. STONE. Very well.

Mr. WILLIAMS. The expert the committee had was an expert chemist who happens to have a German name, and I find that this language occurs in some notes and observations compiled by Thomas J. Doherty, Esq., who is a special attorney of the Customs Division. He seems evidently to have been the expert who gave the Senator from Utah his information, because this lawyer says:

Attention is particularly invited to the proviso which H. R. 3321 has attached to this paragraph. It must have been placed there under a misapprehension. What is meant by this remark is that with the exception of amyl nitrite and amyl acetate the ethers here mentioned are all made with ethyl alcohol, and in their finished condition they all contain alcohol. Sulphuric ether, which is the great anæsthetic, is prepared from ethyl alcohol with sulphuric acid. It contains ordinarily about 4 per cent of alcohol.

Which is just what the Senator from Utah said.

Ethyl acetate or acetic ether is prepared from alcohol with acetic acid and contains about 10 per cent of alcohol.

Which is just what the Senator said.

Ethyl chloride is prepared from alcohol by hydrochloric acid. It will be seen that the effect of the proviso is to exclude from the paragraph the most important of the articles that are named in the paragraph.

Which is just what the Senator said.

Articles so excluded fall within the terms of paragraph 17 at considerably higher rate of duty.

Now, we will put the chemical expert whom the committee had against the legal expert whom the Senator had, and try it out anyhow in the shape of the law as we have drawn it.

Mr. SMOOT. Mr. President, not only have I taken the information referred to by the Senator, but I have inquired of those who manufacture the article in this country. I notice the Finance Committee, or the Democratic members of the Finance Committee at least, took notice of the fact that as the provision came from the House it meant nothing, and so they changed this proviso by adding as to ethers "more than 5 per cent of alcohol." If they will change that 5 per cent to 10 per cent, then everything in that paragraph will fall under the rates provided in the paragraph.

Mr. GALLINGER. Mr. President, there is no question but that the committee itself had an expert, and the minority of the committee had an expert who furnished the notes which the Senator from Utah quotes. As to the relative competency of those two men I know nothing, but I want my medical friend from Oregon [Mr. LANE], in whom I have great confidence as a physician, to restate what he said on this point. I will say that, while a long time ago I had some knowledge of medicine, I am not familiar with this particular item, though I have used a great deal of the article.

Mr. WILLIAMS. Before that occurs, if the Senator from New Hampshire will pardon me a moment, I will say that I do not want to be misunderstood. Of course, both the majority and the minority have had experts; and that is right. I merely wanted to call attention to the fact that the expert who furnished this information upon the chemical schedule to the Senator from Utah was a lawyer, whereas ours was a chemist.

Mr. GALLINGER. I understood the Senator from Mississippi to say that. Now, if the Senator from Oregon, who has been recently in the active practice of the profession of medicine, would again state what he said on this point, it would be interesting to me, if to no one else.

Mr. LANE. Very well, Mr. President, I will try to make it plain and simple for the Senator. I will state that anyone who has ever made cider, and then converted it into cider vinegar, knows this particular fact from his own experience, that at a certain temperature, if kept long enough, it becomes hard cider, containing alcohol from a conversion of the element of sugar in it, when it becomes an intoxicating drink. Allow the process to go one degree further under the same conditions of heat, moisture, and the intervention of a certain bacillus which promotes fermentation, and it becomes vinegar, of which acetic acid is the main component part. Stop just short of that in the distillation or conversion of it, and you will have a certain amount of vinegar, if you place it in a receptable with a residue containing alcohol. I am assured by men who have more information than I concerning the manufacture of ether chemically that carrying 2 per cent of its own ethylic alcohol, it becomes acetic ether. Any of you know how to make vinegar and any of you know how to make alcohol out of cider, and any one of you, with a little bit of preparation, can make acetic ether at a very small expense. That, in a short and brief way, was what I meant to set forth in my previous statement.

Mr. HUGHES. Mr. President, the Senator from Utah [Mr. SMOOT] a little while ago made a statement to the effect that if this contention were right and this commodity was admitted under paragraph No. 17 it would result in an increase of the rate of duty. I am sure he will not persist in that statement in view of the fact that acetic ether under the present law now bears a duty of 250 per cent.

Mr. SMOOT. I am not speaking of the present law. I am speaking of that provision.

Mr. HUGHES. The Senator from Kansas [Mr. BRISTOW] asked the Senator from Utah the direct question whether, if this commodity fell under paragraph No. 17, it would be an increase of the rate, and the Senator from Utah, as I understood him, said that it would. The rate of duty under the present law is 250 per cent. The Senator from Utah can state

in a moment what the rate will be under the proposed law, even if this article comes in under paragraph No. 17.

Mr. SMOOT. I should like to ask the Senator from New Jersey where he gets the information that the rate of duty is 250 per cent?

Mr. HUGHES. Under the present law the rate is 50 cents a pound and not less than 25 per cent ad valorem. The price of acetic ether at present is about 20 cents per pound, making the rate of duty 250 per cent.

Mr. SMOOT. Mr. President, I take the Tariff Handbook prepared by the Democratic members of the committee and turn to that particular paragraph, and I find ethers, on all of which the specific duty does not amount to 25 per cent. Then you find above that sulphuric ether, which is in this paragraph. The next is ethyl chloride, which comes in under the Payne-Aldrich law at 30 per cent, just as I said, and then all other ethers. Under that head the highest rate—and that was in 1912—was 93.81 per cent, while in 1910 it was 142 per cent.

Mr. HUGHES. I call the Senator's attention to the language of the Payne-Aldrich bill, which is the bill now under discussion.

Mr. SMOOT. Not at all. I have not referred to that bill.

Mr. HUGHES. I have referred to it, and the Senator from Kansas [Mr. BRISTOW] referred to it, and I am trying to correct a wrong impression which I think the Senator from Utah left on the mind of the Senator from Kansas. To do that I will read the language of the Payne-Aldrich law, which provides that—

Ethers of all kinds not specially provided for in this section—

Which includes acetic ethers—

50 cents per pound.

Further down it says:

That no article of this paragraph shall pay a less rate of duty than 25 per cent ad valorem.

As I have said, a duty of 50 cents per pound amounts to an equivalent ad valorem of about 250 per cent.

Mr. SMOOT. Then there is a mistake in the document.

Mr. LODGE. The document is wrong.

Mr. HUGHES. I am not concerned about that. I simply wanted to correct what I regarded as a wrong impression left on the mind of the Senator from Kansas by the Senator from Utah.

Mr. SMOOT. The Senator from Kansas is not asking for an increase over the present rate. We were not discussing the question of the increase over the present rate; we were discussing the question whether, if this paragraph should be passed as it stands, these ethers would not go out of this paragraph and fall into paragraph 17.

Mr. HUGHES. I would not have obtruded myself into the discussion at all had it not been that the Senator from Kansas asked the Senator from Utah the question point blank, whether or not, if these duties fell under paragraph 17, it would result in an increase over the present rates; and the Senator from Utah—whether he understood the Senator from Kansas or not I do not know—said it would result in an increase. That is the reason I wanted to make the correction.

Mr. SMOOT. If the Senator asked me that question, I do not remember it; but whatever he did ask, I said that I did not have the present law with me here, and I could not tell what it was; but I referred to the Tariff Handbook and quoted him the rate on all ethers on which the specific duties do not amount to 25 per cent, and gave him the amount of the imports.

Mr. BRISTOW. I desire to say that I meant to ask the Senator from Utah two questions: First, if his contention were correct, what would be the increase over the duty carried in this paragraph?

Mr. SMOOT. That is as I remember it.

Mr. BRISTOW. And then I asked whether it would increase the duty over the present law, and I understood the Senator to say that it would.

Mr. HUGHES. That was my understanding.

Mr. BRISTOW. I want to see if I understand this controversy.

Mr. SMOOT. Mr. President, what did the Senator from New Jersey say was the price of ether to-day?

Mr. HUGHES. Twenty cents a pound.

Mr. SMOOT. Then, if the commodity falls under paragraph 17, the duty would be 50 per cent, and 20 per cent extra would be 70 per cent, if the proposed amendment is not adopted.

Mr. BRISTOW. I want to see if I understand this matter correctly. If the Senator from Utah is correct in his contention, it will increase the duties on some of these acids to 70 per cent over those carried in this paragraph; and if the Senator from Utah is not correct, the duty will be the same as that provided in this paragraph on the ethers to which he refers.

Mr. SMOOT. That is correct.

Mr. BRISTOW. If the proposition which the Senator from Utah makes to increase this to 10 per cent should carry—I will make that violent presumption, of course—let me inquire of the Senator from Maine what would then be the duty on the particular acids which are in controversy? Would it be more than that provided in this paragraph?

Mr. JOHNSON of Maine. I think it would fall into paragraph 17 if it contained more than the alcohol allowed by the provision here.

Mr. BRISTOW. Does the Senator from Maine state that, if the amendment suggested by the Senator from Utah prevails, it will place these acids under paragraph 17?

Mr. JOHNSON of Maine. No; I do not understand the question. I understood the question to be if they contained more alcohol than mentioned in the proviso where they would fall; but I understand now the inquiry to be as to what the effect would be of the amendment offered by the Senator from Utah.

Mr. BRISTOW. That is the point exactly.

Mr. JOHNSON of Maine. Well, these compounds then might contain 10 per cent of alcohol without being classed as alcoholic compounds or dutiable as alcoholic compounds. That would be the effect. As I understand, under this proviso they may contain 5 per cent and not be dutiable as alcoholic compounds and compelled to pay the higher rate of alcoholic compounds.

Mr. SMOOT. The effect of my amendment, Mr. President, would be that every item in this paragraph would remain dutiable at the rate provided in this paragraph; but if the amendment offered by me is not adopted and any of the ethers mentioned contain more than 5 per cent of alcohol, they will then fall back into paragraph 17 and carry the additional rate. It can not hurt anybody to accept the amendment; it can not hurt any item in this paragraph, because it simply makes it absolutely sure that the items mentioned in the paragraph shall carry only the rates that are provided in the paragraph.

Mr. BRISTOW. I should like the opinion of the Senator from Maine upon that point to see if there is a diffrence between his viewpoint and that of the Senator from Utah.

Mr. JOHNSON of Maine. Mr. President, I have already stated what it seems to me would be the effect of the amendment, namely, that all of these articles might contain as high as 10 per cent of alcohol and still not be classed as alcoholic compounds and bear this low rate of duty of 20 per cent, whereas as alcoholic compounds, under paragraph 17, containing 20 per cent of alcohol or less they would be dutiable at 10 cents per pound and 20 per cent ad valorem.

Mr. BRISTOW. Does the Senator think that would bring in a number of compounds at a lower rate than they ought to come in?

Mr. JOHNSON of Maine. I do.

Mr. BRISTOW. Can the Senator say what those articles are?

Mr. JOHNSON of Maine. It would bring in all of these. They might contain as high as 10 per cent of alcohol and still bear only this duty of 20 per cent ad valorem. The proviso offered by the committee is that they shall not contain more than 5 per cent of alcohol. We have limited the amount in that way.

Mr. BRISTOW. I am free to say that it is somewhat difficult for those of us who do not understand these chemical compounds to arrive at a satisfactory conclusion. I do not want to vote for a duty of 70 per cent on these compounds if that is what will be the effect of the amendment. At the same time I do not want to vote for an amendment that will bring in at a 20 per cent rate a lot of compounds that ought to carry a higher rate.

Mr. LANE. Mr. President, if the Senator will allow me, here is the United States Dispensatory, an official document recognized by druggists and physicians all over the world, though not, perhaps, by those of the homeopathic persuasion. I think they recognize it as a fairly good authority, however. It aims to give a true and just statement of the facts. It describes acetic ether as follows:

A liquid composed of about 98.5 per cent, by weight, of ethyl acetate and about 1.5 per cent of alcohol, containing a little water. It should be kept in well-stoppered bottles, in a cool and dark place, remote from lights or fire.

That is acetic ether.

Mr. BRISTOW. Is that sulphuric ether?

Mr. LANE. It is acetic ether.

Mr. WILLIAMS. Mr. President, I want to call attention to what seems to me to be rather a curiosity of political literature in connection with this matter, although in itself it is not of much importance.

The Senator from Utah [Mr. SMOOT] has just dwelt upon the egregious wrong that would flow to the country if by a mistake in the percentage of alcohol designated in the paragraph under consideration certain of these preparations fell under paragraph 17 and became taxable there. He speaks of the duty as an enormous tax. I thought at first it was something that met with the absolute moral and political disapprobation of the Senator from Utah. I was convinced that he would be distressed to the very bottom of his soul if these things were taxable under paragraph 17.

Upon turning to paragraph 17 I find that it provides for a tax of 10 cents per pound, which upon the price of the article would be 50 per cent, plus 20 per cent ad valorem, which would be 70 per cent all told even if this misfortune occurred. That would be an enormous tax from a Democratic standpoint. But the Senator from New Jersey [Mr. HUGHES] has just disclosed the fact that under the present law, in framing which the Senator from Utah had so conspicuous a part, the tax was 250 per cent. In other words, it is a reduction of 180 per cent from the present law.

I never expected to live to see the day when the Senator from Utah would be warning the country against the Democratic error of fixing a tax of 70 per cent on a product where he had fixed a tax of 250 per cent. I say "he," because magna pars fuit, and he was there all the time. Next, perhaps, to the distinguished ex-Senator from Rhode Island, Mr. Aldrich, the Senator from Utah had more to do with fixing these protective tariffs, which were to advance the interests of the country and the people, than any man of that Congress. Now his soul is distressed because he is afraid that what he taxed at 250 per cent may possibly, under a Democratic tariff bill, be taxed at 70 per cent. I can readily understand why I should feel distressed, but I confess I do not understand why the Senator from Utah should feel distressed.

Of course we expected Senators upon that side, and especially the Senator from Utah, to quarrel with whatever we did. It would not have made any difference what we did; we could not have gotten the vote of the Senator from Utah, and we could not have gotten the vote of my distinguished friend from New Hampshire [Mr. GALLINGER], because our viewpoints are entirely different. In other words, you came in prepared to quarrel with us. You came in prepared to criticize and to cudgel us as far as you could.

I am reminded of a story I heard some time ago. A friend of mine says it is a true story. He said he was walking down the street in Louisville, Ky., and he noticed a man in front of him taking up the sidewalk; and as he took it up on both sides he noticed that the man was violently gesticulating. Just as he came up to the man my friend heard him utter these words: "I'm going home to lunch. If lunch ain't ready, I'm going to raise Cain; and if lunch is ready, I won't eat a dad-blamed bite of it."

Mr. BORAH. Mr. President——

Mr. WILLIAMS. So the Senator from Utah, like the man who was prepared to quarrel with his wife anyhow, because he knew his wife ought to quarrel with him, is prepared to quarrel with us anyhow, because he feels we ought to be quarreling with the present law, but he has studiously diverted attention from the present law in the entire discussion.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. We find him quarreling when we reduce a duty; we find him quarreling when we raise a duty. We find him criticizing us no matter what we do. I am prepared to believe that when he came——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. The Senator ought to understand that if there is any point in the world where it is inappropriate to interrupt a man, it is when he is in the midst of an anecdote. [Laughter.]

I am inclined to believe that the Senator came to this senatorial feast with his mind made up that if lunch was not ready he was going to raise Cain, and if lunch was ready he did not propose to eat a "blamed bite" of it. We never expected him to eat a "blamed bite" of it, but we do not think he ought to raise Cain with us on the ground that a duty is too high when it is a reduction of 180 per cent from the present rate.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I insist that that story, which the Senator from Mississippi is good at telling, he ought to tell to the Senate as he tells it in the cloakroom. It would be a whole lot better.

Mr. WILLIAMS. Mr. President, I remember an old friend of mine down in Yazoo City who was always using French words with Anglo-Saxon prefixes and suffixes to them, and he coined a word, which was "inaproposiousness." There are occasions upon which there is a good deal of "inaproposiousness" about telling a story just as I originally heard it, and this is one of them. There might be stronger words in the story if it were literally repeated.

At any rate, there was a man going down the street. He knew he was in a bad fix. He knew he had misbehaved himself, just as the Senator knows that all of you over there misbehaved yourselves when you passed the Payne-Aldrich bill. He thought his wife might quarrel with him when he got home because of the condition in which he had put himself—just as the Senator from Utah is afraid we might quarrel with him because of the condition in which he has put the country in connection with tariff matters—and he determined to choose his own line of battle and that his wife should not choose it. So, instead of quarreling about his being drunk, he had made up his mind to quarrel either about lunch not being ready or about lunch being ready; it did not make any difference which.

Mr. GALLINGER. Mr. President, I will inquire of my genial friend from North Carolina whether we have not put in a pretty good day's work to-day. I understand the Senator wants us to continue until 6 o'clock, as a rule; but we have been here a long time, and the matter under discussion might well have some consideration overnight, as there seems to be such a wide difference of opinion about it.

Mr. SIMMONS. I should like very much to have a vote upon the amendment of the Senator from Utah, and then I should be willing to adjourn——

Mr. GALLINGER. That is satisfactory.

Mr. SIMMONS (continuing). Unless it is desired to have an executive session.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah, which will be stated.

The SECRETARY. In line 12 of the proposed committee amendment the Senator from Utah moves to strike out "5" and insert "10," so that it will read "more than 10 per cent."

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

THE MONROE DOCTRINE (S. DOC NO. 138).

Mr. SHERMAN. I ask unanimous consent to have printed as a Senate document an article by Darius H. Pingrey, who is a member of the American Bar Association and professor of international law in Illinois Wesleyan University Law School. It is on the subject of the Monroe doctrine. I think there is nothing improper in it. I offer it in connection with the resolution of the Senator from New Mexico [Mr. FALL]. It concerns entirely the present application of the Monroe doctrine. I should like unanimous consent to have it printed as a Senate document.

Mr. BACON. I presume there will be no objection to its being printed as a document.

Mr. SHERMAN. I do not wish in any manner to interfere with the deliberate consideration of the resolution offered by the Senator from New Mexico [Mr. FALL], but it is in view of the discussion had on yesterday that I desire to have this paper printed.

Mr. FLETCHER. Will the Senator give us some idea as to the bulk of the document? What is the size of it?

Mr. SHERMAN. I suppose it will cover about a page of the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Is there objection?

Mr. WALSH. I desire to inquire of the Senator from Illinois on what occasion this address was made, and by whom?

Mr. SHERMAN. It is an article printed in the Chicago Law Journal. It was not made on any public occasion, but is a communication printed in that journal.

Mr. WALSH. By whom?

Mr. SHERMAN. By D. H. Pingrey, a member of the Illinois bar and also a member of the American Bar Association.

Mr. WALSH. Is that a regular legal publication, one regularly issued?

Mr. SHERMAN. Yes, sir; the journal has been published for some 40 years, and is one of very good standing.

Mr. WALSH. Is the Senator able to advise us that the article was not written for the purpose of promoting some particular interest?

Mr. SHERMAN. No, sir; I think, if anything, it will promote a more amicable understanding of the resolution offered

by the Senator from New Mexico. It was only while I was listening to the discussion yesterday that I came to the conclusion that this would be a desirable public document. I do not think it will interfere with the deliberate action of the Senate in disposing of the resolution.

Mr. WALSH. I am only interested to know whether it is simply a contribution to the literature of the subject by some one not interested——

Mr. SHERMAN. Yes; I think it is.

Mr. WALSH (continuing). Or whether it was written by some one for the purpose of forwarding some particular interest.

Mr. SHERMAN. I think it is a contribution to the literature of the subject. That is my judgment about it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the paper will be printed as a public document.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, July 24, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 23, 1913.

MINISTER.

James M. Sullivan, of New York, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Dominican Republic, vice William W. Russell, resigned.

UNITED STATES ATTORNEYS.

Francis M. Wilson, of Missouri, to be United States attorney, western district of Missouri, vice Leslie J. Lyons, resigned.

Robert P. Stewart, of South Dakota, to be United States attorney for the district of South Dakota, vice Charles J. Morris, who is serving under a temporary appointment by the court.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Willis T. May, Twenty-eighth Infantry, to be colonel from July 19, 1913, vice Col. William Paulding, Fourth Infantry, retired from active service July 18, 1913.

POSTMASTERS.

ALABAMA.

Jefferson K. Quillin to be postmaster at Clayton, Ala., in place of Charles Valentine. Incumbent's commission expired January 27, 1908.

CALIFORNIA.

Esther B. Kensel to be postmaster at Portola, Cal. Office became presidential October 1, 1912.

David C. Hyer to be postmaster at Susanville, Cal., in place of Frank H. Bangham. Incumbent's commission expired January 22, 1913.

Frederick B. Nichols to be postmaster at McCloud, Cal., in place of Frederick B. Nichols. Incumbent's commission expired December 14, 1912.

Warren Rodgers to be postmaster at McKittrick, Cal., in place of Oscar H. Tetzlaff. Incumbent's commission expired July 23, 1913.

Francis F. Wrenn to be postmaster at Newcastle, Cal., in place of F. H. Howell. Incumbent's commission expired July 1, 1913.

COLORADO.

Sherman S. Bellesfield to be postmaster at Pueblo, Colo., in place of Nimrod S. Walpole. Incumbent's commission expired January 20, 1913.

M. J. Brennan to be postmaster at Leadville, Colo., in place of Ahiman V. Bohn. Incumbent's commission expired June 25, 1913.

FLORIDA.

J. L. Geiger to be postmaster at Zephyrhills, Fla. Office became presidential January 1, 1913.

William E. McEwen to be postmaster at Wauchula, Fla., in place of Homer B. Rainey. Incumbent's commission expired April 19, 1913.

Gilbert M. Shepard to be postmaster at Blountstown, Fla. Office became presidential January 1, 1913.

GEORGIA.

Annie K. Bunn to be postmaster at Cedartown, Ga., in place of John I. Fullwood. Incumbent's commission expired February 27, 1912.

George Dansby to be postmaster at Rockmart, Ga., in place of James F. Dever. Incumbent's commission expired April 9, 1913.

William J. Webb to be postmaster at Canton, Ga., in place of William T. Edwards. Incumbent's commission expired January 11, 1913.

HAWAII.

John M. Bright to be postmaster at Lahaina, Hawaii, in place of Arthur Waal. Incumbent's commission expired June 23, 1913.

ILLINOIS.

Thomas F. Enright to be postmaster at Hubbard Woods, Ill. Office became presidential July 1, 1912.

Edward C. Schweitzer to be postmaster at Leland, Ill., in place of Carrie Hovda. Incumbent's commission expired January 11, 1913.

INDIANA.

William C. Foltz to be postmaster at Bremen, Ind., in place of William Helminges. Incumbent's commission expired June 12, 1913.

Patrick Sharkey to be postmaster at Shirley, Ind., in place of Leonard E. Moore. Incumbent's commission expired February 1, 1913.

IOWA.

Henry Africa to be postmaster at Kanawha, Iowa, in place of Thomas H. Thompson. Incumbent's commission expired May 18, 1913.

Charles Loyd Paul to be postmaster at Ireton, Iowa, in place of Levi M. Black. Incumbent's commission expired January 24, 1909.

I. G. Winter to be postmaster at Sioux Center, Iowa, in place of Delbert W. Duncan. Incumbent's commission expired May 13, 1913.

KANSAS.

Hugh O'Hara to be postmaster at Frontenac, Kans., in place of Charles Friskel. Incumbent's commission expired April 5, 1913.

L. A. Walker to be postmaster at Parsons, Kans., in place of Benjamin L. Taft. Incumbent's commission expired February 12, 1912.

KENTUCKY.

C. E. Barnett to be postmaster at Earlington, Ky., in place of Charles Cowell. Incumbent's commission expired December 14, 1912.

MAINE.

Leon B. Clay to be postmaster at Lincoln, Me., in place of Charles F. Plumley. Incumbent's commission expired December 14, 1912.

William S. Mildon to be postmaster at Eastport, Me., in place of Albert Greenlaw. Incumbent's commission expired January 11, 1913.

W. H. Newbegin to be postmaster at Kezar Falls, Me. Office became presidential July 1, 1913.

Stanley L. Wescott to be postmaster at Patten, Me., in place of Jacob F. Hersey. Incumbent's commission expired January 20, 1913.

Oscar R. Wish to be postmaster at Portland, Me., in place of Fred H. King. Incumbent's commission expired February 9, 1913.

MASSACHUSETTS.

Patrick H. Haley to be postmaster at Chelmsford, Mass., in place of Ralph W. Emerson. Incumbent's commission expired June 9, 1913.

MICHIGAN.

Robert E. Foley to be postmaster at Mohawk, Mich., in place of Thomas H. Berryman. Incumbent's commission expired December 14, 1912.

MINNESOTA.

Oscar Johnston to be postmaster at Nashwauk, Minn., in place of Paul H. Tvedt, resigned.

Louis Tillmans to be postmaster at Aurora, Minn., in place of F. C. Talboys, removed.

Jason Weatherhead to be postmaster at Ada, Minn., in place of Charles E. Ward. Incumbent's commission expired March 28, 1910.

MISSISSIPPI.

Sidney J. Ferguson to be postmaster at Meridian, Miss., in place of W. J. Price, removed.

Johnathan R. Moreland to be postmaster at Philipp, Miss. Office became presidential April 1, 1913.

MISSOURI.

James R. Bennett to be postmaster at Branson, Mo. Office became presidential July 1, 1913.

C. H. Brown to be postmaster at Auxvasse, Mo. Office became presidential January 1, 1913.

Nelson H. Cook to be postmaster at Forest City, Mo. Office became presidential January 1, 1913.

J. H. Guitar to be postmaster at Columbia, Mo., in place of Elgar A. Remley. Incumbent's commission expired June 26, 1913.

S. A. Norrid to be postmaster at Puxico, Mo., in place of Thomas A. Shelton, resigned.

Abram Stephens to be postmaster at Troy, Mo., in place of Solomon R. McKay. Incumbent's commission expired December 17, 1912.

NEBRASKA.

J. D. Bishop to be postmaster at Peru, Nebr., in place of Fay Whitfield. Incumbent's commission expired December 17, 1912.

NEW HAMPSHIRE.

Frank P. Hobbs to be postmaster at Wolfeboro, N. H., in place of Arthur H. Copp. Incumbent's commission expired June 28, 1913.

James H. Willey to be postmaster at Milton, N. H., in place of Joseph H. Avery. Incumbent's commission expired December 14, 1912.

NEW JERSEY.

Joseph F. Farley to be postmaster at Cliffside, N. J. Office became presidential April 1, 1912.

John B. Hankins to be postmaster at Pemberton, N. J., in place of Harry B. Ridgeway. Incumbent's commission expired July 23, 1913.

Waters B. Hurff to be postmaster at Bridgeton, N. J., in place of Morris Davis. Incumbent's commission expired June 16, 1913.

Wilmer J. Smith to be postmaster at Belvidere, N. J., in place of Charlotte C. Ketchem. Incumbent's commission expired January 11, 1913.

Charles T. White to be postmaster at Millville, N. J., in place of George W. Branin. Incumbent's commission expired December 10, 1911.

John W. Winter to be postmaster at Allendale, N. J., in place of Michael McDermott. Incumbent's commission expired July 23, 1913.

NEW MEXICO.

Malcolm Cameron to be postmaster at San Marcial, N. Mex., in place of Joseph McQuillin, removed.

L. A. Chandler to be postmaster at Cimarron, N. Mex., in place of George M. Chandler, resigned.

Viola Keenan Reynolds to be postmaster at Springer, N. Mex., in place of Louis Garcia, resigned.

George F. Williams to be postmaster at Mogollon, N. Mex. Office became presidential July 1, 1913.

NEW YORK.

Robert S. Ames to be postmaster at Lake Placid, N. Y., in place of Edward L. Ware. Incumbent's commission expired January 11, 1913.

Artemas D. Barton to be postmaster at Pine Plains, N. Y., in place of John W. Hedges. Incumbent's commission expired January 21, 1913.

Richard L. Earl to be postmaster at Honeoye Falls, N. Y., in place of George A. Case. Incumbent's commission expired May 7, 1913.

Alpheus D. Jessup to be postmaster at Florida, N. Y., in place of Garfield Vanderburgh, removed.

Nellie E. Lempfert to be postmaster at Stony Brook, N. Y. Office became presidential July 1, 1913.

Frank C. Lent to be postmaster at Atlanta, N. Y., in place of Rufus R. Clement. Incumbent's commission expired May 18, 1913.

Charles Miller to be postmaster at Baldwin, N. Y., in place of William J. Steele, resigned.

Robert W. Parrish to be postmaster at Brown Station, N. Y., in place of C. A. Wood. Incumbent's commission expired July 13, 1913.

Frederick H. Payne to be postmaster at Berkshire, N. Y. Office became presidential July 1, 1913.

Barton L. Piper to be postmaster at Watkins, N. Y., in place of Frank A. Frost. Incumbent's commission expired January 25, 1913.

James L. Reeve to be postmaster at Mattituck, N. Y., in place of Henry P. Tuthill, resigned.

Hugh Smiley to be postmaster at Mohonk Lake, N. Y., in place of Daniel Smiley, resigned.

Frederick H. Smith to be postmaster at Milton, N. Y., in place of Frederick W. Woolsey. Incumbent's commission expired July 23, 1913.

Stephen R. Williams to be postmaster at Kenmore, N. Y. Office became presidential January 1, 1913.

NORTH CAROLINA.

D. Earl Best to be postmaster at Warsaw, N. C., in place of James B. Winders. Incumbent's commission expires August 4, 1913.

A. C. Link to be postmaster at Hickory, N. C., in place of Samuel M. Hamrick. Incumbent's commission expired December 17, 1911.

John F. Saunders to be postmaster at Troy, N. C., in place of L. M. Russell, resigned.

L. T. Sumner to be postmaster at Ahoskie, N. C. Office became presidential January 1, 1909.

Daniel L. Windley to be postmaster at Belhaven, N. C., in place of Walter C. Brinson. Incumbent's commission expired March 20, 1912.

NORTH DAKOTA.

James J. Dougherty to be postmaster at Park River, N. Dak., in place of Lyman Brandt, resigned.

Charles E. Harding to be postmaster at Churchs Ferry, N. Dak., in place of George C. Chambers, deceased.

Frank Renning to be postmaster at Velva, N. Dak., in place of George W. Downing, removed.

OHIO.

W. T. Alberson to be postmaster at New Philadelphia, Ohio, in place of Wilson A. Korns. Incumbent's commission expired April 13, 1912.

Charles Lee Burns to be postmaster at Andover, Ohio, in place of Charles E. Ainger. Incumbent's commission expired January 21, 1913.

P. W. Guilday to be postmaster at Milford, Ohio, in place of E. B. Gatch. Incumbent's commission expired April 5, 1913.

P. James McClain to be postmaster at West Carrollton, Ohio, in place of S. S. Connell. Incumbent's commission expired February 11, 1913.

I. L. McCollough to be postmaster at Butler, Ohio, in place of James T. McCready. Incumbent's commission expired June 12, 1913.

Charles H. Marshall to be postmaster at New Paris, Ohio, in place of Charles E. Samuels. Incumbent's commission expired May 12, 1913.

Custer Snyder to be postmaster at Lorain, Ohio, in place of Charles Doll. Incumbent's commission expired May 12, 1913.

OKLAHOMA.

L. B. Avant to be postmaster at Avant, Okla. Office became presidential January 1, 1913.

Marion B. Carley to be postmaster at Geary, Okla., in place of John W. Deam. Incumbent's commission expired February 27, 1910.

J. H. Cunningham to be postmaster at Carnegie, Okla., in place of Charles W. Young, resigned.

Lee Roy Daniels to be postmaster at Hydro, Okla., in place of Frank W. Hungate, resigned.

J. C. Groves to be postmaster at Porum, Okla., in place of A. J. Plunkett, resigned.

W. E. Hunt to be postmaster at Thomas, Okla., in place of Will Huston. Incumbent's commission expired December 17, 1912.

J. E. McCutchan to be postmaster at Pawnee, Okla., in place of Louis N. Bushorr. Incumbent's commission expired April 28, 1912.

L. M. Nichols to be postmaster at Bristow, Okla., in place of Roy W. Lovett, resigned.

John S. Thompson to be postmaster at Mulhall, Okla., in place of T. B. Woosley. Incumbent's commission expired May 23, 1912.

OREGON.

J. W. Boone to be postmaster at Prineville, Oreg., in place of William Ledford, resigned.

Iva E. Dodd to be postmaster at St. Helens (late St. Helen), Oreg., in place of Marion C. Gray, resigned, and to change name of office.

Marshall W. Malone to be postmaster at Linnton, Oreg. Office became presidential April 1, 1913.

PENNSYLVANIA.

John Adams to be postmaster at Vandergrift, Pa., in place of S. W. Hamilton. Incumbent's commission expired January 26, 1913.

Charles H. Carter to be postmaster at Mount Pocono, Pa.. Office became presidential July 1, 1911.

Andrew C. M. Crozier to be postmaster at Port Royal, Pa. Office became presidential January 1, 1913.

Charles M. Harder to be postmaster at Catawissa, Pa., in place of C. E. Geyer. Incumbent's commission expired January 12, 1913.

W. B. Reisinger to be postmaster at Wrightsville, Pa., in place of William H. Flora. Incumbent's commission expired May 14, 1912.

Henry W. Rinehart to be postmaster at Millerstown, Pa., in place of Jerome B. Lahr, resigned.

John J. Ryan to be postmaster at Centralia, Pa., in place of R. M. Lashelle, sr., resigned.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, P. R., in place of Jose Carrera. Incumbent's commission expired Fabruary 11, 1913.

SOUTH CAROLINA.

W. A. Hill to be postmaster at Newberry, S. C., in place of Charles J. Purcell, resigned.

SOUTH DAKOTA.

John F. McGowan to be postmaster at Hartford, S. Dak., in place of D. A. McGillivray, resigned.

Alfred E. Paine to be postmaster at Doland, S. Dak., in place of Joshua F. Wood. Incumbent's commission expired April 9, 1913.

TENNESSEE.

Ira La F. Lemonds to be postmaster at Tiptonville, Tenn., in place of William J. Walker, resigned.

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn., in place of Joel F. Ruffin. Incumbent's commission expired March 3, 1913.

R. B. Schoolfield to be posmtaster at Pikeville, Tenn., in place of Oscar N. Vaughn, resigned.

William Thomas to be postmaster at Brownsville, Tenn., in place of Frank J. Nunn. Incumbent's commission expired July 23, 1913.

TEXAS.

W. D. Armstrong to be postmaster at Alto, Tex., in place of Charles M. Diller. Incumbent's commission expired January 27, 1913.

W. P. Boyd to be postmaster at Thurber, Tex., in place of Robert McKinnon, deceased.

C. W. Bradbury to be postmaster at Kirbyville, Tex., in place of J. C. Williamson, resigned.

August R. Gold to be postmaster at Fredericksburg, Tex., in place of Frederick Loudon. Incumbent's commission expired January 14, 1913.

Charles Johnston to be postmaster at Goree, Tex., in place of Zachary Monroe, resigned.

C. E. Long to be postmaster at Jourdanton, Tex. Office became presidential April 1, 1913.

J. P. Sharp to be postmaster at Tioga, Tex. Office became presidential January 1, 1912.

W. F. Sponseller to be postmaster at Fowlerton, Tex. Office became presidential April 1, 1913.

John C. Wood to be postmaster at Big Sandy, Tex., in place of George A. Tohill. Incumbent's commission expired April 21, 1912.

VIRGINIA.

David W. Berger to be postmaster at Drakes Branch, Va., in place of W. S. Gregory, jr. Incumbent's commission expired December 14, 1912.

D. F. Hankins to be postmaster at Houston, Va., in place of Charles A. Lacy, resigned.

James S. Haile to be postmaster at Chatham, Va., in place of James Carter. Incumbent's commission expired March 2, 1911.

WASHINGTON.

Maury C. Hayden to be postmaster at Lind, Wash., in place of J. J. Merriam. Incumbent's commission expired February 13, 1912.

John F. May to be postmaster at Republic, Wash., in place of George B. Stocking. Incumbent's commission expired February 20, 1913.

WEST VIRGINIA.

C. B. Riggle to be postmaster at Middlebourne, W. Va., in place of Harry W. Smith. Incumbent's commission expired January 14, 1913.

WISCONSIN.

Gustave Keller to be postmaster at Appleton, Wis., in place of M. F. Barteau. Incumbent's commission expired January 10, 1911.

John P. Rice to be postmaster at Sparta, Wis., in place of Fred A. Brandt. Incumbent's commission expired December 14, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 23, 1913.

SURVEYOR GENERAL OF ALASKA.

Charles E. Davidson to be surveyor general of Alaska.

POSTMASTERS.

IOWA.

Frederick S. Anderson, Stanton.
Willard Bucklen, Marble Rock.
W. H. Carmody, sr., Valley Junction.
Charles B. Clark, Ogden.
J. B. Conley, Lake Mills.
W. H. Dudley, Earlham.
Harry C. Fox, Monona.
William Frew, Hiteman.
Milton Funk, Lewis.
Reuben M. Gable, Lost Nation.
J. S. Guynn, Traer.
Leo L. Hamblin, Walker.
Edwin L. Helmer, Sanborn.
J. J. Herbster, Milford.
Elmer Hopkins, Whiting.
Anton Huebach, McGregor.
A. G. Johnson, Marshalltown.
Peter Jungers, Hospers.
Frank Kenney, Oxford Junction.
Frank Kussart, Eddyville.
A. W. Lee, Britt.
Charles W. McCarty, Ottumwa.
William F. McCarty, Clarence.
Ed. McConaughey, Allerton.
P. A. McCray, Rolfe.
Thomas R. McKaig, Corwith.
Jacob Meyer, Calmar.
Frank W. Miller, Olin.
Andrew J. Mullarky, Allison.
Andrew T. O'Brien, Independence.
George A. Pruitt, Blanchard.
Joseph H. Riseley, Winthrop.
Sam Robinson, Gravity.
John H. Schulte, Breda.
William D. Schulte, West Point.
R. C. Spencer, Audubon.
E. H. Vary, Mechanicsville.

MASSACHUSETTS.

Henry K. Bearse, Harwich.
L. F. McNamara, Haverhill.
Neil R. Mahoney, North Billerica.
James H. Roach, Winchester.
Osgood L. Small, Sagamore.
Lawrence J. Watson, Beverly Farms.

OHIO.

Andrew Hiss, Norwalk.
C. A. Weidaw, Bloomville.

TENNESSEE.

Henry Estill, Winchester.
Wiley Sublett, Estill Springs.

VIRGINIA.

Hoge M. Brown, Radford.

WITHDRAWALS.

Executive nominations withdrawn July 23, 1913.

POSTMASTERS.

IOWA.

Henry Eppers to be postmaster at Montrose, Iowa.

KANSAS.

George A. Griggs to be postmaster at Marquette, Kans.

NEW YORK.

F. L. Tripp to be postmaster at Pine Plains, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 23, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O God, our heavenly Father, Thy ways, make us apt scholars, and give us the grace to walk therein without fear and doubting, proving ourselves worthy of the gifts Thou hast bestowed upon us and the confidence Thou hast reposed in us, that our inheritance may be the riches of a pure and useful life; and all praise shall be Thine forever. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. UNDERWOOD. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to approve the Journal. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that "the ayes have it."

Mr. MANN. A division, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a division.

Mr. MANN. Pending that, Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three gentlemen are present—not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Thirty-four gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Sixty-nine gentlemen have arisen in the negative. Thirty-four is a sufficient number. The yeas and nays are ordered. Those in favor of the motion to adjourn will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 151, nays 59, answered "present" 7, not voting 212, as follows:

YEAS—151.

Abercrombie	Cox	Hay	Morgan, La.
Alexander	Davenport	Hayden	Morrison
Ashbrook	Decker	Heflin	Murray, Okla.
Aswell	Deitrick	Helvering	O'Hair
Baker	Dies	Henry	Oldfield
Baltz	Doolittle	Holland	Page
Barkley	Doremus	Houston	Pepper
Bartlett	Doughton	Howard	Phelan
Beakes	Elder	Hughes, Ga.	Post
Bell, Ga.	Evans	Hull	Quin
Booher	Fergusson	Igoe	Ragsdale
Borchers	Fitzgerald	Jacoway	Raker
Borland	FitzHenry	Johnson, Ky.	Rauch
Brockson	Floyd, Ark.	Johnson, S. C.	Reed
Broussard	Foster	Keating	Reilly, Conn.
Brown, N. Y.	Fowler	Kent	Roddenbery
Brown, W. Va.	Gard	Key, Ohio	Rothermel
Brumbaugh	Garner	Kirkpatrick	Rucker
Buchanan, Ill.	Garrett, Tenn.	Konop	Russell
Buchanan, Tex.	Garrett, Tex.	Korbly	Sabath
Bulkley	George	Lazaro	Saunders
Burgess	Gilmore	Lee, Ga.	Seldomridge
Burke, Wis.	Glass	Lever	Sherley
Byrnes, S. C.	Goodwin, Ark.	Lobeck	Sims
Byrns, Tenn.	Gordon	McAndrews	Sisson
Callaway	Gorman	McClellan	Smith, Md.
Candler, Miss.	Graham, Ill.	McCoy	Smith, Tex.
Casey	Gray	McDermott	Stedman
Church	Gregg	McGillicuddy	Stephens, Nebr.
Claypool	Hamlin	McKellar	Stephens, Tex.
Clayton	Hardwick	Maguire, Nebr.	Stone
Collier	Hardy	Mitchell	Stout
Connelly, Kans.	Harrison, Miss.	Moon	Stringer
Sumners	Taylor, Colo.	Walsh	Whaley
Taggart	Ten Eyck	Watkins	Wilson, Fla.
Talcott, N. Y.	Thacher	Watson	Wingo
Tavenner	Underwood	Weaver	Young, Tex.
Taylor, Ark.	Walker	Webb	

NAYS—59.

Anderson	French	Lindbergh	Shreve
Austin	Gardner	McGuire, Okla.	Sinnott
Barton	Gillett	McKenzie	Sloan
Bell, Cal.	Green, Iowa	Mann	Smith, Idaho
Bowdle	Helgesen	Mapes	Smith, Minn.
Bryan	Howell	Mondell	Switzer
Burke, S. Dak.	Humphrey, Wash.	Morgan, Okla.	Temple
Campbell	Johnson, Utah	Moss, W. Va.	Thomas
Curry	Johnson, Wash.	Neeley	Thomson, Ill.
Davis, Minn.	Keister	Norton	Treadway
Dillon	Kelly, Pa.	Payne	Walters
Dyer	Kennedy, Iowa	Platt	Willis
Edmonds	Kinkaid, Nebr.	Prouty	Woods
Falconer	Knowland, J. R.	Rupley	Young, N. Dak.
Fess	La Follette	Scott	

ANSWERED "PRESENT"—7.

Adamson	Crisp	Rubey	Wallin
Bathrick	Kahn	Smith, J. M. C.	

NOT VOTING—212.

Adair	Dooling	Kelley, Mich.	Peterson
Aiken	Driscoll	Kennedy, Conn.	Plumley
Ainey	Dunn	Kennedy, R. I.	Porter
Allen	Dupré	Kettner	Pou
Ansberry	Eagan	Kiess, Pa.	Powers
Anthony	Eagle	Kindel	Rainey
Avis	Edwards	Kinkead, N. J.	Rayburn
Bailey	Esch	Kitchin	Reilly, Wis.
Barchfeld	Estopinal	Kreider	Richardson
Barnhart	Fairchild	Lafferty	Riordan
Bartholdt	Faison	Langham	Roberts, Mass.
Beall, Tex.	Farr	Langley	Roberts, Nev.
Blackmon	Ferris	Lee, Pa.	Rogers
Bremner	Fields	L'Engle	Rouse
Britten	Finley	Lenroot	Scully
Brodbeck	Flood, Va.	Lesher	Sells
Browne, Wis.	Fordney	Levy	Shackleford
Browning	Francis	Lewis, Md.	Sharp
Bruckner	Frear	Lewis, Pa.	Sherwood
Burke, Pa.	Gallagher	Lieb	Slayden
Burnett	Gerry	Lindquist	Stemp
Butler	Gittins	Linthicum	Small
Calder	Godwin, N. C.	Lloyd	Smith, N. Y.
Cantrill	Goeke	Logue	Smith, Saml. W.
Caraway	Goldfogle	Lonergan	Sparkman
Carew	Good	McLaughlin	Stafford
Carlin	Goulden	Madden	Stanley
Carr	Graham, Pa.	Mahan	Steenerson
Carter	Greene, Mass.	Maher	Stephens, Cal.
Cary	Greene, Vt.	Manahan	Stephens, Miss.
Chandler, N. Y.	Griest	Martin	Stevens, Minn.
Clancy	Griffin	Merritt	Stevens, N. H.
Clark, Fla.	Gudger	Metz	Sutherland
Cline	Guernsey	Miller	Talbott, Md.
Connolly, Iowa	Hamill	Montague	Taylor, Ala.
Conry	Hamilton, Mich.	Moore	Taylor, N. Y.
Cooper	Hamilton, N. Y.	Morin	Thompson, Okla.
Copley	Hammond	Moss, Ind.	Towner
Covington	Harrison, N. Y.	Mott	Townsend
Cramton	Haugen	Murdock	Tribble
Crosser	Hawley	Murray, Mass.	Tuttle
Cullop	Hayes	Nelson	Underhill
Curley	Helm	Nolan, J. I.	Vare
Dale	Hensley	O'Brien	Vaughan
Danforth	Hill	Oglesby	Volstead
Davis, W. Va.	Hinds	O'Leary	Whitacre
Dent	Hinebaugh	O'Shaunessy	White
Dershem	Hobson	Padgett	Wilder
Dickinson	Hoxworth	Palmer	Williams
Difenderfer	Hughes, W. Va.	Parker	Wilson, N. Y.
Dixon	Hulings	Patten, N. Y.	Winslow
Donohoe	Humphreys, Miss.	Patton, Pa.	Witherspoon
Donovan	Jones	Peters	Woodruff

So the motion to adjourn was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SCULLY with Mr. BROWNING.

Mr. SLAYDEN with Mr. BARTHOLDT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. AIKEN with Mr. BARCHFELD.

Mr. CARLIN with Mr. BRITTEN.

Mr. CARTER with Mr. CALDER.

Mr. CLARK of Florida with Mr. CARY.

Mr. CLINE with Mr. CRAMTON.

Mr. COVINGTON with Mr. FREAR.

Mr. CULLOP with Mr. CHANDLER of New York.

Mr. DAVIS of West Virginia with Mr. GOOD.

Mr. DICKINSON with Mr. GREENE of Vermont.

Mr. DIFENDERFER with Mr. HAYES.

Mr. DONOHOE with Mr. HINEBAUGH.

Mr. ESTOPINAL with Mr. HULINGS.

Mr. FLOOD of Virginia with Mr. SLEMP.
Mr. FRANCIS with Mr. KELLEY of Michigan.
Mr. GALLAGHER with Mr. KIESS of Pennsylvania.
Mr. CURLEY with Mr. KREIDER.
Mr. GITTINS with Mr. LAFFERTY.
Mr. GOLDFOGLE with Mr. LINDQUIST.
Mr. GOEKE with Mr. MCLAUGHLIN.
Mr. GUDGER with Mr. MANAHAN.
Mr. HAMILL with Mr. MARTIN.
Mr. HAMMOND with Mr. MILLER.
Mr. HELM with Mr. MOBLEY.
Mr. HENSLEY with Mr. NELSON.
Mr. HUMPHREYS of Mississippi with Mr. PARKER.
Mr. JOHNSON with Mr. PLUMLEY.
Mr. JONES with Mr. J. I. NOLAN.
Mr. KINKEAD of New Jersey with Mr. PORTER.
Mr. LEVY with Mr. POWERS.
Mr. LEWIS of Maryland with Mr. ROBERTS of Nevada.
Mr. LIEB with Mr. SAMUEL W. SMITH.
Mr. PETERS with Mr. SUTHERLAND.
Mr. SHACKLEFORD with Mr. STEENERSON.
Mr. STEVENS of New Hampshire with Mr. STEPHENS of California.
Mr. UNDERHILL with Mr. TOWNER.
Mr. WHITE with Mr. VARE.
Mr. MONTAGUE with Mr. VOLSTEAD.
Mr. SPARKMAN with Mr. WILDER.
Mr. WHITACRE with Mr. WOODRUFF.
Mr. PATTEN of New York with Mr. MOTT.
Mr. LEE of Pennsylvania with Mr. MADDEN.
Mr. HARRISON of New York with Mr. LANGHAM.
Mr. KITCHIN with Mr. FORDNEY.
Mr. FERRIS with Mr. HAUGEN.
Mr. EDWARDS with Mr. HAMILTON of New York.
Mr. TALBOTT of Maryland with Mr. MERRITT.
Mr. DRISCOLL with Mr. GUERNSEY.
Mr. CONRY with Mr. DUNN.
Mr. CANTRILL with Mr. DANFORTH.
Mr. DALE with Mr. AVIS.
Mr. PALMER with Mr. MOORE.
Mr. GODWIN of North Carolina with Mr. MURDOCK.
Mr. RICHARDSON with Mr. ESCH.
Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.
Mr. RUBEY with Mr. HAWLEY.
Mr. DIXON of Indiana with Mr. GRIEST.
Mr. FINLEY with Mr. HUGHES of West Virginia.
Mr. LLOYD with Mr. SELLS.
Mr. MURRAY of Massachusetts with Mr. GREENE of Massachusetts.
Mr. BARNHART with Mr. ANTHONY.
Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.
Mr. BLACKMON with Mr. BROWNE of Wisconsin.
Mr. CRISP with Mr. HINDS.
Mr. RAINEY with Mr. PATTON of Pennsylvania.
Mr. ADAIR with Mr. AINEY.
Mr. FAISON with Mr. GRAHAM of Pennsylvania.
Mr. BURNETT with Mr. COPLEY.
Mr. DUPRÉ with Mr. HAMILTON of Michigan.
Mr. DENT with Mr. KAHN.
Mr. MITCHELL with Mr. WINSLOW.

Until August 6:

Mr. ALLEN with Mr. J. M. C. SMITH (except banking and currency).

Until July 26:

Mr. PADGETT with Mr. ROBERTS of Massachusetts.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned until Thursday, July 24, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Lorain Harbor, Ohio, with a view to widening, deepening, and straightening the channel of Black River (H. Doc. No. 160); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of St. Louis River, Minn. and Wis., with a view to redredging the artificial channel in said river from the foot of Peterson Islands, near Fond du Lac, to Dubray Creek (H. Doc. No. 162); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Herring Bay and Rockhole Creek, Fairhaven, Md. (H. Doc. No. 161); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

4. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney General, submitting an estimate of deficiency in appropriation for printing and binding for the Supreme Court of the United States for the fiscal year ending June 30, 1913 (H. Doc. No. 159); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation in the sum of $50000 for employment of additional assistant attorneys and other employees in the office of the Assistant Attorney General for the Department of the Interior for the fiscal year ending June 30, 1914 (H. Doc. No. 158); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 7083) to create a bureau of labor safety in the Department of Labor; to the Committee on Labor.

By Mr. KENT: A bill (H. R. 7084) to amend the postal laws pertaining to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. BRYAN: A bill (H. R. 7085) to authorize the President of the United States to provide transportation and coal-mine development in the Territory of Alaska, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: A bill (H. R. 7086) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States, relating to homesteads," approved June 6, 1912; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 7087) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Rufus B. Langsford; to the Committee on Naval Affairs.

By Mr. BUCHANAN of Illinois: A bill (H. R. 7088) granting a pension to Susanna Hahn; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 7089) granting a pension to Elizabeth Farishon; to the Committee on Pensions.

Also, a bill (H. R. 7090) granting a pension to Louvina Mays; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 7091) for the relief of C. E. Anderson; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 7092) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Harry W. Crider; to the Committee on Naval Affairs.

By Mr. REILLY of Connecticut: A bill (H. R. 7093) granting an increase of pension to D. B. Foote; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 7094) for the relief of James O'Brien; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Nashville Lumbermen's Club, Nashville, Tenn., favoring the passage of legislation abolishing the Commerce Court; to the Committee on the Judiciary.

Also (by request), petition of the Pennsylvania Pharmaceutical Association, favoring the passage of legislation giving the President of the United States or the United States Commissioner of Patents authority to suspend a product patent that can be manufactured by an entirely new process; to the Committee on Patents.

By Mr. DALE: Petition of the United States Life Insurance Co. in the city of New York, protesting against the passage of the proposed amendment exempting mutual life insurance companies from the income-tax bill; to the Committee on Ways and Means.

By Mr. LAFFERTY: Petition of the United National Association of Post Office Clerks, Portland, Oreg., protesting against the passage of any amendment to the Reilly eight-hour law; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Petition of the Brotherhood of Locomotive Firemen and Enginemen, favoring the passage of Senate bill 4, in the interest of seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: Petition of sundry residents of Douglas, Wyo., protesting against the enactment of legislation of the character proposed in House bill 23133, Sixty-second Congress; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the First National Bank of Ozone Park, New York City, protesting against the depreciation of any of their assets; to the Committee on Banking and Currency.

By Mr. SCULLY: Petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring equipment of road engines with electric headlights and safety boilers; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring the passage of legislation for a restriction of immigration to the United States; to the Committee on Immigration and Naturalization.

Also, petition of the National Life Insurance Co. of the United States of America, of Chicago, Ill., protesting against life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Banana Buyers' Protective Association of New York City, protesting against a duty on bananas; to the Committee on Ways and Means.

Also, petition of the New York Zoological Society, favoring the clause prohibiting importation of egrets, etc.; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring improvement in living conditions of our seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: Petitions of the Order of Railway Conductors and Switchmen's Union, against the enactment of a workmen's compensation law; to the Committee on the Judiciary.

SENATE.

THURSDAY, *July 24, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Pennsylvania Pharmaceutical Association, praying for the enactment of legislation providing for a suspension of a product patent if it can be shown that the product patented can be made by process of manufacture that is entirely new and original, which was referred to the Committee on Patents.

Mr. MARTINE of New Jersey presented a memorial of the Plainfield Branch of the New Jersey Association Opposed to Woman Suffrage, remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

Mr. CLAPP presented petitions of sundry citizens of Minneapolis, Minn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. OLIVER presented a telegram in the nature of a memorial from the Philadelphia Bag Co., of Philadelphia, Pa., remonstrating against the adoption of the provision of the administrative section of the pending tariff bill which would have the effect of excluding from the United States practically all burlap manufactured abroad, which was referred to the Committee on Finance.

TARIFF DUTY ON LIME AND CEMENT.

Mr. OLIVER. I present a letter from Mr. David M. Kirk, a prominent merchant and manufacturer of Wampum, Pa., on the subject of the proposed duty of 5 per cent ad valorem on lime and Portland cement. I ask that the letter be printed in the RECORD without reading.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

WAMPUM, PA., *June 26, 1913.*

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.

MY DEAR SENATOR OLIVER: Like yourself I am sometimes of the opinion that it is not wise to say very much to the present Congress relative to tariff, and I beg to ask your advice as to what to do.

It is very rare, so far as I recollect, that in such matters I have put in a protest on tariff; but I feel that in the matter of duty on lime and Portland cement, in which I have interests, the determination of Congress to fix a 5 per cent ad valorem duty is so close to free trade that I am utterly unable to understand their action. Germany is the great producer of Portland cement, outside of the United States, and wages and every feature of cost, except fuel, is so much lower than in the United States that I can only foresee a very serious problem for the Portland cement manufacturers in the United States. I am unable to believe that American workmen will ever consent to work for the wages paid in foreign countries, and the great scarcity of labor in this country will leave the manufacturers of Portland cement in a very difficult position. I therefore beg to inquire as to whether you know of any channel which is right and proper through which this matter can be presented with the hope of doing some good.

I quite appreciate that interested manufacturers of Portland cement could take issue in the form of protests, etc., against such a duty, and I understand the cement people have done so very thoroughly, and my latest advice is that they have done so unsuccessfully. Cement being a low-priced article, 5 per cent ad valorem is a very, very small margin, and which is entirely wiped out when taking into consideration the fluctuations of fuel and labor alone.

From information I have received, the duty should be 5 cents per 100 pounds, which would make a reduction of 12 cents per barrel.

If ever there was a time when Pennsylvania needed your hearty, earnest effort on her part it certainly is the present time.

In writing this letter I will refrain from arguments, etc., and I have written you very, very briefly, considering the importance of the matter, and I most earnestly beseech you to think the matter over and write me what you think can be done.

I understand this matter will be disposed of in the conference committee, and I am so unable to understand why such a duty has been arrived at that I am at sea. However, I will present no reflections nor discussions; but it does seem to me that the present administration is unwarranted in many things.

With kind regards, and hoping to hear from you by return mail, I beg to remain,

Yours, respectfully, DAVID M. KIRK.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 2818) granting an increase of pension to Jackson Stout (with accompanying paper); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2819) to reimburse Edward H. Collins, postmaster of Bedford, Cuyahoga County, Ohio, for postal savings stamps stolen; to the Committee on Claims.

By Mr. KERN:

A bill (S. 2820) granting an increase of pension to Andrew Fifer (with accompanying papers); to the Committee on Pensions.

A bill (S. 2821) for the relief of Americus A. Gordon (with accompanying paper); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 2822) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the U. S. revenue cutter *Snohomish;* to the Committee on Claims.

AMENDMENTS TO THE TARIFF BILL.

Mr. McLEAN submitted 13 amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which were ordered to lie on the table and be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. BRANDEGEE submitted an amendment authorizing the accounting officers of the Treasury to allow the accounts of the United States marshal for the district of Connecticut amounts paid by him from the appropriation pay for bailiffs, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL STATISTICAL INSTITUTE.

Mr. O'GORMAN submitted the following resolution (S. Res 141) which was referred to the Committee on Foreign Relations:

Whereas the Government of Austria has invited the Government of the United States to be represented by official delegates at the fourteenth session of the International Statistical Institute to be held at Vienna September 7 to 13, 1913: Therefore be it

Resolved, That the Department of State is authorized to accept this invitation and appoint one or more official delegates to represent the United States at this session of the International Statistical Institute, provided such arrangement can be made without requiring any special appropriation for the purpose.

STATUE OF ZACHARIAH CHANDLER.

Mr. TOWNSEND. Mr. President, there is on the calendar a notice given by my colleague [Mr. SMITH of Michigan] that on July 28, at 3 o'clock p. m., he would call up Senate resolution No. 119. I desire to state at this time that in order that it may not interfere with other business this order will be postponed. I shall ask to have it postponed until a time to be fixed later, after my colleague returns.

I desire also at this time to announce that on Monday next, at the conclusion of the morning business, I shall address the Senate on the pending tariff bill.

The VICE PRESIDENT. The Chair is informed by the Secretary that the resolution itself fixes July 28.

Mr. TOWNSEND. I am giving notice now that I shall ask to have that postponed, so that it will not interfere with the tariff debate which will come on, because it will not be considered at that time.

PRINTING OF MAP IN RECORD.

Mr. FLETCHER. Mr. President, I desire to call up the motion to reconsider which was presented a few days ago in reference to the order which appears on page 2571 of the RECORD. I entered a motion to reconsider, and I move a reconsideration of the vote by which that order was agreed to. I think it will take no debate.

I will state that as soon as the motion was made the matter was submitted to the Joint Committee on Printing and the map has been ordered printed by the committee. I simply want to have the vote reconsidered in order that we may leave the matter as it stood before without setting any dangerous precedent. If the motion to reconsider is granted, I will ask that the order be referred to the Joint Committee on Printing.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS rose.

Mr. GALLINGER. Does the Senator from North Carolina desire to interrupt?

Mr. SIMMONS. I desire to inquire of the Senator from Florida if he thinks this will lead to any debate?

Mr. FLETCHER. I think not.

Mr. GALLINGER. It will not lead to debate, I will say to the Senator. I desire to make a single observation.

I think the Senator from Florida, perhaps, is a little inaccurate in saying that the so-called diagram is being printed because of the action taken by the Joint Committee on Printing. I am informed that the Printing Office recognized the fact that the Senate itself had authority to order it and they proceeded to execute that order.

But I have no disposition to obstruct the motion of the Senator from Florida and will content myself with simply observing that I hope the Senator from Florida, who is chairman of the committee, and a very industrious Senator, will offer an amendment to the existing statute giving the Joint Committee on Printing explicit authority in words over illustrations. It does not appear in the present law.

I do not oppose the reconsideration, Mr. President, and hope that it will prevail.

Mr. CLARKE of Arkansas. Mr. President, I desire to obstruct the motion if the object of it is to determine that the question was wrongfully decided by the Senate a few days since. I think it was decided exactly right and like it should be decided at all times when so raised.

If it is the purpose simply to reserve the question for further consideration by having a pro forma motion to reconsider entered, that will be satisfactory to me; but I am not going to permit this occasion to pass, carrying with it the assumption that the decision on that occasion was wrong. As nearly as I know anything I know it was right. If it is the intention of the Senator from Florida to ask that the matter may be disposed of pro forma and to reserve for future action the determination of the matter I do not think I shall interpose any objection. If that is not the purpose——

Mr. FLETCHER. My purpose is simply to have the matter stand as it stood before that action, without reference to the correctness or incorrectness of the action.

I will state that the Senator from Iowa [Mr. CUMMINS] addressed a communication to the Joint Committee on Printing; that this matter came up in regular order and was acted on; that the request was granted in regular order; and that the printing of the map has been ordered. I simply want to leave that order stand. I will be very glad to act on the suggestion of the Senator from New Hampshire at a later time and consider some specific matter of legislation on that subject.

Mr. CLARKE of Arkansas. The request of the Senator from Florida is a little broader than the mere application by the Senator from Iowa to the committee. The question in its breadth does not belong to any Senator nor is it to be controlled by any particular request. It involves the right of the Senate to control its own RECORD; and when that is seriously denied I think an occasion has arisen when the Senate ought to debate it and know just exactly what is being done.

I realize that we are working under some pressure here this morning. I do not desire to disturb the prescribed order. For that reason, if it is understood that the motion to reconsider is adopted by consent and without prejudice to the question, I shall interpose no further objection. Otherwise I shall desire to be heard.

Mr. FLETCHER. I desire that it shall assume that attitude, especially in view of the fact that we are really discussing a moot question. The matter has been disposed of in accordance with the desires and wishes of the Senator from Iowa.

Mr. GALLINGER. I will ask the Senator if it is not a fact that this table, as I call it—diagram, as the Senator calls it—is already prepared in the Printing Office.

Mr. FLETCHER. I believe it is; and I will say to the Senator from New Hampshire that instead of the supposed cost being about $5, the cost will be $43.30. But it is a valuable document, I think that shows the use of referring the question to the committee.

Mr. GALLINGER. That, of course, will not bankrupt the Treasury in these days of prosperity. But I join with the Senator from Arkansas in saying that I do not concede that the Senate took any improper or rash action in determining the matter as they did. At the same time, I do not wish to say a single additional word. I do not think it is worth spending a great deal of time on.

Mr. CUMMINS. Mr. President, I could not hear clearly what the Senator from Arkansas said about the Senator from Iowa. I think I caught a suggestion that I had agreed to something. I would be glad if his attention were called to it and he would tell me what his understanding was. I notice, however, that he is engaged.

Mr. CLARKE of Arkansas. I beg pardon. I did not understand that the Senator was addressing remarks to me.

Mr. CUMMINS. I could not hear clearly what the Senator from Arkansas said, but I caught the idea that he thought I had agreed to something with regard to this matter.

Mr. CLARKE of Arkansas. I do not think you agreed to anything, except that after the action of the Senate directing the publication of the map as prepared by the Senator you then addressed a communication to the Joint Committee on Printing making a request that that committee should grant the same thing. That is what I understood.

Mr. CUMMINS. I did address a communication to the Committee on Printing at the suggestion——

Mr. CLARKE of Arkansas. Why did not the Senator deem the action of the Senate sufficient to justify the incorporation of the map into his remarks?

Mr. CUMMINS. At the suggestion of the committee.

Mr. CLARKE of Arkansas. The Senator must have had some doubt about the authority of the Senate to give the direction.

Mr. CUMMINS. I have had nothing to do with the authority of the Senate. I have not asked that it be reconsidered or revised.

Mr. CLARKE of Arkansas. But the whole question arose in connection with the request and the motion made by the Senator from Iowa that a map be printed in the RECORD, and if it turns out that the Senator subsequently addressed a communication to one of the creatures of this body asking that the action of the Senate should be confirmed by the request of that body I think it presents a question that might be discussed.

Mr. CUMMINS. The Senator from Arkansas does not remember the RECORD. I asked the consent of the Senate, and said at the same time that I expected to secure the approval of the Committee on Printing, or hoped to secure it.

Mr. CLARKE of Arkansas. The only difference is I do not think the approval of the Committee on Printing is required when the Senate has ordered that certain things are to be published in the RECORD.

Mr. CUMMINS. I made no motion to direct it to be done.

Mr. CLARKE of Arkansas. The motion was put and carried.

Mr. CUMMINS. I know the Chair put the motion, but I did not make the motion. It is a matter of entire indifference to me what is done with it, but I wanted to be clear in my understanding of what the Senator from Arkansas said.

Mr. CLARKE of Arkansas. I thought the Senator had made the motion.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Arkansas if he does not think the joint committee of the two Houses has some authority in the matter?

Mr. CLARKE of Arkansas. I am not going to undertake to settle that question.

Mr. JOHNSTON of Alabama. Does the Senator think the Senate can direct it?

Mr. CLARKE of Arkansas. A great many think the Senate can direct it. It is being done, at any rate.

Mr. JOHNSTON of Alabama. Direct the joint committee of the two Houses?

Mr. CLARKE of Arkansas. I am only dealing with the question we had before us when it was disposed of by the Senate.

Mr. CRAWFORD. Mr. President, it has been impossible on this side of the Chamber to hear more than a small part of what has been said on the other side of the Chamber about this matter. It is one in which there is quite a lively interest, and I should like to know what the Senator from Florida is asking here at this time in regard to it.

Mr. FLETCHER. I entered a motion to reconsider the vote whereby the order was agreed to directing that the map should be printed in the RECORD, and the motion to reconsider is the pending motion. My purpose will be then——

Mr. CRAWFORD. The Senator has asked that the motion be considered at this time?

Mr. FLETCHER. Yes. I am calling up that motion. The motion went over at the time and is pending, and I am calling up the motion to reconsider the vote whereby that order was agreed to. Then I propose to follow that up with a further motion that the order be referred to the Joint Committee on Printing, which, as I said, has practically already disposed of the matter.

Mr. CRAWFORD. If this first motion is a mere matter of form, so that the question may come before the Senate on its merits, I do not know that I have any particular objection to it; but if it is to be considered on its merits before it is disposed of, I shall want to be heard, because I am one who agrees entirely with the Senator from Arkansas. I am decidedly opposed to having what, it seems to me, is an elementary right of the Senate to say what shall or shall not go into its RECORD put into the hands of a joint committee, a part of which is connected with another body. I do not believe we are ready to surrender our right to decide here in the Senate a question of that kind, and if the question is being considered on its merits I certainly want to know it.

Mr. FLETCHER. It is not now, and I hope the Senator will forego any discussion and leave the matter open, as it was before the question came up, because that particular point is really a moot question at this time. Mr. President, I call for a vote on the motion to reconsider.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida to reconsider the vote by which the order was agreed to.

The motion to reconsider was agreed to.

Mr. FLETCHER. Now I move that the order, which appears on page 2571 of the RECORD, be referred to the Joint Committee on Printing.

Mr. GALLINGER. I think it would be better if the Senator should not make that motion. The diagram is already printed, and it will appear in the speech of the Senator from Iowa. Why, after it has become an accomplished fact, we should send an order to the Joint Committee on Printing and have it communicate with the Public Printer on a subject that has already been attended to, I can not understand.

Mr. FLETCHER. Very well.

Mr. GALLINGER. I suggest to the Senator to let the matter rest as it is.

Mr. FLETCHER. I will not press it. I will leave it where it is.

Mr. NORRIS. Before the Senator leaves that subject, I understand the motion to reconsider has prevailed. That now brings the original motion before the Senate. Does the Senator intend to let it stand in that way?

Mr. FLETCHER. As it now stands, the order of the Senate is that the vote be reconsidered whereby that order was agreed to. Therefore the order itself is pending.

Mr. NORRIS. Yes; but the motion itself is now before the Senate, after we have voted to reconsider the vote by which it was adopted.

Mr. FLETCHER. It is now before the Senate.

Mr. NORRIS. The motion stands now just as it did on the original order which was voted on, and it ought to be disposed of one way or the other, ought it not?

Mr. FLETCHER. I was proposing to dispose of it, but, upon objection being made, I am prepared to leave it just as it stands.

Mr. NORRIS. If it is wrong, we ought to vote it down, but it seems to me that it is now in a peculiar light, with a motion pending before the Senate, which always will be pending, unless we dispose of it one way or the other.

Mr. FLETCHER. I am willing to have it put on the calendar under Rule IX, and I ask that it go to the calendar under Rule IX. Mr. President.

The VICE PRESIDENT. Without objection, it will go to the calendar.

RURAL BANKING AND CURRENCY REFORM.

Mr. FLETCHER. I ask unanimous consent to have printed as a public document an address by Charles Hall Davis, of Petersburg, Va., delivered at Lake Toxaway, N. C., July 12, 1913, before the South Carolina Bankers' Association, on the subject of rural banking and currency reform (S. Doc. No. 140), and also to have printed as a public document an address, likewise delivered by Mr. Davis, at Asheville, N. C., on the occasion of its seventeenth annual convention, before the North Carolina Bankers' Association and representatives of the committees on rural finance of the various State bankers' associations of the Southern States (S. Doc. No. 141).

Mr. SMOOT. I should like to ask the Senator from Florida how many public documents have already been printed upon this one subject?

Mr. FLETCHER. These are the only documents which I have offered to be printed on this particular subject; and, so far as I know, this is the only discussion of any specific plan for the establishment of rural banks in this country. I desire to have the matter in shape for the committees that are considering at present the banking and currency bills which are pending. I think these addresses are valuable contributions to the subject, and I know of no subject of greater importance, especially to the agricultural people of the country, than the subject of agricultural banks and cooperation.

Mr. SMOOT. Mr. President, my memory is that there have been a great number of articles upon this identical subject printed as public documents; and, if I am not mistaken, they would form a large book if they were all brought together. I am not going to object to the printing of these two addresses, but I believe the time has arrived when we should refuse to print as a public document every speech which is delivered upon this subject.

Mr. FLETCHER. I agree with the Senator from Utah, and I am very careful about asking for the printing of public documents. I know the study that Mr. Davis has given this subject and I know the work he has spent upon it. A part of it has been at my request and suggestion. I know how thoroughly he has gone into it, and I know that this is a very valuable contribution, bringing the subject up to date.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. FLETCHER. I do.

Mr. CRAWFORD. The Senator will permit me to remark that while there is a vast amount of literature, monographs, and treatises, making a large library, collected by the Monetary Commission and from other sources, there is comparatively little in all that collection which relates to cooperative farmers' banks. It is a question of wide interest; one toward which the public is looking for information; and comparatively the literature is scant. I think a commission is now investigating that system abroad. I therefore hope the Senate will not be illiberal in allowing documents upon that particular subject to be printed.

Mr. FLETCHER. There have been various reports made and bulletins and documents printed; but, as the Senator from South Dakota suggests, the literature on this particular phase of the matter is very limited and very meager, I must say. The commission which spent three months studying this subject in certain European countries where systems which have been of vast benefit to the agricultural development of those countries are in operation is on its way home and will arrive in New York next Saturday, after spending months in the study of the subject; and this is in line with their work.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. I do not propose to antagonize the request of the Senator from Florida, but I should like the Senator to state who Mr. Davis is and what his qualifications are.

Mr. FLETCHER. Mr. Davis is a distinguished lawyer of some twenty-odd years' experience, residing in Petersburg, Va. He has had such experience as acquaints him with this particular subject, I think, in a way that makes his work quite important.

Mr. GALLINGER. I simply desire to add that I presume during the last three months I have received through the mail at least 25 "sure cures" for currency evils, and I have in several instances been requested to ask that they be printed as public documents. I neither have read the documents which have been sent to me, nor have I made the request that I was asked to make.

While I think this contribution may be of sufficient consequence to have it printed as a Senate document, yet I am constantly impressed, as I sit here from day to day, with the feeling that we are printing a great deal of material that is of very little concern to the Government or of advantage to us as legislators.

Mr. President, the Senator vouches that Mr. Davis, while a lawyer, has given great study to this problem, which is one of banking in a certain direction, and I certainly will not object to the printing, but will only warn the Senate that I think they are running riot in this matter of printing the opinions of all sorts and conditions of people on every possible subject under the heavens.

Mr. FLETCHER. I quite agree with the Senator, Mr. President, in general, and I wish to be careful in that direction myself. I know that these addresses were prepared with great care by Mr. Davis, at the request, in one instance, of the North Carolina Bankers' Association, and, in another instance, at the request of the South Carolina Bankers' Association, and they are, I think, quite important.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. I do.

Mr. NORRIS. I should like to inquire of the Senator from Florida if in these addresses there is set out any specific statute of foreign countries where this system of banking has been in vogue in the past, and whether any concrete form of statute is suggested in either of the addresses?

Mr. FLETCHER. There are no statutes of foreign countries set out in either address; but there is a proposed plan which is outlined and developed and the reasons given why that plan would be effective.

Mr. NORRIS. I am very glad to hear the Senator say that, because in my investigation of this subject, which has been as exhaustive as I have had time to make it, I have not found in the literature in reference to the matter what I deemed to be practical suggestions that would assist in framing any legislation on the subject. I believe it is of great importance, and I am convinced that in other countries they have developed in this respect to the benefit of the agriculturists. I think we might well study it, and I welcome any suggestion from any honest source looking to some practical legislation on the subject.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none, and the addresses referred to by him will be printed as public documents.

ADDRESS OF R. C. MILLIKEN.

Mr. SHAFROTH. Mr. President, a few days ago I asked unanimous consent that an address by Mr. R. C. Milliken relating to the question of banks and bank currency be printed in the RECORD. It was at that time objected to by the Senator from Minnesota [Mr. CLAPP], but he has informed me since that he desired to withdraw his objection. Therefore I ask unanimous consent that the address be printed in the RECORD.

Mr. GALLINGER. Mr. President, I will ask the Senator from Colorado who is the author of the address?

Mr. SHAFROTH. Mr. R. C. Milliken.

Mr. GALLINGER. What are his qualifications to discuss the subject?

Mr. SHAFROTH. He is somewhat of a specialist on matters relating to finance. I have read the address, which is a very able one. I will say to the Senator from New Hampshire that I have also received a great many documents on this subject from various persons, one of which proposes to issue $5,000,000,000 of currency, and another which proposes to make the standard of value the kilowatt hour, but of course I have not asked that they be printed in the RECORD.

Mr. GALLINGER. Mr. President, the Senator from Colorado undoubtedly knows that the experts on finance who are flooding us with these documents are about as numerous as the autumnal leaves of Vallombrosa, and they are confusing a good deal the minds of those of us who take the trouble to read them. But if the Senator feels that this gentleman is really an expert and that his opinions are worthy of more than ordinary consideration I will not object to the request.

Mr. SHAFROTH. Mr. President, it has been suggested to me that I ask that the paper be printed as a public document, instead of being printed in the RECORD, and I change my request to that extent.

Mr. HITCHCOCK. Mr. President, I shall have to object to the address being printed as a public document. I think there may be a reason, if the Senator desires it personally, to have it in the RECORD, but I object to having it printed as a document.

Mr. SHAFROTH. Very well, then, let the request stand that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection to the address being printed in the RECORD? The Chair hears none, and that order is made.

The matter referred to is as follows:

Address of R. C. Milliken, monetary statist of Washington, delivered under the direction of the educational bureau of the Young Men's Christian Association, April 11, 1913, entitled "The views of President Jackson respecting the so-called central bank."

I very much doubt if the views of any really prominent public man on so vital a question were ever more misunderstood than those of President Jackson respecting the so-called central bank. He favored the principle of a central bank, but opposed and destroyed the institution which failed to carry out the purposes of its creation. I direct your attention to the language used by him in his celebrated message to Congress of July 10, 1832, in which he vetoed the act to recharter the United States Bank. He said:

"A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating those objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country."

WHAT PLAN DID JACKSON HAVE IN MIND TO RECOMMEND TO CONGRESS?

That language is too clear for argument. He admits favoring the principle. He was called on to approve or veto a specific act to recharter a particular bank which had already forfeited its right to exist. It was not incumbent on him to set forth in that veto message the specific provisions which such a charter should contain for the protection of the public interests. He need not have said he believed such an institution was "convenient for the Government and useful to the people." However, he did not stop with that gratuitous admission, but went further and said he felt it was his duty at an early period of his administration to submit a plan to Congress which not only would obviate the objections of the charter he vetoed, but combine the advantages which would render it an instrumentality for the public good.

It shall be my object this evening to point out to you, in the light of the history of those times, the plan which I believe Jackson had in mind to submit to Congress. It was "at an early period" of his administration that he says this "duty" manifested itself to his judgment. It becomes necessary, therefore, to consider some of the events of that period. Two years before he was inaugurated President there was published in London a most important treatise on banking, one which to this day is a standard authority on banking in every country having international commerce. It gave to its author, James W. Gilbart, F. R. S., great renown as a monetary thinker. It made him so famous that some of the ablest financiers of the British metropolis supplied him with funds and induced him to return to that city of his birth and early banking experience and organize the first of the London great joint-stock banks. No greater compliment was ever paid to a thinker than that compliment paid to Gilbart by those London capitalists. It is no easy matter to induce capital to finance a new project, but it is well-nigh impossible to induce capital to engage in a lawsuit, and that is just what Gilbart's project meant. He had to destroy the monopoly then enjoyed by the Bank of England before he could put his principles into operation. What a fight he made! It was against the most powerful corporation in the world at that time, the Bank of England. In the beginning he had no influential persons to aid him, but after fighting in all the courts of England, though losing his legal battle, he so educated the public that Parliament came to his rescue and destroyed the monopoly of the Bank of England, and then it was that Gilbart came into possession of his rights—the right to do a necessary and useful business in a free country.

Jackson was not a monetary expert—that is, he did not possess accurate detailed information on monetary affairs, on which he had given deep and sustained thought—something which carries a conviction that makes a man fight to the last ditch, as Gilbart did. But it is most unreasonable to suppose that some of the political economists of this country failed to direct Jackson's attention to the principles advocated by Gilbart, for those two great men had one important interest in common—the destruction of bank monopoly. I believe that Jackson "at an early period of (his) administration," when his attention was first directed to Gilbart's philosophy, had it in mind to recommend to Congress the principles advocated by that great philosopher of credit, but as his time was engrossed with other important public duties those early-formed views—not convictions—passed from his mind. He doubtless retained enough to be convinced he was thoroughly justified in vetoing that act to recharter his implacable foe, the United States Bank.

HOW GILBART'S PHILOSOPHY MUST HAVE INFLUENCED JACKSON'S MIND.

It is necessary, therefore, to call attention to some of the important truths announced at that time by Gilbart. He contended that the merchant was the permanent regulator of the interest on money, the immediate regulator being the proportion existing between the supply and the demand. This is what he wrote:

"Sir Josiah Child, in his excellent essay on Trade, accuses the 'new-fashioned bankers' of being the main cause of keeping the interest of money at least 2 per cent higher than otherwise it would be; for by allowing their creditors 6 per cent they make moneyed men sit down lazily with so high an interest and not push into commerce with their money, as they certainly would do were it at 4 or 3 per cent, as in Holland. This high interest also keeps the price of land at so low as 15 years' purchase. It also makes money scarce in the country, seeing that the trade of bankers being only in London, it very much drains the ready money from all other parts of the kingdom."

That we may be able to judge of these accusations, it will be necessary to make some observations upon those circumstances which influences the rate of interest.

It has been the opinion of most of our political economists that the rate of interest is regulated by the rate of profit. This sentiment has, however, been attacked. It has been contended that the rate of interest is not influenced by the average rate of profit, but by the moneyed capital in the market, compared with the wants of borrowers. In other words, that the price of money is influenced by the proportion between the demand and the supply.

This sentiment is undoubtedly right, but it does not overthrow the proposition against which it is advanced. The price of money or of the loan of money is, no doubt, like the price of other commodity, regulated at any particular time by the proportion between the supply and the demand. But does not the rate of profit regulate the supply and the demand? Will any commercial man borrow money when he must give a higher interest for it than he can profit by its use? Or will any man lend money at a very low interest when by engaging in business he can make a very high profit? It is true that on particular occasions and under particular circumstances some individuals may do this, but not permanently and universally. It is obvious, then, that a high rate of interest in proportion to profits increases the supply of money and diminishes the demand, and a low rate of interest in proportion to profits increases the demand for the loan of money and diminishes the supply. The rate of interest, therefore, is ultimately regulated by the rate of profits.

When we say the price of cotton is regulated by the cost of production, we do not mean to deny that the market price of cotton is fixed by the proportion between the demand and the supply. On the contrary, this is admitted; but, then, it is contended that the supply itself is regulated by the cost of production. If the market price of cotton were so low as not to furnish the grower a fair average of profit on the capital employed, then would capital be removed after a while from the cultivation of cotton to some other employment? And if the price of cotton were so high as to furnish more than a fair average of profit, then after a while more capital will find its way into that employment, the supply would be increased, and the price would fall; but it is only by influencing the supply that the cost of production may be the same for a number of years, the price may be perpetually varying. The price may from a variety of causes be in a state of constant vibration; but it can not permanently deviate on one side or the other much beyond the line marked out by the cost of production.

It is the same with money. It is subject to perpetual fluctuations from the proportion between the demand and the supply, but it does not deviate far from the line marked out by the rate of profit. For the rate of profit not only influences the supply (as with cotton), but also influences the demand.

The above reasoning is founded on the supposition that those who borrow money borrow it for the purpose of investing it in trade or of making a profit by its use. But this is not always the case; and is never the case with the government of a country, who always borrows for the purpose of spending. Now, we can form a judgment as to what portion of his profits a merchant is willing to give for the loan of a sum of money, but we can form no judgment as to the conduct of a profligate rake who wants money to spend on his follies. A king or a government is in the same state.

They will borrow money as cheaply as they can; but at all events money they will have. We can not therefore infer that, because Charles II gave at times to the new-fashioned bankers 30 per cent for money, the average rate of profit exceeded 30 per cent. May not, then, those advances to the king have had the effect of raising the interest of money and thus justify the accusations of Sir Josiah Child?

When a number of commercial men borrow money of one another, the permanent regulator of the rate of interest is the rate of profit; and the immediate regulator is the proportion between the demand and the supply. But when a new party comes into the market, who has no common interest with them, who does not borrow money to trade with but to spend, the permanent regulator (the rate of profit) loses its influence, and the sole regulator is then the proportion between the demand and the supply. The loans to the king created a much greater demand for money, and the rate of interest consequently rose. These demands were so great an amount and were so frequently repeated that the rate of interest became permanently high. Many individuals would no doubt (as Sir Josiah Child states they did) withdraw their capital from trade and live upon the interest of their money. And others who were in business would employ their superfluous capital in lending it at interest, rather than in extending their business. Those commercial men who now wanted to borrow money must give a higher interest for it than they did before. To enable themselves to do this they must charge a higher profit on their goods. Thus, then, in the artificial state of the money market it appears reasonable to suppose that the rate of interest may have regulated the rate of profit, instead of the rate of profit regulating the rate of interest, which is the natural state.

CLASS OF MERCHANTS WHO ARE PERMANENT REGULATORS OF INTEREST RATE.

Gilbart was very clear in all his statements, and left nothing to conjecture as to the class of merchants who are the permanent regulators of the interest on money, namely, those merchants buying seasonable articles for a consumptive rather than a speculative demand. Listen to what he wrote on that:

"Between the producer and the consumer of any commodity there are generally two or more parties, who are merchants or dealers. The demand for any commodity is either a speculative or a consumptive demand. The demand by the consumers who purchase for immediate use is always a consumptive demand. But if the commodity purchased be not intended for immediate use, but is purchased at any given time merely because the purchaser apprehends that its price will advance, then is that demand a speculative demand. So if a merchant purchase of a manufacturer or a farmer such a quantity of commodities as in the ordinary course of his trade he is likely to require, that demand may be considered a consumptive demand; but if in expectation of a rise in price he fills his warehouses with goods for which he has no immediate sale, then is that demand a speculative demand. A speculation, then, is that kind of traffic in which the dealer expects to realize a profit, not by the ordinary course of trade, but by the intervention of some fortuitous circumstance that shall change the price of the commodity in which he deals.

"A speculation in any commodity, therefore, is occasioned by some opinion that may be formed of its future price. It is well known that the price of commodities is governed by the proportion that may exist between the supply and the demand. Whatever increases the supply or diminishes the demand will lower the price, and, on the contrary, whatever diminishes the supply or increases the demand will advance the price."

When Gilbart thus wrote, the Bank of England, like the United States Bank, was controlled by bankers who were selling credit for profit and not as the permanent regulator of the interest rate, as is the practice with that institution at present. Before the Bank of England became a real bank of commerce panics occurred with the same frequency in the United Kingdom that they do now in the United States.

THE VOTING UNIT IN CONTROL OF THE HEAD OF THE CREDIT SYSTEM.

In considering the control of any corporation, especially the head of the credit system, we should not begin with the executive officers or the directors—the legislative body—but must go to the very source of control, the flesh and blood which elect the directorate, because the director of a corporation is a business politician and may be relied on to execute the will of those electing him to office. The amount of bank stock required to qualify the electors—voting units—of the central banks of England, France, and Belgium are charter provisions, but the other qualifications are regulated in other ways, usually by by-laws. The bank-stock interest of the Bank of England elector is $2,500 (500 pounds); the Bank of Belgium's is $2,000 (10,000 francs); while the electors of the Bank of France comprise its 200 largest stockholders not possessing some disqualifying interest. Those bank stocks are at a premium, so it requires an expenditure of $8,140 to purchase an electorship in the Bank of England and $8,685 in the Bank of Belgium.

"GREAT MERCHANT" QUALIFICATION OF THE VOTING UNIT.

The other qualification of the Bank of England elector is the "great merchant" who does not possess some antagonistic interest, namely, a "great merchant" who is not engaged in speculative enterprises or the sale of bank credit for profit. The amount of mercantile interest required to make an English merchant a "great merchant" in the estimation of those in control of that institution is difficult to ascertain; in fact, it varies; but I do not believe the least of those "great merchant" electors has less than $100,000 invested in the mercantile business. Each elector has just one vote for the governor and directors. So that 500 pounds of bank-stock interest gives an elector as much voice in control as would 5,000,000 pounds. Not one of those European central banks is stock controlled, their stock being used as one, but by no means the most important, qualifying factor. No class is more interested in the stability of values than those merchants who deal in seasonable articles for a consumptive demand. No other class is more injured by panics. To illustrate this we have but to direct attention to the actual experience of London during the 1907 panic. At that time one of the great banks of that city was in dire distress for immediate cash resources, and not one of its rivals would aid it; but the Bank of England, single handed and alone, went to its rescue and furnished it with all needed assistance. There was absolutely no patriotism in that act on the part of the Bank of England. They knew if that bank failed, a panic might ensue, and the injury resulting to their business would be incalculable, for they were the owners and possessors of large stocks of seasonable merchandise, the styles of 1907–8, which had to be disposed of during that season and not the following season when they would be supplanted by new styles. It was, therefore, to the selfish interest of those "great merchant" electors to use the credit of the Bank of England for the public good. They did not do that with their own wealth; they acted as trustees for the public. There are approximately 300 electors and more than 18,000 stockholders of the Bank of England, just 200 electors and more than 30,000 stockholders of the Bank of France, and 528 electors and more than 10,000 stockholders of the Bank of Belgium.

THE INFLUENCE OF GILBART'S PHILOSOPHY ON THE CONTINENT.

There is no comparison between the central bank of Jackson's time and that of to-day. Previous to the announcement of Gilbart's philosophy the public did not know the raison d'être of that institution, and in consequence of that ignorance the central bank's greatest menace was the ambitious war lord. Why, had it not been for the French victory at Austerlitz the French people would have been ruined financially, just as they had been ruined on two previous occasions by war lords, because Napoleon, just before engaging in that campaign, virtually drained the Bank of France of its gold reserve. He left only $150,000 at a time when the bank had 65,000,000 francs of demand obligations outstanding. Only a few years before this French incident, in 1797, we find the British war lord also looking on that institution as the engine of state rather than an instrument of commerce. During that year the Pitt ministry forced the Bank of England, against the solemn protest of its officers and directors, to make the Government a $5,000,000 loan with which to wage war against France. Such loan emptied the bank's vaults of gold. In an attempt to compensate the bank for that act of force the ministry induced Parliament to make the bank's notes a legal tender in the payment of debts. Here was the British Government for the first time in its long and eventful history of sound finance attempting to make money out of pieces of paper. What was the result of that act of repudiation? Loss of public confidence in the ability and good faith of the bank to redeem its obligations in gold. Of course, its notes fell below par and there remained for nearly a quarter of a century. Parliament tendered the same paternalistic aid of repudiation to the Scotch banks, but their officers had the good sense to decline it, and in consequence their notes remained at par with gold during the whole of the devastating Napoleonic wars.

But after Gilbart turned on the light of truth, public sentiment changed respecting the control of that important financial institution, for instead of looking to the State as the only safe guardian of commerce, they now look to the most potent force of human nature—self-interest. Keep the most important instrument of commerce free, and the citizens will make the wherewithal to protect the Government in its distress, but shackle that instrument and you deprive the citizens of the opportunity to aid their Government in time of need.

CENTRAL BANK THE MOST IMPORTANT BUT NOT THE ONLY FACTOR TO THE SUCCESS OF THE CREDIT SYSTEM.

Please don't understand me as contending that a properly controlled head of the credit system will cure all the financial ills of any country. I simply claim it to be the most important factor of the credit system. Credit has as much influence on prices as gold. In other words, an expansion of credit by $100,000,000 has as much influence on prices as an addition of $100,000,000 to the quantity of gold. It matters not whether the credit instrument employed to bring about such expansion be bank notes, deposits, bills of exchange, promissory notes, or any other evidence of credit, the effect on prices will be precisely the same. John Stuart Mill says, "Money and credit are exactly on a par in their effect on prices." Henry Dunning Macleod, the great Scotch philosopher of credit, says:

"It is perfectly acknowledged that credit produces exactly the same effect on prices as gold. And it has been shown by authentic statistics that in modern times gold only forms about 1 per cent of the circulating medium of currency; and to suppose that a variation to the small extent of a fraction of 1 per cent in the amount of the circulating medium, or measure of value, could produce the effect so popularly attributed to it is wholly beyond reason."

Go to a store and buy an overcoat, and you thereby remove that one article of commerce from the market and, pro tanto, cause an advance in the price of that article, and the effect is precisely the same whether you pay for it in gold or obtain it on credit. That credit may be evidenced by your open account with your merchant, by your promissory note executed in his favor, by a bill drawn by you on some of your debtors or a person who has agreed to accept it, by your check on your bank or a bank note. The effect will be the same whether you use one or the other of those credit instruments or pay for that overcoat in gold. The cause for the advance in the price was your consumption of that article. Any credit system, therefore, which facilitates the production of commerce or restrains overconsumption is a good system, and any credit system which does not afford ample facilities for the production of commerce or which fails to restrain overconsumption is a bad system.

In conclusion, let me say that as credit is on a par with gold in influencing prices—influencing them downward when used for production and upward when used for overconsumption; as the production of commerce is an absolute necessity to civilized man's existence and overconsumption an evil which should be restrained; as credit has about ninety-nine times greater influence than gold in affecting prices—does it not follow, then, that we should have one credit institution in this country whose sole mission it is to facilitate the one and restrain the other of those conditions? Without such an institution commerce will not only suffer for lack of ample facilities, but panics will continue periodically to wipe us off the financial map. I believe it was such an institution which Jackson thought was "useful to the people," and which he felt it his "duty" to recommend to Congress. If such a corporation was thought to be "useful to the people" in Jackson's time, when there was not a single hundred million dollar corporation in the country, what about it now, when hundred million dollar corporations are so numerous no one can count them offhand? Ask the average life insurance agent you chance to meet to name the hundred million dollar corporations engaged in his business, and I venture the assertion that not one out of ten can give you a correct reply without referring to a pocket index, yet that is a class of corporation unknown to the American people in Jackson's time. All have been organized since then.

THE TARIFF.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321, being the tariff bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. WORKS. Mr. President, I want to say in the beginning that, considering the state of the weather, to say nothing of the uninteresting character of what I am about to say, I shall not complain of any Senator who seeks a more comfortable place than this Chamber. I am sorry, under the circumstances, to burden the Senate with a speech, and I would not do so, except out of a high sense of duty to the people of my State.

I regret exceedingly that the Democratic Party could not or would not formulate a just and reasonable tariff measure that would afford fair and equitable protection to American industries and at the same time furnish the needed revenue for the Government. If this had been done, I should have been willing and glad to support it.

I am not much of a partisan. A political party means nothing to me, except as it represents fundamental principles of government in which I believe. Therefore, I would have supported a measure of this kind coming from the Democratic side of the Senate just as readily as I would if it had come as a Republican measure.

It has been said by the chairman of the Committee on Finance that in arriving at the rates of duty fixed by the pending bill the question of protection was not considered. There could be no stronger proof of the truth of this statement than the rates that are fixed upon the products of the State of California. The Senator from Iowa [Mr. CUMMINS], in a very able review of this bill, shows that 51 per cent of the things produced in my State are made subject to duty; but, sir, this is for revenue only and not for protection, as I shall proceed to show.

California occupies a peculiar position in respect of tariff legislation. She produces what is not found in any other section of the country. Her chief products are not grown in any other State in the Union. Therefore, there is no Senator upon this floor, except my colleague, who has any direct interest in the effort I am about to make to protect my State from ruinous legislation. It is for that reason, Mr. President, that I have felt it my duty to devote myself at this time to a discussion of the effect of this bill, if it shall become a law, upon the products of my own State.

In what I am about to say there will be included much in the form of tabulated figures and communications from others giving facts and data with respect to the subject concerning which I am about to address myself. I do not desire to take up the time of the Senate unnecessarily, and, therefore, I ask in the beginning, Mr. President, unanimous consent that I may, as I come to these documents, include them as a part of my remarks without reading.

The VICE PRESIDENT. In the absence of objection, permission to do so is granted.

LEMONS.

Mr. WORKS. The question of the tariff on citrus fruits is a question of right and justice and not of expediency or of politics, just as it is in case of any and every domestic product, whether it be a farm product or one of manufacture. Any attempt to use it for political or partisan advantage, no matter by whom, or how tempting such a use of it may seem, is a wrong to parties immediately and directly interested, a breach of duty to the Government, and a violation of a public and official obligation. If the lemon industry needs and is entitled to a duty under the doctrine of protection, for which the Republican Party stands pledged, no Republican Senator can consistently vote to deprive it of that right. If the tariff is a source of revenue to the Government and it seems to be just, no Democrat can vote to deny the industry this just protection if he believes in a tariff for revenue only and is not an out-and-out free trader.

The question is one between the fruit growers of our own country, who are by their energy and industry and the expenditure of millions and millions of dollars adding to the material wealth of the country, and foreign producers, importers, and their agents and brokers, who contribute nothing to the upbuilding of the Nation. It is a question between the men who pay the taxes and spend their money, derived from their business, here with us, and the foreign producer, who pays no taxes and takes the money derived from what he sells to a foreign country and spends it there. It is a question between an industry that supports and maintains hundreds of American families, drawn from every State in the Union, and pays American wages, and a foreign industry that feeds no mouths in this country and pays the pauper wages of a foreign country. To this it is answered that by the tariff the price of lemons is increased, that they are necessary for the use of the sick and the poor, and that therefore the tariff is an injustice to the consumers in our own country.

Mr. President, I propose to present this question, not as a political question, not as a plea for the upbuilding of an industry in my own State at the expense of any other industry or without reference to the rights of the public or the consumer, but strictly as a question of right and justice to all parties concerned. Therefore I expect to show by the evidence and data, which I shall submit for the consideration of the Senate:

First. That this industry needs and must have a tariff if it is to continue.

Second. That such a tariff as is now imposed has not and will not increase the price of lemons to consumers.

Third. That the increased tariff now imposed has not decreased, but has, in fact, increased the revenue to the Government derived from the tariff.

I am impressed with the belief that Members of Congress, as a rule, have very little conception of the extent and importance of this industry, not only to the State of California, but to the whole Nation, and but little understanding of the time and money necessary to bring a lemon orchard to bearing, or the skill and care and risk of producing and marketing the fruit. For that reason I am going to trespass upon the time and patience of the Senate in the effort to describe the conditions in my own State as to the present extent and importance of the industry and the facilities in the way of other suitable lands and supply of water for its extension, and give some account of the manner of growing, curing, and marketing the fruit, the expense involved and the risks to be met in the growing of the trees, and the production and marketing of the fruit. I do this partly for the information of Senators that they may act more intelligently in dealing with the question, partly to establish the right of the fruit growers to the present tariff rate, and partly because it has been claimed in some quarters not only that this country is not now producing sufficient of such fruit to supply the market, but that it never can.

The first of these claims is well founded. This country is not now producing sufficient lemons to supply our home market. Therefore it must be conceded that no tariff should be imposed that would prevent the importation of foreign-grown lemons. But the second claim, namely, that this country can not meet the demand of the home market in the future, is not well founded. It is well understood that only a comparatively small area of this country is adapted to the growth of citrus fruits because of the adverse climatic conditions. In what I am about to say on this subject I shall speak of my own State only, and I can do that better by submitting data covering the present acreage in bearing lemons, the planting not yet matured, the area of land in the State adapted to the growth of lemons if the industry is properly fostered and protected and the estimated output of lemons from this area.

In this connection I desire to say not only with respect to data bearing upon this particular subject, but as to all data used in what I shall say, that it has been gathered by thoroughly competent and reliable men under strict instructions from me to endeavor to arrive at the facts when available, and where estimates were necessary to keep within strictly conservative and safe lines, so that I might be rightly informed and be able to vouch for the truth, accuracy, and conservatism of the information I might attempt to impart to others. In gathering this information I have, wherever possible, procured the services of men with whom I am personally acquainted and upon whose competency and reliability I could depend. And as to most of the data furnished, it has been taken directly from the books of the fruit growers, not made or kept for this purpose, but in the daily conduct of their own business.

These data in respect of this branch of the subject show—

First. Number of acres of lemons in bearing, 24,443.

Second. Number of trees in bearing, 1,833,011.

Third. Number of acres planted to trees not yet in bearing, 8,001.

Fourth. Number of trees not yet in bearing, 600,095.

Fifth. Number of acres of land in California adapted to the growth of lemons not yet planted, probably not less than 95,000.

Sixth. Number of acres planted to lemons during last year, 2,000.

Seventh. Estimated annual planting, in acres, for the last five years, 1,000 to 3,000 acres.

Eighth. Average yield of lemons per acre, 200 boxes from the well-cared-for orchard, 100 boxes per acre from all trees in the State.

These data, which may be relied upon, show that with the present planting in California alone the annual output may be relied upon as not less than 2,800,000 boxes; and with the total acreage of available land planted to lemons, which may be depended upon if the industry is reasonably and properly protected against ruinous foreign competition, will be not less than 10,000,000 boxes.

To arrive at correct results in meeting the claim that the production can never meet the demand, we should next look to the quantity consumed. This information is easily obtainable from different sources, among others, Commerce and Navigation of the United States, Department of Commerce, for imports of lemons, the official railroad records showing shipments from California, as published in the Monthly Summary of Commerce and Finance of the United States, Department of Commerce, which show that the consumption of lemons, grown at home and abroad, reaches approximately 4,000,000 boxes per annum. It will be readily seen from these figures that with its available land adapted to the growth of lemons planted to that fruit California alone will be able to supply the home market with all the lemons needed and that very soon.

Mr. President, the importance of this industry to the country at large can not be overlooked or denied. If there is any industry in this country that should receive the favorable consideration of the Congress of the United States it is one like this that must be protected from foreign competition to live and which brings and keeps the people out of the city and on the farm. In this connection another claim that is urged against the California fruit grower, that he does not employ native help but resorts to foreign cheap labor, should be met. The conditions in California have been peculiar. Chinese and Japanese laborers have in past years found their way into our State against the earnest efforts of our own people to keep them out. They have, to some extent, supplanted white labor in the growing and marketing of fruit in the State.

This condition has been forced upon the fruit growers in spite of them. They employ all of the white laborers that can be had and who are willing to do the work called for. Some of the growers, at least, have used every effort to induce native laborers to render the needed service. This has partially succeeded, and the skilled employees are white, and a large proportion of the ordinary laborers as well. The statistics show that about 85 per cent of the employees on the citrus-fruit ranches and in the packing houses are American laborers, and the percentage is increasing. There are about 3,500 orientals employed in a total of 25,000 laborers. It is no fault of the fruit growers, as a rule, that any foreign laborers are employed, as they prefer native white labor to any other. Surely it is in the interest of this country that American fruit ranches employing this proportion of American citizens should be maintained rather than the foreign producer employing none but foreigners.

HOW LEMONS ARE GROWN, CURED, AND SHIPPED.

With this passing notice of some of the objections made to a tariff on lemons, I pass to a showing of the manner of growing lemons, the skill and labor required in their growth, curing, and shipment, and the risks encountered in carrying on this important industry before taking up the comparative cost of production and marketing of the fruit in this country and abroad and the necessity of the tariff now imposed for the protection of our own growers.

The growing of lemons requires a peculiar combination of soil and climate found only in a limited area in this country. Only a part of the State, from central California south, is adapted to their commercial growth. It must be taken into account also that in the localities adapted to the growth of citrus fruits irrigation is necessary and adds to the cost of production. The ground must be carefully prepared in advance, and a system of irrigation provided. In most cases the water necessary for irrigation must be bought, thus adding to the original cost.

The trees are transplanted at the age of 2 years and begin to bear in about four years thereafter, reaching full bearing at about 8 years of age. During all this time the trees must be cared for, irrigated, pruned, and the ground cultivated. The grower receives no returns to meet this continual expense for four years at least from the time the ground is prepared for the trees and only a partial return for some time later. The harvesting of the crop is peculiar. Lemon trees are in bearing at all times of the year. The trees at all times bear fruit at all stages of growth from the bud to the full-grown fruit. Therefore picking of the fruit occurs at all times of the year. Ordinarily, in a well-regulated orchard, the fruit is picked 10 or 12 times every year. The time of picking does not depend on the ripening of the fruit, for lemons are always picked green. The time of picking depends on the size of the fruit, and that depends on the demands of the dealers and consumers of lemons. The size of the fruit is determined by the use of a ring of the required size. Every lemon too large to pass through this ring is ready for picking, and the harvesting and curing of the fruit is kept up all through the year. The process of curing and loading on cars for shipment is well described by an experienced grower as follows:

The lemons are delivered at the door of the packing house in field boxes holding approximately 42 pounds net of fruit to the box. Two men unload to insure easy handling and stack the fruit six boxes high, which is then weighed and trucked to its own section to await its turn to be washed. All lemons are washed, whether clean or dirty. They are then trucked to the washer, when box and all are lowered into the tank of water and the lemons allowed to float out of the box to eliminate any chance of bruising. This water contains a small per cent of copper sulphate, about 1 pound to a thousand gallons of water, to prevent poison brown rot or *Pythiacystis citrophthaca* from spreading in the washer and infecting good fruit. There are several styles of washers in use, but we here speak of that known as the circular submerged.

Passing through the washer brushes the lemons are carried along on a wide canvas belt and are then separated into three grades: Dark green, light green, and tree ripe or yellow. These are carefully placed in boxes and stored in the curing house in tents. Here they are left for about a month and then examined for decay, when, if found necessary because of excessive decay, they are re-sorted and rots and contacts are taken out and the balance re-stored. If necessary this process is repeated until time of shipment.

The tree ripe, being the weakest fruit, is sorted and shipped when from 10 days to 6 weeks old, the half or light green coming next, and the dark green being held until the demand warrants shipment.

From the curing tents the fruit is trucked to the sorters where it is graded and placed in wooden trays 2 feet by 3 feet by 3 feet deep, one layer of fruit to each tray, stacked so as to allow some ventilation and stored until wanted in the packing room.

When wanted it is trucked to the packing room and a stack placed at each packer's skid. The skids are 9 feet long having room for three sets of trays, and each skid having three packing stands holding boxes ready for packing and wrapping of the fruit.

Four trays are placed on one end of the skid and the packer selects the size that is to be packed in the box, usually a "three hundred," wrapped with tissue paper and placed in the box in rows according to certain rules, which when followed will give a box containing 300 lemons, all of uniform size and of the right height for proper transportation—the lemons usually being about an inch above the edge of the box.

When all of that size are taken from the tray the attendant, or "rustler," as he is known, places the partly emptied tray back one space on the skid and the packer repeats the process with the next tray, and so on. Then moving back to the next space the same process is repeated with the next size of lemon, usually the 360 size, etc., until the trays are empty; then moving again to the front of the skid, where a new supply has been placed, the process is repeated.

When the box is packed, the rustler carries it to the press skid, where the pressman, examining the box for defects in packing and finding it O. K., puts on the cover, and by the use of the steel press forces down each end of the cover and the fruit flush with the end of the box, using great care to see that the lemons are not caught and bruised, when a small strip of wood known as a cleat is then placed over the cover and the ends of the box and nailed down to hold the covers in place. Over the center of the box a strap of iron is fastened which holds the cover tight against the fruit, keeping it from shaking in the box.

The fruit is then trucked into the refrigerator car and loaded on end in rows two tiers deep, beginning at each end of the car against the bulkhead next to the ice tanks, leaving air space of about 3 inches between each row, the boxes being placed edge to edge. Each row is held in place by two car strips, pieces of lumber 1 inch by ½ inch by 8 feet long, which are nailed to the head of each box, and where necessary car strips are nailed between rows at center and ends of box to take up space in the car so as to make the tiers tight. Where such car strips are used, material 1½ inches by ½ inch by 8 feet is necessary to keep from cutting the thin sides of boxes.

In the summer during the hot weather tree-ripe and fruit that is weakened from old age or other causes is iced in transit to prevent decay, but the bulk of the fruit from houses using the better methods is sent under ventilation and carries with but slight decay.

Every man or woman who touches a lemon is compelled to wear canvas gloves to prevent any scratching or bruising of the fruit. Each lemon is handled and examined individually seven times, once at time of picking, twice at washer, once at sorting, once at curing, and twice at packing, and is handled in bulk by 16 to 18 different men at different occasions, from picking to time of shipment.

All these processes are absolutely essential to the proper grading, curing, and shipping of the fruit.

This will show the extreme care necessary in handling and curing the fruit. It will be noticed that a full month's time is taken in curing the fruit and that every lemon must be separately handled not less than seven times. This renders necessary the employment of a large number of persons skilled in their work and a very large building or storage space for the boxes of fruit in process of curing. Some of the fruit is cured several months before shipment. I have seen the process in operation in its various stages, and to me it is extremely interesting. It results in the production in every market of this country of fruit of the finest quality.

COST OF PRODUCTION.

With this brief statement of how the fruit is produced, the skill and knowledge necessary to its successful production, and the risks attending it, I pass to a consideration of the cost of production. I do this because it is declared as the policy of the Republican Party that a tariff shall be imposed equal to the difference between the cost of production here and abroad, with a reasonable profit to the home producer. It is my purpose to compare the cost of production of lemons in this country and Italy, the chief competitor of the domestic producer, with the view of showing by actual figures the right of our lemon growers to the tariff now in force.

There is but little difficulty in arriving at the cost of production in this country. Most of the larger growers keep careful and accurate accounts of every item of expense that enters into the preparation of the ground, the planting and cultivation of the trees, irrigation, fertilizing, fumigation of the trees, and the picking, handling, curing, and shipment of the fruit, and the smaller growers have data from which the cost can be accurately determined. I have procured detailed and reliable accounts of these expenses from different growers upon whom I could rely, and shall submit them for the consideration of the Senate. The furnishing of accurate data as to the corresponding expense in foreign countries is more difficult. It is the policy of foreign growers to conceal the cost of producing and marketing their fruit, for the very good reason that a showing of such cost as compared with the cost in this country would show conclusively that a tariff on their imported fruit is absolutely necessary for the protection of our growers against the introduction of their cheaper grown and marketed product. Besides this, the foreign grower does not keep books of accounts of his expenses as is done by our own growers, and no official record of the cost of production in Italy, for example, is kept.

But there are certain items that enter into the cost of production that are easily obtainable, and they have been ascertained and furnished me for my use. To obtain this information and all data obtainable, a thoroughly capable and reliable man, having experience not only in the practical work of growing lemons but of the items of expense entering into their production, was sent by the fruit growers of California to gather this information. He had been for 10 years connected with the Agricultural Department of the Government; he had investigated the Italian lemon industry officially in 1908, an account of which was published in Bulletin 160, Bureau of Plant Industry—Italian Lemons and Their By-Products—and had peculiar facilities for ascertaining all that was to be had on the subject. It is my purpose to submit to the Senate the result of his investigations and the information obtained.

COST OF NEW PLANTING.

In considering the cost of production I shall take first the cost of new planting and then the cost of cultivation and care of the trees, including the picking of the fruit. In the effort to arrive at accurate results I have sought concrete cases, covering actual experience, furnished me by competent and reliable growers, who have kept accurate and detailed accounts of all expenses. The first that I shall advert to is a set of statements furnished me at my request by the San Diego Fruit Co., one of the large growers in San Diego County. These statements are rendered by Mr. John E. Boal, manager of the company. I have known Mr. Boal intimately for 20 years, and for a large part of that time was closely connected with him and his company in a business way. He is thoroughly familiar with every branch and detail of the business of growing lemons, is thoroughly competent, and has been, as I know, painstaking and methodical in keeping accounts of every item of expense connected with the business that he has efficiently managed for many years. The figures he furnishes may be implicitly relied upon as coming from the books of his company, kept from day to day in the ordinary conduct of the business, and with no intention or expectation that they would be used for the purpose for which I am now using them.

I take first the statement of the cost of planting. He takes 11 orchards, accounts of which have been kept, ranging in size from 1½ to 15 acres, giving the cost of planting each one of them to trees after the ground is prepared, then adds the cost of grading and preparing the land for the trees. In this connection it should be borne in mind that the grading and preparing the ground, so that it can be successfully irrigated by gravity, is an important part of the work of planting, involving no little skill and considerable expense, varying with the natural formation of the land that must be overcome. This table, after giving the number of the orchard, the number of acres in each, and the number of trees planted, segregates the expense under the heads of cost of trees, survey of the land, water, labor, and fertilizing, and gives the total in case of each orchard, and then gives us the total in each case. In order to arrive at the fair average cost each item is totaled in the footings. The result shows an average expense per acre of $91, not including the preparation of the land. The item of grading and preparing the land, $35 an acre, is then added, making a total of $126 per acre as a first investment, not including the cost of the land itself. It is a very interesting and instructive table, that is worthy of the careful consideration of the Senate in dealing with this important subject. It is as follows:

Cost of new planting, 1911, by San Diego Fruit Co.

Orchard No.—	Acres.	Number of trees.	Cost.	Survey.	Water.	Labor.	Fertilizer.	Total.
9	2½	158	$126.05	$5.00	$8.75	$16.21	$5.62	$161.63
31	2½	237	177.60	5.00	8.75	34.21	9.37	234.93
32	4½	351	278.25	10.00	15.75	58.90	13.12	376.02
33	6	491	370.72	35.00	21.00	133.57	18.75	579.04
78	9	712	580.31	12.50	31.50	207.63	26.25	858.19
80	15	1,072	963.91	10.00	52.50	346.18	39.46	1,411.05
83	8	591	443.25	5.00	28.00	149.88	22.50	648.63
85	4	262	209.60	2.50	14.00	52.44	9.84	288.38
103	1½	103	77.25	.....	5.25	11.64	3.75	97.89
108	10	770	630.50	.....	13.50	259.67	29.05	932.73
111	13	1,199	910.21	25.50	45.50	301.38	45.00	1,327.59
Total	76	5,946	4,757.65	119.50	244.50	1,571.71	222.72	6,916.08

Average cost of planting per acre	$91
Add grading and preparing land	35
Total	126

This will vary as the number of trees vary. This report shows average of 78 trees per acre. Frequently there are 90 trees planted per acre.

First year's care	$38.50
Second year's care	42.50
Third year's care	57.50
Fourth year's care	95.00
Fifth year's care	115.00
	348.50
	126.00
	474.50

I submit also on this subject a letter from W. G. Fraser, general manager of the Arlington Heights Fruit Co., to G. Harold Powell, manager Citrus Protective League, and three attached statements of cost, segregated and itemized, which show the cost of bringing lemon groves into bearing. They are as follows:

ARLINGTON HEIGHTS FRUIT CO.,
Riverside, Cal., October 6, 1911.

Mr. G. HAROLD POWELL,
Manager Citrus Protective League,
Consolidated Realty Building, Los Angeles, Cal.

DEAR MR. POWELL: We have carefully examined our old books and records to ascertain the cost of bringing our lemon groves into bearing, and we find that during the first few years of the company's operations the expenses upon the groves were not segregated in such a way that we can now prepare such a statement as you desire, as set forth in your letter of September 15.

In the year 1905 the Riverside Trust Co. (Ltd.) planted 163 acres of land to Eureka lemon trees, and our records have been kept in such a shape that we are able to furnish you with the information desired in your letter.

We are now furnishing you with three separate statements, numbered 1, 2, and 3.

No. 1 shows the cost of land and water, trees, fluming, plowing and leveling, planting, cultivation and irrigation, fertilizer, water dues, taxes, and management, covering a period of five years, after which the groves were self-sustaining. The average cost per acre as per statement No. 1 is $721.33.

Statement No. 2 includes all of the items in No. 1, together with the proportionate cost of plant, including buildings, tools, implements, horses, etc. The average cost per acre as per statement No. 2 is $803.33.

Statement No. 3 includes all of the items in Nos. 1 and 2, and in addition simple interest at 6 per cent, all of which brings up the average cost per acre to $1,012.96.

We thought that we would furnish all three statements and that you could use such of them as you thought wise.

We trust that the inclosed statements will furnish you with the desired information. If they should not, however, kindly advise and we will endeavor to furnish you with such additional data as you may suggest.

Yours, very truly,

W. G. FRASER,
General Manager.

STATEMENT NO. 1.

Cost of bringing 163 acres of lemon groves into bearing, trees planted in 1905 by the Riverside Trust Co. (Ltd.).

Year ended Sept. 30, 1905:		
Land and water, 163 acres, at $450 per acre		$73,350.00
Plowing and leveling	$1,017.36	
Fluming	4,310.31	
12,608 trees, at $1	12,608.00	
Planting	957.04	
Cultivation and irrigation	107.53	
Fertilizing	71.40	
Water dues	87.17	
Total	19,158.81	
Management	113.80	
		19,272.61
Year ended Sept. 30, 1906:		
Cultivation and irrigation	1,238.72	
Fertilizing	1,361.79	
Water dues	804.65	
Taxes	369.92	
Other expenses	953.75	
Total	4,728.83	
Management	788.03	
		5,516.86
Year ended Sept. 30, 1906:		
Cultivation and irrigation	1,548.05	
Fertilizing	734.64	
Water dues	1,036.41	
Taxes	794.40	
Other expenses	536.78	
Total	4,650.28	
Management	1,777.29	
		6,427.57
Year ended Sept. 30, 1908:		
Cultivation and irrigation	1,967.99	
Pruning	205.15	
Fertilizing	2,522.25	
Water dues	978.00	
Taxes	773.51	
Other expenses	309.42	
Total	6,756.32	
Management	1,670.91	
		8,427.23
Year ended Sept. 30, 1909:		
Cultivation and irrigation	2,493.20	
Pruning lemons	125.35	
Fumigation (90 acres)	1,423.19	
Fertilizing	411.18	
Water dues	1,556.70	
Year ended Sept. 30, 1909—Continued.		
Taxes	$1,042.52	
Other expenses	509.55	
Total	7,561.69	
Management	2,521.43	
		$10,083.12
Total		123,077.39
Less crop returns 1908	1,069.50	
Less crop returns 1909	4,431.06	
		5,500.56
Total		117,576.83
Average, $721.33 per acre.		

STATEMENT NO. 2.

Cost of 163 acres of lemon groves, by the Riverside Fruit Co. (Ltd.).

Cost of land and water, at $450 per acre		$73,350.00
First year:		
Proportion of cost of equipment, building, stock, tools, machinery, etc., at $82 per acre		13,366.00
Cost of planting, care, etc		19,272.61
Second year, cost of care, etc		5,516.86
Third year, cost of care, etc		6,427.57
Fourth year, cost of care, etc		8,427.23
Fifth year, cost of care, etc		10,083.12
Total		136,443.39
Less:		
Crop returns, fourth year	$1,069.50	
Crop returns, fifth year	4,431.06	
		5,500.56
Total		130,942.83
Average, $803.33 per acre.		

STATEMENT NO. 3.

Cost as per statement No. 2		$130,942.83
Interest at 6 per cent per annum:		
Five years on $86,716	$26,014.80	
Four and one-half years on $19,272.61	5,203.60	
Three and one-half years on $5,516.86	1,158.50	
Two and one-half years on $6,427.57	964.10	
One and one-half years on $7,357.73	662.20	
Six months on $5,652.06	169.56	
		34,172.76
Total		165,115.59
Average, $1,012.96 per acre.		

COST OF CULTIVATION.

Taking up the question of the cost of cultivation and care of the orchards, I have two carefully prepared tables, coming from the same reliable source, covering the years ending October 31, 1909, and October 31, 1910, respectively. These, like the one already referred to, are taken from the actual accounts made in the ordinary transaction of the business and for business purposes only. For this purpose 26 different orchards are taken, ranging in size from 6 to 39 acres. The items of expense are segregated into cultivation, hoeing, irrigation, pruning, picking, treatment of scale, and water, all of which are totaled in each case. To this is also added office expenses prorated. Then, at the foot, the total of each item of expense for all of the orchards is given and the average cost per acre, showing the cost per acre for 1909 to be $156.35, and for 1910, $182.26, an increase of $25.91 per acre. In case of the year 1910 the cost of picking, amounting to $76.66, is deducted, in order to show the exact cost of cultivation of the trees.

I submit these two tables, as follows:

Statement of lemon expense per acre for year ending Oct. 31, 1909, by San Diego Fruit Co., National City, Cal.

Orchard.	Acres.	Cultivation.	Hoeing.	Irrigation.	Pruning.	Picking.	Fertilizer.	Scale treatment.	Water.	Orchard total.	Office expenses prorated.	Orchard total.
No. 4	9½	$135.90	$53.36	$119.44	$1.72	$566.47	$243.39	$138.21	$99.75	$1,358.24	$94.83	$1,453.07
No. 9	7	93.73	24.46	69.52	.35	450.41	188.01	109.59	49.00	985.07	69.88	1,054.95
No. 28	33½	458.22	33.82	603.88	4.70	1,830.92	788.15	3.05	234.50	3,957.24	334.35	4,291.59
No. 30	4½	77.05	29.20	47.31	.67	151.68	80.04	.....	40.25	426.20	44.92	471.12
No. 31	7	85.82	32.64	88.46	52.61	343.80	214.12	106.79	49.00	973.24	69.89	1,043.13
No. 32	19	212.46	14.73	231.72	119.24	926.47	466.98	539.56	98.05	2,609.21	189.62	2,798.83
No. 33	12	166.53	42.77	97.69	73.64	830.68	298.06	1.11	129.50	1,639.98	119.78	1,759.76
No. 34	19	312.70	91.99	150.45	227.52	1,528.10	684.29	1.76	133.00	3,129.81	189.64	3,319.45
No. 52	19	264.43	76.55	148.74	176.23	1,727.75	689.90	1.75	133.00	3,218.35	189.64	3,407.99
No. 54	39	566.98	166.25	333.86	420.37	2,857.35	1,699.32	1,371.33	273.00	7,688.46	389.24	8,077.70
No. 55	9½	146.18	33.46	253.89	55.94	1,071.71	356.27	364.91	66.50	2,348.56	94.82	2,443.38
No. 76	6	72.79	18.79	49.86	12.15	231.03	165.34	70.21	42.00	782.17	59.88	842.05
No. 78	12	149.62	39.95	110.69	29.45	824.29	365.16	176.41	84.00	1,779.57	119.77	899.34
No. 80	24	183.18	82.15	201.87	212.24	1,274.64	581.59	2.22	168.00	2,705.89	239.54	2,945.43
No. 83	8	157.89	42.24	139.89	101.33	389.74	300.91	171.25	61.25	1,364.50	79.89	1,444.39
No. 85	9	179.16	42.40	183.97	151.35	524.38	300.32	145.89	66.50	1,593.97	89.82	1,683.79
No. 86	9½	139.94	2.40	73.18	71.51	659.31	240.52	145.54	66.50	1,398.90	94.81	1,493.71
No. 101	19	245.14	68.84	289.20	88.24	1,070.74	394.50	1.76	133.00	2,291.42	189.63	2,481.05
No. 102	19	285.84	87.17	217.08	107.93	774.16	372.31	240.54	133.00	2,218.03	189.63	2,407.66
No. 105	8	88.88	27.99	70.98	52.40	420.02	208.76	113.47	61.25	1,043.75	79.85	1,123.60
No. 108	18	378.06	65.06	213.17	232.40	1,046.88	508.53	305.61	136.50	2,886.21	179.65	3,065.86
No. 111	6	85.57	11.69	80.35	30.37	251.50	175.15	76.92	49.00	760.55	59.88	820.43
No. 112	10	128.13	3.05	91.68	167.59	424.37	274.54	158.00	70.00	1,317.36	99.80	1,417.16
No. 134	19	336.53	59.62	287.00	100.00	853.30	163.83	305.84	492.95	2,599.76	189.62	2,789.38
No. 136	9½	190.33	31.51	89.00	40.58	365.90	242.33	109.55	66.50	1,136.30	194.82	1,231.12
No. 137	12	160.53	27.32	134.20	116.49	516.04	316.36	324.69	84.00	1,679.63	119.77	1,799.40
Total	368	5,301.59	1,209.11	4,378.28	2,647.11	22,031.64	10,318.68	4,985.96	3,020.00	53,892.37	3,672.97	57,565.34
Expenses prorated	.....	361.33	82.41	298.39	180.42	1,501.54	703.25	339.81	205.82	.....	.....	.....
Total	.....	5,662.92	1,291.52	4,676.67	2,827.53	23,533.18	11,021.93	5,325.77	3,225.82	.....	.....	57,565.34

Total packed boxes 88,765
Average number boxes per acre 244

Statement of lemon expense per acre for year ending Oct. 31, 1909, by San Diego Fruit Co., National City, Cal.—Continued.

SUMMARY.

	Total.	Average cost per acre.	
		1909	1910
Cultivating	$5,662.92	$18.89	$18.68
Hoeing	1,291.52		
Irrigating	4,676.67	12.70	13.11
Pruning	2,827.53	7.68	10.80
Picking	23,533.18	163.94	76.77
Fertilizing	11,021.93	29.95	34.33
Scale treatment	5,325.77	14.47	19.81
Water	3,225.82	8.72	8.76
Increase, 1910	57,565.34	156.35	182.26
		25.91	
		182.26	

[1] Picking and hauling to house.

Average number of boxes per acre	214
Average cost per box in house	$0.75
Average cost of packing	.533
Average cost per box on car	1.283

Statement of lemon expense per acre for year ending Oct. 31, 1910, by San Diego Fruit Co., National City, Cal.

Orchard.	Acres.	Cultivation.	Hoeing.	Irrigation.	Pruning.	Picking.	Fertilizer.	Scale treatment.	Water.	Orchard total.	Office expenses prorated.	Orchard total.
No. 4	9½	$143.52	$15.75	$30.66	$107.27	$621.59	$279.43	$161.24	$77.55	$1,487.01	$136.32	$1,623.33
No. 9	7	116.30	18.55	92.49	82.91	417.95	198.72	132.47	57.20	1,116.59	100.45	1,217.04
No. 28	33½	442.87	67.18	462.34	338.12	1,901.11	839.93	521.54	273.55	4,846.64	480.72	5,327.36
No. 31	7	109.67	14.96	78.57	8.70	413.21	210.34	104.83	57.10	997.38	100.45	1,097.83
No. 32	19	299.83	38.13	193.66	126.87	1,669.64	523.28	273.96	87.60	3,212.97	272.65	3,485.62
No. 33	12	195.75	32.06	129.09	113.00	824.62	369.16	173.08	97.92	1,934.68	172.20	2,106.88
No. 51	19	292.04	95.92	168.27	369.40	1,317.10	775.35	705.78	155.10	3,878.96	272.65	4,151.61
No. 53	19	274.48	61.34	205.42	158.20	1,786.20	749.09	707.46	133.00	4,075.19	272.65	4,347.84
No. 54	39	500.63	120.31	533.04	603.84	3,438.71	1,824.29	832.26	318.40	8,171.48	559.65	8,731.13
No. 55	9½	172.88	32.44	126.83	245.90	943.33	442.44	206.97	77.45	2,248.24	136.32	2,384.56
No. 76	6	118.53	14.32	83.46	66.37	401.68	175.63	79.74	49.10	988.83	86.10	1,074.93
No. 78	12	173.52	26.89	98.70	173.92	877.88	318.47	200.26	192.50	2,062.14	172.20	2,234.34
No. 80	24	315.07	57.85	255.16	237.90	1,152.16	633.95	687.98	153.95	3,494.11	344.40	3,838.51
No. 83	8	124.94	10.76	127.12	82.29	536.15	362.47	163.66	65.40	1,472.79	114.80	1,587.59
No. 85	9	114.43	9.07	117.97	2.35	754.33	305.14	157.03	73.45	1,533.77	129.15	1,662.92
No. 86	9½	185.39	18.09	116.15	113.44	790.32	207.43	128.84	77.50	1,637.16	136.52	1,773.48
No. 101	19	245.72	35.73	276.14	149.37	1,157.48	415.50	258.73	153.10	2,691.77	272.65	2,966.42
No. 102	19	236.43	39.55	258.63	118.61	818.97	419.18	24.05	155.10	2,070.52	272.65	2,343.17
No. 106	8	113.01	11.91	85.52	44.63	753.28	217.98	119.93	65.26	1,411.52	114.80	1,526.32
No. 108	18	236.35	21.25	229.72	116.74	1,494.44	529.09	346.15	147.10	3,120.84	258.30	3,379.14
No. 111	6	77.37	3.76	72.55	23.75	399.38	152.72	96.02	57.10	882.65	86.10	968.75
No. 112	10	212.63	27.92	72.17	80.25	839.97	283.28	162.25	81.90	1,760.37	143.50	1,903.87
No. 134	19	336.06	42.65	318.29	167.96	1,083.77	714.34	399.73	155.15	3,217.95	272.65	3,490.60
No. 135	9½	171.08	21.23	97.54	26.67	454.72	210.31	160.27	67.50	1,209.32	136.32	1,345.64
No. 137	12	216.83	17.98	145.26	112.48	836.46	305.04		98.00	1,732.05	172.20	1,904.25
Total	363½	5,425.33	855.60	4,424.75	3,671.03	25,684.45	11,462.56	6,804.23	2,928.98	61,256.93	5,216.20	66,473.13
Office expenses prorated		427.60	85.60	342.05	256.55	2,223.30	1,026.15	598.40	256.55	5,216.20		
Total		5,852.93	941.20	4,766.80	3,927.58	27,907.75	12,488.71	7,402.63	3,185.53	66,473.13		

SUMMARY.

	Total	Average expense per acre.
Cultivating	$5,852.93	$16.10
Hoeing	941.20	2.58
Irrigating	4,766.80	13.11
Pruning	3,927.58	10.80
Picking	27,907.75	76.77
Fertilizer	12,488.71	34.35
Scale treatment	7,402.63	19.81
Water	3,185.53	18.76
Total	66,473.13	[2]182.85
Less picking		76.77
		106.09

[1] Water in future must show an increase to $20 per acre.

[2] Average cost per acre of total expenses.

This, it will be understood, leaves the fruit in the orchard. If the item of picking is excluded, it is still on the trees. If included, it is in field boxes, uncured and unpacked. After this must come the transportation to the packing house and the process of preparing, curing, and packing the fruit, as I have described. Further data will be submitted directly showing the cost of packing and shipment to market.

An interesting comparison of the cost of producing lemons is found in a letter that I am about to submit to the consideration of the Senate. The statements of Mr. Boal, that I have already submitted, were furnished to Mr. G. Harold Powell, secretary and manager of the Citrus Protective League, the gentleman I have mentioned as having visited foreign orchards and who has furnished for my use in this connection more ex-

tensive data and information gathered from the experience of many growers and which I shall advert to later on. In his letter to Mr. Boal, in acknowledging receipt of copies of the statements made by him, just given, Mr. Powell has this to say:

LOS ANGELES, CAL., *September 22, 1911.*

Mr. JOHN E. BOAL,
General Manager San Diego Fruit Co.,
National City, Cal.

DEAR MR. BOAL: I have been very much interested in looking over the account which you left with me regarding the cost of planting your lemon groves, the amount of wages paid to white and Japanese labor, and the statement of the expenses of maintaining your groves in 1909 and 1910. This account shows the same kind of variations that we are finding in the large number of accounts which will be used in getting at the approximate average cost of producing and of handling citrus fruits. I think that we will be able to submit from 125 to 150 individual growers' accounts showing the operating expenses in the field up to the time of harvest and the cost of picking, hauling, and packing the fruit.

I will incorporate this statement with the other statements that we shall submit to Senator WORKS, and also to the Tariff Board when our data are completed. In order to show some of the variations in the cost of producing citrus fruits, I thought you might be interested in seeing how your statement compares with some of the other large plantings. For example, on a planting of 140 acres the following expenses occur:

Fertilizer	$46.43
Irrigating	24.04
Fumigating	18.07
Forage and grain	7.50
Taxes	11.56
Maintenance and repairs	18.12
Frost protection	7.14
Insurance	1.75
Incidental materials	3.13
Cultivating	23.32
Pruning	11.36
Superintending	16.14
Total	188.56

On an account of 200 acres the following expenses occur:

Fertilizing	49.57
Fumigating	43.24
Taxes	8.71
Maintenance and repairs	10.65
Frost protection	4.98
Insurance	.86
Cultivating, including pruning and irrigating	89.49
Spraying	14.02
Superintending	10.00
Other tree care	1.09
Total	232.61

In a planting of 10 acres the following expenses occur:

Fertilizing	40.00
Forage and grain	30.00
Taxes	9.80
Maintenance and repairs	15.00
All labor	155.00
Total	249.80

In a planting of 219 acres the following expenses occur:

Fertilizing	36.02
Water	26.86
Forage and grain	7.59
Taxes	10.68
Maintenance and repairs	9.51
Frost protection	1.63
Insurance	3.57
Cultivating, including irrigating	47.81
Pruning	11.93
Fumigating	25.78
Other tree care	.07
Total	181.45

In a planting of 5 acres the following expenses occur:

Fertilizing	66.00
Water	20.00
Forage and grain	15.00
Taxes	5.20
Cultivating	8.00
Pruning	20.00
Irrigating	6.00
Total	140.20

These accounts have been selected at random and are typical of the accounts we are securing. Several of your charges are very much below the general average. The cost of water for the State will probably average somewhere near $20, and I judge from the figures we are obtaining that the average cost of fertilizing lemon groves will run between $40 and $50, while some of the most intensive growers spend very much more.

I am unable to say how your cost of picking compares with the others, as the yields are not included in your statement, but you might be interested to know that on the shipments covering 500,000 boxes, on which we have accurate data for the year 1911, the average cost of picking is 24.8 cents per box, hauling 5.7 cents, packing 61.2 cents, making a total cost of 91.2 cents per packed box from the time the fruit leaves the tree until it is placed on the cars. These figures are subject to revision as additional data are obtained.

Very truly, yours,

G. HAROLD POWELL,
Secretary and Manager.

It will be seen from this showing that there is considerable variation in the expense of producing lemons in different cases. This results partly from the difference in locality, climate, and character of soil and the manner and methods of different growers in cultivating the ground and caring for the trees. Where deeper plowing is done and better care taken in caring for the trees, a greater yield of fruit is obtained as a rule; therefore the average cost per box of fruit would not greatly vary unless an orchard is actually neglected.

OPERATING COST OF A LEMON ORCHARD.

Mr. President, I now pass to a more extended view of this subject of cost of production, based upon data furnished by Mr. Powell, whom I have already mentioned, gathered from the experience of a large number of growers. This will show the same variation in cost between different orchards. The purpose is to arrive at a fair average that will furnish a just basis of comparison of the cost of production here and abroad. I am about to submit for the consideration of the Senate an itemized statement, in two tables, of the operating cost of lemon orchards for the year 1910–1911, covering every important section in the State. In these tables 143 separate and distinct orchards, covering 3,658.4 acres, are taken, owned and operated by different persons, giving actual expenditures taken from accounts kept in the regular transaction of business in each case or determined from data possessed by the grower, showing the amount of materials used and labor expended in each place. The tables have been prepared with the greatest accuracy, and each item of expense is given separately.

Table I gives the cultural costs of labor required in producing the lemons, including the cost of cultivating, pruning, irrigating, fumigating, fumigating labor and materials when not separated, spraying, spreading fertilizer, other tree care, superintending, administration, and other accounts not segregated. It includes also a statement of the total labor cost and the cost per acre on each ranch.

Table II gives the cultural cost of materials required in producing the lemons on the same ranches, including the cost of chemical fertilizers, barnyard manure, water, fumigation, forage and grain for stock used on the ranch, taxes, maintenance and repairs, frost protection, insurance chargeable to the groves, incidentals usually including cover crop seed. Table II includes also a statement of the total cost of materials and the cost per acre on each ranch, the total cost of labor and the cost of labor per acre on each ranch, and the total cost of labor and materials and the total cost of labor and materials per acre on each ranch. Table II contains also a statement showing the average cost of labor, the average cost of materials, and the total average cost per acre of labor and materials for the 143 ranches.

In Table I, in the first column, is given the orchard number. For example, orchard No. 2 contains 300 acres. The cost in total and the cost per acre is given in each column, making a total labor cost of $46,839.02 and a cost per acre of $156.13. Under the corresponding orchard number in Table II the cost of chemical fertilizer is given as $40.20 per acre; barnyard manure, $6.03 per acre; fumigation, $28.63 per acre; taxes, $8.71; maintenance and repairs, $10.65; frost protection, $4.89 per acre, and so on for each separate item. The total cost of materials is $100.06 per acre and the total cost of labor and materials $256.19 per acre.

It will be seen that no figures are given in some of the columns. Where this occurs the item may have cost the ranch nothing, or it may be included in another column. These variations are explained in each case on the margin of the table. In case of superintendence and administration no allowance has been made for these items except where they represent cash expenditures. Where the grower performs labor he is credited with the amount expended at laborer's wages and is given no credit for superintendence or administration.

These accounts do not include depreciation on the groves, irrigation facilities, buildings, stock or tools, or interest on the investment. The average investment per acre in these items is about $65. A reasonable charge off is 10 per cent, distributed about as follows: 20 per cent on tools, 10 per cent on stock, and 3 to 5 per cent on buildings and equipment.

These tables are most complete and are intended to show with fairness and accuracy the cost of operating lemon groves in California. These data, which have been selected without any effort to make a favorable showing, show that on 143 representative ranches the average cost of labor expended annually in producing the California lemon crop is $92.51. The average cost of materials per acre is $108.75. The total average cost of labor and materials per acre is $197.15.

The tables follow.

THE COST OF PRODUCING LEMONS IN CALIFORNIA.

The tables following show the detailed cultural cost of producing lemons in California on 143 lemon groves, comprising 3,658.4 acres.

Table I shows the cost of labor, including plowing and cultivation, pruning, irrigation, fumigation, fumigation labor and materials, where not segregated, spraying, spreading fertilizer, other tree care, superintending, administration, and accounts not otherwise segregated.

TABLE I.—*Cultural cost of labor required in producing lemons on 143 ranches in California in 1919.*

No.	Acres.	XI. Cultivating.		XII. Pruning.		XIII. Irrigating.		XIV. Fumigating.		XV. Fumigation labor and materials.		XVI. Spraying.		XVII. Spreading fertilizer.	
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.
		P. and L.													
2	300	$26,845.82	$89.49	Under XI.		Under XI.		$4,382.32	$14.61			$4,237.31	$14.02	$1,001.79	$3.34
3	40	542.02	13.55	$787.44	$19.69	$293.60	$7.34	519.50	12.99			241.18	6.03		
4	140	3,265.00	23.32	1,590.00	11.35	795.00	5.68	1,130.00	8.07					843.00	6.00
5	219	10,470.39	47.81	2,612.67	11.93	Under XI.				$5,645.82	$25.78			173.01	.79
6	5	40.00	8.00	100.00	20.00	30.00	6.00	R.							
8	26.5	475.00	17.92	453.60	17.12	300.00	11.32	228.06	8.61					20.25	.76
9	20	717.40	35.87	413.92	20.70	Under XI.				813.40	40.67				
10	10	See XXI.													
11	5	Etc. 219.00	43.80	76.00	15.20	Under XI.		R.							
12	10	240.00	24.00	R. 620.00	62.00	40.00	4.00			330.00	33.00				
19	20	720.00	36.00	R. 155.00	7.75	270.00	13.50	294.72	14.74					Under II.	
20	14	See XXI.		180.00	12.86										
23	10	R. 225.00	22.50	65.00	6.50	40.00	4.00	50.00	5.00						
24	13	425.00	32.69	300.00	23.07	160.00	12.31			225.00	17.30			37.50	2.88
27	9	216.00	24.00	280.00	31.11	99.00	11.00			112.50	12.50			85.50	9.50
21	120	See XXI.		1,723.20	14.36					1,456.28	12.14				
17	4	48.75	12.19	71.12	17.78	26.25	6.56			168.20	42.05			4.56	1.14
14	10	175.00	17.50	60.00	6.00	120.00	12.00			75.00	7.50			6.00	.60
35	5	100.00	20.00	55.00	11.00	75.00	15.00	40.00	8.00					6.00	1.20
34	5	45.00	9.00	75.00	15.00	75.00	15.00	36.00	7.20			35.00	7.00	5.00	1.00
								Sulphuring.							
36	70	371.67	5.31	731.66	10.45	537.97	7.68	14.45	.21					93.35	1.33
38	9	86.40	9.60	120.56	13.40	111.52	12.39	R.				53.72	5.97		
37	2	22.50	11.25	32.00	16.00	20.00	10.00	R.						2.00	1.00
55	4.5	27.70	6.15	18.45	4.10	33.00	7.33	R.				21.00	4.66	8.59	1.88
30	5.5	77.00	14.00	81.40	14.80	30.35	5.52	75.00	13.64						
42	8	90.00	11.25	90.00	11.25	66.00	8.25	60.00	7.50			20.00	2.50	24.00	3.00
61	100	898.75	8.99	1,044.06	10.44	1,780.50	17.80	552.40	5.52			381.30	3.81	357.75	3.58
39	5	120.00	24.00	60.00	12.00	90.00	18.00					80.00	16.00		
33	8	80.00	10.00	108.00	13.50	60.00	7.50							7.20	.90
32	18	79.20	4.40	300.00	16.67	130.00	7.22							55.50	3.08
41	12	135.35	11.28	168.75	14.06	131.25	10.94					120.00	10.00	57.50	4.79
40	15	225.00	15.00	225.00	15.00	165.00	11.00					125.00	8.33	100.00	6.67
50	4.5	39.50	8.78	70.26	15.61	51.00	11.34					20.30	4.51	26.95	5.99
51	5	125.00	25.00	20.00	4.00	125.00	25.00					40.00	8.00	4.00	.80
52	5	50.00	10.00	50.00	10.00	60.00	12.00					30.00	6.00	20.00	4.00
53	5	65.00	13.00	100.00	20.00	64.10	12.82	42.00	8.40					3.00	.60
43	9	278.60	30.96	165.00	20.56	70.85	7.87	72.00	8.00			47.00	5.22	39.20	4.36
44	4	100.00	25.00	45.00	11.25	90.00	22.50					80.00	20.00		
45	9	250.00	27.77	100.00	11.11	120.00	13.33					90.00	10.00	15.00	1.65
82	5	80.00	16.00	36.00	7.20	47.50	9.50			90.00	18.00			10.00	2.00
83	5	80.75	16.15	77.80	15.56	57.60	11.52			119.36	23.87				
54	15	197.00	13.13	300.00	20.00	192.00	12.80	108.00	7.20					8.00	.53
57	11	137.50	12.50	98.00	8.91	91.65	8.33					73.35	6.67	47.65	4.33
25	5	150.00	30.00	75.00	15.00	80.00	16.00			65.00	13.00			61.00	12.20
81	110	5,223.10	47.48	1,584.00	14.40	1,332.00	11.20	431.24	3.92			149.93	1.35	264.00	2.40
59	30	400.00	13.33	450.00	15.00	450.00	15.00	221.96	7.40			7.50	.25	50.00	1.67
58	12	240.00	20.00	175.00	14.58	250.00	20.83					75.00	6.25	6.00	.50
60	10	144.00	14.40	Under XXI.		Under XXI.									
56	18	191.25	10.63	250.00	13.89	93.75	5.21					125.00	6.94	144.37	8.02
65	35	533.00	15.23	542.50	15.50	267.00	7.63	Under IV.							
66	6	94.50	15.75	70.00	11.67	37.80	6.30			228.98	38.16				
70	15	333.33	22.22	375.00	25.00	60.00	4.00			250.00	16.67				
71	7.2	136.80	19.00	37.50	5.21	36.00	5.00			108.00	15.00				
72	10.5	125.00	11.90	375.00	35.71	60.00	5.71			350.00	33.33				
73	14	R. 369.60	26.40	R. 420.00	30.00	Under XI.		51.32	3.67					14.00	1.00
75	22	97.00	4.41	365.00	16.59	160.00	7.27	R.		R.				73.00	3.32
76	6	55.00	9.16	40.00	6.67	42.00	7.00			115.00	19.17			18.00	3.00
79	2.5	30.00	12.00	30.00	12.00	25.00	10.00			30.00	12.00			30.00	12.00
68	7	155.55	22.22	228.26	32.61	24.89	3.56			132.62	18.95			23.32	3.33
69	13	123.37	9.49	319.30	24.56	163.55	12.58			178.75	13.75			16.92	1.30
137	8	104.24	13.03	60.00	7.50	72.96	9.12			220.00	27.50			41.12	5.14
138	1	16.00	16.00	15.00	15.00	7.50	7.50			15.00	15.00			1.50	1.50
139	7	183.75	26.25	60.00	8.57	91.87	13.12			109.34	15.62			8.75	1.25
140	2.5	R. 75.00	30.00	48.00	19.20	Under XI.				57.60	23.04				
141	2	80.00	40.00	25.00	12.50	25.00	12.50			50.00	25.00			1.00	.50
142	48			1,027.22	21.40			385.42	8.03						
143	4	34.40	8.60	60.00	15.00	85.80	21.45							5.10	1.28
144	15	480.00	32.00	275.00	18.33	77.25	5.15			330.00	22.00			25.00	1.66
145	5	41.75	8.35	125.00	25.00	68.00	13.60					55.00	11.00	5.00	1.00
146	3	68.04	22.68	75.00	25.00	23.10	7.70			57.66	19.22			1.53	.51
147	3	15.00	5.00	75.00	25.00	32.85	10.95							13.00	4.33
148	10	R. 198.40	19.84	42.00	4.20	60.80	6.08			115.20	11.52				
149	3.5	87.50	25.00	80.42	24.69	25.20	7.20							7.00	2.00
150	22	172.26	7.83	780.00	34.09	77.00	3.50			210.00	9.55			110.00	5.00
80	7	317.40	45.34	351.00	50.14	80.00	11.43			319.80	44.40			18.65	2.66
1	422	R. 7,556.00	17.91	7,849.00	18.60	4,061.00	9.67			4,275.00	10.13			Under I.	
48	3	49.09	16.36	23.08	7.69	42.86	14.29					23.44	7.81	23.08	7.69
47	3	75.00	25.00	45.00	15.00	40.00	13.33					25.00	8.33	10.00	3.33
24	3.75	R. 62.00	16.53	81.00	21.60	96.00	25.60			98.60	26.29			8.00	2.13
85	2	Under XXI.													
88	3	R. 87.00	20.00	22.50	7.50	24.60	8.20			55.25	18.42				
89	50	See XXI.								407.12	8.14			25.00	3.11
90	8	50.00	6.25	100.00	12.50	50.00	6.25			125.00	15.63				
64	22.5	128.02	5.69	520.00	23.11	150.52	6.69	169.70	7.53					10.00	2.50
49	4	50.00	12.50	75.00	18.75	60.00	15.00					26.00	6.50	5.00	.55
91	9	270.00	30.00	225.00	25.00	190.00	21.11			375.00	41.66	R. 125.00	13.88	8.00	1.03
92	8	96.00	12.00	96.00	12.00	160.00	20.00			220.00	27.50	R. 80.00	10.00	19.00	1.00
93	19	228.00	12.00	332.50	17.50	136.80	7.20			285.00	15.00	R. 142.50	7.50		

TABLE I.—*Cultural cost of labor required in producing lemons on 143 ranches in California in 1910*—Continued.

No.	Acres.	XI. Cultivating.		XII. Pruning.		XIII. Irrigating.		XIV. Fumigating.		XV. Fumigation labor and materials.		XVI. Spraying.		XVII. Spreading fertilizer.	
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.
94	5.5	R. $165.00	$30.00	$137.50	$25.00	Under XI.								$16.50	$3.00
97	10	115.71	11.57	200.00	20.00	$92.50	$6.25	$52.90	$5.29					18.75	1.87
78	164	2,653.52	16.18	2,335.36	4.24	R.2,609.24	15.91	675.68	4.12						
95	13.5	125.00	9.26	254.00	18.81	63.00	4.66			$323.00	$23.93			17.50	1.29
97	14	214.03	15.28	108.00	7.71	104.00	7.43			84.00	6.00			17.80	1.27
98	10	See XXI.													
99	3	30.00	10.00	63.00	21.00	32.40	10.80							3.65	1.22
103	30	293.00	9.67	750.00	25.00	285.00	9.50	85.00	2.83					80.00	2.67
102	9	180.00	20.00	213.03	23.67	45.00	5.00	36.00	4.00					9.00	1.00
105	3.75	R. 52.50	14.00	125.25	33.39	10.12	2.70			11.25	3.00				
104	21	336.00	16.00	424.00	20.19	223.00	10.62							27.00	1.29
106	7	R. 87.50	12.50	140.00	20.00	Under XI.								Under 11.	
107	4	68.00	17.00	60.00	15.00	64.00	16.00			160.00	40.00			4.00	1.00
98	6	55.90	9.32	26.40	4.40	61.92	10.32								
108	17	240.00	20.00	413.61	24.33	204.00	12.00			200.00	11.75			68.00	4.00
109	17	192.00	11.29	216.00	12.71	288.00	16.94	120.00	7.05					72.00	4.24
3		See total.													
110	3.6	75.00	20.83	60.00	16.67	35.00	9.72			75.00	20.83			18.00	5.00
63	22	300.00	13.64	100.00	4.55	150.00	6.82			250.00	11.36			20.00	.91
111	3½	75.00	22.50	100.00	30.00	50.00	15.00			125.00	37.50				
112	6	139.68	23.28	127.38	21.23	35.34	5.89			48.91	8.15			3.90	.65
109	70	See XVI.								452.74	6.47				
113	6	94.50	15.75	88.89	14.81	72.00	12.00			272.70	45.45				
114	3.5	100.00	28.57	90.00	25.71	50.00	14.29			78.00	22.29			5.00	1.43
115	2	17.00	8.50	18.60	9.30	13.00	6.50			40.00	20.00			1.00	.51
116	2.5	50.00	20.00	33.75	13.50	15.00	6.00							18.00	7.20
117	2	60.00	30.00	35.00	17.50	15.00	7.50			20.00	10.00				
118	3	48.00	16.00	100.00	33.33	18.00	6.00			66.00	22.00				
119	5	36.00	7.20	80.55	16.11	40.15	8.03			165.00	33.00			12.00	2.40
120	6	90.00	15.00	175.00	29.17	50.00	8.33	36.00	6.00					6.00	1.00
121	10	120.00	12.00	77.00	7.70	80.00	8.00	72.00	7.20			$40.00	$4.00	8.00	.80
122	5	100.00	20.00	50.00	10.00	81.67	16.33	40.00	8.00					10.00	2.00
157	10	208.35	20.84	75.00	7.50	33.35	3.33			125.00	12.50			33.35	3.33
124	19	400.00	21.05	500.00	26.32	145.00	7.62	60.00	3.16					120.00	6.32
125	18	197.50	10.97	425.00	23.61	138.50	7.69	104.00	5.77					188.00	10.44
126	3	60.00	20.00	72.00	24.00	22.50	7.50			60.00	20.00			22.50	7.50
26	9.25	249.70	27.00	132.40	14.30					185.00	20.00				
128	9	110.00	12.22	120.00	13.33	64.00	7.11			155.00	17.22			21.10	2.34
129	16	See total.								144.50	9.03				
130	3	43.20	14.40	110.00	36.66	14.00	4.66			78.00	26.00			4.00	1.33
131	9	76.80	8.53	321.00	35.66	174.50	19.39			216.50	24.05				
132	6	110.76	18.46	85.00	14.17	129.24	21.54			90.00	15.00			4.62	.77
133	3	45.60	15.20	130.00	43.33	19.24	6.41			40.00	13.33				
134	5.25	67.50	12.86	77.00	14.67	36.00	6.86			150.00	28.57				
86	54	See XXI.										198.65	3.68		
135	4.5	56.00	12.45	75.00	18.00	18.00	4.09			54.00	12.00				
136	3.5	56.00	16.00	50.00	14.29	35.00	10.00			132.37	37.82				
62	418	7,459.58	17.85	3,977.51	9.51	5,788.45	13.85	1,967.94	4.70					845.10	2.02
131	10	166.65	16.66	177.25	17.73			11.09	1.10						
132	10	182.00	18.20	82.00	8.20	84.00	8.40			150.18	15.02			53.10	5.31
153	6	R 228.30	38.05	200.61	33.43	115.56	19.26			79.56	13.26			Under XI.	
154	2	R. 40.00	20.00	35.00	17.50	Under XI.				20.00	10.00			17.00	8.50
29	9	80.05	8.89	117.75	13.08	92.05	10.23	103.70	11.52						
155	9.75	150.00	15.38	117.14	12.01	56.28	5.77			287.43	29.48			17.50	1.80
156	15	375.00	25.00	400.00	26.67	60.00	4.00			225.00	15.00			75.00	5.00
Total	3,658.4														

No.	Acres.	XVIII. Other tree care.		XIX. Superintending.		XX. Administration.		XXI. Not segregated.		Total labor.		Remarks.
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	
		Frost prot.										
2	300	$326.62	$1.09	$3,000.00	$10.00	$7,075.25	$23.58			$46,839.02	$156.13	
3	40	F. P. 29.30	.73			1,615.64	40.39			4,028.68	100.72	No cost to water.
4	140	2,990.00	21.36	2,260.00	16.14	6,125.00	43.75			18,995.00	135.68	
5	219	15.00	.07			5,215.00	23.81			24,131.89	110.19	
6	5									170.00	34.00	Did no fumigating.
8	26.5	20.00	.75							1,496.93	56.48	
9	20	143.50	7.18							2,088.22	104.42	
10	10							$1,550.00	$155.00	1,550.00	155.00	Labor not segregated.
11	5									295.00	59.00	No fumigation nor water cost.
12	10									1,230.00	123.00	Trees double set.
19	20	530.00	26.50							1,969.72	98.49	R. Some pruning under other tree care.
20	14							1,457.65	104.11	1,637.65	116.97	Labor only partly segregated. No water cost nor fumigation.
23	10	46.00	4.60							426.00	42.60	R. Horse hire and fertilizer spreading included in cultivation.
24	13	25.50	1.96							1,173.00	90.21	
27	9	9.00	1.00							802.00	89.11	
21	120					1,223.46	10.19	2,320.22	19.34	6,723.16	56.03	
17	4	10.00	2.50							328.88	82.22	
14	10	16.50	1.65							452.50	45.25	
35	5	30.00	6.00							306.00	61.20	No fumigation.
34	5	25.00	5.00							296.00	59.20	Do.
36	70	451.30	6.45	560.00	8.00	560.00	8.00			3,320.40	47.43	
38	9	95.90	10.66							468.10	52.02	Do.
37	2	6.00	3.00							82.50	41.25	Do
55	4.5	48.30	10.73							156.95	34.85	Do.
30	5.5	50.00	9.09							313.75	57.05	
42	8	24.00	3.00							374.00	46.75	
61	100	2,440.00	24.40	1,320.00	13.26	4,388.82	43.89			13,169.58	131.69	

TABLE I.—*Cultural cost of labor required in producing lemons on 143 ranches in California in 1910*—Continued.

No.	Acres	XVIII. Other tree care.		XIX Superintending.		XX. Administration.		XXI. Not segregated.		Total labor.		Remarks.
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	
39	5	$30.00	$6.00							$380.00	$76.00	
33	8	16.00	2.00							271.20	33.90	No fumigation.
32	18	111.00	6.16							675.70	37.53	Do.
41	12	358.35	29.86							971.20	80.93	Do.
40	15	585.00	39.00							1,425.00	95.00	Do.
50	4.5	30.64	6.81							238.65	53.04	Do.
51	5	20.00	4.00							334.00	66.80	No fumigation, little pruning, small fertilizer.
52	5	40.00	8.00							250.00	50.00	No fumigation.
53	5	100.00	20.00	$100.00	$20.00					474.10	94.82	
43	9	46.45	5.16							Z. 739.10	82.13	
44	4	25.00	6.25							340.00	85.00	Do.
45	9	30.00	3.33							605.00	67.20	Do.
82	5									263.50	52.70	
83	5									335.51	67.10	
54	15	300.00	20.00	325.00	21.67	$325.00	$21.67			1,755.00	117.00	
57	11	27.50	2.50							475.65	43.24	Do.
25	5	40.00	8.00							471.00	94.20	
81	110	2,843.00	25.84	1,698.73	15.44	3,489.00	31.72			16,915.00	153.76	
59	30	460.00	15.33			210.08	7.00			2,249.54	74.98	
58	12	50.00	4.16							796.00	66.32	Do.
60	10			150.00	15.00			$323.35	$32.33	617.35	61.73	Do.
56	18	356.25	19.79							1,160.62	64.48	
65	35	125.00	3.57							1,467.50	41.93	
66	6	25.20	4.20							456.48	76.08	
70	15	66.67	4.44							1,085.00	72.33	
71	7.2	18.00	2.50							336.30	46.71	
72	10.5	125.00	11.90							1,035.00	98.55	
73	14	Under XII.								854.92	61.07	XVIII under XII, and XIII under XI
75	22	155.00	7.05							850.00	38.64	No fumigation.
76	6									270.00	45.00	
79	2.5									145.00	58.00	
68	7									564.65	80.67	
69	13	290.00	21.54							1,081.89	83.22	
137	8	150.00	18.75							648.32	81.04	
138	1	R. 21.60	21.60							76.60	76.60	R. Frost protection.
139	7	30.59	4.37							484.30	69.18	
140	2.5									180.60	72.24	R. Not segregated—hired.
141	2									181.00	90.50	
142	48	R. 706.90	14.69					1,060.00	22.09	3,179.54	66.21	R. Includes $4.88 per acre frost protection.
143	4	5.00	1.25							190.30	47.58	
144	15	25.00	1.66							1,212.25	80.80	
145	5	8.00	1.60							302.75	60.55	
146	3	.78	.26							226.11	75.37	
147	3	60.00	20.00							195.85	65.28	
148	10	60.00	6.00							476.40	47.64	R. Work hired.
149	3.5	70.00	20.00							276.12	78.89	
150	22	25.72	1.16							1,344.98	61.13	
80	7	38.90	5.56							1,116.75	159.53	
1	422	2,348.00	5.56			5,686.00	13.47			31,795.00	75.34	XI includes V.
48	3	8.18	2.73							170.33	56.77	Spraying but no fumigation.
47	3	92.00	30.66							287.00	95.65	Do.
84	3.75									345.60	92.15	XI includes V.
85	2							175.00	87.50	175.00	87.50	No fumigation, repairs, nor insurance.
88	3	18.80	6.27							208.15	69.39	XI includes V.
89	50					1,200.00	24.00	4,232.58	84.65	5,839.70	116.79	
90	8	5.00	.63	100.00	12.50					455.00	56.89	
64	22.5	540.00	24.00							1,508.04	67.02	
49	4	25.00	6.25							246.00	61.50	Spraying, but no fumigation.
91	9	285.00	31.66							1,475.00	163.86	XVI includes materials.
92	8	40.00	5.00							700.00	87.50	Do.
93	19	142.50	7.50							1,286.30	67.70	Do.
94	5.5	16.50	3.00							335.50	61.00	XVII under XI.
67	10	32.13	3.21							481.99	48.19	
78	164	Under XIII.		2,651.88	16.17	4,788.80	29.20			15,714.48	95.82	XIII includes XVIII.
95	13.5	490.00	36.29							1,272.50	94.23	
97	14	43.75	3.12							571.55	40.81	
96	10					R. 106.38	10.64	531.90	53.19	638.28	63.83	Ranch of 65 acres.
99	3									129.05	43.02	No fumigation.
103	30	100.00	3.33	500.00	16.67	528.00	17.60			2,618.00	87.27	
102	9	33.75	3.75							516.78	57.42	
105	3.75									199.12	53.09	XI includes V.
104	21	75.00	3.57			379.47	18.07			1,464.47	69.74	No fumigation.
106	7									227.50	32.50	No fumigation; XIII under XI.
107	4	3.25	.81							359.25	89.81	
98	6	11.18	1.86	23.63	3.94	46.32	7.72			225.35	37.56	No fumigation.
108	17	25.50	1.50			340.00	20.00			1,591.11	93.59	
109	17	200.00	11.76	200.00	11.76	170.00	10.00			1,458.00	85.76	
3												
110	3.6	8.00	2.22							271.00	75.27	
63	22	100.00	4.55	360.00	16.36					1,280.00	58.19	Little pruning.
111	3½	40.00	12.00							390.00	117.00	
112	6									355.21	59.20	
100	70			420.00	6.00			5,654.87	80.78	6,527.61	93.25	
113	6									528.09	88.01	
114	3.5	50.00	14.29			4.90	1.40			377.90	107.98	
115	2	3.00	1.50							92.60	46.30	Cultivating cost low.
116	2.5	5.00	2.00							121.75	48.70	No fumigation. Trees close set.
117	2									130.00	65.00	
118	3									232.00	77.33	
119	5	21.00	4.20							354.70	70.94	
120	6	10.00	1.67							367.00	61.17	
121	10	300.00	30.00							697.00	69.70	
122	5	41.67	8.33							323.34	64.66	
157	10									475.05	47.50	
124	19	59.50	3.13							1,284.50	67.60	
125	18	64.50	3.58							1,117.50	62.06	
126	3	22.50	7.50			18.75	6.25			278.25	92.75	
26	9.25	13.87	1.50							580.97	62.80	

TABLE I.—*Cultural cost of labor required in producing lemons on 143 ranches in California in 1910*—Continued.

No.	Acres.	XVIII. Other tree care.		XIX. Superintending.		XX. Administration.		XXI. Not segregated.		Total labor.		Remarks.
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	
128	9	$22.50	$2.50							$492.60	$54.72	
129	16							$2,922.00	$182.69			
130	3	13.50	4.50							262.70	87.55	
131	9	36.95	4.10							825.75	91.73	
132	6	20.28	3.38							439.90	73.32	
133	3	16.80	5.60							291.64	97.20	R. Includes spreading of fertilizer produced on place.
134	5.25									330.50	62.96	
86	54	20.15	.37			$1,767.00	$32.72	4,258.00	78.86	6,243.80	115.63	
135	4.5	68.00	15.11							274.00	60.88	
136	3.5	10.00	2.86							285.37	81.54	
62	418	1,316.82	3.15	$6,736.60	$16.10	6,721.44	16.08			34,813.44	83.26	
151	10									354.90	35.49	
152	10	332.06	33.21							883.34	88.34	
153	6	10.80	1.80							634.83	105.80	Spreading fertilizer under cultivating.
154	2									112.00	56.00	Cultivating includes irrigating.
29	9	134.50	14.95							528.05	58.67	
155	9.75	135.00	13.85	540.00	55.38					1,303.35	133.67	
156	15	200.00	13.33							1,335.00	89.00	
Total	3,658.4									320,296.35	[1] 92.51	

[1] Average cost of labor per acre.

TABLE II.—*Cultural cost of materials required in producing lemons on 143 ranches in California in 1910.*

No.	Acres.	I. Chemical fertilizer.		II. Barnyard manure.		III. Water.		IV. Fumigation.		V. Forage and grain.		VI. Taxes.		VII. Maintenance and repairs.	
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.
2	300	$12,060.00	$40.20	$1,808.78	$6.03	R. (No cost.)		$8,589.46	$28.63	R.		$2,613.08	$8.71	$3,194.31	$10.65
3	40	1,800.00	45.00			R. (No cost.)		760.68	19.01	$764.87	$19.12	296.42	7.41		
4	140	7,100.00	50.71	2,000.00	14.29	$2,569.88	$18.36	1,400.00	10.00	1,050.00	7.50	1,618.75	11.56	2,537.50	18.12
5	219	7,715.37	35.23			5,882.34	26.86	Under XV.		1,662.21	7.59	2,338.92	10.68	2,082.69	9.51
6	5	280.00	56.00	50.00	10.00	100.00	20.00	R.		75.00	15.00	26.00	5.20	R.	
8	26.5	750.00	28.30	50.00	1.89	257.00	9.70	337.00	12.72	374.00	14.11	81.31	3.06	100.00	3.77
9	20	819.20	40.96	674.40	33.72	808.80	40.44	Under XV.		391.40	19.57	221.60	11.08	217.40	10.87
10	19	400.00	40.00			R.		R.		300.00	30.00	98.00	9.80	150.00	15.00
11	5	56.25	11.25	20.00	4.00	71.35	14.27	R.		150.60	30.12	28.65	5.73	42.00	8.40
12	10			520.00	52.00	240.00	24.00	Under XV.		See XI.		56.00	5.60	R.	
19	20	640.00	32.00	M&L468.60	23.43	250.00	12.50	147.36	7.37	365.00	18.25	247.78	12.39	300.00	15.00
20	14	400.00	28.57	40.00	2.86	R.		R.		320.00	22.86	121.35	8.66	100.00	7.14
23	10	480.00	48.00			240.00	24.00	200.00	20.00	Under XI.		87.00	8.70	R.	
24	13	750.00	57.70	25.00	1.92	500.00	38.46	Under XV.		180.00	13.85	178.00	13.69	262.50	20.00
27	9	738.00	82.00	232.65	25.85	202.50	22.50	Under XV.		202.50	22.50	92.70	10.30	99.00	11.00
21	120	1,323.55	11.03	1,430.76	11.92	268.03	2.23	Under XV.		1,648.84	13.74	829.20	6.91	255.53	2.13
17	4	185.12	46.28	46.20	11.55	24.00	6.00	Under XV.		38.25	9.56	48.00	12.00	4.50	1.12
14	10	280.00	28.00	250.00	25.00	100.00	10.00	Under XV.		150.00	15.00	65.00	6.50	25.00	2.50
35	5	100.00	20.00			42.00	8.40	60.00	12.00	85.00	17.00	24.00	4.80	R.	
34	5	200.00	40.00			35.00	7.00	50.00	10.00	55.00	11.00	15.00	3.00	R	
36	70	2,557.35	36.53	164.55	2.35	527.40	7.53	93.35	1.35	914.70	13.07	179.55	2.56	126.10	1.80
38	9	244.47	27.16	212.01	23.56	69.60	7.73	R.		164.90	18.32	15.26	1.70	155.27	17.25
37	2	65.00	32.50			17.50	8.75	R.		27.50	13.75	27.00	13.50		
55	4.5	126.00	28.00	85.80	19.07	110.65	24.59	37.00	8.22	86.40	19.20	17.30	3.84	28.40	6.31
30	5.5	155.00	28.18	159.80	29.05	104.30	18.96	133.00	24.18	96.30	17.51	64.00	11.64	R.	
42	8	250.00	31.25			70.00	8.75	130.00	16.25	150.00	18.75	20.00	2.50	5.00	.63
61	100	4,996.54	49.97	190.05	1.90	1,127.73	11.28	1,170.69	11.71	1,834.34	18.34	360.36	3.60	1,308.51	13.09
29	5	200.00	40.00	100.00	20.00	35.00	7.00	70.00	14.00	145.00	29.00	12.80	2.56	20.00	4.00
33	8	270.00	33.75	75.00	9.37	76.80	9.60	R.		80.00	10.00	42.70	5.33	R.	
32	18	838.50	46.60	110.00	6.11	202.50	11.25	R.		225.00	12.50	93.15	5.17	R.	
41	12	240.00	20.00	153.35	12.78	105.00	8.75	72.00	6.00	T.H.166.70	13.89	39.40	3.28	62.50	5.20
40	15	700.00	46.66	20.00	1.33	150.00	10.00	125.00	8.33	275.00	18.33	41.70	2.78	65.55	4.37
50	4.5	136.51	30.37	46.64	13.60	41.75	9.28	42.70	9.50	T.H. 84.21	18.71	11.30	2.51	52.62	11.70
31	5			12.50	2.50	35.00	7.00	30.00	6.00	100.00	20.00	7.50	1.50	17.50	3.50
52	5	130.00	26.00			31.50	6.30	20.00	4.00	100.00	20.00	22.00	4.40	90.00	18.00
53	5	195.00	39.00	140.00	28.00	45.00	9.00	59.00	11.80	70.00	14.00	12.00	2.40	5.00	1.00
43	9	294.00	32.67			192.65	21.41	130.00	14.44	223.00	24.78	53.00	5.89	93.00	10.33
44	4	70.00	17.50			35.00	8.75			200.00	50.00	29.00	7.25	50.00	12.50
45	9	400.00	44.44	25.00	2.78	105.00	11.67	60.00	6.67	250.00	27.78	40.00	4.44	130.00	14.44
82	5	328.00	65.60	225.00	45.00	137.50	27.50	Under XV.		100.00	20.00	67.00	13.40	100.00	20.00
83	5	R. 400.00	80.00	Under I.		74.91	14.98	Under XV.		75.72	15.14	59.01	11.80		
54	15	624.00	41.60	236.00	22.40	127.00	8.46	146.00	9.73	285.00	19.00	36.00	2.40	70.00	4.66
57	11	73.35	6.67	366.65	33.33	96.25	8.75	55.00	5.00	343.75	31.25	41.25	3.75	45.85	4.17
25	5	152.00	30.40	225.00	45.00	104.00	20.80	Under XV.		87.50	17.50	52.57	10.51	50.00	10.00
81	110	3,653.09	33.21	3,634.70	33.04	2,133.10	19.40	1,044.85	9.49	5,085.80	46.23	2,057.66	18.72	517.36	4.70
59	30	1,170.00	39.00	480.00	16.00	288.10	9.60	406.12	13.54	630.00	21.00	72.31	2.41	200.00	6.67
58	12	276.00	23.00	180.00	15.00	116.60	9.71	50.00	4.16	500.00	41.66	32.00	2.67	100.00	8.33
60	10	390.00	39.00	38.00	3.80	75.00	7.50	141.05	14.10	T.H.180.09	18.01	24.00	2.40		
56	18	187.50	10.42	1,546.50	85.92	187.50	10.42	240.00	13.33	421.88	23.44	45.00	2.50	150.00	8.33
65	35	2,604.00	74.40	1,400.00	40.00	945.00	27.00	R. 650.60	18.57	420.00	12.00	546.00	15.60	105.00	3.00
66	6	140.00	23.33			157.50	26.25	Under XV.		132.30	22.05	66.51	11.09	41.05	6.84
70	15	333.33	22.22			300.00	20.00	Under XV.		208.33	13.89	133.33	8.89	16.67	1.11
71	7.2	108.00	15.00	252.00	35.00	190.80	26.50	Under XV.		180.00	25.00	57.60	8.00		
72	10.5	400.00	38.10	125.00	11.90	252.00	24.00	Under XV.		45.00	4.29	105.00	10.00	90.00	8.57
73	14	217.56	15.54	307.51	21.97	308.00	22.00	314.98	22.50	280.00	20.00	168.11	12.01	36.40	2.60
75	22	520.00	23.66	250.00	11.36	245.67	11.17	R.		T.H.275.00	12.50	103.40	4.70		
76	5	328.00	54.67	175.00	29.17	90.00	15.00	Under XV.		104.40	17.40	68.16	11.36	75.00	12.50
79	2.5	R 150.00	60.00	Under I.		56.25	22.50	Under XV.		22.50	9.00	50.00	20.00	27.50	11.00
68	7	200.00	28.57	170.00	24.29	62.22	8.89	Under XV.		175.00	25.00	56.30	8.04	3.89	.56
69	13	630.00	48.46	560.00	43.08	475.61	36.59	Under XV.		205.15	15.78	109.07	8.39	45.70	3.52
167	8	244.16	30.52	21.84	2.73	222.56	27.82	Under XV.		113.68	14.21	198.96	24.87		

TABLE II.—*Cultural cost of materials required in producing lemons on 143 ranches in California in 1910*—Continued.

No.	Acres.	I. Chemical fertilizer.		II. Barnyard manure.		III. Water.		IV. Fumigation.		V. Forage and grain.		VI. Taxes.		VII. Maintenance and repairs.[1]	
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.
138	1	$39.78	$39.78			$8.11	$8.11	Under XV.		$19.27	$19.27	$11.43	$11.43		
139	7	157.50	22.50	$26.25	$3.75	113.75	16.25	Under XV.		87.50	12.50	28.42	4.06		
140	2.5	190.50	76.20			60.00	24.00	Under XV.		See XI.		27.00	10.80		
141	2	42.00	21.00	42.00	21.00	40.00	20.00	Under XV.		54.66	27.33	25.33	12.67	$6.67	$3.33
142	48	1,487.75	31.00			1,600.00	33.33	$538.50	$11.22			550.25	11.46	215.00	4.48
143	4	318.20	79.55			104.00	26.00			98.00	24.50	39.60	9.90	4.80	1.20
144	15	330.00	22.00			233.25	15.55	Under XV.		281.25	18.75	182.70	12.18	333.30	22.22
145	5	375.00	75.00	35.00	7.00	100.00	20.00	104.00	20.80	65.00	13.00	62.50	12.50	16.67	3.33
146	3	150.00	50.00			29.73	9.91	Under XV.		35.43	11.81	37.80	12.60	49.62	16.54
147	3	187.50	62.50			12.00	4.00			T. H. 18.60	6.20	22.50	7.50		
148	10	520.00	52.00	256.00	25.60	285.00	28.50	Under XV.		R.		200.00	20.00		
149	3.5	113.70	32.49			26.60	7.60					14.81	4.23		
150	22	1,427.00	64.86	301.00	13.68	476.64	21.67	Under XV.		616.00	28.00	275.00	12.50	35.00	10.00
80	7	560.00	80.00	443.35	63.33	231.00	33.00	Under XV.		136.00	19.43	110.00	15.71	146.74	6.67
1	422	R. 43,373.00	R. 102.78	Under I.		5,578.00	13.22	Under XV.		Under XI.		5,658.00	13.41	168.00	24.00
48	3	78.00	26.00	71.10	23.70	25.71	8.57	14.00	4.67	122.80	40.95	17.14	5.71	5,205.00	12.33
47	3	84.00	28.00	40.00	13.33	21.00	7.00	20.00	6.66	150.00	50.00	25.00	8.33	16.77	5.59
84	3.75	320.00	85.33	70.00	18.67	90.00	24.00	Under XV.		Under XI.		29.50	7.87	25.00	8.33
85	2	6.00	3.00	30.00	15.00	17.50	8.75			Under XI.		5.23	2.61		
88	3	111.00	37.00			49.83	16.63	Under XV.		Under XI.		21.14	7.05		
89	50	R. 1,948.63	38.97	Under I.		1,293.70	25.87	Under XV.		Under XXI.		515.97	10.32	16.50	5.50
90	8	320.00	40.00	256.00	32.00	190.12	23.77	Under XV.		62.50	7.81	43.75	5.47	420.00	8.40
64	22.5	1,535.00	68.22	650.45	28.91	531.90	23.64	613.64	27.27	402.30	17.88	281.25	12.50	15.63	1.95
49	4	50.00	12.50	50.00	12.50	35.00	8.75	20.00	5.00	180.00	45.00	13.00	3.25	87.50	3.89
91	9	600.00	66.67			250.00	27.78	Under XVI and XV.		200.00	22.22	60.00	6.67	50.00	12.50
92	8	350.00	43.75			80.00	10.00	Under XVI and XV.		160.00	20.00	32.00	4.00	100.00	11.11
93	19	1,729.00	91.00			190.00	10.00	Under XVI and XV.		R. 356.25	18.75	57.00	3.00	95.00	5.00
94	5.5	280.00	50.91	225.00	40.91	180.00	32.73			135.00	24.55	55.00	10.00	75.00	13.63
67	10	400.89	40.09	40.00	4.00	226.40	22.64	138.75	13.87	123.63	12.36	52.33	5.23	30.40	3.04
78	164	4,342.72	26.48	Under I.		4,393.56	26.79	4,254.16	25.94	1,079.12	6.58	1,969.64	12.01	1,349.72	8.23
95	13.5	650.00	48.15	145.00	10.74	375.00	27.77	Under XV.		R. 155.00	11.49	198.00	14.66		
97	14	485.00	34.64	33.00	2.36	284.48	20.32	Under XV.		119.28	8.52	68.46	4.89	15.00	1.06
96	10	400.00	40.00	315.00	31.50	194.18	19.42			89.28	8.93	52.44	5.24	31.23	3.12
99	3	210.00	70.00	15.08	5.60	62.40	20.80			112.50	37.50	29.55	9.85	1.50	.50
103	30	1,310.00	43.67	645.00	21.50	240.60	8.02	150.00	5.00	211.80	7.06	717.30	23.90	111.18	3.71
102	9	202.50	22.50			216.00	24.00	264.00	29.33	270.00	30.00	153.00	70.00	49.50	5.50
105	3.75	128.73	34.33	40.02	10.67	37.50	10.00	Under XV.		Under XI.		21.27	5.67		
104	21	750.00	35.71	70.00	3.33	192.10	9.15			144.69	6.89	217.85	10.37	20.29	1.95
106	7	231.00	33.00	R. 150.00	21.43	37.32	5.33			R. 91.35	13.05	28.21	4.03		
107	4	200.00	50.00	125.00	31.25	100.00	25.00	Under XV.		90.00	22.50	38.99	9.75	4.00	1.00
98	6	259.20	43.20	54.57	9.10	63.10	10.52			37.26	6.21	27.00	4.50	6.52	1.08
108	17	800.00	47.06	500.00	29.41	340.00	20.00	Under XV.		255.00	15.00	255.00	15.00	85.00	5.00
109	17	686.90	40.41	588.78	34.64	861.33	50.67	400.74	23.57	203.66	11.98	161.33	9.49	283.33	16.66
13															
110	3.6	168.58	46.82	116.60	32.22	105.12	29.20	Under XV.		72.00	20.00	38.88	10.80	9.00	2.50
63	22	500.00	22.73	125.00	5.68	353.54	16.07	Under XV.		179.08	8.14	203.28	9.24	409.20	18.60
111	3.½	98.00	29.40	85.00	25.50	30.78	9.23	Under XV.		52.33	15.70	38.36	11.51		
112	6	392.76	65.46			161.04	26.84	Under XV.		100.86	16.81	24.00	4.00		
100	70	3,173.35	45.33	3,515.00	50.22	2,002.00	28.60	Under XV.		Und. XXI.		728.80	10.34		
113	6	184.68	30.78	276.84	46.14	217.08	36.18	Under XV.		R. 100.02	16.67	63.84	10.64	25.02	4.17
114	3.5	200.00	57.14	85.00	24.29	52.50	15.00	Under XV.		93.33	26.66	39.44	11.27	11.65	3.33
115	2	40.00	20.00			30.00	15.00	Under XV.		50.00	25.00	30.00	15.00		
116	2.5	108.40	43.36	25.00	10.00	20.83	8.33			45.83	18.33	11.67	4.67	8.33	3.33
117	2	75.00	37.50	125.00	62.50	10.00	5.00	Under XV.		32.00	16.00	12.80	6.40	5.63	2.80
118	3	190.00	63.33			54.00	18.00	Under XV.		60.00	20.00	34.92	11.64		
119	5	450.00	90.00			50.00	10.00	Under XV.		60.00	12.00	40.00	8.00		
120	6	200.00	33.33			133.34	22.22	54.00	9.00	133.33	22.22	33.33	5.56		
121	10	275.00	27.50	171.00	17.10	180.00	18.00	140.00	14.00	200.00	20.00	50.00	5.00	45.00	4.50
122	5	66.67	13.33	100.00	20.00	41.67	8.33	65.00	13.00	166.67	33.33	33.34	6.66	25.00	5.00
157	10	700.00	70.00			150.00	15.00					177.50	17.75	41.67	4.17
124	19	1,156.00	60.84	360.00	18.95	210.00	11.05	288.00	15.15	970.00	51.05			170.00	8.95
125	18	817.00	45.39	90.00	5.00	229.00	12.73	166.00	9.22	334.00	18.55	56.60	3.14	197.50	10.97
126	3	90.00	30.00	25.00	8.33	18.75	6.25	Under XV.		112.50	37.50	10.50	3.50		
26	9.25	119.80	12.95			16.65	1.80					76.00	8.00		
128	9	200.00	22.22	120.00	13.33	66.00	7.33	Under XV.		318.75	35.41	53.00	5.89	153.33	17.03
129	16	330.00	20.62			250.00	15.62	Under XV.		395.00	24.69				
130	3	80.00	26.60	350.00	116.67	60.00	20.00	Under XV.		110.00	36.67	48.30	16.10	19.51	6.50
131	9	358.40	39.82	31.80	3.53	200.00	22.22	Under XV.		223.00	24.77	47.20	5.24	34.30	3.81
132	6	140.00	23.33			212.28	35.38	Under XV.		166.14	27.69	360.00	60.00	6.48	1.08
133	3	92.00	30.67			24.00	8.00	Under XV.		64.29	21.43	20.37	6.79	8.58	2.86
134	5.25	258.75	49.30	6.00	1.14	197.00	37.52	Under XV.		75.00	14.29	135.00	25.72	60.00	11.42
86	54	2,105.47	38.99					683.76	12.66	608.72	11.27	980.00	18.15		
135	4.5	110.00	24.44	115.00	25.55	30.92	6.87	Under XV.		R. 71.46	15.88	20.61	4.58		
136	3.5	21.46	6.14	25.00	7.14	51.33	14.67	Under XV.		17.78	5.08	18.66	5.33	10.95	3.13
62	418	11,296.08	27.02	432.12	1.03	3,406.70	8.15	3,400.00	8.13	3,743.62	8.97	3,720.20	8.90		
151	40	266.00	26.60			180.00	18.00					57.60	5.76		
152	10	414.59	41.46	76.96	7.69	145.50	14.55			365.32	36.53	34.10	3.41	21.30	2.13
153	6	166.60	19.43	284.21	47.37	280.00	46.67			139.62	23.27	56.64	9.44	10.98	1.83
154	2	102.00	51.00	20.00	10.00	45.90	22.50					41.72	20.86	10.00	5.00
29	9	317.20	35.25	286.90	31.88	236.95	26.33	283.90	31.54	120.00	13.33	71.05	7.89		
155	9.75	574.00	58.87	469.16	48.12	219.37	22.50			138.44	16.25	160.87	16.50	158.44	16.25
156	15	1,050.00	70.00			375.00	25.00					266.67	17.78	67.67	4.51
Total	3,658.4														

[1] See total labor and materials.

TABLE II.—*Cultural cost of materials required in producing lemons on 143 ranches in California in 1910*—Continued.

No.	Acres.	VIII. Frost protection.		IX. Insurance premium.		X. Incidental.		Total materials.		Labor.		Materials and labor.		Remarks.
		Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	
2	300	$1,429.25	$4.98	$259.26	$0.86			$30,019.14	$100.06	$46,839.02	$156.13	$76,858.16	$256.19	Water, forage and grain without cost.
3	40					$168.60	$4.22	3,790.57	94.76	4,028.68	100.72	7,819.25	195.48	No cost to water; no repairs nor insurance.
4	140	1,000.00	7.14	245.00	1.75	437.50	3.13	19,958.63	142.56	18,995.00	135.68	38,953.63	278.24	
5	219	336.14	1.63	781.83	3.57			20,819.50	95.07	24,131.89	110.19	44,951.39	205.26	
6	5			R.				531.00	106.20	170.00	34.00	701.00	140.20	No fumigation, repairs, nor insurance.
8	26.5					90.00	3.40	2,039.31	76.95	1,496.93	56.48	3,536.24	133.43	
9	20	100.00	5.00	25.60	1.28	49.00	2.45	3,307.40	165.37	2,088.22	104.42	5,395.62	269.79	
10	10							948.00	94.80	1,550.00	155.00	2,498.00	249.80	No fumigation nor water cost.
11	5			2.70	.54			371.55	74.31	295.00	59.00	666.55	133.31	Do.
12	10			R.				816.00	81.60	1,230.00	123.00	2,046.00	204.60	No repairs nor insurance.
19	20			15.00	.75			2,433.74	121.69	1,969.72	98.49	4,403.46	220.18	M. & L. (material and labor).
20	14			20.00	1.43			1,001.35	71.52	1,637.65	116.97	2,639.00	188.49	No fumigation nor water cost.
23	10			R.		40.00	4.00	1,047.00	104.70	423.00	42.60	1,473.00	147.30	No repairs nor insurance.
24	13			20.00	1.55	45.00	3.46	1,960.50	150.63	1,173.00	90.21	3,133.50	240.84	
27	9			4.50	.50			1,571.85	174.65	802.00	89.11	2,373.85	263.76	
31	120					750.93	6.26	6,506.84	54.22	6,723.16	56.03	13,230.00	110.25	
17	4			1.62	.41			347.69	86.92	328.88	82.22	676.57	169.14	
14	10	50.00	5.00					920.00	92.00	452.50	45.25	1,372.50	137.25	
35	5			R.		9.00	1.80	320.00	64.00	306.00	61.20	626.00	125.20	No repairs nor insurance.
34	5			R.				355.00	71.00	296.00	59.20	651.00	130.20	Do.
36	70			14.00	.20	69.00	.99	4,646.00	66.36	3,320.40	47.43	7,966.40	113.79	
28	9			R.				861.51	95.72	468.10	52.02	1,329.61	147.74	No fumigation nor insurance.
37	2			15.00	7.50			152.00	76.00	82.50	41.25	234.50	117.25	No fumigation nor repairs.
15	4.5							491.55	109.23	156.95	34.85	648.50	144.08	
30	5.5			11.10	2.02	16.05	2.92	739.55	134.46	313.75	57.05	1,053.30	191.51	No repairs.
42	8					24.09	3.00	649.00	81.12	374.00	46.75	1,023.00	127.87	
61	100			82.54	.83	283.20	3.83	11,453.96	114.55	13,169.58	131.69	24,623.54	246.24	
39	5							582.80	116.56	380.00	76.00	962.80	192.56	
33	8	25.00	3.13	1.05	.13			570.55	71.31	271.20	33.90	841.75	105.21	No fumigation nor repairs.
32	18	10.00	.56	4.50	.25			1,483.65	82.44	675.70	37.53	2,159.35	119.97	Do.
41	12			20.20	1.69	11.00	.92	870.15	72.51	971.20	80.93	1,841.35	153.44	
40	15					21.85	1.46	1,399.10	93.26	1,425.00	95.00	2,824.10	188.26	
29	4.5							415.73	92.38	238.65	53.04	654.38	145.42	
31	5							202.50	40.50	334.00	66.80	536.50	107.30	Small amount of fertilizer.
22	5			9.00	1.80	10.00	2.00	412.50	82.50	250.00	50.00	662.50	132.50	
53	5							526.00	105.20	474.10	94.82	1,000.10	200.02	
43	9			24.00	2.67			1,009.65	112.19	739.10	82.13	1,748.75	194.32	
44	4			12.00	3.00			396.00	99.00	340.00	85.00	736.00	184.00	
45	9							1,010.00	112.22	605.00	67.20	1,615.00	179.42	
52	5			2.25	.45			959.75	191.95	263.50	52.70	1,223.25	244.65	
55	5					10.12	2.02	619.76	123.94	335.51	67.10	955.27	191.04	II under I.
54	15					79.00	5.26	1,703.00	113.51	1,755.00	117.00	3,458.00	230.51	
57	11			4.60	.41			1,026.70	93.33	475.65	43.24	1,502.35	136.57	
25	5					117.00	23.40	788.07	157.61	471.00	94.20	1,259.07	251.81	
81	110	270.00	2.45	854.57	8.04			19,281.13	175.28	16,915.00	153.76	36,193.13	329.04	
59	30			15.00	.50	20.41	.68	3,281.94	109.40	2,249.54	74.98	5,531.48	184.38	
58	12							1,254.60	104.53	796.00	66.32	2,050.60	170.85	
60	10					28.80	2.88	876.94	87.69	617.35	61.73	1,494.29	149.42	
56	18			56.25	3.13			2,834.63	157.49	1,160.62	64.48	3,995.25	221.97	
65	35			10.50	.30			6,680.50	190.87	1,467.50	41.93	8,148.00	232.80	IV includes XIV.
66	6			6.30	1.05	15.75	2.63	559.41	93.24	456.48	76.08	1,015.89	169.32	
70	15			1.67	.11			993.33	66.22	1,085.00	72.33	2,078.33	138.55	
71	7.2			.83	.12			789.23	109.62	336.30	46.71	1,125.53	156.33	
72	10.5							1,017.00	96.86	1,035.00	98.55	2,052.00	195.41	
73	14			5.60	.40	28.00	2.00	1,666.16	119.02	854.92	61.07	2,521.08	180.09	
75	22							1,394.07	63.39	850.00	38.64	2,244.07	102.03	No fumigation.
76	5			2.70	.45			843.26	140.55	270.00	45.00	1,113.26	185.55	
79	2.5	10.00	4.00	6.00	2.40			322.25	128.90	145.00	58.00	467.25	186.90	Total fertilizer under I.
68	7			4.67	.67			672.08	96.02	564.65	80.67	1,236.73	176.69	
69	13			16.53	1.27			2,042.06	157.09	1,081.89	83.22	3,123.95	240.31	
137	8							801.20	100.15	648.32	81.04	1,449.52	181.19	
138	1	10.00	10.00	.27	.27	1.18	1.18	90.04	90.04	76.60	76.60	166.64	166.64	
139	7			8.75	1.25			422.17	60.31	484.30	69.18	906.47	129.49	
140	2.5					5.00	2.00	282.50	113.00	180.60	72.24	463.10	185.24	
141	2			.40	.20			211.06	105.53	181.00	90.50	392.06	196.03	
142	48	60.00	1.25	35.00	.73			4,486.51	93.47	3,179.54	66.21	7,666.05	159.68	
143	4			4.00	1.00	7.20	1.80	575.80	143.95	190.30	47.58	766.10	191.53	
144	15			15.00	1.00			1,375.50	91.70	1,212.25	80.80	2,587.75	172.50	
145	5			.83	.17	8.33	1.67	767.33	153.47	302.75	60.55	1,070.08	214.02	
146	3					13.05	4.35	315.63	105.21	226.11	75.37	541.74	180.58	
147	3			4.20	1.40	36.00	12.00	280.80	93.60	195.85	65.28	476.65	158.88	
148	10			30.00	3.00	30.00	3.00	1,321.00	132.10	476.40	47.64	1,797.40	179.74	R. Work hired.
149	3.5	20.00	5.71	1.40	.40			211.51	60.43	276.12	78.89	487.63	139.32	
150	22			14.64	.67	26.18	1.19	3,283.20	149.24	1,344.98	61.13	4,628.18	210.37	
89	7			45.20	6.45			1,693.55	241.92	1,116.75	159.53	2,810.30	401.45	
1	422	846.00	2.00	Under XX.		520.00	1.23	61,180.00	144.97	31,795.00	75.34	92,975.00	220.31	II and XVII under I. Labor included in VIII.
48	3			4.50	1.50			350.11	116.70	170.33	56.77	520.44	173.47	
47	3			5.00	1.66			370.00	123.31	287.00	95.65	657.00	218.96	
84	3.75			6.00	1.60			515.50	137.47	345.60	92.15	861.10	229.62	
85	2							58.73	29.36	175.00	87.50	233.73	116.86	No fumigation, repairs, insurance, etc.
88	3			3.75	1.25			202.27	67.43	208.15	69.39	410.42	136.82	
89	50	100.00	2.00	120.00	2.40	150.00	3.00	4,548.30	90.96	5,839.70	116.79	10,388.00	207.75	Includes II.
90	8			.75	.09	20.00	2.50	908.75	113.59	455.00	56.89	1,363.75	170.48	
64	22.5			11.93	.53	73.58	3.27	4,187.55	186.11	1,508.04	67.02	5,695.59	253.13	
49	4							398.00	99.50	246.00	61.50	644.00	161.00	

TABLE II.—*Cultural cost of materials required in producing lemons on 143 ranches in California in 1910*—Continued.

No.	Acres.	VIII. Frost protection.		IX. Insurance premium.		X. Incidental.		Total materials.		Labor.		Materials and labor.		Remarks.
		Total.	Per acre.	Total.	Pe- acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	
91	9			$7.50	$0.83	$20.00	$2.22	$1,237.50	$137.50	$1,475.00	$163.86	$2,712.50	$301.36	
92	8			8.00	1.00	24.00	3.00	654.00	81.75	700.00	87.50	1,354.00	169.25	
93	19					47.50	2.50	2,474.75	130.25	1,286.30	67.70	3,761.05	197.95	V includes team hire.
94	5.5			5.00	.91			955.00	173.64	335.50	61.00	1,290.50	234.64	
67	10			1.20	.12	3.33	.33	1,016.93	101.68	481.99	48.19	1,498.92	149.87	
73	164	$478.88	$2.92	168.92	1.03			18,036.72	109.98	15,714.43	95.82	33,751.20	205.80	
95	13.5					40.00	2.96	1,563.00	115.77	1,272.50	94.23	2,835.50	210.00	
97	14							1,005.22	71.79	571.55	40.81	1,576.77	112.60	
96	10			.46	.05	23.64	2.36	1,106.23	110.62	638.28	63.83	1,744.51	174.45	
99	⅔	4.50	1.50	1.65	.55			437.10	145.70	129.05	43.02	566.15	188.72	No fumigation.
103	30			21.30	.71			3,407.18	113.58	2,618.00	87.27	6,025.18	200.85	
102	9			5.63	.63	19.13	2.12	1,179.76	131.08	516.78	57.42	1,696.54	188.50	
105	3.75					9.00	2.40	236.52	63.07	199.12	53.00	435.64	116.16	
104	21			24.84	1.18			1,425.77	67.88	1,464.47	69.74	2,890.24	137.62	No fumigation.
106	7			.95	.14	13.13	1.88	551.96	78.86	227.50	32.50	779.46	111.36	II includes XVII; V includes team hire.
107	4					12.00	3.00	569.99	142.50	359.25	89.81	929.24	232.31	
98	6			.79	.13	16.20	2.70	464.64	77.44	225.35	37.56	689.99	115.00	No fumigation.
108	17			42.50	2.50	42.50	2.50	2,320.00	136.47	1,591.11	93.59	3,911.11	230.06	
109	17							3,186.13	187.42	1,458.00	85.76	4,644.13	273.18	
3												20,514.43	113.97	Totals only.
110	3.6			.43	.12			510.01	141.66	271.00	75.27	781.01	216.93	
63	22			15.36	.70			1,785.45	81.16	1,280.00	58.19	3,065.46	139.35	
111	3.½			2.35	.70	2.35	.70	309.17	92.74	390.00	117.00	699.17	209.74	
112	6					12.60	2.10	991.26	115.21	355.21	59.20	1,046.47	174.41	
100	70	466.70	6.67					9,880.85	141.16	6,527.61	93.25	16,408.46	234.41	
113	6			.78	.13			868.26	144.71	528.09	88.01	1,396.35	232.72	Vi ncludes team hire.
114	3.5			.64	.18			482.56	137.87	377.90	107.98	860.46	245.85	
115	2			1.00	.50			151.00	75.50	92.60	46.30	243.60	121.80	
116	2.5	10.00	4.00	1.60	.64			231.66	92.66	121.75	48.70	353.41	141.36	No fumigation.
117	2			1.00	.80			262.00	131.00	130.00	65.00	392.00	196.00	
118	3					7.20	2.40	346.12	115.37	232.00	77.33	578.12	192.70	
119	5			2.40	.48			602.40	120.48	354.70	70.94	957.10	191.42	
120	6			10.00	1.67	10.00	1.67	574.00	95.67	367.00	61.17	941.00	156.84	
121	10			8.66	.86			1,069.66	103.96	697.00	69.70	1,766.66	176.66	
122	5			6.92	1.38	40.00	8.00	545.27	109.03	323.34	64.66	868.61	173.69	
157	10			.92	.09	66.67	6.67	1,136.76	113.68	475.05	47.50	1,611.81	161.18	
124	19	42.00	2.21	14.00	.75			3,210.00	168.95	1,284.50	67.60	4,494.50	236.55	
125	18	24.00	1.33	4.50	.25	43.00	2.39	1,961.60	108.96	1,117.50	62.06	3,079.10	171.02	
126	3			3.75	1.25	6.00	2.00	266.50	88.83	278.25	92.75	544.75	181.58	
26	9.25					92.50	10.00	304.95	32.75	580.97	62.80	885.92	95.55	
128	9	40.00	4.44	19.85	2.20	37.50	4.17	1,008.40	112.02	492.60	54.72	1,501.00	166.74	
129	16							(1)	(1)	(1)		4,042.50	252.65	
130	3			1.80	.60			669.60	223.20	262.70	87.55	932.30	310.75	
131	9					16.35	1.81	1,001.05	111.20	825.75	91.73	1,826.80	202.93	
132	6			13.86	2.31			898.76	149.79	439.90	73.32	1,338.66	223.11	Taxes high. Ranch in residence section near L. A.
133	3	37.29	12.43	.63	.21	6.00	2.00	253.16	84.39	201.64	67.20	544.80	181.59	
134	5.25			6.00	1.14	20.00	3.81	757.75	144.34	330.50	62.96	1,088.25	207.30	
86	54	22.67	.42	138.50	2.56			4,539.12	84.05	6,243.80	115.63	10,782.92	199.68	
135	4.5	25.00	5.55			9.00	2.00	381.90	84.87	274.00	60.88	655.99	145.75	Team hire under V.
136	3.5	75.00	21.42	1.09	.31	9.34	2.67	230.61	65.89	285.37	81.54	515.98	147.43	
62	418			521.50	1.25			26,525.17	63.45	34,813.44	83.26	61,338.61	146.71	
151	10					5.25	.52	508.85	50.88	354.90	35.49	863.75	86.37	
152	10			19.05	1.90	37.90	3.79	1,114.69	111.46	883.34	88.34	1,998.03	199.80	
153	6			.65	.11	13.50	2.25	902.20	150.37	634.83	105.80	1,537.03	256.17	
154	2			.57	.28			219.29	109.64	112.00	56.00	331.29	165.64	
29	9							1,316.00	146.22	528.05	58.67	1,844.05	204.89	
155	9.75			3.65	.37	24.37	2.50	1,768.30	181.36	1,303.35	133.67	3,071.65	315.03	
156	15			18.33	1.22	133.33	8.89	1,911.00	127.40	1,335.00	89.00	3,246.00	216.40	
Total	3,658.4							376,403.98		320,296.35		721,257.26	(1)	

[1] Average cost per acre: Materials, $108.71; labor, $92.51. Total average cost per acre, labor and materials, $197.15.

THE YIELD OF LEMONS IN CALIFORNIA.

Table III, following, shows the average annual yield of lemons per acre from 1906–7 to 1910–11 on the acreage of the principal lemon shippers and associations in California. The record includes practically every important lemon-growing section in California and nearly every large lemon planting of bearing age in the State. It covers not less than 700 groves. The average yield for the five-year period is 196.2 packed boxes per acre, making an average annual cultural cost of producing the fruit in the field of $1 per packed box.

These data do not include depreciation on the groves, buildings, stock, machinery, tools, irrigation plant, or other equipment, or interest on the investment. The investment represents about $1,000 per acre. The investment in equipment per acre represents about $60.

TABLE III.—*The yield of lemons per acre, 1906–7 to 1910–11, inclusive.*

Association or individual account.	1910-11		1909-10		1908-9		1907-8		1906-7	
	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.
		Boxes.		*Boxes.*		*Boxes.*		*Boxes.*		*Boxes.*
No. 2	30	4,435	30	6,402	30	6,077	30	3,195	30	5,832
No. 3	120	32,229	120	28,842	120	29,786	120	30,477	120	29,257
No. 6	437	72,500	302	57,944	191	25,596				
No. 8	140	20,871	140	20,815	140	28,350	140	15,263	140	9,614
No. 12	195	29,474	168	14,073	186	21,315				
No. 14	119	29,625	114	25,192	114	24,084				
No. 16	85	15,527	93	8,744						
No. 18	675	109,203	104	25,376	116	28,177	101	24,716	77	18,638
No. 29	100	13,200	100	6,800	150	19,200	150	18,400	150	18,403
No. 31	200	17,317	80	6,792	45	2,827				
No. 32	1	100								
No. 36	188.9	44,654	150.1	46,465	150.1	56,814	150.1	44,613	150.1	36,020
No. 37	832	216,522	800	176,587	760	204,716	710	150,719	650	94,463
No. 38	180	24,236	180	13,599	180	23,585	180	32,830	180	29,621
No. 39	407	68,000	380	36,637	400	57,649	410	64,415	375	28,332

TABLE III.—*The yield of lemons per acre, 1906–7 to 1910–11, inclusive*—Continued.

Association or individual account.	1910–11		1909–10		1908–9		1907–8		1906–7	
	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.
		Boxes.		*Boxes.*		*Boxes.*		*Boxes.*		*Boxes.*
No. 40	300	75,271	300	114,767	300	104,528	30¢	79,046	300	68,306
No. 43	211	30,253								
No. 44	141.5	35,866	129	28,576	146	35,366	145.5	22,473	104.5	14,672
No. 47	110	31,943	110	36,192	110	42,120	110	37,752	120	37,440
No. 48	238	109,033								
No. 58	30	4,816	30	2,252	30	7,981	30	4,690	10	709
No. 59	15	2,382								
No. 60	42	19,466	42	9,930	42	15,263	42	12,493	54	11,484
No. 61	344	60,060	340	28,461	340	55,538	330	47,017	350	39,552
No. 62	213	72,189	213	61,919	370	109,354	390	68,451	375	52,081
No. 63	110	11,424								
No. 64	200	40,569	225	34,127	225	36,356				
No. 65	418	94,387	418	95,270	418	73,370	418	46,469	418	38,567
No. 66	55	10,752								
Total	6,137.4	1,296,294	4,568.1	895,762	4,563.1	1,008,052	3,756.6	702,929	3,603.6	537,434
Average boxes per acre		211.2		196.1		220.9		187.1		149.1
Five-year average, boxes per acre		196.2								

THE COST OF HANDLING THE LEMONS FROM THE TREE TO THE CAR IN CALIFORNIA.

Table IV following shows the cost of handling 1,391,711 boxes of lemons from the tree to the car in 1910–11, including the cost of picking, the cost of hauling to the packing house, and the cost of packing the fruit, including the loading on the car. These costs average 88.888 per packed box, making the f. o. b. cost of a box of California lemons approximately $1.89.

TABLE IV.—*The cost of handling lemons per packed box from the tree to the car, season 1910–11.*

Account.	Boxes shipped.	Cost of picking.	Cost of hauling.	Cost of packing.	Total.
	Number.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
No. 4	31,781	28.5	1.5	59.8	89.8
No. 6	4,149	30	3	50	83
No. 8	72,500	25	7	60	92
No. 10	60,627	20	3.5	52	75.5
No. 11	49,200	25	3	60	88
No. 12b	72,189	29.4	3	67	99.4
No. 14	20,871	26	5	55	86
No. 20	15,527	22.2	4	75	101.2
No. 25	109,203	22	5	65	92
No. 36	13,200	20	2	50	72
No. 39	17,317	30	4.5	57	91.5
No. 45	216,522	25	5	58.08	88.08
No. 46	68,000	30	4	65	99
No. 48	75,271	31.76	3	66.3	101.06
No. 51	30,253	25	5	68.7	98.7
No. 52	35,866	25	7	63.6	95.6
No. 56	31,943	22.2	2.5	79	103.7
No. 57	114,902	23	3	53.75	79.75
No. 64	40,569	29.6	3	65.8	98.4
No. 65	94,387	21.6	2.61	53.3	77.51
No. 66	145,460	27.8	3.5	51	82.3
No. 69	47,738	24	4	62	90
No. 71	24,236	17	2	54.5	73.5
Total or average	1,391,711	25.3	3.9	59.6	88.8

SUMMARY OF THE COST OF PRODUCING LEMONS IN CALIFORNIA, INCLUDING TRANSPORTATION AND MARKETING CHARGES.

	Per box.
Cultural costs	$1.00
Cost of picking, hauling, and packing	.888
Cost of freight	.84
Average cost of refrigeration, 1909–1911	.026
Average cost of selling	.070
Total cost laid down in the market	2.824

The average number of lemons per box is 27½ dozen. The average wholesale cost of California lemons laid down in the markets of the United States, based on the cost of production, cost of transportation, and cost of selling, is 10½ cents per dozen.

THE CITRUS PROTECTIVE LEAGUE OF CALIFORNIA,
G. HAROLD POWELL,
Secretary and Manager.

It will be noticed that the table showing the cost of the several orchards of the San Diego Fruit Co. shows a less cost per acre. This results, in part, from the fact of its small charge for water, and that some items of cost included in this larger and more comprehensive table are entirely omitted.

COST OF PICKING, CURING, AND PACKING.

Mr. President, the tables previously submitted have given the cost of preparing the land, planting the trees, and the care and cultivation of the orchard. I desire now to take up the cost of picking, hauling, and packing the fruit ready for shipment to market. This is demonstrated by tables made up from actual experience, as in the case of the tables previously submitted. I am about to call to the attention of the Senate a table giving the numbers of the associations, taken as evidence, 23 in number, including approximately 700 groves; number of boxes of lemons shipped, and in separate columns the cost of picking, hauling, and packing per box, followed by the total for the entire shipment for each item of expense. Then the average per box for each item of expense is given, and the total per box for all. This table shows the average cost of caring for the fruit from the field where it is grown to the car in which it is packed for shipment as I have described the process, taking these several associations, to be 88.8 cents per box. The fruit of these associations is usually harvested, not by the grower, but by trained gangs of labor in the employ of the association to which he belongs. The association also picks the fruit. The figures given in the table above are comprehensive and exact, except the cost of hauling, which, in a few cases, has been conservatively estimated.

The table is as follows:

Cost of handling lemons, per packed box, from the tree to the car, season 1910–11.

Account.	Boxes shipped.	Cost of picking.	Cost of hauling.	Cost of packing	Total.
		Cents.	*Cents.*	*Cents.*	*Cents.*
No. 4	31,781	28.5	1.5	59.8	89.8
No. 6	4,149	30	3	50	83
No. 8	72,500	25	7	60	92
No. 10	60,627	20	3.5	52	75.5
No. 11	49,200	25	3	60	88
No. 12b	72,189	29.4	3	67	99.4
No. 14	20,871	26	5	55	86
No. 20	15,527	22.2	4	75	101.2
No. 25	109,203	22	5	65	92
No. 36	13,200	20	2	50	72
No. 39	17,317	30	4.5	57	91.5
No. 45	216,522	25	5	58.08	88.08
No. 46	68,000	30	4	65	99
No. 48	75,271	31.76	3	66.3	101.06
No. 51	30,253	25	5	68.7	98.7
No. 52	35,866	25	7	63.6	95.6
No. 56	31,943	22.2	2.5	79	103.7
No. 57	114,902	23	3	53.75	79.75
No. 64	40,569	29.6	3	65.8	98.4
No. 65	94,387	21.6	2.61	53.3	77.51
No. 66	145,460	27.8	3.5	51	82.3
No. 69	47,738	24	4	62	90
No. 71	24,236	17	2	54.5	73.5
Total	1,391,711				
Average		25.3	3.9	59.6	88.8

TOTAL COST OF PRODUCTION.

I have endeavored in what I have already said to inform the Senate of the actual cost of producing lemons from the preparation of the ground for the trees to the loading of the boxes of fruit packed for use on the cars ready for shipment, segregating the items. In some of the tables the cost per acre has been given. But as the tariff on lemons is levied by the pound I have had the expenses in each case reduced to boxes, which contain 72 pounds of fruit each, and had them brought together in such a way as to show the actual cost of the fruit to the producer on the car ready to be transported to market. The average cultural cost per acre on 143 groves covering 3,658.4 acres is $197.15. The average yield per acre as shown hereafter is 196.2 boxes, making the average cultural cost per box approximately $1. The average cost of handling from the tree to the car is 88.8 cents per box, making a total cost of about $1.888 per box on board car.

COST OF TRANSPORTATION.

This leaves us still to consider the cost of transportation to market. This at the present time must be by rail and not by water and is easily ascertained. The freight to all points from Salt Lake City east, except to the southeastern territory, and therefore in the markets where chiefly the home production comes in competition with foreign fruit, was, as fixed by the railroads, $1 per hundredweight. After the tariff rate on lemons was increased by the tariff law of 1909, the railroad companies advanced the rate from $1 per hundredweight to $1.15. This increase was contested by the growers, before the Interstate Commerce Commission, as unreasonable. Pending the hearing and decision of this question, as a result of an injunction issued by the United States Circuit Court in southern California, the full rate of $1.15 has been paid during the pending of the litigation, but the extra 15 cents was deposited with a trust company to be held until the legality of the $1.15 rate was finally determined. It will then be paid either to the railroad companies or back to the growers, in conformity to the decision.

The Interstate Commerce Commission decided, in favor of the growers, that the increased rate was unreasonable. In the meantime the new Commerce Court was established, and the matter was appealed to that court and decided against the shippers, reversing the decision of the commission in their favor on technical grounds and referring the case back to the commission. The case was then retried before the commission, which reaffirmed its original decision, and on a second appeal by the railroads to the Commerce Court that court sustained the $1 rate established by the commission. The case has been appealed to the Supreme Court of the United States.

The weight of a box of lemons is 84 pounds. Therefore the rate is $1 per hundredweight, or 84 cents per box. Adding this freight charge to the cost of production, as given above, we find that it costs the California grower to lay down his lemons in New York or any other of the eastern cities $2.728 per box, exclusive of refrigeration, which in the last two years has added an average of 2.6 cents per box to the transportation charge. From these data it will be seen that the average cost of placing a box of lemons on the cars in California is $1.89; the average transportation charge is 86.6 cents per box; the average selling cost is 7 cents per box, making a general wholesale cost of California lemons in the market of $2.824 per box, or at the rate of 10¼ cents per dozen, an average box containing 27½ dozen lemons.

COST OF PRODUCING AND SHIPPING THE FOREIGN PRODUCT.

This brings us to a comparison between the cost of production and shipment in California and in Italy, our chief competitor. As I have already said, the cost of producing the foreign product is more difficult to arrive at, and the data I am able to furnish is not as accurate or satisfactory as that given of the cost at home. But the main items of cost and expense are easily ascertained, and that alone will enable Senators to make such comparison as will satisfy them of the necessity for a protective tariff on our lemons and that the present tariff is reasonable and just.

The information I am about to submit is not in the form of mere estimates in respect of the main items of cost and expense. It does not come alone from public reports in either the foreign country or our own, or both. As I have already said, the data was obtained in large part by personal investigation by a competent and reliable man sent to Italy for the purpose and made on the ground. I submit for the consideration of the Senate the following statement, showing such cost and expense from information gathered as I have stated, which may be relied upon as fairly correct:

The wages paid to laborers who work in the groves are as follows: Superintendent or custodian, about 56 to 77 cents per day; ordinary laborers, 39 to 58 cents; women, 19 to 34 cents; boys, 29 to 34 cents.

The wages paid to laborers who work in the packing houses are as follows: Foreman, 77 to 97 cents; women graders, 29 to 37 cents; men, 58 to 77 cents; boys, 23 to 39 cents; girls, about 23 cents per day.

The lemon groves are small, varying from a few trees to several acres. The trees are planted very close together, from 9 to 15 feet apart, making a large fruit-bearing surface. The groves yield on the average about 300 boxes per acre, the variations in commercial orchards ranging from 246 to 450 boxes.

The cost of bringing a lemon grove into bearing includes the value of the land, which may vary from $50 to $200 per acre, including water; the cost of preparing the land for planting, which is estimated by growers in the Palermo district to vary from $25 to $75 per acre; the trees, which are usually grown by the growers, but which cost $20 per hundred or less in large quantities when purchased, or $32.40 per acre of 162 trees; the cost of planting, which varies from $5 to $10 per acre. One of the best-known growers in the Palermo district estimates that it costs on the average of 1,500 lire per hectare to prepare the land, purchase and plant the trees, or an equivalent of $117.16 per acre; adding to this the cost of the land and water, a planted grove may represent an outlay of $167.16 to $317.16 per acre.

The cost of bringing the grove into bearing after it is planted varies with the method of handling young orchards. Where the land is given over entirely to the young trees, the cultural expenses equal about one-third the annual average cost of caring for a grove in full bearing, or from $10 to $30 per acre. The expense for five years would vary from $50 to $150 per acre, and at eight years from $80 to $240 per acre, making a grove of five years old cost in total, exclusive of taxes, from $217.16 to $467.16 per acre, and at 8 years old, when the trees should be in good bearing, from $247.16 to $557.16 per acre.

COST OF DOMESTIC PRODUCT AND FOREIGN IMPORTS COMPARED.

This brings us to a comparison of the cost of production here and abroad. I have submitted this data, the result of much labor and painstaking effort, to arrive at the truth, and to enable those Senators who stand upon the doctrine of difference in cost of production as the basis of fixing tariff rates to act intelligently on this question, so important, so vital to one of the greatest and most important industries in my State. I am asking no favors from any Senator. My people have no right to ask favors when it comes to making laws. What I ask for is justice and fair dealing. The men who have put millions into this industry, many of them having invested in it all they have in the world, are entitled to justice. No Member of Congress has the right to deny it to them. The lawmaker who seeks to use the reduction of the tariff on lemons for political or partisan advantage is trifling with his duty and bartering away the property rights of the people of my State.

I am not going to leave it open to anyone to say that he is not informed on the subject. There is no excuse for one dealing in glittering generalities on an important question like this when the facts are at hand. The facts that can not be disputed show that the difference in the cost of production here and abroad is so great that to deny this industry protection would mean its absolute and speedy ruin, leaving the consumers at the mercy of the foreign importers and reducing the revenues of the Government more than two millions of dollars a year. It proves more than that. It proves that the tariff now existing does nothing more than to put the home producer on an equal footing with the foreign producer in the markets of this country, if it does that much. I am presenting this question upon the facts. They must speak for themselves.

The comparative cost of production in Italy and in this country may be fairly stated as follows:

	California.	Italy (approximate).
Cultural cost per box	$1.00	$0.30
Picking and other grove expenses	.253	.14
Hauling from grove to packing house	.039	.08
Packing and loading charges	.596	.39
Total	1.888	.91

The difference in the cultural and handling costs is approximately 97.8 cents per box, not considering interest on investment or depreciation on the buildings, stock, equipment, groves, or the purchase of equipment.

COST OF TRANSPORTATION.

The cost of transportation is another important matter to be considered. I have shown that the freight rates to domestic growers to all points where their fruit comes in contact with the foreign product is 84 cents per box at the rate now in force. The net cost to the Italian importer to New York is not over 30.4 cents per package of 85 pounds, or 35.8 cents per hundredweight. The freight rate, which was recently raised to provide a rebate for the shipper to fight the tariff, according to a statement furnished by the office of the American consul at Palermo, includes a rebate of 6 cents per package to the shipper whenever the number of boxes is over 1,000, also a rebate of 4 cents since April 1, 1911, for the defense of the Italian lemon trade. The freight charges to various cities on imported lemons and the difference between the amount charged as between foreign and domestic shippers is as follows:

The freight rate per 100 pounds on imported lemons, based on the 30-cents-per-box rate, is 35.8 cents to New York; from Palermo to Pittsburgh, Pa., including the ocean and carload rates in the United States, 65.8 cents; from Palermo to Cincinnati, Ohio, or Chicago, Ill., 75.8 cents. The rate from California to these points is $1 per 100 pounds, making a difference of 64.2, 34.2, and 24.2 cents per 100 pounds in favor of the imported lemons to these cities, respectively. The difference per box in favor of the Italian lemons is to New York, 53.6 cents; to Pittsburgh, Pa., 28.1 cents; to Cincinnati, Ohio, and Chicago, Ill., 19.6 cents.

A more complete showing of the cost of transportation will be found in the following tables.

Railroad freight rates on imported oranges and lemons in the United States from five seaports to six interior points, 85 pounds per box.

From—	To—	Rates in cents per 100 pounds.			
		Oranges.		Lemons.	
		Carload.	Less than carload.	Carload.	Less than carload.
New York	Pittsburgh, Pa.	30	39	30	39
	Cincinnati, Ohio	40	57	40	57
	Chicago, Ill.	40	65	40	65
	Poplar Bluff, Mo.	[1] 83	[1] 128	[1] 83	[1] 128
	Shreveport, La.	75	124	75	124
	Houston, Tex.	[1] 132	[1] 223	[1] 132	[1] 223
Boston	Pittsburgh, Pa.	30	39	30	39
	Cincinnati, Ohio	41	49	38	49
	Chicago, Ill.	47	57	38	57
	Poplar Bluff, Mo.	[1] 92	[1] 121	[1] 81	[1] 121
	Shreveport, La.	75	124	75	124
	Houston, Tex.	[1] 141	[1] 216	[1] 130	[1] 216
Philadelphia	Pittsburgh, Pa.	28	31	28	31
	Cincinnati, Ohio	38	49	38	49
	Chicago, Ill.	38	57	38	57
	Poplar Bluff, Mo.	[1] 81	[1] 120	[1] 81	[1] 120
	Shreveport, La.	75	124	75	124
	Houston, Tex.	[1] 130	[1] 216	[1] 130	[1] 216
Baltimore	Pittsburgh, Pa.	27	33	27	33
	Cincinnati, Ohio	37	49	37	49
	Chicago, Ill.	37	57	37	57
	Poplar Bluff, Mo.	[1] 80	[1] 120	[1] 80	[1] 120
	Shreveport, La.	75	124	75	124
	Houston, Tex.	[1] 129	[1] 215	[1] 129	[1] 215
New Orleans	Pittsburgh, Pa.	50	90	50	90
	Cincinnati, Ohio	44	83	44	83
	Chicago, Ill.	47	90	47	90
	Poplar Bluff, Mo.	[1] 63	[1] 94	[1] 63	[1] 94
	Shreveport, La.	25	60	25	60
	Houston, Tex.	13½	21½	13½	21½

[1] Combination based on St. Louis.

According to data received from the Interstate Commerce Commission, October 11, 1911, foreign lemons are shipped from New York, Brooklyn, or Jersey City to western points in carload lots of a minimum weight of 20,000 pounds, the packages measuring 27 by 14 by 13 inches in diameter and estimated to weight 85 pounds per box. The half boxes measure 27 by 14 by 6½ inches and are estimated to weigh 45 pounds per half box.

The freight rate on lemons from California to the five points mentioned above is $1 per hundredweight in carload lots of 26,200 pounds minimum weight, or of 33,000 pounds in collapsible bunker cars, with the bunkers thrown up. The lemons are shipped at an estimated weight of 84 pounds per box.

The table following shows the rate per hundred pounds and per box on lemons in carload quantities from Italy, and from California to New York, Pittsburgh, Cincinnati, and Chicago, with the difference in favor of the Italian lemons:

Rates on California and Italian lemons to New York, Pittsburgh, Cincinnati, and Chicago.

To—	Per hundredweight.			Per box.		
	Carload lots.		Difference in favor of Italy, per hundredweight.	Carload lots.		Difference in favor of Italy, per box.
	California.	Italy.[1]		California.	Italy.	
New York	$1.00	$0.358	$0.642	$0.84	$0.304	$0.536
Pittsburgh	1.00	.658	.342	.84	.559	.281
Cincinnati	1.00	.758	.242	.84	.644	.196
Chicago	1.00	.758	.242	.84	.644	.196

[1] Based on rate of 30.4 cents per box of 85 pounds to New York and not including transfer charge in New York of 3 cents per box. From the 30.4-cent rate a rebate of 6 cents should be deducted on all lots of 1,000 boxes or over.

The foregoing were compiled from data from the Interstate Commerce Commission, and show the freight rates in force August 3, 1911.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Colorado?

Mr. WORKS. I do.

Mr. THOMAS. I should like to ask the Senator if he has considered, or if his attention has been called to the fact, that the California growers dispose of their product in the central part of the country, in the State of Colorado, for example, by charging the consumer the New York price plus the rate of the freight from the seaboard to the interior points? There seems to me to be a protective tariff to-day in the shape of a railroad rate that is largely prohibitive of any competition from Sicily, in so far as it affects the interior of the country, where an enormous amount of the lemon crop is consumed, we being entirely at the mercy of those freight rates, and therefore compelled to pay them. I should like to ask the Senator whether that is not a very considerable protection in itself as to a very large portion of this crop, since it is taken advantage of and added to the cost price to the consumer?

Mr. WORKS. No, Mr. President; though it may exist, I do not know of any such custom as that to which the Senator refers. I am not pretending to dispute what he says about it, because I am not informed on the subject; but if it should be true, it is no protection. The competition between California and the Italian growers is almost entirely in the eastern market. I imagine that very few Italian lemons will be found in Denver, for example.

Mr. THOMAS. That is true, Mr. President, and for the reason which I gave. There is no competition between the California lemon grower and the Italian lemon grower in the interior of the country, because the freight rate is prohibitive, and because it is prohibitive it is added by the California lemon grower to the cost of his product to the consumer.

Mr. WORKS. I do not understand that to be so, Mr. President; but if it be so, of course the farther the Italian shipper has to carry his fruit west the greater the freight rate he has to pay. I have been comparing the eastern market and Illinois, for example, for the purpose of showing the difference. The farther they go into the interior of this country, of course the greater the freight rate they must pay in order to compete with the California product.

WAGES.

The matter of wages is an important one in determining what is a just measure of protection to our home industry. Mr. Powell, before referred to, has made a careful and systematic investigation of the wages paid in Italy, and has tabulated the result of his investigation.

Under the heading of "Wages paid in the lemon districts in Italy," he says:

The wage of the different kinds of labor in the Italian groves depends on the section, the conditions under which it is employed, and the class of work. In a general way most of the labor is paid by the day, sometimes as a straight wage, at others with a lower wage and with part payment in wine, bread, or other privileges.

The laborers are composed of men, women, and children. The heavy work in the groves is done by men, the wages varying from 40 to 55 cents per day. The picking of the fruit, carrying it to the sheds, and stemming it may be done by men, women, or by children. The preliminary wrapping and grading of the fruit in the groves is usually done by women and the packing in the groves by men. In the packing houses the heavy work is done by men, but the sorting and wrapping is done by women and children.

According to Dr. Lorenzoni (loc. cit.) 30 per cent of the agricultural day laborers in some of the coast districts of Sicily is composed of women, and in some sections 30 per cent is made up of boys.

The custodians in charge of the groves are paid by the day, the month, or the year, either in cash or part in cash and part in privileges, such as house rent, garden, gun license, wine, wheat, etc.

As a general rule wages are higher on the north coast of Sicily than on the coast from Messina to Syracuse, the grove laborers in the former region receiving about 50 cents per day as compared with 40 on the latter coast.

According to a statement furnished the writer by Dr. Lorenzoni in April, 1911, the average wage of the ordinary men laborers in the groves is 2½ lire (48½ cents) per day. The men fruit pickers are paid 20 centimes per day more, or about 52 cents. In the packing houses the men are paid from 3 to 3½ lire (57.9 to 67.55 cents) per day; the women, on the average, from 1 to 1.20 lire (19.3 to 23.16 cents) per day, and the boys about the same wage as the women.

The wage question was investigated by the writer in the district in the Province of Palermo and along the Messina-Catania coast in the spring of 1911.

The table following shows the range in wages found in the grove labor in Sicily with a comparison of the wages paid in the lemon groves of California at the same period:

Wages paid to laborers working in lemon groves in California and in Italy, 1911.

[Unless otherwise stated, all labor paid by the day.]

	California.	Italy.
General superintendent	$75 to $150 per month	
Custodian or superintendent		3 lire to 4 lire with privileges ($0.579–$0.772).
Foremen	$55 to $150 per month	
Subforeman	$50 to $100 per month	
Teamsters	$56.50 to $65 per month	
Irrigators	$1.80 to $2.25	
Ordinary laborers		2 to 3 lire ($0.386–$0.579).
Pruning foreman	$2 to $4.50	
Pruners	$1.75 to $3	2.50 to 4 lire ($0.48½–$0.772).
Picking foreman	$2.25 to $3.50	
Pickers	$1.50 to $2.50	2.40 to 3 lire ($0.463+–$0.579).
Carriers:		
Men		2.40 to 3 lire ($0.463+–$0.579).
Boys		1.50 to 1.75 lire ($0.29–$0.338).
Stemmers (women)		Do.
Boy helpers		Do.
Girl helpers		1 to 1.50 lire ($0.193–$0.29).
Women sorters or other labor		1 to 1.75 lire ($0.193–$0.338).
Sprayers	$2 to $3	
Fumigators	$2.10 per day to 50 cents per hour.	
Other grove labor	$1.75 to $2.50	

The table following shows the range in wages found in the labor in the packing houses in Sicily with a comparison of the wages paid in the packing houses in California at the same period:

Wages paid to laborers working in the lemon-packing houses in California and in Italy, 1911.

[Unless otherwise stated, wages are per day.]

	California.	Italy.
Manager	$500 to $3,000 per year	
Foremen	$75 to $150 per month	4 to 5 lire ($0.772–$0.965).
Subforemen	$60 to $85 per month	
Forewomen		2 lire ($0.386).
Graders:		
Men	$1.75 to $3	
Women		1.50 lire ($0.29).
Wrappers (women)		Do.
Lemon packers	4 to 8 cents per box; $2 to $4.50 per day.	3.50 to 4 lire ($0.676–$0.772).
Pressmen	$2 to $3.15	Do.
Helper to pressman		2 lire ($0.386).
Car loaders	$2 to $3.15	
Truckmen	$1.75 to $3	
Porter to carry boxes		3 lire ($0.579).
Box makers	$2 to $4.50	4 lire ($0.772).
Other packing-house labor.	$1.75 to $3	
Boy helpers		1.20 to 2 lire ($0.232 to $0.386).
Girl helpers		1.20 lire ($0.232).
Clerical help	$50 to $100 per month	$20 to $30 per month.

The difference in the cost of labor in this country and abroad is here clearly shown and is very marked. This difference alone should establish the right of the lemon growers of this country to a protective tariff.

But I desire to follow this subject of expense to the foreign grower still further covering the cultural cost, cost of picking, of hauling the fruit to the packing house, and the final packing for export. I again quote from Mr. Powell:

The cultural costs on the better groves appear to vary from $65 to $100 per acre and the yields from 250 to 350 boxes per acre, making the cost per box vary from $0.186 to $0.40 per box. In the Alcantara Valley the cost varied from $0.15 to $0.208 per box; in the Province of Messina, according to the International Institute of Agriculture, from $0.194 to $0.222 per box; in Palermo, Messina, Syracuse, and Catania, according to the Italian minister of agriculture, from $0.209 to $0.322 per box. According to Dr. Cheney the cost per box based on one of the highest authorities is $0.104, and according to Marasa, whose statement was prepared at the request of the importers of lemons in New York, to be used in the effort to reduce the duty on lemons, $0.414 without taxes and $0.457 with taxes.

The average cost of the cultural expenses, including taxes, would probably not exceed $0.30 per box, while it might reach 40 to 45 cents per box as an average maximum cost. This means that it costs on the average $90 per acre to produce 300 boxes of lemons, which the foregoing data show to be conservatively stated.

THE COST OF PICKING.

There is not a wide variation in the cost of picking, stemming, or packing the fruit in a preliminary way in the orchards. A man or woman will pick about 5,000 to 7,000 lemons per day for export, or the equivalent of 15 to 20 packed boxes. He may pick 8,000 to 10,000 for by-products. In a grove in the Palermo district, where the operations were studied as representative of the district, the following labor picked, stemmed, graded, and packed on the average 40 boxes daily:

2 pickers at 3 lire per day, who also carried the fruit to the packing house after stemming	6.00
1 stemmer at 3 lire per day	3.00
2 boys to carry baskets to stemmer and help stem the fruit at 1½ lire per day	3.00
2 women to grade and wrap fruit at 1½ lire per day	3.00
2 men to pack and nail boxes at 4 lire per day	8.00
1 boy helper in packing house at 2½ lire per day	2.50
Total lire (=$4.92)	25.50

The cost per box in this grove was 12.3 cents; 5.8 cents for picking, stemming, and delivering to packing house and 6.5 cents for the grading, wrapping, and placing in the box. A large proportion of the fruit that is delivered to the packing house is unwrapped. In the groves on the level land the cost of picking, sorting, and packing is often cut down 2 cents a box. In groves where the conditions of labor are still more difficult the cost may be raised a cent or two per box above the figures given.

Marasa gives the total cost of picking, stemming, and storing at 11 cents and the sorting, wrapping, and placing in the box at 5 cents, a total of 16 cents. In many of the groves the fruit is packed under the trees and there is no delivery of the fruit to the grove packing houses

WAGES PAID IN PICKING THE FRUIT.

A prominent business man and lemon grower furnishes the following data showing the wages paid to the different people concerned in the picking of the fruit in the Palermo district in May, 1911:

Foreman, 5 lire per day; pickers (men), 2.40 to 3 lire; women and boys, 1.50 to 2 lire; men to carry fruit to packing house, 2.40 to 3 lire; carters to haul the fruit to Palermo, 3 lire per load of 20 boxes, or 2.9 cents per box for distances from 7 to 19 kilometers (4.35 to 11.8 miles).

COST OF HAULING FRUIT TO PACKING HOUSE.

The cost of hauling the fruit to the packing house in Palermo varies with the distance and the method of transporting. In a few groves located in the foothills in the Monreale district, the lemons are packed out to the wagon road on mule back at a cost of about 3 cents per box per mile. The average haul will not equal a mile and only a small proportion of the crop is handled in this manner.

According to data furnished by Mr. De Soto, the cost of hauling by cart to Palermo, distances of 5 kilometers (3.10 miles) varies from 3 to 4 cents per box; 10 kilometers (6.21 miles), 5 to 6.75 cents. On trips of this distance a cart is loaded with 20 to 24 boxes. From Carini to Palermo, a distance of 16 to 18 miles, the cost is about 13 cents per box; from Bagheria, about 11 miles distant, 6 to 8 cents per box; from Montelepre, 11 to 12 miles distant, 9 to 10 cents per box. On the long trips a cart is loaded with 12 to 16 boxes. The cost of delivery by cart to Palermo varies from 3 cents per box, with a possible average of 6 to 8 cents per box.

The carload rate from Santa Christine Gela on the Messina line to Palermo is 80 lire ($15.44) per car of 10,000 to 11,000 kilos (22,046 to 24,251 pounds).

A box of lemons in Italy is estimated at 42 kilos (92.6 pounds), making the rate per box 5.9 to 6.5 cents per box. The cost of unloading the car in Palermo varies from 2 to 3 lire (38.6 to 57.9 cents), or at the rate of about one-sixth of a cent per box. The cost of hauling from the car to the packing house in Palermo varies from eight-tenths of a cent to 1 cent per box, making a total cost of delivery of about 6.8 to 7.6 cents per box.

The cost of delivering the fruit to the packing house varies from 3 to 13 cents where the fruit is hauled out of the grove on mule back, making an average cost of 6 to 8 cents per box.

THE PACKING OF THE FRUIT FOR EXPORT.

The final packing of the fruit is done in the packing houses of the exporters in Palermo or other ports of export. The packing houses are located in the business part of the cities near the water front. The house is frequently the ground floor of a dwelling; or the box making and repairing, the receiving, and shipping rooms, and the packing room may occupy the entire structure. There is little equipment in an Italian packing house. All the labor is performed by hand and from one-half to three-fourths of the labor is performed by women and children. The only equipment of note is the rows of benches into which the fruit is graded and the baskets used in grading and carrying the fruit in the packing house. The packing operation consists in unpacking the fruit as it comes from the groves, regrading, wrapping, packing the lemons into boxes and nailing on the covers and hoops. The packed boxes are then carted to the wharf, lightered in small boats to the steamer which is anchored a short distance away, and are loaded in the vessel that carries them to their destination.

In the packing operations, the labor is usually divided into crews, consisting of 1 foreman, 1 woman sorter, 3 women wrappers, 1 boy to hand the fruit to 1 man packer, and 1 nailer to every 4 packers.

In one large house where the operations were studied in detail the wages paid in May, 1911, were: Women, 1 lira each; boys, 2 lire; packers, 4 lire; nailer, 3½ lire; and foreman, 4 lire per day.

The wages paid to the different kinds of packing-house labor in Palermo, 1911, is as follows:

	Per day.
Foreman	$0.80 to $1.00
Men packers	.70 to .75
Box nailers	.70 to .80
Porter to carry fruit to nailer, etc	.60 to .70
Women graders and wrappers	.20 to .25
Boy helpers	.20 to .40

The working hours are from 7 a. m. to 11 a. m. and from 12 noon to 5 p. m.

THE COST OF PACKING THE FRUIT FOR EXPORT.

During 1911 the exporters in Palermo invoiced the costs of the packing operations about as follows: Empty boxes of American sides, tops, and bottoms, 80 centimes (15.4 cents); foreign-made boxes, 85 centimes (16.4 cents); the cost of packing, which includes labor of all kinds, nails, paper, tinsel, etc., from 50 to 60 centimes (9.65 to 11.58 cents), the usual invoice being about 55 centimes (10.6 cents); the transportation from the packing house to the lighter, from 0.25 to 0.45 lira (4.8 to 8.7 cents); and the cost of lightering, from 0.04 to 0.32 lira (8 mills to 6.2 cents), the usual lighterage charge being 0.10 lira (1.9 cents). According to the invoices of the exporters, the average cost of the packing-house expenses from the time the fruit reaches the packing house till it is placed on the steamer is about 35 cents per box. Some of the exporters add insurance to the invoice, amounting to about 0.5 centime (9.6 mills). There is a charge also of 13 lire per invoice ($2.51) made by the consular agency, which adds from a small fraction of a cent to a cent and a half or more per box. Including the consular invoice, the insurance, and the packing and transportation to the steamer, the cost varies from 36 to 42 cents per box, with an occasional higher cost for fruit handled under unusual conditions. All of these costs are matters of official record, the consular invoice on lemons being a statement of the unit value that enters into a shipment of lemons.

After this segregation of the different items of expense incurred in the production of the fruit and its preparation for shipment and loading on steamer, the following table shows the total cost by arriving, as in case of the domestic grower, at a fair average of such expenses.

THE TOTAL COST OF PRODUCING AND HANDLING LEMONS IN ITALY.

From the foregoing data it will be seen that the cost of producing lemons in Italy may vary approximately, as follows:

	Cost.	Average.
Cultural cost, per box	$0.15 -$0.45	$0.30
Picking, stemming, and delivering to packing house	.058- .11	.084
Preliminary grading and packing in grove	.05 - .065	.057
Delivery from grove to packing house at point of shipment	.03 - .13	.08
	.36 - .42	.39
Packing house charges, loading on steamer	.648- 1.175	.911

COMPARISON OF TOTAL COST.

This leaves us only to compare the cost of the foreign grower with that of the producer in this country to arrive at the difference in cost here and abroad. The comparative cost is as follows:

	Italy.	California.
Cultural cost, per box	$0.30	$1.00
Picking, stemming, and delivering to packing house in grove	.084	.253
Preliminary grading and packing in grove	.057	.....
Delivery from grove to packing house at point of shipment	.08	.039
Packing-house charges and loading for shipment	.39	.596
Total	.911	1.888
Freight to New York	.30	.84
Total cost of production and freight	1.211	2.728
Difference in cost of production	.....	.978
Difference in cost of freight	.....	.54
Total difference in favor of Italian producer	.....	1.518

This shows that it costs the California grower $1 more to grow a box of lemons and prepare it for shipment than it costs a grower in Italy. If we add to this the difference in the freight rate of 84 cents a box that our people must pay with that of 30 cents net that is paid by the importer of lemons from Italy, we have a difference of $1.52 as the cost of production and freight on lemons to New York in favor of the foreign producer.

It may be relied upon that this is a fair showing of the actual difference in the cost of these competing lemon growers. It can not be said that it is accurate or exact, for that is impossible. But it is sufficient to show that no reduction can be made in the present tariff without sacrificing the interests of our own growers.

Mr. President, so far I have considered only the interests of the producers. The rights and interests of the consumers have not yet been touched, nor have I considered the effect of the present tariff upon the revenues of the Government. Leaving those out of the question for the present, no one can deny that as between the foreign and domestic growers the tariff now in force is none too high to protect our own growers and put them on an equality with their foreign competitors. Therefore, there can be but two reasons advanced, if we are to leave politics out of the controversy, for reducing the tariff: One is that the reduction will benefit the consumer by reducing the price of lemons; the other, that such reduction will increase the revenue of the Government. Of course the proposition to put lemons on the free list leaves the latter out of consideration and can appeal only to the believer in free trade. I shall proceed to show that neither of these claims is founded on the facts as they exist, but that experience under the present and previous tariff laws shows that the higher tariff has not increased the price of lemons to the consumer, and that it has increased and not diminished the revenues of the Government. The best and most practical way to disprove the claim that the increase in the tariff rate in 1908 increased the price to the consumers is to take the actual figures showing the prices at which lemons have been selling at retail for several years past.

I submit for this purpose tables of prices, weekly, for the years 1905 to 1911, inclusive, in New York, Baltimore, Washington, Boston, Kansas City, and Minneapolis:

Retail prices per dozen lemons.

NEW YORK CITY, 1904 TO SEPTEMBER, 1911.

[From files New York Evening Sun.]

Month.	Week of year.	1904	1905	1906	1907	1908	1909	1910	1911
		Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
January	1	.....	20–25	.....	35	25	40–50	.....	25–40
	2	.....	20	25	30	25	50	.....	25–40
	3	.....	20	.....	30	25	35	.....	25–40
	4	.....	20	.....	30	25	35	.....	25–40
February	5	.....	20	.....	30	25	35	.....	25–40
	6	.....	20	15–25	30	25	35	.....	20–40
	7	.....	.....	15–25	30	25	35	.....	25–40
	8	.....	20–25	15–25	30	25	35	.....	25–40
March	9	20	25	15–25	30	25	35	.....	25–40
	10	20	25	15–25	30	25	25	.....	25–40
	11	20	25	15–25	25	25	25	.....	25–40
	12	25	25	15–25	25	25	25	.....	20–40
	13	20	25	15–25	25	25	25	.....	20–25
April	14	20	25	15–25	25	25	20	.....	20–25
	15	20	25	.....	25	25	20	.....	20–25
	16	20	25	.....	25	25	20	.....	20–25
	17	20	20–25	15–25	25	25	20	.....	20–30

Retail prices per dozen lemons—Continued.

NEW YORK CITY, 1904 TO SEPTEMBER, 1911—continued.

Month.	Week of year.	1904	1905	1906	1907	1908	1909	1910	1911
		Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
May	18	20	20	15–25	25	25	20	.....	20–30
	19	.....	20	25	.....	25	12–20	.....	20–30
	20	20	20	25	25	25	12–20	.....	20–30
	21	20	20	25	.....	25	12–20	.....	25–35
June	22	20	20	25	25	25	12–20	.....	35
	23	20	20	25	25	25	20	.....	35
	24	20	20	25	20	25	20	.....	35
	25	20	20	25	20	25	20	.....	35
	26	20–25	20	25	25	25	.....	.....	35
July	27	25	25	25	25	25	20	.....	25–35
	28	20	25	25	25	25	20	.....	25
	29	20	25–30	25	25	25	20	.....	25
	30	20	30	25	25–30	25	20	.....	25
August	31	20	30	30	30	25	20	.....	25
	32	20	30	30	30	25	20	.....	25
	33	20	30	30	20–30	25	20	.....	25
	34	20	30	30	20–30	25	20	.....	25
	35	20	30	30	20–30	25	20	20	25
September	36	20	30	30	25–35	25	20	20	25
	37	20	30	35	25–35	25	20	20–30	.....
	38	20	30	35	.....	.....	.....	30	.....
	39	20	30	35	25–35	25	.....	30	.....
October	40	20	30	30–40	25–35	25	.....	30	.....
	41	20	30	40	25–35	25	.....	30	.....
	42	20	30	30–40	25	25	.....	30	.....
	43	25	30	30–35	25	25	.....	30–40	.....
November	44	20–25	.....	30–40	25	25	.....	30–40	.....
	45	.....	35	30–40	25	25	.....	30–40	.....
	46	20–25	35	35	25	25	.....	30–40	.....
	47	25	30	35	25	25	.....	30–40	.....
	48	25	30	35	25	25	.....	30–40	.....
December	49	25	.....	35	25	25–40	.....	30–40	.....
	50	25	.....	35	.....	40	.....	30–50	.....
	51	25	.....	35	25	40	.....	30–50	.....
	52	25	25	35	25	40	.....	25–50	.....

NEW YORK CITY, JAN. 1, 1904, TO APRIL, 1911, INCLUSIVE.

[From data furnished by a New York retail grocer.]

Month.	1904	1905	1906	1907	1908	1909	1910	1911
January	13	12	12	18	13	15	16	13
February	12	11	11	17	11	14	13	16
March	15	12½	19	16	13	13½	14½	15
April	13	12	15	22	11	.....	15	16
May	12	13	20	21	12	12	.....	.....
June	14	15	21	28	16	19	14	.....
July	16	25	20	.....	15	26	26	.....
August	18	36	19	11	15	14	24	.....
September	19½	.....	32	18	18	19	27	.....
October	24	38	47	19	24	15½	27	.....
November	17	24	26	19	19	22	27	.....
December	14	14	22	13	15	21	18	.....

Wholesale price and size per box furnished by grocer, to which 20 per cent was added to obtain retail price.

BALTIMORE, MD., JAN. 1, 1905, TO MAY 20, 1911.

[From city newspapers.]

Month.	Week of year.	1905	1906	1907	1908	1909	1910	1911
January	1– 7	12–15	15–25	15–20	15–20	15–20	20–25	15–20
	8–14	12–15	10–20	15–20	15–20	15–20	20–25	15–20
	15–21	12–15	10–20	15–20	15–20	15–20	20–25	15–20
	22–28	12–15	10–20	15–20	15–20	15–20	20–25	15–20
	29–31	.....	.....	.....	15–20	15–20	.....	.....
February	2– 7	12–15	10–15	15–20	15–20	15–20	20–25	15–20
	8–14	12–15	10–15	15–20	15–20	15–20	20–25	15–20
	5–21	12–15	10–15	15–20	15–20	15–20	20–25	15–20
	22–28	12–15	10–15	15–20	15–20	15–20	20–25	15–20
March	1– 6	12–15	10–15	15–20	15–20	15–20	15–20	15–20
	7–13	12–15	10–15	15–20	15–20	15–20	15–20	15–20
	14–20	12–15	10–15	15–20	15–20	15–20	15–20	15–20
	21–27	12–15	10–15	15–20	15–20	15–20	15–20	15–20
	28–31	.....	10–15	15–20	.....	.....	.....	.....
April	1– 7	12–15	10–15	15–20	15–20	15–20	15–20	15–20
	8–14	12–15	10–15	15–20	15–20	15–20	15–20	15–20
	15–21	12–15	10–15	15–20	10–15	15–20	15–20	15–20
	22–28	10–12	10–15	20–25	15–20	10–15	15–20	15–20
	29–30	10–12	.....	.....	.....	.....	15–20	15–20
May	1– 7	10–12	10–15	20–25	15–20	10–15	15–20	15–20
	8–14	10–12	10–15	20–25	15–20	10–15	15–20	15–20
	15–21	10–12	10–15	20–25	15–20	10–15	15–20	15–20
	22–28	10–12	15–20	20–25	15–20	10–15	15–20	.....
	29–31	.....	.....	.....	15–20	10–15	.....	.....
June	1– 7	12–15	15–20	20–25	15–20	10–15	15–20	.....
	8–14	12–15	15–20	20–25	15–20	10–15	15–20	.....
	15–21	12–15	15–20	20–25	15–20	10–15	15–20	.....
	22–28	18–20	15–20	20–25	15–20	10–15	15–20	.....
	29–30	.....	15–20	20–25	.....	.....	.....	.....
July	1– 7	18–20	15–20	20–25	15–20	10–15	20–25	.....
	8–14	18–20	15–20	20–25	15–20	20–25	20–25	.....
	15–21	18–20	15–20	20–25	15–20	20–25	20–25	.....
	22–28	18–20	15–20	20–25	10–15	20–25	20–25	.....
	29–31	18–20	.....	.....	.....	20–25	20–25	.....

Retail prices per dozen lemons—Continued.

BALTIMORE, MD., JAN. 1, 1905, TO MAY 20, 1911—continued.

Month.	Week.	1905	1906	1907	1908	1909	1910	1911
		Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
August	2- 7	18-20	15-20	20-25	10-15	20-25	20-25	.....
	8-14	18-20	15-20	20-25	10-15	15-20	20-25	.....
	15-21	18-20	15-20	20-25	10-15	15-20	20-25	.....
	22-28	18-20	15-20	20-25	10-15	15-20	.....	.....
	29-31	.....	.....	20-25	10-15	.....	20-25	.....
September	1- 7	18-20	15-20	15-20	10-15	15-20	20-25	.....
	8-14	18-20	20-30	15-20	10-15	15-20	20-25	.....
	15-21	20-40	30-40	15-20	10-15	15-20	20-25	.....
	22-28	20-30	30-40	15-20	10-15	15-20	20-25	.....
	29-30	20-30	30-40	.....	.....	.....	.....	.....
October	1- 7	20-30	30-40	15-20	10-15	15-20	20-25	.....
	8-14	20-30	30-40	15-20	10-15	15-20	20-25	.....
	15-21	20-30	30-40	15-20	10-15	15-20	20-25	.....
	22-28	20-30	30-40	15-20	10-15	15-20	20-25	.....
	29-31	.....	.....	.....	20-25	15-20	20-25	.....
November	1- 6	20-30	30-40	15-20	20-25	15-20	20-25	.....
	7-13	20-30	30-40	15-20	20-25	15-20	20-25	.....
	14-20	20-30	30-40	15-20	20-25	15-20	20-25	.....
	21-27	20-30	30-40	15-20	15-20	20-25	20-25	.....
	28-30	.....	.....	15-20	.....	.....	.....	.....
December	1- 7	20-30	30-40	15-20	15-20	20-25	20-25	.....
	8-14	20-30	30-40	15-20	15-20	20-25	20-25	.....
	15-21	20-25	30-40	15-20	15-20	20-25	15-20	.....
	22-28	20-25	30-40	15-20	15-20	.....	15-20	.....
	29-31	20-25	30-40	.....	.....	.....	15-20	.....

WASHINGTON, D. C., JAN. 1, 1905, TO NOVEMBER, 1910.

[From city newspapers.]

Month.	Week.	1905	1906	1907	1908	1909	1910	1911
January	1- 7	.....	.....	.....	.....	.....	.....	.....
	8-14	.....	.....	.....	.....	20	25	.....
	15-21	.....	.....	.....	.....	20	.....	.....
	22-28	.....	.....	25	.....	20	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
February	2- 7	.....	.....	25	.....	.....	.....	.....
	8-14	.....	.....	20-25	.....	.....	.....	.....
	15-21	.....	.....	.....	.....	.....	16	.....
	22-28	.....	.....	25	.....	.....	.....	.....
March	1- 6	.....	.....	25	.....	.....	16	.....
	7-13	.....	.....	25	.....	17-25	17	.....
	14-20	.....	.....	20	.....	.....	17	.....
	21-27	.....	.....	20-25	.....	.....	17-20	.....
	28-31	.....	.....	.....	.....	.....	17	.....
April	1- 7	.....	.....	25	.....	.....	.....	.....
	8-14	.....	.....	25	16	.....	16	.....
	15-21	.....	18	25	.....	15	18	.....
	22-28	.....	18	25	16	.....	.....	.....
	29-30	.....	.....	.....	.....	18	.....	.....
May	1- 7	.....	.....	25	15	17-20	15	.....
	8-14	.....	.....	25	15	.....	18	.....
	15-21	.....	.....	25	15	.....	15	.....
	22-28	.....	22	25	17	22	.....	.....
	29-30	.....	.....	25	.....	.....	.....	.....
June	1- 7	.....	22	25	17	.....	.....	.....
	8-14	.....	22	25	17	.....	.....	.....
	15-21	.....	20-25	25	17-20	.....	.....	.....
	22-28	.....	20-25	16	18	.....	17	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
July	1- 7	.....	20	25	.....	.....	17	.....
	8-14	.....	20-25	25	.....	.....	20	.....
	15-21	.....	20-25	25	.....	.....	23	.....
	22-28	.....	20-25	20-30	.....	.....	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
August	2- 7	.....	20-25	.....	15-18	.....	20	.....
	8-14	.....	20	.....	.....	.....	.....	.....
	15-21	.....	.....	.....	.....	.....	.....	.....
	22-28	.....	15-25	.....	.....	.....	.....	.....
	29-31	.....	15-30	.....	.....	.....	.....	.....
September	1- 7	.....	.....	.....	.....	.....	.....	.....
	8-14	.....	.....	.....	.....	.....	.....	.....
	15-21	.....	.....	10-30	.....	.....	.....	.....
	22-28	.....	.....	10-30	.....	.....	.....	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
October	1- 7	.....	.....	25-30	.....	20	.....	.....
	8-14	.....	.....	20-25	.....	.....	.....	.....
	15-21	.....	35	20-25	.....	.....	.....	.....
	22-28	.....	30-35	20-25	.....	.....	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
November	1- 6	.....	30	25	.....	.....	.....	.....
	7-13	.....	.....	25	35	.....	.....	.....
	14-20	.....	25-30	.....	15	.....	22	.....
	21-27	.....	25-30	.....	25-30	.....	.....	.....
	28-30	.....	25-30	.....	.....	.....	.....	.....
December	1- 7	.....	23	.....	.....	.....	.....	.....
	8-14	.....	.....	.....	25	.....	.....	.....
	15-21	.....	.....	20	25	.....	.....	.....
	22-28	.....	.....	.....	24	.....	.....	.....
	29-31	.....	.....	.....	18	.....	.....	.....

BUFFALO, N. Y., JAN. 1, 1905, TO DECEMBER, 1909.

[Principally from newspapers.]

Month.	Week.							
January	1- 7	.....	.....	.....	.....	.....	30	25
	8-14	.....	.....	.....	.....	.....	30	25
	15-21	.....	.....	.....	.....	.....	30	25
	22-28	.....	.....	.....	.....	.....	25	25
	29-31	.....	.....	.....	.....	.....	25	.....
February	2- 7	.....	.....	.....	.....	20	25	25
	8-14	.....	.....	.....	.....	20	25	25
	15-21	.....	.....	.....	.....	20	25	25
	22-28	.....	.....	.....	.....	20	25	25

Retail prices per dozen lemons—Continued.

BUFFALO, N. Y., JAN. 1, 1905, TO DECEMBER, 1909—continued.

Month.	Week.	1905	1906	1907	1908	1909	1910	1911
		Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
March	1- 6	.....	.....	.....	.....	20	25	25
	7-13	.....	.....	.....	.....	20	25	25
	14-20	.....	.....	.....	.....	20	20	25
	21-27	.....	.....	.....	.....	20	20	25
	28-31	.....	.....	.....	.....	.....	.....	.....
April	1- 7	.....	.....	.....	.....	.....	20	.....
	8-14	.....	.....	.....	.....	.....	20	25
	15-21	.....	.....	.....	.....	.....	20	25
	22-28	.....	.....	.....	.....	.....	25	25
	29-30	.....	.....	.....	.....	.....	25	30
May	1- 7	.....	.....	.....	.....	.....	25	.....
	8-14	.....	.....	.....	.....	.....	25	.....
	15-21	.....	.....	.....	.....	.....	25	.....
	21-28	.....	.....	.....	.....	.....	25	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
June	1- 7	.....	.....	.....	.....	.....	25	.....
	8-14	.....	.....	.....	.....	.....	25	.....
	15-21	.....	.....	.....	.....	.....	25	.....
	22-28	.....	.....	.....	.....	.....	25	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
July	1- 7	.....	.....	.....	.....	.....	.....	.....
	8-14	.....	.....	.....	.....	.....	.....	.....
	15-21	.....	.....	.....	.....	.....	.....	.....
	22-28	.....	.....	.....	.....	35	.....	.....
	29-31	.....	.....	.....	.....	30	.....	.....
August	2- 7	.....	.....	.....	.....	30	.....	.....
	8-14	.....	.....	.....	.....	25	.....	.....
	15-21	.....	.....	.....	.....	25	.....	.....
	22-28	.....	.....	.....	.....	25	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
September	1- 7	.....	.....	.....	.....	25	.....	.....
	8-14	.....	.....	.....	.....	20	.....	.....
	15-21	.....	.....	.....	.....	25	.....	.....
	22-28	.....	.....	.....	.....	.....	.....	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
October	1- 7	.....	.....	.....	.....	.....	.....	.....
	8-14	.....	.....	.....	.....	.....	.....	.....
	15-21	.....	.....	.....	.....	.....	.....	.....
	22-28	.....	.....	.....	.....	.....	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
November	1- 6	.....	.....	.....	.....	.....	.....	.....
	7-13	.....	.....	.....	.....	.....	.....	.....
	14-20	.....	.....	.....	.....	.....	.....	.....
	21-27	.....	.....	.....	.....	.....	.....	.....
	28-30	.....	.....	.....	.....	.....	.....	.....
December	1- 7	.....	.....	.....	.....	30	.....	.....
	8-14	.....	.....	.....	.....	30	.....	.....
	15-21	.....	.....	.....	.....	30	.....	.....
	22-28	.....	.....	.....	.....	.....	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....

BOSTON, MASS., JAN. 5, 1905, TO MAY 12, 1911.

Month.	Week.							
January	1- 7	15-25	20-30	25-35	20-30	25-30	20-35	20-30
	8-14	25	15-30	20-35	20-30	25-30	20-35	20-35
	15-21	20-25	20-30	25-35	15-25	20-30	25-35	20-30
	22-28	20-30	20-30	20-35	20-30	20-30	25-35	20-30
	29-31	.....	.....	.....	.....	15-30	20-30	.....
February	2- 7	20-30	20-30	20-35	15-30	20-30	25-35	20-30
	8-14	25	25	20-30	20-30	20-30	25-35	20-35
	15-21	20-35	20-30	.....	10-25	20-30	20-30	20-35
	22-28	20-25	20-30	.....	10-25	20-30	20-30	20-35
March	1- 6	25	20-30	20-30	20-25	20-30	20-35	20-35
	7-13	20-25	20-30	20-30	20-25	20-30	20-35	20-35
	14-20	20-25	20-25	20-30	15-25	20-30	20-35	20-30
	21-27	20-25	30	20-30	15-25	20-25	20-35	20-30
	28-31	15	20-30	15-25	.....	.....	.....	20-30
April	1- 7	15-25	20-30	20-30	20-30	20-30	20-30	20-35
	8-14	15-25	20-30	15-25	20-30	20-30	20-30	20-35
	15-21	15-25	25-30	.....	20-30	20-30	20-25	20-35
	22-28	15-25	25-30	10-25	15-25	20-30	20-25	20-35
	29-30	.....	.....	.....	.....	20-25	20-25	.....
May	1- 7	15-25	20-25	10-20	15-25	20-25	20-25	20-35
	8-14	15-25	20-25	25-25	10-25	15-20	20-25	20-35
	15-21	10-25	20-30	20-25	10-20	15-25	20-25	.....
	22-28	15-25	20-30	20-25	15-20	20	20-25	.....
	29-31	.....	.....	20-25	15-20	.....	.....	.....
June	1- 7	20-30	20-30	20-30	20-30	20-25	20-25	.....
	8-14	15-25	25-30	20-25	20-30	15-20	20-25	.....
	15-21	15-20	20-30	20-25	20-30	20	.....	.....
	22-28	15-25	20-30	20-25	20-25	20-30	25-40	.....
	29-30	10-20	25-30	.....	.....	.....	.....	.....
July	1- 7	10-20	25-30	20-25	20-25	30-40	30-40	.....
	8-14	10-20	20-30	20-25	25-30	30-40	35-45	.....
	15-21	10-20	20-25	15-25	25-30	30-40	30-40	.....
	22-28	25-35	20-25	15-25	20-30	40	30-40	.....
	29-31	.....	.....	.....	25-30	30-40	30-40	.....
August	2- 7	25-30	20-30	25-30	20-30	25-35	30-40	.....
	8-14	35	20-30	25-30	20-30	25-35	30-40	.....
	15-21	40	25-30	25-30	20-30	25-35	20-40	.....
	22-28	35	25-30	25-30	25-30	30-40	20-35	.....
	29-31	.....	35	25-30	.....	.....	.....	.....
September	1- 7	30-35	35	30-35	25-30	20-30	20-35	.....
	8-14	30-35	30	25-30	25-30	20-30	25-35	.....
	15-21	30	30	.....	20-30	20-35	20-35	.....
	22-28	30-40	25-40	25	25-30	25-35	20-35	.....
	29-30	30	.....	25	.....	.....	20-35	.....
October	1- 7	30	25-40	30	25-30	20-25	25-35	.....
	8-14	25-35	25-40	30	30-30	20-30	25-35	.....
	15-21	20-30	35-50	25-30	25-30	20-25	25-40	.....
	22-28	20-30	25-50	25-30	25-30	20-30	25-50	.....
	29-31	.....	.....	.....	15-30	20-30	.....	.....

Retail prices per dozen lemons—Continued.

BOSTON, MASS., JAN. 5, 1905, TO MAY 12, 1911—continued.

Month.	Week.	1905	1906	1907	1908	1909	1910	1911
		Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
November	1- 6	30	20-40	25-30	20-30	25-35	30-50	.....
	7-13	30	20-40	20-35	20-30	25-35	25-50	.....
	14-20	25-30	25-50	20-30	15-25	35-50	25-40	.....
	21-27	25-30	10-25	20-25	15-25	35-50	25-40	.....
	28	.....	20-25	.....	.....	.....	.....	.....
December	1- 7	25-30	25-40	20	15-20	35-50	25-35	.....
	8-14	25-30	25-40	20-30	20-30	35-50	25-35	.....
	15-21	25-30	25-40	20-30	15-30	35-40	25-35	.....
	22-28	25-30	10-20	20-30	15-25	30-40	20-35	.....
	29-31	25-30	.....	.....	.....	.....	20-35	.....

KANSAS CITY, MO., JAN. 1, 1905, TO MAY 14, 1911.

[From city newspapers.]

Month.	Week.							
January	1- 7	.....	.....	15	15	15	.....	15
	8-14	.....	10	15	10	.....	.....	.....
	15-21	.....	15	15	10	10	.....	15
	22-28	.....	.....	15	15	.....	.....	10
	29-31	.....	.....	.....	.....	.....	.....	.....
February	2- 7	.....	10	.....	10	10	13	15
	8-14	.....	9	.....	15	10	.....	15
	15-21	.....	10	.....	8	10	.....	15
	22-28	.....	10	.....	.....	10	.....	15
March	1- 6	.....	12	.....	10	10	.....	.....
	7-13	.....	12	.....	10	10	.....	.....
	14-20	.....	12	.....	10	10	.....	.....
	21-27	.....	12	20	10	10	13	.....
	28-31	.....	.....	.....	.....	.....	.....	.....
April	1- 7	.....	.....	.....	.....	10	.....	.....
	8-14	.....	.....	18	.....	10	10	15
	15-21	.....	10	18	10	10	.....	.....
	22-28	12	10	18	10	10	.....	15
	29-30	.....	.....	.....	.....	.....	.....	.....
May	1- 7	12	.....	18	10	10	.....	.....
	8-14	12	.....	18	10	10	.....	.....
	15-21	10	12	20	10	10	.....	.....
	22-28	10	15	20	10	10	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
June	1- 7	10	18	18	12	.....	.....	.....
	8-14	10	18	18	10	10	.....	.....
	15-21	10	18	18	12	10	17	.....
	22-28	15	18	18	12	12	.....	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
July	1- 7	12	20	17	12	20	23	.....
	8-14	15	20	18	12	20	23	.....
	15-21	15	20	18	12	18	23	.....
	22-28	18	20	18	12	20	20	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
August	2- 7	18	15	18	12	12	20	.....
	8-14	20	15	18	15	13	20	.....
	15-21	20	23	.....	15	12	20	.....
	22-28	20	20	20	15	13	13	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
September	1- 7	20	25	25	12	12	10	.....
	8-14	20	23	13	15	13	10	.....
	15-21	25	25	.....	12	12	10	.....
	22-28	20	15	.....	12	12	.....	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
October	1- 7	.....	.....	20	12	12	.....	.....
	8-14	20	.....	20	12	13	.....	.....
	15-21	.....	.....	.....	10	10	.....	.....
	22-28	.....	.....	.....	10	10	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
November	1- 6	.....	17	.....	10	10	.....	.....
	7-13	.....	15	.....	10	12	.....	.....
	14-20	.....	15	13	10	12	.....	.....
	21-27	.....	15	.....	10	10	.....	.....
	28-30	.....	.....	.....	.....	.....	.....	.....
December	1- 7	.....	13	.....	.....	.....	.....	.....
	8-14	.....	15	.....	.....	10	15	.....
	15-21	.....	.....	.....	10	17	.....	.....
	22-28	15	15	18	10	15	15	.....
	29-31	.....	.....	.....	.....	.....	.....	.....

MINNEAPOLIS, MINN., JAN. 1, 1905, TO DECEMBER, 1910.

January	1- 7	14	15	15	.....	.....	.....	.....
	8-14	12	12½-13	.....	.....	.....	.....	.....
	15-21	12	12	15	.....	14	.....	.....
	22-28	13	10	.....	12	.....	16	.....
	29-31	.....	.....	.....	.....	15	.....	.....
February	2- 7	.....	12	12-15	12-15	.....	18	.....
	8-14	10-13	15	12-18	14	14	15	.....
	15-21	.....	10	12	10-15	14	.....	.....
	22-28	.....	13	14	15	.....	17	.....
March	1- 6	12	11	.....	12-15	.....	17-19	.....
	7-13	.....	.....	12	10-18	12	15	.....
	14-20	10	.....	16	12-15	12	15	.....
	21-27	12	15	12	15-20	.....	15	.....
	28-31	.....	.....	12-15	.....	.....	.....	.....
April	1- 7	10-24	.....	.....	10-15	12	.....	.....
	8-14	.....	15	13	8-15	12-14	.....	.....
	15-21	.....	13	.....	10-15	.....	.....	.....
	22-28	.....	12	.....	8-16	12-15	17	.....
	29-30	.....	.....	.....	.....	12	15-17	.....
May	1- 7	.....	15	.....	15-18	.....	15-18	.....
	8-14	.....	15	.....	15	12	.....	.....
	15-21	10	14-15	.....	10-15	12	15-20	.....
	22-28	10	15-18	16	12-15	12	15-18	.....
	29-30	.....	.....	.....	12-20	.....	.....	.....

Retail prices per dozen lemons—Continued.

MINNEAPOLIS, MINN., JAN. 1, 1905, TO DECEMBER, 1910—continued.

Month.	Week.	1905	1906	1907	1908	1909	1910	1911
		Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
June	1- 7	10	.....	18	12-18	12-16	15	.....
	8-14	10	17-20	.....	.....	17	.....	.....
	15-21	18	.....	16	12-20	.....	18-25	.....
	22-28	17	.....	.....	15-20	12-15	.....	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
July	1- 7	17	.....	20-22	.....	.....	.....	.....
	8-14	15-77	.....	18-30	15-20	.....	25-35	.....
	15-21	27-33	.....	.....	15-20	20	.....	.....
	22-28	.....	18	.....	15-20	.....	20-40	.....
	29-31	.....	.....	.....	18-20	20-25	.....	.....
August	2- 7	24-31	15-18	18-25	15-18	18-22	20-30	.....
	8-14	.....	.....	.....	15-20	.....	.....	.....
	15-21	.....	18	.....	.....	20-22	.....	.....
	22-28	.....	.....	18-20	.....	.....	.....	.....
	29-31	.....	.....	20-25	.....	.....	.....	.....
September	1- 7	.....	.....	.....	14-20	15-20	.....	.....
	8-14	.....	.....	18-20	.....	10-20	.....	.....
	15-21	.....	25	.....	.....	.....	.....	.....
	22-28	.....	.....	.....	.....	.....	.....	.....
	29-30	.....	.....	.....	.....	.....	.....	.....
October	1- 7	22-25	.....	.....	14-16	.....	.....	.....
	8-14	.....	.....	.....	.....	18-20	.....	.....
	15-21	20-23	.....	.....	.....	.....	.....	.....
	22-28	22	.....	.....	12-17	14-20	.....	.....
	29-31	.....	.....	.....	.....	.....	.....	.....
November	1- 6	19-20	.....	.....	.....	12-17	.....	.....
	7-13	20	10-24	20	.....	.....	25	.....
	14-20	18-20	20-25	20	12	.....	.....	.....
	21-27	10	20	.....	15	.....	20	.....
	28-30	.....	18	.....	.....	.....	.....	.....
December	1- 7	10	15	18	15	12	10-20	.....
	8-14	15-18	.....	.....	14	.....	.....	.....
	15-21	10-15	.....	20	15	.....	18	.....
	22-28	10	15	10	.....	.....	.....	.....
	29-31	10-12	.....	.....	.....	.....	14-17	.....

I call attention also to another table touching this question, namely, one showing the wholesale price of Italian lemons in New York each month of the years 1909 to 1912, as follows:

Average wholesale price of all Italian lemons sold in New York City per month, 1909 to 1912.

	Per box.	Per dozen.
1909.		Cents.
April	$2.05	7.45
May	1.79	6.54
June	2.74	10
July	3.26	11.85
August	2.13	7.75
September	2.62	9.53
October	3.62	13.17
November	3.76	13.67
December	3.69	13.42
1910.		
January	3.25	11.82
February	2.41	8.76
March	2.82	10.26
April	2.96	10.77
May	2.34	8.51
June	3.37	12.26
July	4.22	15.35
August	3.67	13.35
September	4.30	15.64
October	4.78	17.38
November	3.13	11.38
December	2.42	8.80
1911.		
January	2.55	9.27
February	3.78	10.12
March	2.44	8.87
April	2.77	10.07
May	3.86	14.06
June	3.74	13.60
July	3.55	12.91
August	2.60	9.46
September	3.26	11.8
October	3.68	13.4
November	2.52	9.2
December	2.51	9.2
1912.		
January	3.43	12.5
February	3.45	12.5
March	2.52	9.2
April	2.48	9.0
May	2.64	9.6
June	2.84	10.3
July	2.72	9.9
August	4.02	14.6
September	6.33	23.0
October	3.52	12.8
November	3.81	13.5
December	3.89	14.1

Average number of dozen per box, 27½.

I can not stop to compare these prices in detail. It would take up too much time and is wholly unnecessary. They show that there could have been no increase or variation of the price of lemons to the consumer as a result of the increase of the tariff in the Payne-Aldrich Act or of any previous tariff law. Numerous changes in prices, up and down, appear all through these tables. But the changes have been just as great during the existence of the same rate of tariff from one month or week or day to another, without reference to, and evidently unaffected by, the tariff rate in force. It appears that in New York, for a short time, in the early part of January, 1909, there was a rather marked increase in price, but it was only for a few days, when the price fell back to the normal of former years and has continued there, with the usual fluctuations not depending on the tariff rate ever since. These figures are conclusive and unanswerable on this important branch of the question.

The two tables following show the retail prices of lemons, 300-per-box size, as reported by the district managers of the California Fruit Growers' Exchange, in cents per dozen from May 15 to December 1, 1912. These data have been accumulated by determining the retail price charged by three to eight leading grocers in the following cities in the eastern United States: Boston, New York, Baltimore, Washington, Buffalo, Pittsburgh, Cincinnati, Indianapolis, and Louisville, and in eastern Canada in Toronto, Montreal, and St. John.

The lemons used in eastern Canada are exclusively Italian, and are duty free. These tables show that the retail price in Canada is the same as that in the eastern United States, and is conclusive evidence that the duty on lemons does not affect the retail price.

Retail prices of lemons in eastern United States and eastern Canada, 300 size, in cents per dozen.

Date.	Boston.	New York.	Baltimore.	Washington.	Buffalo.	Pittsburgh.	Cincinnati.	Indianapolis.	Toronto.	Montreal.	St. John.
1911.											
May 15	23	27	16	25	23	20	23	25	20	20	20
June 1	28	26	30	34	28	33	35	30	28	25	28
June 15	28	27	25	35	30	33	28	24	34	25	27
July 1	27	27	21	30	31	33	25	23	30	25	28
July 15	37	27	24	35	35	35	25	30	31	25	29
Aug. 1	31	32	.....	25	32	18	20	.....	30	25	32
Aug. 15	27	26	18	25	28	18	30	25	29	20	32
Sept. 1	28	24	.....	30	26	23	30	20	28	30	32
Sept. 15	34	21	19	29	28	19	.....	18	29	30	31
Oct. 1	35	22	23	30	34	20	.....	.....	28	30	30
Oct. 15	30	28	27	30	46	22	.....	28	30	30	30
Nov. 1	38	27	25	35	29	26	.....	28	30	30	30
Nov. 15	27	26	25	35	29	21	30	26	.....	30	28
Dec. 1	28	28	19	30	25	18	25	.....	20	35	28
Dec. 15	22	28	19	23	25	16	20	22	20	35	30
1912.											
Jan. 1	16	25	20	23	22	16	25	18	26	30	30
Jan. 15	22	26	20	23	23	23	27	22	28	30	30
Feb. 1	25	26	19	25	21	22	27	28	30	35	30
Feb. 15	25	26	22	30	31	23	30	27	30	25	30
Mar. 1	30	26	20	29	22	21	30	23	30	.....	30
Mar. 15	22	25	19	24	26	26	30	24	20	.....	30
Apr. 1	20	25	20	25	22	24	27	24	24	.....	30
Apr. 15	23	23	20	25	23	23	30	24	28	.....	30
May 1	20	25	20	24	19	23	.....	23	20	.....	30
May 15	21	23	18	25	23	16	40	22	30	.....	30
June 1	20	23	19	30	16	18	30	24	28	.....	30
June 15	24	24	20	30	26	28	40	22	20	.....	30
July 1	23	25	20	.....	21	28	.....	21	25	.....	30
July 15	18	27	22	.....	29	22	.....	21	20	35	30
Aug. 1	22	27	19	.....	23	16	30	23	30	30	30
Aug. 15	25	28	21	.....	26	29	30	21	30	.....	30
Sept. 1	29	27	24	.....	21	29	40	32	40	30	30
Sept. 15	46	51	45	.....	38	37	60	40	40	30	30
Oct. 1	31	41	35	35	30	28	40	28	30	25	30
Oct. 15	33	42	.....	33	28	25	30	.....	37	25	30
Nov. 1	34	34	30	35	22	30	40	30	30	25	32
Nov. 15	36	29	30	.....	31	32	40	28	24	25	28
Dec. 1	34	30	28	.....	27	37	30	26	30	20	.....

Therefore some one else must be interested in reducing the tariff besides the consumer. But it sounds better in the public ear to cry out against injustice that they pretend is being done the poor consumer. And this false cry is convincing some unthinking people, who do not investigate the question for themselves, that the price of lemons to the retail purchaser has actually been increased by the tariff.

Mr. President, it is not the man who buys his lemons in this country that is affected, nor is it the consumer in this country that is complaining of the tariff. He has no reason to complain. It is the importer, the promoter, the broker, and others who deal in foreign lemons who are making this fight for free lemons or a reduced tariff. The importers in New York and the exporters in Sicily have levied tribute at different times on every box of lemons imported into this country to raise a fund to fight the tariff, and, unfortunately, Members of Congress have been found who have been willing to make the fight for the foreign importer and foreigners who make their living by handling the foreign product here, against their own countrymen and upon the specious but wholly unfounded claim that it is done in the interest of the domestic consumer. Over one-half of the imports of lemons into the United States are controlled by 11 New York Italian importers, as will be seen from the following statement showing the receivers of foreign lemons at New York City and the percentage of importations handled by each during the period November 1, 1911, to October 31, 1912. The first 11 firms controlled 51.3 per cent of the total imports. About 90 per cent of the total imports are received in the port of New York. The names of the importers sufficiently disclose their nativity. The table is as follows:

Receivers of foreign lemons in New York and percentage of imports handled by each from Nov. 1, 1911, to Oct. 31, 1912.

Receiver.	Total boxes.	Per cent.
Zito & Co	144,868	10.476
P. Sciortino	86,281	6.240
S. S. Steiner & Co	75,456	5.457
S. Ameroso & Co	74,992	5.423
Dominici Bros	73,116	5.287
A. Sacca & Co	59,541	4.306
G. Lo Cicero	56,006	4.050
G. De Lutio	55,308	2.551
G. Cirincione	35,143	2.541
F. Di Anci	34,458	2.492
A. Caramusa	34,193	2.473
Mercadante Regan & Co	33,508	2.423
Cuccio & Morello	30,177	2.182
P. Castiglione	29,360	2.123
F. Cuttietta	28,634	2.071
Cap. Maniscalco	27,964	2.022
F. M. Maniscalco	24,692	1.785
De Luccia & Co	21,988	1.590
P. Tramantana	20,336	1.470
G. Brandina	19,924	1.441
C. V. Smith	19,470	1.408
O. F. Maniscalco	19,055	1.378
P. Lauricella	17,602	1.273
C. Greco	16,970	1.227
L. Zerillo	16,801	1.215
J. Crochiolo	16,515	1.194
B. Follina	16,496	1.193
G. Puccio	16,286	1.178
B. Trioli	14,233	1.029
G. Mannino	14,214	1.028
P. Bajata	13,787	.997
B. Mussachia	12,473	.902
F. Z. Madonia	11,546	.835
Ig. Saitta Di M	10,753	.778
G. Viviano	9,023	.652
Hart & Truckwell	9,132	.660
A. Maniscalco	8,164	.590
V. Pedone	7,917	.573
C. Cavalerro	7,792	.563
F. Minaldi	7,623	.551
G. Giamance	7,129	.515
A. Grilli	6,306	.456
G. Cappadonia	6,179	.446
P. Giambanci	6,117	.442
C. Zito	6,095	.441
G. & M. Ziot	6,003	.428
A. Montano	5,109	.370
P. Scogli	4,686	.339
O. Maniscalco, jr	4,048	.336
Sgobel & Day	3,569	.258
Saitta Bros	3,534	.255
L. G. Marino	3,328	.241
S. Gangiolosi	3,238	.234
Ant. Brucato	2,902	.210
R. Mocu	2,842	.205
C. Cameci	2,830	.204
Capt. Izzo	2,289	.165
G. Noto	2,251	.163
G. Brocita	1,919	.139
Fr. F di Piro	1,847	.134
F. Fuschia	1,738	.126
Pedone & Gambine	1,603	.116

All other importers handled less than one-tenth of 1 per cent each.

The means resorted to to arouse prejudice against the domestic lemon industry and the people that are behind the movement to reduce the tariff is very well shown in an article written by Agnes C. Laut in a late issue of the Sunset Magazine. It was written, I am informed, on her own initiative and upon her own investigation of the facts, and not at the instance or at the instigation of interested parties. She says:

How many people who know about the picturesqueness of the citrus groves in sunny California also know about "a slush fund" of $200,000 a year manipulated by the Lemon Trust of Italy to smash the system of cooperation that sustains those citrus groves of the Southwest? How many know about "rebates" of 5 cents a box on every sale of Italian lemons auctioned off in New York to create a "lobby" fund for the purpose of smashing California lemons? How many know that when Collector Loeb, of New York, and Wickersham, of Washington, and the Fruit Exchange of New York went after that "rebate" among the fruit brokers—which is contrary to

New York law—"the rebates" on sales were discontinued and a "rebate" given by the foreign steamship companies on every box of lemons shipped from Italy in order to knock the tariff off that protects California lemons? You see the point, don't you?—ships that fly a foreign flag can not be prosecuted by the United States Government for "rebating" to an Italian trust, and the Italian trust uses its "rebate" fund ($50,000 it amounted to in three months) to tamper with legislation in Washington.

There are still funnier features to this human-nature side of the citrus industry. When the Lemon Trust of Palermo, which consists of some 60 Italian firms primarily controlled and directed by 11 men with headquarters in New York—not many of whom are American citizens—laid out its campaign to capture the markets of the United States, it realized that it must first of all smash—utterly smash—the citrus growers' union of California. Why? Because the citrus growers' union has wiped out all speculators, all brokers. It deals directly with the jobber. It has its own salaried salesmen on every market in the world. It sells almost from farm to table—or straight into the hands of the jobber who caters to the retailers. Whereas the Lemon Trust of Italy is purely a speculative concern. In the days before there was a California citrus league to deal direct with buyers the fruit brokers of New York have depressed prices by throwing a glut of Italian fruit suddenly on the market, then buying up every box of available lemons and oranges in America. Then, presto, up leaped prices from 10 cents and 50 cents and $1 a box to $6 and $8 and $11 a box. Since the citrus growers of California formed their cooperative league to deal directly with the buyer such wild fluctuations of prices have been unknown. The ruling price has been created wholly and solely by supply and demand. Only two years ago, when the California supply of lemons had been exhausted, the Italian lemon brokers of New York, in order "to jack up" prices, deliberately shipped out of the country a cargo of 800,000 pounds.

Now, the citrus growers of Italy had several very important advantages over the citrus growers of the Southwest.

They not only got "rebates" on auctions, which were against the law, and "rebates" on steamship freights, which were contrary to law but could not be punished, but they also received "rebates" from the customs, owing to alleged decay. It has been usual, and rightly so, for the United States customs to allow "rebate" of duties charged on all fruits that subsequently showed decay. Oddly enough the samples of Italian fruits examined by the customs appraiser ran such a high percentage in decay that Collector Loeb investigated. It was found that as much as $200,000 in a few months had been allowed as "rebate" duty on decayed fruit, when the fruit was not decayed at all.

The next advantage possessed by the Foreign Fruit Trust was in the way of freight tariffs. The freight rate on California citrus—oranges and lemons—runs 82 to 84 cents plus refrigeration and precooling charges, or, say, about 90 cents a box to points east of the Rockies. The freight rate from Italy to points east of the Rockies runs 30 cents less 6 cents of a "rebate" on all shipments over 1,000 boxes.

Yet another point. Wages in Italy are only one-third wages in California.

Now, to equalize conditions California had asked duties of 1½ cents a pound on lemons, 1 cent a pound on oranges. If you figure out 330 lemons to a box—fewer oranges—and 70 to 75 pounds to the box, the duty runs from 3 to 4 cents a dozen. Has the price been pushed up by the duty for the eastern consumer? It has uniformly ruled lower. There has been no more sudden jumping of the price up from a few cents a box to $6 and $8 and $11. Another point: In Canada citrus fruits enter duty free; yet the price of oranges and lemons rules in Canada a few cents a dozen—6 to 10—higher than in the United States. Why? Not the extra freight, for the freight rate is the same from California to Montreal as from California to New York. Why, then, is the price slightly higher in duty-free Canada than in the United States with duties of 1 cent and 1½ cents a pound? Because in Canada the prices are controlled by the fruit brokers' rings and the Foreign Trust. In the United States, as long as the citrus grower deals directly with the buyer, eliminating speculators' profits, the price is kept purely on a basis of supply and demand. High prices rule only during seasons when frosts have touched the groves, and these seasons of high prices, such as the current year of 1912–13 is bound to be, are only a third the high prices formerly prevailing under the manipulation of the Foreign Fruit Trust.

Now, I am not a high-tariff advocate, but a free trader; but this strikes me as one of the exceptions that proves the rule. It strikes me as a little anomalous that a foreign fruit trust should set itself to do three things to a purely domestic American industry:

First. Jack up and control prices on one of the great staple necessities of living.

Second. Create "a slush fund" by illegal rebates to smash a growing American industry.

Third. Write an agreement with a firm of Wall Street lawyers to give them half that "slush fund" if they could "induce" Congress to remove the duty equalizing conditions for California fruit growers as against Italian.

Now, for the funny features of the Foreign Fruit Trust's manipulations. "Barkers" and "posters" began mysteriously to appear in such summer resorts as Coney Island, Atlantic City, etc., calling on passers-by "to smash the California Fruit Trust." Petitions were circulated through the crowd for signatures against the duty that protected California fruit. An agent of the California cooperative union saw these petitions to Congress being signed by hundreds of youngsters—a foreign rabble—not over 10 and 12 years of age. Now, if there is one thing the California citrus growers' league is not it is a trust. Its selling is a direct transaction from producer to jobber, and it takes not a cent of profit to its managers, but only a deduction for salaries, turning 97 per cent of the jobber's price back to the shipper, less the freight charges. Yet the "barkers" and "posters" represented California fruit growers as a "trust."

It is only fair to say that the attorney and representatives of the foreign dealers deny the accuracy of this statement, in some particulars, especially as to the size of the fund raised to influence legislation. But the size of the fund is not so material. That such a fund was raised, in the manner stated, and for the purpose indicated, can not be denied. And I am assured that it would have been larger if these conspirators against the best interests of our country had not fallen out among themselves. It is in this way and for this purpose that the effort to arouse public sentiment has been carried on and the aid of politicians seeking votes procured.

The temptation for some Members of Congress to contend for free lemons is great in some quarters, notably in some of the New York congressional districts, and, in fact, in the whole State of New York, because of the large Italian vote there which can be easily reached by this means. There are other sections in this country where similar conditions exist and where like results may be reached by favoring the countrymen of this class of voters. It may mean the gain or loss of a congressional district or a whole State in more than one of the States in the Union.

I am not here to say that any Member of Congress, in this body or elsewhere, would submit to this temptation. But any Senator who will take the pains to investigate the whole subject with a view of arriving at the truth will be forced to the conclusion that there is no just or even plausible reason for reducing the tariff on lemons other than that of political gain to individuals or to a political party.

The extent to which tribute was laid upon lemons imported into this country to raise the funds to employ lobbyists and influence action in favor of free lemons in the interest of the importer of the foreign product is more clearly shown by an extract I have taken from a letter of a man interested in the sale of lemons in the New York market to my predecessor in office, Hon. Frank P. Flint. The letter was written January 11, 1911. In it he says:

> Now as to the article which appeared recently in McClure's Magazine, that any reader would know is an output of the importers and paid for by them. As I advised you under date of June 25 last, the importers levied an assessment of 5 cents per box on every box of foreign lemons to create a fund which they aimed to so expend as to secure legislation that would reduce the present tariff on lemons, and the amount collected to date now amounts to, in round figures, between sixty and seventy-five thousand dollars. The special committee in charge of this fund is Scortine, Dominici, and Zito, who have employed Messrs. William C. Beers and Harrison Osborne, both located in this city, to disburse said fund in any way they think advisable without rendering an account therefor. It was under the supervision of these last two men that this magazine article was manipulated, and up to date out of this 5-cents-per-box fund there has been turned over to these gentlemen, Beers and Osborne, a total of about $23,000. On the 9th instant there was a meeting of the Fruit Importers' Union, and some of the members called upon Beers and Osborn for an accounting of the money turned over to them, and they replied by saying that their agreement was that they should make no accounting whatsoever, and they declined to do so. Funds are advanced to Beers and Osborn in lump sums of two, three, or five thousand dollars. I will note here that effort was first made to get the Outlook to publish the article which appeared in McClure's, but the Outlook refused to publish it.

I suppose Senators are fully aware that Osborne and Beers have been carrying out their part of the bargain by which this great industry of my State was to be sacrificed in the interest of foreigners, for they have been lobbying here diligently and persistently for months for free lemons. Near the close of the last Congress they did get lemons on the free list in the House, but they were saved in the Senate. It was learned before this time that the lemon importers of New York and the exporters of Palermo had organized to bring about a reduction of the tariff on lemons and, if possible, remove the tariff entirely. They were most active in this effort. In addition to the raising of funds necessary to carry on the campaign by levying on every box of lemons imported and the employment of lobbyists, as I have stated, they stamped on every box of their lemons "If lemons were free of duty this box would cost you $1.20 less." This was a plain falsehood, and known to be so, because the full tariff on lemons was only $1.12 a box. But aside from this, we have ample and unanswerable proof that the claim was not made in good faith. No one believed that the whole or probably any part of the tariff would go to the consumer in the way of cheaper lemons. This last winter the California crop of lemons was mostly destroyed by an unusual and destructive frost. As a result very few domestic lemons went to New York and other eastern cities. It practically gave the market to the foreign product, just as it will if the proposed reduction of the tariff becomes a law. What was the result? The following table giving the quantity of foreign lemons delivered in the New York market and the prices received shows:

	Boxes.	Price per box.
Nov. 1, 1909, to June 17, 1910	938,210	$2.74
Nov. 1, 1910, to June 17, 1911	884,456	3.29
Nov. 1, 1911, to June 17, 1912	987,270	2.71
Nov. 1, 1912, to June 17, 1913	1,139,164	4.36

It will be noticed that because of the short crop in California from November 1, 1912, to June 17, 1913, there was an increase of foreign lemons over the highest number of any previous year for the same time of 150,000 boxes, and the price to the consumer was increased $1.65 a box. This shows how

the lemons will be $1.20 a box cheaper if the California lemons are driven out of the market by an unjust tariff as they were temporarily by cold weather. But the work of the enterprising foreign dealers did not stop with the efforts I have disclosed. They raised the cry that the high tariff was robbing the sick and the poor, and that it was being done at the instance of a powerful trust amongst the fruit growers in California. This cry was echoed on the floors of Congress. When it was declared with melting sympathy that the high price of lemons to the sick in the hospitals was caused by the tariff, and these unfortunates should be protected by Congress, an investigation was instituted in 15 of the largest hospitals in the city of New York to see how this might be. The number of patients in each and the number of boxes of lemons used for the year previous was ascertained, and it was shown that they had used four-fifths of 1 lemon a year for each patient. It is only just to say that this included day patients as well as more permanent ones. But if we exclude them, possibly the hospitals used on an average 1 full lemon a year for each of its patients.

I may call attention to another effort of the foreign dealers to accomplish what they were striving for. At Brighton Beach, N. Y., and, as was stated by the men engaged in it, at other places, a strenuous effort was made to secure signers to petitions to Congress for free lemons. At one of the stands in the crowd flaming red posters were posted containing the following:

(Poster.)

The high cost of living concerns you!

A petition to Congress asking for the repeal of the duty on lemons.

California produces 40 per cent of the supply of lemons used in the United States. The Payne-Aldrich tariff bill put a duty of $1.20 per box on lemons, which is a big advantage to the Lemon Trust in maintaining the present high prices. Lemons are absolutely needed in various ways for medicine, food, and flavoring purposes. The independent dealers are trying to have the present tariff repealed, and, if successful, are pledged to reduce the cost accordingly, thus making lemons cheaper.

They want your assistance in their efforts and respectfully ask you to sign the petition to Congress to take this burdensome duty off an article that is an everyday necessity.

Sign the petition for lower prices.

Men employed for the purpose were on hand with bundles of petitions, as follows:

(Petition.)

———, 1911.

To the House of Representatives of the United States, Washington, D. C.:

GENTLEMEN: We, your petitioners, residents of ———, respectfully request the repeal of the burdensome duty on lemons which was enacted by the Payne-Aldrich bill into a law, at the expense of the great masses of population on the Atlantic seaboard, for the purpose of doubling the wealth of 10 or a dozen millionaires of California and also for the purpose of paying the wages of tens of thousands of Japanese soldiers, who exclusively monopolize the labor of the California lemon orchards, thus depriving American laborers of opportunity of labor and wages.

Respectfully, yours,

——— ———.

In this way signers to the petitions, many of whom were children, were obtained to be forwarded to Congress; how many I do not know.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Arkansas?

Mr. WORKS. I do.

Mr. CLARKE of Arkansas. May I ask the Senator from California whether or not he has a table showing the price received by the California lemon growers for their boxes of lemons and the price at which the same boxes are sold in the eastern market?

Mr. WORKS. The tables I shall submit will include all of those things. I am endeavoring to cover the whole ground.

Mr. CLARKE of Arkansas. The statement has been made that when the rate on lemons was increased in the Payne-Aldrich bill the railway companies immediately added an equivalent amount to the freight charge for transporting lemons from California to the eastern seaboard for consumption. Is that true or not, within the knowledge of the Senator?

Mr. WORKS. If the Senator had honored me with his presence, he would know that I have covered that whole subject.

Mr. CLARKE of Arkansas. It may be due to the fact that I was out of the Senate Chamber.

Mr. WORKS. I have covered the subject just as fully as I know how, giving the exact facts. I am doing the best I can to disclose the whole situation.

These varied and persistent efforts of lobbyists and others had their effect. Some people, even in Congress, began to believe at least some of the mendacious things they said. On August 3, 1911, an amendment was offered to the tariff bill then pending placing lemons on the free list. It was offered by the chairman of the Committee on Ways and Means. It was solemnly asserted in support of the amendment that the tariff had been increased "at the demand of the California Lemon Trust"; that is was "just about as clear an example of the giving of special privileges by tariff rates as it is possible to obtain"; that lemons to many people of foreign birth and descent are a necessary of life; and that "the only purpose of the increase of the tariff was to raise the price of lemons in the markets of the East and increase the profits of the California Lemon Trust." These assertions could not very well have been further from the truth. The increase was not made on demand of the California trust. There is no such trust, and never has been. The increase was not made upon the demand or even at the request of the fruit growers of California or anyone interested in the industry in the State. I do not know whether lemons are a necessity to people of foreign birth or not. On that question I give way to the superior knowledge of the gentleman who made the assertion, whose constituency is largely made up of Italians, who have their own peculiar reason for wanting lemons on the free list in the interest of their countrymen. The amendment passed the House, but was defeated in the Senate. In conference the House stood firmly to their amendment. It was again asserted:

It is going to drive the Sicilian and the Italian lemon out of the American market, and the people of this country and the hospitals and eleemosynary institutions that require lemons at the sick bed are going to be placed in the hands of one of the most drastic trusts that exists in the United States.

Solemn words of warning, dire predictions, and high-sounding claims of a most "drastic trust" were these. But the warnings were not needed, the predictions were unfounded, and the assertion of a trust was untrue.

But, Mr. President, the people who had misled good men into the belief by the influence of the lobby, false petitions, and misrepresentations that these things were actually true were not ungrateful, although, temporarily at least, the efforts in their behalf had failed.

As another potential means of securing free lemons, the Italians of New York formed a political organization. It was known as the "National Italian Democratic League." This political organization was prompt to show its appreciation of the efforts made in the interest of importers of foreign lemons. It is said to have contributed large sums to the late Democratic campaign, but this I have not been able to verify. The league gave a magnificent banquet at the Waldorf-Astoria within a few days after a Democratic House had voted to remove the tariff on lemons. The chairman of the Committee on Ways and Means, who offered the amendment striking off the tariff, was the guest of honor on that auspicious and delightful occasion, and other members of the Democratic Party, favorable to free lemons, and also the chairman of the Democratic congressional committee and other distinguished Members of the House were not absent; and, last but not least, Mr. Harrison Osborne, the paid lobbyist already mentioned and with whom doubtless the other gentlemen were well acquainted, was conspicuous on the happy occasion.

The gathering was presided over by Giovanni Dominici, whose name sufficiently indicates the place of his nativity and who happened to be one of the leading lemon importers and who, with many others present, was deeply interested in free lemons. I have here a beautiful picture of the assembly; it shows Mr. Dominici as presiding and the distinguished chairman of the Ways and Means Committee as the guest of honor on his right. If the CONGRESSIONAL RECORD were only an illustrated publication I would ask to have it inserted in connection with my remarks.

Now, Mr. President, no one believes—certainly I do not—that any of these distinguished gentlemen present on this great occasion, and whose duty it was to legislate justly and without prejudice against the interests of my people, would allow themselves to be improperly influenced by this touching evidence of the regard and appreciation of the Italian importers for the men who had so valiantly striven in their interest. But, sir, on the face of it, it did look bad for the California fruit growers. I am sorry it occurred.

The following interesting account of the banquet was given in the Fruitman's Guide, of New York, in its issue of August 26, 1911:

ITALIAN DEMOCRATS DINE—BANQUET IN HONOR OF O. W. UNDERWOOD AT WALDORF—SICILY LEMON IMPORTERS CREDITED WITH PULLING WIRES FOR LOWER LEMON TARIFF—DINNER GIVEN IN A HURRY.

NEW YORK, *August 25, 1911.*

Sicily lemon importers and other Italian importing interests seemed in a hurry to pay their respects to members of the Ways and Means Committee of the House of Representatives, for they made OSCAR W. UNDERWOOD, chairman of the committee, a guest of honor at the first annual dinner of their political organization, held in the Waldorf-Astoria last Wednesday night. The particular political organization of the Italian importers is styled the National Italian Democratic League. This dinner, it seems, was a decidedly hurried affair. It is stated that the whole affair was planned and executed inside of 48 hours. It was originally intended to be in honor of all the Democratic members of the Ways and Means Committee, but Mr. UNDERWOOD was the only one who got there. Several of his colleagues in the House sat at the speaker's table, however.

Giovanni Dominici, one of the leading lemon importers of the city and president of the Italian League, presided at the banquet. Besides he and Mr. UNDERWOOD, there were present these Congressmen: C. Y. Fornes, of New York; F. E. WILSON, of Brooklyn; JEFFERSON M. LEVY, of New York; JAMES T. LLOYD, of Missouri, chairman of the National Democratic Congressional Committee; Martin W. Littleton, of Long Island; and W. I. MCCOY, of New Jersey. Joseph Auerbach was one of the speakers. Among others present were ex-Justice Gildersleeve; Antonio Succa; Justice Russell, of special sessions; G. Solari, president of the Italian Chamber of Commerce; S. Sailta, the lemon broker; and former Coroner Peter Acitelli.

OSCAR W. UNDERWOOD, the guest of honor, was the principal speaker. He made a speech whacking Mr. Taft for signing the Payne tariff bill and turning down the bills offered by the Democrats in the extra session of Congress. He applauded the President's stand on reciprocity. The Italians cheered Mr. UNDERWOOD'S speech and the band played "Dixie." Mr. UNDERWOOD is from Alabama.

There were several members in the trade who received invitations to attend, but who found at the last moment that they could not possibly go. In view of the fact that some secrecy attended the hurried plans for the dinner, and because of the fact that a strong working interest is active for a further reduction in the duty on Sicily lemons, certain members of the trade are busy attaching unusual significance to the entertainment provided for the Democrats. It is openly asserted that the Italian element here is looking to the Democratic party for help, and that wires are being pulled in the hope of action at the next session of Congress on the lemon tariff. Importers generally deny the imputation expressed in the conviction of the trade. The National Italian Democratic League is less than one year old, but it seems to be more or less of a mighty precocious infant.

I protest earnestly against making this great industry of my State the victim of selfish partisanship or the greed for political gain. If it can be shown to the satisfaction of any Senator who desires to act wholly upon the facts as they exist that the present tariff should be reduced as a matter of right and justice, I have nothing to say against his action in voting against this tariff. That being shown to his satisfaction, it is not only his right but his plain duty to vote for a reduction of the tariff. As I said in the beginning, the question is one of right and justice and not of politics or expediency, and should be so treated.

REVENUE TO THE GOVERNMENT.

I pass now to the question of revenue to the Government. So long as the Government is dependent for its revenue on a tariff on foreign imports no tariff that is supplying it in part with the needed support should be taken off unless it is doing injustice to some one. If the home industry does not need protection and the imposition of the tariff has the effect to increase the price of the commodity, the Government might well surrender the revenue for the common good and make it up some other way. But I have shown, I think conclusively, that there is no such reason in this case. No resident of this country has been injured by the increase in the tariff on lemons and no one would be benefited in the slightest degree by its reduction. On the other hand, to take off or materially reduce the tariff will destroy the industry in this country, throw thousands of employees out of work, and put us at the mercy of the foreign producers. The experience of the Government under the different tariff laws shows that under the first three years of the last enactment, known as the Payne-Aldrich law, the increase of revenue from this source was 37.1 per cent above the annual average revenue collected under the Dingley Act.

The following table shows the amount realized under the different tariff laws from the tariff on lemons from 1898 to 1912, inclusive:

Imports of lemons entered for consumption in the United States during years ended June 30, 1898 to 1910, inclusive.

Year ended June 30—	Rate of duty.	Quantity (pounds).	Value.	Duty.
1898[1]	1 cent per pound	133,347,050	$2,521,985.32	$1,333,470.50
1899[1]	do	208,634,448	4,399,160.72	2,086,344.48
1900[1]	do	159,384,389	3,655,946.85	1,593,843.89
1901[1]	do	148,334,112	3,516,877.29	1,483,341.12
1902[1]	do	162,962,091¼	3,318,908.82	1,629,630.92
1903[1]	do	152,775,867	3,087,244.22	1,527,758.67
1904[1]	do	164,042,415	3,507,679.55	1,640,424.15
1905[1]	do	139,079,003	2,904,975.44	1,390,790.03
1906[1]	do	138,689,148	2,934,195.34	1,386,891.48
1907[1]	do	153,930,739	4,254,230.50	1,539,307.39
1908[2]	do	178,437,835	4,388,247.95	1,784,378.35
1909[2]	do	135,175,888	2,623,170.38	1,351,758.88
1910[2]	do	[3]34,921,762	729,336.85	349,217.62
	1½ cents per pound	[4]125,620,672	2,407,126.15	1,884,310.25
Total 1910.		160,542,434	3,136,463.00	2,233,527.87
1911	1½ cents per pound	134,957,306	2,985,393.47	2,024,356.48
1912	do	145,622,842	3,368,489.97	2,184,342.68

[1] Imports and Duties, 1894 to 1907, by W. W. Evans, compiled under the direction of the Committee on Ways and Means, from annual reports on commerce and navigation.

[2] Department of Commerce and Labor, Bureau of Statistics. Imported merchandise entered for consumption in the United States, and duties collected thereon, 1908, 1909, and 1910.

[3] July 1 to Aug. 5, 1909; act of 1897.

[4] Aug. 6, 1909, to June 30, 1910; act of 1909.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. NORRIS. In connection with what the Senator has said, before he starts off on the subject of revenue, I wish to ask him if he has considered the advisability of calling the attention of the committee that is now investigating the lobby to the particular lobby that the Senator mentions?

Mr. WORKS. The matter has been called to the attention of the committee by some one, not by me; and Mr. Powell, who has been mentioned here as representing the fruit growers in California, has been before the committee and has been examined. I do not know whether they have reached the other side of the question or not.

Mr. NORRIS. I had particular reference to the men the Senator mentions who were engaged in the importation of lemons, and who, for the purpose of advocating free lemons, were raising a contribution on all the lemons imported.

Mr. WORKS. I had understood, not directly from the committee, but indirectly, that Mr. Osborne and Mr. Beers, the two principal gentlemen I have mentioned, had been subpœnaed to appear before the committee, but my understanding is that they have not yet been examined.

Mr. NORRIS. It seems to me that the facts disclosed by the Senator would well warrant an investigation of more importance than a great deal of the lobby matter that has been investigated.

Mr. WORKS. I think the Senator is right about that. I think there never was a worse case of lobbying than that which has been carried on against the lemon industry in California.

So if Congress shall take off two-thirds of the tariff on foreign lemons we will lose that proportion of the $2,000,000 a year in revenues and receive absolutely nothing in return unless home-grown lemons are driven out of the market. This can hardly appeal to the believers in a tariff for revenue only, and certainly it should receive no support from any Senator who believes in a protective tariff.

OTHER ALLEGED REASONS WHY THE LEMON GROWERS OF CALIFORNIA SHOULD NOT BE PROTECTED.

Mr. President, I submit that I have already shown that the lemon industry of California needs and is justly entitled to the protection given it by the existing tariff; but the emissaries of the foreign producers and those engaged in the traffic in foreign lemons in this country have endeavored to prejudice home growers and dealers in the minds of Members of Congress and the public by various misleading and unfounded charges. For example, they have circulated stories, and they have been repeated on the floors of Congress, that the California fruit growers employ oriental servile labor only, that they can not now and never will be able to supply the market in this country, and therefore any tariff that will keep foreign lemons out of the market will deprive the people of their use entirely, and that the lemon industry in the State is a great Fruit Trust held and controlled by rich men.

I know from my own personal knowledge that these charges are unfounded. I happen to live in the very midst of the greatest citrus-fruit growing section of the world, and have lived there for 30 years, and have seen the industry grow from almost nothing to the magnificent proportions it has now assumed. So, Mr. President, as to the general condition and nature of fruit growing and marketing in my State, the people employed in the industry, and the importance of it not only to my own State, but to the whole Nation, I do not speak from hearsay only, but from my own personal knowledge and observation covering all these years, and practically the history and growth of the industry from the very beginning. But I am not going to ask the Senate to take my word for what I say here. I am able to prove what I assert by unanswerable evidence—from facts that can not be refuted or denied.

Let me call the attention of the Senate first to the charge that the California fruits are produced by oriental labor. If this were so, it would not affect the justice of the claim of the growers to a protective tariff; but it is true only in a very limited degree. The conditions in California are peculiar and can not be understood readily in States where these conditions do not prevail. Farmers and horticulturists in the State have been compelled by these conditions, against their own will and desire, to employ Chinese and Japanese labor to carry on a part of their work because no other help in certain lines of work could be had under any circumstances or at any price. They have used every means reasonably available to secure and hold native help. The larger growers have built comfortable and attractive dormitories, lodging and boarding houses, reading rooms, and separate cottages for families. This has attracted

more and more American laborers to the fruit ranches, and the foreign element has gradually grown less and less and is confined now almost entirely to the more servile and poorest paid kinds of labor.

I have called for and obtained statistical data on this branch of the subject that establishes clearly what I have said as to the limited number of foreign laborers now being used in producing and preparing the fruit for market. One of the gratifying features of the work is that in the packing houses which are maintained in the country and contiguous to the groves, suitable employment is afforded to hundreds of American women outside of the cities, and many country homes and families are supported and maintained in this way.

The San Diego Fruit Co., to which I have already referred, has furnished me a table showing the amounts paid by that company to native and foreign laborers. It is interesting and refutes the charge that the California fruit is produced by foreign and poorly paid labor. It is as follows:

Statement of cash wages paid to white labor and Japanese labor for year 1910, by San Diego Fruit Co., National City, Cal.

Month.	White labor.	Japanese labor.
January	$5,031.61	$2,188.67
February	5,586.07	2,484.13
March	6,484.66	2,507.25
April	6,287.78	1,680.69
May	6,093.68	1,560.64
June	6,393.77	1,303.49
July	3,847.49	1,094.10
August	4,174.75	1,127.42
September	3,182.90	1,071.18
October	3,763.76	1,573.69
November	5,150.07	1,716.86
December	5,544.17	2,715.01
	61,450.71	21,021.12

This shows that about two-thirds of the amount paid for labor is paid for American help in that county. But taking the whole State, carefully prepared statistics show, as I have stated, that there are employed in the citrus industry in California 25,000 people, of whom only 3,500 are orientals. This shows a little less than one-seventh of oriental labor devoted to the citrus industry.

I have also secured from the Citrus Protective League a more full and complete tabulated statement, covering the southern California field and Tulare County, which shows the approximate number of orientals employed in the groves and packing houses at the height of the season:

Approximate number of oriental laborers employed in citrus groves and packing houses at height of season.

Redlands-Highlands territory	300
San Bernardino, Colton, Rialto, Etiwanda, and Cucamonga	275
Riverside district	499
Upland-Ontario-Cucamonga district	400
Territory from Pomona to Glendora	294
Covina territory	55
Azusa-Glendora district, not included above	295
Duarte-Monrovia territory	40
Semi-Tropic Fruit Exchange territory (Los Angeles County)	338
San Diego County	248
Orange County	115
Ventura County	275
Santa Barbara County	28
Tulare County	200
Total	3,362

Mr. CLAPP. Will the Senator pardon me for an interruption?

Mr. WORKS. Certainly.

Mr. CLAPP. Is the Senator prepared to state—I see the table does not—whether there is any difference in the wages paid to the American and oriental laborers?

Mr. WORKS. My understanding is that there is no difference in wages paid, except where the labor performed is different.

Mr. CLAPP. I mean for the same labor.

Mr. WORKS. For the same labor the same wages are paid.

The claim that this country can not produce enough lemons to supply the home markets is equally without foundation. At the present time the domestic supply is about 54 per cent of the total consumption, and the percentage has been steadily increasing year by year. I have touched very generally on the subject in the course of these remarks. I desire now to meet this claim specifically and by data that will show its complete falsity. In support of my position I now submit, first, a table showing the total consumption of lemons in this country for the fiscal years 1903 to 1912, inclusive. This table is based on the imports of lemons plus the total domestic production.

Total consumption of lemons in the United States, 1903 to 1912, inclusive.

Year ending June 30—	Quantity (pounds).	Boxes.[1]
1903	204,981,912	2,733,092
1904	236,975,221	3,159,670
1905	228,472,321	3,046,298
1906	239,599,002	3,194,653
1907	243,067,706	3,240,903
1908	285,809,353	3,810,924
1909	280,954,459	3,745,939
1910	295,456,708	3,939,424
1911	300,356,524	4,004,754
1912	305,423,140	4,072,309

[1] Estimated 75 pounds of fruit each.

I now submit also a table showing the yield of lemons per acre in boxes for the years 1906–7 to 1910–11, covering from 3,603.6 to 6,137.4 acres. The yields are based on the total acreage shipped through 29 associations or individual shippers. It includes the shipments of several hundred growers. The association or account number is given in the first column, next the number of acres, and then the number of boxes shipped each year and the average for the five-year period.

It is as follows:

Yield of lemons per acre, 1906–7 to 1910–11, inclusive.

Account.	1910–11		1909–10		1908–9	
	Acreage.	Shipments.	Acreage.	Shipments.	Acreage.	Shipments.
		Boxes.		*Boxes.*		*Boxes.*
No. 2	30	4,485	30	6,402	30	6,077
No. 3	120	32,229	120	28,842	120	20,788
No. 6	437	72,500	302	57,944	191	35,596
No. 8	140	20,871	140	20,815	140	28,959
No. 12	195	29,474	168	14,073	186	21,915
No. 14	119	29,625	114	25,192	114	24,084
No. 16	85	15,527	93	8,744		
No. 18	675	109,203	104	25,376	116	28,177
No. 29	100	13,200	100	6,800	150	19,200
No. 31	200	17,317	80	6,792	45	2,827
No. 32	1	100				
No. 36	188.9	44,654	150.1	46,465	150.1	36,824
No. 37	832	216,522	800	176,587	760	204,716
No. 38	180	24,236	180	13,599	180	20,585
No. 39	407	68,000	380	36,637	400	57,649
No. 40	300	75,271	300	114,767	300	104,528
No. 43	211	30,253				
No. 44	141.5	35,866	129	28,576	146	35,366
No. 47	110	31,943	110	36,192	110	42,129
No. 48	238	109,033				
No. 58	30	4,816	30	2,252	30	7,981
No. 59	15	2,382				
No. 60	42	19,466	42	9,930	42	13,203
No. 61	344	60,000	340	38,461	340	55,598
No. 62	213	72,189	213	61,919	370	109,354
No. 63	110	11,424				
No. 64	200	40,569	225	34,127	225	36,356
No. 65	418	94,387	418	95,270	418	75,370
No. 66	55	10,752				
Total	6,137.4	1,296,294	4,568.1	895,702	4,563.1	1,008,652
Average		211.2		196.1		220.9

Account.	1907–8		1906–7	
	Acreage.	Shipments.	Acreage.	Shipments.
		Boxes.		*Boxes.*
No. 2	30	3,195	30	5,502
No. 3	120	30,477	120	25,237
No. 6				
No. 8	140	15,263	140	9,014
No. 12				
No. 14				
No. 16				
No. 18	101	24,716	77	18,638
No. 29	150	18,400	150	18,400
No. 31				
No. 32				
No. 36	150.1	44,613	150.1	36,020
No. 37	710	150,719	650	94,469
No. 38	180	32,830	180	29,621
No. 39	410	64,415	375	39,332
No. 40	300	79,046	300	68,506
No. 43				
No. 44	145.5	22,473	104.5	14,072
No. 47	110	37,752	120	37,440
No. 48				
No. 58	30	4,690	10	569
No. 59				
No. 60	42	12,403	54	11,484
No. 61	330	47,017	350	39,562
No. 62	390	68,451	375	52,081
No. 63				
No. 64				
No. 65	418	46,469	418	38,567
No. 66				
Total	3,756.6	702,929	3,603.6	537,684
Average		187.1		149.1

Five-year average, boxes per acre 196.2.

It will be noticed that the average for the several years, taken separately, is from 149.1 to 220.9 boxes per acre, and that the average of the whole for the five years is 196.2 boxes per acre. It should be noticed, also, that the number of acres has increased in case of these 29 fruit ranches from 3,603 to 6,137 acres. This results in part from the fact that some of the orchards came into bearing after the year 1906–7, and in others the acreage was increased as the years passed.

Another table shows the following result more briefly and concisely stated:

Yield of lemons per acre, 1906–7 to 1910–11, inclusive.

Year	Acres.	Boxes.	
		Total.	Average per acre.
1906-7	3,603.6	537,434	149.1
1907-8	3,756.6	702,929	187.1
1908-9	4,563.1	1,008,052	220.9
1909-10	4,568.1	895,762	196.1
1910-11	6,137.4	1,296,294	211.2
5-year average	4,525.7	888,094	196.2

The facts are further established by the following table of acreage and shipment of fruit:

Acreage and shipments, in boxes, of lemons, with average shipments per acre, California, 1898–1910.

Year.	Acreage.[1]	Shipments (in boxes).[2]	Average shipments per acre (boxes).
1898	6,518	363,800	55.8
1899	7,458	281,800	37.8
1900	8,519	451,500	53.0
1901	[3]10,635	912,300	85.8
1902	15,119	878,000	58.1
1903	14,412	826,500	57.3
1904	[3]11,496	868,000	75.5
1905	[3]10,943	1,338,500	121.8
1906	11,572	1,182,200	102.2
1907	12,506	1,097,300	87.7
1908	16,718	1,585,000	94.9
1909	18,439	2,057,072	111.6
1910	20,365	1,606,752	79.1

[1] Acreage obtained by dividing total number of trees in the State as reported by the State board of equalization by 75, the estimated average number of trees per acre.
[2] Shipments obtained from number of cars given in the official Fruit World Record and multiplying by 312 boxes per car for years 1898 to 1907, inclusive, 320 in 1908, 332 in 1909, and 336 in 1910.
[3] Number of trees in San Diego County not reported. Increase or decrease was averaged by taking preceding and following years' figures.

This gives us the number of boxes per acre that the California lands will produce. I call attention now to the amount of land in the State adapted to the growth of lemons for the purpose of refuting the claim made that this country is unable to produce enough lemons to supply the home demand. Here is a letter from one of the large growers in Ventura County, showing the lands available in that one county in southern California:

SANTA PAULA, CAL., *October 6, 1911.*

Mr. G. HAROLD POWELL,
Citrus Protective League, Los Angeles, Cal.

DEAR MR. POWELL: Replying to yours of the 2d instant inquiring as to the lemon plantings of the last three years and also as to the available lemon acreage in this county suitable for lemon planting will say that I have gone into this matter as carefully as my time would permit, and the figures show as nearly as I am able to get them that in 1909 there was planted in this county 731 acres; 1910, 390 acres; in 1911, 200 acres; or a total of 1,321 acres.

The available lemon territory in this county upon which water either has been developed or can be readily developed, and which said land is comparatively free from frost and suitable to lemon culture, is about as follows:

On the south side of the Santa Clara River, 20,000 acres; on the north side of the Santa Clara River, 10,000 acres.

There are now planted and in full bearing several orchards on the south side of the river, which demonstrates the feasibility of growing lemons there. These orchards have never been touched by frost and bear well; in fact, no frost-prevention methods are used. On practically all of this territory artesian water can be developed at a depth of from two to three hundred feet.

The territory on the north side of the river includes the lands known as the Saticoy slope and extends to Ventura. These lands are also free from frost and are suitable to grow lemons upon, although very few lemons have as yet been planted there. There is an abundance of water of gravity flow in the Santa Clara River to irrigate every acre on the north side of the river.

Trusting this is the information which you desire, I am,

Very truly, yours,

C. C. TEAGUE.

Mr. Powell in a letter transmitting this letter of Mr. Teague to him says on this subject:

I am inclosing a copy of a letter from the Limoneira Co., setting forth the acreage available for lemon planting in Ventura County. From conversations which I have had with Mr. Teague since this letter was sent I am convinced that his statement of the acreage is very conservative. We have not yet completed the investigation of available lemon land, but up to date we find the following available acreages: In the San Antonio district, including the area from Azusa to Pomona, and including Covina also, there are available about 1,600 acres for planting; in the vicinity of Upland, including Ontario and Cucamonga, there are at least 10,000 acres; in Riverside and vicinity, 2,500 acres; in Ventura County, 30,000 acres; at Corona, 1,750 acres; Tulare County, 9,000 acres of excellent lemon land and a very much larger acreage that can be developed as the population increases; making a total of 53,350 acres.

I will give you figures a little later on Los Angeles County, which contains several thousand acres, and San Diego County, which also contains several thousand acres.

Since Mr. Powell's letter was written, the facts with reference to the quantity of available lands suited to lemon culture in California have been carefully gathered and put in tabulated form with the following result. The table follows.

As tending to throw further light——

Mr. BRISTOW. If it will not inconvenience the Senator, would he give us that result, if it is not lengthy?

Mr. WORKS. I was endeavoring to save all the time of the Senate I could, and therefore I have been passing over these tables, but as the Senator from Kansas asks for it I will state the facts as shown by this table; it is not very long.

Acreage of land available for lemon planting in California in 1911.

San Antonio district, including the region from Azusa to Pomona	1,600
Riverside and vicinity	2,500
Upland-Cucamonga district	10,000
Ventura County	30,000
Corona	1,750
Tulare County	9,000
San Diego County	4,000
Santa Barbara County	2,000
San Fernando Valley	20,000
Orange County	10,000
Other districts in Los Angeles County	5,000
Total	95,850

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield further to the Senator from Kansas?

Mr. WORKS. I do.

Mr. BRISTOW. That, as I understand it, is land that is under water or that can be put under water?

Mr. WORKS. Certainly. If not it would not be available for that purpose. Lemons can not be grown except upon irrigated land in the State of California.

As tending to throw further light on this branch of the subject I submit, also, for the information of the Senate, a table showing the total exports of lemons from Italy from 1898 to 1911, and the proportion coming to the United States. The data is taken from official Italian statistics furnished by the United States Department of Agriculture.

It is as follows:

Exports of lemons from Italy, 1898 to 1911, inclusive.

Calendar year ended Dec. 31—	Quantity.	Value	Exports to the United States
	Pounds.		*Per cent.*
1898	325,504,061	$3,149,486	41.3
1899	369,473,041	3,234,489	35.6
1900	311,563,577	3,000,286	29.2
1901	368,801,294	3,228,610	29.2
1902	490,033,960	3,432,077	35.3
1903	459,622,020	3,218,948	31.2
1904	514,137,472	3,600,745	37.3
1905	452,903,655	3,171,899	32.1
1906	559,524,096	4,337,525	37.1
1907	559,549,378	4,408,635	37.8
1908	540,327,398	4,257,229	32.6
1909	564,516,049	4,447,811	29.4
1910	569,431,646	5,483,550	31.5
1911	570,706,431	5,491,974	28.5

Also, the following table showing the number of boxes of lemons coming into New York from Italian ports for the years 1903 to 1911, inclusive; and another showing the number of boxes and their weight received at the same port from the same source:

Boxes of lemons received in New York from Italian ports, 1903 to 1911, inclusive.

Year ended Dec. 31—	Ports of export.			
	Palermo.	Messina.	Naples.	Total.
1903	1,506,850	339,000	57,850	1,903,700
1904	1,581,500	316,900	71,950	1,970,350
1905	1,298,250	98,100	35,600	1,431,950
1906	1,468,800	159,100	75,600	1,703,500
1907	1,647,925	101,400	211,100	1,960,425
1908	1,625,525	85,250	117,350	1,828,125
1909	1,514,375	2,975	99,350	1,616,700
1910	1,574,075	20,200	112,950	1,707,225
1911	1,438,250	162,925	62,625	1,663,800

In the Provinces of Palermo and Syracuse 75 per cent of the lemons are exported and about 25 per cent are used in the manufacture of citrate of lime. In the Provinces of Messina and Catania 75 to 80 per cent of the fruit is sometimes used in the manufacture of by-products, the remainder entering into the export trade.

Boxes, weight of fruit, and average weight of fruit per box of lemons received in New York from Italian ports, 1903 to 1911.

Calendar year ended Dec. 31—	Boxes.	Weight of fruit (pounds).	Average net weight of fruit per box.
1903 [1]	1,903,700	129,986,250	68.3
1904	1,970,350	135,961,377	69.0
1905	1,431,950	104,071,443	72.7
1906	1,703,500	133,742,382	78.5
1907	1,960,425	147,472,044	75.3
1908	1,828,125	131,151,357	71.7
1909	[2] 1,616,700	117,981,693	73.0
1910	[2] 1,702,225	123,862,502	72.5
1911	1,663,800	115,069,578	69.2

[1] Bulletin 160 B. P. I., loc. cit.
[2] Monthly Summary of Commerce and Finance of the United States, December, 1910.

These figures show conclusively that if California is protected in her industry she will be able to supply the people of the United States with all the lemons needed, and that she will do so is apparent from the additional acreage planted to lemons each year. But if the tariff on lemons is taken off or materially reduced, the lands adapted to lemon growing, and which, in the interest of the whole country should be devoted to that purpose, will inevitably be applied to other uses more profitable but less important to the people generally. This is an industry that for the common good should be fostered and encouraged and not destroyed by unfriendly and unwise legislation.

IS THE LEMON BUSINESS IN CALIFORNIA A TRUST?

Now, Mr. President, what of the claim that the lemon industry in California is a rich man's business and is controlled by a trust? Big business, working through great combinations of wealth, stifling competition and destroying little business, has very justly become unpopular in this country. Therefore, when the politician or the demagogue wants to cast discredit upon any business or enterprise, he denounces it as a trust. The lemon industry in my State has not escaped this character of unjust and unfounded assault. The advocate of free lemons for votes has raised this cry. It has been reiterated on the floors of Congress, whether maliciously and for political effect or through ignorance of the true facts and conditions I do not know. But for whatever purpose this assault has been made upon this great industry, or whatever the motives behind it may be, I propose to show that the charge is utterly false and groundless. I shall do this by disclosing to the Senate the conditions that exist in California as affecting the fruit industry as clearly as I can, the manner in which the business is carried on, the nature and characteristics of the various cooperative associations and other organizations through which the business is conducted, the necessity for such cooperation on the part of the growers, and from this demonstrate clearly to Senators that these so-called combinations are in no sense trusts or combinations intended to or which can control prices or prevent competition.

As I have said in respect of the matter of wages so I say with respect to the general subject of growing and marketing fruit—the conditions are peculiar in California and not well understood. The fruit when ready for shipment is 3,000 miles away from its best and greatest markets, markets that it must reach if the business is to grow and succeed. The fruit is perishable and must be protected from the elements in its transportation and handled with the greatest care. The grower is compelled to ship his fruit by rail. Many of the cars must be refrigerated in summer and carefully protected from the weather in the winter. Notwithstanding the claim is made that this is a rich man's business, most of the orchards, hundreds of them, are small 5 and 10 acre tracts or less, owned by men who have invested their all in the venture and who, with their families, are entirely dependent upon their fruit for a living. In the San Dimas district, for example, which is one of the largest in the State, 300 growers own 1,180 acres of lemons. The unit lemon acreage is 3.94 acres. In the Hollywood-Cahuenga district 35 growers own 344 acres, making the unit size 9.83 acres. In the Pomona district 75 growers own 200 acres, making the unit size 2.67 acres. At Santa Barbara 70 growers own 407 acres, making the unit size 7.96 acres. At Tustin 55 growers own 580 acres, making the unit size 10.50 acres. In the Whittier district 90 growers own 318 acres, making the unit size 3.53 acres. There are three corporations that own between 500 and 1,000 acres of lemons. There are between 2,000 and 2,500 growers of lemons in the State, practically all of whom live on their places and manage their properties. The average grove contains 5, 10, or 15 acres, more or less.

A recent inventory made by the Citrus Protective League shows that 11,185 acres of lemons are owned by 1,179 growers, making an average of 9.5 acres per grower. One thousand and forty-four of these growers owned less than 10 acres; 109 between 10 and 20; 39 between 20 and 50; 6 between 50 and 100; 8 between 100 and 250; 1 between 250 and 500; and 2 owned more than 500 acres.

In the early history of lemon growing in California it was demonstrated that the small grower who could not load at least one full car for shipment at a given time could not do business alone. He could not ship in small quantities on account of prohibitive freight rates. He could not sell successfully as against his larger competitors in the eastern markets, the brokers and agents that he was compelled to employ thousands of miles away were often unreliable and fleeced him of his profits, and the balance was generally on the wrong side of the ledger. The buyers in California divided the territory among themselves and fixed the price to be paid the growers. He could not, with his small crop, afford to build and maintain such a packing house and curing facilities as were absolutely necessary to put his fruit in the market in proper condition. He could not, alone and without cooperation with others, secure the necessary water supply for irrigation. It was clearly shown that the case of the small grower acting alone was hopeless. He could not do business. With the larger grower the case was different. He could control his shipments and govern his agents. A remedy for this condition, so desperate for the small grower, was sought and has, by degrees, been worked out so that he stands on an equality with the larger growers and dealers. This was done by a system of cooperation on the part of the small growers in the same neighborhood. The difficulty was not alone in shipping and marketing the fruit, but in packing it, and cooperation was necessary even in the cultivation of the fruit. Water for irrigation must be had, and this made it absolutely necessary to organize water companies, composed of the fruit growers, each grower to share in the water according to the size of his orchard, the usual custom in mutual companies being to issue one share of stock for every acre of land owned by the landowners whose lands were to be irrigated.

The first important organization formed was a neighborhood fruit association. This association was the agent of the growers who became members of it. Its duties were to establish a packing house and prepare the fruit for shipment. In some cases, at the will of the members, this has been extended to the pruning and fumigation of the trees and the picking of the fruit, all of which call for peculiar knowledge and skill. The association makes no profit, but renders the services at actual cost, and each member pays his proportionate share of that expense according to the amount of his fruit handled. Then followed the local fruit exchange, another agent of the growers, whose duty it is to look after the shipping of the fruit for the association, its care and inspection in transit, and the selection and control of the agents and brokers through whom the fruit is marketed. Later there came the subexchange and the central exchange, which acted as agent for the district exchanges in providing better facilities and greater convenience. The central exchange makes no profit, but charges up the expenses and collects them from the shippers as in case of the association. This organization is broader in its scope than the district exchange or the association. It is not a neighborhood affair, but is open to all growers in the State and includes not only individual growers but the associations also.

As the business grew in magnitude and importance still another organization was formed with a like purpose known as the Citrus Protective League. It also takes in all individual growers and associations that desire to become members. Its duties are to look after all questions of railroad rates, tariff, and other legislative matters affecting the interests of the fruit growers. Most of the information and data used by me in preparing what I have said on this subject has been furnished by the Citrus Protective League through its very painstaking and efficient secretary and manager. Among other things, he has furnished me with a very interesting and instructive history and status of cooperative marketing of citrus fruits in California. I submit this statement for the consideration of the Senate:

HISTORY AND STATUS OF COOPERATIVE MARKETING OF CITRUS FRUITS IN CALIFORNIA.

The idea of cooperative marketing of citrus fruits in California originated in the necessities of the industry.

Citrus fruits only thrive in a semiarid country and require constant irrigation. They require a high elevation along the foothills skirting

the mountains, which necessitates extensive pumping plants and many miles of pipe or ditch lines. The large amount of capital and labor required to produce the orchard has limited holdings to an average of 10 acres to each grower, which is the equivalent of an ordinary farm of 160 acres in the Mississippi Valley, both in the amount of capital required to purchase or produce it and in the amount of labor required to maintain it.

As no single grower could procure the water for his orchard cooperation in the procurement of water became necessary, for the expense of water development is usually prohibitive, except in a large way. The investment required for the usual water system is from a quarter of a million to a million dollars. To secure a water supply cooperation was necessary, and this was the origin of the cooperative idea in California.

When the orchards were grown and producing the growers faced the question of marketing the crop, for the local market was soon more than supplied. The difficulties confronting them were almost insurmountable. Between them and the markets of the country extended 2,000 miles of desert, with severe climatic conditions, with a perishable commodity to transport, with no facilities for preservation or inspection of the fruit while in transit or upon its arrival at markets. The growers were the prey of all kinds of middlemen, brokers, and commission men, who in various ways manipulated the fruit to the loss of the grower, the result being that frequently the grower did not receive enough for his fruit to pay the freight.

A few years of experience with these conditions convinced the growers that they must pack and sell their own fruit. To properly pack the fruit requires a packing house with all its appurtenances and facilities, requiring an investment of from five to fifty thousand dollars. The average grower could not make such an investment and was not educated or trained to handle that department of the business. This condition led to a further extension of the cooperative idea whereby many growers joined together in a cooperative way and erected packing houses and employed men skilled in the business to operate them. And this was the second step in the cooperative idea.

Further experience in the handling of the fruit demonstrated the fact that the fruit must be carefully picked and handled for it to reach the markets without decay, and this was found to be the work of skilful men trained in the work. In the earlier history of the business some of the growers could pick and deliver their fruit in good condition, others could not, and in the pooling system which followed, the cooperative packing, the careful grower and picker suffered a loss from the methods of the careless grower. This condition led to the plan of employing one trained gang of pickers to do the picking for all the growers to insure uniformity of careful methods. And this was the third feature of the cooperative idea.

Further experience in the business made it apparent that the growers could not successfully do their own fumigating and that it was difficult to secure good work by contract. The citrus fruit being only at home in a warm climate, which fosters the production of all kinds of scale and insect pests, it is necessary to fumigate the trees frequently with a cyanogen gas, which is the work of an expert. The growers found that by clubbing together and employing skilful men with the necessary paraphernalia that this work could be more effectively done. And this was the fourth feature of the cooperative movement.

The difficulties of the growers in marketing their product at such great distance from point of production were in securing proper accounting and reliable brokers and agents at the various marketing points. The unbearable loss to the growers and the huge profits to the operators, who were preying upon the business, led to the idea of cooperative marketing.

THE EXCHANGE METHOD OF COOPERATIVE MARKETING.

The group of growers owning a packing house on a cooperative plan is called an association, and as early as 1890 associations were being formed. At that time each association attempted to do its own marketing, meeting with great difficulties, especially in not having sufficient quantity of fruit to justify the employment of agents who would be loyal to their interest, and being the prey of brokers and commission men throughout the country who frequently represented the buyer rather than the grower, and who frequently failed to make returns. These difficulties about the year 1893 led to the grouping of the various associations in each locality into what was called local exchange, in order that there might be a sufficient amount of fruit moved to justify the employment of a better class of agents, in order that the growers might reap some return upon their investment which they had not been able to do up to that time.

The growers found the local exchange to be an improvement over previous conditions, but was still not sufficient for the proper protection of the fruit or to secure adequate marketing methods. It was found necessary for the growers to have inspectors for the fruit at all division points on all the various transcontinental lines to see that the fruit was being properly protected, by a sufficient quantity of ice when refrigeration was required, and by proper ventilation during the ventilating season; that it was necessary to secure a wide distribution of the fruit because it was not then a fruit which was being generally consumed and was supposed to be more of a luxury than a staple food by the consuming public. It was also found necessary to have agents who would stimulate the distribution and sale of the fruit, who would devote themselves to that work to the exclusion of all other. It was also found necessary to obtain prompt information with regard to the various markets in the country to prevent a scarcity at some markets and a glut in others. All these facilities involved an expense too great for any local exchange, and therefore it became necessary to form a larger organization, which was done in the year 1895 by the formation of the Southern California Fruit Exchange, which was formed by the election of one director from each local exchange. This organization has continued from time to time with but slight change of plan. In 1905 the name of the Southern California Fruit Exchange was changed to the California Fruit Growers' Exchange.

The idea of the exchange was broadly democratic. Its duties were to employ agents at all the principal marketing points throughout the United States and Canada, define the duties of such agents, and place them under bonds; to gather full information each day of the condition of each market throughout the country, and furnish the same daily to each association in the form of a bulletin; to faithfully and impartially perform whatever services the association required in the way of marketing their fruit, and make prompt account of returns; to appoint inspectors at each division upon all of the principal lines of railroads to care for the fruit arriving or passing, and at the close of each year make an assessment against each shipper for a pro rata share of the expense on a basis of the number of boxes shipped.

Under this arrangement each shipper reserved to himself the right to determine the amount of his production, the time of shipment, the place of sale, and the price at which he would sell. The agent of the exchange at each marketing point acts directly under the orders of the owner of each car shipped. The general exchange never sells a car or makes any order with regard to a car of fruit, but is simply the medium through which the order passes from the shipper to the agent on the ground. This relation is with great particularity and exactitude set forth in a written contract between the general exchange on the one hand and the local exchange and associations on the other appended hereto, and is still more clearly defined to the agents on the ground by the instructions issued by the exchange thereto attached.

THE LEGAL STATUS OF THE EXCHANGE AND ASSOCIATIONS.

The unit in these operations is the grower who owns on an average 10 acres of citrus trees. The primary organization is the association, which on an average embraces about 50 growers, or 500 acres for each packing house. The association is usually a corporation under the laws of California, without pecuniary profit, it being stated in the articles and by-laws that packing, picking, and handling the fruit will be done at actual cost pro rata on the boxes shipped from each grower. The usual method is to issue the stock to each grower in proportion to the number of acres of orchard which he owns. In some instances it is issued on the basis of the number of boxes shipped and in some other instances each member has one vote regardless of his acres or production. The only property owned by this association is its packing house and appurtenances. It accumulates no profit and declares no dividends.

The proceeds of the sale of the fruit for each grower are returned to him, less packing expenses. In some instances the fruit is graded and pooled each month, each grower receiving his proportion for the amount of each grade furnished each month. In other instances the fruit for the entire season is pooled, each grower receiving his proportion for each grade for the year, and in other instances the fruit is handled and shipped for each grower individually. There are now 110 of these associations affiliated with the California Fruit Growers' Exchange.

The secondary organization in this system is the local exchange, which usually comprises all of the associations in a colony or in a locality, but in some instances several colonies are embraced in one local exchange, and in very large colonies there are two or more local exchanges.

The local exchange is a corporation without profit under the laws of California, with nominal capital stock, usually one share for each association belonging to it, and one director for each association. This local exchange is a local clearing house for shipment, and its duties are to order cars and see that they are spotted at the various packing houses; to keep a record of all shipments made and destinations, and receive all returns from the various agents at the various marketing points; to aid in securing information as to markets; to transmit the orders of each association with regard to handling of cars; to keep a constant check on the business and see that orders for fruit are promptly filled, that collections are promptly made, and to afford a medium through which information from the general exchange and the agents throughout the country pass to the association which ships the fruit.

The final organization is the California Fruit Growers' Exchange, which now has a capital stock of $1,600 and a director representing each local exchange. The California Fruit Growers' Exchange is a corporation under the laws of California, but without profit. It makes no earnings and declares no dividends. It neither buys nor sells fruit nor any other commodity. It exercises no control whatever, directly or indirectly, over the buying or selling of fruit or any other commodity. It simply furnishes facilities for the use of such people as wish to avail themselves of them at a pro rata share of the cost.

The associations affiliated with the California Fruit Growers' Exchange shipped 10,843,831 boxes, or 28,123 cars, of citrus fruit during the past season, 1910–11, which is 61 per cent of the California production and is 40 per cent of the total consumption of oranges in the United States and 35 per cent of the total consumption of lemons in the United States. During this past year this fruit averaged $1.89 free on board cars and brought $20,600,000.

The membership in this organization is entirely voluntary. Any grower may withdraw from any association at the end of any year, and any association may withdraw from any local exchange and any local exchange may withdraw from the general exchange.

About one-third of the entire shipment is sold on open auction. All fruit sold in the following cities is at auction, to wit: Boston, New York, Baltimore, Philadelphia, Pittsburgh, Cleveland, Cincinnati, St. Louis, and New Orleans. At other points there is untrammeled competition between the various associations and there is not uniformity in price.

There is a great variation in grades, quality, and appearance of fruit, and naturally in all markets fruit sells upon its merits. They widely vary in price. Usually the eastern auction commands the highest price and the cities are naturally larger consumers than the smaller places. As these fruits are perishable and must under necessity be promptly sold, it would not be possible to manipulate the markets even though the growers were so disposed, for any scarcity in one market to advance prices would lead to a plethora in the next with a corresponding reduction.

There are in addition to the California Fruit Growers' Exchange about 40 independent cooperative associations and individual grower shippers, which with the exchange handle 85 per cent of the citrus crop of California. The independent cooperative associations conduct their operations along the same general lines as outlined above.

The Citrus Protective League of California is a voluntary organization, formed in March, 1906, by representatives of growers, shippers, and shipping organizations in nearly all of the citrus-growing localities in the State to handle the public-policy questions that affect the industry as a whole.

Its purpose is to represent the grower and shipper in handling such questions as railroad rates and transportation problems, customs tariff, and other Government relations, State and Federal legislation that apply directly to the citrus business, and all of the questions of a general nature that affect the upbuilding of the industry except the marketing of the fruit.

The league is directed by an executive committee of nine and by a secretary and manager, the executive committee having been appointed by an administrative committee of 30 of the principal growers and shippers, who act as a governing committee, and who were selected from the representative delegates who organized the league in 1906. The Citrus Protective League represents about 90 per cent of the industry.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield further to the Senator from Kansas?

Mr. WORKS. I do.

Mr. BRISTOW. I was interested in the Senator's discussion as to the number of acres which each farmer owns in the lemon-producing region. As I remember there are but two who own more than 500 acres, who are the large lemon producers. I wanted to inquire if the nature of the business is such that the men owning the smaller orchard can better or more economically handle his crop. For instance, the experience in the prairie country is that the most successful farmer is the farmer who can give his personal attention to his farm, and the big farmer farms at a heavier expense than the smaller farmer.

Mr. WORKS. Undoubtedly that is true, Mr. President, with respect to the growing of lemons in so far as the cultivation of the farm is concerned. These organizations are for the purpose of handling the fruit after it is ready for the market, and cooperation for that purpose seems to be absolutely necessary for their protection, for the reasons I have attempted to state.

Mr. BRISTOW. I understood that, but the impression has been circulated, to some extent at least, that the lemon business is a business which the large corporations engage in successfully and that the small farmer is being crowded out in the interest of the big concerns.

Mr. WORKS. That would be true except for the very thing I have been talking about. The small growers have been able to associate themselves together and by cooperation to meet just exactly that condition, and that having been done they can operate their ranches just as successfully and just as cheaply as the big growers.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I yield.

Mr. GALLINGER. I will apologize to the Senator in advance if he covered the point upon which I am going to ask a question. I was unavoidably called from the Chamber during the first part of the Senator's address. Can the Senator state, or has the Senator stated, the proportion of domestic product to the entire consumption of lemons in this country?

Mr. WORKS. Yes; I have endeavored to cover that thoroughly.

Mr. GALLINGER. Could the Senator restate it offhand?

Mr. WORKS. I could not; it is contained in the tables. If the Senator ever finds time to read what I have said, I think he will find that covered.

Mr. GALLINGER. I will endeavor to acquaint myself with it.

I will ask the Senator one other question, and that is as to the possibility, if the lemon industry is adequately protected against the cheap labor of Sicily, and other countries perhaps, of this country producing practically all the lemons that would be consumed here.

Mr. WORKS. That I have covered completely. I have shown, I think, conclusively that there is ample land in California adapted to the growth of lemons to supply the demand. From what I know about that, I have no doubt whatever.

Mr. BRISTOW. If the Senator will excuse me for again interrupting him, four years ago I voted against the increase in the duty on lemons proposed in the Payne-Aldrich bill, believing that a cent a pound was enough. Now, I want to inquire of the Senator from California if the duty should have remained at a cent a pound, or should be now placed at a cent a pound, whether, in his judgment, that would be a satisfactory protective duty for the lemon business.

Mr. WORKS. Mr. President, from my investigation of this whole subject—and I have endeavored to investigate it conscientiously—I am satisfied that a tariff of a cent a pound would be sufficient to protect the industry. On the other hand, I think that the increase in the tariff under the Payne-Aldrich tariff bill was a great incentive to landowners in California to increase their lemon planting, and that it has been advantageous in that way. I have no doubt in the world but that the lemon growers of California would cultivate the fruit successfully under a rate of 1 cent a pound.

Mr. BURTON. Will the Senator pardon me?

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Ohio?

Mr. WORKS. I yield.

Mr. BURTON. What has been the course of prices of lemons since the passage of the tariff act of 1909?

Mr. WORKS. I have also covered that subject.

Mr. BURTON. I was unfortunately not here.

Mr. WORKS. I have included in my remarks a table showing the exact prices paid for lemons in the larger cities—the eastern cities—covering several years. There has been practically no change in the price of lemons to the consumer at retail, or, for that matter, at wholesale, on account of the tariff. I think the figures show that quite conclusively.

Mr. BURTON. That is, the increase of rate has not increased the price?

Mr. WORKS. It has not.

Mr. BRISTOW. I apologize to the Senator again for interrupting him.

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. I yield.

Mr. BRISTOW. Shortly after we passed the last tariff bill—that is, the 1909 bill—the railroad companies increased the rates on citrus fruits from California east so as to take up, as it appeared to me, a part of the advantage which Congress had undertaken to give the lemon growers of California. I wanted to ask the Senator if that increase in the rate was maintained by the companies and was that taken out of the help which Congress undertook to give the lemon growers by this additional duty?

Mr. WORKS. That also I have covered quite thoroughly.

Mr. BRISTOW. I am sorry, but I did not hear that part of the Senator's address.

Mr. WORKS. I have been unfortunate in having Senators come in after I have covered a subject. I am very willing and anxious to inform the Senator on that subject. Briefly stated, the facts are that the rail rate was increased, and the lemon growers have been contesting that rate ever since. It first went to the Interstate Commerce Commission and was decided in favor of the growers. It was appealed to the Commerce Court and the case was reversed and sent back. It was again tried in the Interstate Commerce Commission, and again the commission held in favor of the growers—that the rate of $1.15 was excessive. As I remember it, it again went to the Commerce Court, and that decision was affirmed, and it is now pending in the Supreme Court of the United States.

In the meantime, under an injunction that was issued, there was an order of court made that the whole amount of $1.15 a hundred should be paid into the court, but 15 cents of that was to be held by the court until the case was finally determined, and then either returned to the grower or paid to the railroad companies, as the case may be.

As further showing the nature of the relations between the growers and these different organizations, I also submit the forms of contracts between the neighborhood associations and what is called the subexchange, and between the subexchange and the central exchange, mentioned in the above history, and between the individual grower and his local association.

They are as follows:

This agreement, made and entered into this — day of ——— A. D. 191—, by and between the ———, a corporation duly organized and existing under the laws of this State, with its principal office in ———, California, the party of the first part, and several corporations and parties who have signed this agreement, parties of the second part, said corporations and parties being hereafter designated as second parties.

Whereas the system of marketing and handling citrus fruits devised by the California Fruit Growers' Exchange has been approved by the parties hereto as a satisfactory system of cooperative marketing, now, in consideration of the foregoing, the parties of the second part do hereby severally agree to market all fruit now controlled by them or that may hereafter come under their control during the term of this agreement through said first party, it being understood and agreed that the said party of the first part has entered into an agreement with the California Fruit Growers' Exchange for the sale of said fruit in accordance with the general plan adopted by said exchange, to which plan and agreement reference is hereby made, and the same is hereby made a part of this agreement.

The said party of the first part is hereby authorized to retain as brokerage, from the net proceeds rendered to it by the agents of the California Fruit Growers' Exchange, or from any other sales of fruit under this agreement, such sum of money as their board of directors may from time to time designate or deem sufficient to cover the expenses incurred in making such sales. Should the actual expenses incurred by the said party of the first part during the term of this agreement amount to less than the fund derived from the brokerage so retained, then the surplus shall be refunded to the said parties of the second part, according to the number of boxes of fruit shipped by each, the board of directors adjusting the rebate upon an equitable basis. Should the actual expenses incurred by the said party of the first part during the term of this agreement amount to more than the fund derived from the brokerage so retained, then the said parties of the second part agree to pay an assessment to be levied upon them to make up the amount of the deficiency, said assessment to be levied upon the number of boxes shipped by each of the said parties of the second part, but oranges, lemons, and other citrus fruit, as well as auctions and agents' sales, may be assessed on a separate basis, and for different amounts: *Provided*, That whatever difference, if any, is made by the California Fruit Growers' Exchange in its charges for marketing oranges, lemons, and other citrus fruit, respectively, shall be followed and carried out in the adjustment of moneys retained by the party of the first part from the said parties of the second part.

The party of the first part agrees to use its best efforts to sell and dispose of the fruit controlled by the said parties of the second part, but it is expressly understood that in so doing it acts only as the agent of the said parties of the second part, and assumes no respon-

sibility or financial liability therefor further than it agrees to turn over to the several parties of the second part the cash proceeds of all sales of their fruit as soon as received, retaining the brokerage for expenses, as above provided.

The parties of the second part further agree to pay to the party of the first part as liquidated damages the sum of 25 cents a box on all citrus fruits controlled by them, which, through any fault of their own, they fail to deliver to the party of the first part, loaded on cars at shipping station of said party of the second part.

This agreement shall continue in force until the 1st day of September, 1920: *Provided*, That any of the parties hereto may withdraw from and cancel this agreement during the first 15 days of August in any year, by giving notice in writing during said period to the party of the first part.

In witness whereof, the said corporations have each hereunto caused its corporate name and seal to be affixed by its president and secretary duly authorized by resolution of its board of directors, duly passed and adopted, and all other parties have hereunto signed their individual names and affixed their individual seals.

———— ————,

[SEAL.] By ———— ———— *President.*
By ———— ———— *Secretary.*

———— ————,

[SEAL.] By ———— ———— *President.*
By ———— ———— *Secretary.*

Contract between central exchange and subexchanges.

CALIFORNIA FRUIT GROWERS' EXCHANGE CONTRACT.

This agreement, made this — day of ————, 1910, by and between the California Fruit Growers' Exchange, a corporation organized under the laws of California, party of the first part, and sundry parties consisting of corporations, partnerships, and individuals affiliated with the party of the first part, and who execute this agreement, parties of the second part:

Witnesseth: That whereas it has been deemed necessary by the parties of the second part to associate themselves together and cooperate in the matter of developing the citrus industry and marketing its products for the following named

PRINCIPAL PURPOSES AND OBJECTS.

To lessen the cost of marketing by creating agencies who will act for each member.

To insure the collection of sales.

To facilitate the collection of damage claims.

To encourage the improvement of the product and the package.

To increase the consumption of citrus fruit by developing new markets and to aid in supplying all the people with good fruit at a reasonable price.

To secure a fair and just government of all bodies affiliated with these parties, democratic in principle, and through which at all times all policies shall be controlled by the majority will of the shippers connected therewith in just proportion to shipments made. That the business engaged in, being interstate in character, to secure at all times full compliance with the laws of the United States concerning interstate commerce, and to that end prevent any organization connected therewith from having any power or authority in contravention of the laws of the United States concerning such business, the general plan being to unite in securing those results which are beneficial to all alike, but at the same time preserving to each shipper complete independence of action as to all his shipments. Thereupon the following stipulations are agreed to in lieu of all previous agreements:

First. The party of the first part shall be considered the general agent of all the parties of the second part in all matters concerning the marketing of citrus fruit, and such other matters as are incident thereto within the limitations hereinafter provided, with power to provide a suitable place for doing business.

To elect or appoint a suitable official force to supervise the business, at such salaries as may from time to time be considered proper by the directors of the party of the first part.

To employ a force of sales agents stationed at various points throughout the United States, Canada, and such other countries as may be decided upon as will be sufficient to dispose of the products of the second parties in all available territory.

To organize and maintain a claim department for the handling of all claims.

To maintain a legal department to take care of the necessary litigation and furnish advice to the various organizations connected herewith.

To maintain an advertising bureau for the purpose of stimulating consumption and demand.

To create any other department, or incur any other expense which may be deemed necessary by the board of directors of the party of the first part to protect all these interests of the parties of the second part of a general nature, and which will affect all alike within the scope of the duties of the first party as herein provided.

COOPERATION.

It is agreed that all of the information obtained by the party of the first part; all of the facilities established by it; all of the books or records maintained by it; all of the agencies, both general or local, shall always be at all times available to the second parties or their accredited representatives.

The second parties will at all times cooperate for whatever object may, within the law, be deemed to be for the general good. They will each and all abide by and be bound by all the contracts, agreements, and sales made by the party of the first part for any member of such organization, and will promptly ratify any action taken by the party of the first part or any of its authorized agencies in behalf of any or all of the parties of the second part within the scope of the authority of such agencies.

LIFE OF AGREEMENT.

This agreement shall continue in force and effect until the 1st day of September, 1920, and during that period the parties of the second part and all associations, corporations, partnerships, or individuals connected with such second parties, or shipping through such second parties or any of them, will ship all their citrus fruits through the parties of the first part and the marketing agencies by it established, and for such period of time will consign all shipments to the party of the first part at some point where the said party of the first part has representation, through and by the local exchange with which each association is affiliated: *Provided, however*, That any party to this agreement may withdraw therefrom on the 1st day of September of any year, and be no longer bound by the stipulations herein agreed upon, by filing a written notice of withdrawal with the party of the first part 10 days or more before any such date; and said second party agrees that if it shall at any time during the life of this agreement fail to ship all its citrus fruits as hereinbefore agreed upon, or shall dispose of all or any of it elsewhere, or otherwise than as herein agreed upon, that it will forfeit and pay as liquidated damages to the party of the first part an amount equal to 25 cents a box on all such citrus fruits which are or may be shipped or sold otherwise than as stipulated in this contract, providing the first party was ready and willing to receive and handle such fruit.

RESERVED RIGHTS OF SHIPPERS.

It is understood, however, that each shipper reserves to itself the right to regulate and control its own shipments, to use its own judgment, and decide for itself when and in what amounts it shall ship; to what markets it shall ship; where its products shall be sold; and, except at auction points, the price it is willing to receive, fully reserving the right of free competition with all other shippers, including other members of this organization, unhampered and uncontrolled by anyone.

EXPENSES.

First. All fruit, however sold, shall be assessed alike per box in proportion to the carriers' estimated weight to pay salaries and expenses of the general manager, general eastern agent, and their assistants and all employees, rents, and expenses of the Los Angeles office of the party of the first part, including all telegrams and general items of expense, such as printing, supplies, inspection of fruit, etc.; also to pay the expense of establishing a claim department for the purpose of making and collecting claims against railroad companies and other corporations and individuals, including the salary of a claim agent and all necessary assistants and clerks and all other necessary expense; also to pay all necessary legal expenses, including salaries of one or more attorneys for necessary legal advice and all legal expenses necessary to prosecute claims and suits in courts, both Federal and State, and before the Interstate Commerce Commission; also to pay all expenses of proper and judicious advertising for the purpose of extending and increasing the sale of the citrus fruit of the parties of the second part; also to pay all proper expenses of extending the sale of said fruit in foreign countries and all other necessary and proper expense that may be incurred in protecting and furthering the interests of the said parties of the second part, excepting that fruit sold by the local exchanges at their expense and risk, either at auction or at private sale, at such points as the board of directors may from time to time determine shall be excluded from these charges and assessed an arbitrary charge to be fixed by the board of directors of the party of the first part.

Second. All fruit sold, at auction or on commission, except as hereinbefore provided, shall, in addition to expense named in first paragraph, be assessed alike per box in proportion to carriers' estimated weight to pay the salaries and expenses of agents, inspectors, and other expenses as may accrue in auction agencies.

All auction and commission charges shall be borne by the respective shipments and deducted from the proceeds of sale of each car or shipment.

Third. All fruit sold otherwise than herein provided shall, in addition to expense named in first paragraph, be assessed alike per box in proportion to carriers' estimated weight to pay all expenses connected with the marketing of the same not provided for in subdivision No. 1 of this article, including all salaries, brokerages, office and incidental expenses of the various agents (not including auction agency expenses).

ASSESSMENTS.

The said party of the first part shall make a statement within 30 days after the 1st day of September of each year, and a readjustment of such statement once a month, covering all shipments for that season, made up to the time of the statement or readjustment, and levy an assessment on the parties of the second part according to the number of boxes shipped. Such assessment shall be due within three days from date on which it is made. In the event of failure to pay any such assessment within 10 days from its date the party of the first part may refuse to handle any fruit for the delinquent party until all assessments past due have been paid.

BONDS OF AGENTS.

Agents shall be selected and employed by the party of the first part, on salaries or brokerage, and each shall be required to furnish a satisfactory bond in some responsible guaranty company for the faithful performance of his duties.

INFORMATION AS TO PRICES.

The party of the first part shall require its agents to keep it fully informed as to the condition of the market, the arrival and condition of the fruit, the wholesale and retail prices of fruit in their respective districts, and furnish such other information as may be required of them, and such information shall be immediately transmitted by said party of the first part to all the parties of the second part.

QUOTATIONS BY SECOND PARTIES.

No schedule of prices or quotation shall be issued or be distributed by any of the parties of the second part, except through the party of the first part.

NO SPECIAL AGENTS.

None of the parties of the second part shall employ any traveling man, agent, or solicitor for the sale of its fruit.

COPIES TO SECOND PARTY.

Copies of all correspondence or other matters in any manner affecting the interests of the parties of the second part shall be promptly forwarded by the respective agents to the parties of the second part whose interests are involved.

MONEY DIRECT TO SECOND PARTIES.

The party of the first part shall cause the fruit furnished by said several parties of the second part to be sold for the account of the party of the second part furnishing the fruit, and full report and account sales shall be promptly rendered therefor, and payment of money made direct to the party of the second part shipping such fruit, and a copy of the account sales shall be rendered to the party of the first part. Said party of the second part shall be required to report promptly to the said party of the first part the nonpayment of any drafts and acceptances received by them in settlement for fruit.

ESTIMATES.

Each of the parties of the second part shall furnish to the secretary of the party of the first part an estimate of the number of cars of each variety of fruit controlled by said second party as often as called for by the board of directors of said first party.

CARLOADS.

That whenever in this contract the word "car" occurs, as relating to a carload of fruit, it shall be considered as containing the minimum fixed by the carriers.

RESPONSIBILITY OF FIRST PARTY.

The party of the first part agrees to use its best efforts to sell, market, and dispose of the fruit belonging to said parties of the second part as aforesaid, but it is expressly agreed between the parties hereto that the said party of the first part in the sale and disposal of said fruit acts only as an agent of the said parties of the second part and shall not be held liable for any loss that may result in disposing of such fruit, except as herein provided.

LOSSES.

The only losses assumed by the party of the first part are those arising from financial failures or default of purchasers after having positively accepted the fruit, and which default is not due to complaint of the buyer of the quality, condition, or grade of the shipment, and these losses shall be assessed to the parties of the second part on a percentage based upon the gross f. o. b. returns for the year.

Citrus fruit, dried fruits, green deciduous fruit, and nuts shall each, respectively, prorate its own loss.

CLAIMS.

The party of the first part shall maintain a claim department for the collection of all claims against railroads and transportation companies, and at the request of any of the parties of the second part, the party of the first part shall to the best of its ability collect and prosecute on behalf of the party in interest any claim for overcharge or loss and damage not herein provided for, and also, upon the approval of its board of directors, bring suit and prosecute the same in the courts, all at the expense of the party of the first part.

INTERESTS OF PARTIES.

All matters of business involving the interests of the parties hereto not herein specified, shall be determined by the said party of the first part, or by a meeting of representatives from said parties of the second part, as hereinafter provided.

BOARD OF REPRESENTATIVES.

To aid in carrying out the provisions of this agreement a board of representatives is hereby created, to which each of the exchanges parties of the second part shall be entitled to appoint one representative, to hold at the pleasure of the appointing party, such party having the right to remove or change its representative at any time: *Provided*, That all appointments, removals, and changes shall, by the party making the same, be certified in writing to the party of the first part, and shall take effect when so certified. The representatives so appointed shall constitute such board, and its due organization and powers shall not be affected by the failure of any party to make or certify its appointment of a representative. The president of the California Fruit Growers' Exchange shall be ex officio chairman of said board, but in case of his absence or failure to perform his duties as such chairman, the board shall elect a chairman for the time being. The board shall elect its own secretary, who shall keep a record of its proceedings.

Meetings of said board of representatives shall be immediately called by the acting secretary of the board of directors of the California Fruit Growers' Exchange at the request of any two members of said board. Said meetings shall be held in the office of the party of the first part at 11 o'clock a. m., on the next regular meeting day of the board of directors of the party of the first part. Notice of said meetings to be given to all the representatives of the parties of the second part by notice through the United States post office, mailed on the day of calling such meeting. Representatives of a majority of the total shipments of the previous season at any meeting called as herein provided, shall constitute a quorum.

Said board shall have the supervision of all matters pertaining to carrying out the provisions of this agreement, as advisory to the board of directors of the party of the first part; and upon request of any two members of said board of directors, any question as to carrying out any of the provisions of this agreement shall, by said board of directors be referred to said board of representatives.

At any meeting of said board of representatives, upon demand by any representative, the vote on any question under consideration shall be taken upon a percentage basis, in which case each representative shall have the same percentage of the total vote as the party appointing him shipped of the total of all fruit shipped by the parties of the second part hereto for the year ending August 31 last prior to said meeting.

When any vote on any question pertaining to the carrying out of any provision of this agreement shall have been taken by said board of representatives, the fact of such vote and the result shall be certified to the board of directors of the party of the first part and the California Fruit Growers' Exchange shall take notice of the result of such action as instructions from the second parties to the contract and carry on the business as directed by such vote of the representatives of said second parties.

ASSOCIATIONS AND GROWERS' CONTRACTS.

Every exchange becoming a party to this agreement shall furnish to the party of the first part a copy of the contracts between associations and growers or the local exchange and the growers or associations, each of which contracts shall in terms ratify this agreement.

In witness whereof the said corporations have each hereunto caused its corporate name and seal to be affixed by its president and secretary thereunto duly authorized by resolution of its board of directors, duly passed and adopted.

CALIFORNIA FRUIT GROWERS' EXCHANGE.

[SEAL.] By ——— ———, *President.*
By ——— ———, *Secretary.*

AZUSA-COVINA-GLENDORA FRUIT EXCHANGE.

[SEAL.] By ——— ———, *Secretary.*
By ——— ———, *President.*

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Agreement between association and members (the growers).

UNIFORM CROP AGREEMENT.

(Recommended by the California Fruit Growers' Exchange for use by all of its affiliated associations.)

This agreement, made the — day of ——— A. D. 191—, between the ——— association, a corporation incorporated under the laws of the State of California, and having its principal place of business at ———, in said State, and affiliated with the California Fruit Growers' Exchange, a corporation incorporated under said laws for the purpose of marketing California citrus fruits, the party of the first part, and the undersigned citrus fruit growers of ———, said State, the parties of the second part, witnesseth:

SALE AND DELIVERY OF FRUIT.

1. That, for and in consideration of the sum of $1, the receipt of which is hereby acknowledged by each of the second parties, and of the covenants and agreements herein contained, each of the second parties hereby sells and conveys, and agrees to pick, haul, and deliver to the first party, at its packing house at ———, in said State, for the purpose of packing, selling, and marketing all the citrus fruits now growing upon his land and premises, and all that during the term of this agreement may be grown upon his land and premises, or any other lands or premises owned by him and situated in the county of ———, said State, at such time or times, and from time to time, and in such quantities, as the first party or its agent may direct.

PACKING AND MARKETING.

2. The first party agrees to receive, pack, sell, and market all of said fruit whenever a market may be found for the same, which in the judgment of the first party and in accordance with its rules and regulations, shall justify such selling and shipment.

PROCEEDS.

3. The first party agrees to pay to each of the second parties the amount received for his said fruit, less its regular charges for packing, shipping, selling, and marketing the same.

WITHDRAWAL OF LAND.

4. If any of the second parties shall, in good faith, sell his said lands, or any part thereof, he shall be released from this agreement as to all lands sold and conveyed upon giving notice in writing thereof to the first party.

TERM OF AGREEMENT.

5. This agreement shall continue in full force and effect from the date hereof until November 1 of the year of the date hereof, and for a further term next thereafter of five years.

SUSPENSION OF AGREEMENT.

6. Any of the second parties to this agreement may be released therefrom and terminate and end the same as to him by filing a written notice of his desire to be so released with the party of the first part during the first 15 days of August of any year during the term of this agreement.

BY-LAWS.

7. The by-laws of the first party and the contract between the first party and its local exchange, and the contract between such local exchange and the California Fruit Growers' Exchange, shall be parts of this agreement and shall be binding upon each of the second parties, except in those particulars in which it is expressly herein stipulated to the contrary.

RULES AND REGULATIONS.

8. The packing, selling, and marketing of the said fruit shall be done in accordance with the rules and regulations of the first party now or hereafter adopted and observed by it.

PURPOSE AND POSSESSION.

9. Each of the second parties fully understands that the purpose, among others, of this agreement is to maintain and to increase to its greatest efficiency the present cooperative fruit selling and marketing agency known as the California Fruit Growers' Exchange, whose stockholders are the representatives of various subexchanges, and the stockholders of which said subexchanges are the representatives of the various and numerous fruit associations of the State of California, of which the first party is one; and that to accomplish this purpose it is necessary that each of the parties of the second part shall strictly and fully comply with and perform the stipulations of this agreement on his part, and therefore each of the second parties expressly stipulates and agrees that he will not sell or otherwise dispose of his said fruit to any person or corporation other than to said first party, as herein provided; and that in case he shall fail, refuse, or delay to pick and deliver his said fruit to the first party within five days after demand therefor, the first party shall have the right, at its option, at any time or times thereafter, and from time to time, to enter into the possession of his said premises and to pick his said fruit, or any part thereof, and take the same to the packing house of the first party and pack, sell, and market the same, all at his cost and expense, which said cost and expense shall and may be retained by the first party out of any moneys received from the sale of any of his fruit.

LIQUIDATED DAMAGES.

10. The actual damages which will be sustained by the first party because of the failure or refusal of any of the second parties to pick and deliver his said fruit as herein provided, and the further detriment and injury to the first party because of the effect of said breach upon the California Fruit Growers' Exchange and its efficiency, and the expenses to which the first party will be put and the damage caused by outlays incurred and to be incurred by it in providing means for selling and marketing the said fruit, are impossible now to estimate or fix, and therefore the same are estimated and agreed upon as 25 cents for each box of fruit grown or sold, which sum shall be allowed in any action brought by the first party to recover damages for the breach of this agreement by any of the second parties, should the first party elect, as it may elect, to bring such action.

In witness whereof the said corporations have each hereunto caused its corporate name and seal to be affixed by its president and secretary, duly authorized by resolution of its board of directors, duly passed and adopted, and all other parties have hereunto signed their individual names and affixed their individual seals.

——— ASSOCIATION,
By ——— ———, *President.*
By ——— ———, *Secretary.*

——— ———, owning — acres.
——— ———, owning — acres.
——— ———, owning — acres.

It will be seen by this history and the several contracts mentioned that every growers' association is left perfectly free to sell its fruit where and at such price as it pleases. Neither the association, the exchange, nor the protective league has any control over prices unless the grower voluntarily gives this right, independently of his written contract. The fruit is transported by and under the direction of the exchange, but it is

sent wherever the association orders it to be sent. It is sold through agencies appointed by the exchange, but the association fixes the price at which it is to be sold, and neither the exchange nor the agent or broker has any right to vary from this price.

The Senate should understand that these associations are mere neighborhood cooperative associations; that there are hundreds of them, and that competition exists as between those associations as well as between other persons who are dealers.

The grower is under no coercion whatever. He may sever his connection with any one of the organizations at the end of any year on the short notice provided in the contracts. Besides this, only a part of the fruit growers belong to these organizations. There are many entirely independent shippers. Only about 60 per cent of the fruit raisers of the State belong to the exchange, 20 per cent belong to other associations, 5 per cent are independent grower-shippers, and 15 per cent sell their fruit to others in California or in other ways.

Senators must see from this showing that the joining together of the growers in this way for their mutual benefit has none of the elements of a trust. It does not fix or control prices or interfere with competition in any way whatever.

RATES OF TARIFF UNDER EARLIER STATUTES.

It may be interesting, in this connection, to notice what has been the policy of the Government in the protection of citrus fruits by a protective tariff in years past. It will show that from the beginning until now lemons and their by-products have been protected. I submit a statement of tariff legislation affecting this industry from 1790 to 1909.

It is as follows:

THE RATE OF DUTY ON CITRUS FRUITS AND THEIR BY-PRODUCTS ENTERING THE UNITED STATES FROM 1790 TO 1909, INCLUSIVE.—NO. 9.

There has been a duty in one form or other on citrus fruits and some of their by-products for more than 100 years. Beginning with the tariff act of August 10, 1790, the rates of duty under the successive tariff acts are as follows, the table having been submitted and approved by the United States Treasury Department, No. 9. (No. 9, tariff acts passed by the Congress of the United States, 1790 to 1909, Document No. 671, House of Representatives, Sixty-first Congress, second session.)

RATES OF DUTY ON CITRUS FRUITS, BY-PRODUCTS OF CITRUS FRUITS AND PACKAGES, FROM 1789 TO 1909.

Act of July 4, 1789: On all other goods, wares, and merchandise, 5 per cent on the value thereof at the time and place of importation.

Act of August 10, 1790: Oranges, lemons, and limes, 10 per cent ad valorem.

Act of June 7, 1794: Oranges, lemons, and limes, 15 per cent ad valorem.

Act of March 26, 1804, and reenacted each year thereafter until February 17, 1813: Seventeen and one-half per cent ad valorem on oranges, lemons, and limes.

Act of July 1, 1812: Oranges, lemons, and limes, 35 per cent ad valorem.

Act of July 14, 1832: Lemons and limes exempted from duty.

Act of September 1, 1841: On all articles admitted free or which are chargeable with a duty of less than 20 per cent, a duty of 20 per cent ad valorem.

Act of August 30, 1842: Oranges and lemons, in boxes, barrels, or casks, 20 per cent ad valorem. Citric acid, 20 per cent ad valorem. All volatile and essential oils, 20 per cent ad valorem, not otherwise specified. Essences, not otherwise enumerated, 25 per cent ad valorem.

Act of July 30, 1846: Oranges, lemons, and limes; orange and lemon peel, 20 per cent ad valorem. Lemon and lime juice, 10 per cent ad valorem. Citric acid, 20 per cent ad valorem. Oil, volatile, essential, or expressed, 30 per cent ad valorem.

Act of March 3, 1857: Oils, volatile, essential or expressed, 24 per cent ad valorem. Oranges, lemons, and limes: orange and lemon peel, 8 per cent ad valorem. Citric acid, 4 per cent ad valorem. Lemon and lime juice, 8 per cent ad valorem.

Act of March 2, 1861: Oranges, lemons, and limes; orange and lemon peel; lemon and lime juice, 10 per cent ad valorem. Oils, volatile, essential, or expressed, 20 per cent ad valorem.

Act of August 5, 1861: Limes, lemons, and oranges, 20 per cent ad valorem.

Act of July 14, 1862: Citric acid, 10 cents per pound. Lemon and orange oil, 50 cents per pound.

Act of June 30, 1864: Lemons, oranges, fruits preserved in their own juice and fruit juice, 25 per cent ad valorem.

Act of July 14, 1870: Oranges and lemons, 20 per cent ad valorem; limes and shaddocks, 10 per cent ad valorem. Citrate of lime, free. Orange and lemon peel, free.

Act of June 6, 1872: Orange buds and flowers, free.

Act of March 3, 1883: Oranges, in boxes of capacity not exceeding 2½ cubic feet, 25 cents per box; in one-half boxes, capacity not exceeding 1¼ cubic feet, 13 cents per half box; in bulk, $1.60 per thousand; in barrels, capacity not exceeding that of the 196-pound flour barrel, 55 cents per barrel. Lemons, in boxes of capacity not exceeding 2½ cubic feet, 30 cents per box; in one-half boxes, capacity not exceeding 1¼ cubic feet, 16 cents per half box; in bulk, $2 per thousand. Lemons and oranges in packages not specially enumerated or provided for in this act, 20 per cent ad valorem. Limes, 20 per cent ad valorem. Citric acid, 10 cents per pound. Fruits preserved in their own juice and fruit juice, 20 per cent ad valorem. Lemon and orange oils, limes and orange flower, free. Casks, barrels, carboys, bags, and other vessels of American manufacture, exported empty and returned filled with foreign products, including shooks when returned as barrels or boxes, free. Citrate of lime, free. Lemon and lime juice, free. Orange and lemon peel, not preserved, candied, or otherwise preserved, free. Fruits preserved in sugar, spirits, or molasses, 35 per cent ad valorem.

Act of October 1, 1890: Oranges, lemons, and limes in packages of capacity of 1½ cubic feet or less, 13 cents per package; in packages of capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 25 cents per package; in packages of capacity exceeding 2½ cubic feet and not exceeding 5 cubic feet, 50 cents per package; in packages of capacity exceeding 5 cubic feet, for every additional cubic foot or fractional part thereof, 10 cents in bulk, $1.50 per 1,000; and in addition thereto a duty of 30 per cent ad valorem upon the boxes or barrels containing such oranges, lemons, or limes. Articles of the growth, produce, and manufacture of the United States, exported empty and returned filled with foreign products, including shooks, when returned as barrels or boxes, free. Citric acid, 10 cents per pound. Citrate of lime; lemon juice, lime juice, and sour-orange juice; lemon, lime, orange, and neroli or orange flower oil, free. Orange peel and lemon peel, preserved or candied, 2 cents per pound. Orange and lemon peel, not preserved, candied, or otherwise prepared, free. Fruits preserved in their own juices, 30 per cent ad valorem. Fruits preserved in sugar, sirup, molasses, or spirits, 35 per cent ad valorem.

Act of August 27, 1894: Oranges, lemons, and limes, in packages, at the rate of 8 cents per cubic foot of capacity; in bulk, $1.50 per 1,000; and in addition thereto a duty of 30 per cent ad valorem upon boxes or barrels containing such oranges, lemons, or limes: *Provided*, That the thin wood, so called, comprising the sides, tops, and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture. Citric acid, 25 per cent ad valorem. Citrate of lime, lemon, lime and sour-orange juice, lemonade, lemon limes, neroli or orange flower, and orange oil, free. Orange peel and lemon peel, preserved or candied, 30 per cent ad valorem. Orange and lemon peel, not preserved, candied, or otherwise prepared, free. Fruits preserved in their own juices, 20 per cent ad valorem. Fruits preserved in sugar, sirup, or molasses, 30 per cent ad valorem.

Act of July 24, 1897: Oranges, lemons, limes, grapefruit, shaddocks or pomelos, 1 cent per pound. Boxes, barrels, or other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos, 30 per cent ad valorem: *Provided*, That the thin wood, so called, comprising the sides, tops, and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes entirely of foreign growth and manufacture. Citric acid, 7 cents per pound. Citrate of lime, lemon juice, lime juice, and sour-orange juice, orange, lemon, limes, and neroli or orange flower oil, free. Orange and lemon peel, not preserved or candied or dried, free. Orange peel or lemon peel, preserved, candied, or dried, 2 cents per pound. Fruits in brine, free. Fruits preserved in sugar, molasses, spirits, or their own juices, 1 cent per pound and 35 per cent ad valorem.

Act of August 5, 1909: Lemons, 1½ cents per pound; oranges, limes, grapefruit, shaddocks or pomelos, 1 cent per pound. Boxes, barrels, or other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos, 30 per cent ad valorem: *Provided*, That the thin wood, so called, comprising the sides, tops, and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture. Citric acid, 7 cents per pound. Citrate of lime; fruits in brine; lemon juice, lime juice, and sour-orange juice, all the foregoing not containing more than 2 per cent of alcohol, orange and lemon peel, not preserved, candied, or dried; lemons, limes, and neroli or orange flower oil, free. Orange peel or lemon peel, preserved, candied, or dried, 2 cents per pound. Fruits of all kinds preserved or packed in sugar or having sugar added thereto, or preserved or packed in molasses, spirits, or their own juices, if containing no alcohol, or containing not over 10 per cent of alcohol, 1 cent per pound and 35 per cent ad valorem.

It will be seen that only once during all these years was the tariff on lemons taken off. By the act of 1832 lemons and oranges were placed on the free list. There is greater reason now than ever before to protect this industry. It has grown much more important to the country, and the expense of maintaining it has greatly increased. Wages have largely increased, and taxes, fumigation, fertilization, and other items of expense have grown largely in the orchards of this country. This is very clearly shown by the tabulated items of expense of two of the larger growers, which I submit for the consideration of the Senate, as follows:

Riverside Orange Co. (Ltd.).

[150 acres of lemon groves.]

Year.	Taxes.		Water.		Fumigation.		Fertilizer.	
	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.
1891[1]	$114.13	$0.76	$250.02	$1.67				
1892	365.47	2.44	250.02	1.67				
1893	488.73	3.26	353.60	2.35				
1894	542.60	3.62	300.94	2.01				
1895	424.40	2.81	291.91	1.95				
1896	503.22	3.36	347.58	2.32				
1897	640.74	4.27	272.85	1.82				
1898	653.18	4.36	426.83	2.83				
1899	624.72	4.17	343.07	2.29				
1900	815.29	5.44	637.98	4.25				
1901	649.53	4.33	607.69	4.05	$682.55	$4.55	$7,256.26	$15.04
1902	689.28	4.60	835.59	5.57	515.79	3.44	4,894.22	32.63
1903	691.18	4.61	880.60	5.87	931.66	6.21	5,211.40	34.74
1904	799.76	5.33	1,027.83	6.85	1,176.39	7.84	5,452.71	36.35
1905	780.52	5.26	769.42	5.13	2,570.08	17.13	4,826.10	32.17
1906	809.53	5.40	741.12	4.94	3,605.74	24.04	5,950.77	39.67
1907	1,089.51	7.26	952.99	6.35	3,550.28	23.67	7,561.61	50.41
1908	1,373.52	9.18	900.00	6.00	603.80	4.03	7,439.03	49.53
1909	1,492.68	9.95	1,339.34	8.93	788.90	5.26	12,555.71	83.71
1910	1,513.91	10.10	1,843.45	12.32	1,616.79	10.78	14,963.17	99.75
1911	1,450.62	9.67						
1912	1,600.40	10.67						

[1] Starts with planting of trees.

Riverside Trust Co. (Ltd.).

[303 acres of lemon groves. Bearing for entire period.]

Year.	Taxes.		Water.		Fumigation.		Fertilizer.	
	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.	Total.	Per acre.
1901	$2,192.32	$7.24	$1,231.85	$4.07	.....	.....	$4,340.55	$14.33
1902	2,352.26	7.76	1,688.60	5.57	$498.64	$1.65	7,385.50	24.37
1903	2,014.45	6.64	1,779.55	5.87	341.25	1.13	13,561.84	44.76
1904	2,995.59	9.88	2,076.55	6.85	2,387.53	7.88	9,160.04	30.23
1905	2,928.94	9.66	1,634.90	5.39	635.89	2.08	14,091.13	46.51
1906	2,835.72	9.35	1,546.33	5.10	1,574.65	5.20	12,263.72	40.47
1907	2,808.15	9.26	1,984.67	6.55	9,043.53	29.85	18,097.85	59.72
1908	4,543.18	14.99	1,715.00	5.66	5,210.53	17.20	21,683.88	71.56
1909	4,469.34	14.75	2,870.45	9.47	7,827.45	25.98	19,095.13	63.35
1910	4,913.98	16.21	4,011.46	13.24	2,541.79	8.39	31,139.14	102.77
1911	4,481.62	14.79	.....	.....	.....	.....	.....	.....
1912	5,073.80	16.74	.....	.....	.....	.....	.....	.....

These cover the expense of taxes, water, fumigation, and fertilizer. They show very clearly the gradual increase of the expenses from year to year. For example, in case of the Riverside Orange Co., taxes increased gradually from 76 cents to $10.67 an acre, water from $1.67 to $12.32, fumigation from nothing for the first 10 years to as high as $24.04 an acre in one year, and fertilizer from nothing for the first 10 years to $99.75 an acre in 1910. This is accounted for in part for the first few years by the fact that the trees were small, but the later years show a steady increase of these items of expense not accounted for in that way.

The account of the Riverside Trust Co. shows a similar condition. And this is the experience of all orchards that are properly cared for.

It would be a suicidal policy to deprive one of our chief industries of protection under such conditions.

Mr. President, the demand for a regulation of the tariff downward is being made and political parties have responded to the demand mainly, I am afraid, through political policy and to make votes. But, whatever the motive, it is a demand that should receive careful and conscientious consideration at the hands of law makers and of all classes and political parties. Unnecessary burdens upon the people should not be imposed or continued through too high or uncalled-for tariff exactions. I am a thorough believer in confining tariff levies to such amounts as are necessary to protect deserving industries and enterprises that really need protection. I do not believe in throwing our markets open to the world where that course will destroy or materially check the advance of meritorious and needed enterprises and hinder the growth of our own home industries. At the same time the public good must be considered with the same conscientious care as that of the producer who calls for the protection of his business. Indeed, the common good should be uppermost in mind as a guide in this as in all other kinds of legislation. In this, as in all other cases where legislation is proposed, the good of the whole people must be kept constantly in remembrance and individual interests must be subordinated to the common good. With these principles fully in mind I have tried to deal fairly with this question and to ask for nothing that is not fair and just as between the man who grows and supplies the fruit and the people who buy and consume it. I am thoroughly convinced that the reduction of the tariff on citrus fruits would not benefit the consumer in the least. I am equally convinced that the fight that is being made to reduce the tariff is not being made by or in the interest of the consumer or the people of this country. It is being carried on by and in the interest of the foreign growers and their agents and brokers and importers in this country, themselves largely foreigners, and all of them in consideration alone of their own interests without the least concern for the consumer.

The hearings had on this question of the tariff will show that the foreign producers, importers, and dealers appeared by their paid attorneys and in their own behalf alone. The consumer has had no hand in it except as he has been used by these interests hostile to our home industries. The funds necessary to bring about free lemons, or a tariff so low as to be practically the same, have been raised by a tax imposed by parties interested in the foreign competitors, upon every box of foreign-grown fruit imported into our markets. If they can bring about such legislation it will practically destroy domestic competition, give them a monopoly of the trade, and place the consumer in this country completely at their mercy. Does the Democratic Party want to put itself in the position of destroying so important an industry in a great and growing State at the behest and wholly in the interest of foreign competitors without the slightest benefit to home consumers? Our astute Democratic friends may think this a popular move that will make their party votes. It will, in the Latin quarter of the city of New York and a few other places where Democratic votes are not needed, but not elsewhere. Looking at it as a purely political move supposed to be popular, no graver mistake could be made. The people in California will resent it. Just-minded people all over the country who believe in fair dealing toward our own people will resent it, and it will, as an act of injustice always does, react upon the party that perpetrates it. I appeal to the good sense, the justice, and the patriotism of Senators to see that no such reduction of the tariff is made as will destroy or impair this great and important industry of my State.

Mr. President, I have consumed considerable time, and I must confess I am somewhat weary. The Senator from Massachusetts [Mr. WEEKS], I understand, is desirous of submitting some remarks upon the subject, and, if it be agreeable to the Senate, I should be very glad to suspend at this point and to be allowed to take up the discussion again to-morrow. I expect to-morrow to discuss the tariff on sugar, English walnuts, olives, and olive oil, all of which are important industries in my State. I submit, Mr. President, whether consent will be given to my request.

The VICE PRESIDENT. The Chair hears no objection to the request of the Senator from California.

Mr. GALLINGER. I will say to the Senator from California that no other Senator is scheduled to speak to-morrow, and doubtless the Senator from California will have the opportunity he desires.

Mr. WEEKS. Mr. President, I have prepared what I am going to submit to the Senate this afternoon, and I prefer not to be interrupted until I have finished my remarks, though at that time I shall be very glad to answer questions, if Senators wish to ask them.

Mr. President, it is not my purpose to discuss at this time the details of any particular schedule; that should be done later during the reading of the bill; but there are some general observations which I wish to submit having a direct bearing on this legislation and the policies and principles involved, including the reasons for the proposed changes.

As far as our fiscal policy is concerned, the country has come to the parting of the ways, and when the pending bill is passed we shall have an opportunity to determine whether such radical changes can be made without greatly impairing business activity and the general prosperity. If the results are like those which have followed previous changes along similar lines, there will be no question about the verdict of the country when it again has an opportunity to pass on this action. If, on the other hand, it is found that the changes have demonstrated their soundness, then the question of a tariff policy will have been settled for a long term of years. It is undoubtedly true that the Democratic Party is doing what a large minority of the people of the country understands it promised to do, the reasons given for these promises being sufficient to persuade this minority of the voters—many of whom have had no experience with hard times—to support radical changes in the tariff. Whether this is being done wisely as to details or not is quite another question. The chairman of the Ways and Means Committee of the House in discussing the so-called Underwood bills of last year, on being challenged on the floor of the House of Representatives at different times, stated that as far as he knew and as far as it could be done protection had been eliminated from the at that time pending legislation. As the bill which we are now considering is much more drastic than they were from a protection standpoint, undoubtedly he and all others who agree with him would make the same answer now. It is not of any particular importance to try to determine whether this leading Democrat or that leading Democrat is in favor of free trade, for the Democratic Party has at different times advocated all shades of tariff principles, from declaring protection is robbery to advocating a tariff for revenue with incidental protection. What we are concerned with is the fact that the Republican Party believes in placing a duty on articles of home production, raising sufficient revenue by so doing, and at the same time protecting the labor and capital engaged in the industry from unequal competition. This bill provides, as far as it can be done, for raising the required tariff revenue from those articles which our people are not large factors in producing, a glaring example of this being the putting of many food products on the free list, the assigned purpose being to reduce the cost of living, and at the same time making up the loss in revenue by putting a duty on bananas, another food product which we do not produce.

Let us consider the principal reasons which have been assigned for this radical downward revision of the tariff, this change in our fiscal policy. Briefly stated they are—

First. To reduce the cost of living.

Second. To curb the power and operations of the trusts, including the selling of surplus products abroad at lower prices than at home.

Third. To develop competition.

Fourth. To bring about a different distribution of wealth.

And it is proposed to do all this without injury to or destroying legitimate industry.

In my opinion a change in the tariff will have little, if any, influence in affecting any of these questions, and I propose to discuss my reasons for this conclusion.

The first of these contentions, the cost of living, has been frequently debated and I think no one at this time places great reliance on lessening it by reductions in the tariff; undoubtedly there may be some reduction in prices, but the real test is the relation between prices and income. Very largely prices are regulated by supply and demand; they do not advance or decline locally, necessarily, but the conditions which produce changes are frequently world-wide; great changes are not due to variation in the cost of production to anything like the same extent that they are influenced by the cost of distribution and both causes contribute infinitely less to the real cost of living, net cost, than the demand for what, based on the conditions of the past, may be called luxuries. We demand electric lights; modern heating and ventilating apparatus; bathrooms in every possible place; the automobile; the telephone; the telegraph; the wireless; talking machines; delivery systems, including those provided by the Post Office Department; and all kinds of foods packed, canned, and bottled, instead of sold in bulk.

The cost of advertising is also a material element and is paid by the consumer, and we go on to the end of our daily requirements and complain because we pay more for these things than our forefathers paid for the simplest necessities. We do in most cases pay more for the same article than we did 10 or 20 or 30 years ago, but so do the people of all other countries; that, however, is not the test which determines the prosperity of the people.

[Furnished by Printer's Ink.]

Newspaper advertising (retail and general)	$250,000,000
Direct mail advertising (circulars, form letters, etc.)	100,000,000
Magazine advertising	60,000,000
Farm and mail-order advertising	75,000,000
Novelty advertising	30,000,000
Billposting	30,000,000
Outdoor (electric sign, painted sign, etc.)	25,000,000
Demonstration and sampling	18,000,000
Street car advertising	10,000,000
House organs, etc	7,000,000
Distributing	6,000,000
Theater program, curtain, and miscellaneous	5,000,000
Grand total	616,000,000

Similar estimates were furnished by the Business Bourse, placing the total at $682,000,000 annually.

Many of the Democratic Members who spoke on the tariff question in the House followed a well-established precedent and included in their remarks long tables showing the difference in cost of many articles at other times and now; all that is admitted, but it proves nothing; these same speakers never take the trouble to prepare wage statistics for the same periods; fortunately we have some sources from which absolutely definite comparisons may be made, viz., the report of the British Board of Trade in 1909, a most careful investigation and analysis of relative conditions in Great Britain and the United States, as well as our census, consular, and bureau reports. The British board summarized its conclusions as follows:

The workman's wages would be higher in the United States by about 130 per cent with slightly shorter hours, while on the other hand his expenditures for food and rent would be higher by about 52 per cent.

And again the report states that—

the average weekly family income in certain specified trades in the United Kingdom, including building, engineering, printing, and common labor, is $7.74. The average weekly family expenditure for food is $4.93, or 63.6 per cent of the family income. In the United States the average weekly family wage in the same trades is $19.25, and the average weekly family expense for food is $8.03, or 41.7 per cent. The difference in favor of the wage in the United States amounts to 21.9 per cent of the average weekly wage, or $4.20 a week.

There are volumes of evidence, much of which I have collected and some of which I will print at this time, showing that conditions in this country relating to the cost of living are world-wide. For instance, the following from the Economist, London, March 16, 1912, shows the condition in Germany:

The official statistics of prices issued by the German Government show that the highest level that has been touched since prices began to rise several years ago was reached in January. Of the 39 articles embraced in the statistics not less than 21 showed higher prices than in December, while only 9 were lower and 9 were unchanged. As compared with January, 1911, the prices this year (1912) are 14.6 per cent higher, and as compared with February, 1909, when a low record was made, 21.8 per cent higher. The upward movement in January was most marked in grains, textile products, and minerals. Grains showed an average rise of 3.62 marks per metric ton as compared with December, textile products 3.34, and minerals 3.03 marks.

This is a much more rapid advance than has taken place in the United States during these years, as is evidenced by the following figures:

The average wholesale prices in the United States in 1910, as measured by the prices of 257 commodities included in an investigation by the Bureau of Labor, was 4 per cent higher than the average of 1909 and 16.6 per cent higher than in 1890, and wholesale prices in 1910 were 19.1 per cent higher than in 1900. Comparisons with Great Britain and Germany are used because the standards of living, the cost of food, and so forth, come nearer to conforming to those of the United States than do those of other countries. In all cases with the increase in the cost of commodities has come an increase in wages. In 1907 the average wages per hour in the chief manufacturing and mechanical industries of this country were 3.7 per cent higher than in 1906, the regular hours of labor per week were 0.4 per cent lower than in 1906, and the number of employees in the establishment was 1 per cent greater than in 1906.

These figures, as noted, are from the Bureau of Labor's investigation into the subject. This investigation also shows that the retail price of food, according to the consumption in representative workingmen's families, was 4.2 per cent higher in 1907 than in 1906. For 1907 the advance in retail prices over 1906 was greater than the advance in wages per hour; the purchasing power of an hour's wages, as measured by food, was slightly less in 1907 than in 1906, the decrease being one-half of 1 per cent.

Compared in each case with the average for the years from 1890 to 1899, the average wages per hour in 1907 were 28.8 per cent higher, the number of employees in the establishments investigated was 44.4 per cent greater, and the average hours of labor per week were 5 per cent lower.

The retail price of the principal articles of food was 20.6 per cent higher in 1907 than the average price for the 10 years from 1890 to 1899. Compared with the average for the same 10-year period the purchasing power of an hour's wages in 1907, as measured in the purchase of food, was 6.8 per cent greater, and wages had increased 28.8 per cent, while food had increased but 20.6 per cent.

The following table shows the per cent of increase or decrease in wages per hour, hours of labor per week, the purchasing power of wages in 1907 in the manufacturing and mechanical industries as compared with years preceding, back to and including 1890 and as compared with the average for the 10 years—1890 to 1899:

Per cent of increase (+) or decrease (—) in 1907, as compared with previous years, in employees, hours per week, wages per hour, full-time weekly earnings per employee, retail prices of food, and purchasing power of hourly wages and of full-time weekly earnings per employee, measured by retail prices of food, 1890 to 1907.

Year.	Per cent of increase (+) or decrease (—) in 1907 as compared with previous years.						
	Employees.	Hours per week.	Wages per hour.	Full-time weekly earnings per employee.	Retail prices of food, weighted according to family consumption.	Purchasing power, measured by retail prices of food, of—	
						Hourly wages.	Full-time weekly earnings per employee.
Average 1890–1899	+44.4	—5.0	+28.8	+22.4	+20.6	+ 6.8	+1.5
1890	+52.3	—5.7	+28.4	+21.2	+17.8	+ 9.1	+2.9
1891	+48.4	—5.5	+28.4	+21.4	+16.2	+10.6	+4.5
1892	+45.6	—5.5	+27.8	+20.8	+18.4	+ 8.0	+2.1
1893	+45.3	—5.3	+27.7	+20.9	+15.5	+10.6	+4.7
1894	+53.5	—4.8	+31.6	+25.3	+21.0	+ 8.8	+3.6
1895	+49.8	—5.1	+31.0	+24.4	+23.3	+ 6.3	+ .9
1896	+46.5	—4.8	+29.2	+23.0	+20.3	+ 2.3	—2.6
1897	+43.1	—4.6	+29.3	+23.4	+25.2	+ 3.3	—1.5
1898	+35.7	—4.7	+28.5	+22.5	+22.2	+ 5.2	+ .3
1899	+28.8	—4.2	+26.3	+20.9	+21.2	+ 4.2	— .2
1900	+24.9	—3.7	+22.1	+17.6	+19.3	+ 2.3	—1.5
1901	+21.2	—3.2	+19.3	+15.6	+14.6	+ 4.0	+ .8
1902	+16.8	—2.4	+14.8	+12.1	+ 8.7	+ 5.5	+3.0
1903	+14.2	—1.7	+10.7	+ 9.0	+ 9.3	+ 1.3	— .3
1904	+14.9	— .9	+10.1	+ 9.1	+ 8.0	+ 2.0	+1.1
1905	+ 8.1	— .9	+ 8.3	+ 7.4	+ 7.3	+ .9	+ .1
1906	+ 1.0	— .4	+ 3.7	+ 3.3	+ 4.2	— .5	— .9

This demonstrates that until 1907 the purchasing power of an hour's wages increased each year, and from incomplete data at hand it is believed the same condition has existed

since 1907. In fact, there is no evidence to show that the cost of living—net—is rising; it seems to be about stationary, for the statistics furnished by the census reports and Bureau of Labor show that wages per hour have, from 1896 to 1910, increased 31 per cent, while during the same period the commodities consumed by the wage earner have increased in price 33 per cent. The average increase in the price of commodities has been slight, even if there has been any since 1910, while there have been many increases in wages.

It is not possible to get accurate figures since 1910, but those available indicate that the rate of wage per hour has increased much faster than the cost of commodities which the workman buys.

On this question of cost of living I quote with approval from an article in Cotton, June, 1913, by Wilfred I. King, instructor in political economy, University of Wisconsin:

The careful investigation made by the British Board of Trade recently as to wages and prices in different countries proves quite conclusively that the cost of living is much lower for the American workingman than for his British cousin, while the cost of living in Great Britain is considerably lower than in Germany—that is, for an hour's work the wages of the American employee will buy a larger supply of such commodities as he needs than he could obtain for a like amount of effort if he worked in a British establishment. Similarly, the German workman obtains less for an hour's work than the Britisher in the same occupation and very much less than the American similarly employed. The study of the British Board of Trade merely verifies the results as shown by many less complete investigations of a like nature. It is a thoroughly established fact that the cost of living is relatively low in the United States, Canada, and Australia and very high in such countries as India, China, and Japan. True, prices are lower in the Orient than in America, but wages are very much lower in proportion.

It is proven beyond a doubt by abundant and reliable statistics that the cost of living of the workingman is much less to-day in the United States and in England than was the case a century ago; in fact, it seems a reasonably safe assertion to say that it is to-day considerably less than half what it was a hundred years since. The workingman, like the other citizens, has shared in the prosperity brought about by invention, discovery, and the organization of industry. The United States has been especially prosperous, and the best data available indicate the cost of living to be not more than a third of what it was in the days of Washington and Jefferson. As measured by the standards of the past, the cost of living is very low.

Many persons believe the tariff to be responsible for the upward turn of the cost of living. The tariff to-day is a little if any higher than formerly. I have contended, and I believe it to be true, that a reduction in the tariff would somewhat, though not greatly, reduce the cost of living. I see, however, no reason to believe that the tariff is in any way responsible for the cessation in the fall of the cost of living. The phenomena is the same in the low-tariff England and high-tariff United States, France, and Germany.

After an investigation of all the reasons for the probable increase in the cost of living, noting the influence of gold-output monopoly, the tariff, and the cost of distribution, I incline to the opinion that it is due in a greater degree to density of population or less land per capita than to any and perhaps all other reasons combined.

The following statement by Prof. Frank Fetter, in the president's address to the last meeting of the American Economic Association, expresses this view with clearness and force:

It is the result of forces pointed out by Ricardo, Malthus, and Mill. The law of diminishing return is at work. Population is pressing upon the means of subsistence. The West no longer offers free fertile lands to all comers, and as a result the price of foods is advancing, affecting not only the United States but Europe.

Whenever population increases faster than the land supply, wages tend to fall. Great density of population means less land per capita, less food per capita, less living room, less prosperity. In the United States, Canada, New Zealand, and Australia population is comparatively scattered and real wages are high. In Germany, France, and Italy population is more dense and real wages are lower. In Japan, India, and China population is overcrowded and wages are at the level of bare subsistence. After population reaches a certain density, more people means more poverty. The United States has passed this point, and as long as we leave open our ports to the floods of immigration from low-wage countries, just so long will our population increase rapidly and only marvelous progress in invention can keep real wages from falling.

The following table shows the composition of the family income in the American group. It is seen that the higher income is not due to the increased earnings of other members of the family than the head.

Weekly family income.	Number of families reporting.	Average weekly family income from—						
		Husband.	Wife.	Children.				Other.
				Under 16 years.	16 to 20 years.	21 years and over.	Total.	
Under $9.73	67	$8.16	$0.26	$0.07	.....	$0.12	$0.19	$0.14
$9.73 and under $14.60	532	11.53	.25	.11	$0.23	.07	.41	.22
$14.60 and under $19.47	1,036	15.16	.29	.20	.50	.21	.91	.63
$19.47 and under $24.33	545	17.14	.27	.33	1.03	.73	2.09	1.49
$24.33 and under $29.20	437	19.11	.55	.28	2.94	1.18	4.40	2.04
$29.20 and under $34.07	224	19.14	.30	.46	4.98	3.88	9.32	2.62
$34.07 and under $38.93	131	19.98	.44	.62	6.54	4.56	11.72	3.99
$38.93 and over	243	22.34	.36	.40	9.75	13.88	24.03	3.91

Weekly family income.	Average weekly family income.	Average number of children at home.	Average persons per family.
Under $9.73	$8.76	1.78	3.78
$9.73 and under $14.60	12.42	2.06	4.08
$14.60 and under $19.47	16.99	2.46	4.54
$19.47 and under $24.33	21.51	2.88	5.02
24.33 and under $29.20	26.19	3.07	5.27
$29.20 and under $34.07	31.38	3.63	5.82
$34.07 and under $38.93	36.13	3.82	6.10
$38.93 and over	50.33	4.20	6.38

The following table shows for England and Wales and for the United States the average weekly family income and the average amount and per cent of the expenditures for food, the families being classified according to weekly family income:

Limits of weekly family income.	Average weekly family income.	Average number of children living at home.	Expenditure on food (excluding wine, beer, and spirits).	
			Average amount.	Percentage of income.
UNITED KINGDOM.				
$6.08 and under $7.30	$6.56	3.3	$4.34	66.18
$7.30 and under $8.52	7.77	3.2	5.05	65.04
$8.52 and under $9.73	8.80	3.4	5.42	61.64
UNITED STATES.				
$9.73 and under $14.60	12.42	2.06	5.91	47.62
$14.60 and under $19.47	16.99	2.46	7.50	44.15
$19.47 and under $24.33	21.51	2.88	8.86	41.19
$24.33 and under $29.20	26.10	3.07	9.86	37.78

The following table shows the comparative cost in the two countries of the articles in the average British budget:

Cost of the average British workingman's weekly budget (excluding commodities for which comparative prices can not be given) at the predominant prices paid by the working classes of England and Wales and the United States.

Commodity.	Quantity in average British budget.	Predominant range of retail prices.		Cost of quantity in British budget in—	
		England and Wales, exclusive of London (October, 1905).	United States (February, 1909).	England and Wales.	United States.
Sugar	5½ pounds	$0.041 per pound	$0.056 to $0.061 per pound	$0.218	$0.309
Cheese	¾ pound	$0.142 per pound	$0.203 per pound	.107	.152
Butter	2 pounds	$0.269 per pound[1]	$0.324 to $0.355 per pound	.537	.679
Potatoes	17 pounds	$0.051 to $0.071 per 7 pounds	$0.117 to $0.167 per 7 pounds	.147	.345
Flour	10 pounds	$0.162 to $0.203 per 7 pounds	$0.233 to $0.274 per 7 pounds	.259	.360
Bread	22 pounds	$0.091 to $0.112 per 4 pounds	$0.218 to $0.233 per 4 pounds	.558	1.242
Milk	5 quarts	$0.061 to $0.081 per quart	$0.086 to $0.096 per quart	.355	.456
Beef	4½ pounds	$0.137 per pound[2]	$0.122 to $0.162 per pound	.619	.629
Mutton	1½ pounds	$0.129 per pound[2]	$0.132 to $0.167 per pound	.193	.223
Pork	½ pound	$0.152 to $0.172 per pound	$0.117 to $0.147 per pound	.081	.066
Bacon	1½ pounds	$0.142 to $0.183 per pound	$0.172 to $0.203 per pound	.243	.284
Total cost of the above				3.317	4.735
Index numbers { England and Wales, October, 1905; United States, February, 1909				100	143
Index numbers { Adjusted for February, 1909				100	138

[1] Mean of colonial or "foreign" and Danish.

[2] Mean of British or home-killed and of foreign or colonial.

From the above table it appears that the English housewife would have to pay $4.755 at American prices for the same quantities of those articles of food which cost at English prices in October, 1905, $3.317, or, as adjusted to the prices of February, 1909, about $3.44. Her weekly expenditure in the United States would thus be raised on the adjusted prices about $1.30, or 38 per cent. During these years of increasing prices for commodities and increasing wages the tariff has not been increased; in fact, it was lowered in 1909 without, in my judgment, materially affecting either prices or wages or the net results of labor here. Those in authoritative position in the Democratic Party are evidently hedging on this assigned reason for putting their party in office, for the President, in his recent message to Congress urging immediate action on currency legislation, which, it is true, is necessary, but which has no connection whatever with tariff legislation, gives as one of the reasons for early action that it was necessary in order to make tariff legislation more effective. The head of the business department in the present administration, Secretary Redfield, who is regarded by many as an expert in tariff matters, stated in a recent interview relating to the high cost of living that a change in the tariff could not in any sense be considered a cure-all, that it was simply a step in removing obstacles which prevent the easy exchange of products, and then he added:

> But no intelligent man expects it to be more than a step. What, then, is the principal benefit arising from the tariff bill? To my thinking it is a moral and mental benefit.

I doubt if Mr. Secretary Redfield used that language on the stump during the campaign last year.

And another eminent Democrat, the chairman of the Ways and Means Committee of the House of Representatives, who may now properly be termed an expert on this subject, in his speech in the House of Representatives April 25, 1913, in opening the debate on the bill, made the following references to the cost of living:

> On the other hand, we know in many countries not maintaining a high protective tariff, although the cost of living has increased to some extent, the actual cost to each individual is far less and has increased proportionately less than it has to the people of the United States.

So have wages increased less, and food has increased more rapidly than wages.

> Although we have reduced the tariff in the interest of the consumer in this bill, it would be untrue to say that the effect of this reduction is going to be immediate. There are many reasons why we can not promise this to the people, but there is one which is quite sufficient. Under all the laws of trade supply and demand must regulate prices. The retail merchants of the country have fixed their prices to-day on goods now on their shelves, which were bought under conditions fixed by Republican legislation.

I make this comment on that statement that, of course, if other merchants are able to buy cheaper and sell cheaper the holder of goods at the time this bill passes will have to make his prices conform to those of his rivals in trade.

I agree with those who have declared that there is likely to be a decline in the prices of some commodities, but it will result from a decrease in purchasing power rather than from tariff changes. If the purchasing power of our people is injured, those who produce, manufacturers, agriculturalists, and labor alike, must expect less demand for their products or services and at lower rates. No interest in a community can be injured without affecting all others, and that wave of demoralization will spread to the remotest sections of our country It is true that there is discontent, but explaining it by charging it to the cost of living, and the reason for that to the tariff, is the diagnosis of an incompetent; in this case the Democratic Party. For I repeat, the net cost of living, that which results after all bills are paid at the end of the year, notwithstanding our extravagance and wastefulness, is the lowest in the world; that is, our people are larger net savers than any others, and figuring with this condition as a basis, the net results during the period since the passage of the Dingley bill in 1897 have been the best in our history, probably the net savings per capita have been more than twice, and perhaps more than three times, as great as they were during the first half century of our existence as a Nation. How does it profit a man to buy his necessities at low prices if his income is only sufficient for that purpose? How much better his condition, even if he is paying high prices, if his income enables him to do it and have a balance at the end of the year.

In the tariff plank adopted by the Democratic national convention at Baltimore in 1912 is found this declaration:

> Articles entering into competition with trust-controlled products and articles of American manufacture which are sold abroad more cheaply than at home should be put on the free list.

To make this declaration in any way workable it would be necessary to determine what a trust-controlled product is and what a trust is. No definition of a trust has been proposed which is entirely satisfactory. The Cabinet officer who just now is eking out an insufficient salary by devoting his time to Chautauqua lectures once declared that any company or corporation which manufactured one-half of the total output of a definite product is a trust. Possibly this defines a trust as well as it can be done, in which case, however, there are comparatively few in the United States. It is true that it is quite common to speak of this trust, or that trust, or the other trust, but in many cases the company or corporation to which reference is made does not manufacture 15 or 10 or even 5 per cent of the goods produced in that industry; therefore such a concern would be far removed from the trust as defined by Mr. Bryan. Even if anyone could define a trust with accuracy, has this plank of the Democratic platform had any influence in controlling the proposed free list? The slightest examination of this schedule will show that in most instances there is no connection between trust-made products and others which have been put on the free list. Products like wheat, flour, fruits, meats, oats, potatoes, rye, shoes, leather, the products of leather, and many other similar articles too numerous to mention, all of which are intensely competitive in their production, have been treated exactly as would be a trust-made product; therefore it seems to be a fair conclusion that no attention has been paid in the proposed bill to that part of the quotation from the platform. This is also true of the rest of the quotation relating to sales abroad, but to that I wish to refer in more detail. It seems to be impossible for a Democrat to understand that it is good public policy for domestic manufacturers to dispose of their surplus product wherever a market can be found, even if the price obtained is less than the cost of manufacturing.

The only times when this policy is adopted in this country is when a surplus is produced which can not be marketed at home without closing down or curtailing the production of a plant, in which case it may be sold abroad at whatever price can be obtained for it. I maintain that this is sound policy, which is of distinct advantage to the manufacturer and his shareholders, to the laborer employed in the industry, to all those living in the community where the goods are manufactured, and as a result to the country as a whole. And I would go further, for while we only sell our surplus under these conditions we might well adopt the methods followed in Germany; that is, to sell the entire output of a factory abroad at lower prices than similar grades of goods are sold at home. By following our usual policy our manufacturers are operating at a disadvantage, for frequently goods which are manufactured for our market, and which can be disposed of in that market at satisfactory prices, when sent to other markets to which they are not suited must be sold at a great sacrifice even if they can be sold at any price. The Germans study the requirements of the trade which they are after and manufacture the kind of goods which are suitable for that trade, the kind which it is accustomed to and for which there is an established demand, confining themselves to the styles and the colors required in that market. Our manufacturer may go into the same market with goods of similar texture and value to the goods of the German manufacturer, but they may not have suitable colors or they may not be put up in forms that meet the requirements of the trade, so they do not find the ready market which is found for the goods of our competitor, the result being that in Germany large industries are being developed, steady employment is furnished to a great number of people, lines of transportation are established by German capital and are profitably employed in transporting this product and the trade which it develops, and the German Navy is provided with a fleet of transports without the necessity of maintaining them in time of peace. We are never going to reach a satisfactory stage in the development of our foreign trade until we cater to the exact wants of our customers; until we have established lines of steamers to carry our own products; until we have established banks in the countries with which we are doing business through which the trade can be financed; in fact, until we have adopted all of the up-to-date policies which are commonly practiced in the countries which are our rivals in developing trade with nonmanufacturing countries.

But to come back to the question of disposing of our surplus manufactures. Those directly interested are the furnishers of the capital employed in the industry and the laborers engaged in the manufacturing of these goods. What labor wants is steady employment at remunerative wages. All employers recognize the fact that steady employment is a great factor

in developing efficient and contented workmen. What capital wants is steady employment with reasonable returns. Neither condition can be insured if an industry is absolutely dependent on the home market, which varies in volume with the season, with the condition of the crops, and with the condition of general business. Let me illustrate what this means to both the manufacturer and to the laborer. I will use as examples several industries which have furnished me with figures taken from their own books and checked up as to their accuracy as far as it has been possible to do by comparing them with annual reports and other similar sources of information. One of the best and most convincing arguments in favor of the policy of selling surplus products wherever and whenever a market can be obtained is shown in the shoe trade. Shoe manufacturers agree that when a factory is running three-fourths of the time the cost of manufacturing the average shoe is 5 cents a pair greater than would be the cost if it were running full capacity and full time; and if it were running one-half of the time the cost of manufacturing shoes would be 10 cents a pair greater than if the factory were running all the time at its full capacity. These figures would vary somewhat in the manufacture of different grades of shoes, but they are substantially correct if an average is taken.

The testimony is almost universal among shoe manufacturers who have studied the question carefully that the average profit made per pair of shoes in all factories in the United States is about 7 cents. Let us take as an example shoes costing the manufacturer $2.50. These would be sold to the retailer at from $2.55 to $2.60 per pair. The retailer sells them at from $3.50 to $4 per pair; the cost to retail shoes being about 30 per cent of the retail selling price. In such a case the manufacturer would make somewhat less than 7 cents a pair and the retailer would make from nothing to 25 cents per pair, dependent on the varying cost of selling the shoe in towns of different sizes and in different sections of the country. Now, if the manufacturer were running his factory at 75 per cent of its capacity, instead of the shoes costing him $2.50 they would cost $2.55; if he were running at one-half of its capacity, instead of the shoes costing him $2.50 they would cost $2.60; in one case he would only be making a profit of 2 cents a pair, while in the other case he would be losing 3 cents a pair. Therefore, to get the best results it is absolutely essential that he run his factory at full capacity. On account of seasonable changes in styles and shapes of shoes it is difficult to run a shoe factory at full capacity more than three-fourths of the time.

Let us take the case of a manufacturer who makes a profit of 8 cents a pair on his output if he runs his factory at full capacity. If he ran it at full capacity three-fourths of the time and shuts down one-fourth of the time, his profit would be 3 cents a pair; but if he sold three-fourths of his output at full price and the balance, one-fourth, at cost, he would make 6 cents a pair on his total output. Let us assume that he manufactures 1,000,000 pairs a year when running at full capacity; he would make 8 cents a pair, or his profit for the year would be $80,000. If he ran full capacity, but sold one-fourth of his product at cost, his profit would be $60,000. If he ran three-fourths of the time at full capacity and shut down his factory one-fourth of the time, his profit would be $22,500. In other words, he could afford to run his factory at its full capacity, selling one-fourth of the output at a loss of 15 cents a pair, and come out at the end of the year with the same net profit that he would if he ran his factory three-fourths of the time at its full capacity and shut down for the remainder of the year.

Now, what is the result as far as the people employed in such a factory is concerned? The average wage paid to a shoe employee in Massachusetts is about $560 annually. If the employee only works three-fourths of the time, his income will be reduced to $420. In other words, he would have $140 less annual compensation than if the factory were run full time. This would necessarily reduce rentals and directly affect every person having anything to sell in that community and indirectly affect every person in it. Furthermore, if any surplus output is sold in foreign countries it influences shoe manufacturing in those countries, making their factories far less dangerous competitors than they would be if they had control of their own markets. This course of reasoning will apply with equal force in every industry, though the illustration can not be as pointedly made as in the case of shoes on account of the variety of material going into other products and the great variety of the production as well as variations in prices. But let us take, for example, the conversion costs in textile manufacturing.

FIRST EXAMPLE.

WORSTED.

Figures showing increases in costs due to decreases in per cent of production.

Top making.

[Conversion costs of making tops based on full-time production of 350,000 pounds of tops per week.]

	Conversion cost.	Increase in conversion cost.
	Per cent.	*Per cent.*
Full-time production	100	
Three-fourths time production	110.9	10.9
One-half time production	132.4	32.4
One-fourth time production	196.5	96.5

Worsted spinning.

[Conversion costs of making worsted yarns, based on full-time production of 175,000 pounds of 2/30s per week.]

	Conversion cost.	Increase in conversion cost.
	Per cent.	*Per cent.*
Full-time production	100	
Three-fourths time production	106.4	6.4
One-half time production	119.1	19.1
One-fourth time production	157.4	57.4

Worsted cloth—weaving.

[Conversion costs per yard of weaving worsted cloth, based on a full-time production of 300,000 yards of cloth per week.]

	Conversion cost.	Increase in conversion cost.
	Per cent.	*Per cent.*
Full-time production	100	
Three-fourths time production	114.8	14.8
One-half time production	136.7	36.7
One-fourth time production	192.1	92.1

Worsted cloth, dyeing and finishing.

[Conversion costs of dyeing and finishing, based on same production.]

	Conversion cost.	Increase in conversion cost.
	Per cent.	*Per cent.*
Full-time production	100	
Three-fourths time production	119.5	19.5
One-half time production	139.2	39.2
One-fourth time production	170.7	70.7

SECOND EXAMPLE.

COTTON.

Cotton spinning.

[Conversion costs of making cotton yarn, based on full-time production of 75,000 pounds per week of 2/30s combed yarn.]

	Conversion cost.	Increase in conversion cost.
	Per cent.	*Per cent.*
Full-time production	100	
Three-fourths time production	113.2	13.2
One-half time production	140	40
One-fourth time production	219	119

THIRD EXAMPLE.

WORSTED MANUFACTURING.

A worsted manufacturer finds under conditions which have existed during the last six months that he could only run 52 looms, and the actual figures have shown that the goods which he has manufactured on this basis have cost 10.23 cents more per yard than if he ran 96 looms his full capacity, from which he figures that if he closed down his factory it would cost 28 per cent of the actual cost of his output when running 96 looms and that it would cost 39 per cent of his actual cost if running 52 looms. Many worsted manufacturers have testified that the profit in manufacturing ordinary goods is not far from 10 cents a yard; therefore if this mill were running at one-half its

capacity the profit would be nothing. How much better would it be in every way to run the mill at full capacity, even if one-half of the goods had to be sold abroad at cost, for in that case the manufacturer would have a profit of 10 cents per yard on his entire output for six months of the year, and he could even sell one-half of his output at 10 cents a yard less than cost and come out as well at the end of the year in dollars and cents as he would if he only ran his mill at one-half of its capacity six months and closed it down the rest of the year; in fact, he would be better off in every way, because he would not have disrupted his organization and his plant would be in better condition than if it had been idle. This mill is one of the most economically managed in Massachusetts. The evidence shows that in most cases if mills were idle one-third of the time instead of one-half that there would be no profit.

FOURTH EXAMPLE.

A cotton mill having 62,000 spindles, with a capacity of 75,000 pounds of yarn a week, shows the fixed charges connected with the plant—office, and general charges which can not be cut off during a shutdown—amount to 6 cents per pound. In other words, this plant could run full capacity, sell half of its output at 6 cents per pound less than cost, and be as well off from the stockholder's standpoint as it would be by running one-half of the time at its full capacity and closing down the remaining six months, in addition to continuing the employment of its workmen and all the other incidental advantages.

FIFTH EXAMPLE.

A cotton mill capitalized at $1,500,000, operating 135,000 spindles, running full time, produced 30,000,000 yards of colored cotton goods during the last six months; the net earnings, based on actual results of this operation, were one-sixteenth of a cent a yard, or $20,700 for the six months. If this mill had been forced to curtail production by shutting down for one-fourth of the time, its production would have been reduced to 23,000,000 yards, which reduction, combined with the increased burden of fixed charges, would have changed the profit of one-tenth of a cent per yard into a loss of four-tenths of a cent per yard—or an actual loss of $93,600. In other words, the manufacturer by running his mill at full capacity could have sold one-fourth of the mill's output at a loss of twenty-two one-hundredths of a cent per yard and come out without loss for the six months.

SIXTH EXAMPLE.

A worsted mill producing 5,000,000 yards annually shows a fixed charge of 8 cents per yard. Running three-fourths of full time this charge would be increased to 10.7 cents per yard; if running at half time to 16 cents per yard; and one-fourth time to 32 cents per yard. In this mill, figuring a profit of 12 cents a yard, it would, if running full capacity, make a net profit of $200,000; if running three-fourths capacity make a net profit of $50,000; if running one-half capacity make a net loss of $100,000; if running one-fourth capacity make a net loss of $250,000.

SEVENTH EXAMPLE.

A cotton mill using 100,000 spindles and weaving 6,000 pieces of 64 square 38½-inch goods, the difference of the cost running the mill 12 months and 9 months was found to be three-tenths of a cent per yard, and in round numbers would be about $50,000 a year. This case applies to a cloth which sells at about 4½ cents per yard. And in all of the examples given it goes without saying that the differences would vary somewhat with more or less expensive goods.

Taking all of these instances, and they could be multiplied by as many as there are mills in the United States, can there be any question about the advisability of the policy of running manufacturing plants at their full capacity, either from the standpoint of capital, labor, or the community at large, and could there be any greater folly than the declaration in the Baltimore platform "because some goods are sold abroad at a price less than the prevailing price in this country, that the duty shall be removed?" It might be possible that for other reasons there should be no duty imposed in such cases, but that the duty should be removed for such a reason seems to be an incredible piece of stupidity and lack of appreciation of one of the very fundamentals in conducting a profitable manufacturing business.

In all of these instances it is clearly demonstrated that it is not the manufacturer who is most affected by closing down a plant, but the workman. The manufacturer may be, in dollars and cents, as well off to close his plant a quarter of the time as he would be by running it all the time and selling his surplus product abroad at the price he could obtain for it, but in the first place the workman would only receive three-fourths of the wages he would receive if the plant were run at full capacity all the time, and therefore while, as I have stated, the closing down of a plant affects the capital invested, it is particularly burdensome on the workman and through him indirectly affects the whole community.

President Wilson has stated in a recent address that he "believes a Democratic tariff will whet the industrial wits," but such a tariff is much more likely to sharpen the appetites of the worker than the wits of the employer, who in many cases, as can be easily demonstrated, is obliged to work his wits overtime in order to make a living under present conditions and rates of duty. The President's solemn assurance, contained in his message to Congress, that a reason for changing the tariff was to develop competition and increase our foreign trade must have been made without any careful examination into the real conditions of our trade—either foreign or local. The fact is, the United States has been developing its foreign trade more rapidly than any country in the world in the last decade, or since the Republican Party returned to power in 1897. I submit herewith some figures which substantially demonstrate this:

Imports of merchandise.

INTO GREAT BRITAIN.

1890	$2,047,000,000
1901	2,510,000,000
1910	3,300,000,000
1911	3,311,000,000
1912	3,623,000,000

Increase from 1890 to 1901, 25 per cent.
Increase from 1901 to 1911, 32 per cent.

INTO GERMANY.

1890	990,000,000
1901	1,290,000,000
1910	2,309,000,000
1911	2,271,000,000
1912	2,449,000,000

Increase from 1890 to 1901, 30 per cent.
Increase from 1901 to 1911, 76 per cent.

INTO THE UNITED STATES.

1890	789,000,000
1901	823,000,000
1911	1,527,000,000
1912	1,653,264,934
1913	1,812,021,160

Increase from 1890 to 1901, 4 per cent.
Increase from 1901 to 1911, 85 per cent.

Exports of domestic merchandise.

FROM GREAT BRITAIN.

1890	$1,282,000,000
1901	1,362,000,000
1910	2,094,000,000
1911	2,210,000,000
1912	2,371,000,000

Increase from 1890 to 1901, 6 per cent.
Increase from 1901 to 1911, 62 per cent.

FROM GERMANY.

1890	791,000,000
1901	1,054,000,000
1910	1,779,000,000
1911	1,928,000,000
1912	2,115,000,000

Increase from 1890 to 1901, 33 per cent.
Increase from 1901 to 1911, 83 per cent.

FROM THE UNITED STATES.

1890	845,000,000
1901	1,460,000,000
1911	2,013,000,000
1912	2,204,322,400
1913	2,465,761,910

Increase from 1890 to 1901, 72 per cent.
Increase from 1901 to 1911, 38 per cent.

Exports of manufactured goods.

FROM GREAT BRITAIN.

1890	$1,118,000,000
1901	1,104,000,000
1911	1,799,000,000
1912	1,875,000,000

Increase from 1890 to 1901, 0.
Increase from 1901 to 1911, 63 per cent.

FROM GERMANY.

1890	511,000,000
1901	688,000,000
1911	1,141,000,000

Increase from 1890 to 1901, 34 per cent.
Increase from 1901 to 1911, 65 per cent.

FROM THE UNITED STATES.

1890	178,000,000
1901	465,000,000
1911	907,000,000
1912	1,020,000,000

Increase from 1890 to 1901, 16 per cent.
Increase from 1901 to 1911, 95 per cent.

The increase in importations in the last two years has been more than one-third as much as the total importations in 1890,

while the increase in exports in the same time have been more than one-half as much as the total exports in 1890.

The Democratic platform, as well as the President and others in authority in that party, by declaration and inference, gives the impression that one of the reasons for reducing the tariff is to develop competition domestic or foreign; the new free list, however, and the reductions made generally bear no relation to competition, for they include changes in articles in which competition is the keenest, as well as those in which home production practically supplies the local market. In other words, the policy as marked out has been to reduce without regard to facts, to import more and to produce less, without regard to local conditions. As there may be some doubt as to the correctness of this statement, I will give some examples of reductions where there is now active foreign competition, and will ask why the duties in these items should be lowered, and if the result can mean anything except additional importations, which must lessen employment for our capital and labor. To do this I will not go beyond the limit of this Chamber to find articles with which to prove my contention. There are many concerns in the United States engaged in the production of the articles to which I refer.

The ink wells in the desks in this Chamber are made in Austria. Under the present tariff they pay a duty of 60 per cent ad valorem. (Schedule B, par. 98.) The proposed law places a duty of 45 per cent ad valorem. (Schedule B, par. 86.)

Bone letter openers found on the desks of Senators are made in France. Under the present tariff they pay a duty of 35 per cent ad valorem. (Schedule N, par. 463.) The proposed law imposes a duty of 30 per cent ad vadorem. (See Schedule N, par. 379.)

Hairbrushes in some of the Senate offices are made in England; those in the Republican cloakroom were made in Japan. Under the present tariff they pay a duty of 40 per cent ad valorem. (Schedule N, par. 423.) The proposed law places a duty on hairbrushes of 35 per cent ad valorem. (Schedule N, par. 345.)

Penknives made in England are sold in the stationery room. The present tariff places the following duties on penknives: Valued at not more than 40 cents a dozen, 40 per cent ad valorem; valued at more than 40 cents and not more than 50 cents a dozen, 1 cent each and 40 per cent ad valorem; valued at more than 50 cents and not more than $1.25 a dozen, 5 cents each and 40 per cent ad valorem; valued at more than $1.25 and not more than $3 a dozen, 10 cents each and 40 per cent ad valorem; valued at more than $3 a dozen, 20 cents each and 40 per cent ad valorem. (See Schedule C, par. 152.) The proposed law places a duty on penknives—those valued at not more than $1 a dozen at 35 per cent ad valorem and on those valued at more than $1 a dozen at 55 per cent ad valorem. (Schedule C, par. 130.)

Pens in the stationery room are made in England. The present tariff places a duty on pens at 12 cents a gross. (Schedule C, par. 186.) The new law places a duty on them at 8 cents a gross. (Schedule C, par. 158.)

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WEEKS. I do.

Mr. SMOOT. The Senator has just referred to the fact that the present duty upon pens is 12 cents a gross, and the pending bill reduces it to 8 cents a gross, or a difference of 4 cents a gross. I wish to ask the Senator if he thinks the contemplated reduction of 4 cents a gross will ever be realized by the ultimate consumer who buys pens and pays about 5 cents a dozen for them?

Mr. WEEKS. Of course it will not.

Mr. SMOOT. All it means is that it simply gives the foreign manufacturer a better chance to take this market.

Mr. WEEKS. That is it, exactly.

German razors, as well as razors of other foreign makes, are used to shave Senators in the Senate barber shops. The duty on razors under the present law is: Valued at less than $1 a dozen, 35 per cent ad valorem; valued at $1 and less than $1.50 a dozen, 6 cents each and 35 per cent ad valorem; valued at $1.50 and less than $2 a dozen, 10 cents each and 35 per cent ad valorem; valued at $2 and less than $3 a dozen, 12 cents each and 35 per cent ad valorem; valued at $3 or more a dozen, 15 cents each and 35 per cent ad valorem. (Schedule C, par. 152.) Under the proposed law razors are placed at the same rate of duty as penknives, 35 per cent ad valorem on those valued at not more than $1 a dozen and 55 per cent ad valorem on razors valued at more than $1 a dozen. (Schedule C, par. 130.) As further evidence that the duty now imposed on razors has little influence on the price compared with the cost of distribution I instance the case of a local manufacturer who has a contract to supply a distributing house a large order of razors at $3 a dozen; the same razor retails at $1.75 apiece.

Souvenir post cards with pictures of our public buildings on them made in Germany may be found on sale in the Capitol Building, and no other could be found for sale in Washington until the duty was increased on these cards in the Payne-Aldrich bill, which increase enormously developed the output of local factories without increasing the cost to the consumer; in fact, the price was lowered. It is worthy of note that a reduction has been made in the pending bill which may mean going back to the same conditions which existed before 1909.

Many of the mineral waters which are found in the cloakroom are imported from Europe, although there are great quantities of American bottled waters on the market. Among these the Apollinaris water is bottled in Germany, and it is interesting to note that the French vichy served in the cloakroom bears the colors of France and the label reads "Property of the French Republic."

Ginger ale is largely produced in this country, and yet imported ginger ale is sold in the restaurant, as well as a great variety of mineral waters. The duties on these mineral waters in the present law are in—

Pints, 20 cents a dozen bottles; quarts, 30 cents a dozen bottles. (See Schedule 8, par. 312.)

Under the proposed law the duty will be—

Half pint, 10 cents a dozen bottles; pints, 15 cents a dozen bottles; quarts, 20 cents a dozen bottles.

We are large producers of matches in this country, and yet if a Senator wishes to light a cigar in the cloakroom he finds a Vulcan safety match manufactured in Sweden. A very large number of dishes served in the Senate restaurant are prepared from imported articles, many of which are produced in the United States. And lists of this character could be extended almost without limit. If competition is desired and not destruction, why reduce duties in the cases I have instanced?

Do those who appeal for reduction of duties make their appeal because there is not domestic competition? This reason would be as fallacious as in the case of foreign competition, for there is ample local competition in the production of most of the articles affected by the pending bill.

A few instances will conclusively demonstrate this statement. There can be no denial of active domestic competition in every article produced on the farm on which the duty has been lowered and which has been put on the free list, but there may be some doubt of the correctness of my statement if applied to manufacturing concerns. It is, however, easily demonstrated. Take the cases of cotton, shoes, and wool as examples. There are in the United States 1,324 concerns manufacturing cotton, employing 378,880 people, and producing the larger percentage of these goods used in local consumption. Most of these manufacturers are stock companies and there is a public market for the shares, but there never has been any charge that there is a combination of any kind in this industry from the planting of the cotton to the marketing of the product; while it frequently happens that the same persons are active in the management of more than one mill. I can not find even in such cases that the mills with which the same men are connected make more than 5 per cent of the total product manufactured in this country and there has never been a suggestion that any attempt has been made to control or fix the price of cotton goods.

Take the case of shoes—this industry has been built up under conditions that have tended greatly to increase rather than diminish competition; there are 1,918 concerns engaged in this industry and I do not find a single instance where those interested in one of these are in any way interested in any other. Generally speaking they are private corporations or copartnerships and no single concern produces more than 4 per cent of the product of this country.

The same reasoning applies to the manufactures of wool; it is true that there has been complaint that the tariff favored those engaged in manufacturing worsteds at the expense of woolens, and talk of the Woolen Trust has been so long repeated that many people really believe there is one yet; the most active and effective competition we have in the textile industry is in this one. It was prostrated after the Wilson bill was passed, has been only relatively prosperous at any time since, and is to-day being conducted at a loss, without any hope for the future if this bill becomes a law. The only basis for the charge that there is a trust connected with the industry is the size of the American Woolen Co., yet this company only operates about 12½ per cent of the looms and 14.4 per cent of the spindles engaged in the woolen and worsted industry, and the company manufactures both worsted and woolens in the proportion of about 2 to 1.

The fact is there is intense competition in all of these industries; there is not a syllable of testimony to the contrary. Yet the product of one is greatly reduced, the reductions in another have already brought its earning capacity to a minus quantity, and our market in the case of the third has been thrown wide open to the world without any possibility of resulting benefit to the manufacturer or workmen engaged in it or even to the consuming public.

It has not been infrequently the case during the revision of the tariff that employers have stated to committees of the Senate and House, and to the public in other ways and even to their employees, that in case certain definite action were taken it would be necessary for them to either reduce wages or close down their mills.

The slightest investigation of results which might come from a tariff revision justifies such assertions, for it goes without saying that the management of a mill wishes to run its property and make it profitable, and operations will be continued even though there be no profit, and frequently when a small loss is incurred, because closing down means a disruption of organization, the losing of many good and skilled employees who go elsewhere for employment; and even without these reasons, the fixed charges incident to the business entail a very material loss.

I quote from a letter written me by Mr. Arthur Lyman, an old and well-known manufacturer of Massachusetts, under date of May 14, which relates to this subject. He says:

> Business is already held up in anticipation of lower rates, and delay in passing the bill will simply aggravate this situation. Large orders given unreservedly months ago are held back by the buyers, who refuse to give details as to patterns or colors. This, of course, involves the stoppage of machinery. The stoppages of mills and the discharge of operatives have nothing to do in the way of threats. The real reason is the stoppage of orders and consequently the impossibility of making sales. No mill will stop as long as the goods can be sold at cost or even at a little less, because the continuing expenses of interest, taxes, depreciation, loss of skilled labor, etc., are exceedingly heavy items and much heavier here than they are abroad.

This statement, made by Mr. Lyman, who I understand is not an active Republican, undoubtedly states the case exactly as it is, and yet for the first time in the history of the Government we have an authoritative statement from the chairman of the Ways and Means Committee, and apparently from the Secretary of Commerce, that in case mills are closed down an investigation will be made as to the efficiency of the management of the property. During this session a majority of this body passed a measure which prohibited the expenditure of any part of a certain appropriation made to carry out the provisions of the Sherman Antitrust Act in the case of labor unions and farmers' organizations. In other words, the Government has said we will not prosecute labor organizations for violating the statute law, encouraging thereby labor unions to try to bring about the results which they desire; and now we have an authorized governmental official in high position declaring that if the managers of large properties protect their stockholders by doing the only thing possible in order to prevent losing money—that is, by closing down plants or reducing wages—that they will be investigated and something will be done; just what, nobody knows. It is evidently an attempt to intimidate the managers of American industries. Certainly the latter are now, under this administration, between the devil and the deep sea.

Let us see for a moment whether such a policy as is now contemplated by the Secretary of Commerce can be undertaken with the probability of results which will be beneficial to labor or to anyone else, and I will call the Secretary of Commerce himself as a witness to testify that this can not in all probability be done.

August 21, 1911, a resolution passed the House of Representatives providing for an investigation of the Taylor system, which is designed to bring about scientific management in manufacturing establishments, and which at that time was being introduced into Government arsenals at Watertown, Mass., and Rock Island, Ill. The committee appointed under this resolution to investigate this system was composed of three members—William B. Wilson, now Secretary of Labor; William C. Redfield, now the Secretary of Commerce and the mouthpiece for this propaganda; and John Q. Tilson, at that time a Republican Representative from Connecticut. They reported to the House March 9, 1912, the result of their investigation, and I find in that report this statement:

> A great amount of good work has been done by Mr. Taylor and others in working out the details of scientific methods of shop management, but neither Mr. Taylor nor anyone else has presented to this committee a system so complete as to justify a recommendation that it be imposed in its entirety in any Government shop.
>
> Any radical change in factory management should be gradual evolution out of that which has preceded. The present systems, or lack of systems, with their good and their bad points, are themselves the result of long evolution. No drastic or radical change in them should be suddenly or even quickly imposed by fiat from above. Men have become accustomed alike to the good and the bad that are in the systems under which they work. They know and approve the good; they know how to combat the evil. They are naturally and properly suspicious that motives purely selfish may be behind the sudden change. Confidence is a plant of slow growth. Neither the Taylor system nor any other should be imposed from above on an unwilling working force. Any system of shop management ought to be the result of mutual conference and mutual consent, and that takes time.

And, again, the report says:

> Conditions vary in different shops, and a system which would be effective in one might not be so effective in another. The work and responsibility of selecting, evolving, or introducing a system suitable to a particular shop must in a great measure depend upon the intelligence of the management.

This is undoubtedly a correct statement, for there is every reason to believe that it accorded with the results of the investigation made. Certainly it was not intended to be unfriendly to organized labor, for the Secretary of Labor, who was chairman of that committee, is a union-labor man, and neither of the other members of the committee had any prejudice against labor in making the report. If it is impossible in a Government shop to determine what is efficient management, and if it is necessary to, as this report says, prevent drastic or radical change in shops so that they should not be suddenly or even quickly imposed by fiat from above, how is it going to be possible to go into a private concern, even if the Government is authorized and justified in doing so, and determine whether that concern can be so run as to bring profitable results under the conditions imposed by this or any other tariff? The whole suggestion is of the bulldozing variety, intended to as far as possible coerce American manufacturers to continue running their plants without reduction of wages and without regard to net results obtained, hoping that some fortunate circumstance will occur which will prevent the utter collapse of business, which its framers know is likely to result from the passage of this bill.

If, however, Secretary Redfield has changed his mind since making the above-mentioned report, I suggest that he make a personal examination of the declared purpose of Gov. Foss to transfer his industry to Canada. That is a case where the Secretary can determine conditions at a glance, for he has been engaged in the same industry, and it is reported that he is rather familiar with conditions at the Foss shops. Of course, he can deal with this case without the fear of the charge of prejudice against the manufacturer, for Gov. Foss is an old friend and a political associate.

In the tariff plank of the Baltimore platform of last year this expression is used in speaking of protection:

> It is a system of taxation which makes the rich richer and the poor poorer.

A declaration which has frequently been made by the Democratic Party in convention assembled and which has such a succulent sound that it is constantly repeated by Democratic orators in political campaigns, who at the same time urge in effect the claim that the Democracy is the great leveler and is striving to make the rich poorer and poor richer, without regard to methods or means or results.

The whole subject is too broad a one to attempt to discuss at this time, but it has some application to the action which has been taken in preparing this bill, and especially in applying to many industries in which the people of Massachusetts are engaged, the suggestion that stockholders are getting too large returns and employees too little. If this is not the reason for the radical reductions in such industries as cotton, woolens, worsteds, and shoes, why have they been selected for the drastic treatment given them? Massachusetts is a great manufacturing State; very largely its prosperity depends on the steady and remunerative employment of its capital and labor engaged in manufacturing industries. It leads all other States in the manufacturing of shoes, cotton, woolen and worsted goods, and assuming for the moment that the rich in the case of these three industries are the stockholders and the poor are the employees, it is fair to consider whether the radical cuts in the products of these industries have been justified on the ground that the stockholders, or those furnishing the capital, are getting richer or unreasonable returns for their capital, while those employed in the industries are getting poorer or less than reasonable remuneration for their services.

This is a question which can be pretty definitely demonstrated, because there are many communities in Massachusetts in which such a large percentage of the population is employed in one or two industries that directly or indirectly it may be asssumed that their welfare is dependent upon them. I have spoken of Massachusetts as a great manufacturing State. There are employed in her manufacturing industries 497,549 people, which, with those dependent on them and associated with them in some way, compose a majority of the population of the State.

For many years Massachusetts has had on its statute books provision for the establishment and maintenance of mutual saving banks. These banks are not money-making concerns in any respect. After paying for the cost of operation all profits except a small surplus which is set aside each year go to depositors. They are privately managed and publicly supervised. Their investments are carefully regulated by the laws of the State and the losses as a result of their operations have been negligible. These banks are not operated for the benefit of the rich or even the well-to-do, but are operated for the benefit of those citizens who for manifest reasons have not had sufficient experience to safely invest their savings, and they are an encouragement to citizens to save their money. That they are not intended for other classes is indicated by a provision in the law which limits the amount of deposit which any one person may have in a bank to $1,600, which includes accumulated interest; furthermore, the rate of interest which these banks have averaged to pay—slightly under 4 per cent for a term of years—is not sufficiently remunerative to warrant the average investor depositing his money in them even if it were possible for him to do so. As a matter of fact, if a well-known man who had business connections of such a character that it might be assumed he could safely invest his own money should attempt to deposit $1,000 in any of the larger savings banks of the State he would be told to take his money and go his way; that the banks were not organized for his benefit, but for those who in all probability could not wisely and safely invest their own savings. Therefore the deposits in Massachusetts savings banks must indicate, in fact must be the most conclusive proof of, the financial condition of people in very moderate circumstances; if so, the increase in these deposits throughout the whole Commonwealth is a striking demonstration of their prosperity.

Massachusetts at the present time has about three and a quarter millions of people, not many more than one-fifteenth of the population of Great Britain or Germany or France, which are our great rivals in manufacturing industries, and yet the deposits in the Massachusetts savings banks are very nearly equal to the deposits in the savings banks of each of those great countries, and they have been increasing at leaps and bounds during the period of great prosperity which followed the passage of the Dingley tariff bill in 1897. The following is a statement of these deposits and the number of accounts outstanding for a term of years:

Number and amount of deposits in savings banks in the State.

	Open accounts.	Deposits.
1900	.....	$540,403,686
1905	.....	662,808,312
1906	1,908,141	694,081,141
1907	1,971,644	706,940,596
1908	1,973,926	709,519,730
1909	2,040,894	743,101,481
1910	2,100,970	770,814,452
1911	2,137,534	802,220,707
1912	2,200,917	838,635,097

The latter shows that practically two-thirds of the people of Massachusetts, barring the possibility that a person has a deposit in more than one savings bank, have deposits in our mutual banks, which in itself indicates their popular character. I have said that these have been years of great prosperity, which is true, generally speaking, though there have been variations in this prosperity. This is particularly shown in the deposits of 1908, which are only $2,500,000 greater than those of 1907, owing to the panic of that year.

In addition to these mutual savings banks, Massachusetts has a system of cooperative banks which provide funds for building operations, enabling a man in small circumstances to deposit in these banks and obtain through such deposits money for his building operations on the most advantageous terms. The last returns show that there were 162 such banks, and that the deposits were $74,484,048, an increase of $6,910,667 over the returns of the previous year. These banks are used by substantially the same class of people who use the mutual savings banks. They are also under the supervision of the State, and their losses in operation have been substantially nothing. In addition to this the Commonwealth charters trust companies, which do a trust business, but also a general banking business, so that they are, in effect, State banks. The deposits in the 65 trust companies of the State are $283,200,553. These deposits are to a considerable extent those of trustees and others of a similar character.

While the trust companies can not be put in the same class as mutual savings banks, because they frequently hold the deposits of business men of large affairs and do a regular banking business, they are not so generally used for such a purpose as are national banks, and to some degree show the prosperity of other classes than the active business men of the State. These statements show that during recent years there has been prosperity among the citizens of Massachusetts in the employed classes where a large percentage are connected with those industries referred to and many others which will be affected by this legislation. The reductions made in the duties imposed in the pending bill must necessarily result in increased importations, and it would be of interest to be told how these workmen are to be benefited if we are to buy in other countries goods which they now produce.

It is impossible without a considerable amount of labor, which would not be justified, to give the total dividends paid by Massachusetts industries, because very many of the larger businesses, especially in the shoe industry, are either private corporations or copartnerships, and no statement of the dividend return or profits obtained is possible, although we do know that in the shoe industry the average profit on a pair of shoes is less than 7 cents a pair and that it has not varied materially from that figure during the period to which I am referring, though the present profits in shoemaking are undoubtedly less per pair than they were in the period between 1900 and 1910.

Therefore in order to demonstrate that the returns on capital have not increased in the same ratio or in fact increased at all during much of this period it is necessary to take individual communities which are largely dependent on a single industry. By so doing I think I can show that the returns of the rich—if the rich are called stockholders in manufacturing industries; and, by the way, there are tens of thousands of stockholders in our cotton and wool industries frequently having small holdings which represent the savings of the owner for many years or for a lifetime—have been diminishing while the prosperity of the workers themselves has been increasing; and in order to do this I will take as examples the city of New Bedford, where, generally speaking, high-grade cotton goods are manufactured; the city of Fall River, where, substantially speaking, a lower grade of cotton goods is manufactured; the city of Lawrence, where the manufactures are about equally divided between cotton and worsted goods; the city of Brockton, the largest shoe-manufacturing center of the United States; the city of Lynn, which is one of the great shoe centers and also the location of a part of the plant of the General Electric Co. I speak of these typical places, because the returns on capital invested, except in the case of Brockton, can be figured much more definitely than in other cases, and they illustrate as well as would others the argument which I am going to develop.

The two savings banks in New Bedford held at the end of the year, October 31, 1912, $28,427,468.38, and the table which follows shows the increase each year for the past ten.

Deposits of the 2 savings banks in New Bedford, Mass., and the annual increase for the years 1903 to 1912, as of record of Oct. 31, each year enumerated.

	Total deposits.	Annual increase in deposits over previous year.
1903	$22,872,940.57	.....
1904	23,212,115.36	$339,174.79
1905	23,977,969.25	765,853.89
1906	25,052,499.20	1,074,529.95
1907	26,092,321.05	1,039,821.85
1908	26,565,101.28	472,780.23
1909	26,815,115.64	250,014.64
1910	27,287,737.13	472,621.49
1911	27,772,533.73	484,796.60
1912	28,427,468.38	654,934.65

In addition to the above, New Bedford has three national banks and a trust company, having a total deposit of $14,747,000. The wages in the mills of New Bedford have been frequently increased, the last change being in the spring of 1912, when they were increased 10 per cent; but while the wages of the employees have been increased and the deposits in savings banks show that the employees are reasonably prosperous, dividends have not shown the same tendency.

The total capital of the mills of New Bedford amounts to $37,126,300. The dividend paid in 1912 was $1,647,000, or 4.4 per cent on the capital. The dividend paid in 1911 was $2,020,475, or 5.5 per cent on the capital invested. The dividend paid in 1910 was $3,057,000, or 9.50 per cent on the then outstanding capital. No mill during that period increased its dividend and about one-half of the mills decreased their dividends. In many cases the dividends of 1911 and 1912 were not earned, but were

paid out of the surplus which had been accumulated in the past, and it will be noted also that the capital stock of the New Bedford mills outstanding is only about one-half the replacement value of the mills, which, if figured at $20 a spindle, would be $60,000,000.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. Yes.

Mr. HITCHCOCK. I recall having heard that the stock of those mills was watered to a great extent, not the particular mills the Senator quotes, but the woolen and cotton mills of Massachusetts. Can the Senator state what the fact is, whether the capital that he referred to was genuine capital or whether it was watered?

Mr. WEEKS. I am coming to that in a moment. I will say that it is impossible to water the stock of any Massachusetts corporation under the Massachusetts laws. That statement applies to all Massachusetts corporations. I will come to that point later. The statement, however, has no basis whatever, I will say to the Senator from Nebraska.

Therefore the average dividends of the past three years, which on the outstanding capital were 6¼ per cent, would have been on the replacement value exactly 4 per cent. Can it be said with these figures before us that the mill owners of New Bedford are growing richer or profiting unduly at the expense of the mill operatives who have, during this period of decreasing dividends, received an increase in their pay of 10 per cent and who are evidently making material savings, as is evidenced by bank deposits?

In the case of Fall River, substantially the same result is found. There are in Fall River 32 mills which paid an average dividend from 1900 to 1912 of 5.99 per cent.

The outstanding capital of the Fall River mills is $30,710,000, an average of $10.20 per spindle. The cost of building a new mill of the character of those located in that city at $18 a spindle would mean a capitalization of $55,000,000; therefore the dividends for the period referred to, instead of averaging 5.99 per cent per annum, would have averaged 3.4 per cent on the replacement value.

Deposits of the 4 savings banks in Fall River, Mass., and the annual increase for the years 1903 to 1912, as of record of Oct. 31, each year enumerated.

	Total deposits.	Annual increase in deposits over the previous year.
1903	$18,989,449.94	
1904	18,728,393.04	[1] $261,056.90
1905	19,148,997.36	420,604.32
1906	20,226,852.47	1,077,855.11
1907	21,397,906.21	1,171,053.74
1908	21,268,287.82	[1] 129,618.39
1909	22,086,238.37	817,950.55
1910	22,507,084.95	420,846.58
1911	22,958,636.47	451,551.52
1912	23,906,325.08	947,688.61

[1] Decrease.

Can it be possible that anyone would contend that with increased earnings and increased savings of the workmen and the decreased dividends, as is illustrated in the case of Fall River, the stockholders there are getting richer and the employees are getting poorer?

Brockton, as I have suggested, is the leading shoe manufacturing center of the United States. It is a comparatively new city, but there are situated at Brockton several of the largest shoe industries in Massachusetts, and, substantially speaking, the people of that community are engaged in or dependent upon this industry. The savings deposits in Brockton's banks do not show the deposits which would be expected in such a prosperous city, the reason being that many savings banks in communities around Brockton and contiguous to it are older than those in that city and many of the employees of the Brockton factories come from adjoining towns, so that the deposits in Brockton do not properly demonstrate the prosperity of its people.

There has been substantially no change in the volume of business at the Brockton factories during the past year, and as but one of the factories is capitalized it is impossible to state what the net earnings have been, but it is a fair statement that the net profits for a pair of shoes is no larger than heretofore, and on account of the increased cost of leather it is quite likely less; yet the savings deposits show an increase of 100 per cent in 10 years. I append a table showing this increase.

Deposits of the 3 savings banks in Brockton, Mass., and the annual increase for the years 1903 to 1912, as of record of Oct. 31, each year enumerated.

	Total deposits.	Annual increase in deposits over previous year.
1903	$4,789,521.29	
1904	5,197,318.24	$407,796.95
1905	5,755,849.28	558,531.04
1906	6,349,609.16	593,759.88
1907	6,580,281.97	230,672.81
1908	6,644,601.41	64,319.47
1909	7,210,126.26	565,524.82
1910	7,991,770.88	781,644.62
1911	8,769,169.48	777,398.60
1912	9,638,010.28	868,840.80

Similar conditions obtained in Lynn, where the savings banks show an increase of $4,400,000 in 10 years, although the shoe factories do not indicate increased net earnings and the General Electric dividend has not been changed.

Deposits of the 3 savings banks in Lynn, Mass., and the annual increase for the years 1903 to 1912, as of record of Oct. 31, each year enumerated.

	Total deposits.	Annual increase in deposits for the previous year.
1903	$10,080,753.35	
1904	10,522,014.26	$441,260.90
1905	11,155,553.26	633,539.00
1906	11,842,986.23	727,432.97
1907	12,042,910.68	199,942.45
1908	11,911,347.73	[1] 131,562.95
1909	12,524,671.99	613,324.26
1910	13,166,803.76	642,131.77
1911	13,823,034.45	656,230.69
1912	14,490,834.39	667,799.94

[1] Decrease.

Senators will recall the labor troubles which disturbed business in Lawrence during 1912, affecting the earnings and dividends of Lawrence mills; yet the savings deposits increased in that city $692,239.50 for the year and show a gain of 42 per cent in 10 years, while in no instance has there been an increase in mill dividends since 1907, while several corporations are now reducing.

Deposits of the 3 savings banks in Lawrence, Mass., and the annual increase for the years 1903 to 1912, as of record of Oct. 31, each year enumerated.

	Total deposits.	Annual increase in deposits over previous year.
1903	$14,129,627.89	
1904	14,853,220.64	$723,592.75
1905	16,057,307.13	1,204,086.49
1906	17,254,413.79	1,197,106.66
1907	17,898,460.04	644,046.25
1908	17,516,557.74	[1] 381,902.30
1909	18,464,364.02	947,806.28
1910	19,018,433.14	554,069.12
1911	19,494,732.18	476,299.04
1912	20,186,971.68	692,239.50

[1] Decrease.

ARE CORPORATIONS ENGAGED IN MANUFACTURING IN NEW ENGLAND OVERCAPITALIZED?

I have already indicated in the case of New Bedford, Fall River, and Lawrence that they are not capitalized for more than about one-half of their replacement value. At this point I wish to insert the following list of New England manufacturing corporations recently prepared by a trade paper:

Mill.	Capital.	Spindles.	Capital per spindle.	Replacement value.	Undercapitalization.
Androscoggin	$1,000,000	69,798	$14.62	$1,395,960	$395,960
Appleton Co	450,000	67,414	6.67	1,483,108	1,083,108
Atlantic Cotton	1,000,000	105,000	9.52	2,100,000	1,100,000
Bates Manufacturing Co	1,200,000	82,000	14.63	1,640,000	440,000
Boott Mills	1,000,000	158,136	6.32	3,162,720	2,162,720
Boston Duck	350,000	20,708	16.90	414,160	64,160

Mill.	Capital.	Spindles.	Capital per spindle.	Replacement value.	Undercapitalization.
Boston Manufacturing Co	$600,000	63,232	$9.47	$1,393,304	$793,304
Cabot Manufacturing Co	800,000	66,064	12.10	1,321,280	521,280
Chicopee Manufacturing Co	600,009	90,384	6.64	1,807,680	1,247,680
Continental Mills	1,500,000	100,000	15.00	2,000,000	500,000
Dwight Manufacturing Co	1,200,000	220,000	5.45	4,400,000	3,200,000
Edwards Manufacturing Co	1,100,000	103,000	10.68	2,000,000	900,000
Everett Mills	1,400,000	110,000	12.73	2,200,000	800,000
Fisher Manufacturing Co	500,000	50,000	10.00	1,000,000	500,000
Great Falls	1,500,000	136,000	11.03	2,720,000	1,220,000
Hamilton Manufacturing Co	1,800,000	118,260	15.23	2,365,200	565,200
Hill Manufacturing Co	750,000	110,000	6.82	2,200,000	1,450,000
Jackson Co	600,000	55,000	10.91	1,100,000	500,000
Lancaster Mills	1,000,000	80,000	12.50	1,760,000	600,000
Lawrence Manufacturing Co	1,250,000	111,000	11.16	2,000,000	970,000
Lyman Mills	1,470,000	110,000	13.36	2,209,000	830,000
Massachusetts Mills	1,800,000	128,000	14.06	2,560,000	760,000
Massachusetts Mills in Georgia	2,000,000	100,000	20.00	2,000,000	.....
Merrimack Manufacturing Co	4,400,000	346,000 [1]	12.94	6,800,000	2,400,000
Nashua Manufacturing Co	1,000,000	97,768	10.23	1,955,360	955,360
Naumkeag Mills	1,500,000	101,000	14.85	2,020,000	720,000
Newmarket Manufacturing Co	600,000	61,000	9.84	1,220,000	620,000
Pepperell Manufacturing Co	2,556,000	250,000	10.04	5,000,000	2,444,000
Salmon Falls Manufacturing Co	600,000	60,000	10.00	1,200,000	600,000
Suncook Mills	850,000	102,054	8.32	2,041,080	1,191,000
Thorndike Co	675,000	82,972	8.14	1,794,460	974,440
Tremont & Suffolk	2,000,000	230,000	8.70	4,600,000	2,600,000
York Manufacturing Co	1,800,000	100,000	18.00	2,000,000	200,000
American Linen Co	800,000	104,500	7.66	1,881,000	1,081,000
Ancona Co	300,000	39,136	7.15	704,448	404,448
Arkwright Mills	450,000	68,432	6.58	1,221,776	771,776
Barnard Manufacturing Co	495,000	79,232	6.25	1,426,170	931,170
Bourne Mills	1,000,000	91,258	10.95	1,642,644	642,644
Border City Manufacturing Co	1,000,000	121,228	8.25	2,182,104	1,182,104
Chace Mills	1,200,000	116,668	10.28	2,100,024	900,024
Cornell Mills	400,000	45,040	9.00	810,720	410,720
Connecticut Mills	300,000	29,412	10.20	529,416	229,416
Davis Mills	1,250,000	127,000	9.85	2,540,000	1,290,000
Davol Mills	500,000	44,672	11.19	804,096	304,096
Flint Mills	1,160,000	101,000	11.47	1,818,000	658,000
Granite Mills	1,000,000	118,894	8.41	2,140,092	1,140,092
Hargraves Mills	800,000	111,690	7.16	2,010,420	1,210,420
King Philip Mills	1,500,000	135,072	14.11	2,701,440	1,201,440
Luther Manufacturing Co	350,000	51,616	6.78	829,088	479,088
Laurel Lake Mills	600,000	59,808	10.03	1,076,544	476,544
Merchants Manufacturing Co	1,200,000	134,336	9.00	2,418,048	1,218,048
Mechanics Mills	750,000	56,432	13.27	1,015,776	265,776
Narragansett Mills	400,000	43,744	9.12	791,292	391,292
Osborn Mills	750,000	70,332	10.66	1,435,976	675,976
Parker Mills	800,000	111,684	7.16	2,010,312	1,210,312
Pocasset Manufacturing Co	1,200,000	120,016	10.00	2,160,228	960,228
Rich. Borden Manufacturing Co	1,000,000	101,024	9.90	1,818,432	818,432
Sagamore Manufacturing Co	1,200,000	141,726	8.47	2,551,104	1,351,104
Seaconnet Mills	600,000	68,384	8.74	1,230,932	630,932
Shove Mills	550,000	73,552	7.48	1,323,936	773,936
Stafford Mills	1,000,000	100,576	9.94	1,810,368	810,368
Stevens Manufacturing Co	700,000	65,000	10.77	1,170,000	470,000
Tecumseh Mills	750,000	78,960	9.50	1,421,280	671,280
Troy C. & W. Manufactory	300,000	60,304	5.96	905,472	605,472
Union Cotton Manufacturing Co	1,200,000	110,128	10.90	1,982,304	782,304
Wampanoag Mills	750,000	87,096	8.42	1,567,728	817,728
Weetamoe Mills	500,000	45,504	11.35	819,072	319,072
F. R. Iron Works	2,000,000	468,000	4.28	8,424,000	6,424,000
Acushnet Mills	500,000	105,336	4.76	2,106,720	1,606,720
Bristol Mills	1,000,000	67,040	14.90	1,340,800	340,800
Butler Mills	1,500,000	100,000	15.00	2,200,000	700,000
City Mills	750,000	65,315	11.48	1,306,300	556,300
Dartmouth Mills	1,800,000	200,000	11.11	4,000,000	2,200,000
Gosnold Mills	1,650,000	82,232	20.00	1,809,104	149,140
Grinnell Mills	1,000,000	128,000	7.84	2,816,000	1,816,000
Hathaway Mills	800,000	108,328	7.39	2,383,216	1,532,216
Holmes Mills	1,200,000	60,000	20.00	1,200,000	.....
Kilburn Mills	1,500,000	125,000	12.00	2,750,000	1,250,000
Manomet Mills	2,000,000	127,000	15.75	2,540,000	540,000
Nashawena Mills	2,500,000	125,000	20.00	2,750,000	250,000
N. B. Cotton Mills	1,000,000	65,000	15.40	1,430,000	430,000
Nonquit Cotton Mills	2,400,000	130,000	18.46	2,600,000	200,000
Page Mill	1,000,000	63,000	15.87	1,386,000	386,000
Pierce Mill	600,000	116,000	5.17	2,556,000	1,956,000
Potomska Mill	1,200,000	110,000	10.98	2,200,000	1,000,000
Soule Mill	1,260,000	93,000	13.55	2,772,000	1,512,000
Taber Mill	1,300,000	71,000	18.31	1,562,000	262,000
Wamsutta Mill	3,000,000	229,000	13.11	4,580,000	1,580,000
Whitman Mill	2,000,000	185,000	10.81	4,070,000	2,070,000
Amoskeag Mills	5,760,000	[2] 600,000	.....	13,500,000	7,740,000
Pacific Mills	3,000,000	[2] 300,000	.....	11,500,000	8,500,000
Arlington Mills	8,000,000	[2] 100,000	.....	10,000,000	2,000,000
Hamilton Woolen Co	1,000,000	[2] 63,000	.....	2,250,000	1,250,000
Total	117,326,000	10,468,599	.....	222,970,630	105,644,630

[1] Has 24-machine printing plant.
[2] Large worsted plants in addition to cotton equipment.

This list does not include all cotton and worsted manufacturers in Massachusetts or in Maine or New Hampshire. It does, however, represent most of the leading industries, and they are typical of those which are not here enumerated.

In this list the total capital outstanding is $117,326,000, while the replacement value would be $222,970,000. The capital as above given does not include either surplus or profit and loss. The number of spindles is 10,469,599, or the outstanding capital represented is $10.50 per spindle. Therefore, based on replacement value these properties are capitalized at $105,644,000 less than their value.

A few individual instances of representative mills will emphasize this contention. Take, for instance, the Amoskeag Manufacturing Co., of New Hampshire, which is one of the oldest and the largest cotton mills in the United States, having an outstanding capital of $5,760,000 and operating 600,000 spindles, in addition to a considerable worsted plant. The dividends paid by this corporation annually have been as follows:

	Per cent.		Per cent.		Per cent.
1831	None.	1859	8	1887	10
1832	None.	1860	9	1888	10
1833	None.	1861	9	1889	10
1834	6	1862	10	1890	10
1835	15	1863	15	1891	10
1836	8	1864	9	1892	10
1837	4	1865	10	1893	7½
1838	3	1866	22	1894	5
1839	9	1867	20	1895	5
1840	None.	1868	16	1896	5
1841	6	1869	17	1897	5
1842	4	1870	10	1898	6
1843	7	1871	13	1899	9
1844	9	1872	18	1900	25
1845	15	1873	14	1901	10
1846	35	1874	9	1902	10
1847	30	1875	9	1903	10
1848	3	1876	8	1904	35
1849	23	1877	10	1905	10
1850	6	1878	10	1906	10
1851	4	1879	10	1907	16
1852	7	1880	10	1908	16
1853	8	1881	11	1909	12
1854	8	1882	10	1910	12
1855	6	1883	13	1911	12
1856	4	1884	10	1912	
1857	3	1885	10		
1858	3	1886	10		

The average rate paid during the life of the company has been almost exactly 10 per cent.

The replacement value of this company at $20 a spindle instead of being the capital stock outstanding would be $13,800,000. During the period from 1895 to 1912 the average dividend paid was 12½ per cent on the outstanding stock; this would be about 5 per cent on the replacement value of the plant and less than 7 per cent on the capital, profit and loss, and surplus.

Another representative mill is the Pacific Corporation, of Lawrence, Mass., which has paid dividends at the rate of 10 per cent from the organization of the company in 1853 until 1905, and has paid 12½ per cent since. This has been an especially well-managed concern. The capital outstanding is $3,000,000. The replacement value, figuring replacement at $20 per spindle, would be $11,500,000, so that the dividends for the past 16 years, the years of its greatest prosperity, would average but 3.8 per cent on its replacement value, and would average 4.7 per cent on the capital and profit and loss account, which would be the probable liquidating value of the property if the mill went out of business and the real estate and machinery were thrown away.

One of the best-managed mills of this character is the Great Falls Manufacturing Co., of Somersworth, N. H., which is another illustration of the same general statement. The average dividend paid by this corporation during the 13 years from 1899 to 1912 was 12 per cent; the capital stock outstanding is $1,500,000, the replacement value $2,272,000, so that the average dividend on the replacement value has been 6.66 per cent, and not far from 7.2 per cent on capital and profit and loss.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. Yes.

Mr. HITCHCOCK. Do I understand that the replacement value is greater than the outstanding capital stock?

Mr. WEEKS. In every instance.

Mr. HITCHCOCK. Because the earnings of the company have been used to increase the plant?

Mr. WEEKS. There have been various reasons for that.

Mr. HITCHCOCK. I infer that the plant could have been increased in no other way. So the dividends represent only a part of the profit that has been made during the period of years the Senator mentions?

Mr. WEEKS. Every mill corporation charges something to a renewal account every year. It is a part of the operating expenses of the plant. There is no well-managed corporation which does not charge about 5 per cent to a renewal account, or some other similar account, but invariably it is included in the operating expenses of the plant. No manufacturing corporation is conducted on any other basis.

Mr. HITCHCOCK. So the conclusion is that the earnings of the plant of the company during that period are represented

not only by the dividends that have been paid but the enormous increase in the value of the plant?

Mr. WEEKS. Mr. President, I think that the Senator from Nebraska puts the wrong construction on what I have said. No mill in this country or in England or in any other country is operated without making a charge off every year for renewal or replacement, and that charge off is included in the operating expenses. In that way the property is maintained at an efficient standard.

I will admit that probably in many of these cases—you would have to take each individual case and examine it by itself to make an accurate statement, but in many of these cases if there had been no charge off for renewals or no charge off for any other purpose, as is customary among manufacturers, it is quite likely the capital outstanding would be similar to the renewal cost.

All of the cases go to show that the frequently repeated and sometimes believed statement that New England mills are largely overcapitalized and that they are earning excessive dividends is absolutely without foundation; the reverse is really true. Workmen are getting a fair proportion of the earnings, and the bringing in of ten millions of additional cotton goods and forty-eight millions additional woolen goods is going to curtail our production to that extent. These industries are not in condition to warrant such a change, nor should the employees be deprived of the work involved.

How easy it is to use popular phrases in political resolutions, to make statements if they do not have to be proven, to constantly repeat clattertrap until people think it may be true and even those who indulge in it become convinced from repeated repetition, especially as it may not have been denied, that there must be something in it. That is the position in which we find the Democratic Party, the tariff, and the people. The former has constantly repeated statements relative to the tariff and its relations to certain elements in our life, and the latter, always wishing to improve their condition, and properly so, skeptical, no doubt, of the result of this experiment, have concluded to give the Democratic Party a chance to do what it has stated could be done if the tariff were reduced; that is, reduce the cost of living, strangle the trusts, make the rich poorer and the poor richer, and to develop competition, giving every man an equal chance with every other, and this Congress is trying to carry out these promises. I wish it were possible to do these things, but if there is any merit in what I have stated, the people will find that their net income is not increased, but will probably be decreased; that there will be rich and poor, dependent on the brains, industry, and thrift of the individual; that the large corporation is here to stay, under proper control, because it is in many cases the economical way in which to do business; that there is, as there always has been, a chance for every man which is dependent on himself and his own power of initiative; and that there never has been a greater demand for skillful, honest, industrious men than now. And I believe that the people will find that an attempt to change conditions in this way has injured all classes of citizens, who will at the first opportunity proceed to depose those who have been humbugging them and will restore to power the party which has, on the whole, managed the country's affairs with intelligence and honesty.

Mr. MARTINE of New Jersey. Before the Senator takes his seat, in view of the glorious picture that has been portrayed to us of the magnificent and prosperous condition of the cities of New England, I should like to know how he accounts for the lamentable condition of the people in Lawrence, Mass., when they engaged in a strike followed by cessation of work and great distress.

Mr. WEEKS. That lamentable condition of the people of Lawrence was largely without basis.

Mr. MARTINE of New Jersey. I submit that is not an argument.

I heard the Senator say a moment ago, when the Senator from Utah [Mr. SMOOT] made some reference to the cost of pens that that is all humbug. I submit that that may be very conclusive to the Senator, but it is not conclusive to the mill workers of Lawrence, Mass.

Mr. WEEKS. If the Senator from New Jersey had honored me with his attention——

Mr. MARTINE of New Jersey. I did very closely.

Mr. WEEKS. He would have heard me say that the deposits in the savings banks of Lawrence have increased $6,000,000 in the last 10 years, and that they average more than $300 for every man, woman, and child in the city; that they average as high as do the deposits in all the savings banks in the State of Massachusetts, which are the highest of any Commonwealth in the Union and the highest in any part of the world, and those deposits, as he will recall, if he has followed me, are made by the same mill operatives to whom the Senator has referred.

Mr. MARTINE of New Jersey. I recall that at the same time the Senator said that the dividends have averaged 12 per cent, and this did not include betterments and additions to the mills.

Mr. WEEKS. I suspected that the Senator from New Jersey had not been following me carefully, because if he had he would have heard me say that the dividends of one mill had averaged 12 per cent for a term of years, but that on its replacement value those dividends would have been only 4 per cent. He would have heard me say if he were listening that the dividends of the mills in Lawrence in no instance have been increased since the year 1907, and in many instances they have been decreased, while the wages of the employees have been increased.

Mr. MARTINE of New Jersey. I suppose that that is owing and has been owing to the demand of the organization of labor.

Mr. WEEKS. A mill owner who has any judgment wishes to develop good employees and give them steady employment, and he is willing, if he has any judgment, to pay his employees what their services are worth. I assume that that is generally the case in Lawrence as it is elsewhere.

Mr. SIMMONS. I ask that the Secretary proceed with the reading of the bill.

The VICE PRESIDENT. Without objection——

Mr. SMOOT. Mr. President——

Mr. GALLINGER. Is the bill before the Senate?

The VICE PRESIDENT. The Chair was about to state that it is before the Senate when the Senator from Utah interrupted, the Chair did not know but for some other purpose.

Mr. SMOOT. I understand that the bill was before the Senate, and that the Senators from California and Massachusetts addressed themselves to it.

Mr. SIMMONS. I simply requested that the Secretary proceed with the reading of the bill.

Mr. SMOOT. I so understood.

Mr. President, just before the close of session yesterday we had under consideration paragraph 30, and particularly that portion of the paragraph known as the proviso, to which I offered an amendment increasing the 5 per cent of alcohol to 10 per cent.

During that debate I made a certain statement as to the amount of alcohol in acetate ether, claiming that it was about 10 per cent. The Senator from Oregon [Mr. LANE] questioned that statement first, as others did, and made this statement:

> Mr. President, I should like to say, for the information of Senators who are not familiar with this subject, that it does not require a particle of alcohol to make acetic ether.

Subsequently he qualifies that statement by this statement——

Mr. WILLIAMS. Is the Senator from Utah referring to the remarks made by the Senator from Oregon [Mr. LANE]?

Mr. SMOOT. I am reading from the remarks made by the Senator from Oregon.

Mr. WILLIAMS. Well, that is what I thought. What the Senator from Oregon meant to say was that it did not require any alcohol added from the outside to what the fermentation had already produced.

Mr. SMOOT. Mr. President, I suppose the Senator from Oregon is here, and he can answer for himself. I desire now to continue my statement.

Mr. WILLIAMS. I want to call the attention of the Senator from Oregon to what has just been said. The Senator from Utah has stated that the Senator from Oregon had said that it required no alcohol at all.

Mr. SMOOT. Would it not be better for me to complete my statement?

The VICE PRESIDENT. Does the Senator from Utah refuse to yield to the Senator from Mississippi?

Mr. SMOOT. I was just asking, Would it not be better for me to complete my statement? Then the Senator from Mississippi can take it up with the Senator from Oregon.

Mr. WILLIAMS. Yes; just repeat it to the Senator from Oregon, and then I need not take it up at all. I was merely defending the Senator from Oregon in his absence and making the point that the amount of alcohol in the final resultant might have been produced within itself or artificially added later.

Mr. SMOOT. Mr. President, the Senator from Oregon was in the Chamber when I began to speak, and I supposed he heard every word that I uttered. The Senator from Oregon later made this statement:

> Mr. President, if the Senator will allow me, here is the United States Dispensatory, an official document recognized by druggists and physicians all over the world, though not, perhaps, by those of the homeopathic persuasion. I think they recognize it as a fairly good

authority, however. It aims to give a true and just statement of the facts. It describes acetic ether as follows:

"A liquid composed of about 98.5 per cent, by weight, of ethyl acetate and about 1.5 per cent of alcohol, containing a little water. It should be kept in well-stoppered bottles, in a cool and dark place, remote from lights or fire."

My statement was also questioned by the Senator from Missouri [Mr. STONE], he claiming that the expert of the majority members of the committee had stated that acetic acid did not contain more than 5 per cent of alcohol, and that he relied upon that statement. Afterwards the Senator from Mississippi delivered a statement as to his idea of the case.

Mr. President, in justice to Hon. Thomas J. Doherty, the author of the notes on tariff from which I quoted, in justice to the manufacturers who have written to me claiming that there was about 10 per cent of alcohol in this ether, and in justification of my position yesterday, I have secured from the Congressional Library the United States Dispensatory, but it is not the old issue that was read from by the Senator from Oregon. It is the latest issue. I want now to read from that issue to show that Mr. Doherty was correct, and then to further point to other evidence. On page 100 of that volume, under the head of "Acetic ether," this statement appears:

Acetic ether is a liquid composed of about 90 per cent by weight of ethyl acetate, and about 10 per cent of alcohol containing a little water.

I have here, Mr. President, Merck's 1907 Index. Merck & Co., I suppose, are the largest druggists in the world. I find in that index, on page 183, this in relation to acetic ether:

Acetic ether.—About 90 per cent by weight ethyl acetate, and about 10 per cent alcohol containing a little water.

They give, as their authority for this statement, the United States Pharmacopœia, which, I take it for granted, even the Senator from Oregon [Mr. LANE] will not dispute is good authority.

So, Mr. President, with this information before the Senate, I now again state that the amendment offered by the majority members of the Finance Committee of the Senate will not put acetic ether under paragraph 30, but that it will fall under paragraph 17.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. LANE. Will the Senator allow me a moment in further relation to this matter?

Mr. SMOOT. Certainly, Mr. President.

Mr. LANE. I thank the Senator very much.

Mr. President, when this matter came up yesterday I was informed by the expert who labors in behalf of the Democratic members of the Finance Committee in getting up these schedules that acetic ether contains on an average about from 2 to 4 per cent of alcohol. The Senator from Wisconsin [Mr. LA FOLLETTE] suggested that I send over to the Congressional Library and secure a copy of the United States Dispensatory, which is the work which is used by pharmacists and consulted by physicians all over America. It is not an official document otherwise in America, but it is recognized as good authority. The Senator from Utah is right about that.

The Library authorities sent me, by a small boy who went after it, the volume from which I read. I did not look at its date; I merely turned to the subject in question and read to the Senate just what the book states, which is exactly what I said yesterday. I will now read it again.

Mr. SMOOT. There is no dispute as to that, Mr. President.

Mr. LANE. The Senator, then, has read it?

Mr. SMOOT. I have already read it, and said that the volume from which the Senator from Oregon read was an older issue than the one from which I have been reading. I suppose the Senator does not deny the statement that I have made.

Mr. LANE. No; not a bit. I now wish to say this, further: I sent over to the Congressional Library again to-day and secured a copy of the American Pharmacopœia, which is the working formula which druggists usually use, and in a smaller and condensed edition, perhaps a bit more accurate than the other authority. The Library officials sent word back to me that they did not have it, and the messenger who brought me the word left this message on my desk: "Senator LANE. You had the latest one—the latest edition."

So, evidently, they were in error, and when they sent me this work I did not look at it. The formula has been changed, I am told, for these reasons: In the conversion of alcohol into acetic acid it requires one more atom of oxygen, and in so far as the process is completed it contains less alcohol. The more pure the ether the less alcohol there is in it. An incomplete distillation and fermentation leaves a larger proportion of alcohol. The medical fraternity, or the gentlemen who have gotten out this work, have changed what is now the common method of making that particular article. It does contain at this time more alcohol. I repeat there has been a change; I acknowledge that.

I am told, however, that there are two varieties of this article upon the market, and that the strictly medical, high-grade acetic ether contains from 2 to 4 per cent of alcohol. I was sure that samples of the commercial article and that which is used in medicine would be submitted here for me to-day so that I might show it to you for your information.

In regard to Merck & Co., I will say that it is a large German manufacturing establishment, which does not manufacture its drugs in America.

Mr. SMOOT. It has an establishment in New York.

Mr. LANE. It has a branch house and an agency in this country. The error in regard to this matter arose as I have stated. There are two kinds of this article—one medicinal, the other commercial.

Mr. SMOOT. But it makes no difference whatever as to the rate of duty under this bill levied upon that article. I wish to now state that what I have just read, of course, conforms strictly to what I said yesterday.

Again, Mr. President, I suppose that, as stated by the Senator from Oregon, he got his information from this expert, just as the Senator from New Jersey [Mr. HUGHES] got his information by running to the back of the Senate Chamber and asking the expert about the price of this acetic ether, and then made his statement to the Senate, after securing the information from the expert.

I want to say to the Senate that I am informed that Mr. Herstein, the expert, was also the expert for the House committee, which sent this bill over to the Senate in the form in which it was referred to the Committee on Finance. If he knew all about that industry, why so many proposed changes by the Senate committee? Why was the change made in this item, if it were true that he had expert knowledge regarding it?

Mr. LANE. Will the Senator allow me to interrupt him?

Mr. SMOOT. If the Senator will wait until I get through with my statement, the Senator can then continue. The Senator from New Jersey [Mr. HUGHES] made this statement:

The Senator from Kansas [Mr. BRISTOW] asked the Senator from Utah the direct question whether, if this commodity fell under paragraph No. 17, it would be an increase of the rate, and the Senator from Utah, as I understood him, said that it would. The rate of duty under the present law is 250 per cent. The Senator from Utah can state in a moment what the rate will be under the proposed law, even if this article comes in under paragraph No. 17.

Mr. President, Merck & Co., as has already been stated, are one of the largest manufacturing chemists in the world. They quote at Darmstadt, Germany, the price of acetic ether as "3 marks 50 per kilo," which means 38 cents per pound, instead of 20, as the expert told the Senator from New Jersey yesterday.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. Certainly.

Mr. HUGHES. I stated that price as the American price.

Mr. SMOOT. Does the Senator say that the American price is less than the price in Germany?

Mr. HUGHES. I say the American price is what I said it was yesterday. The price quoted somewhere else by some other firm has nothing to do with what I said. I quoted the American price yesterday.

Mr. SMOOT. Then, Mr. President, why put any duty here at all upon the article, if it is one-half cheaper in this country than it is in Germany?

I desire also in this connection to call the attention of the Senate to another fact. It is very strange, indeed, that when the Wilson bill, the last Democratic tariff bill, was passed they made this very item carry a dollar a pound.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Yes; I yield for the Senator to make another statement furnished by the same expert.

Mr. LANE. It comes from——

Mr. SMOOT. I saw the expert hand it to the Senator, and I am prefectly willing to yield to have the Senator again put in the expert's opinion.

Mr. LANE. Very well.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I hope that we will not bandy words about the experts. The majority have engaged an expert and the minority have engaged an expert, and I think we ought not to question the propriety of those gentlemen furnishing information to either side.

Mr. SMOOT. I am not questioning the propriety of that, Mr. President, but on yesterday the Senator from Missouri [Mr. STONE] and other Senators took me to task because I had stated here upon the floor of the Senate what that particular expert said.

Mr. STONE. I did not take the Senator to task for that.

Mr. SMOOT. I read the RECORD this morning, and I certainly thought so.

Mr. STONE. I took the Senator to task for this: I asked him who his expert was, and he declined to say.

Mr. SMOOT. Oh, no, Mr. President; I told the Senator that I would tell him.

Mr. STONE. Yes; but the Senator did not tell me.

Mr. SMOOT. I would have told the Senator, but the Senator from Mississippi [Mr. WILLIAMS] immediately rose and told the Senator.

Mr. STONE. And inasmuch as there had been given out here in the Senate the authority upon which the statements made by the committee were predicated, namely, the authority of Dr. Herstein, when the Senator from Utah undertook to oppose that statement with the authority of another expert, I thought the Senate had a right to know who the expert was, so that they might weigh the relative merit and value of the two statements.

Mr. SMOOT. Mr. President, I said, as the RECORD will show, that I was perfectly willing to state to the Senator who the expert was, but before I could do so the Senator from Mississippi took the floor and delivered a lecture on the rate of 250 per cent, which he claims the present law carries.

Mr. STONE. The Senator said to me in that colloquy in a somewhat petulant manner that I had no right to ask the name of his expert nor was he obliged to give it.

Mr. SMOOT. But I said that I would do so.

Mr. STONE. Yes; the Senator said he would, but he did not.

Mr. SMOOT. Well, Mr. President, I did not have the opportunity. I was perfectly willing to give it, and was going to pick up the document on my desk and read to the Senator what the Senator from Mississippi read.

Mr. President, I have nothing more to say on this particular point. I wanted these facts to appear in the RECORD to justify the statement that was made by Hon. Thomas J. Doherty in the document issued, entitled "Notes on the Tariff, 1913."

Mr. LANE. Mr. President, I should like to place an additional statement in the RECORD. There is clearly ground for difference of opinion here, inasmuch as the authorities differ. I am not trying to gain any advantage in an argument with the Senator. If it be shown that he is right, I am willing to admit it. I only want to clear the matter up and to have it settled by the best authority. I have no prejudice in regard to it.

I have here a catalogue of prices current, of July, 1913, from Powers-Weightman-Rosengarten Co., manufacturing chemists, of Philadelphia, one of the largest concerns in America. Here is a statement based on that catalogue, and Senators will see that it differs from all of the others:

The first and most important grade is acetic ether, 95 per cent; i. e., it is guaranteed to contain 95 per cent of acetic ether, the other 5 per cent being impurities, mainly alcohol. Commercially this is the most important quality as to use and quantity handled. It is used principally as a solvent for gums and for making pyroxylin varnishes, also in connection for making so-called dipping fluids for gas mantles. This grade of acetic ether is made of denatured alcohol. The price quoted in pound bottles, inclusive container, is 30 cents a pound, and considerably less in large quantities. This foreign is less than 20 cents per pound. This grade if imported would pay 20 per cent in duty, as stated in paragraph 30.

The next grade of acetic ether made is the so-called U. S. P., containing about 7 per cent of alcohol, traces of water, the balance being acetic ether. This ether is used for medicinal purposes to a comparatively small extent, and is made—

Now, note the difference—

from pure grain alcohol, upon which there is an internal-revenue tax of $2.40 per gallon. This grade when imported would be subject to a tax of 10 cents per pound and 20 per cent ad valorem under the proposed bill, the tax of 10 cents being intended to compensate for the internal-revenue tax. The foreign price of this grade of acetic ether is about 25 cents per pound.

There is yet another grade of ether, the so-called absolute acetic ether, corresponding to the United States Pharmacopoeia of 1890, and containing only 1½ per cent of alcohol and 97½ per cent acetic ether. This quality is at present absolute.

Under the existing law all the three grades of ether would be subject to a minimum specific tax of 50 cents per pound under paragraph 21.

So you see there are many different kinds of ethers. The chemists change their formulas. The authority quoted by the Senator from Utah states that acetic ether contains about 10 per cent of alcohol, more or less, dependent upon the manner in which and the care with which it is distilled. It is a question that you can not solve closely.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 8, after line 13, to strike out:

31. Extracts and decoctions of logwood and of other dyewoods, and all extracts of vegetable origin suitable for dyeing, coloring, or staining, not specially provided for in this section; all the foregoing not containing alcohol, and not medicinal, three-eighths of 1 cent per pound.

And in lieu thereof to insert:

31. Extracts and decoctions of nutgalls, Persian berries, sumac, logwood, and other dyewoods, and all extracts of vegetable origin suitable for dyeing, coloring, or staining, not specially provided for in this section; all the foregoing not containing alcohol and not medicinal, three-eighths of 1 cent per pound.

Mr. BURTON. Mr. President, I move to amend the amendment by striking out all of line 19 and the first word, "berries," in line 20, including the words "Extracts and decoctions of nutgalls, Persian berries."

This motion is not based upon any particular political views, but as a matter of simplicity of administration. The quantity of these articles imported is comparatively insignificant, and the rate of duty is a very small one. As regards the first item, extracts and decoctions of nutgalls, the total amount imported in the year 1910 was three pounds, of the value of $3, the average unit being $1 per pound, and the duty collected 31 cents, an amount sufficient to awaken the attention of finance ministers and students of finance. It was somewhat larger in the following year—yes, considerably larger—but the expected amount of duty which would be collected under this item, as shown in the Tariff Handbook, is $600, while on Persian berries the total amount would only be $563. The proposed equivalent ad valorem duty on the first item would be 3.23 per cent, and 3.76 per cent on the second item. It seems to me, Mr. President, the trouble and cost of collection is altogether greater than the possible revenue would justify.

Mr. JOHNSON of Maine. Mr. President, the only reason for the change suggested by the committee is this: The House placed these articles on the free list along with tanning materials under the impression that they were used for tanning purposes. We were informed that they are not used for tanning purposes, but should be classed among the dyes. So we took them from the free list and put them in with the other dye materials at the same rate. We were told that extracts of Persian berries, sumac, and nutgalls are used in dyeing and not in tanning, and we treated them as the other dyes were treated by placing them in this paragraph.

Mr. BURTON. If the Senator from Maine will yield to me for a question, is not the first article mentioned in the paragraph used principally for tanning?

Mr. JOHNSON of Maine. No; we were not so informed.

Mr. BURTON. What are Persian berries?

Mr. JOHNSON of Maine. I am not informed as to that. I was merely informed that the extract of Persian berries was used only for dyeing and not for tanning, and the same is true of nutgalls.

Mr. BURTON. I think, Mr. President, the first article is used almost exclusively in tanning.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BURTON] to the amendment reported by the committee.

Mr. GALLINGER. Let the amendment to the amendment be stated from the desk, Mr. President.

The SECRETARY. In the amendment reported by the committee it is proposed to strike out in paragraph 31, on page 8, line 19, the words "extracts and decoctions of nutgalls, Persian berries," so as to read:

31. Sumac, logwood, and other dyewoods, and all extracts of vegetable origin suitable for dyeing, coloring, or staining, not specially provided for in this section, all the foregoing not containing alcohol and not medicinal, three-eighths of 1 cent per pound.

Mr. JONES. I desire to ask the Senator if the effect of his amendment, if carried, would not be to put these articles on the free list?

Mr. BURTON. I take it the effect would be to place them on the dutiable list at 10 per cent under the basket clause, but, if my motion should prevail, when the free list is reached, I will make the proper motion, and I give notice of it now.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio to the amendment reported by the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment reported by the committee.

Mr. BRANDEGEE. Mr. President, I am opposed to the adoption of that amendment. At some other time I shall be prepared to go into the subject as exhaustively as may be demanded.

Mr. SIMMONS. We can not hear what the Senator is saying over here.

Mr. BRANDEGEE. If there is order in the Chamber, I think there will be no difficulty in Senators hearing what I have to say.

Mr. SIMMONS. I agree with the Senator about that.

Mr. BRANDEGEE. I have not had the time this afternoon, Mr. President, to prepare what I desire to say in regard to this proposed amendment. I shall be prepared, however, at any other time at the committee's convenience, but I want to make sure that I will have the right to recur to this amendment at any time. I remember, Mr. President, that in the consideration of the tariff bill in 1909——

Mr. SIMMONS. Mr. President, in the interest of time, if the Senator desires us to pass over this paragraph, in order to allow him time to prepare the matter to which he refers, that can be done.

Mr. BRANDEGEE. That is just what I was going to suggest. In the consideration of the Payne-Aldrich bill, when a Senator asked to have a paragraph passed over, action was taken accordingly.

Mr. SIMMONS. Yes.

Mr. BRANDEGEE. If there be no objection, I ask that this amendment be passed over.

The VICE PRESIDENT. Paragraph 31 will be passed over.

The reading of the bill was resumed and continued to the end of paragraph 32, page 9, as follows:

32. Extract of chlorophyll, 15 per cent ad valorem; saffron and safflower, and extract of, and saffron cake, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. SMOOT. Mr. President, I move to strike out all of line 25 on page 8, and line 1 on page 9 down to the words "ad valorem." I wish to say to the Senate that the reason for that is that saffron and safflower, and extract of, and saffron cake are now upon the free list under paragraph 663, and should be there under this bill, in my opinion.

On that amendment I ask for the yeas and nays.

Mr. BRISTOW. Will the Senator state the reason why these articles should be on the free list?

Mr. SMOOT. Practically none of them are produced in this country. While perhaps not very extensively used, they have been on the free list in many tariff acts, and I do not know why they should be dutiable. I think they ought to be where they are to-day, on the free list.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON], and therefore withhold my vote.

Mr. COLT (when his name was called). I am paired with the junior Senator from Delaware [Mr. SAULSBURY], and therefore withhold my vote.

Mr. REED (when his name was called). I desire to know whether the senior Senator from Michigan [Mr. SMITH] is here? I will ask his colleague.

Mr. TOWNSEND. He is not here.

Mr. REED. I am paired with that Senator, and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent from the city, but he has a general pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand on all votes to-day.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. He has not voted, and I do not see him in the Chamber, so I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the senior Senator from South Carolina [Mr. TILLMAN] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a pair with the Senator from Florida [Mr. FLETCHER]. I transfer that pair so that the Senator from Florida may stand paired with the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "nay."

The roll call was concluded.

Mr. BANKHEAD. I announce my pair with the junior Senator from West Virginia [Mr. GOFF], and withhold my vote. I make this announcement for the balance of the day.

Mr. JAMES (after having voted in the negative). I desire to inquire whether the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a general pair with that Senator, and therefore withdraw my vote in the negative.

The result was announced—yeas 27, nays 40, as follows:

YEAS—27.

Bradley	Crawford	Lodge	Sherman
Brady	Cummins	McLean	Smoot
Brandegee	Dillingham	Nelson	Sutherland
Bristow	Gallinger	Norris	Townsend
Burton	Gronna	Oliver	Warren
Catron	Jones	Page	Works
Clapp	Kenyon	Poindexter	

NAYS—40.

Ashurst	Johnston, Ala.	Owen	Smith, Ga.
Bacon	Kern	Pittman	Smith, Md.
Bryan	Lane	Pomerene	Smith, S. C.
Chamberlain	Lea	Robinson	Swanson
Clarke, Ark.	Lewis	Shafroth	Thomas
Gore	Martin, Va.	Sheppard	Thompson
Hitchcock	Martine, N. J.	Shields	Thornton
Hollis	Myers	Shively	Vardaman
Hughes	O'Gorman	Simmons	Walsh
Johnson, Me.	Overman	Smith, Ariz.	Williams

NOT VOTING—29.

Bankhead	Fall	Newlands	Stephenson
Borah	Fletcher	Penrose	Sterling
Burleigh	Goff	Perkins	Stone
Chilton	Jackson	Ransdell	Tillman
Clark, Wyo.	James	Reed	Weeks
Colt	La Follette	Root	
Culberson	Lippitt	Saulsbury	
du Pont	McCumber	Smith, Mich.	

So Mr. SMOOT's amendment was rejected.

The reading of the bill was resumed and continued to the end of paragraph 33, page 9, as follows:

33. Formaldehyde solution containing not more than 40 per cent of formaldehyde, or formaline, 1 cent per pound.

Mr. SMOOT. Mr. President, in the present law formaldehyde comes under the basket clause, at 25 per cent ad valorem. The rate proposed in this paragraph is 1 cent per pound. The equivalent ad valorem is only 3.73 per cent, or less than 4 per cent. I should like to ask the Senator having the bill in charge upon what basis formaldehyde was reduced to less than 4 per cent?

Mr. JOHNSON of Maine. I was unable to hear what the Senator said. I heard his inquiry, but not the statement he made.

Mr. SMOOT. My statement was that under the present law formaldehyde enters this country at 25 per cent under the basket clause. It is specifically provided for in this bill at 1 cent per pound. The equivalent ad valorem of the 1 cent per pound on the basis of the importations of 1912 is 3.73 per cent, which is less than 4 per cent. I ask the Senator for what reason formaldehyde should bear a duty of only 3.73 per cent?

Mr. JOHNSON of Maine. I will say to the Senator that the Committee on Finance made no change in that paragraph. It came to us in that way from the House, and the committee made no special investigation of the paragraph.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. GRONNA. There must be some mistake about this matter. I will say to the Senator that I do not know what the first cost of formaldehyde solution is, but I do know that it is retailed at 75 cents per gallon, 40 per cent pure. There is a great deal of formaldehyde used by the farmers of the entire country. They use it in treating wheat for smut. There are hundreds and hundreds of thousands of gallons used for that purpose alone. I believe 40 per cent is a large enough duty on this article.

Mr. SMOOT. I will say to the Senator that this duty is less than 4 per cent.

Mr. GRONNA. No, Mr. President; if I understand the English language, it reads:

Formaldehyde solution containing not more than 40 per cent of formaldehyde.

Mr. SMOOT. Forty per cent of formaldehyde; that is the percentage of formaldehyde in the solution. If it contains more than 40 per cent, it comes under another paragraph.

Mr. GRONNA. I did not read the paragraph, Mr. President. I understood it provided for a duty of 40 per cent.

Mr. SMOOT. Oh, no.

Mr. GRONNA. I see I am mistaken in regard to it. I will look up the matter.

Mr. SMOOT. The only reason I bring this question to the attention of the Senate is because with an equivalent ad valorem duty of only 3.73 per cent I am afraid the production in this country will absolutely cease; and then the consumer, the man who uses formaldehyde for the elimination of smut in his wheat, will pay more than he is paying to-day.

The Senator having the bill in charge has stated that the committee did not make an investigation of this matter. I ask him if, on behalf of the Democratic members of the Finance Committee, he will not make the duty at least 2 cents a pound, which will be not to exceed 7½ per cent ad valorem, upon that item.

Mr. JOHNSON of Maine. Mr. President, upon reference to the notes I find the reason why the House placed this low rate of duty on formaldehyde. It is used as a disinfectant; and for that reason the low rate of duty given in the House bill was placed upon it.

Mr. SMOOT. That is lower than any other item in the whole schedule, and I can not see why it should be.

Mr. JOHNSON of Maine. I should not feel at liberty to agree to the proposal the Senator makes.

Mr. SMOOT. Then I move that, in section 33, page 9, line 4, the figure "1" be stricken out and "2" inserted. That will make an equivalent ad valorem duty upon formaldehyde solution of only about 7½ per cent.

Mr. POMERENE. Mr. President, may I ask the Senator in whose behalf this increase is called for?

Mr. SMOOT. It is called for in behalf of the manufacturer in this country who makes so much of it. I believe it will require at least that amount to keep him alive here, with the importations that are coming in.

Mr. POMERENE. Who is the manufacturer?

Mr. SMOOT. There are a number of them in this country.

Mr. POMERENE. But who is the one to whom the Senator refers as asking for this increase?

Mr. SMOOT. I have not all my letters here, Mr. President, and I can not now say just exactly who the manufacturers are who are interested in the manufacture of this product. There are a number of them.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. GRONNA. I said a moment ago that I should correct the statement I made as to the percentage of duty on formaldehyde solution. A gallon of formaldehyde weighs seven and a half pounds. It retails for from 75 to 85 cents a gallon. I take it that the wholesale price would be somewhere near 60 cents a gallon. On the basis of 60 cents, the duty would be 6 cents a gallon. I believe the duty is high enough. There is a great deal of formaldehyde used in the United States for various purposes. It is used in preserving milk and in connection with many other agricultural products. I, for one, shall vote against an increase in the rate of duty.

Mr. SIMMONS and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. SIMMONS. I thought the Senator from Utah had finished. I will not interrupt him.

The VICE PRESIDENT. Then does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. NORRIS. I should like to inquire, for information, about the cost of production of this article.

Mr. SMOOT. I can not state the local cost of production; but I do know that the department states that the formaldehyde that is imported that would come in under this paragraph costs about 25 cents per pound. That is what the record shows.

Mr. NORRIS. This particular paragraph applies to formaldehyde solution.

Mr. SMOOT. Yes.

Mr. NORRIS. Where in the bill, if anywhere, is formaldehyde?

Mr. SMOOT. Formaldehyde would take the nonenumerated article rate, as it is not specifically enumerated in the bill.

Mr. NORRIS. What would the rate be, then?

Mr. SMOOT. Under this bill, I think, it is 15 per cent or 10 per cent; I am not quite sure which.

Mr. NORRIS. If that be true, then, under this bill, according to the statement made by the Senator from North Dakota, formaldehyde solution would be cheaper than formaldehyde itself.

Mr. SMOOT. The Senator means that the rate on the solution would be less under the 1-cent duty than the rate on formaldehyde itself?

Mr. NORRIS. Yes.

Mr. SMOOT. That is true.

Mr. NORRIS. I mean formaldehyde would come in at a less rate of duty than formaldehyde solution.

Mr. SMOOT. No; the Senator is mistaken there.

Mr. NORRIS. All I know about it is what the Senator from North Dakota has said regarding the amount of formaldehyde by weight in a gallon.

Mr. SMOOT. Mr. President, as there was no change in the House bill, this paragraph can be referred to hereafter. I will look up the letters I have on it. If I feel that an amendment should be made, I will offer it later.

Mr. GRONNA. I should like to ask the Senator from Utah another question before he takes his seat.

Mr. SIMMONS. Does the Senator withdraw his amendment?

Mr. SMOOT. I stated that I withdrew my amendment. After looking up the information I have on this particular item as to cost, if I think an amendment ought to be offered I will offer it later.

Mr. GRONNA. I was just about to say to the Senator from Utah that it is hardly fair to the farmer to place his wheat on the free list and then place a heavy duty on such articles as this, which are necessary in treating his wheat in order to get pure seed.

Mr. SMOOT. I am absolutely in sympathy with the Senator. The only object I shall have in offering this amendment, if I do offer it, will be to have the duty sufficiently high so that our local people can take care of the manufacture of the article without being driven out of the industry.

Mr. GRONNA. I was just about to suggest that the Senator ask that this paragraph be passed by until the amendment which I introduced on yesterday, providing for a duty of 12 cents on wheat and a compensatory duty on the products of wheat, is adopted; because I take it the Senators on the other side will not do any such great injustice to a legitimate industry as this bill will do as it stands, and certainly agriculture must be considered a very legitimate industry.

Mr. WILLIAMS. Mr. President, I wish to read a few words from the treatise compiled by Thomas J. Doherty, Esq., special attorney, Customs Division, Department of Justice, compiler of Compilation of Customs Laws and Digests of Decisions Thereunder (Treasury Department, 1908), and of Notes on Tariff Revision (Committee on Ways and Means, 60th Cong., 1908), edited and revised by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. I should like to know where the last words are.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. I do.

Mr. SMOOT. I simply wish to know where the last statement of the Senator appears on these Notes on Tariff Revision—"edited and revised by Mr. SMOOT."

Mr. WILLIAMS. I find upon the first page of this distinguished document by this legal expert on chemistry that it was presented to the Senate of the United States by Mr. SMOOT upon July 7, 1913, and ordered to be printed upon his motion.

Mr. SMOOT. That is correct.

Mr. WILLIAMS. I imagine from that that the Senator must have revised and edited it; or, if not, he must have neglected his duty. [Laughter.]

Quoting from this distinguished legal expert upon chemistry, I read:

> Formaldehyde, which may be briefly described as an aqueous solution of formaldehyde gas from the oxidation of methyl alcohol, is most largely used as an antiseptic and disinfectant. It also has many uses in the arts.

I submit that from this infallible—almost papally infallible—authority that must go as the absolute truth. I know nothing about it personally, and I imagine the Senator from Utah does not. Formaldehyde is an aqueous solution of formaldehyde gas from the oxidation of methyl alcohol, and is most largely used as an antiseptic and disinfectant, and also has many uses in the arts.

I suggest that we can not make so valuable a product as that too cheap to the people. If it is an antiseptic whenever you cut your finger and is a disinfectant whenever you get into an unholy and insanitary atmosphere, and if it also has many uses in the arts—I do not know whether the fine arts or the industrial arts, and I do not care—I submit that before the Senator from Utah submits to the Senate any amendment reducing the duty any further he should remember the vast and immense

benefit of this product to the people of the United States, in the opinion of this distinguished legal expert on chemistry, and its important relation to the public welfare generally and, as my friend from Arizona [Mr. SMITH] says, to the public health.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 37, page 9, line 18, after the word "gum," to insert "not specially provided for in this section," so as to read:

37. Gums: Amber, and amberoid unmanufactured, or crude gum, not specially provided for in this section, $1 per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Mr. President, on page 9, after the word "Gums," I move to strike out all of line 17, all of line 18, and the first word in line 19, in the following words:

Amber, and amberoid unmanufactured, or crude gum, not specially provided for in this section, $1 per pound.

The reason I offer that amendment is that those items to-day are upon the free list in paragraph 488.

Mr. LODGE. Why not include arabic?

Mr. SMOOT. I will include that in another motion. When we come to arabic, the next item, if advanced in any manner, of course it should be dutiable and should not go on the free list, but raw arabic should be on the free list. Therefore I take it simply down to the word "pound," in line 19, so as to take in amber and amberoid unmanufactured. They are to-day on the free list. Under this bill they are assessed at $1 per pound. Amber, of course, is used in a great many ways. It always has been on the free list, I believe, and should be there now; and I offer that amendment.

Mr. JOHNSON of Maine. Mr. President, it is proposed by the committee to place amber, which is used for making pipestems, upon the dutiable list at the rate of $1 a pound. Amber chips are upon the free list and they are left upon the free list. So these words were added, "not specially provided for in this section," amber chips being still left upon the free list.

Mr. SMOOT. I am perfectly aware that amber chips are on the free list.

Mr. JOHNSON of Maine. I wished to call the attention of the Senator to that fact.

Mr. SMOOT. I am aware of that fact. The Senator is perfectly correct when he states that amber chips are on the free list. But amber itself has been on the free list in the past. If the Senator will turn to the paragraph in which the rate of duty is provided on pipes he will find an extremely large cut, and there is not only the cut, but under the bill now it is proposed to put a duty on amber of $1 a pound when it has always been on the free list.

I move that it be stricken out, and if that motion is carried I will, of course, then move that it be put upon the free list.

Mr. STONE. I should like to ask the Senator from Utah in what particular public interest does he ask that the tips of meerschaum and other pipes may be put upon the free list?

Mr. SMOOT. Amber chips are now on the free list under this bill. I am not discussing the question of chips. I am discussing the question of amber.

Mr. STONE. Tips, I said.

Mr. SMOOT. Tips are not on the free list and were not there. I simply said that amber is placed at a duty of $1 a pound.

Mr. STONE. I thought the Senator wished them on the free list.

Mr. SMOOT. I want amber, out of which the tips are made, to be placed on the free list, where it is to-day.

Mr. STONE. Why?

Mr. SMOOT. Because it has always been there. It is impossible to produce it in this country. You can not produce it here.

Mr. STONE. Smoking machinery is regarded somewhat as a luxury, and tobacco is. We tax tobacco very heavily and raise enormous revenue on it, and have done so for a long time, on the theory that it is a luxury or, at least, not a necessity. You import amber chips or amber in some form free in order that they may be made into pipestems or parts of pipestems. Why should not the Government of the United States receive some revenue from an importation of that kind brought in for that purpose?

Mr. SMOOT. Mr. President, as I said before——

Mr. STONE. I beg the Senator's pardon, but is it simply because in the long run of Republican tariff bills they have seen proper to favor this industry?

Mr. SMOOT. There is no industry in amber in this country.

Mr. STONE. They do make pipe tips or pipestems out of it.

Mr. SMOOT. But that is in another paragraph entirely. I call the Senator's attention to the fact that on the pipes and the pipe tips he speaks of the rate is reduced from the present rate, but not only that, you take the amber from which they are made that is now on the free list and you impose a duty of a dollar a pound on it. That is a double blow to the man who manufactures the tips and the pipes.

Mr. STONE. Are the tips and pipes manufactured in this country?

Mr. SMOOT. Oh, many of them.

Mr. STONE. I understood the Senator to say they were not manufactured here.

Mr. SMOOT. No; I said there was no industry in amber.

Mr. STONE. That is an industry in amber.

Mr. SMOOT. Amber is the raw material for the manufacture of them, and that is not produced in this country.

Mr. STONE. I take it, then, the Senator is simply following a precedent that has been laid down in some bills he has taken a part in the framing of, and that is the principal reason he has for opposing any change in this bill.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. May I inquire if there is not some amber produced in the United States? Are there not some amber or amberoids produced in the State of New Jersey, and also are they not produced to some extent in Massachusetts? Is it not a new enterprise in the State of New Jersey? I have understood that it was.

Mr. HUGHES. If the Senator is asking me, I will say that if there is such an industry in my State I do not know of it.

Mr. BRISTOW. I have been so advised.

Mr. MARTINE of New Jersey. I think not, for if there had been I would have been besieged by a lot of tariff mongers wanting a tariff on it. But I have not had any application of the kind.

Mr. BRISTOW. I thought that that was probably the cause for taking it from the free list and transferring it to the protective list. I made the inquiry because an authority who was consulted some time ago upon this paragraph said that it was found in small quantities in Massachusetts and to some extent in New Jersey.

Mr. SMOOT. If it is, I do not know of it. I have always understood that it was not produced in this country.

Mr. HUGHES. I will say, if the Senator will permit me, that the reason for putting amber on the dutiable list is quite plain. If the Senator will consult the estimates, he will find it is estimated it will produce about $35,000 of revenue. That is the sole and only reason I have ever heard assigned for taking this and various other items from the free list and putting them on the dutiable list. As the Senator says, they are absolute luxuries and a differential still remains between the raw amber and the finished article, which it is estimated is the highest revenue producer.

Mr. SMOOT. Will the Senator state what that differential is?

Mr. HUGHES. I can not do so without referring to the tables before me.

Mr. SMOOT. The Senator will admit that the rates on manufactured pipes and stems have been reduced.

Mr. HUGHES. Yes; and the taxes have been put——

Mr. SMOOT. On amber.

Mr. HUGHES. Exactly, as has been done in a hundred instances or more in the bill.

Mr. SMOOT. Of course, that is the policy followed out in many items.

Mr. HUGHES. It makes little or no difference as far as the manufacture of amber and pipes is concerned that the duty instead of being placed altogether upon the finished product is only partly put on the finished product and is partly put on the raw material. From the revenue standpoint it is infinitely better to put this tax upon the raw material, because then every dollar that the consumer pays as a result of the tax goes into the Treasury, none of the raw amber, as far as my information goes, being produced in this country.

Mr. SMOOT. I know of no amber that is produced here; but exactly what I objected to in the bill as a whole is that the Democratic majority are not satisfied with reducing the rate upon the manufactured article, but they have also added a duty upon the raw material from which the manufactured article is made, and particularly raw material that is not produced in this country.

Mr. SIMMONS. Mr. President, from every point of view this is a duty which carries out the Democratic theory of tariff

for revenue. In the first place it is admitted that it is a luxury. It is the material out of which not only pipestems are made, but it is the material out of which cigarette holders are made. From that standpoint, according to the Democratic theory, it is a proper subject of taxation. Again, it is a product admittedly not made in this country.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. Probably the Senator from Kansas does not admit that it is not made in this country, but I have heard no one besides that Senator intimate that it is made in this country, and I understood the Senator to say that he did not know whether it is made here or not.

Mr. BRISTOW. I think if the Senator will read up carefully his authority upon this paragraph he will find that this substance is found in New Jersey and Massachusetts, and that the greater part of it comes from Persia. I think if the Senator will review his tariff notes he will find that that is a fact.

Mr. SIMMONS. Then my statement that it is not produced in this country is true. Now, a product which is not only a luxury but which is not produced in this country fills all the requirements of a typical article for the imposition of a duty.

The Senator from Utah has several times referred to the fact that the duty imposed on amber by this bill is a dollar a pound, evidently for the purpose of creating the idea that it is a very high duty——

Mr. SMOOT. Not at all, Mr. President.

Mr. SIMMONS. Because a dollar a pound does sound a little high. But the Senator, in order to have been altogether fair to this side, should have stated that the value of this material ranges from $8.80 to $9.50, so that the ad valorem is only about 11 per cent, which is a very low ad valorem.

Mr. SMOOT. That is true, Mr. President. I had no intention whatever to intimate, nor did I intimate, what the equivalent is.

Mr. SIMMONS. That is what I was complaining about.

Mr. SMOOT. I simply said that this article—amber at least—is not produced in this country to any extent. It is imported and always has been imported into this country free. It is used in the manufacturing of pipestems and cigarette holders, as the Senator says, and under the bill they have provided a duty of $1 a pound, and they they have also reduced the duty on the manufactured article.

Mr. LODGE. Mr. President, as I understand the theory of the Senator from North Carolina, this duty is put on amber, the substance out of which articles of luxury are made, in order to raise a revenue for the Government. But, Mr. President, the articles which have been enumerated here and which include also beads and ornaments have to be made in this country in order to get a revenue from amber, because if they are not made in this country amber will not be imported, for I think it is imported for no other purpose and used for no other purpose. Therefore if you destroy the industry amber will come in solely in the manufactured form. It will not come in as raw material unless it is used for other purposes than the manufacture of ornaments and the articles which I have suggested.

Now, if you are going to reduce the duty on manufactured articles and put a duty on the raw material, which never had it before—in the Wilson Act it was free—of course, then you are giving protection inverted, protection to the foreign manufacturer, who gets his amber free in the countries where it is produced.

Mr. JOHNSON of Maine. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. Certainly; I yield.

Mr. JOHNSON of Maine. I should like to ask the Senator from Massachusetts if he has in mind the duty placed in the bill upon smokers' articles and pipestems?

Mr. LODGE. I did not understand they were on the free list. I have not examined it.

Mr. JOHNSON of Maine. Oh, no; there is a duty of 50 per cent on smokers' articles.

Mr. LODGE. I thought it was reduced.

Mr. SMOOT. It was.

Mr. LODGE. The duty of 50 per cent may be sufficient. I was not speaking in regard to this particular case especially, but to illustrate the general point. If you are putting a duty on a raw material, and if reducing or removing the duty on the manufactured article, you will not get the payment of any duty on the raw material, because it will not be imported.

Mr. WILLIAMS. But if the Senator from Massachusetts will pardon me, the duty on the finished article in this case is five times what it is upon the raw material.

Mr. LODGE. I am not saying it is not discriminating in favor of the finished article, but I speak of it as a general principle. In this case you may have sufficient margin on a 50 per cent duty; I do not know whether you have or not; I have never examined it. I should think it would be ample and that you could afford to put a duty on the raw material. I am speaking of the general principle.

There is another item in this same clause which, now that I am up, I may as well speak about. You put a higher duty on the starch from which dextrine is made than you put on the dextrine which is made from the starch.

Mr. JOHNSON of Maine. Mr. President, if the Senator will look at the amendment proposed——

Mr. LODGE. I have looked at the amendment proposed. The duty upon starch is 1 cent a pound.

Mr. JOHNSON of Maine. The duty upon dextrine is 1½ cents a pound.

Mr. LODGE. I beg the Senator's pardon, it is three-quarters of a cent a pound. I am speaking of the last part of the amendment, made from burnt starch or British gum.

Mr. JOHNSON of Maine. On potato starch the duty is a cent a pound; on dextrine, made from potato starch, it is a cent and a half a pound.

Mr. LODGE. Yes; but dextrine——

Mr. JOHNSON of Maine. On the other starch the duty is only three-quarters of a cent a pound.

Mr. LODGE. Dextrine made from burnt starch or British gum.

Mr. JOHNSON of Maine. Upon corn starch the duty is three-quarters of a cent a pound, and upon potato starch it is 1 cent a pound; and we provided that dextrine made from potato starch should bear a duty of 1½ cents, changing the rate of the House bill from three-quarters of a cent to one-half because of the duty upon potato starch.

Mr. LODGE. Now, I understand the duty on starch that has been made from potatoes is reduced from 1½ cents per pound to 1 cent per pound. Is that right?

Mr. JOHNSON of Maine. That is right.

Mr. LODGE. And on all other starch, including all separate preparations, from whatever substance produced, fit for use as starch, the duty is reduced from 1 cent a pound to one-half of 1 cent per pound. On potato starch—the Senator will correct me if I am wrong—his provision gives a quarter of a cent difference.

Mr. JOHNSON of Maine. One-half a cent, if the Senator please. It is 1 cent a pound upon potato starch.

Mr. LODGE. Starch is 1 cent under the bill?

Mr. JOHNSON of Maine. Potato starch.

Mr. LODGE. And dextrine——

Mr. WILLIAMS. One and one-half.

Mr. LODGE. Made from that starch is 1½ cents. In the other case I am speaking of, in the last clause, "dextrine, not otherwise provided for, burnt starch, or British gum, dextrine substitutes, and soluble or chemically treated starch," the duty is three-fourths of 1 cent per pound. On the other starch, from which I understand is made the articles I have just read, the duty is reduced half a cent a pound. Perhaps the Senator can tell me whether that is right.

Mr. BRISTOW. It is 1½ cents in the present law.

Mr. LODGE. If that is the case, the dextrine in the last clause "not otherwise provided for" at half a cent a pound has a benefit of only a quarter of a cent; that is, I think, the raw material is left too high if you are going to cut the manufactured product.

Mr. SIMMONS. What paragraph is the Senator speaking about?

Mr. LODGE. I am reading from the Senate committee amendment, "dextrine, not otherwise provided for, burnt starch or British gum," in paragraph 37. It is a part of the paragraph now before the Senate. In the House bill dextrine and burnt starch or British gum were classified together. The Senate amendment makes a division between them. It gives dextrine what I think is a proper increase, and distinguishes between the dextrine made from potato starch and the dextrine not otherwise provided for, which, I understand, is made from another form of starch. I shall have to turn to another paragraph to find potato starch.

The duty on potato starch is in the agricultural schedule, and I want to call attention to that. On starch made from potatoes the duty is 1 cent per pound. On dextrine the Senate

committee has changed the rates, and properly changed them, in my opinion. The dextrine I was speaking about is dextrine made from other kinds of starch. In paragraph 239 it is provided:

All other starch, including all preparations, from whatever substance produced, fit for use as starch, one-half cent per pound.

That is what the second clause of paragraph 37 refers to.

Mr. SHIVELY. Is not the duty on dextrine, not otherwise provided for, three-fourths of a cent a pound?

Mr. LODGE. Yes; it increases it a quarter of a cent.

Mr. WILLIAMS. The differential is a quarter of a cent, and that is plenty.

Mr. JOHNSON of Maine. I call the Senator's attention to the fact that there is the same relative increase in both of 50 per cent. It is 1 per cent on potato starch, and on dextrine made from potato starch a cent and a half, a 50 per cent increase, On dextrine made from the other kind of starch the rate is three-fourths of a cent a pound, and on starch it is one-half cent a pound.

Mr. LODGE. I understand it.

Mr. JOHNSON of Maine. And there is an increase of 50 per cent, or the same relative increase in each case.

Mr. LODGE. I was going to say, Mr. President, that I understand under the present law this proposed classification is not made; that is, dextrine is one thing, whether made from potato starch or made from other kinds of starch. In the first provision about dextrine—I will have to insist on the difference, because my whole point rests on the second part—the rates of the present law have been restored, and I am very glad of it. I think the article needs that discrimination. It is a large industry in New England, and I am very glad that the old rates have been put back, but under the old law the term "dextrine" covered everything of this character, whether made from one kind of starch or another, and in the new classification you give the manufacturers of the article, as I understand it—it is rather confused, I admit—an advantage of three-fourths of a cent.

Mr. JOHNSON of Maine. Half a cent.

Mr. LODGE. Half a cent. In the other kind of dextrine you give the advantage of only a quarter of a cent.

Mr. JOHNSON of Maine. But the percentage of increase is the same, as the Senator from Massachusetts will observe.

Mr. LODGE. Why should there be a distinction between dextrine made from potato starch and dextrine made from the other starches? I am asking for information. The Senator from Maine understands the starch and potato question much better than I do.

Mr. JOHNSON of Maine. Because the duty upon potato starch is 1 cent a pound, and the duty upon the other kind of starch is one-half a cent a pound. The dextrine made from the potato starch should bear a higher rate of duty, it seemed to the committee, because of the fact that the raw material bore a higher rate of duty.

Mr. LODGE. Well, the other House followed the old law in respect to classification; they treated all dextrines alike, as equally expensive in production, I suppose, and gave them only three-fourths of a cent a pound. Now, a new classification has been agreed upon, by which the dextrine made from potato starch is taken out and given the same advantage, the same compensation as in the present law, whereas the other dextrine, included both in the old law and in the House bill as entitled to precisely the same duty, is given only a quarter of a cent advantage.

Mr. WILLIAMS. That is still a 50 per cent differential.

Mr. LODGE. I do not mean to delay further. I merely wished to call attention to the general principle laid down by the Senator from North Carolina about taxing the raw material. If the object is to get revenue, you ought to be very careful that you are not going to destroy the industry that imports the raw material. I do not know that in the case of amber it will have any effect. The duty on smokers' articles is a large one.

Mr. WILLIAMS. Does not the Senator from Massachusetts admit that a 50 per cent differential is sufficient in both cases?

Mr. JOHNSTON of Alabama. Mr. President, I want to ask the Senator a question.

Mr. LODGE. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. Does not the Senator from Massachusetts admit that 50 per cent differential will cover the cost of conversion in both cases?

Mr. LODGE. That is not the view of those who make the article. I am not a manufacturer and can not say of my own knowledge.

Mr. WILLIAMS. I had charge of that one branch of the subject, but I heard no complaint from anybody that a 50 per cent ad valorem duty was not a sufficient tax to cover the conversion charge.

Mr. LODGE. The information I have——

Mr. WILLIAMS. And if the Senator from Massachusetts has any information upon this question from anybody who is impartial and not interested in drawing dollars out of the Treasury, I should like to hear it.

Mr. LODGE. The matter was called to my attention by large manufacturers of these articles.

Mr. JOHNSTON of Alabama. Now I will ask the Senator from Massachusetts, if he will yield to me for a moment?

Mr. LODGE. Certainly, I yield.

Mr. JOHNSTON of Alabama. I want to suggest to the Senator from Massachusetts that under paragraph 376 all manufactures of amber bear a duty of, 20 per cent, and under the provisions here, according to the statement of the Senator from North Carolina, the amber itself has a duty of 11 per cent only; so that is nearly 100 per cent on the manufactures of it.

Mr. LODGE. I have not looked up the manufactures of amber. I did not know what the rates were, but now I find that the authorities on the other side of the Chamber disagree.

Mr. SMITH of Georgia. No.

Mr. LODGE. Wait a minute. It was stated by the Senator from North Carolina [Mr. SIMMONS] that the duty was 50 per cent on smokers' articles.

Mr. SMITH of Georgia. On pipes; that is right.

Mr. LODGE. Now, the Senator from Alabama [Mr. JOHNSTON] says that on all manufactures of amber the duty is 20 per cent.

Mr. SMITH of Georgia. On manufactures of amber other than pipes and pipestems.

Mr. LODGE. That is not the explanation made. The Senator did not read that.

Mr. JOHNSTON of Alabama. It is only amber chips that are on the free list. The duty on manufactures of amber is 20 per cent. Raw amber bears 11 per cent.

Mr. LODGE. In the case of amber——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. Certainly, I yield to the Senator from Pennsylvania.

Mr. OLIVER. I understood the Senator from New Jersey [Mr. HUGHES] to state that this duty was placed on amber for the purpose of producing a revenue of approximately $35,000. Am I correct in that understanding?

Mr. HUGHES. Those are the figures I quoted.

Mr. OLIVER. I find that the principal use of amber is in the making of stems for tobacco pipes, and that the duty on pipes is reduced from 60 per cent to 50 per cent, and that the duty collected on pipes and smoking articles last year amounted to nearly $800,000; that the committee is surrendering a revenue of from $150,000 to $160,000 for the purpose of placing a duty upon amber, from which they expect to gain only $35,000. I am glad to see that our friends on the other side are returning to their old theory of a tariff for revenue only, instead of, as I had begun to suspect, passing a tariff bill for the protection of importers and foreign manufacturers.

Mr. WILLIAMS. If the Senator from Pennsylvania will take the duties——

Mr. LODGE. I think I have the floor, Mr. President.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator from Pennsylvania will take the duty upon amber and take the price of amber, he will find that the duty is about 11 per cent. The distinguished legal authority to whom reference has been made puts it at 10.50 per cent and I put it at 11 per cent. I think perhaps the distinguished legal chemical and amber expert is mistaken, and that perhaps we are right, and perhaps the ad valorem equivalent is 11 per cent. If the duty upon the raw material is 11 per cent and the duty upon the finished article is 50 per cent—reduced from 60 in the old law—will the Senator from Pennsylvania contend that the difference between 11 per cent ad valorem and 50 per cent ad valorem is not sufficient to cover the conversion cost?

Mr. OLIVER. Mr. President, I said nothing at all about the conversion cost. What I was calling attention to was the fact that our friends on the other side are surrendering a

revenue of $160,000 for the sake of getting another revenue of $35,000. I was not arguing from——

Mr. WILLIAMS. We are not surrendering any revenue of any description, because, if we have accurately calculated the duty sufficient to cover the conversion cost, we have neither discriminated against the finished article nor the raw material, all of which is imported into this country.

Mr. OLIVER. I have said nothing about conversion cost or raw material; I was talking about revenue, and revenue alone.

Mr. WILLIAMS. I understand that, and I am replying to the Senator, and I am saying that we are surrendering no revenue at all. Whatever revenue we may surrender upon one article we get upon the other, because every dollar's worth of the stuff, whether finished or crude, is imported—not a dollar's worth of it is made here.

Mr. OLIVER. Then, Mr. President, I should like the Senator to explain——

Mr. WILLIAMS. Mr. President, the Senator's contention is that there will be less of the finished product imported and more of the crude article imported.

Mr. OLIVER. Not at all. I contend that there will be less revenue collected under this bill than there is under the present law.

Mr. WILLIAMS. But if that is the effect at all, under the Senator's argument it will be because there will be less of the finished and more of the crude article imported.

Mr. OLIVER. Not at all. I am not talking on that line at all.

Mr. WILLIAMS. Then, how does the Senator explain his assertions?

Mr. OLIVER. I should like the Senator from Mississippi to explain where he is going to get the $125,000 that appears to be lost in this calculation—the difference between $160,000 and $35,000.

Mr. WILLIAMS. We put a duty on the raw amber, which will not prohibit its importation and we put a duty on the finished product which will not prohibit its conversion in America. If we have increased the duty on the raw material so much as to obtain an undue revenue from that in comparison with the finished product, we still preserve the revenue.

Mr. OLIVER. Mr. President, I have not yet found out from what the Senator has said from what he is going to supply that other $125,000 of revenue.

Mr. WILLIAMS. What $125,000?

Mr. OLIVER. There were in 1912 $788,000 of revenue collected from pipes and smokers' articles.

Mr. WILLIAMS. I understand that.

Mr. OLIVER. While under the pending bill it is estimated that we will collect about $100,000 less.

Mr. WILLIAMS. Yes.

Mr. OLIVER. You try to make that up by levying a duty, which will bring a revenue of $35,000, on amber, but where is the other $125,000 of revenue coming from?

Mr. WILLIAMS. The Senator is complaining that we have transferred a part of the duty from the finished product to the raw material, which has all got to be imported at a duty of a dollar a pound.

Mr. LODGE. Mr. President, it seems to me that if you reduce the duty on the unfinished article and import the same amount of the finished article as you did last year, you lose that amount of duty. Is that not correct?

Mr. WILLIAMS. I did not catch the Senator's question.

Mr. LODGE. I say, if you reduce the duty 10 per cent on the finished article—smokers' articles, if that is the classification—and import the same amount as you did last year, you of course would lose a certain amount of revenue.

Mr. WILLIAMS. You would lose 10 per cent.

Mr. LODGE. Precisely.

Mr. WILLIAMS. And if you increase the duty upon the raw material——

Mr. LODGE. Wait a moment.

Mr. WILLIAMS. As the raw material is not produced in this country, you increase the revenue derived from the raw material.

Mr. LODGE. Precisely; but you do not increase it equally with what you lose, for, as the Senator from Pennsylvania has pointed out, you will lose $160,000 by your reduction of 10 per cent——

Mr. HUGHES. Mr. President——

Mr. LODGE. And you add a duty on the raw material, which you estimate will give you $35,000——

Mr. WILLIAMS. How much?

Mr. LODGE. My authority is the Senator from New Jersey [Mr. HUGHES]. He said $35,000.

Mr. WILLIAMS. I do not know about what somebody else has estimated. I have very little confidence in these experts and their estimates, but I do know that if you raise the duty at all upon amber—and every bit of the amber that is used in this country is imported—not a dollar's worth less of it will be used, because it is purely a luxury.

Mr. LODGE. I understand that.

Mr. WILLIAMS. You will derive more revenue from the increased duty on amber than you will lose because of the decreased duty upon the finished product.

Mr. LODGE. If the Senator will allow me, assuming that we import as large an amount of smokers' articles as we did last year, with the duty reduced 10 per cent, as the Senator from Mississippi has just said, of course we will lose 10 per cent on the duty.

Mr. WILLIAMS. And that is $16,000.

Mr. LODGE. $160,000. I thought the Senator from Pennsylvania [Mr. OLIVER] said.

Mr. WILLIAMS. Oh, no. It would not be that much.

Mr. LODGE. Then, if the loss is only $16,000, and you get $35,000 from the duty on the raw material, you will get an increase of revenue.

Mr. WILLIAMS. Of course we shall.

Mr. LODGE. That is perfectly clear; but I understood the Senator from Pennsylvania to say that there would be a loss of $125,000.

Mr. WILLIAMS. Oh, no; we would lose 10 per cent on $160,000.

Mr. OLIVER. It is 20 per cent of $788,000.

Mr. LODGE. That is what I understood.

Mr. WILLIAMS. If we lose 10 per cent——

Mr. LODGE. Very well; 10 per cent of $788,000 is $78,800.

Mr. WILLIAMS. If we lose 10 per cent because of the reduction of the duty on the finished product made out of raw material, none of which is produced in this country, but all of which must be imported, and if we increase the duty on the raw material just equal to the conversion-cost tax—that is, equal to the exigency—we can not possibly lose any revenue.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. LODGE. Of course, Mr. President, you can not lose any revenue——

Mr. SWANSON. Mr. President——

Mr. LODGE. I think I still have the floor. Of course you can not lose any revenue if you replace the loss by a new duty on the raw material; but what is the assumption as to the amount of revenue that duty will provide? The Senator from New Jersey and the Tariff Handbook, which you have furnished us, estimate it at $35,000. I now understand that the duty collected last year on smokers' articles was $788,000.

Mr. HUGHES. Mr. President——

Mr. LODGE. Let me finish this statement—and 10 per cent of that is something over $78,000.

Mr. JOHNSTON of Alabama. Mr. President——

The VICE PRESIDENT. The Chair must insist upon some little appearance of order being preserved in this discussion. Half a dozen Senators are on their feet now.

Mr. LODGE. The Chair was kind enough to recognize me as having the floor.

The VICE PRESIDENT. But there are five or six Senators now standing on the floor.

Mr. LODGE. I was attempting, in what I supposed was my own time, to come to an agreement with the Senator from Mississippi as to these figures. I am frank to confess that I am a very poor arithmetician myself, but I suppose 10 per cent of $788,000 is $78,800, or in that neighborhood.

Mr. WILLIAMS. Instead of $160,000.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. The Chair must insist that Senators take their seats, and rise and address the Chair, in order that the Chair may know whom to recognize.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. I should like to continue for a moment, if I may. I should like to be told, first, what was the duty collected on smokers' articles.

Mr. SMITH of Georgia. $788,000.

Mr. LODGE. $788,000. That was at the 50 per cent rate?

Mr. SMITH of Georgia. Sixty per cent.

Mr. LODGE. The 60 per cent rate; yes. You have reduced it 10 per cent. If you import the same amount under this bill, you will lose $78,800 of revenue.

Mr. WILLIAMS. I beg the Senator's pardon. While the reduction is 10 per cent, the reduction of the duty is only one-sixth. A reduction from 60 to 50 per cent is a reduction of only one-sixth.

Mr. LODGE. I see. How much does the Senator calculate it to be?

Mr. WILLIAMS. I have not calculated it, but I will do so.

Mr. HUGHES. Mr. President——

Mr. LODGE. I do not want to detain the Senate on a question of figures. I do not pretend to be strong on figures, and I was trying to learn from the Democratic authorities on the other side, who obviously are strong on figures, just what this amount was. It took me some time to find out how much was collected in the way of duty. But if I may come back to the main point, there is provided here a duty of 20 per cent on amber ornaments; 50 per cent is left on smokers' articles, and there is a duty of $1 per pound put on amber. I do not know the expense of manufacture. I should suppose there was enough margin left on the smokers' articles. About the ornaments, I do not profess to know.

Mr. WILLIAMS. One-sixth of $788,000, in round numbers, would be $130,000.

Mr. LODGE. Mr. President, I have at last gotten an authoritative figure. There will be $130,000 loss on the duties collected on smokers' articles. You estimate that you will get $35,000 from raw amber. While I again say I am a poor arithmetician, it seems to me there is a loss of revenue there.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. I yield to the Senator from New Jersey, with pleasure.

Mr. HUGHES. I should not be so insistent if the Senator from Massachusetts did not continually quote the statement I made. There is absolutely no relation, or at least not the relation that the Senator insists upon calling attention to, between the duty upon raw amber and all smokers' articles. I simply wish to call the Senator's attention to the fact that this increased duty is gained from amber alone——

Mr. LODGE. Amber alone; certainly.

Mr. HUGHES. And this loss of revenue upon smokers' articles is because of reductions that the committee thought ought to be made on such articles as clay pipes and smokers' articles of that kind, which were carried at an enormous rate of duty. There is no relation between the loss of revenue on all smokers' articles and the duty on amber.

Mr. LODGE. Then the Senator has no idea what revenue is collected from smokers' articles which carry amber?

Mr. HUGHES. Oh, it is impossible to say, because we have not been given any figures on that.

Mr. LODGE. Then we come back to the generally satisfactory conclusion that we do not know anything about it. [Laughter.]

Mr. HUGHES. We know that we will get $35,000 upon amber.

Mr. LODGE. We know that because that has been estimated by the experts.

Mr. SMITH of Georgia. But not by Mr. Doherty.

Mr. LODGE. The Senator from Mississippi has just been saying that he does not put any faith in experts. Now, the Senator from New Jersey says we will get $35,000 because the expert estimates it.

Mr. WILLIAMS. If the Senator will pardon me, I will now give him some more calculations.

Mr. HUGHES. Of course, I did not say that, although it does not make any particular difference.

Mr. LODGE. I beg the Senator's pardon; I thought he said we were sure of $35,000.

Mr. HUGHES. But not because the experts said so.

Mr. WILLIAMS. If the Senator will pardon me, the loss of one-sixth of the $783,000 duty on importations I have already given. The value of amber and amberoid unmanufactured, or crude gum for 1912, was $338,821; and that came in free. Now, it will come in at $1 per pound. The quantity that came in was 35,663 pounds, so that we will gather from that amount a revenue of $35,663.

Mr. LODGE. That seems to me a very reasonable estimate. If we import 35,663 pounds and this bill becomes law, we shall get $35,663 from raw amber. [Laughter.]

But I did not mean to be drawn into this great amber discussion, Mr. President. I rose merely to make the point about dextrine, and I have made the point as I see it. This new classification, although very valuable for the dextrine made from potato starch, has been neglected in the case of the other dextrine. I do not pretend to say why; I do not know, but it has been. I think it ought to have the same differentiation.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon me for one more remark?

Mr. LODGE. Certainly.

Mr. WILLIAMS. I have run this out; and while I always hate to confess that I am wrong, as any other human being does——

Mr. LODGE. That is a very proper feeling.

Mr. WILLIAMS (continuing). There will be a decrease of revenue. There is no doubt about it; there will be a decrease of revenue.

Mr. LODGE. I am very glad, Mr. President, that with my inferior mathematical capacity I have succeeded in getting that statement.

I shall not detain the Senate longer on dextrine; but I shall ask simply that this letter from a large manufacturer in my State may be included as part of my remarks. It is a short letter, but I shall not ask to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the letter will be printed as a part of the Senator's remarks.

The letter referred to is as follows:

MATTAPAN, MASS., *May 11, 1913.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: The new tariff proposes to reduce the duty on dextrine, burnt starch, or British gum, dextrine substitutes, and soluble or chemically treated starch from 1½ cents to three-fourths of 1 cent per pound and reduce the duty on starch made from potatoes from 1½ cents per pound to 1 cent per pound; all other starch, including all preparations from whatever substance produced fit for use as starch, from 1 cent per pound to one-half of 1 cent per pound.

Nearly all the dextrine imported into this country is made from potato starch, and nearly all the starch imported is potato starch. Therefore the duty on dextrine, the finished product, will be less than on the raw material starch.

Starch is the raw material of our business and is converted into dextrine or gum by a roasting process, and there is an inevitable shrinkage from 12 to 22 per cent, so it takes considerably more than a pound of starch to make a pound of dextrine or gum. Therefore in order to have a logical tariff the duty on potato starch should be at least one-half cent per pound less than on dextrine and British gum.

You will readily see that under the proposed law there is an actual and very considerable discrimination against the domestic manufacturer, as the duty on the raw material is higher than on the manufactured article.

If the duty on potato starch, the raw material, is 1 cent per pound and the duty on potato dextrine, the finished product, is three-fourths of 1 cent per pound, it will strike at the industry from both sides and make it utterly impossible for the industry to live.

Yours, truly,

HORATIO N. GLOVER & SON.

Mr. LODGE. This letter merely makes the point in regard to dextrine. I do not propose to ask for any vote on the matter of dextrine, but I do want a vote on the duty on crude camphor, of which I spoke yesterday.

I said then all I can say in regard to the matter—that to put a duty on crude camphor is not only to cripple a large industry, the celluloid industry, but camphor is used in medicine; it is used as a preservative against moths; it is used in many ways by people of all classes. To put a duty upon it suddenly, when not a pound of it can ever be produced in this country, seems to me unwise. On that I shall, at the proper time, ask for the yeas and nays.

Mr. GRONNA. Mr. President, since the Senator from Mississippi has admitted that he was mistaken in his conclusions, I think the country is entitled to know what the loss of revenue would be. According to my figures, the loss would be $96,333 plus.

Mr. SIMMONS. Mr. President, undoubtedly there would be a gain of revenue by reason of the duty upon amber. Undoubtedly there would be some loss of revenue as a result of reducing the duty on smokers' articles from 60 per cent to 50 per cent.

The Democratic theory is, first, a duty for revenue purposes. Secondly, the Democratic theory is to relieve the people of unnecessary taxation, whether it be of a revenue character or a protective character. Where an article is a proper subject of a revenue tax, we impose it; but where the Democratic Party finds that a tax imposed for revenue purposes is so high as to impose an unnecessary burden upon the people, it reduces it.

We found in the Republican tariff a duty of 60 per cent upon smokers' articles. We thought that was too high. We thought, although it was a revenue duty, that it imposed too much of a burden upon the consumer in this country, and we reduced it to 50 per cent. In imposing a duty of 1 cent a pound upon amber we followed out the Democratic theory of a tariff for revenue, and in reducing from 60 to 50 per cent the duty upon smokers' articles we followed out the other part of the Democratic

theory, that the consumers of the country should not be unnecessarily burdened, either for revenue purposes or for purposes of protection.

Mr. HOLLIS. Mr. President, referring to the letter that has been placed in the RECORD by the Senator from Massachusetts [Mr. LODGE], I desire to read the last paragraph. It says:

If the duty on potato starch, the raw material, is 1 cent per pound, and the duty on potato dextrine, the finished product, is three-fourths of 1 cent per pound, it will strike at the industry from both sides and make it utterly impossible for the industry to live.

Exactly that information was sent to me by a manufacturer in Massachusetts. I went to the subcommittee and got them to make the exact change that is suggested in this letter to the Senator from Massachusetts. The duty on dextrine made from potato starch was increased to 1¼ cents per pound, instead of three-quarters of a cent per pound, as complained of in this letter. So the result is that the Massachusetts manufacturers of dextrine made from potato starch are taken care of exactly as they wished to be.

Mr. LODGE. Mr. President, evidently the Senator did not listen to what I said. The point I made was about the second mention of dextrine, made from other substances than potato starch.

Mr. HOLLIS. Then I should like to inquire of the Senator what is the object of putting this letter in the RECORD?

Mr. LODGE. To show the testimony on which I acted.

Mr. HOLLIS. But the committee has done just exactly what is suggested in the letter. The letter backs up the committee entirely.

Mr. LODGE. Does it? Just give it to me. [Reading:]

Therefore, in order to have a logical tariff, the duty on potato starch should be at least one-half cent per pound less than on dextrine and British gum.

Mr. HOLLIS. And in response to that letter, or a similar letter which I received, the committee raised the tariff on dextrine made from potato starch. That action was certainly well taken, and the whole matter is cleared up.

Mr. LODGE. They did; and the second point I made was my own. I thought the writer alluded to it; but the second point was my own, and I think it is a sound one. The writer of this letter is a maker of potato starch. I thought he alluded to the second point. However, I think I will let it stand, Mr. President, as it sustains the action of the committee and is good protectionist doctrine.

Mr. BRISTOW. Mr. President, in House Document 1503, Sixtieth Congress, second session, at page 642, I find the following in regard to amber:

Amber is a fossil resin, found chiefly in Prussia, either on the seashore, where it is thrown up by the Baltic, or underneath the surface. In this region mining for amber has been carried on for years. Shafts are sunk until a stratum is reached in which amber nodules are found. The largest mass yet discovered weighed 13 pounds. In the United States amber-like resins have been found in Massachusetts, New Jersey, and other places. Amber is used chiefly in the manufacture of mouthpieces for pipes and cigar and cigarette holders and in the preparation of a kind of varnish.

So much for amber. There is another thing here in which I am more interested than amber.

Mr. LODGE. If the Senator will allow me, I was not aware that amber had ever been found in Massachusetts or that it was an industry of any size or importance in this country. I never heard of it until this afternoon. But I am very glad, if that is the case, that we have been given a liberally protective duty on the production of amber.

Mr. BRISTOW. I want to call the attention of the Senator from Maine [Mr. JOHNSON] to the Senate amendment in paragraph 37, which increases the duty on dextrine made from potato starch or potato flour from 1 cent, as found in the House bill, to a cent and a half, which is the same duty that is carried in the existing law. That is, in the bill as it comes from the Senate committee the protective duty for the manufacturer of dextrine made from potato starch or potato flour is exactly the same as in the Payne-Aldrich bill.

If the manufacturers of dextrine in Maine or New Hampshire or Massachusetts or anywhere in New England are entitled to a protection of a cent and a half per pound, why are not the farmers that grow the potatoes from which this product is made entitled to the same protection in this bill that the present law gives them, namely, 25 cents per bushel?

Mr. JOHNSON of Maine. Mr. President, in answer to the question in regard to the action of the committee in raising the duty upon potato starch, it must be obvious to the Senator from Kansas that if potato starch bore a duty of 1 cent per pound, then the dextrine made from the potato starch ought to bear a duty of more than three-fourths of a cent per pound, as it came to us from the House, which would be less than the duty upon the starch from which it is made. We therefore placed a duty of a cent and a half a pound upon dextrine made from potato starch, and the dextrine made from other kinds of starch has a duty of three-fourths of a cent per pound, which in that case is 50 per cent of the duty upon the starch itself. The duties are relatively the same in each case.

I do not know about the manufacture of dextrine anywhere in New England. I do not know of a single factory there. Certainly there is none in my State of Maine. There are some old starch factories that make potato starch, I believe, somewhere in northeastern Maine. But so far as the duty upon potato starch is concerned, we took it as it came to us from the House. The House Ways and Means Committee gave long hearings to the people interested in the matter, and determined upon those as the proper rates.

Mr. BRISTOW. Nevertheless it is a fact that potato starch and potato flour have a duty of a cent a pound.

Mr. JOHNSON of Maine. Yes.

Mr. BRISTOW. While dextrine made from potato flour or potato starch has a duty of a cent and a half a pound, the cent and a half a pound on dextrine is exactly the same as the duty in the present law, though the duty is taken off the potato—the raw material that the manufacturer uses in making these products.

Now, the complaint I have against this bill is that it is apparently constructed in behalf of the manufacturer, but the farmer who produces the raw material is not given consideration. The duties of the Payne-Aldrich law on dextrine are maintained, while the potato, which the farmers grow, is put upon the free list. I want to ask the Senator from Maine if he thinks that is fair to the farmers of Maine or Kansas or Minnesota or any other State?

Mr. JOHNSON of Maine. I think about all the potato-starch factories there are anywhere are up in Maine, but I will say to the Senator from Kansas that the farmers of Maine would treat with a good deal of humor what he is saying in regard to the use of potatoes, because the potatoes they carry to the starch mills are the small potatoes—the culls; the little potatoes for which there is no other market. It is never the good potatoes that are taken to the starch factories, but only the refuse or the small potatoes. Those are the potatoes that find a market there, and they are ground into starch.

Mr. BRISTOW. Does that justify giving the manufacturer the raw material free, relieving him from the payment of any duty, and still maintaining the same duty on this product that the present law carries?

Mr. JOHNSON of Maine. The manufacturer of starch there has practically always had the potatoes which he uses free, so far as any duty is concerned, because they are the small potatoes, as I have said, and the farmer is usually very glad to find any market for those at a very small price. I do not believe that the duty has made any difference in the price of those potatoes, and, I will say to the Senator from Kansas, neither do I believe it has added a cent in value to the potatoes which were marketable for the farmers of Maine. I believe they never have derived a cent's advantage from this spurious duty upon potatoes, which is put on only to try to make them believe that they have been the beneficiaries of a system in which I think they have not shared.

Mr. BRISTOW. Spurious, when applied to the farmers who grow the potatoes, but not spurious when applied to the manufacturers of starch from the potatoes. Now, I should like to inquire of the Senator from Maine——

Mr. JOHNSON of Maine. I have no particular interest in the matter; I have no reason to speak for the starch manufacturers or those who are interested in the manufacture, but I understand the conditions we had to meet, and under which we were to frame the tariff bill. Taking the conditions as we found them, the starch manufacturers are dependent somewhat, as we believe, upon the duties which had been established.

Mr. BRISTOW. The manufacturer seems to have been very well provided for.

Mr. GALLINGER. Will the Senator from Kansas yield to me?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. GALLINGER. This has been an interesting but somewhat tedious day. I will ask the Senator from North Carolina if he does not think we ought to adjourn? It is 6 o'clock.

Mr. SIMMONS. I was going to state that the Senator from Utah [Mr. SMOOT], who had necessarily to be absent from the Chamber, requested that this paragraph should go over until to-morrow. That being the case, as we can not act on it to-night, in compliance with his request, which I think is a reasonable and proper one, I am perfectly willing that we shall have an executive session, as I understand one is desired.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 25, 1913, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate July 24, 1913.

GOVERNOR OF HAWAII.

L. E. Pinkham, of Hawaii, to be governor of Hawaii, vice Walter F. Frear, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 24, 1913.

POSTMASTERS.

MISSISSIPPI.

Sidney J. Ferguson, Meridian.

NEVADA.

W. J. Bonner, Mason.
George Foley, Round Mountain.

OHIO.

C. A. Rush, Wickliffe.
Frank Wasmer, Oak Hill.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 24, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art the inspiration of every great thought and worthy endeavor, touch our hearts with the magic wand, and move us on toward those qualities of soul which shall survive the empire of decay and be young in glory when the stars have passed away, that we may thus work out our own salvation with fear and trembling, for it is God which worketh in us both to will and to do of His good pleasure. This we ask in the spirit of the Lord Christ. Amen.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. MANN. Mr. Speaker, I object.

Mr. UNDERWOOD. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The question is on the motion of the gentleman from Alabama, that the Journal be approved.

The question was taken.

Mr. MANN. Mr. Speaker, I demand a division. Pending that, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety Members present, not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 58, answered "present" 7, not voting 212, as follows:

YEAS—152.

Abercrombie	Burke, Wis.	Driscoll	Hamlin
Alexander	Byrnes, S. C.	Evans	Hardwick
Ashbrook	Callaway	Fergusson	Hardy
Aswell	Candler, Miss.	FitzHenry	Harrison, Miss.
Baker	Caraway	Flood, Va.	Hay
Baltz	Casey	Floyd, Ark.	Hayden
Barkley	Church	Foster	Heflin
Bartlett	Claypool	Fowler	Helvering
Beakes	Clayton	Gard	Henry
Bell, Ga.	Cline	Garner	Holland
Booher	Collier	Garrett, Tenn.	Houston
Borchers	Connelly, Kans.	Garrett, Tex.	Howard
Borland	Cox	George	Hughes, Ga.
Bowdle	Davenport	Gilmore	Hull
Brockson	Decker	Goodwin, Ark.	Igoe
Brown, W. Va.	Deitrick	Gorman	Jacoway
Buchanan, Ill.	Dickinson	Graham, Ill.	Johnson, Ky.
Buchanan, Tex.	Dies	Gray	Johnson, S. C.
Bulkley	Doolittle	Gregg	Jones
Burgess	Doughton	Gudger	Keating
Kennedy, Conn.	Maguire, Nebr.	Roddenbery	Taylor, Ala.
Kent	Maher	Rothermel	Taylor, Ark.
Kettner	Montague	Rucker	Taylor, Colo.
Kirkpatrick	Moon	Russell	Taylor, N. Y.
Konop	Morrison	Seldomridge	Ten Eyck
Korbly	Murray, Okla.	Sims	Thacher.
Lazaro	Neeley	Sisson	Underwood
Lee, Ga.	O'Hair	Smith, Md.	Vaughan
Lesher	Oldfield	Smith, Tex.	Walker
Lever	Page	Stedman	Walsh
Lieb	Phelan	Stephens, Nebr.	Watkins
Linthicum	Post	Stephens, Tex.	Watson
Lloyd	Prouty	Stone	Weaver
McAndrews	Quin	Stout	Webb
McClellan	Ragsdale	Stringer	Whaley
McDermott	Raker	Sumners	Wilson, Fla.
McGillicuddy	Reed	Talcott, N. Y.	Wingo
McKellar	Reilly, Conn.	Tavenner	Young, Tex.

NAYS—58.

Anderson	Gardner	McKenzie	Sloan
Austin	Gillett	Mann	Smith, Idaho
Barton	Gordon	Mapes	Smith, Minn.
Bell, Cal.	Hulings	Mondell	Switzer
Bryan	Humphrey, Wash.	Morgan, Okla.	Temple
Burke, S. Dak.	Johnson, Utah	Moss, W. Va.	Thomas
Campbell	Johnson, Wash.	Norton	Thomson, Ill.
Cooper	Kelly, Pa.	Payne	Towner
Curry	Kennedy, Iowa	Platt	Treadway
Davis, Minn.	Kinkaid, Nebr.	Roberts, Nev.	Walters
Dillon	Knowland, J. R.	Rupley	Willis
Dyer	La Follette	Scott	Woods
Falconer	Lewis, Pa.	Sells	Young, N. Dak.
Fess	Lindbergh	Shreve	
French	McGuire, Okla.	Sinnott	

ANSWERED "PRESENT"—7.

Adamson	Kahn	Rubey	Wallin
Crisp	McCoy	Smith, J. M. C.	

NOT VOTING—212.

Adair	Dooling	Hughes, W. Va.	Porter
Aiken	Doremus	Humphreys, Miss.	Pou
Ainey	Dunn	Keister	Powers
Allen	Dupré	Kelley, Mich.	Rainey
Ansberry	Eagan	Kennedy, R. I.	Rauch
Anthony	Eagle	Key, Ohio	Rayburn
Avis	Edmonds	Kiess, Pa.	Reilly, Wis.
Bailey	Edwards	Kindel	Richardson
Barchfeld	Elder	Kinkead, N. J.	Riordan
Barnhart	Esch	Kitchin	Roberts, Mass.
Bartholdt	Estopinal	Kreider	Rogers
Bathrick	Fairchild	Lafferty	Rouse
Beall, Tex.	Faison	Langham	Sabath
Blackmon	Farr	Langley	Saunders
Bremner	Ferris	Lee, Pa.	Scully
Britten	Fields	L'Engle	Shackleford
Brodbeck	Finley	Lenroot	Sharp
Broussard	Fitzgerald	Levy	Sherley
Brown, N. Y.	Fordney	Lewis, Md.	Sherwood
Browne, Wis.	Francis	Lindquist	Slayden
Browning	Frear	Lobeck	Slemp
Bruckner	Gallagher	Logue	Small
Brumbaugh	Gerry	Lonergan	Smith, N. Y.
Burke, Pa.	Gittins	McLaughlin	Smith, Saml. W.
Burnett	Glass	Madden	Sparkman
Butler	Godwin, N. C.	Mahan	Stafford
Byrns, Tenn.	Goeke	Manahan	Stanley
Calder	Goldfogle	Martin	Steenerson
Cantrill	Good	Merritt	Stephens, Cal.
Carew	Goulden	Metz	Stephens, Miss.
Carlin	Graham, Pa.	Miller	Stevens, Minn.
Carr	Green, Iowa	Mitchell	Stevens, N. H.
Carter	Greene, Mass.	Moore	Sutherland
Cary	Greene, Vt.	Morgan, La.	Taggart
Chandler, N. Y.	Griest	Morin	Talbott, Md.
Clancy	Griffin	Moss, Ind.	Thompson, Okla.
Clark, Fla.	Guernsey	Mott	Townsend
Connolly, Iowa	Hamill	Murdock	Tribble
Conry	Hamilton, Mich.	Murray, Mass.	Tuttle
Copley	Hamilton, N. Y.	Nelson	Underhill
Covington	Hammond	Nolan, J. I.	Vare
Cramton	Harrison, N. Y.	O'Brien	Volstead
Crosser	Haugen	Oglesby	Whitacre
Cullop	Hawley	O'Leary	White
Curley	Hayes	O'Shaunessy	Wilder
Dale	Helgesen	Padgett	Williams
Danforth	Helm	Palmer	Wilson, N. Y.
Davis, W. Va.	Hensley	Parker	Winslow
Dent	Hill	Patten, N. Y.	Witherspoon
Dershem	Hinds	Patton, Pa.	Woodruff
Difenderfer	Hinebaugh	Pepper	
Dixon	Hobson	Peters	
Donohoe	Howell	Peterson	
Donovan	Hoxworth	Plumley	

So the motion to adjourn was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SCULLY with Mr. BROWNING.

Mr. SLAYDEN with Mr. BARTHOLDT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. AIKEN with Mr. BARCHFELD.

Mr. CARTER with Mr. CALDER.

Mr. CLARK of Florida with Mr. CARY.

Mr. COVINGTON with Mr. FREAR.

Mr. CULLOP with Mr. CHANDLER of New York.
Mr. DAVIS of West Virginia with Mr. GOOD.
Mr. DICKINSON with Mr. GREENE of Vermont.
Mr. DIFENDERFER with Mr. HAYES.
Mr. DONOHOE with Mr. HINEBAUGH.
Mr. FRANCIS with Mr. KELLEY of Michigan.
Mr. GALLAGHER with Mr. KIESS of Pennsylvania.
Mr. CURLEY with Mr. KREIDER.
Mr. GITTINS with Mr. LAFFERTY.
Mr. GOLDFOGLE with Mr. LINDQUIST.
Mr. GOEKE with Mr. MCLAUGHLIN.
Mr. GUDGER with Mr. MANAHAN.
Mr. HAMILL with Mr. MARTIN.
Mr. HAMMOND with Mr. MILLER.
Mr. HELM with Mr. MORIN.
Mr. HENSLEY with Mr. NELSON.
Mr. HUMPHREYS of Mississippi with Mr. PARKER.
Mr. JONES with Mr. J. I. NOLAN.
Mr. KINKEAD of New Jersey with Mr. PORTER.
Mr. LEVY with Mr. POWERS.
Mr. PETERS with Mr. SUTHERLAND.
Mr. SHACKLEFORD with Mr. STEENERSON.
Mr. STEVENS of New Hampshire with Mr. STEPHENS of California.
Mr. UNDERHILL with Mr. TOWNER.
Mr. WHITE with Mr. VARE.
Mr. SPARKMAN with Mr. WILDER.
Mr. WHITACRE with Mr. WOODRUFF.
Mr. PATTEN of New York with Mr. MOTT.
Mr. LEE of Pennsylvania with Mr. MADDEN.
Mr. HARRISON of New York with Mr. LANGHAM.
Mr. KITCHIN with Mr. FORDNEY.
Mr. FERRIS with Mr. HAUGEN.
Mr. EDWARDS with Mr. HAMILTON of New York.
Mr. TALBOTT of Maryland with Mr. MERRITT.
Mr. DRISCOLL with Mr. GUERNSEY.
Mr. CONRY with Mr. DUNN.
Mr. CANTRILL with Mr. DANFORTH.
Mr. DALE with Mr. AVIS.
Mr. PALMER with Mr. MOORE.
Mr. GODWIN of North Carolina with Mr. MURDOCK.
Mr. RICHARDSON with Mr. ESCH.
Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.
Mr. RUBEY with Mr. HAWLEY.
Mr. DIXON with Mr. GRIEST.
Mr. FINLEY with Mr. HUGHES of West Virginia.
Mr. MURRAY of Massachusetts with Mr. GREENE of Massachusetts.
Mr. BARNHART with Mr. ANTHONY.
Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.
Mr. BLACKMON with Mr. BROWNE of Wisconsin.
Mr. CRISP with Mr. HINDS.
Mr. RAINEY with Mr. PATTON of Pennsylvania.
Mr. ADAIR with Mr. AINEY.
Mr. FAISON with Mr. GRAHAM of Pennsylvania.
Mr. BURNETT with Mr. COPLEY.
Mr. DUPRÉ with Mr. HAMILTON of Michigan.
Mr. DENT with Mr. KAHN.
Mr. MITCHELL with Mr. WINSLOW.

Until August 6:

Mr. ALLEN with Mr. J. M. C. SMITH (except banking and currency).

Until July 26:

Mr. PADGETT with Mr. ROBERTS of Massachusetts.
Mr. BYRNS of Tennessee with Mr. EDMONDS.
Mr. CARLIN with Mr. BRITTEN.
Mr. SAUNDERS with Mr. SLEMP.
Mr. BATHRICK with Mr. CRAMTON.
Mr. FITZGERALD with Mr. VOLSTEAD.
Mr. GLASS with Mr. KEISTER.
Mr. GOEKE with Mr. FARR.
Mr. ROUSE with Mr. GREEN of Iowa.
Mr. SHERLEY with Mr. SAMUEL W. SMITH.
Mr. RAUCH with Mr. HELGESEN.
Mr. SMALL with Mr. PLUMLEY.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, July 25, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior in regard to additional clerical assistance in the Indian Office for the work of determining the heirs of deceased Indian allottees (H. Doc. No. 163) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STOUT: A bill (H. R. 7095) for the purchase of a site and erection thereon of a public building at Lewistown, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7096) to provide for the surveying of the unsurveyed lands in the State of Montana; to the Committee on the Public Lands.

By Mr. EDMONDS: Joint resolution (H. J. Res. 110) proposing to amend the Constitution of the United States to authorize uniform laws on the subject of marriage and divorce, and to provide penalties for enforcement; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 7097) granting a pension to Mary E. Hays; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 7098) granting a pension to Nancy Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7099) granting a pension to Sarah E. Hibben; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 7100) granting a pension to Sophronia Murray; to the Committee on Pensions.

Also, a bill (H. R. 7101) granting a pension to Frances M. Gooding; to the Committee on Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 7102) granting an increase of pension to David N. Cochran; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 7103) granting an increase of pension to Henry A. Capen; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 7104) granting a pension to James D. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7105) granting an increase of pension to Charles N. Barrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7106) granting an increase of pension to Wheaton Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7107) granting an increase of pension to Isaac Chamberlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7108) granting an increase of pension to Edgar V. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7109) granting an increase of pension to Thomas E. Langdon; to the Committee on Pensions.

Also, a bill (H. R. 7110) granting an increase of pension to Hans H. Moeller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7111) granting an increase of pension to Frederick Pfunder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7112) granting an increase of pension to George B. Priestly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7113) granting an increase of pension to Frederick Reahm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7114) granting an increase of pension to Joseph H. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7115) granting an increase of pension to Nathan Addington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7116) for the relief of Jennie S. Sherman; to the Committee on Claims.

By Mr. TUTTLE: A bill (H. R. 7117) granting a pension to Laura M. Clayton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Interstate Cotton Seed Crushers' Association, Chicago, Ill., protesting against the duty placed upon cottonseed oil by Austria-Hungary; to the Committee on Ways and Means.

Also (by request), petition of the Interstate Cotton Seed Crushers' Association, Chicago, Ill., protesting against the continuance of the present tax on colored oleomargarine; to the Committee on Ways and Means.

Also (by request), petition of the First Methodist Episcopal Church of Elgin, Ill., favoring an amendment to the Constitu-

tion of the United States abolishing polygamy; to the Committee on the Judiciary.

By Mr. LEVY: Petition of the Switchmen's Union of North America, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Banana Buyers' Protective Association, New York, N. Y., protesting against the passage of the legislation placing an import tax on bananas; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of the Switchmen's Union of North America, favoring legislation to increase the force of safety-appliance inspectors on railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *July 25, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the memorial of Joseph H. Beall, of Boston, Mass., former president of the American Agricultural Association, relative to conditions existing in Mexico, which was referred to the Committee on Foreign Relations.

He also presented a petition from the National Civil Service Reform League, remonstrating against the adoption of paragraph O of section 2 of the pending tariff bill, relating to the collection of the income tax, which was ordered to lie on the table.

Mr. WEEKS presented a paper to accompany the bill (S. 1583) granting a pension to Sarah W. Loud, which was referred to the Committee on Pensions.

Mr. McLEAN presented a resolution adopted by the Business Men's Association of Meriden, Conn., favoring a more efficient and businesslike administration of the Consular Service, which was referred to the Committee on Commerce.

Mr. CLAPP presented petitions of sundry citizens of Minneapolis, Minn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

COLLECTION OF INCOME TAX.

Mr. STERLING. Mr. President, I send to the desk a communication from the National Civil Service Reform League, addressed to Members of the Senate and House of Representatives, in opposition to paragraph O of section 2 of the tariff bill, which I will ask to have read, and I shall then move that it lie on the table, to be taken up in connection with that paragraph of the bill when it is reached. I ask unanimous consent that it be read. I think its importance is such at this time that it ought to be read to the Senate, as well as printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

(Charles W. Eliot, president. Vice presidents: Edwin A. Alderman, Charlottesville, Va.; Charles J. Bonaparte, Baltimore; Joseph H. Choate, New York City; Harry A. Garfield, Williamstown, Mass.; George Gray, Wilmington, Del.; Arthur T. Hadley, Yale University; Seth Low, New York City; Franklin MacVeagh, Washington, D. C.; George A. Pope, Baltimore; Henry A. Richmond, Buffalo, N. Y.; Moorfield Storey, Boston; Thomas N. Strong, Portland, Oreg.; and Herbert Welsh, Philadelphia. Robert W. Belcher, secretary; A. S. Frissell, treasurer; Robert D. Jenks, chairman of council; George T. Keyes and Harry W. Marsh, assistant secretaries.)

NATIONAL CIVIL SERVICE REFORM LEAGUE,
OFFICES 79 WALL STREET,
New York, July 24, 1913.

Memorandum of the National Civil Service Reform League in opposition to paragraph O of section 2 of the tariff bill, H. R. 3321.

SPOILS RAID IN THE TARIFF BILL.

To the Members of the Senate and the House of Representatives:

The tariff bill, H. R. 3321, as introduced in the Senate provides for the employment for the period of two years of a large force of agents, inspectors, deputy collectors, etc., without complying with the provisions of the civil-service law. This provision is found in amendment O (pp. 207, 208, 209) appropriating $1,200,000 for salaries and supplies required to enforce the income-tax law. The provision referred to in full is as follows:

"*Provided*, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled 'An act to regulate and improve the civil service,' approved January 16, 1883, and amendments thereto, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limitations herein prescribed: *Provided further*, That no person now in the classified service who shall be appointed an agent, deputy collector, or inspector shall lose his civil-service status because of such appointment."

We can find nowhere in the report of the Committee on Finance as printed in the CONGRESSIONAL RECORD any reasons stated why this large force should be recruited outside the civil-service law. The only excuse for such a provision would be inability on the part of the Civil Service Commission to supply an adequate force within a reasonable time; but we are informed by the commission that it has upon its registers a full complement of eligibles from whom selection could be made for these positions. In view of the lack of any necessity for going outside the eligible lists to make these appointments, this provision in the bill is a gross injustice to those who have taken the examinations and qualified for positions in accordance with the law and custom.

The number of clerks whose appointments are thus thrown open to political influences will run into the hundreds. Congress could continue their appointment by further legislation at the end of the two-year period and Senators and Representatives would be importuned by the force so appointed to grant an extension of employment or transfer to the classified service. There is no precedent for such a widespread exception since the days of the Spanish War other than the unnecessary and ill-advised provision in the sundry civil appropriation bill of last year allowing temporary appointments in the Pension Office for a period of one year. At the time of the Spanish War emergency and in the face of full lists of eligibles a large force was appointed without regard to the civil-service rules. Before the lapse of any considerable time it was shown that this force was distinctly inferior in capacity to the regular civil-service employees, yet by subsequent legislation they were covered into the classified service.

This proposed legislation is an attempt to secure patronage at the expense of the merit system and is contrary to the civil-service planks in the platforms of the three great parties. The plank in the Democratic platform favored the enforcement of the civil-service law to the end that "merit and ability should be the standard of appointment and promotion rather than service rendered to a political party." The Progressive Party went on record as in favor of "the enforcement of the civil-service law in letter and spirit," while the Republican Party "stands committed to the maintenance, extension, and enforcement of the civil-service law."

We therefore ask your assistance in preventing any such spoils raid as is proposed in the tariff bill and in upholding by your vote the principles of your party that the subordinate civil service should be absolutely withdrawn from politics. We sincerely hope that you will refuse to record your vote in favor of this particular provision of the tariff bill.

Very respectfully, yours,

ROBERT D. JENKS,
Chairman of the Council.
GEORGE T. KEYES,
Assistant Secretary.

Mr. STERLING. I move that the communication just read lie on the table.

The VICE PRESIDENT. It will be so ordered without any motion.

Mr. STERLING subsequently said: In presenting the communication this morning from the National Civil Service Reform League in regard to paragraph O of section 2 of the pending tariff bill, I omitted to make the request that the names at the head of the communication be printed in the RECORD. I ask unanimous consent to that effect.

The VICE PRESIDENT. Is there objection to printing the names of the officials referred to by the Senator from South Dakota?

Mr. SIMMONS. We can not hear on this side of the Chamber a word the Senator has said. I do not know what it is he desires to have printed.

The VICE PRESIDENT. The paper is a memorial from the National Civil Service Reform League with reference to certain features of the tariff bill, and the Senator from South Dakota has asked that the names of the officials may be printed with the document in the RECORD. Is there objection?

Mr. SIMMONS. I do not know what the communication is, but I shall not object.

The VICE PRESIDENT. The Chair hears no objection. The names will be printed in full as requested by the Senator from South Dakota.

STANDARD BARREL FOR FRUITS AND VEGETABLES.

Mr. CLAPP, from the Committee on Standards, Weights, and Measures, to which was referred the bill (S. 2269) to fix the standard barrel for fruits, vegetables, and other dry commodities, reported it with an amendment, and submitted a report (No. 89) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2823) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on Public Lands.

A bill (S. 2824) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

A bill (S. 2825) granting an increase of pension to Harry Jones;

A bill (S. 2826) granting an increase of pension to Robert G. Sleater (with accompanying paper); and

A bill (S. 2827) granting an increase of pension to Sarah Ann Jones (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2828) for the relief of the estate of Benjamin Gratz, deceased (with accompanying paper); to the Committee on Claims.

By Mr. WEEKS:

A bill (S. 2829) granting an increase of pension to Cornelius Curran; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 2830) making appropriation for the correction of the acoustics, by the Harper system, of the United States Naval Academy chapel and auditorium; to the Committee on Naval Affairs.

By Mr. WILLIAMS:

A bill (S. 2831) to establish a drainage fund and to provide for the reclamation of swamp and overflowed lands in certain States (with accompanying paper); to the Committee on Commerce.

AMENDMENT TO THE TARIFF BILL.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The VICE PRESIDENT. The Senator from California [Mr. WORKS] is entitled to the floor.

SUGAR.

Mr. WORKS. Mr. President, there is another important and growing industry in my State that will be stricken down by this bill if it becomes a law. It is that of manufacturing beet sugar. It is an industry not alone of the manufacturers of beet sugar. Thousands of acres of land in California are devoted to the raising of beets, and hundreds of farmers and farm hands and their families are dependent upon this industry for their living. Besides this, thousands of acres of land in the State, commonly known as alkali lands, that are practically worthless because of the alkali deposits they contain, are being reclaimed by the growing of beets upon them, and thereby made first-class lands and adding millions of dollars to the land values of the State and Nation. It is a peculiar fact, thoroughly demonstrated, that beets are the only crops that can be raised on such land and that they absorb and extract the alkali, thus permanently reclaiming it in a very short time. In this way the growing of beets is of the greatest value in the reclamation of the land in addition to the means of living it affords to the growers and the addition it supplies to one of the necessaries of life, so regarded. The alleged experts who draw these tariff bills are most expert in concealing their real meaning. Schedule E, dealing with sugar, is a conspicuous example of the confusing circumlocution resorted to in providing for a tariff. It provides:

Sugars testing by the polariscope not above 75°, seventy-one one-hundredths of 1 per cent per pound, and for every additional degree shown by the polariscope test twenty-six one-thousandths of 1 cent per pound additional, and fraction of a degree in proportion.

I suppose a polariscope is an instrument designed to determine the degree of real or pure sugar in a substance imported as such. If that be so, every separate package of sugar imported, in whatever form, must, in order to comply with the law, be tested and tried out and the tariff imposed accordingly. I am informed by persons who know more about this question than I do, or probably ever will, that the Cuban sugar, which our people must compete with, is of about 96° pure, and on sugar of that degree the tariff proposed by the bill will amount to something less than 1 cent a pound. In order that the Senate may understand how important this industry is to my State I desire to submit for consideration some data showing to what extent it has been established in California. The following figures have been compiled and I think can be relied upon:

There are 11 beet-sugar factories in the State of California, having an aggregate daily slicing capacity of 13,500 tons. This does not include the factories at Corcoran and Visalia, which were not in operation last year, but it is understood will be reopened for the next campaign.

The aggregate cost of construction of these 11 factories, based on $1,250 per ton of daily slicing capacity, is $16,875,000, the total investment in plants, lands, and equipment being approximately $20,000,000.

The aggregate length of all buildings is 23,345 feet. Figures for 10 factories show the following expenditures:

Acres of beets harvested	112,000
Tons of beets	1,037,000
Tons of sugar produced	168,000
Paid for beets	$6,700,000
Paid for labor	3,900,000
Paid for railroad freights	1,800,000
Paid for fuel oil	500,000
Paid for lime rock	200,000
Paid for bags	400,000
Paid for other supplies	540,000
Total expenditures 1912	14,040,000

The total expenditures of these 11 factories since their erection, exclusive of the amounts invested in plants, lands, and equipment, is approximately $104,379,000.

A fuller and more accurate understanding of the extent of the industry, the amount of money invested, and the benefits that have and should continue to accrue to the people of the State may be gained by an examination of the following tabulated statements relating separately to each of the 11 sugar manufactories in the State:

(Oxnard, Cal.; American Beet Sugar Co.; erected 1897-98; daily capacity, 3,000 tons of beets; equipped with American machinery.)

Size of main building, 120 by 401 feet; length of all buildings, 1,556 feet; area of beets grown by independent farmers in 1912, 15,561 acres; by the factory, 637 acres.

Partial disbursements since erection of factory.

Beets	$15,000,000
Wage earners, office help, superintendents, managers, and officers	5,000,000
Freight on beets, sugar, and supplies	6,000,000
Fuel, lime rock, bags, coke, and all other supplies	4,000,000

(Chino, Cal.; American Beet Sugar Co.; erected 1891; daily capacity, 900 tons of beets; equipped with American and foreign machinery.)

Size of main building, 67 by 310 feet; length of all buildings, 1,525 feet; area of beets grown by independent farmers in 1912, 14,809 acres; by the factory, 1,800 acres.

Partial disbursements since erection of factory.

Beets	$5,592,643.65
Wage earners, office help, superintendents, managers, and officers	2,725,000.00
Freight on beets, sugar, and supplies	2,250,000.00
Fuel, lime rock, bags, coke, and all other supplies	2,175,745.45

(Spreckels, Cal.; Spreckels Sugar Co.; erected 1899; daily capacity, 3,000 tons of beets; equipped with American and German machinery.)

Size of main building, 105 by 585 feet; length of all buildings, 7,741 feet; area of beets grown by independent farmers in 1912, 7,380 acres; by the factory, 7,429 acres.

(Los Alamitos Sugar Co., Los Alamitos, Cal.; erected 1897; daily capacity, 800 tons of beets; equipped with American machinery.)

Size of main building, 93 feet 9 inches by 261 feet; length of all buildings, 2,144 feet; area of beets grown by independent farmers in 1912, 10,432 acres; by the factory, 401 acres.

Approximate disbursements since erection of factory.

Beets	$4,321,443.87
Wage earners, office help, superintendents, managers, and officers	1,208,100.93
Fuel, lime rock, bags, coke, and all other supplies	1,314,930.61
Experiments, insurance, brokerage, repairs, and all other items	390,613.48
Total	7,235,088.95

(Santa Ana Cooperative Sugar Co., Dyer, Cal.; erected 1912; daily capacity, 1,200 tons of beets; equipped with American machinery.)

Size of main building, 66 by 266 feet; length of all buildings, 971 feet; area of beets grown by 226 independent farmers in 1912, 9,061 acres; by the factory, none.

(Alameda Sugar Co., Alvarado, Cal.; erected 1870; daily capacity, 800 tons of beets; equipped with American machinery.)

Size of main building, 65 by 230 feet; length of all buildings, 3,043 feet; area of beets largely grown by the factory, 5,708 acres.

Partial disbursements since 1897.

Beets	$3,284,580
Wage earners, office help, superintendents, managers, and officers	1,736,992
Freight on beets, sugar, and supplies	347,805
Fuel, lime rock, bags, coke, and all other supplies	845,315

(Southern California Sugar Co., Santa Ana, Cal.; erected 1909; daily capacity, 600 tons of beets; equipped with American machinery.)

Size of main building, 67 by 265 feet; length of all buildings, 1,184 feet; area of beets grown by independent farmers in 1912, 10,000 acres; by the factory, none.

Partial disbursements since erection of factory.

Beets	$1,224,996.35
Wage earners, office help, superintendents, managers, and officers	307,000.00
Freight on beets, sugar, and supplies	309,900.00
Fuel, lime rock, bags, coke, and all other supplies	337,369.51

(Holly Sugar Co., Huntington Beach, Cal.; erected 1911; daily capacity, 1,000 tons of beets; equipped with American machinery.)

Size of main building, 65 by 260 feet; length of all buildings, 1,160 feet; area of beets grown by 300 independent farmers in 1912, 11,000 acres; by the factory, none.

Partial disbursements since erection of factory.

Beets	$1,100,000
Wage earners, office help, superintendents, managers, and officers	225,000
Freight on beets, sugar, and supplies	300,000
Fuel, lime rock, bags, coke, and all other supplies	230,000

(Union Sugar Co., Betteravia, Cal.; erected 1898; daily capacity, 1,000 tons of beets; equipped with American machinery.)

Size of main building, 109 by 270 feet; length of all buildings, 3,043 feet; area of beets, largely grown by the factory, 5,708 acres.

Partial disbursements since erection of factory.

Beets, 1899–1912	$4,697,379
Wage earners, office help, superintendents, managers, and officers	2,625,876
Freight on beets, sugar, and supplies	1,923,097
Fuel, lime rock, bags, coke, and all other supplies	1,120,038

(Hamilton City, Cal.; Sacramento Valley Sugar Co.; erected 1906; daily capacity, 700 tons of beets; equipped with American machinery.)

Size of main building, 62 by 250 feet; length of all buildings, 1,301 feet; area of beets largely grown by the factory, 1,510 acres.

Approximate disbursements since erection of factory.

Beets	$1,350,000
Wage earners, office help, superintendents, managers, and officers	650,000
Freight on beets, sugar, and supplies	450,000
Fuel, lime rock, bags, coke, and all other supplies	425,000
Experiments, insurance, brokerage, repairs, and all other items	45,000
Total expenditures since date of erection	2,920,000

(Anaheim, Cal.; Anaheim Sugar Co.; erected 1910–11; daily capacity, 500 tons of beets; equipped with American machinery.)

Size of main building, 58 by 275 feet; length of all buildings, 1,155 feet; area of beets grown by independent farmers in 1912, 10,069 acres; by the factory, none.

Approximate disbursements since erection of factory.

Beets	$653,575.09
Wage earners, office help, superintendents, managers, and officers	201,579.70
Freight on beets, sugar, and supplies	173,600.00
Fuel, lime rock, bags, coke, and all other supplies	194,200.00
Experiments, insurance, brokerage, repairs, and all other items	86,130.00
Total	1,309,084.79

I have this further statement from A. C. Bird, president of the Southern California Beet Sugar Growers' Association, which is worthy of careful consideration as coming, not from the manufacturer, but from the farmer who grows and sells the beets:

This development within a few years has demonstrated the fact that, unless confronted with unexpected difficulties, the United States will soon be able, through the growth of sugar beets, to supply its own demands, with some surplus sugar for exportation, while at present the United States is importing six-sevenths of the amount consumed. So far as I am personally concerned I do not favor or advocate high duties or a prohibitory tariff for the purpose of building up trusts or monopolies, and I believe this is the universal feeling of the members of the association, but we all believe that the real facts in the case of the sugar industry are widely misunderstood and that the insistent, growing demand all over the country for the removal of the duties on "trust goods," coupled with the overwhelming outcry against the high cost of living, may lead to wrong conclusions, harmful to beet-sugar States and beneficial to none, unless this subject is thoroughly investigated from all points of view and fully understood.

We are demonstrating the value of this industry to the soil, not only by greatly enhancing the value of the average soil under cultivation, but by making highly valuable soil heretofore regarded as useless. To illustrate by my own experience last season: In planting 75 acres to beets I included 9 acres I had not been able to raise anything on equal to the value of the seed because the soil was so strongly impregnated with alkali.

The average tonnage of that 9 acres was greater than the average of all the others, and the average sugar value was greater than the general average of the 66 acres. This experience has been general throughout this district, and large acreage is now being cultivated with good results that have heretofore been regarded as valueless. You can see just what this means for southern California and adjoining States. Furthermore, that which has been regarded as valueless, unproductive soil is being improved in its productiveness beyond anything that has been seen in this country, and other crops are being greatly increased by their rotation with sugar beets. These statements will be verified by the Agriculture Department, as shown by the investigations carried on in both the United States and Germany.

Finally, as to where the consumer comes in. If the cane-sugar people succeed in the removal of duties on raw sugar, the market in this country will be substantially in the hands of the cane-sugar refineries. There may be an interval of lower prices while they are giving the finishing touches to the beet people, but as soon as the last-named industry is wiped out the Sugar Trust (refiners) will effectively control the prices for all the millions of consumers in our country, having disposed of all the existing competition by the destruction of the great and growing sugar-beet industry as well as having given general agriculture a disastrous blow. So we hope when this question comes up for final disposition the friend of agriculture everywhere, and especially the friend of California, will put every possible obstacle in the way of reduction of the sugar duties until they are thoroughly convinced that it is a wise measure from all points. Please bear in mind that in southern California the beet industry is the greatest one—save only citrus fruits—and that in a few years with the same protection the industry has had the last five years the beet interest will be the greatest of all.

T. B. Case, manager of Southern California Sugar Co., located at Santa Ana, Cal., furnishes, at my request, the following information as to the beet-sugar industry in the State:

We will utilize in our campaigns 100,000 acres planted to beets. Much of this soil, on account of its alkalinity, will not produce other profitable crops, and the first beet crops are not entirely satisfactory, but by continuous cropping the alkaline rankness is exhausted and the land becomes highly productive and valuable.

All the factories purchase their beets from actual growers. None, so far as I know, raises its own beets. The beets produced on the 100,000 acres will amount to 1,000,000 tons, or an average of 10 tons per acre, which is a conservative estimate for southern California. We pay the growers for these beets between $6,000,000 and $7,000,000. The ranchers who raise these beets pay to the farm laborers who care for the crop between two and two and one-half million dollars. We pay the railroads for transporting these beets to the factories $500,000. We purchase and consume 500,000 barrels of oil, from which the railroads receive over $100,000 more; also 100,000 tons of limestone, quarried in California, for which we pay $175,000 to $200,000, and for which the railroads receive another like amount. We use 30,000,000 bags, which are manufactured in California at a cost to the factories of $360,000. For the purchase of the materials and supplies entering into the manufacture of our sugar we expend for the 150,000 tons about eleven and one-fourth million dollars, all of which goes to California labor, railroads, and material men, excepting coke, which we are compelled to purchase either in the East or from Europe landed in this country at the port of San Pedro.

For the transportation of our manufactured product to the market, the manufacturers pay to the railroads an additional one and one-half millions of dollars. All of the money received from the sale of our manufactured product, except for such as is consumed in our own State, is brought from the jobbing cities of the Missouri River and deposited in our home banks. The effect of the industry upon the community in which the factories are located is most beneficial. It begins at the foundation of society and pays to the common laborer remunerative wages, keeping him employed during the months which are ordinarily those of least activity. I have had experience in organizing and starting two beet-sugar factories, one in Michigan and one in California, and from my personal observation I have formed the opinion that there is no other industry which so beneficially affects the community where located. We pay to the farmers somewhere between 2 and 2½ cents a pound for the extracted sugar. We add to that, in labor and supplies, a little over a cent and a quarter, bringing the total cost up to approximately 3.65 cents a pound.

Sugar is produced in the Tropics from the cheap and filthy labor for a little less than what we pay the farmers for the extracted sugar. If that sugar is admitted free into the United States, as it can be introduced at a small profit for about what we pay the farmer, it will necessarily compel us either to purchase our beets at a lower price or drive us out of business. The latter is the more probable course, for the reason that our farmers must either be able to sell their beets at a reasonable profit or they will engage in other industries, and in this connection, they must make more money on their beets than they receive for other crops, for the reason that it is a crop that requires intense cultivation and care, entailing upon the farmer more cost and labor than he is compelled to expend on any other of his growing crops, not excepting the citrus fruit growers.

Here is another very brief statement showing the value of the industry to the State:

BEET-SUGAR INDUSTRY—THE DIRECT ECONOMIC VALUE OF THE BEET-SUGAR INDUSTRY TO THE STATE OF CALIFORNIA.

Factories.—Alameda Sugar Co., Alameda County; Anaheim Sugar Co., Orange County; American Beet Sugar Co., "Chino," San Bernardino County; American Beet Sugar Co., "Oxnard," Ventura County; Holly Sugar Co., Orange County; Los Alamitos Sugar Co., Orange County; Spreckels Sugar Co., Monterey County; Santa Ana Cooperative Sugar Co., Orange County; Southern California Sugar Co., Orange County; Sacramento Valley Sugar Co., Glenn County; Union Sugar Co., Santa Barbara County.

Local expenditures in 1912.

For beets (showing the total value of the crop to the farmers of the State)	$6,701,582.82
For labor in factories and fields	3,939,165.01
For railroad freights	1,811,112.46
For fuel oil	503,780.90
For lime rock	211,169.09
For bags	391,504.93
For other supplies	542,598.11
Total	14,100,922.32
Acres harvested	112,003
Tons sugar beets grown (2,000 pounds)	1,037,490
Tons of sugar produced (2,000 pounds)	168,765
Total investment in factories, land, and equipment	$10,904,823.21

(N. B.—The above statistics have been accurately compiled by the Pacific Slope Beet Sugar Association.)

I have also this very clear statement of conditions from the Anaheim Sugar Co., showing particularly the advantages of the industry to the people of the State of California:

Believing, as we do, that you will oppose any change in the sugar tariff which you can be convinced is against the interests of your State, we take the liberty of giving you a few figures, the correctness of which can be easily verified by an examination of our books:

We paid the farmers last year per ton of beets testing 20 per cent sugar	$6.75
Our average freight rate per ton of beets to the factory was	.508
Expense of field men—making contracts and instructing farmers in growing beets—per ton of beets	.121
Expense of loading beets in cars at dumps per ton	.102
Making a total cost per ton f. o. b. factory of	7.481

It is generally figured that a 75 per cent extraction of the sugar is good work, which would mean 300 pounds of sugar out of the 400

pounds in the beets, from which it will be seen that we pay for the beets delivered an equivalent of $2.49 per hundred pounds of extractable sugar, and, in addition to this, must bear the cost of extraction, of which labor at American rates is one of the principal items.

In the way of comparison, raw sugar delivered in New York to-day from Cuba is selling at $3.45 per hundred pounds, and without the duty of $1.348 would be equal to $2.102 per hundred pounds. Therefore we start with raw material in the way of beets at $2.49 per hundred pounds of sugar, while the refiners in the East start with raw cane sugar at $2.102 per hundred pounds, and the factory cost of producing refined sugar from beets is at least double the cost of refining raw cane sugar. This should prove that a free-sugar bill at any time would destroy the beet-sugar industry and give the cane refiners absolute command of the production of this commodity and the regulation of prices.

In the interest of the farmer, laborer, and others in California engaged in this industry outside of the sugar factories, we wish to say that during the year 1912 this State produced 3,173,630 bags of beet sugar, and there was disbursed for beets, fuel oil, labor, etc., approximately $12,000,000, while the production of the same number of bags of refined sugar by refining raw cane sugar would mean in comparison a distribution of not much over one-sixth of this amount.

Our auditor's cost sheet for the year 1912, copy of which we will be glad to file with you, shows that after crediting the by-products, consisting of dried beet pulp and molasses, our sugar costs us at the factory $3.88 net per 100 pounds. This cost would be increased provided we are not able to dispose of the molasses at the inventory price of $10 per ton.

Mr. President, it is unnecessary to speculate about the result to the beet-sugar industry in my State if the proposed legislation goes into effect. It is possible that under a tariff of 1 cent a pound the industry might struggle along, but the growth of it would be effectually brought to an end, and the farmers, the people above all others who should be protected, will be made to suffer the whole loss under such a tariff in the reduced price at which they will be able to sell the beets, or the laborers will suffer from reduced and inadequate wages, or both. Neither the prices for the products nor the wages paid can compete with prices or wages in the Tropics. It may be taken as certain that it will not be the manufacturers that will suffer, but the farmer and the laborer. This would undoubtedly be the effect of a reduction such as is proposed.

But, sir, the bill goes further than this. It provides for sugar going on the free list at the end of three years. This simply means the extinction of the sugar industry in my State. Our people can not compete with Cuba, for example, and live. So the question is a very simple one. Does Congress believe it to be to the best interest of the country to completely destroy one of its chief and growing industries in California and other States for the slender hope that by such a course the price of sugar to the consumer may be reduced? I am afraid that this proposed legislation is not founded on any such belief. The people of this country have been made to believe that tariffs should be reduced. So they should. But on what? On the products that are over or unnecessarily protected from foreign competition. On some manufactured articles from which manufacturers are growing offensively rich. Not on the products of the soil, upon the production of which the farmers of the country depend for a living. The trouble is that this bill does not undertake an intelligent and fair regulation and readjustment of the tariff in such way as to remedy the evils resulting from former ill-adjusted and burdensome tariff legislation. I am afraid it is done with the view of securing public favor and votes from the people who are justly crying out for a reduction of the tariff without knowing where and on what articles reductions should be made in the public interest. Reductions are made on farm products on the specious and appealing ground that it will result in a lowering of prices for the ordinary and common necessaries of life. But unfortunately these are the very things, in the main, that come from the soil and benefit the millions of our people engaged in farming and farm labor. By opening the common necessaries of life to foreign competition we are taking these necessaries from the mouths and the backs of the very people in this country who most need the protection of their industry and their living. No party that reduces the tariff in any such way and upon such articles will long continue in power. It must find some more scientific and just method than this of regulating the tariff.

If that is what the pledge of the Democratic Party to reduce the tariff really means, the pledge had better never have been made. I do not believe it means any such thing. To misconstrue it as a license of the people to establish free trade or to take away from the farmers and laboring men of the country the protection they need and should have is a cruel misconstruction of the pledge that will bring swift and condign punishment from the people at the polls. I regret that the attempt to regulate the evils of excessive tariff rates should have taken this form. The attempt to regulate and reduce the tariff is worthy of commendation if only it is done with a sincere purpose to better the condition of the people, but woe to the party that seeks to make it a means of political gain or advantage.

But, sir, the claim is made that the sugar manufacturers are, under the existing tariff rates, making inordinately large profits. I have tried to ascertain the facts as to this claim as it applies to the various industries in my State and to be governed by those facts. Perhaps the sugar-beet growers and sugar manufacturers of California are in better condition to withstand a reduction in the tariff than any other State because of the fertility of its lands, their adaptability to the growth of sugar beets, and the higher quality of the beets grown in respect of the amount of sugar they contain. If the California industry will be seriously injured by the proposed reduction on sugar, it will be destroyed completely in other States where sugar-beet culture and the manufacture of sugar therefrom are becoming important factors in the progress of those States where the beets can be grown. At Oxnard, Cal., is one of the large manufactories of the State. The land in that section is peculiarly adapted to the growth of sugar beets of the highest quality. The percentage of sugar in the beets grown there is as high or higher than anywhere else in this country and the conditions for the manufacture of sugar are peculiarly favorable; and yet the profits resulting from the manufacture of sugar under such favorable conditions are not unreasonable under the existing tariff. I have here a statement of the different plants of the American Beet Sugar Co., showing their capacities, amount invested in the construction of the plants, cost of production of sugar and the profits realized, the effect on the industry of certain reductions in the tariff, the comparative investments necessary to carry on the business in this and other countries, wages paid, the comparative extractions of sugar from the beets in the several countries engaged in the business, and the total cost of production of sugar in each.

The statement is as follows:

AMERICAN BEET SUGAR CO.

The six plants of the American Beet Sugar Co. have a daily slicing capacity as follows:

	Tons.
Oxnard, Cal.	3,000
Chino, Cal.	900
Rocky Ford, Colo.	1,500
Lamar, Colo.	400
Las Animas, Colo.	700
Grand Island, Nebr.	350
Total	6,850

The actual investment in factories, working capital, etc., exclusive of lands, is approximately $11,500,000; but the usual basis of figuring the cost of erecting factories is $1,250 per ton of daily slicing capacity, which would make the actual construction cost of these six plants $8,562,500, allowing nothing for working capital, lands, etc.

Referring to the statement of the American Beet Sugar Co. on page 2306 of the hearings before the Committee on Ways and Means, it will be seen that during the seven years 1906–7 to 1912–13 the company produced 10,012,343 bags of sugar, or an average of 1,430,334 bags per year, and that the average net receipts per bag after deducting expenses were 77 cents, which would make $7,709,504 profit for the seven years, or $1,101,357 per year, which is equal to 9.57 per cent return on the capital invested, exclusive of that invested in lands.

The following tabulation shows what the company would be able to earn under various reductions of the tariff, predicated upon the wholesale price of sugar being lowered in exact proportion as the tariff was lowered: Present duty on refined sugar $1.90, affording a profit of 77 cents per 100 pounds, or $1,101,357, which is equal to 9.57 per cent on the capital invested, exclusive of that invested in lands.

The Lodge-Bristow amendment lowered the duty on refined sugar 30 cents per 100 pounds, or to $1.60 per 100 pounds. Under this reduction the company's profits would have been 47 cents per 100 pounds, or $672,257 per annum, which is equal to 5.85 per cent on the capital invested, exclusive of that invested in lands.

A reduction of 25 per cent in the present rate of duty would bring the duty from $1.90 to $1.425 per 100 pounds, thus reducing the profit from 77 cents to 29.5 cents per 100 pounds, or $421,948 per year, which is equal to 3.67 per cent on the capital invested, exclusive of that invested in lands.

A reduction of 33⅓ per cent would reduce the duty from $1.90 to $1.267 per 100 pounds, thus reducing the profits from 77 cents to 13.7 cents per 100 pounds, or $195,955 per annum, which is equal to 1.70 per cent on the capital invested, exclusive of that invested in lands.

A reduction of 50 per cent would reduce the duty from $1.90 to 95 cents per 100 pounds, thus eliminating the 77 cents profit and creating a loss of 18 cents per bag, or $257,460 per year. Free sugar would create a loss of $1.90 less 77 cents, or $1.13 per bag, amounting to a total loss of $1,616,278 per annum on a product of 1,430,334 bags.

COST OF PRODUCING SUGAR IN THE UNITED STATES AND IN EUROPEAN SUGAR EXPORTING COUNTRIES.

The difference in the cost of producing sugar in the United States and in Europe can be grouped under three general heads:

(1) Cost of plants.
(2) Cost of labor.
(3) Cost of beets.

The cost of a given size factory in Europe is about 50 per cent of what it is in the United States, and investment account is correspondingly small.

The average factory wage is 69.9 cents per day as compared with an average factory wage of $2.99 in the United States. The following table shows the difference in cost of sugar in the beet in the United States and Europe. The extraction in European countries is from official figures, as is also the price of beets, except in Russia and Belgium, for which official figures are not available. The extraction in all countries is on the basis of raw sugar.

	Extraction per ton of beets (pounds).	Cost of beets per 2,000-pound ton.	Cost of sugar in beet per 100 pounds.	Difference.
1911-12.				
United States	263.16	$6.13	$2.33	
Germany	327.15	4.86	1.49	$0.84
Russia	307.14	3.75	1.22	1.11
Austria-Hungary	293.77	4.37	1.49	.84
France	248.19	4.86	1.96	.37
Belgium	296.52	4.24	1.43	.90
Netherlands	292.18	4.56	1.56	.77

On page 5 of the Underwood report, the cost of producing sugar in Germany is placed at $1.96 to $2.07 per 100 pounds, and on page 6 the cost of producing beet-sugar in the largest factories of the United States is given as "not to exceed 3.54 cents per pound," a difference of 1.47 to 1.58 cents per pound in favor of Germany.

In addition to this I have the statement of the American Beet Sugar Co., in tabulated form, showing every item of cost of production and marketing of sugar and the gross and net receipts of all of its plants combined. This statement is as follows:

Statement of the American Beet Sugar Co.—Cost of sugar from Apr. 1, 1906, to Mar. 31, 1913.

ALL FACTORIES.

[Paragraphs 216-219.—Beet sugar.]

	1906-7	1907-8	1908-9	1909-10
Tons of beets sliced	549,947	470,081	374,629	472,106
Average sugar test	15.54	15.83	16.64	16.62
Sugar extraction per ton of beets	263.74	276.37	290.09	292.04
Average price of beets	$5.50	$5.56	$5.66	$5.83
COST OF MANUFACTURE.				
Cost of raw material	$3,026,977.83	$2,615,542.18	$2,118,905.76	$2,754,461.71
Factory cost, less value of by-products	1,935,572.05	1,687,862.54	1,356,252.62	1,743,734.80
Overhead or administrative charges	138,265.54	158,981.45	175,951.66	177,266.36
Taxes and insurance	54,324.28	58,514.38	65,154.27	59,843.98
Total	5,155,139.70	4,520,900.55	3,716,264.31	4,735,206.85
Bags of sugar produced	1,450,411	1,299,182	1,096,777	1,378,739
Cost per bag	$3.55	$3.48	$3.42	$3.43
OTHER EXPENSES.				
Selling	$569,696.05	$524,053.15	$828,835.84	$739,502.47
Interest paid on borrowed money	314,441.16	301,430.88	189,617.60	100,203.56
Depreciation at 6 per cent per annum	326,642.71	330,588.14	235,405.64	347,509.79
Total cost to produce and sell sugar	6,365,919.62	5,976,972.72	5,070,213.39	5,922,522.67
Total cost per bag to produce and sell sugar	4.39	4.60	4.67	4.30
SALE OF SUGAR.				
Gross receipts from sugar sold	4,553,214.25	7,402,270.46	6,915,533.59	6,776,775.97
Gross receipts per bag from sugar sold	4.78	4.78	5.14	5.09
Net receipts per bag from sugar sold	.39	.18	.47	.79

	1910-11	1911-12	1912-13	Total.
Tons of beets sliced	498,955	498,078	509,212	3,373,006
Average sugar test	17.60	17.50	18.11	16.85
Sugar extraction per ton of beets	315.76	313.80	325.76	296.84
Average price of beets	$6.25	$6.46	$7.16	$6.08
COST OF MANUFACTURE.				
Cost of raw material	$3,117,972.82	$3,219,223.46	$3,647,100.68	$20,500,244.44
Factory cost, less value of by-products	1,716,642.27	1,883,024.66	1,855,998.13	12,179,097.07
Overhead or administrative charges	187,269.72	192,743.42	261,780.80	1,292,258.95
Taxes and insurance	64,746.99	98,015.87	98,417.03	499,016.80
Total	5,086,631.80	5,393,007.41	5,863,356.64	34,470,607.26
Bags of sugar produced	1,575,490	1,562,949	1,658,805	10,012,343
Cost per bag	$3.23	$3.45	$3.53	$3.44

Statement of the American Beet Sugar Co.—Cost of sugar from Apr. 1, 1906, to Mar. 31, 1913—Continued.

ALL FACTORIES—continued.

	1910-11	1911-12	1912-13	Total.
OTHER EXPENSES.				
Selling	$934,159.68	$969,536.82	$1,080,046.84	$5,943,853.85
Interest paid on borrowed money	46,158.98	1,482.11	48,845.54	1,002,179.83
Depreciation at 6 per cent per annum	358,125.59	364,449.34	317,319.06	2,380,139.77
Total cost to produce and sell sugar	6,425,076.05	6,728,475.68	7,309,568.68	43,798,748.81
Total cost per bag to produce and sell sugar	4.08	4.30	4.41	4.37
SALE OF SUGAR.				
Gross receipts from sugar sold	8,172,856.98	8,745,242.53	8,875,696.50	51,441,509.53
Gross receipts per bag from sugar sold	5.06	5.32	4.95	5.14
Net receipts per bag from sugar sold	.98	1.02	.54	.77

I also submit for the information of the Senate a separate statement of a like kind, covering only the business of the plant at Oxnard, Cal., as follows:

OXNARD FACTORY, OXNARD, CAL.

	1906-7	1907-8	1908-9	1909-10
Tons of beets sliced	201,333	134,722	174,444	235,668
Average sugar test	17.25	17.74	18.56	18.03
Sugar extraction per ton of beets	298.71	321.82	332.73	323.46
Average price of beets	$5.49	$5.78	$6.01	$6.11
COST OF MANUFACTURE.				
Cost of raw material	$1,106,073.59	$779,090.78	$1,049,272.07	$1,440,745.04
Factory cost, less value of by-products	608,400.86	533,544.16	558,913.26	772,997.94
Overhead or administrative charges	62,219.49	60,412.95	66,861.63	67,361.22
Taxes and insurance	19,443.27	20,295.34	17,580.24	14,090.16
Total	1,886,137.21	1,393,343.23	1,602,627.20	2,295,194.36
Bags of sugar produced	601,410	433,570	580,420	762,295
Cost per bag	$3.14	$3.21	$2.92	$3.01
OTHER EXPENSES.				
Selling	$275,825.42	$376,029.54	$483,231.39	$468,931.84
Interest paid on borrowed money	141,498.52	114,543.73	72,054.69	38,077.35
Depreciation at 6 per cent per annum	138,343.75	138,289.75	139,275.92	146,670.95
Total cost to produce and sell sugar	2,441,804.90	2,022,206.25	2,387,189.20	2,948,874.28
Total cost per bag to produce and sell sugar	4.06	4.66	4.11	3.87
SALE OF SUGAR.				
Gross receipts from sugar sold	1,661,926.70	2,686,016.58	3,626,646.27	3,815,832.89
Gross receipts per bag from sugar sold	4.90	4.72	5.13	5.03
Net receipts per bag from sugar sold	.84	.06	1.02	1.16

	1910-11	1911-12	1912-13	Total.
Tons of beets sliced	286,908	279,003	211,923	1,524,001
Average sugar test	18.90	19.30	19.74	18.60
Sugar extraction per ton of beets	341.34	347.81	371.56	335.62
Average price of beets	$6.51	$6.67	$7.62	$6.38
COST OF MANUFACTURE.				
Cost of raw material	$1,868,338.29	$1,861,116.53	$1,614,966.27	$9,719,622.57
Factory cost, less value of by-products	800,845.02	878,974.65	714,044.27	4,957,720.16
Overhead or administrative charges	71,162.49	73,242.51	99,476.70	500,736.99
Taxes and insurance	16,331.46	28,396.14	29,675.83	144,812.44
Total	2,756,677.26	2,841,729.83	2,457,183.07	15,322,892.16
Bags of sugar produced	979,320	970,400	787,416	5,114,931
Cost per bag	$2.81	$2.93	$3.12	$3.00

Statement of the American Beet Sugar Co.—Cost of sugar from Apr. 1, 1906, to Mar. 31, 1913—Continued.

OXNARD FACTORY, OXNARD, CAL.—continued.

	1910-11	1911-12	1912-13	Total.
OTHER EXPENSES.				
Selling	$631,620.81	$643,733.83	$907,388.97	$3,486,761.50
Interest paid on borrowed money	17,540.41	563.20	18,561.30	402,839.20
Depreciation at 6 per cent per annum	152,050.94	158,703.47	137,314.94	1,010,649.72
Total cost to produce and sell sugar	3,557,889.42	3,644,730.33	3,220,448.28	20,223,142.58
Total cost per bag to produce and sell sugar	3.63	3.76	4.09	3.95
SALE OF SUGAR.				
Gross receipts from sugar sold	4,917,780.46	5,175,082.74	4,194,619.20	26,077,895.84
Gross receipts per bag from sugar sold	5.03	5.34	4.95	5.10
Net receipts per bag from sugar sold	1.40	1.58	.86	1.15

It will be seen that the actual net profit to the company, as shown by this statement, the accuracy of which I have no reason to doubt, taking all its plants into consideration, was 77 cents per bag of 100 pounds. As I have pointed out, the conditions in Oxnard are more favorable than, perhaps, in any other locality. There the net profit per bag was 86 cents.

Mr. President, I have included in my remarks a short extract from some remarks of mine made in the Senate at an earlier day, which I ask to be allowed to include without reading, as it is already in the RECORD.

The VICE PRESIDENT. If there is no objection, the matter will be included. The Chair hears none.

The matter referred to is as follows:

"Since this came into the Senate there has come into my hands a printed pamphlet entitled "Cost of Producing Sugar in the United States, Germany, Austria-Hungary, Russia, and Cuba." The compilation is by Mr. Truman G. Palmer, who, as is well known, has given great attention to this subject. In a brief way I wish to call attention to some of the information contained in the pamphlet.

"On page 6 this statement appears:

"The average price paid to farmers for beets in the United States, as given in the April issue of the Crop Reporter, issued by the Department of Agriculture, was $5.50 per ton in 1911 and $5.82 per ton in 1912. Direct reports from 65 factories show an average freight charge on beets paid by the factories of 43 cents per ton in 1911, 45 cents in 1912, and 41 cents per ton for agricultural expenses in 1911, 38 cents for 1912.

"Thus the average cost of beets laid down at the factory gates in the United States was $6.34 per ton in 1911 and $6.65 in 1912.

"Then follows a tabulated statement of the farmers' receipts for raw material. It shows that the farm price per ton of 2,000 pounds is, in the United States, $5.82; Russia, $3.90; Austria-Hungary, $3.68; and Germany, $4.14; and the average extraction of the beets is in favor of the European countries. In the United States it is 274.57; it is 316.98 in Russia; in Austria-Hungary, 315.20; in Germany, 328.30; and the average farm cost of 100 pounds of sugar is, in the United States, $2.12; in Russia, $1.23; in Austria-Hungary, $1.16; and in Germany, $1.26.

"The table is as follows:

Farmers' receipts for raw material.

	Farm price of beets per 2,000-pound ton.	Average extraction of raw sugar per 2,000-pound ton of beets, 1907-1911.	Average farm cost of 100 pounds of sugar in the beet.	United States farm cost per 100 pounds of raw sugar in the beet in excess of cost in other countries.
		Pounds.		
United States	$5.82	274.57	$2.12	
Russia	3.90	316.98	1.23	$0.89
Austria-Hungary	3.68	315.20	1.16	.96
Germany	4.14	328.30	1.26	.86

"In another table following this is another statement that should be of interest in determining the question as to the rate of tariff to be imposed upon sugar or whether it shall be placed upon the free list. It gives the cost of beets per ton, the average extraction of raw sugar per ton of beets from 1907 to 1911, the average cost of 100 pounds of raw sugar in the beet, and the United States cost per hundred pounds of raw sugar in the beet in excess of cost of other countries.

"The matter referred to is as follows:

Factory cost of raw material.

	Cost of beets per 2,000-pound ton.	Average extraction of raw sugar per ton of beets, 1907-1911.	Average cost of 100 pounds of raw sugar in the beet.	United States cost per 100 pounds of raw sugar in the beet in excess of cost in other countries.
UNITED STATES.				
Average price paid farmers in 1912	$5.82			
Average freight paid by factories	.45			
Average agricultural expense incurred by factories	.38			
		Pounds.		
Total per ton	$6.65	274.57	$2.42	
RUSSIA.				
Average price paid for beets in 1911	$3.90			
Assuming for freight as in Austria	.20			
Total per ton	4.10	316.98	1.29	$1.13
AUSTRIA-HUNGARY.				
Bohemia, 1913 contract price at receiving stations	$3.68			
Contract price delivered at factory	3.88	315.20	1.23	1.19
GERMANY.				
Average cost, purchase beets, 1904 to 1910	$4.44			
North Germany, average 1913 contract price purchase beets, delivered at factory gates	4.34	328.30	1.32	1.10

"Then follows another table, entitled 'Factory cost of raw material by States.' This table very clearly shows the difference in the amount paid by the State of California as compared with other States. The average cost of beets per ton laid down at the factory is stated as follows: California, $7.29; Utah and Idaho, $5.80; Colorado, $6.79; Michigan, $6.52; Ohio, Indiana, Illinois, and Wisconsin, $6.43; and other States, $6.64.

"The amount of raw sugar extracted per ton of beets is in California, 324.93; Utah and Idaho, 282.03; Colorado, 280.80; Michigan, 263.37; Ohio and the other States named, 269.93; and other States, 260.74.

"The cost per hundred pounds of extractable raw sugar in the beet is in California, $2.24; Utah and Idaho, $2.05; Colorado, $2.42; Michigan, $2.48; Ohio and the other States named, $2.46; and other States grouped, $2.55, as shown by the following table:

Factory cost of raw material by States.

	Average cost of beets per ton, laid down at factory, 1912.	Pounds of raw sugar extracted per ton of beets, 1907-1911.[1]	Cost of 100 pounds of extractable raw sugar in the beet.
California	$7.29	324.93	$2.24
Utah and Idaho	5.80	282.03	2.05
Colorado	6.79	280.80	2.42
Michigan	6.52	263.37	2.48
Ohio, Indiana, Illinois, and Wisconsin	6.43	260.93	2.46
Other States	6.64	260.74	2.55

[1] Based on 100 pounds of raw being equal to 90 pounds of refined sugar.

"There is another interesting table giving the gross return to farmers per acre. Without reading the whole of it, it shows returns in Russia per acre, at $3.90 per ton, $27.79; Austria-Hungary, $3.68 per ton, $42.21; Germany, at $4.14 per ton, $55.35; and the United States, at $5.82 per ton, $58.95, as follows:

Gross returns to farmers per acre.

Russia, 7.126 tons per acre, at $3.90 per ton	$27.79
Austria-Hungary, 11.47 tons per acre, at $3.68 per ton	42.21
Germany, 13.37 tons per acre, at $4.14 per ton	55.35
United States, 10.13 tons per acre, at $5.82 per ton	58.95

"There is still another table that should be taken into account. It shows the tons of beets per acre, the price paid, and the gross returns per acre. It shows that California grows 10.37 tons per acre; Utah and Idaho, 11.32; Colorado, 10.64; Michigan, 8.58; Wisconsin, 10.02; and other States, 9.07.

"The price paid to the farmers per ton for beets in 1912 was: California, $6.46; Utah and Idaho, $4.97; Colorado, $5.96; Michigan, $5.69; Wisconsin, $5.60; and other States, $5.81, as shown by the following table:

	Beets per acre, 1907–1911.	Price paid to farmers per ton for beets in 1912.	Gross returns per acre.
	Tons.		
California	10.37	$6.46	$66.99
Utah and Idaho	11.32	4.97	62.57
Colorado	10.64	5.96	63.41
Michigan	8.58	5.69	48.82
Wisconsin	10.02	[1]5.60	56.11
Other States	9.07	5.81	52.69

[1] Under new classification by Department of Agriculture this is the average price paid in Wisconsin, Indiana, Ohio, and Illinois.

"It will be seen, Mr. President, that in all these comparisons, whether it relates to the subject of the amount of wages paid or any other expenditure on the part of the beet growers themselves, California is paying higher prices than any other State in the Union. It shows also, in comparison as between this country and other countries, that the United States is paying more for labor and other expense than any other nation. It appears that in the State of California the best wages and the highest price for beets are paid, as compared with any other locality in the world.

"Then, coming down to the question of the cost of farm labor in the beet fields of the United States, there is this statement:

"Cost of farm labor in the beet fields of the United States and in Europe.

"The United States Department of Agriculture recently issued a bulletin on the cost of farm labor in 1912, in which it was stated—

"Mr. President, it should be observed that this relates to farm wages generally—

"wages now, compared with the average of wages during the eighties, are about 53 per cent higher; compared with the low year of 1894 wages now are about 65 per cent higher. The current average rate of farm wages in the United States, when board is included, is—by the month, $20.81; by the day, other than harvest, $1.14; at harvest, $1.54. When board is not included the rate is—by the month, $29.58; by the day, other than harvest, $1.47; by the day, at harvest, $1.87.

"That is the end of the quotation.

"An analysis of the labor figures as given in the March Crop Reporter of the department shows that the average wage of day laborers on the farms in the 16 sugar-beet States in 1912 was $2.45 at harvest time and $1.95 at other seasons of the year.

"So is will be seen that the average wage paid is far in excess of the amount paid in Colorado, according to the statement of the Senator from that State. Reading further from the pamphlet, it says:

"From 76 direct reports received from the various beet-growing sections, I found that the average daily wage in the beet fields was $2.21; the average daily earnings of pieceworkers, $3.25.

"A comparison of these wages with the wages paid in the beet fields of Europe is illuminating.

"The wage rate for agricultural laborers in Poland is 26.2 cents per day for men and 20.6 cents for women, while the German wage rate is the highest to be found in the three great European beet-sugar producing countries. Due to the introduction of sugar beets and the other root crops which followed and were introduced in the rotation, the acreage yield of cereal crops in Germany has been more than doubled, and instead of assisting emigration, because of inability to feed a population of 30,000,000 people, Germany to-day, with a population of 65,000,000 people, annually imports 800,000 seasonal workers to help till her fields and work in her shops.

"Sixty-seven per cent of these workers come from certain provinces of Russia and Austria, the other two great sugar-producing countries, attracted by the higher wage which prevails in the German Empire.

"Due to a semiofficial immigration bureau and to strict passport regulations which prevent an emigrant from living in any portion of the German Empire save the particular place for which he or she is booked, the wage is fixed and regulated to a nicety. Of late, certain districts of other countries which need workers have been bidding against Germany.

"Then follows a statement showing the amount of wages paid in European countries. In Germany it is 41.4 cents per day; Denmark, 45.2 cents; Prague, 41.1 cents; Vienna, 41.1 cents; Crakow, 42.1 cents; as to women, Germany, 36 cents; Denmark, 35.4 cents; Prague, 36.1 cents; Vienna, 36.9 cents; and Crakow, 38 cents.

"The statement is as follows:

"The director of the German labor bureau gives the following as the standard wage when all allowances have been converted into money:

"For men.

"Germany, 1 mark 74 pfennigs per day (41.4 cents U. S.).
"Denmark, 1 mark 90 pfennigs per day (45.2 cents U. S.).
"Prague, 1 mark 73 pfennigs per day (41.1 cents U. S.).
"Vienna, 1 mark 73 pfennigs per day (41.1 cents U. S.).
"Crakow, 1 mark 77 pfennigs per day (42.1 cents U. S.).

"For women.

"Germany, 1 mark 51 pfennigs per day (36 cents U. S.).
"Denmark, 1 mark 49 pfennigs per day (35.4 cents U. S.).
"Prague, 1 mark 52 pfennigs per day (36.1 cents U. S.).
"Vienna, 1 mark 55 pfennigs per day (36.9 cents U. S.).
"Crakow, 1 mark 60 pfennigs per day (38 cents U. S.).

"Mr. President, bearing upon this question of the employment of foreign labor, I have here a letter from a resident of Oxnard, Cal., which I should like to read. The writer says:

"OXNARD, VENTURA COUNTY, CAL., *April 24, 1913.*

"Hon. JOHN D. WORKS,
"Senate Chamber, Washington, D. C.

"DEAR SIR: In speaking of the sugar-beet business a correspondent of the Los Angeles Tribune recently said: 'If the grower, as a rule, would employ American labor in the place of cheap Asiatic labor, he would no doubt receive more sympathy from the consuming public.'

"Under ordinary circumstances a misleading statement like this would pass unnoticed; but as the beet business is still in its infancy and yet is destined to play such an important part in our political and business affairs, we should all try to understand it aright. The fact of the matter is that the sugar beets make so much field work that there is scarcely sufficient 'American labor' to bring the crop up to that stage where the 'cheap Asiatic labor' is able to take hold of it. At this stage of the crop the call for labor is generally so urgent that the farmer never thinks of asking any questions as to nationality or color. All he thinks about is getting his beets thinned and hoed or topped, and he generally pays a first-class price, and if he gets even second-class work he esteems himself more than lucky. If a person wants to see 'cheap labor' they should never look in a beet field, because it's not there. These "cheap laborers," who top beets by the ton, sometimes make from $5 to $7 in a day.

"The sugar beet is really one of the most wonderful plants we possess. It makes more work, puts more money into circulation, and brings more land under intensive cultivation than anything else we grow. Suddenly eliminate this one crop from our fields and the wages of farm labor would immediately fall, and upon the heels of labor would fall the price of several of our farm products. And with stagnation in the country from whence would the cities draw their prosperity?

"A beet farmer produces one crop but is a very large consumer of several, among his heaviest items of expense being hay, grain, horses or mules, farm implements, and labor.

"I feel that it is not only the duty of the Government to protect the cultivation of the sugar beet, but that it would be showing the greatest wisdom by fostering and encouraging this industry by every means in its power.

"Respectfully, yours, JOHN EASTWOOD.

"There is left, however, the question as to whether the beet growers in California are making exorbitant profits out of their business. There is really no foundation for this statement, except the testimony of Mr. Spreckels, as relating to one beet factory alone, and his statement in that respect was pure hearsay. He simply said that his father had told him so, and there has been ample evidence produced at various times showing the falsity of his statement as compared with that one factory.

"I want to call the attention of the Senate to a part of the testimony that was given at the hearing of the Committee on Finance of the Senate by Mr. Howard, who is president of the Alameda Sugar Co., which I think will explain how this mistake, if it was a mistake, came about. He says:

"It may be well at this point to explain the much-advertised and phenomenal dividend of 100 per cent declared by the Union Sugar Co. in 1911.

"At the end of 1910 the issued share capital was $1,265,000, and during the previous 12 years of the company's existence there had accumulated an undivided surplus of $1,440,101.57, not in cash but represented by property and equipment.

"Of this amount, $607,678.65 was due partly to assessments paid upon the stock and partly to profit on the sales of land which had been leased with the privilege of purchase.

"Senator SMOOT. Pardon me. You say that seven hundred and some odd thousand dollars came from assessments?

"Mr. HOWARD. $607,000 was partly due to assessments and partly due to profits on the sales of land.

"Senator SMOOT. What assessments were they?

"Mr. BALLOU. Two and a half dollars a share, three times; seven and a half dollars a share were paid on those assessments.

"Senator SMOOT. The assessments were made for what purpose? To increase the capital stock or to provide for losses you had made?

"Mr. HOWARD. It was not for the purpose of issuing stock. The assessments were made to pay for losses and new equipment.

"Senator SMOOT. That is what I wanted to find out.

"Mr. HOWARD. The soil was found to be too light and sandy for sugar beets, but admirably adapted for beans, which crop for several successive years had commanded such high prices as to create a strong demand for suitable land. Availing ourselves of existing conditions, the company exercised its option, subdivided and resold the land, reinvested the proceeds in other localities, and credited the profits.

"The balance of the surplus, $832,422.42, was contributed during the 12-year period by the sugar business.

"To compensate the share owners for assessments, land and sugar profits, which had gone into property investments, a stock dividend equal to the outstanding share capital as of December 31, 1910, was declared and paid.

"But cash dividends had previously been paid totaling $895,780, or an average of nearly $75,000 per year, equal to nearly 6 per cent per annum on the outstanding capital on December 31, 1910.

"If, then, we take the $832,422.42 contributed by the sugar business to the undivided profits, and which was capitalized by this stock dividend, it will be found to average, during its 12 years of accumulation, $69,368.53 per year, which is equal to 5.5 per cent on the share capital on December 31, 1910.

"So that instead of the carefully misrepresented dividend of 100 per cent, we find an average dividend of the Union Sugar Co. resulting from its sugar business during the first 12 years of its existence of 6 per cent per annum in cash and 5½ per cent in stock.

"But, Mr. President, it is fair to say that the stock of the company was practically worthless, as is suggested in the testimony of Mr. Howard. It was found that the land in that section was not suitable to beet growing. They realized some of their so-called profits by selling the land to be devoted to other purposes, and this beet-sugar factory that is alleged to have made profits to the extent of 100 per cent has gone out of business because it could make no profits at all and the plant itself has been dismantled.

"These comparative statements of cost of production, including all the elements of cost, show that it would be utterly impossible for our beet-sugar growers or manufacturers to compete with the foreign producers. Maybe they could by reducing wages to 40 cents a day and other items of expense in proportion, but that our people would not and should not endure."

Mr. WORKS. Now, Mr. President, if the reduction of the tariff is going to reduce the price of sugar, some one, either the beet growers, the wage earner, or the owner of the plant, is going to lose the difference between the present price and the reduced price brought about by such reduction. In the first statement above the loss is imposed upon the manufacturer, and it is very clearly shown that if this bill becomes a law and the resulting loss accrues to the manufacturer his business will be conducted at a loss and the industry totally destroyed. But it does not follow that the manufacturer will allow himself to bear all or any of the loss. He may escape it by imposing it upon some one else, either by reducing the wages of his employees or by paying less for the beets he buys from the grower, or both. But, sir, the net result will be the same in the end. Wage earners can not be kept at wages less than they can obtain elsewhere. They should not work for less than reasonable wages in any event. If the beet grower can only make less than he can realize from his land by devoting it to other crops or other purposes, he will no longer raise sugar beets. If he still holds on but is, by reason of the reduction in the tariff, being deprived of fair compensation for his products, he is unjustly treated by law. Any proposed reduction in the tariff that would bring about such a result, affecting either the wage earners or the farmer, is pernicious in its character and wholly inexcusable. To me it is perfectly evident that with sugar on the free list the sugar-beet industry in my State will be absolutely destroyed.

It would result in a heavy and irretrievable loss not only to the people engaged in and directly affected by the business, not only to my State, but to the whole country. With sugar now selling 20 pounds for a dollar this change in the tariff will result in no material benefit to the consumer, but it will destroy a great and growing industry without corresponding or adequate benefits to any class of the people. Mr. President, I am not going to base my conclusions on this important subject upon the showing of the one company alone. I have procured other statements covering the experience of other companies showing the character and extent of their business, the amount of business done and profits realized. I do not desire to burden the Senate or encumber the RECORD with these statements. They correspond very closely with the figures I have already submitted. To me they prove conclusively that if the tariff has any influence on the selling price of the manufactured articles the business of making sugar in my State will be annihilated if this bill becomes a law.

Mr. President, I am greatly concerned for the farmers and laborers in California who are engaged in growing sugar beets. As I have said before, they will undoubtedly be the first and chief sufferers from such legislation as this. In the beginning of the industry they received $4 a ton for their beets. The price to them gradually increased from year to year until they are now receiving six and sometimes and in some places, I am told, as much as seven dollars a ton. They have prepared for this kind of farming and thousands of acres of land are being cultivated in sugar beets and hundreds of our people find employment in the beet-sugar fields. If the beet-sugar plants are closed even temporarily, as they most certainly will be, it would mean a great loss and a great injustice.

The advocates of free sugar, in the attempt to justify the destruction of this great industry in my State, make the singular claim that by the growing of beets the farmers of the State have largely increased the value of their lands. They seem to think that when the farmer has increased the value of his land by his own industry, thrift, and business sagacity the Government may justly despoil him of the increase in the value of his property thus legitimately brought about and at the same time deprive him of his means of living by taking away the tariff that has enabled him to make better use of his land, increase the value of the landed property of the country, add to the producing power of the Nation, and provide for himself and his family.

It is a peculiarly constituted mind that can see in this any justification or excuse for establishing free trade in sugar.

Mr. President, this whole matter of land values in California as compared with Eastern States is misunderstood. Land in my State costs more, because of peculiar conditions that prevail there that do not exist in the Eastern States. The climate is semitropic. Generally sugar beets can not be grown successfully without irrigation.

The same is true of citrus and other fruits. Millions of dollars of money have been expended in the State in acquiring water necessary for irrigation and systems for storing and distributing water for use on the lands. So the California farmer must expend more money, invest more capital, than an eastern farmer in order to acquire title to his land and make it productive. The amount paid for water rights and a distributing system is not only added to his investment but to the value of his land. Without the water there is no great difference between the market value of land in California and the Eastern States. He can grow the ordinary crops such as grain and the like without irrigation, but on account of the lack of rainfall in the summer season even these crops are uncertain and often fail.

The importance of irrigation should be appreciated by Members of this body when they think of the millions of dollars being expended by the National Government for irrigation works and the supply of water to western farms. And yet some Senators seem to think that the western farmer should be penalized and discriminated against because his land costs him more than that of the eastern farmer. Such a doctrine is not only unjust but it is absurd. The farmers of my State are asking for no favors on account of the increased cost of their land as compared with eastern farmers, but they protest against the use of this fact as an excuse for denying them their rights.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I do.

Mr. NORRIS. Before the Senator leaves the subject of sugar, I should like to inquire whether in the tables he is to print in the RECORD he has any statistics except from California factories?

Mr. WORKS. No; I have not, Mr. President, because as I said in the beginning I expected to confine my remarks to the industries of my own State. So I have not gone out of the State for other information.

Mr. NORRIS. Has the Senator included any statistics in regard to the production of sugar outside of California?

Mr. WORKS. I have not, for the same reason.

OLIVES AND OLIVE OIL.

I come next, Mr. President, to consider the effect of the proposed reduction of the tariff on olives and olive oil. It is proposed to reduce the rate on olives in bottles or other packages containing less than five gallons from 25 to 15 cents a gallon. The existing tariff on olives in bottles, and so forth, containing less than five gallons is 25 cents, otherwise 15 cents. The proposed rate is a straight one of 15 cents. Under the present law olive oil in bottles or other packages of a capacity of less than five gallons is taxed 50 cents a gallon and other oils 40 cents. The present bill proposes to reduce the rate on smaller packages to 30 cents and shipments in larger quantities to 20 cents per gallon. Of course, under the present bill it is an easy matter to ship the oil in large quantities and bottle it in packages of less than five gallons and thus escape the higher rate. To what extent this was done, if at all, I do not know. To put it in that way seems to be offering an unnecessary temptation to fraud and deceit. But the proposed law does not remove this opportunity to take advantage of the domestic producer in the way indicated so far as it affects imports in the smaller quantities. When it comes to sales within this country 90 per cent of them are made in the smaller packages that would subject them to the higher tariff. Therefore, the effect of the proposed change is to reduce the tariff on olive oil 20 cents on the gallon. Very forceful reasons why this should not be done were presented by parties interested in the olive industry before the Committee on Ways and Means of the House. This is what was said on the subject on that occasion, including certain tables submitted showing the condition of the trade, the competition that must be met, and the probable effect of reducing the tariff:

STATEMENT OF DR. L. J. HUFF, OF LOS ANGELES, CAL., ON THE SUBJECT OF OLIVE OIL.

Dr. HUFF. Mr. Chairman and gentlemen, I have been delegated by the olive growers, nurserymen, and olive-oil manufacturers of California to appear before you representing their interests in the matter

of a proposed reduction in the tariff on olive oil of 20 cents per gallon. We request that this duty be allowed to remain, as it is for the best interests of those concerned; and we believe that after you have thoroughly examined our statement and investigated our conditions you will agree that to preserve that industry the duty must be left intact.

The proposed reduction of 20 cents a gallon, as far as we can see, will in no way reduce the cost of olive oil to the consumer, for this reason: Ninety per cent of the olive oil sold to the consumer in the United States is sold in bottles and small cans called sixes (6 to the gallon) and contain 20 ounces of oil each. The average selling price in the United States is 80 cents per can or bottle. A reduction of 20 cents per gallon would be 3⅓ cents per bottle. It is very obvious that the retailer would not sell at 75 cents and lose 1⅓ cents per bottle of his profit, which profit is small enough at the present time. Neither would he make a 76⅔ cents price.

We claim that the proposed reduction on an average annual import of 4,000,000 gallons, or $800,000, would go to the importer alone, and the Government would lose this revenue and not help the consumer, and work a very serious hardship on the olive-oil industry of California. Twenty cents a gallon reduction on 4,000,000 gallons would be a fine plum for the importer and absolutely no benefit for the consumer. The importer's argument has been that a 20-cent reduction would increase the sale and thereby increase the revenue. If you will follow the European markets, you will find that all of the olive oil being manufactured is readily sold, and that each year the supply is far below the demand, and especially so on the better grades of oil, which come in competition with the California products.

There was imported in the United States during the year ending June 30, 1912, 3,050,322.96 gallons of olive oil, valued at $4,335,294.25, on which a duty of $1,525,161.58 was paid, a value of $1.42 per gallon. This was in packages containing less than 5 gallons. There was also imported 1,709,923.67 gallons, valued at $1,729,491, on which a duty of $683,969.44 was paid, a value of $1.01 per gallon. This was in packages larger than 5 gallons. There was also 702,565 gallons of denaturized oil, on which no duty was paid.

In 1908 we were represented here before the Ways and Means Committee, and at that time we asked that the duty be retained on olives and olive oil, and it was. Note the result in four years: With the very small protection we have had we added 6,000 acres more olives, and of the 12,000 acres then growing and 50 per cent bearing—3,000 acres of these have come into bearing—we have planted 6,000 acres more, making at the present time a total acreage in the State of 18,000 acres, from which we are securing at the present time 8,000 tons for oil and 4,000 tons for pickles, a total of 12,000 tons. Four years ago the average net income was only $17 an acre. This year the average net income is $36.88 an acre—not a very large income, but still it shows what we can do with protection to this industry, and all of this would be lost if the duty on olive oil were removed. In 1908 the olive industry of California represented $4,500,000. To-day it represents over $7,500,000. There are in California to-day 375,000 acres available for olive trees, and, with proper protection, the time will come when we can nearly supply our own country with oil and olives.

The total cost of harvesting and delivering olives in Europe to the factories rarely exceeds $7 per ton, while our cost is seldom under $20 per ton.

The average cost of California olive oil in the tanks is $1.85 per gallon, and the average selling price is $2 per gallon, giving the manufacturer a profit of 15 cents a gallon.

We use only the best sanitary mechanical methods for extracting oil, while in Europe a large percentage of the oil is extracted in the most crude and filthy manner imaginable, a large portion of it being done by the orchardist himself, and in many instances with only the use of the feet and hands.

Labor is a matter which enters largely into the California product. The entire labor cost pertaining to all the olive industry in Europe, including field laborers, manufacturing laborers, office help, etc., is $1.04 per day. In California, including the same help as mentioned above, it is $2.47 per day.

Heretofore the by-products have been more or less wasted. Now we have started to extract from the pomace the foots oil. This oil is what is termed mechanical oil, used to a large extent by soap factories and silk manufacturers, and its extraction heretofore has been done only in foreign countries.

Another serious handicap that we have is the matter of freight. Olive oil can be laid down in New York or Chicago from Europe for 7½ cents a gallon. It costs us 15 cents a gallon to deliver it to any point from Denver east, and 18 cents to 20 cents a gallon to deliver it from California to what is known as the Northwest; that is, through Montana and Idaho.

I have a detailed schedule here, which I will ask to have made a part of my statement.

The schedule referred to by Dr. Huff is as follows:

"Average land value per acre, 9,000 acres of bearing olive trees, all varieties, $250. Low value here caused by mountain and low land with orchards not cultivated or properly taken care of.

"Average land value per acre, 9,000 acres growing but not bearing, $325. Higher value of land caused by quality of soil, higher state of cultivation with water facilities.

"Average yield of olives per acre in California, 1½ tons. Low average yield is brought about by approximately 3,000 acres bearing, but not yet under full state of cultivation.

"Average price received by grower for three years, 1909–1912, 9,000 acres, oil olives on trees, $22 per ton.

"Average cost irrigation, cultivation, fertilization, and pruning, 18,000 acres bearing and not bearing, $8.50 per acre. Low average caused by large amount of early planted acreage not being cultivated or irrigated.

"Net average receipts to grower per ton for oil olives, $13.50.

"Average price received by grower, 1909 to 1912, for pickling olives on trees, $62 per ton. Forty per cent of all olives produced in State are pickling olives, balance oil olives.

"Net average receipts by grower for pickling olives, $53.50 per ton.

"Net average receipts by grower for both oil and pickles per acre, $36.88.

"Average cost of picking, 9,000 acres, $17.50 per ton.

"Average cost shipping expense per ton, $3.50.

"Net amount paid to grower for approximately 12,000 tons produced in 1911, $442,560. Of this tonnage, 4,000 tons were pickles representing 1,200,000 gallons and 8,000 tons of oil olives representing 280,000 gallons of oil.

"Average cost of manufacturing olive oil for past three seasons, including cost of fruit, manufacturing (not including selling expense or other expense pertaining thereto), $1.85 per gallon. Based on annual output of five largest factories, 90,000 gallons per year.

"Average cost of curing and canning ripe olives, including cost of fruit (not including selling expense or other expense pertaining thereto), $0.617 per gallon. Based on annual output of five largest factories, 409,998 gallons.

"Average paid for labor field work, including farm help and olive pickers, $2.17 per day.

"Average paid for manufacturing, including packing, shipping, selling, operating, and office help, $2.76 per day.

"Average paid for European labor, including field labor where any paid, manufacturing plants, and shipping stations, $1.04 per day. Covers Italy, France, and Spain, approximately 400 orchards and 20 mills. Average labor in Greece is 84 cents per day."

Average cost of manufacturing California olive oil for past 3 seasons (1909, 1910, and 1911).

[Five factories.]

	Cost of oil fruit delivered to factory, per ton.	Average yield of oil per ton, gallons.	Average cost of fruit per gallon of oil pressed.	Manufacturing, expense, labor, material, etc.	Taxes.	Repairs.
Season 1909	$46.16	34.4	$1.342	$0.3858	$0.0091	$0.02
Season 1910	45.57	37.0	1.231	.256	.014	.05
Season 1911	45.00	34.0	1.323	.269	.009	.048
Total	136.73	105.4	3.896	.9108	.0321	.118
Average for last 3 seasons	45.58	35.13	1.299	.3036	.0107	.0393

	Interest.	Insurances.	General expenses.	Other miscellaneous expenses.	Total cost, per gallon, bulk oil in tanks.	Gallons manufactured.
Season 1909	$0.0558	$0.0248	$0.0760	$0.011	$1.9245	75,000
Season 1910	.061	.039	.185	.012	1.848	85,000
Season 1911	.04	.015	.07	.005	1.779	110,000
Total	.1568	.0788	.3310	.028	5.5513	270,000
Average for last 3 seasons	.0523	.0263	.1103	.0093	1.8505	90,000

Average cost of pickling and canning California ripe olives for past 3 seasons (1909, 1910, and 1911).

[Per quart case of 2 dozen.]

	Cost of fruit delivered at factory.	Manufacturing expense, labor, material, etc.	Taxes.	Repairs.	Interest.	Insurance.
Season 1909	$1.570	$1.312	$0.0224	$0.0493	$0.137	$0.0012
Season 1910	1.586	1.494	.041	.084	.171	.109
Season 1911	2.059	1.242	.022	.044	.098	.037
Total	5.215	4.048	.0884	.1773	.406	.2072
Average per year for last 3 seasons (24 quart cans)	1.738	1.349	.0295	.0591	.135	.0691
Per gallon (4)	.280	.225	.0047	.0098	.0225	.0115

	General expenses.	Other miscellaneous expenses.	Total cost per case.	Cases packed.	Total pack, 5 factories (cases).
Season 1909	$0.187	$0.0271	$3.306	36,129	75,000
Season 1910	.311	.0159	3.955	21,578	59,000
Season 1911	.171	.115	3.788	41,701	80,000
Total	.669	.1580	11.109	99,408	215,000
Average per year for last three seasons (24 qt. cans)	.223	.053	3.703	33,136	68,333
Per gallon (4)	.067	.009	.617	[1]198,816	[1]409,998

[1] In gallons.

After those interested in the reduction of the tariff had been heard a further statement was made in behalf of the olive growers, as follows:

UNITED STATES SENATE COMMITTEE AND COMMITTEE ON WAYS AND MEANS.

GENTLEMEN: Several statements were made by individuals representing eastern importers who appeared before the Ways and Means Committee in January, 1913, and who were in favor of reduction in tariff on olive oil. On page 218 of Tariff Schedule No. 2, published January 7, 1913, Mr. Zucca stated as follows:

"In my opinion there is but one way to restrict the selling of compound oil, which is actually an adulterated food product, and that is by reducing the tariff on pure olive oil to a rate that will not yield any profit by selling a compound oil."

In answer to this I wish to state that under the laws of the United States it is illegal to sell a compound or an adulterated oil as olive oil unless so marked, and it must be marked "salad" or what it really is, "cottonseed oil." Pure cottonseed oil is not adulterated, or a compound oil, and can not in any way be compared with olive oil. Cotton-

seed oil to-day is worth 52½ cents a gallon and sells to the consumer at 75 cents to $1 per gallon, while the average cost of olive oil to the consumer to-day is $2.50 per gallon. Wherein would a reduction of 20 cents a gallon, as asked for, bear out Mr. Zucca's statement that it would stop the selling of this compound or cottonseed oil?

On page 219, paragraph 2, Mr. Zucca says:

"The consumption of olive oil in the United States is 10,000,000 gallons. Four and a half million gallons come from Italy, France, Spain, and Greece—800,000 gallons from California. The other 5,000,000 gallons which are sold are only compound oil. It is not bad oil. It is cottonseed oil."

In answer to this I wish to state that statistics show that there were imported into the United States last year four and a half million gallons of olive oil on which duty was paid. There were sold in the United States 6,000,000 gallons of cottonseed oil. This cottonseed oil was not sold as olive oil, but was branded "cooking oil," "salad oil," or "shortening," and it in no way comes into the controversy in question. Cottonseed oil is used largely in the manufacture of oleomargarine, cooking compounds, and cheap salad oil, which goes to the poorer classes of people, who, if the duty on olive oil was reduced 20 cents a gallon, would not change from that cheap oil to olive oil, because they are buying this to-day, as stated above, at 75 cents to $1 a gallon, while the lowest grade of olive oil coming onto the market to-day is $1.65 a gallon plus the brokers' and the retailer's profit, which would bring the approximate price of this low grade of olive oil to $2 a gallon. If the entire duty of 40 cents a gallon was removed and the consumer were to get all the advantage of this reduction it would mean $1.60 a gallon for olive oil as against 75 cents to $1 which the poorer classes are now paying for what is termed salad oil or cottonseed oil. It does not stand to reason that a reduction of 20 cents a gallon, or even 40 cents, is in any way going to benefit the class of people who use this 6,000,000 gallons of cottonseed oil. It is not fair to the olive industry of California to take cottonseed oil into consideration.

Mr. Zucca states that if you reduce the duty one-half, from 40 cents to 20 cents, they will have to drop this business in compound oil or they will fail. If this is the case, then this is the strongest argument we have in favor of home industry. If a reduction of 20 cents a gallon on olive oil is going to drive the entire cottonseed-oil industry out of the United States or, as Mr. Zucca says, make them all fail, then we had better raise the duty on olive oil to protect cottonseed oil, regardless of the California olive-oil industry. I will ask you, gentlemen, would this compound oil be affected in any way by a 20-cent cut? Compound or cottonseed oil, which he refers to and which is sold for 75 cents to $1 per gallon as compared to the lowest price of olive oil at $2 a gallon, would the poorer class of people, whom they seem to want to benefit, be benefited by this cut? Would they pay 75 cents a gallon more for olive oil than they are paying for cottonseed oil because the price of olive oil had been reduced from $2 to $1.75 by a cut in the tariff? We think not. On page 219 Mr. HARRISON, a member of the Ways and Means Committee, says: "I want to ask you a question: Is it not true that among the people of Mediterranean birth, who live in the big cities of the East, olive oil is a common substitute for butter?" Mr Zucca replied, "Yes; and it is known as Italian butter among these people." Mr. HARRISON did not ask Mr. Zucca what class of oil the poorer class of people of Mediterranean birth used.

There are three grades of olive oil made in Europe—one, two, and three pressing. No. 3 pressing never leaves that country. It is the same to the poorer people of Europe as cottonseed oil is to the masses of the United States. And there is not enough of this low-grade oil in Italy, France, Greece, and Spain for their own home consumption. Spain alone consumes 6,000,000 gallons. This oil which they use there costs 40 cents to 50 cents a gallon, and then to supply their own wants they have been compelled to import cottonseed oil on account of the lack of supply of this low-grade olive oil. The first pressing and second pressing are those that are exported and which are worth in Europe from $1 to $2.65 a gallon f. o. b. Europe.

Mr. Needham asked this question:

"Do you think that if olive oil were put on the free list it would reduce the price to the consumer?"

Mr. F. S. Bright, on behalf of the Pompeian Co., of Washington, D. C., said in answer to this question: "I do not really know whether it would for a very long time."

"Mr. NEEDHAM. Do you think it would reduce it for the present for the moment?

"Mr. BRIGHT. I think probably it would.

"Mr. NEEDHAM. How much of the duty is added to the price which you add to the price?

"Mr. BRIGHT. I can not answer that question. The supply varies so that it is hard to tell. We keep our price fixed. We distribute it at wholesale. The increased demand is such that individuals to whom we distribute have been erasing the price that is printed on the package and charging a higher price for it.

"Mr. HILL. How do you do that—keep your price at a fixed price with a varying supply?

"Mr. BRIGHT. The company has done it up to this time.

"Mr. HILL. You must make the price high in the beginning, to cover all the short supply, and then keep it up when the supply is greater."

Kindly notice Mr. Bright's answer: "The time will come when the price will have to be changed, if conditions are not changed in the production of olive oil on the other side. If we had several years of bad season in the olive-growing countries, the price of olive oil—our price—would have to be put up. But we have been able to maintain it largely because of the great quantities that we handle. We made a great deal of money, to begin with. We did not make so much per gallon, because the price has risen not quite 8 per cent in the past five years."

The above statement shows that there is no increased production in olive oil, and statistics prove that there has been only a slight increased production in European countries in the last year. More olive oil has been imported into the United States during this time because the American people will pay a higher price, and have paid a higher price, than the European countries were able to get in other directions, where they heretofore shipped their oil. Statistics also show that a great deal of this low-grade olive oil that has never left the country has been fused with the first and second grade, and that a greater importation of cottonseed oil from America has gone into the European country to supply the wants of the poorer class, who demand either an olive oil or a substitute therefor.

In the face of this, how can these gentlemen argue that there will be an increased use of olive oil under a decreased tariff, when, according to their own statements and statements made by gentlemen who have been abroad, the production of olive oil is naturally decreasing? And how can they make a statement that a reduction of tariff will decrease the cost of this olive oil to the poorer classes of people, when, by their own statements, they show that the present price within a very short time must be advanced?

Mr. Bright says that out of 4,400,000 gallons of oil that they imported 500,000 gallons, and yet he further says that they are selling at a fixed price, regardless of conditions of the European market, whether it be a large supply or a small supply, and that they invariably keep their price at a fixed list, and, from his knowledge of conditions, they will have to raise the price. In the face of this gentleman's statement, should the duty be taken off of olive oil, or, as he asks, a reduction of half? Has he not virtually acknowledged that they expect to put in their pockets the reduction of 20 cents a gallon if such reduction is allowed on 500,000 gallons, or $100,000, when he says, from his knowledge of conditions, they will have to raise the price?

If you will read carefully the proceedings before the Ways and Means Committee, you will find that the actual reduction, if it went to the consumer, would be 3½ cents on every 90-cent bottle of pure olive oil. In other words, if this product sold to the retail trade at 90 cents a bottle, it would then sell for 86⅝ cents per bottle. With a reduction of 3½ cents on a 90-cent investment, are the conditions such that the poorer class, who are using cottonseed oil, at 25 cents for the same size bottle, will make the change from this cheap product to an article that is going to cost them 86⅝ cents, because the duty has been reduced by the tariff 3½ cents? Or, in other words, are they going to substitute olive oil for cottonseed oil, when cottonseed oil is costing them $1 a gallon, and under the proposed reduction on olive oil it will be reduced from $2 to $1.80, taking into consideration that they are going to take advantage of the cheaper oil?

The average market prices to-day on olive oil imported into this country on quotations from New York brokers by various purchasers on the Pacific coast range from $1.85 to $2.50 f. o. b. New York, duty paid. The lowest quotation that I was able to find in New York City or Chicago was a consignment of Greek oil consisting of 3,000 gallons, which oil was slightly off and was offered at $1.55 f. o. b. New York. Taking this as a basis, would the poorer class of people change from an article that was costing them $1 to one that they could buy for $1.55, provided their entire wants could be supplied? I think not.

The natural cheap oil food for the European countries is peanut oil, cottonseed oil, and the low-grade olive oil, with the consumption fast increasing in favor of cottonseed oil. The natural cheap oil food for America is cottonseed oil, which is absolutely pure and is an edible vegetable oil.

In all fair reasoning it looks as though this was simply a case of paying the importer 20 cents, or whatever reduction in this tariff that may be made, on every gallon of oil imported; and the same line of reasoning may be carried out on olives. It absolutely, according to their own statement, can not benefit in any way the consumer. They say themselves that the consumption is increasing in America of pure olive oil and that the European market is decreasing, in consequence of which a reduction would not, according to their statements, increase the quantity. Thereby the Government would be losing in revenue and a great harm would be done an industry in California which bids fair, with proper protection, to be one of the greatest in the country.

There are in California to-day 18,000 acres of olive trees. There are 250,000 acres suitable for olive culture—cheap land which is not suitable for oranges or lemons. There is at the present time invested in California over $7,000,000 in the olive business. These are facts and, I trust, worthy of your consideration.

Yours, very truly,

W. O. JOHNSON,
Chairman of the Olive Protective League of California.

MARCH 1, 1913.

Mr. President, these statements and the figures presented to the committee show in this case, just as they do in every case where our agricultural products come in conflict with foreign growers, that the domestic industry is bound to be driven to the wall unless it is protected to the extent of meeting the difference in cost of producing the given product and carrying it to market here and abroad. This puts the domestic on an equality with the foreign producer and brings about real and fair competition. Nothing less than this will preserve our own industries. Without it our domestic industries must inevitably be destroyed if the tariff is of any use at all other than to raise revenue. If the effect of the reduction of the tariff is to reduce the price of the commodity, and the price is so reduced that our own people can not produce and market it at a profit, then we not only destroy our own industries, but we place ourselves at the mercy of foreign importers over whom we have no control.

The showing made as to this particular commodity is in part that the cost of harvesting and delivering olives in Europe is $7 a ton and $20, or nearly three times as much, in this country. In Europe the wage is $1.04 a day and in this country $2.47, or considerably over twice as much. The freight from Europe to the New York market is 7½ cents a gallon and from California 15 cents to any point from Denver east, and to markets in the Northwest 18 to 20 cents a gallon, being twice as much as the foreign importer pays. It is further shown that the profit on olive oil per gallon is only 26 cents at prevailing prices. It must be evident that with a reduction of the tariff to 30 cents a gallon, with such disadvantages on the part of the domestic producer in cost of production and marketing, he would be placed at the mercy of the foreign importer and driven out of business. Again, I say it resolves itself into the question whether it is wise or just to destroy or limit the progress and advancement of our agricultural industries with the hope of serving the common good. If it is, then we should take the independent and manly course and declare for free trade.

ENGLISH WALNUTS.

Mr. President, this bill does not spare the walnut industry in my State. It reduces the tariff on walnuts not shelled from 3 to 2 cents a pound and on shelled walnuts from 5 to 4 cents. This is simply a part of the general scheme to reduce tariff rates all along the line without regard, as I think, to the justice of it in the specific case or the harm that is bound to be done the particular industry affected, as compared to the benefits to accrue as a result to the general public. Walnut growing in California is confined mainly to the four counties of Los Angeles, Orange, Santa Barbara, and Ventura, all in the southern part of the State.

Orange County reports 160,450 bearing trees and 92,725 nonbearing trees; acreage, 6,412 bearing and 3,709 nonbearing. Ventura County reports 168,416 bearing trees and 14,934 nonbearing trees; acreage, 6,736 bearing and 597 nonbearing. Santa Barbara reports 35,800 bearing and 22,600 nonbearing trees, and its acreage is 1,432 bearing and 904 nonbearing. The total acreage planted is 35,460. This is the table:

	Trees.		Acres.	
	Bearing.	Nonbearing.	Bearing.	Nonbearing.
Los Angeles	310,500	81,112	12,420	3,244
Orange	160,450	92,725	6,418	3,709
Ventura	168,416	14,934	6,736	597
Santa Barbara	35,800	22,600	1,432	904

The raising of the English walnut has also, as I understand, been taken up in Oregon and has there assumed considerable proportions, and this nut may be grown successfully in the Southern States, as experiments in Texas have proven. It is believed that there are not less than 5,000 additional acres of land in California now under irrigation adapted to the growing of walnuts. As showing the growth of the industry in my State and the effect of tariff legislation upon it, I quote from a brief of the walnut growers filed with the Ways and Means Committee of the House in defense of the present tariff. Speaking of the experiments made with different varieties of the walnuts and the advancement and growth of the industry, it is said:

To better illustrate these changes we will take into consideration the crops of certain years within these decades. The crop of 1885 was 625 tons, all hard-shell or mission variety; the crop of 1892 was 1,250 tons, one half being hard shell, the other half being soft shell; the crop of 1903 was 6,340 tons, one-fifth hard shell and four-fifths soft shell; the crop of 1910, 10,000 tons, practically no hard shell, about 100 tons of budded nuts, the remainder soft shell.

The 8,500 acres of nonbearing orchards are largely of a budded variety.

These changes and advancements are costly in energy, time, and expense, and further commercial development of the industry and the maintenance of the present importance are to a large degree dependent upon the retention of the present tariff rate.

The tariff rate upon walnuts dates from August 5, 1861, when a rate of 2 cents per pound was placed upon this commodity. This rate continued for nearly three years, when it was increased to 3 cents per pound, at which figure it continued, with the exception of from August 27, 1894, to July 24, 1897, during which time it was at 2 cents per pound. On July 24, 1897, the rate was made at 3 cents per pound upon unshelled walnuts and 5 cents per pound upon shelled walnuts. Without question this protection has been one of the principal reasons for the development of the industry, and has also been one of considerable revenue to the Government. This is shown by the following table of the duties paid into the United States Treasury for the past five years:

	Duty.		
	Unshelled.	Shelled.	Total.
1906	$691,099.37	$359,999.39	$1,051,098.76
1907	642,835.58	354,947.92	997,783.50
1908	522,945.88	439,095.43	962,041.31
1909	668,099.23	548,049.40	1,216,148.63
1910	634,383.50	502,202.73	1,136,586.23

Three countries of South America, namely, Argentine Republic, Brazil, and Uruguay, have a tariff upon walnuts running from 1½ cents per pound to 2½ cents per pound. Several countries of Europe have a tariff rate upon walnuts running from one-sixth of a cent in France to 2½ cents per pound in Belgium. England, with a free entry, takes fully one-half of the entire exports from France.

The total production of the season of 1910 in California was 19,659,939 pounds. The number of bearing trees, from the report to the State board by county assessors, was 675,166. Dividing the output in pounds by the number of trees gives an average production per tree of 29+ pounds. For convenience we will use 30 pounds. Allowing 27 trees to an acre, each acre on this average produced 810 pounds—30 pounds by 27 equal 810.

The average price for the last 10 years f. o. b. California for walnuts has been $12.55 per hundredweight, or 12.55 cents per pound. From this price must be taken 7½ per cent paid the brokers for selling and cash discount—$12.55 by 7½ per cent equal $0.94; $12.55 minus $0.94 equal $11.61. Thus 810 pounds, or 8.1 hundredweight, will bring to the grower $94.04—$11.61 by 8.1 hundredweight equal $94.04.

	Cents.
1902	10
1903	12.5
1904	11
1905	13
1906	11
1907	15
1908	12.5
1909	11.5
1910	15
1911	14
Total	125.5

Average price for 10 years, 12.55 cents.

The following estimate of cost of production is given:

Total returns			$94.04
Cultivation	per acre	$20.00	
Water and irrigation	do	7.50	
Pruning	do	1.00	
Fertilizer	do	2.00	
Harvesting and marketing at 1½ cents (810 pounds)		12.15	
Taxes on lands, trees, and improvements, $500 at 2 per cent rate		10.00	
Total expense			52.65
Average return per acre			41.39

Investment being $750 and returns $41.39, the rate upon investment equals $41.39 divided by $750 equals $0.055, or 5.5 per cent.

As to the number employed in the industry and the class of people benefited by it, the brief has this to say:

There has been shown to be in southern California an approximation of 35,500 acres of land devoted to this industry. A very safe average to the individual grower is 15 acres, from which average we find that 1,800 individual farmers are sustained by walnut growing, and that 550 additional are striving in expectation of returns from this industry, making a total of 2,300 individual growers. These orchards very largely are homes for the grower and his family. We can feel safe in stating that at least 2,000 families are dependent upon this industry for a livelihood. With five persons to a family as an average, it can be seen that fully 10,000 people are deeply related to the success of this industry. In addition to this there is taken from the gross returns large sums of money that are diverted into other branches of industry and trade. Due to the exigencies of harvest each farmer must employ numerous persons to gather the crop during the months of October and November; this cost for outside labor is estimated at not less than 1 cent per pound. Upon an output of 10,000 tons the sum of $200,000 was paid in 1911 to outside labor, thus giving employment to 2,500 people at $2 per day for the average harvest season of 40 days. Also the railroad charges upon this crop at the freight rate of $1.40 per hundredweight to Mississippi River points amount to $280,000. In addition to this, there is a selling commission of 7½ per cent paid for distribution, amounting upon this tonnage to more than $200,000. We find, therefore, that 10,000 individuals are afforded a living on the land alone and that $680,000 is paid out into other lines of industry as expense from a bearing acreage of 27,000 acres in one section of California. If all lines of farm produce could be made to provide per acre for as much employment and distribution of wages throughout the United States the per capita of returns from farm labor would be greatly increased.

The following tables, coming from the same source, show the foreign imports of walnuts:

Imports of walnuts into the United States.

Country of origin.	Years ending June 30—				
	1903	1904	1905	1906	1907
	Pounds.	Pounds.	Pounds.	Pounds.	Pounds.
Austria-Hungary	286,700	113,805		25,645	611,251
Belgium	15,965	191,191	33,248		42,720
Denmark			100		
France	8,019,963	17,123,683	17,804,368	23,870,484	28,736,008
Germany	316,619	87,849	25,403	52,923	28,760
Greece	11,794	46,664	16,806	1,805	19,457
Italy	1,828,182	3,084,689	1,725,824	3,172,781	1,927,226
Netherlands		2,738		3,855	
Portugal		33		1,188	26,660
Russia in Europe		1,445	1,100	539	9,280
Spain	158,361	335,222	201,715	109,657	59,874
Turkey in Europe		27,231	21,835	4,584	84,070
United Kingdom	114,554	245,891	40,024	218,281	257,351
Canada	15,684	835	5,850	4,115	130
Newfoundland					
Mexico		477	60,256	4	100
West Indies—Cuba			3,500		
Chile	1,514,665	1,938,322	1,557,052	192,166	387,667
Chinese Empire		8,473			
Hongkong	13,390	20,000			13
Japan	7,300	6,320	16,764	2,877	1,566
Russia, Asiatic			1,797		
Turkey in Asia	59,530	416,563	78,647	256,115	429,560
Oceania, British			112		
Egypt		9,985			
Tripoli			323	225	
Total	12,362,567	23,670,761	21,684,104	24,917,028	32,597,592

Imports of walnuts into the United States—Continued.

	June to June, inclusive.					
	1905	1906	1907	1908	1909	1910
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Austria-Hungary	.....	25,645	411,210	276,428	145,811	341,418
Belgium	33,248	.....	42,759	23,188	.....	.....
France	17,894,368	20,870,484	28,726,008	22,394,308	19,726,916	25,879,294
Germany	25,400	52,223	26,580	56,587	43,609	.....
Greece	16,000	1,805	19,857	.....	62,526	17,687
Italy	1,725,824	3,172,581	1,927,226	3,734,661	3,747,672	5,899,862
Russia in Europe	1,100	.....	9,261	96,498	54,639	29,535
Spain	201,715	109,057	59,674	119,851	157,124	33,955
Turkey in Europe	21,835	4,884	84,033	16,585	7,834	39,779
England	40,024	218,281	235,316	304,234	137,447	270,783
Canada	5,850	4,118	.....	3,471	.....	.....
Mexico	60,236	.....	.....	.....	8,266	.....
Chile	1,557,652	192,166	587,663	1,432,768	1,615,598	1,360
Japan	16,764	3,877	1,563	4,743	4,310	12,461
China	.....	.....	.....	2,100	6,672	166,010
Turkey in Asia	78,047	256,115	429,560	366,092	447,446	948,008
Total (other small places included)	21,684,100	24,917,028	32,597,592	28,887,110	26,157,703	33,641,466

	Pounds.
First nine months—	
1909	11,561,670
1910	12,094,005
1911	14,829,925

From the above tables the following results of computations are made:

	Imported.	France.	Italy.	Chili.	Other countries.
Crop of—	*Tons.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
1903	6,181	65	15	12	8
1904	11,835	72	13	8	7
1905	10,842	79	8	7	6
1906	12,453	83	13	.....	0
1907	16,298	88	6	2	4
1908	14,443	77	13	5	5
1909	13,178	76	14	6	4
1910	16,820	76	17	.....	7
Average	.....	78	12.3	.....	.....

It can be readily seen that the countries importing walnuts into the United States to the largest extent are France and Italy.

The following table shows the amounts of nuts imported from all countries for the years 1906 and 1910, inclusive, showing tonnage of unshelled nuts and tonnage of shelled nuts, with the average invoice prices at foreign ports of shipment. It also includes the duty paid to the United States Treasury Department.

(Taken from the Yearly Reports of Commerce and Navigation of the United States, 1907, 1908, 1909, 1910, Tables 15 and 16, 1911.)

	Tons.	Value.	Average price, invoice.	Duty.	Corresponding ad valorem duty.
1906 (reported June 30, 1907):					*Per cent.*
Unshelled	11,518+	$1,409,422.91	$0.065	$691,099.37	46.37+
Shelled	3,599+	1,163,409.00	.162	359,999.39	30.94+
Total	.....	2,572,831.91	.....	1,051,098.76	.....
1907 (reported June 30, 1908):					
Unshelled	10,719	1,530,649.66	.071	642,835.58	41.99
Shelled	3,539	1,180,765.30	.166	354,947.92	30.06
Total	.....	2,711,414.96	.....	997,783.50	.....
1908 (reported June 30, 1909):					
Unshelled	8,716+	1,083,792.21	.062	522,945.88	48.25
Shelled	4,392+	1,322,560.00	.151	439,905.43	33.2
Total	.....	2,406,352.21	.....	962,041.31	.....
1909 (reported June 30, 1910):					
Unshelled	11,639+	1,545,197.34	.066	665,099.23	43.24
Shelled	5,481+	1,851,408.75	.169	548,049.40	29.6
Total	.....	3,396,606.09	.....	1,21648.63	.....
1910 (reported June 30, 1911):					
Unshelled	10,573+	1,680,301.35	.079	634,383.50	37.75
Shelled	5,622+	2,555,465.00	.227	562,202.73	22
Total	.....	4,235,766.85	.....	1,196,586.73	.....

These facts show, Mr. President, that foreign competition in walnuts is sharp and aggressive. The same elements of difference in wages, freight, and other items, making up the cost of production and carrying to market, exist here as in the case of lemons and other California products. So, in this case, as in the others, it is the very simple question of destroying a home industry and giving ourselves over to the foreign producers. If it is believed that such a course will most benefit this country in the end, and that belief is justified, then this legislation may be defended. It is the question of sacrificing the few for the benefit of the many. Undoubtedly that is justifiable if the many are certainly going to be benefited in a degree sufficient to warrant the sacrifice of this important and growing industry, make the large sums of money invested in walnut growing a useless waste, and turn thousands of people out of employment.

But does anybody believe that this reduction in the tariff on walnuts, that will take away the profits of the growers in my State, deprive them of their means of subsistence and all incentive to extend the industry, thus adding to the prosperity of the country, will be compensated by benefits to others that can justify this crying injustice to the domestic walnut growers?

Mr. President, I do not believe it. I do not believe anybody else will believe it when they consider conscientiously and dispassionately the cold and unalterable facts.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I do.

Mr. SUTHERLAND. Before the Senator passes from his discussion of the duty on walnuts, can he tell us at what age the trees become bearing?

Mr. WORKS. No; I am not able to state exactly, but I think it is later than in the case of the lemon or the orange. They are trees of slow growth.

Mr. SUTHERLAND. It is a matter of several years?

Mr. WORKS. Yes.

Mr. SUTHERLAND. And in the meantime the man who engages in the business must carry his initial investment without any return whatever upon it?

Mr. WORKS. Yes; certainly.

Mr. SUTHERLAND. The Senator called attention to the number of acres that are in bearing trees, and the number of acres of nonbearing trees. I presume all of the nonbearing trees in the course of a few years will become bearing?

Mr. WORKS. They will not bear until several years have elapsed. Of course, meantime that is purely idle capital that is making nothing.

Mr. SUTHERLAND. Yes.

Mr. WORKS. Mr. President, I have taken up only a few of the industries of my State that will be affected by the proposed changes in the tariff. I could not in justice to Senators consume their time or delay final action on the bill by taking up all of them in detail.

The framers of this bill have allowed none of the important industries of my State to escape. Almonds not shelled are reduced from 4 to 3 cents, olives under existing law are taxed 25 cents per gallon in bottles containing less than 5 gallons, and 15 cents in larger quantities. This bill imposes a tariff of 15 cents straight, thus allowing the higher qualities of this product shipped in bottles to come in for the same duty as the lower shipped in bulk. Olive oil, "not specially provided for," is reduced from 40 to 20 cents per gallon, and in bottles of capacity of less than 5 gallons from 50 to 30 cents per gallon; pineapples in bulk are reduced from $8 to $5 per 1,000; prunes from 2 cents to 1 cent a pound; raisins from 2½ to 2 cents a pound; walnuts, not shelled, from 3 cents to 2 cents, and shelled from 5 cents to 4 cents a pound; lemons from 1½ cents to 0.38 cent a pound; oranges, olives, and grapefruit from 1 to ½ cent a pound; tungsten-bearing ores, raw wool and wool wastes, and leather band, bend or belting, rough leather, and sole leather, and so forth, are placed on the free list.

Mr. President, every one of these are California products and enterprises. If this wholesale reduction of tariffs on these important products of the State are carried through, with the disaster that is bound to follow to some of the most important of them, the people of California must ever hold the Democratic Party in grateful remembrance. Doubtless some of them will turn the other cheek, but most of them who can distinguish between right and wrong and are not blinded by submissive and unquestioning partisanship will resent this unjust encroachment on their existing condition of prosperity and contentment in a way that can not be misunderstood.

EXECUTIVE CONTROL OF LEGISLATION.

Mr. President, there is another phase of the question that, to my mind, is more serious and threatening than the enactment of an ill-advised and injurious tariff law. It is the influence of the executive branch of the Government and the secret

caucus on the framing and enactment of the laws of the country. I have had reason to express my views upon this question on another occasion and under another administration. I had hoped that there would be no occasion to refer to it again. My disposition to condemn such influence as affecting the conduct of public affairs is not founded upon any jealousy, as a Member of this body, of the encroachments of the executive upon the legislative branch of the Government. That is a matter of small moment, as it affects the individual Members of this body. It goes far deeper than that. It affects the integrity of any law Congress may enact and may be the stepping-stone to a conflict between these two important departments of the Government and some time imperil the free institutions of the Republic.

I do not believe, Mr. President, that if it were not for the influence of the executive branch of the Government, directed at the lawmaking power, and the coercive effect of the secret political caucus, the passage of this bill through either branch of Congress would have been possible. I take it for granted it will pass this body substantially as it was framed in advance. This, if newspaper accounts are to be credited, was done by a committee of Democrats and a Democratic President, or with the mutual agreement or concurrence of the two. It has been asserted and has been very generally believed that the President insisted that certain provisions should go into the bill and that other of its provisions are a compromise of views as between the President and Democratic members of the committee and the Democratic caucus. So, in any comments I may make on this phase of the question I will assume that the President of the United States aided in framing the bill and is using his powerful influence to have it passed in the form approved by him and known to have his approval. Added to this comes the political caucus that adopts the bill in the form desired by the President. The bill, as thus indorsed, is not satisfactory to many even of the dominant party. Its adoption and support by the majority party is the result of presidential and caucus influence combined. The President lets it be known that he desires the passage of the bill. The party leaders, in caucus, insist that this is an administration measure and that Democrats must stand by the administration and this secures its adoption in caucus. That is one step. Then, when the bill comes up for consideration it is insisted that it was agreed upon in caucus and is a party measure and Democrats must stand by the party. And they do. It is not a matter of individual conscience, reason, or judgment. A man under oath must forego his own conscientious convictions and judgment and vote with his party or come into disfavor and be branded as an apostate and betrayer of his party. The President commits himself beyond recall to a bill not yet introduced and without having heard the presentation of their views by the legislative representatives of the States where vital interests and important industries are to be affected by it.

Thus we have a bill agreed upon and marked for final passage upon consideration only by a few men of one party, concurred in by the President acting with representatives of this one party. This comes in part from the pernicious doctrine that the President is the leader of his party instead of, or as well as, the President of the whole people. The two are utterly inconsistent when it comes to the making of laws. Having committed himself to the measure in advance, we hear of the remarkable spectacle of distinguished Members of this body of his own party going to the White House and pleading with the President of the United States to consent that Congress may so modify the bill as to afford some protection to one of the great industries of their States.

Let us not delude ourselves by declaring that the President is an American citizen; that as such he has the same right to assert and maintain his views as has any other citizen. It is not the man or the citizen, Woodrow Wilson, that speaks, however potent or persuasive his personal influence as a mere citizen might be that is brought to bear here. It is the great office of President of the United States that asserts and maintains—even commands—that this bill shall pass. No one doubts that the President is actuated by the purest motives, the highest sense of duty, and the most lofty patriotism. But we can not conceal from ourselves that this great power to mold and fashion legislation and coerce its enactment may sometime fall into unworthy, unpatriotic, even treasonable hands, and, if it does, revolution may follow and this beneficent Government of ours be disrupted. We may say such an outcome is impossible; that our people are not subject to wild and ungovernable passion, and the foundations of government are too solid and enduring to be shaken, and the patriotism of the people of the Nation too sincere and earnest to be subject to the temptations of gain by treason and revolution.

But, sir, we had our Civil War. Some of us still hold in memory the horrors of that time, the lives that were lost, the homes made desolate, the tears and anguish of the mothers and wives whose husbands and sons were lost in that sanguinary conflict, the cruel destruction of property, the broken and maimed—some of whom are still with us—and the bitterness and hatred it engendered, some of which still remains. Let us hope it may be far distant; let us hope and believe it may never come; but the time may come when this great power in the executive department to rule and control Congress—a power not given by law and wholly illegitimate, but established by the silent and unauthorized acquiescence of the people and their lawful representatives—may bring the institutions of this Republic, the greatest and most beneficent government on earth, into deadly peril and to possible overthrow. Typical of the sentiment that upholds this change of the relations of the Executive and legislative departments of government is the following from a well-known newspaper correspondent, published lately in one of the leading journals of the country:

> It is typical, not only of the changed relations existing between the President and Congress, but also of the greater place the President now occupies as the direct representative of the people, that he insisted upon his right to take part in tariff making. Whether for good or evil, the Constitution has been amended by the people themselves, and not through the machinery of convention or the legislatures.
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> * * * * * * *
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> The position in which the President has been placed by the silent revision of the Constitution is this: The President must be able to formulate a policy, and having formulated it he must make Congress execute it; if Congress is rebellious, the duty of the President is to put down rebellion; if force is necessary, he must obtain it as he would a volunteer army required to quell insurrection—that is, by an appeal to the people to come forward and do service. If Congress is mutinous the President has only to appeal to the people to be sustained, and the support will not be withheld if what the President advocates has popular approval. Congress does not dare contumaciously to oppose the President, unless it feels very sure that the people are with it rather than with the President.

So in the estimation of this well-informed writer the people have so amended the Constitution as to vest in the President the power to coerce Congress to do his bidding and to call upon the people to support him if Congress proves to be independent enough to do its duty as it sees it in spite of executive influence. The specious and insidious plea is made in justification of this usurpation of power that the people are supreme, that they made the Constitution and it is theirs, and that therefore they may change, modify, and construe it at will. Concurrent with this is the claim that the people may, in any form they choose to adopt, irrespective of and without regard to the provisions of the Constitution, override, modify, or reverse the decisions of the courts, and coupled with it is a growing suspicion of and want of confidence in the courts and disrespect for their decisions most alarming in its tendencies. Unfortunately we have weak and, on rare occasions, corrupt judges. But as a body they are as pure, high-minded, and patriotic as any class of citizens or any department of the Government. Their duties, obligations, and responsibilities are fixed and imposed by the Constitution. They can not be taken away by indirection or the destruction of the public confidence in that important arm of the Government.

The tendency of latter-day politics is to exalt the executive at the expense of the legislative and judicial power of the Government and make the President the master and ruler of them all and the master and not the servant of the whole people. It is an unwarranted and dangerous tendency. Every public official, however exalted, is only the servant of the people and should at all times be subject to their control and subservient to their will in conformity to the Constitution and laws of the country; and each department of the Government, if its institutions are to be preserved, must be kept within the limitations of its powers as fixed by the Constitution. When the people desire to change this just distribution and limitations of the powers of the several, or any of the departments, it must, if the Government is to stand, be done by amendment of the Constitution in the manner provided by law, and not by mere public sentiment, however expressed. The Constitution can not be amended, varied, or construed by public sentiment, except as that sentiment is crystallized and formulated in the manner provided by law and written into the Constitution itself.

Mr. President, if this bill is passed it will not be by the willing and voluntary consent of a majority of this body. It will be the result, in part, of outside influences that should never enter into the deliberations or acts of Congress. The Constitution provides:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

That instrument further provides that "the executive power shall be vested in the President of the United States of America." The President is also made Commander in Chief of the Army and Navy. It is further provided:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

This is the only power vested in the President in respect of the making of laws. There is no warrant in the Constitution for his participation in the formation or passage of laws or the exercise of any influence on legislation beyond that of recommending to the consideration of the lawmaking power such measures as he shall judge necessary or expedient. In addition to this he is given the power to restrain the enactment of laws that he believes should not be enacted, by the veto power. But his veto is not conclusive. The bill may be passed by a two-thirds vote notwithstanding his veto. This is the extent of his power to act upon or influence legislation. To go beyond it is to exceed his constitutional powers and to infringe upon the very spirit of that great instrument.

I am glad to be strongly supported in my views on this important subject by a plank in the platform of the Democratic Party. In 1904 that party made this very proper and commendable declaration of principles:

EXECUTIVE USURPATION.

We favor the nomination and election of a President imbued with the principles of the Constitution who will set his face sternly against Executive usurpation of legislative and judicial functions, whether that usurpation be veiled under the guise of Executive construction of existing laws or whether it take refuge in the tyrant's plea of necessity or superior wisdom.

The practicable application of this patriotic declaration was never more needed than right now.

Mr. President, I have approached this subject with reluctance and purely from a sense of duty. I expressed similar views during the last administration. I have the greatest respect and esteem for the present incumbent of the great office of President of the United States, as I had also for his predecessor in office. I believe in the integrity and sincerity of his purpose to serve the people and the country to their very best interests. But, sir, this can not deter me from expressing my views on a question so serious and far-reaching in its consequences. It makes the situation only the more alarming that one of such high ideals and patriotic purposes should do anything that can reasonably be construed to be a usurpation of power or an infringement of the Constitution that may sometime be appealed to as a precedent by one less conscientious and patriotic.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martine, N. J.	Smith, Ariz.
Bacon	Hitchcock	Norris	Smith, Ga.
Bankhead	Hollis	Oliver	Smith, S. C.
Borah	Hughes	Page	Smoot
Bradley	James	Perkins	Sterling
Brady	Johnson, Me.	Pittman	Stone
Brandegee	Johnston, Ala.	Poindexter	Sutherland
Bristow	Jones	Pomerene	Thomas
Bryan	Kenyon	Ransdell	Thompson
Burton	Kern	Robinson	Thornton
Catron	La Follette	Saulsbury	Tillman
Clark, Wyo.	Lane	Shafroth	Townsend
Crawford	Lea	Sheppard	Vardaman
Dillingham	Lewis	Sherman	Warren
Fall	Lippitt	Shields	Weeks
Gallinger	McLean	Shively	Williams
Goff	Martin, Va.	Simmons	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand on all votes to-day.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is absent on public business.

Mr. GALLINGER. I will announce the absence of the junior Senator from Maine [Mr. BURLEIGH] on account of illness, and will not repeat the announcement during the present legislative day.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, there is no Senator on this side of the Chamber prepared to continue the general discussion of the bill. I will ask the Senator from North Carolina if any Senator on that side of the Chamber is ready to proceed?

Mr. SIMMONS. There is no Senator on this side of the Chamber who is prepared to make a set speech to-day. We are, therefore, ready to take up the schedules of the bill, Mr. President.

Mr. GALLINGER. Then I think the reading of the bill had better be continued.

Mr. SIMMONS. I ask that the Secretary proceed with the reading of the bill.

The VICE PRESIDENT. There being no objection, the Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, beginning on page 9, paragraph 37.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. On page 9, paragraph 37, line 18, after the first word "gums," it is proposed by the Committee on Finance to insert the words "not specially provided for in this section." Mr. SMOOT has moved, as an amendment to paragraph 37, line 17, after the word "gums," to strike out the words "amber and amberoid, unmanufactured, or crude gum, not specially provided for in this section, $1 per pound."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

Mr. GALLINGER. No; the question is on the amendment to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The VICE PRESIDENT. The Chair rules that the committee have the right of perfection before the amendment, which takes in the first clause of the paragraph. The question is on agreeing to the amendment as proposed by the committee. Is there objection? The Chair hears none, and the amendment is agreed to. Now the question is on the amendment proposed by the Senator from Utah.

The amendment was rejected.

The reading of the bill was resumed, beginning in line 19, of the same paragraph, as follows:

Arabic, or senegal, ½ cent per pound; camphor, crude, natural, 1 cent per pound; camphor, refined and synthetic, 5 cents per pound.

Mr. BURTON. I move in lines 19 and 20, to strike out the words "camphor, crude, natural, 1 cent per pound."

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 9, in paragraph 37, lines 19 and 20, it is proposed to strike out the words "camphor, crude, natural, 1 cent per pound."

Mr. BURTON. Mr. President, this provision is an illustration of the policy adopted in this bill relating to numerous items. This is an article which in its crude form is not manufactured in this country. It has been the general policy in our tariff legislation for years to exempt that class of products from duty and to impose duties on the manufactured product; and I may say, Mr. President, that is in accordance with the policy of almost every advanced country.

Crude camphor is not found in the United States. Several years since the Agricultural Department reported that there was a prospect of providing it in the State of Florida, but I think the experiments have not proved successful. Under the existing tariff law crude camphor is free from duty, while the refined carries a duty of 6 cents a pound. It is proposed in the pending bill to reduce the duty on the refined camphor from 6 cents to 5 cents a pound and to impose a duty of 1 cent per pound on the crude article.

This is not a luxury, but it is an article in very common use, and one which is very largely consumed. It is especially desirable that it be made in this country, so that under regulations relating to purity and quality the manufactured article should be under inspection, so that we may know whether it is good or bad.

There is another feature of special application here. There is one country that has a practical monopoly of the supply of camphor. The value of camphor exported from Japan in the year 1911 was $1,570,000. The value of that exported from Formosa, a dependency of Japan, was $1,750,000. Crude camphor is a Government monopoly, and it is possible by official action to determine the price at which it will be sold.

Mr. President, a diminishing of the protective duty will tend to destroy—certainly very seriously to hamper—the refining of camphor in this country. No good purpose can be subserved by so diminishing the duty. It will not only injure the industry, but it will deprive us of the opportunity to ascertain whether the quality is good or not and to transfer the manufacture to the country in which the crude article is obtained.

I may say that according to the statistics it would seem that we are far and away the largest consumers of camphor; that we consume probably one-sixth, and possibly one-fifth, of

the supply of the whole world, and I wish to enter my decided protest against this change in duties.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

Mr. BORAH. Do I understand that the effect of the change in this bill is to reduce the duty on the manufactured product and place a duty upon the raw material?

Mr. BURTON. That is right. The present duty on the manufactured product is 6 cents a pound. This bill proposes to reduce it to 5 cents a pound. There is now no duty on the crude camphor; but this bill imposes a duty of a cent a pound on that article.

Mr. BORAH. Well, what would be the effect of the change which the Senator from Ohio proposes?

Mr. BURTON. It would be to strike out the duty on crude camphor and leave the duty on the refined camphor, as it is here, it being the policy of the bill to make reductions. Whether or not I agree with that, I think the manufacturers ought to stand the reduction from 6 cents a pound to 5 cents a pound.

Mr. BORAH. In other words, the effect of the Senator's amendment would be to take the tax off the raw material?

Mr. BURTON. To remove the tax from the raw material; and I take it we will be compelled to acquiesce in the reduction of the duty on the refined.

Mr. BRISTOW. Let me inquire of the Senator, Mr. President, would it not be better to have a duty of 4 cents a pound on the refined article and make the crude camphor free than to have a cent a pound on the crude and 5 cents on the refined?

Mr. BURTON. As a trade proposition, I should think it would be; but I do not wish to take the responsibility of suggesting reductions on manufactured products where the protective quality is taken away.

Mr. BRISTOW. What is the ad valorem rate on the refined?

Mr. BURTON. On refined camphor the duty, according to the values last year, was 16.1 per cent.

Mr. BRISTOW. Yes; it is not an excessive duty at all.

Mr. BURTON. That is on a basis of 6 cents. The reduction to the rate proposed in this bill would make it 13.64 per cent.

Mr. BRISTOW. That is on a basis of 5 cents.

Mr. BURTON. Yes.

Mr. BORAH. Is this a raw material that is produced in this country?

Mr. BURTON. Not at all; as I stated a few moments ago.

Mr. BORAH. Then, I suppose a duty was put on as a revenue proposition.

Mr. BURTON. Strictly; and I want to repeat what I said a few moments ago, that I know of no country which has a well-adjusted tariff system that imposes duties on the raw material of this nature produced outside of the country. It is a class of duties which the whole tendency of tariff legislation has been against.

Mr. BORAH. In other words, however, it is a recognition on a small scale of the doctrine of free raw materials for which the Senator is contending.

Mr. BURTON. Yes; free raw materials where the raw material is not produced in this country. That is as far as it goes in this particular case.

Mr. SMOOT. Mr. President, there is one other point to which I desire to call the Senator's attention in relation to crude camphor. As the Senator from Ohio has said, it is absolutely under the control of the Japanese Government. The Japanese Government puts the price just high enough so that synthetic camphor can not be manufactured to take the place of the natural camphor. In other words, Germany manufactures synthetic camphor. If the Japanese Government raises the price above what synthetic camphor can be made for, then, of course, this country could import the synthetic camphor, which is just as good as the crude camphor; but if we put 1 cent a pound duty upon the crude camphor, the Japanese Government will immediately add that 1 cent a pound to the price of all the crude camphor that comes into this country.

Mr. BORAH. And if we take that 1 cent off the raw material, it is just that much more protection to the manufacturer.

Mr. SMOOT. That is true.

Mr. BORAH. So it is about six one way and half a dozen the other.

Mr. SMOOT. That is if the 1 cent is not added to the price. I wish to say now that those who import camphor have always to enter into the contract to do so at least a year ahead, and the Japanese Government has already given notice that in the contracts that are to be made this coming year, if a duty is imposed upon crude camphor, an additional charge to cover that duty will be added to the price quoted to-day. So the Senator from Idaho can plainly see that the manufacturer in this country is not going to receive any advantage, but that if we put 1 cent a pound on crude camphor, the Japanese Government will get an increased price to that amount. Under the estimated importations, 1 cent a pound will amount to $23,000. In other words, if a duty of 1 cent a pound is put upon camphor, the Japanese Government will receive $23,000 additional.

Mr. BRISTOW. Mr. President, referring to the discussion last night in regard to the duty on potato dextrine, I desire to inquire of the Senator from Maine why the duty is maintained on potato starch and dextrine made from potato starch. Why are they not put on the free list?

Mr. JOHNSON of Maine. Mr. President, I am willing to answer the Senator's question, but we are discussing another matter, camphor, at present, and would it not be best to first dispose of the amendment which is now before us?

Mr. BRISTOW. The item to which I refer is contained in the same paragraph, is it not?

Mr. JOHNSON of Maine. Yes; but the Senator from Ohio [Mr. BURTON] has offered an amendment striking out the duty on crude camphor.

Mr. BRISTOW. I beg the Senator's pardon; I will wait until that is disposed of, although dextrine is part of the same paragraph.

Mr. JOHNSON of Maine. Mr. President, the duty upon crude camphor is proposed by the committee simply as a revenue duty. I call the attention of the Senator from Ohio to the fact that in the present bill, in many instances, duties are placed upon articles not produced here. In the very next paragraph a duty of 10 cents per pound is placed upon chicle, which is not produced in this country at all, but is imported from Mexico, Honduras, and Central America.

Mr. BURTON. If the Senator will allow me, chicle is used almost exclusively for the manufacture of chewing gum.

Mr. JOHNSON of Maine. But it is not produced in this country.

Mr. BURTON. It rests on a very different basis from camphor, which has a very great variety of uses.

Mr. JOHNSON of Maine. All through the bill there will be found other instances than chicle where there is a duty assessed upon articles not produced in this country.

Mr. BURTON. Yes, Mr. President, if the Senator will yield to me again, I am perfectly aware of that fact. I do not know that this is the worst illustration of what I regard as an utterly erroneous policy, but it is an illustration of the plan of imposing a duty on a crude material not made in this country, but which is used here to a very large extent, and is also manufactured in this country. I do not think there is any economic policy relating to the tariff that is any worse.

Mr. JOHNSON of Maine. The duty laid here is for the purpose of producing a revenue, and it will yield considerable revenue. The duty upon refined camphor has been fixed at 5 cents per pound, allowing a differential of about 3¾ cents per pound, making some allowance for shrinkage in conversion. So there is a manufacturing margin of at least 3¾ cents per pound in the manufacture of refined camphor. We do not believe there is any industry engaged in refining camphor that can not refine it with that margin of 3¾ cents per pound.

Mr. BURTON. I dislike to interrupt the Senator from Maine so many times, but it seems to me his figures are slightly in error in that regard. One pound of the crude camphor produces about eighty-five one-hundredths of a pound of the refined article; suppose we say eight hundred and seventy-five one-thousandths. So the difference in cost——

Mr. JOHNSON of Maine. I said "about 3¾"; which would not be far out of the way, making some allowance for shrinkage, as I stated.

Mr. BURTON. One pound of the crude camphor will not produce more than about seven-eighths of a pound of the refined camphor. So if you take the price of the crude camphor here at, say, 28 cents, that would make the cost of the refined camphor 32 cents.

Mr. JOHNSON of Maine. It seems to me the difference stated by the Senator from Ohio is not very material.

In answer to the suggestion that the Japanese Government has control of the natural camphor, that is true. But the Germans have brought down the price of natural camphor by making camphor synthetically; and, as said by the Senator from Utah, the natural camphor is maintained at a price at which the Germans can not manufacture it synthetically and export it to this country. Nevertheless, the ability on the part of the Germans to manufacture camphor synthetically

stands as a protection, not only to this country but to all the world, against overcharges by the Japanese Government.

We are reliably informed that the manufacturers and refiners in Japan pay for camphor the same price that is charged to Americans who import it. For that reason we feel that the duty of 1 cent a pound upon crude camphor is justifiable as a revenue duty, and that the cut in the duty upon refined camphor from 6 cents to 5 cents a pound, in view of the fact that there has been a cut in the duty upon celluloid and manufactures of celluloid, is a relative reduction which should be made.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. JOHNSON of Maine. Certainly.

Mr. GALLINGER. Being not at all familiar with this subject, I wish to ask the Senator from Maine why synthetic camphor may not be made in this country as well as in Germany? Is there any reason that makes it impossible for us to manufacture it here? Is the cost excessive, or what is the reason?

Mr. JOHNSON of Maine. I will say to the Senator from New Hampshire, from the investigation I have been able to give to the matter, that I deplore exceedingly the fact that the American chemists have not been able to keep pace with the German chemists. The Germans have learned to make indigo synthetically, and even salicylic acid. They have learned to make camphor synthetically, and also vanilla, I am informed. In this country, either because we are not so patient and willing to make the painstaking, laborious investigations which the German chemists make, or perhaps because we want to make money too fast and are not willing to await the results of science, we have not made the advance which the German chemists have made.

Mr. GALLINGER. It has been a matter of wonderment to me that our chemists should not keep pace with the chemists of Germany in these matters; and yet it has occurred to me that we are decidedly behind Germany in reference to the manufacture of several articles synthetically.

Mr. JOHNSON of Maine. That is most certainly true. With the abundant natural resources at hand here we should utilize them, particularly the coal-tar products, which we do not utilize.

Mr. HUGHES. Mr. President, inasmuch as there are a number of items in the bill that have been treated as the particular item of camphor has been treated, perhaps it would be as well for me to make a short statement with reference to the objects and purposes of the House committee and the Senate committee in that connection.

The Senate committee might have reduced the duty upon refined camphor 2 cents a pound; and if that had been done, I do not think there would have been any particular complaint. So far as my information is concerned, there would have been an ample manufacturing margin, and no man engaged in refining camphor in this country would have been injured by such a reduction.

The House committee and the Senate committee chose, rather than to do that, to reduce the duty upon finished and refined camphor 1 cent per pound and to impose a new duty of 1 cent per pound upon crude camphor, thus, in a way, putting 1 cent into the Treasury and 1 cent into the pockets of the people and putting upon the industry a burden of taxation to the extent of $23,000 per annum.

It will be found that there are a number of items in the bill which have been treated in that way; and that was the object and purpose of the House and Senate committees in so treating them.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BURTON].

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON] and therefore withhold my vote.

Mr. GRONNA (when Mr. MCCUMBER's name was called). I desire to announce that my colleague [Mr. MCCUMBER] is necessarily away from the city. He is paired with the senior Senator from Nevada [Mr. NEWLANDS]. I will let this announcement stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I am paired for the day with the senior Senator from Florida [Mr. FLETCHER]. I make this announcement for the day.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. He is absent. If he were present, I should vote "nay."

The roll call was concluded.

Mr. WARREN. I transfer my pair with the senior Senator from Florida [Mr. FLETCHER] so that he may stand paired with the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. As he has not voted, I withhold my vote. If he were here to vote, I should vote "nay."

Mr. JONES. I wish to announce that the junior Senator from Michigan [Mr. TOWNSEND] is detained on important business of the Senate.

Mr. JAMES. I transfer the general pair which I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

The result was announced—yeas 29, nays 45, as follows:

YEAS—29.

Bradley	Crawford	La Follette	Poindexter
Brady	Cummins	Lippitt	Sherman
Brandegee	Dillingham	Lodge	Smoot
Bristow	Gallinger	McLean	Sutherland
Burton	Goff	Norris	Warren
Clapp	Gronna	Oliver	
Clark, Wyo.	Jones	Page	
Colt	Kenyon	Perkins	

NAYS—45.

Ashurst	Kern	Ransdell	Smith, S. C.
Bacon	Lane	Reed	Stone
Bankhead	Lea	Robinson	Swanson
Borah	Lewis	Saulsbury	Thomas
Bryan	Martin, Va.	Shafroth	Thompson
Chamberlain	Martine, N. J.	Sheppard	Thornton
Clarke, Ark.	Myers	Shields	Tillman
Hollis	O'Gorman	Shively	Vardaman
Hughes	Overman	Simmons	Walsh
James	Owen	Smith, Ariz.	
Johnson, Me.	Pittman	Smith, Ga.	
Johnston, Ala.	Pomerene	Smith, Md.	

NOT VOTING—22.

Burleigh	Fletcher	Newlands	Townsend
Catron	Gore	Penrose	Weeks
Chilton	Hitchcock	Root	Williams
Culberson	Jackson	Smith, Mich.	Works
du Pont	McCumber	Stephenson	
Fall	Nelson	Sterling	

So Mr. BURTON's amendment was rejected.

Mr. REED subsequently said: I wish to ask the Senator from Kansas his indulgence for a moment, as I am obliged to leave the Senate Chamber and go back to committee work.

Mr. BRISTOW. I yield to the Senator.

Mr. REED. I came in while the roll was being called on the last vote, and when my name was called I voted, forgetting for the moment I have a pair with the Senator from Michigan [Mr. SMITH]. My attention was not called to it until this moment. All that I can do now is to make the explanation that I voted through inadvertence and express my regret for having done so.

Mr. BACON subsequently said: Mr. President, I hope I may be permitted to state that on the last vote, upon the amendment offered by the Senator from Ohio [Mr. BURTON], I voted inadvertently, not knowing that the Senator from Minnesota [Mr. NELSON] was not present. I left the Chamber before his name was called, and I did not know of his absence. My vote would not have changed the result, but I think it proper that I should make this statement.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 37, page 9, line 21, after the words "per pound," to strike out "chicle, 20 cents per pound; dextrine, burnt starch, or British gum, dextrine substitutes, and soluble or chemically treated starch, three-fourths of 1 cent per pound" and to insert, "chicle, crude, 15 cents per pound; refined or advanced in value by drying, straining, or any other process or treatment whatever beyond that essential to the proper packing, 20 cents per pound; dextrine made from potato starch or potato flour, 1½ cents per pound; dextrine, not otherwise provided for, burnt starch, or British gum, dextrine substitutes, and soluble or chemically treated starch, three-fourths of 1 cent per pound."

Mr. BRISTOW. Mr. President, I desire now to renew the question I asked the Senator in charge of the bill before the last amendment was disposed of. That is, Why was the duty fixed at a cent and a half per pound on dextrine made from potato starch or potato flour?

Mr. JOHNSON of Maine. Mr. President, the evidence before us satisfied us that the cost of making potato starch is greater

than that of making the other kinds of starch, and also that there is a good deal of competition in the manufacture of potato starch. It is not a starch that is used for food. It is a starch that is largely used by the textile manufacturers, particularly the cotton manufacturers, in starching their goods. It differs from cornstarch and the other kinds of starch. The importations under the present rate of 1½ cents per pound are quite large. I have forgotten just what they are.

Mr. BRISTOW. I understand, then, that in fixing the duty the Senator took into consideration the cost of producing this starch. Was that the attitude of the committee?

Mr. JOHNSON of Maine. The duty was fixed in the first instance by the Ways and Means Committee. The bill came to us with a duty of 1 cent per pound upon potato starch and one-half cent per pound upon the other kinds of starch. Upon reading the discussion in the House and also before the Ways and Means Committee, the testimony seemed to be sufficient to warrant that distinction in the duty; and the committee felt that the Ways and Means Committee had acted wisely in making that distinction.

Mr. BRISTOW. The duty fixed by the Ways and Means Committee on this dextrine was three-fourths of 1 cent a pound.

Mr. JOHNSON of Maine. I spoke of the duty upon the potato starch, which I understood the Senator to inquire about.

Mr. BRISTOW. I was inquiring of dextrine made from potato starch. The Committee on Ways and Means fixed a duty of three-quarters of a cent.

Mr. JOHNSON of Maine. I will say to the Senator the duty on dextrine followed the duty on different kinds of starch. If the dextrine is made from cornstarch or from any other kind besides potato starch it bears a duty of three-fourths of a cent a pound. If made from the potato starch, because potato starch is dutiable at a cent a pound, the duty upon the dextrine made from that starch is made to bear a higher rate of duty so as to make the duties relative.

Mr. BRISTOW. As I understand the Senator's explanation of this increase in the duty on dextrine made from potato starch over the House bill from three-quarters of a cent a pound to a cent and a half a pound, it is in order to restore the compensatory advantage which the dextrine made from potato starch ought to have since the potato starch carries a duty of a cent a pound. Is that correct?

Mr. JOHNSON of Maine. Yes. Whether you call it a compensatory duty or what you call it, it is a manufacturing margin between the product and the raw material from which it is made. Through the bill there has been this differential carried. There is a higher rate of duty, I think, in nearly every instance, as a general plan, on the finished product than upon the raw material from which it was made, with a differential.

Mr. BRISTOW. In the present law the duty on potato starch is a cent and a half a pound, and the duty on dextrine made from potato starch is a cent and a half a pound. That is, the duty on the starch and the dextrine in the present law is the same.

Mr. JOHNSON of Maine. Oh, no; I have said several times that the duty on potato starch is a cent a pound.

Mr. BRISTOW. That is in the House bill; but in the present law, I say.

Mr. JOHNSON of Maine. In the present law?

Mr. BRISTOW. It is a cent and a half.

Mr. JOHNSON of Maine. I do not recall it. I think we have it here.

Mr. BRISTOW. That is what it is. It is a cent and a half a pound on starch and on dextrine made from the starch. Now, I wanted to inquire if complaints had come to the committee that the manufacturers of dextrine needed an additional protection over that given the starch.

Mr. JOHNSON of Maine. Oh, yes; there was complaint made, and it was discussed upon the floor of the House. It was said that there should be this differential. Our attention was called to the fact that the Ways and Means Committee had made a mistake, that they had put the duty upon the dextrine at a lower rate than the duty upon the raw material out of which it was made. Also, the junior Senator from New Hampshire [Mr. HOLLIS] appeared for somebody, and we had some communications. I think a brief was printed from some of the manufacturers in Massachusetts who called attention to that fact.

Mr. BRISTOW. I can understand that the duty on the dextrine should not be less than the duty on the starch, but the present law—that is, the Payne-Aldrich Act—fixes the same duty on the starch and on the dextrine and makes no differential in favor of the dextrine. What I wanted to find out was why the Committee on Finance now thinks that dextrine should have half a cent a pound more protection than the starch.

Mr. JOHNSON of Maine. I will say to the Senator, Mr. President, that the duty upon the dextrine made from other kinds of starch is three-quarters of a cent a pound. The duty upon other kinds of starch is half a cent a pound. There is an increase in the duty of 50 per cent between the dextrine and the raw material from which it is made. We made the same differential here in the case of dextrine made from potato starch. The duty upon the potato starch being a cent a pound, we made the duty upon dextrine made from potato starch a cent and a half a pound, 50 per cent more, just as in the case of the other kind of dextrine.

Mr. BRISTOW. Why does the Senator think that the rates of the Payne-Aldrich law should be maintained on dextrine made from potato starch and that no duty whatever should be imposed on potatoes?

Mr. JOHNSON of Maine. I myself hardly see the materiality of the question. I last night gave the Senator my personal opinion. We are not dealing with that schedule here or the duty on potatoes. But I will say further, that the farmers who find a market for their potatoes at these starch factories, as I said yesterday, can sell their culls and small potatoes, the refuse potatoes, at those factories, and sometimes when the price of potatoes has been so low that it would not pay to ship even marketable potatoes from the State of Maine to the market it of course has been to the advantage of the farmers to find that they could have those potatoes converted into starch. I am very sure that many of the farmers in that section of my State where there are starch factories are interested in the maintenance of these factories. They furnish them a place to dispose of their small potatoes, as I said, which are not marketable. I have no very intimate knowledge of the situation, but in a general way I know that to be true.

Mr. BRISTOW. Well, the object of increasing this duty is to enable the manufacturers of dextrine to increase the price of their commodity?

Mr. JOHNSON of Maine. It was to make as far as possible the rates of the tariff bill uniform. When our attention was called to the fact that dextrine made from one kind of starch received a differential it seemed to us that the argument of those who appeared before us was sound; that some differential should be given in the case of dextrine made from potato starch.

Mr. BRISTOW. The theory upon which the committee has proceeded, as I understand it, is that a duty increases the price of the commodity upon which the duty is imposed. Therefore, a duty of a cent and a half a pound on dextrine made from potato starch will increase the price of that product when it is sold here in our country.

Mr. JOHNSON of Maine. And also I may suggest there are quite large importations of potato starch, and the duty will provide a revenue.

Mr. BRISTOW. Yes. I have not gone into the question as to whether or not a cent and a half protection on the dextrine made from potato starch is necessary. The point that has attracted my attention is the discrimination. In the present law there is no differential in favor of the dextrine starch and farmers have the benefit of a duty of 25 cents per bushel on the potatoes from which these products are made. Now, if the duty of a cent a pound on starch is an advantage to the manufacturer of potato starch and enables him to sell his product in the American market for more money than otherwise he could sell it for, if it protects him from destructive foreign competition, which the Senator indicates it is necessary to do, if such a duty is necessary and is not excessive, I am not going to object to it. I have not taken up that phase of it to see whether it is or not. But if the purpose of imposing the duty on starch that is made from the potatoes is to increase the price of the commodity so that the manufacturers may get a better price for what they manufacture, I want to know why it is not fair and just to impose a duty on the potatoes which the farmer produces and sells to the manufacturer who converts those potatoes into the starch and the dextrine. Is it not just to treat the farmer from the same point of view and apply to his labor and to his production the same law and the same principle?

Mr. JOHNSON of Maine. Mr. President, it seems to me we are entering upon another field of discussion in that matter. We will reach that when we reach the agricultural schedule, but here when we are dealing with dextrine made from different kinds of starch the question which the Senator raises is aside and does not at present concern the Senate in its consideration of this schedule.

Mr. BRISTOW. If the Senator will pardon me, I can not see that it is not pertinent to this question, because the Senator knows that when the price of potatoes is low the starch factory

furnishes a market to the grower of potatoes which he otherwise would not have. I readily see that it is to his interest to have these starch factories there. But it is also to his interest to have a protective duty when times are dull with him and the price of his product is low, in order that his labor may be protected from the same character of competition which the manufactured product is protected from.

Mr. JOHNSON of Maine. As long as the Senator has raised that point, I want to ask him a question. In his great State of Kansas the farmers raise a great deal of corn. The present law carries a rate of 15 cents a bushel on corn. Do the farmers of the State of Kansas receive any benefit from that protective duty of 15 cents a bushel upon corn?

Mr. BRISTOW. Not so much upon corn as they would upon other things.

Mr. JOHNSON of Maine. Let me tell the Senator they do not receive a benefit from the duty on potatoes, in my judgment.

Mr. REED. May I ask a question? The Senator says they need this protection when the price of potatoes is very low. Does not the Senator know that when the price of potatoes is very low that is the very time when no potatoes could possibly come in from abroad?

Mr. BRISTOW. Ah, if the price of potatoes is very low, I will answer the Senator, the foreign producer of potatoes would be just as anxious to seek the American market as he would at any other time, because the close times are pressing upon him at that period.

If it is right and just to give the manufacturer of the starch who takes the potato and makes it into starch a cent a pound as protection, and if he carries it one step further and makes it into dextrine a cent and a half a pound, why should not the farmer who grows the potatoes have the same consideration from Congress?

Mr. JOHNSON of Maine. Mr. President——

Mr. REED. If the Senator from Maine will pardon me, I want to ask the Senator from Kansas my question again and try and get an answer to the question. I ask him if he does not know that when the price of potatoes is very low in this country there is not a single potato shipped into the country, and if the figures will not show that to be true?

Mr. BRISTOW. The figures will not show that to be true. The Senator can not find a year when there has not been a very substantial importation of potatoes.

Mr. REED. I venture to say, without looking it up, that there has never been any considerable amount of potatoes imported into this country in any year when the price of potatoes has been exceedingly low in this country.

Mr. BRISTOW. The Senator will find that potatoes are imported into this country every year.

Mr. BORAH. Mr. President, did I understand the Senator from Maine to say that there is a duty on corn?

Mr. JOHNSON of Maine. It is 15 cents a bushel under the present law.

Mr. BORAH. Was that changed?

Mr. JOHNSON of Maine. It is. In the pending bill corn is placed on the free list.

Mr. BORAH. It is placed on the free list?

Mr. JOHNSON of Maine. Yes.

Mr. BRISTOW. As I said last night, the thing I am complaining of in regard to this bill is its absolute injustice; its indefensible discrimination against certain industries in the United States. Here is a plain illustration of it.

I will say to the Senator from Maine if he will look it up I think he will find I am right in this. If not, the figures can be readily at hand. There have been greater importations of potatoes in the United States during recent years than of either dextrine or starch.

Mr. JOHNSON of Maine. That was in the year 1911, when there was a shortage, and when the price of potatoes was very high.

Mr. BRISTOW. There was a larger importation in 1912 than in 1911, as I remember.

Mr. JOHNSON of Maine. Shiploads of potatoes were brought into Portland, Me., from Scotland. We needed them and the country needed them. Although we were the third State in the Union, I think, in the raising of potatoes still we had to have potatoes brought from Scotland; and they were brought by shiploads to Portland, Me., and the duty paid, because of the scarcity in this country. The farmers got an enormous price, of course, for potatoes that year. There is no crop that varies so much as potatoes. I have seen them sell for much less than the duty. I have seen them rotting in the fields, when it would not pay the farmers to dig them and market them. Then again, because of the scarcity in some of the Central States, potatoes were in demand. The great State of New York is the largest potato-raising State in the Union, raising some 47,000,000 bushels yearly. The State of Michigan is next with 35,000,000 bushels, and our old State of Maine is third with about 30,000,000 bushels. Pennsylvania raises very nearly the same amount, and nearly all the States raise potatoes.

When there is a shortage in the Central States and in New York, our Maine potatoes bring a good price, not because of the 25 cents a bushel protective duty, but because of the shortage and the demand here. The farmer can not do as the manufacturing interests in my State or as the cotton-mill owners can do—meet once a month and determine what the product may be and what the different mills may run upon. When he puts his crop in the ground he has but little to do with what the outcome may be. He can not arrange with other farmers as to how many acres may be put out that year in potatoes; he can not combine to control the production. He awaits a kind Providence, and if he has a bountiful crop and there is a bountiful crop in the great Empire State of New York and in the State of Pennsylvania or Michigan his potatoes rot in the field, or he finds, perhaps, some market in the starch factory near by. It is not because of the tariff. Then when his crop is harvested he can not do like the manufacturing interests where there are great storehouses and plenty of capital to carry the product while awaiting a favorable market.

He must market because his crop is perishable, and then he needs the money. He can not carry it. He is not situated so that he can take advantage of the duty which you pretend to give him upon his potatoes. So I alluded to it yesterday afternoon as a spurious duty, placed there in order that he might be led to believe that he shares somehow as a beneficiary in this system, which was never designed for him.

I read here a declaration which I have at hand. The secretary of the American Tariff League, during the pendency of the reciprocity act, wrote:

> Once the American farmer finds that protection is not for him, the end of protection will quickly come. Ten million votes are cast by American farmers. Kindly write or wire your Senator or Representative in Congress in opposition to the treaty.

I fancy the spirit behind the author of that message is the spirit which has moved the placing of the duty upon many farmer products, like 15 cents a bushel upon corn grown in the State of Kansas, when it can be of no advantage to the farm grower, it seems to me, of that State. No more is the 25 cents a bushel of advantage to the potato grower of my State.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. In just a moment I will yield.

I appreciate all the disadvantages which the Senator from Maine has narrated that are imposed by nature and conditions upon the American farmer, but it seems to me, struggling as he does against such adverse conditions that are beyond his control, it comes with poor grace to take from him——

Mr. JOHNSON of Maine. Mr. President——

Mr. BRISTOW. Will the Senator pardon me? That advantage which is now given him. He is now placed on an equality with the manufacturers who take his product and transform it into a commodity which they sell to the American people. He certainly has a right to the same consideration from Congress as the factories which take and handle the product. When you put a duty of a cent and a cent and a half a pound upon the starch and the dextrine that is made from the potatoes he has a right to ask that you treat him according to the same rules and apply to him the same methods in legislation.

Now I yield to the Senator.

The VICE PRESIDENT. The Chair thinks that the Senator from Utah [Mr. SMOOT] is first entitled to the floor.

Mr. SMOOT. Mr. President, last year there were imported into the United States 13,740,481 bushels of potatoes. The unit value of those potatoes was 52 cents a bushel. The duty collected amounted to $3,434,535. I want to ask the Senator from Maine if the 25-cent duty upon those potatoes did not help the farmer raising potatoes in the State of Maine?

Mr. JOHNSON of Maine. I am willing to answer it, Mr. President. I think not. The price was high and the farmer found a ready market for all his potatoes. You paid here in the city of Washington $2 a bushel for those potatoes, and they were in demand. The small amount that was shipped in was a mere bagatelle, a drop in the bucket, it counted for nothing. The great demand in the United States for potatoes affected the price.

Mr. SMOOT. That was the largest importation for many years.

Mr. JOHNSON of Maine. There was a shortage, as we all know. There was a scarcity of the crop.

Mr. SMOOT. Then why was the price in 1912 lower than it was in 1910 or 1905 or 1896? I notice here that the price per unit on potatoes a bushel was 52 cents in 1912, and the importations were 10 times as much as they were in 1910, when the unit price was 86.9 cents. The junior Senator from Missouri has just made the statement that when the price of potatoes was low they never imported into this country. In 1910, when they were 86 cents a bushel, there was not one-tenth the amount of importations there was in 1912, when they were 52 cents a bushel. I want to say to the Senator from Maine that if the farmers of Maine had not been protected by 25 cents a bushel last year on their potatoes they would not have received the price for them that they did get.

Mr. JOHNSON of Maine. I should like to believe that the farmer received a benefit from the duty, but I have never been able to make myself believe it. I want to call attention to the price, because it is entirely misleading. The Senator knows the fact that we had a shortage of potatoes for the year ending 1912, when the figure he gave as the unit price was small. We imported last year 13,740,000 bushels of potatoes, in round numbers. In 1910 we imported only 349,000 bushels, and the unit price given is larger in the year 1910. It does not at all bear upon the importations into this country. The Senator would have us believe because the unit price was higher in 1910 the importations were larger.

Mr. SMOOT. I was simply answering the statement made by the junior Senator from Missouri [Mr. REED]. That is the statement he made. I have not made any such statement, and I quoted figures to show otherwise, because I believe that his statement is not borne out by the figures. Does the Senator mean to intimate that the 52 cents a bushel as the unit price of potatoes for 1912 is not correct?

Mr. JOHNSON of Maine. No; and I do not mean to intimate that it is a low price. That is a fair price. The farmers of my State call 40 cents a fair price in the field for raising potatoes. Fifty cents a bushel to the farmer is a fair price for his potatoes. This is given at 52, and it is not a low price.

Mr. SMOOT. There is not any question about the price. The amount of money that was collected by the Government on those potatoes was $3,434,535, and the value of the potatoes was $7,175,375. So the unit value must have been 52 cents a bushel. There could not have been any question about it at all.

Mr. STONE. I should like to ask the Senator, if I may, how does he account for this variation in the price of potatoes from year to year under the same duty?

Mr. SMOOT. Mr. President, that is easily accounted for. Wherever there is a light crop of potatoes in this country the price is exceedingly high, just as the Senator from Maine said. Wherever there is a crop of potatoes anywhere in the world the same rule applies. That is the reason why there is a difference in price. The price varies, as quoted in these figures.

Mr. STONE. It varies according to the production, the supply and demand.

Mr. SMOOT. That is not what we were discussing. We were discussing the importations. The Senator from Kansas made the statement that the 25-cent duty was a benefit, in his opinion, to the farmers of this country.

Mr. STONE. It is pretty hard to tell what the Senators on the other side are discussing. They are just reaching out, groping for anything they can get hold of to discuss. Then I should like to ask the Senator——

Mr. BRISTOW. Mr. President, if I have the floor, I will try and enable the Senator from Missouri to understand just exactly what I am discussing. My contention is that if a duty is necessary to protect a manufacturer who buys potatoes and manufactures them into starch and dextrine, and if the Committee on Finance think that that manufacturer of starch should have a cent a pound duty as a protective duty for him, and that the manufacturer of dextrine, which is another step in the process of manufacturing, should have a duty of a cent and a half a pound, half a cent more than the manufacturer of starch receives, and if that is necessary for the prosperity of the manufacturers in order to protect them from severe competition, as was stated by the Senator from Maine, then is it not fair that the farmers, who grow the potatoes and supply these manufacturers with their products, should have the same consideration from Congress? Should they not have a protective duty to the product of their labor the same as that applied to the product of the labor in the factory? That is what I am trying to discuss; but I want to ask the Senator from Missouri if he does not think the farmer is entitled to the same treatment and the application of the same rule to his products which is applied to the manufacturer?

Mr. HUGHES. Mr. President——

Mr. BRISTOW. I should like the Senator from Missouri, if he will, to tell me what he thinks about that proposition.

Mr. STONE. Mr. President, I will yield in a minute to the Senator from New Jersey [Mr. HUGHES], who has addressed the Chair.

Of course, I think that tariff duties and all legislation should be absolutely impartial and just and fair to all interests. If that is what the Senator from Kansas asks me. I did not, and I do not now, seek to go into this discussion, although I am willing to do it. I rose a moment ago because the Senator from Utah [Mr. SMOOT] had referred to a remark made by my colleague [Mr. REED], who has been called out of the Chamber, which remark was to the effect that when the price of potatoes was very low there were little or no importations. I think that is correct, for when the price of potatoes is low it is due largely to the fact that there is an oversupply, and if we have at home an oversupply, there must be but little inducement for importations from abroad.

Mr. SMOOT. But the oversupply may be in foreign countries.

Mr. BRISTOW. If the Senator from Utah will excuse me, for the benefit of the senior Senator from Missouri [Mr. STONE] and for the benefit of the junior Senator from Missouri [Mr. REED], who, unfortunately, has been called out of the Chamber, I will read into the RECORD what the data furnished us by the Finance Committee show on that point.

Under the Wilson bill in 1906 the duty on potatoes was 15 cents a bushel. The importations that year, according to these data, were 175,474 bushels, and the duty $26,321. The average price or value of potatoes per bushel was 73 cents; that is, 175,474 bushels were imported with the price at 73 cents.

In 1905, according to the data under the Dingley law, there were imported 180,929 bushels, a duty being paid of $44,618, or 25 cents a bushel, and the unit of value that year was 95 cents per bushel; that is, an importation of 180,929 bushels at 95 cents a bushel.

In 1910, under the Payne-Aldrich bill, with a duty of 25 cents per bushel, there were imported 349,577 bushels, the unit of value that year being 86.9 cents per bushel and the duty collected aggregating $87,050.

In 1912, under the same law, the duty being 25 cents a bushel, there were imported 13,744,481 bushels, the unit of value being 52.2 cents per bushel, and the duty paid was $3,424,535, showing, according to the information which has been furnished us, that there was a far greater importation in 1912 than in any other year, and yet the price was lower.

Mr. JOHNSON of Maine. The Senator from Kansas does not intend to convey the impression that potatoes for the year ending 1912 were lower in this country?

Mr. BRISTOW. I am simply giving the figures which the Senator's committee has furnished the Senate for its information.

Mr. JOHNSON of Maine. Yes; but that does not excuse the Senator, for he has other sources of information.

Mr. BRISTOW. It may not excuse me, but I am free to say——

Mr. JOHNSON of Maine. I ask the Senator from Kansas if he does not know that potatoes were higher for the year ending in 1912?

Mr. BRISTOW. I do not remember the price of potatoes; I am not a dealer in potatoes; and, of course, I only know the price from statistics that come under my observation.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. BRISTOW. I do.

Mr. LA FOLLETTE. I merely rose to call the attention of the Senator from Kansas to the fact that the price or value cited in the tables from which he has just read is, of course, the foreign price, the value of the potatoes in the country from which shipped to this country. That does not give or purport to give the price of potatoes and the value of potatoes in this country at that time.

Mr. BRISTOW. I am obliged to the Senator from Wisconsin for the suggestion, because that clearly shows that the tariff of 25 cents per bushel was of substantial advantage to the farmer during that year. If it had not been for that, his potatoes would have been probably as cheap that year as they were abroad.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. These duties are arranged to protect the manufacturer of potato products; but the farmer who produces the potatoes is left to the forces of nature and competition.

Mr. JOHNSON of Maine. Mr. President——

Mr. BRISTOW. If the Senator from Maine will excuse me a moment, the Senator from New Jersey [Mr. HUGHES] rose, and I neglected to yield to him. I will gladly do so now.

Mr. HUGHES. Mr. President, I merely wanted to address myself, first, to the inquiry of the Senator from Kansas with reference to why the farmer was not given a duty upon potatoes while the manufacturer of dextrine was given a duty upon his finished product. Of course, the Senator from Kansas must know that the chief consumer of potatoes is not the dextrine manufacturer, and that no committee of either the Senate or the House could afford to legislate with reference to the relations existing simply between the raisers of potatoes and the dextrine manufacturers. We could not afford to lay a duty upon a hundred million bushels of potatoes because we had given a dextrine manufacturer a duty. I want to call the Senator's attention——

Mr. BRISTOW. If the Senator will just pardon me a moment to ask a question, Why did the Senator propose to impose a duty on dextrine or starch?

Mr. HUGHES. The duty was imposed the same as all other duties have been imposed as nearly as we could for revenue purposes, having in view the situation in which we found ourselves, surrounded with a conglomeration of rates that nobody can understand or see the reason for.

Mr. BRISTOW. The Senator from Maine [Mr. JOHNSON] says that it was to protect the manufacturer of dextrine and starch from destructive competition.

Mr. HUGHES. Mr. President——

Mr. BRISTOW. Just a moment, and I will yield to the Senator.

Mr. HUGHES. Please do not misstate the Senator from Maine.

Mr. BRISTOW. I am not going to misstate the Senator from New Jersey.

Mr. HUGHES. I asked the Senator not to misstate the Senator from Maine. I do not care what the Senator from Kansas does to me.

Mr. BRISTOW. The Senator from New Jersey objects to a duty on potates because it would be imposing a tax on the consumers of potatoes. Now, the Senator from Maine says that it is spurious; that it does not amount to anything; that it is no good to the farmer, and does not help him a bit. Then how does it hurt the consumer, let me ask the Senator from New Jersey?

Mr. HUGHES. I want to call the Senator's attention to the fact that in the year which he speaks of, 1912, when such a tremendous quantity of potatoes was imported into this country, he will find that that very year we exported nearly a million and a half dollars' worth of potatoes.

Mr. BRISTOW. Certainly.

Mr. HUGHES. The situation may have been that there was a shortage during one part of the season, and consequently we had to import potatoes. In order to import them we had to compel the people of this Nation to pay over $3,000,000 into the Treasury of the United States so that they might get enough potatoes to eat, and yet not have advanced the price of a single potato to the farmers in the United States, whose crop might come along later. Then there would be plenty of potatoes at that particular time—enough to supply our own needs and to then export them. I do not know that that is the true explanation, but it is a possible explanation for these apparently irreconcilable things.

There is a situation in which the people of the United States might very well be compelled to pay three or four million dollars into the Treasury of the United States in order that they might get enough potatoes to eat, and yet the farmer receive no benefit.

Mr. BRISTOW. Mr. President, the Senator from New Jersey contends that this tax of 25 cents a bushel is of no benefit to the farmer because it does not increase the price of potatoes.

Mr. HUGHES. I stated——

Mr. BRISTOW. Mr. President, the Senator from Maine [Mr. JOHNSON], I should have said, contends that this tax of 25 cents a bushel is of no benefit to the farmer because it does not increase the price; that it does no good to the farmer; and the Senator from New Jersey [Mr. HUGHES] says that it is a wrong to impose a duty because it does increase the price the consumer has to pay. Now, I should like for those two Senators to adjust their differences as best they may; but it is a strange situation to me to have a bill supported on the other side of the Chamber by one Senator because the duty is of no account and is of no advantage to the farmer upon whose product it is placed and supported by another Senator because it does increase the price of the article, that it does benefit the farmer, and therefore it is wrong to impose it because it increases the cost of living to the man who buys the farmer's product.

Mr. JOHNSON of Maine. Mr. President——

Mr. BRISTOW. Now, if the Senator from Maine will pardon me, I will give him plenty of time after a while. I asked the Senator from New Jersey why he proposed to impose that duty of a cent a pound on starch and a cent and a half on dextrine, and I understood him to say it was for revenue purposes.

Mr. HUGHES. Mr. President, I said, as the Senator from Maine [Mr. JOHNSON] said, that we found a duty upon the raw material and we allowed what we considered a proper differential for the next step in manufacture. I will say to the Senator from Kansas that I have not given this particular item any consideration at all; I am relying solely, as the Senator is, upon the statements made by the Senator from Maine. It may be that it is a greater differential than is necessary. I do not think it is; but it may be that it is. If it is, it will have the result, if there are any importations, of increasing the revenue.

Mr. BRISTOW. No. As between starch and dextrine, that may be true; but let me call the attention of the Senator from New Jersey to the fact that the manufacturer of starch pays no duty at all; his raw material under this bill is free; yet you impose a duty of a cent a pound upon the product which he has to sell and which he makes from the free article.

Mr. HUGHES. I have answered that; and if I have not answered it to the Senator's satisfaction, I can not do any better.

Mr. BRISTOW. I want to know why that duty of a cent a pound was imposed on starch.

Mr. HUGHES. The Senator asks why starch was not placed on the free list?

Mr. BRISTOW. Potato starch; yes.

Mr. HUGHES. One purpose was that we expected to raise some revenue by the imposition of the duty.

Mr. BRISTOW. Well, now, for the purpose of revenue——

Mr. STONE. I think that is about the fifth or sixth time the Senator has asked that question.

Mr. BRISTOW. Just a moment, and I will yield to the Senator from Missouri.

Mr. STONE. The Senator need not yield to me. I think this whole discussion is so silly that it ought to be ended.

Mr. BRISTOW. I am sorry to disturb the mind of the Senator from Missouri. Perhaps it is silly to some people, but it is not silly to the men whose interests are involved.

As I understand, the duty of a cent a pound on starch is proposed for the purpose of getting revenue. If I understand the Senator from New Jersey, his view is that a revenue that is collected by a customs duty is, in fact, collected from the people themselves; they pay it.

Mr. HUGHES. That, of course, is a generalization. I am not as old, I think, as the Senator from Kansas, but I have learned even in my young life not to generalize too freely. I can point to the Senator a hundred industries in this country—or a great many industries, in any event—as to which it can be truly said that the price at which their products are sold has absolutely no relation, one way or the other, to the tariff.

Mr. BRISTOW. I agree to that, in some instances.

Mr. HUGHES. There is no question about that. A tariff of a thousand per cent would not make them a penny higher, and they would not be any cheaper if they were on a free-trade basis.

Mr. BRISTOW. I agree with the Senator as to that. There are commodities on which the tariff does not increase the price. For instance, there have been times when calico sold in the United States for less per yard than the duty on the article. But that is not starch. We have been told here by the Senator in charge of this portion of the bill that this duty is necessary to protect the manufacturer of starch and dextrine from destructive competition, and I am undertaking to argue here——

Mr. JOHNSON of Maine. I am sure the Senator does not wish to misquote me. I do not recall that I ever made that statement. I said that we took into consideration the competition and the fact that there were importations, but I did not say that it was necessary to protect this industry against destructive competition, or anything like that. I said we took into consideration the fact that there were importations.

Mr. BRISTOW. I was mistaken. I ask the Senator's pardon for using the word "protect," because I know that is indeed offensive to some men; but whether you call it protection or something else the result is the same. The manufacturer of potato starch and potato dextrine has a duty of 1 cent and a cent and a half a pound, respectively, as against the foreign importer, while the producer of the potato from which the starch and dextrine is made heretofore had a protective duty, or, at any rate, a duty of 25 cents a bushel, as between him and the foreign producer. That has been taken off, but the manufacturer is left, so far as dextrine goes, with exactly the same

duty protecting him that he had when potatoes were paying 25 cents a bushel duty. I leave it to any reasonable man——

Mr. LANE. Mr. President, if the Senator will allow me, I am no expert on dextrine and know but little about starch, but I am "long" on information on potatoes, and I will say to him that out in the section of country where I live we had a very large surplus crop last year, which we could not sell, and thousands upon thousands of bushels of potatoes are in bins and pits, yet uncovered, and will never be taken out. We will have to make new ones for the crop this fall. The duty has not done much good out there. I rather believe that the condition varies according to the crop and climatic conditions and is different in different parts of the United States. To protect the farmer on his potatoes it would be necessary to have one law applying to the Pacific coast, another to the middle section, and another to the eastern coast. The duty does not help us a bit; that is certain.

Mr. BRISTOW. That argument may be made, of course, as to any duty; but if the Senator had a starch factory out there the farmers in that section doubtless would benefit by it very materially, because it would make a market for their potatoes. That is one reason why I favor a protective tariff, because I want to develop all the various regions of this country by promoting manufacturing establishments, and I want a duty——

Mr. LANE. Mr. President——

Mr. BRISTOW. If the Senator will excuse me a moment. I want a duty which will develop in a legitimate way such industries; but I do not want to protect them at the expense of the man who produces the articles which they use. I want to treat him the same and not penalize him because he happens to be a tiller of the soil and has not the advantages that the great manufacturing concerns have in the marketing of their product.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. Very gladly.

Mr. MARTINE of New Jersey. I am deeply touched with the anxiety of the Senator from Kansas for the tiller of the soil and particularly with reference to the potato. The duty of 25 cents per bushel on potatoes has been a mere sop, as the 25 cents a bushel on wheat has been; but we realize no benefit whatever from the tariff on potatoes—not a particle. Last year I saw piled up on Pennsylvania Avenue several hundred bags of potatoes. I stepped into the store and asked the proprietor where they came from. He said, "These bags contain Irish, and these bags Scotch potatoes." "Well," I said, "if you are a patriotic citizen, why do you not buy American potatoes?" Said he, "My dear sir, I could scurry within a radius of 50 miles, and I could not get 200 bushels of potatoes. I bought these potatoes in the New York market"; and he said that hundreds of other sections in our land are buying potatoes in a similar way.

These potatoes bore a duty of 25 cents a bushel. What earthly benefit, I ask, did the farmer who raised potatoes anywhere in Maryland or New Jersey or New York derive from that tariff? Not one whit; but, on the contrary, every consumer in the District of Columbia paid 25 cents a bushel more, and probably a profit on the 25 cents added, for the potatoes that were furnished. I recall that the Senator from New York [Mr. ROOT] last year, in answer to a question, when I cited to him the 25 cents a bushel on wheat, admitted that the farmer had derived little or no benefit from the tariff. I say that was a mere sop, and I say that 25 cents a bushel on potatoes has been the sheerest sop to the American farmer. It has gone on so long that the average farmer understands the situation, and my friend from Kansas need not shed any tears with reference to the farmer. We have applied the system of protection, and it has been like the apples of Sodom, fair without and foul within.

Mr. BRISTOW. Why does not the Senator propose to take the duty off of starch, then? Why does the Senator vote for a cent and a half duty on dextrine and a cent on starch if such protection is the merest deception?

Mr. MARTINE of New Jersey. I am not a member of the Finance Committee and I will trust to their judgment as to that. I should make a very different schedule, perhaps, as the Senator knows, were it left to me; but I trust the judgment and wisdom and studiousness of the majority Senators on the Committee on Finance and the attention they have given to this question.

Mr. NORRIS. Mr. President——

Mr. STONE. How did the Senator from Kansas——

Mr. BRISTOW. I first yield to the Senator from Nebraska, and afterwards I will yield to the Senator from Missouri.

Mr. NORRIS. Mr. President, in relation to what the Senator from New Jersey [Mr. MARTINE] has said, I want to say that all those who are opposed to a tariff on the products of the farmer have always said that the tariff on wheat, for instance, did the farmer no good because we were exporting wheat. The Senator from New Jersey, of course, gives assent to that by a nod of his head. They turn right around, however, and say that the tariff on potatoes does no good to the farmer because we do import potatoes. It must follow, it seems to me, that there must be a benefit to the farmer in one case or the other.

Mr. MARTINE of New Jersey. I said we never import potatoes, except when we do not have them in this country. We buy American potatoes and use them until the supply is exhausted, and then, in the absence of American potatoes, for the well-being of humanity, we are obliged to import them; but I insist that the party that shall place a duty upon that highly essential article of diet is operating against the laws of good sense and of fairness to humanity.

Mr. NORRIS. It may be true that a protective tariff does operate against humanity and that free trade is an equalizer. If you had everything free all over the world, the only difference in the price of commodities between one place and another would be the cost of transportation; but it is the theory of protection that we place our people on a higher plane than the remainder of the world, and that it is the object of it.

My own belief is, I will say to the Senator, that, for instance, if we did not import any potatoes the tariff would not have as much of a beneficial effect as it does when we do import them, and I think in different years, depending upon the amount of the product that we produce, the tariff has a different effect—a greater effect in one year than it does in another.

Mr. MARTINE of New Jersey. It has certainly been of no benefit to the farmer.

Mr. NORRIS. If we exported all our wheat, then the farmer, I will admit, would get no benefit from the tariff. If we had to import it, as we approach the point where we consume practically all that we raise, the tariff in an increasing rate commences to benefit the farmer. But I rose only to call the attention of the Senator from Kansas to the inconsistency of the proposition that on one commodity a duty does not help the farmer, because we do not import any of it, and, on the other hand, on another commodity it does not help him, because we do import some of it.

Mr. HUGHES. We do export potatoes, I will say to the Senator. We exported in 1912 a million and a half dollars' worth of potatoes.

Mr. NORRIS. I think we always have exported some.

Mr. WILLIAMS. If the Senator from Kansas will yield to me for a moment——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I do not want the impression to go abroad that potatoes are not an export article of American culture. The trouble with this debate is that Senators have all concluded to take a very exceptional year. It is true that in the year 1912 we imported a little over $7,000,000 worth and exported, in round numbers, only about $1,500,000 worth; but in 1896 we imported only $127,000 worth and exported $371,000 worth; in 1905 we imported $168,000 worth, whereas we exported $750,000 worth, in round numbers; and in 1910 we imported $300,000 worth, in round numbers, and exported $755,000 worth, in round numbers. In other words, when the potato business is in its normal condition, the United States imports generally a little over twice as much as it exports. It happens that there was an absolute potato famine in the United States in 1912.

One more word in addition to what I have said and then I shall take my seat. It will not do to say that a duty of 25 cents added to an article at the time of its being imported in a time of famine does not add to the price of the article. It goes without saying that it must. In 1912 the imported potatoes came to this country at a valuation of 52 cents per bushel. That was the foreigner's price laid down in our ports of entry; but that undoubtedly must have been added in order to sell them. The addition of 25 cents would have made 77 cents, the total cost to the American importer if he had paid the duty; and then if you add to that the profit, whatever it might be, the price would have been brought up to, say, 89 or 90 cents. If the contention of the Senator from Kansas were correct, the domestic price of potatoes that year would also have been 89 or 90 cents, after adding the profit, plus the duty, plus the price paid the foreigner; but, as a matter of fact, the domestic price of potatoes in this country, running through the season, was from $1.50 to $2 per bushel.

But, as a matter of fact, the domestic price of potatoes in this country, running through the season, was from $1.50 to $2 per bushel. What does that prove? It proves that the American price of potatoes in 1912 was the result of the potato famine.

If there had not been so great a dearth of potatoes, a situation might have struck the country when, imports and exports being almost equal, the importations, if they had been large enough, could have borne down the domestic price to the price of the foreign article, plus the duty, plus the profit. But that was not the case in 1912, as the figures demonstrate beyond all cavil to anybody who wants to take what they teach instead of trying to prove something by them.

I do not want to have go abroad the impression probably made by the speech of the Senator from Nebraska [Mr. NORRIS] that ordinarily this is a potato-importing country. It is not. It is a potato-exporting country. It exports twice as much as it imports.

Mr. BRISTOW. If the Senator from Mississippi will pardon me, as I understand, he believes that the duty on potatoes does add to the price of the potatoes?

Mr. WILLIAMS. Why, undoubtedly; when I import a bushel of potatoes I am going to try to get back the duty when I sell them, and not only that, but to get back the duty with a profit. To put a duty upon a foodstuff of absolute importance and necessity to life, as potatoes have come to be, and to have a man's own Government add 25 cents to the 52 cents which they cost and a 20 per cent profit upon the 25 cents before he can get them to feed his wife and his children, is an iniquity.

Mr. BRISTOW. Let me ask the Senator from Mississippi if he thinks it is any worse to impose a duty on food than on clothing. In this country of ours is not clothing practically as essential to life as food?

Mr. WILLIAMS. Mr. President, of course the Senator from Kansas knows beforehand the answer I will make to that question. The answer is that we are facing a condition which you have created. You have put the industries of this country upon stilts. Instead of leaving them unhothoused to win their own way, so that there should be no artificial and false industries in the country, you have created and stimulated them.

We went into the last campaign promising free food to the people as far as possible and free basic necessities of life and of industry. Furthermore, we promised to try not to kill and totally destroy any legitimate industry. In other words, we have met a chaotic, confused fiscal system, and we are dealing with it as we are compelled to deal with it. Any Democrat who will tell you that there is any thread of logic running through this bill forgets that there was no thread of logic running through the thing we are trying gradually to cure, and we can not run any thread of logic through it. We are compelled to deal with the condition as we find it. We are trying to get down to a natural basis for an industry to live and thrive upon without needlessly destroying men who, by law, have been invited into a false position.

The Senator from Kansas knew that would be my answer to his question.

Mr. BRISTOW. As I understand the Senator's remarks, and as I understand his views, he believes the duty should be reduced materially, but not wholly, on manufactured products?

Mr. WILLIAMS. Absolutely, except in some cases where the finished product is a matter of such vital importance to industry or to life that it ought to be made cheap to the consumer regardless of industrial conditions. There are a few cases of that description, but not many.

Mr. BRISTOW. Why should the duty, in effect, be increased on dextrine, as it is in this bill, when the potatoes from which it is made are put on the free list? That is, the duty has been removed from potatoes, but the duty on dextrine remains just the same as in the present law, a cent and a half per pound.

The Senator declared, in substance, that it was very wrong. I do not remember the exact word he used, but I think he said "infamous"——

Mr. WILLIAMS. If the Senator wants an answer to that question, I will give it to him.

Mr. BRISTOW. Very well; I will yield.

Mr. WILLIAMS. The answer is that potatoes are a foodstuff, and dextrine is not; that is all.

Mr. BRISTOW. Starch and dextrine are used in manufacturing processes, largely in the making of cotton cloth; so I inquire if the Senator is in favor of taking the duty off food products and leaving it on the cloth which people have to have in order to clothe themselves?

Mr. WILLIAMS. I think I have already answered that question as fully as my poor, weak intellect is capable of answering it. If the Senator wants me to confess that it is illogical to do that, I will confess it. If the Senator wants me to confess that it was illogical on the part of the Republican Party to put as high as 200 per cent duty upon the clothing of the people, I will confess it. I will confess that we can not at one fell blow, in one bill, reduce duties as much as we would like to, and as much as they ought to be reduced, without knocking the stilts out from under people that you have put on stilts, and ought never to have put on them.

Mr. BRISTOW. Ah, but in the case of the article now under discussion the protection is, in fact, increased, because the duty is taken off the raw material and not reduced at all upon the finished product.

Mr. WILLIAMS. Mr. President, we have sought in this bill to place duties upon substances not basic necessities, either to life or to industry, for the purpose of bringing in part of the revenue of the Government. I can hardly imagine a consumption tax which would be less burdensome than one upon dextrine.

Mr. BRISTOW. Dextrine is used by cotton manufacturers in making cotton cloth.

Mr. WILLIAMS. We have used it for the purpose of raising revenue for the Government. As long as we are compelled to have any consumption taxes at all, while we may be mistaken, we may have been foolish, we thought dextrine was a very good thing on which to raise some of the revenue.

Mr. BRISTOW. Mr. President, I intend to move to amend the paragraph by reducing the duty on dextrine. What I am objecting to is this——

Mr. WILLIAMS. I want to say to the Senator, in conclusion of my reply, that it is not true that we raised the duty upon dextrine. It is true that we raised the duty only upon potato dextrine.

Mr. BRISTOW. That is the very thing under discussion.

Mr. WILLIAMS. The reason we did that was because we had left the duty upon potato starch, and it was thought necessary, imitating a Republican example, to have a conversion differential.

Mr. BRISTOW. But if the Senator will examine the present law he will find that on potato starch there is exactly the same duty—a cent and a half per pound—that there is on dextrine made from potato starch. So the example the Senator cites does not apply to this discussion, because in the present law there is no such differential.

Mr. WILLIAMS. Still, it is a Republican example, and if the Republican Party departed from it in that particular instance it was an exception to what they generally did.

Mr. BRISTOW. But the Senator said that in this instance he was following a Republican example, and in that he was mistaken.

The Senator vehemently denounces the policy of imposing a duty on food products. I should like to inquire why he favors a duty on rice.

Mr. WILLIAMS. For the same reason that I indicated a moment ago about another matter. That is an industry that you undertook to create and that you put upon stilts. Rice is not a basic necessity of life, as are potatoes and wheat and flour and things of that sort. It is not the ordinary food of the American people, as the Senator very well knows.

Mr. BRISTOW. Do I understand the Senator to say that rice is not an article of food that is in general use?

Mr. WILLIAMS. It is not the ordinary food of the American people, as the Senator very well knows. It is used, for the most part, as an addition to the meal. It is not one of the things which go upon the table of every American citizen every day, and must go there. Flour is one of those things; so is meat; so are potatoes; so are several other things. Let us be frank with one another. The main reason was, however, that you had begun to hothouse a rice industry in this country, and you had succeeded in hothousing it as you could have hothoused a pineapple industry, if you had wanted to, or a banana industry. After you had gotten it in that condition, we were not going to turn around and absolutely destroy it at one fell blow, just because, if we did not, you might say it was a southern production.

Mr. BRISTOW. As I understand the Senator, then, he is in favor of exempting from duties only food products that are absolutely essential to human life and that are on the table every day, while other food products of which a very large amount may be consumed throughout the country may be taxed.

Mr. WILLIAMS. My phrase, "The basic necessities of life," would cover that, I think. Rice is not a basic necessity of life, like bread and meat.

Mr. BRISTOW. Why does the Senator favor a duty on oats?

Mr. WILLIAMS. Oats do not enter into human consumption to any great extent. Oatmeal is used on the breakfast table, but for the most part oats are used for the purpose of feeding stock.

We reduced the duty on oats. I might very well reply to the Senator by asking why he favored a duty on oats three times as large as the one we fixed?

Mr. BRISTOW. My answer to the Senator would be that I did not.

Mr. WILLIAMS. Your party did.

Mr. BRISTOW. I am speaking for myself.

Mr. WILLIAMS. The Payne-Aldrich bill did, and I think the Senator voted for that, did he not? Or did he?

Mr. BRISTOW. The Senator is entirely mistaken. I did not vote for the Payne-Aldrich bill. I voted against it.

Mr. WILLIAMS. Ah. That is one white feather to the Senator's glory, but I had the impression that he had voted for it.

Mr. BRISTOW. Why does the Senator favor putting a duty on bananas?

Mr. WILLIAMS. We put a duty upon bananas for one reason, because they are not an article of every-day food. Another reason was that we put so small a duty upon them that it could not possibly raise the retail price of bananas. The third reason was, that the banana industry in this country is absolutely controlled by the United Fruit Co., which is a trust, and one which not only controls the banana trade, but owns the very ships in the trade, and not only that, but it has bought up most or a great quantity of the land in the Tropics upon which the bananas are raised.

In other words, we found an opportunity to collect a revenue and put it in the Treasury in such a way that the consumer should not pay it, but the United Fruit Co. would have it to pay. It may strike the Senator that that is a bit illogical also, but now and then an occasion of that sort occurs to anybody. We put a duty of one-tenth of a cent a pound upon bananas. That can not possibly be reflected in the retail price at the banana stand or in the family grocery.

I did not make this great discovery about putting a duty upon bananas. My friend the Senator from Oklahoma [Mr. GORE] made it. I wish he were here to-day to answer the Senator from Kansas. He does it so completely and so nicely that I think his answer would remove from the Senator's mind the doubt of the propriety of that tax just as it removed it from my mind. At first I was opposed to the tax upon general principles. I did not want to put upon the dutiable list anything that was not already there if I could help it.

Mr. BRISTOW. I think the Senator from Oklahoma will have abundant opportunity to explain the duty before the bill passes. But if the policy is not to tax food products, I think the Senator from Mississippi will admit that for thousands of people in the United States bananas are a food product.

Mr. WILLIAMS. Why, of course; all things that you eat are food products; but bananas are not an article of basic necessity in food.

Mr. BRISTOW. Heretofore bananas have been on the free list.

Mr. WILLIAMS. Yes.

Mr. BRISTOW. This bill puts them on the dutiable list.

Mr. WILLIAMS. Yes; and putting the tax there is not going to make a banana in the United States cost a cent more, because the duty is small; it is infinitesimal. De minimis non curat lex, and trade non curat, too.

Mr. BRISTOW. I understand, or hope I do. [Laughter.] The trust which the Senator refers to as controlling bananas has it within its power, if it is so all-powerful as the Senator from Mississippi says, to charge up this additional duty to the consumer, as I think it will do.

The Senator endeavors to minimize the importance of rice as a food product. He is a much more learned man than I am, but I invite his attention to what I believe to be a fact, and that is that more people in this world of ours live upon rice than upon wheat.

Mr. WILLIAMS. Oh, Mr. President, I hope the Senator does not wish to put me in the attitude of denying that self-evident proposition. What I said was that rice was not the basic ordinary food product of the American people. Rice is nowhere the food product of the white race. They eat wheat and they eat meat, and that is one reason why they are strong. Of course rice is consumed by more people than wheat is. Rice is consumed by more people than consume wheat and Indian corn put together. But it is consumed by people who are so poor, so destitute, that they can not pay for wheat and meal, and therefore can not eat it, and can not eat meat, either, except on holidays.

Mr. BRISTOW. In this tariff bill it is proposed to put upon the free list the food products that the well-to-do people of this country can have and keep a duty upon the food products that the poor people have to exist upon because they can not get anything else. That is the logic of the Senator from Mississippi.

Mr. WILLIAMS. It happens that rice, by your peculiar fiscal agency, is not a cheap food product in the United States. It has not been hitherto. By the way, I hope the Senator will not forget, while he is shooting shots at us, that we have reduced the rice duty. We have reduced the Republican rice duty 50 per cent. Give us a little credit for starting on the road that the Senator says is a good road. Give us a little credit for going halfway toward where you want us to go instead of altogether throwing anathemas at us because we do not want to do it all at once. If the duty we have left on rice, which is a 50 per cent reduction, be an iniquity, then the duty you put on it was a double iniquity.

Mr. BRISTOW. I will give the Senator from Mississippi credit for every good thing in the bill, according to my judgment; and there are in this bill duties that I think are improvements on the present law, and for which, if I could, I should be glad to vote. But I can not vote for them without doing the grossest injustice to the agricultural interests of this country by deliberately, and I think outrageously, discriminating against the products of the American farmer in favor of the products of the American manufacturer. Those who represent districts that contain these factories and are familiar with the conditions that prevail therein, can discuss the question as to whether or not the duties here afford sufficient protection. But representing an agricultural State I feel it my duty, in the name of justice to the farmers of the country, the bone and sinew of American citizenship, to denounce a bill that discriminates against them from one end to the other, and puts them in direct competition with the farmers of the world, regardless of conditions; while on the very article that is now under discussion the duty in the present law is maintained because it is alleged by those in charge of the bill that to remove it would injure the factories that produce the commodity.

Mr. President, I move to amend by——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I yield to the Senator.

Mr. WILLIAMS. The Senator used the expression that this bill deliberately and outrageously discriminated against the farmer. I have a great deal of respect for the Senator's intellectual integrity. I believe in it. Does the Senator mean to say that he believes in his own heart of hearts that the Democrats in the House and in the Senate have, with deliberate purpose, gone about a scheme of trying to injure the American farmer? Does he believe that?

Mr. BRISTOW. I should not want to attribute to the Senator from Mississippi and his Democratic colleagues any such unworthy purpose.

Mr. WILLIAMS. But the Senator used that language. The Senator said "deliberately and outrageously."

Mr. BRISTOW. I should not want to attribute a vicious purpose to the Senators who constructed the bill. Personally, I have a very high regard for them; and I have respect for their opinions, though I think they are grossly wrong in judgment in many instances. So I will not say that the Senators deliberately undertook to injure the American farmer. I will say, however, that the bill that was prepared as a result of their deliberations will injure the American farmer. It may not have been the intention of the Senators who constructed the bill to injure the American farmer, but they have done so, nevertheless.

Mr. STONE. Mr. President, I think it would be well to allow the Senator from Kansas to offer his amendment.

Mr. BRISTOW. I move, Mr. President——

Mr. SMOOT. Will the Senator yield for just a moment before he makes his motion?

Mr. BRISTOW. I will.

Mr. WILLIAMS. Before the Senator sits down I want to ask him one question. Is he aware of the fact that we have put a greater sum in valuation of manufactured products upon the free list than we have of farmers' products in the pending bill?

Mr. BRISTOW. Of course I am not familiar with the general averages or percentages. Indeed, I do not attach much weight to a general percentage in a bill containing thousands of items.

Mr. WILLIAMS. But I asked whether the Senator was aware that we have put many more thousands of dollars' worth of manufactured products upon the free list than we have of agricultural products?

Mr. BRISTOW. I am not familiar with the total figures. In discussing this bill I expect to deal with the articles just as

I am endeavoring to deal with this item, which I think is grossly wrong.

Mr. STONE. Did I understand the Senator from Kansas to make a motion?

Mr. SMOOT. The Senator yielded to me for just a minute.

Mr. BRISTOW. I withheld the motion at the request of the Senator from Utah.

Mr. SMOOT. Mr. President, I desire to ask one other question of the Senator from Maine [Mr. JOHNSON] or the Senator from New Jersey [Mr. HUGHES], because I think both of them take the same position.

In the pending bill potatoes are free. Potato starch carries a duty of 1 cent per pound. Dextrine made from potato starch carries a duty of 1½ cents a pound. If I understood the Senators aright, they stated that that was done as a differential between the raw material and the finished product of starch, and then a differential between the starch and the dextrine. Am I correct?

Mr. JOHNSON of Maine. A differential between the starch and the dextrine; yes.

Mr. SMOOT. Then, of course, if it is a differential between the starch and the dextrine, it certainly is between the potatoes and the starch. I will let it stand, then, as a differential between potato starch and dextrine. The Senator recognizes the fact——

Mr. JOHNSON of Maine. While I am on my feet I wish to answer the question more fully, if the Senator will permit me.

Mr. SMOOT. Certainly.

Mr. JOHNSON of Maine. I think the Senator from Kansas [Mr. BRISTOW] labors under a false impression. I tried to make the statement to him that the potatoes that go into the starch factories are not the marketable potatoes. The starch factories existing there are really of great benefit to the farmers in that section, and they themselves are interested in those factories.

Mr. SMOOT. We have left out the differential between the potatoes and the starch, and we come now to the differential between the potato starch and the dextrine which is made from potato starch. As I understand, the Senator thinks that is proper. Then, if that principle be correct, can the Senator tell me why in the case of all of the balsams advanced in any condition you impose a duty of 15 per cent, and at the same identical time you impose a duty of only 15 per cent upon all chemical compounds made from balsams?

Mr. JOHNSON of Maine. Mr. President, that may involve a knowledge of medical compounds which I do not possess. I do not know but that the Senator from Utah has that knowledge. I imagine it is a very simple matter for druggists to use a balsam in compounding a medicine; and I have an idea that the process can not be, or ought not to be, compared with the process which takes place in converting starch into dextrine.

Mr. SMOOT. Oh, Mr. President, that is true. The Senator is correct in saying they should not be compared, because of the fact that the process of taking the balsams and producing a medical compound from them is exceedingly more difficult than the production of dextrine from starch. I call attention to the fact simply to show the inconsistencies of the rates of the bill.

Mr. CUMMINS. Mr. President, I do not intend to prolong very much the discussion in regard to potatoes, but I was very much impressed with an illustration used by the Senator from Mississippi [Mr. WILLIAMS]. He said the Democrats found this country on stilts—stilts provided in the Payne-Aldrich tariff law. I agree with the Senator from Mississippi that the Payne-Aldrich tariff law gives to the American body, or the American legs, stilts that are altogether too high, but I think the way in which to reduce those stilts is to saw off a fair length from both legs. The Senator from Mississippi seems to think that the way in which to proceed is to saw off one leg entirely and leave the other substantially as long as it has been.

Mr. WILLIAMS. Now, Mr. President——

Mr. CUMMINS. I think that will produce a very disjointed, a very perverted sort of industrial body. I think we ought to cut down evenly, and that the agricultural leg ought not to be made much shorter than the manufacturing leg.

Mr. WILLIAMS. Mr. President, I want to ask the Senator this question: Does the Senator assert now, or will he assert, that we have not reduced duties upon manufactures every bit as much as we have upon agricultural products in this bill?

Mr. CUMMINS. I do not think you have.

Mr. WILLIAMS. And that the percentage of reduction, upon examination, will be found to be equal or greater?

Mr. CUMMINS. I do not believe it will be found as great on manufactures as on agricultural products.

Mr. WILLIAMS. We found one leg longer than the other was when we came to it, and we have taken off an equal measure from both legs, and the poor, crippled thing will still go stumbling along the way you had it already stumbling along.

Mr. CUMMINS. If the Democratic Party is to fulfill its mission and it has found one leg longer than the other it ought to have evened them up——

Mr. WILLIAMS. But——

Mr. CUMMINS. And not to have left the American body a cripple, as it was left, according to the view of the Senator from Mississippi, by the Republicans.

Mr. WILLIAMS. We struck a poor fellow who had gotten so in the habit of walking with one leg longer than the other we were afraid we would kill him if we made him walk all at once on equal legs. He did not know how to walk on legs of the same length at all.

Mr. CUMMINS. I think the Senator from Mississippi is now disclosing the truth. He has deliberately taken off one of the legs of this great industrial body, at least the artificial part of it, and has left the other reduced somewhat, but more misshapen than it was before.

Now, why did not the Democrats join with the proposition made by those who really wanted to reduce the tariff and bring about some uniformity in the body of this great American people? If the Senator from Mississippi had wanted, as it seems to me, to have produced what might be called a fair and even condition among the people of the United States, he would have preserved upon agriculture the same measure of duty that he gave to manufactures.

Mr. WILLIAMS. Mr. President, if there is a duty of 10 per cent upon a product and you put it on the free list, you have reduced the duty 10 per cent. If there is a duty of 60 per cent upon a product and you reduce it to 30 per cent, you have reduced the duty 50 per cent. The fact that when you get through with the reduction your reduction of only 10 per cent leaves one thing upon the free list and the other upon the dutiable list has nothing to do with the question.

I see the Senator from Utah [Mr. SMOOT] shaking his head at me, from which I imagine that he imagines that a reduction from 60 per cent down to 30 per cent would not be a half reduction, or a reduction of 50 per cent.

Mr. SMOOT. No, Mr. President; suppose that 10 per cent had been reduced to 5 per cent; that would have been 50 per cent. If you reduce it 10 per cent or it goes on the free list, that is only a 10 per cent reduction.

Mr. WILLIAMS. Oh, no.

Mr. SMOOT. That is what the Senator said.

Mr. WILLIAMS. That does not follow. When I take 10 per cent off a thing which bears 10 per cent and take 30 per cent off a thing which bears 60 per cent, I have reduced the duty in that case three times as much as I have in the first. If I reduce a duty from 10 to 5 per cent, I have taken off 5 per cent, and if I had reduced the entire duty from 60 to 30 per cent I would have taken off 30 per cent; and I would have reduced the duty in the latter case six times as much as I did in the other. I thought the Senator from Utah was smiling before he knew what he was smiling at.

Mr. SMOOT. No.

Mr. CUMMINS. Mr. President, I did not see the Senator from Utah smile, and so I do not know what he meant by his smile. He has a great variety of expressions, as I suppose all of us have.

Now, I do not want to be jocular about it. The trouble with this bill is that the party that framed it did not pursue any principle whatsoever in reaching these duties. As I said the other day, it started out persuaded, I assume, that it ought to compose a tariff bill chiefly if not wholly for the purpose of raising a revenue. If that motive had absorbed the minds of the committee it would have given no attention whatever to the difference in the cost of production here and abroad. It would have paid no heed to that fact in fixing a particular duty. It would have gone on upon well-established lines and presented here a revenue tariff, and if it had presented a revenue tariff there would have been put upon the products of agriculture the same measure of duties, looking at the imports and probability of imports, that were put upon manufactured products.

But, as stated a moment ago by the Senator from Mississippi, it found some manufactures that could not be produced in this country if that plan had been pursued. Apparently it did not want to destroy entirely those domestic manufactures. Therefore, in many instances, as in the instance of dextrine, it has left a duty which I think is too high, higher than necessary to compensate between the cost of production here and abroad.

But passing over to an agricultural product, it then was confronted by the supposed necessity of reducing the price of

things which people eat, and being confronted with that it gave no attention whatever to what was required by agriculture. It was willing to preserve the status quo, a portion of the status quo anyhow, with regard to manufactures, but it was willing to sacrifice the farmer, not because the Senator from Mississippi has any malice against the farmer, but because the thing that he produced passed into people's stomachs instead of being worn on their backs.

I assert here, as I shall assert everywhere, that a tariff composed upon that convoluted, distorted, warped, and mixed principle necessarily perpetrates a great injustice upon the American people.

I should like to see the manufacturing duties as they are in the Payne-Aldrich law generally reduced, but I am not willing to see the discrimination which is practiced in this bill.

A great many of the duties that are put upon manufactures here are insufficient. I know that a great many of them are inadequate, but a great many of them are abundantly high. Let me give an instance right here, as we are on this subject, and I should like to have an answer.

This bill puts a duty of 1 cent a pound upon potato starch, and it puts a duty of half a cent a pound on cornstarch. Why do you make that difference? I would like to know why you put a duty of a cent a pound upon potato starch and a duty of half a cent a pound on cornstarch.

Furthermore, I should like to know why you put a duty of a cent a pound on potato starch and a duty of half a cent a pound on cornstarch and allow tapioca flour and sago flour, which are starches and nothing else, to come in free. They are not produced in the United States at all, and yet they come into actual everyday competition with both potato starch and cornstarch. Of all the sago flour and tapioca flour brought into the United States last year, nine-tenths of it was used for starch and not for food.

Mr. MARTINE of New Jersey. Potato starch is not used as a diet. Tapioca flour and tapioca are foods.

Mr. CUMMINS. Oh, the Senator from New Jersey can not escape this inconsistency by that suggestion.

Mr. MARTINE of New Jersey. I speak not of the starch but of tapioca.

Mr. CUMMINS. A form of sago and tapioca is used for food, but the sago flour that comes in and the tapioca flour that comes in are not used for food. It comes in in a form called pearl flake, fit for food, and is then used for food.

But I say to the Senator from New Jersey, although I have not the figures immediately on my desk, as I remember it, more than nine-tenths of all these commodities that are brought in to compete with cornstarch and potato starch come in as sago flour and tapioca flour. If anyone on the other side of this Chamber can explain to me why the committee has put a duty of a cent a pound upon potato starch and half a cent a pound on cornstarch and no duty at all on sago starch and tapioca starch, he will have performed a task that looks to me impossible. There was more reason for putting a duty on sago and tapioca than upon potatoes or corn. Why? Neither of the former products is produced in the United States, and the revenue idea, as it seems to me, would have demanded that some duty be put upon those articles. But if it is said that we do allow them to come in free in order that the little, insignificant quantity that is used for food should not be taxed, tell me, then, why you tax rice, why you tax oatmeal, why you tax bananas, and why you tax things of that sort?

Mr. MARTINE of New Jersey. I will say that I am not here to defend the tax on rice or the tax on oatmeal or bananas.

Mr. CUMMINS. Of course not.

Mr. MARTINE of New Jersey. There are some things that my conscience rebels against.

Mr. CUMMINS. We on this side—at least those who believe with me that we ought to pass through this measure and make reductions that would accommodate or fit the bill to meet the demands of this time—are simply amazed when we see that what is presented to us by our friends on the other side has inconsistency in every line and every paragraph, and collides with itself whenever we bring two parts of it together.

I will pause for an answer to the question I have just put.

Mr. JOHNSON of Maine. The Senator from Iowa inquired why the difference was made in the duty between potato starch and all other starches. I will say to the Senator that that same difference was made in the present law. The duty upon potato starch in the present law I read:

> Starch made from potatoes, 1½ cents per pound; all other starches, including all preparations from whatever substance used as starch, 1 cent per pound.

That is reduced to half a cent a pound in this bill, but in both measures there has been a difference between the two kinds of starches because of the difference in the cost of manufacture.

Mr. CUMMINS. But may I say to the Senator from Maine that he has disclaimed any intention of being governed or controlled by the difference in the cost of manufacture.

Mr. JOHNSON of Maine. The Senator from Iowa never heard me make the statement anywhere that we disregarded the cost of production or the cost of manufacturing. We have to take that into consideration with all other elements which are to be taken into consideration.

Mr. CUMMINS. The distinguished Senator from North Carolina [Mr. SIMMONS] made that statement when he presented the bill to the Senate. He adopted the views of the majority of the Ways and Means Committee of the House, in which the cost of production as being material to duties upon commodities was entirely repudiated and rejected.

Mr. JOHNSON of Maine. I did not so understand the Senator from North Carolina to state; but that that was not the controlling factor and not to be the controlling factor in adjusting tariff duties, because of the fact which was evident here only at the last session, of the great difficulty in ascertaining the difference in the cost of production. In the cost of the manufacture of paper between the cost in this country and over in the other country, a contiguous country, we found a great difference between the cost there and in the mills of this country, and the cost there, too, varied.

So far as I have any opinion about it, and so far as I have been guided, I will say to the Senator that we have not disregarded, and I do not understand my colleagues who have served with me have disregarded, entirely the cost of the manufacture of an article, but have taken that not as the controlling factor, but as one of the factors to be considered in arriving at a just and fair rate of duty in dealing with conditions as we found them.

Mr. CUMMINS. Mr. President, I can not understand——

Mr. JOHNSON of Maine. One other observation, if the Senator will pardon me. He also stated that we have placed sago and sago flour upon the free list. They were upon the free list, and we have made no change in them. The only change is that we have cut the duty upon potato starch and the duty upon other starch, and then as to dextrine we tried to make the duty correspond to the duty upon the raw material from which the different dextrines are made.

Mr. CUMMINS. Mr. President, I do not accept the answer just made by the Senator from Maine as sufficient, although he undoubtedly believes it so. Because these duties were improperly adjusted in the Payne-Aldrich bill is no defense against an improper adjustment in this bill. It is difficult for me, of course, to consider the case from that standpoint, because there were so many things that were wrong in the Payne-Aldrich bill. Nothing illustrates that better than the reference just made by the Senator from Maine with regard to sago flour and tapioca flour. Of course, we all understand that these importations are required in the manufacture mainly of cotton goods, and the manufacturer of cotton goods wanted to get this starch just as cheaply as possible. It was observed when the Payne-Aldrich bill was under consideration that a great wrong was being done, and upon the floor of the Senate, after debate, a duty was attached to sago and tapioca not in edible form. That was the judgment of the Senate. The bill passed in that way to a conference committee, and when it emerged from the conference committee sago and tapioca were on the free list, put there, as I have always believed, under the influence of those who wanted their raw material free. I would have cared nothing about that save that this starch comes into direct competition with cornstarch and potato starch, and it seemed to me most unfair to impose a duty on one kind and allow the other to come in free.

I am sorry that the Senator from Maine has, probably without any investigation whatever, adopted the wrong that was done in 1909 and perpetuated it in this bill by putting these two commodities on the free list, whereas they ought to bear a reasonable duty. They ought to bear as high a duty at least as cornstarch. They really ought to bear as high a duty as potato starch. The truth is that, so far as I know, there is not a single reason for not attaching a common uniform duty to all these starches.

I hope that the majority members of the Finance Committee, having now seen that there is no justification for the classification which has been made and that an injustice is being done by continuing that classification, will recall this paragraph and the one in the free list, and will right the wrong that began long ago.

Mr. SIMMONS. I wish to inquire what amendment is now pending.

The VICE PRESIDENT. The committee amendment is before the Senate.

Mr. BRISTOW. I move to amend, on line 3, page 10, by striking out "and one-half."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10, line 3, after "one," strike out "and one-half," and strike out "cents" and insert "cent," so that if amended it will read:

Dextrine, made from potato starch or potato flour, 1 cent per pound.

Mr. BRISTOW. Mr. President, I desire to say that this places the same duty on dextrine made from potato starch that is imposed on the potato starch. The present law imposes the same duty on potato starch and dextrine, a cent and a half on each. The House reduced those duties to 1 cent on the starch and to three-fourths of a cent on the dextrines. I can readily see that there should not be a less duty on the dextrine made from the starch than on the starch itself; but since the present law imposes the same duty on both and since the duty on starch is reduced from 1½ cents to 1 cent, since the manufacturer of starch under this bill receives his potatoes free, I can not see why this one-half cent additional should be added; that is, I can not understand why the dextrine should carry the same duty as the Payne-Aldrich law when the article from which it is made is put on the free list, and when it carried a duty of 25 cents a bushel before.

I believe that a cent a pound is enough for both these articles with a reasonable duty on potatoes also. So I probably will move to amend as to potatoes when we reach that part of the bill. I certainly do not see how our friends who are in favor of reducing duties can put the raw material on the free list when it now carries a duty, and then carry the same duties on the manufactured product that we have now.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. BRISTOW. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is absent on public business. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I desire to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote. I vote "nay."

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. CHILTON. I transfer my pair with the junior Senator from Maryland [Mr. JACKSON] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. GALLINGER. I wish to announce that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Tennessee [Mr. LEA].

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. SMOOT. I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] and the senior Senator from Delaware [Mr. DU PONT] are unavoidably detained from the Senate. I shall let this announcement stand for the day.

The result was announced—yeas 29, nays 46, as follows:

YEAS—29.

Borah	Colt	Kenyon	Smoot
Bradley	Crawford	La Follette	Sterling
Brady	Cummins	Nelson	Sutherland
Bristow	Dillingham	Norris	Townsend
Burton	Gallinger	Page	Works
Catron	Goff	Perkins	
Clapp	Gronna	Poindexter	
Clark, Wyo.	Jones	Sherman	

NAYS—46.

Ashurst	Johnston, Ala.	Pomerene	Smith, Md.
Bacon	Kern	Ransdell	Smith, S. C.
Bankhead	Lane	Reed	Swanson
Brandegee	Lewis	Robinson	Thomas
Bryan	Lodge	Saulsbury	Thompson
Chamberlain	Martine, N. J.	Shafroth	Thornton
Chilton	Myers	Sheppard	Tillman
Clarke, Ark.	O'Gorman	Shields	Walsh
Hollis	Oliver	Shively	Weeks
Hughes	Overman	Simmons	Williams
James	Owen	Smith, Ariz.	
Johnson, Me.	Pittman	Smith, Ga.	

NOT VOTING—21.

Burleigh	Hitchcock	Martin, Va.	Stone
Culberson	Jackson	Newlands	Vardaman
du Pont	Lea	Penrose	Warren
Fall	Lippitt	Root	
Fletcher	McCumber	Smith, Mich.	
Gore	McLean	Stephenson	

So Mr. BRISTOW's amendment was rejected.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed on page 10, line 6, paragraph 38, as follows:

38. Ink and ink powders, 15 per cent ad valorem.

Mr. LODGE. Mr. President, I regard that duty as altogether too low, but I do not care to enter into any discussion of it or to delay the Senate by asking for a useless vote. I will, however, request that a letter of one or two pages in reference to the matter may be printed in the RECORD, without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the letter will be printed in the RECORD.

The letter referred to is as follows:

THE CARTER'S INK CO.,
Boston, Mass., March 20, 1913.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: We thank you for your favor of the 14th instant and for the copy of the tariff bill referred to therein.

We fear we shall not be able to be represented at any of the hearings before the Finance Committee of the Senate, and we shall therefore appreciate it if you will present to the committee some of the following points:

It is impossible, of course, for us to know with absolute certainty what it costs our foreign competitors to produce packages of inks and adhesives similar to ours, but we can get a pretty accurate general idea from some of the prices which we find them making continually in competition with us.

The smallest and cheapest package which we are able to produce is a one-ounce bottle of ink, which costs us on our shipping floor $1.83 per gross. We might make this a little cheaper by sacrificing all the attractiveness and convenience of the label and stopper, but any such saving would be a matter of a few cents at the outside.

On the other hand, we have taken the nearest similar packages of five of our principal English and German competitors, some of which are actually larger than ours, and find that the regular selling prices of these packages in the markets of the world run from 84 cents a gross to $1.26, averaging $1.12. Assuming that all these competitors are selling their goods at cost, which is hardly to be supposed, it appears that their manufacturing cost is 39 per cent less than ours, and as a matter of fact the percentage must be even greater than this.

On mucilage the situation is similar. Our cheapest package costs us on the shipping floor $1.90, and those of the same competitors range from 96 cents to $1.62 in their regular selling prices, so that their average cost, assuming that they are selling at cost, is 34 per cent less than ours.

We meet some of these competing manufacturers only in foreign markets, but two of the English manufacturers have for years had an established trade in the United States and Canada, while the Germans, as well as the English, constitute our strongest competition in the South American field, which we and other American manufacturers are endeavoring to develop. The Germans are already solidly established in Mexico, and there is no apparent reason why they should not at any time attempt to enter the United States market. A reduction such as is contemplated by the proposed bill would, of course, be a direct encouragement to them to do so, and also to our English competitors to renew their efforts.

It seems clear to us that the former duty on ink of 33⅓ per cent was quite as low as it should be in order to take care of the actual difference in manufacturing costs for these products in the United States and abroad. While we have continued to hold our own, in spite of the last reduction, it seems as if there could be no good reason for a further reduction, unless the most moderate basis of protection is to be disregarded. Our industry is a small one as compared with most of those which occupy the attention of Congress and of the country, but we do not imagine nevertheless that any except outright free traders would therefore contend that it was not equally entitled to protection.

We trust you may be able to secure a restoration of the higher rate.

Yours, very truly,

THE CARTER'S INK CO.,
RICHARD B. CARTER, *President.*

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 10, line 11, paragraph 40, after the words "licorice root," to strike out "unground"; so as to make the paragraph read:

40. Leaves and roots: Buchu leaves, 10 cents per pound; coca leaves, 10 cents per pound; gentian, ¼ cent per pound; licorice root, ¼ cent per pound; sarsaparilla root, 1 cent per pound.

The amendment was agreed to.

Mr. BURTON. Mr. President, every one of the items contained in that paragraph, with one exception, is now free from duty. There is at present a duty of 5 cents a pound on coca leaves. The same principles are in a measure involved in this case as those in regard to camphor. There seems to have been an impression that coca leaves are used for purposes that are injurious; but they are also used for the preparation of cocaine, which is absolutely necessary in surgery and an essential article.

I move to strike out "Buchu leaves, 10 cents per pound," in that paragraph.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 10, line 9, paragraph 40, after the word "roots," it is proposed to strike out "Buchu leaves, 10 cents per pound"; and to begin the following word, "coca," with a capital "C."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. BURTON].

The amendment was rejected.

Mr. BURTON. I now move to strike out the latter part of the paragraph, beginning with the word "gentian," in line 10.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 10, line 10, paragraph 40, after the word "pound," it is proposed to strike out:

Gentian, ½ cent per pound; licorice root, ½ cent per pound; sarsaparilla root, 1 cent per pound.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio.

The amendment was rejected.

The reading of the bill was resumed, on page 10, line 13, as follows:

41. Licorice, extracts of, in pastes, rolls, or other forms, 1 cent per pound.

42. Lime, citrate of, 1 cent per pound.

Mr. BURTON. I move to strike out paragraph 42.

The VICE PRESIDENT. The Senator from Ohio moves to strike out paragraph 42, which has just been read.

Mr. BURTON. It is to strike out the duty of 1 cent per pound proposed to be imposed on citrate of lime. That is a raw material, which is now free. The importations of that article are more than 5,000,000 pounds. It is an article extensively used, and the raw material is not produced in this country.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement as to my pair and its transfer as I did on the preceding roll call and vote. I vote "nay."

Mr. MYERS (when his name was called). I transfer the pair which I have with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Virginia [Mr. MARTIN] and vote. I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I wish to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to my colleague, the junior Senator from Mississippi [Mr. VARDAMAN] and to vote. I vote "nay."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. SHIELDS. I desire to announce that my colleague, the senior Senator from Tennessee [Mr. LEA], is necessarily absent on business, and that he is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. CHAMBERLAIN (after having voted in the negative). I notice that the junior Senator from Pennsylvania [Mr. OLIVER] has not voted, and I therefore withdraw my vote. I have a general pair with that Senator.

The result was announced—yeas 30, nays 42, as follows:

YEAS—30.

Bradley	Colt	La Follette	Smoot
Brady	Crawford	Lodge	Sterling
Brandegee	Cummins	Nelson	Sutherland
Bristow	Dillingham	Norris	Townsend
Burton	Gallinger	Page	Weeks
Catron	Gronna	Perkins	Works
Clapp	Jones	Poindexter	
Clark, Wyo.	Kenyon	Sherman	

NAYS—42.

Ashurst	Johnston, Ala.	Ransdell	Smith, S. C.
Bacon	Kern	Reed	Stone
Bankhead	Lane	Robinson	Swanson
Borah	Lewis	Saulsbury	Thomas
Bryan	Martine, N. J.	Shafroth	Thompson
Chilton	Myers	Sheppard	Thornton
Clarke, Ark.	O'Gorman	Shields	Tillman
Hollis	Overman	Shively	Walsh
Hughes	Owen	Simmons	Williams
James	Pittman	Smith, Ga.	
Johnson, Me.	Pomerene	Smith, Md.	

NOT VOTING—24.

Burleigh	Goff	McCumber	Root
Chamberlain	Gore	McLean	Smith, Ariz.
Culberson	Hitchcock	Martin, Va.	Smith, Mich.
du Pont	Jackson	Newlands	Stephenson
Fall	Lea	Oliver	Vardaman
Fletcher	Lippitt	Penrose	Warren

So Mr. BURTON's amendment was rejected.

The reading of the bill was resumed, on page 10, line 16, with paragraph 43, as follows:

43. Magnesia: Calcined, 3½ cents per pound; carbonate of, precipitated, 1½ cents per pound; sulphate of, or Epsom salts, one-tenth cent per pound.

44. Menthol, 50 cents per pound.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator in charge of this portion of the bill what is the object of the increased duty contained in the last paragraph read? I understand it is an increase over the present law. I refer to the clause in reference to menthol.

Mr. JOHNSON of Maine. Mr. President, it is merely a revenue duty. Menthol is imported.

Mr. NORRIS. Well, Mr. President, can the Senator give me any information as to the production of it?

Mr. JOHNSON of Maine. There is no production in this country, I will say to the Senator; it is imported. The figures show that in 1912 we imported $200,000 worth, on which there were collected duties amounting to $50,000. The rate has not been raised. The Senator is wrong about that. The rate under the present law is 25 per cent. We propose a specific duty of 50 cents a pound, which is equivalent to an ad valorem of 16.67—a considerable reduction.

Mr. NORRIS. Now, I should like to ask the Senator if it is not an article of common use in medicine?

Mr. JOHNSON of Maine. It is used in medicine.

Mr. NORRIS. Is there any other reason for putting any duty on it except to raise revenue?

Mr. JOHNSON of Maine. As I said, the duty has been imposed for the purposes of revenue only.

Mr. NORRIS. I desire to ask the Senator if this paragraph were stricken out, would this article under this bill go into what is known as the basket clause?

Mr. JOHNSON of Maine. It would go into the basket clause at 15 per cent.

Mr. NORRIS. I am much obliged to the Senator. Mr. President, it seems to me that this article ought to be on the free list.

Mr. CRAWFORD. What is the proposed ad valorem rate?

Mr. NORRIS. It is estimated here to be 16.67 per cent ad valorem.

Mr. WILLIAMS. May I ask the Senator why he thinks it ought to be on the free list?

Mr. NORRIS. Because, in the first place, it is an article, as I understand, of common use in medicine, and not produced in this country.

Mr. WILLIAMS. Now, Mr. President, the first reason is a very good one——

Mr. NORRIS. So that it is putting a direct tax on those who must use it in the case of sickness. In my opinion, such articles ought to be placed on the free list.

Mr. WILLIAMS. Mr. President, the Senator has given two reasons. The first one has some reason in it and perhaps some merit in it, but the second reason has none at all, to wit, that the article is not produced in this country. That is a recommendation. Where you want to raise revenue it is well, wherever you can, to raise it upon products that are not produced in this country, because, then, when subsequently you either lower the rate or raise the duty you do not disturb domestic business conditions.

There is another good reason why it is preeminently fitted to raise revenue, and that is, that every dollar which the consumer pays upon it goes into the people's Treasury. Therefore, what the American citizen pays in his individual capacity comes back to him in his collective capacity.

I hope the Senator will not forget the difference between the standpoint of the two parties upon this question. He may regard it as very reprehensible to put a duty upon an article that is not produced here, whereas we regard it as an ideal revenue article, first, because every dollar of it goes into the Treasury and none of it into private pockets, and, secondly, because you can change the laws of your country afterwards with regard to an article like that to meet revenue necessities and raise or lower the duty without disturbing any domestic business.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Certainly.

Mr. POINDEXTER. It is just as much of a tax upon the consumer, is it not, as when levied on the manufactured article?

Mr. WILLIAMS. Absolutely. It is just as much of a tax upon the consumer as if a part of it went into the pockets of the manufacturer; but the consumer has the consolation of knowing that what he has paid as a citizen in his individual capacity

has been received by the American people, of whom he is one, in a collective capacity. That is the difference.

Nobody disputes the right of the Government to levy a tax. The Government has a right to levy a tax of 100 per cent upon me if it is necessary to carry on the Government; it has a right to levy a tax upon my very life if necessary to save the life of the Republic; but the Government, according to our standpoint, has no right, although we are here in this bill respecting a lot of vested wrongs, to levy a tax for the purpose of enriching or profiting somebody else. Therefore an ideal article for a revenue duty is an article which is not produced in the United States.

Mr. NORRIS. Mr. President, I think the Senator from Mississippi has fairly stated the difference in principle. He believes in the principle of a tariff for revenue only, and it is true, as the Senator has said, that you will get the largest amount of revenue if you levy the tax upon something that is not produced in this country.

The Senator concedes that there is something in the other reason I gave. To me and to those who believe as I do, in a reasonable protection, the fact as to whether something is or can be produced in this country has a great deal to do with the levying of a tax upon any article of commerce that is imported into the country. This, in my judgment, however, even though I believed in a tariff for revenue, would be the last place where I should want to levy tribute.

The Senator says, and he says truly, that the Government has a right to levy a hundred per cent, if it wants to, upon any individual or upon any particular article. The right and reason of it are, however, two different things, in my judgment. This, as the Senator has said, is an instance where there is no doubt, no dispute between any of us that the consumer will have to pay the amount of the tax as levied and, as the Senator says, it is levied upon the people who use it and the contribution goes to all of the people in their collective capacity. It seems to me that is levying a tax upon those who are in distress and who are sick; and that is the last place to which we ought to ask the Government to reach out its hand and levy a tax for the support of the Government. It seems to me that it is one of the instances where there should be absolute free trade in the article.

Mr. WILLIAMS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WILLIAMS. If the Senator will pardon me, he has used the phrase "levying a tax." I beg to call the Senator's attention to the fact that the tax is already levied at the rate of 25 per cent, and that this bill reduces it to 16.6 per cent; in other words, it reduces it about one-third.

Mr. NORRIS. Yes; I understand that; but I am surprised that Senators on the other side should so often defend the much condemned Payne bill. I think that the proposed rate of the bill, if the ad valorem is figured correctly—and I presume it is—is an improvement over the present law; but, because there is something wrong—and there are a great many things wrong in the present law—is no reason why, in my judgment, something that should not at all be burdened with taxation should be included in the list of those things that must pay a tariff. This rate is high; it is 50 cents a pound, which amounts to an ad valorem duty, as estimated by the committee, of practically 17 per cent. It seems to me, therefore, Mr. President, that the motion I have made ought to prevail, and if it does I desire to give notice that when we come to the free list I will make a motion to put this article on the free list.

Mr. LODGE. If the Senator will allow me——

Mr. NORRIS. I yield to the Senator.

Mr. LODGE. It seems to me—and although the Senator has been bringing it forward, I think it well deserves emphasis—that a broad distinction has always been made in taxation on consumption between articles of voluntary and articles of involuntary use.

Mr. NORRIS. I think so.

Mr. LODGE. Tobacco and wine, for instance, are taxed by all nations. They are articles of consumption, but of voluntary use, while medicines that must be used by the sick are articles of involuntary use.

Mr. NORRIS. If there is anything that is a necessity, it seems to me it is medicine that must be purchased in case of sickness. Moreover, the amount of medicine that must be purchased by the poor is just as great and the price is just as high as when purchased by those who can better afford it. Therefore, Mr. President, I move to strike out the paragraph; and, as I have already said, if the motion prevails, when we get to the free list I will make a motion to put the article on the free list, so that it will not fall in the basket clause. On my amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I repeat my announcement of my pair with the junior Senator from Maryland [Mr. JACKSON]. If at liberty to vote, I should vote "nay."

Mr. DILLINGHAM (when his name was called). On this question I am paired with the junior Senator from Colorado [Mr. SHAFROTH], and therefore withhold my vote.

Mr. MYERS (when his name was called). I have a standing pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. He is absent. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I desire to withdraw my vote.

Mr. ROBINSON. I desire to announce that my colleague, the senior Senator from Arkansas [Mr. CLARKE], is necessarily absent from the Chamber on important public business. He is, however, paired with the junior Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

Bradley	Clark, Wyo.	Jones	Perkins
Brady	Colt	Kenyon	Poindexter
Brandegee	Crawford	La Follette	Sherman
Bristow	Cummins	Lodge	Smoot
Burton	Gallinger	Nelson	Townsend
Catron	Goff	Norris	Weeks
Clapp	Gronna	Page	Works

NAYS—40.

Ashurst	Kern	Ransdell	Smith, Md.
Bacon	Lane	Reed	Smith, S. C.
Bankhead	Lewis	Robinson	Stone
Borah	Martin, Va.	Saulsbury	Swanson
Bryan	Martine, N. J.	Sheppard	Thomas
Hollis	O'Gorman	Shields	Thompson
Hughes	Overman	Shively	Thornton
James	Owen	Simmons	Tillman
Johnson, Me.	Pittman	Smith, Ariz.	Vardaman
Johnston, Ala.	Pomerene	Smith, Ga.	Walsh

NOT VOTING—28.

Burleigh	Fall	McCumber	Shafroth
Chamberlain	Fletcher	McLean	Smith, Mich.
Chilton	Gore	Myers	Stephenson
Clarke, Ark.	Hitchcock	Newlands	Sterling
Culberson	Jackson	Oliver	Sutherland
Dillingham	Lea	Penrose	Warren
du Pont	Lippitt	Root	Williams

So Mr. NORRIS's amendment was rejected.

The reading of the bill was resumed and continued to the end of paragraph 45, page 11, as follows:

45. Oils, rendered: Sod, seal, herring, and other fish oil, not specially provided for in this section, 3 cents per gallon; whale oil, 5 cents per gallon; sperm oil, 8 cents per gallon; wool grease, including that known commercially as degras or brown wool grease, crude and not refined or improved in value or condition, ½ cent per pound; refined or improved in value or condition, and not specially provided for in this section, ¾ cent per pound; lanolin, 1 cent per pound; all other animal oils, rendered oils and greases, and all combinations of the same, not specially provided for in this section, 15 per cent ad valorem.

Mr. SMOOT. Mr. President, I should like to ask the Senator in charge of the bill why it is that the committee has increased the rate upon lanolin.

Mr. JOHNSON of Maine. Lanolin is an improved or refined wool grease. I think it came in as refined wool grease.

Mr. SMOOT. That is true.

Mr. JOHNSON of Maine. When marked as lanolin and imported as lanolin, a rate is provided here different from the rate on wool grease.

Mr. SMOOT. It is a refined wool grease, and under the present law, by a decision of the courts, it enters this country at one-half cent per pound. The committee increased that rate from one-half cent to 1 cent a pound.

I move, in the case of lanolin, to strike out "1" and insert "½."

Mr. BRISTOW. Mr. President, as I understand, lanolin, as has been said, is a refined wool grease. I should like to inquire why it is that as soon as the wool leaves the sheep's back the committee proposes to begin to tax the wool and its various by-products?

The same principle is involved here that was involved in the potato and dextrine discussion. Wool is put on the free list; that is, the product of those who produce the wool. It is the finished product of the farmer, the man who owns the sheep. When it leaves his hands it then takes a protective duty, not only in its principal products, but in its by-products as well.

I should like to know why it is any more desirable to put a duty on the grease that is extracted from the wool than on the wool before the grease is extracted.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I yield.

Mr. GALLINGER. If the Senator will permit me, this particular article is a medicinal preparation, on which it is proposed greatly to increase the duty—in fact, to double it. It is used very largely in medicine.

Mr. BRISTOW. As the Senator from New Hampshire says, this particular product of wool grease is a medicine.

Mr. GALLINGER. It has been so decided by the courts in a test case.

Mr. NORRIS. If the Senator will yield, I do not suppose he directed his query to me; but if no one else will answer, I will suggest that it seems to me it can be easily answered. The duty under consideration is levied against some one who is sick and helpless and can not defend himself. It is a good place to put it on.

Mr. BRISTOW. But, as I said in the discussion this afternoon, the gravest objection I have to this bill is its unwarranted discrimination. I should like to have some one who is in favor of the bill, if he will, tell me why the man who takes the grease from the wool is entitled to a protective duty on the grease when he gets it out, while the farmer who grows the wool on the back of the sheep is not given any protection on the wool and the grease.

Mr. JOHNSON of Maine. Mr. President, I will say that in the case of all of these rendered oils there has been a large reduction from the present duty. The rate in the present law is an average of 25 per cent ad valorem. The specific rates we fix here approximate 15 per cent ad valorem, so as to correspond with the provision at the end of the paragraph for greases not specifically enumerated in the paragraph. Lanolin before this bore a duty of 25 per cent. We made the duty 1 cent per pound, because the product varies largely in value, and that, as given here in the handbook, is a little over 8 per cent ad valorem.

Mr. SMOOT. The Senator must know that after the court decision as to what lanolin really was, it came in at one-half cent per pound.

Mr. JOHNSON of Maine. If it is marked as lanolin and comes in as a medicine, this duty applies. Put up as such, it comes in as lanolin.

Mr. BRISTOW. Does the Senator from Maine concede as correct the statement the Senator from Utah has made, that under a court decision the present duty on this article, lanolin, is half a cent per pound?

Mr. JOHNSON of Maine. It is 25 per cent ad valorem, as given in the handbook here.

Mr. BRISTOW. In the handbook, yes; but the Senator from Utah states that under a court decision the duty that has been collected and is now being collected is but half a cent a pound.

Mr. JOHNSON of Maine. When it could not be distinguished, was not marked as lanolin, and did not come put up as lanolin, it might come in as refined wool grease, so I have been informed by the importers, and then it bore a duty of half a cent a pound.

Mr. SMOOT. The Senator is wrong, because in the case of Koechl against United States the court decided that when it was a medicinal compound it came in at half a cent a pound. Since that decision it has always come in as a medicinal compound at half a cent a pound. Now the duty is increased 100 per cent.

Mr. JOHNSON of Maine. It seems from the book here that whatever came in in 1912 came in at a duty of 25 per cent.

Mr. SMOOT. I know the duty was 25 per cent before the court's decision, but since the decision, as the Senator will find if he will write to the New York appraisers, it has come into the United States at half a cent a pound under that decision.

Mr. HUGHES. Mr. President, it will still come in at half a cent a pound unless it is described as lanolin. Is not that correct?

Mr. SMOOT. No; if it is described as lanolin, it will come in at 25 per cent. That is the trouble with the bill. If you will make that half a cent a pound, you will have the same rate that we have to-day.

Mr. BRISTOW. That, of course, the committee will doubtless correct. Evidently it is a mistake. I do not think they intended to double the duty that now prevails on this article. But my question, which I should like to have answered if any Senator will answer it for me, is as to why there should be a duty on the grease which is taken out of the wool when there is no duty on the wool.

Mr. JOHNSON of Maine. The same thing might be said of fish oil and the other rendered oils in the same paragraph. Fish is upon the free list in the bill, while the oil extracted from the fish by rendering bears a duty. The paragraph as we found it, as I say, bore a duty of 25 per cent ad valorem. We have reduced the duty to an equivalent ad valorem of 15 per cent, making no distinction between wool grease and fish oil and whale oil and the other rendered oils, but making a large reduction.

Mr. BRISTOW. I will leave the discussion of lanolin to other parties; but the Senator has stated the fact. I understand the fact. I understand that wool is on the free list. The objection I am offering is that the man who produces the wool and puts it upon the market, that being the result of his labor and his effort, is not protected, while——

Mr. JOHNSON of Maine. Will the Senator yield for a question?

Mr. BRISTOW. Certainly.

Mr. JOHNSON of Maine. Is it the Senator's position that whatever is made from an article that is on the free list should itself be on the free list? Does the Senator contend that in every instance where a raw material is upon the free list the manufactured product should be upon the free list?

Mr. BRISTOW. No; the Senator from Kansas never has taken any such position as that. The Senator from Kansas is undertaking to find out why, when wool—not every other article, but wool—is put on the free list, the grease that is taken out of the wool should be dutiable.

Mr. JOHNSON of Maine. The same question might be asked as to fish and all other animal oils. They are on the free list.

Mr. BRISTOW. Yes; but I am asking as to wool.

Mr. JOHNSON of Maine. They are on the free list, but the oils produced from them are on the dutiable list.

Mr. BRISTOW. I am not asking as to fish. The inquiry I make is in regard to wool.

Mr. CUMMINS. I should like to ask the Senator from Kansas, if he has looked into the matter, how it happened that in 1912 this commodity was worth 61.3 cents per pound, according to this statement, and it is estimated that for the future it will be worth only 12 cents per pound?

Mr. BRISTOW. If the Senator will look a little further he will see that in 1910 it was worth only 11 cents per pound.

Mr. SMITH of Georgia. The "6" has been put in the wrong place. It should be "13.6." It is evidently a misprint.

Mr. HUGHES. Yes; I noticed there was a misprint there.

Mr. CUMMINS. There are so many of these misprints that one does not know when to rely upon these figures.

Mr. SMITH of Georgia. It shows very clearly that it is a misprint.

Mr. BRISTOW. I am waiting for a reply from somebody responsible for this bill as to why a duty is put on the grease that is taken out of the wool when there is no duty on the wool. What is the principle of it?

Mr. JOHNSON of Maine. I have replied to the Senator. I see no difference between wool and any of the other articles from which greases and oils are extracted. We have placed a duty upon them here for revenue purposes and have not taken into consideration in this connection wool itself, any more than we have fish or cattle or any of the other articles from which oils are rendered.

Mr. BRISTOW. If this duty is imposed for revenue, does not the Senator think a duty on wool would be very much more productive of revenue than this?

Mr. JOHNSON of Maine. We are not discussing the question of wool. We are discussing oil and grease, and that is what I understood the Senator to discuss. We will come to wool later.

Mr. BRISTOW. I am very sorry, but I have been trying to find out why this article has a duty. The Senator states now that other oils have duties, and therefore this has; but I do not think the Senator put a duty on this simply because some other oil had a duty.

Mr. JOHNSON of Maine. Mr. President, I see no reason why the oil from wool and the oil from fish and cattle should not all be treated alike.

Mr. BRISTOW. Then I will ask why a duty is put on the oil of wool or of fish? Why should the man who takes the

grease out of wool or the oil out of fish be protected and the man that raises the sheep and shears the wool or catches the fish not be taken into consideration? Why should this discrimination be made?

Mr. JOHNSON of Maine. As a Yankee, I will do what a Yankee always has a right to do—answer one question by asking another. I will ask the Senator from Kansas again if he believes that wherever raw materials are free the articles manufactured from those raw materials should be free?

Mr. BRISTOW. No; I very readily answer the Senator. I do not think that principle is a sound one. I am not asking for any general proposition, however.

Mr. JOHNSON of Maine. Then why does the Senator insist that because wool is on the free list any oil or grease made from wool should be on the free list?

Mr. CUMMINS. Mr. President, I desire to call the attention of the Senator from Kansas to the fact that oils, generally speaking, are not on the dutiable list. If the Senator will turn to paragraph 566 of the free list, he will find that birch tar, cajeput, coconut, cod, cod-liver, cottonseed, croton, and several other kinds of oil that I shall not attempt to pronounce, many other kinds of oil, are on the free list. Why should not these oils also be on the free list?

Mr. SMOOT. And they cost more to extract than lanolin costs.

Mr. JOHNSON of Maine. In reply to the question of the Senator from Iowa, I will say that the oils enumerated in paragraph 566, as the Senator from Utah knows, are largely used in the manufacture of paints and varnishes. Chinese nut oil, soya-bean oil, and so forth, have always been upon the free list. We made a very heavy cut in all paints and varnishes, cutting them from 30 per cent to 15 per cent ad valorem. They have always had these oils which are used in making paints and varnishes upon the free list, and at this time, when we made this very deep cut in the duties on paints and varnishes, it did not seem fair to the committee to put their raw materials upon the dutiable list.

Mr. SMOOT. Can the Senator, then, give any reason why——

The VICE PRESIDENT. Let us go ahead in solos and not have duets.

Mr. BRISTOW. I yield to the Senator from Utah if he desires to be recognized.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Kansas yields to the Senator from Utah.

Mr. SMOOT. I was going to ask the Senator what excuse there is for putting expressed oils on the dutiable list, as has been done here, particularly those that have been mentioned, and then putting upon the dutiable list the distilled and essential oils that have been on the free list for years?

Mr. JOHNSON of Maine. I am very willing to answer the question. Those oils enter into the manufacture of perfumeries and articles which are luxuries, and which can well bear the duty. We have given a high rate upon perfumeries—a higher rate than in the Payne bill—but they go into articles which are luxuries.

Mr. SMOOT. Does the Senator say the committee has given a higher rate on perfumeries than was given in the Payne-Aldrich bill?

Mr. JOHNSON of Maine. It is about the same rate. We raised it from 50 per cent, I think, to about 60 per cent.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I yield to the Senator from Nebraska.

Mr. NORRIS. Referring particularly to the answer just made to the Senator from Utah by the Senator from Maine, when he says that the committee have placed the other oils mentioned on the dutiable list because they are used in the making of perfumery, which is a luxury——

Mr. JOHNSON of Maine. That was my answer.

Mr. NORRIS. Why should the committee raise the duty on the particular oil about which the Senator from Kansas is inquiring, and which, as I understand, is a medicine?

Mr. JOHNSON of Maine. We have not raised the duty; we have reduced the duty. When it comes in under the trademark "lanolin," and it does so come in, as a medicinal preparation, it has to bear the duty which is given here.

Mr. NORRIS. As I understand, the raw material out of which this product is made is placed on the free list.

Mr. JOHNSON of Maine. Yes.

Mr. NORRIS. Therefore that in itself would have a tendency to make it necessary, if you wanted to equalize it, to lower the duty on the product. It seems to me that this is an instance where the theory of the Senator ought to operate practically to put this particular article on the free list; because, as I understand the facts, it is not only a necessity, but a necessity in case of sickness and distress.

Mr. JOHNSON of Maine. We have reduced the duty from 25 per cent to 8 per cent.

Mr. BRISTOW. But the court decision——

Mr. JOHNSON of Maine. I mean upon the article when it comes in under its trade name, "lanolin"; not as wool grease, but when marked "lanolin," and coming in as lanolin.

Mr. BRISTOW. I will let the Senator from Utah take care of the lanolin part of it. That is his amendment. I wish to get back to wool. I am rather persistent in regard to this item, because it illustrates the principle upon which the bill seems to have been constructed, and I have a very pronounced objection to that principle.

I made the statement this afternoon, in discussing the duty on potatoes and potato starch, that the bill seemed to be drawn for the special purpose of discriminating against the American farmer, the agricultural interests of the country. The cry was raised that potatoes were a food product necessary on every American table, and therefore that they should be on the free list.

Wool, I suppose, is put on the free list because clothing is made from wool; I suppose that will be the argument; and therefore it will have a tendency to cheapen the clothing. I repeat, because I want to get this in the mind of every Senator so that it will not escape him, wool, the product of the labor and effort of the American farmer, is placed upon the free list. He is given no protective duty whatever. But the very minute that the wool leaves the farmer, then not only is it on the protective list, but its by-products are on the protective list. The man who takes the wool and washes it and takes the grease out of it gets a protective duty by this bill for the labor he puts in the extracting of the grease from that wool. If he buys that wool abroad and ships it in he gets the same protective duty as against the foreign producer of the wool grease.

Mr. SHEPPARD. Mr. President——

Mr. BRISTOW. I yield to the Senator from Texas.

Mr. SHEPPARD. What duty would the Senator put on raw wool?

Mr. BRISTOW. I would put about 30 per cent if I were fixing it.

Mr. SHEPPARD. What duty would you put on clothing?

Mr. BRISTOW. Well, I should think if there was a duty on wool of 30 per cent, probably the duty in this bill would not be much out of the way. I voted for a wool bill last year prepared by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SHEPPARD. What duty did it put on clothing?

Mr. BRISTOW. On clothing, from 30 to 50 per cent.

Mr. SHEPPARD. And a duty on wool of about 29 per cent?

Mr. BRISTOW. Twenty-nine per cent.

Mr. SHEPPARD. Then why do you discriminate against the owner of the raw material by putting so much more on the finished product than on the raw material?

Mr. BRISTOW. Because there is more labor in the cloth.

Mr. SHEPPARD. But why make the discrimination?

Mr. BRISTOW. I undertake to compensate for the additional labor.

Mr. SHEPPARD. Exactly. A duty on the raw material always leads to a higher tax on the finished product.

Mr. BRISTOW. Of course, a duty on the raw material; but if you are imposing a duty on the finished product, why do you favor the man who takes the wool when he buys it from the farmer and protect him on up until the cloth is made and leave the farmer out of the proposition?

Mr. SHEPPARD. You make the same discrimination and a greater one.

Mr. BRISTOW. No; we make no similar discrimination at all. We give a protective duty to the woolgrower and then we add to that whatever is necessary to maintain the American standard of wages in the production of the articles made from wool.

Mr. SHEPPARD. You put a higher duty on the finished product than on the raw material.

Mr. BRISTOW. Of course that is necessary, but will the Senator from Texas answer me this question, since the Senator in charge of the bill seems to hesitate to do it: Why is the man who takes the grease out of the wool entitled to a protective duty when the man who produces the wool and sells it to the man who takes the grease out of it is without the protection of a duty?

Mr. SHEPPARD. A duty on the raw material compels a higher duty on the finished product for the very reason that

prompts the Senator when he puts a duty on raw wool to put a higher duty on cloth.

Mr. BRISTOW. The Senator is mistaken.

Mr. SHEPPARD. A higher duty, because it involves compensatory duty.

Mr. BRISTOW. The Senator is mistaken. This bill puts exactly the same duty on grease that the law now provides.

Mr. JOHNSON of Maine. No; it is a large reduction. The Senator is wrong.

Mr. BRISTOW. Let me see. I am going by these figures here. It may be wrong, but I will read it. Grease of wool, including a lot of other things here——

Mr. JOHNSON of Maine. It was a half a cent a pound and we made it a quarter of a cent a pound.

Mr. BRISTOW. It was one-fourth of a cent a pound in 1912 according to these figures.

Mr. SMOOT. A quarter of a cent is right.

Mr. BRISTOW. One-half of a cent and one-half a cent under grease of wool; that is, the crude grease refined. In one instance it is one-fourth in 1912.

Mr. SMOOT. In paragraph 290 of the present law the Senator will find the rate. It is a quarter of a cent, just as he states it. It says here—

known commercially as degras, or brown wool grease, crude and not refined, or improved in value or condition, one-fourth of 1 cent per pound.

It is the same that it is here.

Mr. JOHNSON of Maine. The Senator is right. I have to confess I had the duty upon the refined.

Mr. BRISTOW. I would be glad if my friend from Texas should tell me why he is in favor of continuing protection on the fellow who takes the grease out of the wool the same in this bill as in the present law, while he does not continue the protection on the man who grows the wool.

Mr. SHEPPARD. I do not think we should approach tariff legislation from the standpoint of the man who gets a benefit from tariff duties, but from the standpoint of the American people as a whole. No man has a right to say that a tax shall be levied on any article he produces, but the American people have a right from the standpoint of their own good to say what article shall be taxed, even if that tax carries a benefit with it, and although some other article may be left without a tax. It is to the interest of the people at large to have taxes placed on the finished product rather than upon the raw material that enters into the finished product.

Mr. BRISTOW. Wherein do the people at large benefit by continuing the duty on wool grease?

Mr. SHEPPARD. As I understand it, the general principle underlying the bill is to put raw material where we can on the free list, because we are thereby enabled to reduce the duties more easily on the finished product.

Mr. BRISTOW. There is no reduction on wool grease, and that is the raw material for the manufacturer who buys it to use it.

Mr. SHEPPARD. That is an item of comparative unimportance so far as the entire bill is concerned. I am not familiar with the intricacies of the chemical schedule. My object in answering the Senator was to explain why we are endeavoring to put raw materials on the free list.

Mr. BRISTOW. All raw materials do not go on the free list.

Mr. SHEPPARD. I understand that. I am speaking of the general rule underlying the principle of free raw material.

Mr. BRISTOW. I am sorry that the Senator can not or does not undertake to answer the question as to why it is necessary to maintain the present duty on wool grease and not retain or place any duty on wool at all. Why is the duty put on wool grease?

Mr. SHEPPARD. Why do you put a higher duty on manufactured articles than you do on raw material?

Mr. BRISTOW. I have tried to explain that it is——

Mr. SHEPPARD. It is due to the nature of the manufactured articles, is it not, as compared with the nature of the raw materials? The Senator said something about more labor entering into the manufactured article, did he not?

Mr. BRISTOW. Yes; but then the raw material of this man is put on the free list, while his duty is maintained to just the extent that it was before.

Mr. SHEPPARD. That is true; but we can not apply our principles entirely at one effort. We are making these reductions on a conservative plan. The same reason which calls for the difference of duty between raw material and the manufactured article, to which the Senator refers, is the reason which I cite as prompting a higher rate on clothing than on raw wool.

Mr. BRISTOW. Now, let me see. The Senator is in favor of free raw material and a duty on the finished product. The finished product of the farmer is the fleece of wool. That is the product of his labor. That is what he has to sell. Now, the Senator is not in favor of putting a duty on the finished product of the farmer because it happens to be the raw material of some manufacture, but whenever he gets to the finished product of the manufacturer then he is in favor of a duty.

Mr. SHEPPARD. Yes, Mr. President; in favor of a low duty on the finished product, because it is best for the American people to frame tariff laws in that way.

Mr. BRISTOW. Yes; it is in the interest of the American people, according to the Senator from Texas, to put the American farmer in competition with all mankind for what he produces as the result of his labor, but not to put him on the same basis when he buys the clothes that he wears.

Mr. SHEPPARD. He will get his clothing cheaper.

Mr. BRISTOW. He has to pay a duty on it because it passes through the hands of the American manufacturer.

Mr. SHEPPARD. I can not, of course, go entirely into the whole proposition the Senator is submitting now, but I understand the object of putting the raw material on the free list is to reduce the duty on the finished product as close to a revenue basis as we can, and thereby lighten the burden on the whole American people as far as we can.

Mr. BRISTOW. I see. Let us look at it again.

Mr. SHEPPARD. You give a compensatory duty for every tax you levy on the raw material.

Mr. BRISTOW. That is, the farmer is put on the free list with his wool. The Senator says that putting him on the free list makes it possible for him to get his clothing cheaper. He gives the manufacturer protection as soon as he gets the wool. It makes no difference what he does with it; everything from the time the wool leaves the farm until it is consumed in these various forms is made dutiable; there is a protective duty put on it.

The Senator says thereby the farmer gets his clothing cheaper. How much cheaper? Just as much cheaper as the duty on wool being taken off cheapens the product; that is, you deduct from the price of his clothes the amount you take from the price of his wool and leave him standing just where he was, taxed for the benefit of the manufacturer for every operation from the time the wool leaves the sheep's back until it is worn out by the farmer and his family.

Mr. SHEPPARD. But you always place an additional tax on the finished product when you put a duty on the raw material. I think that offsets any benefit the farmer may gain from the duty on the raw material.

Mr. BRISTOW. We give him the same advantage and apply to him the same rule that is applied to men engaged in other industries and we do not single him out alone and put him in competition with all mankind.

Mr. SHEPPARD. You single him out by deluding him with duties that are fictitious on most of his products. You not only oppress him with protective duties on what he buys, but insult his intelligence by trying to make him believe that the duties on most of his products are beneficial.

Mr. BRISTOW. Delude him with a fictitious duty? If the fictitious duty is of no good, if it does not increase the farmer's price, then why do you want to take it off?

Mr. SHEPPARD. In order to prevent you from insulting his intelligence any further.

Mr. BRISTOW. That is a very polite and intelligent answer from the distinguished statesman from Texas.

Mr. SHEPPARD. I am exceedingly obliged to the Senator from Kansas. I think that my answer will compare in intelligence with the luminous contribution he is making to this discussion.

Mr. BRISTOW. That is a very delightful way to get out of answering a question that can not be answered without admitting the grave injustice that is charged, that this bill apparently deliberately undertakes to deprive the American farmer of the advantage that he would receive from the protective tariff duties and still maintains upon the manufactured articles which he is compelled to buy these protective duties.

Mr. SHEPPARD. The Senator will not be able to make the American farmer believe a fallacy of that kind.

Mr. BRISTOW. That may be.

Mr. SMITH of Georgia. He is convincing us.

Mr. BRISTOW. The Senator from Georgia suggests that "he is convincing us." I understand the futility of this argument. When we were discussing the potato and dextrine duties, Senators rose on that side and said they did not believe this duty ought to be maintained as high as it was, but when the roll call came they voted to maintain it; that is, they voted against what they believe to be right. Senators may be willing to bind themselves in the secret chambers of a party caucus to vote against

their conscience, but I do not believe that it is a policy that will meet the approval of the American people.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I gladly yield to the Senator from Missouri.

Mr. REED. Of course, I can understand why a man without a party should object to any other man belonging to a party. I can also understand why a man unable to agree with his own party and unable to agree with himself should object to a number of men meeting and counseling together and agreeing upon a policy. But the thing that struck me with wonder and amazement as I have sat here this afternoon listening to the argument which the Senator from Kansas says in advance he knows will be futile, and therefore it would seem it ought not to be made, because a futile argument is a mere waste of time——

Mr. BRISTOW. Mr. President——

Mr. REED. The thing that struck me with surprise was how the American farmer struggled along in this country for some two or three hundred years before the Senator from Kansas appeared upon the floor of the United States Senate as guardian ad litem for all rural folk.

Mr. BRISTOW. Mr. President——

Mr. REED. I——

Mr. BRISTOW. Mr. President, I have the floor, I believe.

The VICE PRESIDENT. The Chair understood the Senator from Kansas to yield to the Senator from Missouri.

Mr. BRISTOW. I decline to yield any further.

Mr. REED. Well, Mr. President, in view of that statement I will quit the floor.

The VICE PRESIDENT. In view of that statement the Senator from Missouri is out of order.

Mr. BRISTOW. I am perfectly willing that the Senator from Missouri shall indulge in his oratorical pyrotechnics in his own time whenever he sees fit to indulge in such personalities. I shall be very glad to yield to him to answer this question. Why does the Senator from Missouri favor a duty on the grease that is taken out of the wool, when he does not favor a duty on the wool as it comes from the sheep's back?

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. Very gladly I yield, if the Senator can answer that question.

Mr. REED. I think that question is so easily answered that I am surprised the Senator has spent so much time wrestling with it.

In the first place, I might answer that if the Senator can just transport himself intellectually from the platform of the protectionist, levying a tax for graft purposes, to the position of the man who wants to levy a tax for revenue purposes, he will have no difficulty in understanding why a great raw material, used by all the people of the country, should go untaxed. If he will only remember that we have to levy taxes upon some articles in order to get revenue, he will have no great difficulty in understanding why we might have the temerity to lay a tax upon oil that happens to be extracted from wool.

That is a complete answer, I think, to the whole question; but if I might have the attention of the Senator from Kansas I should like to ask him a question.

Mr. BRISTOW. Just a moment, and I will yield to the Senator for that purpose. I understand the Senator is in favor of putting a duty on wool grease for revenue purposes.

Mr. REED. Yes; anything that we want to tax for revenue purposes, whatever it is.

Mr. BRISTOW. The duty collected on——

Mr. REED. I do not care whether the revenue derived from wool grease is great or small. I am not interested in that. If it is small it hurts nobody. If it is great it benefits us in revenue.

Mr. BRISTOW. The duty collected on wool grease last year was $225,000, while, if I remember rightly, the duty on wool was about $16,000,000, or several millions at least.

Mr. REED. Very well. Now, I should like to ask the Senator from Kansas a question from his protectionist standpoint.

Mr. JOHNSON of Maine. The Senator, I think, read the wrong figures when he gave the amount of duty collected. I think the Senator did not mean to read the figures on wool grease as he gave them.

Mr. BRISTOW. Grease of wool, crude, $210,000.

Mr. JOHNSON of Maine. But that was the value of it; the duty did not amount to that.

Mr. BRISTOW. The duties amounted to $26,000. I beg the Senator's pardon. The duty on wool was about $14,000,000 last year. So that, for the purpose of collecting revenue, I should think a duty on wool would be very much better.

Mr. REED. Certainly we could get more revenue from wool, but we do not choose to levy a tax on wool because it is an article of such general consumption and is so much of a necessity that we saw fit to take the tax off, particularly in view of the fact that under the protective tariff upon wool, which has been a tremendous burden to the American people, we have found the flocks and herds of this country, considered with relation to the population, constantly decreasing. We have also found that about 80 or 90 per cent of the sheep are owned by a few men in western States, and we have found that when we levied a tax upon wool that tax was added to all the other taxes levied on the finished product and finally was paid by the consumer eight or ten fold. Now, I should like to ask the Senator this question——

Mr. BRISTOW. Just a moment. Why does the Senator propose to tax cloth made from wool?

Mr. REED. Because we must have revenue. The Senator from Kansas seems to be utterly unable to understand that some things may properly be on the free list whereas others may properly be taxed.

Let me ask the Senator, Does he believe that nothing should be on the free list? Will the Senator just answer that yes or no?

Mr. BRISTOW. No; I have not taken any such position as that; certainly not.

Mr. REED. If certain things ought to be——

Mr. BRISTOW. Wait a moment.

Mr. REED. Let me ask the Senator another question. If certain things ought to be upon the free list, then you concede by that that all things should not be taxed, do you not? That brings us down simply to the question of whether wool is a thing which ought or not to be taxed; and that is a matter which lies in the future. Now, I should like to ask this question——

Mr. BRISTOW. Just a moment.

Mr. REED. If wool were taxed, as the Senator believes it ought to be——

Mr. BRISTOW. If the Senator will pardon me just a moment——

Mr. REED. I should like to finish my question.

Mr. BRISTOW. I should first like an answer to the question which I asked the Senator, and then I should be very glad to listen to his question. I asked the Senator why he favored a tax on woolen cloth and not a tax on wool, and I understood him to say it was because he wanted to get a revenue from the woolen cloth.

Mr. REED. Oh, no. The Senator from Kansas did not ask the question in that form, nor did he get that kind of an answer. He asked me why I favored free wool.

Mr. BRISTOW. No; I asked the Senator why he favored a duty on woolen cloth.

Mr. REED. I say to the Senator that I do not favor a duty on woolen cloth except on one principle, and that is that we must levy taxes in order to get revenue; and that is the reason the tax is levied in this bill.

Mr. BRISTOW. Why should it be levied on woolen cloth any more than on the wool?

Mr. REED. Has my friend from Kansas abandoned his grease proposition now?

Mr. BRISTOW. No; I am perfectly willing to——

Mr. REED. I want to take up grease for a little while.

Mr. BRISTOW. I am perfectly willing to go back to grease by and by, but the Senator from Missouri said, in answer to my question—at least I understood him to say—that he was in favor of free wool, because it was universally used by the American people.

Mr. REED. Yes.

Mr. BRISTOW. And then I asked him——

Mr. REED. And I will give the Senator another reason.

Mr. BRISTOW. I ask him why, if he is in favor of free wool, because it is universally used, he is in favor of a duty on woolen cloth which, of course, is also universally used?

Mr. REED. Because we must levy a tax upon some article in order to get revenue——

Mr. BRISTOW. So, the Senator——

Mr. REED. One moment—in order to get money to run the Government. We have levied it in this instance upon a finished product. By levying a duty upon a finished product you place the tax more lightly upon the people than when you levy it upon the raw material, for in that event the tax upon the raw material is carried on into the finished product, and it is multiplied by the profits that are added continually in the proc-

ess of manufacture, until the people actually pay eight or ten times the amount of the tariff levied upon the raw material. That is one reason.

I want to say that, of course, the Senator understands that when you come to levy tariff rates, unless you provide an absolutely horizontal rate upon everything, there will necessarily be this incongruity of which the Senator speaks. It has been in every bill that has ever been passed by a Republican Congress; it has been in every bill which the Senator himself has ever proposed, and he well understands that fact. I wanted to ask him this simple, little question in regard to grease—for I want to get back to grease, if I can get him there——

Mr. BRISTOW. First, let us get through with this and then let us go back to grease. The Senator has presented very clearly his view in regard to levying a duty upon the finished product of the manufacturer and eliminating it from the finished product of the farmer.

Mr. REED. Oh, that is a mere verbal dodge, Mr. President. The Senator understands the principle that if there is any benefit to the manufacturer out of the tariff which is levied there is an incidental protection. If that does tend to build up manufactures, if that theory be true, then that makes that much of a market to the farmer. That is the kind of argument you have been making for 50 years, and you can not get away from it now.

Mr. BRISTOW. Not quite for 50 years.

Mr. REED. Well, the Senator has not been individually making it for 50 years, but his party has.

I want to come back to grease, if I can get the Senator there.

Mr. BRISTOW. Wait until we get through with this. The Senator from Missouri is, therefore, perfectly willing that the manufacturer shall have the advantage of incidental protection, but he is not willing that the farmer shall have it.

Mr. REED. I am not willing that the manufacturer shall have the benefit of incidental protection unless it is something which necessarily follows the levying of the tax. So far as I am concerned, I never have voted, and I do not think I ever shall vote, for any measure to protect anyone; but so long as we have to levy a tax in order to get revenue it of course follows that there will be some incidental protection which can not be escaped.

Mr. BRISTOW. And in imposing a duty for revenue on rice and peanuts and articles of that kind there is an incidental protection the same as on cloth; but the Senator is not willing that the farmers who grow potatoes or the farmers who grow wool shall enjoy the benefit of that incidental protection which under his system the manufacturer receives.

Mr. REED. Mr. President, I am not willing that the great raw materials which go into and constitute the very essentials of life shall be burdened any more than possible. Therefore I am not in favor of a tax on iron ore, and if I should say that I were in favor of a tax upon the iron produced from the ore it would not mean that I was in favor of it because I wanted to favor the iron manufacturer over the owner of the ore, but it would simply mean that I was in favor of furnishing the American people with that which they have to consume at the least possible price. Beginning with that thought, the first conclusion a man arrives at is that so far as possible raw materials ought to be free. Therefore we make iron ore free; we make copper free——

Mr. BRISTOW. What about zinc and lead?

Mr. REED. And we make a great many other articles free. We have not carried it to every kind and variety of raw material, and in so far as we have failed to do that, because of the revenue which must be raised, we have failed to arrive at an ideal condition; but does it lie in the mouth of a representative of the party which has levied a tax two or three times as high as we propose in this bill to complain because our cuts are not deeper than they are? It seems to me that it is a case not only of Satan reproving sin, but it is a case of Satan reproving righteousness.

Mr. BRISTOW. That is an opinion to which I do not care to reply so far as that is concerned.

Mr. REED. It is an astounding thing to see a high protectionist stand on the floor of the United States Senate and denounce the Democrats because they do not make a further cut, when he knows that he is going to vote against this bill because, according to his ideas, it cuts too deep, and when he knows that he is going back to the State of Kansas to tell the people there that he is in favor of that policy of protection which, he asserts, lifts American manhood to a higher plane than is occupied by the people of any other country. It is an astounding thing to find men who voted for the Payne-Aldrich bill standing upon the other side of the Senate denouncing us because our reform is not more complete and because our cuts have not been deeper.

Mr. BRISTOW. Mr. President, the Senator——

Mr. REED. I do not mean the Senator from Kansas voted for the Payne-Aldrich bill, but many Senators on the other side did vote for that measure.

Mr. BRISTOW. Mr. President, the Senator is wandering far afield in this discussion.

Mr. REED. And as I look every day at the Senator and recall that he was once in revolt against his party organization, and contrast his former revolutionary tendencies with his present amicable attitude, I am constrained to remark how beautiful and pleasant a thing it is for brethren to dwell together in unity.

Mr. BRISTOW. That is another one of the Senator's very telling arguments upon the merits of the duties in this bill.

Mr. REED. Of course I do not expect to please the Senator in logic, manner, or matter, but I want to bring him back to grease, if I can induce him to return to that delightful subject.

Mr. BRISTOW. I am perfectly willing to do so. The Senator says he is in favor of free iron ore. Is he in favor of free zinc and free lead?

Mr. REED. I voted for them in caucus.

Mr. BRISTOW. Will he vote for them in the Senate?

Mr. REED. No, sir; I propose to abide by the decision of the caucus.

Mr. BRISTOW. Right or wrong?

Mr. REED. No, sir; but with a bill of 4,000 items no man could be pleased with every item unless he wrote the bill himself, and I think probably there would be 4,000 different bills if there were 4,000 men to write them. Sensible men who are not entirely wedded to their own opinions are willing, for the sake of making some progress in the right direction, to concede something to the intelligence and patriotism of their associates, and I belong to the class that is willing to make that concession.

Mr. BRISTOW. Yes; I understand the Senator is in favor of caucus legislation, instead of legislation in the Senate.

Mr. REED. I am not in favor of caucus legislation, but I am in favor of men who believe in a certain policy agreeing upon that policy and in a practical way trying to carry it out, particularly when I find the men who are opposed to it acting in more perfect harmony and unison than they ever were able to get after they had a caucus of their own. There is a caucus that is more binding than a political caucus, and that is the caucus of the interests which have controlled the Republican Party and financed its campaigns for the last 25 years. There is a tie that binds more closely even than the honor of gentlemen expressed in a caucus, and that is the tie of the great capitalistic forces, which have made a cat's-paw and tool of the Republican Party for many years.

Mr. BRISTOW. And the bill which the Senator is supporting is more in the interest of those great financial interests than it is of the men who are in the grasp of those great financial interests.

Mr. REED. The Senator will have difficulty in demonstrating that.

Mr. BRISTOW. I propose to answer the Senator for a moment. I believe the bill which the Senator is now supporting puts on the free list articles not controlled by the great combinations of this country and retains a duty on articles which are controlled by the great combinations of the country, and the Senator knows it. The very item we are now discussing puts on the free list wool grown on the American farm and preserves a protective duty on the products made from the wool after it leaves the American farm.

Mr. WILLIAMS. Is there a wool-grease trust?

Mr. REED. If the Senator's vociferous voice and tragic attitude could only be preserved by the graphophone and the camera and exposed to the citizens of Kansas, they would understand at once what a gallant fight he has made in the Senate in their interests; but, Mr. President, they neither intimidate nor convince. As I heard the Senator lift his voice I thought of the old Biblical quotation which I think Elijah uttered, although I do not think I can quote it with exactness.

Mr. BRISTOW. I am surprised the Senator can not quote it correctly.

Mr. REED. I am sure if I were submitting it only to the Senator he would hardly know whether or not the quotation was correct.

Mr. BRISTOW. The Senator from Kansas assumes——

Mr. REED. But there may be some biblical scholars upon the other side, hence I desire to be reasonably exact. It runs something like this——

Mr. BRISTOW. The Senator from Kansas does not claim to be the expert student of Biblical affairs as is the Senator from Missouri.

Mr. REED. No, Mr. President; he has spent too much time on grease and wool to know much about theology.

Mr. BRISTOW. I think it would be more fitting in this debate if the Senator from Missouri would devote a little time to grease and wool, rather than to the style of argument in which he has been indulging in my time for the last 20 minutes.

Mr. REED. I am trying to sharpen my intellectual faculties by rubbing up against the Senator from Kansas. But, as I was about to say, when he lifted his voice to so high a pitch and poured it forth in such a resistless volume, I thought of what the old prophet said to some of the priests of Baal. In substance, he said to them—I do not claim to be exact—"Lift up your voices and cry aloud; your gods are afar off." I thought how well that applied in this particular instance—the false gods of the protectionist have been banished. But I want to bring the Senator back to grease, for that is the point from which we started.

Mr. BRISTOW. The Senator's style of oratory, in which he so much delights, is very agreeable to him and his associates. I do not myself like to indulge in that kind of rhetoric; I myself should prefer to argue the merits of this bill rather than indulge in personal observations.

Mr. REED. Why, Mr. President, if I have made a personal observation——

Mr. BRISTOW. If the Senator from Missouri has any argument to make or any reasons to assign in regard to the duties contained in this bill, I shall gladly yield him all the time he desires, but I do not care to yield time to have him indulge in the kind of oratory to which I have just been listening.

Mr. REED. Now, Mr. President, I would not have the Senator from Kansas on any account think that I have been personal. I hold him in too high esteem for that. I simply did not want the Senator from Kansas to advance upon me in a manner so belligerent, because it shocked my sensibility. I merely thought to give the controversy a pleasant turn.

Mr. President, I want to ask the Senator from Kansas a little, simple question. I have been trying to do it for half an hour. He complains that there is a duty placed upon the grease that comes from the wool, and not a duty upon the wool. Under the present law you taxed the wool, and you taxed the grease in the wool, did you not?

Mr. BRISTOW. There is a duty on wool, and the same duty on the grease that this bill carries.

Mr. REED. One further question: You claim, of course, that that duty upon the wool and upon the grease benefited the farmer?

Mr. BRISTOW. The duty upon the wool does, I think; yes.

Mr. REED. And upon the grease, because it was with the wool?

Mr. BRISTOW. The duty upon the wool.

Mr. REED. Does the Senator say that the farmer did not get the benefit of the duty upon the grease that was in the wool he took off the sheep?

Mr. BRISTOW. I do not think so. He has a duty on the wool.

Mr. REED. Did he not also get a duty upon the grease?

Mr. BRISTOW. He got the duty on the raw wool.

Mr. REED. Did not the wool have the grease in it?

Mr. BRISTOW. Why, certainly.

Mr. REED. The Senator's complaint seems to boil down to this: That we took the duty off the wool, which was one of the farmer's products, but we did not take it off the grease that is in the wool, which is also a farmer's product, and therefore we have been very wicked, because we did not entirely deprive him of all duty, not only on the wool, but on the grease.

Mr. BRISTOW. If the Senator will give me his attention for just a moment, he will find out that his argument would be a little more forcible if he would inform himself as to the facts.

Mr. REED. I shall be willing to sit at the feet of the Senator and get the facts.

Mr. BRISTOW. I do not ask the Senator to sit at the feet of anybody, but simply to read the document the committee has furnished him.

If the Senator please, there is in the present law a duty on wool. The bill which it is proposed to substitute for the present law puts wool on the free list. When the farmer sells the wool he has sold his product. The man that buys the wool begins to manufacture it into its various products. One of the by-products of the manufacturing process is grease. For the extraction of the grease from the wool the manufacturer is given a protection of a quarter of a cent a pound in the Payne-Aldrich bill and the same protection in the present bill.

My inquiry is, Why should the man who extracts the grease from the wool receive a protection of a quarter of a cent a pound for the work he performs in this operation, when the man who produces the wool itself receives no protection at all?

Mr. REED. Can not the Senator see this? I see it, or at least, I think I see it. It may be, as the Senator politely suggests, that if I knew more about the subject I would talk less. I may be entirely in the dark about the matter. But it seems to me that if there is a tax, not only upon the wool, but upon the grease that is in the wool, and that is a benefit to the farmer, if you take the tax off the wool itself, and the farmer comes to the market to sell his wool, he has that wool to sell with the grease in it, and if there is a tax left upon the grease in the wool which adds to its value, the manufacturer will naturally pay him a little more for the wool, because there is that tax upon the grease, provided there is anything in the Senator's theory that the tax increases the price. Now, the fact that the grease itself is not accessible until it has been extracted does not at all detract from the fact that if a man is buying an article a part of which is taxed, if the tax does increase the price, that benefit will go to the farmer.

Mr. BRISTOW. Will the Senator give me his attention for a moment?

Mr. REED. I do not care to argue the matter, but I will listen to the Senator.

Mr. BRISTOW. I shall be very glad if the Senator will give me his attention for a moment. I think I can show where he is wrong, and I think he will admit that he is wrong.

The farmer sells the wool to the manufacturer. The manufacturer buys the wool the world over. He gets it from Australia, from South America, and, we will say, from Ohio. There is no duty whatever on the wool. The farmer in Ohio competes with the farmers in the other countries of the world.

We will say that the wool reaches the city of Boston, and there it commands the same price for the same quality. The farmer receives no protection. The manufacturer takes the wool and begins to extract from it the grease contained therein. He gets a protection of a quarter of a cent a pound on the grease extracted from the wool that is produced in foreign countries just the same as he gets a protection of a quarter of a cent a pound on the grease extracted from the wool that is grown in this country.

So the woolgrower has no protection whatever and gets no benefit whatever from the protective duty that is imposed on grease; but the manufacturer who extracts the grease has a quarter of a cent a pound protection against the manufacturer in England who is extracting grease in the same way. So when the grease would be shipped from England to the United States it would pay that duty, while the wool shipped from England to the United States would pay no duty at all.

Does the Senator understand now that the farmer gets no advantage?

Mr. REED. No; I do not understand that. I understand just the converse of that; and if the Senator will listen to me I think I can show him that the converse is true.

Mr. BRISTOW. If the Senator can not understand that, I regret that I am unable to make it plain to him.

Mr. REED. It may be very plain to the Senator from Kansas and yet not so clear to others. It seems to me it is simply a question of degree.

If there is a tax levied upon the grease that is in the wool, the fact that there is shipped here from England wool containing grease, which is to be extracted by the manufacturer, and that that comes in free, may be admitted. But if all the grease in this country comes either from American wool or from wool that is shipped in here, then it follows that the protective tariff would have no effect whatever. But the minute the Senator says there is any grease to be shipped into this country in addition to that which comes in the wool itself the protective principle operates, and it operates to help increase the price of the American farmer's wool, because one of the things in that wool, to wit, the grease, is protected. So the Senator's argument only goes to the point that the protection is not all received by the farmer.

Mr. BRISTOW. Will the Senator yield to me for just a moment?

Mr. REED. I think that answers the Senator's question. I think the Senator sees the point.

Mr. BRISTOW. I want to show the Senator that it does not answer my question, and I think he will admit it.

Mr. WILLIAMS. Neither of the Senators is going to admit anything the other says.

Mr. BRISTOW. If the grease comes into the United States in the wool, it receives the benefit of no duty at all. Therefore the American farmer is in direct competition with the foreign

farmer in the production of the wool. If the grease is extracted in a foreign country, the foreign manufacturer who extracts the grease, if he shipped it to the United States in the form of grease extracted, would have to pay a duty of a quarter of a cent a pound. If he ships it in the shape of wool in the grease, he pays nothing.

The farmer is competing with the wool in the grease. The manufacturer who extracts the grease from the wool in the sale of the grease in this market is competing with the foreign manufacturer who has grease for sale, and not wool for sale. So the foreigner pays a quarter of a cent a pound duty to get his product into this market; but if it comes in here in the form in which it leaves the farm, there is no tax whatever upon it.

Mr. REED. I do not agree with the Senator. Now, will the Senator answer a question for me?

Mr. BRISTOW. I shall be very glad to do so if I can; yes.

Mr. REED. I should like to ask the Senator what is the population of the State of Kansas, approximately?

Mr. BRISTOW. It is about 1,700,000, as I remember, or 1,800,000.

Mr. REED. How many men who raise wool are there in the State of Kansas?

Mr. BRISTOW. I do not know.

Mr. REED. How many are there in that State who raise sheep?

Mr. BRISTOW. I do not know.

Mr. REED. Are there a thousand?

Mr. BRISTOW. I have not any idea. There are a reasonable number of farmers in Kansas that raise wool. It is not a great wool-producing country, however.

Mr. REED. All of the 1,700,000 people in the Senator's State consume wool, do they not, in some form? They wear it or use it in some form, do they not?

Mr. BRISTOW. I think they do; yes.

Mr. REED. The Senator thinks it is entirely proper, of course, for the sake of the 1,000 men who raise sheep in Kansas, to tax all the rest of the people in the State? For the sake of helping out the 1,000 farmers in Kansas who have a few sheep, the Senator thinks it is entirely proper to tax on their clothing the 1,700,000 people of the State who have not any sheep? The Senator thinks that is proper?

Mr. BRISTOW. Let me ask the Senator a question.

Mr. REED. Oh, I hope the Senator will answer my question.

Mr. BRISTOW. I will answer it by asking the Senator a question. How many woolen mills are there in the State of Missouri?

Mr. REED. There may be a few; I do not know. There may be a very few; but that does not answer this question.

Mr. BRISTOW. Hold on; wait until I get through. I think it does.

Mr. REED. Let us see if it does.

Mr. BRISTOW. Is the Senator willing to tax all of the people in Missouri who wear woolen clothing in order that the woolen mills may receive for their product a better price than they otherwise would receive?

Mr. REED. Why, undoubtedly I am not; and I stand on a logical ground. When I vote for a tariff bill, I vote for it because we must have revenue; and I am prepared to vote as rapidly as possible and as rapidly as the opportunity is afforded to stop collecting tariff taxes upon the necessities of life. I do not vote for a tariff bill in order to protect the woolen mills of Missouri. I apprehend that the extra price we pay for clothing and woolen goods in Missouri in one year would buy every woolen mill there is in both Missouri and Kansas. I vote for the tax because it is necessary to have revenue.

The Senator has not answered my question. Is he willing, for the purpose of slightly increasing the profits of a thousand woolgrowers in the State of Kansas, to put a burden upon the 1,700,000 people of the State who do not produce wool?

Mr. BRISTOW. If the Senator wants to put it that way—I do not look at it the same as he does—as long as the people are taxed on the cloth that they wear in order that we may raise revenue, I think the farmer should have the same incidental advantage that comes from the system of taxation which the manufacturer now has. From that point of view I certainly should not favor putting a duty on the manufactured product and not putting a duty on the raw wool, the finished product of the farmer.

To answer the question in a different way, I will say to the Senator that I believe the protective tariff policy has been and is an advantage to this country; that because of that policy we have better conditions here in our industrial life than other countries have. I am in favor of continuing that policy, upon the principle that American labor should have better wages than labor in other countries, and the difference in the cost of producing the article here and abroad should be made up by a duty imposed at the customhouse.

I believe such a policy will contribute to the welfare of our country. That policy in parts of this bill has been, in my judgment, carried too far, and too excessive duties have been imposed. If the Senator believes in the policy of free trade, however, then my contention is that we should treat all the industries from the same standpoint and upon the same basis.

Mr. REED. I think the Senator is rather shifting his ground. I say that with great respect. The Senator's position is, as I understand, that he would levy a tax upon wool because there is some incidental protection given to the manufacturer. But that is not the principle upon which he acts. He acts upon the principle of protection; of levying a tax, not for incidental protection, but for protection itself.

Mr. BRISTOW. Yes; that is true.

Mr. REED. So the Senator has not squarely answered my question. I asked him if he was willing to tax all of the people of Kansas for the benefit of the 1,000 woolgrowers of that State. He now seeks to avoid that question by the claim that the protective system generally is a good thing. But the fact remains, nevertheless, that when the Senator votes for a tax upon wool, he does vote a tax upon 1,700,000 people in the State of Kansas, and he can benefit only a few farmers of the State. More than that, he votes it for the benefit of an industry that is so poor and so unproductive in the State of Kansas that not one farmer out of ten will go to the trouble of raising a single sheep upon his farm.

Moreover, the Senator knows that we can not raise in this country enough wool for the American people; that we have had a protective tariff on wool for half a century, and that protective tariff has been promoted by the worst and most corrupt lobby that has ever infested Washington—the wool manufacturers and the woolgrowers combining for that purpose. Notwithstanding all of this enormous tax levied upon the American people, the Senator knows that the sheep in this country have been disappearing, at least they have not increased as the population has multiplied. Besides, this tax is not for the benefit of an infant industry which may grow and may some time occupy the field and be self-supporting. On the contrary, the tax is for the benefit of an industry that is diminishing if not dying.

The Senator knows another thing. He knows that the Tariff Board reported that it cost something like $1, or $1.20, a pound, I believe, to produce wool on the farms of Ohio—I do not pretend to give exact figures—an enormous amount. He knows that the wool of this country is principally produced by a few wealthy men or wealthy corporations away out on the western plains of the country, and that their sheep are fed principally upon Government lands, or lands rented from the Indians for a mere pittance. He knows that when he talks about taxing the 90,000,000 people of this country upon raw wool, he is doing it for a very limited number of men indeed.

Now I want to ask the Senator a question, since he is on his feet. Is he not at this moment contending that we have reduced too low the tax upon manufactured woolen goods?

Mr. BRISTOW. No; I do not know about that. I have not given that part of the bill particular attention.

Mr. REED. Is not the tax proposed in this bill upon manufactured goods lower than the tax was in the bill that you voted against at the last Congress? Is it not lower than you are willing to go to-day? Yet the Senator stands here and criticizes us for levying a tax which I affirm it to be my belief is already so low he will not vote for it.

Mr. BRISTOW. The Senator has not been in the Chamber, of course, and knows little about what has been going on this afternoon except recently.

Mr. REED. I have been here for some little time.

Mr. BRISTOW. If the Senator had been here, he would know that I have not been complaining of that this afternoon. I may find there have been reductions greater than I think ought to have been made when we get to that schedule and debate it. I shall vote for the duties that I think we ought to have when we get to their consideration.

But what I have been complaining about this afternoon and all the afternoon is that the protective duties contained in the Payne-Aldrich bill on the items that have been under discussion are continued now in this bill; that the identical duties in the law which the Senator has so violently denounced are contained in the particular items under discussion in this bill, while other important products are put on the free list. I have complained of the unwarranted discrimination against the industries in this country that are not organized, that can not appear here in Washington with lobbies, concerning which the Senator so bit-

terly complains. The industries that can appear here, the lobbies that can organize and that are organized, are those that receive tariff favors in this bill, while the industries that can not organize are those that are sacrificed by being placed on the free list. That is the complaint I have been making this afternoon.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. GALLINGER. If the Senator from Kansas has received a satisfactory answer to the question he propounded about three hours ago, I am going to ask the Senator from North Carolina if we ought not to adjourn or go into executive session at this hour.

Mr. SIMMONS. Mr. President, I am perfectly willing that that shall be done as soon as we have a vote on this paragraph. Yesterday evening, after discussing the question for a long time, until I thought we were ready to vote, we let it go over until this morning, and the whole discussion has been gone over again. So I insist that before we adjourn we shall take a vote on this particular matter.

Mr. GALLINGER. It has been understood that we would adjourn at 6 o'clock.

Mr. SIMMONS. I am perfectly willing to adjourn right now if we can take a vote on this question, and I suppose we can do it.

Mr. SMOOT. The Senator means on the item now under consideration?

Mr. SIMMONS. Yes; paragraph 45.

Mr. SMOOT. I will withdraw my motion to strike out "one" and insert "one-half," so that there will be no question about that.

Mr. BRISTOW. Do I understand that we are to vote on the amendment which the Senator from Utah offered?

Mr. SMOOT. I have just withdrawn the amendment.

Mr. SIMMONS. The Senator from Utah has withdrawn his amendment, I understand. I ask for a vote on the paragraph.

Mr. GALLINGER. I suggest to the Senator from North Carolina——

Mr. SIMMONS. If there is no amendment——

Mr. GALLINGER. That unless the tacit agreement which was entered into that we should meet at 12 o'clock and put in six hours of hard work is adhered to no unusual progress will be made with the bill.

Mr. STONE. We are not making unusual progress with the bill.

Mr. WILLIAMS. Will not the Senator from New Hampshire admit that the day has been wasted?

Mr. GALLINGER. I think we have not possibly done as much work as we ought to have done, but it has not been my fault.

Mr. WILLIAMS. The tacit agreement to put in six hours' work meant that something was to be done, and that the entire day should not be devoted to wool grease.

Mr. GALLINGER. I will say that if no Senator wishes to discuss the amendment further, I do not object to a vote on it.

Mr. SIMMONS. If the Senator from New Hampshire will permit me, I understand there is no amendment pending to the paragraph.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. May the Chair make a statement? The amendment has been withdrawn, paragraph 45 has been read, and no amendment is offered to it.

Mr. NORRIS. I desire to offer an amendment to it, and I want to preface it by saying that I do not want to cause any delay. I was willing to vote two hours ago. I move to strike out "1" and to insert "1½." I am willing to vote on it without further debate.

Mr. SIMMONS. Then, I ask for a vote on the amendment.

Mr. GALLINGER. If there is to be no debate I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was rejected.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 26, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 25, 1913.

COLLECTOR OF CUSTOMS.

John O. Davis, of California, to be collector of customs for the district of San Francisco, in place of Frederick S. Stratton, whose term of office expired February 28, 1913.

NAVAL OFFICER OF CUSTOMS.

James H. Barry, of California, to be naval officer of customs in the district of San Francisco, in the State of California, in place of George Stone, resigned.

SURVEYOR OF CUSTOMS.

Justus S. Wardell, of California, to be surveyor of customs in the district of San Francisco, in the State of California, in place of Duncan E. McKinlay, resigned.

ASSISTANT SECRETARY OF THE TREASURY.

Charles S. Hamlin, of Massachusetts, to be Assistant Secretary of the Treasury, in place of James F. Curtis, resigned.

REGISTER OF THE TREASURY.

Adam E. Patterson, of Oklahoma, to be Register of the Treasury, in place of James C. Napier, resigned.

ASSISTANT TREASURER OF THE UNITED STATES.

William J. McGee, of California, to be Assistant Treasurer of the United States at San Francisco, Cal., in place of William C. Ralston, whose term of office expired by limitation May 24, 1912.

SUPERINTENDENT OF THE MINT.

Thaddeus W. H. Shanahan, of California, to be superintendent of the mint of the United States at San Francisco, Cal., in place of Frank A. Leach, superseded.

APPRAISER OF MERCHANDISE.

Ed E. Leake, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California, in place of John G. Mattos, jr., resigned.

COLLECTORS OF INTERNAL REVENUE.

Joseph J. Scott, of California, to be collector of internal revenue for the first district of California, in place of August E. Muenter, superseded.

John P. Carter, of California, to be collector of internal revenue for the sixth district of California, in place of Claude I. Parker, superseded.

ASSISTANT ATTORNEY GENERAL.

George Carroll Todd, of New York, to be assistant to the Attorney General, vice James A. Fowler, resigned.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Asst. Surg. Herman E. Hasseltine to be passed assistant surgeon in the Public Health Service, to rank as such from August 7, 1913. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Asst. Surg. Lawrence Kolb to be passed assistant surgeon in the Public Health Service, to rank as such from August 5, 1913. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Asst. Surg. James P. Leake to be passed assistant surgeon in the Public Health Service, to rank as such from July 30, 1913. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Asst. Surg. Charles M. Fauntleroy to be passed assistant surgeon in the Public Health Service, to rank as such from June 13, 1913. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 24, 1913.

James Crowe Burdett, of Louisiana.
James Bayard Clark, of New York.
William Elnathan Clark, of North Dakota.
Melvin Starkey Henderson, of Minnesota.
Harold Lyons Hunt, of New York.
William McCully James, of Virginia.
William Fletcher Knowles, of Massachusetts.
Daniel Francis Mahoney, of Massachusetts.
Scott Dudley Breckinridge, of the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 25, 1913.

APPOINTMENTS IN THE ARMY.

FIELD ARTILLERY ARM.

To be second lieutenants.

Joe Eikel.
Charles Gardiner Helmick.
Herbert Slayden Clarkson.

PROMOTIONS IN THE NAVY.

Commander Josiah S. McKean to be a captain.
Commander Benton C. Decker to be a captain.
Commander Newton A. McCully to be a captain.
Lieut. Commander Andre M. Procter to be a commander.
The following-named lieutenant commanders to be commanders:
John T. Tompkins.
Ernest L. Bennett.
Roscoe C. Moody.
Lieut. Ernest J. King to be a lieutenant commander.
Lieut. Byron A. Long to be a lieutenant commander.
Lieut. (Junior Grade) Edwin A. Wolleson to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):
William W. Turner.
Joseph J. Broshek.
Clyde G. West.
David C. Patterson, jr.
Howard H. Crosby.
James McC. Irish.
John C. Cunningham.
Ernest W. McKee.
Dallas C. Laizure.
Rufus King.
Timothy J. Kelcher.
Eddie J. Estess.
William H. Stiles, jr.
John L. Schaffer.
Edward G. Blakeslee.
Leland Jordan, jr.
Worrall R. Carter.
The following-named assistant surgeons to be passed assistant surgeons:
William L. Irvine.
Earle W. Phillips.
Gardner E. Robertson.
George R. W. French.
Asst. Paymaster Irwin D. Coyle to be a passed assistant paymaster.
Asst. Paymaster Paul A. Clarke to be a passed assistant paymaster.
Carpenter Ernest P. Schilling to be a chief carpenter.

POSTMASTERS.

CALIFORNIA.

Francis F. Wrenn, Newcastle.

COLORADO.

H. Reynolds, Greeley.

FLORIDA.

J. L. Geiger, Zephyrhills.
Gilbert M. Shepard, Blountstown.

GEORGIA.

Annie K. Bunn, Cedartown.
George Dansby, Rockmart.
William J. Webb, Canton.

ILLINOIS.

Thomas F. Enright, Hubbard Woods.
Edward C. Schweitzer, Leland.

INDIANA.

William C. Foltz, Bremen.
Patrick Sharkey, Shirley.

KENTUCKY.

C. E. Barnett, Earlington.

MASSACHUSETTS.

Patrick H. Haley, Chelmsford.

MICHIGAN.

Ray Maker, Bear Lake.
George H. Mitchell, Birmingham.

MISSISSIPPI.

Johnathan R. Moreland, Philipp.

MISSOURI.

James R. Bennett, Branson.
C. H. Brown, Auxvasse.
Nelson H. Cook, Forest City.
J. H. Guitar, Columbia.
S. A. Norrid, Puxico.
Abram Stephens, Troy.

NEBRASKA.

J. D. Bishop, Peru.

NEW JERSEY.

Joseph F. Farley, Cliffside.
John B. Hankins, Pemberton.
Waters B. Hurff, Bridgeton.
Wilmer J. Smith, Belvidere.
Charles T. White, Millville.
John W. Winter, Allendale.

NORTH CAROLINA.

D. Earl Best, Warsaw.
A. C. Link, Hickory.
John F. Saunders, Troy.
L. T. Sumner, Ahoskie.
Daniel L. Windley, Belhaven.

OHIO.

I. L. McCollough, Butler.
Charles H. Marshall, New Paris.

OREGON.

J. W. Boone, Prineville.
Iva E. Dodd, St. Helens (late St. Helen).
Marshall W. Malone, Linnton.

TENNESSEE.

Ira La F. Lemonds, Tiptonville.
Joel F. Ruffin, Cedar Hill.
R. B. Schoolfield, Pikeville.
William Thomas, Brownsville.

TEXAS.

W. D. Armstrong, Alto.
C. W. Bradbury, Kirbyville.
W. P. Boyd, Thurber.
E. R. Fleming, Victoria.
August R. Gold, Fredericksburg.
Charles Johnston, Goree.
C. E. Long, Jourdanton.
J. P. Sharp, Tioga.
W. F. Sponseller, Fowlerton.
John C. Wood, Big Sandy.

VIRGINIA.

David W. Berger, Drakes Branch.
James S. Haile, Chatham.
D. F. Hankins, Houston.

WASHINGTON.

Jefferson P. Buford, Kelso.

WYOMING.

Nels Simpson, Cambria.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 25, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father, who art in heaven, by the light of the traditions and sacred story which have come down to us out of the past; by the revelations, incomparable life, and the sublime death of the Son of God; by the blood of the martyrs of liberty, truth, and justice; by the hopes and aspirations which come welling up in our hearts; by the persistent appeals of the still, small voice, make us true to our convictions as Thou dost give us to see truth, that we may add something to Thy glory and the good of mankind. For thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. I object, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, I move that the House approve the Journal.

The SPEAKER. The gentleman from Alabama moves that the Journal be approved.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a division.

Mr. MANN. And pending that I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, as the House is dividing and there is not a quorum present, does not that bring an automatic call of the House?

The SPEAKER. Yes; it does. The Doorkeeper——

Mr. MANN. The Speaker has not yet declared that there is no quorum present.

The SPEAKER. That is true. The Chair will count. [After counting.] One hundred and twenty-two Members are present, not a quorum. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the approval of the Journal. Those in favor will vote "yea" and those opposed will vote "nay."

The question was taken; and there were—yeas 226, nays 1, answered "present" 10, not voting 192, as follows:

YEAS—226.

Abercrombie	Dickinson	Keating	Rothermel
Aiken	Dies	Kelley, Mich.	Russell
Alexander	Dillon	Kelly, Pa.	Scott
Anderson	Donovan	Kennedy, Iowa	Seldomridge
Ashbrook	Doolittle	Kettner	Sells
Aswell	Doremus	Kinkaid, Nebr.	Sherley
Austin	Doughton	Kirkpatrick	Shreve
Bailey	Dyer	Konop	Sims
Baker	Eagle	Korbly	Sinnott
Baltz	Elder	Lafferty	Sisson
Barchfeld	Estopinal	La Follette	Sloan
Barkley	Evans	Lazaro	Small
Bartlett	Falconer	Lee, Ga.	Smith, Idaho
Barton	Fergusson	Lee, Pa.	Smith, Md.
Beakes	Fess	Lesher	Smith, Minn.
Bell, Cal.	Fitzgerald	Lever	Smith, Tex.
Bell, Ga.	FitzHenry	Lewis, Pa.	Stedman
Blackmon	Floyd, Ark.	Lieb	Stephens, Cal.
Booher	Foster	Lindbergh	Stephens, Nebr.
Borchers	Fowler	Lloyd	Stephens, Tex.
Borland	French	Lobeck	Stone
Britten	Gardner	Logue	Stout
Brockson	Garrett, Tenn.	McAndrews	Stringer
Broussard	Garrett, Tex.	McClellan	Sumners
Brown, W. Va.	George	McCoy	Switzer
Brumbaugh	Gillett	McDermott	Taggart
Bryan	Gilmore	McGillicuddy	Talcott, N. Y.
Buchanan, Ill.	Glass	McGuire, Okla.	Tavenner
Buchanan, Tex.	Goodwin, Ark.	McKellar	Taylor, Ala.
Bulkley	Gorman	McKenzie	Taylor, Ark.
Burgess	Graham, Ill.	Maguire, Nebr.	Taylor, Colo.
Burke, S. Dak.	Gray	Maher	Taylor, N. Y.
Burke, Wis.	Gregg	Mann	Temple
Byrnes, S. C.	Gudger	Mapes	Thomas
Byrns, Tenn.	Hamlin	Mitchell	Thomson, Ill.
Callaway	Hardwick	Mondell	Towner
Campbell	Hardy	Moon	Treadway
Candler, Miss.	Harrison, Miss.	Morgan, Okla.	Tribble
Caraway	Hay	Moss, W. Va.	Underwood
Carr	Hayden	Murray, Okla.	Vaughan
Carter	Heflin	Neeley	Walker
Casey	Helgesen	Norton	Walters
Church	Helvering	Oglesby	Watkins
Clark, Fla.	Hensley	O'Hair	Watson
Claypool	Hill	Oldfield	Weaver
Clayton	Holland	Page	Webb
Cline	Houston	Patten, N. Y.	Whaley
Collier	Howard	Payne	Williams
Connelly, Kans.	Howell	Phelan	Willis
Cooper	Hughes, Ga.	Platt	Wilson, Fla.
Cox	Hull	Pou	Wingo
Curry	Igoe	Quin	Witherspoon
Davenport	Jacoway	Ragsdale	Woods
Davis, Minn.	Johnson, Ky.	Raker	Young, N. Dak.
Davis, W. Va.	Johnson, Utah	Reed	Young, Tex.
Decker	Johnson, Wash.	Roberts, Nev.	
Deitrick	Jones	Roddenbery	

NAYS—1.

Gordon

ANSWERED "PRESENT"—10.

Adamson	Henry	Padgett	Wallin
Browning	Kahn	Rubey	
Crisp	Morrison	Smith, J. M. C.	

NOT VOTING—192.

Adair	Bruckner	Cramton	Eagan
Ainey	Burke, Pa.	Crosser	Edmonds
Allen	Burnett	Cullop	Edwards
Ansberry	Butler	Curley	Esch
Anthony	Calder	Dale	Fairchild
Avis	Cantrill	Danforth	Faison
Barnhart	Carew	Dent	Farr
Bartholdt	Carlin	Dershem	Ferris
Bathrick	Cary	Difenderfer	Fields
Beall, Tex.	Chandler, N. Y.	Dixon	Finley
Bowdle	Clancy	Donohoe	Flood, Va.
Bremner	Connolly, Iowa	Dooling	Fordney
Brodbeck	Conry	Driscoll	Francis
Brown, N. Y.	Copley	Dunn	Frear
Browne, Wis.	Covington	Dupré	Gallagher
Gard	Johnson, S. C.	Moss, Ind.	Saunders
Garner	Keister	Mott	Scully
Gerry	Kennedy, Conn.	Murdock	Shackleford
Gittins	Kennedy, R. I.	Murray, Mass.	Sharp
Godwin, N. C.	Kent	Nelson	Sherwood
Goeke	Key, Ohio	Nolan, J. I.	Slayden
Goldfogle	Kiess, Pa.	O'Brien	Slemp
Good	Kindel	O'Leary	Smith, N. Y.
Goulden	Kinkead, N. J.	O'Shaunessy	Smith, Saml. W.
Graham, Pa.	Kitchin	Palmer	Sparkman
Green, Iowa	Knowland, J. R.	Parker	Stafford
Greene, Mass.	Kreider	Patton, Pa.	Stanley
Greene, Vt.	Langham	Pepper	Steenerson
Griest	Langley	Peters	Stephens, Miss.
Griffin	L'Engle	Peterson	Stevens, Minn.
Guernsey	Lenroot	Plumley	Stevens, N. H.
Hamill	Levy	Porter	Sutherland
Hamilton, Mich.	Lewis, Md.	Post	Talbott, Md.
Hamilton, N. Y.	Lindquist	Powers	Ten Eyck
Hammond	Linthicum	Prouty	Thacher
Harrison, N. Y.	Lonergan	Rainey	Thompson, Okla.
Haugen	McLaughlin	Rauch	Townsend
Hawley	Madden	Rayburn	Tuttle
Hayes	Mahan	Reilly, Conn.	Underhill
Helm	Manahan	Reilly, Wis.	Vare
Hinds	Martin	Richardson	Volstead
Hinebaugh	Merritt	Riordan	Walsh
Hobson	Metz	Roberts, Mass.	Whitacre
Hoxworth	Miller	Rogers	White
Hughes, W. Va.	Montague	Rouse	Wilder
Hulings	Moore	Rucker	Wilson, N. Y.
Humphrey, Wash.	Morgan, La.	Rupley	Winslow
Humphreys, Miss.	Morin	Sabath	Woodruff

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SCULLY with Mr. BROWNING.

Mr. SLAYDEN with Mr. BARTHOLDT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. COVINGTON with Mr. FREAR.

Mr. CULLOP with Mr. CHANDLER of New York.

Mr. DIFENDERFER with Mr. HAYES.

Mr. DONOHOE with Mr. HINEBAUGH.

Mr. GALLAGHER with Mr. KIESS of Pennsylvania.

Mr. CURLEY with Mr. KREIDER.

Mr. GOLDFOGLE with Mr. LINDQUIST.

Mr. GOEKE with Mr. MCLAUGHLIN.

Mr. HAMILL with Mr. MARTIN.

Mr. HAMMOND with Mr. MILLER.

Mr. HELM with Mr. MORIN.

Mr. HUMPHREYS of Mississippi with Mr. PARKER.

Mr. KINKEAD of New Jersey with Mr. PORTER.

Mr. LEVY with Mr. POWERS.

Mr. PETERS with Mr. SUTHERLAND.

Mr. SHACKLEFORD with Mr. STEENERSON.

Mr. UNDERHILL with Mr. TOWNER.

Mr. WHITE with Mr. VARE.

Mr. SPARKMAN with Mr. WILDER.

Mr. WHITACRE with Mr. WOODRUFF.

Mr. HARRISON of New York with Mr. LANGHAM.

Mr. KITCHIN with Mr. FORDNEY.

Mr. FERRIS with Mr. HAUGEN.

Mr. EDWARDS with Mr. HAMILTON of New York.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. DRISCOLL with Mr. GUERNSEY.

Mr. CONRY with Mr. DUNN.

Mr. CANTRILL with Mr. DANFORTH.

Mr. DALE with Mr. AVIS.

Mr. PALMER with Mr. MOORE.

Mr. GODWIN of North Carolina with Mr. MURDOCK.

Mr. RICHARDSON with Mr. ESCH.

Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.

Mr. RUBEY with Mr. HAWLEY.

Mr. DIXON with Mr. GRIEST.

Mr. FINLEY with Mr. HUGHES of West Virginia.

Mr. MURRAY of Massachusetts with Mr. GREENE of Massachusetts.

Mr. BARNHART with Mr. ANTHONY.

Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.

Mr. CRISP with Mr. HINDS.

Mr. RAINEY with Mr. PATTON of Pensylvania.

Mr. ADAIR with Mr. AINEY.

Mr. FAISON with Mr. GRAHAM of Pennsylvania.

Mr. BURNETT with Mr. COPLEY.

Mr. DUPRÉ with Mr. HAMILTON of Michigan.

Mr. DENT with Mr. KAHN.

Until August 6:

Mr. ALLEN with Mr. J. M. C. SMITH (except banking and currency).

Until July 26:

Mr. PADGETT with Mr. ROBERTS of Massachusetts.
Mr. SAUNDERS with Mr. SLEMP.
Mr. BATHRICK with Mr. CRAMTON.
Mr. O'LEARY with Mr. CARY.
Mr. DOOLING with Mr. CAREW.
Mr. MORRISON with Mr. HUMPHREY of Washington.
Mr. FRANCIS with Mr. MADDEN.
Mr. THACHER with Mr. WINSLOW.
Mr. CARLIN with Mr. BROWN of Wisconsin.
Mr. TEN EYCK with Mr. EDMONDS.
Mr. STEVENS of New Hampshire with Mr. MOTT.
Mr. MONTAGUE with Mr. SAMUEL W. SMITH.
Mr. SABATH with Mr. PLUMLEY.
Mr. FLOOD of Virginia with Mr. GOOD.
Mr. GITTINS with Mr. J. R. KNOWLAND.
Mr. GARNER with Mr. CALDER.
Mr. JOHNSON of South Carolina with Mr. FARR.
Mr. KEY of Ohio with Mr. GREENE of Vermont.
Mr. PEPPER with Mr. HULINGS.
Mr. POST with Mr. KEISTER.
Mr. REILLY of Connecticut with Mr. J. I. NOLAN.
Mr. REILLY of Wisconsin with Mr. MANAHAN.
Mr. RUCKER with Mr. PROUTY.
Mr. SHARP with Mr. NELSON.
Mr. RIORDAN with Mr. VOLSTEAD.
Mr. STEPHENS of Mississippi with Mr. RUPLEY.

The SPEAKER. On this vote the yeas are 226, nays 1, answered "present" 10. The yeas have it, and the Journal is approved. The Doorkeeper will open the doors.

The question is now on the approval of the Journal of July 22.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is that motion pending?

The SPEAKER. Yes; the motion was pending. The question is on the approval of the Journal of July 22.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Forty gentlemen have arisen—not a sufficient number.

Mr. MANN. Mr. Speaker, I ask for the other side.

The SPEAKER. Those opposed will rise and stand until they are counted. [After counting.] One hundred and fifty-one gentleman have arisen in the negative. Forty is a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll. Those in favor of approving the Journal of July 22 will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 213, nays 0, answered "present" 8, not voting 208, as follows:

YEAS—213.

Abercrombie	Church	Gorman	Lesher
Aiken	Clark, Fla.	Graham, Ill.	Lever
Alexander	Claypool	Gray	Lewis, Pa.
Anderson	Clayton	Gudger	Lieb
Ashbrook	Cline	Hamlin	Lindbergh
Aswell	Collier	Hardwick	Lloyd
Austin	Connelly, Kans.	Hardy	Lobeck
Bailey	Cooper	Harrison, Miss.	Logue
Baltz	Cox	Hay	McAndrews
Barchfeld	Curry	Hayden	McClellan
Barkley	Davenport	Heflin	McCoy
Bartlett	Davis, Minn.	Helgesen	McDermott
Barton	Davis, W. Va.	Helvering	McGillicuddy
Beakes	Decker	Henry	McGuire, Okla.
Bell, Cal.	Dickinson	Hensley	McKellar
Bell, Ga.	Dies	Hill	McKenzie
Blackmon	Dillon	Holland	Maguire, Nebr.
Booher	Donovan	Houston	Mann
Borchers	Doolittle	Howard	Mapes
Borland	Doremus	Howell	Mitchell
Britten	Doughton	Hull	Mondell
Brockson	Dyer	Igoe	Moon
Broussard	Elder	Jacoway	Morgan, Okla.
Brown, W. Va.	Estopinal	Johnson, Ky.	Moss, W. Va.
Brumbaugh	Evans	Johnson, Utah	Murray, Okla.
Bryan	Falconer	Johnson, Wash.	Neeley
Buchanan, Ill.	Fergusson	Jones	Norton
Bulkley	Fess	Kelley, Mich.	Oglesby
Burgess	FitzHenry	Kelly, Pa.	O'Hair
Burke, S. Dak.	Floyd, Ark.	Kennedy, Iowa	Oldfield
Burke, Wis.	Foster	Kettner	Patten, N. Y.
Byrnes, S. C.	Fowler	Kinkaid, Nebr.	Payne
Byrns, Tenn.	French	Kirkpatrick	Phelan
Callaway	Gardner	Konop	Post
Campbell	Garrett, Tenn.	Korbly	Pou
Candler, Miss.	Garrett, Tex.	Lafferty	Quin
Caraway	George	La Follette	Ragsdale
Carr	Gilmore	Lazaro	Raker
Carter	Goodwin, Ark.	Lee, Ga.	Rauch
Casey	Gordon	Lee, Pa.	Reed
Roddenbery	Smith, Minn.	Taylor, Ark.	Watson
Rothermel	Smith, Tex.	Taylor, Colo.	Weaver
Russell	Stedman	Taylor, N. Y.	Webb
Scott	Stephens, Cal.	Temple	Whaley
Seldomridge	Stephens, Nebr.	Thomas	Willis
Sells	Stephens, Tex.	Thomson, Ill.	Wilson, Fla.
Sherley	Stone	Towner	Wingo
Shreve	Stout	Treadway	Witherspoon
Sims	Sumners	Tribble	Woods
Sinnott	Switzer	Underwood	Young, N. Dak.
Sloan	Taggart	Vaughan	Young, Tex.
Small	Talcott, N. Y.	Walker	
Smith, Idaho	Tavenner	Walters	
Smith, Md.	Taylor, Ala.	Watkins	

NAYS—0.

ANSWERED "PRESENT"—8.

Adamson	Crisp	Padgett	Smith, J. M. C.
Browning	Kahn	Rubey	Wallin

NOT VOTING—208.

Adair	Esch	Keister	Porter
Ainey	Fairchild	Kennedy, Conn.	Powers
Allen	Faison	Kennedy, R. I.	Prouty
Ansberry	Farr	Kent	Rainey
Anthony	Ferris	Key, Ohio	Rayburn
Avis	Fields	Kiess, Pa.	Reilly, Conn.
Baker	Finley	Kindel	Reilly, Wis.
Barnhart	Fitzgerald	Kinkead, N. J.	Richardson
Bartholdt	Flood, Va.	Kitchin	Riordan
Bathrick	Fordney	Knowland, J. R.	Roberts, Mass.
Beall, Tex.	Francis	Kreider	Roberts, Nev.
Bowdle	Frear	Langham	Rogers
Bremner	Gallagher	Langley	Rouse
Brodbeck	Gard	L'Engle	Rucker
Brown, N. Y.	Garner	Lenroot	Rupley
Browne, Wis.	Gerry	Levy	Sabath
Bruckner	Gillett	Lewis, Md.	Saunders
Buchanan, Tex.	Gittins	Lindquist	Scully
Burke, Pa.	Glass	Linthicum	Shackleford
Burnett	Godwin, N. C.	Lonergan	Sharp
Butler	Goeke	McLaughlin	Sherwood
Calder	Goldfogle	Madden	Sisson
Cantrill	Good	Mahan	Slayden
Carew	Goulden	Maher	Slemp
Carlin	Graham, Pa.	Manahan	Smith, N. Y.
Cary	Green, Iowa	Martin	Smith, Saml. W.
Chandler, N. Y.	Greene, Mass.	Merritt	Sparkman
Clancy	Greene, Vt.	Metz	Stafford
Connolly, Iowa	Gregg	Miller	Stanley
Conry	Griest	Montague	Steenerson
Copley	Griffin	Moore	Stephens, Miss.
Covington	Guernsey	Morgan, La.	Stevens, Minn.
Cramton	Hamill	Morin	Stevens, N. H.
Crosser	Hamilton, Mich.	Morrison	Stringer
Cullop	Hamilton, N. Y.	Moss, Ind.	Sutherland
Curley	Hammond	Mott	Talbott, Md.
Dale	Harrison, N. Y.	Murdock	Ten Eyck
Danforth	Haugen	Murray, Mass.	Thacher
Deitrick	Hawley	Nelson	Thompson, Okla.
Dent	Hayes	Nolan, J. I.	Townsend
Dershem	Helm	O'Brien	Tuttle
Difenderfer	Hinds	O'Leary	Underhill
Dixon	Hinebaugh	O'Shaunessy	Vare
Donohoe	Hobson	Page	Volstead
Dooling	Hoxworth	Palmer	Walsh
Driscoll	Hughes, Ga.	Parker	Whitacre
Dunn	Hughes, W. Va.	Patton, Pa.	White
Dupré	Hulings	Pepper	Wilder
Eagan	Humphrey, Wash.	Peters	Williams
Eagle	Humphreys, Miss.	Peterson	Wilson, N. Y.
Edmonds	Johnson, S. C.	Platt	Winslow
Edwards	Keating	Plumley	Woodruff

So the Journal of July 22 was approved.

The Clerk announced the following additional pairs:

Mr. FITZGERALD with Mr. GILLETT.
Mr. STANLEY with Mr. ROBERTS of Nevada.
Mr. GREGG with Mr. PLATT.
Mr. HUGHES of Georgia with Mr. MANAHAN.
Mr. KEATING with Mr. J. R. KNOWLAND.
Mr. SISSON with Mr. VOLSTEAD.

Mr. BUCHANAN of Texas. Mr. Speaker, I desire to vote yea.

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. BUCHANAN of Texas. I was in the room yonder, smoking.

The SPEAKER. The gentleman did not qualify. Was he in the cloakroom?

Mr. BUCHANAN of Texas. Yes; in the cloakroom.

The SPEAKER. That does not bring the gentleman within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The motion now is on the approval of the Journal of July 23. The question is on agreeing to that motion.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Forty-two gentlemen have arisen in the affirmative—not a sufficient number.

Mr. MANN. Mr. Speaker, I ask for the other side.

The SPEAKER. Those opposed to taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] One hundred and forty-three gentlemen have arisen in the negative. Forty-two is a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll. Those in favor of approving the Journal of July 23 will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 214, nays 0, answered "present" 8, not voting 207, as follows:

YEAS—214.

Abercrombie	Davis, W. Va.	Johnson, Utah	Roddenbery
Aiken	Decker	Jonnson, Wash.	Rucker
Alexander	Dickinson	Jones	Russell
Anderson	Dies	Kelley, Mich.	Seldomridge
Ashbrook	Dillon	Kelly, Pa.	Sells
Aswell	Donovan	Kennedy, Iowa	Sherley
Austin	Doolittle	Kettner	Shreve
Bailey	Doremus	Kirkpatrick	Sims
Baltz	Doughton	Konop	Sinnott
Barchfeld	Dyer	Korbly	Sisson
Barkley	Eagle	Lafferty	Sloan
Barton	Elder	Lazaro	Small
Bathrick	Estopinal	Lee, Ga.	Smith, Idaho
Beakes	Evans	Lee, Pa.	Smith, Md.
Bell, Cal.	Falconer	Lesher	Smith, Minn.
Bell, Ga.	Fergusson	Lever	Smith, Tex.
Blackmon	Fess	Lewis, Pa.	Stedman
Boober	FitzHenry	Lieb	Stephens, Cal.
Borchers	Flood, Va.	Lindbergh	Stephens, Nebr.
Borland	Foster	Lloyd	Stephens, Tex.
Bowdle	Fowler	Lobeck	Stone
Britten	French	Logue	Stout
Brockson	Gardner	McAndrews	Switzer
Broussard	Garrett, Tenn.	McClellan	Taggart
Brown, W. Va.	Garrett, Tex.	McCoy	Talcott, N. Y.
Bryan	George	McDermott	Tavenner
Buchanan, Ill.	Gillett	McGillicuddy	Taylor, Ala.
Buchanan, Tex.	Gilmore	McKellar	Taylor, Ark.
Bulkley	Glass	McKenzie	Taylor, Colo.
Burgess	Goodwin, Ark.	Maguire, Nebr.	Taylor, N. Y.
Burke, S. Dak.	Gordon	Mann	Temple
Burke, Wis.	Gorman	Mapes	Thomas
Byrnes, S. C.	Graham, Ill.	Mitchell	Thomson, Ill.
Byrns, Tenn.	Gray	Mondell	Towner
Callaway	Gudger	Moon	Treadway
Campbell	Hamlin	Morgan, La.	Tribble
Candler, Miss.	Hardwick	Morgan, Okla.	Underwood
Caraway	Hardy	Murray, Okla.	Vaughan
Carr	Harrison, Miss.	Neeley	Walker
Carter	Hay	Norton	Walters
Casey	Hayden	Oglesby	Watkins
Church	Heflin	O'Hair	Watson
Clark, Fla.	Helvering	Oldfield	Weaver
Claypool	Hensley	Patten, N. Y.	Webb
Clayton	Hill	Payne	Whaley
Cline	Holland	Phelan	Williams
Collier	Howard	Platt	Willis
Connelly, Kans.	Howell	Post	Wilson, Fla.
Cooper	Hughes, Ga.	Pou	Wingo
Cox	Hulings	Quin	Witherspoon
Curry	Hull	Ragsdale	Woods
Danforth	Igoe	Raker	Young, Tex.
Davenport	Jacoway	Rauch	
Davis, Minn.	Johnson, Ky.	Reed	

NAYS—0.

ANSWERED "PRESENT"—8.

Adamson	Crisp	Padgett	Smith, J. M. C.
Browning	Kahn	Rubey	Wallin

NOT VOTING—207.

Adair	Deitrick	Green, Iowa	Kinkead, N. J.
Ainey	Dent	Greene, Mass.	Kitchin
Allen	Dershem	Greene, Vt.	Knowland, J. R.
Ansberry	Difenderfer	Gregg	Kreider
Anthony	Dixon	Griest	La Follette
Avis	Donohoe	Griffin	Langham
Baker	Dooling	Guernsey	Langley
Barnhart	Driscoll	Hamill	L'Engle
Bartholdt	Dunn	Hamilton, Mich.	Lenroot
Bartlett	Dupré	Hamilton, N. Y.	Levy
Beall, Tex.	Eagan	Hammond	Lewis, Md.
Bremner	Edmonds	Harrison, N. Y.	Lindquist
Brodbeck	Edwards	Haugen	Linthicum
Brown, N. Y.	Esch	Hawley	Lonergan
Browne, Wis.	Fairchild	Hayes	McGuire, Okla.
Bruckner	Faison	Helgesen	McLaughlin
Brumbaugh	Farr	Helm	Madden
Burke, Pa.	Ferris	Henry	Mahan
Burnett	Fields	Hinds	Maher
Butler	Finley	Hinebaugh	Manahan
Calder	Fitzgerald	Hobson	Martin
Cantrill	Floyd, Ark.	Houston	Merritt
Carew	Fordney	Hoxworth	Metz
Carlin	Francis	Hughes, W. Va.	Miller
Cary	Frear	Humphrey, Wash.	Montague
Chandler, N. Y.	Gallagher	Humphreys, Miss.	Moore
Clancy	Gard	Johnson, S. C.	Morin
Connolly, Iowa	Garner	Keating	Morrison
Conry	Gerry	Keister	Moss, Ind.
Copley	Gittins	Kennedy, Conn.	Moss, W. Va.
Covington	Godwin, N. C.	Kennedy, R. I.	Mott
Cramton	Goeke	Kent	Murdock
Crosser	Goldfogle	Key, Ohio	Murray, Mass.
Cullop	Good	Kiess, Pa.	Nelson
Curley	Goulden	Kindel	Nolan, J. I.
Dale	Graham, Pa.	Kinkaid, Nebr.	O'Brien
O'Leary	Reilly, Wis.	Slayden	Thacher
O'Shaunessy	Richardson	Slemp	Thompson, Okla.
Page	Riordan	Smith, N. Y	Townsend
Palmer	Roberts, Mass.	Smith, Saml. W.	Tuttle
Parker	Roberts, Nev.	Sparkman	Underhill
Patton, Pa.	Rogers	Stafford	Vare
Pepper	Rothermel	Stanley	Volstead
Peters	Rouse	Steenerson	Walsh
Peterson	Rupley	Stephens, Miss.	Whitacre
Plumley	Sabath	Stevens, Minn.	White
Porter	Saunders	Stevens, N. H.	Wilder
Powers	Scott	Stringer	Wilson, N. Y.
Prouty	Scully	Sumners	Winslow
Rainey	Shackleford	Sutherland	Woodruff
Rayburn	Sharp	Talbott, Md.	Young, N. Dak.
Reilly, Conn.	Sherwood	Ten Eyck	

So the Journal of July 23 was approved.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GOULDEN with Mr. ROGERS.

Mr. HOUSTON with Mr. LA FOLLETTE.

Mr. PAGE with Mr. MCGUIRE of Oklahoma.

Mr. FITZGERALD with Mr. KINKAID of Nebraska.

Mr. TUTTLE with Mr. PROUTY.

Mr. WILSON of New York with Mr. SCOTT.

Mr. GITTINS with Mr. Moss of West Virginia.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. HELGESEN, for 2 weeks, on account of sickness.

To Mr. BELL of Georgia, for 10 days, on account of illness in his family.

AFFAIRS OF THE DISTRICT OF COLUMBIA.

Mr. HARDWICK. Mr. Speaker, I present the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Georgia offers a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. HARDWICK, from the Committee on Rules, reports back the following resolution (H. Res. 203) to the House with the recommendation that the same do pass:

House resolution 203 (H. Rept. 33).

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof which the chairman of the committee may appoint, be, and the same hereby is, empowered to investigate and inquire into the condition of the financial relations between the District of Columbia and the United States, as well as to the correctness of the books and accounts relative thereto, whether those books or accounts be kept by the United States or by the District of Columbia.

Said committee hereby is empowered, further, to examine and investigate the books and accounts of any officer or employee (past or present) of the District of Columbia, or of any other person having business dealings or transactions with the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the official conduct, acts, omissions, and doings of any officer or employee (past or present) of the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the books, accounts, and affairs of any public utility or common carrier doing business or operating in the District of Columbia, including any ice manufacturer, any market-house company or corporation, any market company, any taxicab or motor vehicle company, the Washington Terminal Co., any cold-storage or warehouse company, and any person, company, or corporation dealing in meats or other provisions in the District of Columbia.

For the purposes above set out the said committee is hereby empowered, in its discretion, to send for and compel the attendance of persons and the production of books and papers before it; and the chairman, or acting chairman, may administer oaths or affirmations.

The sum of $20,000, or so much thereof as may be necessary, hereby is appropriated out of the contingent fund of the House in order that this resolution may be put into effect. Said committee or subcommittee, as the case may be, is empowered to sit during the sessions of Congress or during the recesses between sessions of Congress, and may employ stenographers and accountants, who shall be paid out of said $20,000 upon vouchers signed by the chairman or acting chairman of said committee and approved by the Committee on Accounts.

Mr. HARDWICK. Mr. Speaker, this resolution explains itself. Gentlemen who have listened to its reading know what it is. I will say, however, in a word that the purpose of the resolution is to confer upon the Committee on the District of Columbia the power to conduct certain investigations and examinations into the affairs of the District of Columbia.

First, into those affairs so far as they relate to the United States Government, and, second, in regard to the officers of the District of Columbia.

I do not think we need any extended debate on the resolution; but I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON], the author of the resolution, for such further explanation as the House may require.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, the Sixty-second Congress appropriated from the contingent fund of the House the sum of $15,000 with which to conduct an investigation similar to the one asked for in this resolution. No sooner had that resolution been adopted and the Committee on the District of Columbia had announced that it would begin its investiga-

tion into the affairs of the lunatic asylum than the superintendant of that asylum rushed down to the Capitol and went before the Committee on Appropriations and admitted that the District of Columbia was indebted to the National Government in the sum of $769,000, which had been accumulating for years, but which had not been collected from the District of Columbia. If nothing else had been done, the money would have been well expended.

But the accounts relative to the interest on the 3.65 bonds of the District of Columbia are of more importance. The accountants have found beyond all peradventure, beyond the question of any man who is familiar with the subject, that the District of Columbia is indebted to the Federal Government on that account in the sum of $1,003,257.24. That we believe is sufficient warrant for asking for the continuance of this appropriation. In going through the accounts relative to the interest on those bonds the accountant informs the committee that he located several hundred thousand dollars more due to the Federal Government from the District of Columbia. They were questions which were collateral to the interest on the bonds, and he did not take them up as he went along, but he made memoranda as to where he can go and locate those sums, and we believe that he will locate them to the satisfaction even of the officers of the corporations who must pay them. The figures of the accountant have been verified by Mr. Hodgson, an expert accountant in the Treasury Department, who was designated by Secretary of the Treasury, Mr. MacVeagh, to go through these accounts with the committee accountant. I have in my hand a report of the committee, containing the testimony of Mr. Hodgson, the Treasury expert accountant, in which he says that he has gone over the items of the committee accountant, item by item, that he finds them absolutely correct, and that while he handled the figures in another way, the result has been just the same, to the cent. Mr. Speaker, I ask unanimous consent to file as a part of my remarks a copy of that report.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The report referred to is as follows:

INTEREST ON THE 3.65 BONDS OF THE DISTRICT OF COLUMBIA.

REPORT OF THE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA, APPOINTED UNDER HOUSE RESOLUTIONS NOS. 154 AND 200, ADOPTED BY THE HOUSE OF REPRESENTATIVES DURING THE FIRST SESSION OF THE SIXTY-SECOND CONGRESS.

Acting under House resolutions Nos. 154 and 200, adopted during the first session of the Sixty-second Congress, the chairman of the House Committee on the District of Columbia appointed Representatives OLDFIELD, GEORGE, Redfield, LOBECK, Sulloway, DYER, Berger, and JOHNSON of Kentucky as a subcommittee to conduct the investigations and inquiries provided for in said resolutions.

When the subcommittee met and organized, Mr. JOHNSON of Kentucky was chosen as chairman of the subcommittee. By proper resolutions the chairman was authorized to select accountants and stenographers for the purposes set out in the said resolutions. He thereupon selected Mr. T. Scott Mayes as accountant and Mr. J. R. Mayes as assistant accountant.

After Mr. Mayes had otherwise equipped himself for the work, written request was made by the chairman of the subcommittee upon the Secretary of the Treasury to detail an accountant in the Treasury Department to work with him, so that the ultimate finding of Mr. Mayes might be known by a Treasury accountant to be absolutely correct. In answer to this request, the Secretary of the Treasury detailed Mr. T. A. Hodgson, who had had charge of the accounts between the United States and the District of Columbia for more than 30 years.

The two committee accountants above referred to made report to the subcommittee under date of February 15, 1913, to the effect that they had found from the books that the District of Columbia is indebted to the United States in the sum of $1,003,257.24 on account of advancements made by the United States to the District of Columbia for the purpose of paying interest on the 3.65 bonds of the District of Columbia.

This indebtedness is reported by the said accountants to have accrued between August 1, 1876, and January 24, 1878, both dates inclusive. As above stated, the said report was filed by the accountants with the subcommittee February 15, 1913. On the same day Mr. T. A. Hodgson, hereinbefore referred to as the accountant in the Treasury Department, was called before the committee; and, after being duly sworn, stated that the figures and the net result thereof, as set out in the report made by Mr. T. Scott Mayes and Mr. J. R. Mayes, was correct.

While the 3.65 bonds were authorized under an act of June 20, 1874 (vol. 18, p. 116, U. S. Stat. L.), none of them was issued before October of that year, and their issual was continued in different amounts and at different times until 1911. Since that time none of these bonds has been issued.

Attention is invited by the committee to the fact that Mr. Hodgson has had charge of that account during the time that the greater number of these bonds were issued. He, above all other men, has been in position to know what indebtedness was paid by these bonds. In his testimony, which is hereto attached, he states that the bonds were issued for the purpose of taking up the board of audit certificates, and that these certificates were issued by the District of Columbia for work done for the District of Columbia.

In the testimony of Mr. Hodgson will be found a summary statement of his own which handles the figures in a somewhat different way than the figures are handled by Mr. Mayes in his report; but special attention is invited to the fact that the result is just the same.

The accountants, in reaching a final conclusion, were controlled by the following acts of Congress:

"That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and the fire department, a sum sufficient to meet the interest accruing on the 3.65 bonds of the District, during the fiscal year beginning July 1, 1876, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded. (Approved July 31, 1876, vol. 19, p. 106, U. S. Stat. L.)

* * * * * * *

"That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and fire department, a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1877, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest; and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury, until the full amount shall have been refunded." (Approved Mar. 3, 1877, vol. 19, p. 346, U. S. Stat. L.)

The only permanent act of Congress relative to the payment of interest on the 3.65 bonds is as follows:

"Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided." (Approved June 11, 1878, U. S. Stat. L., vol. 20, p. 105.)

And the only permanent act of Congress creating a sinking fund for the redemption of the 3.65 bonds is as follows:

"And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 20, 1874, at maturity, which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof, and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed." (Approved Mar. 3, 1879, vol. 20, p. 410, U. S. Stat. L.)

The two acts from which the above extracts are quoted were both enacted after the advancement of the $1,003,257.24 now due the United States from the District of Columbia and in no way alter the provisions of the acts of Congress of July 31, 1876, and March 3, 1877, under which the said advancement was made, but are quoted herein to show how the law with respect to interest and sinking fund on the 3.65 bonds has been ignored, in making appropriations for that purpose, since June 11, 1878, the date of the so-called organic act.

From the above the proposition is incontrovertible that the District of Columbia is indebted to the United States in the full sum of $1,003,257.24.

Under the law it is the plain duty of the Secretary of the Treasury to transfer this $1,003,257.24 upon his books from the District of Columbia to the credit of the United States; but, since this has not been done, your committee recommends that Congress take such appropriate action as will cause the District of Columbia to reimburse the United States to that extent.

The sundry civil appropriation bill which passed Congress in August, 1912, contained a provision which directed the District of Columbia to refund about $769,000 to the United States on account of District patients in the Government Hospital for the Insane. As the sundry civil appropriation bill has not yet been presented to the present Congress for the next fiscal year, we recommend that the Appropriation Committee embrace in said bill such legislation as will cause the United States to be fully reimbursed by the District of Columbia (out of revenues derived from taxation and privileges) on account of said indebtedness of $1,003,257.24.

The committee wishes to further report that neither its work nor that of the accountants is yet completed, the accountants advising the committee that they have located other large sums of money due from the District of Columbia to the United States.

The report of the committee accountants and the testimony of Mr. T. A. Hodgson are filed herewith as a part hereof, marked, respectively, "Exhibit A" and "Exhibit B."

All of which is respectfully submitted.

BEN JOHNSON, *Chairman.*
W. A. OLDFIELD.
C. O. LOBECK.
VICTOR L. BERGER.
L. C. DYER.
C. A. SULLOWAY.
HENRY GEORGE, Jr.
WILLIAM C. REDFIELD.

EXHIBIT A.

REPORT ON INTEREST ON 3.65 BONDS OF THE DISTRICT OF COLUMBIA.

(By T. Scott Mayes, accountant; J. R. Mayes, assistant.)

To the Hon. Ben Johnson, chairman, and members of the Special Committee Investigating the Affairs of the District of Columbia under House resolutions Nos. 154 and 200.

GENTLEMEN: We beg to submit the following report of our investigation of the accounts of the District of Columbia and the United States as they relate to the interest on the 3.65 bonds of the District of Columbia, issued under an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874.

Bonds authorized under this act were issued at different times between their authorization in 1874 and June 30, 1911, to the amount of $14,997,300, all bearing interest at the rate of 3.65 per cent per annum, payable semiannually on the 1st day of February and August of each year. Of these bonds, $8,888,200 were outstanding June 30, 1911.

The first interest became due February 1, 1875, and from that date, to and including June 30, 1911, the Treasurer of the United States received, for the purpose of paying the interest upon these bonds, the sum of $18,069,106.46, and paid out of said receipts on account of interest during the same period the sum of $18,063,327.10, leaving in his hands on June 30, 1911, the sum of $5,779.36, to meet the payment of the interest then due. Of the said sum of $18,069,106.46 deposited with the Treasurer of the United States for the payment of interest on the 3.65 bonds, the sum of $186,322.15 was deposited by the commissioners of the sinking fund of the District of Columbia during the fiscal year 1876, as shown by this report, Statement A; and there was deposited to the credit of said Treasurer's account on October 31, 1877, the sum of 6 cents.

The sum of $186,322.15, deposited by the said commissioners of said sinking fund was collected by them from the holders of board of audit certificates at the time the certificates were exchanged for 3.65 bonds. This deposit was for interest accrued on the bonds from August 1, 1874, to the date of the board of audit certificates for which the bonds were exchanged. In other words, the parties receiving the bonds paid for the accrued interest which they were not entitled to collect, and the money thus received was deposited to the credit of the Treasurer of the United States in order to pay this accrued interest when demanded.

The 6 cents deposited to the credit of the Treasurer of the United States October 31, 1877, was required to be deposited by order of the First Comptroller of the Treasury, by letter of October 30, 1877, to Hon. A. U. Wyman, late Treasurer of the United States. The accounts of the late Treasurer had been stated and it was ascertained that the amount to his credit was 6 cents short of the amount necessary to pay past-due interest on the 3.65 bonds, for which reason the deposit was required. This shortage of 6 cents grew out of an error in exchange of board of audit certificates for 3.65 bonds, and the deposit had to be made by the Treasurer or the sinking fund commissioners; but there is no record to show who made the deposit. As it was not made by the United States, and as we can find no evidence that it was made by the District of Columbia, it is treated as a payment not made by either.

On January 19, 1877, the First National Bank of New York sent to the Treasurer of the United States 100 fifty-dollar 3.65 coupon bonds to be exchanged for registered bonds of the same issue. The coupons for interest due February 1, 1877, on 23 of these bonds had been detached; and, as the registered bonds bore interest covering the same period which was covered by the detached coupons, the bank was required to deposit $20.99, the amount of the detached coupons, in order to meet the coupons when presented for payment. This sum of $20.99 was deposited by the Treasurer of the United States to the credit of the appropriation for payment of 3.65 interest for the fiscal year ended June 30, 1877. The amount necessary to pay these coupons having been paid into the Treasury by the bank, it is treated as interest not paid by either the United States or by the District of Columbia.

By deducting the 6 cents deposited by order of the Comptroller of the Treasury, the $20.99 deposited by the First National Bank of New York, and the $186,322.15 deposited by the commissioners of the sinking fund from the total amount received by the Treasurer of the United States for payment of interest on the 3.65 bonds of the District of Columbia to and including June 30, 1911, viz, $18,069,106.46, we find the total amount paid to the Treasurer of the United States by the District of Columbia and the United States to be $17,882,763.26 to pay interest on 3.65 bonds of the District of Columbia from date of issue to and including June 30, 1911.

Since the passage of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, to and including June 30, 1911, there has been advanced to the Treasurer of the United States out of the Treasury of the United States for the purpose of paying the interest on the 3.65 bonds of the District of Columbia the sum of $16,313,383.23, all of which, except $180,485.18, has been credited as a part of the annual and deficiency appropriations made by the United States toward the expenses of the District of Columbia for the fiscal years from 1879 to 1911, both inclusive.

All of the $16,313,383.23, except the sum of $180,485.18, was appropriated by various acts of Congress as shown by Statements F, G, H, and I of this report. This last-named sum of $180,485.18 was advanced to the Treasurer of the United States, as shown by his published reports on the sinking fund and funded debt of the District of Columbia, as amounts "received from permanent appropriation for interest on the 3.65 per cent bonds (sec. 4, act of June 11, 1878)"; and, thus, the aggregate amount made available for the payment of 3.65 interest was increased $180,485.18 beyond the regular annual and deficiency appropriations made by Congress for that purpose. The aggregate amount made available by congressional and raised appropriations from June 11, 1878, to and including June 30, 1911, $16,313,383.23, was charged one-half against the revenues of the United States and one-half against the revenues of the District of Columbia.

In the published report of the Treasurer of the United States on the sinking fund and funded debt of the District of Columbia for the fiscal year ended June 30, 1881, he discusses the questions of providing for settlement of Court of Claims judgments against the District of Columbia, as provided in act approved June 16, 1880, and of raising an appropriation for the purpose of paying the accumulated interest on the said Court of Claims judgments or upon the bonds issued therefor, and says that on May 7, 1881, he communicated with the Secretary of the Treasury, and desired to know whether or not a permanent appropriation was raised by section 4 of act approved June 11, 1878, for the purpose of paying interest on the 3.65 bonds, and that his communication was referred, for opinion, to the First Comptroller, who expressed the following views:

"Under the act of July 16, 1880, both principal and interest of these judgments may be paid in 3.65 bonds, or, under amended act of March 3, 1881, from the proceeds of sales of 3.65 bonds; but as section 4 of the act of June 11, 1878 (20 Stat., 105), provides that 'hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress, approved June 20, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year toward the expenses of the District of Columbia'; I would therefore recommend an indefinite appropriation under this act as an appropriation for the expenses of the District of Columbia; *all amounts so paid to be credited as a part of the appropriation* of $3,425,257.35 by the act of June 4, 1880, and deficiencies made for the expenses of the District of Columbia for the present fiscal year.

"Payments made for interest on judgments rendered after July 1, 1881, should be charged to the appropriation for the District for the then fiscal year 1882."

The Treasurer says:

"The letter was then returned to this office with the following indorsement:

"'Respectfully returned to the honorable Treasurer United States, inviting attention to inclosed opinion of the acting first comptroller. An appropriation will be raised upon the books of the department to pay the interest on the judgment cases referred to herein, under the title of "Interest on 3.65 bonds, District of Columbia, act June 11, 1878 (judgments, acts June 16, 1880, and March 3, 1881), from which the Treasurer will be reimbursed for expenditures on this account."'"

The acting first comptroller held that these *raised appropriations* for the payment of interest on 3.65 bonds exchanged for or sold to satisfy Court of Claims judgments against the District of Columbia should be charged to the appropriations for the District of Columbia for the fiscal year in which the appropriations were raised. This was not done; but, in so much as there was an unexpended balance of appropriations for the fiscal years in which the appropriations were raised, which was covered into the Treasury, the effect was the same as though the said raised appropriations had been treated as directed by the acting first comptroller.

A tabulated statement of the advances from the raised appropriations above referred to is shown by Exhibit No. 1 of this report, and each advancement for that purpose to the Treasurer of the United States is included in statement I as "Appropriations raised under section 4, act June 11, 1878."

Before the passage of said act of June 11, 1878, there was advanced to the Treasurer of the United States, for the purpose of paying interest on the 3.65 bonds, the sum of $1,755,723.23.

Of this sum, 6 cents was deposited by order of the comptroller, $186,322.15 by the commissioners of the sinking fund, and $20.99 by the First National Bank of New York, as before stated; and $198,622.79 was deposited by the Commissioners of the District of Columbia in pursuance of joint resolution of Congress approved March 14, 1876, and $367,500 was appropriated by Congress out of the Treasury of the United States, and $1,003,257.24 was *advanced* to the Treasurer by the Secretary of the Treasury of the United States out of the revenues of the United States.

The first appropriation made by Congress for the payment of interest on the 3.65 bonds was $182,500 by act approved February 1, 1875, and the second was $185,000 by act approved March 3, 1875. On March 14, 1876, Congress, by joint resolution, ordered the Commissioners of the District of Columbia to pay to the Treasurer of the United States an amount sufficient to pay the interest due February 1, 1876, and the commissioners gave the Treasurer of the United States a check for $200,000, and on November 22, 1876, the Treasurer of the United States paid back to the Commissioners of the District of Columbia the sum of $1,377.21, the difference between $200,000 and $198,622.79, the last-named sum being the amount required to pay the February 1, 1876, interest. The $198,622.79 was the only payment of interest on account of the 3.65 bonds made by the District of Columbia from the date of issue until after the passage of act of June 11, 1878.

In the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876 (U. S. Stat. L., vol. 19, p. 83), Congress provided for the support of the District of Columbia government for the fiscal year ended June 30, 1877, by a tax of $1.50 on each $100 of the assessed value of the real and personal property of the District of Columbia, excepting the real and personal property of the United States and other property exempted from taxation by said act.

Section 2 of said act is as follows:

"That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment to be made by the Commissioners of the District of Columbia, or their successors in office: *Provided*, That before any of said fund shall be expended, said apportionment shall be established and published by said commissioners at least six times consecutively in a daily newspaper of the District of Columbia, and said published apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided further*, That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund."

Section 3 of said act provides that one half of the taxes levied by said act was due December 1, 1876, and the other half June 1, 1877, and provides further that—

"In every case where the tax levied by this act shall be paid in installments as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal pro rata proportion of the payment so made shall be carried to the credit of the respective funds."

Section 13 of said act is as follows:

"That the treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States, and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for the expenditures authorized by law, and only upon warrants of the accounting officers of the District, and issued under the direction of the Commissioners of the District or their successors in office.

The apportionment required to be made by the Commissioners of the District of Columbia of taxes levied by this act was made by them and published in the Evening Star, a daily newspaper published in the District of Columbia; said publications of said apportionment were made in the month of November, 1876, for six consecutive issues of the said paper; and, when so published said apportionment became the *law for the distribution of the moneys collected on account of said levy*, and the *surplus* only of any apportionment could be used for a purpose *other than* that for which it was apportioned.

A copy of the apportionment, together with the affidavit of Henry G. Hanford, assistant auditor of the Evening Star, is made part of this report and is designated as Exhibit No. 2.

The commissioners apportioned out of each $1.50 to be collected on account of said levy the sum of 52 cents and 7 mills "for interest on the District of Columbia 3.65 bonds, guaranteed by the United States, act of Congress approved July 31, 1876."

This apportionment was adhered to in every tax collection reported during the fiscal year 1877, except the one reported December 30, 1876. In this collection of December 30, 1876, the entire apportionment was slightly changed from the published apportionment, each fund, except the general fund of the District, receiving a little less than it was entitled to receive, the fund for interest on the 3.65 bonds receiving $0.52432 instead of $0.527 out of each $1.50 collected. This irregular apportionment of the one collection was unquestionably due to an error in calculation.

There was collected for interest on the 3.65 bonds of the District of Columbia on account of the levy for the fiscal year 1877 and during the fiscal year 1877 the sum of $432,286.69, and from July 1, 1877, to October 31, 1877, the further sum of $34,968.69, and from October 31, 1877, to June 30, 1878, the further sum of $23,349.32, and in all the sum of $490,504.70 to June 30, 1878.

Up to October 31, 1877, the apportionment was made of each collection reported, but after October 31, 1877, the apportionment was ignored and the collections thereafter were treated as *general revenues* of the District of Columbia.

The act of Congress approved July 31, 1876 (U. S. Stat., vol. 19, p. 106), provides:

"That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and the fire department a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance from any money in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time, as said revenues may be paid into said Treasury, until the full amount shall have been refunded."

The Secretary of the Treasury, under this act, advanced to the Treasurer of the United States for the purpose of paying interest on the 3.65 bonds for the fiscal year ended June 30, 1877, the sum of $501,628.62 from the revenues of the United States.

By the act of Congress approved March 3, 1877 (U. S. Stat., 19; p. 346), the Secretary of the Treasury was again directed to reserve from any revenues of the District of Columbia not required for *actual current expenses of schools, police, and fire department*, a sum sufficient to meet the interest accruing on the 3.65 bonds during the fiscal year beginning July 1, 1877, and apply the same to that purpose; and, in case a sufficient sum of said revenues was not in the Treasury of the United States at such time as the interest became due, then the Secretary of the Treasury was authorized and directed to advance a sum sufficient to pay the interest, *the same to be reimbursed to the Treasury of the United States from time to time until the full amount should have been refunded*. Under this act the Secretary of the Treasury of the United States advanced to the Treasurer of the United States for the purpose of paying the interest on the 3.65 bonds of the District of Columbia for the fiscal year ended June 30, 1878, the sum of $501,628.62 from the revenues of the United States.

The two acts of Congress just referred to, in which provision was made for the payment of the interest on the 3.65 bonds for the fiscal years 1877 and 1878, directed the Secretary of the Treasury to *reserve* from the revenues of the District of Columbia not required for *the actual current expenses of schools, police, and fire department* a sum sufficient to meet the interest accruing on the 3.65 bonds.

The revenues of the District of Columbia since July 11, 1874, had been deposited in the Treasury of the United States, but none had been covered into the Treasury by covering warrant until September 28, 1878. As shown by the accounts kept in the Treasury Department, on August 1, 1876, the day the Secretary of the Treasury advanced $250,814.31 to pay the August 1, 1876, interest on the 3.65 bonds of the District of Columbia, the Commissioners of the District of Columbia had to the credit of their revenue and tax account with the Treasurer of the United States the sum of $377,212.49, *none of which was reserved to pay the interest then due*, but the full amount was advanced by the Secretary out of the revenues of the United States. At the time the Secretary of the Treasury advanced the $250,814.31 to pay the February 1, 1877, interest on the 3.65 bonds the Commissioners of the District of Columbia had to their credit on the books in the Treasury Department the sum of $145,132.15, *none of which was reserved to pay the interest then due*. At the time the Secretary of the Treasury advanced $250,814.31 to pay the August 1, 1877, interest on the 3.65 bonds the Commissioners of the District of Columbia had to their credit on the books in the Treasury Department the sum of $142,914.61, *none of which was reserved to pay the interest then due*.

At the time the Secretary of the Treasury advanced $250,814.31 to pay the interest on the 3.65 bonds due February 1, 1878, the Commissioners of the District of Columbia had to their credit on the books in the Treasury Department the sum of $296,099.81, *none of which was reserved to pay the interest then due*.

It is true that if the entire amount on hand to the credit of the Commissioners of the District at the time these advances were made by the Secretary of the Treasury was needed for *actual current expenses of the schools, the police, and fire department*, then it could not have been reserved by the Secretary of the Treasury; but during the fiscal years 1877 and 1878 the Commissioners of the District of Columbia deposited in the Treasury Department revenues amounting to over $1,800,000 *in excess of the actual current expenses of schools, police, and fire department*, out of which Congress had directed that the Treasury of the United States should be reimbursed, *but no reimbursement was made*.

The Commissioners of the District of Columbia had to their credit on the books in the Treasury Department at the close of the fiscal year 1878, after the payment of all outstanding checks, $29,395.40, which could have been applied as a reimbursement on account of the $1,003,257.24 advanced by the Secretary of the Treasury for the payment of interest on the 3.65 bonds for the fiscal years 1877 and 1878; but, instead, it went into the general fund and helped to swell the revenues of the District of Columbia for the fiscal year 1879, by reason of which the United States was compelled to contribute a like sum from its revenues.

On June 30, 1889, according to the Treasury statement of the accounts between the District of Columbia and the United States the District of Columbia had in the Treasury of the United States $512,958.11 of unappropriated revenues; and on June 30, 1896, $825,706.71; this amount, together with the unadvanced balances of appropriations at this time, amounted to $1,106,160.47, according to Treasury statement of the District of Columbia account, and was more than sufficient to have reimbursed the United States Treasury for these advances, had *no reimbursement was made*.

We know of no reason why the plain provisions of the acts of July 31, 1876, and March 3, 1877, as to reimbursement to the United States for $1,003,257.24, advanced by the Secretary of the Treasury for payment of interest on the 3.65 bonds, were not complied with. *The sections that gave the Secretary of the Treasury the authority to advance the money directed and made ample provision for its repayment.*

The provisions of the two acts are so simple that there should be no difficulty in construing them. The records made at the time on the books of the Treasury of the United States and the action of the Commissioners of the District of Columbia are both proof positive that all parties concerned knew that the sums so advanced by the Secretary of the Treasury were to be reimbursed, and also the source from which the reimbursement was to be made.

Both the "appropriation" and "personal" ledgers in the Treasury of the United States by the entries made thereon show that the amounts advanced were to be repaid to the United States. The Commissioners of the District of Columbia, knowing that these amounts were to be repaid to the United States, collected from taxation on account of the levy of 1877 the sum of $490,504.70 for that purpose, which, under the apportionment made by them, could not be used for other purposes, but was never used for the purpose for which it was collected and set aside.

Guided by the various acts of Congress making provision for the payment of interest on the 3.65 bonds of the District of Columbia, all of which are referred to in this report and statement of account, we find that the District of Columbia is indebted to the United States in the sum of $1,003,257.24 on account of interest paid on the 3.65 bonds of the District of Columbia from date of issue to and including June 30, 1911, the date to which we have gone in this investigation.

From June 20, 1874, the date of the act authorizing the issue of the 3.65 bonds of the District of Columbia, to June 11, 1878, the District of Columbia contributed $198,622.79 and the United States $1,370,757.24 to the payment of the interest on the 3.65 District of Columbia bonds.

If the mandatory provisions of the acts of July 1, 1876, and March 3, 1877, which require the *reimbursement* of $1,003,257.24 to the United States, are to be ignored, and in lieu thereof is to be substituted the contention of some that the United States is to pay one-half of the interest on those bonds, then the District of Columbia would owe the United States $586,067.22½. If the contention of others, that all debts owing by the District of Columbia on June 11, 1878, are to be paid one-half by the District of Columbia and one-half by the United States, is to be substituted for the mandatory provisions of said acts of Congress, then, in that event, the District of Columbia would owe the United States on account of interest payments on the 3.65 bonds one-half of $1,003,257.24, or the sum of $501,628.62.

We fail to see any reason why either of these mere contentions should be substituted for the plain provisions of acts of Congress requiring the *repayment* of the entire amount of $1,003,257.24, advanced by the Secretary of the Treasury out of the revenues of the United States.

In order to ascertain what amount had been paid by the District of Columbia on account of interest on the 3.65 bonds from the date of the issue of these bonds up to June 30, 1878, it was necessary that we make a thorough investigation both of the accounts of the District of Columbia and of the United States with the District of Columbia from June 20, 1874, to June 30, 1878.

Owing to the manner in which the accounts of the District of Columbia were kept at that time, and owing to the further fact that the index to but one ledger could be found, it became necessary for us to read every journal entry covering that period. By this examination the fact was ascertained that only $198,622.79 was paid by the District of Columbia on account of interest on the 3.65 bonds up to June 30, 1878; and by this examination we also ascertained that the United States had advanced for the same period for that purpose the sum of $1,370,757.24.

The revenues of the District of Columbia from July 1, 1878, to and including June 11, 1911, were deposited daily with the Treasurer of the United States and thereafter covered into the Treasury of the United States and amounted to over $100,000,000. In order to know whether or not any of these revenues had been reserved by the Secretary of the Treasury to reimburse the United States Treasury for the $1,003,257.24 paid by the United States during the fiscal years 1877 and 1878, and in order to ascertain who had paid the interest on the 3.65 bonds from June 30, 1878, to and including June 30, 1911, it became necessary for us to make a thorough analysis of the general account between the District of Columbia and the United States from June 30, 1878, to and including June 30, 1911.

The work of collecting all the data necessary to a full and complete statement of the general account involves a great amount of labor because of the vast number of details entering into the account. Progress is retarded because hundreds of the books and most of the papers necessary to be examined are in the file rooms far removed from ledgers and journals and papers to which reference must frequently be made during our daily examinations.

In this general account all of the revenues of the District of Columbia deposited into the Treasury of the United States since June 30, 1878, to and including June 30, 1911, and all acts and appropriations by Congress affecting the revenues of the District of Columbia approved prior to June 30, 1911, for the fiscal years 1879 to 1911, inclusive, and all advances made from appropriations, and all repayments made thereto, and all amounts covered into the Treasury by surplus-fund warrants, have to be considered.

In making the examination and analysis of the general account essential to a full and complete statement of the 3.65 interest account we have completed much of the work necessary for our report on the general account, which we will make as soon as completed.

The payment of interest on the 3.65 bonds is but one of the many items considered in this general account; but, owing to the fact that the statement of this interest account covers certain fiscal years prior to July 1, 1878, which fiscal years are not covered by the general account, we deemed it necessary to make a separate statement thereof.

All the payments of the 3.65 interest were made by the Treasurer of the United States, and his disbursing account is kept on the General Treasury agency ledgers, Nos. 10 to 43, inclusive, and on the unnumbered ledgers for the fiscal years 1910 and 1911.

We have stated this account by ledgers in order that those desiring to do so may compare the statement with the ledger accounts. State-

ments A, B, C, D, E, F, G, H, and I and the consolidated statements thereof are appended hereto and made part of this report. In these statements all ledger debits and credits are eliminated except those debits showing actual payments of interest and those credits showing the actual advance warrants and deposits of money. The entries eliminated are found on debit journals Nos. 12 to 48, inclusive, and on credit journals Nos. 35 to 175, inclusive.

We report that there is due the United States from the District of Columbia on said interest account the sum of $1,003,257.24.

Respectfully submitted.

T. SCOTT MAYES, *Accountant.*
J. R. MAYES, *Assistant.*

WASHINGTON, D. C., *February 15, 1913.*

Consolidation of statements A, B, C, D, E, F, G, H, and I, showing the aggregate amount received by the Treasurer of the United States for the payment of interest on the 3.65 bonds of the District of Columbia, and the aggregate interest paid on said bonds, from the date of issue to the close of the fiscal year which ended June 30, 1911, and the balance cash on hand June 30, 1911.

Statements.	Payments of interest.	Receipts from all sources.
A	$752,041.23	$752,445.00
B	250,516.79	250,814.31
C	250,848.99	250,835.30
D	250,628.12	250,814.31
E	250,170.06	250,814.31
F	249,982.14	250,814.31
G	249,459.27	250,814.31
H	238,652.53	246,464.42
I	15,571,027.97	15,565,290.19
Total	18,063,327.10	18,069,106.46
1911, June 30: Balance on hand, to pay interest due	5,779.36	
	18,069,106.46	18,069,106.46

Analysis of receipts for the payment of interest on the 3.65 bonds of the District of Columbia to June 30, 1911.

Receipts of Treasurer of the United States		$18,069,106.46
Receipts from United States and District of Columbia, each contributing one-half for fiscal years 1879 to 1911, inclusive, from congressional and raised appropriations		16,313,383.23
Receipts for fiscal years prior to July 1, 1878		1,755,723.23
Receipts contributed by neither the United States nor the District of Columbia		186,343.20
Receipts from the United States and the District of Columbia prior to July 1, 1878		1,569,380.03
Receipts from United States Treasury on account of appropriations Feb. 11, 1875, and Mar. 3, 1875	$367,500.00	
Receipts from Commissioners of District of Columbia on account of joint resolution, Mar. 14, 1876	198,622.79	
Receipts from United States Treasury on account of advances made in pursuance of the acts of Congress, July 31, 1876, and Mar. 3, 1877, which amount was to be, but has not been, reimbursed by the District of Columbia to the United States Treasury, and is now due the United States from the District of Columbia	1,003,257.24	
		1,569,380.03

Statement of moneys received and payments made by the Treasurer of the United States on account of interest on the 3.65 bonds of the District of Columbia, as shown by Treasury ledgers.

STATEMENT A.

Date.		Payments.	Receipts.
	Ledger No. 10, page 212. February, 1873, interest.		
1873.			
Feb. 2	By Treasury warrant No. 209		$75,000.00
28	By Treasury warrant No. 430		15,000.00
Mar. 11	By Treasury warrant No. 503		25,000.00
Apr. 6	By Treasury warrant No. 731		67,500.00
	These four warrants were advanced on account of appropriation act of Feb. 1, 1875 (U. S. Stat., vol. 18, p. 308).		
June 20	To interest paid from Feb. 12, 1875, to June 20, 1875, inclusive	$154,554.64	
	To unpaid appropriation deposited in Treasury	27,945.36	
		182,500.00	182,500.00
Aug. 2	By Treasury warrant No. 1644		27,945.36
	This warrant was drawn on account of the unexpended balance of the appropriation act of Feb. 1, 1875, which balance was covered into the Treasury June 20, 1875.		
Sept. 28	By balance overpayment forwarded to ledger No. 10, page 212		4,003.98
	To interest paid from July 31 to Sept. 28, 1875, inclusive	31,949.34	
		31,949.34	31,949.34

Statement of moneys received and payments made, etc.—Continued.

STATEMENT A—continued.

Date.		Payments.	Receipts.
	Ledger No. 10, page 213. February and August, 1875, interest.		
1875.			
July 31	By deposit by commissioners, sinking fund		$23,439.63
Oct. 8	do		10,000.00
22	do		20,000.00
Nov. 8	do		20,000.00
Dec. 1	do		37,836.08
20	To interest paid from Nov. 18 to Dec. 20, 1875, inclusive	$79,441.55	
	To amount of overpayment from page 212	4,003.98	
	To balance forwarded to ledger No. 11, page 280	27,830.18	
		111,275.71	111,275.71
	Ledger No. 11, page 280. February and August, 1875, and February, 1876, interest.		
1876.			
Jan. 1	By balance from ledger No. 10, page 213		$27,830.18
5	By deposit by commissioners, sinking fund		20,000.00
12	do		22,243.35
15	do		1.83
27	do		20,000.00
Feb. 4	do		12,801.24
Mar. 16	By amount paid Treasurer of the United States by Commissioners of the District of Columbia, as required by joint resolution of Congress approved Mar. 14, 1876 (U. S. Stat., vol. 19, p. 211), by check No. 11 for $200,000.00		
	Less amount repaid to Commissioners of District of Columbia Nov. 22, 1876 (ledger No. 11, p. 520) 1,377.21		
			198,622.79
Nov. 22	To interest paid from Jan. 14 to Nov. 22, 1876, inclusive	$296,927.44	
	To balance to ledger No. 12, page 390	4,571.97	
		301,499.41	301,499.41
	Ledger No. 12, page 390. February and August, 1875, and February, 1876, interest.		
1877.			
Jan. 1	By balance from ledger No. 11, page 280		$4,571.97
Oct. 31	By cash deposit (by order of comptroller)		.06
Dec. 22	To interest paid from Jan. 19 to Dec. 22, 1877, inclusive	$2,310.42	
	To balance to ledger No. 13, page 215	2,261.61	
		4,572.03	4,572.03
	Ledger No. 13, page 215. February and August, 1875, and February, 1876, interest.		
1878.			
Jan. 1	By balance from ledger No. 12, page 390		$2,261.61
June 26	To interest paid from Feb. 6 to June 26, 1878, inclusive	$118.62	
	To balance to ledger No. 13, page 352	2,142.99	
		2,261.61	2,261.61
	Ledger No. 14, page 352. February and August, 1875, and February, 1876, interest.		
1878.			
July 1	By balance from ledger No. 13, page 215		$2,142.99
1879.			
May 2	To interest paid from Aug. 22, 1878, to May 2, 1879, inclusive	$1,334.08	
	To balance to ledger No. 15, page 391	808.91	
		2,142.99	2,142.99
	Ledger No. 15, page 391. February and August, 1875, and February, 1876, interest.		
1879.			
July 1	By balance from ledger No. 14, page 352		$808.91
Oct. 14	To interest paid from Aug. 20 to Oct. 14, 1879, inclusive	$405.14	
	To balance transferred to ledger No. 15, page 400, merged interest account	403.77	
		808.91	808.91
	Ledger No. 10, page 212. August, 1875, interest.		
1875.			
Aug. 6	By Treasury warrant 1679		$185,000.00
	This warrant drawn on account of appropriation, act Mar. 3, 1875 (U. S. Stat., vol. 19, p. 376).		
Nov. 18	To interest paid from Aug. 16 to Nov. 18, 1875, inclusive	$185,000.00	
		185,000.00	185,000.00

RECAPITULATION OF STATEMENT A.

	Payments.	Receipts.
Ledger No. 10, page 212:		
Receipts from congressional appropriations		$367,500.00
Payments of interest	$371,503.98	

Statement of moneys received and payments made, etc.—Continued.

RECAPITULATION OF STATEMENT A—continued.

	Payments.	Receipts.
Ledger No. 10, page 213:		
Deposit by commissioners, sinking fund		$111,275.71
Payments of interest	$79,441.55	
Ledger No. 11, page 280:		
Deposit by commissioners, sinking fund		75,046.44
Deposit by Commissioners District of Columbia		198,622.79
Payments of interest	286,927.44	
Ledger No. 12, page 390:		
Cash deposited by order of comptroller		.06
Payments of interest	2,310.42	
Ledger No. 13, page 215: Payments of interest	118.62	
Ledger No. 14, page 352: Payments of interest	1,334.08	
Ledger No. 15, page 391: Payments of interest	405.14	
Total	752,041.23	752,445.00
Balance to merged interest account	403.77	
	752,445.00	752,445.00

STATEMENT B.

Date.		Payments.	Receipts.
	Ledger No. 11, page 281. August, 1876, interest.		
1876. Aug. 1	By Treasury warrant No. 1449		$250,814.31
	This warrant was drawn on account appropriation, act July 31, 1876 (U. S. Stat., vol. 19, p. 106).		
Nov. 24	To interest paid from Aug. 10 to Nov. 24, 1876, inclusive	$245,813.81	
	To balance to ledger No. 12, page 391	5,000.50	
		250,814.31	250,814.31
	Ledger No. 12, page 391. August, 1876, interest.		
1877. Jan. 1	By balance from ledger No. 11, page 281		$5,000.50
Dec. 22	To interest paid from Jan. 19 to Dec. 22, 1877, inclusive	$3,923.73	
	To balance to ledger No. 13, page 215	1,076.77	
		5,000.50	5,000.50
	Ledger No. 13, page 215. August, 1876, interest.		
1878. Jan. 1	By balance from ledger No. 12, page 391		$1,076.77
June 24	To interest paid from Jan. 16 to June 24, inclusive	$123.16	
	To balance to ledger No. 14, page 352	953.61	
		1,076.77	1,076.77
	Ledger No. 14, page 352. August, 1876, interest.		
1878. July 1	By balance from ledger No. 13, page 215		$953.61
1879. May 2	To interest paid from July 30, 1878, to May 2, 1879, inclusive	$499.13	
	To balance to ledger No. 15, page 391	454.48	
		953.61	953.61
	Ledger No. 15, page 391. August, 1876, interest.		
1879. July 1	By balance from ledger No. 14, page 352		$454.48
Oct. 10	To interest paid from Aug. 20 to Oct. 10, inclusive (1879)	$156.96	
	To balance to ledger No. 15, page 400, merged interest account	297.52	
		454.48	454.48

RECAPITULATION OF STATEMENT B.

	Payments.	Receipts.
Ledger No. 11, page 281:		
Receipts from congressional appropriations		$250,814.31
Payments of interest	$245,813.81	
Ledger No. 12, page 391: Payments of interest	3,923.73	
Ledger No. 13, page 215: Payments of interest	123.16	
Ledger No. 14, page 352: Payments of interest	499.13	
Ledger No. 15, page 391: Payments of interest	156.96	
Total	250,516.79	250,814.31
Balance to merged interest account	297.52	
	250,814.31	250,814.31

STATEMENT C.

Date.		Payments.	Receipts.
	Ledger No. 12, page 392. February, 1877, interest.		
1877. Feb. 1	By Treasury warrant No. 258		$250,835.30
	This sum was advanced on account of act July 31, 1876 (U. S. Stat., vol. 19, p. 106).		

Statement of moneys received and payments made, etc.—Continued.

STATEMENT C—continued.

Date.		Payments.	Receipts.
	Ledger No. 12, page 392. February, 1877, interest—Continued.		
1877 Dec. 22	To interest paid from Aug. 8 to Dec. 22, 1877, inclusive	$249,386.25	
	To balance to ledger No. 13, page 216	1,449.05	
		250,835.30	$250,835.30
	Ledger No. 13, page 216. February, 1877, interest.		
1878. Jan. 1	By balance from ledger No. 12, page 392		$1,449.05
June 26	To interest paid from Jan. 9 to June 26, 1878, inclusive	$464.48	
	To balance to ledger No. 14, page 353	984.57	
		1,449.05	1,449.05
	Ledger No. 14, page 353. February, 1877, interest.		
1878. July 1	By balance from ledger No. 13, page 216		$984.57
1879. May 2	To interest paid from July 24, 1878, to May 2, 1879, inclusive	$745.50	
	To balance to ledger No. 15, page 392	239.07	
		984.57	984.57
	Ledger No. 15, page 392. February, 1877, interest.		
1879. July 1	By balance from ledger No. 14, page 353		$239.07
Oct. 22	To interest paid from Aug. 20 to Oct. 22, 1879, inclusive	$252.76	
	By balance overpayment carried to merged interest account, ledger No. 15, page 400		13.69
		252.76	252.76

RECAPITULATION OF STATEMENT C.

	Payments.	Receipts.
Ledger No. 12, page 392:		
Receipts from congressional appropriation		$250,835.30
Payments of interest	$249,386.25	
Ledger No. 13, page 216: Payments of interest	464.48	
Ledger No. 14, page 353: Payments of interest	745.50	
Ledger No. 15, page 392: Payments of interest	252.76	
Total	250,848.99	250,835.30
Balance to merged interest account		13.69
	250,848.99	250,848.99

STATEMENT D.

Date.		Payments.	Receipts.
	Ledger No. 12, page 393. August, 1877, interest.		
1877. July 31	By Treasury warrant No. 1592		$250,814.31
	This warrant was advanced on account of act Mar. 3, 1877 (U. S. Stat., vol. 19, p. 346).		
Dec. 22	To interest paid from Aug. 7 to Dec. 22, 1877, inclusive	$246,714.45	
	To balance ledger No. 13, page 216	4,099.86	
		250,814.31	250,814.31
	Ledger No. 13, page 216. August, 1877, interest.		
1878. Jan. 1	By balance from ledger No. 12, page 393		$4,099.86
June 24	To interest paid from Jan. 9 to June 24, 1878, inclusive	$2,403.52	
	To balance ledger No. 14, page 355	1,696.34	
		4,099.86	4,099.86
	Ledger No. 14, page 355. August, 1877, interest.		
1878. July 1	By balance from ledger No. 13, page 216		$1,696.34
1879. May 2	To interest paid from July 24, 1878, to May 2, 1879, inclusive	$997.33	
	To balance to ledger No. 15, page 392	699.01	
		1,696.34	1,696.34
	Ledger No. 15, page 392. August, 1877, interest.		
1879. July 1	By balance from ledger No. 14, page 353		$699.01
Nov. 20	To interest paid from Aug. 20 to Nov. 20, 1879, inclusive	$512.82	
	To balance to merged interest account, ledger No. 15, page 400	186.19	
		699.01	699.01

Statement of moneys received and payments made, etc.—Continued.

RECAPITULATION OF STATEMENT D.

	Payments.	Receipts.
Ledger No. 12, page 393:		
Receipts from congressional appropriations		$250,814.31
Payments of interest	$246,714.45	
Ledger No. 13, page 216: Payments of interest	2,403.52	
Ledger No. 14, page 333: Payments of interest	997.33	
Ledger No. 15, page 392: Payments of interest	512.82	
Total	250,628.12	250,814.31
Balance to merged interest account	186.19	
	250,628.31	250,814.31

STATEMENT E.

Date.		Payments.	Receipts.
	Ledger No. 13, page 217. February, 1878, interest.		
1878. Jan. 24	By Treasury warrant No. 188		$250,814.31
	This sum was advanced on account, act Mar. 3, 1877 (U. S. Stat., vol. 19, p. 346).		
June 27	To interest paid from Feb. 5 to June 27, 1878, inclusive	$247,580.41	
	To balance to ledger No. 14, page 355	3,233.90	
		250,814.31	250,814.31
	Ledger No. 14, page 355. February, 1878, interest.		
1878. July 1	By balance from ledger No. 13, page 217		$3,233.90
1879. May 2	To interest paid from July 9, 1878, to May 2, 1879, inclusive	$2,208.24	
	To balance to ledger No. 15, page 393	1,025.66	
		3,233.90	3,233.90
	Ledger No. 15, page 393. February, 1878, interest.		
1879. July 1	By balance from ledger No. 14, page 355		$1,025.66
Nov. 20	To interest paid from Aug. 20 to Nov. 20, 1879, inclusive	$381.41	
	To balance ledger No. 15, page 400, merged interest account	644.25	
		1,025.66	1,025.66

RECAPITULATION OF STATEMENT E.

	Payments.	Receipts.
Ledger No. 13, page 217:		
Receipts from congressional appropriation		$250,814.31
Payments of interest	$247,580.41	
Ledger No. 14, page 355: Payments of interest	2,208.24	
Ledger No. 15, page 393: Payments of interest	381.41	
Total	250,170.06	250,814.31
Balance to merged interest account	644.25	
	250,814.31	250,814.31

STATEMENT F.

Date.		Payments.	Receipts.
	Ledger No. 14, page 356. August, 1878, interest.		
1878. Aug. 2	By Treasury warrant No. 1648		$250,814.31
	Appropriation acts June 20, 1878, Mar. 3, 1879 (U. S. Stat., vol. 20, pp. 208 and 416).		
1879. June 27	To interest paid from Aug. 6, 1878, to June 27, 1879, inclusive	$249,343.39	
	To balance to ledger No. 15, page 394	1,470.92	
		250,814.31	250,814.31
	Ledger No. 15, page 394. August, 1878, interest.		
1879. July 1	By balance from ledger No. 14, page 356		$1,470.92
Nov. 20	To interest paid from Aug. 20 to Nov. 20, 1879, inclusive	$638.75	
	To balance to ledger No. 15, page 400, merged interest account	832.17	
		1,470.92	1,470.92

Statement of moneys received and payments made, etc.—Continued.

RECAPITULATION OF STATEMENT F.

	Payments.	Receipts.
Ledger No. 14, page 356:		
Receipts from congressional appropriation		$250,814.31
Payments of interest	$249,343.39	
Ledger No. 15, page 394: Payments of interest	638.75	
Total	249,982.14	250,814.31
Balance to merged interest account	832.17	
	250,814.31	250,814.31

STATEMENT G.

Date.		Payments.	Receipts.
	Ledger No. 14, pages 358-360. February, 1879, interest.		
1879. Feb. 6	By Treasury warrant No. 338		$250,814.31
	Appropriation acts June 20, 1878, Mar. 3, 1879 (U. S. Stat., vol. 20, pp. 208 and 416).		
June 27	To interest paid from Feb. 4 to June 27, 1879, inclusive	$245,940.66	
	To balance to ledger No. 15, page 396	4,873.65	
		250,814.31	250,814.31
	Ledger No. 15, page 396. February, 1879, interest.		
1879. July 1	By balance from ledger No. 14, page 360		$4,873.65
Nov. 20	To interest paid from July 9 to Nov. 20, 1879, inclusive	$3,518.61	
	To balance to ledger No. 15, page 400, merged-interest account	1,355.04	
		4,873.65	4,873.65

RECAPITULATION OF STATEMENT G.

	Payments.	Receipts.
Ledger No. 14, pages 358-360:		
Receipts from congressional appropriations		$250,814.31
Payments of interest	$245,940.66	
Ledger No. 15, page 396: Payments of interest	3,518.61	
Total	249,459.27	250,814.31
Balance to merged-interest account	1,355.04	
	250,814.31	250,814.31

STATEMENT H.

Date.		Payments.	Receipts.
	Ledger No. 15, page 398. August, 1879, interest.		
1879 July 25	By Treasury warrant No. 1894		$246,464.42
	Appropriation act Mar. 3, 1879 (U. S. Stat., vol. 20, p. 410).		
Nov. 28	To interest paid from Aug. 6 to Nov. 28, 1879, inclusive	$238,652.53	
	To balance to ledger No. 15, page 400, merged-interest account	7,811.89	
		246,464.42	246,464.42

RECAPITULATION OF STATEMENT H.

	Payments.	Receipts.
Ledger No. 15, page 398:		
Receipts from congressional appropriations		$246,464.42
Payments of interest	$238,652.53	
Total	238,652.53	246,464.42
Balance to merged-interest account	7,811.89	
	246,464.42	246,464.42

STATEMENT I.

Date.		Payments.	Receipts.
	Ledger No. 15, page 400. February, 1880, interest and unpaid balances for prior periods.		
1879. Dec. 1	By unexpended balances from prior interest periods, Feb. 1, 1875, to Aug. 1, 1879, inclusive (merged balances)		$11,517.14

Statement of moneys received and payments made, etc.—Continued.

STATEMENT I—continued.

Date.		Payments.	Receipts.
	Ledger No. 15, page 400. February, 1880, interest and unpaid balances for prior periods—Continued.		
1880.			
Jan. 28	By Treasury warrant No. 177		$246,464.42
	Act Mar. 3, 1879 (U. S. Stat., vol. 20, p. 410).		
June 16	To interest paid from Dec. 5, 1879, to June 16, 1880, inclusive	$247,831.44	
	To balance to ledger No. 16, page 473	10,150.12	
		257,981.56	257,981.56
	Ledger No. 16, pages 433–434. Fiscal year 1881.		
1880.			
July 1	By balance from ledger No. 15, page 433		$10,150.12
	By Treasury warrant No. 1664		244,183.17
Sept. 1	By Treasury warrant No. 2076		150,000.00
1881.			
Feb. 9	By Treasury warrant No. 318		162,169.93
18	By Treasury warrant No. 392		94,183.17
	Acts June 4 and 16, 1880, and Jan. 31, 1881 (U. S. Stat., vol. 21, pp. 162, 253, 322, respectively).		
June 28	To interest paid during fiscal year 1881	$629,955.45	
	To balance to ledger No. 17, page 431	30,730.94	
		660,686.39	660,686.39
	Ledger No. 17, pages 431–433. Fiscal year 1882.		
1881.			
July 1	By balance from Ledger No. 16, page 434		$30,730.94
29	By Treasury warrant No. 2013		256,544.81
1882.			
Feb. 3	By Treasury warrant No. 346		255,894.19
Apr. 24	By Treasury warrant No. 987		912.50
	Act Mar. 3, 1881 (U. S. Stat., vol. 21, p. 466).		
1881.			
July 29	By Treasury warrant No. 2015		1,838.68
1882.			
Feb. 27	By Treasury warrant No. 529		7,650.79
	Raised appropriation under section 4, act June 11, 1878 ($9,489.47).		
June 29	To interest paid during fiscal year 1882	$530,613.30	
	To balance to ledger No. 18, page 436	22,958.61	
		553,571.91	553,571.91
	Ledger No. 18, pages 436–437. Fiscal year 1883.		
1882.			
July 1	By balance from ledger No. 17, page 433		$22,958.61
Aug. 5	By Treasury warrant No. 1915		255,302.90
1883.			
Feb. 3	By Treasury warrant No. 341		255,748.19
June 23	By Treasury warrant No. 1807		1,157.05
	Act July 1, 1882 (U. S. Stat., vol. 22, p. 143).		
1882.			
July 25	By Treasury warrant No. 1816		27.52
Nov. 3	By Treasury warrant No. 2974		4,225.88
1883.			
June 16	By Treasury warrant No. 1692		2,290.40
	Raised appropriation under section 4, act June 11, 1878 ($6,543.80).		
28	To interest paid during fiscal year 1883	$522,318.15	
	To balance to ledger No. 19, page 331	19,392.40	
		541,710.55	541,710.55
	Ledger No. 19, pages 331–332. Fiscal year 1884.		
1883.			
July 2	By balance from ledger No. 18, page 437		$19,392.40
Aug. 3	By Treasury warrant No. 2293		255,623.18
1884.			
Jan. 28	By Treasury warrant No. 267		255,895.11
	Appropriation act Mar. 3, 1883 (U. S. Stat., vol. 22, p. 469).		
Mar. 21	By Treasury warrant No. 798		2,586.00
28	By Treasury No. 835		3,113.34
May 12	By Treasury warrant No. 1248		336.52
June 28	By Treasury warrant No. 1725		863.31
	Raised appropriation, section 4, act June 11, 1878 ($6,899.17).		
28	To interest paid during fiscal year 1884	$19,685.58	
	To balance to ledger No. 20, page 36	18,124.28	
		537,809.86	537,809.86
	Ledger No. 20, page 36. Fiscal year 1885.		
1884.			
July 1	By balance from ledger No. 19, page 332		$18,124.28
9	By Treasury warrant No. 1829		1,355.97
28	By Treasury warrant No. 2149		256,094.95
1885.			
Feb. 6	By Treasury warrant No. 353		256,547.55
	Appropriation act July 5, 1884 (U. S. Stat., vol. 22, p. 469).		
1884.			
Aug. 28	By Treasury warrant No. 2240		545.00
Oct. 30	By Treasury warrant No. 3309		579.60
Nov. 25	By Treasury warrant No. 3535		241.52
Dec. 31	By Treasury warrant No. 3945		118.08

Statement of moneys received and payments made, etc.—Continued.

STATEMENT I—continued.

Date.		Payments.	Receipts.
	Ledger No. 20, page 36. Fiscal year 1885—Continued.		
1885.			
Jan. 13	By Treasury warrant No. 118		$7,925.00
June 11	By Treasury warrant No. 1876		43.87
	Raised appropriation under section 4, act June 11, 1878 ($9,468.07).		
29	To interest paid during fiscal year 1885	$519,604.23	
	To balance to ledger No. 21, page 35	21,986.59	
		541,590.82	541,590.82
	Ledger No. 21, pages 35 to 42. Fiscal year 1886.		
1885.			
July 1	By balance from ledger No. 20, page 36		$21,986.59
Aug. 4	By Treasury warrant No. 2630		256,111.47
1886.			
Feb. 2	By Treasury warrant No. 4896		256,400.55
	Appropriation act Feb. 25, 1885 (U. S. Stat., vol. 23, p. 130).		
1885.			
July 3	By Treasury warrant No. 2245		59.80
Aug. 31	By Treasury warrant No. 3086		223.95
Sept. 16	By Treasury warrant No. 3242		1,140.75
Oct. 14	By Treasury warrant No. 3539		5,124.21
	Raised appropriation, section 4, act June 11, 1878 ($6,593.71).		
1886.			
June 30	To interest paid during fiscal year 1886	$521,890.09	
	To balance ledger No. 22, page 37	19,203.13	
		541,093.22	541,093.22
	Ledger No. 22, pages 37 to 49. Fiscal year 1887.		
1886.			
July 1	By balance from ledger No. 21, page 42		$19,203.13
July 28	By Treasury warrant No. 257		256,113.20
1887.			
Jan. 26	By Treasury warrant No. 2852		256,125.06
	Appropriation act July 9, 1886 (U. S. Stat., vol. 24, p. 137).		
	Ledger No. 22, pages 37 to 49. Fiscal year 1887.		
1886.			
July 8	By Treasury warrant No. 33		$1,051.23
Sept. 2	By Treasury warrant No. 743		38.74
1887.			
Mar. 5	By Treasury warrant No. 3454		239.25
	Appropriation raised under section 4, act June 11, 1878 ($1,327.19).		
June 30	To interest paid during fiscal year 1887	$510,370.86	
	To balance to ledger No. 23, page 36	22,397.72	
		532,768.58	532,768.58
	Ledger No. 23, pages 36 to 39. Fiscal year 1888.		
1887.			
July 1	By balance from ledger No. 22, page 49		$22,397.72
27	By Treasury warrant No. 332		256,113.20
1888.			
Jan. 28	By Treasury warrant No. 2681		256,113.20
	Appropriation act Mar. 3, 1887 (U. S. Stat., vol. 24, p. 578).		
Apr. 2	By Treasury warrant No. 3564		17,109.10
June 27	By Treasury warrant No. 4699		5,620.63
	Appropriation raised, section 4, act June 11, 1878 ($20,723.73).		
29	To interest paid during fiscal year 1888	$536,382.08	
	To balance to ledger No. 24, page 31	18,965.77	
		555,347.85	555,347.85
	Ledger No. 24, pages 31 to 34. Fiscal year 1889.		
1888.			
July 1	By balance from ledger No. 23, page 39		$18,965.77
Aug. 1	By Treasury warrant No. 400		256,113.20
1889.			
Jan. 30	By Treasury warrant No. 1018		256,113.20
	Appropriation act, July 18, 1888 (U. S. Stat., vol. 25, p. 324).		
1888.			
Nov. 1	By part of Treasury warrant No. 742		7,779.05
Sept. 1	By Treasury warrant No. 568		749.83
1889.			
June 21	By Treasury warrant No. 1615		573.40
	Appropriation raised under section 4, act June 11, 1878 ($9,102.31).		
28	To interest paid during fiscal year 1889	$519,546.59	
	To balance to ledger No. 25, page 31	20,747.89	
		540,294.48	540,294.48
	Ledger No. 25, pages 31 to 36. Fiscal year 1890.		
1889.			
July 2	By balance from ledger No. 24, page 34		$20,747.89
31	By Treasury warrant No. 661		256,113.20
1890.			
Feb. 7	By Treasury warrant No. 4269		256,113.20
	Appropriation act, Mar. 2, 1889 (U. S. Stat., vol. 25, p. 805).		

Statement of moneys received and payments made, etc.—Continued.

STATEMENT I—continued.

Date.		Payments.	Receipts.
	Ledger No. 25, pages 31 to 36. Fiscal year 1890—Continued.		
1889. Oct. 5	By Treasury warrant No. 1945		$13,499.52
	Appropriation raised under section 4, act June 11, 1878 ($13,99.52).		
1890. June 28	To interest paid during fiscal year 1890	$527,609.30	
	To balance, to ledger No. 26, page 30	18,864.51	
		546,473.81	546,473.81
	Ledger No. 26, pages 30 to 33. Fiscal year 1891.		
1890. July 1	By balance from ledger No. 25, page 33		$18,864.51
Aug. 2	By Treasury warrant No. 724		49,000.00
12	By Treasury warrant No. 781		207,113.20
1891. Jan. 31	By Treasury warrant No. 4643		256,113.20
	Appropriation act, Aug. 6, 1890 (U. S. Stat., vol. 26, p. 306).		
1890. Dec. 6	By Treasury warrant No. 3412		25,286.12
	Appropriation raised under section 4, act June 11, 1878 ($25,286.12).		
1891. June 29	To interest paid during fiscal year 1891	$542,022.10	
	To balance to ledger No. 27, page 30	14,354.93	
		556,377.03	556,377.03
	Ledger No. 27, pages 30 to 33. Fiscal year 1892.		
1891. July 1	By balance from ledger No 26, page 33		$14,354.93
Aug. 1	By Treasury warrant No. 688		256,113.20
1892. Apr. 4	By Treasury warrant No. 5808		256,113.20
	Appropriation act, Mar. 3, 1891 (U. S. Stat., vol. 26, p. 1074).		
1891. Aug. 21	By Treasury warrant No. 887		2,667.28
Oct. 23	By Treasury warrant No. 2282		14,591.99
	Appropriation raised under section 4 act June 11, 1878 ($17,259.27).		
1892. June 29	To interest paid during fiscal year 1892	$524,113.71	
	To balance, to ledger No. 28, page 31	19,726.89	
		543,840.60	543,840.60
	Ledger No. 28, pages 31 to 34. Fiscal year 1893.		
1892. July 1	By balance from ledger No. 27, page 33		$19,726.89
Aug. 4	By Treasury warrant No. 737		256,113.20
1893. Feb. 8	By Treasury warrant No. 5259		256,113.20
	Appropriation act, July 14, 1892 (U. S. Stat., vol. 27, p. 163).		
Mar. 8	By Treasury warrant No. 5814		1,181.68
	Appropriation raised under section 4, act June 11, 1878 ($1,181.68).		
June 29	To interest paid during fiscal year 1893	$516,556.17	
	To balance to ledger No. 29, page 31	16,578.80	
		533,134.97	533,134.97
	Ledger No. 29, pages 31 to 34. Fiscal year 1894.		
1893. July 1	By balance from ledger No. 28, page 34		$16,578.80
Aug. 2	By Treasury warrant No. 733		256,113.20
1894. Feb. 3	By Treasury warrant No. 4454		256,113.20
	Appropriation, act Mar. 3, 1893 (U. S. Stat., vol. 27, p. 549).		
June 29	To interest paid during fiscal year 1894	$511,685.27	
	To balance to ledger No. 30, page 31	17,119.93	
		528,805.20	528,805.20
	Ledger No. 30, pages 31 to 33. Fiscal year 1895.		
1894. July 1	By balance from ledger No. 29, page 34		$17,119.93
Aug. 30	By Treasury warrant No. 797		256,113.20
1895. Feb. 2	By Treasury warrant No. 4239		258,960.20
	Appropriation, act Aug. 7, 1894 (U. S. Stat., vol. 28, p. 258).		
June 28	To interest paid during fiscal year 1895	$517,098.21	
	To balance to ledger No. 31, page 31	15,095.12	
		532,193.33	532,193.33
	Ledger No. 31, pages 31 to 33. Fiscal year 1896.		
1895. July 1	By balance from ledger No. 30, page 33		$15,095.12
Aug. 1	By Treasury warrant No. 381		258,960.20
1896. Jan. 29	By Treasury warrant No. 2333		259,462.07
	Appropriation act, Mar. 2, 1895 (U. S. Stat., vol. 28, p. 760).		
1895. Dec. 2	By Treasury warrant No. 1640		19,955.62

Statement of moneys received and payments made, etc.—Continued.

STATEMENT I—continued.

Date.		Payments.	Receipts.
	Ledger No. 31, pages 31 to 33. Fiscal year 1896—Continued.		
1895. June 22	By Treasury warrant No. 5409		$4,876.30
	Appropriation raised under section 4, act June 11, 1878 ($24,831.82).		
29	To interest paid during fiscal year 1896	$543,588.07	
	To balance to ledger No. 32, page 31	14,761.14	
		558,349.21	558,349.21
	Ledger No. 32, pages 31 to 33. Fiscal year 1897.		
1896. July 1	By balance from ledger No. 31, page 33		$14,761.14
Aug. 5	By Treasury warrant No. 2035		259,589.82
1897. Feb. 2	By Treasury warrant No. 4919		259,589.82
	Appropriation act June 11, 1896 (U. S. Stat., vol. 29, p. 407.)		
June 24	To interest paid during fiscal year 1897	$519,605.78	
	To balance to ledger No. 33, page 31	14,335.00	
		533,940.78	533,940.78
	Ledger No. 33, pages 31 to 33. Fiscal year 1898.		
1897. July 1	By balance from ledger No. 32, page 33		$14,335.00
28	By Treasury warrant No. 913		259,589.82
1898. Feb. 2	By Treasury warrant No. 6743		259,589.82
	Appropriation act Mar. 3, 1897 (U. S. Stat., vol. 29, p. 680).		
June 28	To interest paid during fiscal year 1898	$516,653.85	
	To balance to ledger No. 34, page 31	16,860.79	
		533,514.64	533,514.64
	Ledger No. 34, pages 31 to 33. Fiscal year 1899.		
1898. 1	By balance from ledger No. 33, page 33		$16,860.79
27	By Treasury warrant No. 2705		259,589.82
1899. Jan. 26	By Treasury warrant No. 5916		259,589.82
	Appropriation act June 30, 1898 (U. S. Stat., vol. 30, p. 539).		
June 27	To interest paid during fiscal year 1899	$519,949.80	
	To balance to ledger No. 35, page 31	16,090.63	
		536,040.43	536,040.43
	Ledger No. 35, pages 31 to 33. Fiscal year 1900.		
1899. July 1	By balance from ledger No. 34, page 33		$16,090.63
Aug. 1	By Treasury warrant No. 527		259,589.82
1900. Jan. 25	By Treasury warrant No. 2681		259,589.82
	Appropriation act Mar. 3, 1899 (U. S. Stat., vol. 30, p. 1059).		
June 30	To interest paid during fiscal year 1900	$519,027.26	
	To balance to ledger No. 36, page 31	16,243.01	
		535,270.27	535,270.27
	Ledger No. 36, pages 31 to 33. Fiscal year 1901.		
1900. July 2	By balance from ledger No. 35, page 33		$16,243.01
31	By Treasury warrant No. 505		259,589.82
1901. Jan. 25	By Treasury warrant No. 2794		259,589.82
	Appropriation act June 6, 1900 (U. S. Stat., vol. 31, p. 573).		
June 28	To interest paid during fiscal year 1901	$517,785.35	
	To balance to ledger No. 37, page 31	17,637.30	
		535,422.65	535,422.65
	Ledger No. 37, pages 31 to 33. Fiscal year 1902.		
1901. July 1	By balance from ledger No. 36, page 33		$17,637.30
26	By Treasury warrant No. 324		259,253.11
1902. Jan. 25	By Treasury warrant No. 2883		259,105.29
	Appropriation act Mar. 1, 1901 (U. S. Stat., vol. 31, p. 839).		
June 26	To interest paid during fiscal year 1902	$516,987.81	
	To balance to ledger No. 38, page 31	19,007.89	
		535,995.70	535,995.70
	Ledger No. 38, pages 31 to 32. Fiscal year 1903.		
1902. July 1	By balance from ledger No. 37, page 33		$19,007.89
24	By Treasury warrant No. 594		246,317.51
1903. Jan. 29	By Treasury warrant No. 3687		235,569.17
	Appropriation act July 1, 1902 (U. S. Stat., vol. 32, p. 610).		
June 29	To interest paid during fiscal year 1903	$485,039.52	
	To balance to ledger No. 39, page 31	15,855.05	
		500,894.57	500,894.57

Statement of moneys received and payments made, etc.—Continued.

STATEMENT I—continued.

Date.		Payments.	Receipts.
	Ledger No. 39, pages 31 to 32. Fiscal year 1904.		
1903.			
July 1	By balance from ledger No. 38, page 32		$15,855.05
25	By Treasury warrant No. 376		235,502.56
1904.			
Feb. 1	By Treasury warrant No. 2973		234,416.68
	Appropriation act Mar. 3, 1903 (U. S. Stat., vol. 32, p. 975).		
1903.			
July 14	By Treasury warrant No. 195		3,305.22
	Appropriation raised under section 4, act June 11, 1878 ($3,305.22).		
1904.			
June 29	To interest paid during fiscal year 1904	$467,652.60	
	To balance to ledger No. 40, page 31	21,426.91	
		489,079.51	489,079.51
	Ledger No. 40, pages 31 to 32. Fiscal year 1905.		
1904.			
July 1	By balance from ledger No. 39, page 32		$21,426.91
Aug. 2	By Treasury warrant No. 528		219,937.13
1905.			
Feb. 1	By Treasury warrant No. 3713		219,937.14
	Appropriation act Apr. 27, 1904 (U. S. Stat., vol. 33, p. 384).		
Mar. 31	By Treasury warrant No. 4834		22,419.10
May 22	By Treasury warrant No. 6093		2,555.00
	Appropriation raised under section 4, act June 11, 1878 ($24,974.10).		
June 29	To interest paid during fiscal year 1905	$466,478.10	
	To balance to ledger No. 41, page 31	19,797.18	
		486,275.28	486,275.28
	Ledger No. 41 (Vol. I), pages 31 to 32. Fiscal year 1906.		
1905.			
July 1	By balance from ledger No. 40, page 32		$19,797.18
27	By Treasury warrant No. 431		218,112.13
1906.			
Feb. 2	By Treasury warrant No. 430		212,090.55
	Appropriation act, Mar. 3, 1905 (U. S. Stat., vol. 33, p. 905).		
June 30	To interest paid during fiscal year 1906	$430,597.80	
	To balance to ledger No. 42, page 30	19,402.06	
		449,999.86	449,999.86
	Ledger No. 42 (Vol. I), pages 30 to 31. Fiscal year 1907.		
1906.			
July 2	By balance from ledger No. 41, page 32		$19,402.06
28	By Treasury warrant, District of Columbia, No. 35		204,949.32
1907.			
Feb. 4	By Treasury warrant, District of Columbia, No. 207		$202,672.64
	Appropriation act, June 27, 1906 (U. S. Stat., vol. 34, p. 508).		
June 29	To interest paid during fiscal year 1907	$407,585.46	
	To balance to ledger No. 43 (Vol. I), page 69	19,438.56	
		427,024.02	427,024.02
	Ledger No. 43 (Vol. I), pages 69–70. Fiscal year 1908.		
1907.			
July 1	By balance from ledger No. 42, page 31		$19,438.56
26	By Treasury warrant, District of Columbia, No. 21		202,643.43
1908.			
Feb. 3	By Treasury warrant, District of Columbia, No. 185		193,591.44
	Appropriation act, Mar. 2, 1907 (U. S. Stat., vol. 34, p. 1147).		
June 30	To interest paid during fiscal year 1908	$394,945.51	
	To balance to ledger No. 44, Volume I, page 70	20,727.92	
		415,673.43	415,673.43
	Ledger No. 43 (Vol. I), pages 70–71. Fiscal year 1909.		
1908.			
July 1	By balance from ledger No. 43, page 70		$20,727.92
27	By Treasury warrant, District of Columbia, No. 25		184,750.22
1909.			
Feb. 2	By Treasury warrant, District of Columbia, No. 294		184,610.61
	Appropriation act, May 26, 1908 (U. S. Stat., vol. 35, p. 301).		
June 30	To interest paid during fiscal year 1909	$369,498.59	
	To balance to ledger for fiscal year 1910	20,590.16	
		390,088.75	390,088.75

Statement of moneys received and payments made, etc.—Continued.

STATEMENT I—continued.

Date.		Payments.	Receipts.
	Ledger for fiscal year 1910.		
1909.			
July 1	By balance from ledger No. 43, Volume I, page 71		$20,590.16
31	By Treasury warrant, District of Columbia, No. 62		184,390.01
1910.			
Jan. 30	By Treasury warrant, District of Columbia, No. 305		173,280.19
	Appropriation act, Mar. 3, 1909 (U. S. Stat., vol. 35, p. 716).		
June 30	To interest paid during fiscal year 1910	$372,343.81	
	To balance to ledger for fiscal year 1911	5,925.36	
		378,269.17	378,269.17
	Ledger for fiscal year 1911.		
1910.			
July 1	By balance from ledger for fiscal year for 1910		$5,925.36
29	By Treasury warrant, District of Columbia, No. 45		193,633.32
1911.			
Jan. 31	By Treasury warrant, District of Columbia, No. 275		192,228.81
	Appropriation act, May 18, 1910 (U. S. Stat., vol. 36, p. 404).		
June 30	To interest paid during fiscal year 1911	$326,006.13	
	To balance to ledger for fiscal year 1912	5,779.36	
		331,785.49	331,785.49

RECAPITULATION OF STATEMENT I.

Ledgers, by numbers.	Payments of interest.	Receipts from congressional appropriations.
No. 15	$247,831.44	$246,464.42
No. 16	629,955.45	630,336.27
No. 17	530,613.39	522,840.97
No. 18	522,318.15	518,751.94
No. 19	519,685.58	518,417.16
No. 20	519,604.23	523,466.54
No. 21	521,880.09	519,196.62
No. 22	510,370.86	513,565.45
No. 23	536,382.08	532,950.13
No. 24	519,546.59	521,328.71
No. 25	527,609.30	527,725.92
No. 26	542,022.10	537,512.52
No. 27	524,113.71	529,485.67
No. 28	516,556.17	513,498.66
No. 29	511,695.27	512,226.40
No. 30	517,098.21	515,073.43
No. 31	543,588.07	543,254.09
No. 22	519,605.78	519,179.64
No. 33	516,653.85	519,179.64
No. 34	519,949.80	519,179.64
No. 35	519,027.26	519,179.64
No. 36	517,785.35	519,179.64
No. 37	516,987.81	518,358.40
No. 38	485,039.52	481,886.68
No. 39	467,652.60	473,224.46
No. 40	466,478.10	464,848.37
No. 41	430,597.80	430,202.68
No. 42	407,585.46	407,621.96
No. 43	394,945.51	396,294.87
No. 44	369,498.59	369,360.83
1910, fiscal year	372,343.81	257,679.01
1911, fiscal year	326,006.13	325,860.13
Total	15,571,027.97	15,565,290.19
Unexpended balances, merged interest accounts, Dec. 1, 1879		11,517.14
Cash to credit of Treasurer United States at close of fiscal year 1911	5,779.36	
	15,576,807.33	[1] 15,576,807.33

[1] Included in the sum of $15,565,290.19, receipts from congressional appropriations, is the sum of $180,485.18 raised appropriations.

EXHIBIT No. 1.

Statement of appropriations raised for the purpose of paying interest on the 3.65 bonds.

[Authority quoted, sec. 4, act June 11, 1878.]

Date of warrant.	Number of warrant.	Amount.	
1881—July 29	2015	$1,838.68	
1882—Feb. 27	529	7,650.79	$9,489.47
July 25	1816	27.52	
Nov. 3	2974	4,225.88	
1883—June 16	1692	2,290.40	6,543.80

Statement of appropriations raised for the purpose of paying interest on the 3.65 bonds—Continued.

Date of warrant.	Number of warrant.	Amount.	
1884—Mar. 21	798	$2,586.00	
Mar. 28	835	3,113.34	
May 12	1248	336.52	
June 28	1725	863.31	
			$6,899.17
Aug. 28	2249	545.00	
Oct. 30	3309	579.60	
Nov. 25	3535	241.52	
Dec. 31	3945	118.08	
1885—Jan. 13	118	7,935.00	
June 11	1876	48.87	
			9,468.07
July 3	2245	59.80	
Aug. 31	3086	229.95	
Sept. 16	3242	1,149.75	
Oct. 14	3539	5,154.21	
			6,593.71
1886—July 8	33	1,051.20	
Sept. 2	743	36.74	
1887—Mar. 5	3454	239.25	
			1,327.19
1888—Apr. 2	3564	17,103.10	
June 27	4099	3,620.63	
			20,723.73
Nov. 1	742	7,779.06	
Sept. 1	568	749.85	
1889—June 21	1615	573.40	
			9,102.31
Oct. 5	1945	13,499.52	
			13,499.52
1890—Dec. 6	3412	25,286.12	
			25,286.12
1891—Aug. 21	887	2,667.28	
Oct. 23	2282	14,591.99	
			17,259.27
1893—Mar. 8	5814	1,181.68	
			1,181.68
1895—Dec. 2	1640	19,955.62	
1896—June 22	5409	4,876.20	
			24,831.82
1903—July 14	195	3,305.22	
			3,305.22
1905—Mar. 31	4834	22,419.10	
May 22	6093	2,555.00	
			24,974.10
Total			180,485.18

EXHIBIT No. 2.

Apportionment by the Commissioners of the District of Columbia of the revenue collectible under the tax levied for the fiscal year ending June 30, 1877.

In exercise of the authority and duty devolved upon us by the act of Congress approved July 12, 1876, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes," the undersigned Commissioners of the District of Columbia make the following apportionment for the distribution of the revenue which shall be collected under the provisions of the act of Congress aforesaid, to wit: Every $1.50 collected pursuant to the tax levy by said act of Congress for the fiscal year ending June 30, 1877, shall be distributed as follows:

	Cents.
For salaries and other necessary expenses of the Metropolitan police for the District of Columbia, act of Congress approved July 31, 1876	15 8–10
For Pennsylvania Avenue pavement, District of Columbia, proportion estimated, including expenses paving commissioners, act of Congress approved July 19, 1876	10 8–10
For salaries and other expenses of the board of health, and for salaries of the inspector and of the assistant inspector of gas, act of Congress approved July 31, 1876	1 9–10
For support of the boys sent to the reform school (act of Congress approved May 3, 1876) and of the indigent insane of the District of Columbia in the Government Hospital for the Insane (act of Congress approved July 31, 1876)	2 6–10
For the interest on the bonded debt of the District of Columbia, including the bonds of the corporations of Washington and Georgetown	58 9–10
For interest on the District of Columbia 3.65 bonds guaranteed by the United States (act of Congress approved July 31, 1876)	52 7–10
For sinking fund on the bonded debt of the District of Columbia, including bonds of the corporations of Washington and Georgetown (see various acts and ordinances in force)	2
For general fund of the District of Columbia	5 3–10
Total	$1.50

W. DENNISON,
S. L. PHELPS,
Commissioners, District of Columbia.

DISTRICT OF COLUMBIA, ss:

I, Henry G. Hanford, assistant auditor of the Evening Star, certify that the foregoing apportionment by the Commissioners of the District of Columbia of the revenue collectible under the tax levied for the fiscal year ending June 30, 1877, was published six times consecutively in the Evening Star, a daily newspaper published in the District of Columbia; said publications were made in said newspaper on the following dates: November 8, 1876; November 9, 1876, second extra; November 10, 1876, second extra; November 11, 1876; second extra; November 13, 1876; and November 14, 1876.

HENRY G. HANFORD,
Assistant Auditor.

Subscribed and sworn to before me this 10th day of January, A. D. 1913.

[SEAL.] CORNELIUS ECKHARDT,
Notary Public.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Saturday, February 15, 1913.

The committee met at 10 o'clock a. m., Hon. BEN JOHNSON (chairman) presiding.

TESTIMONY OF MR. THOMAS A. HODGSON.

The witness was duly sworn by the chairman.

The CHAIRMAN. Please give to the stenographer your full name and state your residence and occupation.

Mr. HODGSON. My name is Thomas A. Hodgson.

The CHAIRMAN. Where is your residence?

Mr. HODGSON. I reside at Falls Church, Va.

The CHAIRMAN. What is your occupation?

Mr. HODGSON. I am a clerk in the office of the Auditor for the State and Other Departments.

The CHAIRMAN. How long have you held that position?

Mr. HODGSON. I have held that position since 1894.

The CHAIRMAN. How much longer than that have you been in the employment of the Government?

Mr. HODGSON. From 1881 up to that time I was a clerk in the office of the Comptroller of the Treasury.

The CHAIRMAN. How many years' service does that make for you in this employment?

Mr. HODGSON. A service of 32 years.

The CHAIRMAN. Has one of your duties been to state the account between the Federal Government and the District of Columbia?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. For how long have you been doing that?

Mr. HODGSON. Since 1881; I have been on the District of Columbia work all the time.

The CHAIRMAN. Is that the first time this account was stated after the passage of the act of June 11, 1878?

Mr. HODGSON. The first time the account was stated was in the year 1886.

The CHAIRMAN. Was that the first time it was stated by anybody?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. By the expression "stated" you are using a bookkeeper's term which the layman may not fully understand. Will you, therefore, please explain what you mean by "stating" the account?

Mr. HODGSON. That is assembling all the data in connection with the financial account between the United States and the District of Columbia. I might say that the cause of stating that account was that Congress passed an act requiring the District of Columbia to reimburse the United States $250,000 on account of advances made for the sewerage system of the District of Columbia. That was really the cause of the account being stated.

The CHAIRMAN. Under resolutions Nos. 154 and 200, passed by the House of Representatives during the first session of the Sixty-second Congress, accountants were authorized and put at the use of the Committee on the District of Columbia for the purpose of going through the accounts between the United States and the District of Columbia. Under that resolution Mr. T. Scott Mayes was appointed as accountant, and Mr. J. R. Mayes was appointed as assistant accountant; and the Secretary of the Treasury was asked to detail a bookkeeper or accountant for the purpose of going through the said accounts with the two accountants just named. Were you not designated by the Secretary of the Treasury for this work?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. Do you recall about what time you first commenced the work of looking through these accounts with Mr. Mayes?

Mr. HODGSON. I think it was about 20 months ago. I am not sure as to the time, but I think it was about 20 months ago.

The CHAIRMAN. Have you not been almost constantly engaged with Mr. Mayes upon that work since that time?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. When was that account completed and a statement of it made?

Mr. HODGSON. That was completed just yesterday, I think.

The CHAIRMAN. Day after day, through these months, have you not been with Mr. Mayes through the ledgers and journals which relate to this account since June 20, 1874?

Mr. HODGSON. Yes, sir; and night, too.

The CHAIRMAN. Do you mean by that that you have been with him day and night?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. You do not mean by that all night, of course, but you mean that you have worked far more than the Government hours, and that you have gone into very much night work in order to complete the account?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. As Mr. Mayes, in examining the books, came across item after item relating to the account between the United States and the District of Columbia, were you then and there consulted and advised with relative to just what each and every item meant?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. Was each and every one of these items thoroughly analyzed by you?

Mr. HODGSON. Yes, sir; most thoroughly.

The CHAIRMAN. Was not, also, each and every one of these items, in being analyzed, traced to its origin, either by check, warrant, or original entry?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. Is there any item stated upon this account by Mr. Mayes with which you, as the bookkeeper for the Government, failed to agree with him?

Mr. HODGSON. As an accountant?

The CHAIRMAN. Yes, as an accountant, failed to agree with him?

Mr. HODGSON. No, sir.

The CHAIRMAN. Not one item?

Mr. HODGSON. Not one. I do not think there was. I do not recall any.

The CHAIRMAN. And you now have before you his statement of this 20 months' work?

Mr. HODGSON. Yes, sir; a summary of the statement.

The CHAIRMAN. You now have before you a summary statement of this 20 months' work. Will you please take the consolidated summary or statement which is now before you and say whether or not there is any money due from the United States to the District of Columbia or from the District of Columbia to the United States?

Mr. HODGSON. There is money due from the District of Columbia to the United States.

The CHAIRMAN. How much?

Mr. HODGSON. Well, it would depend somewhat upon the interpretation that would be put upon it by Congress; that is, whether Congress will require the whole or one-half of the $1,003,257.24.

The CHAIRMAN. By Congress or the courts?

Mr. HODGSON. I should say by Congress. You have had considerable discussion relative to whether the District of Columbia should pay one-half or should pay all.

The CHAIRMAN. Please state how much money is due from the District of Columbia to the United States under the contention most favorable to the District of Columbia.

Mr. HODGSON. This statement here shows that there was $1,755,723.23 paid from June 24, 1874, to July 1, 1878, and of that sum the receipts from the United States Treasury on account of appropriations were $367,500, and the receipts from the Commissioners of the District of Columbia on account of a certain resolution were $198,622.79, and the receipts from the sinking fund commissioners and the First National Bank of New York, $186,343.20, leaving the amount paid by the United States out of that $1,755,723.23 the sum of $1,370,757.24. These are the actual amounts that were paid between those dates.

The CHAIRMAN. Do you mean to say that that is the amount paid or the amount due the United States from the District of Columbia?

Mr. HODGSON. That is the amount paid by the United States.

The CHAIRMAN. Mr. Hodgson, read the whole of that summary statement you have before you and then say whether or not it is correct or incorrect.

Mr. HODGSON. The statement reads as follows:

Consolidation of Statements A, B, C, D, E, F, G, H, and I, showing the aggregate amount received by the Treasurer of the United States for the payment of interest on the 3.65 bonds of the District of Columbia, and the aggregate interest paid on said bonds from the date of issue to the close of the fiscal year which ended June 30, 1911, and the balance cash on hand June 30, 1911.

Statements.	Payments of interest.	Receipts from all sources.
A	$752,041.23	$752,445.00
B	250,516.79	250,814.31
C	250,848.99	250,835.30
D	250,628.12	250,814.31
E	250,170.06	250,814.31
F	249,982.14	250,814.31
G	249,459.27	250,814.31
H	238,652.53	246,464.42
I	15,571,027.97	15,565,200.19
Total	18,063,327.10	18,069,106.46
1911, June 30: Balance on hand to pay interest due	5,779.36	
	18,069,106.46	18,069,106.46

Analysis of receipts for the payment of interest on the 3.65 bonds of the District of Columbia to June 30, 1911.

Receipts of Treasurer of the United States		$18,069,106.46
Receipts from United States and District of Columbia, each contributing one-half for fiscal years 1879 to 1911, inclusive, from congressional and raised appropriations		16,313,383.23
Receipts for fiscal years prior to July 1, 1878		1,755,723.23
Receipts contributed by neither the United States nor the District of Columbia		186,343.20
Receipts from the United States and the District of Columbia prior to July 1, 1878		1,569,380.03
Receipts from United States Treasury on account of appropriations, Feb. 11, 1875, and Mar. 3, 1875	$367,500.00	
Receipts from Commissioners of District of Columbia on account of joint resolution, Mar. 14, 1876	198,622.79	
Receipts from United States Treasury on account of advances made in pursuance of the acts of Congress, July 31, 1876, and Mar. 3, 1877, which amount was to be, but has not been, reimbursed by the District of Columbia to the United States Treasury, and is now due the United States from the District of Columbia	1,003,257.24	
		1,569,380.03

The CHAIRMAN. Is that statement correct?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. And you know it is correct because you have gone through these various books and vouchers from the beginning of this investigation until the close of it, and because every item was verified as you went along through the account with Mr. Mayes?

Mr. HODGSON. Yes, sir.

I now have before me a summary statement made out by myself, in connection with which I would like to call the committee's attention to a memorandum statement that I made several years ago.

The CHAIRMAN. How many years ago?

Mr. HODGSON. This memorandum statement was made in 1886. As I told you a while ago, the cause of first stating the revenue account between the United States and the District of Columbia was due to the fact that the United States Government had furnished the District of Columbia $500,000 with which to build some sewers, or a sewerage system. Then, there was passed another act requiring it to reimburse——

The CHAIRMAN (interposing). Requiring the District of Columbia to reimburse?

Mr. HODGSON. Yes, sir; requiring the District of Columbia to reimburse the United States $250,000 out of the unappropriated surplus of the District of Columbia and the unexpended balance of appropriations, and in doing so it became necessary for me to search over the records of the department in order to find out what moneys the District had paid and what moneys it had not paid; and in going over the record from 1874 to 1878 I ran across some legislation that required the District of Columbia to reimburse the United States. Among such items I found that the District of Columbia had not reimbursed the United States in accordance with the act of June 20, 1874, in connection with the issue of the 3.65 bonds of the District of Columbia; and I presented it to the comptroller, being in his office at that time, but he declined to take any steps in the matter and refused to consider any reimbursements that were required by law prior to 1878. I am glad to say that this statement in connection with the 3.65 bonds was for certain interest periods—not as many as were covered by the report of Mr. Mayes—yet in the examination made by the expert, Mr. Mayes, the amounts that I reported to the comptroller as due on these interest periods were verified. That is about all there is to say in connection with the memorandum statement.

The statement made by me, which I now hold in my hand, shows the receipts from August, 1875, to August, 1878—that is, the interest periods, not including the interest due August 1, 1878.

The CHAIRMAN. What is the net result of that statement of your own?

Mr. HODGSON. It is that the amount received in exchange for board of audit certificates was $186,320.32. The act authorizing the issue of the 3.65 bonds made them exchangeable for board of audit certificates——

The CHAIRMAN. Exchangeable for board of audit certificates?

Mr. HODGSON. Yes, sir. The First and Second Comptrollers were the board of audit, and there was an error in the Treasurer's office of $1.89; and the amount due from the District of Columbia—that is, the amount received on account of the District of Columbia—was $198,622.79. The amount received from the United States was $1,370,757.24, making a total of $1,755,723.23, which agrees with Mr. Mayes's statement. My own summary statement, from which I take these figures I have just given you, is as follows:

Statement of account for interest on 3.65 bonds, District of Columbia (August, 1875, to August, 1878).

	Receipts.	Payments.
	$182,500.00	$752,041.23
	569,944.94	250,516.79
	501,649.67	250,848.97
	501,628.62	250,628.12
		250,170.06
Balance		1,518.04
Total	1,755,723.23	1,755,723.23

Analysis of receipts.

Amount received in exchange for board of audit certificates	$186,320.32
Amount received account error for board of audit certificates	1.89
Amount received from First National Bank of New York (repay)	20.99
Amount received from the District of Columbia	198,622.79
Amount received from the United States	1,370,757.24
Total receipts	1,755,723.23

The appropriations made to pay the interest on these bonds subsequent to the above periods have been borne by the United States and the District of Columbia in equal parts.

THOS. A. HODGSON.

The CHAIRMAN. That leaves the balance due from the District of Columbia to the United States $1,003,257.24, does it not?

Mr. HODGSON. Yes, sir.

In referring to the interest period, from August, 1875, to August, 1878, I repeat that that does not include any August, 1878, interest.

The CHAIRMAN. You have just spoken of the board of audit certificates. The certificates were issued in payment of what?

Mr. HODGSON. Of debts contracted by the District of Columbia in connection with streets and work done under contract, etc., by the District of Columbia.

The CHAIRMAN. Have you read the written report of the accountants employed by the committee?

Mr. HODGSON. Yes, sir.

The CHAIRMAN. Do you agree or disagree with their findings?

Mr. HODGSON. Well, as to the figures, I concur.

Thereupon, at 11.30 a. m., the committee adjourned.

Mr. JOHNSON of Kentucky. Mr. Speaker, I believe that is all, unless some gentleman desires to ask me some questions.

Mr. AUSTIN. Mr. Speaker, I would like to ask the gentleman if the entire $15,000 that we appropriated for this investigation has been exhausted?

Mr. JOHNSON of Kentucky. We have left something like $600, but I wanted to get this appropriation so as not to stop the work.

Mr. AUSTIN. What was the fourteen thousand and odd dollars expended for?

Mr. JOHNSON of Kentucky. Accountants' services.

Mr. AUSTIN. How many accountants were employed?

Mr. JOHNSON of Kentucky. Two.

Mr. AUSTIN. What salaries were they getting?

Mr. JOHNSON of Kentucky. The accountant started out getting $15 a day. After he had discovered this large sum of

money and was willing to go ahead with the work at an increased salary or compensation, he was finally allowed $25 a day.

Mr. AUSTIN. And it requires now $20,000 in addition to the $15,000 to complete this investigation?

Mr. JOHNSON of Kentucky. So much thereof as may be necessary is the way the resolution reads.

The SPEAKER. The question is on agreeing to the resolution.

Mr. HARDWICK rose.

Mr. CAMPBELL. Mr. Speaker, does the gentleman from Georgia desire to use any more of his time?

Mr. HARDWICK. Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I am not going to take issue with the general proposition of the chairman of the District Committee as to the value of the work that has already been done; but I want to say this about the investigation that has been already made, and about the further investigation that is contemplated under this resolution: There is no necessity whatever for the Congress of the United States to appropriate $15,000 at one Congress and $20,000 at another Congress to do a work that ought to be done by the auditors in the Treasury Department without the appropriation of a single dollar. The work that is being done by this committee is a work that ought to be performed by the executive departments of this Government rather than by the legislative department.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman permit an interruption?

Mr. CAMPBELL. I yield for a question.

Mr. JOHNSON of Kentucky. I thoroughly agree with the gentleman that that ought to be done, but it is nevertheless true that it has not been done, and that part of this money that is due to the Federal Government has been due for 30 years.

Mr. CAMPBELL. That is the conclusion that has been arrived at by the chairman and by other members of that committee. I have seen arguments in the press to the effect that the contention is not tenable and that there is no such amount due.

Mr. JOHNSON of Kentucky. Will the gentleman yield for an interruption there?

Mr. CAMPBELL. Just one moment. If the officials of the Treasury Department through the auditor's office can not ascertain the truth of these matters, the Department of Justice may proceed to ascertain in a judicial way what the facts are and who of the contenders is correct.

Mr. JOHNSON of Kentucky. Will the gentleman now yield?

Mr. CAMPBELL. Yes.

Mr. JOHNSON of Kentucky. The gentleman from Kansas has just stated that he has seen articles in the newspapers which show that this contention that this money is due to the Government is not tenable. I do not think the gentleman or anyone else need be surprised at anything he sees in a Washington newspaper, but I will say for his information that very recently down at the White House the auditor for the District of Columbia told me that he regarded this $1,003,257.24 as just and due from the District of Columbia to the Federal Government.

Mr. CAMPBELL. Which justifies the observation I made a moment ago, that this investigation should have been conducted by the auditor's office rather than by a committee of Congress. You have proceeded with one investigation after another, pursuing one subject after another, until you have made yourselves absolutely ridiculous before the country investigating this, that, and the other thing. [Applause on the Republican side.]

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. CAMPBELL. If a man says something about another man, why there is an investigation by Congress. If a few dollars are owing to somebody by somebody else, you can get a congressional investigation on that subject. You are investigating now at both ends of the Capitol and this administration has been proceeding with investigations one after another, and it is almost impossible to have anything done but investigations; and all without results, reaching no conclusion, arriving at no destination, but keeping the country stirred up, furnishing headlines to the newspapers, dishing out sensational rot for the country constantly. [Applause on the Republican side.]

Mr. CARTER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Oklahoma?

Mr. CAMPBELL. For a question.

Mr. CARTER. If we have spent $35,000 and discovered that some corporation already in existence——

Mr. CAMPBELL. I can not yield for that.

Mr. CARTER. That is a question.

Mr. CAMPBELL. I say that the auditor's office should have discovered that.

Mr. CARTER. Does the gentleman consider it a good investment to spend $35,000 and discover that the corporation owes us over $1,000,000?

Mr. CAMPBELL. I do not consider it an investigation that should have been made by Congress. It should have been made by the executive department of the Government.

I now yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, on the whole I think that the money which has been expended by the District Committee has been well expended. While I do not agree with the gentleman from Kentucky [Mr. JOHNSON] as to the million and odd dollars being due from the District to the General Government, he may be right, as he believes he is right. But whether he be right or wrong, I think it has been a good thing to have that investigation. I believe it is a good thing to have a real investigation at any time, where men will do the work. Most of our investigations, I regret to say, are usually run along upon the basis of politics and not business. The gentleman from Kentucky [Mr. JOHNSON] has conducted the investigation by the District Committee purely as a business proposition. I am quite willing, so far as I am concerned, to give him additional money for the purpose of proceeding with that investigation.

I regret that the gentleman found it necessary to include in his resolution a provision authorizing his committee to investigate the books, accounts, and affairs of any person dealing in provisions in the District of Columbia. I question very much whether Congress has the power under the Constitution to authorize the District of Columbia to call every dealer and grocer in the District before it and examine his books, accounts, and affairs. I know of no warrant for that. The Constitution expressly prohibits it. Amendment 4 of the Constitution reads:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

No legislative reason is given in this resolution for the examination of these private books and accounts.

Mr. HARDWICK. I just want to suggest this idea to the gentleman, in the form of a question, Why would we not have a perfect right to require the inspection of these books so far as they relate to the transactions of this Government? Would there be anything wrong about that?

Mr. MANN. Perhaps you might have a right to examine them for various legislative reasons, but the reasons must be set forth in a resolution. I simply call attention to this not for the purpose of opposing the resolution but for the purpose of expressing my dissent against the idea that the Congress has the power by a bare resolution to authorize any committee to investigate the private books and accounts of private individuals or private business men.

Mr. GARDNER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER. Leaving out the question of unconstitutionality, does it strike the gentleman as proper that one litigant should be authorized to examine the other litigant's books?

Mr. MANN. It does not under ordinary circumstances, of course. I supposed the purpose of this provision in the resolution was for the purpose of enabling the committee to verify possible facts in regard to the market company. The resolution authorizes the committee to investigate the market house company down here, which, I think, it is perfectly proper to do, and I suppose that the gentleman drawing the resolution probably desired in connection with that authority the authority to verify figures or ascertain figures from those who rent from the market company.

Now, Mr. Speaker, it seems to me that we are doing a good deal of investigation in various directions. I am quite willing that the gentleman shall investigate the branches of the Government in the District or elsewhere. What surprises me is that when we want to make an investigation of the Attorney General's office the other side of the House applies a gag. [Applause on the Republican side.] We are willing to let you have the money to make an investigation of the different branches of the Government, which have been under Republican rule, but you, who have been in power only a few months, are already afraid to have your servants investigated. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Illinois has expired. The question is on agreeing to the resolution.

Mr. THOMAS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. THOMAS. I rise to ask unanimous consent that the gentleman from Illinois [Mr. MANN] have one hour in which to discuss the McReynolds resolution, and that I have one hour in which to reply to him.

The SPEAKER. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent——

Mr. HARDWICK. Mr. Speaker, I am forced to object for the present. I want to get this resolution out of the way.

The SPEAKER. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent that the gentleman from Illinois [Mr. MANN] may occupy an hour and that he have an hour in which to reply to him.

Mr. HARDWICK. Mr. Speaker, I am forced to object for the present. I wish to get this resolution out of the way.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] objects. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 50 minutes remaining.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLY] is recognized for five minutes.

Mr. KELLY of Pennsylvania. Mr. Speaker, I have asked for only sufficient time to call attention to one point, and that is that if the gentleman from Kentucky [Mr. JOHNSON], in his very lucid explanation this morning, and which he made before the Committee on Rules, is correct in his reasoning, then it follows that the same process of reasoning is applicable to other matters on which the gag has been applied.

It is stated that $769,000 is admittedly due to the Federal Government from the District of Columbia through the misuse of official funds. But, Mr. Speaker, it seems to me there is another crime that is fully as important and which calls equally for investigation, and that is the misuse of official power. We have witnessed for the past week a filibuster which has prevented the conduct of any public business. We have had sessions of the House called and adjourned without business being transacted. We have seen an agreement entered into in regard to the discussion of a vital proposition before this House, and have seen that agreement flagrantly violated. The result of that violation of agreement is the filibuster which has been carried on in session after session in this Congress.

I agree that if the investigation proposed in this resolution were carried on the money would be well spent. It is an entirely proper investigation; but there are other matters on which the gag has been applied, and the parties favoring the adoption of this resolution have been unanimously opposed to them. It is not logical and it is not fair.

But the truth shall prevail here as elsewhere. If 30 years have passed by since this $769,000 and this $1,003,000 mentioned were misappropriated, we may rest confident that the time will come when these other matters will be exposed and brought to light, no matter how long the delay.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield to an interruption?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. KELLY of Pennsylvania. Yes.

Mr. JOHNSON of Kentucky. What I said was that that amount was an accumulation of 30 years.

Mr. KELLY of Pennsylvania. Yes; an accumulation of 30 years. Yet we have had a proposition throttled when it applied to the investigation of alleged evils before us, here and now. It seems to me that the gentleman proves that sooner or later matters of that kind always come to light, and on certain events that have taken place out in the West the light of day will also be thrown. But there is danger in delay. We are told of monopolies in this District using their power to crush out competition, and that an investigation is necessary. Out in California there is another monopoly, whose power is being used to defraud the Government in three different ways and to crush out opposition, yet investigation is denied.

Mr. Speaker, if you will read the minutes and records of this House, you will find that in the year 1838 a gag resolution was brought into this House by a Representative from the State of New Hampshire, that provided that the subject of slavery should not be discussed. That resolution became Rule XXI of the House of Representatives, which provided that no memorial, petition, or resolution regarding slavery should be received or entertained in this House. John Quincy Adams made a fight for six years to rescind that rule, and finally accomplished it in 1844.

It was as impossible as an attempt to stop the rise of the tides to attempt by brutal gag rules to prevent the discussion and final solution of the great problem which throbbed then in the hearts of men and women of America.

To-day, the question is not slavery, but it is one of even greater importance, and demands attention just as insistently. It is the alliance of special privilege and crooked politics in this Nation. That is the foe to honest government which this resolution seeks to uncover in its investigation into the affairs of the District of Columbia. That is the foe to national integrity, which is being protected by the throttling of resolutions which deserved full consideration in this House.

In such a matter as this, wherever there is secrecy, there is either guilt or danger. If there be no guilt on the part of Government officials, there is great danger that the attempts to conceal actual conditions, through blind partisanship, will arouse public suspicion and public distrust to a dangerous degree.

Mr. Speaker, the people of this Nation will stand for neither the gag nor the filibuster. They have the same contempt for both, for each in its way prevents this lawmaking body from doing the work it has been commissioned to do. Great problems are confronting the Nation and they demand attention, yet, this House, spends its time worse than uselessly, the days and weeks are passing, and the people's demands are unheeded.

It is time to get down to business and heed the call of duty. If that is not done soon and the gag and the filibuster continue to occupy the attention of this body, I venture the assertion that the people will have the truth borne overwhelmingly to their minds that if they need some men in Congress they need more men out of Congress. And when they start on that task there will be no gag nor filibuster to prevent the accomplishment of the work in thorough fashion.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. AUSTIN. Mr. Speaker, I wish to commend the gentleman from Kentucky [Mr. JOHNSON] for his zeal and his earnestness in doing something as the chairman of the Committee on the District of Columbia.

I want to take that as a text, Mr. Speaker, and to suggest to those who are in control here and responsible for legislation that every committee of this House should be put to work now, and not next December. [Applause on the Republican side.]

We have been here three months, and the House has practically passed only two or three bills in that length of time. We shall be here three months longer if there is any attempt to pass through both Houses of Congress currency legislation. Are we going to mark time and kill time day in and day out, week in and week out, month in and month out, when there is needed and important legislation the American people want acted upon? Are we really keeping our promises and pledges made to the people in the platforms of our respective parties when we sit here idly day in and day out and make no effort to carry out in good faith the pledges made to the voters of the country?

The Democratic platform promulgated in Baltimore declared for the immediate independence of the Philippine Islands. "Immediate" does not mean next year. It means this year. It means whenever the chance and the opportunity to do it arrive, and you have had it. The American people expect their Representatives not to kill time, but to work. That is what we are here for. That is what we are paid for. That is what we are commissioned to do. I appeal to the gentlemen on the other side to get down to business and let us show the American people that we are here to legislate in their interest, and to do it not next year, but this year.

Now, what will happen? Why, we shall kill three months more of time on two propositions. The regular session will meet in December, and we shall be here next summer, and this Congress will close, like every Congress, with pages after pages of the calendars crowded with favorable and unanimous reports upon public measures and private bills that will never be reached. At the close of the Sixty-second Congress there were 135 bills on the Private Calendar, favorably reported, but never acted upon; there were 97 on the House Calendar; on the Calendar of the Whole House there were 144. There actually passed both Houses of Congress 7 measures that died in conference. One of them was the Indian appropriation bill. Another was a bill of far-reaching importance to the people

of this country, the vocational education bill, the Page-Lever bill, making a total of 383 bills that died on the calendar for lack of time, for we adjourned and left unacted upon those bills that we had introduced, upon which favorable reports had been secured, and they perished on the calendars of the House.

History will repeat itself, and we will close this Congress with three or four hundred public and private bills unacted upon.

Here is the omnibus war-claims bill. We have not passed through Congress a measure of that kind in six or seven years. In that bill was the work of the Court of Claims covering six years, and many claimants have actually died and passed away with Congress doing nothing to carry out the decisions of the Court of Claims.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. I yield to the gentleman two minutes more.

Mr. AUSTIN. The Democratic platform at Baltimore pledged itself to one presidential term. We hear nothing of it now. Why not get the Judiciary Committee busy and vote in here a resolution to submit a constitutional amendment, if you meant it?

Here is the immigration bill, keeping out of America the undesirables from the four corners of the earth. We passed it in the Senate and House, then over the President's veto in the Senate, and lacking only six or eight votes of doing the same in the House. Yet our shores are crowded every week with countless thousands of the undesirable people, running into a million in 12 months, and here we are wasting a year and postponing the correction of that great and far-reaching evil for no good reason that commends itself to the wisdom and patriotism of the American people. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Georgia [Mr. HARDWICK], who has charge of this resolution, was called from the room a moment ago, and before going he asked me to take charge of the matter.

By his direction I yield five minutes to the gentleman from Indiana [Mr. Cox].

The SPEAKER. The gentleman from Indiana [Mr. Cox] is recognized for five minutes.

Mr. COX. Mr. Speaker, I do not know that I will consume the five minutes yielded to me. I wish, however, to submit a few observations, particularly in response to statements made by my friend from Kansas [Mr. CAMPBELL].

In the first place, I desire to say that I am heartily in favor of the pending resolution. I think the money appropriated heretofore has been well spent, and I believe it is conceded by everybody on both sides of this Chamber that the investigation of last year and the present proposed investigation have been too long postponed.

The gentleman from Kansas [Mr. CAMPBELL] argued rather forcibly that there was no need for this appropriation, because these facts, as he stated, could be ascertained by the Auditor for the Treasury Department. It strikes me that a complete answer to that is, If that be true, why has not the Auditor for the Treasury Department heretofore discovered the fact that the District owed the Federal Government anywhere from $1,000,000 to $1,750,000?

And if the gentleman from Kentucky [Mr. JOHNSON] took $15,000 last year, as he did, and wisely expended it by giving it to an expert, and as a result of that has established the fact that the District of Columbia owes the Government of the United States in round numbers $1,750,000, it is money well spent.

It is true, Mr. Speaker, that we have conducted a great many investigations in the last two years.

Mr. BORLAND. And we may have some more.

Mr. COX. And, as suggested by my friend from Missouri [Mr. BORLAND], we may have some more. We have had investigations by standing committees and special committees. The gentleman from Kansas [Mr. CAMPBELL] says we have got nowhere. I think we have got a considerable distance along the road with some of these investigations; but the reason we did not land was because there was some man at the other end of the Capitol who checkmated us.

The Committee on Expenditures in the Treasury Department, over which I had the honor to preside two years ago, investigated what is known as the oleomargarine frauds, involving, in round numbers, $2,100,000.

Our committee investigated the matter, and when we made our report we came to the conclusion that we did not have all of it, but we found, as we believed, from the evidence in the case and from the decisions of the Supreme Court of the United States backing up our findings, that there was no question in the world but that the oleomargarine manufacturers owed this Government not less than $1,100,000.

Our committee reported against the offered compromise of $100,000 which the manufacturers of oleomargarine had proposed as a settlement for the $1,100,000. We reported against the acceptance of it, and further recommended that the Treasury Department lay its strong arm upon the manufacturers of oleomargarine, by issuing a distraint and compelling the manufacturers to pay that $1,100,000 into the Treasury of the United States, and if wrong, to give the manufacturers the right to go into the courts to sue the Government and litigate and recover it back.

But why did we not get somewhere with it? Because at 11.55 o'clock on the morning of the 4th of last March one of the last acts performed by Secretary of the Treasury MacVeagh was to accept a compromise, in which he accepted the sum of $100,000, in lieu of the $1,100,000 which our committee had found to be the amount due the Government.

That was not all. While our committee was engaged in investigating the subject, Judge Landis, in Chicago, for whom I have the highest regard, backed and supported by his able district attorney, Mr. Wilkerson, for whom I also have the highest regard, was investigating the same subject. And what was the result of their investigation?

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I yield to the gentleman three minutes more.

Mr. COX. The Federal grand jury in the city of Chicago made a report a few weeks ago, and reported that the oleomargarine manufacturers had defrauded this Government out of $2,100,000. There is no question that $1,100,000 of it is gone, because that has been compromised; but I look to our Attorney General to advise the Treasury Department to lay its hand upon the other $900,000 and collect it.

I am detailing facts and I know what I am talking about; facts that were developed before my committee; facts that have been developed before the grand jury in the city of Chicago. I have in my office the report made by the grand jury, a report made under instructions given to the grand jury by Judge Landis.

How were we checkmated? A copy of the report of our committee was served upon Mr. MacVeagh three or four days before he signed the compromise. I am not quarreling with Mr. MacVeagh. Under the law he had the complete and consummate power to compromise that case. But I say solemnly, after a thorough, complete, and exhaustive investigation of the facts, as well as the law, that he rendered that decision, exempting them from paying $1,000,000 in the face of the law and in the face of the solemn facts in the case.

I say more than that, that the Solicitor General of the Internal Revenue Department, Mr. Maddox, who to-day holds a position in the Treasury Department, wrote a decision in that case in which he advised the Secretary of the Treasury to accept the $100,000, when he was in possession of all the facts in the case that our committee was in possession of; or, if not in possession of all the facts, as we were, he was in a position to get all the facts in the case. And notwithstanding that fact, as the law officer of the Treasury Department, he wrote his opinion and turned it over to the Secretary of the Treasury, in which he advised Secretary MacVeagh to accept the $100,000.

The SPEAKER. The time of the gentleman has again expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the resolution to its final passage.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 95, noes 29.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-nine Members present—not a quorum. The Doorkeeper will close the doors and the Sergeant at Arms will notify absentees. The question is on ordering the previous question. The Clerk will call the roll.

The question was taken; and there were—yeas 155, nays 51, answered "present" 10, not voting 213, as follows:

YEAS—155.

Abercrombie	Blackmon	Bryan	Callaway
Alexander	Boober	Buchanan, Ill.	Caraway
Ashbrook	Borchers	Buchanan, Tex.	Carr
Aswell	Borland	Bulkley	Carter
Bailey	Brockson	Burgess	Casey
Baltz	Broussard	Burke, Wis.	Church
Barkley	Brown, W. Va.	Byrnes, S. C.	Claypool
Beakes	Brumbaugh	Byrns, Tenn.	Clayton

Cline	Hamlin	Lloyd	Sisson
Collier	Hardwick	Lobeck	Smith, Tex.
Connelly, Kans.	Hardy	Logue	Stedman
Cox	Harrison, Miss.	McAndrews	Stephens, Nebr.
Davenport	Hay	McClellan	Stephens, Tex.
Davis, W. Va.	Hayden	McCoy	Stone
Decker	Heflin	McGillicuddy	Stout
Dickinson	Helvering	McKellar	Taggart
Dies	Heary	Maguire, Nebr.	Talcott, N. Y.
Donovan	Hensley	Maher	Tavenner
Doolittle	Hill	Mitchell	Taylor, Ala.
Doremus	Holland	Moon	Taylor, Ark.
Doughton	Houston	Morgan, La.	Taylor, Colo.
Elder	Howard	Murray, Okla.	Taylor, N. Y.
Evans	Hulings	Neeley	Thomas
Fergusson	Hull	Oglesby	Tribble
Fitzgerald	Igoe	O'Hair	Underwood
FitzHenry	Jacoway	Oldfield	Vaughan
Flood, Va.	Johnson, S. C.	Page	Walker
Foster	Jones	Patten, N. Y.	Watkins
Fowler	Kettner	Phelan	Watson
Garrett, Tenn.	Kirkpatrick	Pou	Weaver
Garrett, Tex.	Konop	Quin	Webb
George	Korbly	Ragsdale	Whaley
Gilmore	Lazaro	Raker	Williams
Glass	Lee, Ga.	Reed	Wilson, Fla.
Goodwin, Ark.	Lee, Pa.	Roddenbery	Wingo
Gordon	Lesher	Rucker	Witherspoon
Graham, Ill.	Lever	Russell	Young, N. Dak.
Gray	Lieb	Seldomridge	Young, Tex.
Gudger	Linthicum	Sims	

NAYS—51.

Anderson	Falconer	La Follette	Scott
Austin	Fess	Lewis, Pa.	Shreve
Barchfeld	French	Lindbergh	Sloan
Barton	Gardner	McGuire, Okla.	Smith, Idaho
Bell, Cal.	Gillett	McKenzie	Stephens, Cal.
Britten	Helgesen	Mann	Switzer
Burke, S. Dak.	Howell	Mapes	Temple
Campbell	Johnson, Utah	Mondell	Thomson, Ill.
Cooper	Johnson, Wash.	Morgan, Okla.	Towner
Curry	Kelley, Mich.	Moss, W. Va.	Treadway
Davis, Minn.	Kelly, Pa.	Payne	Willis
Dillon	Kennedy, Iowa	Platt	Woods
Dyer	Kinkaid, Nebr.	Prouty	

ANSWERED "PRESENT"—10.

Adamson	Crisp	Padgett	Wallin
Aiken	Johnson, Ky.	Rubey	
Browning	Kahn	Smith, J. M. C.	

NOT VOTING—213.

Adair	Edwards	Key, Ohio	Richardson
Ainey	Esch	Kiess, Pa.	Riordan
Allen	Estopinal	Kindel	Roberts, Mass.
Ansberry	Fairchild	Kinkead, N. J.	Roberts, Nev.
Anthony	Faison	Kitchin	Rogers
Avis	Farr	Knowland, J. R.	Rothermel
Baker	Ferris	Kreider	Rouse
Barnhart	Fields	Lafferty	Rupley
Bartholdt	Finley	Langham	Sabath
Bartlett	Floyd, Ark.	Langley	Saunders
Bathrick	Fordney	L'Engle	Scully
Beall, Tex.	Francis	Lenroot	Sells
Bell, Ga.	Frear	Levy	Shackleford
Bowdle	Gallagher	Lewis, Md.	Sharp
Bremner	Gard	Lindquist	Sherley
Brodbeck	Garner	Lonergan	Sherwood
Brown, N. Y.	Gerry	McDermott	Sinnott
Browne, Wis.	Gittins	McLaughlin	Slayden
Bruckner	Godwin, N. C.	Madden	Slemp
Burke, Pa.	Goeke	Mahan	Small
Burnett	Goldfogle	Manahan	Smith, Md.
Butler	Good	Martin	Smith, N. Y.
Calder	Gorman	Merritt	Smith, Minn.
Candler, Miss.	Goulden	Metz	Smith, Saml. W.
Cantrill	Graham, Pa.	Miller	Sparkman
Carew	Green, Iowa	Montague	Stafford
Carlin	Greene, Mass.	Moore	Stanley
Cary	Greene, Vt.	Morin	Steenerson
Chandler, N. Y.	Gregg	Morrison	Stephens, Miss.
Clancy	Griest	Moss, Ind.	Stevens, Minn.
Clark, Fla.	Griffin	Mott	Stevens, N. H.
Connolly, Iowa	Guernsey	Murdock	Stringer
Conry	Hamill	Murray, Mass.	Sumners
Copley	Hamilton, Mich.	Nelson	Sutherland
Covington	Hamilton, N. Y.	Nolan, J. I.	Talbott, Md.
Cramton	Hammond	Norton	Ten Eyck
Crosser	Harrison, N. Y.	O'Brien	Thacher
Cullop	Haugen	O'Leary	Thompson, Okla.
Curley	Hawley	O'Shaunessy	Townsend
Dale	Hayes	Palmer	Tuttle
Danforth	Helm	Parker	Underhill
Deitrick	Hinds	Patton, Pa.	Vare
Dent	Hinebaugh	Pepper	Volstead
Dershem	Hobson	Peters	Walsh
Difenderfer	Hoxworth	Peterson	Walters
Dixon	Hughes, Ga.	Plumley	Whitacre
Donohoe	Hughes, W. Va.	Porter	White
Dooling	Humphrey, Wash.	Post	Wilder
Driscoll	Humphreys, Miss.	Powers	Wilson, N. Y.
Dunn	Keating	Rainey	Winslow
Dupré	Keister	Rauch	Woodruff
Eagan	Kennedy, Conn.	Rayburn	
Eagle	Kennedy, R. I.	Reilly, Conn.	
Edmonds	Kent	Reilly, Wis.	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHERLEY with Mr. WALTERS.

Mr. BELL of Georgia with Mr. CALDER.

Mr. CANDLER of Mississippi with Mr. MANAHAN.

Mr. CLARK of Florida with Mr. SELLS.

Mr. DEITRICK with Mr. SINNOTT.

Mr. FLOYD of Arkansas with Mr. VOLSTEAD.

Mr. KENNEDY of Connecticut with Mr. SMITH of Minnesota.

Mr. GREGG with Mr. STEENERSON.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to submit a request for unanimous consent. The last paragraph of the resolution as reported by the Committee on Rules was subject to the point of order and would have rendered the entire resolution subject to the point of order; but no one desired to make that point of order. It is now desired, in order that it may be in the usual form, to change the language slightly at the close of the last paragraph. Notwithstanding the fact that the previous question has been ordered, I ask unanimous consent to amend the resolution in the manner which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

Line 1, page 3 after the word "vouchers," insert the words "authorized by said committee and."

Line 2, page 3, strike out the words "of said committee" and insert in lieu thereof the word "thereof."

Line 3, after the word "accounts," strike out the period and insert "signed by the chairman thereof."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, would the gentleman have any objection to including in his request an amendment as follows, to come in at the end of the resolution:

Provided, The total expense incurred under the authority of this resolution shall not exceed said sum of $20,000.

Mr. GARRETT of Tennessee. Mr. Speaker, I would have no objection whatever to that. It was the amount put in because they thought it would cover it.

Mr. MANN. They give the committee authority, and appropriate $20,000, and then do not limit the authority to $20,000 at all.

Mr. GARRETT of Tennessee. I think there would be no objection to that.

The SPEAKER. The Clerk will report the amendment suggested by the gentleman from Illinois [Mr. MANN].

Mr. GARRETT of Tennessee. I will make that a part of the request to insert at the end of the paragraph.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, at the end of line 3, page 3, the following:

"*Provided*, The total expense incurred under the authority of this resolution shall not exceed said sum of $20,000."

The SPEAKER. Is there objection to the adoption of these amendments, including the amendment of the gentleman from Illinois [Mr. MANN], which the gentleman from Tennessee [Mr. GARRETT] makes his own, notwithstanding the fact that the previous question has been ordered? [After a pause.] The Chair hears no objection, and the amendments are agreed to.

The question is on the House resolution as amended.

The resolution was agreed to.

DIGGS-CAMINETTI CASE.

Mr. THOMAS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. THOMAS. Mr. Speaker, I rise to ask unanimous consent that on Tuesday next, after the reading of the Journal four hours be allotted to the discussion of the resolution investigating the action of Attorney General McReynolds in the Diggs-Caminetti case, and that two hours of that time be controlled by the gentleman from Illinois [Mr. MANN] and two hours by myself.

The SPEAKER. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent that on next Tuesday, after the reading of the Journal and the disposition of the routine business, four hours shall be devoted to the disposition of the Kahn resolution as to the Attorney General, the Diggs-Caminetti case, and so forth, and that two hours of that time be controlled by the gentleman from Illinois [Mr. MANN] and two hours by the gentleman from Kentucky. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Kentucky [Mr. THOMAS] if he has disposed of the time?

Mr. THOMAS. I have not. And I will say further, Mr. Speaker, that the Attorney General has no objection, and never has had, to this matter being discussed.

Mr. MANN. We have heard that a good many times, but actions speak louder than words.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] has the floor.

Mr. MANN. Nobody has the floor.

Mr. BYRNS of Tennessee. So far as I know, undoubtedly the gentleman from Kentucky [Mr. THOMAS] is correct.

Mr. MANN. Well, Mr. Speaker, I ask for the regular order on this particular request. I do not propose to have the gentleman from Tennessee [Mr. BYRNS] discuss the matter.

Mr. BYRNS of Tennessee. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has appeared very anxious to have an hour in which to discuss this matter. I want to say to the gentleman from Illinois——

Mr. MANN. I object; but not to the request of the gentleman from Kentucky [Mr. THOMAS]——

Mr. BYRNS of Tennessee. If I am not permitted to make a statement, I shall object.

Mr. MANN. The gentleman has not permitted me to make a statement for a week.

Mr. BYRNS of Tennessee. The gentleman from Illinois [Mr. MANN] makes a statement every day, and frequently, Mr. Speaker, out of order.

The SPEAKER. The regular order is to put the request of the gentleman from Kentucky [Mr. THOMAS].

Mr. BYRNS of Tennessee. I am not going to be driven in the matter, and if I can not make a statement I object.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] objects.

AFFAIRS OF THE DISTRICT OF COLUMBIA.

On motion of Mr. GARRETT of Tennessee, a motion to reconsider the vote by which House resolution No. 203 as amended was agreed to was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of the committees.

Mr. UNDERWOOD. Mr. Speaker, before that is done I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will call the roll of the committees.

The Clerk proceeded with the call of the committees.

Mr. LLOYD (when the Committee on Accounts was called). Mr. Speaker, there was a privileged resolution pending before the House at the time of adjournment last Tuesday. A motion to adjourn was made pending the consideration of the matter, and that motion carried. I would like to have the resolution considered now.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves a call of the House. The question is on agreeing to the motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 5, answered "present" 13, not voting 253, as follows:

YEAS—158.

Abercrombie	Caraway	Floyd, Ark.	Kettner
Aiken	Carr	Foster	Kinkaid, Nebr.
Alexander	Casey	Fowler	Kirkpatrick
Anderson	Church	French	Korbly
Ashbrook	Clark, Fla.	Garrett, Tenn.	La Follette
Aswell	Clayton	George	Lee, Pa.
Austin	Cline	Goodwin, Ark.	Lesher
Bailey	Collier	Gordon	Lewis, Pa.
Baltz	Connelly, Kans.	Graham, Ill.	Lieb
Barton	Cooper	Gray	Lindbergh
Beakes	Cox	Hamlin	Linthicum
Bell, Cal.	Curry	Hardy	Lloyd
Blackmon	Davenport	Hayden	Lobeck
Borchers	Davis, Minn.	Heflin	McAndrews
Borland	Decker	Helgesen	McClellan
Britten	Dickinson	Helvering	McCoy
Brockson	Dies	Hensley	McKellar
Brown, W. Va.	Dillon	Holland	McKenzie
Brumbaugh	Doolittle	Houston	Maguire, Nebr.
Bryan	Doremus	Howard	Mapes
Buchanan, Ill.	Doughton	Hulings	Mitchell
Buchanan, Tex.	Dyer	Hull	Moon
Bulkley	Eagle	Igoe	Morgan, La.
Burgess	Evans	Jacoway	Murray, Okla.
Burke, Wis.	Falconer	Johnson, Ky.	Neeley
Byrnes, S. C.	Fergusson	Johnson, S. C.	Norton
Byrns, Tenn.	Fess	Johnson, Utah	Page
Callaway	FitzHenry	Jones	Patten, N. Y.
Candler, Miss.	Flood, Va.	Kennedy, Iowa	Pepper
Phelan	Sherley	Switzer	Vaughan
Post	Sims	Taggart	Walker
Quin	Sisson	Talcott, N. Y.	Watkins
Ragsdale	Sloan	Tavenner	Weaver
Raker	Smith, Idaho	Taylor, Ark.	Willis
Reed	Smith, Tex.	Taylor, N. Y.	Wilson, Fla.
Roddenbery	Stedman	Thomas	Wingo
Rucker	Stephens, Cal.	Thomson, Ill.	Witherspoon
Russell	Stephens, Tex.	Towner	Young, Tex.
Scott	Stone	Tribble	
Seldomridge	Sumners	Underwood	

NAYS—5.

Gardner	Lafferty	Morgan, Okla.	Smith, Md.
Johnson, Wash.			

ANSWERED "PRESENT"—13.

Browning	Mann	Rubey	Young, N. Dak.
Crisp	Moss, W. Va.	Shreve	
Kahn	O'Hair	Smith, J. M. C.	
Kelly, Pa.	Padgett	Temple	

NOT VOTING—253.

Adair	Elder	Kennedy, Conn.	Rainey
Adamson	Esch	Kennedy, R. I.	Rauch
Ainey	Estopinal	Kent	Rayburn
Allen	Fairchild	Key, Ohio	Reilly, Conn.
Ansberry	Faison	Kiess, Pa.	Reilly, Wis.
Anthony	Farr	Kindel	Richardson
Avis	Ferris	Kinkead, N. J.	Riordan
Baker	Fields	Kitchin	Roberts, Mass.
Barchfeld	Finley	Knowland, J. R.	Roberts, Nev.
Barkley	Fitzgerald	Konop	Rogers
Barnhart	Fordney	Kreider	Rothermel
Bartholdt	Francis	Langham	Rouse
Bartlett	Frear	Langley	Rupley
Bathrick	Gallagher	Lazaro	Sabath
Beall, Tex.	Gard	Lee, Ga.	Saunders
Bell, Ga.	Garner	L'Engle	Scully
Booher	Garrett, Tex.	Lenroot	Sells
Bowdle	Gerry	Lever	Shackleford
Bremner	Gillett	Levy	Sharp
Brodbeck	Gilmore	Lewis, Md.	Sherwood
Broussard	Gittins	Lindquist	Sinnott
Brown, N. Y.	Glass	Logue	Slayden
Browne, Wis.	Godwin, N. C.	Lonergan	Slemp
Bruckner	Goeke	McDermott	Small
Burke, Pa.	Goldfogle	McGillicuddy	Smith, Minn.
Burke, S. Dak.	Good	McGuire, Okla.	Smith, N. Y.
Burnett	Gorman	McLaughlin	Smith, Saml. W.
Butler	Goulden	Madden	Sparkman
Calder	Graham, Pa.	Mahan	Stafford
Campbell	Green, Iowa	Maher	Stanley
Cantrill	Greene, Mass.	Manahan	Steenerson
Carew	Greene, Vt.	Martin	Stephens, Miss.
Carlin	Gregg	Merritt	Stephens, Nebr.
Carter	Griest	Metz	Stevens, Minn.
Cary	Griffin	Miller	Stevens, N. H.
Chandler, N. Y.	Gudger	Mondell	Stout
Clancy	Guernsey	Montague	Stringer
Claypool	Hamill	Moore	Sutherland
Connolly, Iowa	Hamilton, Mich.	Morin	Talbott, Md.
Conry	Hamilton, N. Y.	Morrison	Taylor, Ala.
Copley	Hammond	Moss, Ind.	Taylor, Colo.
Covington	Hardwick	Mott	Ten Eyck
Cramton	Harrison, Miss.	Murdock	Thacher
Crosser	Harrison, N. Y.	Murray, Mass.	Thompson, Okla.
Cullop	Haugen	Nelson	Townsend
Curley	Hawley	Nolan, J. I.	Treadway
Dale	Hay	O'Brien	Tuttle
Danforth	Hayes	Oglesby	Underhill
Davis, W. Va.	Helm	Oldfield	Vare
Deitrick	Henry	O'Leary	Volstead
Dent	Hill	O'Shaunessy	Wallin
Dershem	Hinds	Palmer	Walsh
Difenderfer	Hinebaugh	Parker	Walters
Dixon	Hobson	Patton, Pa.	Watson
Donohoe	Howell	Payne	Webb
Donovan	Hoxworth	Peters	Whitacre
Dooling	Hughes, Ga.	Peterson	White
Driscoll	Hughes, W. Va.	Platt	Wilder
Dunn	Humphrey, Wash.	Plumley	Williams
Dupré	Humphreys, Miss.	Porter	Wilson, N. Y.
Eagan	Keating	Pou	Winslow
Edmonds	Keister	Powers	Woodruff
Edwards	Kelley, Mich.	Prouty	Woods

So a call of the House was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GILMORE with Mr. TREADWAY.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. CARTER with Mr. BARCHFELD.

Mr. ESTOPINAL with Mr. CAMPBELL.

Mr. GUDGER with Mr. CRAMTON.

Mr. HARRISON of Mississippi with Mr. HOWELL.

Mr. HAY with Mr. FARR.

Mr. HENRY with Mr. KELLEY of Michigan.

Mr. LEE of Georgia with Mr. PROUTY.

Mr. HUGHES of Georgia with Mr. MONDELL.

Mr. LEVER with Mr. PAYNE.

Mr. OLDFIELD with Mr. PLATT.

Mr. POU with Mr. WALTERS.

Mr. ROTHERMEL with Mr. VOLSTEAD.

Mr. SMALL with Mr. MANAHAN.

Mr. TAYLOR of Alabama with Mr. SELLS.

Mr. WEBB with Mr. WOODS.

After fourth roll call ending for the day:

Mr. BOOHER with Mr. MCGUIRE of Oklahoma.

The result of the vote was announced as recorded.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. This is a call of the House, and the Members will answer "present," or something equivalent thereto, when their names are called.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Evans	Kennedy, R. I.	Pou
Adamson	Fairchild	Kent	Powers
Aiken	Faison	Key, Ohio	Prouty
Ainey	Farr	Kiess, Pa.	Rainey
Allen	Ferris	Kindel	Rauch
Ansberry	Fields	Kinkaid, Nebr.	Rayburn
Anthony	Finley	Kinkead, N. J.	Reilly, Conn.
Avis	Fitzgerald	Kitchin	Reilly, Wis.
Baker	Flood, Va.	Knowland, J. R.	Richardson
Barchfeld	Fordney	Konop	Riordan
Barnhart	Francis	Kreider	Roberts, Mass.
Bartholdt	Frear	Langham	Roberts, Nev.
Bartlett	Gallagher	Langley	Roddenbery
Bathrick	Gard	Lazaro	Rogers
Beall, Tex.	Garner	Lee, Ga.	Rothermel
Bell, Ga.	Garrett, Tex.	L'Engle	Rouse
Booher	Gerry	Lenroot	Rupley
Bowdle	Gillett	Lever	Sabath
Bremner	Gilmore	Levy	Saunders
Brodbeck	Gittins	Lewis, Md.	Scully
Broussard	Glass	Lindquist	Sells
Brown, N. Y.	Godwin, N. C.	Lobeck	Shackleford
Browne, Wis.	Goeke	Logue	Sharp
Bruckner	Goldfogle	Lonergan	Sherwood
Burke, Pa.	Good	McCoy	Sinnott
Burke, S. Dak.	Goodwin, Ark.	McDermott	Slayden
Burnett	Gordon	McGillicuddy	Slemp
Butler	Gorman	McGuire, Okla.	Smith, Md.
Calder	Goulden	McLaughlin	Smith, Minn.
Callaway	Graham, Pa.	Madden	Smith, N. Y.
Campbell	Green, Iowa	Mahan	Smith, Sami. W.
Cantrill	Greene, Mass.	Maher	Smith, Tex.
Carew	Greene, Vt.	Manahan	Sparkman
Carlin	Gregg	Mann	Stafford
Carter	Griest	Martin	Stanley
Cary	Griffin	Merritt	Steenerson
Chandler, N. Y.	Gudger	Metz	Stephens, Miss.
Clancy	Guernsey	Miller	Stephens, Nebr.
Claypool	Hamill	Montague	Stevens, Minn.
Connolly, Iowa	Hamilton, Mich.	Moore	Stevens, N. H.
Conry	Hamilton, N. Y.	Morin	Stout
Copley	Hammond	Morrison	Stringer
Covington	Hardwick	Moss, Ind.	Sutherland
Cramton	Harrison, Miss.	Moss, W. Va.	Talbott, Md.
Crosser	Harrison, N. Y.	Mott	Taylor, Colo.
Cullop	Haugen	Murdock	Ten Eyck
Curley	Hawley	Murray, Mass.	Thacher
Dale	Hay	Neeley	Thomas
Danforth	Hayes	Nelson	Thompson, Okla.
Davenport	Helm	Nolan, J. I.	Townsend
Deitrick	Hill	Norton	Treadway
Dent	Hinds	O'Brien	Tuttle
Dershem	Hinebaugh	Oglesby	Underhill
Dickinson	Hobson	O'Hair	Vare
Difenderfer	Howard	Oldfield	Volstead
Dixon	Howell	O'Leary	Wallin
Donohoe	Hoxworth	O'Shaunessy	Walsh
Dooling	Hughes, W. Va.	Padgett	Walters
Driscoll	Humphreys, Miss.	Palmer	Weaver
Dunn	Humphrey, Wash.	Parker	Whaley
Dupré	Johnson, S. C.	Patton, Pa.	Whitacre
Eagan	Johnson, Wash.	Payne	White
Edmonds	Jones	Peters	Wilder
Edwards	Keating	Peterson	Wilson, N. Y.
Elder	Keister	Platt	Winslow
Esch	Kelley, Mich.	Plumley	Woodruff
Estopinal	Kennedy, Conn.	Porter	Woods

The SPEAKER. One hundred and sixty-one Members, not a quorum, have answered to their names. It takes 216 to make a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, it is evident that we are so far from having a quorum that I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Saturday, July 26, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of War submitting an estimate of appropriation for completing the public road from the Highway Bridge to the Arlington National Cemetery (H. Doc. No. 164), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 7118) to establish a fish-cultural station in the State of Pennsylvania; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAKER: A bill (H. R. 7119) making an appropriation for the investigation, study, and testing of sagebrush (Chrysothamnus) and greasewood, which may be used for producing rubber, and for other purposes; to the Committee on Agriculture.

By Mr. STOUT: A bill (H. R. 7120) to extend to certain publications the privileges of second-class mail matter as to the admission to the mails; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Resolution (H. Res. 212) directing the Attorney General to transmit to the House of Representatives copy of his telegram dated May 16, 1913, to United States Attorney McNab; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Concurrent resolution (H. Con. Res. 14) affirming Monroe doctrine; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 7121) for the relief of Martin Cupples; to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 7122) granting a pension to George W. Nove; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 7123) for the relief of the estate of Elie H. Flory; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 7124) for the relief of the estate of Benjamin Gratz, deceased; to the Committee on War Claims.

By Mr. DICKINSON: A bill (H. R. 7125) for the relief of the estate of Jacob Kenney, deceased; to the Committee on War Claims.

By Mr. GARRETT of Tennessee: A bill (H. R. 7126) granting an increase of pension to Orlando F. Cantwell; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 7127) granting a pension to Annie E. Crouter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7128) granting an increase of pension to Amelia Schoefer; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 7129) granting an increase of pension to Joseph C. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7130) to place the name of Capt. Clarence Walworth Backus on the retired list of the Regular Army of the United States with rank and pay as a retired officer of the regular establishment; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: A bill (H. R. 7131) granting a pension to Hannah M. Brodock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7132) granting a pension to Lucy E. Schermerhorn; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 7133) granting an increase of pension to John W. Fuller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE: Petitions of the Scranton Life Insurance Co., of Scranton, and the Girard Life Insurance Co., of Philadelphia, Pa., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petitions of the Interstate Cotton Seed Crushers' Association, protesting against the prohibitory duty by the Government of Austria-Hungary upon cottonseed oil, and against a tax on colored oleomargarine; to the Committee on Ways and Means.

By Mr. DYER: Petition of the National Civil Service Reform League, of New York, N. Y., protesting against paragraph O, section 2, of the tariff bill (H. R. 3321); to the Committee on Ways and Means.

Also, petition of the Scranton Life Insurance Co., of Scranton, Pa., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. GARRETT of Tennessee: Papers to accompany bill granting an increase of pension to Orlando F. Cantwell; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: Petition of the New York Zoological Society, favoring clause in the tariff bill prohibiting importation of egret, etc.; to the Committee on Ways and Means.

By Mr. LEVY: Petitions of the United States Life Insurance Co., in the city of New York, and the Scranton Life Insurance Co., of Scranton, the Girard Life Insurance Co., of Philadelphia, Pa., the National Life Insurance Co. of the United States of

America, at Chicago, Ill., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring law to compel the equipment of all road engines with safe and suitable boilers, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Interstate Cotton Seed Crushers' Association, protesting against the prohibitive duty by the Government of Austria-Hungary on cottonseed oil and the duty on colored oleomargarine; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill., favoring improvement in the living conditions of our seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles I. Berg, of New York City, protesting against an amendment by the Senate committee imposing a tax on paintings and statuary less than 50 years old; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of the Interstate Cotton Seed Crushers' Association, of Chicago, Ill., protesting against the present tax on colored oleomargarine; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of the Scranton Life & Fire Insurance Co., protesting against life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of the Holy Name Societies of the Diocese of Newark, N. J., protesting against the publication of the Menace; to the Committee on the Judiciary.

SENATE.

SATURDAY, *July 26, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Vice President being absent, the President pro tempore took the chair and directed the Secretary to read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. SIMMONS. I ask that the further reading of the Journal may be dispensed with.

Mr. SMOOT. There are only a few Senators here, and I know a number are coming over. It would be better to have the Journal read.

Mr. SIMMONS. I withdraw the request.

Mr. SMOOT. If the Senator will call for a quorum at the close of the morning business, the reading can be dispensed with.

Mr. SIMMONS. No; I do not desire to do that.

The PRESIDENT pro tempore. Objection is made, and the Secretary will resume the reading of the Journal.

Mr. SMOOT. I do not insist on my objection. I think, perhaps, we can get a quorum here by the time the morning business is closed, and, if not, I can call for a quorum.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Utah to object?

Mr. SMOOT. No; I do not object.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

There being no objection, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. NORRIS presented memorials signed by several hundred citizens of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FLETCHER. I present certain resolutions from the North Carolina Bankers' Association, and also resolutions from the South Carolina Banking Association, certified by the secretaries, which may be treated in the nature of petitions, and I ask that they be printed in the RECORD.

There being no objection, the petitions were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

THE NORTH CAROLINA BANKERS' ASSOCIATION,
OFFICE OF THE SECRETARY AND TREASURER,
Henderson, N. C.

"Resolved by the North Carolina Bankers' Association, at Asheville, N. C., July 10, 1913, in convention assembled, That we favor incorporating in bill S. 2639, now pending in Congress, provision for such institutions and facilities as will meet the requirements and demands of our agricultural interests.

"Resolved further, That we commend the efforts of the Southern Commercial Congress in behalf of a system of agricultural credits and cooperation as patriotic and for the public good and deserving our cordial support."

The above resolution was proposed by J. Elwood Cox, Esq., president of Commercial National Bank, High Point, N. C., to the North Carolina Bankers' Association, in meeting assembled, at Asheville, N. C., July 10, 1913, which was read by Mr. Cox and duly passed by a unanimous vote of the convention.

W. A. HUNT,
Secretary North Carolina Bankers' Association.

"Resolved by the South Carolina Bankers' Association in convention assembled at Lake Toxaway, N. C., this July 12, 1913, That we favor such legislation as will provide for such institutions and facilities as will more completely meet the requirements and demands of our agricultural interests.

"Resolved further, That we commend the efforts of the Southern Commercial Congress to establish a system of agricultural credits and cooperation as important and beneficial to the whole country and all the people."

I hereby certify that the foregoing is a true copy of resolution passed by the South Carolina Bankers' Association at Lake Toxaway, N. C., on July 12, 1913.

LEE G. HALLEMON.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 2832) granting an increase of pension to Melancton Doren (with accompanying paper); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2833) providing for the appropriation of $2,500 as a part contribution for a monument to mark the site of Fort Edward, at Warsaw, Hancock County, Ill.; to the Committee on the Library.

By Mr. LEA:

A bill (S. 2835) to provide for the appointment of a district judge in the middle and eastern judicial districts in the State of Tennessee, and for other purposes; to the Committee on the Judiciary.

THE CURRENCY.

Mr. CLAPP. I rise to introduce a bill, and before introducing it I wish to make a very brief statement.

There is a general feeling, in which I share, that there should be some currency legislation at the present session. There is a feeling also that with the debate on the tariff and the time that will be required it is unwise to undertake any general currency legislation at this session.

I am advised that there are $500,000,000 of notes printed already under the law of 1909, and if that law were amended so that instead of requiring 5 per cent interest the first month, with the increase beginning with the second month, the period were extended to three months, during which the 5 per cent tax would run, that law would probably meet any emergency or requirement likely to arise at this time.

For that purpose I introduce the following bill, and ask that it be referred to the Committee on Banking and Currency:

The bill (S. 2834) to amend an act entitled "An act to amend the national banking laws" was read twice by its title and referred to the Committee on Banking and Currency.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to appropriate $300 to pay Henry Coster, being the amount found due him as per certificate No. 103913 of the differences of the comptroller, dated June 16, 1913, Navy Department, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO THE TARIFF BILL.

Mr. STERLING submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was ordered to lie on the table and be printed.

ADMINISTRATIVE SECTION OF TARIFF BILL.

Mr. LIPPITT. Mr. President, there was published in the New York Commercial on the 17th of July an interview with Mr. Downing, who is chairman of the tariff committee of the Merchants' Association of New York, an association consisting largely of the importing interests. Mr. Downing in his interview represents himself as having taken a very active part in the formation of the administrative section of the proposed tariff law we are now considering. The interview is not long, and I should like to have it read and become a part of the RECORD and to call the attention of the lobby investigating committee to the statement of this gentleman.

The PRESIDENT pro tempore. The Senator from Rhode Island presents a certain newspaper article which he asks may be printed in the RECORD.

Mr. LIPPITT. I should like to have it read.

The PRESIDENT pro tempore. It will be read, without objection. The Chair hears none.

The Secretary read as follows:

The importing merchants of New York ought to appreciate what has been done by the merchants' association in their behalf in securing the elimination or modification of the drastic provisions of the administration section. The committee of which I am a chairman did a large amount of work in bringing about these changes. The members of the committee spent 15 days in Washington. They interviewed the President, several members of the Cabinet, and many Members of Congress to explain the necessity for revisions and eliminations in the law which the merchants' association favored.

I was in communication with Chairman UNDERWOOD even before the Ways and Means Committee of the House undertook the preparation of the tariff bill last year, and I was in touch with him during all the time that the Ways and Means Committee were considering the bill. To the great surprise of the business public the Ways and Means Committee, just before presenting the revised bill, saw fit to accept the suggestions made by James F. Curtis, who had been Assistant Secretary of the Treasury under Secretary MacVeagh. Mr. Curtis's recommendations were so drastic that their enforcement would have tended to a large extent to nullify the effects of the downward revision of the schedules and would have created complications and hardship, both to the Government and the importing public.

The merchants' association has never taken any action upon the tariff schedules or rates, but it has always made the customs administrative features of the tariff a subject of careful study and attention, regulating as they do the application of the tariff schedules and rates to the three conflicting factors affected. These factors are: First, the Government, for the revenue which the tariff provides; second, the domestic manufacturer, for such protection as the tariff may afford; and, third, the honest importer, for the right to import under such limitations, fairly administered, as the tariff law may prescribe.

We made a thorough analysis of each subsection of the administrative section of the bill, which, as passed by the House, would have made it practically impossible for any importing merchant to carry on his business with any degree of certainty, since he was placed at the mercy of requirements, over compliance with which he could have no control. Practically all of our suggestions have been adopted and we are immensely pleased with the result. In the list of our suggestions was one proposing the appointment of a commission to consider a revision of the administrative portion of the law. I am glad to say that the bill, as reported by the Finance Committee of the Senate, provides for such a commission, and upon its appointment we shall continue our work. When it is remembered that two-thirds of all the imports into the United States are brought in through this port, hardly anything can be mentioned of more importance to the business interests of New York than a reasonable, fair, and practicable tariff administrative law.

Mr. SIMMONS. With reference to the interview——

Mr. LIPPITT. I was only going to ask in presenting the communication that the attention of the lobby investigating committee be called to it. I request that it be referred to the lobby investigating committee.

The PRESIDENT pro tempore. That is not a standing committee of the Senate and hardly a special committee. However, the Chair will submit the question to the Senate.

Mr. CUMMINS. The Committee on the Judiciary is conducting what we call the lobby investigation.

Mr. LIPPITT. I should like to have it referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Unless there is objection, it will be referred to the Committee on the Judiciary. The Chair hears none, and it is so ordered.

Mr. SIMMONS. I have no objection whatever to the reference of the communication to the lobby investigating committee; but, so far as the gentleman who is the author of the interview is concerned, I wish to say that this is the first time I have heard of him. I do not say that I have never seen him, because during the time when we had tariff matters up there were hundreds who came to my office, but I do not think I ever heard of this man before. I am sure of that.

Mr. LIPPITT. I am not asking this matter to be referred to the lobby investigating committee because I think there is anything in it that reflects upon any Member of this body or the other branch of Congress. So far as I am personally concerned, I believe that all the gentlemen on the opposite side of the Chamber who have had anything to do with the making of the tariff bill have tried conscientiously to bring in a bill that should conform to their ideas of what a new tariff should be. I am making no personal attack upon anybody in this Chamber or elsewhere.

Mr. SIMMONS. I do not understand the Senator as doing that, but I merely desired to say that I do not know the author of this interview.

EFFECTIVE VOTING (S. DOC. NO. 142).

Mr. OWEN. I should like to ask to have printed as a Senate document a short article on effective voting by C. G. Hoag.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

Mr. SMOOT. Let it be stated. I did not hear what the article is.

Mr. OWEN. It is an article on effective voting by C. G. Hoag. It consists of only 10 pages.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

THE TARIFF HANDBOOK.

Mr. SMOOT. Before the morning business is closed I wish to say that I notice this morning there is a copy of the Tariff Handbook, and on it is printed "the second print."

Mr. SIMMONS. I beg the Senator's pardon, I did not hear his remark.

Mr. SMOOT. I say I notice this morning that there is published a Tariff Handbook, and on it is noted "the second print." I observe that there are quite a number of changes in it from the original print. What I wish to ask the Senator from North Carolina is, which one of the prints he wishes us to refer to in our discussion, if we refer to it at all.

Mr. SIMMONS. The reprint was just handed to me as the Senator took the floor. Of course, Senators can use whichever one they please.

I wish to state that the only change I know of in the book, the only change I authorized to be made, was with reference to the columns carrying the present bill as passed by the House and the bill as reported by the Senate committee. I thought it would be very helpful to Senators, instead of printing the House bill in one column and the Senate bill in another column, without showing in any way the changes made by the Senate committee, to have simply the Senate amended bill printed with a line drawn through the matter stricken out in the House bill and with the matter inserted in the Senate bill in italics.

I discovered that with the two bills in parallel columns and with nothing indicating the changes made in the House bill by the Senate bill it was necessary to read the whole thing over to ascertain what change had been made by the Senate committee. As we found it necessary during the days we have been considering it to have the original bill before us, I thought it would be better to have a reprint and to have the bill as proposed to be amended by the Senate committee in one column and the present law in another column. I thought that would add greatly to the convenience of Senators, and that is the only change I authorized to be made. There may have been some correction of errors discovered by the clerk having the matter in charge. I do not know about that.

Mr. SMOOT. I fully agree with the Senator that the way the bill is printed in the second print is a great improvement over the original or first print.

Mr. SIMMONS. I will state that that is the way I originally intended to have it printed, but through some mistake the clerk did it otherwise, and I merely suggested a reprint for the purpose of making that change.

Mr. SMOOT. My object in calling it to the attention of the Senate was that Senators may know there is a second print, and that in quoting from it we all may quote from the second print.

Mr. CUMMINS. Mr. President, we can not hear what is being said. I call for the regular order.

Mr. SMOOT. I do not know but that this is the regular order. If there had not been so much disturbance in the Chamber I am quite sure the Senator could have heard what I said. I believe, Mr. President, that we all ought to use the second print of the document.

The PRESIDENT pro tempore. Unless there is further morning business that order of business will be closed. The morning business is closed, and the calendar under Rule VIII is in order.

THE TARIFF.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The PRESIDENT pro tempore. The Secretary will continue the reading of the bill.

The SECRETARY. Continuing the reading on page 11, line 6, paragraph 46——

Mr. GALLINGER. Mr. President, I feel quite sure that the item which was under consideration when we adjourned last evening was not agreed to. I think the RECORD will show that. It ought to be agreed to. I presume it will be agreed to without objection.

Mr. SMOOT. Paragraph 45.

Mr. GALLINGER. Yes. The amendment was disagreed to, but the paragraph was not agreed to, as I recall it.

The PRESIDENT pro tempore. The order that has been observed has not involved a formal adoption of a paragraph as read. If it is adopted at all it is impliedly adopted by not being objected to.

Mr. GALLINGER. If that is the procedure I am quite satisfied.

The PRESIDENT pro tempore. It is.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Finance was, on page 11, line 11, paragraph 46, before the words "per centum," to strike out "15" and insert "25," so as to read:

46. Oils, expressed: Alizarin assistant, sulphoricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, and all other alizarin assistants and all soluble greases used in the processes of softening, dyeing, or finishing, not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 11, line 13, paragraph 46, before the word "cents," to strike out "12" and to insert "10," so as to read:

Flaxseed and linseed oil, raw, boiled, or oxidized, 10 cents per gallon of 7½ pounds.

The amendment was agreed to.

The reading of the bill was resumed in paragraph 46, line 14, as follows:

Poppy-seed oil, raw, boiled, or oxidized, rapeseed oil, and peanut oil, 6 cents per gallon.

Mr. LODGE. Mr. President, I want to call attention to that new duty on peanut oil. Peanut oil has hitherto always been on the free list. It is imported in large quantities, though the amount has diminished as the price of the oil has risen. I suppose the explanation to be given as to this is that it will be a revenue duty, but it is perfectly obvious from the testimony that the imposition of a duty will stop the importation. It appears by the testimony before the Ways and Means Committee of the other House that peanut oil is used in the manufacture of butterine, and, if the price is raised, the testimony there was that the manufacturers will abandon the use of this article in favor of an inferior oil.

Curiously enough in that testimony they speak of it as used only for butterine, which is a mistake, as it is very largely used commercially. I have a letter here from large importers in Boston, the Alden Speare's Sons Co., in which they say:

Peanut oil has been imported by us and others for use commercially in competition with olive oil when the prices of olive oil have been prohibitive, and is used by the woolen manufacturers and other manufacturing interests which we serve in New England and elsewhere.

The imposition of this duty of 6 cents per gallon will more than cover the difference in price and will simply mean that its importation will cease. We have ourselves imported on an average of 5,000 barrels a year for the last three or four years, and shall be obliged to discontinue the sale of this product if this duty is fixed at this figure. And there can be no possible gain in the revenue to be derived therefrom, as you will readily see. The market on both olive oil and peanut oil is, of course, subject to change from time to time; but to give you the exact list as it is to-day specifically, we are selling imported olive oil at 81 cents per gallon and imported peanut oil at 79 cents per gallon. It will be obvious to you from this that a duty of 6 cents per gallon on imported peanut oil will absolutely prohibit all importations of that product.

It is perfectly obvious that it will; and in the House hearings the first witness, Mr. Levett, said that peanut oil is not made in this country. There seems to be some doubt whether the American peanut can be used for that purpose. It certainly can not be used for making that oil when the oil is to be used as an article of food in the making of butterine, because it is too highly flavored, but it might, of course, be used for the production of oil for commercial purposes. So far as I can learn, it is not made in this country at present, although this witness, Mr. Levett, thought it could be made. It is shown here by the figures which he gives that when the price was 47.6 cents for peanut oil per gallon 3,284,064 gallons were imported. In 1911 the average price was 60.2 cents, and the importations were 1,121,097 gallons, a little over a third; in 1912 the price increased to 65.8 cents, and the importations were 878,659.57 gallons. Last year they fell, according to the reports here, to 6000,000 gallons, though this witness gives it at 878,659.57 gallons.

The price of peanut oil has gone still higher, and it is so near olive oil that its importation would undoubtedly cease in case it is used for the preparation of butterine. It would cease simply because it had become too expensive.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. Is the explanation of the tremendous falling off in the importation from 3,284,000 gallons in 1910 to 878,000 gallons in 1912 due to the fact that there are other oils that are as cheap which are used as substitutes?

Mr. LODGE. It is due to the fact that as the oil has advanced in price it has ceased to be profitable to be used in the manufacture of butterine.

Mr. GALLINGER. So that if the duty is imposed the price will presumably be still higher and its use will be entirely abandoned.

Mr. LODGE. Yes; it will be abandoned. The testimony of those who speak of that from the point of view of using it as a food oil is as follows:

A duty on peanut oil would not only operate to depreciate the quality of butterine and cheap bread, but would result in a very slight increase in the revenue.

The exaction of a duty on peanut oil would force the manufacturers of butterine to use cheaper and less wholesome articles in place of this oil. Its increased cost would in all probability prevent its use as an ingredient of butterine; and as this is the chief purpose for which it is employed, its importation would greatly decrease.

The testimony of the commercial use—and I have read from an importer who imported during the last three years 5,000 barrels a year—is to precisely the same effect; that if it rises a little higher in price the people will prefer to take olive oil, which is a somewhat better oil. They now buy peanut oil because it is slightly cheaper; but in the case of food they will take an inferior oil, because they can not afford to buy the peanut oil.

Mr. GALLINGER. I will ask the Senator from Massachusetts one further question. I have noticed that Mr. Heinz among his 57 or more varieties of food products, is making what he calls "peanut butter." I should like to ask the Senator if the oil of peanuts, or peanuts in some ground or macerated form, is used for the production of that article, and how many people are using it?

Mr. LODGE. I had supposed, Mr. President, that that was a form of what is spoken of in the testimony as butterine, made of peanut oil. It is perfectly obvious from the testimony of those who import this oil for manufacturing purposes, for commercial use, and those who import it for use in food that the importation will cease if this duty is imposed and that other substances will be used. It is not an article without which the foods can not be made or without which the textile industries and other manufactures can not proceed. The advantage that it has enjoyed has been because of its lower price and the fact that it was capable of being used both for commercial purposes and for food.

It is perfectly obvious from the testimony that it makes no difference to the importer from whose letter I have read whether he sells olive oil or whether he sells peanut oil; he gets his commission either way; but he is simply stating the fact that it enables the industry to get a somewhat cheaper oil and also tends to keep down the price of olive oil. We stop that by levying this duty. It is perfectly obvious that it will bring no revenue, and we keep out a useful product which is not made in this country.

Mr. President, if, on the other hand, this duty is imposed on peanut oil with the view of building up a peanut-oil industry, the question takes at once a different complexion. If it is intended as a protective duty and there is good reason to believe that such an industry can be built up, to those of us who believe in building up new industries, it would make, of course, a strong appeal. It appears in the tariff hearings, on page 5914, that Mr. Needham made this statement:

Four years ago the peanut growers in Virginia, through their Representatives in Congress, appealed to this committee very strongly and convinced me that they needed more duty.

Mr. LEVETT. On peanuts, but not on peanut oil.

Mr. NEEDHAM. You can't have the peanut oil if you don't raise the peanuts.

If the duty is imposed for the purpose of building up the peanut and the peanut-oil industry, that is an argument of a different character. However, if this duty is put on this article of food and of general use with the view of raising revenue, it will not raise revenue, but will impose a needless burden on the people who use the cheaper foods, like butterine, and upon the industries that also use the oil.

For these reasons, Mr. President, I move to strike out the words "and peanut oil" from the bill.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to strike out the words "and peanut oil" from the bill where they appear in line 13, page 11. Does not the Senator also desire to strike out the words "6 cents per gallon"?

Mr. LODGE. No; that applies to the other oils. It is only necessary to strike out the words "and peanut oil" and insert "and" before "rapeseed oil."

Mr. SHERMAN. Mr. President, I wish to add a word to what the Senator from Massachusetts has already said. I speak from information which I think is accurate. The manufacturers of oleomargarine and butterine from the Atlantic States to the city of Chicago have experimented at great length on the production of a palatable article to be used as a cheap substitute for butter. Butterine, or oleomargarine, as originally manufactured, was artificially colored. Some years ago there was legislation enacted by Congress imposing on the colored product an internal-revenue tax of 10 cents a pound, whereas when not colored, in the original tallow or lard color as it appears when not treated, there is a tax of but a fraction of a cent—I think one-fourth of a cent a pound.

The producers of oleomargarine are unanimous in their testimony on this subject. I am not quoting from the packers of Chicago and other western cities, whose testimony might not be very gladly received by the public; but I am quoting from testimony of the smaller producers. The larger packing houses have, as a sort of side line, butterine or oleomargarine departments; but that is not their principal business. It is only to provide for the utilization of one of the smaller by-products of the plant. For them I say nothing; from them I have had no correspondence and no communication of any kind. It is only the independent producer of oleomargarine from whom I have had some explanation of this feature of the paragraph.

They have tried for many, many years—and from my personal knowledge of their business in the western country I will say that their efforts have extended at least through 16 years—to improve the quality of their product. They are not allowed, as I have said, without paying a tax of 10 cents a pound, imposed as an excise duty, to color it. If, in the manufacture of oleomargarine, they can put in a substance that increases its palatable or nutritious qualities and preserves all the animal fat found in natural butter, it becomes one of the best substitutes for the natural product. Here is where I think, Mr. President, the injustice of the imposition of a 6-cent per gallon duty on peanut oil is apparent.

Oleomargarine or butterine is not used as an article of luxury; it is not used by those to whom the income-tax section of this bill will apply; it is not used by those who are able to buy in my country Elgin dairy butter; it is not used by anybody in any city where pay rolls exist and where factories are giving the means of subsistence to wage earners and their families; it is not used in any place by any family which can afford to buy genuine butter. Genuine butter ranges in price, varying with the season, from 28 cents a pound, in the northern Mississippi Valley country, to 70 cents a pound, according to the production and the time of the year. The average price of good butter, either farm produced or dairy butter, all up and down the Mississippi Valley country, in the city of Chicago, and elsewhere outside of that city, is about from 42 to 55 cents a pound laid on your table from your local grocery. To the mine worker in my country, to the factory worker, to the men in the railroad shops the average price of good palatable butterine, made with peanut oil, as one of the necessary elements of its composition, ranges from 16 to 20 cents.

A good, eatable article of butterine can be had, ordinarily, at 18 cents. In fact, there is not so much variation in this product by far as there is in the case of the natural butter, for which it is used as a substitute by the persons I mention.

The butterine manufacturer has found by experience what is best adapted to the manufacture of that article. If this duty is to be levied for the purpose of protecting any of the peanut-producing area, I am for it.

Peanut butter is simply a manufactured product put in small jars and used, not as a substitute for butter, but as a sort of confectionery, or in small quantities as a food. It is a nutritious article, and the peanut itself is one of the necessary ingredients of its manufacture. It is made by a number of gentlemen who are engaged in that line of business, and who put it out under well-known brands. There are half a dozen brands of peanut butter that can be had at any confectionery or candy store in the average city.

Mr. LODGE. If the Senator will allow me, then I replied wrongly to the Senator from New Hampshire about the article to which the Senator has just referred. It is made from the American peanut, and not from the peanut oil?

Mr. SHERMAN. Entirely. Any peanut that you can buy at an average circus is fit to make peanut butter from. The oil expressed from the average peanut, though, is not fit to make butterine from. That is where the distinction comes in.

The manufacturers of whom I am now speaking are independent. They have not sought to enter into combinations. They are in no beef-packing trust, such as the popular mind has been somewhat concerned with in years past. They are entirely independent. Their products go out on the market, each on its merits. They sell their products through separate salesmen or branch houses, without any combination or understanding with each other as to price.

These men for years have endeavored to use domestic peanut oil. I remember very well when they first made the experiment. Some of them are located in Chicago; some of them are farther east. All of them found, however, that domestic peanut oil, expressed from the nut raised in Georgia, Virginia, Alabama, and elsewhere, is not a palatable ingredient for the manufacture of butterine or oleomargarine. There is something lacking. They can not, by the use of any chemical process known at present, take from the domestic peanut a strong peanut flavor. If I may be allowed to use the expression, it is a sort of ancient nutty flavor that destroys the eatable quality of the butterine; so when they put the product on the market it was a dead loss and fit only for axle grease.

The manufacturers have been continually experimenting with cocoa butter, with palm oil, with all of the various oils that all their chemists or others have been able to discover in the vegetable kingdom. They have found one kind of oil fit for this purpose. It is the oil used by the independent butterine manufacturers all the way from Rhode Island—I believe one factory in that State, or in one of the New England States, wrote to me—clear to the Mississippi Valley country.

The peanut oil they use is expressed from a peanut grown in Africa. The manufacturers in the city of Chicago import to some convenient point peanuts grown in Senegambia, and express out of them oil for their product.

This peanut is a tropical nut. It is more heavily charged with oil than the American nut, and there is more vegetable oil in the product obtained. It has a more pronounced yellow color than the domestic oil. It has such a pronounced yellow tint that in a very material degree it improves the color of the butterine, as well as its flavor or eatable quality.

Color is a mere matter of taste. You can eat butterine that is the color of the tallow or lard from which it is compounded, if you blindfold yourself, and you will not know the difference between that and other butterine with an artificial yellow tint. There is not any difference in the taste; it is only in the looks of it. So the heavier African peanut oil that is used in compounding it improves in some degree the color. I do not know whether it colors the product sufficiently to make it subject to the 10-cent tax or not. I wrote for that information, but have not received it.

Mr. SIMMONS. Mr. President, right on that point I wish to ask the Senator a question for information. I understood the Senator to say that this African peanut oil imparted a yellow color. Does it impart such a yellow color to oleomargarine as to give it the color of butter?

Mr. SHERMAN. It does change the natural tint of the oleomargarine as compounded up to that point.

Mr. SIMMONS. Can the manufacturer of oleomargarine, by using this oil, give to that product, which has been made contraband by our legislation, the color of butter, and therefore escape our legislation against the product?

Mr. SHERMAN. Only to the extent that the oil imparts to the product a more saffron tint than the natural lard or tallow color. It does not color the product to such a degree that anyone would mistake it, by reason of its color alone, for the natural butter product. I do not think it could be used as a means of evading the excise tax.

If the peanut oil colored the oleomargarine so that it could not be distinguished from natural butter, the product would be subject to the internal-revenue tax of 10 cents a pound. Personally I would as soon eat butterine colored with peanut oil as butterine colored with annatto. It is a mere question of color and of taste. It is like a dirty tablecloth; your food is just as good, but your appetite is lacking. [Laughter.] So, in coloring butterine, if it could be colored a regular June butter color by the use of peanut oil, I would rather take my peanuts and my butter together. I am not at all afraid of that kind of a mixed drink.

Mr. SIMMONS. I agree with what the Senator is saying about that; but I thought the purpose of this legislation was to prevent fraud in selling this product as butter.

Mr. SHERMAN. I wish to put a question to the committee, or to the Senators who are responsible for framing the bill.

Mr. SIMMONS. I am simply trying to get some information about the matter. The Senator lives in a part of the country where oleomargarine is produced in considerable quantities. I should like to ask him further whether, as a matter of fact, this oil is used by the producers of oleomargarine for the purpose of coloring it?

Mr. SHERMAN. I will say to the Senator that it is not used primarily for that purpose. The primary purpose of the

use of the oil is to manufacture a palatable butterine. It is not put in primarily for coloring purposes. If the color alone were the end sought, there are artificial colors that could be used and added in concentrated form that would be much less expensive than the use of imported oil. I do not think it is used primarily for that purpose in any place within my knowledge.

Mr. WILLIAMS. Mr. President——

Mr. SHERMAN. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator from Illinois will pardon me for the interruption, the difference is that if the oleomargarine were artificially colored it would be subject to the 10-cent tax.

Mr. SHERMAN. Yes, sir.

Mr. WILLIAMS. And if it were naturally colored by the color of the peanut oil, it would not be subject to the 10-cent tax.

Mr. SHERMAN. No, sir.

Mr. WILLIAMS. So the Senator's statement that the manufacturers could find a cheaper material wherewith to color the product is erroneous, because the natural coloring, coming from the natural tint of the peanut oil, would not subject the product to the tax.

Mr. SHERMAN. I understand. That is a matter for the revenue officers.

Mr. WILLIAMS. Oh, no; that is a plain matter of law. The law taxes the product when it is artificially colored.

Mr. SHERMAN. Very well. If peanut oil were added in such a way and had such a tint as would give to butterine an artificial shade equal to that of butter, it would be as much an artificial coloring as annatto itself, in my judgment.

Mr. WILLIAMS. I beg the Senator's pardon. The law provides that oleomargarine in its natural state, whether there enters into it a certain proportion of olive oil or cottonseed oil or peanut oil or what not, if it has its natural color, is not taxed. When it is artificially colored with coloring matter it is taxed. But nobody would construe peanut oil to be an artificial coloring matter.

Mr. SHERMAN. Let me say in response to that remark, which is certainly a proper one, that into the revenue district in which Chicago is situated there was brought some natural oil from the Tropics, made from some species of palm. I do not know what its chemical composition was. I only know that palm oil from some tropical country was brought there and used by some of the very butterine manufacturers to whom I have been referring. The internal-revenue collector held that notwithstanding this was the natural color of that species of palm oil, it was an artificial coloring when added to butterine.

Mr. WILLIAMS. Yes; upon the ground that it was not really a constituent part of the butterine in any proper sense, but was added solely for the purpose of coloring.

Mr. SHERMAN. I am unable to distinguish how a manufacturer's intent can be ascertained. It is a good deal like hitting a man; the intent determines the criminality. The manufacturer's intent in adding African peanut oil to butterine may be to make a more nutritious article of food, or it may be to color it artificially so as to avoid the 10-cent tax.

Mr. WILLIAMS. As a matter of fact, I suppose both ideas enter into it.

Mr. SHERMAN. The purpose may be a mixed one.

Mr. WILLIAMS. But the main idea is that the peanut oil actually enriches the article and makes it more palatable, and makes a better butterine and a better oleomargarine. The fact that it colors it is a mere incident. When an artificial coloring is introduced for the purpose of coloring it, for the purpose of selling it as butter, then, of course, the law is violated.

Mr. SHERMAN. That is a matter that is solely within the jurisdiction of the Commissioner of Internal Revenue. The internal-revenue officers have a very wide discretion in saying what is and what is not an artificial coloring. I can understand how peanut oil might be added, if it were of that degree of tint, so as to artificially color it and come within the 10-cent tax.

Mr. SIMMONS. I understood the Senator——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. SHERMAN. Yes, sir.

The PRESIDENT pro tempore. If the Senator will suspend for a moment to permit the Chair to make a statement, the Chair is aware of the rule which requires that a Senator desiring to interrupt another Senator shall ask permission of the Chair. These colloquies occur so often, however, and are so useful that the Chair will take the liberty of relaxing that rule until there is some indication that it is likely to be abused. The Chair desires to say that in explanation of the failure to enforce the rule at this time.

Mr. SIMMONS. I understood the Senator a little while ago, at the time I interrupted him, to be making the argument that this peanut oil improved the quality of the butterine, and that it was used for the purpose of making a better article. I did not understand him to be arguing that it was used for the purpose of coloring it, but that it was used for the purpose of improving it.

Mr. SHERMAN. The Senator understood me correctly.

Mr. SIMMONS. And, therefore, that it became an essential element in the product resulting from its use.

Mr. SHERMAN. Yes, sir; that is right.

Mr. SIMMONS. If that be true, then clearly the product would not be subject to the excise tax of 10 cents per pound.

Mr. LODGE. Mr. President, will the Senator permit me a moment?

Mr. SHERMAN. Yes, sir.

Mr. LODGE. When I spoke I mentioned two purposes for which I thought the duty might be imposed, one being revenue purposes and the other protective purposes. I confess it did not occur to me—and I want to make the acknowledgment now—that this duty was imposed for the purpose of preventing manufacturers from using an article which imparted a better color.

Mr. SIMMONS. Nobody has said it was.

Mr. LODGE. Very well; then what is there in the point about it? There is nothing in the point.

Mr. SIMMONS. I have been trying to get information with reference to the argument the Senator from Illinois was making.

Mr. SHERMAN. Annatto is a constituent element of butterine, if it be used to color it so as to bring it within the 10-cent tax. It is not unpalatable. The coloring matter is not unhealthful. It not only improves the appearance of the butterine, but it has certain food elements in it. Taken alone it is not valuable and is not used as an article of food. It is a concentrated coloring matter. But added to butterine, if anything, it enhances the food value of the article.

Coming back to peanut oil, the duty of 6 cents a gallon can be justified only as a revenue measure. The duty of 6 cents a gallon, if I remember correctly the figures of the estimate in the report, would produce about $36,000 a year revenue. I wish to say that the butterine manufacturers will not pay that $36,000. They are now manufacturing oleomargarine at a very close margin and putting it on the market or sending it to the grocery. Ordinarily the grocer is the jobber for them. Just before coming to this Chamber I was engaged in a department for something over four years in the almost continual purchase of butterine in considerable quantities.

Mr. SIMMONS. But does not the Senator think that if, by spending this $36,000, the manufacturers of oleomargarine can produce a product which will be of the same color as butter, and at the same time escape the excise tax upon colored oleomargarine, they will pay it?

Mr. SHERMAN. No, sir. I will say to the Senator that if he will read the section of the present law dealing with this matter, and the decisions made by the Commissioner of Internal Revenue here in the Treasury Department, and sustained when made by local collectors throughout the country, I think he will find that there is no danger of any kind of a combination of natural products so as to approach the similitude of butter and escape the 10-cent tax. That, also, is a matter within the discretion of the Commissioner of Internal Revenue in the interpretation of the law, and finally must be determined by the courts. They are the last tribunal to pass on that question.

That, however, is a matter that can be covered either by future decision or by future legislation. I believe in the anti-color law, both here in Congress and in the several States, as it exists.

Mr. NORRIS. If the Senator will permit me, I should like, for the purpose of information, to ask the Senator from North Carolina a question. It seems to me that the danger the Senator has suggested could easily be determined by what has happened in the past. Under the present law I understand this article is free. Is it not?

Mr. SIMMONS. Yes.

Mr. NORRIS. I wish to ask the Senator if the manufacturers of oleomargarine use this article, peanut oil?

Mr. SIMMONS. That is exactly what I am trying to ascertain from the Senator from Illinois. I do not know. I made that inquiry of the Senator.

Mr. NORRIS. That is a point upon which I would like to have information.

Mr. WILLIAMS. If the Senator wants to know whether oleomargarine made with peanut oil but containing no artificial coloring matter has been subjected to a 10-cent tax, I can answer that by saying no.

Mr. NORRIS. I agree with the Senator from Mississippi the legal effect would be as stated awhile ago, but what I was inquiring particularly about is whether under the present law there has been anyone who by the use of peanut oil has been enabled to escape the 10-cent tax?

Mr. WILLIAMS. Everybody who has used it has escaped the tax, because it was not artificial coloring matter, and nobody has been taxed merely for peanut oil.

Mr. NORRIS. If they use peanut oil for artificial coloring, would it be subject to a tax? I wanted to know the fact as to whether this would make a color and whether they had done that in the past.

Mr. SIMMONS. The Senator from Illinois, as I understood him, was making the argument that this product could be used so as to give a color to oleomargarine somewhat simulating the color of butter and that at the same time it improved the quality of the product.

Mr. NORRIS. If that could be done it would have been done in the past, I should think, and practically would have nullified the law.

Mr. SIMMONS. Then the Senator proceeded to say that if we impose this duty on the product it would not be imported into this country, because, he said, the manufacturers of oleomargarine would not pay this tax. Thereupon I asked the Senator the question whether, as a matter of fact, the manufacturers were using this material for the purpose of coloring oleomargarine and escaping the tax. I asserted that if by the use of this oil they could improve the quality of oleomargarine and at the same time give it a color that simulated butter and escape the tax there could be no question in my mind about the manufacturers being willing to pay this tax and making a profit by doing it, because they would escape the 10-cent tax by paying a tax of 5 cents a gallon. As to whether that is being done or not I was trying to get some information, as the Senator was.

Mr. NORRIS. That is what I am trying to find out. If it could be done, it seems to me certainly it would have been done under the law as it exists now.

Mr. SIMMONS. I was inquiring whether it had been done.

The PRESIDENT pro tempore. The Senator from Illinois will proceed.

Mr. SHERMAN. Mr. President, I am quoting from memory, but for the last fiscal year I think there were 126,000,000 pounds of oleomargarine put on the market that went through the different internal-revenue offices of the country. I know from personal knowledge that for more than five years butterine or oleomargarine has been compounded with peanut oil imported. I know that the greater part of the output of the Chicago factories, exclusive of the packing houses, with whom I have had no communication whatever—I speak of the smaller ones—has not escaped the 10 cents taxation on at least nine-tenths of their product, the uncolored remainder being subject to the lower rate. It is a fair assumption that of the entire product of the oleomargarine factories 90 per cent of it has paid an internal-revenue tax to the Government. That would only leave a small portion, say one-tenth, untaxed, and that goes out uncolored; and they send with it coloring matter in order that the housewife may color it after taking it into the kitchen. But that is only a very small per cent of the whole.

Further, if this peanut oil in the heavy vegetable origin I have described does not come in under a 6-cent duty, there will be, necessarily, some substitute used in its place. The manufacturer has tried domestic peanut oil. I wish to say that, on the theory I have advanced heretofore and on my belief, if a gallon of domestic peanut oil could be used by the oleomargarine manufacturer I would legislate in that way, if it answered the purpose as well or take a chance on its not doing quite so well to use the domestic product rather than to bring it from Africa.

Whether this could by any possibility be made an instrument for the evasion of the internal-revenue tax is something I will get to when we reach the amendment later on. I introduced an amendment here some time ago covering this point. It provides in substance that the imported oil used in the manufacture of oleomargarine or butterine shall not be dutiable. If gentlemen who are anxious to safeguard the producer of genuine butter will join with me we will have no difference of opinion.

We have anticolor laws in most of the butter-producing States. The dairymen are imperative on that, and they have had it. I have had my difference of opinion with them in years past, and we adjusted amicably long ago. Nearly every State that produces an appreciable quantity of marketable butter to-day has an anticolor law within its limits in full operation by the pure-food board or some law department of the State.

I am in favor of and would support sincerely any such arrangement. I will support the same regulation now in force passed some years ago. It is a revenue producer it is true. The 10 cents on colored butterine produces a goodly sum each year. But from the dairyman's point of view it was urged for an entirely different purpose. It was urged to prevent deception in the sale of oleomargarine to unsuspecting customers in place of butter. So the 10 cents tax was placed on it for a double motive, and it has answered both purposes.

If, when the amendment is up in due course, any of the gentlemen on the other side wish to have it so amended that any peanut butter used in the manufacture of this article shall in no manner escape the 10-cent duty, I will join with them cheerfully on this subject, because it is far from my purpose that any such effect should be had. All the 126,000,000 pounds that went out on the domestic market last year was sold at a reasonable price.

Mr. SIMMONS. Will the Senator permit me to ask him one question?

Mr. SHERMAN. Yes, sir.

Mr. SIMMONS. Is the Senator opposing the duty carried in the bill proposed on this article——

Mr. SHERMAN. The 6 cents on peanut oil?

Mr. SIMMONS. Yes. Is he opposing it an account of its possible uses in connection with the manufacture of butterine or is he opposing it upon the ground that it is used for the purpose of making a confection?

Mr. SHERMAN. I am opposing it on the former ground, I will say to the Senator from North Carolina.

Mr. SIMMONS. I understood the Senator to say in the beginning that it was used for the purpose of making confectionery.

Mr. SHERMAN. Peanut oil imported? That is the domestic product.

Mr. SIMMONS. Then the Senator does not agree with the Senator from Massachusetts, or certainly one Senator over there, who declared that it was used largely for the purpose of making confections.

Mr. SHERMAN. The imported oil?

Mr. SIMMONS. I just wanted to understand whether the Senator was opposing it on account of the manufacturers of oleomargarine or on account of the manufacturers of confections.

Mr. SHERMAN. No, sir; I am opposing it for neither reason, I will say to the Senator from North Carolina. I am opposing a levy of 6 cents a gallon on peanut oil imported as an ingredient of oleomargarine because it adds to the cost of the tables of the mine workers, of whom there are 20,000 in my district alone and many more thousands in my State, when they buy it. They largely buy no butter, because they can not afford it.

They are eating no Elgin butter in that country. With even $3.50 or $4 for wages in the soft-coal country, with the interruptions in the mining business, they are not to-day paying 40 or 50 cents a pound for dairy butter. They are paying 16 to 18 cents a pound for this same oleomargarine. I am talking for the miner and the wage-earning head of a family. The manufacturer can take care of himself. If you add the 6 cents a gallon on one of the component parts of oleomargarine to the cost of the butterine or the oleomargarine when it comes into his kitchen, you have levied the tax finally on the poor man.

It is like your banana tax. I know who will pay the banana tax. Out of the 450,000,000 bunches of bananas that came in last year, it is not the banana peddler or the banana jobber or the United Fruit Co. that will pay the tax. It is the man who buys bananas at 25 cents a dozen for his children who will pay the tax at last. Do you not remember that in the days of the Spanish-American War we put a tax of a cent on every telegram. It was a small tax. But who paid it? I paid it. The man who sent a telegram paid it. The Western Union and the Postal Cable Companies never paid a cent. They simply put the favor onto the sender of the telegram. With the banana it is the man or child who eats the banana who will pay; and the tax will fall on the man who eats the pound of butterine if you put a duty of 6 cents on each gallon.

Now, let me go further. I am unable to understand the philosophy of the framers of this bill when peanut oil that has heretofore been free, just a general omnibus provision that all that product is free, is now placed on the dutiable list at 6 cents, and at the same time olive oil has a reduction of 40 to 50 per cent. I do not understand that olive oil is something the average wage earner out in the western country is using on his table three times a day or only one time a day. It is possible he may get some peanut oil very cheap. There is a difference in retail. Even the peanut oil from Georgia that is taken

to Italy and shipped back can be sold cheaper than genuine California or Italian olive oil. But olive oil is not something that is in favor of the suffering poor when it is reduced 40 to 50 per cent.

If you are going to make this a revenue measure by taxing peanut oil, then tax olive oil that goes along with a hot bird and a cold bottle. This is not in favor, I presume, of the oppressed poor. It is another bearing a strong family resemblance to taxing something that is finally added to the man that pays the bill who is not hit by an income tax. I hold no brief for any of the gentlemen who will be affected by an income tax. It catches all of us fellows here, because we get $7,500 a year, and it will cost us $35 a year. But for those under the exemption it is a different question. Every one of the customs duties imposed is passed along until it gets to the consumer.

If the ultimate consumer is the suffering gentleman for whom relief is desired in this bill, then let us take somebody else instead of levying a duty that will travel along until it is taken out of the mouth of one who earns wages and keeps his family out in my part of the country. Instead of taking it out of his pocket, reach somebody else. Raise the limit on your income tax.

There is another thing here that I can not understand on the peanut-oil question. Is this 6 cents a gallon intended to be protective or revenue? I have been asked some questions. Gentlemen who discuss this in after days can state for what motive this portion of the paragraph was framed. If it is a revenue measure I can understand it. If it is a protective measure I can understand it. Which is it?

Mr. WILLIAMS. Revenue, of course.

Mr. JOHNSON of Maine. Entirely for revenue.

Mr. SHERMAN. Then why do you not tax olive oil more?

Mr. JOHNSON of Maine. We put on olive oil 20 cents a gallon.

Mr. SHERMAN. Do you not think it will produce as much?

Mr. JOHNSON of Maine. The duty on peanut oil is 9 per cent. The duty on olive oil is 20 per cent or more on different varieties of olive oil. Olive oil is consumed along the Atlantic coast by laboring people as much as peanut oil is consumed.

Mr. WILLIAMS. Very much more.

Mr. SHERMAN. Let me say to the Senator the duty on olive oil is reduced.

Mr. JOHNSON of Maine. But the duty is double what it is on peanut oil now.

Mr. SHERMAN. What do you tax peanut oil at all for?

Mr. JOHNSON of Maine. For revenue.

Mr. SHERMAN. For revenue?

Mr. JOHNSON of Maine. Certainly.

Mr. SHERMAN. Who do you expect to pay the added tax?

Mr. JOHNSON of Maine. The people who use it.

Mr. SHERMAN. That is all I want. I am through.

Mr. JOHNSON of Maine. As they pay every tax.

Mr. WILLIAMS. Now, Mr. President, if the Senator from Illinois is through, we have all heard him very patiently. He is opposed to this tax because it adds to the cost of living of the mine workers and because it adds to the burdens of the suffering poor. Peanut oil adding to the burdens of the suffering poor! All the laboring men of Illinois and all over the country are distressed to death because 6 cents a gallon is put on peanut oil, which I suppose from that is a daily product of their food. Just think of it a minute! How we are oppressing, weighing down upon the suffering poor by adding to the cost of peanut oil! And this comes from the mouth of a gentleman who I expect will vote against the provision in this bill which puts meat for the poor and bread for the poor upon the free list.

But of course the suffering poor in Illinois do not eat meat and bread; they eat peanut oil, and they can not get along without peanut oil. They can not worship on Sunday or send their children to school on Monday without peanut oil. And the gentleman in the next breath tells us his chief objection to that tax is that it adds to the cost of oleomargarine and that oleomargarine enters into the consumption of the suffering poor, the mine worker of Illinois and his part of the country; and yet, in the very next breath after that, he tells us he is in favor of 10 cents a pound internal-revenue tax upon oleomargarine itself, and that although he had some quarrel with somebody about that years ago he has quit defending the suffering poor when it comes to oleomargarine.

Now, perhaps the most iniquitous law upon the statute book is the prostitution of the taxing power so as to keep the poor people from buying something better and healthier than butter instead of butter. Yet the Senator stands here defending that tax, a purely sectional tax. I have fought it, and I fought it when it was levied. I should like to see it repealed to-day. I should like to see the mine workers in Illinois get oleomargarine for 10 cents a pound less than they now do.

Mr. SHERMAN. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. WILLIAMS. I will yield in a moment. Oleomargarine has no germs in it. Every bit of the testimony presented in both Houses, from that of Dr. Harvey Wiley down, was to the effect that it was just as healthful, if not more healthful, and just as nutritious as butter; yet this great defender of "the suffering poor," who can not exist night or day without peanut butter, is an advocate of the 10 cents a pound tax on oleomargarine. It looks to me like a peanut argument. Now, I will yield to the Senator.

Mr. SHERMAN. I wish to ask the Senator whether he favors the repeal of the 10-cent tax on colored oleomargarine?

Mr. WILLIAMS. Absolutely; and that is not all. I favor, if you are going to keep the tax on colored oleomargarine, putting a tax upon colored butter. The Senator knows as well as I do that nearly all the butter that is put on the market is colored artificially to resemble June butter, so that it may be sold at a higher price under the false pretense of being the best product of butter; and yet in the House of Representatives when they presented a bill putting a tax upon colored oleomargarine, and I presented an amendment to put a tax upon colored butter, they voted it down three to one. Why? Because they were afraid of the dairymen, the creameries, and the farmers——

Mr. SHERMAN. Let me ask the Senator another question.

Mr. WILLIAMS. And they made a great cry.

Mr. SHERMAN. Did you ever have a cowman after you?

Mr. WILLIAMS. Oh, yes; but not perhaps to the same extent that the gentlemen in the Senator's neighborhood had cowmen after them. I never had a cowman after me so strongly that I was intimidated and backed down and voted to prostitute the taxing power of the Government to discriminate between two healthful articles, in favor of one and against the other. There are a great many cowmen in Mississippi, but they never cowed me quite to that extent. [Laughter.]

Mr. SHERMAN. Mr. President, will the Senator yield to me——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. WILLIAMS. Yes.

Mr. SHERMAN. For the purpose of eliciting information. I am seeking no advantage at all, and I know the Senator is not. I thought this question all out once.

Mr. WILLIAMS. I know you did, and then you surrendered, and now you are apologizing.

Mr. SHERMAN. I am not apologizing.

Mr. WILLIAMS. I thought you were a moment ago. You said you thought it out and were tired of it, and that you were in favor of the tax.

Mr. SHERMAN. No; I am not. If you want to repeal it, that is a different question, but under the existing laws, in the condition under which we are now legislating—and I am taking the existing laws as they are—when it comes to repealing the 10 per cent tax that is another proposition entirely. I have been in that fight a great many times.

Mr. WILLIAMS. Would you vote with me for repealing it?

Mr. SHERMAN. No; I will vote against repealing it.

Mr. WILLIAMS. Ah! That is just what I said—that you were apologizing for your past opposition to it.

Mr. SHERMAN. I have not finished the explanation in answer to the inquiry. I have been through that fight a great many times, and I have known a good many people to be converted from other reasons. I have no respect for a sinner who repents because he is afraid of going to hell if he does not do so. I have changed my views because I think it is a fair regulation.

Mr. WILLIAMS. Why not tax colored butter?

Mr. SHERMAN. The oleomargarine men in the western country——

Mr. WILLIAMS. Why not tax colored butter, I repeat?

Mr. SHERMAN. I will get to that in a moment. The oleomargarine producers, the dairy people, and the farmers in the western country got together and settled it. Whether the consumers are concerned in that I am not saying, but those producers, the farmers, and the dairy people got together and settled it. There is now no controversy out in that section of the country, where most of the butter comes from.

Mr. WILLIAMS. What controversy there was has been silenced; quieted, so to speak; given a soporific, a sedative.

Mr. SHERMAN. The anticoloring law in most of the States is in the statute to stay. That question has passed beyond the stage of controversy in most of the Western States. Nobody wants it repealed and nobody has introduced such a bill. In four legislatures in the Western States with which I am familiar in five years there has not been a bill introduced to repeal the anticoloring law.

Mr. WILLIAMS. Well, but if the Senator from Illinois will pardon me now, the Senator interrupted me to make a statement——

Mr. SHERMAN. Certainly.

Mr. WILLIAMS. And I understood that he made it; but I do not understand yet why the Senator should have his soul harrowed up, his mind distressed, and his patience tortured because of the oppression of "the suffering poor" by the tax upon peanut oil——

Mr. SHERMAN. I do not want to drive them to olive oil.

Mr. WILLIAMS. Because the tax upon it will make the price of oleomargarine higher; and yet he disdains to harrow up his soul or to have his mind vexed because of the 10 cents tax on oleomargarine, the very product whose increased cost he is complaining of as an element entering into the oppression of "the suffering poor" if peanut oil is taxed.

Mr. SHERMAN. The suffering poor always buy cob pipes and smoke their Kentucky leaf, and so you ought to repeal the internal-revenue tax on tobacco, which is as much of a necessity as is oleomargarine or whisky.

Mr. WILLIAMS. I am not proposing to relieve "the suffering poor." It was the Senator from Illinois who was proposing to relieve "the suffering poor." He was proposing to relieve them by putting peanut oil on the free list; and his reason for it was that if peanut oil was taxed, it would add to the price of oleomargarine; and in the next breath he says he is in favor of taxing oleomargarine 10 cents a pound. Now, do not make me make the argument that you have made, which I merely repeated. I am the best-natured man in the world, but I do not want to stand in the attitude of having made that argument publicly anywhere.

Mr. SHERMAN. Will the Senator permit me to ask him another question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. WILLIAMS. Yes; certainly.

Mr. SHERMAN. I ask if it helps by 6 cents a gallon, or whatever it may be, are you in favor of that?

Mr. WILLIAMS. Am I in favor of this tax? Absolutely.

Mr. SHERMAN. Of 6 cents a gallon?

Mr. WILLIAMS. Six cents, or whatever it is; yes.

Mr. SHERMAN. Then the only difference between you and me is in the enormity of our sins.

Mr. WILLIAMS. What is that?

Mr. SHERMAN. The only difference between you and me is the degree of our sinning.

Mr. WILLIAMS. Oh, no, Mr. President; the difference is enormously greater than that.

Mr. SHERMAN. On this question of peanut oil.

Mr. WILLIAMS. The difference is that I frankly confess that I want this tax, and I frankly confess that I would rather make oleomargarine cheaper to the poor, who really eat it and who need it, and the Senator, under the guise of contending that he wants cheaper oleomargarine for "the suffering poor," admits in the next breath that he wants to tax it so as to make it higher. The difference between him and me is that he strains at a gnat and swallows a camel, and I am swallowing a gnat, but refusing to put a camel into my stomach. [Laughter.] That is the difference, if the Senator will pardon me.

Mr. SHERMAN. You will be nauseated on this before you are through with it.

Mr. WILLIAMS. I should not be at all surprised if you put enough gnats in your stomach that you might be; but the amount of suffering that a man incurs from a gnat or two is nothing in comparison with the attempt to swallow a camel. It is the most horrible experience you ever had, I dare say. I really think that the Senator does not want to strain at this peanut-oil gnat, while he swallows the olemargarine camel; and then contend at the same time that he is consistent. If he will frankly confess that he is inconsistent, that is a different proposition.

Mr. SHERMAN. Is the Senator through?

Mr. WILLIAMS. I do not know whether I am or not. I will tell the Senator later. [A pause.] Yes; I believe upon looking further in the books that I am through.

Mr. LODGE. Mr. President, the question of the internal-revenue tax on oleomargarine is a delightful one; it has been discussed in Congress for the last 25 years; but I do not want to delay the bill, so I shall not open up the question of the merits of the oleomargarine tax.

I desire to say, however, that I differ with my friend from Illinois on one point. I do not think the people who eat butterine and oleomargarine are going to pay the tax on peanut oil. I think it has been demonstrated, so far as human evidence can demonstrate it, that there will be no importations of peanut oil. Where the eaters of butterine or oleomargarine will suffer, if it be a suffering, will be that they will have cottonseed oil where they now have peanut oil, and although they may not and very likely will not know the difference, by consuming this additional amount of cottonseed oil they will help promote a very worthy industry.

Mr. SHERMAN. Mr. President, I desire to conclude. I am very glad to have the Senator from Massachusetts add that statement, because I think, so far as there can be any "milk in the coconut" on an oil question, the Senator has discovered it. When you do not avow that the duty is for protective purposes, but say that it is for revenue purposes, I do not think it is entirely a frank avowal of motives. I rather consider—and I think that is the view of gentlemen who are familiar with commercial operations—that the duty is levied entirely for the reason stated by the Senator from Massachusetts.

The importations under the free peanut-oil clause have been considerable. I can not quote them from memory, although I have looked them over within a comparatively short time; but the importations from Africa of the kind of oil that was the subject of the original discussion here, however far we have wandered away from it, has been considerable in the last two or three years, and especially as it has been developed that it answers the purpose of preparing a palatable and edible article of oleomargarine. That was the original question, and not the question of continuing or repealing the internal-revenue tax. We will treat that question when we get to it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. SHERMAN. Yes, sir.

Mr. NORRIS. The Senator is speaking of the importation of peanut oil.

Mr. SHERMAN. Yes, sir.

Mr. NORRIS. I desire to ask him a question in regard to that. I notice from the data furnished by the committee that in 1910 the importations were something over 3,000,000 gallons, while in 1912 they had fallen off to 878,000 gallons. Can the Senator give us any idea as to why there was such a decrease?

Mr. SHERMAN. That depends largely on two things. One is that this product, if imported in bulk hermetically sealed and stored in a cool, dark place, can be kept indefinitely, and it is likely the importations may have been very large one year when there was a large crop and the prevailing prices low, and stored, and that there was a corresponding falling off in the importation or the demand in the next year.

The kind of oil to which I am particularly referring and which is covered by an amendment which I propose to offer to this bill comes entirely from Senegambia. It is derived from a heavy nut which produces a very large percentage of oil when compressed. It is used entirely for this manufacture. There may be a large quantity of peanut oil used for other purposes and coming under the head of the importations quoted.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I have listened to this discussion with a great deal of interest, and I must say that the tax on peanut oil is one of the bright spots in this tariff bill. Peanut oil, as I gather from the discussion, is something the oleomargarine manufacturer uses to deceive the public into buying oleomargarine for butter. I am very glad to see a provision in this tariff bill that helps to protect the farmers against such a fraud, and I hope that instead of 6 cents the tax will be made twice that.

Mr. SHERMAN. I wish to say to the Senator from Minnesota that the peanut oil I have mentioned is not used by any oleomargarine manufacturer in this country for the purpose of evading the internal-revenue tax or for deceiving the purchaser and cosumer of the article. It is used for the purpose of filling out in the compounding of oleomargarine the necessary animal or vegetable fats.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. SHERMAN. Yes, sir.

Mr. NORRIS. It may result in a repetition; but, in order to make the matter clear, I wish the Senator would tell us whether

the imported peanut oil is used in the manufacture of what is known and sold in the market by the ordinary grocer as peanut butter?

Mr. SHERMAN. It might be used in a very slight degree, but I understand that peanut butter is entirely a domestic production.

Mr. NORRIS. Peanut butter is made from the peanuts themselves?

Mr. LODGE. From American peanuts.

Mr. SHERMAN. Yes; and the peanuts remain in the butter.

I wish to say further to the Senator from Minnesota [Mr. NELSON] that while peanut oil is used in compounding oleomargarine, I do not think in any of the points I have mentioned oleomargarine is put on the market because of having peanut oil in it in such a way as to deceive or defraud any purchaser.

Mr. NELSON. Mr. President, does not the peanut oil change the color?

Mr. SHERMAN. Very slightly, as I have explained; and I think the Senator heard me make the explanation. It does not change it in any degree to deceive any purchaser of butter.

Mr. NELSON. It changes the color so that the oleomargarine more nearly approximates the color of natural butter, does it not?

Mr. SHERMAN. It does not. I do not myself know what the natural color of butter is.

Mr. NELSON. Well, I am sorry.

Mr. SHERMAN. I am sorry, too, to think the Senator does not appreciate the extent of my ignorance. Let me ask the Senator, as he is informed, what is the color of butter in January?

Mr. NELSON. That depends on whether you have a new milch cow or not. [Laughter.]

Mr. SHERMAN. It depends upon the latitude and the cow's habitat.

Mr. NELSON. It depends upon whether it is a short-horn or some other kind of breed, and whether it is a fresh cow in winter. I am glad I can give the Senator from Illinois, who, I know, lives in the big city of Chicago——

Mr. SHERMAN. I am not from Chicago; I live down among the farmers, just as the Senator does.

Mr. NELSON. I am glad that I can inform the Senator that in winter a fresh cow will make very much the same butter as an old cow will in the summer on grass. [Laughter.]

Mr. SHERMAN. I wish to say to the Senator that I live down among the farmers, as he does, and I know both those who raise beef for the market and those who are engaged in the production of butter or selling the product to the dairy people. They are not opposing present conditions in the manufacture of oleomargarine.

Mr. NELSON. Will the Senator allow me?

Mr. SHERMAN. Certainly.

Mr. NELSON. I have no doubt the Senator in his early days lived among farmers and on the farm, but in later days I fear he has lived too near the shadow of the packers.

Mr. SHERMAN. I do not blame the Senator. I have lived at lunch counters for 20 years of my life, and that is one reason why, when butterine is manufactured, I want it as good as it can be made. I said to the Senator that I did not know the natural color of butter. I do not know it unless the latitude, the time of the year, and the habitat of the cow are specified. All of those considerations enter into the color of the product. The suggestion by the Senator that I am under the shadow of the packers is gratuitous and unworthy of his usual sense of fairness. They have had no communication with me, directly or indirectly, on this or any other subject. They are citizens of this country, a part of my constituents, and I am glad of it.

The color you have in your mind, and that we all have, is an ideal color. It is the June shade, made by the cow browsing out in the pasture on Kentucky blue grass, or some place where she has natural food. That kind of butter is the kind we all dream of and hope for. It is the kind we seldom get.

I have had some experience with natural butter that is unsatisfactory, as I have had with other products, because natural butter must be good in order to be palatable. I know that the dairies rework butter. I know that they rewash it and rechurn it with preservatives and then send it out and sell it as reworked butter. They are subject to law, and under the regulations of the pure-food law of the country must brand and sell it as reworked butter; so that the dairyman is subject to the same rules that anybody else is, and properly so.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I think the Senator from Illinois is a little astray in that matter. They make what they call renovated butter. There are factories that buy up homemade butter that is not very good, melt it, and make it over again. That is sold in the market as renovated butter. They have to pay a special tax on it. In so far as I know, nobody is deceived in that respect. It is real butter, only it is worked over again, melted, and cream and fresh milk added to it, so it is greatly improved; but still it is nothing but butter—butter from the cow.

Mr. SHERMAN. It is cow butter; that is true; but it has been reworked—"reworked" and "renovated" are identical—and reworked butter is like somebody else that has been worked. [Laughter.]

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. Yes, sir.

Mr. GRONNA. I have listened to this discussion with a great deal of interest, but I fear the country will get some misinformation unless we go into the matter a little further. If I understood the Senator from Mississippi correctly, he said there is a tax of 10 cents a pound on oleomargarine. That, as I understand, is not a fact if it is not colored.

Mr. SHERMAN. That is so.

Mr. GRONNA. There is no tax on oleomargarine in its natural color. Am I right about that?

Mr. SHERMAN. It is taxed, I think, at one-fourth of a cent a pound.

Mr. GRONNA. If there is a tax, it is only a nominal one?

Mr. SHERMAN. A nominal tax.

Mr. GRONNA. The argument of the Senator from Illinois, of whom I am very fond, as he knows, and who is almost always right, is not satisfactory to me in all respects. I can not understand how the consumer of oleomargarine will be benefited by allowing the use of peanut butter or peanut oil, because if it does not change the color of the oleomargarine I understand it will not be subject to the tax. Am I right in that?

Mr. SHERMAN. The oleomargarine will not be subject to the tax unless the use of the peanut oil has so changed its color that the Internal Revenue Commissioner would hold, under the statute, that it had acquired the similitude of butter.

Mr. GRONNA. Mr. President, I think we should make that very plain. The State from which I come is more and more interested every year in dairying. I wish to say to the Senator from Illinois that I believe the manufacture of oleomargarine is what prevents good dairy butter being sold to the laborer in the mine. We have plenty of territory in the United States, if an adequate opportunity is given to those who go into the industry, to enable them to manufacture genuine butter in large enough quantities to make it possible for everybody in this country to eat dairy butter.

I believe the manufacture of these spurious goods is one of the grossest injustices to the dairying industry in this country that has ever been perpetrated. The Senator from Mississippi [Mr. WILLIAMS] would make us believe that the manufactured article of butterine is a more wholesome article than butter. He will not make that argument to one who knows what are the ingredients of butter. He may make it in the Senate of the United States, but I say he will not care to make it to a chemist or one who knows the real value of the two articles of food.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. SHERMAN. I do.

Mr. SMITH of South Carolina. Will the Senator from Illinois allow me to make a statement to the Senator from North Dakota?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of South Carolina. In the early part of the session we had before our committee an expert from the Agricultural Department, and there came up the question as to this very tax on oleomargarine. A question was put to him which is now incorporated in the hearings before the committee charged with investigating the cost of living. He stated that oleomargarine, when properly colored with the extract of carrots, giving it the yellow butter color, was just as wholesome, just as nutritious, just as palatable, and that as to the content of butter fat it was as rich or richer than genuine butter.

Mr. GRONNA. Yes, Mr. President; but he did not state that it was a more wholesome article than butter.

Mr. SMITH of South Carolina. He stated that it was just as wholesome.

Mr. GRONNA. At no place in the hearings before the Committee on Agriculture of the House will the Senator from South

Carolina find that Dr. Wiley said that oleomargarine was a more wholesome article than butter.

Mr. SMITH of South Carolina. He did not say it was more wholesome, but he said it was just as wholesome.

Mr. GRONNA. I am simply speaking with reference to the claim made by the Senator from Mississippi [Mr. WILLIAMS] that oleomargarine is a more wholesome article of food. I say that in no argument made by anyone before any Committee on Agriculture will you find the statement made that oleomargarine is a more wholesome article of food than butter. I well know, however, that the people of the South for 25 years or more have tried to invade the dairying industry, and to impose upon it an article that would come in direct competition with it. We who produce butter have no objection to your producing oleomargarine, but we do not want you to say it is butter, because it is not.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from South Carolina?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of South Carolina. If the Senator will permit me, in reply to that I will say that there are millions of people, not only in the South, but elsewhere, who are entitled to have a substitute which, according to experts, is as wholesome, as palatable, and as nutritious as butter itself.

Mr. GRONNA. If the Senator will allow me to reply to that, we have no objection whatever to that, but we say you have no right to call it butter.

Mr. SMITH of South Carolina. Under our pure-food law the contents of it must be known. All persons know the name "oleomargarine." They know practically what it contains and how it serves as a substitute for butter. The argument I should make if I were to address myself to the subject would be that the 10-cent tax is a direct imposition of an internal-revenue tax, not for the purpose of collecting revenue, but for the purpose of protecting an industry which makes an article for which there is a substitute in the by-product of another industry.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from North Dakota?

Mr. SHERMAN. Yes, sir.

Mr. GRONNA. If the Senator will permit me, may I ask my friend from South Carolina who is the producer of oleomargarine? Is not the manufacture of oleomargarine controlled by certain large factories?

Mr. SMITH of South Carolina. In answer to that question, I think the argument of the party to which the Senator belongs has always been that the only hope we have of having things properly adjusted in this country through the operation of protection is by encouraging competition. If the manufacturers of oleomargarine can put on the market a substitute for butter, which in all essentials is as good as butter, why should the people be mulcted in this large sum and denied this food product for the sake of a few men who raise cows?

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from North Dakota?

Mr. SHERMAN. I do.

Mr. GRONNA. I think the Senator from South Carolina will not say, and I know if he does say it he will regret it when he reads it in the RECORD, that there are only a few men engaged in raising cows in this country. He knows as well as I do that there are some 30,000,000 or 35,000,000 people in this country who are interested in the industry of raising cows.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Illinois will permit me——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. SHERMAN. I do.

Mr. SMITH of South Carolina. I am not going to discuss how many cows there are in this country, but I am surrounded by a host of witnesses who know that something is wrong with the price of butter. It has risen to a point where it is almost prohibitive to the average man, to the common people.

I want to say to the Senator from North Dakota that we should not have any quarrel about this matter, because I think the chemists are largely right. I can take cottonseed meal and cottonseed hulls and feed them to a cow, and milk her, and then churn the product of cottonseed hulls and cottonseed meal and make butter, but if I can find a process by which I can run the same ingredients through a machine instead of running them through the cow, why should I not be allowed to do it, if I can do it cheaper?

Mr. SHERMAN. I have only a few words more to say, and then I will close, with apologies to the Senator from North Carolina. I did not anticipate that this discussion would take so long. I will then yield for the purpose of promoting the disposition of the bill.

I wish to say to the Senator from North Dakota that he wholly misunderstands the purport of the proposed amendment. It is not an attack on the farmer, on the dairyman, or upon the man who handles the dairy product. But the fact remains, just as the Senator from South Carolina says, that the price of butter has risen until the average wage earner in a city can not buy it. He must either use something as a substitute or do without it.

In order that there may be no misunderstanding, let me quote from the Statistical Abstract for 1912, which is the latest available information on the subject. The total quantity of butter produced in 1911 can only be estimated. In 1910 the total quantity of butter produced in the United States was, in round numbers, 1,619,000,000 pounds. That must feed the whole of our 95,000,000 or 96,000,000 people. The total production of oleomargarine for the same year was 126,000,000 pounds. The 126,000,000 pounds could not depopulate the dairies or the farms of milk-producing cows. One hundred and twenty-six million pounds is the total production of oleomargarine for the year 1912. The figures are available here for that year.

In other words, the total annual butter production of the country amounts to 1,619,000,000 pounds. That is all that is available for what are practically now 100,000,000 people, 16 pounds per head, including men, women, and children, per year.

Hundreds and thousands of my constituents are engaged in the dairy business. I am not talking unadvisedly on this subject. I know their feelings. They feel just as strongly on the subject as the Senator from North Dakota does. But they are now producing, everywhere in the western country, every possible pail of milk and every possible pound of butter. With all that production of 1,619,000,000 pounds the price of genuine butter has steadily risen until with the mine worker, the shopman, the locomotive engineer, and the brakeman, butter is on the prohibited list, because it sells for from 40 to 60 cents a pound in the city where he has his home. With him it is a question of giving this substitute, a part of this 126,000,000 pounds, to his children, or doing without anything.

I now yield the floor to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, we have now been discussing this item about an hour and a half. I move to lay on the table the amendment of the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. The question is upon the motion of the Senator from North Carolina [Mr. SIMMONS] to lay on the table the amendment of the Senator from Massachusetts [Mr. LODGE] to paragraph 46.

Mr. SMOOT. Mr. President, on that I ask for the yeas and nays. The Senator from Massachusetts is out of the Chamber, and I know he desires a record vote on his motion.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Simmons
Bacon	Gore	Norris	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, Md.
Borah	Hollis	Oliver	Smith, S. C.
Bradley	Hughes	Overman	Smoot
Brady	James	Owen	Stone
Brandegee	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Perkins	Swanson
Bryan	Jones	Pittman	Thomas
Burton	Kenyon	Poindexter	Thompson
Catron	Kern	Pomerene	Tillman
Chamberlain	La Follette	Reed	Townsend
Chilton	Lane	Saulsbury	Vardaman
Clapp	Lea	Shafroth	Walsh
Clark, Wyo.	Lewis	Sheppard	Warren
Clarke, Ark.	Lippitt	Sherman	Weeks
Cummins	Lodge	Shields	Williams
Fletcher	Martin, Va.	Shively	Works

Mr. SMOOT. I desire to state that the junior Senator from Wisconsin [Mr. STEPHENSON] and the senior Senator from Delaware [Mr. DU PONT] are unavoidably detained from the Chamber. I shall allow this announcement to stand for the day.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum of the Senate is present.

The question is on the adoption of the motion of the Senator from North Carolina [Mr. SIMMONS] to lay on the table the amendment proposed by the Senator from Massachusetts [Mr. LODGE], on which the yeas and nays have been demanded. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURLEIGH's name was called). I desire to announce that the junior Senator from Maine [Mr.

BURLEIGH] is detained by protracted illness and hence is not present. I will let this announcement stand for the day.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON], which I transfer to the Senator from Arizona [Mr. SMITH] and vote. I vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). The senior Senator from Texas [Mr. CULBERSON] is necessarily absent. He has a general pair with the Senator from Delaware [Mr. DU PONT]. I will let this announcement stand for the day.

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] is necessarily absent. He is paired with the junior Senator from Colorado [Mr. SHAFROTH]. I desire this announcement to stand for all votes to-day.

Mr. GRONNA (when Mr. MCCUMBER's name was called). I wish to announce that my colleague [Mr. MCCUMBER] was expected to return to the city either to-day or Monday, but due to the fact that his daughter is ill with typhoid fever at Detroit Lake, Minn., where the family is at present, it is not known when he can return. I wish to state that my colleague is paired with the senior Senator from Nevada [Mr. NEWLANDS]. I will let this announcement stand for the day.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. SHAFROTH (when his name was called). I am paired with the Senator from Vermont [Mr. DILLINGHAM]. If I were permitted to vote, I should vote "yea." I withhold my vote.

Mr. HUGHES (when the name of Mr. SMITH of Arizona was called). The senior Senator from Arizona [Mr. SMITH] is necessarily absent from the Chamber on public business. He is paired with the Senator from Maryland [Mr. JACKSON]. The senior Senator from Arizona requested me to make this announcement.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I wish to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. JOHNSTON of Alabama. I desire to state that my colleague [Mr. BANKHEAD] is paired with the Senator from West Virginia [Mr. GOFF]. My colleague is temporarily absent on public business. He would vote "yea" if present.

Mr. BACON (after having voted in the affirmative). I am informed that the senior Senator from Minnesota [Mr. NELSON] has not voted, and as I have a general pair with him I withdraw my vote.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator. In his absence I will refrain from voting. If I were at liberty to vote I would vote "yea."

The result was announced—yeas 47, nays 22, as follows:

YEAS—47.

Ashurst	Hughes	Overman	Smith, Md.
Borah	James	Owen	Smith, S. C.
Bryan	Johnson, Me.	Pittman	Stone
Chamberlain	Johnston, Ala.	Poindexter	Swanson
Chilton	Jones	Pomerene	Thomas
Clapp	Kenyon	Ransdell	Thompson
Clarke, Ark.	Kern	Reed	Thornton
Cummins	Lane	Sheppard	Tillman
Fletcher	Lea	Shields	Vardaman
Gore	Martin, Va.	Shively	Walsh
Gronna	Martine, N. J.	Simmons	Williams
Hollis	O'Gorman	Smith, Ga.	

NAYS—22.

Bradley	Clark, Wyo.	Oliver	Townsend
Brady	Gallinger	Page	Warren
Brandegee	La Follette	Perkins	Weeks
Bristow	Lippitt	Sherman	Works
Burton	Lodge	Smoot	
Catron	Norris	Sutherland	

NOT VOTING—27.

Bacon	du Pont	McLean	Saulsbury
Bankhead	Fall	Myers	Shafroth
Burleigh	Goff	Nelson	Smith, Ariz.
Colt	Hitchcock	Newlands	Smith, Mich.
Crawford	Jackson	Penrose	Stephenson
Culberson	Lewis	Robinson	Sterling
Dillingham	McCumber	R[illegible]	

So Mr. LODGE's amendment was laid on the table.

Mr. TOWNSEND. Mr. President, the Senator from North Carolina made his motion to lay the amendment of the Senator from Massachusetts on the table before I had an opportunity to address myself to that particular provision.

Mr. SIMMONS. I will state to the Senator if I had known that, I would not have made the motion.

Mr. TOWNSEND. I thought it must have been an inadvertence.

Mr. SIMMONS. I stated to the Senator from Massachusetts, before I made it, that I thought probably it had had enough discussion, and I did not know of anyone else who probably would want to prolong the discussion. I made the motion to save time.

Mr. TOWNSEND. I understood the Senator to say he wanted to make the motion for the purpose of closing debate.

Mr. SIMMONS. No; not particularly for that purpose. If I had known that any Senator desired to speak, I should not have made the motion.

Mr. TOWNSEND. Mr. President, I am not very familiar with peanut butter. I have learned more about it this afternoon than I ever knew before. But I should like to state now what I have learned from the discussion that has already taken place.

The Senator from Maine [Mr. JOHNSON], who has charge of the schedule, stated that this duty was levied for the purpose of revenue. The Senator from Minnesota [Mr. CLAPP] favored the provision because he said practically that it would prevent importation and therefore would be in the interest of the butter makers of the United States. The Senator from Illinois [Mr. SHERMAN] has shown quite conclusively to me that if this product is shut out, other substitute products will be used in its place, and no one has attempted to answer that statement.

The Senator from Massachusetts [Mr. LODGE] has shown from the record presented by the committee that the importations of peanut oil have been reduced from 3,284,000 gallons in 1910 gradually down to 878,000 gallons in 1912, and the estimate of the committee is that there will be imported 600,000 gallons during the next fiscal year.

The statement of the Senator from Massachusetts has been undisputed that, owing to the high price of this oil, practically approximating the value of olive oil, there will be no amount imported next year.

The Senator from Massachusetts has also stated another thing to which no answer has been attempted, namely, that this item is not introduced into the bill for the purpose of producing revenue, but it is introduced for the purpose of protecting a substitute product, namely, cottonseed oil. That argument has not been answered, and I do not believe it is possible to answer it.

So far as I am concerned, if it is necessary to establish a great American industry to impose a duty upon its product, I want to do it directly, but not under the guise of producing revenue do I want to impose a duty for the purpose of protecting a southern product.

So, Mr. President, the sum of the arguments that have been presented thus far have led me to this conclusion, and there has been no attempt to answer the statements which have been made.

Mr. HUGHES. Mr. President, I do not know whether anyone has attempted to answer the statement of the Senator from Massachusetts. I do not know that the Senator from Massachusetts made the statement quoted by the Senator from Michigan. If he said that the duty upon peanut oil would force the use of olive oil, then he is making an incorrect statement, because the value of olive oil is nearly double that of peanut oil, and the duty on it is a great deal more than the duty on peanut oil.

Mr. WEEKS. Mr. President, I do not know what statement my colleague [Mr. LODGE] made in that respect, but I have a letter from importers of oil, who are doing business in Boston, which states:

> It is used in woolen and other manufacturing. Proposed rate will more than cover the difference in price and will simply mean that its importation will cease. We import on an average 5,000 barrels a year—

That would be substantially 25 per cent of all that will be imported under the proposed law—

> Under proposed duty we will have to stop its importation. To-day we sell imported olive oil at 81 cents a gallon and imported peanut oil at 79 cents a gallon. A duty of 6 cents will prohibit all importations, will compel those who use this oil in manufacturing to buy olive oil at a higher cost, simply adding to the cost of manufacture.

And in another place the letter says that for use commercially it has been imported in competition with olive oil when the prices of olive oil have been prohibitive. That would seem to indicate that olive oil was not selling at twice the price of peanut oil, but that they were selling at substantially the same price.

Mr. HUGHES. The Senator can get the Treasury figures for himself. The Treasury figures show the average import

value of peanut oil and olive oil, and that olive oil is nearly twice the price of peanut oil.

Mr. WEEKS. The letter is written by people of the highest standing, and I have no reason to doubt the statement which I have read.

The PRESIDENT pro tempore. The Secretary will continue the reading.

The Secretary continued the reading, on page 11, line 15, as follows:

Hempseed oil, 3 cents per gallon; almond oil, sweet, 5 cents per pound; sesame or sesamum seed or bean oil, 1 cent per pound.

Mr. BURTON. I move to strike out from lines 16 and 17, beginning with the word "almond" and ending with the word "pounds," the words "almond oil, sweet, 5 cents per pound; sesame or sesamum seed or bean oil, 1 cent per pound."

Both of these are now on the free list. The almond oil has been produced in a very limited quantity in this country, but the industry has not developed. There has been some promise of domestic production of sesame oil, but it has not been encouraged. Both these articles are used in medicinal compounds. Sesame oil is used in the making of soap also. I submit that these are utterly injudicious duties.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Ohio to strike out, on page 11, after the word "gallon," in line 16, down to and including the word "pound" in line 17.

Mr. JOHNSON of Maine. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WILLIAMS (when his name was called). Making the identical announcement that I made upon the last roll call, I vote "nay."

The roll call was concluded.

Mr. LEA (after having voted in the negative). Has the senior Senator from Rhode Island [Mr. LIPPITT] voted?

The PRESIDENT pro tempore. He has not.

Mr. LEA. I have a pair with the senior Senator from Rhode Island, and I withdraw my vote. If I were at liberty to vote I would vote "nay."

Mr. CHILTON. I transfer my general pair to the Senator from Arizona [Mr. SMITH], who is necessarily detained from the Senate on business of the Senate, and vote. I vote "nay."

Mr. JOHNSTON of Alabama. I wish to state that my colleague [Mr. BANKHEAD] is absent on public business, and is paired with the Senator from West Virginia [Mr. GOFF]. If my colleague were present he would vote "nay."

Mr. SAULSBURY. I have a pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH] is absent from the Chamber this afternoon on important business.

The result was announced—yeas 29, nays 42, as follows:

YEAS—29.

Bradley	Crawford	Nelson	Sutherland
Brady	Cummins	Norris	Townsend
Brandegee	Gallinger	Oliver	Warren
Bristow	Gronna	Page	Weeks
Burton	Jones	Perkins	Works
Catron	Kenyon	Sherman	
Clapp	La Follette	Smoot	
Clark, Wyo.	Lodge	Sterling	

NAYS—42.

Ashurst	Johnson, Me.	Pomerene	Stone
Bacon	Johnston, Ala.	Ransdell	Swanson
Borah	Kern	Reed	Thomas
Bryan	Lane	Saulsbury	Thompson
Chamberlain	Martin, Va.	Sheppard	Thornton
Chilton	Martine, N. J.	Shields	Tillman
Clarke, Ark.	O'Gorman	Shively	Vardaman
Fletcher	Overman	Simmons	Walsh
Hollis	Owen	Smith, Ga.	Williams
Hughes	Pittman	Smith, Md.	
James	Poindexter	Smith, S. C.	

NOT VOTING—25.

Bankhead	Goff	McCumber	Shafroth
Burleigh	Gore	McLean	Smith, Ariz.
Colt	Hitchcock	Myers	Smith, Mich.
Culberson	Jackson	Newlands	Stephenson
Dillingham	Lea	Penrose	
du Pont	Lewis	Robinson	
Fall	Lippitt	Root	

So Mr. BURTON's amendment was rejected.

The next amendment of the Committee on Finance was, on page 11, line 18, after the numerals "20," to strike out "per centum ad valorem" and insert "cents per gallon," so as to read:

Olive oil, not specially provided for in this section, 20 cents per gallon.

The amendment was agreed to.

The remainder of paragraph 46 was read, as follows:

Olive oil, in bottles, jars, kegs, tins, or other packages having a capacity of less than 5 standard gallons each, 30 cents per gallon; all other expressed oils and all combinations of the same, not specially provided for in this section, 15 per cent ad valorem.

Mr. WORKS. Mr. President, I desire to offer two amendments to this clause in the paragraph, and in order to save time, which seems to be highly valued in this body, if there is no objection, I will incorporate them in one so as to take but one vote upon them.

I move to strike out "20" in line 18 and to insert in lieu thereof "40," and in line 21 I move to strike out "30" and to insert "50."

The PRESIDENT pro tempore. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 11, line 18, paragraph 46, after the word "section," it is proposed to strike out "20" and to insert "40," and in line 21, before the word "cents," it is proposed to strike out "30" and to insert "50."

The PRESIDENT pro tempore. Unless there is objection, the amendment offered by the Senator from California will be submitted as a single proposition. The Chair hears none. The question is on the adoption of the amendment offered by the Senator from California.

Mr. WORKS. Mr. President, the effect of this paragraph of the bill as it relates to olive oil will be to reduce the duty on olive oil in packages of 5 gallons and over from 40 cents per gallon to 20 cents, and to reduce the duty on olive oil in packages of less than 5 gallons from 50 cents to 30 cents per gallon.

I endeavored to show in some remarks that I had the honor to submit to the Senate yesterday that this reduced tariff would afford no protection to the olive-oil manufacturers in my State. If the reduction is placed upon other grounds, and this duty is not intended to protect the industry, it is idle for me to take up the time of the Senate in discussing the question. I therefore ask the Senator in charge of this schedule of the bill whether it was understood by the committee that this reduced duty of 20 cents per gallon would adequately protect the industry in my State, or elsewhere in this country, or whether the question of revenue was considered and taken into account by the committee or by the Democratic caucus.

Mr. JOHNSON of Maine. The information before the committee, Mr. President, was that the consumption in this country is about 10,000,000 gallons yearly, and that the greater part of it is imported. I think the testimony was that somewhere about 800,000 gallons was produced in the State of California, a very small part of the consumption in this country. In keeping with the other reductions in the bill the committee has reduced the duty upon olive oil as here recommended.

Mr. WORKS. Mr. President, I submit that the Senator from Maine has not answered my question as to whether it was intended or expected that this reduced duty would protect the industry in my State, or whether the duty was reduced upon other grounds and for other reasons.

Mr. JOHNSON of Maine. I have already stated to the Senator that the production in this country seemed to be a small amount as compared with the consumption in the country, and that the duty fixed here is about the average in this schedule. The average in the whole schedule is not 20 per cent; and it seemed to the committee that the duty was sufficient.

Mr. GALLINGER. Will the Senator again state the maximum consumption?

Mr. JOHNSON of Maine. It is about 10,000,000 gallons yearly.

Mr. WORKS. Then, I take it, Mr. President, although I have not yet received a direct answer to my question, that the question of protection was not taken into account at all. I think I have shown quite conclusively by what I have already stated upon the subject and the data that I have furnished that it would not protect the industry in my State. If this tariff is to be reduced as here proposed, I certainly want the people of California to know why.

Mr. GALLINGER. Will the Senator from California permit me just a word?

Mr. WORKS. Certainly.

Mr. GALLINGER. The Senator from Maine [Mr. JOHNSON], as I understood him, said that the annual consumption of this article is 10,000,000 gallons, and yet there seems to have been

only 3,600,000 gallons imported last year. That would seem to indicate that there is a very large production in this country now, unless I read the figures incorrectly; and that is the way it is stated in the Tariff Handbook.

Mr. JOHNSON of Maine. It is something more than that. Of both kinds of oil the consumption is about 5,000,000 gallons, as given in the handbook; but I stated that the evidence before the committee was that the consumption was about 10,000,000 gallons. In the handbook the importation of both kinds is stated as having been 5,000,000 gallons in 1912—about 3,000,000 gallons of one kind and 1,700,000 gallons of the other.

Mr. WORKS. I should like to ask the Senator from Maine whether it is understood by him and his committee that this reduction would increase the revenue to the Government?

Mr. JOHNSON of Maine. As I have already stated, the large consumption of the article in the Eastern States, where it is particularly largely used by the poorer people—the laboring people—led the committee to recommend this reduction. A duty of 20 per cent on the article seemed to the committee to be a duty which ought sufficiently to protect a domestic industry and at the same time not impose any unnecessary tax upon an article of food used, as is this, by the laboring people.

Mr. WORKS. Mr. President, the Senator has not yet answered my question. I assume that he does not desire to avoid an answer. My question was a very simple one, as to whether he understood this duty would increase the revenue to the Government.

Mr. JOHNSON of Maine. It is estimated that by the reduction the revenue will be increased, I think.

Mr. WORKS. I think the Senator will find by the estimates to the contrary. The estimates show that it will result in a loss of revenue to the Government.

Mr. JOHNSON of Maine. I find that though the importations might be increased the Senator is correct that the duties collected would be somewhat less.

Mr. WORKS. Now, Mr. President, in view of what has been said by the Senator from Maine as to conditions, I have extracted from a more detailed account of conditions the figures relating to that subject, which I should like read by the Secretary.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

OLIVE OIL.

Present tariff: Packages containing less than 5 gallons, 50 cents; 5 gallons and over, 40 cents per gallon.

Reduction proposed: 20 cents per gallon.

Ninety per cent oil sold to consumer in United States is in small cans or bottles, six to a gallon, 20 ounces each.

Average selling price per bottle or can, 80 cents.

Reduction of 20 cents per gallon would be 3⅓ cents per bottle.

Imported in United States during year ending June 30, 1912, 3,050,322.96 gallons, valued at $4,335,294.25; duty paid on it, $1,525,161.58, a value of $1.42 per gallon. This was in packages containing less than 5 gallons.

Also imported 1,709,923.67 gallons, valued at $1,729,491; duty paid, $683,969.44, a value of $1.01 per gallon. This was in packages larger than 5 gallons.

Also imported 702,565 gallons denatured oil; no duty.

Under tariff protection of 1908, 6,000 acres planted to olives, making total acreage of State 18,000 acres, from which is secured at present 8,000 tons for oil and 4,000 tons for pickles, a total of 12,000 tons.

Four years ago average net income was $17; this year average net income is $36.88 an acre.

In 1908 olive industry of California represented $4,500,000; to-day it represents over $7,500,000.

There is in California to-day available for olive trees 375,000 acres.

Total cost harvesting and delivering olives in Europe to the factories rarely exceeds $7 per ton, while cost in United States is seldom under $20 per ton.

Labor in Europe, including field, manufacturing, office, is $1.04 per day.

In California, including some help as mentioned above, it is $2.47 per day.

Average cost California oil in tanks is $1.85 per gallon.

Average selling price, $2.

Manufacturer's profit, 15 cents a gallon.

FREIGHT.

Foreign oil laid down in New York or Chicago, 7½ cents a gallon. California rate delivered any point from Denver east, 15 cents, and to what is known as the Northwest, through Montana and Idaho, from 18 to 20 cents a gallon.

Mr. WORKS. Mr. President, in that connection I also desire to read a short extract from a showing that was made before the committee having the bill in charge, which is as follows:

The proposed reduction of 20 cents a gallon, as far as we can see, will in no way reduce the cost of olive oil to the consumer, for this reason: Ninety per cent of the olive oil sold to the consumer in the United States is sold in bottles and small cans called sixes (6 to the gallon), and contain 20 ounces of oil each. The average selling price in the United States is 80 cents per can or bottle. A reduction of 20 cents per gallon would be 3⅓ cents per bottle. It is very obvious that the retailer would not sell at 75 cents and lose 1⅓ cents per bottle of his profit, which profit is small enough at the present time. Neither would he make a 76⅔-cent price.

We claim that the proposed reduction on an average annual import of 4,000,000 gallons, or $800,000, would go to the importer alone, and the Government would lose this revenue and not help the consumer and work a very serious hardship on the olive-oil industry of California. A 20 cents per gallon reduction on 4,000,000 gallons would be a fine plum for the importer and absolutely of no benefit to the consumer. The importers' argument has been that a 20-cent reduction would increase the sale and thereby increase the revenue. If you will follow the European markets you will find that all of the olive oil being manufactured is readily sold and that each year the supply is far below the demand, and especially so on the better grades of oil which come in competition with the California products.

In addition to that, Mr. President, without taking up the time of the Senate by their reading, I desire to submit a couple more letters bearing upon this question, in order to make my case on the record, and have them printed as a part of my remarks.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none.

The letters referred to are as follows:

LOS ANGELES, *February 15, 1912.*

Senator JOHN D. WORKS,
Washington, D. C.

DEAR SIR: We sent you last night a night letter regarding the proposed attack on the olive industry of this State.

Three or four years ago this same question came up regarding the tariff on oil and olives, and at that time strong efforts were made by eastern representatives and importers of foreign olives and olive oil to throttle this industry. While slight changes were made, no material chance was given the industry at that time. It remained practically as it was, with the exception that all mechanical oil that was coming into this country was ordered denaturized and the word "green" was left from the tariff so that it read "olives," which thereby forced the duty on both green and ripe olives. Heretofore ripe or black olives, or what was termed "Greek olives," were coming in free of duty.

Under these conditions, not of the very best to the olive industry, the past three years have seen a wonderful stride for the better in the advancement of California olive oil and olives. It is safe to say that the business has increased over one-third in the past three years and at the present time is still increasing, and there are possibly 2,500 acres of young olive orchards being set out at the present time. From an acreage of about 8,000 bearing trees four years ago there has been an increase to 13,000 to 14,000 acres in old and young orchards combined. If the olive industry is let alone under the present tariff, you will see an increase larger than at any previous year. Under conditions as they now are the olive industry is in a fair way to rival either that of the orange or lemon industry in California.

The reduction as proposed by the Ways and Means Committee would mean in dollars and cents about 20 cents a gallon. The average yield of oil from a ton of olives throughout the State of California in the past four years has been close to 40 gallons. This reduction would mean 20 cents a gallon, or $8 a ton. This $8 can not come out of the manufacturer, because he has not been making 20 cents a gallon profit. The strong European competition has forced him to sell his olive oil on a very close margin and make his profits, if there are any, out of the ripe olives. In consequence of this the reduction must fall on the grower.

The average price paid to the grower during the past five years for what are termed "oil olives" has been $20 per ton on the trees. This year a little more has been paid, possibly $25, but it is safe to figure $20 as the average price for oil olives on the trees. It costs the manufacturer from $18 to $25 to pick these olives. At $20 on the trees for the grower means that the $8 reduction per ton in the tariff taken from the $20 leaves him $12. The average yield of oil olives is 1 ton to the acre, and they have not yielded more up to the present time; that is, taking the total acreage in the State. In some instances there have been taken from 1 acre 2 tons of oil fruit, so that taking the outside limit, 2 tons, $40 on the trees, out of which must come $8 per ton, or $16, the proposed reduction of the tariff would leave him $24 per acre, out of which must come cultivating, irrigating, fertilizing, pruning, and taxes, which at the present time is approximately $9 per acre, which leaves the grower $15 per acre net. This is providing he gets 2 tons to the acre; but as the average yield up to the present time has been only 1 ton, it would only net him $7.50 per acre, so that it is safe to say that the actual earnings, providing this tariff went into effect, on an acre of olive ground would be $7.50 to $15, according to the yield of oil fruit. This reduction which they contemplate making virtually means the annihilation of the olive industry, both oil and pickles, as they will not and can not produce olives at any such prices.

From the manufacturers' standpoint: Imported olive oil, as you know, can be bought at $1.65 per gallon, a fine grade; in fact, an A 1 grade. If we pay the growers $25 a ton on the trees, it costs $20 to pick it and $5 freight, which makes $50. It costs $10 a ton to handle it in the house, making a total of $60. If we get 40 gallons to the ton, this would mean $1.50 for the oil (raw). This oil has to be carried one year at 6 per cent, which is 9 cents a gallon; insurance, taxes, etc., 5 cents a gallon, plus selling cost, 10 per cent, gives you the approximate cost of California olive oil to the manufacturer $1.80 per gallon. This cost is figured extremely low, and I believe that 85 per cent of the oil in the State of California is not manufactured for less than $1.90 a gallon under present conditions. You see that the reduction of 20 cents a gallon would practically cut the manufacturer out entirely.

The retailer says he pays $2.50 or $3 a gallon for oil. This is very true; he does; but on top of our cost must be figured the package, jobbers' profit, and retailers' profit. The jobbers' profit is generally 15 per cent, and the retailers' profit is 25 per cent, or perhaps 30 per cent; so that even with the duty on oil at the present time it is inadequate to increase the olive industry very rapidly.

We have been able under the present protection to figure our cost and made a small profit and increased the interest and acreage in the olive industry, but under this contemplated reduction I don't think that a manufacturer in the State would attempt to press olives into oil unless this tariff reduction fell entirely on the grower, which he can not under any consideration stand.

Yours, very truly,

AMERICAN OLIVE CO.,
W. O. JOHNSON, *Manager.*

LOS ANGELES, *March 13, 1912.*

Senator JOHN D. WORKS, *Washington, D. C.*

DEAR SIR: The consensus of opinion of the growers, as well as the manufacturers, is that the chemical bill, which includes olive oil, will not pass the Senate and that they are as ably represented there by

our Senators from California, with all the knowledge that they have at hand, without a needless expense of a representative going to Washington.

Of course, you thoroughly understand that while the writer has taken a great deal of interest in this as a manufacturer, the grower is the one most vitally interested and the one upon whom all the hardships will fall. The packer or manufacturer, as you know, will always protect himself, as he will not purchase the fruit unless it can be purchased at a price upon which he can make a profit.

No doubt the various interests here have written you fully regarding the serious condition that this reduction in tariff will put the olive industry of this State in. They might just as well take the entire duty off of olive oil as to take off approximately 20 cents a gallon. A total reduction is the only way that any cheaper price would get to the consumer, for 20 cents a gallon will not in any way affect the price to the consumer. Ninety per cent of the olive oil sold in the United States is sold in small packages, the base of which is sixes—meaning six bottles to the gallon. The average price to the consumer is 90 cents to $1 per bottle. The reduction in tariff, therefore, means a cut of 3½ cents on each bottle of oil. On the face of it it is plain to be seen who wants the profits. It is the importers and brokers. You know and I know that olive oil would not be sold at 85 cents a bottle because the duty was reduced 3½ cents a bottle, as the importer or jobber is not going to lose 1⅝ cents a bottle. You also know that they would not make a retail price of 86⅜ cents a bottle. This whole matter of tariff on olive oil is not a reduction to reduce the cost of living, neither, as some of our Congressmen stated, is olive oil a poor man's food. The whole proposition is to put more money into the pockets of the importers and brokers of olive oil in Chicago, San Francisco, and New York; and the putting of this 20 cents a gallon into the pockets of the above-named gentlemen takes away from the grower $8 a ton, or, in other words, will virtually annihilate the olive industry of this State, which is what our importers are after.

Ten years ago less than 100,000 gallons of olive oil were manufactured in this State. In 1912 there will be over 500,000 gallons of oil manufactured in this State. Five hundred thousand gallons of oil means approximately 15,000 tons of fruit, or a clean, clear case of $120,000, at $8 a ton, out of the pockets of the growers to give to the importers and brokers of olive oil, a profit of virtually 20 cents a gallon on 6,000,000 gallons of oil imported each year into the United States. This in a very few words is absolutely what the reduction in tariff on olive oil means in California, and if you will investigate the facts and figures you will find that these statements are pretty nearly correct.

Trusting that your interests are our interests in this matter, we beg to remain,

Yours, very truly,

AMERICAN OLIVE CO.
W. O. JOHNSON.

—

LOS ANGELES, CAL., *February 19, 1912.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: We have noticed, with regret, from the Associated Press dispatches that the Finance Committee have proposed a reduction of duty upon olive oil of about 20 cents per gallon, and in this regard we wish to impress upon you the unreasonableness of this contemplated action. Up until a few years ago there was no increase in olive acreage on account of the fact that it was not profitable to the growers, but on the other hand a great many acres of olives that had been previously planted were grubbed out so that the land might be available for other products that would give them a living.

During the last three or four years the conditions have been somewhat improved, and in view of this encouragement there are, at the present time, preparations being made for planting out an additional acreage, but if this contemplated reduction in the duty should be passed and become a law, it will, no doubt, give the industry another setback, from which it will take a long time to recover. The present duty upon olive oil really is not sufficient to cover the difference in cost of production at home and abroad. We simply make this statement because it is a fact, although we are not asking for an increase in the duty, and, in order to demonstrate to you with some actual figures the difference in cost, we want to quote from a report which we received from the consul general at Constantinople, Mr. Edward H. Ozmun, dated in 1908, in which he says:

"The cost of wages for adults range from 24 cents to 28 cents per diem, and each person can gather about 60 okes of olives a day. The hire of a horse or mule per day costs 40 cents, and each animal will, or rather ought, to carry about 600 okes of fruit per diem. This, together with the price paid for gathering the olives, and other sundry expenses, such as mending baskets, etc., brings the total cost of harvesting to about 7 paras the oke, or $5.55 per ton."

You will see that Mr. Ozmun has gone into detail in figuring this cost, and we have no doubt but what he is practically correct. In his consular district there are 6,000,000 trees, which means a vast amount of olive oil. In making a comparison of cost we can not do the work for which they pay $5.55 per ton in this country for less than $22 to $25 per ton. It is reasonable to presume that the same difference in cost that prevails in the gathering of the fruit would exist in the taking care of the trees and manufacturing the oil, and such being the case you can readily see that the present duty is not sufficient to cover the difference in cost of production.

We have in California and Arizona a vast area of acreage that is suitable for the growing of olives, and we can not understand why it is not fair to allow us the privilege of building up this infant industry to the extent of the available resources in acreage, instead of reducing the duty and allowing the industry to be squelched with the foreign products produced by a cheap labor.

No doubt you fully realize the importance of retaining the tariff upon the olive oil as it exists at present, and would like to have you call upon us for any information that we may be able to give you relative to the industry for your use in opposing the reduction, and we will gladly use our utmost efforts in a conscientious manner to secure for you any data available. We believe that if a majority of the Senators are made fully acquainted with the actual conditions they will readily see the necessity of protecting this infant agricultural industry, at least, until such time as the available acreage has been planted out and reached the age of production.

Believing you will defend our industry to the fullest extent of your ability, we beg to remain,

Yours, respectfully,

LOS ANGELES OLIVE GROWERS' ASSOCIATION.
FRANK SIMONDS, *Secretary.*

Mr. WORKS. Now, Mr. President, we in California pride ourselves on the fact that we produce the finest and purest olive oil produced anywhere in the world. The olive oil that is produced there is noted for its purity and high quality. It seems to me to be a great misfortune that an enterprise of that kind which has been built up in my State should be destroyed by the reduction of the tariff, as is here proposed.

This bill, however, does not stop at the reduction of the tariff upon olive oil, but further along proposes to reduce the tariff on the olives themselves, striking not only the manufacturer of olive oil, but the grower of the olives. The result of it, in my judgment, will be that the industry will be crippled, at least, for years to come; its advancement will be retarded, and the probability is, as the figures show, that it will result in its absolute destruction.

Mr. President, I ask for a yea-and-nay vote upon the amendment.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from California [Mr. WORKS], on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. GALLINGER. Mr. President, I desire to ask a further question of the Senator from Maine. I understood the Senator to say that there were 9,000,000 gallons of olive oil consumed in this country.

Mr. JOHNSON of Maine. That was the testimony given before the committee.

Mr. GALLINGER. According to the Tariff Handbook, furnished by the majority, there were imported in 1912 3,050,323 gallons of olive oil in bottles, and of all other olive oil not specially provided for, 1,709,924 gallons, making a total of 4,760,247 gallons. That seems to show that we are producing in this country 4,239,753 gallons, which is the difference between 4,760,247 gallons and 9,000,000 gallons.

Mr. JOHNSON of Maine. I do not think those figures can be correct, because I think it is not claimed that the production in California is more than a million gallons, and I understand there is no other production of olive oil in this country.

Mr. GALLINGER. Then, the figures as given in the handbook are manifestly wrong.

Mr. HUGHES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I do.

Mr. HUGHES. I think perhaps the discrepancy in the figures may be explained by the practice of selling other oils as olive oil. Admixtures of various oils are sold as olive oil. I think, perhaps, that will explain the discrepancy in the figures.

Mr. GALLINGER. Well, my attention was attracted to this apparently very large production in this country, which did not seem to correspond with the amount given by the Senator from Maine; but I assume that there must be a mistake.

I will ask the Senator from California now if there is anything in a suggestion which has been made to me more than once, that cottonseed oil is being exported from this country to European countries, where foreign labels are placed upon it and it is then sent back here as olive oil, just as California wine has to some extent been exported to France and has come back here with French labels?

Mr. WORKS. No; if there is anything of that kind done I have no knowledge of it whatever. As I said a while ago, we in California pride ourselves on the fact that we make a pure olive oil; and I am quite certain that there is no truth in that assertion.

Mr. GALLINGER. I did not impute anything to California; but it has been stated to me that certain enterprising men have engaged in that business. I know nothing about it myself.

Mr. WORKS. If that be true, I will say to the Senator that I have no knowledge of it and never before heard of it.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. Yes.

Mr. WILLIAMS. In connection with the question just asked, a moment ago some Senator said that we had put a tax on peanut oil with the idea of protecting cottonseed oil.

Mr. WORKS. I am not able to hear what the Senator from Mississippi is saying.

Mr. WILLIAMS. I said that a moment ago some Senator charged or insinuated that there had been a tax put upon peanut oil with a view of protecting cottonseed oil. I want to call the attention of the Senate to the fact that we have reduced the duty on olive oil, which really does come in competition with cottonseed oil.

In connection with the question which the Senator from New Hampshire [Mr. GALLINGER] has asked, it is true that a

good deal of cottonseed oil, mixed with enough olive oil to give it a flavor, is sold as olive oil. There is no doubt about that; and the discrepancy in these figures, I imagine, is explainable because of that fact.

Mr. WORKS. Mr. President, I should like to inquire of the Senator——

Mr. WILLIAMS. By the way, before the Senator proceeds, I want to say that the best quality of cottonseed oil, called "butter oil" in the trade, is as pure, as wholesome, and as good as any olive oil that ever came from any olive orchard in the world. Of course, I do not stand to defend any sort of fraud upon the consumer in selling one thing as being another thing, but, so far as the healthfulness of the product is concerned, it is less apt to have germs in it, does not get rancid so quickly, and is a purer vegetable oil than the olive oil itself. There is no doubt about the fact, however, that a great deal of fraud is perpetrated on the consumer by putting just enough olive oil in the best quality of cottonseed oil—which is "butter oil" and very rich, very nutritious, and very healthful—to give it the flavor of olive oil.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I yield to the Senator from California.

Mr. WORKS. I want to say that this sort of deception may be practiced in Mississippi, but it certainly is not practiced in California.

Mr. WILLIAMS. I have made no charge that it was practiced in California, and I wonder how the Senator from California could have arrived at the conclusion that I had made such a charge, when he must have known that I knew that there was not a gallon of cottonseed oil produced in the State of California. I merely said that a lot of cottonseed oil is mixed with enough olive oil to give the flavor and is labeled olive oil. I did that merely because I thought it was honest politics to make that confession, since the Senator from New Hampshire had asked the question. How the Senator from California could possibly have arrived at the conclusion that there was any thrust at him or at California in connection with a product of which California does not produce one gallon I can not imagine.

Mr. GALLINGER. Now, Mr. President, I will ask the Senator from California, as I have always been much interested in the advancement of that great State, and especially in the direction of fruit raising, what the possibilities of California are in this direction? I have seen the olive groves of California to some extent, and I will ask if the possibilities are such that, if properly protected, the domestic production can be greatly increased?

Mr. WORKS. Yes, Mr. President, it may be greatly increased; it has been increasing very rapidly, and in the last three or four years has increased more than at any other time in its history. Some people in my State go to the extent of saying that if the industry is properly protected it will exceed that of the citrus industry. As has been stated, it has become a very important industry in my State, and is one that may grow almost without limit.

Mr. GALLINGER. It strikes me, Mr. President, that the Senator from California, in the most interesting speech he made yesterday and in his observations to-day, has pretty clearly shown that the duty now proposed will work not only to the detriment but to the possible extinction of that great industry in California; and I do hope that our Democratic friends, relaxing their determination to carry this bill through as it is, will see the justice of the proposal which the Senator from California has made, and permit the change in the bill to be accomplished.

Mr. BRISTOW. Mr. President, I understand—and if I am not correct I shall be glad to be set right—that the present duty is 30 cents a gallon.

Mr. WORKS. It is 40 and 50 cents per gallon, depending upon whether the olive oil is in large or small packages.

Mr. BRISTOW. And the proposed duty in the bill is 30 cents?

Mr. WORKS. And 20 cents.

Mr. BRISTOW. Thirty and 20 cents. The Senator's proposition is to increase the 30-cent duty to 40 cents?

Mr. WORKS. The amendment is to increase "20" to "40" and "30" to "50."

Mr. BRISTOW. To the rates of the present law?

Mr. WORKS. Yes.

Mr. JOHNSON of Maine. Mr. President, in reference to the statement which I made a few moments ago, I will say that I had reference to the testimony given before the Ways and Means Committee of the House of Representatives as to the consumption of this product. On reference to that testimony, which I have before me, I find the statement has been made that the consumption of olive oil in the United States is about 10,000,000 gallons a year, of which four and a half million gallons come from Italy, France, and to some extent from Greece. California produces about 800,000 gallons. The remainder, less than 5,000,000 gallons, sold in this country is a compound oil made up of olive oil compounded with cottonseed oil and peanut oil. I was before misled, as I did not read the entire paragraph.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. Yes.

Mr. SUTHERLAND. I should like to ask the Senator from Maine whether or not the investigation which the committee made upon the subject convinced the Senator from Maine that the olive industry in California would not be injured by this reduction?

Mr. JOHNSON of Maine. I will say to the Senator from Utah that it seemed to the committee and it seemed to me that a duty as high as this, being about 20 per cent ad valorem, should be sufficient for the industry in California.

Mr. SUTHERLAND. Then does the Senator answer my question by saying that he thinks the industry in California would not be injured by this reduction?

Mr. JOHNSON of Maine. I do not think it will.

Mr. SUTHERLAND. Does the Senator think that, notwithstanding the reduction, the industry will continue to grow in the future as it has in the past?

Mr. JOHNSON of Maine. I will say to the Senator from Utah that I am not sufficiently informed in regard to all the conditions, nor can I look into the future, to say that.

Mr. SUTHERLAND. Does the Senator from Maine think it of any consequence that the industry in California should grow in the future as it has in the past?

Mr. JOHNSON of Maine. I do think that it is of importance if it is a business that ought to be legitimately encouraged in this country, but it should not become a burden upon all the people of the country for the benefit of a very few.

Mr. SUTHERLAND. Does the Senator think, then, that the duty ought not to be sufficient to encourage the growth of the industry in California?

Mr. JOHNSON of Maine. Not if it has to be an excessive duty, which I think the present duty is.

Mr. SUTHERLAND. Then, if I understand the Senator, he thinks the present duty is excessive, and he is in favor of reducing it to the rate proposed in this bill, irrespective of what happens to the industry in California?

Mr. JOHNSON of Maine. I can not tell, of course, what may happen to the industry in California. I will only say that, in my opinion, any industry of this kind where, as is the case of those interested in the production of olive oil in California, a very few people only are directly benefited by the duty. An industry which can not exist in this country without a high rate of duty and can not exist upon a rate of duty as high as 20 per cent is not one which I believe the Congress of the United States or the people of the United States are interested in encouraging here.

Mr. SUTHERLAND. The Senator, then, if I understand him, is in favor of reducing this duty, no matter what may happen to the industry in California?

Mr. JOHNSON of Maine. I should be very sorry if anything should happen to the industry in California.

Mr. SUTHERLAND. I know the Senator would be sorry; but would the Senator still be in favor of reducing the duty, notwithstanding his sorrow upon the subject?

Mr. JOHNSON of Maine. If it were a burden upon all the people of this country, as it is, and added to the cost of an article of necessity, as olive oil is to many of our people, I do not believe they should all be taxed for the benefit of a few people in California. I would be willing to give them a reasonable protection, but not to the extent of the present law.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Kansas?

Mr. JOHNSON of Maine. Certainly.

Mr. BRISTOW. Let me inquire of the Senator if he thinks that 35 per cent ad valorem on olive oil is an excessive and unwarranted duty, which is not justified, while a 42 per cent duty on dextrine is a just and proper per cent on that product, for which all the people have to pay?

Mr. JOHNSON of Maine. The condition with reference to dextrine is entirely different, as was pointed out when we went through that matter on yesterday, because the raw material used in the manufacture of dextrine bears a tax. That is not

true in the case of olive oil, the raw material of which is not taxed.

Mr. BRISTOW. The raw material, being potatoes, is placed on the free list, but the duty on dextrine is maintained at 42 per cent, and insisted upon by the Senator from Maine, while now he says that a duty of 35 per cent on olive oil is an extravagant and unwarranted duty.

Mr. JOHNSON of Maine. But there is nothing entering into the production of olive oil which bears a rate of duty, as is the case in the manufacture of dextrine. Dextrine is made from a raw material which bears a duty of 1 cent a pound, as the Senator knows, while olive oil is not made from any raw material which is taxed.

Mr. BRISTOW. The dextrine that we are discussing is made from potatoes.

Mr. JOHNSON of Maine. Oh, not at all.

Mr. BRISTOW. The first process would get starch and the second process would get dextrine.

Mr. JOHNSON of Maine. Not at all. It is not made in the same factory at all with potato starch, or by the same concerns. Potato starch is made in one factory and shipped to another as a finished product, and becomes the raw material of the dextrine factory.

Mr. BRISTOW. Then I will ask the Senator another question. In this bill, which he is so ably defending, he places a duty of 1 cent a pound on potato starch, which is at the rate of 57 per cent ad valorem, while now he is complaining bitterly of a duty of 35 per cent on olive oil.

Mr. JOHNSON of Maine. That was a reduction of 50 per cent from the present law upon potato starch, as large a reduction as we have made in the case of olive oil. The duty was a cent and a half a pound upon the potato starch and we reduced it to a cent a pound.

Mr. BRISTOW. It is the same duty, however. That is, the duty on starch is 35 per cent, as fixed by the Senate committee.

Mr. JOHNSON of Maine. That is a reduction from a cent and a half a pound in the present bill.

Mr. BRISTOW. That is entirely justified on the potato starch made from potatoes grown in Maine; but 35 per cent on olive oil made from a product of California is an enormous duty, if it is imposed, and should be taken off.

Mr. JOHNSON of Maine. It makes but little difference where the potatoes were grown. As I said to the Senator yesterday, they were the culled potatoes. The farmers of Maine would treat with a good deal of humor what the Senator is saying about the price of their potatoes, and about their being protected, because the little potatoes, the refuse potatoes, find a market at the starch factories.

In that connection let me call the attention of the Senator to the fact that we took the tariff bill and found certain rates in it. If we had commenced to make a new bill, and could have started afresh, we would have been in a different position. But we took the duty as we found it, a cent and a half a pound upon potato starch, and made a reduction to a cent a pound. We found the duty upon olive oil, and we made a reduction there. We made as great a reduction in one case as in the other.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. JOHNSON of Maine. I do.

Mr. CLARK of Wyoming. I simply wanted to ask the Senator, then, if it is true that this bill is founded upon the bill of 1909, or is it founded upon the business necessities of the country?

Mr. JOHNSON of Maine. In my opinion, it is founded a good deal upon conditions as we found them and existing duties under which business had been built up, which had to be taken into consideration and were taken into consideration, and it seems to me wisely so. We were not constructing a bill from the ground up.

Mr. CLARK of Wyoming. Does the Senator believe it is well to justify a wrong rate in this bill because of a wrong rate in a former bill?

Mr. JOHNSON of Maine. I do not make that argument; but I say we found existing conditions depending upon legislation and upon a tariff bill. Those conditions had to be taken into consideration, and wisely so, in attempting to frame a new bill and making modifications of it.

Mr. CLARK of Wyoming. Did the Senator's committee carefully investigate the conditions relating to the olive-oil industry in California?

Mr. JOHNSON of Maine. We investigated them as carefully as we had time to investigate them. I presume no committee could make the careful investigation which the Senator, perhaps, has in mind. So far as I am concerned, I do not claim that we were able to do so. There were some letters and briefs furnished us, and we gave such consideration as we could to the matter.

I think I should be the last Senator to stand here in this presence and claim that I had special, intimate knowledge, from careful, thorough study, of all the questions presented in this most complex schedule. I should not claim, and I do not think it will be understood, that any member of the committee could do that.

We called to our assistance such help as we could. I want to say upon that point, while I am on my feet, because reference has been made to it, that we had with us as conscientious an expert, as careful and as well-informed an expert, as any committee of the Senate of the United States or any other body has had in framing any schedule. He is entitled to the confidence not only of the committee but of the Senate. He not only recommended himself to the committee, but because of his research, because of his knowledge, he had recommended himself to the Tariff Board when it made its investigations and prepared a glossary.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from California?

Mr. JOHNSON of Maine. I should like to complete this statement before I yield.

The PRESIDENT pro tempore. The Senator declines to yield for the present.

Mr. JOHNSON of Maine. When the President of the United States had under consideration a chemical bill which had been sent to him for signature he called upon this same expert for advice in regard to a veto message which he prepared upon the chemical bill. The Ways and Means Committee of the House had with them this same expert and the Finance Committee of the Senate called to their assistance the same gentleman.

I want to say that he came to us with no bias and with no prejudice. I do not know to what political party he belongs. I am very sure he does not belong to mine. We depended very largely upon him, because he had given very thorough study to this schedule in connection with the Tariff Board and in connection with the Ways and Means Committee. Before that he had been a chemist in the Agricultural Department of the United States; and we necessarily looked to him for a great deal of information. Of course, it is idle for me or for any other member of the committee to come here pretending that by thorough, careful investigation, as the Senator suggests, we have informed ourselves as to every item in this bill. We have of necessity depended upon information furnished us by others.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine further yield to the Senator from Wyoming?

Mr. JOHNSON of Maine. Certainly.

Mr. CLARK of Wyoming. I want to suggest to the Senator, then, in the absence of the carefully compiled information that might have been furnished and of course would have been readily received had it been at hand at the time, if it would not be well now to receive as the final word on this subject the information which the Senator from California has furnished upon this important industry?

Mr. JOHNSON of Maine. We had the letters and the briefs from which the Senator has read.

Mr. WORKS. Not all of them, Mr. President.

Mr. JOHNSON of Maine. We had one brief, I know.

Mr. WORKS. I should like to ask the Senator from Maine whether the expert to whom he refers was directed to ascertain what would be a duty sufficient to protect adequately the olive industry in California?

Mr. JOHNSON of Maine. I know he was consulted in regard to that.

Mr. WORKS. Will the Senator kindly answer my question?

Mr. JOHNSON of Maine. I thought I had done so. I know he was consulted in regard to it, but I am not prepared to say whether he was directed specially to ascertain that fact in regard to this one item. I do not think he was.

Mr. WORKS. I will ask the Senator, further, whether in fact the expert did report to the committee what would be the duty necessary to protect the industry?

Mr. JOHNSON of Maine. We consulted him in regard to it, and got his opinion in regard to it.

Mr. WORKS. Now, will the Senator be kind enough to answer my question?

Mr. JOHNSON of Maine. I think I have answered it as fully as I can. I have said that we consulted with him and got his

views in regard to it. I do not know how I can be more specific than that.

Mr. WORKS. Does the Senator mean to say that the committee got the expert's views in respect to what would be a protective duty?

Mr. JOHNSON of Maine. In regard to what would be a fair duty, under all the circumstances, and in line with the policy of the committee in framing the bill.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Washington?

Mr. JOHNSON of Maine. Certainly.

Mr. JONES. I will ask whether the committee endeavored to ascertain the difference in the cost of production of olives in this country and abroad?

Mr. JOHNSON of Maine. I think we spent very little time upon that subject, because it seemed to me it would have as little weight as finding the difference in the cost of producing corn in this country and somewhere else.

Mr. JONES. So that there is no part of the duty levied by the committee that was intended to cover any possible difference in the cost of production here and abroad? Is that correct?

Mr. JOHNSON of Maine. The question before us was one of raising revenue and still providing what seemed to be a reasonable, fair duty and making a reduction from an excessive duty in the present law, as we did in the case of nearly all the items of this schedule.

Mr. JONES. Did the committee consider a part of this revenue duty as being put here to take the place of the difference in the cost of production here and abroad?

Mr. JOHNSON of Maine. I think we knew nothing about the cost of production here and abroad.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. I do.

Mr. SMOOT. I did not hear the answer that was given by the Senator from Maine to the question asked by the Senator from Kansas [Mr. BRISTOW]; and if the Senator has no objection, I will ask it again.

The present rate of 50 cents a gallon on olive oil in bottles, jars, kegs, tins, and so forth, is equivalent to an ad valorem rate of 35.18 per cent. The Senator has just denounced that as an outrageous rate and one that could not be justified. Yesterday we passed the paragraph in connection with which there was discussed the question of the rate on potato starch.

Mr. JOHNSON of Maine. We have just been over that.

Mr. SMOOT. In the case of potato starch, with the rate that the committee had provided of a cent a pound, the equivalent ad valorem is 34.58 per cent. Why should a rate of 35 per cent on olive oil in bottles be considered an outrageously high rate, when 34.58 per cent on potato starch was satisfactory, and not an excessive rate?

Mr. JOHNSON of Maine. At a time when the Senator was not present I tried to state the reason. The raw material of the dextrine—oh, the Senator is speaking of potato starch?

Mr. SMOOT. I am speaking of potato starch.

Mr. JOHNSON of Maine. I will come to that. We found a duty of 1½ cents a pound upon potato starch, and we made a reduction to a cent a pound, which was a reduction of practically 50 per cent.

Mr. SMOOT. Then, the theory of the bill is that wherever you found a rate you reduced it, no matter whether it was 200 per cent or 20 per cent?

Mr. JOHNSON of Maine. Oh, no; but we made reductions where we thought they should be made, and exercised our judgment about it. We did not make a bill from the ground up, of course.

Mr. SMOOT. That is what we expected the bill to be.

Mr. JOHNSON of Maine. The Senator may make that statement, but he makes it with no idea except for the purpose of discussion here, perhaps.

Mr. SMOOT. Not at all.

Mr. JOHNSON of Maine. Does the Senator think we should have undertaken to make this bill from the ground up, without reference to the rates which had been assessed before, and the conditions under which business had been built up? Did the Senator do that, without reference to former rates, when he prepared the present bill in 1909?

Mr. SMOOT. Mr. President, I only assisted in preparing that bill as a member of the Finance Committee, but I will say that we started with Schedule A, and we went through all the items in the bill from beginning to end.

Mr. JOHNSON of Maine. So did we; but did you do your work without reference to what the preceding tariff had been upon the various articles?

Mr. SMOOT. Certainly, Mr. President.

Mr. JOHNSON of Maine. Without any reference to, and without being influenced by, the conditions under which business had been built up, or what the preceding rates had been?

Mr. SMOOT. We took into consideration the difference in the cost of producing the various articles in this country and abroad. I do not say that every item was perfect. I certainly never have claimed that. No bill ever will be made that will be perfect. But what I want to get at is this——

Mr. JOHNSON of Maine. I should like to have the Senator answer my question, if he will, since he has put one to me.

Mr. SMOOT. Wait until I get through, please.

Mr. JOHNSON of Maine. Did you take into consideration the preceding rates in the Dingley bill when you made the Payne-Aldrich tariff?

Mr. SMOOT. No, Mr. President. We took into consideration the conditions of the country and the conditions of the business in this country as compared with foreign countries.

Mr. JOHNSON of Maine. And you gave no consideration to the previous rates in the Dingley tariff when you drew up that bill?

Mr. SMOOT. None whatever. They were not taken into consideration, because we revised the tariff; and we started with that in view, and went from the beginning to the end.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. JOHNSON of Maine. Certainly.

Mr. GALLINGER. I have had and have now great sympathy for our Democratic friends in producing a tariff bill. I have full knowledge that they have had all the burdens they could well carry. I know that some of our Democratic friends have learned that it is not an easy matter to construct a tariff bill.

I recall the fact that one gentleman in public life, not a Member of this body, said not long ago that about all there was to do to make a tariff bill was to find out how much revenue was needed and write it in the bill. Our friends on the other side have learned that that is not the fact; that it is a difficult and complex and irritating task to make a tariff bill. Yet I do not think the answer given by the Senator from Maine [Mr. JOHNSON] as to the manner in which the bill was made up will be very satisfactory to the country.

The Democratic Party had tariff legislation under consideration during the last session of Congress, and they have had it under consideration during this session of Congress. It seems to me they ought to be willing to assume responsibility for the bill as a Democratic measure and not fall back on the fact that they consulted a Republican tariff bill and made the rates as they thought they ought to be made.

It strikes me that in a great many instances these rates have been made simply on the hypothesis that the existing rates were too high and could stand some reduction; so the reduction was made without any careful consideration as to the particular item or interest affected. I think that has been a dangerous procedure. In this particular instance, where 50 cents per gallon was found to be the duty, a reduction was made to 30 cents without a careful investigation as to this industry in California, which is struggling not only for existence, but for expansion.

I fear it will be found, as we go along, that this bill has been constructed upon the principle that the "wicked Republicans" imposed a duty of 40 per cent which can well be reduced to 30 per cent, or that they imposed a duty of 30 per cent which can well be reduced to 20 per cent. If any such theory as that has been put into operation, it will not work out well in practice, because there is a protective line; and I want to call attention to that. If 40 per cent is the protective line in reference to any American product, a rate of 38 per cent may be just as destructive as if you took off the entire duty. If there are 3 feet of water that we have to ford, and we put on rubber boots 2 feet high, we might just as well go in barefooted.

Mr. HUGHES. Mr. President, will the Senator permit an interruption?

Mr. GALLINGER. Certainly.

Mr. HUGHES. I want to call the Senator's attention to the fact that under the Wilson tariff, in 1896, the equivalent ad valorem rate on olive oil in bottles was 29 per cent, and yet the importations were less than in 1905 under the Dingley tariff, when the rate was 42 per cent.

Mr. GALLINGER. We were doing everything on a smaller scale when the Wilson bill was passed and put in operation.

Mr. HUGHES. No; if the Senator will permit me, my recollection of the year 1896 is that the exports for that year were greater than for any previous year in the history of the country.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Will the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. I yield to the Senator from Texas.

Mr. SHEPPARD. Will the Senator tell us exactly what he means by "the protective line"? Does he mean a duty sufficient to cover the difference in the cost of production at home and abroad?

Mr. GALLINGER. I mean this, Mr. President: We are building dikes on the Mississippi River. The Government has spent, I believe, nearly $100,000,000 in that enterprise. If we build a 10-foot dike, and the water rises 12 feet, the dike does very little good, and we might just about as well not have any dike at all.

Mr. SHEPPARD. Does the Senator mean, by "the dike," a duty equal to the difference between the cost of production here and abroad?

Mr. GALLINGER. I do. I mean that there is a protective line as between this country and foreign countries which must be measured by the difference in the cost of production, the difference in the wages paid in the several countries, and that if we go below that protective line it does not make very much difference whether the duty is 20 per cent or 40 per cent or whether we entirely wipe out the protection.

Mr. SHEPPARD. Then it is the Senator's idea that a duty below that line would not affect the price in this country?

Mr. GALLINGER. I do not know how that may be, but I do know that if you go below that line you inevitably permit an inundation to come from foreign countries into this country.

Mr. SHEPPARD. It has been frequently stated, in both political parties and by a certain school, that a duty of 1 per cent is, pro tanto, that much protection. It seems to be the Senator's idea that before a duty becomes protective it must equal the difference between the cost of production in this country and abroad.

Mr. GALLINGER. I do not agree at all to the proposition that a duty of 1 per cent necessarily implies that degree of protection.

Mr. SHEPPARD. Neither do I. I dispute the proposition that a duty below the difference in domestic and foreign cost of production is a protective duty. The Senator does not agree to such a proposition?

Mr. GALLINGER. No; neither does the Senator from Texas.

Mr. SHEPPARD. I merely wanted to understand the Senator's position.

Mr. GALLINGER. So, coming back to the matter of olive oil, I do not know, and we can not determine until we have tested this rate, whether or not it is going to wipe out the olive-producing industry of California. The Senator from California [Mr. WORKS], a very well-informed Senator, says in all human probability it will practically destroy that industry.

I assumed from the statement of my distinguished and good friend from Maine [Mr. JOHNSON], who always means to do just the right thing, that this reduction in duty was simply made with a pen because the committee found a higher duty in the Payne-Aldrich bill, and they felt that that duty ought to be reduced, as they felt that pretty much all the duties in the bill ought to be reduced. I fear that making a tariff bill in that way is going to prove very disastrous to a great many industries in the United States, to some of which I shall call attention as the debate proceeds.

I want to renew my appeal that, in view of what the Senator from California says and in view of what some of us know concerning this industry, I hope the majority will concede the request he makes to have the olive industry in California adequately protected, as he wishes. It is a pretty grave matter to wipe out an industry of that kind, or to cripple it seriously, so as to permit the products of foreign countries to come into our country to be sold to our people.

In that connection I will say that it has always been my theory, which has been pretty well justified by the facts, that if we destroy an American industry and give it to any foreign nation, instead of getting the product cheaper we will get it at a higher price, because the foreign nation, having a monopoly, can then fix the price to suit itself.

I have made this little contribution to the discussion simply for the purpose of appealing to the majority to waive their contention as to the necessity of reducing the rates in the Payne-Aldrich bill, at least to the extent of permitting this industry to have a better chance for life than it will have if the present provision of the bill is adopted without amendment.

Mr. BRISTOW. Mr. President, as I listened to the presentation of this matter by the Senator from California, I understood that in his judgment the duty that now exists is necessary, but one of the reasons given for the maintenance of this duty, and one of the considerations that was presented to us, was the freight rate.

I am not willing to concede that we ought to regulate freight rates by tariff duties. I should prefer to vote for a protective duty on this product, eliminating the freight-rate consideration. It seems to me, from the presentation made, that if the freight rate is not considered, instead of 50 cents a gallon the duty ought to be about 40 cents a gallon in the one instance and 30 instead of 20 in the other. That is a duty for which I should like to vote.

I wanted to present this phase of the matter to the Senator, because in fixing protective duties I do not think we can undertake to cover the matter of transportation charges from one part of the country to another.

Mr. WORKS. Mr. President, the position taken by the Senator from Kansas is about as bad as that taken by the majority on the other side. It simply amounts to discriminating against the industries of California because she happens to be farther away from the great markets of the country. The test ought to be the cost of producing the article in the market. While the freight rates may be too high—and in that case, of course, they ought to be regulated in some other way—certainly it would be utterly unjust to permit that to stand as a kind of discrimination against the people of California, because they live at a distance from the markets and produce at a distance from the markets the things that come from that State.

Therefore I have no sympathy with the position taken by the Senator from Kansas with respect to the matter. Besides that, the discussion to which the Senator from Kansas refers, dealing with the question of freight rates, related particularly to lemons and not to olives or olive oil. I should not want the Senator to be misled by anything that might have been said with respect to that particular question.

Mr. BRISTOW. Mr. President, if the Senator will yield, I think I remember accurately that among the items in the literature sent to the desk to be read, and that were given in the argument, were the freight rates to Chicago and to New York and to points in Montana and Idaho.

Mr. WORKS. I have no doubt those items are all included in these figures; but it does not by any means follow from that fact that the rate I am contending for is not necessary in order to protect this industry independently of the freight rates. I am satisfied that it is.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from California [Mr. WORKS], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. COLT]. I will transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. THOMPSON (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON], who was compelled to leave the Chamber for a short time. If permitted to vote, I would vote "nay."

Mr. WILLIAMS (when his name was called). I wish to transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. TILLMAN] and vote "nay."

Mr. JOHNSTON of Alabama. I wish to make the same announcement for my colleague [Mr. BANKHEAD] that I made on the last vote.

Mr. JONES. I wish to announce the fact that the Senator from Michigan [Mr. TOWNSEND] has been called from the Chamber by official business. If he were present, he would vote "yea."

Mr. LEWIS. I beg to announce a pair for the remainder of the day between the senior Senator from Delaware [Mr. DU PONT] and the senior Senator from Texas [Mr. CULBERSON].

Mr. CHILTON. I make the same announcement of the transfer of my pair that I made on the former vote. I vote "nay."

Mr. LEA. I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. If at liberty to vote, I would vote "nay."

Mr. GALLINGER. I will ask if the junior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDENT pro tempore. He has not.

Mr. GALLINGER. I have a pair with that Senator, which I will transfer to the junior Senator from Maine [Mr. BURLEIGH]. I vote "yea."

Mr. SMOOT. I desire to announce that the Senator from Rhode Island [Mr. LIPPITT] has been called from the city this afternoon, and that if present he would vote "yea."

The result was announced—yeas 22, nays 44, as follows:

YEAS—22.

Bradley	Crawford	Page	Sutherland
Brady	Gallinger	Perkins	Warren
Brandegee	Jones	Poindexter	Weeks
Catron	Lodge	Sherman	Works
Clapp	Nelson	Smoot	
Clark, Wyo.	Oliver	Sterling	

NAYS—44.

Ashurst	Gronna	Martine, N. J.	Simmons
Bacon	Hollis	Norris	Smith, Ga.
Borah	Hughes	Overman	Smith, Md.
Bristow	James	Owen	Smith, S. C.
Bryan	Johnson, Me.	Pittman	Stone
Chamberlain	Johnston, Ala.	Pomerene	Swanson
Chilton	Kenyon	Ransdell	Thomas
Clarke, Ark.	Kern	Reed	Thornton
Cummins	La Follette	Saulsbury	Vardaman
Fletcher	Lewis	Sheppard	Walsh
Gore	Martin, Va.	Shively	Williams

NOT VOTING—30.

Bankhead	Goff	Myers	Smith, Ariz.
Burleigh	Hitchcock	Newlands	Smith, Mich.
Burton	Jackson	O'Gorman	Stephenson
Colt	Lane	Penrose	Thompson
Culberson	Lea	Robinson	Tillman
Dillingham	Lippitt	Root	Townsend
du Pont	McCumber	Shafroth	
Fall	McLean	Shields	

So Mr. WORKS's amendment was rejected.

Mr. BRISTOW. I move to amend this paragraph in line 18 by striking out "20" and inserting "30"; and in line 21 by striking out "30" and inserting "40."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Kansas.

Mr. BRISTOW. The present law imposes a duty of 40 cents per gallon in the first instance and this amendment of mine reduces that to 30 cents per gallon, 10 cents less than the present law and 10 cents more than is carried in this bill. The present law provides a duty in the second instance of 50 cents a gallon and the rate proposed is 30 cents. My amendment reduces the present law 10 cents and increases this proposed duty 10 cents. I ask that these two amendments be voted on together, and I ask also for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Kansas asks that the two amendments proposed by him shall be taken as a single proposition. Is there objection? The Chair hears none. The Senator from Kansas demands the yeas and nays on the adoption of the amendment offered by him.

The yeas and nays were ordered.

Mr. STONE. I desire to ask what the amendment is.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 11, line 18, in the item "olive oil, not specially provided for in this section," it is proposed to strike out "20" and insert "30," and in line 21, imported "in bottles, jars, kegs, tins," and so forth, to strike out "30" and insert "40."

Mr. STONE. I see. I supposed it had some reference to dextrine or cheap wool grease.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LEA (when his name was called). I transfer my general pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. SAULSBURY (when his name was called). I will transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the Senator from Tennessee [Mr. SHIELDS] and vote. I vote "nay."

Mr. STONE (when his name was called). I ask if the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. He has not.

Mr. STONE. I have a pair with that Senator and withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. THOMPSON (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON] and withhold my vote.

Mr. WARREN (when his name was called). I am paired with the Senator from Florida [Mr. FLETCHER]. I desire to make the announcement for the remainder of the day that I stand paired with that Senator.

Mr. WILLIAMS (when his name was called). Repeating my announcement upon the last roll call, I vote "nay."

The roll call was completed.

Mr. REED. I am paired with the senior Senator from Michigan [Mr. SMITH], and therefore withhold my vote. If he were present, I would vote "nay."

Mr. LEA (after having voted in the negative). The Senator from Oklahoma [Mr. OWEN], to whom I transferred my pair, has come into the Chamber and voted. Therefore I withdraw my vote.

Mr. CHILTON. I again announce my pair and its transfer and vote. I vote "nay."

Mr. JONES. I wish to announce the absence of the junior Senator from Michigan [Mr. TOWNSEND] on official business. If he were present, he would vote "yea."

The result was announced—yeas 26, nays 38, as follows:

YEAS—26.

Bradley	Cummins	Nelson	Smoot
Brady	Gallinger	Norris	Sterling
Brandegee	Gronna	Oliver	Sutherland
Bristow	Jones	Page	Weeks
Catron	Kenyon	Perkins	Works
Clapp	La Follette	Poindexter	
Crawford	Lodge	Sherman	

NAYS—38.

Ashurst	James	Owen	Smith, S. C.
Bacon	Johnson, Me.	Pittman	Swanson
Borah	Johnston, Ala.	Pomerene	Thomas
Bryan	Kern	Ransdell	Thornton
Chamberlain	Lane	Saulsbury	Tillman
Chilton	Lewis	Sheppard	Vardaman
Clarke, Ark.	Martin, Va.	Shively	Walsh
Gore	Martine, N. J.	Simmons	Williams
Hollis	O'Gorman	Smith, Ga.	
Hughes	Overman	Smith, Md.	

NOT VOTING—32.

Bankhead	Fall	McLean	Shields
Burleigh	Fletcher	Myers	Smith, Ariz.
Burton	Goff	Newlands	Smith, Mich.
Clark, Wyo.	Hitchcock	Penrose	Stephenson
Colt	Jackson	Reed	Stone
Culberson	Lea	Robinson	Thompson
Dillingham	Lippitt	Root	Townsend
du Pont	McCumber	Shafroth	Warren.

So Mr. BRISTOW's amendment was rejected.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary read the next paragraph, as follows:

47. Oils, distilled and essential: Orange and lemon, 10 per cent ad valorem; peppermint, 25 cents per pound; mace oil, 6 cents per pound; almond, bitter; amber; ambergris; anise or anise seed; bergamot; camomile; caraway; cassia; cinnamon, cedrat; citronella and lemongrass; civet; fennel; jasmine or jasimine; juniper; lavender, and aspic or spike lavender; limes; neroli or orange flower; origanum, red or white; rosemary or anthoss; attar of roses; thyme; and valerian; all the foregoing oils, and all fruit ethers, oils, and essences, and essential and distilled oils and all combinations of the same, not specially provided for in this section, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. SMOOT. I move to strike out, on page 11, line 24, the words "and lemon." I do that for the reason that lemon oil to-day is on the free list, paragraph 639. It has been there in every tariff act, I suppose, since there was a tariff act. It is the product used in many of the medicinal preparations.

Mr. WEEKS. Mr. President, in addition to the reason for making that motion which the Senator from Utah has just given, I wish to suggest that oil of lemon is largely used in manufacturing extract of lemon. In fact, 54 per cent of the cost of the extract of lemon is the oil of lemon, and adding the 10 per cent duty to something which has been on the free list will make the proportional part of the cost of the extract of lemon 59 per cent instead of 54, as it is now.

Outside of staple articles of food probably nothing is used in the average family any more generally than extract of lemon and extract of vanilla. It is sold in very small quantities, in ounce bottles. An ounce bottle of extract of lemon sells at 10 cents, and adding this cost would quite likely make the retail price 15 cents. Therefore, it would probably affect the average family as much as any similar item could. It is not produced in this country to any extent, and, therefore, it can not be claimed that it will add to the production of this country.

I think the motion made by the Senator from Utah should prevail.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Utah to strike out the words "and lemon" in line 24, on page 11.

The amendment was rejected.

Mr. SMOOT. I move to amend the bill on page 12, line 1, beginning with the words "mace oil," down to and including the word "valerian" in line 7.

Mr. President, all the oils mentioned in the bill from mace oil down to and including valerian oil are now on the free list and have been. They are not produced in this country and they should be upon the free list. I therefore move that those lines be stricken from the bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah.

Mr. JOHNSON of Maine. Mr. President, these distilled oils are most largely used in the manufacture of perfumery. The duty upon perfumeries has been increased in this bill from 50 to 60 per cent, and the small duty here placed upon the oils which are used in the preparation of those perfumeries is thought to be entirely justifiable as a revenue duty.

Mr. SMOOT. I merely want to call the Senator's attention to the statement he made that perfumery had been increased 10 per cent; that is, from 50 to 60 per cent. I call his attention to the fact that the present law says, "perfumery, including cologne and other toilet waters," and so forth, "if containing alcohol," 60 cents per pound and 50 per cent ad valorem. You have provided in this bill 40 cents per pound and 60 per cent ad valorem, which, of course, is not an increase from 50 to 60 per cent. The equivalent ad valorem of the present law is 72.8 per cent, while the equivalent ad valorem of this bill is 74.72 per cent.

Mr. JOHNSON of Maine. In each instance it is our understanding that the specific duty in the present bill was placed upon perfumeries to compensate for the tax paid upon alcohol used in their manufacture. We have been advised that 40 cents per pound is sufficient. So, while the duty in the Payne-Aldrich tariff was 60 cents per pound and 50 per cent ad valorem, we have made it 40 cents per pound and 60 per cent ad valorem. When I referred to an increase I referred to an increase in the ad valorem duty, the specific duty being laid in each instance to compensate for the alcohol used in the manufacture.

Mr. SMOOT. That statement, of course, as to the rate agrees with what I said, but as to the equivalent ad valorem I think the Senator will admit that it is 72.8 and 74.72. That is all there is of difference between the rates of the present law and the rates provided in this bill.

Mr. HUGHES. This is one of the commodities which falls in the class of commodities we discussed here the other day, and the same statement can be made with reference to it, namely, that here is a commodity highly protected for revenue purposes. Instead of making a severe reduction in the finished product the duty was laid on certain essential parts which are imported almost exclusively. So, even if a reduction were made upon the finished product, that reduction would go, we believe, to the consumer, and the tax laid upon the intermediate products which go into the manufacture of perfumery would go exclusively into the trade. Everybody, I think, understands that the House and the Senate committees have been trying in this connection to make the perfumery industry pay the rate of duty laid upon these products.

The PRESIDING OFFICER (Mr. KERN in the chair). The question is on the amendment of the Senator from Utah.

Mr. SHERMAN. Mr. President, I regret greatly being obliged to impose myself on the Senate again before this vote is taken.

This paragraph must be construed with paragraph 67, the paragraph on soaps. The essential oils mentioned in this paragraph are an indispensable adjunct to every soap manufacturer in the country. I am not informed at present whether the framers of this bill regard soap in the light of a luxury or a necessity, and so I will not undertake to precipitate that discussion in this body.

There are two classifications of soap in paragraph 67 with which these essential oils are connected—the perfumed, toilet, and medicinal soaps, and the other soaps not otherwise especially provided for. Of the list of ad valorem duties I do not care to say anything. The ad valorem duties are evidently imposed for revenue purposes.

Whatever incidental protection will follow from a revenue tariff it is not necessary to consider in the view I take of these two provisions. The latter portion of the paragraph relates to soaps not otherwise especially provided for. That includes all laundry or common soaps used in the kitchen by the housewife or by the laundry in cleaning ordinary garments.

The old rate, Mr. President, on the latter classification is 20 per cent. The new rate is 5 per cent ad valorem. The vice of those two paragraphs construed with each other is that which pervades this bill as I see it in a great many particulars. It taxes what is the raw material to the manufacturer and either greatly reduces or free-lists his finished product. That product goes upon the market and is a highly competitive article. It meets in the domestic market soaps of the kinds specified from at least three great foreign countries, all of them exporting to a considerable degree.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Jersey?

Mr. SHERMAN. Yes, sir.

Mr. HUGHES. I wish to call attention to the fact that the soap of which the Senator is speaking is the common, ordinary garden variety of soap, of which we are large exporters. Over $3,000,000 worth was exported last year. The rate of 5 per cent still left on that soap in my judgment will be sufficient for any tax that might have been paid on the small amount of essential oil that would enter into the soap. I do not care to enter into it further than that. I do not pretend to be an expert.

Mr. SHERMAN. That exportation is very largely, as suggested to me by Senators, to Cuba and Porto Rico and points of that kind.

Now, in response further to the suggestion made by the Senator from New Jersey, I wish to carry out very briefly the effect of these essential oils if the import duty is increased. There are practically none, from a marketable point of view, produced, or it is not produced in sufficient quantities to affect the soap manufacturers. Very largely the laboratories of foreign chemists or manufacturing chemists are to-day furnishing in the large manufacturing centers of this country these essential oils. In the city of Chicago, in Cincinnati, Ohio, in Cleveland, Ohio, in St. Louis, Mo., and other points—I need not enumerate them all—an examination of the output of the production shows that these essential oils are an element that the manufacturer must always take into account in placing his product upon the market.

Here is the way it works out. The essential oils which are free listed under the present law, under this bill bear various rates of duty of an ad valorem character. This increased cost in this instance is emphatically a tax. This importation of essential oils is not a competitive article. The laboratories of the United States do not send out into the general market enough of these essential oils to affect materially this production. These essential oils are not used altogether in the perfumed, castile, toilet, and medicinal soaps. They are used in the ordinary soaps, the soap of the plain people, if I may be permitted to use that expression; the soap that is compounded of animal fats, vegetable oils, and a certain percentage of alkaloids. In that combination if nothing was put in of these essential oils it would be unusable. If we could go back to the old soap-kettle days when our grandmothers made the soap, what we called the domestic soap, we would not use it nowadays. It is rather offensive. It is just as cleansing as the castile soap of commerce is to-day, or the perfumed soap that is in the boudoir of the highly-cultivated gentleman. There is not any difference in the cleansing property, but because of the offensive animal fats when combined with the alkaloids and the vegetable oils, if these essential oils are not placed in it to subdue or tone down the preparation it practically would find no buyers on the market, not even as to the commonest kinds of country soap in the kitchen.

Now, in order to put them in that form they use these essential oils which are imported. Here is the result: The duty on the essential oils used in common soap when that soap is put on the market will add on an average 5 cents to every box of soap. A box is of standard size, containing a given number of bars—two dozen. You will pardon me for going into these details as much as I do, but I think it is essential to do so.

Mr. LANE. I should like to ask a question of the Senator.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. SHERMAN. With great pleasure.

Mr. LANE. I should like to inquire of the Senator whether it is not a fact that where these essential oils are used in cheap soap they are not used for the purpose of disguising a compound which the people would not use if they knew of what it was composed? Are there not large quantities of old, rancid, and diseased fats used in those cheap oils which are deleterious and unhealthful and which ought not to be placed on the market under the name of soap, but which should be sold on their face for what they really are? Is there not one very enterprising gentleman, in fact, who is skimming the sewers of one of our cities and getting out animal fat, and, after disguising it by these essential oils, working it off on the people? It is a composition which the people ought not to be forced to use and which

ought not to be sold to them; not, at any rate, disguised as a preparation, if you please, pleasing to the nostrils.

Mr. SHERMAN. I think I can answer that very readily, and I believe correctly, by saying no.

Mr. LANE. Then I will say to the Senator that in the hospitals and in the practice of medicine we dare not use these cheap, inferior, and highly scented soaps in the treatment of disease, for the reason that they are unsafe; but we do use the simple vegetable-oil soaps. I think the Senator from New Hampshire [Mr. GALLINGER], a distinguished physician, will confirm my statement on that point. We use the mildest alkali in the way of soft soap, if you please, the old soft soap, such as was made a hundred years ago in Spain, for the reason that we are afraid of the preparations in which the essential oils are employed. If the only excuse that can be offered for leaving these articles on the free list is the one which has been set forth, I have but little confidence in it. If you would base the argument on some other use that can be made of such articles, I would have some respect for it; but I have little faith in those soaps; I carefully avoid them; I never allow them to come into my house; and, as a physician, for years I have warned my patients against using them. They are bad soaps.

Mr. LODGE. I was going to ask the Senator if the essential oils were not used generally in the manufacture of soaps. Do we have any soaps with no essential oil in them at all?

Mr. LANE. The best soaps for medicinal purposes must be free of oil.

Mr. LODGE. There must be no essential oil in them?

Mr. LANE. Not at all.

Mr. LODGE. There are a great many soaps that have no perfume at all.

Mr. LANE. Yes; those are the better soaps. If you go into the market to buy soap, let me, as a friend, advise you to steer clear of the highly scented soaps, and get those that have not been doctored up with essential oils. You will come nearer knowing what you purchase, and you will come nearer getting a better article. Any soap manufacturer will tell you that you can cover up an awful mess in soap with a few drops of essential oil. Steer clear of such soap.

Mr. SHERMAN. If the Senator had followed correctly the classification of soaps made in the paragraph, he would not have found it necessary to ask me the question. As to the perfumed and the scented soaps, I make no comments at present. My remarks were confined entirely to the unscented soaps or the common soaps embraced in the general basket clause not otherwise specially provided for. These are the laundry soaps used about the kitchen by the average housewife. They have no perfumery to them that is susceptible of being known to the senses when the soap is used; they are not scented soaps any more than the average type of soap, if I may take some common type like Ivory soap or the soap manufactured by the Babbitts or Fairbanks. The common soaps are unscented, and the oils in them reduce the offensive animal odor of the animal fat contained in the compound. They are not put there for scenting a soap or for perfumery, and do not bring that soap within the classification of those subject to an ad valorem duty.

Now, to return to the original point that I briefly wish to make, I will say that the addition of these duties to the essential oils used in the manufacture of common soap will add to the price by 5 cents per box of two dozen in a box. Soap is wholesaled at a very close margin. I suppose the department in which I once served has bought in the last five years a great deal of soap. We buy on bids and on chemical analysis of the samples submitted or taken at random from the boxes. These bids indicate a very great competition from every part of the country. There is no combination among the soap manufacturers, but every factory is an independent plant and an independent competitor on the market with his fellows.

The bids that are submitted with a 5-cent margin added by the cost of these essential oils that go into the manufacture determine the purchase on the market. Five cents on a box will sell the goods; and if the advantage is given to the foreign manufacturer importing on a reduction from 20 per cent to 5 per cent ad valorem, with these essential oils made dutiable where before they were free listed, the market will not only have to readjust itself for the domestic producer, but it will give such an unfair advantage to the foreign importer into this country that we do not think it will be at all fair to the domestic producer. The result will be that he will lose by that 5 per cent margin, and it is estimated that the result will be the loss of the market, that the output will be lessened, and that the importations from abroad will supplant the domestic product.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah to strike out the parts of paragraph 47 which have been stated.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 49, page 13, in line 16, after the word "foregoing," to strike out "wholly or partly manufactured," so as to make the paragraph read:

49. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifices, including tooth soaps, pastes, including theatrical grease paints, and pastes, pomades, powders, and other toilet preparations, all the foregoing, if containing alcohol, 40 cents per pound and 60 per cent ad valorem; if not containing alcohol, 60 per cent ad valorem; floral or flower waters containing no alcohol, not specially provided for in this section, 20 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of paragraph 50, on page 13, which is as follows:

50. Ambergris, enfleurage greases and floral essences by whatever method obtained; flavoring extracts, musk, grained or in pods, civet, and all natural or synthetic odoriferous or aromatic substances, preparations, and mixtures used in the manufacture of, but not marketable as, perfumes or cosmetics; all the foregoing not containing alcohol and not specially provided for in this section, 20 per cent ad valorem.

Mr. SMOOT. Mr. President, I move to strike out paragraph 50, which has just been read. Ambergris is on the free list now under paragraph 489 of the existing law. "Enfleurage greases and floral essences by whatever method obtained" are at present upon the free list under paragraph 639. Civet is free under paragraph 533 of the present law. I therefore move to strike out paragraph 50.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah to strike out paragraph 50.

The amendment was rejected.

The reading of the bill was resumed and continued to the end of paragraph 52, on page 13, which is as follows:

52. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 15 per cent ad valorem; manufactured, 20 per cent ad valorem; blanc-fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, 20 per cent ad valorem.

Mr. SMOOT. Mr. President, I will ask the Senator in charge of this schedule of the bill to allow that paragraph to be passed over. I think the Senator from Rhode Island [Mr. LIPPITT] has also spoken to the Senator in relation to it.

Mr. JOHNSON of Maine. He has done so.

Mr. SMOOT. The Senator from Rhode Island was called from the city this afternoon, but will be here on Tuesday morning. He has told me that then he will be ready to take up this paragraph.

Mr. JOHNSON of Maine. The Senator from Utah is correct. The Senator from Rhode Island desired to be heard on that paragraph. I have no objection to its being passed over.

The PRESIDING OFFICER. Without objection, paragraph 52 will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 53, page 14, line 16, after the word "ultramarine," to insert "valued at 7 cents or less per pound, 1 cent per pound; valued over 7 cents per pound," so as to make the paragraph read:

53. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, 20 per cent ad valorem; ultramarine blue, whether dry, in pulp, or ground in or mixed with oil or water, and wash blue containing ultramarine, valued at 7 cents or less per pound, 1 cent per pound, valued over 7 cents per pound, 15 per cent ad valorem.

54. Black pigments, made from bone, ivory, or vegetable substance, by whatever name known, gas black and lampblack, dry or ground in or mixed with oil or water, 15 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of paragraph 58.

Mr. SMOOT. Mr. President, I should like to ask that paragraphs 57 and 58 be passed over until we reach the lead paragraph, and after we have taken action on that paragraph we can return to and vote upon the two paragraphs I have indicated.

Mr. JOHNSON of Maine. I have no objection, Mr. President.

The PRESIDING OFFICER. In the absence of objection, paragraphs 57 and 58 will be passed over.

The reading of the bill was resumed and continued to the end of paragraph 61, which is as follows:

61. Whiting and Paris white, dry, and chalk, ground or bolted ¼ cent per pound; whiting and Paris white, ground in oil, or putty, 15 per cent ad valorem.

Mr. LODGE. Mr. President, I desire to say in regard to that reduction, which is a very severe one, indeed, that the whiting and Paris white industry is conducted on a very narrow margin. We have to import all the raw material, which is chalk, and, although that is on the free list, the freight they have to pay puts our manufacturers, of course, at an inevitable disadvantage in their raw material, as compared with the manufacturers of France and England, where the chalk is found. The cost of getting the chalk is from $3 to $4.25. The labor is all able-bodied men, and the pay is from $1.65 to $3 a day, while the labor cost abroad is from $1 to $1.50 per ton less. The margin of profit is close, and the freight rates very largely determine the market. It is very difficult for the industry to live, even at the present rate, and the duty has been cut from one-fourth of a cent to one-tenth of a cent, which is a very heavy cut.

I know that it is useless to offer amendments, and I have no desire to detain the Senate, but I wish to make this protest against the reduction. I should also like permission to file, without reading, some statistical statements with regard to the industry. I ask that the statement I send to the desk may be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

"Whiting" and "Paris white" are commercial terms, and refer to articles of merchandise produced principally from crude chalk, an insignificant amount only being made from English cliff stone.

H. R. 3321 provides for one-tenth of 1 cent per pound. If this became operative, it would, in our opinion, close out the manufacture of whiting and Paris white in this country.

Raw material: There are no deposits in this country.

It is all imported in the crude state, coming in free of duty. A ton of chalk will not make a ton of whiting. It requires about 2,800 pounds of the crude material to make 2,000 pounds of whiting or Paris white. *The freight and handling charges on this 800 pounds of waste reduces by so much the duty protection.*

Cost of raw material: To the European manufacturer, whose mills are located at the chalk quarry, the cost of sufficient chalk to make a ton of whiting or Paris white does not exceed 50 cents. To the American manufacturer the cost is $3.75 to $4.25.

Consumption: In this country, from 100,000 to 125,000 tons per annum.

Wages: The amount of wages paid out on account of this industry is about $500,000 per annum. *If all* the whiting and Paris white consumed in this country was imported under the proposed rate of one-tenth of 1 cent per pound, the Government would receive less than one-half now paid out in wages, the industry would be wiped out, and the labor seek other employment. The labor is all able-bodied men. No women or children employed in whiting mills. Labor constitutes a large portion of the cost of whiting and Paris white. Wages in New England mills is from $1.65 to $3 per day. To make a ton of whiting and Paris white we estimate the European labor cost from $1 to $1.50 per ton less than the American labor cost, so that in the raw material and labor the European manufacturer has an advantage of $4.75 to $5.50 per ton. It is only by superior methods of manufacturing that the American whiting manufacturer is able at the present time, with one-fourth of 1 cent a pound protection, to hold the business.

Margin of profit to American manufacturer: Small; so close, in fact, is the margin of profit that the freight rates largely determine the market in which the consumer places his orders. There is no trust or combination in the business. The sharp competition among manufacturers is and always has been ample for protection to the American consumer.

Careful investigation will verify these statements and we feel confident show that any reduction from the present tariff rate of one-fourth of 1 cent per pound is certain to seriously disturb and, if the rate proposed is maintained, probably wipe out the industry in this country.

Yours, respectfully, STICKNEY, TIBBELL CO.,
Boston, Mass.

DECEMBER 12, 1912.

Mr. BRANDEGEE. Mr. President, let me ask the Senator who has this portion of the bill in charge whether shellacs come under paragraph 59, which was read a few moments ago? Are shellacs included under the term "varnishes"?

Mr. JOHNSON of Maine. No; they are not.

Mr. BRANDEGEE. In what paragraph of the bill are shellacs found?

Mr. JOHNSON of Maine. I think they are found under the term "lac."

Mr. BRANDEGEE. I attempted to find shellacs, Mr. President, but they are not indexed under the term "shellac," and I was told that they came under the head of "varnishes." I have looked through the varnish provision, but, so far as I have been able to ascertain, shellac is not mentioned in terms.

Mr. JOHNSON of Maine. I think the Senator will find shellac in paragraph 530.

Mr. BRANDEGEE. Would that be on the free list?

Mr. JOHNSON of Maine. I am quite sure it is on the free list. It is found in paragraph 530, which reads:

530. Lac dye, crude, seed, button, stick, and shell.

Mr. BRANDEGEE. But does the word "lac" mean shellac?

Mr. JOHNSON of Maine. We were informed that paragraph 530 covered shellac.

Mr. BRANDEGEE. I was in some confusion about it. I looked up the word "lac" and the word "shellac" in the dictionary and found definitions for both of those words, but I was not able to tell which paragraph of the bill covered them. I do not desire to interrupt the regular procedure, however, at this time.

Mr. JOHNSON of Maine. We were informed that shellac came under the paragraph to which I have referred. I will ask the chemical expert if that is correct.

Mr. BRANDEGEE. If the Senator is sure that shellac is on the free list, I will not interrupt the proceedings at this time.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, at the top of page 16, to strike out:

62. Zinc, oxide of, and white sulphid of, lithopone, and pigments containing zinc but not containing more than 3 per cent of lead, ground dry, 10 per cent ad valorem; when ground in or mixed with oil or water, 15 per cent ad valorem.

And in lieu thereof to insert:

62. Zinc, oxide of, and pigments containing zinc but not containing more than 5 per cent of lead, ground dry, 10 per cent ad valorem; when ground in or mixed with oil or water, lithopone and white sulphide of zinc, 15 per cent ad valorem.

Mr. LODGE. Mr. President, in regard to lithopone, which is a comparatively new compound developed of late years, I understand that it is a nonpoisonous white pigment which is gradually taking the place, to a large extent, of white lead. It is very desirable, of course, to have a nonpoisonous pigment. White lead, I think, bears a duty——

Mr. JOHNSON of Maine. I will say to the Senator from Massachusetts that white lead is found in paragraph 57.

Mr. LODGE. I will inquire what is the equivalent ad valorem on white lead?

Mr. JOHNSON of Maine. It is 25 per cent ad valorem.

Mr. LODGE. That is what I thought. The duty on lithopone, which, as I have said, is a nonpoisonous pigment which has been developed of late years, is cut to 15 per cent, while the duty on white lead is left at 25 per cent. I merely make this suggestion, and desire to put into the RECORD the statement I have in regard to it. I will not delay the Senate by offering any amendment, but the reduction of duty seems to me a mistake, and I should be glad if the committee would look into the matter, because they have raised lithopone from 10 per cent, as proposed by the House, to 15 per cent, and I think it ought to be raised more. I ask that the statement which I send to the desk may be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The statement referred to is as follows:

APRIL 24, 1913.

We are manufacturers of lithopone, classed in the tariff bill as sulphide of zinc.

H. R. 10 reduces the tariff on this article from about 50 per cent, in the shape of specific duty, to 10 per cent ad valorem, a cut of 80 per cent in the tariff on this article.

We are confident that this exceptionally drastic reduction is due to misunderstanding and confusion of this product with other zinc pigments, particularly zinc oxide, with which it is grouped in H. R. 10.

The manufacture of zinc oxide is well established in this country, and we are inclined to believe that a reduction in duty to 10 per cent ad valorem would have no injurious effect on that industry, as zinc oxide has for some years been largely exported from this country to Europe, and is, we believe, more cheaply produced in this country than anywhere else in the world. This is on account of the superior nature for this purpose of the special zinc ore (found in quantity only in this country) from which the zinc oxide is made direct at minimum cost.

Lithopone, on the other hand, is the result of elaborate chemical processes, the raw materials having to be brought into solution and after purification mixed in suitable proportions to form the basis of lithopone. The process is complicated in character and costly in labor. In its manufacture we use a crude barium sulphate which is imported from Germany in tonnage approximately equal to the tonnage of lithopone produced. We beg to call to your attention that H. R. 10 provides a duty of 15 per cent on this raw material, while reducing the duty on the finished product to 10 per cent ad valorem.

Our other principal raw material is zinc or spelter, and the duty on this it is proposed to reduce from 1 cent per pound to an ad valorem equal to about one-half of 1 cent per pound under H. R. 10, a much smaller reduction in duty than is proposed for lithopone.

We now have invested in this industry large sums of money. The business and the use of lithopone in this country is increasing rapidly, and as a nonpoisonous white pigment is tending to take the place, to a large extent, of white lead. In H. R. 10 white lead, our principal competitive pigment, is accorded protective duty of 25 per cent, while the duty on lithopone is cut to 15 per cent.

We believe that if the industry in this country is not now crippled by too drastic a cut in the tariff we will eventually be able to meet the German manufacturer on an even basis, but we feel that the cut proposed by H. R. 10 is unreasonably severe, and must, as we have said, be due to confusion of this product with zinc white, technically known as zinc oxide. We submit the following data, which is taken from official handbook, showing the heavy and rapid increase in importation of German lithopone into this country at the rate of duty imposed by

the present and preceding tariff, and which we submit as a convincing argument that the excessive cut of 80 per cent in duty proposed by H. R. 10 is unjust and unnecessary:

Zinc, sulphide of, white, or white sulphide of.

IMPORTS.

Item.	Dingley tariff.		Payne tariff.	Estimates for a 12-month period under H. R. 10.
	1909	1910	1912	
Quantity.....pounds..	1,180,511	2,307,699	6,325,072	7,000,000
Value.....	$30,997	$68,925	$157,921	$180,000
Average unit.....	$0.026	$0.029	$0.025	$0.026
Duties.....	$14,869	$28,846	$79,063	$18,000
Equivalent ad valorem.....per cent..	47.98	41.85	50.07	15.00

Yours, very truly,

THE BECKTON CHEMICAL CO.,
———— ————, *President.*

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 64, on page 16, line 13, after the word "or," to strike out "fusians" and insert "fusains"; so as to make the paragraph read:

64. Enamel paints, and all paints, colors, pigments, stains, crayons, including charcoal crayons or fusains, smalts, and frostings, and all ceramic and glass fluxes, glazes, enamels, and colors, whether crude, dry, mixed, or ground with water or oil or with solutions other than oil, not specially provided for in this section, 15 per cent ad valorem; all paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 20 per cent ad valorem; all color lakes, whether dry or in pulp, not specially provided for in this section, 20 per cent ad valorem.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Maine on what theory the duty on enamel paints and all paints, colors, pigments, and so forth, has been cut from 30 per cent ad valorem, as provided in the present law, to 15 per cent ad valorem, while at the same time the duty on coal-tar dyes, from which paints are made, has been left at 30 per cent ad valorem, which is the rate of the present law? There is no change whatever in the duty on coal-tar colors, but the articles made from the coal-tar colors, enamel paints, and paints, colors, pigments, and so forth, are cut in two, from 30 per cent to 15 per cent.

Mr. JOHNSON of Maine. Mr. President, nearly all the materials that enter into the manufacture of paints have been cut very heavily in the bill. The duty on linseed oil has been largely reduced, and the same is true as to nearly all the pigments and other materials used in the manufacture of paint. The paint trade is a well-established one in this country, and has large exports.

I find from the statistics that in 1912, of varnishes we exported $1,118,000 worth; of other paints and pigments, $3,864,000 worth; of gas black, carbon, and lampblack, $907,623 worth; and of zinc oxide, $1,182,000 worth. In view of these large exports, and the fact that we have reduced the duty upon the materials which enter into the manufacture of paints, the reduction from 30 per cent to 15 per cent seemed wise.

Mr. SMOOT. The Senator has not answered my question. I asked him in relation to the coal-tar colors. The duty on coal-tar colors is left at 30 per cent, just as under the present law; and yet they enter into the manufacture of paints, the duty on which is cut 50 per cent. I ask the Senator why the rate of 30 per cent is left on coal-tar dyes?

Mr. JOHNSON of Maine. I will ask the Senator to what extent coal-tar colors enter into the manufacture of paints?

Mr. SMOOT. I do not know exactly the percentage, but the Senator knows that they do enter into the manufacture of paints.

Mr. JOHNSON of Maine. Are they not a small part of the material required in the manufacture of paints?

Mr. SMOOT. They certainly are not the largest part, I am quite sure; but what I was trying to get at was why a 30 per cent duty is left on coal-tar dyes, as the present law provides?

Mr. JOHNSON of Maine. The coal-tar dyes we have already passed, I think, back in paragraph 21.

Mr. SMOOT. That is true.

Mr. JOHNSON of Maine. I have not supposed they were used to a very large extent in the manufacture of paints or varnishes. They are largely used as dyes, and we have placed upon the free list quite a large number of the coal-tar dyes used in the textile industries.

Mr. SMOOT. Does the Senator say coal-tar dyes are placed upon the free list?

Mr. JOHNSON of Maine. Some of them.

Mr. SMOOT. Simply alizarin.

Mr. JOHNSON of Maine. And carbazol and the derivatives of carbazol.

Mr. SMOOT. Those are the derivatives; that is all. I believe, though, I gave notice that I would refer back to paragraph 21, in which coal-tar colors are included. Therefore at this moment I shall not take the time of the Senate further.

Mr. HUGHES. Mr. President, is it not true that the lake colors carry a rate of duty, not of 30 per cent, but of 20 per cent?

Mr. SMOOT. No; all lake colors to-day carry a duty of 30 per cent.

Mr. HUGHES. I think the Senator will find he is mistaken about that.

Mr. SMOOT. I think the Senator will find it in paragraph 56 of the present law.

Mr. HUGHES. I mean the proposed law.

Mr. SMOOT. Oh, yes; under the proposed law all lake colors carry a duty of 20 per cent.

Mr. HUGHES. Not 30 per cent?

Mr. SMOOT. No; I said 30 per cent under the present law, not the proposed law.

Mr. HUGHES. I misunderstood the Senator.

Mr. SMOOT. Under the present law all lake colors, as the Senator knows, carry a duty of 20 per cent, just the same as do all enamel paints, other paints, colors, and pigments. Under paragraph 56 of the present law they carry a rate of 30 per cent.

The reading of the bill was resumed, beginning with line 23, page 16.

The next amendment of the Committee on Finance was, in paragraph 65, page 16, line 25, to strike out the words "cyanide of, 1½ cents per pound," so as to make the paragraph read:

65. Potash: Bicarbonate of, refined, ½ cent per pound; chlorate of, chromate and bichromate of, 1 cent per pound; nitrate of, or saltpeter, refined, $7 per ton; permanganate of, 1 cent per pound; prussiate of, red, 2 cents per pound; yellow, 1½ cents per pound.

The amendment was agreed to.

The next amendment was, in paragraph 66, page 17, line 4, after the word "silver," to strike out "and" and insert "or," so as to make the paragraph read:

66. Salts and all other compounds and mixtures of which bismuth, gold, platinum, rhodium, silver, or tin constitute the element of chief value, 10 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMOOT. This paragraph, as amended, uses the words "silver or tin constitute the element of chief value." Of course, in referring to tin, that means lac spirits; and lac spirits to-day are upon the free list. Did the Senator intend to take lac spirits from the free list and put them in paragraph 66? Was that the intention?

Mr. JOHNSON of Maine. I will say that I had not had my attention called to the matter of lac spirits.

Mr. SMOOT. It is not specifically stated as lac spirits. The language here is:

Salts and all other compounds and mixtures of which bismuth, gold, platinum, rhodium, silver, or tin constitute the element of chief value.

In other words, if the salts are from tin, they are lac spirits; and to-day lac spirits are on the free list, under paragraph 606.

Mr. JOHNSON of Maine. The committee is informed that lac spirits are tin tetrachloride. Is that what the Senator refers to?

Mr. SMOOT. I say the salts of tin.

Mr. JOHNSON of Maine. They would be included under this language.

Mr. SMOOT. If they are included, they would come in under this rate, and that would take them from the free list under paragraph 606 to-day and put them here with a duty of 10 per cent ad valorem. I ask the Senator if that was the intention of the committee? If not, the Senator should strike out the words "or tin," and let the word "salts" apply only to silver and the other metals named.

Mr. JOHNSON of Maine. I will say that it was the intention of the committee to include tetrachloride of tin here, and that is what the Senator alludes to as lac spirits. They are made taxable here at 10 per cent.

Mr. SMOOT. It was the intention of the committee to take lac spirits from the free list, and impose a duty upon them?

Mr. JOHNSON of Maine. It was.

Mr. SMOOT. Was that for revenue purposes?

Mr. JOHNSON of Maine. It was for revenue purposes, and to class them with the other salts and compounds that are given here.

Mr. SMOOT. Mr. President, of course if it is the intention of the committee to put lac spirits in here for revenue purposes, well and good, but I could not find anything in the free list specifically mentioning lac spirits, and to-day they are on the free list under paragraph 606. Of course, knowing that the salts of tin were lac spirits, I wondered whether this language was put in here intentionally or whether it was just a mistake. But the Senator has said it was intentional, and therefore I will not offer an amendment, because I know it would do no good.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of paragraph 67, page 17, as follows:

67. Soaps: Perfumed toilet soaps, 40 per cent ad valorem; medicinal soaps, 30 per cent ad valorem; castile soap, and unperfumed toilet soap, 10 per cent ad valorem; all other soaps not specially provided for in this section, 5 per cent ad valorem.

Mr. LODGE. Mr. President, that cut in the duty on all soaps not specially provided for is very heavy, indeed. It is heavier, I think, than the others. I know it is entirely useless to offer any amendment and I do not care to take the time to discuss the matter, but I shall ask leave to print with what I have said a letter on the subject from a constituent of mine. I desire to have it accompany this statement.

Mr. BURTON. I should like to know to what it relates.

Mr. LODGE. Soaps not specially provided for in this section, which are made dutiable at 5 per cent ad valorem.

Mr. BURTON. What is the difference between that and the present duty?

Mr. LODGE. The present duty is 20 per cent.

The PRESIDING OFFICER. If there is no objection to the request of the Senator from Massachusetts, the matter referred to will be printed in the RECORD. The Chair hears none.

The matter referred to is as follows:

LYNN, MASS., *May 20, 1913.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: We beg to take the liberty of writing you personally at this time relative to the proposed change in duty on common soap, which has been reduced to 5 per cent ad valorem in House bill 3321, while a duty of 20 per cent ad valorem has been imposed on essential oils used in the manufacture of this commodity, thereby increasing the cost of manufacture and reducing the protection on the manufactured product.

It would be extremely difficult to determine to what extent the soap industry would be affected by such a drastic act in the tariff, but it seems entirely reasonable that the change in rate should be more gradual.

Unlike other industries, the soap business is largely composed of many concerns of moderate capital and output, and as the matter of volume enters into the cost of production to a very considerable extent, it would be absolutely impossible for any but the very largest manufacturers to compete with the enormous plants in England.

Of late years the supply of raw materials in this country available for soap making have been so deficient that it has been necessary to depend upon foreign markets at greatly increased prices, whereas on account of severe competition the consumer to-day receives greater value for the same or less money than at any time in the history of the business.

This has been made possible only by the application of the strictest economy in every detail, and the margin of profit to-day is so small the average American manufacturer could not possibly compete with the foreign-made goods unless protected by a reasonable rate of duty.

We hope you will use your efforts to prevent a change in the present tariff covering on common soaps, and taking this opportunity to thank you in anticipation of your courtesy, we remain,

Respectfully, yours,

THE GEO. E. MARSH CO.,
JAMES M. MARSH, *President.*

WASHINGTON, D. C., *May 22, 1913.*

To the Chairman and Members Subcommittee Committee on Finance, United States Senate, Washington, D. C.

GENTLEMEN: This statement is submitted on behalf of the laundry-soap manufacturers of the United States, representing over 75 per cent of the production of common laundry soap.

On January 6 last a statement on behalf of the common laundry-soap industry was submitted to the Committee on Ways and Means of the House, in which, on behalf of this trade, with reference to the duty on common soap, it was stated:

"No change in this item is requested or desired by the laundry-soap manufacturers. They do not, however, object to the reduction to 15 per cent ad valorem, as was proposed in House bill 20182, provided the raw materials used by them are allowed to remain on the free list and are not taxed, as was proposed in House bill 20182."

The passage of House bill 3321 prompts a further presentation of these views, and a renewal of the petition of the common laundry soap manufacturers in respect of the duty on common soap (par. 67) and in respect of the duty imposed on essential oils (par. 47). The present duty on common soap is 20 per cent ad valorem; and instead of a reduction to 15 per cent ad valorem, as was proposed in House bill 20182, the duty has been reduced to 5 per cent ad valorem in House bill 3321, while a duty of 20 per cent ad valorem has been imposed on essential oils used in the manufacture of common soap, thereby increasing the cost of manufacture, and reducing the duty on the manufactured article.

COMMON LAUNDRY SOAP.

(Paragraph 67.)

There is no soap trust. There is no combination of soap manufacturers.

There is keen competition in all sections of the country. This competition compels each manufacturer to give the largest possible cake, or the best possible quality, or the lowest possible price, or all of these; otherwise this volume of business can not be increased or even maintained. The prices to the consumers of the common laundry soaps we are discussing run between 2½ cents and 5 cents per cake or bar.

While there have been large and almost universal advances in the cost of other essentials of life, the retail price of laundry soap has shown no substantial change during a long period of years.

The number of soap factories in the United States, according to the United States census, is 436, scattered through 38 States in numbers varying from 1 to 67.

Character of establishments (out of 436).

Individual ownership	146
Firms	108
Corporations	182

Invested capital.

Less than $5,000	101
$5,000 but less than $20,000	103
$20,000 but less than $100,000	140
$100,000 but less than $1,000,000	79
$1,000,000 and over	13

While the largest and strongest of these institutions may successfully compete with foreign manufacturers with the very slight duty of 5 per cent ad valorem, it is respectfully submitted that a large proportion of the common-soap manufacturers of this country, as shown by the preceding table of capital invested, are of comparatively moderate financial strength, and that they would find it extremely difficult to meet the foreign competition which would be invited by the proposed radical reduction of 75 per cent from the present duty.

The cost of soap is so largely determined by volume of output that the lowest competitive basis can only be realized by manufacturers operating on a very large scale. Some of the largest and wealthiest manufacturers of common soap in the world are located in England, and the proposed reduction is so radical that there is danger that they will rapidly appropriate the markets of our smaller soap manufacturers, especially those near the seaboard.

THE PROPOSED REDUCTION EXCESSIVE.

The reduction proposed—that is to say, from 20 per cent to 5 per cent ad valorem—is equivalent to 45 cents on a $3 box of soap and 60 cents on a $4 box of soap. A duty of 5 per cent would only represent 15 cents on a $3 box of soap or 20 cents on a $4 box of soap as against the present duty of 60 cents on a $3 box and 80 cents on a $4 box.

This statement shows the extremely radical cut in the duty; the proposed reduction upon common soap is greater than that proposed upon any other article in Schedule A with the exception of borax, which is produced almost exclusively in the United States.

A large part of the raw materials used in the manufacture of soap—expressed vegetable oils and essential oils—are to-day purchased through European markets.

With the decrease in the supply of animal fats in this country available for soap-making purposes, the tendency is to constantly use more and more of imported vegetable oils. Most of these oils pass through European markets and are largely controlled thereby. In view of these conditions the proposed duty of 5 per cent, equal to 15 or 20 cents a box, is not sufficient to insure to the American producer equality with his foreign competitor, but will give the European manufacturer an advantage. England and Germany have at present an advantage over the United States in the cost of labor, of alkalies, and of the vegetable oils, which are imported through the European markets.

The proposed duty would adversely affect our trade with our insular possessions. Before the acquisition by the United States of Porto Rico, Hawaii and the Philippines, and Panama the entire soap markets of these countries were practically in the hands of foreign manufacturers. Since the acquisition of these possessions the United States tariff has enabled the American manufacturer to obtain an increasing trade, which will be checked and probably lost under the proposed duty.

The following table shows the shipments of common soap from the United States into Porto Rico:

1906	$230,107
1907	257,198
1908	348,733
1909	392,970
1910	410,765
1911	502,610
1912	555,192

The shipments from the United States to the Philippines were:

1906	$11,810
1907	6,806
1908	21,900
1909	22,917
1910	28,423
1911	41,244
1912	90,952

The shipments from the United States to Hawaii were:

1906	$70,628
1907	93,759
1908	124,273
1909	96,514
1910	117,950
1911	127,235
1912	161,490

The shipments from the United States to Panama were:

1906	$82,659
1907	102,688
1908	136,466
1909	141,814
1910	123,903
1911	139,611
1912	149,295

The American soap manufacturer knows by experience that English and Spanish soaps will immediately invade the Porto Rican market should the duty be reduced to the extent proposed. The Philippine market will in all probability also be lost by us to English, Spanish, and Japanese manufacturers.

AMERICAN EXPORTS OF SOAP DO NOT WARRANT THE RADICAL REDUCTION PROPOSED.

The Government figures relative to the total exports of common soap are misleading, unless carefully analyzed. The total exports in 1912, for example, in pounds, 57,855,457, and in dollars, $2,695,991, include the exports to Panama and the Philippines and also include a very large quantity of saponified cottonseed oil "foots," shipped in barrels, which is used in fulling mills and for other textile purposes, for which it is peculiarly adapted. These figures are not a correct index of the exportations of common laundry soap manufactured by your petitioners.

The exports of all soaps, excepting toilet or fancy soaps, from 1907 to 1912, inclusive, are as follows:

	Total, including Panama and Philippines.	Total, excluding Panama and Philippines (net foreign).	Panama, Philippines, Porto Rico, and Hawaii.
1907	$2,661,218	$2,551,723	$340,957
1908	2,165,267	2,006,841	631,432
1909	2,341,708	2,176,977	654,215
1910	2,140,676	1,988,350	681,041
1911	2,305,010	2,124,155	810,700
1912	2,695,991	2,449,744	962,929

It will be noted that the total exports of common soap (including "foots" soap) during the last six years have remained nearly stationary, while the exports to our insular possessions have steadily increased.

Notwithstanding constant efforts to build up an export business, American soap makers have met with almost entire failure, and it certainly will not help them to tax their imported raw materials and throw open their home market to foreign competition.

We renew our appeal not to make so radical a reduction in the duty on common soap, again calling attention to the fact that the industry in this country is a highly individualized business in which there is the keenest competition. The price at which common laundry soap is sold has not contributed to the high cost of living, since with the general increase of prices in other commodities in this country the price of common laundry soap has remained practically unchanged.

ESSENTIAL OILS.

(Paragraph 47.)

The essential oils used in the manufacture of common laundry soap are now and always have been upon the free list. It is proposed in H. R. 3321 to impose a duty of 20 per cent ad valorem upon these oils. A distinction should be made between the high-priced, more delicate perfumes used by the perfumers and the low-priced oils used in the manufacture of common laundry soap, namely, citronella, rosemary or anthoss, cassia, caraway, aspic or spike lavender, thyme, lemon grass, lavender, sassafras, oil of camphor, myrbane, and oil of cedar wood.

The oils in this list are practically used exclusively in the manufacture of common laundry soaps and are properly classed among the raw materials of the common laundry-soap industry. It is respectfully urged that an exception therefore be made as to the essential oils named, and that they be retained upon the free list. They are largely used in the manufacture of common laundry soap to counteract the natural odor of the soap, and for this reason have doubtless heretofore been included in the free list in preceding laws. They are necessary ingredients of common soaps and should not be taxed as luxuries.

The laundry-soap industry has not objected to a reduction of duty upon common soap, provided such reduction was not unreasonable in view of trade conditions, but to couple an excessive reduction of the duty on the manufactured article with a duty upon the essential oils used in the manufacture of soap is imposing a double burden upon the industry.

From a careful consideration of trade conditions it is evident that the proposed reduction from 20 per cent to 5 per cent ad valorem upon common soap is too radical.

It is respectfully submitted that the duty on common soap should not be reduced below 10 per cent ad valorem and that the essential oils used by the makers of common soap should remain on the free list.

We therefore petition that the following amendments be made in H. R. 3321:

1. Amend paragraph 67, line 17, by striking out the figure "5" and substituting therefor the figure "10."

2. Amend paragraph 47 by striking out, in line 14, the words "caraway; cassia; citronella and lemon-"; and, in line 15, the words "grass," "lav-"; in line 16, the words "ender, and aspic or spike lavender"; in line 17, the words "rosemary or"; in line 18, the words "anthoss; thyme"; and by inserting in the free list, in paragraph 566, at the end thereof, the following: "citronella, rosemary or anthoss, cassia, caraway, aspic, spike lavender, thyme, lemon grass, lavender, sassafras, oil of camphor, myrbane, and oil of cedar wood."

Respectfully submitted.

H. W. BROWN, OF THE PROCTER & GAMBLE CO., *Chairman*,
W. H. WADHAMS, OF B. T. BABBITT, *Secretary*,
F. H. BRENNAN, OF THE N. K. FAIRBANK CO.,
L. H. WALTKE, OF WM. WALTKE & CO.,
Committee of National Conference of Laundry Soap Manufacturers.

Mr. SMOOT. Is the Senator quite sure that the use of the word "perfumed," the first word in the paragraph, and the word "unperfumed," in line 8 of the paragraph, will not make all perfumed soaps dutiable at 10 per cent?

Mr. JOHNSON of Maine. In reply to the Senator's question, I will say that I did not think of that. I thought it might be extremely difficult to find any soaps that were not perfumed soaps, and it might be hard to find soaps that would fall under the second classification.

Mr. SMOOT. The Senator knows that that matter was decided in the Pears' Soap case.

Mr. JOHNSON of Maine. My attention was called to that case, and the decision distinguishing perfumed soap from unperfumed soap.

Mr. SMOOT. I think this would be better understood, and no mistake could follow, if we should strike out the word "perfumed" on line 6, page 7, and the word "unperfumed" on line 8. Then I do not think there would be any question as to what soaps would fall in each of the brackets. Then it would read:

Toilet soaps, 40 per cent ad valorem; medicinal soaps, 30 per cent ad valorem; castile soap and toilet soap—

That is, pure castile and castile toilet soap—

10 per cent ad valorem; all other soaps not specially provided for in this section, 5 per cent ad valorem.

Mr. LODGE. I think that would lead to very great confusion. It would make two toilet soaps.

Mr. JOHNSON of Maine. I should like to pass for the present the paragraph dealing with this subject. We have had more or less difficulty with it.

Mr. SMOOT. I meant "unperfumed toilet soap"; that is, take out those words, so it would read:

Castile soap, 10 per cent ad valorem.

Mr. LODGE. Oh, the Senator means to leave out "and unperfumed toilet soap"?

Mr. SMOOT. Yes. I do not want the word "toilet" left in. In other words, I suggest having it read this way. I will read the section just as it would appear:

Soaps: Toilet soaps, 40 per cent ad valorem; medicinal soaps, 30 per cent ad valorem; castile soap, 10 per cent ad valorem; all other soaps not specially provided for in this section, 5 per cent ad valorem.

Then there would be no question as to the perfumed soaps, and there would not be any question as to the castile soap being dutiable at only 10 per cent. There would not be any question as to the classification of the soap, because the Senator knows that after the decision that was rendered in the Pears' Soap case it was decided that there was hardly any soap made without perfume being used in it.

Mr. JOHNSON of Maine. I should be very willing to pass that section. I ask that section 67 may be passed over.

The PRESIDING OFFICER. In the absence of objection, the section will be passed over.

The reading of the bill was resumed, beginning with paragraph 68, page 17, line 11.

The next amendment of the Committee on Finance was, in paragraph 68, page 17, line 16, after the word "pound," to strike out "cyanide of, 1½ cents per pound," so as to make the paragraph read:

68. Soda: Benzoate of, 5 cents per pound; chlorate of, and nitrite of, ½ cent per pound; bicarbonate of, or supercarbonate of, or saleratus, and other alkalies containing 50 per cent or more of bicarbonate of soda; hydrate of, or caustic; phosphate of; hyposulphite of; sulphid of, and sulphite of, ½ cent per pound; chromate and bichromate of, and yellow prussiate of, ¾ cent per pound; borate of, or borax refined; crystal carbonate of, monohydrate, and sesquicarbonate of; sal soda, and soda crystals, ¼ cent per pound; and sulphate of soda crystallized, or Glauber salts, $1 per ton.

The amendment was agreed to.

Mr. BRANDEGEE. I notice that cyanide of soda, as well as cyanide of potash, in paragraph 65 are stricken out. I assume they have been placed upon the free list.

Mr. JOHNSON of Maine. They are both placed upon the free list.

Mr. BRANDEGEE. What was the object of that?

Mr. JOHNSON of Maine. They are largely used in mining; and while cyanide of soda is produced to some extent in this country, our information was that cyanide of potash is imported. As I say, both are largely used in mining, and they were placed upon the free list. They are in the free list, which is arranged alphabetically.

Mr. BRANDEGEE. Does the Senator say cyanide of potash is used in mining?

Mr. JOHNSON of Maine. It is.

Mr. BRANDEGEE. What was the revenue from it? All the statistics seem to have been eliminated, because it was stricken out.

Mr. HUGHES. If the Senator will turn to the free list, I think he will find the information he desires.

Mr. BRANDEGEE. Oh, the statistics in relation to it are on the free list side?

Mr. HUGHES. Yes.

Mr. BRANDEGEE. What is the paragraph of the free list?

Mr. JOHNSON of Maine. Five hundred and eighty-four.

Mr. PITTMAN. Mr. President, the Senator will find that paragraph on page 147.

Mr. JOHNSON of Maine. Cyanide of potash is in paragraph 584.

Mr. BRANDEGEE. What paragraph of the bill is it?

Mr. JOHNSON of Maine. Paragraph 584 for cyanide of potash, and paragraph 609 for cyanide of soda.

Mr. BRANDEGEE. Why was it taken from the dutiable list and put on the free list?

Mr. JOHNSON of Maine. These articles are very largely used in mining, and are not produced in this country to any great extent.

Mr. BRANDEGEE. Of course I assume that everything that is imported or that is produced is used for something; but these seem to be the only articles of the various preparations of potash and of soda which are taken from the dutiable list and placed on the free list, and I was curious to know why that had been done. Of course I know they are used for something.

Mr. PITTMAN. Mr. President, will the Senator from Maine yield to me for a moment?

Mr. JOHNSON of Maine. Certainly.

Mr. PITTMAN. Both cyanide of potassium and cyanide of sodium are used in the reduction of gold and silver ores, and they are almost essential to the development of the gold and silver mining industry throughout the country. Both of these products are largely controlled by monopolies. In fact, all of the cyanide of sodium that is used in this country is produced practically by one concern. That material has had a tariff duty of 25 per cent in all past tariff bills, and the concern that produces it has held up the price in this country to a point about 25 per cent above that in Mexico and other countries.

Mr. BRANDEGEE. I understood the Senator to say there was none of it produced in this country.

Mr. JOHNSON of Maine. I said I was informed that very little or none of the cyanide of potassium was produced here, but that a little of the cyanide of sodium was.

Mr. BRANDEGEE. The Senator from Nevada now says it is produced by some monopoly. Is that a domestic monopoly?

Mr. PITTMAN. It is both. A large portion of it is controlled by the Deutsche Gold & Silberscheideanstalt, of Frankfort on the Main, Germany. They own another institution in this country known as the Roessler & Hasslacher Chemical Co., of New York.

Mr. BRANDEGEE. Why should the American market be opened for the benefit of a foreign monopoly?

Mr. PITTMAN. There is this reason for it: They are producing cyanide of potassium in Great Britain, and it will be noticed that the tariff on cyanide of sodium has been much higher than that on cyanide of potassium. That has enabled the monopoly that controls cyanide of soda to sell almost exclusively in this country; and they have increased the production of this one institution from about 1,000,000 to 12,000,000 pounds per annum.

Mr. BRANDEGEE. What is the reason it is not made in this country?

Mr. PITTMAN. The main reason is that a patent on the cyanide of sodium is held by this German concern, which also owns the American concern, and therefore there can be no competition wih the cyanide of sodium.

Mr. BRANDEGEE. The article now being upon the free list, and we being absolutely in the hands of the foreign monopoly, does the Senator think the price is likely to be reduced when they have no competition?

Mr. PITTMAN. I believe what will probably occur is that there will be a competition between the British producers of cyanide of potassium and the German producers of cyanide of potassium, which will also reduce the price of cyanide of sodium.

Mr. BRANDEGEE. Did they compete before, when the articles were on the dutiable list?

Mr. PITTMAN. They are competing in other countries where they have no duty, and the price is much lower there than in the United States.

Mr. BRANDEGEE. I fail to see why they should not compete for this market if they were both subject to the same duty.

Mr. PITTMAN. The reason of it is that the sodium product is running the potassium product out of the market.

Mr. BRANDEGEE. The two products themselevs compete?

Mr. PITTMAN. The two products compete.

Mr. BRANDEGEE. They perform the same function in the mining industry?

Mr. PITTMAN. A very similar function.

Mr. BRANDEGEE. Of course personally I know absolutely nothing about these articles. I was simply led by curiosity to ask the question. But I fail to see what object is to be gained by surrendering this market to either or both of two foreign monopolies.

Mr. PITTMAN. As has been suggested to me by the Senator from Georgia [Mr. SMITH], we are not surrendering the market to the foreigner at all. We have to-day none but foreigners controlling our market, and if the market must be controlled by foreigners we would rather have competition between those foreigners.

Mr. BRANDEGEE. I understood the Senator to say that the article was made here to some extent, under permission from the foreign patentees.

Mr. PITTMAN. No; not under permission. The foreign institution absolutely owns, in its entirety, the domestic institution. It is the same institution operating in two countries.

Mr. BRANDEGEE. It seems to me, according to the theories I have heard advanced on several other articles, that this article not being produced in this country, would be an ideal article from the Democratic standpoint upon which to raise revenue, and I fail to see why we should surrender the revenue on this article and get no compensation whatever except to help a foreign monopoly.

Mr. PITTMAN. The Government has derived little duty, because the tariff only prevented the importation of cyanide of potassium from Great Britain, while potassium of soda was made by the protected monopoly in America, and sold at a price permitted by the tariff. But we are also, I believe, opposed to monopolies, and both the Republican Party and the Democratic Party have constantly urged the encouraging of industries of all characters in this country. I want to state that the mining industry of this country is one of the greatest of its industries. Having placed upon the free list all of the tools and implements essential to the other industries, I think it is no more than right that when we are dealing with an essential of the development of mining in the western country we should also place it upon the free list, especially when it is controlled by a monopoly.

The reading of the bill was resumed, and continued to the end of paragraph 70, page 18, as follows:

69. Sponges: Trimmed or untrimmed but not advanced in value by chemical processes, 10 per cent ad valorem; bleached sponges and sponges advanced in value by processes involving chemical operations, manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, 15 per cent ad valorem.

70. Talcum, ground talc, steatite, and French chalk, cut, powdered, washed, or pulverized, 15 per cent ad valorem.

Mr. PAGE. Mr. President, may I ask the Senator from Maine on what particular ground the committee has reduced the duty on talc from 20 to 15 per cent?

Mr. JOHNSON of Maine. I will say to the Senator that it is in general line with the reductions which have been made all through the bill.

Mr. PAGE. The committee was not looking for an increase of revenue under this item, was it? I observe by the handbook that the revenue, commencing at $5,000 in 1896, and increasing to $9,000 in 1905 and $23,000 in 1912, under the committee's estimate will be $19,000 in 1914; so that I judge that as a revenue producer you reduce rather than increase the revenue on talc.

Mr. JOHNSON of Maine. Under the estimate, the Senator is correct; there would be some reduction.

Mr. PAGE. Did I correctly or incorrectly understand that one of the principles that actuate the Democratic Party in the preparation of this tariff bill is that there shall be a strong competitive basis, and that where competition is severe and the industry is not in the hands of a trust it has been the policy of your party to retain the duties on all industries in order that they may live? Am I correct in that assumption?

Mr. JOHNSON of Maine. I will say to the Senator that I am informed that talc enters into other manufactures; and in line with the general rates under the bill, the basket clause carrying a duty of 15 per cent, we made the duty upon this article to correspond. We took French chalk, which had been classified, I think, with other kinds of chalk, and put it in this section with talcum.

Mr. PAGE. This happens to be an article that is produced in my own county, and I was a little curious to know just the basis of the committee's reasoning.

I recall very distinctly that during the campaign which led up to the election of President Wilson it was asserted many times by him that he did not wish to disturb any legitimate industry if it was on a competitive basis. I can not understand why this industry, which needs protection, should be disturbed, in view of the fact that the increase of imports has been very, very great for these many years. I think the imports are about three times as large now as they were in 1896, and they have increased about 250 per cent since 1905.

I happen to know, because I am in a position to know from my close association with this corporation that makes talc in

my State, that it has been figuring on the very closest basis in order to live. Year by year the amount of imported talc has increased. Let me give you the figures.

In 1896 there were 6,000,000 pounds imported; in 1905, 8,000,000 pounds; in 1912, 20,000,000 pounds; and your estimate is that in 1914 under this bill the imports will be 22,000,000 pounds. With this constant increase of talc coming in from foreign countries it seems to me it comes entirely within the pledge of the President that where a small industry was on a competitive basis it should not be disturbed.

I do not know that I care to discuss this matter or to take time with it, because it is a very small one; but I hardly think I can do less than make a motion to restore the present duty of 20 per cent. I will not ask for a roll call upon it. I believe that if there is any article in the whole schedule that comes within the promise of the President that a business that is on a strictly competitive basis should not be disturbed it is talc.

If the President did not mean what he said about business on a competitive basis like this, what did he mean when he told us that such industries should not be disturbed? I think his statement was that manufacturers of American goods that were on a competitive basis need have no fear that they would be disturbed. I know that this little industry in my own county has been struggling very hard for the past six or eight years to meet the intense and immense competition of foreign imports, and your own statement here shows that the importations have been so great that it seems to me you ought not to disturb this schedule.

Mr. President, I move that line 5 of section 70 be amended by striking out "15" and inserting in lieu thereof "20."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed, on page 18, line 5, to strike out "15" and insert "20."

Mr. GRONNA. Do I understand that the amendment by the Senator from Vermont is to paragraph 69?

Mr. GALLINGER. No; paragraph 70.

The PRESIDING OFFICER. Page 18, line 5. It applies to talcum, ground talc, and so forth.

Mr. GALLINGER and others. Question!

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was rejected.

Mr. GRONNA. If the Senator in charge of the bill will not object, I should like to have some explanation about paragraph 69. Why does the committee estimate that with a duty of 10 per cent there will be a less importation than under a duty of 18.81 per cent? I find in your estimate that in 1912 under the present law there were imported sponges to the amount of $311,489, and there was collected of revenue $58,596. The estimate in the handbook is given here at $150,000 and an estimated revenue of $15,000 under the proposed bill.

Mr. JOHNSON of Maine. In reply to the question of the Senator from North Dakota, it seems to me there is evidently a mistake in that estimate. It must be a mistake.

Mr. GRONNA. I am simply asking for information. I can not comprehend how it can be estimated that the importations would be more than cut in two when the rate is reduced nearly 50 per cent.

Mr. GALLINGER and Mr. LODGE. It is a mistake.

Mr. JOHNSON of Maine. I share with the Senator in surprise that there should be any such estimate.

Mr. JONES. I should like to know in the matter of the manufacture of sponges what basis there is for the estimate that there will be practically $200,000 increase when there was only $58 worth imported under a 30 per cent duty, and they estimate an importation of $200,000 under a 15 per cent duty.

Mr. SMOOT. I was just going to call the Senator's attention to the fact that that was an error. There is no doubt of it in the world. But I should like to ask the Senator from Maine what items could be called manufactures of sponge. I know the present law has the exact wording. I remember that at the time I tried to find some articles in the United States manufactured from sponges, but I have not been able yet to find one. Of course it is the sponges themselves. You can see there is a mistake in the book, because it says the present ad valorem is 18.81 on the importations of 1912, whereas the rate specifically states that sponges are 20 per cent.

Mr. GRONNA. I thought there must be some mistake. That rate is 20 per cent. The new rate proposed is 10 per cent. It is figured out that the ad valorem rate under the present law is 18.81.

While I am on my feet, I should like to know from the Senator from Maine to what extent we produce or manufacture sponges in this country. I know very little about it, and I am anxious to know how much of an inudstry there is in this country.

Mr. JOHNSON of Maine. I can not answer the Senator to what extent. I know sponges are gathered here and are very largely imported. The extent of the manufacture of sponges I am unable to state.

Mr. HUGHES. My understanding of it is that the bleaching and cleaning of sponges is regarded as a manufacture. That seems to be consistent with the language of the law that they are "further advanced in value."

Mr. GRONNA. I will ask the Senator from Florida if he will kindly tell us something about the industry of sponges?

Mr. BRYAN. I could not do that at length; it is getting late. I understand that sponges are taken up and brought to land and cleansed. I suppose what is meant by manufacturing is the bleaching and cleansing of the sponges and getting them in a shape to be used. Of course, they could not be used as they are caught. There are two portions of my State where quite a number of sponges are manufactured.

Mr. SMOOT. Then the wording is wrong, because it says "bleached sponges and sponges advanced in value by processes involving chemical operations." Then it says "manufactures of sponges." So the wording of not only the present law, but the wording of this proposed law which has followed the present law is wrong in relation to the manufacture of sponges.

Mr. GRONNA. Mr. President, I must be very unfortunate in expressing myself. I have tried to get information as to what extent this industry is carried on in the United States. It seems to me that the committee ought to be prepared to give the information. I am asking the question in good faith. I should like to get some information as to what extent the industry is carried on in this country.

Mr. BRYAN. I have no disposition to conceal from the Senator any information I have, which is very little.

Mr. GRONNA. I am sure the Senator has no such disposition.

Mr. BRYAN. On the Gulf coast of Florida there is a town near Tampa in which it is the principal industry. I think nearly everybody who lives at Tarpon Springs is engaged in the sponge industry. It is also carried on quite extensively around Key West. I know of it principally from the fact that every now and then the legislature is appealed to for legislation to protect the sponges from destruction. There is quite a Greek colony on the lower Gulf coast engaged extensively in the industry of sponges. I know very little about the matter. If the Senator is interested in it, he can very quickly find the information and familiarize himself with the subject.

Mr. GRONNA. Is the industry carried on to any great extent in any other State except Florida?

Mr. BRYAN. I do not know. I doubt if it is.

Mr. HUGHES. I should like to call the attention of the Senator to the fact that the reason for the apparent error in the estimate under this bracket is that they have been separated into crude and bleached sponges. That will account for it.

Mr. SMOOT. The Senator can not explain it in that way, because this says "sponges, 20 per cent," and in your report you say that the importation of sponges in 1910 and 1912 was 18.58 per cent. Of course it is a mistake; that is all.

Mr. HUGHES. No; it is not a mistake, if the Senator pleases. I am convinced upon an examination that it is not a mistake. In 1912 under the Payne-Aldrich law the imports were $311,000, and our estimate for the proposed law is $150,000, and below it we have $200,000. We have simply separated the crude sponges from all other forms of sponges and manufactures of sponges. That is the "error" which was made.

Mr. SMOOT. I will not detain the Senate any further than to state that the present law specifically says that the rate is 20 per cent; it is no matter whether there is a large importation or a small importation, they can not be made here to bear 18.58, because the law says they are 20 per cent.

The reading of the bill was continued, as follows:

71. Vanillin, 10 cents per ounce; vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound.

Mr. LODGE. The same question arises in regard to vanilla beans and tonka beans, taking them from the free list and putting them on the dutiable list, that has arisen in the case of the essential oils, and so forth. These are used very largely in the making of flavoring extracts. They are in general and common use. The vanilla bean is of course probably more largely used than anything else. But that question in principle has been argued to-day in various directions. It has been passed upon by the Senate aginst the contention of this side that articles of that sort, not the growth of the United States, should be on the free list. I therefore will not think of detaining the Senate at this time, but I ask to have priuted in my remarks a very brief statement from a maker of flavoring extracts.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

The matter referred to is as follows:

SPRINGFIELD, MASS., *May 5, 1913.*

Hon. HENRY CABOT LODGE,
Washington, D. C.

DEAR SIR: The imposition of a duty of 30 cents per pound on vanilla beans will still further injure the flavoring-extract industry, which is struggling under an enormous load of laws, rulings, duties, taxes, etc., at the present time. We are paying a tax to the Government of $2.10 per gallon on every gallon of alcohol that we use in our business. Alcohol constitutes one of the principal products that is used in the manufacture of flavoring extracts, probably not less than 50 per cent of the cost of the raw material.

Vanilla extract and other extracts are household necessities used in innumerable common articles of food which would be nearly, if not wholly, unpalatable without them. Medical authorities recognize the dietetic value of flavoring extracts in foods.

All materials used by extract manufacturers have increased in cost to such a great extent that the profit to the producer has been reduced to the narrowest margin. Within the past five years vanilla beans have increased in cost from 50 per cent to 200 per cent. Lemon oil has advanced from a price of 65 cents per pound, which prevailed three years ago, to $3.20, the present market price. This represents an increase of 450 per cent. Neither lemon oil or vanilla beans are produced in this country, and therefore need no protection. An advance in price to the consumer will be absolutely necessary if the proposed duty on vanilla beans and lemon oil should become a law. This increased cost to the consumer would also bring about largely the sale of inferior substitutes for pure vanilla and lemon, or imitation extracts, which would supersede pure flavors, to the harm of everyone who uses flavoring extracts in foods.

There are about 900,000 pounds of vanilla beans shipped to this country annually. Of this amount 400,000 pounds are consumed here. These are Mexican beans and Bourbon beans from the islands of Madagascar, Seychelles, Reunion, and Comores. The balance of 500,000 pounds are made up of inferior quality beans coming from the Tahiti Islands. These beans are all shipped from the islands to San Francisco, and practically the entire crop is reshipped from that point to Hamburg, Germany. In the event of the tax on vanilla beans it will undoubtedly follow that shipments of the Tahiti beans will be made direct from the islands to Hamburg, thus eliminating any income to the Government. This method of shipment will surely come about when the Panama Canal is opened, so that the revenue from Tahiti beans, which constitute at least 50 per cent of the importations at the present time, will be entirely lost.

Respectfully, yours,

BAKER EXTRACT CO.,
By T. W. CARMAN.

Mr. SMOOT. There is a little difference between vanilla beans and the items that have been considered in the same way to-day, and I wish to state briefly what it is.

In five years 2,006,693 pounds of vanilla beans passed through the United States from Tahiti, for which American merchants supplied merchandise. In other words, San Francisco has been a clearing house for vanilla beans and they have furnished the natives of the island of Tahiti with goods taken in exchange for vanilla beans. That amounts to about $5,000,000 at the price of vanilla beans. We have, of course, also the American manufacture of vanilla beans, but the great bulk of the trade in the United States is the export trade; in other words, they handle them in San Francisco and they go right through and are sold to England, Germany, and other countries. If this duty is placed upon vanilla beans, that trade is not going to come to the United States; San Francisco will lose that trade entirely; vanilla beans will be shipped direct to foreign countries; and that is where the trade will go.

Mr. JONES. The Senator certainly must know that the estimate is that at 30 cents a pound there will be a million pounds come in, and when free only a little over 100,000 pounds came in.

Mr. SMOOT. I did not speak of that. I spoke of what had come in the last five years, that had passed through San Francisco and been shipped to foreign countries. That is only an estimate on the part of our friends on the other side.

Mr. WEEKS. I should like to inquire of the Senator in charge of the bill how he expects it to be possible to reduce the price of vanilla beans by adding a duty of 30 cents. I notice the price has increased between 1910 and 1912 from about $1.50 a pound to $2 a pound, which is now the prevailing price, and yet it is anticipated that by adding a duty of 30 cents a pound the price will be reduced from $2.50 to $2.

Mr. HUGHES. Does the Senator say that is now the prevailing price?

Mr. WEEKS. I understand so. It is the last price given in the table which has been submitted.

Mr. HUGHES. Does the Senator understand that $2.41 is now the prevailing price?

Mr. WEEKS. I understand so.

Mr. HUGHES. Not in 1912. This is 1913.

Mr. WEEKS. In 1912 the price was $2.41. Now how do you expect to reduce that to $2 by adding 30 cents a pound?

Mr. HUGHES. What is it now?

Mr. WEEKS. I understand it is about the price it was last year. I have not the exact price here.

Mr. WILLIAMS. Mr. President, if the Senator had gone back of 1912 he would have found a possible explanation. In 1912 the price was $2.41; in 1910 it was only $1.51; in 1905 it was $1.43. In other words, vanilla beans vary in value from year to year like almost everything else. The estimate is that the normal price for vanilla beans is now $2. It was put in at that price, or perhaps at less than that price, with a duty added making it $2. It will not do to jump at a conclusion that the normal price of vanilla beans is $2.41 just because that happened to be the price in 1912; nor does it do to jump at the conclusion that anybody has supposed that putting a duty of 30 cents a pound upon it could reduce its price. The natural supposition is, in all charity, that the man in making the estimate was taking the price of vanilla beans this year instead of for 1912.

Mr. WEEKS. I should like to call the attention of the Senator from Mississippi to the fact that the price has not been variable except in an ascending scale. There has been a constant rise in the price.

Mr. WILLIAMS. I beg the Senator's pardon. If he will look further back he will find that one time the price was over $4.

Mr. WEEKS. I did not know but what the committee had some information which led them to the conclusion.

Mr. WILLIAMS. Doubtless the committee did have it. The Committee on Ways and Means did have it, I have not the slightest doubt.

Mr. WEEKS. That is what I asked for.

Mr. WILLIAMS. The Senator from Washington [Mr. JONES] a moment ago, always being critical, said that we were going to increase the importations from 841,000 pounds, in round numbers, to 1,000,000 by putting a duty upon the article. If the Senator had taken the trouble to look back he would have found the reason for that estimate. We imported 237,000 pounds in 1896; 608,000 pounds in 1905; seven hundred and ninety-six and a half thousand pounds in 1910; and eight hundred and forty-one and over a half thousand pounds in 1912.

Mr. JONES. But there was an increase of only 50,000 pounds in the last two years when they were on the free list. So the committee has made a very violent assumption in estimating that there will be 50,000 pounds imported next year.

Mr. WILLIAMS. If the Senator will put that in the form of percentage he will find the basis of the estimate, whether correct or incorrect. It was the supposition that they will continue to increase their importation at the same percentage, and therefore the conclusion was arrived at that it would be a million pounds.

Of course, it sounds awfully funny to say that you are going to increase the importation by raising the duty, but the man who made this estimate went on the basis that America would not consume that much, and that the percentage of increase which had been going on for years would continue to go on in spite of the taxes, and it will, because vanilla beans and these things are used in connection with products that people are going to have anyhow.

Mr. JONES. The suggestion of the Senator may be correct, but according to the tables here the actual increase from 1910 to 1912 was practically 50,000 pounds. That would be 25,000 pounds a year. But granting that it will increase 50,000 pounds in the next year, it would still be 100,000 pounds short of the million.

Mr. WILLIAMS. Again the Senator is wrong. In 1910 the importation was 796,589 pounds and in 1912 it was 841,639 pounds.

Mr. JONES. Where am I wrong?

Mr. WILLIAMS. You are wrong, because you continue to contend that the increase was only 50,000 pounds a year, when, had you taken the trouble to go back to 1905, you would have found the importations were only 608,000 at that time.

Mr. JONES. I was not referring to that, I will say to the Senator from Mississippi. I was merely referring to the fact that from 1910 to 1912 the increase was practically only 50,000 pounds.

Mr. WILLIAMS. Ah, for that one year?

Mr. JONES. No; for two years.

Mr. WILLIAMS. Yes; but the Senator said that was the yearly increase.

Mr. JONES. No; I said that from 1910 to 1912, which is two years, according to my arithmetic, the increase was only 50,000 pounds, or 25,000 pounds a year.

Mr. CLARKE of Arkansas. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. Will not the Senator allow us to dispose of this item?

Mr. SIMMONS. Let us dispose of this paragraph.

Mr. CLARKE of Arkansas. I withdraw the motion.

Mr. SMOOT. Mr. President——

Mr. GRONNA. Will the Senator from Utah yield to me?
Mr. SMOOT. I yield to the Senator from North Dakota.
Mr. GRONNA. I ask that this item be passed over until Monday. I should like to go into it. I do not care to delay the Senate, but I would prefer to have it passed over until Monday.
Mr. CLARKE of Arkansas. According to the arrangement under which we are proceeding that reservation was made in favor of any Senator who desired a paragraph to be laid aside for further consideration.
Mr. SIMMONS. I will ask the Senator from North Dakota to let action be taken on it now, with the understanding that we can go back to it if he so desires on Monday.
Mr. SMOOT. Then, Mr. President, with that understanding, I move, in line 7, page 18, in paragraph 71, after the word "ounce," to strike out "vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound."
Mr. CLARKE of Arkansas. That can be considered as the pending amendment.
Mr. SIMMONS. Does the Senator desire a vote on that amendment now?
Mr. SMOOT. I have made a motion for that purpose.
Mr. BURTON. I desire to be heard briefly on that, Mr. President.
Mr. SMOOT. Then, I am perfectly willing to have it passed over.
Mr. GALLINGER. There was a little private understanding that we should adjourn a little earlier to-day, and I think the amendment had better go over.
Mr. SIMMONS. That is entirely satisfactory, although I am somewhat anxious to finish this schedule.

EXECUTIVE SESSION.

Mr. CLARKE of Arkansas. I renew my motion that the Senate proceed to the consideration of executive business.
The motion was agreed to, and the Senate proceeded with the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, July 28, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 26, 1913.

SOLICITOR GENERAL.

John William Davis, of West Virginia, to be Solicitor General, vice William Marshall Bullitt, resigned.

UNITED STATES MARSHAL.

B. A. Enloe, jr., of Oklahoma, to be United States marshal for the eastern district of Oklahoma, vice Samuel G. Victor, whose term has expired.

POSTMASTER.

GEORGIA.

Teressa G. Williams to be postmaster at Greenville, Ga., in place of Pearl Williams, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 26, 1913.

POSTMASTERS.

ALABAMA.

Jefferson K. Quillin, Clayton.

FLORIDA.

William E. McEwen, Wauchula.

HAWAII.

John M. Bright, Lahaina.

NEW HAMPSHIRE.

Frank P. Hobbs, Wolfeboro.
James H. Willey, Milton.

NEW YORK.

Robert S. Ames, Lake Placid.
Richard L. Earl, Honeoye Falls.
Alpheus D. Jessup, Florida.
Nellie E. Lempfert, Stony Brook.
Charles Miller, Baldwin.
Robert W. Parrish, Brown Station.
James L. Reeve, Mattituck.
Frederick H. Smith, Milton.
Hugh Smiley, Mohonk Lake.
Stephen R. Williams, Kenmore.

SOUTH DAKOTA.

John F. McGowan, Hartford.
Alfred E. Paine, Doland.

WEST VIRGINIA.

C. B. Riggle, Middlebourne.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 26, 1913.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:
Father in heaven, fill us with grace divine, that, with clear vision, a willing heart, and inflexible will, we may as individuals, and therefore as a people, keep step with the onward march of progress toward the ideal civilization, when laws shall be few and cheerfully obeyed and each man concerned lest he cheat his neighbor, bear false witness against him, or put a stumblingblock in his way; when distrust shall give place to confidence, selfishness be drowned in generosity, hate consumed in the fire of love, contentions be lost in the music of concord, and each vie with each in living the golden rule that Thy kingdom may come and Thy will be done on earth as it is in heaven. In the Christ spirit. Amen.
The Journal of the proceedings of yesterday was read.
Mr. GARDNER. Mr. Speaker, I make the point of order that there is no quorum present.
The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.
Mr. AUSTIN. Mr. Speaker, I will ask the gentleman from Massachusetts to withhold his point of order until I can make a request for unanimous consent.
The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Tennessee for the purpose of making a request for unanimous consent?
Mr. GARDNER. Mr. Speaker, I must treat everyone alike.
The SPEAKER. The Chair will count. [After counting.] Eighty-two Members present; not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 12 o'clock and 4 minutes p. m.) the House adjourned until Monday, July 28, 1913, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,
Mr. MANN introduced a bill (H. R. 7134) authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes, which was referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. MOSS of West Virginia: A bill (H. R. 7135) granting an increase of pension to Gideon Mason; to the Committee on Invalid Pensions.
Also, a bill (H. R. 7136) for the relief of Mrs. Harvey Sayre; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:
By Mr. BURKE of South Dakota: Petition of the South Dakota Bankers' Association, Watertown, S. Dak., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.
By Mr. LONERGAN: Petition of the Brotherhood of Locomotive Firemen and Enginemen, favoring the passage of House bill 103, regulating locomotive headlights; to the Committee on Interstate and Foreign Commerce.
By Mr. WALLIN: Petition of the president of the United States Life Insurance Co., of New York, protesting against the passage of legislation exempting life insurance companies from the income-tax bill; to the Committee on Ways and Means.

SENATE.

MONDAY, *July 28, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM GEORGIA.

The VICE PRESIDENT laid before the Senate a certificate from the governor of Georgia certifying the election of Hon. AUGUSTUS O. BACON as a Senator from the State of Georgia, which was read and ordered to be filed, as follows:

STATE OF GEORGIA,
EXECUTIVE DEPARTMENT,
Atlanta, July 25, 1913.

To the President of the Senate of the United States:

This is to certify that at an election held pursuant to law in the State of Georgia on the 15th day of July, 1913, by the electors in said State having the qualifications requisite for electors of the most numerous branch of the State legislature, AUGUSTUS OCTAVIUS BACON was by said electors duly chosen a Senator from said State in the Senate of the Congress of the United States for and during the remainder of the term of six years beginning on the 4th day of March, 1913, and ending on the 3d day of March, 1919, the returns from said election having been canvassed by the general assembly of said State and the result certified to this department on this date.

In witness whereof his excellency, the governor, and the great seal of the State of Georgia hereto affixed at the capitol in Atlanta this the 25th day of July, in the year of our Lord 1913.

JOHN M. SLATON, *Governor.*

By the Governor:
PHILIP COOK, *Secretary of State.*

Mr. SMITH of Georgia. Mr. President, for over 20 years past the advocates of popular government have been pressing forward toward a change of our plan of electing United States Senators. During the present year a sufficient number of States had ratified the right of the people to elect their Senators, and the proclamation was issued announcing an amendment to the Constitution to this end. On July 15 the first election was held under the new amendment, and in the State of Georgia the people for the first time selected a United States Senator at the ballot box.

It is with great pleasure that I bring to the attention of the Senate the fact that, without opposition, the senior Senator from Georgia received all the votes cast at this election, that his credentials are here and have been read, and that he is present. I ask that an opportunity be given that he may qualify as elected.

The VICE PRESIDENT. The Senator elect will present himself at the Vice President's desk for that purpose.

Mr. BACON was escorted to the Vice President's desk by Mr. SMITH of Georgia; and the oath prescribed by law was administered to him.

CALLING OF THE ROLL.

Mr. GALLINGER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Martine, N. J.	Smith, S. C.
Bacon	Fletcher	Myers	Smoot
Bankhead	Gallinger	Nelson	Sterling
Borah	Gronna	Norris	Stone
Bradley	Hollis	O'Gorman	Sutherland
Brady	James	Overman	Swanson
Brandegee	Johnson, Me.	Page	Thomas
Bristow	Johnston, Ala.	Perkins	Thompson
Bryan	Jones	Pittman	Thornton
Catron	Kenyon	Reed	Tillman
Chamberlain	Kern	Robinson	Townsend
Chilton	La Follette	Saulsbury	Vardaman
Clapp	Lane	Sheppard	Walsh
Clark, Wyo.	Lea	Sherman	Warren
Clarke, Ark.	Lewis	Shields	Weeks
Crawford	Lodge	Simmons	Williams
Cummins	McLean	Smith, Ga.	Works
Dillingham	Martin, Va.	Smith, Mich.	

The VICE PRESIDENT. Seventy-one Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

PETITION.

Mr. TOWNSEND presented a petition of sundry citizens of Ingham County, Mich., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2836) to provide a penalty for retention or misuse of confidential records by former Government employees; to the Committee on the Judiciary.

A bill (S. 2837) granting a pension to Matilda Robertson (with accompanying paper); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2838) granting an increase of pension to Ruth E. Putnam (with accompanying paper); and

A bill (S. 2839) granting an increase of pension to Theodore C. Bates (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 2840) for the relief of Edgar R. Kellogg; and

A bill (S. 2841) for the relief of the estate of Francis E. Lacey; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 2842) to reimburse Jetta Lee, late postmaster at Newport, Tenn., for key funds stolen from post office (with accompanying paper); to the Committee on Claims.

THE MODERN BY-PRODUCT COKE OVEN (S. DOC. NO. 145).

Mr. BANKHEAD. I ask unanimous consent to have printed as a public document a pamphlet I hold in my hand, by C. A. Meissner, chairman coke committee, United States Steel Corporation. I will say by way of information to the Senate that it is a treatise by an eminent author on the conservation of the mineral resources of the United States. I have examined it carefully, and I think it contains more valuable information which will lead to greater economy in the production of coke, iron, and steel, if the suggestions are carried out, than any other document printed. The paper contains illustrations which I ask may be printed in connection therewith.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the paper with illustrations will be printed as a public document.

THE TARIFF.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321, the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. THORNTON. I desire to announce that at the close of the routine business on next Thursday I shall expect to address the Senate on the pending tariff bill with particular reference to the sugar schedule.

Mr. GRONNA. I wish to announce that at the conclusion of the remarks of the Senator from Louisiana [Mr. THORNTON] I shall wish to make some observations on the tariff bill, and especially on the agricultural schedule.

Mr. TOWNSEND. Mr. President, before the pending tariff bill can be intelligently discussed it is necessary to understand the circumstances and conditions under which it was conceived and brought forth. It may not be without profit to review briefly the events of the last four or five years, which have culminated in the legislation of this Congress.

I shall not enter upon a detailed discussion of the bill now before us, for all know how useless that would be, inasmuch as it is already clearly known that a sufficient number of Democratic Senators are bound to vote for the administration's measure, either upon its first passage through the Senate or after conference, as it will be after the final vote is had. Furthermore, it is better for the country to have this question settled without further delay. Already weary months have been spent by the majority in shaping a bill, the fundamentals of which had been established by Executive order in advance, and I trust no one will unduly postpone the time when the new inevitable fiscal policy, promulgated by men more foreign in their sympathies than American, shall begin its operation. I shall delay the vote but a short time.

It is said that the Payne tariff bill caused the pending measure. To a certain extent that is true; but it was not because the Payne bill was intrinsically a bad bill that a political upheaval occurred, but rather it was partially because politicians said it was a bad bill and a betrayal of Republican pledges. I am clear in my own mind, however, that the act of 1909 was the convenient means which accomplished Republican defeat and gave the Democratic Party its opportunity.

Industrial, moral, and intellectual progress was never so great as under the unhampered operation of the Payne tariff law. It closed no factory. It denied to none an opportunity to work at the greatest wage ever paid in any land at any time. It filled our Treasury to overflowing and supplied the money for the most extensive internal improvements ever undertaken in our national life. Under it the prosperity of every producing and creating class of our citizens has been increased. Under it our markets abroad have been extended. Under it

our production at home has multiplied. The impetus given to manufacture drew labor from every quarter and the demand which high wages created for foodstuffs caused these products to increase in value, and the Democratic campaign cry of 1896 that prices were too low was changed, and in 1912 they were too high. Nothing could more clearly show the substantial business prosperity which has maintained under the existing tariff than its ability to withstand up to this time even approximately the destructive attacks by the present administration. But if this is so, how can it be said that the Payne law was the cause of the unfortunate political condition in which the country finds itself to-day?

Recently veterans of the Civil War from Dixie and the Northland held a reunion on one of the most famous battle fields of the world. They gathered at that place, made sacred by the results of those gloriously awful three days' struggle, and with faltering steps and age-dimmed eyes they sought familiar spots which lagging memories said were there. Gettysburg is a beautiful place, where grass and flowers and trees and marble attempt to cover the scars of war on the sides of its hills, but it is not that sloping grave-studded field of Pennsylvania that makes Gettysburg sacred. It is because that there 50 years ago 160,000 of the flower of the fairest Nation on earth met in the greatest battle of history. It is because from its hills and vales the spirits of 40,000 American heroes took their flight to the realm where war drums never beat and where battle flags are forever furled. It is because that was the spot where the resurrection light of a redeemed and united Nation penetrated the gloom of agony and death.

The Battle of Gettysburg had to be fought, but the field is entitled to neither blame nor censure.

The Payne bill was the Gettysburg where the factions of the Republican Party were formed in battle array, and it was but an incident to the political results which followed. The Democratic Party, in the campaigns of 1910 and 1912, were beneficiaries of Republican dissensions. When the tariff revision of 1909 occurred, the inevitable conflict between certain long-recognized and arrogant leaders of the Republican Party on one side and a new set of equally determined men who desired to be leaders on the other side was on. The tariff furnished the opportunity of the latter class to exploit the dictatorial and inexcusable methods of the former, and in the struggle for leadership the Republican Party was sacrificed. I myself desired a more radical revision of the tariff, not that I expected any great benefit therefrom to the consumers, but because there seemed to be a great demand for such a revision, and it could be made at that time without injury to the welfare of the country.

The struggle against the political boss was waging before the tariff bill of 1909 was drawn. Its first expression was given when certain Republican leaders in the House resisted the reform measures of President Roosevelt. Insurgency against the rules of the House developed into insurgency against Speaker Cannon and his kitchen cabinet. It was a protest of Representatives against the close corporation of legislative party managers. The cause of insurgency was everlastingly right, as history will record, but it furnished the opportunity for the professional agitator. It became popular to attack any active and prominent Republican, and many men who otherwise would have been born to blush unseen in the desert of obscurity suddenly sprang into prominence, and the lecture platforms throughout the country were the opportunity both for profit and exploitation as they were also for much desirable information and entertainment.

In the midst of this excitement the tariff bill of 1909 came up for consideration. The history of that struggle when read in the clearer light of the future will disclose that it was a contest waged principally for the object of leadership. The bill in the Senate was in charge of men who gave little thought to Republican harmony and treated all opponents of the measure as part of the enemy. The minority faction of the Republicans had the opportunity to gain notoriety by fighting the majority, and neither side manifested any strong desire to unite their forces against the common political enemy and in favor of a bill which would be reasonably acceptable to all.

In the Civil War there were guerrilla bands which fought from ambush and fired from the rear.

Stonewall Jackson, one of the greatest generals of the Confederacy and one whom the Northern Army had not captured or destroyed, was, by mistake, shot by his own soldiers. So, in the tariff war, there were influences which worked by methods not known to usual warfare, and the Republican Party, either intentionally or by mistake, was shot to pieces by its own forces.

The Democratic Party was the beneficiary of this condition, it having been furnished the ammunition with which to rout its disorganized opponents.

From the insurgent effort has come great good to the country, and, as usual in matters of reform, some harm has attached. Popular government, except in this Congress, is more a fact to-day because of the agitation against machine methods and political bossism. The demand for cleaner politics and wider participation in government by the people is irresistible, and, if a republic is desirable, this movement is right. Real, genuine reform is never lost, although it may be retarded and temporarily suspended. It seems to me that greater and more substantial progress could be made if those elements which effect it and really desire it would not forget that in striving for a good care should be taken to do no wrong. The muckraker while wearing the livery of a just cause is its worst enemy. Justice is not advanced by doing injustice. To-day, as at all times in the past, the sensational is too prominently featured and too little attention given to the truth. Indeed, a saturnalia of abuse and misrepresentation seems to be reigning, and Congress has been stampeded into investigations of itself, and the two Houses are struggling between themselves to get possession of self-convicted scoundrels who have capitalized for financial gain the existing disposition to abuse Congressmen. Too frequently investigating committees of Congress become the instruments of partisan politics, and contempt is thereby heaped upon the National Legislature. In the wild scramble to disclose corruption the honest and sincere are deliberately and with malice aforethought besmirched with the slime of the muckraker. This is not only wrong to the individual unjustly attacked but it tends greatly to weaken just and proper criticism by creating doubt in the mind of the public as to the truth of anything that is published.

Business men and laboring men who have felt that under the Constitution they were permitted to present their views to their representatives and that it was their duty to do so are being attacked because some mountebanks have boasted of their ability to influence public men and mold legislation. That improper methods have been employed at times, that some cases of corruption have existed, no one doubts, but that men in public and private life as a general rule are honest and incorruptible is beyond dispute. Is the Nation to be strengthened either at home or abroad, is liberty to be more secure and government more desirable, by creating general contempt for business men and Congressmen? Have we reached the time when success in business without regard to the means employed to attain it is to be condemned? Criticism of wrong should be as severe as the facts warrant, and public men especially should not escape if their public acts and conduct are such as to merit condemnation. Faithfulness to public service demands that criticism of improper action should be free and unhampered, but it should always be based upon unquestioned facts and not upon innuendo or falsehood.

Why, sir, our grandeur as a Nation has been achieved, so far as its material greatness is concerned, by men of superior genius who have had the ability and courage to see and undertake and accomplish the things which have been done. Our mines and factories, our railroads and steamboat lines, our telegraph and telephone, in fact, our every great thing, has been brought to pass by men who were wise enough to see opportunities, courageous enough to undertake their development, and skillful enough to carry them to success.

This would be a sad and poor world if all of its citizens had no greater business ability than is possessed by the professional political agitator. The great majority of those who place successful men in the class of semicriminals have never given labor a day's work, have never established or maintained an industry that has added a material thing of value to the comfort and happiness of mankind. It should be our business to so legislate as to prevent oppression and wrong by the influential and strong upon the weak and helpless, but the door of opportunity for unbounded honest success should be kept wide open, and simply because a man has and is, is not sufficient reason for wholesale condemnation. It is only wrong which should be attacked, and success is not prima facie evidence of wrong.

The Democratic Party, through a division in the Republican ranks, is in charge of the Government by virtue of a minority of the votes cast at the last election. Government by the minority is contrary to the spirit of democracy, and at the earliest legal opportunity the majority should assume control. The Democratic Party as at present constituted has had little experience in affirmative legislation and administration. Some of its members have had, but such are in the hopeless minority.

Its mission has been one of opposition. For years it has been engaged in the work of destruction. It has experienced its most exquisite pleasure in fomenting discord and encouraging class strife. Coming, as a majority of its strength does come, from a section where labor is the poorest paid, the most servile, and has the fewest political rights of any in the United States, it stands as the laboring man's friend; yet one of its first acts of legislation was to write into the statutes a law which while giving labor a stone when it asked for bread records the shameful fact of class legislation dangerous to the very life of the Republic.

Such a party is now in full control of the Nation, and after months of secret work the Democratic Senate has presented the pending bill. It was conceived in hatred of the American policy of protection and brought forth in the darkness of the secret caucus chamber under the professional charge of one who has never had any experience in business obstetrics. Is it any wonder the thing is misshapen and deformed? Is it any wonder American progress and prosperity look with disfavor upon it?

In the campaign of 1912 Mr. Wilson assured the people that no legitimate business would be disturbed by a Democratic revision of the tariff. The Baltimore platform, as understood by the ordinary citizen, declares that no legitimate business would suffer, but now we are told that by legitimate business was meant business that could stand without protection. Is that what the Democratic candidate meant before election? Certainly that is not what many of the men who voted for him understood him to mean. I realize, of course, that Democratic platforms have declared that protection is unconstitutional, and since election the President has announced that a protective tariff is a clog to industry, and by throwing it off business will be benefited. It is predicted that the wits of business men will be sharpened so as to meet their foreign competitors.

All Democrats will claim when they come to vote on this bill, although many of them will not so claim in private conversation, that the proposed bill when enacted into law will make business better. It is loudly asserted that it will reduce the cost of living and at the same time encourage business. A great benefit will result to American producers by the admission of millions of dollars' worth of goods made by foreign labor and foreign capital, which these American manufacturers must supplant if they are to keep their factories running and their men employed. How will they do it? The Democrats say reduce their profits. But suppose, as is the fact with a majority of them, the profits are already as small as possible for a going concern. They could reduce their wage scale, but that might subject them to an investigation by this administration and, besides, it means injustice and suffering to the laborers. Finally the advocates of this bill will say, then let these men go out of business, for inasmuch as it needs protection it is not legitimate. But this would leave the field to the foreigner and to the big concerns who are already condemned as trusts. Will this administration abandon its anteelection arguments and favor monopoly in order to meet the conditions of foreign competition? Turn whichsoever way they may the advocates of competition between American producers and foreign producers without a tariff to equalize the difference between conditions here and abroad will meet disaster.

But let us see how consistent our Democratic friends are in their position as to legitimate industries.

American sugar production, according to the junior Senator from Kentucky, is not economically legitimate if it requires protection. Comparatively few people produce sugar, while all the people consume it. Therefore instead of artificially promoting it the Government should destroy it and all of the financial investments in it. Why should not this argument apply to all products North and South if it is the proper policy to follow? But in this bill rice, a southern product, is protected. Is rice more economically legitimate than sugar? Certainly not. It seems to be politically economical to protect a southern product. For years the country has been told that cotton was an example of a legitimate American product. It needs no protection. Is that true? Does not cotton need and receive protection?

I admit that, according to the Republican doctrine of protection, viz, a duty which measures the difference in cost of production here and abroad, there would be little chance to put a legitimate duty on cotton, for certainly the wages paid in the cotton fields are the lowest paid in the United States, and they compare more favorably with prices paid in competing countries. Negro slaves rocked and nurtured the cotton industry of the South in its infancy, and they and their equally hopeless descendants have tended southern cotton fields ever since. The southern planter has no fear of strikes and eight-hour days. His labor is not organized. It is not disturbed by any wicked notions of lobbying for higher wages and a wider participation in the profits of the master. And yet, in spite of the fact that its labor is the most abject and unambitious, the cotton interests are demanding and receiving enormous protection at the hands of the Federal Government. Every year since I have been a Member of Congress, I believe, representatives of the cotton States have asked and generally received hundreds of thousands of dollars for the benefit of cotton. Hundreds of thousands of public treasure have been spent to combat the boll weevil. I have gladly voted for these appropriations, because I have believed that cotton was a product legitimate to America and necessary to its highest welfare. But it is not more legitimate, not more indigenous to the United States, than sugar cane, sugar beets, wheat, maize, or other products of agriculture. Just recently I listened to an eloquent argument by the junior Senator from South Carolina in favor of a proposition to expend millions of public money to purchase a zone of land 50 miles wide from the Gulf to the Cumberland Mountains through Alabama, in which zone no cotton was to be raised, in order to stop the eastward march of the cotton pest. Is the boll weevil more to be dreaded than the flood of pauper-made products which it is proposed shall inundate our prosperous northern and western fields and factories? Ah, gentlemen, you may refine your definitions of reform and preach your foreign-born doctrines. You may loudly proclaim your intention to benefit the consumer the while you are in secret caucus writing a sectional and destructive tariff, yet in the last analysis you will be obliged to face the American people in the open when they will have found you out. If protection is good for any legitimate industry in any section of this country—and by legitimate industry I mean any industry which can and ought to be maintained here—then it is good for all such industries in all parts of the country where it is needed, and the Congress can not in fairness or good conscience discriminate in favor of one industry as against others.

I realize, of course, that some Senators of long and distinguished experience and of great ability have more influence in great matters of legislation than others of less ability and experience. I can understand how potently eloquent the chairman of the Finance Committee, who but two short years ago protested with righteous indignation against the cotton schedule in a tariff bill then pending before the Senate because its proposed duties were too low, although they were much higher than those he has reported in the pending bill, could be. I can readily imagine how he could secure enough sympathy to temporarily raise the House duties on cotton products, the manufacture of which has roused his somnolent State with the hum of industry. I can understand how the distinguished senior Senator from Missouri, with his mysterious yet all-powerful diplomacy, could, in a measure at least, provide for the zinc and lead industries of Missouri, but I can not understand how Senators from other States similarly situated can submit to the dictates of their party leader against their publicly and privately declared convictions. Has party fealty and caucus rule reached that stage when they can control the consciences and votes of United States Senators? I fear the record will so disclose.

I believe in party harmony, and to that end I am in favor of party conferences where great policies are discussed and where every legitimate argument can be presented, but the highest public service by the legislator can not be secured by secret caucus action when such action is intended to and actually does bind him to do otherwise than his ideas of duty dictate. Parties are necessary to the proper conduct of government, but no party platform of principles can be framed which will command the unqualified approval of all of its members, much less can such a platform bind any free man upon all matters of legislation the provisions of which are not known and can not be known when the platform is adopted. No free, intelligent, patriotic representative is bound by everything in a party platform, and he feels at liberty at all times to express by his voice and vote his conscientious views. The secret caucus and undue influence of the President sometimes dissuades a legislator from his notions of duty. This is wrong and subversive of true representative government.

I stated before the lobby investigating committee that I had not seen nor discovered any insidious lobby working for or against the tariff bill through improper methods, but that the nearest approach to improper influence was that exerted by the President through the secret party caucus. After weary weeks of investigation by the committee I am still of that opinion. Nothing has been disclosed by the hearings which bear out the innuendo of the President that the largest and most in-

dustrious lobby ever known was working insidiously, with plenty of money to influence Congressmen, to defeat the present tariff revision; but it is generally believed that some Senators will vote for the bill as reported because it is an administration measure. And because the President will not compromise, these Senators will not support amendments which they believe would make the bill better if they were adopted. I have no fault to find with an Executive who urges his views strongly upon Congress, but his true relation to legislation is that which attaches to his power and duty of recommendation before a measure is enacted and of approving or vetoing after it is passed by Congress. It is the duty of Congress to legislate, and the presumption is, or should be, quite as strong that a Senator is as conscientiously striving to do his duty as is the President; but because of the surrender of the Senators and Representatives to the Executive and to the will of the caucus Congress is made subordinate to the President and its Members condemned if they shall dare to differ from him.

Legislation should be in the open. Its preparation should be in the light and all discussions which result in effecting it should be public. I have distinguished authority for this statement if it needs any substantiation, which it does not. Permit me to quote, however, from a speech made by Gov. Wilson, then candidate for President, at Portland, Oreg., on May 18, 1911:

> It would be a great benefit both to our legislatures themselves and to the whole of the people if our methods of legislation might be simplified and made more public and open, so that everybody might know at each stage of legislation just what was being done and who was doing it.
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> As a matter of fact, it is a very confused and almost necessarily private process. When one asks who drafts the measures which are submitted by the hundreds to our legislatures the answer must be "Everybody." The bills introduced are by no means confined to those which are drafted by Members of the House. Indeed, it is probable that in every legislature the number of bills drafted by the members themselves is very much smaller than the number drafted by outsiders. They are drawn up, most of them, in lawyers' offices here, there, and everywhere for the purpose of accomplishing every sort of object sought by individuals or by groups of individuals or by organized business interests of one kind or another. Such bills are introduced by the Members of the Houses "by request" or else are taken over by them as their own and introduced without any indication that they come from outside quarters.
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> When they come to be considered it is only a bill here and there that is debated in public upon the floor of either House. Our legislation is, as a matter of fact, chiefly done in committee room. Sessions of legislative committees, except when they consent to hold public hearings and occasionally arrange to hear argument by outsiders, are private and, for the most part, confidential. It is considered a breach of legislative etiquette to reveal what took place in committee. Bills are smothered by the dozen after getting into committee if the members of the committee itself do not wish them reported out for action by the Houses. Those which are reported out are generally accepted by the Houses on the authority of the committees which report them and are passed for the most part almost without comment, or else rejected equally without debate.
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> It is easy to see that the characteristic feature of all this method of legislation is privacy. I do not mean that the privacy is in all cases deliberate. It springs out of the system itself—out of the multitude of bills to be handled and the inevitable haste in handling them. But often this privacy is made use of in the most sinister fashion for private ends and undoubtedly constitutes the main opportunity for those who wish to work schemes of their own and get legal regulations which will serve their own purpose. The political machine, when it controls legislation, can operate successfully only in private. The minute what is going on is made public it becomes impossible to carry it out. Similarly, when great commercial or financial interests have schemes of their own to work through legislation privacy is indispensable. What they wish to do could not be done in the open without such exposure and criticism as would inevitably defeat it.
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> These circumstances are not often consciously and distinctly analyzed by the mass of voters, but undoubtedly the great body of our citizens is vaguely conscious of them and they lie at the basis of a great deal of the distrust and uneasiness which is felt when our legislatures are in session. The great thing to be desired in this, as in all other matters of government, is publicity. There is no more reason why committee meetings, where important public matters are handled, should be private than that legislative sessions themselves should be private. If legislation is in fact accomplished in committees, committees should be public and not private instrumentalities.

He then discusses at length the seeming necessity for the Chief Executive to urge by every means within his power the measures which he believes are right, in order that the people may have their cause properly presented, but this whole method he admits is defective. Listen further to what he says:

> The defect of the whole method is that it does not lead to sufficiently thorough debate. There is no one of equal authority and influence with the Executive to debate public matters officially with him; no single legislator occupies his place of advantage in getting at public opinion. There is no one in a situation of authority which enables him to answer the governor or the President as effectively as the governor or the President can himself speak by reason of his larger authority. This is not a desirable state of affairs. The great thing to be desired is debate, debate among authoritative persons as well as debate upon the stump, and the more thoroughgoing, the more fearless this debate is, the better.
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> Moreover, it is still further belittling to our legislators that the discussions led by our Executives should be held outside of the legislative chambers. To do this is to make the little debate that occurs in the legislature a thing of little or no significance, and it is clearly desirable, indeed imperative, that in order that the authority of our legislative bodies should be revived the most effective and thorough-going debate should take place within their chambers. Undoubtedly the hope of the immediate future is that, by slowly getting rid of machine control and the control of secret interests of other kinds inside our legislative chambers, they may thoroughly regain their self-possession and their self-respect, and in regaining these may return to their one-time practice of debate and put everything that they do to the public ordeal. That way lies the recovery of their prestige, and I think there can be no doubt that the present processes of reform will presently bring about that much-to-be-desired result, when the people will again depend, and depend with confidence, upon their legislators and not lean as if for rescue upon their Executives.

Every thoughtful man will agree with the words of Gov. Wilson that legislation should be in the open and free from dictation by special interests either from without or from within the Government; by organizations of capital, of labor, or by political machines, and everything which is conducive to legislative freedom is to be commended.

Has this administration discouraged secret legislative methods or has it encouraged them and participated in them to an extent never known before? Every time this matter is called to public attention Democrats arise and make answer by calling attention to similar offenses by Republicans in previous Congresses. Is such answer sufficient? Why, Mr. President, I have taken much satisfaction in contemplating the fact that this was a progressive age and that we had our faces to the future instead of to the past. Until this Congress I had not supposed that it was a good answer to the charge of bad methods to point to previous practices. The Republican Congress did indulge what I regard as improper methods, and I have never excused them; but it never employed any so flagrantly violative of the principles of open and therefore frank and honest means of legislation as those practiced at this session of Congress and since the President delivered at Portland the speech from which I have quoted. It is more than possible that the semiclose-corporation methods employed in framing the Payne bill may have been a reason why the people put the Republican Party out of power, and yet the Democratic administration goes its predecessor several better and refers to Republican precedents as its only excuse.

Until the Congress of the United States assumes its full constitutional functions as the lawmaking branch and divests itself from all coercive or other improper influences either from without or from within the Government it will not command the respect and confidence of the people, and never in the history of our country has it been placed in so abject and humiliating a position as it finds itself in to-day. Why, Senators in charge of this bill do not understand it. We can not get an intelligent explanation of its items, and when we ask for one we are told that the matter in question was put in by the committee's expert, and the committee knows little about it.

It is no answer to the charge of caucus coercion to say that no vote was taken to bind its Members to support the administration measure. I am, of course, unacquainted with what actually occurred in the secret Democratic caucus, but I speak the common belief that a thorough understanding was reached which will be most effective in binding some Senators to vote against amendments which they believe would improve the bill. If this is true, then surely machine dictation has been potential in shaping this legislation.

As a total result of this Congress up to date it has been humiliated and disgraced before the country by unwarranted insinuations that its Members are unfit to legislate, and by their action they have acknowledged the impeachment. The business men, farmers, and laboring men, who had felt that they were a part of this Government and entitled to be heard by their representatives on matters affecting their comfort, prosperity, and happiness, have been made to feel like trespassers and offenders. The vilest self-convicted scoundrels have been permitted to smirch with their own unsupported statements the characters, or at least the reputations, of honest, conscientious men in and out of public life; and because of the official publication of these matters decent men have felt compelled to make answer to charges which no court of justice would have admitted in evidence, because of their total lack of truth and probability.

It is confidently expressed that this bill now before us will result in better business, greater general prosperity, and cheaper living. The Democratic Party promised these conditions. The President before his election and since has publicly expressed his confidence that they would prevail, and yet recall how inconsistent has been the administration's conduct with its promises. Soon after his inauguration President Wilson is reported to have made a speech in which he proposed "to hang as high as Haman" any man or concern that precipitated a panic. But why talk of a panic? Are business men or even speculators opposed to greater prosperity? Not long after this

threat by the President his Secretary of Commerce is reported as intimating that if a business man failed or if in order to meet the foreign competition recommended by the President he had to reduce his force of laborers or lessen their wages he would be investigated, and perhaps prosecuted. Why suggest such a thing at the dawn of the brighter day for business? Not long after this remarkable statement by the Secretary of Commerce the distinguished and capable Secretary of the Treasury assures the country that he has $500,000,000 of public money which he is ready to distribute among the banks in case of need. What need? Are demands for money being made because of any unusual necessity for it by reason of moving crops or increase of business? It can not be that with increased prosperity leaping and bounding just ahead there is need of this reassuring unsolicited promise of the Secretary of the Treasury.

But this is not all. When it became sure that the President's tariff bill was to be ratified by his party in Congress Mr. Wilson presented his currency bill with the clear inference that it is needed to offset any bad effects of the tariff. Surely all this is treason to the oft-repeated assurances by those in control of the Government that the tariff per se and of necessity is to strike the shackles from business.

Mr. President, if business disaster prematurely comes, its coming will be due more to the oft-expressed fears of this administration than to any efforts by wicked business men, who as patriots are expected to be happy the while their business is threatened with destruction and themselves with prosecution.

There is one thing which stands out clearly at this time and that is this: The administration would be supremely happy if it was well assured that the condition of the country would be no worse than it is to-day. It has no real hope that things will be better; it justly fears they will be worse, and it is looking everywhere for some scapegoat for its own handiwork.

This measure for the first time in our history disclaims the principle of protection. Whatever protection is in the bill is purely incidental, although from its sectional character I can not say that it is accidental. There is too much method disclosed for accident. The distinguished chairman of the Finance Committee, in speaking for the majority members of his committee, stated that no attention had been given to the question of cost of production. That is but one illustration of the foregoing statement that protection had been ignored, for the true principle of protection is founded on difference in cost of production here and abroad. He clearly demonstrated that the one publicly declared reason for the revision made is a desire to cheapen the cost of articles to the consumer. Now, Mr. President, things must be cheapened to the consumer or this legislation must result in failure and its creators will be condemned, and if it does cheapen consumption it must not be done at the expense of general prosperity or by reducing the ability of the people to purchase. There is but one possible theory on which goods can be cheapened in price and general prosperity maintained by the reductions in tariff proposed in this bill, and that is that the profits of the manufacturer and the farmer are so large that they can be reduced to meet foreign competition and further that the consumer will get the benefit of such reduction. Is it within reason to suppose that our farmers and manufacturers are as a whole enjoying extraordinary and unreasonable profits?

The records do not so disclose. It is possible that some of our largest concerns who produce vast quantities of goods at a small profit per unit may continue to do business, but the great majority of the business of manufacture and agriculture is conducted at so small a margin of profit that it can not continue if that margin is reduced. The large concern may endure through the temporary reign of Democracy. It may be able to cooperate with its foreign competitors so as to do business, but is that to be the policy of Democracy? The trend of the times is against monopoly.

Is there any assurance that a reduction of the tariff will be reflected in retail prices? It was not so reflected in the retail price of shoes when in 1909 hides were put on the free list and the duties on shoes was reduced 75 per cent. Lumber was not lessened in price to the consumer when the tariff was reduced one-half. But it is possible to reduce the retail price of things. It was done in 1893 to 1897. General industrial depression is absolutely sure to reduce retail prices. Close the factories of this country, destroy in a measure home production, and the thousands of wage earners and small business men who furnish the best market for the products of agriculture and industry will be compelled to reduce their consumption and these products will outrun the demand and their price will drop. But what will it profit a man if the price of food and raiment is small if he has not the power to purchase?

The distinguished chairman, Mr. SIMMONS, frankly admits that the bill is intended to permit the importation of more foreign goods. Who is to make these imported goods? Foreign labor, which in no place on earth, save possibly in Canada, receives more than 50 per cent as high wages as in the United States, will produce them if they are used at all. These imported goods will be made abroad, and therefore can not be made at home, and so far as they at least are concerned American labor will be denied the opportunity to work. The distinguished Senator, however, speaking for his Democratic colleagues, suggests that while our home market, which is the best on earth, may have to be surrendered in a measure to the foreigner, markets abroad will be opened to us. But again, what shall it profit our people to give up the best on earth for the hope of gaining a greater chance at the markets of the world in competition with the monopoly-encouraged, bounty-fed products of other countries?

Mr. President, this bill is inspired by antagonism to American prosperity. Trusts and monopolies are the expressed objects of attack, but every legitimate industry is subject to Democracy's destructive fire, and in its ostensible efforts to injure the bad it recklessly and wantonly destroys the good. We can and should destroy domestic monopoly, and great progress has been made in that direction; but the policy of free trade is a blow to all domestic business conducted under the American conditions of wages and living and opens the door to destruction by possible foreign trusts and monopolies, under whose tyranny this Government would be helpless.

We can rid our barns of rats without burning the buildings. We can cut off all special tariff favors without destroying the opportunities for American labor and enterprise.

The distinguished chairman has stated as a fact that some things upon which a tariff is now levied cost no more to produce here than in the competing foreign countries. Unfortunately I and other Senators of the minority have not been privileged to hear the arguments which have led the Senator to his conclusions, but if it is true that such duties do exist, then I certainly would favor reducing them to a minimum, which would be an amount sufficient to protect against the possible inundation of our markets for the temporary purpose of destroying home production.

I voted for Canadian reciprocity, so called, and in doing so I am now aware that I made a political mistake. I was confident at that time that the reciprocal arrangement thus proposed would unite the two countries, of common ancestry, of similar conditions as to wages and living, by closer ties of common interests. I felt that the waterways which lie along the boundary and which belonged to both nations should have their mighty possibilities developed for those nations' common good, and it seemed to me that the agreement for mutual benefits might be helpful to that great purpose. Since reciprocity was defeated, however, the United States Senate has passed a resolution authorizing the President to enter into treaty relations with Canada for this purpose. I did not, however, rightly interpret the sentiment either of our own people or that of the Canadians. Many of the men and papers who supported President Taft in his efforts for Canadian reciprocity afterwards were either silent when he was attacked for urging the pact or else they openly condemned him for his efforts. Canada repudiated the action of this Government and defeated the agreement when the matter came before her people. Since that action by Canada I have taken every opportunity to reverse the vote by which Congress passed the measure, and I felt then, as I do now, that no form of Canadian reciprocity will ever again receive my support unless Canada shall have first passed and presented the proposal and the American people shall have given it their approval. And yet, here is a proposition to give to Canada all and more than was offered under the reciprocity act without asking anything in return, and the same privilege is extended to every nation on earth where cost of production and conditions of living are greatly below those maintaining in the United States.

No tariff bill was ever presented to Congress so unjustly discriminatory against the northern and western farmer, and yet its advocates have the temerity to say that the farmer will be benefited by subjecting him without any protection to the competition of the world. If the farmer resented reciprocity, what will he say to this measure which sacrifices everything and obtains nothing?

It might be interesting to take up in detail and discuss the items of this bill, but it would be unavailing so far as changing the decree which has gone out to the effect that it must pass without change, and the country is impatient for the final vote.

I could call attention to numerous cases where in this bill the foreign producer has been placed not on an equality simply with

American producers, but where he has been given a direct and material advantage over them. I could point out many provisions in which duties are raised upon articles which do not and could not compete with American products and which therefore without question increase the cost to the consumer by the full amount of the duty and that without conferring even an incidental benefit upon a single American. I could specify items which will result in placing our people in the hopeless grasp of foreign monopolies over which our Government can exercise no control.

I could refer to instances which show the potential in- not compete with American products and which therefore without let or hindrance the American people. I could show that the policy and result of this measure is to place this great Republic at the mercy of other nations for some of the very necessaries of life, such as sugar, wool, meat, and flour. Other civilized countries have felt that it was the height of wisdom to become and remain independent of every other nation so far as necessaries are concerned. Swords have not yet been beaten into plowshares nor spears into pruning hooks, and even as the rumbling of international trouble disturbs our ears it is proposed that we shall make our Republic dependent upon foreign nations for those things which are necessary to its existence in peace and war. But, Mr. President, many of these things have already been disclosed and others will be specified as we progress with the consideration of the bill. I am sorry that the Senate is foreclosed from effecting changes which unfettered patriotic judgment dictates as right. I can only hope that my fears are groundless and that American peace, prosperity, and progress will continue.

I have the honor to represent in part one of the greatest States in this Union of great States. Her agriculture, manufacturing, mining, and lumbering interests are of mighty importance not only to her people but to the people of the whole country. In patriotism and love of country she is unsurpassed by any other. She sent more than her full quota of her best citizens to help preserve the Union. More than were needed of her loyal sons presented themselves at McKinley's call for men to maintain the Nation's honor in the War with Spain. She is ready at all times, as she has been in the past, to do everything which becomes a liberty-loving, patriotic Commonwealth to contribute to the stability and greatness of the United States. She asks no favors which she is not willing to accord to every other State; but she insists that this country, with all of the resources and possibilities which have been bestowed by a bountiful Providence upon her shall be held and developed primarily by and for the American people. She believes in benefiting the world, but that such benefit shall be given not by lowering American standards to that of the lowest competitor, but through such a beneficent administration of national affairs as will attract to us the eyes of all nations, who will here see and emulate the glorious possibilities of a Government not only of and by, but for its own people. She would not equalize world conditions by degrading our people to a lower level, but through example would inspire others to raise themselves. As an humble representative of such a State I protest against the enactment into law of a bill inspired by prejudice, framed in darkness, and with no possibilities for good to any American except the importer who sells foreign-made goods and the retired capitalist, who neither toils nor spins and who, contrary to Divine injunction, takes his only care for what he shall eat and drink and wear. This Government should be interested more largely in opportunities for doing and being than in the chances for simply existing.

Mr. President, I can see no good that will come to the American people by the enactment of this bill into law. It contains some things which I would be willing to support if I could vote upon them divorced from their caucus-forged bonds to other provisions which I regard as dangerous not only to our revenues but to our prosperity. I shall support such amendments as are offered which, in my judgment, will improve the measure. If every Senator would vote his honest convictions we would be able to remedy some of its glaring defects; but believing as I do that the measure as a whole is wrongly based and inimical to the progress, prosperity, and happiness of my countrymen, I shall vote against it on its final passage, and I am now ready to perform that duty.

Mr. WARREN. Mr. President, in his able defensive speech on the pending bill the chairman of the Finance Committee sought to justify the drift of the bill toward free trade by citing the result of the last presidential election. The tariff, he said, was the paramount issue in the campaign, and out of the 531 votes in the electoral college President Taft received only 8, and Mr. Wilson received 435.

The bill now before the Senate, Chairman SIMMONS contends, is "a fair interpretation of the will of the people."

The Senator from Mississippi [Mr. WILLIAMS], also a prominent and distinguished member of the Finance Committee, in some remarks submitted a few days ago seemed to take the same ground when he claimed that the so-called Wilson-Gorman Tariff Act had nothing to do with the panic which followed; that the American people have since found out that any statement to that effect was a lie——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. WARREN. Certainly.

Mr. WILLIAMS. I desire to ask the Senator if I understood him to use the words "panic which followed"?

Mr. WARREN. I did.

Mr. WILLIAMS. Did the Senator intend to use the word "followed," or did he intend to say "which preceded"?

Mr. WARREN. I intended to use it as I have said it.

Mr. WILLIAMS. I merely wanted to know.

Mr. WARREN. The Senator from Mississippi claimed that he was authorized to so state "by the authority of the last election, which put Woodrow Wilson in the White House."

PARTY PLATFORMS—1912.

Now, Mr. President, the facts are that three great political conventions were held last year, each of the three political parties adopting a platform of principles on which it sought the votes of the people. As to the tariff, the several declarations of principles were, in effect, as follows:

Republican: Maintenance of a protective tariff, with a reduction of duties that may be too high and with a general readjustment of duties by means of accurate information obtained by an expert commission.

Progressive Republican: A protective tariff which shall equalize conditions of competition between the United States and foreign countries, both for the farmer and the manufacturer, and which shall maintain for labor an adequate standard of living.

Democratic: A tariff for revenue only, on the ground that a protective tariff is unconstitutional.

To soften this declaration, notwithstanding the solemn assurance of our friend the Senator from Mississippi that the people no longer believe that harm can come from destroying the protective-tariff system, the Democratic platform contained these words:

> We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

To further allay the fears of the American people that the success of the Democratic Party would mean the destruction of the protective system of tariff legislation, Mr. Wilson, the then candidate, now President, in his speech at Pittsburgh on October 18, said:

> The Democratic Party does not propose free trade or anything approaching free trade. It proposes merely a reconsideration of the tariff schedules such as will adjust them to the actual business conditions and interests of the country. * * * They will not undertake the task like amateurs, either. They will seek and obtain the best possible advice in the country, but they will seek it far and wide and not only in the quarters from which it has usually come.

Without stopping here to comment upon the atrocious betrayal of these ante-election promises by the Democratic Party and its nominee for President, and its President, as evidenced in the bill now before us, which confessedly will "destroy legitimate industry" in striking down the sugar and wool and other industries, we pass on, and find that, so far as the tariff is concerned, the Republicans and the Progressive Republicans were practically as one party in the last campaign. Any Republican would have been content to have the Progressive tariff plank substituted for that of his own party, and the Progressives would have been content with the Republican tariff plank. Consequently, in voting on the tariff the two parties might well be considered as united.

HOW THE PEOPLE VOTED.

The returns show that of the popular vote of the country—

	Votes.
Mr. Taft, on a protective platform, received	3,484,529
Mr. Roosevelt, on a protective platform, received	4,123,206
Total for protection	7,607,735
Mr. Wilson, on a tariff-for-revenue platform, received	6,290,818
Majority of protection votes over tariff-for-revenue votes	1,316,917

Surely a very handsome majority.

Had the votes for protection, over those for a revenue tariff, decided the election of electors, Mr. Wilson instead of receiving 435 votes in the electoral college would have received but 152, or only a little more than one-third as many.

Had the electoral vote, by States, been decided upon the numbers cast for protection and the numbers cast for a revenue tariff, the result would have been like this:

	Electoral vote.	Wilson.	Roosevelt.	Taft.
For a revenue tariff:				
Alabama	12	82,438	22,680	9,732
Arizona	3	10,324	6,951	2,986
Arkansas	9	68,838	21,673	24,467
Florida	6	36,417	4,535	4,279
Georgia	14	92,076	21,980	5,181
Kentucky	13	219,584	102,766	115,512
Louisiana	10	60,971	9,323	3,834
Mississippi	10	57,227	3,645	1,595
North Carolina	12	144,597	69,130	29,139
Oklahoma	10	119,156	.....	90,786
South Carolina	9	48,357	1,293	536
Tennessee	12	130,275	63,710	59,392
Texas	20	219,489	26,745	25,830
Virginia	12	90,332	21,777	23,288
Total (14 States)	152	.....	.....	.....
For a protective tariff:				
California	13	283,486	283,610	3,914
Colorado	6	114,232	72,306	58,386
Connecticut	7	74,561	34,129	68,324
Delaware	3	22,631	8,886	15,997
Idaho	4	33,921	25,527	32,810
Illinois	29	405,848	386,478	253,593
Indiana	15	281,890	162,007	151,267
Iowa	13	185,325	161,819	119,805
Kansas	10	143,663	120,210	74,845
Maine	6	51,113	48,495	26,545
Maryland	8	112,674	57,789	54,956
Massachusetts	18	173,408	142,228	155,948
Michigan	15	150,751	214,584	152,244
Minnesota	12	106,426	125,856	64,334
Missouri	18	330,746	124,371	207,821
Montana	4	27,941	22,456	18,512
Nebraska	8	109,008	72,614	54,216
Nevada	3	7,986	5,620	3,196
New Hampshire	4	34,724	17,794	32,927
New Jersey	14	178,289	145,410	88,835
New Mexico	3	20,437	8,347	17,733
New York	45	655,475	390,021	455,428
North Dakota	5	29,555	25,726	23,090
Ohio	24	423,153	229,327	277,066
Oregon	5	47,064	37,600	34,673
Pennsylvania	38	395,619	447,426	273,305
Rhode Island	5	30,412	16,878	27,703
South Dakota	5	48,982	58,811	.....
Utah	4	36,579	24,174	42,100
Vermont	4	15,354	22,132	23,332
Washington	7	86,840	113,698	70,445
West Virginia	8	113,046	78,977	56,667
Wisconsin	13	164,228	62,460	130,695
Wyoming	3	15,310	9,232	14,560
Total (34 States)	379	.....	.....	.....

Two and one-half times as many electoral votes for a protective tariff presidential candidate as for a revenue tariff candidate.

And so free trade or tariff for revenue only received the indorsement of but 14 out of 48 States, while a protective tariff was adhered to by 34 States—more than two-thirds of the States in number. And it is also a significant fact that of those free-trade or tariff-for-revenue-only States, 12 of them were the old solid South, rock-ribbed, always-that-way States, the other 2 being the newer States of Oklahoma and Arizona; while on the other hand all of the old northern and western group that have ever heretofore declared for a protective tariff, and including the southern States of Maryland, Missouri, and West Virginia and the new State of New Mexico, 34 in all, recorded their votes for protection.

So it is idle to claim that the people of this country are clamoring for a change from protection to free trade or a tariff for revenue only.

Taking it another way: In point of population the States voting for the revenue-tariff idea contain the following:

Alabama	2,138,093
Arizona	204,354
Arkansas	1,574,449
Florida	752,619
Georgia	2,609,121
Kentucky	2,289,905
Louisiana	1,656,388
Mississippi	1,797,114
North Carolina	2,206,287
Oklahoma	1,657,155
South Carolina	1,515,400
Tennessee	2,184,789
Texas	3,896,542
Virginia	2,061,612
Total (14 States)	26,543,828

The States casting a majority vote for the protective idea have a population as follows:

California	2,377,549
Colorado	799,024
Connecticut	1,114,756
Delaware	202,322
Idaho	325,594
Illinois	5,638,591
Indiana	2,700,876
Iowa	2,224,771
Kansas	1,690,949
Maine	742,371
Maryland	1,295,346
Massachusetts	3,366,416
Michigan	2,810,173
Minnesota	2,075,708
Missouri	3,293,335
Montana	376,053
Nebraska	1,192,214
Nevada	81,875
New Hampshire	430,572
New Jersey	2,537,167
New Mexico	327,301
New York	9,113,614
North Dakota	577,056
Ohio	4,767,121
Oregon	672,765
Pennsylvania	7,665,111
Rhode Island	542,610
South Dakota	583,888
Utah	373,351
Vermont	355,956
Washington	1,141,990
West Virginia	1,221,119
Wisconsin	2,333,860
Wyoming	145,965
Total (34 States)	65,097,369

Thus the vote for the revenue-tariff idea represents but twenty-six and a half millions of our people, while the vote for the protective idea represents sixty-five millions, speaking in round numbers.

Carrying the point a step further, we find from the latest available statistics that the estimated true value of all property in 1904 in the 14 tariff-for-revenue States was as follows:

Alabama	$965,014,261
Arizona	306,302,305
Arkansas	803,907,972
Florida	431,409,200
Georgia	1,167,445,671
Kentucky	1,527,486,230
Louisiana	1,032,299,006
Mississippi	688,249,022
North Carolina	842,072,218
Oklahoma and Indian Territory	459,021,355 / 636,013,700
South Carolina	585,853,222
Tennessee	1,104,226,979
Texas	2,836,322,003
Virginia	1,287,970,189
Total	14,673,520,324

The estimated true value of all property in the 34 protective-tariff-voting States in 1904 was:

California	$4,115,491,106
Colorado	1,207,542,107
Connecticut	1,414,655,063
Delaware	230,209,976
Idaho	342,871,863
Illinois	8,816,356,191
Indiana	3,105,781,739
Iowa	4,048,516,076
Kansas	2,253,224,243
Maine	775,622,722
Maryland	1,511,488,172
Massachusetts	4,956,578,913
Michigan	3,282,419,117
Minnesota	3,343,722,076
Missouri	3,759,597,451
Montana	746,311,213
Nebraska	2,669,563,633
Nevada	220,734,507
New Hampshire	516,809,204
New Jersey	3,235,619,973
New Mexico	332,262,650
New York	14,769,042,207
North Dakota	735,802,909
Ohio	5,946,969,466
Oregon	852,053,232
Pennsylvania	11,473,620,306
Rhode Island	799,349,601
South Dakota	679,840,939
Utah	487,768,615
Vermont	360,330,089
Washington	1,051,671,432
West Virginia	840,000,149
Wisconsin	2,838,678,239
Wyoming	329,572,241
Total	91,390,308,420

Thus it will be seen that the relative standing in the country of the protective-tariff and the revenue-tariff ideas is as follows:

	Revenue tariff.	Protective tariff.
Electoral votes	152	379
Population	26,543,828	65,097,369
Property value	$14,673,520,324	$91,390,308,420

Mr. President, it is perfectly apparent from the discussion so far of the pending tariff measure that the opinions of Senators are as widely apart, almost, as the poles, relative to the subject, between those who believe in protection so placed as to be practically a tariff for revenue also and those who oppose protection and insist upon a tariff for revenue only, not even willing to have incidental protection, but instead a tariff so placed, much of it, that neither protection nor any considerable revenue can result.

I myself am a believer in a protective tariff, and wish at all times to be counted upon that side of the equation.

If a line of conduct or belief has led invariably to success, we should credit it accordingly. And in my own opinion, if I have read history correctly and have observed events with care, it is safe for me to assert that an adequate protective tariff has brought us prosperity and consequent happiness, while a free-trade policy—or its first cousin or nearer relative, a tariff for revenue only—has invariably brought us into nonprosperous times and consequent sorrow.

Notwithstanding the fact that the subject of the tariff is old and has been talked about and thought of much by all of us, yet from the very nature of things it is never shopworn nor outlawed. It is always with us, and must necessarily be with us so long as we have a Government and the Government is supported in whole or in part from the levying of taxes, directly or indirectly.

Pursued as I am, and as doubtless others are, by inquiries as to what the pending bill contains and how it compares with former bills, and by many requests for some history concerning the numerous bills which have been enacted during the life of the Republic, I have thought it best to prepare and put into the RECORD a sort of brief résumé of the leading and important tariff measures, with facts and comments as to tariff legislation according to my views, even though it may smack a little of the elementary.

It was very early in the history of our Republic when the doctrine of protection found a place in our laws. The State of Pennsylvania in 1785 enacted a protective tariff law imposing specific duties on articles imported into the State from abroad and ad valorem duties on others. It was intended to encourage manufacturing within the State, and so well did it fulfill this intention that Pennsylvania to this day has been an advocate of the protective idea. The Pennsylvania law was the model for the first tariff law enacted by the Federal Government, in 1789.

FIRST NATIONAL PROTECTIVE LAW.

The date of the first protective tariff law, July 4, 1789, is significant, and the language of section 1 of the act is equally so. It is:

> Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufacturers that duties be laid on goods, wares, and merchandise imported: Be it enacted, etc.

Protective legislation in connection with laws for protection to American shipping brought immediate prosperity to the young Nation, paid the expenses of the Government, and enabled it, by 1834–35, to wipe out the national debt, including the $15,000,000 paid for the purchase of Louisiana.

Various revisions of the first tariff law were made in the period between July 4, 1789, and the War of 1812, none of them downward and most of them upward. Conditions improved wonderfully during this period, and the transformation from household industry to an organized system of factories was begun.

Mr. President, I do not wish to go very deeply into ancient history; but in order to make some comparisons and to show some coincidences I shall trespass upon the time of the Senate for a few moments to touch upon some of the high points from that period up to the present time.

Census reports for 1810 show that the manufactured products of the country aggregated $127,694,602, the growth of but a few years under protection.

During the progress of the War of 1812 a tariff practically prohibitive was in force, and this extreme application of the protective idea threw the people of the country on their own resources, and establishments for the manufacture of cotton goods, woolen cloth, iron, glass, pottery, and other articles increased in number wonderfully.

A report of conditions in the United States at the close of the war, made by Mathew Carey, showed that employment was at hand for every man, woman, and child able and willing to work, cotton manufactures aggregating $24,000,000 annually; woolen manufactures, $19,000,000; all manufacturing establishments busy; money easy; debts collected without difficulty, and the country generally prosperous except in a few places which suffered desolation during the war.

After the close of the war the prohibitive war duties were reduced by temporary legislation 29 per cent; and then followed the act of April 27, 1816, which was not as protective as the advocates of that policy desired.

It is worthy of notice that one of the strongest advocates of the protective-tariff idea at the time this bill was under consideration was John C. Calhoun, of South Carolina, and one of his speeches was the most notable effort of the session in favor of protection.

INADEQUATE TARIFF BRINGS DISASTER.

The inadequate protective duties of the act of 1816 opened the way for an onslaught on American markets and industries by Great Britain which proved more injurious to this country than a successful war would have been. First came a brief period of fictitious prosperity in which floods of foreign goods at low prices came into the country, bringing on extravagant speculation in business. Then came liquidation and bankruptcy to the merchant and farmer.

Thomas H. Benton, writing of that period, said:

> No price for property, no sales except those of the sheriff and the marshal, no employment for industry, no demand for labor, no sale for the produce of the farm, no sound of the hammer, except that of the auctioneer knocking down property. Distress was the universal cry of the people; relief, the universal demand, was thundered at the doors of all legislatures, State and Federal.

How accurately this description fits a later period of depression which most of us remember, namely, the depression caused by the Wilson-Gorman law.

The iron trade, the pottery industry, the glass factories, the manufactures of cotton goods, the woolen industry—all were hard hit. England glutted the markets of this country with cheap goods and nearly ruined us.

The hard times of that early period were attributed by the free-trade advocates to the failure of banks and the decrease of currency, just as the free traders of to-day blame the panic and hard times of 1893–1897 on former President Cleveland and the banks as per Senator THOMAS a few days ago.

A memorial to Congress adopted by a convention in which delegates participated from nine States contained the following statement showing the unfortunate condition of the manufacturing industries:

> While so many of our manufactures are thus ruined, our working people destitute of employment and of the means to support their families, our cities and towns are filled with the manufactured productions of other nations, by which we have been and are ruinously drained of our wealth. That these complicated evils which oppress us and which have taken place during a season of profound peace of nearly five years' duration, after a war closed with honor, which left us in a state of high prosperity, evince that there is something radically unsound in our policy which requires a radical remedy in the power of the National Legislature alone to supply.

COUNTRY DEMANDS PROTECTION.

The demand for a remedy was met by Congress with the passage of the protective-tariff act of May 22, 1824, and the still more highly protective act of May 19, 1828, the latter act remaining in force five years.

Under the operations of those two tariff laws prosperity returned to the country, manufacturing was revived, work was abundant, and the public debt was rapidly wiped out of existence.

Henry Clay, in a speech delivered in 1832, said that if a term of seven years were to be selected of the greatest prosperity enjoyed by the people since the establishment of the Constitution it would be exactly that period which immediately followed the passage of the tariff act of 1824.

The history of our country shows that ofttimes prosperity as well as adversity brings discontent.

Under the protective tariffs of 1824 and 1828 there was universal prosperity and, as stated, the revenues of the Government exceeded the expenditures to such an extent that the public debt was paid and a surplus of funds in the Treasury was being accumulated. To reduce revenue and avoid the dangers of a great surplus revision of the tariff was urged. It was contended that the tariffs of 1824 and 1828 imposed duties on many fabrics and commodities not made in the United States and thus imposed unnecessary burdens of taxation on the people.

It was during this period of discussion that the consideration of the tariff question lost its economic features and took on a political and sectional side, which seems to have ever since characterized it.

The antagonism between the North and South was becoming more and more marked, radical free trade being advocated generally by southern statesmen and protection by those from the North.

The questions involved in slavery entered into the consideration of the tariff, so that tariff became one of the acute political issues of the time.

One outcome of the controversy was Henry Clay's famous "compromise" tariff act of 1833, which reduced rates of duty

and provided for a sliding scale of further reductions and ultimate free trade in a large number of articles.

That act greatly increased the importation of foreign goods, which were forced into our markets, sold at auction and on liberal terms of credit to merchants and speculators, whose commercial paper was taken and discounted by the banks. The imports increased from $108,609,700 in 1834 to $176,579,154 in 1836, and the balance of trade for the four years of 1834 to 1837, inclusive, was $99,168,104 against us.

DEPRESSION FOLLOWS TARIFF REDUCTION.

The panic of 1837 told the same story of depression as that following the tariff reduction of 1816. The American market was overwhelmed; domestic production displaced; the labor and industries of the country disorganized; the people impoverished and their purchasing power destroyed. Then followed diminished importations, loss of revenue, and universal financial embarrassment. The Treasury became practically bankrupt. Receipts fell below expenditures year by year and were replenished by increasing the national debt.

The balance of trade against the country and consequent exportation of specie brought on a financial panic in which a great many of the banks of the country were obliged to suspend specie payments.

As usual, and as now, the defenders of the low-tariff and free-trade policies attributed the hard times and panic to the bankers, when, in fact, the banks were victims, with others, of the adoption of a tariff system not in accord with our industrial and business life.

The condition of the country as it existed before protection was restored is described in Hunt's Merchants' Magazine for 1842, page 482, as follows:

> These continually accumulated disasters down to the 1st of April had thrown a degree of gloom over the commercial circles seldom witnessed. The heavy spring payments had been falling due; remittances from the country could not be obtained; the banks were fearful of extending themselves in the smallest degree; goods could scarcely be sold for money at any price; the accounts for abroad gave but little indication of a speedy revival and of a demand for American produce; and the sluggish and uncertain action of Congress tended to enhance the dread of the future.

In Colton's Life of Henry Clay, volume 1, is this deplorable picture:

> The revulsion of 1837 provided a far greater havoc than was experienced in the free-trade period of 1820 and 1824. The ruin came quick and fearful. They were few that could save themselves. Property of every description was parted with at prices that were astounding, and as for currency, there was scarcely any at all.

The Government failed in efforts to place a loan of $12,000,000 in Europe, and in response to advertisements for a popular loan only $250,000 was offered, at rates ranging from 28 per cent to 32 per cent per annum. The American Almanac estimated the losses during that depression in six leading lines of trade at $785,000,000. Over 30,000 merchants went into bankruptcy, and 50,000 settled with creditors, who sustained losses of $250,000,000.

The country returned to the protective policy in 1842, when the act of August 30 restored protective duties, substituting on many aricles specific for ad valorem rates.

Of that tariff act John Quincy Adams said:

> The tariff of 1842 has wrought wonders for the purposes for which it was enacted—the procurement of an adequate revenue and protection for the native industry and free labor of the land. It has fully performed its promise in the production of revenue. It has restored the paisied credit of the Nation, filled the coffers of the Treasury, and has already paid off a large proportion of the heavy debt contracted by the preceding administration.

A New York paper in November, 1842, said:

> When the tariff bill was passed imposing a greater duty on foreign goods it was alleged by most men that it would increase the price of foreign articles nearly or quite to the amount of the duty, and then it would be an indirect tax on the people. Contrary to this prediction, the fact has turned out differently.

The flourishing condition of the country which immediately followed enabled the people to increase their purchases of all kinds of commodities, domestic as well as foreign. Although the importation of protected articles diminished, those of the noncompetitive classes, upon which the duties operated simply for revenue, so increased, owing to the general prosperity of the country, that the Treasury soon held a surplus. Before the act of 1842 was superseded by the act of 1846 $15,000,000 was paid on the national debt.

In contrast with the adverse balance of trade of $99,168,104 against us in the four years 1834 to 1837, there was a trade balance in our favor of $28,000,000 for the four protective-tariff years 1843 to 1846, inclusive.

William D. Kelley said in his speech before Congress January 3, 1866:

> When the tariff of 1842 went into effect our country was being flooded with British manufactures of every variety, from a tenpenny nail to a circular saw, and from table cutlery to butt hinges, thumb latches, etc. But when 1847 came around four years of adequate protection had so stimulated the skill and ingenuity of Americans and had brought from Great Britain so many skilled workmen that our own market was ours for at least an infinite variety of hardware, and we have held it in many departments of the business from that day to this, no one being able to undersell us in our own streets.

While the act remained in force only four years and three months and was the last protective measure in operation until the Republican Party restored and extended the policy in 1861, it operated to so strengthen established industries and to give others a firm foothold that they were able, by retrenchment, the practice of great economy, reduction of wages, and extension of working hours, to better withstand the severe competition to which they were subjected from 1846 to 1860.

Efforts to repeal the 1842 protective law were made in 1844 and failed. Speaking in opposition to a change in the tariff at that time, Senator Berrien, of Georgia, said there had been since August, 1842, a sensible improvement in the condition of the country; whether because of that tariff or in spite of it was not the subject of his inquiry. He stated the following facts:

1. The credit of the country was prostrate and has been redeemed. Its stock is again above par.
2. The Treasury was empty; it is now replenished.
3. The commerce and navigation of the country have increased.
4. Its agricultural condition has improved.
5. There has been a marked improvement of our great staples.
6. A reduction in the prices of almost all if not absolutely of every article of consumption.
7. To crown the whole, every branch of industry has been stimulated to increased activity, and confidence has been restored.

The presidential election of 1844, resulting in the defeat of Henry Clay, protectionist, and the election of James K. Polk, free-trader, brought the era of protection to an end until it was restored in 1861. The Walker tariff law, based on the theory of a revenue tariff, went into effect December 1, 1846, and remained in force until July 1, 1857, when duties were further reduced to harmonize with the revenue standard, and a material change was made in the principles of the Walker tariff by placing many raw materials on the free list.

During the period those tariff laws were in operation a problem of greater importance—that of slavery—occupied the attention of the country, and the relative merits of protection and free trade were placed in the background.

Nevertheless the revenue tariff of 1846, which practically placed manufactures on the free list while retaining duties on raw material, was the cause of increasing importations of competing manufactures, the reduction of wages, and the surrender of profits.

Thus the correcting of one error by making a second one did not bring success. The first error was taxed raw materials and free manufactures; the second, free raw materials and taxed manufactures, neither of which theories can be accepted as correct. A true protective theory requires an adequate tariff on both raw materials and manufactures. A free-trade policy, to be consistent, must naturally demand that both shall be free.

The culmination was the panic of 1857, when, through the exhaustion of the country, trade declined, the sales of public land almost stopped, and the revenues of the Government receded below the expenditures. The depression of business continued until 1861. The balance of foreign trade against us for the four years 1857 to 1860, inclusive, amounted to $169,555,44,. The national debt was increased from $45,000,000 in 1847 to $90,000,000 in 1861. The credit of the Government was poor, and bonds offered by President Buchanan in 1860 brought practically no offers, while an issue of Treasury notes were bid for at from 12 to 30 per cent discount.

In his message of December 14, 1860, President Buchanan said:

> Panic and distress of a fearful character prevail throughout the land. Our laboring population is without employment, and consequently deprived of the means of earning their bread. Indeed, all hope seems to have deserted the minds of men.

In fact, I think there may be Senators now in this body who can recall the pinching times of the Buchanan administration and can remember the poor credit of our Government at that time.

And yet the country was operating under the most anti-protective tariff law ever enacted, a law based upon the views and report of President Polk's Secretary of the Treasury, Robert J. Walker, the ablest opponent of the policy of protection the country has produced.

The test of that law was made under favorable conditions. When it was enacted the country was enjoying an amazing degree of prosperity and business enlargement. The discovery of gold in California, the construction of thousands of miles of railroad, the opening to settlement of millions of acres of land in the Mississippi Valley and beyond, all contributed to keep capital invested and labor employed. Had it not been

for these extraordinary aids to commerce and business the revenue system doubtless would have broken down long before 1857.

The conspicuous results of the Walker tariff between 1846 and 1860 were that wages of labor were not increased, but reduced. Not a single new competitive industry was established in the country. The importations of manufactured articles greatly increased. The exports of gold to settle the adverse balance of trade impoverished the country and caused the business depression of 1857–1860.

The protective element obtained control of Congress in 1860 and a protective tariff bill was passed March 2, 1861, receiving President Buchanan's signature shortly before his retirement from office. This bill provided for a moderate increase of ad valorem rates but changed many duties from ad valorem to specific. The act did not provide enough revenue to meet the extraordinary expenses of the Civil War and the rates were increased at a special session of Congress in August, 1861.

It is worthy of note that during this period one of the most effective advocates of protection was a northern Democrat, William D. Kelley, of Pennsylvania, once a free trader but converted to protection by observing himself the effect of the two policies on the business of the country.

In his introduction to his published speeches and addresses, Mr. Kelley said:

> The theory that labor—the productive exercise of the skill and muscular power of men, who are responsible for the faithful and intelligent performance of civic and other duties—is merely a raw material, and that the Nation which pays least for it is the wisest and best governed, is inadmissible, in a democracy; and when we shall determine to starve the bodies and minds of our operatives in order that we may successfully compete in common markets with the productions of the underpaid and poorly fed peasants of Europe, and the paupers of England, we shall assail the foundations of a Government which rests upon the intelligence and integrity of its people. To defend our country against this result is the office of a protective tariff, and for this duty it alone is sufficient.

It was during this period of a protective tariff that the country prospered in the face of a financial panic. The panic of 1873 was short lived and was followed by a period of great industrial prosperity and growth. The wealth of the country, 1873–1879, increased 44 per cent. The manufactures of the country increased 27 per cent. Iron and steel production increased 200 per cent. Railroad mileage increased 40,000 miles. The national debt was reduced by $322,462,622.

In his speech delivered December 8, 1881, Justin S. Morrill, of Vermont, said:

> In six years ending June 30, 1881, our exports of merchandise exceeded imports by over $1,175,000,000—a large sum in itself, largely increasing our stock of gold, filling the pockets of the people with more than two hundred and fifty millions, not found in the Treasury or banks, making the return to specie payment easy, and arresting the painful drain of interest so long paid abroad. It is also a very conclusive refutation of the free-trade chimeras that exports are dependent upon imports, and that comparatively high duties are invariably less productive of revenue than low duties. The pertinent question arises, Shall we not in the main hold fast to the blessings we have?

A surplus in the Treasury invited reductions in the tariff and downward revision was enacted in the law of March 3, 1883.

It was thought by the protectionists that if concessions were made tariff agitation would cease, and that act contained reductions and compromises which proved unsatisfactory in that they injured the industries affected. The act was a general downward revision of the tariff, an increased free list, and its effect on a number of industries was disastrous.

The act of October 1, 1890, the McKinley Act, was a complete and practical revision of the tariff. Many changes were made from ad valorem to specific rates. The free list was enlarged. The McKinley Act was in force four years, during which there was unusual prosperity in all lines of industry in the country. Employment was plentiful and wages were high.

The history of that period again shows that prosperity as well as adversity breeds discontent.

The Cleveland administration, with antiprotection control of Senate and House, came into power, and its most noted achievement was the Wilson-Gorman Act of August 27, 1894.

It is needless to recite here the conditions of the country which attended the passage and administration of the Wilson-Gorman law. Its scars have not been entirely effaced even by the lapse of nearly a score of years of prosperity. That the country was prostrated, business almost annihilated, factories and works closed, real estate depreciated in value, work denied millions of men willing to work, wages reduced to a mere pittance is not denied. But that the depression was due to the effect of the Wilson-Gorman law is now denied by the opponents of the protective-tariff system, the latest explanation of the depression being, as stated by the Senator from Colorado [Mr. THOMAS], that it was the result of a conspiracy between President Cleveland and Wall Street.

It is certain, however, that no financial panic could cause the general misfortunes which visited the country during Mr. Cleveland's second administration and continued until the enactment of a protective-tariff law was insured by the election of Mr. McKinley and a protective-tariff Congress.

This brief review of tariff legislation in our country—by no means a complete review, but simply a mention of the salient features of tariff legislation preceding the Dingley Act—brings into view the fact that coincident with all legislation along the lines of free trade or revenue tariff this country has suffered from depressions in business, stoppage of manufacturing, dearth of work for all classes of workingmen, increase of importations of manufactured articles, disarrangement of the finances of the Government, and what may be generally classed as "hard times."

On the other hand, coincident with the periods of protective legislation, there have been generally prosperous conditions, ample work, increased wages, growth in manufacturing, growth in agriculture and stock raising, generally sound financial conditions, and general "good times."

Without insisting that the hard-times periods of our history were due absolutely to the low tariffs of the same periods or that the good-times periods were caused by high tariffs, I contend that it is nevertheless significant that adversity has attended one and prosperity the other.

Conditions at the present time are similar to what they have been many times in the past, and while I hope history is not to repeat itself, I confess that I am apprehensive that the causes which operated so disastrously in our case in the past will have the same effect when again applied.

I earnestly hope that our experiences under this legislation will show that protection has built up our industries and commerce to such a plane of stability that we can withstand the flood of competing goods from all parts of the world which are being now accumulated to pour in upon our home market as soon as the barrier of protection is removed by the enactment of the pending bill.

We shall have to contend with sugar from Cuba and Java; wool from Australia and Argentina; coal from Canada; fruits from Italy; manufactures of all kinds from England and Germany and, perhaps, Japan; cattle and meats from Mexico, Argentina, Australia, and Canada—in fact, we shall have to defend our market from unequal competition directed against us from every quarter of the globe.

I shall not predict that we can not withstand the onslaught that will be made against us, for I have faith in the ability of the American people to cope with every misfortune and every adversity which they may be called upon to face.

I do not want to be a prophet of evil, but at the same time I feel that the experiences of this country as a result of low-tariff or revenue-tariff legislation and consequent reduction of compensation of labor have been sufficiently distressing to justify the apprehension, anxiety, and distrust in the future of our business and commercial interests.

There is this light in the situation: The American people are quick of discernment and quick to act. A majority in Congress may fool itself, but it can not fool the people who created that majority. And if the predicted disasters follow the enactment of this law it will be speedily replaced by one in harmony with the theory of protection.

The history of the tariff is full of coincidences, and for that reason I took the short time to put in a résumé of the facts. The election of President Polk, free-trader, over Henry Clay, protectionist, thus making possible the Walker Free Trade Act of 1846, was brought about through the defection from the Whig Party of the Abolitionists, who corresponded in a measure to the Progressives of to-day, whose third-party movement defeated the Republican candidate in the recent election. Regardless of the Abolitionist defection, Clay probably would have been elected if Mr. Polk, during his candidacy for the Presidency, had not assured the voters of Pennsylvania that he would not injure American industries. In a letter to Judge Kane, of Pennsylvania, which was widely circulated in that State, Mr. Polk said:

> In my judgment it is the duty of the Government to extend as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, commerce, and navigation.

This promise to the voters of Pennsylvania saved that State to Polk.

Again, in 1892, Mr. Cleveland at various times during his candidacy sought to allay the fears and apprehensions of the

people in regard to the tariff. In a speech in Madison Square Garden, July 20, 1892, he said:

> We are not recklessly heedless of any American interests, nor will we abandon our regard for them.

In his letter of acceptance, September 26, 1892, he wrote:

> Tariff reform is still our purpose. We wage no exterminating war against any American interests. We believe a readjustment can be accomplished in accordance with the principles we profess without disaster or demolition. We contemplate a fair and careful distribution of necessary tariff burdens rather than the precipitation of free trade. We will rely upon the intelligence of our fellow countrymen to reject the charge that a party comprising the majority of our people is planning the destruction or injury of American interests.

And in 1912 we have Mr. Wilson asserting at Pittsburgh that—

> The Democratic Party does not propose free trade or anything approaching free trade. It proposes merely a consideration of the tariff schedules such as will adjust them to the actual business conditions and interests of the country.

How alike the ante-election promises of Polk, Cleveland, and Wilson!

And thus doth history repeat itself.

Despite his promises to Pennsylvania, President Polk was sponsor for the most extreme free-trade tariff act in our history.

Despite his promise to the American people that a readjustment of the tariff would be made without disaster or demolition, Mr. Cleveland favored the Wilson bill as it passed the House, with a greatly extended free list, including free wool, free coal, free hides, free lumber, and so forth.

And despite his promise of less than a year ago that the Democratic Party proposes merely a consideration of the tariff schedules such as will adjust them to the actual business conditions and interests of the country, President Wilson is now forcing his party to place certain products on the free list, with the inevitable result, in the minds of many of his own party, Members of Congress and others, that the industries producing those products will be seriously crippled, if not entirely destroyed.

And thus again will history repeat itself.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. SIMMONS. What is the amendment?

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. In paragraph 71, page 18, lines 7 and 8, the Senator from Utah proposes to strike out, after the word "ounce," the semicolon and the words "vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound."

Mr. SIMMONS. I understood the Senator from Utah, just before we adjourned on Saturday, to withdraw that amendment.

The VICE PRESIDENT. The RECORD shows that the amendment was pending. That is all the present occupant of the chair knows about it.

Mr. SIMMONS. The Senator from Utah is not in the Chamber, and I will ask that the amendment be passed over during his absence. He undoubtedly stated that he would withdraw the amendment, though the clerks may not have gotten his statement; but I would not like to have action taken upon it on my statement about it in the absence of the Senator from Utah.

Mr. STONE. That the Senator from Utah may be present, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will read the last lines of the RECORD of the proceedings of Saturday.

The Secretary proceeded to read from page 2805 of the RECORD, and read as follows:

> Mr. GRONNA. I ask that this item be passed over until Monday. I should like to go into it. I do not care to delay the Senate, but I would prefer to have it passed over until Monday.
>
> Mr. CLARKE of Arkansas. According to the arrangement under which we are proceeding that reservation was made in favor of any Senator who desired a paragraph to be laid aside for further consideration.

Mr. JONES. I understand that the absence of a quorum was suggested by the Senator from Missouri.

The VICE PRESIDENT. The Chair did not hear him.

Mr. JONES. I know that he made the demand, because I had risen to make it when he raised the point.

Mr. SIMMONS. The Senator from Missouri did suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Chamberlain	Gallinger	Kenyon
Bankhead	Chilton	Gronna	Kern
Brady	Clark, Wyo.	Hollis	La Follette
Brandegee	Clarke, Ark.	Hughes	Lane
Bristow	Crawford	James	Lea
Bryan	Cummins	Johnson, Me.	Lewis
Burton	Dillingham	Johnston, Ala.	Lodge
Catron	Fletcher	Jones	Martin, Va.
Martine, N. J.	Reed	Smith, Ga.	Thompson
Norris	Robinson	Smith, Md.	Thornton
O'Gorman	Saulsbury	Smith, Mich.	Tillman
Oliver	Shafroth	Smith, S. C.	Townsend
Overman	Sheppard	Smoot	Vardaman
Page	Sherman	Stone	Walsh
Perkins	Shively	Sutherland	Warren
Pomerene	Simmons	Swanson	Williams
Ransdell	Smith, Ariz.	Thomas	Works

Mr. SHEPPARD. My colleague [Mr. CULBERSON] is unavoidably absent. He has a permanent pair with the Senator from Delaware [Mr. DU PONT]. I will let this announcement stand for the day.

Mr. GRONNA. I wish to announce that my colleague [Mr. MCCUMBER] is necessarily absent from the city, due to serious illness in his family, at Detroit Lake, Minn.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present.

Mr. WILLIAMS. Mr. President, I hold in my hand a plain letter from a plain man which, however, I think is a sufficient answer to the very elaborate argument of the Senator from Utah [Mr. SMOOT] the other day upon the subject of American wages, especially in the mining business. I have not had time to verify all the figures in it, but I think it will be found to be correct. I ask to have it read as a part of my remarks.

The VICE PRESIDENT. The Senator from Mississippi asks consent to have read the letter he has sent to the desk. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PROVIDENCE, *July 26, 1913.*

MY DEAR SIR: Having read your debate in the Senate Chamber with Mr. SMOOT, of Utah, in the CONGRESSIONAL RECORD July 18, 1913, in which the Utah Senator claims the tariff laws of his party are responsible for the high rate of wages in our country, and in order to prove his claims in that respect he cites the lead-mining industry as a shining example of what protection will do for the individual engaged in that line of industry. Now, Mr. WILLIAMS, I am not going to indulge in glittering generalities, hot-air logic, or blow-hard argument. I am just going to prepare for your consideration some figures and a few facts which I have learned after studying the returns of the last national census reports in connection with mines and mining. In speaking of the industry throughout the country they say we have employed during the period above mentioned 1,086,782 wage earners, and they receive $599,705,989 as compensation for their services, which gives each wage earner $551.82 per year, $10.61 per week, or $1.77 per day. This national average includes every branch of the industry throughout the length and breadth of our land, and the gross valuation. The total cost was $1,238,410,322, which allows each individual worker $1,140 as his share of total amount. Now, Mr. Senator, let us go into his State of Utah and find out how much they are paid there. The same source of information which I quote from says there is employed in the mining business 11,004 wage earners and they are paid $8,986,851, averaging $816.69 per year, $15.70 per week, or $2.61 per day, and as the result of their united efforts they produce $22,083,282 of mining commodity which gives each man or boy $2,007 as the result of his toil. In the State of Utah the principal productions consist of copper, silver, and gold ores—this accounts for their high rate of wages within the State. We will now take up the particular industry Mr. SMOOT speaks of—the lead-mining industry. The reports says there are 21,603 wage earners distributed among a half dozen of States; chief of or principal one is the State of Missouri, which employs and produces about 75 per cent of men and material connected with the business. Now, those 21,603 men and boys receive $10,477,657 as the reward of their yearly toil, which gives each one of them the princely sum of $485 per year, $9.33 per week, or $1.55 per day. This pay, Mr. Senator, is in the lead business, which Mr. SMOOT says pays all the way from $3.50 per day up to $4.75 per day. Why, sir, the actual average pay is only one-third—33⅓ per cent—of what he claims it is—$3.50 the lowest pay he mentioned. Now, Mr. Senator, we have working right here in the city of Providence in nonprotective industries such people as Senegambian niggers from the Cape de Verde Islands, dark-skinned Arabs from the northern shores of the Mediterranean, who receive $2.25 per day for nine hours' work, and this pay received by those unskilled alien workmen employed in nonprotected industries is more than the wages received by the wage earners employed in the highly protected industries of the State of Rhode Island. And those industries that I refer to are woolen and worsted, cotton and jewelry, foundry and machine-shop products. In the woolen and worsted trade there are 24,924 wage earners who get $11,537,699; the average per operative amounts to $463 per year, $8.90 per week, or $1.48 per day. The cotton business employs 28,786 workers, and they receive $11,796,733 per year, which gives each one employed in that business $410 a head, or $7.88 per week, or $1.31 per day. The jewelry business—one of the most highly protected pets in the tariff laws—employs 9,511, whose total income is $4,760,780, average $500 each per year, $9.61 per week, or $1.60 per day, while the highly skilled workmen that are engaged in the foundry and machine-shop business number 10,937 and receive $6,899,657 for the year's work, which averages $631 each, $12.13 per week, or $2.02 per day. Now, any fair-minded person can by carefully comparing the wages received by those wage earners that are employed in the protected industries that I have described with the wages received by those uneducated, ignorant, unintelligent aliens that are employed in such industries as the building trades, sewer construction, macadamizing and road building, freight handling, longshoreing, coal, including trimming and shoveling, wheeling and delivering—now, Mr. Senator, any person can see that the tariff doctrine which Mr. SMOOT so piously reveres, preaches, and fervently prays for does not raise wages in Rhode Island any more than it does in Utah or Mississippi. Now, Mr. Senator, let us take the tariff rates or taxes that is levied for the benefit of the wage earners employed in the lead business. According to the rate in the Payne-Aldrich bill, 1½ cents a pound on lead ores, that amounts to $30 a ton, while the rate on zinc ores is 1 cent a pound, which makes $20 on zinc ores. Now, 21,603 wage earners get $10,477,657, or $485 each; they produce 1,335,637 tons of lead and zinc, which cost

$21,363,094 to produce. Now, the labor cost is $7.84 per ton. If you imported this much lead and zinc from any foreign country—the combined product, 1,335,637 tons, 2,671,274,636 pounds—you would have to pay at the customhouse on the lead $14,021,153.85, while the zinc product would cost $17,365,243.79; here we have a total tax of $31,386,397.64. This protection is $23,903 more than the cost of production. Now, Mr. Senator, who gets this overprotection of $20,908,740.64, the miner or the mine owner? I solemnly say it is the mine owner and not the humble mine worker. Now, Mr. Senator, in looking over the statistical abstract of the United States for the year 1912 I find that the price of lead in the New York City market is $86 per ton, and on the same page in the same volume I find the market price of zinc in St. Louis, Mo., is $108 per ton for the year of 1909, and the following year—1910—lead rose to $88 while zinc remained the same—$108 per ton. Now, sir, if those two prices I find in the abstract are honest facts, where does the labor cost $7.84 come in? The freight rate along with marine insurance is ample and sufficient protection for the scanty mite he is paid for his labor in that industry. Why it is a mere bagatelle, a beggarly pittance, compared with the wholesale selling price in New York City. There is not a commission man in the United States that would contract to supervise the importation and distribute the same amount of lead and zinc that was produced in this country for 1909 for the original cost—$31,363,094—for the simple reason that the cost of receiving, delivering, and distributing is in our country nearly if not as large as the original cost of production. Now, Mr. Senator, if I were a Member of the United States Senate I honestly and candidly say to you I would use all the influence within my ability to place lead and zinc on the free list. Hoping my humble contribution to this great national discussion—tariff reform—may throw a little light on the subject, I remain,

Yours, most respectfully,

THOMAS F. CAWLEY,
69 Hope Street, Providence, R. I.

Mr. SMOOT. Mr. President, of course I have not the honor of knowing that plain, truthful gentleman who has just written to the Senator from Mississippi [Mr. WILLIAMS], and I do not believe that the Senator from Mississippi has closely examined the letter, or he would not have had it read.

In the first place, I want to state that no man who employs miners in the lead mines, not only in Utah, but in other States in the West, will say that they are employed for $1.71 a day or for $1.16⅔ a day, as is stated by this writer in his second statement. The Senator from Colorado [Mr. THOMAS] is a Member of this body; he knows what the miners' wage is in Colorado; and I do not think it is very much different from what it is in Utah. The wages, Mr. President, of miners in the State of Utah are regulated by the miners' union. I myself have been somewhat interested in mining in my own State. I have seen the pay rolls; I know what miners are paid; and I know that what I stated here to the Senate was absolutely true. Now, a man in Rhode Island picks up what he claims to be statistics and tries to controvert the statement that was made by me, when he does not know what he is talking about, and I will prove it to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I do.

Mr. WILLIAMS. If the Senator will pardon me a moment, he does not seem to have caught the drift of the letter. The writer is not telling what some individual miner is paid upon some particular day or during some particular month, but he has gone to the United States census reports to find the number of wage earners and the amount of wages paid, and he has divided one by the other and he has exploded—the Senator from Utah is right that I have not had any time to verify the quotations from the census report; but if the writer of the letter has quoted the census figures correctly, and I presume that he has—he has exploded that fallacy and he has proven that under the guise of a high per diem, when you come to consider the constancy of employment and the gross amount paid for the gross number of laborers, your figures do not hold out.

Mr. SMOOT. The trouble with the whole thing is that the number of employees in the mines, as well as in the cotton and the woolen mills of the country, as given by the Census Bureau, include all the employees that have been employed during the year. They may have worked 3 months, they may have worked 6 months, they may have worked 9 months, or they may have worked 12 months, but the number given includes them all.

Mr. WILLIAMS. I understand that.

Mr. SMOOT. If a man had worked 3 months and then quit and another man had been employed to take his place and he worked 3 months and then quit, and another one had been employed who worked 3 months more and then quit, and at the end of the 9 months another one was employed to work the remainder of the 3 months of the year, that would show that there were four men employed.

Mr. WILLIAMS. I understand that; but the Senator from Utah also understands that, no matter how many employees there were, if the aggregate amount paid to labor during the year was so much and the aggregate number of laborers were so many, the amount paid to each laborer per day would be so much. It does not make any difference. The way the Senator from Utah arrives at his figures is to take some fictitious person who was employed the entire year, and then he multiplies that per diem by 365 days and arrives at his conclusion in that way.

Mr. SMOOT. The Senator from Mississippi does me a wrong and he does his own intelligence a wrong when he makes that statement. I say to the Senator now that there is no miner in the State of Utah or in the State of Idaho or in any of the Western States who is employed for the production of gold or silver or lead who works for $1.71 per day. The miners' union regulates that. Their wages range from $3.50 up to $4.75 per day, according to the work that is done.

Mr. WILLIAMS. That is while they are working.

Mr. SMOOT. That is per day.

Mr. WILLIAMS. Yes.

Mr. SMOOT. Now, the Senator brings in figures here, or presents them here to be read, to try to make it appear that the amount that is paid to the miners in the State of Utah is $1.71 a day.

Another things he refers to, Mr. President——

Mr. WILLIAMS. I presume the figures are correctly quoted from the census report. Does the Senator dispute the census figures?

Mr. SMOOT. The gentleman misconstrues what the census figures mean. I will say to the Senator that if the wage for miners was $800 a year—I am speaking now in round figures, so as to make it plain—and one man was employed three months and he had $200 paid to him, and another man was employed for the three months following him and he was paid $200, and another man was employed for the three months following and he was paid $200, and another man was employed for the next three months and he was paid $200, that would show, by the census figures, that there were four men employed, receiving $800; and the way that this man has figured it out here, four men being employed for one year with a wage paid of $800, therefore the wage of the miner in the State of Utah is $200 per annum. That is the way that the writer of that letter has figured it out.

Mr. HUGHES. Mr. President, is not the Senator from Utah mistaken? Do not the census figures show, as to the wage earners, their average number?

Mr. SMOOT. That is the average number.

Mr. HUGHES. No; the average number means the average number that are employed, not for one day, but during the year.

Mr. SMOOT. That is not the way the report is made. The average number is the number employed during the whole year.

Mr. HUGHES. Of course, that gives you the average number. Therefore it could not happen, as the Senator has said, that the man would be carried in the final list, although he was employed for only two months. He would only show in the average.

Mr. SMOOT. The way the report is made—and I know it is made from the mines in the West—is, we take the number of employees during the year that have been reported, and report that. We also report the amount of production in tons, but not in dollars and cents received.

Mr. HUGHES. The Senator must be mistaken about that. I am in a position to say that the Senator is mistaken about that.

Mr. SMOOT. Well, let the Senator's word go for that. It has been discussed here many times, and it has not been disputed here before.

Mr. HUGHES. I have made some personal investigation of this matter, not only in private establishments but in the census reports, and I never heard that statement.

Mr. SMOOT. I have made the investigation a good many times, and I know that there is no miner in the State of Utah who receives $1.71 a day for mining.

Mr. HUGHES. I did not say that.

Mr. SMOOT. But that is what this writer says.

Mr. HUGHES. I am not speaking about his figures.

Mr. SMOOT. That is what I am talking about.

Mr. HUGHES. I do not know anything about them. I am simply calling the Senator's attention to the fact that there is a column here in the Statistical Abstract, which shows that these figures relate to the average number of men employed, not the actual number.

Mr. JAMES. Mr. President, I should like to ask the Senator from Utah a question. The Senator tells us that one miner works for two months and gets $200 and then quits; that another miner goes to work for two months and gets $200, and then he would quit; that another would do the same thing; and

then that another would do the same thing. Why do all those miners quit after working for two months in such profitable employment?

Mr. SMOOT. They go from one mine to another; they go from one district to another; they may have friends in another district, and they move from one to another. I ask the Senator from Colorado [Mr. THOMAS] if that is not so? If the Senator from New Jersey knows so much about this, I will ask him what do the miners in the State of Utah receive?

Mr. HUGHES. I do not have any idea. I did not venture an opinion as to what they receive, and I am not talking about that. The Senator may be absolutely right. I am simply calling his attention to the way the Statistical Abstract figures are prepared.

Mr. SMOOT. I want to ask the Senator from Colorado if there is any miner in the State of Colorado employed in mining copper or silver or lead who receives only $1.75 a day?

Mr. THOMAS. No, Mr. President. I think the contention of the Senator from Utah with reference to the wage scale is correct. He has also given the reason for it, that the miners' union fixes the rates below which no man can be employed.

Mr. SMOOT. Mr. President, the writer of the letter which has been read also states that lead-bearing ores of all kinds carry a duty of 1½ cents a pound, or $30 a ton. What do they carry? The present law provides:

> Lead-bearing ores of all kinds, 1½ cents per pound on the lead contained therein.

Is that $30 a ton on the lead ore? Any man who knows anything about mining knows that the statement in the letter is not true. Ten per cent lead ore is good ore, and many a mine is worked in this country that does not contain 10 per cent of lead ore. So instead of $30, according to the statement which was read here to illuminate the minds of Senators of the United States, the duty would amount to about $3 per ton, instead of $30.

The writer of the letter then gives figures as to the importations of lead ores into this country, multiplies the amount by 30, and says that is the amount of money that the American people have been assessed because of this 1½ cents a pound rate on lead ore.

He uses the same argument exactly with relation to zinc. Of course, I am not going to take up the zinc schedule and show in detail the inaccuracy of his figures; but he says the rate is 1 cent a pound. Upon what kind of zinc ore? Ore to-day carrying less than 10 per cent is free, and the duty is graduated up until it reaches 1 cent a pound, not upon zinc ore, but upon the zinc contained in the ore. I simply wanted to say this much to the Senator from Mississippi in answer to this letter.

Mr. WILLIAMS. Mr. President, if I were to employ a man at $15 a month and kept him employed 10 months, and had no use for him the other two months, I would pay him $150, and when I came to divide the $150 by 365 days I would have paid the man 41 cents a day; but if I resorted to the popular Republican method, I would multiply the $15 per month by 12 instead of 10. I would then get 50 cents a day, and I would contend that the man was paid 50 cents a day. If I had used him only two months during the entire time, when I needed him very badly, and paid him $20 a month and multiplied it by 12, I would increase what he had actually received from about 10.9 cents per day, when it was averaged throughout the year, to about six or seven times as much.

From the very manner in which the letter was written the author is evidently a very plain man, a workingman. I never heard of him; I know nothing about him, and have not verified his figures; but it struck me his statements came with such a ring of sincerity, that there was about them so much of the characteristic workingman's disposition to look into things for himself, that I wanted his letter honored by a place in the RECORD. If I have served no other purpose I have served the purpose of securing a very valuable admission from the Senator from Utah. Just a moment ago he triumphantly announced that the miners' union in Utah fixed the price of wages. Hitherto he has been contending that it was the tariff. We have got at least that much out of the Senator.

Mr. SMOOT. Oh, Mr. President, I think the Senator is absolutely mistaken in not applying also the reasons that have been given heretofore, that the tariff has a great deal to do with wages. I have never said that it had not. Men are not compelled to work in the mines; they can work at anything else they desire, not only in Mississippi, but in every other State in the Union. I desire to ask the Senator from Mississippi, now, if he does not believe that that letter is inaccurate and misleading?

Mr. WILLIAMS. In so far as the man's method in getting at what the true wages are, it is not inaccurate, but, on the contrary, the statements of the Senator from Utah are inaccurate. So far as the man's calculation of the rate upon lead is concerned, it is self-evidently inaccurate, because he multiplied the rate per pound by the entire weight of the lead ore.

It is God's everlasting gospel truth, and you can not get away from it, that the amount of money paid out for wages in a year divided by the number of men who have worked throughout the year for those wages for the average time worked during the year is the absolutely true wage payment of American labor. When you say that your lead miners are paid $3.65 a day and then neglect to notice the fact that half or two-thirds of them are not employed all the year, and when you arrive at an annual payment for wages and divide that by 365 days you are not arriving at a correct result. The census does proceed upon the right principle. The census takes the average number of men employed, and it takes the entire amount paid for wages.

Now, in another respect the letter which has been read is not inaccurate. The writer of the letter goes on and gives the value of these products, and the laborer's share of the total gross value is very small, indeed.

Mr. SMOOT. Mr. President, I wish to say to the Senator from personal experience, that if you take prospecting, developing, and mining all together, I believe that 90 per cent of the total amount goes for the transportation of the ores and to the laboring men. This is something that theory will not dovetail with. We know the absolute facts and conditions——

Mr. WILLIAMS. The census reports are not theory.

Mr. SMOOT. Well, Mr. President, the Senator, from what he has just stated, tries to impress upon the Senate that the figures of the man who wrote the letter which has been read are correct, and that $1.71 per day is the wage paid to the miner in the State of Utah or in the State of Colorado, whereas the Senator from Colorado [Mr. THOMAS] himself, one who is interested in the preparation of this bill, says that those figures are not true, whether they are census figures or the figures of the gentleman from Providence, R. I.

Mr. THOMAS. They are not correct in so far, Mr. President, as they apply to conditions in the Senator's State and in mine.

Mr. SMOOT. This learned gentleman refers to my own State.

Mr. TOWNSEND. Mr. President, I am not so much interested in the way Senators have figured these matters out, as I am in the way this alleged information was presented to the Senate. I do not believe the Senator from Mississippi [Mr. WILLIAMS] will think, after he has considered the matter carefully, that he has done just exactly the proper thing. He admits he knows nothing about this man and that he has not verified the figures; yet the gentleman who wrote the letter—an anonymous letter, so far as we know anything of the writer—has used language in reference to a Senator that is not, to say the least, very complimentary. What I am objecting to, Mr. President——

Mr. WILLIAMS. What was the uncomplimentary language?

Mr. TOWNSEND. He was stating in a most sarcastic manner matters in reference to the Senator from Utah [Mr. SMOOT].

Mr. WILLIAMS. He said the Senator from Utah zealously preached and fervently prayed for the doctrine of protection. That is true. There is nothing sarcastic or rude about that.

Mr. TOWNSEND. We all heard the letter.

Mr. WILLIAMS. I zealously preach the opposite doctrine and fervently pray for its consummation.

Mr. TOWNSEND. We all heard it, and we all understood just exactly why the writer said it. What I am objecting to is the continuance of this practice which has been indulged by men throughout the country of writing letters, making reckless and unauthenticated statements which are not founded upon facts, or may not be, and then giving them prominence by placing them in the RECORD as an argument in favor of some question under discussion here by men who do not vouch for the writers at all and who do not even know them.

I do not object to anything being placed in the RECORD that is going to shed any light upon the discussion prepared by men who are known to be honorable, competent, and capable, but I do seriously object to this kind of irresponsible arguments being placed in the RECORD of the United States Senate. I do not think it is fair; I do not think it is just to the Senate or to the country. We all get many letters. I have the same right to bring in here and have printed letters I have received saying mean things about some Senators which I knew would not bear investigation, but certainly I would not present them, because they could serve no purpose, unless it might be to prejudice somebody. It is to that I object.

I asked the Senator when he rose what he was going to introduce, but I did not hear him. I do not say that I would have objected to its introduction, because I would have had confidence in the good judgment of the Senator from Mississippi. But it does not seem to me that it has any place in the RECORD.

Mr. WILLIAMS. Mr. President, I have been duly impressed with the sacrosanct manner of the Senator from Michigan, and I feel rebuked to an extent that I can hardly express, especially as it comes from the other side of the Chamber, where they have never hesitated to put into the RECORD every time they could letters from men whose pocketbook nerve was touched by tariff legislation.

There is nothing in this letter that is rude, either to the Senate or to the Senator from Utah, and the Senator from Michigan can not make it so appear, simply because it is not a fact.

In connection with the letter, it is evidently, from the very face of it, the letter of a plain American who has been giving himself the trouble to study the tariff to the best of his ability. That he has made some mistakes may be true, but I am not prepared to believe, just because he is, as the Senator from Michigan seems to think, upon the other side of the issue, that he is purposely misquoting the census figures. That he may have made some mistakes I doubt not. I said at the beginning that I had not verified his quotations; but in so far as that is concerned, he has just as much right to be heard through me, as one of the ambassadors of one of the States upon this floor, as has the Senator from Michigan himself, provided only that his language is decent and respectful to the Senate and to Senators; and it was decent and respectful to both.

Mr. STONE. Mr. President, I respectfully ask that we now proceed with the reading of the bill.

The VICE PRESIDENT. The question before the Senate is the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. GRONNA obtained the floor.

Mr. GALLINGER. Will the Senator from North Dakota yield to me for a moment?

Mr. GRONNA. Certainly, Mr. President.

Mr. GALLINGER. Referring to this amendment, in connection with the suggestion made by the Senator from Mississippi to the Senator from Utah that this debate has developed the fact that it is the labor unions, and not the tariff, that fix wages in the mining regions of the country——

Mr. WILLIAMS. I said the Senator from Utah had made that admission.

Mr. GALLINGER. I think the Senator from Utah will not agree to that.

Mr. SMOOT. I qualified it, Mr. President, and said——

Mr. WILLIAMS. I leave it to the record. What the Senator said is in the record. It will not be changed, I am sure.

Mr. SMOOT. What I said, Mr. President, was that anyone would know that the miners were not receiving the amount stated by the gentleman who wrote this letter, for the union rates of wages were such that the figures could not possibly be true.

Mr. GALLINGER. The only observation I wish to make is that if we did not have tariff duties on these products, and the products came from foreign countries instead of being developed from our own mines, the labor unions would not have any wages to fix.

Mr. GRONNA. Mr. President, I rose for the purpose of briefly discussing paragraph 71; but before I do that I want to say, in all kindliness, to the Senator from Mississippi [Mr. WILLIAMS], that he has not familiarized himself with all kinds of labor when he says that the way to determine the amount of wages per day is to figure the number of laborers and the number of days of labor. I wish to say to the Senator that in my State, which is an agricultural State, we find it difficult to keep men for any great length of time even at very high wages. We find that to be especially true during the time we are harvesting the grain, and more particularly during the time we are thrashing the grain, when we are paying all the way from $2.50 to $3.50 per day.

I make this observation for the benefit of the Senator from Mississippi, because he is mistaken in the statement he made a few moments ago. We pay these men $3.50 a day and board. I have myself paid that rate to hundreds of them. After they work 10 days they want to go to town or want to do something else. North Dakota is a prohibition State. There are no saloons in those towns, and they have to go across the line into Minnesota; or, if they are closer to Montana, they go into Montana. They will go and stay away two or three days. They will come back, not to work for me, but perhaps for my neighbor. After they have worked 10 days they have earned $35; and if the Senator from Mississippi knew conditions in the West as I know them he would know that when laboring men of that class get $35 it almost burns a hole in their pockets and they are ready to spend it for some purpose. It takes all the way from 25 to 30 men to constitute a thrashing crew. Let us say that we thrash 10 days. That would be, at the maximum, 300 men. We may have employed 500 men during that time, not because we do not want to employ the same men right along, but because they do not want to stay on the job.

I have a great deal of respect for every word uttered by the Senator from Mississippi; but there are certain small things, at least, with which the Senator from Mississippi has failed to familiarize himself, and this is one of them.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. Certainly.

Mr. WILLIAMS. My friend was never worse mistaken in his life. The Senator from Mississippi is perfectly familiar with the very condition which the Senator from North Dakota is describing. Perhaps the greatest floating labor in the world is the negro labor of the South. If you are hiring a wage squad of 12 men you will probably have to change the personnel of your wage squad every month, pretty nearly, or certainly a part of it, but that has not anything to do with what I was asserting. The Senator seems to have misunderstood what I said.

Mr. GRONNA. No; I did not misunderstand the Senator.

Mr. WILLIAMS. My assertion was simply that if you want to arrive at the labor cost of any product in the world, the only possible way in which you can arrive at it is to take the total volume of the product and the total amount of wages paid out and the total price and value of the product, and in that way find out——

Mr. GRONNA. How about the number of men?

Mr. WILLIAMS. I will come to that in a minute—and in that way find out what proportion of the total cost the labor cost constitutes. In arriving at the total labor cost the Census Bureau arrives at the average number of men working, and if these figures are correctly quoted from the report of the Census Bureau, they are based upon the average number of laborers working during the year. In other words, if one man works three months and another man works four months and another man works five months, those three men constitute one man. That is my understanding of the principle upon which the census is taken.

Mr. GRONNA. I was not basing my argument upon the census figures. I was basing my argument upon the statement made by the Senator from Mississippi. Certainly, he is mistaken when he says that the amount of wages per day is based upon the number of men and the total amount of wages.

Mr. WILLIAMS. Oh, the Senator must pardon me——

Mr. GRONNA. I may have employed 3,000 men, and yet I may not have had, at one and the same time, more than 300 men.

Mr. WILLIAMS. I understand that, of course; everybody understands that. I was referring to the number of men reported by the census as being employed. If I understand the method upon which the Census Bureau proceeds, it is not the method the Senator is attributing to me, and my remarks were made with reference to the quotations from the census. The census gives the total amount paid out for labor and the total number of laborers arrived at by their calculations. That does not mean that a man that works three hours is counted as having worked any longer than that.

Mr. GRONNA. Yes; but when I am asked by the census enumerator how many men I employ, I state that on an average I employ so many men; and when I am asked: "How many men did you employ last year?" it may be ten times or it may be twenty times as many men as I employ every day.

Mr. WILLIAMS. There is no difference between us on that point—not a particle.

Mr. GRONNA. Very well; then I am ready to proceed.

Mr. WILLIAMS. If they came to me and asked me how many men I employed, if I had a wage squad of 10 men, I would say "Ten men," although perhaps the personnel of the 10 men would change somewhat every month.

Mr. GRONNA. Very well, Mr. President; I understand, then, that the Senator from Mississippi agrees with me.

I stated on Saturday that I should like to make some observations on this paragraph, No. 71, but not for the purpose of criticizing the action of the committee, because I believe the committee has acted wisely in reducing the duty on vanilla

extract. I believe the duty was too high and is too high in the present bill. But I wish to ask the Senator in charge of this schedule of the bill why there should be a duty on the natural product—that is, the vanilla bean? As I understand, the vanilla bean is a product of South America, and possibly there is some raised in Mexico. We import all of this product. None of it is produced in the United States.

Vanilla may be classed as a luxury, but we know that it is used by every housewife and that in every home you will find vanilla used for various purposes. It is not regarded to-day as a luxury any more than spice is a luxury. So I desire to suggest to the committee that vanilla beans be placed on the free list.

I do not share the belief of the Senator from Utah that tonka beans should be placed on the free list. I, for one, wish no tonka beans were permitted to be imported.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Certainly.

Mr. GALLINGER. I will ask the Senator from North Dakota if he can imagine any article that is more universally used than vanilla?

Mr. GRONNA. No, Mr. President; I will say to the Senator that I can not.

Mr. GALLINGER. It is in practically every home—of the rich and of the poor.

Mr. GRONNA. It is in every home, so far as I know.

Mr. GALLINGER. It has been on the free list heretofore, as I understand.

Mr. GRONNA. Yes; it has been on the free list, and it is on the free list in the present law.

Mr. GALLINGER. It is now proposed to make it dutiable?

Mr. GRONNA. Yes.

Mr. GALLINGER. The Senator does not think that ought to be done, I apprehend, and some of the rest of us do not think it ought to be done.

Mr. GRONNA. No, Mr. President; I had hoped, and I hope now, that the Senate will again place it on the free list. I say this in no spirit of criticism at all, since I approve the action of the Senate committee in reducing the duty on vanilla extract.

I believe there should be a duty on the tonka bean. I do not agree with the statement made by the Senator from Utah. The tonka bean, as I understand, is used for various purposes; but the oil is also extracted from the tonka bean and sold for vanilla. I have been told by men who are engaged in the extract business that it is a mild poison. For that reason I desire to suggest to the committee that a duty, perhaps a heavier duty, should be placed on the tonka bean, but certainly the vanilla bean should be on the free list.

I do not care to delay the Senate further. I simply desired to make these few observations.

Mr. WORKS. Mr. President, the trade in vanilla beans has become quite an important one with the business men of San Francisco. There has grown up a system of exchange or barter of the vanilla bean raised in the island of Tahiti for the goods of this country shipped to that island. In other words, the vanilla bean is taken as money in exchange for goods from this country sent to the island.

The vanilla bean has been on the free list, and this trade has been built up under that system. If a duty of 30 cents a pound is now imposed upon vanilla beans, the result will be that the merchants of San Francisco, in the first instance, will be compelled to pay that 30 cents a pound in addition to what they have been paying, and of course that will be carried along to the consumer. In other words, it is simply imposing a direct tax upon the people of this country for a necessary that is used in almost every household in the United States. I am unable to see upon what theory any such tax as that can be imposed.

Mr. GRONNA. Mr. President, I move as an amendment, to strike out, after the semicolon, in line 7, page 18, the words "vanilla beans, 30 cents per pound."

Mr. JOHNSON of Maine. Mr. President, the duty imposed upon vanilla beans in this paragraph is imposed purely as a revenue duty. The statistics show that we imported in the year 1912, $2,625,153 worth of vanilla beans. The duty laid is a very small one, 30 cents per pound, equivalent to an ad valorem duty of about 15 per cent, and simply for purposes of revenue.

It is true that there are some vanilla beans, called the Tahiti beans, imported from Tahiti into San Francisco. Some of them, but not all, are exported. From the brief of the firm engaged in the business it appears that about two-thirds of what were imported by them were exported. The committee heard the representative of the firm, and felt that if the firm wanted to reexport and chose to do so a drawback could be obtained under the tariff act if the goods were exported after being imported into this country. But it is purely as a revenue measure that the duty is imposed.

Mr. LODGE. Does the Senator mean that they are exported in the same form in which they are imported?

Mr. JOHNSON of Maine. No; they are sorted, and some work is done upon them; so there is something done in the way of manufacturing them—advancing them in value.

Mr. LODGE. Of course under the existing law there would be a drawback. I do not know how the administrative features of this bill are in that regard.

Mr. JOHNSON of Maine. I have been informed that there would be a drawback provision because of the work expended upon them in the way of sorting.

Mr. LODGE. I mean I should think that would appear in the figures.

Mr. JOHNSON of Maine. They have not taken advantage of it; but there has been no reason for doing so, because vanilla beans have been upon the free list heretofore.

Mr. LODGE. That is true.

Mr. JOHNSON of Maine. While I am on my feet I will say a few words in regard to tonka beans. They are used in making coumarin, a preparation which is largely used as a flavoring extract in the manufacture of tobacco. The duty here imposed is a small one of 25 cents per pound, equivalent to 14.2 per cent ad valorem, which we felt was in accordance with other duties laid in this schedule.

Mr. SMOOT. Mr. President, in 1912 there were imported from Tahiti 325,264 pounds of vanilla beans. Of that amount there were exported, for the same year, 239,158 pounds. There were imported from other countries than Tahiti 516,364 pounds, or there remained in the United States, to be consumed in the United States, 602,470 pounds.

The estimate that is given in the Democratic handbook states that there will be a million pounds of vanilla beans imported, which, at the rate of 30 cents a pound, amounts to $300,000. If we export from now on the same proportion that we have in the past, that will be 400,000 pounds, leaving 600,000 pounds to be used in the United States. At 30 cents a pound that is only $180,000, instead of $300,000, as estimated in the handbook.

The importers of vanilla beans say it is almost impossible for them to handle the bean after it reaches this country in connection with other beans that are imported here and export the same bean. It is almost an impossibility, and unless it were the same bean it would be impossible for them to get the drawback on the amount exported.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah to what countries these beans are exported after they have been imported into the United States? It seems to me rather a singular trade situation that a product of that kind should be imported into the United States and then exported from the United States.

Mr. SMOOT. After these beans are prepared by the importers of the country some of them go to Ireland, some to England, and other European countries. The trade with San Francisco has brought from Tahiti the vanilla beans to the merchants of San Francisco, and the business of preparing them for the market has been carried on there to a great extent.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. GRONNA. I rose to ask the Senator from Utah if he is not mistaken in his figures. A million pounds at $2 a pound would be $2,000,000.

Mr. SMOOT. I had reference to the duty.

Mr. GRONNA. At 15 per cent ad valorem it would amount to $300,000.

Mr. SMOOT. I said that the estimate of 30 cents a pound duty on a million pounds amounted to $300,000.

Mr. GRONNA. My objection to the duty on the vanilla bean is that it taxes the breakfast table of the American people to the extent of $300,000 a year, according to the committee's own estimate.

Mr. SMOOT. Mr. President, the motion which I made on Saturday was to strike out "vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound." I understand, however, that the Senator from North Dakota has offered an amendment.

The VICE PRESIDENT. The Chair suggests that it would be better to vote on it as a divided question.

Mr. GALLINGER. Let the amendment be stated from the desk.

Mr. STONE. Mr. President——

Mr. GALLINGER. Will the Senator permit the amendment proposed by the Senator from North Dakota to be stated from the desk?

Mr. STONE. Yes; let it be stated.

The SECRETARY. The Senator from North Dakota proposes, on page 18, lines 7 and 8, to strike out "vanilla beans, 30 cents per pound."

Mr. STONE. The Senator from North Dakota means to transfer vanilla beans to the free list?

Mr. GRONNA. Yes; transfer them to the free list.

Mr. STONE. Vanilla beans have been on the free list.

Mr. GRONNA. Yes; so I understand.

Mr. STONE. I should like to ask the Senator from Utah if he is prepared to say whether the figures I now give are correct, or approximately correct—that the imports for the last year were 1,140,000 pounds?

Mr. SMOOT. For the year 1912?

Mr. STONE. Nineteen hundred and eleven.

Mr. SMOOT. Yes; for the year 1911 they were 1,140,630 pounds.

Mr. STONE. That is about the same as I stated.

Mr. SMOOT. That is correct.

Mr. STONE. The figures were given to me as 1,140,000, without the odd figures.

Mr. SMOOT. That is correct.

Mr. STONE. The great bulk of these beans came from the Tahiti Islands, the French Oceanic possessions.

Mr. SMOOT. About 60 per cent. I will give the Senator the exact figures. From Tahiti there came 617,076 pounds, and from all other countries 523,554 pounds.

Mr. STONE. Yes; but a good part of that which came from other countries was from France, and those were beans that were taken from the Tahiti Islands to France and from France imported into the United States. They do not produce the beans in France. They come from a French possession, French Oceania.

Mr. SMOOT. The Tahiti bean is imported directly from Tahiti to San Francisco; but the Indian beans that the French handle, of which the Senator speaks, perhaps, go directly to France. The Tahiti beans do not go to France and then come into the United States.

Mr. STONE. I think they do.

Mr. SMOOT. I am informed that they do not, Mr. President.

Mr. STONE. I think they are taken from this French possession to France, and that quite a large amount in pounds is afterwards sent from France to the United States.

The great bulk of these beans coming into the United States—the Senator says 60 per cent, and I think he is approximately correct about that—come from the Tahiti Islands to San Francisco. There is a firm in San Francisco that has built up a very considerable business in the importation of these beans, a good part of which are distributed in the United States, but I think the greater part of which they carry on through the United States to foreign countries.

Mr. SMOOT. About two-thirds.

Mr. STONE. About two-thirds. For what purpose does the Senator understand that these vanilla beans are used?

Mr. SMOOT. They are used for the manufacture of extract of vanilla and some classes of people use them in closets as a scent.

Mr. STONE. Perfumery?

Mr. SMOOT. No, vanilla.

Mr. STONE. They are used to manufacture vanilla extract.

Mr. SMOOT. The great bulk, I think.

Mr. STONE. The greater part of them, practically all of them, which in turn is used as a flavor in the manufacture of ice cream and things of that kind.

Mr. SMOOT. In puddings and everything almost that is cooked in the home.

Mr. STONE. It is a flavor, and a part of it is used to make perfumes, and, as the Senator says, in closets, bureau drawers, and trunks, and things of that kind. It strikes me that that is a luxury; and I submit that it is a subject of legitimate taxation in a bill framed upon the theory of raising revenue by imposing duties on luxuries especially, higher duties on luxuries and lower duties on necessities.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. STONE. I am through.

Mr. CLARK of Wyoming. I wanted to ask for information from the Senator from Missouri, in charge of this schedule——

Mr. STONE. I am not in charge of the schedule.

Mr. CLARK of Wyoming. Oh! I wanted to ascertain where the million pounds came from that has been discussed.

Mr. STONE. Whefe it comes from?

Mr. CLARK of Wyoming. Yes; where are the figures found?

Mr. STONE. The figures that I have before me—I do not vouch for their entire accuracy except as they are taken——

Mr. SIMMONS. The figures are taken, if the Senator will permit me, from the imports of merchandise for the year ending June 30, 1911.

Mr. CLARK of Wyoming. I was asking the question because the Tariff Handbook that is furnished us, on page 86, gives the importation for 1910 as seven hundred and ninety-six thousand and odd pounds, and in 1912——

Mr. SIMMONS. That is correct for 1910; but for 1911 the figures the Senator has there——

Mr. CLARK of Wyoming. The importation for 1911 is not here. In 1912 the last importations were 841,639 pounds. Is that correct?

Mr. SMOOT. That is correct.

Mr. SIMMONS. Yes; that is correct.

Mr. CLARK of Wyoming. That is the last year's importation when they were on the free list. Now, the estimate of the committee is that by putting it on the dutiable list at 30 cents a pound we will increase the importation 200,000 pounds.

Mr. STONE. I do not know whether we will increase the importation 200,000 pounds or decrease it 200,000 pounds. An estimate made by Treasury officials based upon percentages in past bills is an exceedingly unreliable basis upon which to proceed. You can not tell; it may be greater or it may be less. Those estimates are made by officials. I do not know how valuable they are.

Mr. SIMMONS. I will state to the Senator, if the Senator from Missouri will permit me, that the importation of this article seems to vary very much in different years. In 1907 it was 969,000 pounds; then, in 1908, it fell to 571,000. The next year, 1909, it went up to 1,121,000 pounds, and immediately fell down the next year to 797,000 pounds. In 1911 it went up to 1,140,000 pounds.

Mr. STONE. Now, Mr. President, I think we have spent time enough on vanilla beans, and I ask that we may proceed.

Mr. BURTON. Mr. President, I desire to be heard briefly.

Mr. STONE. Very well.

Mr. BURTON. I trust Senators on the other side of the aisle will vote to retain vanilla beans on the free list. There are numerous objections to the imposition of this duty. In the first place, it is making an article dutiable which has not been so before. That in itself should arouse inquiry.

It is said as a justification of this act that it is for revenue. Now, if you are going to raise revenue by the imposition of duties on these classes of noncompeting articles, why not impose duties on coffee and on tea, on categories of products which amount to something instead of creating vexation and confusion in the administration of the revenue laws by picking up a score of items like this?

Mr. STONE. Does not the Senator from Ohio think there is any difference between the workingman taking his cup of coffee and the young man and the young woman who go to a café after the theater to get a dish of ice cream?

Mr. BURTON. I think the young lady and the young gentleman are quite as fond of the ice cream and the glass of soda as of a cup of tea.

Mr. STONE. And the workingman's cup of coffee?

Mr. BURTON. One is a necessary article just as much as the other.

Again, it is very undesirable to interfere with the general adjustment of trade. Manufacturing and commercial operations have adjusted themselves to a condition in which these articles have been free from duty.

There is another objection which lies in the fact that these beans are largely exported as well as imported, and it is the experience that, notwithstanding our drawback provision, this article is so materially modified after it is imported and before exportation that it is very doubtful whether the drawback could be collected.

Again, this article has increased in value very considerably in the last 12 months, perhaps as much as a dollar a pound.

I have here a couple of letters, Mr. President, which I shall ask to have printed in the RECORD. One of them states the case so clearly, however, that I will read it. If there is no objection to it, I should like to have the letter printed in the RECORD.

The VICE PRESIDENT. The Chair hears no objection.

Mr. BURTON. I will say that I have received letters in regard to this article not only from manufacturers of flavoring extracts but from chemists, grocers, and bakers, all making a strenuous protest. This letter is under date June 5:

NEWARK, OHIO, *June 5, 1913.*

Senator THEODORE BURTON, *Washington, D. C.*

DEAR SIR: We wish to enter our protest against the placing of any duty on oil of lemon or vanilla beans, and ask that you consider the following reasons:

1. These items can not be produced in this country.

2. They are used almost exclusively by flavoring-extract manufacturers, and the burden of any duties would be borne by the poorer classes

of people. The wealthy can use fresh fruits to obtain the flavor of orange, lemon, etc., while the poor, and especially the rural classes, must depend upon flavoring extracts.

3. The advance in prices made necessary by existing pure-food laws has already placed burdens upon this industry equal to, if not in excess, of that borne by any other industry except the tobacco and liquor business.

4. Any further advance is like "the straw that broke the camel's back," and it will—

I want to call attention to this point—

and it will entirely eliminate the 5-cent package and make it necessary to change the 10-cent package to a 15-cent seller.

There are a number of these little duties here. The percentage may seem to be very small, but it will make to the consumer—the person who buys at the retail store—the difference between what is now a comparatively cheap parcel—say 5 cents and 10 cents, or possibly 15 cents—because the manufacturer and the retailer will take into account this duty and compel the purchaser to bear the full burden of it.

5. Flavoring extracts should rightly and justly be considered as necessities and not luxuries, and the raw flavoring materials have always been on the free list.

Now, here is another point that has not been brought out in this discussion:

6. Any further duty would likely result in manufacturers making imitation extracts in which they would use only 20 per cent alcohol. This would mean that the Government would lose much more in internal revenue than they would gain by the proposed duty. The internal revenue on a gallon of alcohol is now $2.09, and it does look as though this ought to be enough to exact from the extract manufacturer.

7. The addition of these duties would bring protests from millions of housekeepers all over the land.

We therefore request and urge that you consider this matter and hope that you will be able to enter your protest against any further duties upon these products.

Thanking you for any consideration given our request, we are,

Very truly, yours,

THE STYRON-BEGGS CO.,
F. L. BEGGS, *Secretary.*

The further letter submitted by Mr. BURTON is as follows:

DAYTON, OHIO, *April 14, 1913.*

Hon. THEODORE BURTON, *Washington, D. C.*

DEAR SIR: May we not ask you to use your best endeavors to have eliminated from the Underwood tariff measure the provision assessing a duty of 50 cents per pound on vanilla beans, a product not heretofore taxed?

By reason of short crops in various countries this article is selling at practically $1 more than several years ago, and to increase the cost still further by this tax will further increase the price to the consumer. The most pernicious effect, however, will be the encouraging of the manufacture and sale of substitutes or imitations of vanilla flavor, which, while not injurious, are certainly undesirable for use as vanilla flavor. Manufacturers who have been trying to build up a business on pure goods will be very much hampered in this situation, and as it particularly affects ourselves and others in this State we hope you can consistently give the matter your attention in the direction indicated.

Yours, truly,

THE CANBY, ACH & CANBY CO.

Mr. BURTON. In view of the fact that this discussion has been rather lengthy, Mr. President, I do not wish to take up more time. It is evident that this will impose an additional burden on the consumer far in excess of any benefit derived by the revenue. It is likely to lead to the use of substitutes which will diminish the quantity of internal-revenue tax, which will diminish in an altogether greater sum than anything that can be collected in the way of duties.

Mr. GALLINGER and Mr. STONE. Question!

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota [Mr. GRONNA] to strike out, in line 7, "vanilla beans, 30 cents per pound."

Mr. BRANDEGEE, Mr. BURTON, and Mr. GALLINGER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired for the rest of the afternoon with the junior Senator from New Jersey [Mr. HUGHES]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. JONES (when his name was called). I am paired with the junior Senator from Virginia [Mr. SWANSON] during the rest of the afternoon. If I were at liberty to vote, I would vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. COLT]. If at liberty to vote, I should vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I wish to transfer it to the junior Senator from Nevada [Mr. PITTMAN] and vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I will transfer my pair with the junior Senator from Virginia [Mr. SWANSON] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

Mr. GALLINGER (after having voted in the affirmative). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who has not voted. I will transfer that pair to the Senator from New Mexico [Mr. FALL] and allow my vote to stand.

Mr. LEA. I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. OVERMAN. May I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The VICE PRESIDENT. He has not voted.

Mr. OVERMAN. I have a general pair with the senior Senator from California. As he is not present I will withhold my vote.

Mr. CLARKE of Arkansas. I have a general pair with the junior Senator from Utah [Mr. SUTHERLAND], who is necessarily detained from the Chamber on important business, and therefore I withhold by vote.

Mr. BANKHEAD. I announce my pair with the junior Senator from West Virginia [Mr. GOFF]. I will let this announcement stand for the remainder of the day.

Mr. PITTMAN. I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not voted.

Mr. MYERS. I have a pair with that Senator, and therefore withhold my vote.

Mr. LEA (after having voted in the negative). I understand that the junior Senator from Virginia [Mr. SWANSON] has a pair, and so I withdraw my vote. If I were at liberty to vote I would vote "nay."

Mr. WILLIAMS (after having voted in the negative). After I transferred my pair to the junior Senator from Nevada [Mr. PITTMAN] he has come into the Chamber and voted. I therefore want to withdraw the announcement and withdraw my vote and announce that I am paired with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "nay."

The result was announced—yeas 30, nays 37, as follows:

YEAS—30.

Borah	Clark, Wyo.	La Follette	Smoot
Bradley	Crawford	Lodge	Sterling
Brady	Cummins	Nelson	Townsend
Brandegee	Dillingham	Norris	Warren
Bristow	Gallinger	Oliver	Weeks
Burton	Gronna	Page	Works
Catron	Jones	Sherman	
Clapp	Kenyon	Smith, Mich.	

NAYS—37.

Ashurst	Kern	Robinson	Stone
Bacon	Lane	Shafroth	Thomas
Bryan	Lewis	Sheppard	Thompson
Chamberlain	Martin, Va.	Shields	Thornton
Fletcher	Martine, N. J.	Shively	Tillman
Gore	Owen	Simmons	Vardaman
Hollis	Pittman	Smith, Ariz.	Walsh
James	Pomerene	Smith, Ga.	
Johnson, Me.	Ransdell	Smith, Md.	
Johnston, Ala.	Reed	Smith, S. C.	

NOT VOTING—29.

Bankhead	Goff	Myers	Saulsbury
Burleigh	Hitchcock	Newlands	Stephenson
Chilton	Hughes	O'Gorman	Sutherland
Clarke, Ark.	Jackson	Overman	Swanson
Colt	Lea	Penrose	Williams
Culberson	Lippitt	Perkins	
du Pont	McCumber	Poindexter	
Fall	McLean	Root	

So Mr. GRONNA's amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Utah [Mr. SMOOT], which will be stated.

The SECRETARY. On page 18, lines 7 and 8, strike out "vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound."

The amendment was rejected.

The reading of the bill was continued, as follows:

SCHEDULE B—EARTHS, EARTHENWARE, AND GLASSWARE.

72. Fire brick, magnesite brick, chrome brick, and brick not specially provided for in this section, not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, 10 per cent ad valorem; if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, and bath brick, 15 per cent ad valorem.

73. Tiles, plain unglazed, one color, exceeding 2 square inches in size, 1½ cents per square foot; glazed, ornamented, hand-painted, enameled, vitrified, semivitrified, decorated, encaustic, ceramic mosaic, flint, spar,

embossed, gold-decorated, grooved and corrugated, and all other earthenware tiles and tiling, except pill tiles and so-called quarries or quarry tiles, but including tiles wholly or in part of cement, 5 cents per square foot; so-called quarries or quarry tiles, 20 per cent ad valorem; mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthenware tiles or tiling, except pill tiles, 30 per cent ad valorem.

Mr. WEEKS. I rise, Mr. President, to ask the Senator in charge of the bill if he knows what percentage in the cost of tiles includes the labor cost? What part of the total cost is labor cost in making tiles?

Mr. STONE. I ask the Senator if he knows.

Mr. WEEKS. I am asking for information.

Mr. STONE. The bill, of course, is not based on the Republican theory the Senator has in mind of the difference in the cost of production in this country and abroad.

Mr. WEEKS. That would not make any difference, then, in the duty which would be imposed in this case?

Mr. STONE. It would not.

Mr. WEEKS. The Senator says it would not?

Mr. STONE. It would not. I should like, however, as the Senator asked the question, to repeat the question, just for information, being a little curious myself, as the Senator is, to know what the difference in the labor cost is.

Mr. WEEKS. I would not take the time of the Senate to have asked the question if I had had the information at hand, but I supposed that those who framed the bill would have it ready to impart to those who had not the information.

Mr. STONE. For what purpose did the Senator seek the information?

Mr. WEEKS. I will go on and explain the purpose for which I sought the information. I have a protest from the International Brick, Tile, and Terra Cotta Workers' Alliance against this duty, in which they say:

We protest against the heavy reduction proposed. The American tile worker, presser, and kiln placer receive $14.50 and $15, respectively, while the Belgium worker receives $3.92 and $4.90 for the same labor; wages for the same line of work in Spain and Italy are less than those paid in Belgium. Ruination for plants as well as for the laborers if the tariff proposed is enacted.

I simply want to submit that information to demonstrate the fact that no attention whatever has been given to the result to labor in imposing this duty.

Mr. STONE. What per cent of the American production is represented in labor?

Mr. WEEKS. The figures are given in the statistics which are on the desk of every Senator.

Mr. STONE. The Senator asked the question and I thought——

Mr. WEEKS. The Senator has the information before him.

Mr. STONE. Yes; I have the information before me. I do not see the point of the Senator's contention. I ask for a vote on the paragraph.

The VICE PRESIDENT. No amendment has been proposed. The reading will proceed.

The next amendment of the Committee on Finance was to strike out paragraph 74, embraced in lines 4 and 5, on page 19, as follows:

74. Roman, Portland, and other hydraulic cement, 5 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. I should like to ask the Senator from Missouri to let that amendment go over to-day. I wish to call his attention to the fact, as I believe, that it will take in a cement that the committee has not considered.

Mr. STONE. What cement?

Mr. SMOOT. The white Portland cement, used where it is required that no staining shall be done. The ordinary, common Portland cement stains wherever it is used upon real white work, and now they are making what is called the Roman cement, a white cement, and to-day, even under the rate they have, it is a little less than 12 per cent equivalent ad valorem. I wish the Senator would let the amendment be passed over, and I will call his attention to it and see whether he will not agree to a change.

Mr. STONE. Of course, if the Senator makes the request, under the rule that has been observed I shall not object to passing it over. Does the Senator ask to have it passed over until to-morrow?

Mr. SMOOT. Until we return to the amendments.

Mr. STONE. Well, during the consideration of the schedule?

Mr. SMOOT. No; I may not be prepared to present it at that time. I will suggest to the Senator to let it go over until the bill has been read, as other paragraphs have gone over, and then we will take up from the beginning those paragraphs that have been passed over in the order in which they were passed over.

Mr. SIMMONS. The Senator is speaking about Keene's cement?

Mr. SMOOT. No; Keene's cement is provided for in paragraph 76. It is white Portland cement. I think that the wording of it can be arranged so that it will apply only to that cement and not to common Portland cement.

Mr. STONE. I will not ask the Senator to state now what he thinks the wording should be. We will let it be passed over and later hear what he has to say.

The VICE PRESIDENT. The amendment will be passed over.

The next paragraph was read, as follows:

75. Lime, 5 per cent ad valorem.

Mr. JONES. I ask that that paragraph may go over. I will say that I will be ready to take it up either to-morrow or at any time before the conclusion of this schedule.

Mr. STONE. The lime paragraph?

Mr. JONES. Yes.

The VICE PRESIDENT. It will go over.

The next paragraph was read, as follows:

76. Plaster rock or gypsum, crude, ground or calcined, pearl hardening for paper makers' use, Keene's cement, or other cement of which gypsum is the component material of chief value, and all other building cements not specially provided for in this section, 10 per cent ad valorem.

Mr. CUMMINS. Mr. President, I should like to have the attention of the Senator from Missouri, because I know that unless I can make some impression upon him I have no hope of being able to make any upon the paragraph.

Mr. STONE. If the Senator will pardon me, as my attention was diverted for a moment, I should like to have the amendment read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In paragraph 76, page 19, line 11, after the word "section," it is proposed to strike out "10" and to insert "20," and at the end of the paragraph to add the following proviso:

Provided, That the duties levied and collected upon the commodities covered by this paragraph shall in no event be less than the duties levied and collected by any adjoining country upon the importation of said commodities into such adjoining country from the United States.

Mr. STONE. Mr. President, the print of the bill which I have before me does not seem to correspond with the one which the Senator from Iowa has.

Mr. CUMMINS. The paragraph to which I offer the amendment is numbered 76, and is upon page 19 of the bill. The amendment proposed is to strike out "10" and to insert "20," which will make the duty 20 per cent instead of 10.

Mr. STONE. And then to add the countervailing provision?

Mr. CUMMINS. And the substance of the other part of the amendment is to provide that we shall not admit these commodities into the United States from Canada upon any better terms than Canada will admit our like commodities into that country.

Mr. President, there is, I think, the best reasons in the world for some change in this paragraph. I shall not enter into any extended history of the development of the enterprise. I would not be entirely candid, however, if I were not to say that it is one of the all too few manufacturing enterprises which have been carried on with some success in my State. The corporation or company which has its headquarters in Fort Dodge, Iowa, which was the home of my late colleague, Mr. Dolliver, is one of the relatively large companies engaged in the business.

Prior to the Payne-Aldrich tariff law these commodities carried a high duty, higher, indeed, in my opinion, than was necessary to exemplify the doctrine of protection. They are among the very few the duties upon which were very radically reduced in the Payne-Aldrich law. My late colleague, Mr. Dolliver, had a theory with regard to that, which I shall not state, because I think it is immaterial. It is only necessary to say that under the Dingley law these commodities, taken as a whole, carried a duty of nearly 50 per cent. I can not recall the exact rate, but Senators can easily ascertain by referring to the Tariff Handbook which accompanies the bill.

Mr. GALLINGER. Forty-four per cent.

Mr. CUMMINS. The Payne-Aldrich law reduced these duties so that upon an average they were 25 per cent, a reduction of nearly 50 per cent. The pending bill reduces that average to 10 per cent. It is not fair to the industry.

I would not be so insistent upon it if it were not for the action of the only, or substantially the only, competing country with regard to the subject. I assume that all Senators know that the principal product that is manufactured from gypsum rock is what is known as hard plaster—wall plaster. We formerly had a market to some extent for this commodity in

Canada. Canada now has very extensive manufactures both east and west. Our market for hard plaster in Canada formerly was in the western portion of the Dominion. Canada, however, inspired with a desire to further the interests of her own people, has advanced the duty upon this commodity to $2.50 per ton, whereas the 10 per cent proposed in this bill will levy a duty on importations from Canada into the United States of from 35 to 50 cents per ton, which will give the market of this country in large measure to Canada.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. CUMMINS. I do.

Mr. JAMES. The Senator from Iowa states that the duty under the Dingley law was practically 50 per cent.

Mr. CUMMINS. Forty-four or forty-five per cent; I have forgotten which.

Mr. JAMES. Forty-five per cent, and it was reduced in the present law 25 per cent.

Mr. CUMMINS. It was reduced to 25 per cent; not reduced 25 per cent.

Mr. JAMES. Very well. Is it not true that the rate was still prohibitive and that there have been practically no more importations under the Payne-Aldrich law than there were under the Dingley law, showing that the rate under the present law is just as prohibitive as was the rate under the Dingley law?

Mr. CUMMINS. I think, Mr. President, that the Senator from Kentucky has stated substantially the truth, but he forgets that Canada has just prepared herself for taking the market of this country. These great factories in Canada are of comparatively recent origin, and it seems to me that when you propose to allow Canada to come into the United States with a duty of 35 cents a ton, and Canada is requiring us to pay $2.50 a ton upon the same product, you are legislating not in behalf of the people of the United States, but you are legislating in behalf of the people of Canada. It will be so interpreted, and it will be so found in effect.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. WEEKS. The Senator from Kentucky [Mr. JAMES] has just stated that the duty which now prevails is practically prohibitive. I have here a statement that 400,000 tons of this article were imported from Nova Scotia and New Brunswick into New York alone last year, which would not indicate that the duty was prohibitive.

Mr. JAMES. Four hundred thousand what?

Mr. WEEKS. Four hundred thousand tons.

Mr. CUMMINS. I understand the Senator from Kentucky to mean that the amount of this article imported into the United States was but a small proportion of the amount consumed here.

Mr. WEEKS. I think that may be true.

Mr. CUMMINS. And in that sense the statement of the Senator from Kentucky is correct.

Mr. JAMES. In order to be absolutely accurate about it, so that there will be no mistake, I will state that the record shows that there were $363,000 worth imported in 1905 under the rate of 44.21 per cent under the Dingley law, and $437,000 worth imported under the 25 per cent rate of the present law in 1912. So the increase by reason of reducing the tariff, as the Senator says, practically 50 per cent was about $60,000. The total production in this country is $12,803,758 worth.

Mr. WEEKS. That was in 1909.

Mr. CUMMINS. Mr. President, it must not be forgotten that this is a comparatively new industry; it is now really in a stage of development, although the hard plaster is generally accepted as a most available and most valuable commodity for use in the building of houses. Canada, however, will produce the article as cheaply as it can be produced in the United States. I am not contending that it can be produced much more cheaply in Canada than in the United States, but assuming that it can be produced with substantial uniformity in cost, it is still, as it seems to me, unpatriotic to allow Canada to come here with a duty imposed by us upon her product that amounts to nothing whatsoever; it is a mere nominal duty. You might just as well put the commodity on the free list. Of course, you do secure a little revenue, but it will have no tendency, or substantially no tendency, to prevent importations. A very little difference in freight rates will more than overcome all the duty that is here imposed, and if we are to perpetuate what I regard as a false system of allowing freight rates from Canada to the United States to be adjusted upon the basis of through rates, the outcome will be that there will be factories in Canada that can reach the interior of the United States, or at least some parts of the interior of the United States, for a less freight rate than can our own factories; and you will have legislated our enterprises into a position of positive disadvantage as compared with their foreign competitors.

Why not treat Canada in this respect as Canada treats us? If Canada were willing to give us free trade in this commodity, it would be a serious question with me as to whether we ought not to accept the proposition; but so long as Canada excludes us absolutely from her market, to admit this product of that Dominion into our market upon a ridiculously low duty, which is merely nominal, and that must have been imposed with no other idea than that of being nominal, does not comport with my idea of tariff making.

I do not know how carefully the committee has studied this question. It may be that it has gone all over these facts and many others of which I may be ignorant, and may, therefore, have reached a conclusion that is entirely satisfactory to its intelligence and its patriotism; but if it happens that some point of this history has been omitted from the consideration of the committee I hope that mere pride in the authorship of this bill and a mere general intent of not admitting amendments to it proposed by this side of the Chamber will not interfere with a fair consideration of this question.

I have not asked for even the Payne-Aldrich duty, although it was a reduction of 50 per cent from the old duty. I have asked only for a duty of 20 per cent upon the product, with the countervailing provision that we must get into Canada upon the same terms that Canada comes into the United States. I hope, therefore, that if the Senator from Missouri who has charge of this schedule is not ready to make decisive answer at this moment he will take time for reflection and ascertain whether this is just what ought to be done for a great American industry.

Mr. STONE. Mr. President, practically all gypsum imported into the United States comes from Canada. In 1912 we produced $12,800,000 worth of gypsum and gypsum products.

Mr. CUMMINS. Mr. President——

Mr. STONE. I did not mean to interrupt the Senator. I thought he was through.

Mr. CUMMINS. I had finished save for one question. Has it come to the knowledge of the committee that Canada originally imposed a duty of a dollar and a half a ton upon wall plaster, but, finding that that would not entirely protect her market against the invasion of the American product, had advanced her duty from a dollar and a half to two dollars and a half per ton?

Mr. STONE. Mr. President, I do not think what Canada or any other country does is important in reference to imposing duties upon gypsum when the fact remains, which I was about to state, that we produced $12,800,000 worth in 1912 against $566,000 worth of importations; or, in other words, we make of gypsum and gypsum products about twenty-two times as much as we import.

Mr. CUMMINS. I understand that, and I know the force of it; but with commodities manufactured in adjoining countries, assuming that they are manufactured at about the same cost, when one country bars us out of her market with a duty of two dollars and a half per ton does the Senator intend to take the position that he is satisfied to allow that country to compete in our market under a nominal duty?

Mr. STONE. Mr. President, that proposition might be applied to almost every commodity we import. We might be asked by Senators on the other side, who advocate distinctively a protective duty, whether there is reason for it or not; whether we ought not to insist in every case that we will not permit their commodities, their manufactures, or their productions to be imported into our country and admitted to our markets unless they consent to allow our productions and commodities and manufactures to go into their markets on equal terms.

Mr. President, I do not take that view in the aspect of the case as presented. There may be exceptional instances for adopting that policy; but in relation to this particular article we are now considering we produce it largely in the United States, and of that production there is consumed in the United States twenty-two or twenty-three times as much as we import.

Our importations come chiefly from Canada, comparatively little coming from other countries. For example, last year we imported of gypsum and gypsum products $566,000 worth, of which there came from Canada $437,155 worth. I have the figures here before me, running back through a series of years, showing a similar comparison. Canada is the producer whose products are entered for competition on our markets.

Mr. President, when we are producing so vastly more than our competitor produces or offers for market here, we might

as well ask, Are we fronting a condition where we need fear this competition?

Then, Mr. President, we are brought to answer this question: For what purposes are gypsum and gypsum products used? They are used in making plaster far more largely than in anything else, and in wall plasters, in paints, and in fertilizers. Gypsum is a fertilizer, and is so used in the country. There is a growing demand for it as a fertilizer.

I heard the Senator from Kansas [Mr. BRISTOW] the other day and other Senators on the other side speaking with wailing voice and almost with tears pearling down their cheeks about the ingratitude and the inattention of the Democratic Party to the welfare of the farmers of the country. Here is one instance where we are proposing to reduce duty to give to the farmers of this country a cheaper fertilizing product, and the Senator from Iowa comes and asks us to postpone the consideration of this paragraph and appeals to us to take into consideration whether we should not increase the duty imposed by the pending bill by doubling the rate proposed in the interest of some concern in the great agricultural State of Iowa, one of the greatest in the Union. Yet, Mr. President, the fact remains that we have practically no competition with the world and practically no competition with Canada in the sale in our market of this product, used, as I have said, for various purposes, and, among others, for fertilizing the lands in Iowa; though, I may say in passing, the lands of Iowa need little fertilization, but they may need it in the future. They are like the lands in Missouri; but there are other States where the agricultural lands do need to be fertilized. The Senator, I think, is making a request of the committee that is hardly warranted by the facts, and, so far as I am concerned, I am not in favor of granting it.

Mr. CUMMINS. Does the State of Missouri or any other State of which the Senator who has just taken his seat knows use a large amount of gypsum rock as a fertilizer?

Mr. STONE. As I have just said to the Senator, the virgin lands of Missouri up to date have not needed much fertilization, and I do not think the virgin lands of Iowa need much fertilization; but I do say that, according to the statistics and the evidence furnished by the Geological Survey, to which I refer the Senator, gypsum and its products are used and can be used to very great advantage as a fertilizer, and we want to give the farmers of the country cheap fertilizer. I should like to know whether the Senator from Kansas [Mr. BRISTOW] favors that?

Mr. CUMMINS. I have no doubt, Mr. President, that there is some gypsum used for fertilizing.

Mr. MARTINE of New Jersey. A very great deal of it.

Mr. CUMMINS. It is used, I apprehend, mainly in the East. Fortunately, we have better use for it in the West. But the Senator from Missouri is always delightfully entertaining and charmingly insincere [laughter]—and I do not say that in any disparaging way—because he knows how to reach his object, and just now he has sought to reach it by retorting upon my friend from Kansas on account of his solicitude for the farmer. I want the Senator from Missouri, however, to know that while we have concern for the farmer, we also have concern for the manufacturer.

If I believed that a duty of 20 per cent on a product that is not worth more than a dollar a ton in its crude state would be a burden upon the farmers who had occasion to use it as a fertilizer I might surrender my convictions to the eloquence of my friend from Missouri. But I know and the Senator from Missouri knows that it would be no burden if this duty were advanced to 20 per cent.

The high-priced product is wall plaster. By far the larger part of the domestic product in value is the hard plaster. The effect of what is proposed by the Democratic side of this Chamber is, in the first place, to allow Canada to supply New England, or a part of New England, from Nova Scotia, where the gypsum rock is found in large quantities. The second thing that will be accomplished is to allow the Canadian factories to supply the western part of our country with hard plaster simply because she may have some advantage in freight rates to certain parts of our Western States.

Personally I do not believe a duty of 20 per cent will change the price of this commodity one farthing. If it were made free, I do not believe it would change the price a farthing. What it will do, however, is to shut up a part of our market, so far as the domestic producers are concerned, and give that market to Canada. There are parts of Canada that we can reach more cheaply than they can be reached from the Canadian factories. I want the chance to go to Canada to sell our output. I want you to give us the same chance there that you intend to give Canada in certain parts of the United States.

Mr. STONE. May I ask my friend why Canada puts a wall of two dollars or two dollars and a half a ton on gypsum against the United States unless she is afraid the United States will invade her market?

Mr. CUMMINS. I can tell the Senator from Missouri why Canada puts a duty of two dollars and a half a ton on gypsum.

Mr. STONE. Is it because Canada thinks we can produce it here, from our gypsum quarries, with our labor, and carry it into Canada and sell it there so much cheaper than they can produce it there?

Mr. CUMMINS. The Senator from Missouri can not drive me into any inconsistency about that. I know why Canada put a duty of two dollars and a half a ton upon this commodity. It was because we would have taken her markets if the duty had not been imposed. In these days, however, markets are very largely a matter of cost of transportation. If Canada allowed us free entry into her borders, I think we could compete with Canada in the United States without any duty whatever. This is not a protective duty in the proper sense of the word. It is an effort to expand the commerce of the United States. It is an effort to give us a fair chance to do business outside of the United States.

You put a countervailing duty upon wheat. I agree that it can not be said as to every commodity that we must insist upon the same rate as a condition of entering a foreign market that we impose as a condition of entering our market. That could not be asserted as a general principle. I agree with the Senator from Missouri that we must take account of all the circumstances and conditions which surround us in determining whether or not that ought to be done.

But I should like to have the Senator from Missouri tell me a good reason for putting a countervailing duty on wheat that will not apply to a duty upon hard wall plaster. We produce a very large amount of both. Our resources are practically unlimited as to both. Yet you have said in this bill that Canada can not bring her wheat into the United States free until she permits us to enter her markets free. I ask you to say the same thing with regard to this enterprise. If you can give me any good reason for differentiating between the two products, I should like to hear it.

We are here legislating, as I suppose, for the good of the American people. We want to preserve, so far as we can, our home markets, and we want to widen and broaden our markets in other countries. We want an opportunity for every American who is willing to work to work a full day and as many days of the year as he may be willing to employ himself. The result of his labor must be sold either in our own markets or in the markets of foreign countries. It is just as much your duty, when you come to an enterprise like this, to see that we have a fair chance in Canada as it is to see that our laboring men are employed to supply the American market.

If I agree with you therefore—and I am not prepared to dispute it, because I do not know; I have not investigated it—that there is no difference in the cost of production, if I assume it, when I know and you know that this commodity is being sold all over the United States under competitive conditions at the lowest possible price that will yield any profit whatever to those who are engaged in it, you must concede that the duty that has been put upon it does not affect in any degree whatever the price, if we can produce it as cheaply as it can be produced in Canada.

Under these circumstances, if these statements be true, to stand here and weakly surrender our chance abroad, to stand here and weakly allow Canada to exclude us from her borders while throwing wide open the gates for her products, is to me as indefensible as it is mysterious. I can not understand that way of making a tariff law. I can not understand that way of taking care of the people of this country. We want as many men engaged in making gypsum and hard plaster as we can put to work; and if we are making it as cheaply as they are making it abroad, if it is being sold under competition, as it is, if it is being sold at a low price, as it is, why, in the name of justice, will you not do something to batter down the high wall that Canada has built up between herself and the United States and give our people who can reach certain parts of Canada under more advantageous conditions than her own factories an opportunity to supply those markets?

Mr. BRANDEGEE. Mr. President, I have received from constituents at home a statement on this question which is addressed to Congress, issued by the president of the United States Gypsum Co. It is very brief, and I ask that the Secretary read it.

The VICE PRESIDENT. Is there objection?

Mr. JAMES. I could not hear the request of the Senator. What was it?

Mr. BRANDEGEE. That a document on this subject be read.

Mr. JAMES. Who is the document from or by?

Mr. BRANDEGEE. The document is from the United States Gypsum Co. It is their statement on this question. I ask that it may be read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

CONCERNING THE TARIFF ON GYPSUM.

(Schedule B.—H. R. 3321, sec.,76.)

To the honorable Members of the Sixty-third Congress, United States Senate and House of Representatives, Washington, D. C.:

The present tariff on crude gypsum rock is 30 cents a ton, and $1.75 on manufactured gypsum products. The proposed rate is 10 per cent ad valorem, which means practically no duty, while Canada maintains a prohibitive tariff of $2.50 against entry of our manufactured product. The proposed tariff will virtually give Canada the benefit of free trade. Approximately 400,000 tons is imported from Nova Scotia and New Brunswick into New York. At Caledonia and Paris, Ontario, there are three gypsum mills whose products can be turned into western New York and Pennsylvania markets immediately. This will interfere with the American mills in Oakfield, Akron, Garbutt, and Wheatland, N. Y., and Michigan mills at Grand Rapids, Grandville, and Alabaster will likewise suffer from this competition. There are two large Canadian mills at Winnipeg which have forced six manufacturers at Fort Dodge, Iowa, out of Canadian markets through the aid of the present Canadian tariff of $2.50. These Winnipeg mills now have an open field and are assailing the trade of six American gypsum companies in Iowa, two in South Dakota, one in Montana, one in Oregon, and one in Washington. The Canadians, as you are already aware, treat their tariff in a very different fashion than is customary in the United States. They evidently set out to prohibit the use of our products and imposed, at first, a duty of $1.50. They also have a clause which prevents dumping, and have not hesitated to send their inspectors to our offices to determine that no lower prices were being made in Canada than our average mill price received for American markets. Finding that the $1.50 rate just mentioned was insufficient, they added $1 on it, and at once accomplished their purpose, which is effective at the present time, and will be doubly so when all our border markets are thrown open to their industries and we stand defenseless in the open outside their walls.

On the other hand, if it were the inclination of Canada to treat us as well as we treat her at the present, which treatment will be even more generous under the proposed tariff of 10 per cent ad valorem, the American gypsum industry would be willing to forego such tariff entirely and favor free trade if such concession were necessary to warrant and obtain reciprocity from Canada, but the improbability of Canadian reciprocity makes it imperative, in the interest of those American properties mentioned above, that the present rate or increased tariff be strictly maintained.

Respectfully,

UNITED STATES GYPSUM CO.,
S. L. AVERY, *President.*

CHICAGO, ILL.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator who has presented that document if it is not a fact that the United States Gypsum Co. is practically the owner of all the companies and mills that have been recited?

Mr. BRANDEGEE. Oh, I do not know.

Mr. MARTINE of New Jersey. And that it is in fact a Gypsum Trust?

Mr. BRANDEGEE. I suppose the Senator would tack on the word "trust" to any company or corporation which makes anything in this country.

Mr. MARTINE of New Jersey. I will take out the word "trust," then. Has not the United States Gypsum Co. an absolute monopoly of this industry?

Mr. BRANDEGEE. I know nothing about the company, Mr. President. I stated to the Senate, when I asked that the document be read, that it had been forwarded to me by several of my constituents, who, I presume, are stockholders in the company. I do not know where it is located, or what dividends it pays, or whether it has any watered stock, or anything of the kind.

Mr. LODGE. The Senator does not even know whether it was organized in New Jersey, does he?

Mr. BRANDEGEE. I do not. If it is a trust, I suppose it did not get far from New Jersey.

Mr. MARTINE of New Jersey. I should like to say, Mr. President, that the Senator from Iowa [Mr. CUMMINS] seems to treat rather majestically and lightly the question of gypsum as a fertilizer. It may be, as has been stated by the Senator from Missouri [Mr. STONE], that in the rich fertility of the lands in the State of that Senator and in the State of Iowa they know no such thing as using gypsum as a fertilizer, but gypsum is a universal fertilizer in my part of the world. I have bought many tons of it in my life. It is a universal fertilizer for clover and vegetation of that character, and in the form of plaster of Paris it enters directly into the home of every man, woman, and child in the country.

Where there are a few mill owners that may be, directly or indirectly, detrimentally affected by this tariff there are a million and one householders that are more seriously affected. The day was, as almost all of us will remember, when the plaster of a house was of a very soft character. You could dig it out with your finger nail. But with the improved system of using calcined plaster—Keene's cement, as we term it—and plaster of Paris it becomes as hard as adamant and is known in many instances as adamant plaster.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. MARTINE of New Jersey. I do.

Mr. GRONNA. I wish to ask the Senator from New Jersey if he knows who controls the industry of manufacturing gypsum in Canada?

Mr. MARTINE of New Jersey. I do not know anything about that.

Mr. GRONNA. Then, if the product of that country is in the hands of a trust, what reason has the Senator to believe that the foreign trust would be more reasonable in their prices than they are in the United States?

Mr. MARTINE of New Jersey. I know nothing about the situation there.

Mr. LODGE. A foreign trust is all right.

Mr. MARTINE of New Jersey. I am informed and believe, however, that while "trust" is naturally an unpleasant word to the other side—it has been your death knell, and it will keep you buried for many years—this combination or corporation, or whatever else you may term it, known as the United States Gypsum Co., owns these mills. I say, while there may be a few mills that may be affected detrimentally and disastrously, there are a million and one householders who are affected by the tariff on this product. Everyone who builds a small cabin today instead of having his ceiling plastered nearly an inch thick with plaster that is liable to fall off and do damage to those beneath is now using a thin skin of Keene's cement, if you choose, or adamant, or plaster of Paris. All these things affect every householder. As a builder, having used it in some 85 houses, I say God speed the day of cheaper adamant, cheaper plaster, cheaper plaster of Paris.

Mr. SIMMONS, Mr. KENYON, Mr. GRONNA, and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. The Chair will suggest to Senators that we are getting into the chorus business again.

Mr. GRONNA. May I ask the Senator another question before he takes his seat?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. KENYON. Who has the floor, Mr. President?

Mr. MARTINE of New Jersey. I think my friend from North Dakota has the floor.

Mr. GRONNA. I desire to ask the Senator from New Jersey a question. He seems to be an expert in building; but I think he is mistaken in saying that he would prefer a thick coat of plaster to a very thin one.

Mr. MARTINE of New Jersey. I did not say that. The Senator misinterpreted what I said. I said that in days past a thick coat of plaster was used; and probably in the structure of this very building there are instances where you will find an inch of plaster, or mortar. It was not plaster; it was a material so soft that it could be dug out with the finger nail. But the invention of what is known as Keene's cement, adamant, or plaster of Paris, has reduced the thickness necessary until it is now a mere shell or skin, answering the same purpose, making lighter ceilings, and hence a blessing. So it enters into everybody's household, and I can not understand why my friend from Iowa should stand up and make such a defense of the farmer. Why, the day will come in the very near future when you will need plaster of Paris every day, and as builders we need it all the time.

Mr. CRAWFORD. Mr. President, does the Senator from New Jersey undertake to guarantee that we will have cheaper plaster because we are going to buy it from a trust in Canada?

Mr. MARTINE of New Jersey. I can only say that I can not get it out of my mind that a tariff is a tax, and that if the tariff does not increase the price it defeats the purpose for which it is levied. It does increase the price. I am not worried about Canada; Canada can take care of herself. I am worrying about the American people.

Mr. KENYON. Mr. President, I desire to correct one statement that was made by the Senator from New Jersey [Mr. MARTINE]. I did not rise to "start anything"; but I simply wish to say that I think the United States Gypsum Co. in its inception was intended to be a trust, and to take in all the gypsum mills of the country. They failed in that, however, so that in my home town, Fort Dodge, there are some five or six independent concerns engaged in competition. I dislike a trust as much as does the Senator from New Jersey.

I can add nothing to what has been said by the senior Senator from Iowa on the subject of Canadian competition and the Canadian market. There is a theory about this matter, how-

ever, that I desire to call very seriously to the attention of my Democratic friends.

It is true, as my colleague [Mr. CUMMINS] has said, that the gypsum industry is the main industry of Fort Dodge. That is my home, and that was Senator Dolliver's home; but I am not pleading for any protection to the industry because of local interest. In fact, it is one of the schedules that I shall ask to be excused from voting on, because one member of my family happens to have a little stock in one of the mills; and although that member of my family is not of my political persuasion, I have such a conviction that Members of Congress ought not to vote on schedules in which they or any members of their families may be at all interested that I shall not vote on the gypsum schedule, and I am not going to discuss the merits of it.

That industry, however, was a thriving industry in Fort Dodge. Senator Dolliver, as the Members of the Senate know, in the tariff fight of 1909 broke away from his party and conducted a vigorous and courageous fight to reduce the tariff duties on woolen goods. He fought Schedule K. This reduction in the Payne-Aldrich Act was made, as I firmly believe, and his friends firmly believed, for no purpose in the world but for revenge as to Senator Dolliver. The then chairman of the Finance Committee cut the gypsum tariff to the quick in order to humiliate him at home, and to show that he had no influence in the Halls of Congress. That is the reason the tariff duties were cut on gypsum in the Payne-Aldrich Act.

Before that time Senator Dolliver, who had earned a place on the Finance Committee by long years of service, was denied that place; and then, on top of that, these duties were cut. That is the reason of the cut in those duties. There is no use in beating around the bush on that proposition at all. That did not accomplish its purpose, however. It did not discredit Senator Dolliver in his home. It did not drive him out of the Republican Party, because our people at home honored him all the more, even if their industries were to suffer. They honored him for his courage and his bravery and his manhood in fighting the high tariff duties of the Payne-Aldrich bill.

Mr. President, I am sorry that after that has been done in the Payne-Aldrich bill our Democratic friends go still further and cut that tariff in two. That was a tariff duty, levied, not for protection, not for revenue, but for revenge; and I am sorry the process has to go on any further.

Mr. LODGE. Mr. President, I had risen for another purpose; but after what has been said by the junior Senator from Iowa [Mr. KENYON], I think I ought to say, as a member of the Finance Committee of 1909, that if the duty on gypsum was reduced for purposes of revenge on Senator Dolliver it certainly was not known to the members of the Finance Committee. I had no such knowledge, and I do not know of any other Senator who had.

Mr. KENYON. I did not say the members of the committee did it. I specifically charged it to the chairman of the committee.

Mr. LODGE. This is all news to me, Mr. President. I did not suppose there was any such motive in the reduction at that time. But what I rose to call attention to was what I think has been overlooked—that the provisions of this section, and the opposition to the proviso offered by the Senator from Iowa [Mr. CUMMINS], arise from the introduction into this bill of an entirely new economic theory in the imposition of tariff duties.

Hitherto it has generally been supposed, I think, by all economists that there were two opposing theories in the imposition of tariff duties. One was that known as the free-trade theory; the other the theory of imposing a duty for the purpose of protection of domestic industries. Of course, "tariff for revenue only" is a mere political phrase. It is not a theory, and no tariff for revenue only can exist. A duty may be imposed for revenue only, but a tariff throughout can not exist for revenue only, because if you once impose duties generally you are bound to have some duties produce protection.

This bill has free-trade provisions, protective provisions, and what may be called tariff-for-revenue duties, I suppose. It certainly illustrates and combines the two great conflicting theories in the imposition of tariff duties. But it has introduced a third theory, and a wholly new one, and that is the imposition of duties in such a manner as to give protection to the foreign competitor. That, I think I am not mistaken in saying, is a novel idea. I have pointed it out in one or two instances already, where the duty is raised on the raw material, or kept at the same rate, while it is lowered on the manufactured article.

Now, in this particular case our only competitor in regard to gypsum is Canada. I am not quite clear what the fertilizer proposition has to do with the only duty in the paragraph which the Senator from Iowa has tried to amend. I suppose the product mentioned in the first line would come under fertilizer. The cements, of course, have nothing to do with fertilizers. I thought before I spoke there was a separate duty on crude gypsum, but I see there is not. It is proposed to lower the duty to such a rate that our market will be open to Canadian competition, while Canada will not admit us to her market. That is hardly a fair basis of competition. The only argument in behalf of it is that our production is worth $12,000,000 a year, and it is proposed to give entrance to that great market to Canada and get nothing in return.

Then, we hear the old song that it will lower prices. What possible reason is there to suppose that the Canadian manufacturers are coming in here to lower prices? They live on the same continent with us. Their wages probably do not differ materially. They could not sell very much lower. Neither their natural advantages nor their economic advantages are sufficient to enable them to do that. They will undoubtedly want to make as much as the traffic will bear. It is a simple gift of our market to the Canadian producer without any return.

Further, it is legislation along the line of the new theory of giving protection advantage to the foreign producer. We are told, I think without sufficient authority, judging from what has been said by the junior Senator from Iowa [Mr. KENYON], that there is a trust in this country. There is no reason to suppose there is not another trust over the line in Canada. But the American trust or monopoly from which our Democratic friends shrink with horror has no alarm for them when it comes in pleasant foreign dress.

Mr. President, I merely wanted to call attention to what seemed to me the underlying principle here. I have not examined the case sufficiently to know the details in the labor cost, and I should not enter into it if I had. The Senator from Iowa has covered the entire case; it could not have been done better; and it seems to me there is no answer to the argument he made for the proviso he has proposed. I merely wish to call attention to the underlying theory which lies in the result of this duty and the resistance to the proviso and many other duties imposed in this bill.

Mr. SIMMONS. Mr. President, I simply want to say a few words.

The Senator from Iowa referred to the uses of this material. I have some familiarity with it, because it is used rather extensively in my part of the country, and especially for purposes of the fertilization of land. It is a substance very similar to lime. Of course, it is a superior substance in every way, but it is used for almost the identical purposes for which lime is used. Lime is used for plastering houses, and so is gypsum. Lime is used as a fertilizer, and so is gypsum. Neither lime nor gypsum is in the proper sense a fertilizer; that is to say, it does not add anything to the fertility of the soil directly, but both are used upon sour soil, such as we have in the South, and which, I suppose, they have in some States in the West, for the purpose of liberating certain imprisoned properties of productivity in the soil. In one year there were sold in the city of Norfolk 30,000 tons of this material for use upon the soil of the surrounding country.

Mr. President, there are in the United States, I think, 82 factories or mills engaged in manufacturing this material. This crude gypsum material is called land plaster when it is used as a fertilizer. Five of those factories are located upon the coast; the other 77 factories are located in the interior of the country.

Crude gypsum is found in various parts of this country—in New York, West Virginia, and in various States in the interior.

There is absolutely no competition, and in the nature of things there can be no competition, between the gypsum produced in the 77 factories that are located in the interior of this country and the gypsum produced in Nova Scotia and New Brunswick, for the very simple reason that on account of its bulky character and its low value—about $1.17 per ton—high transportation cost makes competition in the interior impossible.

The only competition that exists or can in the nature of things exist, whatever the tariff rate may be, is within a zone of, say, 100 miles along the coast. The five factories located on the coast are the only ones that have complained, so far as I know, of the duty in this bill.

Mr. SMITH of Michigan. If the Senator from North Carolina will permit me, I should like to say that competition may prevail along the border on the Lakes. It is the mills and manufactories in Michigan that would naturally sell their product to Canada if there were not prohibitive duties there, and to prohibit the factories in Michigan from crossing the border by a duty of two and a half dollars and voluntarily give to the Canadian manufacturer our market in Michigan at a paltry 10 per cent ad valorem looks to me to be a little reckless.

Mr. SIMMONS. I do not know that there are any of these factories located upon the Lakes, nor do I know what would be the cost of transportation from New Brunswick and Nova Scotia to the points the Senator speaks of.

Mr. SMITH of Michigan. I am not speaking of New Brunswick or Nova Scotia.

Mr. SIMMONS. That is about the only part of Canada where it is produced.

Mr. SMITH of Michigan. I am speaking of the place where it is produced immediately on the border, in the Central West; and I ask you why you should give Canada our State as a market in the face of the fact that they have erected an absolutely impassable wall over which we can not go with our product to the Canadian market?

Mr. SIMMONS. Mr. President, we have not given nor will this bill give Canada the market of the interior. As I have just explained, so far as the committee was advised—and we had a good deal of data upon this subject—we were advised that there could be no competition by reason of freight rates with reference to the 77 factories located in the interior of the country. If there are some factories located on the Lakes, I do not know what that situation would be. They might be in the same position as the factories located upon the coast.

Mr. SMITH of Michigan. It is because I do know——

Mr. SIMMONS. The factories located upon the Lake would have the same position as the factory located upon the coast.

Mr. SMITH of Michigan. It is because they are located at my home, it is because hundreds of men are employed in that industry, that I ask you not to present the American market to Canada as a free gift, when they are building a protection wall so high we can not possibly take our product there.

Mr. SIMMONS. Does the Senator know the difference between the freight rate to the point he speaks of in his State and the freight rate from Nova Scotia to New York?

Mr. SMITH of Michigan. I know it is the water rate, and not only from Lake Michigan but the shore of Lake Superior, Lake Huron, and Lake Erie, and it is the cheapest possible rate. While we could take our products there if we have an opportunity, why you should level our protection against Canada now developing this industry to proportions which ought at least to have our serious consideration, when they are at the same moment constructing a tariff wall so high that we can not sell our products to them, is beyond my calculation.

Mr. SIMMONS. Mr. President, we have not leveled the wall. We have retained in this bill an ample duty to give the American producer, either on the seacoast or the Lakes, under even the Republican theory of protection, sufficient advantage to compensate the difference between any cost here and in Canada. There is but little difference, if any, in the cost of producing this material in Canada and in this country. In Canada they have practically the same scale of wages that we have in the United States. In Canada gypsum is found in the bowels of the earth and can be gotten out of the bowels of the earth under their system of labor just as cheap as it can be gotten out of the bowels of the earth under our system of labor. There is practically no difference in labor or material cost.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I do.

Mr. GALLINGER. If that be so, why can not Canada compete with us with the same rate of duty? If Canada can produce it as cheaply as we can, and she does, why does Canada want to build up a wall so high we can not compete with Canada after we are giving her an opportunity to compete with us?

Mr. SIMMONS. I can not explain to the Senator the reason for Canadian duties. Canada has duties upon a great many things that she can produce as cheaply as we can produce. It is not to be assumed that all the Canadian duties are leveled at the United States. Canadian tariff laws apply to the world, I assume, just as our tariff laws apply to the world.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. If the Senator will let me develop the idea I have in my mind I will be glad to yield to him in a minute.

Mr. CUMMINS. I intended to ask a question in regard to that very point.

Mr. SIMMONS. Well, go ahead.

Mr. CUMMINS. I think it was the year before; Canada advanced her duty to $2.50 a ton; possibly it may have been longer than that—I am speaking now of my State—we sent into Canada, toward Winnipeg, in one year 100 carloads of plaster. Now, I ask the Senator from North Carolina whether he thinks it is his duty to help, if we can be helped without injury to the country at large, to regain that market?

Mr. SIMMONS. Mr. President, I will say to the Senator very frankly that so far as I am personally concerned I should like to see a countervailing duty upon a great many things that are produced mutually in Canada and in this country, but I do not think this is a case similar to that of wheat and flour. Mr. President, if we can pay these Canadian duties and sell this material in large quantities to Canada, it shows we can produce it cheaper than Canada and need not fear Canadian competition.

I think the Senators are laboring under the mistaken assumption that the 425,000 tons of gypsum we imported last year was manufactured or calcined gypsum, whereas it was crude gypsum. The importations of manufactures of gypsum are negligible.

Mr. CUMMINS. If the Senator from North Carolina got that idea from me I was faulty in expression. I think a very large part of the imports was of the crude material used for fertilizing in New England and Eastern States.

Mr. SIMMONS. Mr. President, as a matter of fact, we are large producers of crude gypsum in this country. As I said, it is found in various States, in various localities, and in considerable quantities.

In 1911 we mined in the United States 2,323,970 tons of crude gypsum. In 1910 the entire production of crude gypsum in the Dominion of Canada amounted to only 525,000 tons. So Canada is not much of a producer of crude gypsum and we would not be in much danger of being overwhelmed with Canadian importations of gypsum even if the whole Canadian output was imported.

I can not see, Mr. President, any reason why this duty should be higher than we have fixed it in the bill. When you consider the fact that the labor cost here, even from the Republican standpoint, and in Nova Scotia is about the same, that it is a mineral product and the labor cost of mining is small, I can not see the necessity of a larger duty than 10 per cent, even from the protection standpoint. It is twice as high as the duty which we put upon lime, which, as I said before, is used practically for the same purpose. This would seem a case where the Republican argument that a duty is needed to equalize difference in labor cost does not apply, for there is no difference.

Mr. SMOOT. Mr. President, I am not going to enter into a discussion of this matter, but as I was a member of the Finance Committee in 1909 I wish to say that I never heard it intimated by Senator Aldrich or any member of that committee that the reduction of the duty on crude gypsum was made as a revenge against the then senior Senator from Iowa.

Mr. CUMMINS. I think the Senator from Utah is now replying to what my colleague, the junior Senator from Iowa, said.

Mr. SMOOT. The junior Senator from Iowa.

Mr. CUMMINS. I may say, however, in justice to my colleague, who is not here at this moment, I have never made it a subject of discussion, although I know that Senator Dolliver so believed.

Mr. SMOOT. Mr. President, I never heard it before intimated, and it came as a surprise to me to-day that that intimation should be now made. I simply state that as a matter of history.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Sentor from Utah yield to the Senator from Missouri?

Mr. SMOOT. I do.

Mr. STONE. Mr. President, I beg the Senator's pardon, but he was addressing himself in a somewhat low tone of voice to the Senator from Iowa [Mr. CUMMINS], and I caught just enough of what he said to make me somewhat interested in it.

Mr. SMOOT. Mr. President, I will say for the information of the Senator from Missouri that I stated that I was a member of the Finance Committee of the Senate in 1909, when the present tariff law was framed and passed, and that I never heard it intimated before to-day that the rate upon crude gypsum was reduced as a revenge upon the then Senator from Iowa, Mr. Dolliver. I repeat, I was very much surprised to hear it to-day, because it is the first time that I ever heard it intimated. I say this by way of information and that alone.

I do remember, Mr. President, that at that time the reduction of duty on that article was discussed. My own State of Utah produced crude gypsum, and the great bulk of the shipments from my State went to California. I tried to have the then existing rate of 50 cents per ton maintained, and I remember the argument then made was that it was a fertilizer used in the Eastern States, that it was shipped direct from Nova Scotia, and that the freight rate from the interior part of the country was so great that the duty could not be maintained without

working a great hardship upon the people of the border States. That was the argument and the only argument that was made at that time which I ever heard. I was then opposed to the reduction of the duty to 30 cents a ton, and no doubt former Senator Dolliver would sustain this statement if he were in the Chamber to-day.

Mr. BORAH. Mr. President, I understood the Senator from Iowa [Mr. CUMMINS], in discussing this matter a few moments ago, to say that the cost of production in this country was no greater or even less than it was in Canada.

Mr. CUMMINS. No, Mr. President; I said that I had not investigated the question; but, generally speaking, I do not believe that it costs any more to make a thing here than it costs to make it in Canada. It was simply from that general view which I have of the level of prices in both countries that I made the statement which I did.

Mr. JAMES. Mr. President, whatever may have been the purpose of the committee which had control of the formation of the Payne-Aldrich bill in reducing the tariff upon gypsum, if it was to punish Senator Dolliver's friends who manufactured gypsum because he had differed from them upon various schedules in that tariff bill, it did not serve its purpose. While we have been so often assured that the Payne-Aldrich bill was a bill framed for protection, as most Senators on the other side were glad to say, but, I always thought, for plunder, now we have found out that it had also another ingredient in it—that of punishment. That, however, is not our purpose here.

Personally, I had great affection for Senator Dolliver; I thought, and I yet think, that he was one of the greatest men who ever sat in this Senate; but however much I may revere his memory, I am not content that a duty in this bill shall remain prohibitive because the factories which are engaged in the manufacture of the article happen to be in the city which claimed him and honored him so highly and loved him so greatly.

In 1905 there were practically $370,000 worth of this gypsum imported into this country under the Dingley bill rate. After the duty was lowered in the Payne-Aldrich bill in the year 1912 only $400,000 worth of it was imported here.

Mr. CUMMINS. I beg pardon, but may I interrupt the Senator from Kentucky?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. JAMES. Certainly.

Mr. CUMMINS. The amount just mentioned by the Senator from Kentucky includes gypsum rock, ground gypsum, and calcined gypsum, as well as the article to which he refers.

Mr. JAMES. So much more the reason why this duty ought to be reduced. The production in this country in the year 1912 was $12,000,000 worth. I have always understood that the Republican policy of protection was based upon the theory that the tariff should equal the cost of production—that is, the difference in the cost of labor—between this and the foreign country. Now, it is not contended here that we can not produce this article as cheaply as they can produce it in Canada. I believe we can produce it cheaper than they can in Canada, and I believe the argument the Senator from Iowa has made—that Canada imposed a high tariff rate upon gypsum and then had to increase it in order to keep our United States manufacturers from taking their market—shows that we can produce it here cheaper than they can produce it there.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. JAMES. I yield to the Senator.

Mr. CUMMINS. If all that be true, does the Senator from Kentucky think that his entire duty is discharged when he attaches a revenue impost upon this article? Does he not think that he ought to do something to open up the markets of Canada to our people? If we can produce the commodity more cheaply than it can be produced in Canada, why is he not willing to help the American people a little to get into Canada, if by trying to do so he will not increase the price one penny in his own country?

Mr. JAMES. Mr. President, all the argument the Senator has made has been for the manufacturer. He seems to see only the manufacturer. The Senator loses sight of the consumer. I am not willing to give this market to the manufacturer of gypsum or plaster rock simply because the Senator argues that if we do not put the duty high enough Canada will come into this country and will take the market away from the American manufacturer.

Mr. CUMMINS. Does the Senator from Kentucky believe that the duty which has been imposed upon this article has affected its price one particle?

Mr. JAMES. If the duty which has been imposed upon this article has not affected its price, then certainly the reduction of the duty will not affect its price.

Mr. CUMMINS. Very well; but after we have agreed on all that, will not the Senator do a little to enable us to sell this commodity in Canada?

Mr. JAMES. That argument, Mr. President, carried to a finality, would mean that you never would get tariff duties reduced at all. In Canada they will say, "We have a rate now of $2.50 per ton, and if we reduce that rate at all the United States will take our market." Then in the United States they will say, "If you reduce at all the rate of duty on that commodity the Canadian will take our market"; and thus the consumer will be ground between the upper and nether millstones.

Personally, so far as I am individually concerned, I believe that we ought to consider first the question of obtaining revenue, and it ought to be obtained from those articles that will bear least heavily upon the consumer. Here is an article that goes into the building of homes in this country. Forty-five million of our people to-night will sleep in homes they do not own. The reduction of this tariff will make it easier for them to own a home. I believe we ought to look out for them just a little, instead of looking out for the Canadian market for the manufacturers in the Senator's own State.

Mr. CUMMINS. I notice, however, that the Senator from Kentucky has agreed in this bill that if the President finds that any country is discriminating unduly against us the duty shall be raised. I should like to hear the Senator explain the two doctrines, and tell us if they do not conflict with each other?

Mr. JAMES. In the first place, as to this article, there is no discrimination against us by Canada. Canada will simply come into this country and sell in competition with our manufacturers, provided she can by paying the 10 per cent duty; but the Senator has told us she can not, and that the Canadians could not even hold their own market unless a duty of $2.50 a ton was placed on gypsum.

Mr. CUMMINS. I did not say that.

Mr. JAMES. What did the Senator say?

Mr. CUMMINS. I said there were certain parts of Canada that we could enter because of the cheaper cost of transportation. The truth is that regarding all such commodities as these the great protection is in the cost of transportation. Canada can get to certain parts of our country, no matter what reasonable duty is placed upon this commodity, and we can get to certain parts of Canada more cheaply than Canada can, with any kind of a reasonable duty; but Canada has imposed a prohibitive duty of $2.50 a ton, which is really, at the present price, probably 60 or 70 per cent of the entire value of the product.

Mr. JAMES. Because Canada wants to give to the manufacturers of gypsum a monopoly upon her people is no reason why we should give to the manufacturers of gypsum the same character of monopoly in this country upon our people.

Mr. President, in this country the production of this commodity is $12,000,000 worth a year, the revenue derived from the duty now imposed is only $111,000, and the imports amount to only $400,000; but we are now told that the tariff must equal the cost of transportation instead of the cost of production. I believe this is a just reduction, and, really, if I had my own way I would place the article on the free list. There is no competition at all under the present tariff rate. We fix the rate at 10 per cent ad valorem in the hope and belief that it will bring both honest competition and produce revenue.

Mr. STONE. Mr. President, I should like to ask my friend the Senator from Iowa whether I am correct in the impression I have that he voted against what is known as the bill providing for reciprocal trade relations between the United States and Canada during the last administration?

Mr. CUMMINS. I have not referred to the reciprocal provision in this bill——

Mr. STONE. I asked the Senator——

Mr. CUMMINS. Which is that if the President finds that any country is unfairly discriminating against this country or is not recognizing fair and reasonable reciprocal obligations, then an added duty is placed upon certain commodities, thereby recognizing the retaliatory theory.

Mr. STONE. The Senator and I do not quite understand each other. We had here before us some two years ago, I think, a proposition for reciprocal trade relations between Canada and the United States.

Mr. CUMMINS. That is what it was named; but it was not so in fact.

Mr. STONE. Well, that is not important at present. I do not care to enter into that. I thought it was, but the Senator thinks it was not.

Mr. CUMMINS. Well, it was called that.

Mr. STONE. But what I wish to ask of the Senator now is whether I am right in understanding that he opposed that trade pact, that international trade agreement?

Mr. CUMMINS. I opposed the bill to which the Senator refers. I do not call it a trade pact, however.

Mr. STONE. Oh, well, we will not quarrel about mere matters of terms.

Mr. CUMMINS. I do not want to assent to the Senator's terminology; that is all.

Mr. STONE. We are agreed that the Senator was opposed to it. How would the Senator now feel if the proposition were made in the Senate of the United States for mutual free trade between the United States and Canada on gypsum?

Mr. CUMMINS. The Senator from Iowa has no hesitation whatever in answering that question. He is not as mysterious as he thinks some of his brother Senators are. Guided by what I believe to be the truth with regard to gypsum and its products, if Canada were to agree that our product might enter her markets free, I should be willing to agree that Canada's product should enter the markets of the United States free.

Mr. STONE. In the act to which I have adverted and against which the Senator spoke and voted I find, on examination, that plaster rock or gypsum was put upon the free list as between these two countries.

Mr. CUMMINS. Certainly; but the trouble——

Mr. STONE. How did that strike the Senator at that time?

Mr. CUMMINS. The difficulty with that bill was precisely the difficulty with the Democratic bill now before the Senate. It had some good things in it, but it had so many bad things in it that no patriot could vote for it, as I viewed the question. There are a lot of good things in the bill now before the Senate—plenty of them—but it has so many inconsistent and indefensible things in it that I can not vote for it. I have no apology to make for voting against the so-called reciprocal agreement with Canada. I believe in reciprocal treaties and I believe in reciprocal trade; I think, however, such agreements can not be effectuated by any general law. I think they must relate to a particular thing, so that there can be intelligent examination and a conclusion with respect to the benefits to be derived from trade in the particular commodity or commodities that are covered by the treaty.

Mr. STONE. Now, Mr. President, if the Senator is through with his explanations and apologies, I should like to have this paragraph disposed of.

Mr. CUMMINS. I beg pardon, Mr. President. What did the Senator say? Did the Senator say "if I am through with my apologies"?

Mr. STONE. I said if the Senator was through with his explanation and apologies. They have been well said; the work has been well done——

Mr. CUMMINS. As I remarked a few moments ago, it is impossible for the Senator from Missouri to be serious.

Mr. STONE. Oh, I am very serious about that.

Mr. CUMMINS. Oh, very serious! The Senator from Missouri, in that low tone of his which catches the reporter's ear but often misses the ears of his brother Senators, frequently says something that he does not really mean. I resent a little what he has just said.

Mr. STONE. Then I withdraw it.

Mr. CUMMINS. Certainly; I knew the Senator would withdraw it, because when he speaks so that everybody can hear he always tells the truth as he understands it.

Mr. WILLIAMS. Mr. President, the argument in favor——

Mr. CUMMINS. Does the Senator from Mississippi desire to ask me a question?

Mr. WILLIAMS. No; I got up to make a few innocuous observations of my own.

Mr. CUMMINS. I have not the least objection in the world to the Senator doing so, but somebody called me and said that the Senator from Mississippi desired to ask me a question.

Mr. WILLIAMS. I desire to make "a few unnecessary remarks," as the darky said about John Allen's speech. [Laughter.]

Mr. President, the argument underlying the theory of countervailing duties is as old as is the spirit of retaliation, and there never was a particle of sense in it. When you reduce it to its ultimate analysis it is this: One country says to another country, "If you do not quit punishing your people by refusing to let them have valuable things from my country at a cheap price, I will punish my people by refusing to let them have valuable things from your country at a cheap price." So they go on forever retaliating under the guise of reciprocating. The consequence is that one country builds its tax laws upon the example set by another country, instead of building its tax laws upon the necessities and conditions of its own people without regard to anybody else.

As I understand, a ton of gypsum rock is worth at present about a dollar and a half. If so, if you put a tax of 10 per cent upon it, you would possibly raise its price, if imported from Canada, to $1.65; or if it were sold in the American market by the American producer and he feared Canadian importations, or if Canadian importations threatened his market, the price might be lower than that.

As I understood the Senator from Iowa, he said a moment ago, I believe, that 60 carloads of gypsum rock had gone from his own country up to Winnipeg; in how short a time I have forgotten.

Mr. CUMMINS. I did not say that.

Mr. WILLIAMS. How much was it the Senator said went to Winnipeg?

Mr CUMMINS I said that in one year we shipped to Winnipeg 100 carloads of plaster; not gypsum rock.

Mr. WILLIAMS. Very well; I thought it was 60 carloads, or rather, I remembered it wrongly. One hundred carloads of plaster, then, were shipped in that one year to Winnipeg; and that was at a time when Canada had what duty?

Mr. CUMMINS. I do not remember whether at that time Canada had a duty of $1.50 or not.

Mr. WILLIAMS. Afterwards she raised it to $2.50.

Mr. CUMMINS. But it was at a time, of course, when the eastern mills in Canada could not get to Winnipeg on anything like the freight rate that we could reach Winnipeg.

Mr. WILLIAMS. As I understand, now, we shipped 100 carloads in one year to Winnipeg, paying a Canadian duty of $1.50 a ton.

Mr. CUMMINS. I am not sure about the duty at the time of these shipments.

Mr. WILLIAMS. At any rate, we paid the Canadian duty, whatever it was.

Mr. CUMMINS. We paid whatever the Canadian duty was.

Mr. WILLIAMS. We paid the duty and shipped it. It does not look from that as if we were in danger of any great flood of Canadian gypsum coming into our country. The Senator from Iowa, with his usual candor and intellectual integrity, has admitted that so far as he knows the cost of production is about the same in the two countries, the cost of labor being about the same, and the other factors that enter into the cost of production being about the same.

There is nothing in the world more absurd than having a gypsum bed on the American side of the Canadian line and another gypsum bed on the Canadian side of the American line, and fixing a tax which must be paid upon the American side by the American farmers and the American constructors and fixing a tax upon the Canadian side that must be paid by the Canadian farmers and the Canadian constructors. If anything is more absurd than protectionism itself, it is levying these duties where both sides admit that taking the entire line from east to west, if there were absolute free trade it would be about as fair for one as for the other. I should like to see free trade in gypsum between the two countries—in fact, free trade in everything. I think it would be a good thing if the United States and Canada could enter into a zollverein—a customs union—of some sort.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. WILLIAMS. In one moment I will. But the Senator can not state a single reason for the application of a countervailing duty on gypsum that would not apply to every other product produced in both countries; and he can not make an argument in favor of it, if his purpose in raising our duty is to force Canada to lower hers, that is not an argument in favor of freer trade and therefore an argument in favor of what we on this side would welcome as readily as he.

I do not believe you can force Canada into lowering her duties upon gypsum by raising our duties upon gypsum, because according to the Senator's own statement we have the better of Canada in cheapness of production or, at any rate, in the ability to sell cheaply, whether it be from transportation rates, cheapness of production, or what not, as is evidenced by the fact that, although we have had a very stiff duty to pay, we shipped 100 carloads to Canada from one place in this country during one year.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, there is a notion prevalent in certain quarters that Canada is ready to enter into free trade with the United States. That is a mistaken notion, as I

chance to know myself. Certainly under the Laurier government the public men of Canada over and over declared that they would not enter into free trade with the United States.

Mr. WILLIAMS. Did the Senator understand me to say that Canada was ready to enter into free trade with us?

Mr. GALLINGER. No; I did not. My observation is made simply to disabuse the minds of some people who have said to me that Canada was ready for that. I know that Canada has not been ready for it, for the reason that Canada wants to keep out our manufactured products.

Mr. WILLIAMS. Yes; I think the Senator is right.

Mr. GALLINGER. There is no doubt about that.

Mr. WILLIAMS. I think Canada has committed the very foolish error of undertaking to build up her manufactures at the expense of her people generally. I think she is worshipping the idol almost as much as we ever did, and that nothing will convert her from its worship for some years to come. I did not say that. What I said was that I should like to see it. I know that the free trade that stretches from the State of Washington to the State of Florida, and from the State of Maine to the Sate of Texas, has been the chief cause of the prosperity and upbuilding of this country, and that if a customs union applied from the frozen seas to the Panama Canal it would build up all of this North American country. Therefore I expressed the idea that I should like to see it, as far as I was concerned. No; Canada has not yet progressed that far.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. WILLIAMS. I do.

Mr. WEEKS. There is one element in the cost of producing gypsum which I think the Senator from Iowa overlooked in making his statement, and that is the cost of the crude material. In Nova Scotia the crude material is found on the seashore and on the surface. It is mined and produced almost exactly as iron ore is produced in the Mesabi Range, practically with a steam shovel, while the crude gypsum in the United States is mined or quarried, and the cost of producing it is materially greater. It does not strike me as important from the standpoint of the Senator from Mississippi that we paid $1.50 a ton duty for sending 100 carloads of finished gypsum into Canada, and were able to do it, because the freight rate from any point where it was then produced in Canada was so much greater than the duty that it was absolutely necessary that the inhabitants of Winnipeg should buy at a nearer point than the producing point in Canada. For instance, the freight rate to Washington from a producing plant in Virginia is $2.60 a ton, and yet I believe it is not more than 100 miles from here. So the freight rate is the large element in determining the sale point of the finished gypsum.

Mr. WILLIAMS. Mr. President, I know nothing about those facts. I mean I knew nothing about them until the Senator informed me of them. I am very glad to hear them, and what the Senator has said reenforces the strength of my argument. If such a valuable product as rock gypsum, valuable for fertilizing purposes, valuable for cement, and valuable for plaster or for construction, is to be obtained in such a very cheap manner, is to be found right on the surface, so that all you have to do is to shovel it into a car and bring it to our people, it would be all the greater shame to put a heavy tax upon it and make it expensive to them. The blessings that God has given His children in this world, the valuable things that can be gotten cheaply, are not too great; and it would be folly, just in proportion as a thing is cheap and valuable, to make it cost more to your own people. It would be still more foolish to do that merely because somebody else wanted to make it cost more for their people to get some valuable thing cheaply from you. It is the old phrase of "cutting off your nose to spite your face." It is equivalent to saying: "Here, Canada, stop it. If you do not quit refusing to let your people have at a cheap rate our things that are worth a great deal to them, we will refuse to let the people of the Republic have at a cheap rate the things you have that are worth a great deal to them"—cutting off your nose to spite your face.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, this amendment is properly divisible; but inasmuch as apparently I have made no impression upon the Senator from Missouri [Mr. STONE], and believing as I did when I began that if I could not make an impression on him I had no hope of any recruits from the other side, I do not intend to ask for a roll call, and therefore I shall not ask for a division of the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS].

The amendment was rejected.

Mr. STONE. Mr. President, I now ask to have the Senate pass on the committee amendment.

The VICE PRESIDENT. The committee amendment will be stated.

The SECRETARY. On page 19, line 10, before the word "cements" it is proposed to strike out the word "building," so as to read:

76. Plaster rock or gypsum, crude, ground or calcined, pearl hardening for paper makers' use, Keene's cement, or other cement of which gypsum is the component material of chief value, and all other cements not specially provided for in this section, 10 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of paragraph 77, page 19, as follows:

77. Pumice stone, unmanufactured, 5 per cent ad valorem; wholly or partially manufactured, ¼ cent per pound; manufactures of pumice stone, or of which pumice stone is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator in charge of this part of the bill why he deems it necessary to maintain a duty of 50 per cent on pumice stone wholly or partially manufactured, while he reduces the duty on the unmanufactured stone from 21 per cent to 5 per cent?

Mr. STONE. Mr. President, if we are going to have discussion of this paragraph, I think we had better proceed now to the consideration of executive business, and take up this paragraph to-morrow morning. I am told that it is desired to have an executive session.

Mr. GALLINGER. The question will be pending.

Mr. BRISTOW. Pending; yes.

Mr. STONE. I move, Mr. President, that the Senate proceed to the consideration of executive business.

BANKING AND CURRENCY (S. DOC. NO. 144).

Mr. OWEN. Just a moment, before the motion is acted upon. I should like to ask unanimous consent to have printed a little four-page pamphlet which I have here upon the banking question.

The VICE PRESIDENT. As a public document?

Mr. OWEN. As a public document.

Mr. GALLINGER. I will ask the Senator who is the author of the document?

Mr. OWEN. The author is the chairman of the Committee on Banking and Currency of the Senate.

Mr. GALLINGER. I have no doubt it is of great value.

Mr. OWEN. It is of great value.

Mr. SMOOT. Mr. President, I simply wish to ask the Senator whether it is a statement made by him in the Senate?

Mr. OWEN. It is not.

Mr. SMOOT. Then I have no objection.

The VICE PRESIDENT. There being no objection, the request of the Senator from Oklahoma will be complied with.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 29, 1913, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 28, 1913.

AMBASSADORS.

James W. Gerard to be ambassador extraordinary and plenipotentiary to Germany.

Frederic Courtland Penfield to be ambassador extraordinary and plenipotentiary to Austria-Hungary.

MINISTERS.

Charles S. Hartman to be envoy extraordinary and minister plenipotentiary to Ecuador.

Joseph E. Willard to be envoy extraordinary and minister plenipotentiary to Spain.

ASSISTANT SECRETARY OF THE TREASURY.

Charles S. Hamlin to be Assistant Secretary of the Treasury.

NAVAL OFFICER OF CUSTOMS.

James H. Barry to be naval officer of customs, district of San Francisco, Cal.

SURVEYOR OF CUSTOMS.

Justus S. Wardell to be surveyor of customs in the district of San Francisco, Cal.

COLLECTOR OF INTERNAL REVENUE.

Joseph J. Scott to be collector of internal revenue for the first district of California.

COLLECTOR OF CUSTOMS.

John O. Davis to be collector of customs for the district of San Francisco.

SOLICITOR GENERAL.

John William Davis to be Solicitor General.

UNITED STATES DISTRICT JUDGE.

Maurice T. Dooling to be United States district judge for the northern district of California.

UNITED STATES ATTORNEY.

Albert Schoonover to be United States attorney for the southern district of California.

POSTMASTERS.

IOWA.

J. F. Goos, Sabula.

KANSAS.

Hugh O'Hara, Frontenac.
L. A. Walker, Parsons.

NEW YORK.

Frank C. Lent, Atlanta.
Frederick H. Payne, Berkshire.
Barton L. Piper, Watkins.

OKLAHOMA.

L. B. Avant, Avant.
J. H. Cunningham, Carnegie.
Lee Roy Daniels, Hydro.
J. C. Groves, Porum.
W. E. Hunt, Thomas.
J. E. McCutchan, Pawnee.
L. M. Nichols, Bristow.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 28, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, we wait upon Thee for that light which never shone on sea or shore, but which illumines the soul and brings it in rapport with Thee; which is altogether reassuring, uplifting, ennobling, fitting it for whatever comes of joy or sorrow, hope or disappointment, victory or defeat. Give us of that light that we may go on our way with faith, hope, and confidence doing whatsoever our hands findeth to do with might, leaving the results to Thee, who doeth all things well, ruling and overruling by Thy providence for the good of Thy children. And we will praise Thy holy name forever. Amen.

Mr. GARDNER. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] raises the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-one gentlemen are present, not a quorum.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I think we will have a quorum present to-morrow. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 3 minutes p. m.) the House adjourned until Tuesday, July 29, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Leipsic River, Del. (H. Doc. No. 165); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Public Printer submitting an estimate of appropriation for deficiency in the appropriation for leaves of absence for the fiscal year ending June 30, 1913 (H. Doc. No. 166); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of Commerce submitting an estimate of appropriation for subsistence, travel, and other expenses of detailed employees in the Bureau of the Census (H. Doc. No. 167); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OGLESBY: A bill (H. R. 7137) to provide for the purchase of a site for a Federal building at Mount Vernon, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. HAY: A bill (H. R. 7138) to provide for raising the volunteer forces of the United States in time of actual or threatened war; to the Committee on Military Affairs.

By Mr. SHERLEY (by request): A bill (H. R. 7139) to provide for the use of water power at Dam No. 41 in the Ohio River at Louisville, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: Resolution (H. Res. 213) requesting the Secretary of the Interior to furnish certain information to the House of Representatives; to the Committee on Expenditures in the Interior Department.

By Mr. HOWARD: Resolution (H. Res. 214) directing the Civil Service Commission to transmit to the House all papers and documentary evidence in its possession relating to the solicitation of campaign funds in the Government building in the city of Atlanta in the year 1912, and for other purposes; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 7140) for the relief of the heirs of Joshua Nicholls; to the Committee on War Claims.

By Mr. BOOHER: A bill (H. R. 7141) granting a pension to George W. Nave; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 7142) granting an increase of pension to John Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7143) granting an increase of pension to David S. Trent; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 7144) granting an increase of pension to Pleasant F. Clutts; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 7145) granting an increase of pension to Frank Unnerstall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7146) authorizing the Secretary of War to donate to the city of Sikeston, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. KAHN: Petition of the Public Ownership Association of San Francisco, Cal., demanding that the United States Government take over the Central Pacific Railroad under Government ownership; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Petition of sundry citizens of Milwaukee, Wis., protesting against action of Austria in Balkan territory; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of the Public Ownership Association of San Francisco, Cal., asking that the Government take over the Central Pacific Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: Petition of the overseers and voting operatives of the Appleton Mills, of Lowell, Mass., protesting against the wool and cotton schedules in the tariff bill; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of the Girard Life Insurance Co. of Philadelphia, Pa., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petitions of the New Jersey Association Opposed to Woman Suffrage, protesting against a resolution for a Federal constitutional amendment granting suffrage to women of the United States; to the Committee on the Judiciary.

Also, petition of the National Civil Service Reform League of New York, protesting against the clause in the tariff bill pro-

viding for employment of agents and inspectors, etc., for the period of two years who have not passed the civil-service examination; to the Committee on Ways and Means.

Also, petition of the Reform Club tariff reform committee, relative to the banana tax; to the Committee on Ways and Means.

Also, petition of the Interstate Cotton Seed Crushers' Association, protesting against the tax on colored oleomargarine and the prohibitive duty by the Austria-Hungary Government on cottonseed oil; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of the Maryland Life Insurance Co., of Baltimore, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of the officers and directors of the First National Bank of Delaware, Ohio, protesting against the passage of the Federal reserve act; to the Committee on Banking and Currency.

SENATE.

TUESDAY, *July 29, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

TARIFF DUTIES ON WOOL.

Mr. BRANDEGEE. Mr. President, I send a telegram in the nature of a petition to the desk and ask that it may be read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the telegram.

The Secretary read as follows:

[Telegram.]

NEW YORK, *July 28, 1913.*

Senator BRANDEGEE, *Washington, D. C.:*

The seasonal character of the woolen industry in all of its branches makes it all important that the dates when changes in the rates of the wool and woolen schedule go into effect should be certainly and immediately known. The dates in the House bill and those in pending Senate amendments are radically different as to the effect which will be produced upon the business of manufacturers, importers, and wholesale and retail dealers. Lack of definite knowledge is causing stagnation now which is constantly becoming more serious and will cause enormous losses in the next season's trade which might possibly be avoided. Can not the leaders of both parties get together to-morrow and, with fair consideration of those engaged in the industry, reach some conclusion concerning the effective dates of possible changes for raw wool and for finished products and thus enable those engaged in the industry to arrange their business with some intelligent understanding as to the future? The situation is exceedingly embarrassing, for the American production now is not more than one-quarter of the normal output. The vital question just now is not what the changes in rates shall be, but what will be the time limit of the present law on wool and woolens, respectively. To know that is extremely important with regard to orders to be taken by manufacturers for the spring season, and for importers and dealers as well. That season is opening now. Foreign manufacturers are already in the field, and our people are absolutely helpless because of the uncertainty. I ask this in behalf of our people in Connecticut. Please answer to Norwalk, Conn.

E. J. HILL,
Late Member of Ways and Means Committee.

Mr. BRANDEGEE. Mr. President, I desire to call the attention of the chairman of the Finance Committee to the telegram which has just been read. I think his attention was diverted during the reading of it.

Mr. SIMMONS. It was.

Mr. BRANDEGEE. I will state that it is a telegram from Hon. E. J. Hill, late a member of the Ways and Means Committee in the House.

Mr. SIMMONS. I presume I have received the same telegram.

Mr. BRANDEGEE. I am glad the Senator did, and I suppose other Senators have received the same telegram.

Mr. SIMMONS. I will say to the Senator that I have transmitted the telegram to the chairman of the Committee on Ways and Means. As the Senator understands, the question that Mr. Hill presents is a very delicate one to deal with in advance of action by the Senate.

Mr. BRANDEGEE. Mr. President, I do not think it would be a very delicate question to deal with. It may be a question that would involve conference.

Mr. SIMMONS. I mean delicate in the sense that no one feels authorized to state what would be the result of a disagreement between the two Houses in conference, which probably might change the date. No one can tell what will become of a disagreement when the matter gets into conference. The Senator knows that under the bill as passed by the House the time for the wool schedule to go into effect is the same time that is fixed for the general bill to go into effect, and in the Senate committee amendment the time for the change as to raw wool to go into effect is December, as I remember, and of manufactured wool January. Assuming that the bill will pass as reported by the committee, there will be a dispute between the House and the Senate.

Mr. BRANDEGEE. Mr. President, in order to make more specific and clear what I, at least, understand as the object desired to be attained by the author of this telegram, I wish to say that Mr. Hill states in his telegram in substance that whatever the rate decided upon as to raw wool and as to the manufactured product, the question that is particularly worrying the whole industry in all its branches at present is as to when the rates which shall be fixed by this Congress upon those products shall take effect.

It must be perfectly apparent to everyone that the whole industry, from the purchaser of the raw material to the manufacturer, who is receiving orders and is attempting to make contracts for future delivery for the next year's supply, and the merchants, jobbers, wholesalers, and retailers, must be utterly at sea as to when to buy or what prices will be reasonable. Without waiting for the result of a conference upon the disagreeing action of the two branches of Congress, which conference may not go into session for many weeks yet, and possibly months, and may not come out until several weeks after entering upon the conference, what I had hoped for was that the chairman of the Finance Committee and the members of both parties might in some way hold some conference now as a result of which Congress might pass a joint resolution stating when whatever rates are fixed should go into operation, in order that the present incubus of doubt and uncertainty which rests upon the entire industry might be lifted from it.

Mr. WARREN. May I ask the Senator a question?

Mr. BRANDEGEE. I yield to the Senator.

Mr. WARREN. I did not hear the letter read. I only know it is from Mr. Hill, of Connecticut.

Mr. BRANDEGEE. It is a telegram from Mr. Hill.

Mr. WARREN. What is the import of it? Does it apply only to the date of the duties going into effect?

Mr. BRANDEGEE. I regard the matter of such importance that I will ask the Secretary to read it again, if there is no objection.

Mr. WARREN. I would be glad to have it read.

The VICE PRESIDENT. The Secretary will again read the telegram.

The Secretary again read the telegram.

Mr. WARREN. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. WARREN. For a moment only. I understand that the bill as reported by the committee provides that the tax shall become effective as to raw wool the 1st day of December.

Mr. SIMMONS. As to raw wool.

Mr. WARREN. And as to manufactured wool the 1st day of January.

Mr. SIMMONS. That is right.

Mr. WARREN. There is, of course, too short a time between the two dates. I will say, so far as the woolgrowers are concerned, the damage has pretty much happened, although to the few woolgrowers who have not yet been compelled to dispose of their wool to meet their debts and are still holding their product it might be of some advantage.

I wish there might be some decision such as the Senator from Connecticut asks for. I am sorry that the committee did not put a later date for wool and manufactured wool, and I do not think there is time enough between the two.

So far as the woolgrower is concerned, the fact is that we have dragged along until this year's product has been largely disposed of and we shall not get perhaps a finality as to the conference on this bill until pretty near the 1st of December. Yet it is highly important to the great industry and would be of great benefit if there could be some action taken as to the particular thing simply of the dates of application to the wool and the manufactured product as the Senator from Connecticut proposes.

Mr. SIMMONS. Mr. President, of course it is very important to all the industries of the country affected by the bill to know as soon as possible when it is going into effect. I think, as it has been said by Senators on the other side, that the country has settled down to the conviction that the bill is going to become a law, and they are anticipating and, as far as possible, adjusting themselves to it.

Of course, it is uncertain when the bill will become a law. That is a thing which can not be helped. I think it is true, as has been stated by Senators on the other side, that all the industrial interests, having accepted the certainty of the passage of this bill, are now more interested in the date when it shall become operative than they are in the rates, because they regard the question of rates as practically settled.

The best way and the most practicable way to meet this situation is to secure by the cooperation of both sides as speedy action on the bill as possible. I had hoped that there would be no disposition in any direction to delay the matter, so that the country might be given the benefit of the certainty which would result from final action.

I do not know that the wool situation is so different from that of all other industries affected. To some extent I think it is, but I do not suppose it is radically different. Yet I would be willing, if I could do anything, to relieve the situation which this telegram discloses and which we all heretofore have perceived in part; but, as I said, it is a very delicate matter. The Senate committee has fixed one date for this schedule to go into effect and the House has fixed in the bill another date. Conferees have not been appointed. It is not definitely known who will be the conferees either in the House or in the Senate. I do not suppose there is anyone in the House who would feel justified in speaking with authority for the conferees of that body. I surely would not feel justified in speaking with authority for the conferees on the part of the Senate.

As I have said to the Senator, I have done all I think I can do; I have brought this matter to the attention of the chairman of the Ways and Means Committee. I hope that during the day I may have some conference with him, but until I have had that conference I do not care to make any further statement about the possibility of any assurances that might meet the situation as outlined in the telegram of Mr. Hill.

Mr. BRANDEGEE. Mr. President, of course, no one expected that the Senator from North Carolina would be able to pledge either the majority in the House or in the Senate to any definite response at this particular time to the matter raised in the telegram and the question asked of him. What the telegram is designed for and what I think it is probably effective in accomplishing is to bring the subject to the attention of Members of Congress with a view of conferences, and that the Senator says he is about to enter into.

I do not think the matter is a delicate one, as the Senator says. Entirely irrespective of the rates and entirely irrespective of when the bill is to take effect, Congress could now, if it wanted, pass a joint resolution, after proper conference and proper thought and discussion of the subject, declaring when these new rates on wool shall take effect.

For instance, we could pass a joint resolution providing that the rates prescribed in the bill should take effect six months after the passage of the bill, or that they should take effect upon a certain date so far in the future as it would be certain that the bill would be passed before that time, but the trouble at present is not at all dependent upon the result of a conference or upon whom the conferees on the bill on the part of the two Houses may be; that is not the question. The question at present, which, as I understand, is embarrassing everybody, is that the House recommends that these duties shall take effect upon one date and the Senate Committee on Finance recommends that they shall take effect upon another date, and several amendments have already been introduced proposing that they shall take effect upon still other dates, which results in an utter confusion in the minds of everybody interested in this enormous industry all over the country.

Why it should be a delicate matter or why it should be even a difficult matter for both parties, after full and free conference upon that one question, to arrive at a definite date when the rates should take effect, at whatever point fixed, I do not see.

Mr. SIMMONS. Mr. President, the Senator should have understood me in using the word "delicate" as referring to my giving assurance about it until I had had a conference with Members of the other branch of Congress. I will state to the Senator that I do not know what course may be ultimately pursued, but the Senator knows it would be a very unusual proceeding, when we are considering a tariff measure, for Congress to pass a separate joint resolution providing and fixing a date when a measure or a part of a measure shall go into effect. What he has suggested is out of the ordinary, and his whole suggestion and that of Mr. Hill requires consideration before any statement of purpose can be properly made.

Mr. BRANDEGEE. I was not criticizing the Senator from North Carolina for using the word "delicate," if that is what he means by it. In fact, if he means by the word "delicate" that he is not in a position at present to promise anything, the Senator could safely have used a much stronger word, because, of course, he has not the power, and nobody would want him to exercise it if he had it, on the spur of the moment, without conference and consideration.

As to the course suggested by me of the passage of a joint resolution which would fix definitely some date when these new rates would take effect, the Senator says that might be an unusual procedure. I am not certain whether or not it has ever been done; but even if it were unusual, if I recall recent history, there have been several somewhat unusual things done in the last few years in legislation. I should not think that the mere fact that it was a new departure, or that we were unaccustomed to it, need prevent us from doing it if, in our sound judgment, we thought it was a wise and a proper thing to do.

It seems to me if we could agree upon a date it could not possibly hurt anybody. In the amount of trouble that is sure to arise in the era of passing from one principle of raising revenue and one principle of tariff duties to another, necessarily there is some confusion. Even if the majority be correct in their claim that their proposal is the better system, there necessarily will be great confusion. If we can, by even the smallest degree, ameliorate the necessary hardships and uncertainties incident to the passage from one policy to another, nobody would be harmed by our doing it, Mr. President.

Mr. SIMMONS. I imagine the Senator from Connecticut would have some trouble if he were to sit down and undertake to write a joint resolution such as he is now proposing. I do not know whether he would base such a joint resolution upon the certainty that this bill will pass or not. Probably he would base it upon a contingency; and an act of Congress based upon a contingency would be rather an odd spectacle, I think, in legislation.

Mr. BRANDEGEE. I think, Mr. President, that my hand retains sufficient cunning to rise superior to the tremendous task of framing even a contingent joint resolution. I admit that I am somewhat cheered by the use of that hypothetical word in the mouth of the Senator, for I had hitherto regarded—I say it not by way of boasting, but confessing—that it was pretty certain that some bill changing the rates of duty upon wool would be passed; but if the Senator at this stage of the proceedings regards it only as a possible contingency, I hope the producers of the country will cheer up and take a little hope, which I think up to this point they have abandoned.

Mr. SIMMONS. I assume from what Senators on the other side have said that they regard it as a certainty.

Mr. BRANDEGEE. I think, Mr. President, to be perfectly frank—and I have so written all my constituents who have been interested in this measure—that it was certain a Democratic tariff bill would be passed, the particular schedules not being absolutely certain, but its passage being certain unless we could convert some of the majority to the truth, to our way of thinking; but the more I see of the conduct of the majority during this session the less hope I have of being able to bring any of them to repentance and to seeing the true light.

Mr. SIMMONS. I do not think the Senator has any chance of doing that.

Mr. BRANDEGEE. I think that is true.

Mr. POMERENE and Mr. JAMES addressed the Chair.

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. I yield first to the Senator from Kentucky.

The VICE PRESIDENT. Just a moment. The Chair inquired if the Senator from Connecticut would yield to the Senator from Ohio.

Mr. BRANDEGEE. If that is the inquiry of the Chair, I say no. I yield first to the Senator from Kentucky.

Mr. JAMES. Mr. President, I merely wanted, in regard to the statement of the Senator from Connecticut that unusual things have been done in the last few years in Congress, to ask him, in the case of a bill which we were considering and which we expected to pass, if it did become a law whether we could, by a joint resolution such as the Senator suggests, control legislation thereafter to be enacted as to the time when the schedules themselves would be effective?

Mr. BRANDEGEE. Certainly not, if the majority wanted to violate the pledge they had given to the country; but even I have not had that opinion of the majority. If the majority pledged itself to the country that the rates they had prescribed should go into effect on a certain day, I think they would have conscience and honor enough to conform to the pledge and to put it into the bill according to the joint resolution.

Mr. JAMES. That is quite true. Then, of course, the joint resolution which the Senator suggests would be entirely unnecessary, because the same thing could be done by agreement just as effectually as by action of Congress.

Mr. BRANDEGEE. Absolutely. It could be done by agreement; and if there was any way of Congress pledging itself in a matter of honor like a unanimous-consent agreement, as in the Senate, I am certain that an agreement by both branches of Congress would satisfy the country. My suggestion of the

passage of a joint resolution was simply the putting of it in official form, which would be the proper way of the two Houses joining in concurrent action.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. With pleasure.

Mr. POMERENE. I agree with the Senator from Connecticut that the thing to be desired is to know when this bill and each schedule thereof shall go into effect. It seems to me that it is difficult to tell in advance just what this body may do. Further, it is more difficult to tell just what the conference committee might do. In view of those uncertainties, it seems to me that the Senator from Connecticut could aid very materially in clearing the atmosphere if he and his colleagues on the other side of the Chamber would suggest an early day when we might vote upon the bill. I hope the Senator from Connecticut will make a suggestion in that behalf.

Mr. BRANDEGEE. The Senator from Ohio flatters me in attributing to me the enormous influence he thinks I have with the minority of this body.

Mr. POMERENE. If the Senator does not have that influence, he ought to have it.

Mr. BRANDEGEE. Whether I ought to have it or not is a question of opinion; but I will say to the Senator that, so far as I have heard, I believe there is absolutely no disposition upon this side of the Chamber to unnecessarily delay the passage of the proposed tariff bill. The Senator knows, and every other member of the majority knows, that a matter of this kind in all its parts ought to be considered carefully and thoroughly. It is due to the country that there should be adequate debate upon these proposed revolutionary changes, which we believe are seriously to incommode the industries of this country.

If the Senator could give us some assurance that immediately we shorten the debate to the minimum upon the tariff bill we would be allowed to go home and pacify the apprehensions of the country, excited by its passage, instead of being plunged into the consideration of another embarrassing question, to wit, the change of our whole banking and currency system, which is quite as basic a controller of the welfare of the country as the tariff, I think we might get together upon this question a great deal more quickly than it looks as though we could at present.

Mr. POMERENE. Mr. President, "sufficient unto the day is the evil thereof."

Mr. BRANDEGEE. That is what I think.

Mr. POMERENE. And it does seem to me that, in view of the great apprehension which the Senator feels from the contemplated passage of this bill, we could largely do away with the uncertainty by passing it at once. The distinguished ex-Congressman whose telegram was read here suggests that business men are more interested in the date when the schedules are going into effect than they are in the particular rates. I know that that sentiment prevails generally everywhere. I am sure that that is true in my own State. Having that thought in mind, and in view of the further fact that the Senator has assured his constituency that a Democratic measure is to be passed, it seems to me that, whether we look at it from a Democratic standpoint or from a Republican standpoint, the sooner we vote upon the bill and can give the assurance of certainty to the public the sooner we will to that extent be aiding everybody.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I yield to the Senator.

Mr. GALLINGER. Mr. President, the solicitude of the Senator from Ohio [Mr. POMERENE] that we should take speedy action on the pending bill is very touching. I recall the fact that when the last tariff bill was under consideration it was debated here for two months and was in conference a full three weeks. I recall the fact that the present bill was held in committee and in caucus by our Democratic friends covering a period of a good many weeks; in fact, I believe it was so held something over two months, and there did not seem to be any solicitude to get it before the Senate. Now, when we are legitimately debating a very important measure, we are appealed to to allow it to pass speedily so as to pacify the country.

Mr. President, as I recall the matter, although it may not have been stated in terms, we were invited by the President of the United States to come here to consider tariff legislation. Since then, for some inscrutable reason, the Chief Executive, if we may credit what we are told and what we read, has determined to force a currency bill through Congress at this present session. One of the morning papers tells us that that is his purpose and determination, and that nothing is to stand in the way of it. Indeed it is stated with apparent authority that it is to be submitted to a Democratic caucus. I simply desire to say that if we are to be kept here until the snow flies we might as well be kept here on the tariff bill as on any other bill, and there is abundant material for discussion that will interest the country in reference to the pending measure.

I will further add that I think it is rather a spectacle, after Congress has been kept here in session late in the summer during the past five or six years, that we should again be kept here all summer, sweltering in the heat, when everybody is tired out and a great many Senators are absent and more will be absent, for the purpose of considering a measure which I think I am safe in saying no considerable proportion of the Senate believes will be enacted into law at this session of Congress.

For that reason, Mr. President, I join with the suggestion made by the Senator from Connecticut [Mr. BRANDEGEE] that if we can have the least earthly assurance that when we have passed the tariff bill, for the consideration of which the President invited us in session, and then can have an opportunity to get a little rest, such as the Government clerks take every summer, such as the Cabinet officers take from time to time, such as everybody takes in the summer season, and which is thought to be a necessity for the health of the people—if we can have any assurance whatever along that line, I think we will probably make more progress toward securing a vote on the tariff bill than we otherwise will. Under these conditions we will probably be able to agree upon a time to vote, which will be hardly possible if currency legislation is to be pressed upon a tired and reluctant Congress.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. With pleasure.

Mr. POMERENE. I did not mean by anything that I suggested that we should not have reasonable debate on this bill. I agree that we ought to have; but I do not believe that it should be unreasonably prolonged. I was led to make the suggestion in view of the solicitude which is felt, not only on the other side but upon this side, that the uncertainty as to the date when this bill may pass and the date when schedules may take effect should be removed as quickly as possible. That suggestion is met by my very good friend from New Hampshire by saying that if we can not secure an agreement as to what shall be done on the currency question, we shall continue the uncertainty under which the public is suffering by means of further debate on the tariff bill.

Mr. GALLINGER. Mr. President, after this side of the Chamber shall have debated this bill as long as our Democratic friends debated the last tariff bill there might be some reason for the chiding in which the Senator indulges. We look upon this bill with far more solicitude than even the Democrats could have looked upon the Payne-Aldrich tariff bill. We believe it is going to destroy innumerable industries of the industrial North, and we are not going to permit it to pass, without any reference to any other bill, without full debate. The Senator will not even intimate that the debate thus far has not been legitimate or that there has been any unusual delay or any discussion for the mere purpose of delay.

Mr. POMERENE. The only difference seems to be that the solicitude of the Democrats, so far as the Payne-Aldrich bill was concerned, was justified, even in the estimate of most of the Republicans of the country.

Mr. GALLINGER. Well, that does not appear; the facts do not warrant that statement. The Senator from Wyoming [Mr. WARREN] presented some figures yesterday which disprove that allegation. There is no evidence whatever in support of that contention. The vote at the last presidential election does not justify the claim that the people of this country have ever voted for a bill such as we are now considering.

Mr. KERN. Mr. President, will the Senator allow me?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BRANDEGEE. I should like to be courteous to all, and I will yield to the Senator.

Mr. KERN. I only desire to ask the Senator from New Hampshire if in the last campaign all the members of the Progressive Party, from Col. Roosevelt down, did not on every stump in this country denounce the Payne-Aldrich tariff bill and denounce President Taft for his connection with it?

Mr. GALLINGER. They did find fault with some schedules of the bill.

Mr. KERN. And yet the Senator now stands here, as the Senator from Wyoming did on yesterday, and seeks to convey the idea that the Progressive Party and the Republican Party were united in the defense of the Payne-Aldrich tariff bill.

Mr. GALLINGER. The so-called Progressive Party did find fault with some schedules of that measure, but they never committed themselves to a bill such as we are now considering.

Mr. KERN. I was addressing myself to the remarks of the Senator from New Hampshire and the remarks of the Senator from Wyoming, in which they pictured the two political parties to which I have referred as standing together for the Payne-Aldrich tariff bill as against the Democratic Party.

Mr. GALLINGER. Not that exactly.

Mr. KERN. I want to say that no more ferocious assaults on the Payne-Aldrich tariff bill were committed than were committed by the party headed by Col. Roosevelt in the last campaign.

Mr. GALLINGER. Mr. President, I do not agree to that. What we contend is that the Progressive Party, as well as the Republican Party, stood for adequate protection to American industries. That is all we claim. I want to add that, in addition to the votes to which the Senator from Wyoming [Mr. WARREN] called attention, there were hundreds of thousands of protectionist Republicans who voted for Mr. Wilson, simply because they feared the candidacy of a certain other gentleman, whom they determined to defeat at all hazards.

Mr. KERN. Why?

Mr. GALLINGER. The Senator asks why?

Mr. KERN. Yes; why did they fear the candidacy of the other gentleman?

Mr. GALLINGER. It is not necessary to go into that. It is a fact, and the Senator from Indiana knows it to be a fact. Every intelligent man knows it to be a fact. There were hundreds of thousands of Republicans in the country who voted for Mr. Wilson for that reason.

Mr. KERN. Hundreds of thousands?

Mr. GALLINGER. Yes; hundreds of thousands.

Mr. KERN. I was not aware of that fact.

Mr. GALLINGER. It is a fact, nevertheless.

Mr. KERN. I hope they will remain true to their allegiance.

Mr. GALLINGER. The Senator's hope is illusory. It will not happen. They will not remain. They are going to leave the Democratic Party as speedily as they can, as a large majority of the people of this country are going to leave the Democratic Party at the first opportunity.

Mr. KERN. And become standpatters?

Mr. GALLINGER. They will become protectionist Republicans.

Mr. KERN. Standpat Republicans? I doubt that.

Mr. GALLINGER. Protectionist Republicans, as against the free-trade theories and doctrine of the Democratic Party.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Wyoming?

Mr. BRANDEGEE. I do.

Mr. WARREN. I desire to say that the Senator from Indiana probably did not hear, nor has he probably read, what I said yesterday. The matter of the Payne-Aldrich bill was not under discussion in my remarks. I stated that the majority of the people of the country recorded themselves for the protective principle as against free trade or a tariff for revenue only.

Mr. KERN. Will the Senator allow me to interrupt him?

Mr. WARREN. Certainly.

Mr. KERN. How did the hundreds of thousands of Republicans referred to by the Senator from New Hampshire [Mr. GALLINGER] record themselves on the tariff question?

Mr. WARREN. They recorded themselves, as oftentimes people do, as accepting the least of what they deemed two evils in the personality of candidates.

Mr. BRANDEGEE. Mr. President, in reply to the Senator——

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Certainly.

Mr. BRISTOW. In view of the remarks that have been made, I desire to say that, so far as the discussion of the tariff is concerned, as far as my part in it goes, it has not been and will not be influenced in the slightest degree by what Congress may do after this bill is passed. If it is decided to stay here and enact additional legislation, I will stay and do the best I can. For me that should not be an excuse for hastening or for delaying the passage of this bill. I believe any tariff bill should be thoroughly discussed. I think we owe that to the country in order that it may know what our opinions are on the various paragraphs of the bill, and then let the country pass upon the measure, as it ultimately will.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut again yield to the Senator from Indiana?

Mr. BRANDEGEE. I do.

Mr. KERN. May I inquire of the Senator from Kansas if he disclaims allegiance to the Republican Party? He speaks of "my party."

Mr. BRISTOW. I never spoke of "my party."

Mr. KERN. I understood the Senator a moment ago to say "the party to which I belong."

Mr. BRISTOW. I spoke of the debate, as far as any part that I took in it was concerned. I had not in mind any party. I am undertaking to discuss a great economic question.

Mr. KERN. I was about to inquire of the Senator from Kansas whether he has not been engaging and taking part in Republican caucuses during the present session of Congress.

Mr. BRISTOW. I have not. I was not aware that there had been any Republican caucus. If there has been, I have not heard of it and have not attended.

Mr. JAMES. What about a Republican conference?

Mr. BRISTOW. I would attend it if I thought I could do good by doing so.

Mr. GALLINGER. Mr. President, if the Senator will allow me, there has been no Republican caucus during the present session, and there will be no Republican caucus.

Mr. KERN. May I inquire what you call the assemblages or conferences or consultations that you have held?

Mr. GALLINGER. The Republicans of the Senate, now in the minority, get together and talk over matters in a good-natured way, just as our Democratic friends do, in the cloakroom, but we hold no caucuses.

Mr. KERN. In the presence of newspaper reporters?

Mr. GALLINGER. No; they have not asked to be present. I think we might well have permitted them to be present. Not a word has ever been said in a Republican conference that the newspapers and the world might not have known.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. I do.

Mr. BRISTOW. The remarks of the Senator from Indiana lead me to say, in addition, that personally I should not attend any caucus of any party, whether I belonged to it or not, if that caucus was to shape legislation in secret. I do not believe that is the proper way to legislate. I think a bill made in a secret party caucus should be discussed fully in the open after it is made; and the fact that the majority saw fit to take this bill into a secret caucus to perfect it and keep it for six weeks or more is no reason for hurrying it through the Senate without full and proper discussion.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I do not decline to yield to any Senator; but I simply wish to express the hope that I will be allowed to conclude the very brief remarks I have to make, and then Senators may talk among themselves as much as they please about other things after I have sat down. But I will yield to the Senator from North Carolina, because I do not wish to discriminate.

Mr. SIMMONS. I do not desire to address myself to the subject the Senator is discussing; and if he wishes to continue, I will wait until he is through.

Mr. BRANDEGEE. Mr. President, referring to the suggestion of the Senator from Ohio [Mr. POMERENE] that there had been an admission in the telegram we are discussing that the vital question is not one of rates, but is as to when they take effect, I wish to say that the language of the telegram is:

> The vital question just now is not what the changes in rates shall be, but what will be the time limit of the present law on wool and woolens, respectively.

"The vital question just now" is not one of rates. Of course, knowing that Mr. Hill is a good protectionist, I assume he has taken it as a foregone conclusion that the question of rates is going to be decided upon a Democratic theory, and therefore that is conceded, and the vital question now is when the rates shall take effect. Of course, no member of any party would mean to be literally bound to the statement that the rate on wool is not a vital question.

As to the further suggestion of the Senator from Ohio that it is important that we should get together and tell him what we are going to do upon the currency question, I would politely suggest to him, if he considers that matter of such great importance as his earnest manner would indicate, that he betake him-

self with his harmonizing influence to another body and see what effect he will have in getting an agreement as to what currency legislation is going to take place out of the control in which it has rested, and apparently is likely to rest, in another body for several weeks to come, at least.

Not to be diverted any further, Mr. President, I am glad to hear the chairman of the Finance Committee say that he will take up this matter in earnest with his colleagues, and that he has already laid the foundation for a conference with the chairman of the Ways and Means Committee of the House. I am certain that if the chairmen of these two great coordinate committees, with their influence as the leaders of their parties upon this branch of legislation, take up this matter with the serious purpose of attempting to inform the country as to when the change of rates on wool and woolen goods shall take effect, there is not a doubt that it is absolutely within their control to relieve the country from any apprehension as to the woolen schedule concerning the time when those rates shall take effect.

Mr. SIMMONS. Mr. President, I recognize the fact that we are dealing with a great subject, and that discussion and debate are necessary. I have not at any time criticized the minority for the time they have taken in discussing the pending bill. I think discussion on their part is entirely legitimate; and possibly with the exception of some little waste of time in connection with certain items, for which nobody could be held responsible, so far as I know, there has been no abuse of the privileges of debate on the part of the minority. Surely I am not disposed to criticize them, nor am I disposed to press them unduly.

Personally I have not yet suggested a time for a vote upon this bill. I have refrained from doing so because I thought we had not proceeded sufficiently far in the discussion to enable the minority to name a date when they would be willing to vote. I have been advised, however, that members of the Finance Committee representing the minority have been conferring with a view to ascertaining what date they might possibly agree upon. I have had assurances that were very pleasing to me that there was a disposition on their part to fix as early a date as they thought would allow sufficient time for debate.

I hope the Senator from New Hampshire [Mr. GALLINGER], in making his statement a little while ago about "staying here until the snow flies," did not mean that there is any disposition, any change of purpose, on the part of the minority that will result in a prolonged and unnecessary discussion of the bill. I can not believe he meant that.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. I do.

Mr. LODGE. I think what the Senator from New Hampshire meant—I know it is my own view—is that if we are given to understand, as we now are, that we are to remain in session indefinitely, in order to dispose of a banking and currency bill as soon as the tariff bill is out of the way, I think it will inevitably delay the consideration of the tariff bill, for the simple reason that then there will be no particular object in hurrying.

Mr. SIMMONS. Does not the Senator consider the situation of the country?

Mr. LODGE. I am considering the situation of the country.

Mr. SIMMONS. And the earnest desire of the business interests of the country at this time that the matter should be settled? Does he not consider the great interests that are involved?

Mr. LODGE. I am quite as anxious about the situation of the country as any Senator. I am speaking of the practical result. Senators on this side are just as anxious to finish this bill as Senators on that side.

Mr. SIMMONS. I have been led to believe that.

Mr. LODGE. We do not want to delay it. Now we are told that no matter how soon we act we are to be kept here just the same; we are to be kept here indefinitely—until December. It may be that we should put all that aside; but human nature is so constituted that when we are told that there is to be no chance for rest, recess, or any change after we pass the tariff bill, it removes one incentive for rapid work.

Mr. SIMMONS. Mr. President, in view of the great anxiety of the country, in view of the deep and wide and far-reaching interest of business in the speedy determination of this measure, I am exceedingly sorry to hear the intimation of the Senator from Massachusetts that the bill may be held up because it is proposed to pass some other measure during the present session of Congress.

Mr. LODGE. Mr. President, I hope the Senator will not misrepresent me.

Mr. SIMMONS. I do not intend to do so. I thought that was the meaning of the Senator.

Mr. LODGE. I did not say there was any intention of holding up this bill. There is no such intention; but it is inevitable that if the chance of adjournment is indefinitely removed the energy for work will be diminished.

Mr. SIMMONS. I ask the Senator if he does not think his statement now and his statement a little while ago justify the conclusion that he meant that if we were to be held here to consider and act upon a currency measure this bill would be purposely delayed?

Mr. LODGE. No, Mr. President; there will be no purpose of delaying this bill, no matter what is determined upon.

Mr. SIMMONS. I am very glad to hear the Senator say that.

Mr. LODGE. I am speaking of what will inevitably happen. From his long experience in the Senate the Senator knows as well as I do that if there is a prospect of adjournment and getting a vacation, to which we are entitled—some of us are now passing our fifth summer in succession here—there is many a Senator on this floor who will sacrifice something he wants to say, and perhaps ought to say, in order to get away. He knows that early adjournment is a stimulant to legislative action.

Mr. GALLINGER. We would agree to longer hours, for example.

Mr. SIMMONS. But the consideration of another bill ought not to be a stimulant for delay, except as an incident.

Mr. LODGE. Mr. President, many people feel that this is no time, in the heat of summer, with an exhausted Congress after a long tariff debate, to take up a banking and currency bill, which in my judgment is ten times as important in its effect on the business of the country as the tariff, grave as that is. They feel that it is not the time to take up such a bill and undertake to deal with it. It is not the time to reach decent legislation upon that subject.

We all know that the banking laws need reform and change. We are agreed on that. There are many points in the law that have been presented on which I think all men who have reflected on the subject are agreed. There are some others to which many people are utterly opposed, as they think they will be ruinous in their effect. We must have, we ought to have, a long and thorough debate. It is not good legislation to try to force through a bill of that sort in a tired Congress, when it ought to have the best attention of a Congress in its consideration, and it will not make a difference of three or four weeks in the time when the banking and currency bill becomes a law.

Mr. SIMMONS. Mr. President, I have no disposition whatever to enter into any discussion with reference to the proposed currency legislation. That is a matter which must take care of itself. I am not advised, personally, as to its situation nor as to the probability of action with reference to it at this session. All I was concerned about at this time and all I desired to know was whether there was a fixed purpose on the part of the minority to delay the tariff bill if currency legislation was projected upon Congress. I am glad to have the assurance of the Senator from Massachusetts that there is no such deliberate, fixed purpose.

Mr. LODGE. There is no such intention, Mr. President.

Mr. SIMMONS. That is all I was concerned about. I do not desire to say anything further on the subject.

Mr. LODGE. If the Senator will allow me a moment, all I desire to say is that men will not and can not be expected to work as well if they know there is stretching before them a session of indefinite length as when they can see some end to their labors and some prospect of getting away. They will not work as well even if they mean to hurry a bill as much as they can, which I think is the present intention.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I do.

Mr. BORAH. Mr. President, if anything has been said here this morning which leaves the impression that there is going to be any delay upon this side of the Chamber by reason of the threatened currency legislation, that does not represent the view entertained by a considerable number of Senators on this side of the Chamber. Whatever debate may be necessary or proper to present this bill properly to the country will undoubtedly be had and ought to be had. But, expressing my own view, and I think that of some others, there should be no delay here simply because other important legislation is contemplated. If any intimation has been made to that effect or so understood, while it may represent an individual view, it does not represent the entire view entertained on this side of the Chamber.

Mr. SIMMONS. Mr. President, I am exceedingly glad to hear the statement of the Senator from Idaho. I had understood that to be the feeling of many Senators, at least, on the other side of the Chamber.

Mr. GALLINGER. Mr. President, I have on more than one occasion made that very suggestion to the Senator from North Carolina.

Mr. SIMMONS. Yes; and therefore I was somewhat grieved when I heard the Senator's statement this morning, because I did not know exactly what the Senator meant.

Mr. GALLINGER. The Senator need not be grieved and he need not be laboring under any misapprehension. What I meant to say or what I meant to imply was that if we can come to an agreement to vote on the tariff bill with the understanding that we have then accomplished our work for the session, then we can doubtless shorten the debate for the reason that we can lengthen the hours and some Senators would refrain from making speeches that they had contemplated making. But if we can not agree upon a vote, and we certainly can not now, and I apprehend we will not in the near future if the newspapers every morning tell us that the President of the United States is going to force a certain other measure through that is going to be determined in Democratic caucus, as I understand it is to be determined in Democratic caucus in the near future in another body—if that matter is facing us no unanimous-consent agreement to take a vote on this bill is possible; while if a different condition prevailed a unanimous-consent agreement might be arranged and we could shorten the time of the debate very much.

Mr. SIMMONS. I have not asked for a unanimous-consent agreement because I knew that the other side was not at present ready to respond to such a request.

Mr. GALLINGER. Mr. President, I have only one further word to say, and that is that the Republicans have had no caucus and will have no caucus on this or any other bill, and the further observation that so far as I am concerned I want this debate to go on in a proper way, a decent way, giving every Senator on both sides of the Chamber—and I exceedingly regret that we are not given more enlightenment on the other side as regards this bill—an opportunity to express his views, to debate amendments, and to take such time as he feels he is entitled to because of the great interests that are involved in this legislation.

I think after a little we will come to the conclusion, which has been expressed to me by more than one Democratic Senator, that we are not going to have currency legislation at this session, and we will get an agreement to vote on this bill.

Mr. SIMMONS. Mr. President, I think before we get through with the consideration of the schedules Senators on the other side will have all the enlightenment from this side that they want.

Mr. GALLINGER. We are very greatly in need of a little more than we have had up to the present time.

Mr. SIMMONS. I think this side has been discussing the schedules pretty fully, certainly to our satisfaction if not to the satisfaction of the other side.

Now, Mr. President, while I have no criticism to make of the time taken by the other side in general debate and even in the discussion of the schedules, I think both sides of the Chamber, if I must speak frankly, are wasting nearly every day a good deal of time in the discussion of purely collateral and sometimes immaterial matters. We have to-day spent nearly an hour and yesterday we spent probably two hours in the discussion of matters not pertinent to the bill.

Mr. BRANDEGEE and Mr. SUTHERLAND addressed the Chair.

Mr. SIMMONS. If the Senators will let me finish, I am not criticizing, but I am saying that is one of the things that is taking up a good deal of our time.

Mr. SUTHERLAND. I wish to ask the Senator a question.

Mr. SIMMONS. And one side is just as responsible as the other side. I am not blaming the other side of the Chamber. I am just expressing the hope that we may curtail these discussions and get down to a consideration of the bill.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I understood the Senator to say that a great deal of time had been taken up by the discussion of immaterial and irrelevant matters.

Mr. SIMMONS. I said sometimes immaterial and irrelevant matters.

Mr. BRANDEGEE. Do I understand that the hour which has been occupied this morning is an instance of the immaterial matters?

Mr. SIMMONS. No; I did not mean that this was an immaterial discussion, but I think we have taken more time this morning in the discussion of this matter than was necessary. I am not blaming that side or that Senator. I have been a party to it as much as he has.

Mr. BRANDEGEE. The Senator agrees, does he not, that the question raised this morning as to when the wool rates shall become effective is a very material question?

Mr. SIMMONS. I am not questioning that it is an important matter at all; I am just expressing the hope that we may curtail these discussions as much as possible.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. With pleasure.

Mr. SUTHERLAND. Mr. President, this general debate in the Senate has continued, I think, for a little less than two weeks.

Mr. SIMMONS. And very satisfactorily, I will say to the Senator. I am making no complaint about it.

Mr. SUTHERLAND. I want to ask the Senator from North Carolina, because I do not remember the date, how long this bill was in the Democratic portion of the Finance Committee and in the Democratic caucus before it was reported after it came from the House?

Mr. SIMMONS. It was over six weeks after it came from the House before it was reported.

Mr. SUTHERLAND. Something over two months, was it not?

Mr. SIMMONS. I can not state definitely. It was somewhere near two months.

Mr. SUTHERLAND. Does the Senator remember what date it came here? Was it not May 13?

Mr. LODGE. On the 8th it passed the House.

Mr. SIMMONS. I think it was referred to the committee on the 13th.

Mr. SUTHERLAND. It came to the Senate the 8th day of May. So it was pending before the Democratic portion of the Finance Committee and the Democratic caucus something over 2 months—2 months and 10 days. It seems to me that after the bill has been debated in the Senate even that length of time, which will bring it to about the 15th or 20th of September, the Senator from North Carolina might then begin to express impatience.

Mr. SIMMONS. Does the Senator mean that it is the purpose of his side to debate it that long?

Mr. SUTHERLAND. I am not informed just what the purpose of this side is, but I suggest that a bill of sufficient importance to justify the Democratic part of the Senate in considering it for 2 months and 10 days is certainly a bill of sufficient importance to justify the Senate as a whole in discussing it more than two weeks, and it would not be out of the way if we discussed it two months.

Mr. SIMMONS. Does the Senator mean to say that I have stated that the discussion of it at this time was not proper and legitimate, or that I have in any way complained of it?

Mr. SUTHERLAND. I understood the Senator to express some impatience at the progress of the debate now going on He criticized the time——

Mr. SIMMONS. I said the discussion of the bill was proceeding very satisfactorily, but what I complained of was the time consumed in discussing these things outside of the bill when the bill was not before the Senate; and I was not complaining of that side any more than this side.

Now, to be entirely accurate, I will state to the Senator the bill was referred to the committee on the 16th day of May. I was mistaken when I said it was the 13th. It was reported back July 11.

Mr. SUTHERLAND. I think we are making very satisfactory progress.

Mr. SIMMONS. Mr. President, what is before the Senate?

The VICE PRESIDENT. The presentation of petitions and memorials is still in order.

Mr. McLEAN. Mr. President, if in order, I should like to give notice——

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of unfinished business.

Mr. BRANDEGEE. I shall have to object until the morning business is completed.

Mr. SIMMONS. I thought the morning business was over, and that the Senator from Connecticut [Mr. McLEAN] was rising to take the floor on the unfinished business. I was advised that he would speak upon it.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

Mr. SIMMONS. Then I withdraw my request.

Mr. McLEAN. I rose simply for the purpose of giving notice that on Wednesday, July 30—that is, to-morrow—I will address the Senate on the pending tariff bill.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a petition of the Board of Harbor and Land Commissioners of the Commonwealth of Massachusetts, favoring the improvement of certain waterways in that State. I ask that the petition be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS,
BOARD OF HARBOR AND LAND COMMISSIONERS,
State House, Boston, July 16, 1913.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The petition of the undersigned, the Board of Harbor and Land Commissioners of the Commonwealth of Massachusetts, respectfully represents—

That in view of the importance of a comprehensive development of the rivers and harbors of the Commonwealth of Massachusetts, and in order to provide an adequate depth of water not only along the coast line but extending to and through the various harbors, rivers, and inland waterways, and to enable the Commonwealth by appropriations therefor to formulate and carry into effect plans for dredging and other works in conjunction therewith and in furtherance of projects approved by Congress, it is respectfully requested that the policy of the United States with respect to the improvement of rivers and harbors be continued and extended to the end that there may be such practical cooperation between the Federal Government, the Commonwealth of Massachusetts, other New England States, municipalities, and private parties with respect to such works as will result in a more extended improvement not only of harbors but of various rivers, particularly the Connecticut, Merrimac, and Taunton, on which are now located, and may be located, manufacturing plants and other commercial and industrial establishments which are handicapped by reason of noncompetitive means of receiving and forwarding freight and raw material.

D. S. McNARY,
GEORGE E. SMITH,
CHARLES C. PAINE,
Harbor and Land Commissioners.

Mr. JOHNSON of Maine (for Mr. BURLEIGH) presented a memorial of the Business Men's Association of Orono, Me., remonstrating against the reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

Mr. LEA presented a paper in support of a bill (S. 2330) for the relief of the estates of Nathan and Rebecca Dungan, deceased, late of Gibson County, Tenn., which was referred to the Committee on Claims.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON of Alabama:

A bill (S. 2843) appropriating $100,000 as reward for the discovery of a remedy to put an end to the ravages of the boll weevil; to the Committee on Agriculture and Forestry.

By Mr. SHAFROTH:

A bill (S. 2844) granting a pension to Sarah A. Van Note; and

A bill (S. 2845) granting a pension to Mary E. Kellermann; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2846) granting an increase of pension to George H. Partridge; and

A bill (S. 2847) granting a pension to Sarah J. Hamlin; to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 2848) granting an increase of pension to William A. Rhoades; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2849) to increase the pension of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States;

A bill (S. 2850) granting an increase of pension to Susan Liggins; and

A bill (S. 2851) granting a pension to Cornelius Branning (with accompanying paper); to the Committee on Pensions.

A bill (S. 2852) for the relief of John Lindsay; to the Committee on Naval Affairs.

A bill (S. 2853) for the relief of George W. Hahn; to the Committee on Military Affairs.

By Mr. LEA:

A bill (S. 2854) granting an honorable discharge to William C. Chandler; to the Committee on Military Affairs.

A bill (S. 2855) to correct the naval record of Lieut. William S. Cox, United States Navy; to the Committee on Naval Affairs.

AFFAIRS IN MEXICO.

Mr. SHEPPARD. I offer the resolution which I send to the desk, and ask to have it read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 142) was read, as follows:

Whereas every true American citizen feels an instinctive sympathy with any people who are pouring out their blood and treasure in order to secure the blessings of liberty for themselves and their posterity: Therefore be it

Resolved, That the Committee on Foreign Relations is hereby requested to advise the Senate whether, in their opinion, this Nation should recognize the belligerency of the revolutionists in Mexico and accord them the proper international status to which they may be entitled; and

Resolved further, That the President and Secretary of State are hereby requested to lay before the Senate such information as they may possess regarding the cause and progress of the present revolt in Mexico.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Texas, before the resolution is referred, that after the words "the President and Secretary of State are hereby requested" the words "if not incompatible with the public interest" be inserted.

Mr. SHEPPARD. I ask that those words be inserted.

The VICE PRESIDENT. The resolution will be so modified, and it will be referred to the Committee on Foreign Relations.

THE PANAMA CANAL (S. DOC. NO. 146).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith a report by the Commission of Fine Arts, containing their recommendations regarding the artistic character of the structures of the Panama Canal, made in pursuance of the authority contained in section 4 of the act of Congress to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, approved August 24, 1912.

WOODROW WILSON.

THE WHITE HOUSE, *July 29, 1913.*

The VICE PRESIDENT. The message will be printed, and the message and accompanying papers, maps, and illustrations will be referred to the Committee on Interoceanic Canals.

THE TARIFF.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321, the tariff bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. STERLING. Mr. President, I do not know that I can add anything of value to this discussion; it has already covered a wide field, and the senior Senator from North Dakota very ably presented the cause of many of the agricultural interests of my State as well as those of his own. They are to some extent identical. But I have been deeply interested in the debate, and certain considerations relating to party policies, and, I may say, to sectional interests and power, have appealed to me; likewise the thought that the bill before us does not reflect the national sentiment and is contrary to a sound and progressive national policy. To these matters, without much effort as to arrangement, I thought I might call the attention of Senators, and then quite briefly to the effect this bill, if it becomes a law, will have upon a prospective industry of my State.

From the beginning it has seemed to me not altogether a question of a radical reduction in this or that schedule, or of putting on the free list articles now subject to a substantial duty. Such a course might have been pursued and the revenues to the Government from this source been thereby reduced and the bill be yet considered a high-tariff measure.

We may even grant, for the sake of argument, that this was done in 1909, with the result that a law which was unsatisfactory and which, in the opinion of many, left a party-platform pledge for a substantial revision downward unredeemed.

But in making that or any other pledge for revision or reform of the tariff there was no abandonment of the principle of protection. American labor was to be protected by a tariff which would measure the difference between the cost of production here and abroad. The new American industry which gave promise under favorable conditions as to wages and cost of maintenance of supplying some need of our people, and thus becoming an important factor in our economic life, was to receive such protection in the way of tariff duties as its development required. The importance and the value of a diversity of industries for the country as a whole or for any State of the Union was to be recognized, for it was assumed that this diversity lay at the very foundation of our national progress and that in the opportunities thereby given to individuals to pursue the vocations best suited to their skill, taste, or ambition

was to be found not only that which educates, but which gives to society itself its greatest interest and charm.

But the principle of protection, which we contend has been promotive of these beneficent ends, is now at stake. The semblances of it which are still retained in this bill when considered in connection with the purposes of the Democratic Party, expressed or implied, serve but to emphasize the one purpose to speedily abandon the protective principle and thenceforth levy such duties as are imposed on the basis of a tariff for revenue only. In view of our conditions yet, in view of what we may accomplish for certain industries and certain sections, and thus, as I believe, accomplish for the general welfare by a wise application of the principle of protection, and in view of what is threatened, this is a momentous question.

Is the country ready for an abandonment of the principle? Has the country demanded it? Does the Democratic Party quite dare undertake the responsibility of it?

The evidence, however, that this is the situation is cumulative. It is found, first, in the time-honored declaration of the Democratic platform that a tariff other than for revenue is unconstitutional, and that the collection of taxes shall be limited to the necessities of government. The party has been compelled from time to time by new conditions, by the logic of events, to abandon the principle of strict construction as applied to much of the legislation and many of the necessary activities of government during the last 50 years. But to that one dogma, ignored at the beginning of the Government and often repudiated by the people since, the party still adheres. Note the contrast! The Republican Party, in 1860, in the convention which nominated Abraham Lincoln, declared—

That while providing revenue for the support of the General Government by duties upon imports sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country, and we commend that policy of national exchanges which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the Nation commercial prosperity and independence.

And to these principles there enunciated the Republican Party still adheres; not only that, but with the election of 1912 as the test, it would appear that these are the principles to which nearly 8,000,000 out of some less than 14,000,000 voters in the United States now adhere.

And yet, strange and absurd even as it is, the claim is persistently made, and echoes of it are heard in this Chamber, that the people have spoken and by their sovereign voice have commissioned the Democratic Members of the Senate and House to carry out the declarations of your platform in regard to tariff reform and future tariff policies. It simply forms another, a second, part in the chain of evidence which proves the purpose to overthrow the principle of protection and hazard all its benefits and the future material development which, we are confident, it would insure.

In a free government all law should embody the will of the people. How vain the boast that by this proposed legislation you reflect the will of the people. How easy of demonstration that by it you do violence to that will. By actual count 6,303,063 voters voted for the Democratic electors. By actual count 7,608,093 voters voted for presidential electors running on platforms both of which declared for the policy of protection. A majority of 1,305,030 in a total vote of 13,911,156 is a decisive majority.

Aside from the plurality rule and the electoral system which puts in power an administration having a decided minority of the popular vote, and of which rule and system we do not complain, we are face to face with the situation as to whether on a question of universal interest, and affecting the general welfare as no other does, the will of the minority is sufficient mandate to reverse the policies of 50 years and to which the people by their last expression gave unequivocal approval.

The thought appeals to me, and there is some inspiration in it, that we are in the daily business of enacting laws, not for North Carolina nor for South Dakota, but for the Nation, and there should be some care, it seems to me, to ascertain the Nation's will, that we may reflect it in what we do here. To my mind this is the way in which the Nation's interests will best be conserved.

It is interesting as a study in politics to know what forces dominate in any given political crisis and the influence of historical associations or tradition even, or of soil and climate even, in the formation of political doctrines of the tenacity with which they adhere. I am here induced to make a brief analysis which I think will show the power behind the throne, the slender right in the way of production and resources on which the power is founded, and with what unfairness and injustice to many millions of our fellow citizens it is about to be wielded.

In doing this, permit me to say that no one more than myself regrets a reference to the dominating power of a section of this great country over all the rest; no one more than myself would regret to say or do aught in revival of a spirit of sectionalism or to suggest that there were industrial or political differences between us that can not be reconciled or barriers that can not be overcome. I can not believe there are, for though a stranger to it, I love your Southland through knowledge of some of her people, and I count it high honor to have greeting acquaintance with the men in this Chamber who so fully exemplify and so ably represent the courtesy, the chivalry, the intelligence, and the patriotism of the South.

But the fact remains that through your representation at the other end of the Capitol and on this floor your 20,000,000—and I am not counting your colored vote any more than you do, and I voice no prejudice against a white man's government "down there," only I would not, for economic reasons, have you "cover too much territory"—your 20,000,000 are rulers over 90,000,000. With your 57,000,000 bushels of wheat, you, in effect, determine that the producers of 630,000,000 bushels shall come into direct competition with the surplus wheat of the world under whatsoever conditions as to labor, cultivation, or soil that surplus is produced. With your 60,000,000 bushels of oats in 15 Southern States, you control in the determination that the producers of 947,000,000 bushels shall be protected by a tariff of only 6 cents per bushel. With your 710,000 bushels of barley raised in the 15 Southern States in 1909, you say that the growers of 172,633,000 bushels of barley shall compete with the many million bushels which will be imported under the rate provided in this bill, a reduction of 50 per cent from the rate of 1909. Nobody will be more highly pleased over this item than the American Brewers' Association, though it will be at the cost of many million dollars to the farmers of the Northwest alone.

I here refer to a table I have compiled from the census reports of 1910, showing the production of these crops in the several States of the South in 1909 and the total production in the other States of the Union, and ask that the same be printed in connection with my remarks.

The PRESIDING OFFICER (Mr. OWEN in the chair). Without objection, permission will be granted.

The matter referred to is as follows:

Farm statistics.

[1910 census reports.]

State.	Wheat.	Oats.	Barley.	Flax.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*
Alabama	113,953	3,251,146	372	.....
Arkansas	526,414	3,212,891	1,267	.....
Florida	137	606,380	10	.....
Georgia	752,858	6,199,243	655	.....
Kentucky	8,739,260	2,406,064	65,596	.....
Louisiana	488	420,033	.....	2,215
Maryland	9,463,457	1,160,663	135,454	.....
Mississippi	4,670	1,268,785	753	.....
North Carolina	3,827,145	2,782,508	7,535	.....
South Carolina	310,614	5,745,291	3,483	.....
Oklahoma	14,008,334	16,606,154	127,641	9,093
Tennessee	6,516,539	4,720,092	53,201	.....
Texas	2,560,891	7,034,617	52,438	.....
Virginia	8,076,989	2,884,495	253,649	.....
West Virginia	2,575,996	1,728,806	8,407	.....
Total in South	57,477,735	60,027,768	710,461	11,308
Total in North	625,901,524	947,115,212	172,633,751	19,501,457
Total in United States	683,379,259	1,007,142,980	173,344,212	19,512,765

Mr. STERLING. This table shows also the flaxseed yield in the United States for that year. From the table it will appear that Louisiana and Oklahoma are the only Southern States which in 1909 produced any flax at all—a magnificent total for the South of 11,308 bushels—but you have it in your power, and you have exercised the power, to make a reduction of 40 per cent in the none too high duty under the law from 1897 down to the present time.

Mr. LANE. Mr. President, will the Senator pardon an interruption?

Mr. STERLING. Certainly.

Mr. LANE. Is it not a fact that the brewers are using less and less barley all the time and are substituting rice for it? Is not rice in large part taking the place of barley in the manufacture of beer?

Mr. STERLING. If it is a fact, this is the first intimation I have had of it. I can say now that I never have had the slightest intimation to that effect.

Mr. LANE. The Senator did not know that the brewers are using rice largely in the production of beer at this time?

Mr. STERLING. No.

Mr. LANE. A few years ago they used none, but now they are using it by the thousands of bushels.

Mr. STERLING. No; I confess I did not know that.

Mr. LANE. It is true, nevertheless.

Mr. STERLING. But I was speaking of flax; the law is a protection to the producers of 19,512,765 bushels of flax. With the tariff at 25 cents per bushel under the present law, there was imported into the United States in 1911 about ten and a half million bushels, with a value of $21,379,000, of which amount over 5,000,000 bushels of poorer and cheaper flax came from Argentina, and I think about 2,500,000 bushels came that year from our neighbor on the north, Canada.

I think, with the duty reduced from 25 to 15 cents per bushel, the committee's estimate of the importations to follow is altogether too low.

And so with the other farm products. The producers of 28,000,000 bushels of potatoes, 395,000,000 pounds of butter, 426,000,000 dozen eggs in the entire 15 States of the South determine, through their Representatives, that the producers of 350,000,000 bushels of potatoes shall sell their surplus in free competition with the rest of the world; that the producers of 1,225,000,000 pounds of butter shall have as their protection the unreasonably low rate of 2½ cents per pound, which would easily mean a loss of $15,000,000 to the producers of the American product; that free competition with Canada shall be the lot of the producers of 1,165,046,485 dozen of eggs is all settled by the votes of the States producing a little more than one-third that number.

Cattle, sheep, swine, and meats are all on the free list at the behest of the men who represent those who produce a number and quantity of each vastly less than the rest of the Union. Of cattle and swine, considerably less than half as many, while of sheep there is produced in the South less than one-sixth as many as in the sheep and wool producing States of the North. And so it is throughout the whole list of agricultural farm products, upon the success in producing which the success of about every other American enterprise ultimately depends.

I appreciate the high, almost ethical, grounds upon which you claim to base the right to make these sweeping reductions, although in the light of history and of facts we are tempted to question the entire sincerity of that claim and wonder, after all, if your action is not grounded on those ancient cornerstones of your tariff-for-revenue-only fabric, tradition, and strict construction. The alleged ground is reduction in the high cost of living. It must be admitted that the practice has not always been in accordance with the precept in fixing the rates provided for in this bill. There are a few products of southern industries worth while and which escape the free list—one is rice, a delicious, nutritious, and reasonably cheap food. It is to be hoped the industry will be kept alive and encouragement given to this diversity of your farming interests by your proposed tariff of 1 cent a pound on cleaned rice, with a tariff of one-fourth of a cent a pound on rice flour. Both justifiable, perhaps, for revenue purposes; but the incidental protection was not lost sight of, and I here hazard the statement that but for the protection the industry could not live. But let me ask our Democratic friends, Why imperil the industry? True, you put wheat on the free list and made ruinous reductions in the tariff on other cereals in the North. But we are not asking that on that account you carry out to your own everlasting detriment any make-believe policy of consistency between North and South in the adjustment of the agricultural schedule. Why not have the courage of your commercial and industrial convictions and protect certainly and amply an industry which in 1908 represented an investment of $200,000,000, and which in five typical rice-growing parishes in Louisiana in the period from 1880 to 1908 enhanced or added to the value of assessable property more than $56,000,000. To say that you are commercially in favor of a policy which fostered such development but are politically opposed to it is an abject admission. Moreover, it involves, in the last analysis, a political economic untruth. In the clash between business and commerce and a political tenet the tenet may, under peculiar conditions, persist for a long time, but trade will triumph in the end.

But it is the high cost of living! How much do you reduce it while taking this long shot at the rice industry? Let us see. One cent a pound on cleaned rice. From a pound of rice a dish may be made from which a company of 15 may be served; that is one-fifteenth of a cent per man. So your duty of 1 cent, granting that the full amount is added to the cost to the consumer, would make his rice cost him, if he ate it once a day for 300 days in the year, a total of 24 cents. He must be not only poor but most narrow and unappreciative who would complain of such an expenditure, and if there be such a class in the United States, the duty on rice ought to be retained at the existing rate for—educative purposes.

It is to be observed in the matter of rice that the Democratic Party betrays some interest in manufactures as against the agricultural interests—another evidence of the statement I have frequently heard on this floor—by retaining the duty on rice flour at one-fourth of a cent a pound as it is under the Payne-Aldrich law and as it has been from the time of the enactment of the Wilson law.

But it is a home industry. Our southern friends are not insensible of what manufactures mean to the South when they are in the South. They delight in the furnace fires, in the hum of the machinery, in the employment of the labor, in the enhancement of property values, and in the additions to the assessor's roll consequent upon all these things, and so they retain the old duty on rice flour instead of cutting it to one-eighth of a cent per pound, as should have been done to have had the proper adjustment between the producer of the raw material and the producer of the finished product.

But speaking of small fractions in this schedule of southern products, nothing, it seems to me, so illustrates the intense desire to appear to be consistent as the cut of one-eighth of 1 cent per pound on unshelled peanuts—a reduction from one-half to three-eighths of a cent—it looks like peanut politics; but it will be a great relief to the ultimate consumer of a pound of peanuts. There is a county down in North Carolina, the name of which has been known in every household in the North for many years. It would be pertinent to ask the senior Senator from that State if in saving the ultimate consumer of a pound of peanuts one-eighth of 1 cent he does it all for "Buncombe."

Is it not a fact that the duty should have been increased instead of lowered? Is it not a fact that they can produce peanuts cheaper in Japan than we can in this country, and would not you by encouraging the industry bring into use and make valuable thousands of acres of otherwise almost valueless and unused lands, furnish profitable employment to a lot of people out of a job, and greatly add to your material well-being?

And is there not a fear that by this reduction, picayunish as it is, you are endangering a useful and important industry?

But although we think you do "protest too much," we take you at your word. You say it is to bring down the high cost of living and arguendo the duties under existing law are the cause of the high cost of living. The proposition is not demonstrable. The Senator from Massachusetts in his admirable speech the other day pointed out some of the causes of the high cost of living. They are very well summed up in the cost of the higher living to which taste, convenience, the improvements and comforts of the age, and sometimes, perhaps, the love of display are all the time inviting us. Hardly a Senator on this floor but who is old enough to tell the whole story of this wonderful march—I will not say it is all progress—from a simple, comparatively inexpensive mode of living to the wonderfully complex and costly mode of to-day.

Mr. President, I find no fault with the sentiment. It is but natural. Discontent with present conditions lies at the foundation of the progress of the race, and men aspire to reach a social plane, a material plane, and a standard of living as high as that enjoyed by their fellows; and from this spirit rather than from any "suffering poor" comes the great volume of just complaint against the high cost of living.

The condition itself is world-wide. While it is in part to be attributed to the greater complexity and extravagance I have described, a cause we may call legitimate, and in part to increased cost of distribution for which the producer nor the tariff are responsible, there have been, I grant you, some business iniquities in the United States but for which the cost of living as it pertains to some articles of consumption would have been less. I can not, however, subscribe to the doctrine that "the tariff is the mother of the trusts." It is not. Proof that it is not lies in the fact that trusts exist in every civilized country. But under our system a high tariff has been now and then an accessory of the trust. When the trust has become a monopoly and shuts out domestic competition and is protected by the tariff from foreign competition, and is thus enabled to put on the arbitrary price to the consumer, the price that will yield more than a reasonable profit, we have a real evil. Especially is this so when the product of the trust is one of the comforts or necessities of life, and the evil is aggravated and more aggravating when the price is made to create handsome dividends on millions of stocks that cost their holders nothing. And so let the tariff on trust-manufactured goods, and I will say, too, on the products of any great industry whose efficiency and facilities under protection shall now have materially lessened the cost of production, be carefully scrutinized with a view to just revision

in the public interest. But let us not be deluded with the idea that the high cost of living is in any generally appreciable degree due to the protective tariff. People have been made righteously indignant by the disclosures of the Interstate Commerce Commission in regard to the investments and profits of the express companies, by the disclosures of the Stanley investigating committee in regard to United States Steel, by the enormities practiced by the Standard Oil and the Tobacco Trusts and the Lumber Trust in driving competition from the field, and here and there, in spots, North as well as South, East as well as West, some, unfortunately for many legitimate interests, went "trust mad" to the extent they failed to discriminate; politics, often of the "peanut" variety, and not confined to the South, either, played its rôle, and a good many people were led to the absurd conclusion that to put wheat and cattle and eggs and potatoes on the free list was the way to "bust a trust."

That there is much needless and misleading furor in regard to the relation between the tariff and the cost of living is shown by exhaustive investigations recently made. We know that a British board of trade would not report conditions in America better than in England and Wales unless fully warranted by the facts. I have here a summary of the reports of the British Board of Trade on cost of living in the principal industrial towns of England and Wales, Germany, France, Belgium, and the United States. It contains a table showing the ratio of weekly wage paid in these several countries, taking that in England and Wales as 100. Here are the building trades—bricklayers, stone masons, carpenters, plasterers, plumbers, painters, laborers, and hod carriers; and here are the engineering trades—the fitters, turners, smiths, pattern makers, and laborers. I will not take the time of the Senate to read, but the report shows that taking the arithmetical mean of the ratios for all occupations, the weekly rate of wages in the United States was two and one-third times the wages in England and Wales, two and five-sixths times the wages in Germany, three and one-eighth times the wages in France, and three and three-fourths times the wages in Belgium.

Foods and rents are somewhat higher here than in England and Wales, but in concluding its report the board makes this significant statement:

> It is evident, then, that even when allowance has been made for the increased expenditure on food and rent a much greater margin is available in the United States than in England and Wales.
>
> The margin (over expenditure for rent and food) is clearly large, making possible a command of the necessaries and conveniences and minor luxuries of life that is both nominally and really greater than that enjoyed by the corresponding class in this country, although the effective margin is itself, in practice, curtailed by a scale of expenditure to some extent necessarily and to some extent voluntarily adopted in accordance with a different and a higher standard of material comfort.

Besides, it may be added, is the advantage of the shorter hours also shown by this report to the American workingman.

But there is a relation between the tariff and the cost of living. The tariff has unquestionably enabled the industry to pay that higher wage which in turn enabled the worker to better maintain, support, and educate himself and family despite the higher cost of living.

And now, Mr. President, permit me to turn for a moment to an important American industry I had hoped to soon see established in my own State. It would give us a much-needed diversity with our small grain crops. I refer to the beet-sugar industry. Through a series of careful experiments made in various parts of the State, it is shown that the conditions as to soil, climate, and the per cent of sugar contained in the beets are not excelled by those of any other State. But one condition is lacking, and for want of that condition and from the attitude of this administration in regard to permitting the condition to be supplied, I fear our hope is to be long deferred.

When I say the attitude of the administration I think it is understood that but for the position taken by the Executive no free-sugar bill or bill putting sugar on the free list would pass the Senate at this session. I believe it to be the sober judgment of impartial men familiar with the subject, and now, too, the sober judgment of a majority of the Members here, that the duty on sugar should not be reduced below the present moderate rate. That here is a great, important, comparatively new American industry, the encouragement of which will result in time in the production from all domestic sources of all the sugar we consume and our complete independence of foreign nations for this one staple of universal necessity and use; that meanwhile, by the maintenance of the duty, the cost to the consumer will not be increased to any appreciable degree, and that he will continue to get his sugar cheaper than in the great majority of European countries; that the indirect results of sugar-beet farming will be even more significant, farther reaching, and more beneficial to the American people than the direct results—in the conservation and renewal of the soil and the larger crops of wheat, oats, and barley resulting from a rotation with sugar beets.

Concerning this as the situation and these the benefits, there hardly seems to be dispute, and yet these facts, this sound judgment, this consensus of opinion, this industry of such promise, must yield, not to a statesmanlike policy, far-reaching and beneficent, but to "policy."

Mr. President, I spoke of the interest of my own State in this industry and of the experiments there made. In this connection I send to the desk a letter received last April from Prof. James H. Shepard, head of the department of chemistry at our State college of agriculture and mechanic arts and experiment station, on this subject and ask that the same be read by the Secretary in this connection.

The VICE PRESIDENT. Is there objection. The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

SOUTH DAKOTA AGRICULTURAL EXPERIMENT STATION,
Brookings, April 29, 1911.

Hon. THOMAS STERLING,
United States Senate, Washington, D. C.

MY DEAR SENATOR STERLING: I am glad, indeed, to send you some information concerning sugar beets in this State. I have a bulletin on the subject in the hands of the printers, and it has been there since the holidays. It will probably be out next month. Thinking perhaps that it would be too late, I inclose the manuscript from which the bulletin was set. This does not make a very convenient form for you to consult, but it is better than nothing.

As you will learn, we have done much work. I am now breeding seed, and I am informed that our results last year sets a world's record for yield and sugar production. There is no doubt that our State is well adapted to the culture of the sugar beet, and it is, as you suggest, not only one of the best money crops, but it is also one of the least exhausting crops our farmers can grow, and they will grow the beets if we have the factories. I would invite your attention to the table and its discussion near the close of the manuscript.

Again, sugar beets will add immensely to the yield of our regular grain crops, owing to their beneficial effect on the soil itself. They are subsoilers and open up the soil for the penetration of water. They are a cultivated crop and so will clean the ground from weeds. If the tops and pulp are returned to the soil, little exhaustion takes place, since sugar comes wholly from the air.

Our State must soon find some way to curtail the outflow of farm fertility that has steadily sapped at our great resources since the State was settled. Sugar beets will do just that thing. Then, again, their growing will enhance our stock production, and we need more live stock. It will divide up our farms and make more homes and increase our population, things devoutly to be desired.

In view of the facts that all our splendid results have been reached without irrigation and without fertilizing our sugar beets, factories are sure to come unless unfavorable tariff legislation kills all our sugar industries. No one wants that, for to the intelligent mind that means high-priced sugar. The cost of living is too high already.

In view of what we all think, you will be perfectly sustained in any efforts you may make to protect the sugar-beet industry. Our State needs it.

With the kindest regards,

JAS. H. SHEPARD.

P. S.—I could send no cuts, as they are with the printers.

Mr. STERLING. Mr. President, in transmitting the bulletin referred to in that letter Prof. Shepard wrote me again in part as follows:

> If you would care for other copies please write me. I am anxiously watching the sugar-tariff proceedings. We were scheduled to have two or more factories in our State next year. I honestly believe that no State can raise better sugar beets, and I know that the advent of sugar-beet culture means the greatest prosperity to our State.

The letter refers to a table printed in the bulletin. The table is a short one, and I ask consent that it be printed in connection with my remarks, together with the page and a half of the bulletin following the table, the same being comment on the matter contained in the table.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Tests of sugar beets.

VARIETY TESTS OF SUGAR BEETS FOR 1911.

Variety number.	Number rows analyzed.	Number beets analyzed.	Weight beets analyzed—pounds.	Degree brix.	Per cent sugar in juice.	Purity.	Per cent sugar in beet.	Pounds beets per acre.	Pounds sugar per acre.
35	5	248	267	19.6	17.1	88	16.3	31,015	4,559
40	7	368	354	19.6	17.0	87	16.2	26,515	4,412
42	6	288	297	19.8	17.6	89	16.7	32,016	5,401
43	6	326	307	20.4	17.9	89	17.0	32,894	5,701
44	6	317	308	20.3	17.9	88	17.0	32,665	4,797

Tests of sugar beets—Continued.

VARIETY TESTS FOR 1912.

Variety number.	Number rows analyzed.	Number beets analyzed.	Weight beets analyzed—pounds.	Degree brix.	Per cent sugar in juice.	Purity.	Per cent sugar in beet.	Pounds beets per acre.	Pounds sugar per acre.
35	18	142	115	24.0	21.0	88	20.0	46,379	8,532
42	18	158	112	24.4	22.0	90	20.9	45,173	8,497
43	18	146	118	24.5	22.0	88	20.9	47,593	8,952
44	18	138	101	25.4	22.6	89	21.5	40,737	7,782
188	18	120	106	25.6	23.2	91	22.0	42,753	8,653
218	18	132	106	24.6	22.0	89	20.9	42,753	8,025
SD1	18	143	111	24.2	21.4	88	20.3	44,766	8,268

SPACING TESTS FOR 1912.

40	18	138	96	25.2	22.4	89	21.3	38,962	7,469
40	22	143	147	21.0	18.0	86	17.1	48,510	7,605
40	26	123	142	23.2	20.0	90	19.0	39,700	7,011
40	30	122	169	21.0	18.8	90	17.9	40,898	6,762

To the casual reader, perhaps, the figures in the table do not have much significance. But let us see. There is no ordinary crop raised on the farm that gives any such tonnage as sugar beets. Even corn cut green for silage does not amount to any such figure as 24 tons per acre.

Again, no ordinary crop grown on the farm has any such cash value as sugar beets. Factories buy sugar beets according to their sugar content. The lowest price paid is $5 per ton. Beets like those grown at this station would certainly bring a much higher rate—perhaps $7 or $8 per ton. A few figures will show that our land can be made to bring an income of from $100 to $125 per acre under careful culture in sugar beets.

Then look again at the sugar-per-acre column. Take variety No. 42 as an average. It gave, in round numbers, 8,500 pounds of sugar per acre. To grow as many pounds of wheat per acre it would require 140 bushels. To grow the same number of pounds of oats per acre would make it necessary to grow 260 bushels per acre. The utter hopelessness of any such undertaking is so striking that it needs no comment. In fact, it would require 10 acres in either oats or wheat to yield as much grain, pound for pound, as the sugar yield. Then, again, let us take the cash value of the recoverable sugar per acre, neglecting the by-products of manufacture—pulp, alcohol, etc. Sugar at wholesale is now $5.40 per hundred. Consequently the manufactured products from the sugar grown on 1 acre would be around $400. To raise that value in wheat, even at $1 per bushel, would require 400 bushels, and to grow that much at the average yield of 15 bushels per acre would require 26 acres of land; while to grow the same value in oats, at 25 cents per bushel, would take, at 30 bushels per acre, 52 acres of land. Moreover, sugar comes from the air. It does not deplete the soil as grain raising does.

We have now given a review of the work done with sugar beets in this State during the many years of its continuation. We have followed the beets through good years and through bad years. We have had droughts and other untoward features to contend with the same as other States. There is no paradise on earth. But through all these conditions we have no failures to record. The sugar beet furnishes one of our most reliable crops. In order that the reader may know how the sugar beet yields in other States, the averages for the United States are taken from the 1911 Yearbook of the Department of Agriculture. The average tons per acre is 10.82, and the average sugar in the beet is 15.81 per cent. Our rejects from the mother-beet analyses will give higher per cent than the average of all the commercial beets grown in the country. California has the highest per cent sugar in the beet of any State where they are grown commercially—18.54 per cent—while her tonnage is 10.72. The reader can make his own comparisons with South Dakota.

In conclusion, the work will be carried on at this station in order to learn the best conditions for growing both the beets themselves and for growing the seed.

It is evident that both industries, under proper management, will prove most profitable. We now have on hand a limited amount of home-grown seed. But it will be useless for individuals to ask for samples. In the light of our past experience it is evident that this would bring us nowhere. In certain communities where organized bodies are striving for factories would be a better place to send this high-grade seed. What we need now is concentrated, intelligent effort.

Mr. STERLING. And there, Mr. President, in these letters and in this bulletin of Prof. Shepard, is testimony of the highest character to the value this one industry would be to my State. He is not an investor nor speculator, but an absolutely self-disinterested witness, whose work at the agricultural college for more than 25 years and his experiments have fitted him to know whereof he speaks.

Mr. President, I have not been solicitous about talking here for the purpose of "preserving the record." I am impressed with the facts, with what I believe to be the sentiment of the people, and a sound national policy. I have said that I am willing to support any bill, whatever its source, which I believe to be for the public welfare; that I would not either support or oppose a measure on the ground of party advantage.

But I can not support this bill.

It occurs to me that here is yet a grand opportunity for a revision of the tariff, and yet a substantial recognition of the rights of these most vital and substantial agricultural interests, with which the bill so harshly deals.

We admit that any compromise must recognize the principle of protection; but it is an American principle, one responsible in large measure for our splendid industrial development, a principle in which it is evident the American people believe. Grant that they have been educated to it, and that in theory you are economically right; you can not reverse existing sentiment in a day. The injury to follow the enactment of this drastic agricultural schedule will simply create the discontent that will indefinitely postpone the day you must reach before a tariff-for-revenue-only policy can be a settled fact in America. And that day will be only when you have behind it that invincible force upon which all policies, all laws, must ultimately rest—the force of public opinion.

Then why not concede something here in the way of preparation, in the way of education, for the conditions you would realize? Why not do this in the interest of permanency and stability for your system in the end and for the peace of the country, if it is right? Would such a course be unstatesmanlike?

Granting that we have the ultras on both sides of this proposition, as we are apt to have on any proposition, is it beneath the business of statesmanship to consider what is expedient or to find the golden mean, the common ground on which the great majority of the common people might stand?

I know any suggestion of mine, coming from this side of the Chamber, will be of no avail; but let me be a little more specific in just briefly inviting attention to a few items here of the agricultural schedule.

Cattle less than 1 year old under present law are $2 per head; you make them free of duty. I am not advised, but my impression is, though I do not speak authoritatively, that in the Northwest there will be little objection to this item. But let them come in free!

The rate on all other cattle is 27.5 per cent. Under the proposed bill they are free. Make it 15 per cent.

Swine under the present rate are admitted at $1.50 per head. Under the bill they are free. Make the rate $1.

Sheep 1 year old or over under the present law are $1.50 per head. You make them free. We will divide it with you, which is not far from the rate of 10 per cent provided for by the House bill. And the same with sheep less than 1 year old.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. STERLING. Certainly.

Mr. WALSH. May I ask the Senator why he believes that a duty ought to be imposed on the importation of sheep?

Mr. STERLING. I think it should be done for the protection of the industry in this country.

Mr. WALSH. In what part of the country would the sheep growers be protected by a duty prohibiting the importation of sheep?

Mr. SUTHERLAND. Mr. President, we can not hear over here what either Senator is saying.

Mr. STERLING. I think really for the interest of the woolgrowers there should be this protection.

Mr. BRISTOW. Mr. President, I regret that I did not hear the question and I can not hear the answer. I wish the Senators would speak so that we can hear them.

Mr. STERLING. I will say to the Senator from Montana I do not pretend to speak with authority on this proposition, but it is my idea that it will be in the interest of the woolgrowers themselves that this tariff shall be imposed upon the importation of sheep, and for the reason that sheep are imported with the wool on, and thus they would come in conflict with the wool produced here. It was as a compromise rate that I made the suggestion.

Mr. WALSH. I was following with great interest the thoughtful discussion of the subject by the Senator from South Dakota and I assumed that, as a matter of course, he had given careful consideration to each of the changes suggested by him. It puzzled me to understand quite how anyone could care to have a duty imposed upon the importation of sheep in this country.

Mr. STERLING. I will say that my suggestion simply is that, considering the previous duty and considering the proposition to put sheep on the free list now, this would be a compromise duty.

Mr. WALSH. As a sort of compromise apparently?

Mr. STERLING. Yes, sir.

Butter under the present law is 6 cents per pound. Under the bill 2½ cents. Make it 4. Cheese under the present law is 6 cents per pound. Your bill makes it 2½ cents. Make it 4, which is only slightly in excess of the rate named in the House bill. Cream, now 5 cents a gallon, you admit free. It ought to be at least 3 cents a gallon. Eggs, now admitted at 5 cents a dozen, you make free. Give us 3 cents.

Potatoes, which under present law are admitted at 25 cents per bushel, the bill makes free. We will divide it with you.

Wheat, 25 cents a bushel under present law, you admit free of duty. From 25 to 12½ cents is too great a cut at once. Make it 15. And let there be a compensatory duty of 12½ to 15 per cent ad valorem on wheat flour.

The cut of 15 cents per bushel on barley is not warranted on the ground of cheaper food supply. Rather let it be 20 cents per bushel.

Mr. WALSH. I should like to ask the Senator a question in that connection.

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. STERLING. Certainly.

Mr. WALSH. The Senator, I suppose, subscribes to the doctrine that the duty should be such as to compensate for the difference in production here and abroad, not of course to recompense for the difference in the cost of labor but in the cost of production. That is correct, is it not?

Mr. STERLING. Yes; as a general proposition.

Mr. WALSH. Can the Senator now advise us as to what is the difference in the cost of production in the case of barley in this country and the cost in the country which is our chief competitor?

Mr. STERLING. I will say to the Senator that under the present rate it is understood there are great importations of barley, and I think the home producer of barley should be protected. Without going into details as to the cost of production here and in Canada, or elsewhere from which barley is shipped, I thought of this as of other items of this suggested schedule of mine, that it would be a compromise.

Mr. WALSH. I was interested to obtain the basis upon which the calculation of the Senator was made. I assumed the Senator would regard Mr. A. E. Chamberlain, formerly of the agricultural department of his State, good authority on that subject.

Mr. STERLING. I do not know him.

Mr. WALSH. He was long associated with the agricultural college at Brookings.

Mr. STERLING. I do not have the honor of his acquaintance.

Mr. WALSH. He represented your State at the head of a delegation that came here before Congress two years ago in connection with the reciprocity measure.

Mr. STERLING. Yes; he may have done so; I was not aware of that.

Mr. WALSH. And in that connection he told the Finance Committee that the difference in the cost of production of barley here and in Canada was 5 cents a bushel. So, apparently, the duty is now fixed at three times the difference between the cost of production here and in Canada. Would the Senator like to make it five times?

Mr. STERLING. I would make, or rather suggest, it as a reasonable difference between the duty as it stands under the law of 1909 and the proposed bill.

You have cut the duty on oats from 15 cents to 6 cents per bushel. Why not try it at 10, as provided by the House bill? And flaxseed at 20 cents a bushel, as allowed by the House bill, instead of making a cut from 25 to 15 cents?

I simply suggest these as changes which might serve to prevent the law from being utterly obnoxious to the great body of producers of these the chief agricultural products of the land, fair prices for which mean the reasonable success and prosperity of that great class upon which all others must depend.

But I suppose, Mr. President, it is wholly immaterial whether my State, with its 77,000 square miles, with its soil and climate well adapted to agricultural purposes, has any beet-sugar factories or not; whether its grazing and live-stock interests are to be protected or not; whether it shall continue as one of the three greatest wheat-growing States in the world or not.

It is only a State affair. I was struck with the reply made by the Senator from Maine, then in charge of the bill, the other day when pressed for an answer to the question whether the reduction proposed by the bill on olive oil would injure that important California industry. After much colloquy he said he did not know whether it would or not.

Only a State affair! Mr. President, I know we had to surrender up the doctrine of State rights many years ago, along with other relics of strict construction. It had to give way to the principle of "an indestructible Union of indestructible States"; but I still supposed we might have State interest and State pride in the development of the State's resources.

Why, if there is one factor more than another in this dual system of government which has helped to make this the glorious Union it is, it is the healthy spirit of emulation among the States and the pride the worthy and wide-awake citizen of a State feels in the yield of her cotton, corn, and grain fields, her factories, her mines, her herds, her wool, her educational institutions, her churches, the character of her manhood, and the virtue and loveliness of her womanhood. But it is only a State affair!

Mr. President, in the old days this may have been to some extent true. But those days are gone; there is no longer isolation nor is distance a barrier to intercourse or commerce.

In these days of rapid transit, quick communication, and ready diffusion of resources and products throughout the length and breadth of the land it is, on the instant, a national affair, and in the fruits of that legitimate enterprise which benefits or enriches a State the people of the Nation are participants.

For the best interests of the whole we want to subserve the interests and institutions of the several parts; and, in my judgment, any revenue or economic policy which ignores this principle is wrong.

We again stand on the plank of that pioneer platform of 1860, quoted at the beginning of these remarks. The soundness of the principles there enunciated has been demonstrated by long experience; the people believe in them, and as against the narrow, destructive, and un-American policies advocated by the party in power these principles will now be invoked with renewed enthusiasm and vigor. I venture the prediction that they will serve to both rally and reunite.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. STONE. Mr. President, when the Senate adjourned last night we were considering paragraph 77. The Senator from Kansas [Mr. BRISTOW] propounded an inquiry to which I suppose I should make some answer. The inquiry of the Senator, as it appears in the RECORD, is as follows:

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator in charge of this part of the bill why he deems it necessary to maintain a duty of 50 per cent on pumice stone wholly or partly manufactured, while he reduces the duty on the unmanufactured stone from 21 per cent to 5 per cent?

Mr. President, I do not wish to take much time in giving the answer which I purpose to give, and I do not think it necessary to take much time in doing so, but it might be well to say that pumice stone is imported from Mexico, Iceland, and Hungary, but chiefly from the Lipari Islands, off Sicily. The importations come from those countries where the great bulk of the article is produced, but especially from the islands named, on the coast of Sicily. There is some pumice produced in the United States—in Kansas, Nebraska, Utah, and Nevada.

The unmanufactured pumice stone was admitted free under the Wilson law. A high duty was placed upon it by the Payne-Aldrich law. When it was free, under the Wilson law, the statistics show that $59,894 in value was imported. Afterwards, when, under the Payne-Aldrich law, the present law, a high duty was imposed ranging from 18 to 21 per cent, according to the appraisement of the value of the imports upon which the duties were levied upon arrival at our ports, the importations were just about the same as under the Wilson law, when they were free.

Before the House Committee on Ways and Means there were hearings somewhat extended when this paragraph was under consideration during the present session or when the pending bill was being framed. A number of manufacturers appeared before that committee. They contended for free raw material and, of course, for a high duty on the manufactured product. As a rule, they insisted that the present duty should not be reduced. Here is a statement contained in one of the numerous briefs filed before the Ways and Means Committee by Charles B. Chrystal, of New York, who is, as I understand, a manufacturer concerned in the pumice industry. I read from it as follows:

From the fact that there is no pumice produced in the United States excepting a so-called pumice, used in cheap soaps, cleansers, etc., this duty is very excessive.

That is the duty on the unmanufactured product.

The American pumice, so called, can not be used for most purposes for which pumice is required, such as in the manufacture of silver-plated and solid silver ware, for rubbing down varnished surfaces, and for numerous purposes; in fact, the so-called American pumice is useless for any other purpose, as has been repeatedly demonstrated by practical tests.

Mr. President, the House committee refused to follow the insistence of the pumice manufacturers to put pumice on the free list, as it had been under the Wilson law, and instead put the rate on the raw material at 5 per cent ad valorem. The average ad valorem duty in the Payne-Aldrich law, as shown by the statistics I have, ranges from about 18 per cent to 21 per cent. The House reduced it to 5 per cent.

The Senator from Kansas asked why we maintained a duty of 50 per cent on manufactures of pumice. Words are presumably intended to convey ideas, and one might suppose from the

form in which the Senator propounded his question about maintaining the duty that he sought to impress the Senate and the country with the idea that we had not changed the duty as it is prescribed in the present law; but such is not the fact. The House reduced the duty on pumice manufactures 33 per cent; that is, from three-eighths of a cent a pound to one-fourth of a cent a pound. Not a living man came before the Senate committee to make any complaint or to protest against the action of the House. The House, having taken this action—and, as it seems to me, a very proper action—the Senate committee simply accepted what had been done by the House.

Mr. BRISTOW. Mr. President, nevertheless the fact remains that the committee has reduced the duty on unmanufactured pumice from approximately 21 per cent to 5 per cent. That is a reduction of about 75 per cent; while it has reduced the duty on the manufactured article from an estimated ad valorem of 80 to 50 per cent. I think that there is a reason why the manufacturers would not complain. They get a reduction on the raw material of 75 per cent. The raw material of pumice, which is produced in this country, is produced by whoever happens to have land upon which this pumice dust or pumice stone is found. It is not controlled by any combination or corporation of any kind.

Mr. STONE. But, Mr. President, I call the attention of the Senator again to the fact that, if the information we have is well founded, the lava production or pumice gathered in some spots in his State and in one or two other States is of a kind that really does not come into active competition with the pumice that is used in manufactures on a large scale.

Mr. BRISTOW. The Senator has been misled by the testimony of a single manufacturer, who uses the pumice in the polishing of silverware. If the Senator had consulted the packing houses at Kansas City, Chicago, Omaha, and South St. Joseph he would have learned that the pumice that is found in Nebraska, Kansas, California, Utah, Nevada, and a few other States is used in the making of scouring powder, such as "Gold Dust Twins" and kindred articles, and put upon the market in very large quantities. If these great packing houses can get a reduction of 75 per cent on their raw material, and still a duty of 50 per cent is maintained on the things which they sell, of course they will not complain. I can understand readily that the Committee on Finance would have no complaints from them.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator fram Kansas yield to the Senator from North Carolina?

Mr. BRISTOW. Very gladly.

Mr. SIMMONS. I merely want to suggest to the Senator that if he will examine the unit value of the imported pumice stone, which comes almost exclusively, I think, from Italy, and the unit value of the pumice stone produced in this country he will see that necessarily they are different articles. I call the Senator's attention to the first bracket in the handbook, which gives the unit value of the importations of pumice stone, and he will see that the unit value in 1910 was $10.26 and in 1912, $9.27 per ton. If he will examine the latter part of that bracket, which deals with the production in this country, he will see that the unit value of the character of pumice stone produced in this country, so-called pumice stone—it is an imitation, I think—in 1905 was only $3.64, in 1910, $2.21, and in 1912, $4.08. I think the two materials are used for different purposes. The pumice stone imported from Italy is a lava and is used almost entirely for the polishing of woods and metals. The pumice stone we produce here, I think, is used very largely in connection with construction work and also in connection with the manufacture of soap.

I am not sure of my premise, and I assume the Senator from Kansas has some information more specific than mine; but I simply call his attention to what appears to me to be a clear demonstration that there is a great difference in the quality of the imported article and that of the homemade article, and that they are not used for the same purpose; but even if they were used for the same purpose, the difference in the value of the two articles would make it almost impossible for them to be competing products.

Mr. BRISTOW. The Senator from North Carolina is in the main, so far as my information goes, right as to the use of the various grades of this pumice dust or stone, but, while I infer that the increased duty which was imposed four years ago has resulted in the more valuable pumice stone being imported, it has also resulted in the development of the local supply, which has been used for various purposes, such as the making of soap, washing powders, and so forth.

Mr. SIMMONS. But——

Mr. BRISTOW. If the Senator will pardon me a moment, I am not complaining of the reduced duty from 21 per cent to 5 per cent on the raw material, although I think it is a very radical reduction, and if I had been revising the tariff I would not have made the radical reduction that was made, because I think it was too much; but still I am not complaining of that. What I am complaining of is that with this radical reduction there should be still maintained—and by "maintained" I will say that I mean fixed by the committee; I will use that term, if it pleases the Senator from Missouri [Mr. STONE] better—at 50 per cent. I think this an unwarranted discrimination in favor of the manufacturer when he has such a radical reduction on his raw material. I do not think that the great packing houses or the manufacturing concerns which use this material to make various articles of commerce should have as high as 50 per cent as a protective duty when the men who take the rock from the quarries or gather the dust from the prairies have their protection reduced 75 per cent, or down to 5 per cent from 21 per cent.

Mr. SIMMONS. Mr. President——

Mr. BRISTOW. I yield to the Senator.

Mr. SIMMONS. The Senator and myself look at the tariff question from different standpoints. I myself do not consider as the determining factor the cost of production of an article here and abroad. I understand, however, that the Senator from Kansas does, and that it is the theory of the Senator from Kansas that there ought to be maintained a duty equal to the difference in the cost of production here and abroad. I think I am correct about that. Now, the Senator is complaining of the duty which we have retained as being too high. I think if the Senator will consult the statements of the manufacturers before the Ways and Means Committee, if he wants to apply his theory to this case, he will find that according to his theory the duty is not too high. I call the Senator's attention to the testimony of Mr. Murphey, president of the James H. Rhodes Co., of Chicago, Ill., and of the city of New York. Here is what he says:

Reasons for duty of three-eighths of a cent on manufactured—

He is insisting, as the Senator will see if he will read his testimony, upon a higher duty. He insists that the proposed duty was not enough. He says:

Pumice stone manufactured in Italy is being sold in bags f. o. b. docks New York at $18.50 per ton of 2,000 pounds (that is, after the United States duty has been paid). Thus, the United States custom records demonstrate that the Italians can grind, pack, and deliver at the dock at New York ground pumice stone at $11 per ton.

The $18 included the duty, which is something in the neighborhood of $9.

In referring to the American cost of the production of powdered Italian pumice stone, he said:

American cost of production of powdered Italian pumice stone in 1908 was $23 per ton, but since that time is higher because of the grinding rock costing more in Italy, ocean freight rate being 75 cents per ton higher, with a further advance scheduled for 1913, and the duty being over $1 per ton more, so that our present cost of producing is over $25.51 per ton.

The Senator will find also from the brief of R. J. Waddell & Co., of New York City, that they claim it cost them to produce this material in this country out of Italian pumice stone $24.54, and they claim, therefore, that the present duty is not high enough. I think the facts altogether controvert their statement, because the statistics show that there are practically no importations, or very slight importations, of the manufactured pumice, and it can not be, if the foreigner could put this pumice down here f. o. b. New York for $18 duty paid and it cost the American producer $24 a ton to produce it, that the American producers could have sustained the competition. Under such conditions that would have happened which the Senator from Kansas and others have predicted. The foreigner would have taken possession of our market; but as the foreigner did not take possession of our market in this product it shows that the gentlemen who testified were mistaken. But they are authorities; they are the manufacturers; they are the people from whom our friends on the other side have generally obtained their information; and they came before the Committee on Ways and Means and claimed that, even with the present duty of three-eighths of a cent a pound, something in the neighborhood of $8 a ton, they were not able to compete with the foreigner. We have reduced this duty from 30 per cent to 50 per cent, making that competition more difficult, if their contention is correct; and yet the Senator, who maintains the cost-of-production theory, insists that we have placed it too high.

I desire to ask the Senator if he has looked into that matter and if he has discovered the fact that, according to the claims of those who are producing the article, the present rate is not sufficient to measure the difference in the cost of production,

which he says is the formula which we ought to adopt in fixing rates?

Mr. BRISTOW. I will say to the Senator that I have made some inquiry into this matter, and so I asked the question as to what basis the committee followed in arriving at this conclusion. Now, do I understand the Senator to say that they have maintained a duty of 50 per cent on manufactures of pumice stone because the evidence before the committee showed that that duty was necessary to protect the American manufacturers from foreign competition?

Mr. SIMMONS. No; I said nothing of the sort. I was speaking about the Senator's contention. I will state to the Senator why we reduced it. We are trying to make a competitive tariff. We discovered that with the present rate there were practically no importations of this product into this country; and, carrying out our theory, we have reduced the duty in order that we may stimulate a competition or bring about competition where practically none exists now.

Mr. BRISTOW. Now, Mr. President, if the Senator will observe the Tariff Handbook he will find that there were imported in 1912 over 6,000,000 pounds. That is quite a substantial importation of this kind of an article, it seems to me.

Mr. SIMMONS. I admit there have been considerable importations of the crude materials; but I am talking about the manufactured product.

Mr. BRISTOW. Pumice stone wholly or partially manufactured, according to the notes, was imported to the amount of 6,289,480 pounds.

Mr. SIMMONS. Valued at how much? The total importations last year of pumice stone, wholly or partially manufactured, bearing this three-eighths of a cent a pound duty were valued at only $29,000.

Mr. BRISTOW. But if the Senator will observe, in the column just above that, the amount is 6,289,480 pounds.

Mr. SIMMONS. Yes; 6,289,480 pounds, worth half a cent a pound.

Mr. BRISTOW. It does not seem to have been such a valuable material after all, does it?

Mr. SIMMONS. Not a very high-priced material; no—$10 a ton.

Mr. SMOOT. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. In just a moment, if the Senator from Utah will excuse me. I understand the Senator now contends that this reduction was made because he believed the protective duty of three-eighths of a cent a pound was too high and that it ought to be reduced?

Mr. SIMMONS. Yes.

Mr. BRISTOW. Why did the Senator arrive at the conclusion that there should be a reduction of 75 per cent on the unmanufactured stone?

Mr. SIMMONS. Oh, Mr. President, of course you can not measure everything in golden scales. When you find a duty too high, when you find there is practically no competition and you want to bring about competition, you have to do the best you can to fix a duty which will bring it about. You may succeed or you may not succeed.

Mr. STONE. Mr. President, if the Senator will permit me, I think the answer to that question is found in what I stated some time ago. I will repeat it now, and this is all I have to say about it.

The product that is imported chiefly from Italy and from the other countries I named, particularly the Sicilian pumice stone, the raw material, is of a kind and quality which for the most part, if not the whole part, enters into manufactured articles that do not—except in a limited way, if at all—compete with the manufactured articles made out of the so-called pumice produced in Kansas, Nebraska, and Utah. Hence it seems to me that those who manufacture a different kind of pumice, for uses different from those of the articles made out of the domestic pumice, might have their raw material at a reasonably low tariff rate. Upon that theory, I assume, the House fixed this rate of 5 per cent as against the urgent call upon them by the manufacturers that the material be put upon the free list where it was under the Wilson law. Under the Wilson law as much foreign pumice was imported into this country as was imported in 1910 and 1912 under the high rates of the Payne-Aldrich law.

Mr. BRISTOW. At that time there was practically no production at all in the United States.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I yield to the Senator from Utah.

Mr. SMOOT. I understood the Senator from North Carolina to say that when the committee found a rate that was exceedingly high, with no importations, their thought was to reduce it so that it would become a competitive rate. Did I correctly understand the Senator?

Mr. SIMMONS. That is the theory upon which the bill was constructed.

Mr. SMOOT. Was that the reason of the reduction in this particular item?

Mr. SIMMONS. The House made the reduction. I assume they were following out the principle of fixing a rate that would bring about reasonable competition. They may not have made it low enough for that purpose. I do not know about that. I can not tell. That is a matter in the future. Nobody can tell.

Mr. SMOOT. Does the Senator, then, agree with the statement made by the Senator from Missouri [Mr. STONE] that the pumice stone mined and produced in this country is not used in the manufactured articles of pumice stone?

Mr. SIMMONS. I think there must be a very great difference between the pumice stone manufactured in this country and the pumice stone manufactured from Italian lava. I think there must be, and I gave the Senator my reasons for it.

Mr. SMOOT. I listened to the reasons, and now I want to put those reasons alongside the statement I made that the rate was a competitive one.

Mr. SIMMONS. The Senator is altogether off. The competitive rate I am seeking to bring about is in regard to the Italian product—the imported product.

Mr. SMOOT. Why, Mr. President, that is just the point I am making. If the product of pumice in the United States can not be made into the manufactured article, then, of course, there is no competition in the manufactured article, and it would make no difference, in so far as a competitive rate was concerned, whether it was 5 per cent or 50 per cent.

Mr. SIMMONS. In making that argument the Senator leaves out of consideration altogether the fact that while this high-priced lava is produced only in Italy it is manufactured in this country to a very large extent, as well as in Italy. Large quantities of the crude material are brought in by the manufacturers of this country, and they manufacture it here. What we are seeking to do is to bring about competition between the Italian manufacturers of this pumice stone and the American manufacturers of the same character of pumice stone.

Mr. SMOOT. The argument of the Senator was that it had been reduced to 5 per cent.

Mr. SIMMONS. We were not talking about the 5 per cent proposition at all. We were talking about the 50 per cent proposition. We had left the question of the raw material. The duty on that is reduced to 5 per cent. What the Senator from Kansas and myself were talking about, as I understood, was the duty upon the manufactured product of pumice stone.

Mr. SMOOT. No; the Senator from Kansas is complaining that the bill provides for a reduction of 75 per cent on the raw material, or the pumice-stone importations, and that on the manufactured article of pumice stone it has been reduced from 80 per cent to 50 per cent.

Mr. SIMMONS. The Senator from Kansas did complain of the reduction to 5 per cent, but I did not refer to that duty at all in my statement and in my inquiry of the Senator from Kansas. I was talking altogether and solely about the manufactured product, which in the present law bears a duty of 80 per cent, and in this bill a duty of 50 per cent.

Mr. SMOOT. All I desired was to know the Senator's position in relation to competitive rates, because if this rate of 50 per cent is a competitive rate what does it compete with? It competes with manufactures that are made from imported pumice stone, and not from pumice stone produced in this country.

Mr. SIMMONS. It brings about a competition between the American manufacturer of Italian pumice stone and the foreign manufacturer of Italian pumice stone.

Mr. BRISTOW. I do not care to prolong this discussion; but I was anxious, if I could, to get an answer to my question as to the exact theory upon which these duties are based. So far as my information goes, the Senator is right as to the Italian pumice stone being used largely for polishing silverware, furniture, and so forth, and that particular kind of work is not the kind of work for which our pumice stone is used. Ours is largely used in the manufacture of soap and cleansing materials of different kinds, and the market for that which is produced in the region of the country with which I am somewhat familiar has been with the large packing houses. They complained bitterly four years ago that the duty was raised on

the raw material, and now it seems that they are satisfied, or they certainly should be, because the duty has been reduced on their raw material practically 75 per cent, while the duty on the finished product is maintained as high as 50 per cent ad valorem.

I think that is another evidence of the discrimination in this bill against the original producer, and the maintenance of high duties, when maintained in behalf of the manufacturer, which frequently is in behalf of the great combinations in our industrial life. This little duty illustrates that theory in this tariff bill the same as other duties to which I have called the attention of the Senate.

With the limited attention I have been able to give this particular paragraph I could not fix the duty which I think the manufacturer should have from the standpoint of the cost of production. If the Senator will say that he is entitled to 50 per cent because of the cost of production, the wages paid, and so forth, and can demonstrate that he is entitled to that duty, and that the duty goes into the pockets of the men who receive higher wages here than they do in foreign countries, I shall cheerfully join him in maintaining such a duty. But unless that can be clearly and conclusively shown, I think a duty of 50 per cent on any manufactured product is too much. If that can be shown, I shall not object to it.

Mr. STONE. Mr. President, I ask that the paragraph be agreed to.

Mr. SIMMONS. There is no amendment.

Mr. JAMES. There is no amendment offered, as I understand.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 78, page 19, line 23, after the words "fluorspar, $1.50 per ton," to strike out "limestone rock asphalt, 25 cents per ton; asphaltum and bitumen, 50 cents per ton," so as to make the paragraph read:

78. Clays or earths, unwrought or unmanufactured, not specially provided for in this section, 50 cents per ton; wrought or manufactured, not specially provided for in this section, $1 per ton; china clay or kaolin, $1.25 per ton; fuller's earth, unwrought and unmanufactured, 75 cents per ton; wrought or manufactured, $1.50 per ton; fluorspar, $1.50 per ton: *Provided*, That the weight of the casks or other containers shall be included in the dutiable weight.

Mr. BURTON. Mr. President, I should like to ask the Senator having this section of the bill in charge what is included in the striking out of asphaltum and bitumen here? That includes both the crude and the refined material, does it not, and those are placed on the free list in paragraph 537½?

Mr. STONE. They are placed on the free list.

Mr. BURTON. Both of them?

Mr. STONE. Yes.

Mr. BURTON. Does the Senator from Missouri feel sure that that general designation is sufficient to avoid any difference of opinion in regard to classification? Formerly they were separately classified, the crude bitumen having a duty of $1.50 and the refined bitumen a duty of $3.

Mr. STONE. I understand the same language that is employed here has been used all along.

Mr. BURTON. It has been concluded, has it, that this language is sufficient to include both the crude and the refined material?

Mr. STONE. That is our opinion. If the Senator thinks differently, we shall be glad to have his views in regard to it.

Mr. SIMMONS. I think the language in the present law is the same as this. It is as follows:

Limestone rock asphalt, 50 cents per ton; asphalt and bitumen, not specially provided for in this section, crude, if not dried or otherwise advanced in manufacture, $1.50 per ton.

I see the words are different. The additional words "if not dried" are used. The intention was to put it all on the free list, though.

Mr. BURTON. This does not have to do with limestone rock asphalt. My inquiry related to bitumen.

Mr. STONE. I should like to ask the Senator from Ohio if it is his judgment that this language would not put them both on the free list?

Mr. BURTON. I am inclined to think it does include both.

Mr. KENYON. I desire to suggest that the Senator from Kentucky [Mr. BRADLEY] has an amendment he desires to offer to this section. He was obliged to leave the Chamber for just a moment.

The VICE PRESIDENT. Without objection, the committee amendment will be agreed to, and the section will not be passed until the Senator from Kentucky returns.

Mr. JAMES. I did not understand the Senator from Iowa.

Mr. KENYON. The Senator from Kentucky [Mr. BRADLEY] had to leave the Chamber, and he has an amendment to offer to this paragraph.

Mr. JAMES. We have no objection to its being passed over.

Mr. STONE. Let it be passed temporarily.

The VICE PRESIDENT. Without objection, the committee amendment is agreed to, and the Senator from Kentucky can offer his amendment later.

Mr. KENYON. May his amendment be taken up when he returns?

The VICE PRESIDENT. Yes; that may be done.

Mr. SHERMAN. Mr. President, I do not know the nature of the amendment to be offered by the Senator from Kentucky; but if it relates to fluorspar, before his amendment is finally passed upon, I wish to be briefly heard upon it.

The VICE PRESIDENT. It has been passed over until the Senator from Kentucky comes in.

Mr. JAMES. I can state to the Senator from Illinois that the amendment the Senator from Kentucky intends to introduce does relate to fluorspar.

Mr. SHERMAN. I wish to be heard on it before the subject is disposed of.

Mr. KENYON. I have here the amendment, which I think I will introduce in behalf of the Senator from Kentucky, and then the Senator from Illinois can proceed.

Mr. JAMES. The Senator from Kentucky is now in the Chamber.

Mr. BRADLEY. Mr. President, I shall only briefly detain the Senate. When the time comes to take a vote, I shall ask for the yeas and nays. I do not know that it will do any good for me to call attention to this matter, as our friends on the other side seem to be disposed to maintain the bill as it now stands, no matter what suggestions may be made. I am a little reminded by their position of an old lawyer in Kentucky who was trying a will case. He excepted to about 50 rulings of the court against him; and finally the court ruled once for him, and he excepted to that. The court said to him: "Why, Mr. Jones, I decided in your favor. Why do you except to the ruling of the court?" He replied: "If your honor please, simply to appear consistent on the record." [Laughter.]

It seems to me that our friends on the other side are blindly disposed to keep what they may call their consistency apparent on the record. But I desire to suggest that there are some facts surrounding this industry that do not obtain, as I understand, in regard to any other which is affected by this bill.

In the first place, fluorspar is produced in Arizona, Colorado, Tennessee, southern Illinois, western Kentucky, and some other States. The United States Geological Survey and the surveys of Illinois and Kentucky show that the quantity in the two last-named States is sufficient to supply the demands of commerce for several decades to come.

The value and use of fluorspar is comparatively of recent discovery. The American people ascertained from repeated experiments that it was exceedingly valuable for a number of purposes. In the first place, while it was known and has been known for years to be valuable as a flux in the making of iron, it was discovered comparatively recently that it was peculiarly valuable in the making of open-hearth practice steel. It was found also that it was exceedingly valuable in the manufacture of glass; that it was valuable as a flux in the manufacture of other metals than iron and steel; that it was valuable for the making of fluoric acid; and that it was valuable for the purpose of making enamel for bathtubs and other articles.

Our people, after having ascertained these facts, commenced the development of this industry; and in 1902 in Illinois and Kentucky alone there were 47,170 tons of fluorspar mined, and at that time there were 150 establishments in those two States alone engaged in the manufacture.

What happened? Some enterprising Englishmen who had found out the value of this material went into the counties of Derby and Durham in England, where lead had been mined for centuries until the lead was exhausted. They found there huge piles of mineral containing fluorspar. They took a lease on those dump piles for a comparatively nominal royalty and commenced shipping the product to this country as ballast at the cheap ocean freight rate of $1 per ton. When they reached our coast they shipped it to Pittsburgh, where they sold it for $4.85 and $5 a ton. The result was that the people engaged in this business at home, who were compelled to pay $5, or approximately so, simply to mine this article, were overwhelmed. In addition to that, they had to pay $2.50 freight to Pittsburgh, so that when it reached Pittsburgh the material had actually cost $7.50, and there they were confronted with the dump piles of

England selling at $4.85 and $5 per ton. The result was that the production of fluorspar here shrank in 1907 to 28,655 tons, and the 150 companies were all dissolved except, I believe, 12.

I want to call attention now to the fact that under the Dingley bill there was no protection on fluorspar; but there was contained in that bill a section providing that "minerals in a crude state not otherwise referred to" were to be admitted free of duty.

Under that provision the English fluorspar came into this country free. We were confronted with this condition of affairs. The industry here was doomed. In 1909 the Aldrich bill was passed, placing a duty of $3 a ton upon fluorspar, which gave the American manufacturer the advantage only of 50 cents a ton over the foreigner. Under that bill the production increased. In 1909 it amounted to 50,742 tons; in 1910, to 69,417 tons; in 1911, to 87,048 tons; in 1912, to 116,545 tons—of the value of $769,163.

Meanwhile, notwithstanding this tariff, there were imported into this country in 1911, 22,588 tons, showing that the tariff of $3 per ton is not at all prohibitory—because nearly one-sixth of the article consumed was imported—but is absolutely necessary to the maintenance of this industry. We might call this an infant industry. Our people have engaged in it, and they have expended their money in order to develop it, until it has become fairly remunerative, and there are nearly 2,000 laboring men engaged in the mines in Illinois and Kentucky.

Now the question arises, Why should we have this change? So far as the production at home and abroad is concerned that does not enter into this discussion. There is no cost of production abroad. The article is already produced, and the only cost is to shovel it up and ship it to this country and dump it upon our people. Therefore I say the cost of production has nothing to do with it.

The second question is, What effect does this tariff duty have? Does it increase the price to the consumer? Why, Mr. President, the tariff on fluorspar is a mill and a half per pound. It requires from 5 to 10 pounds of fluorspar to flux a ton of steel. In other words, it costs 7½ to 15 cents a ton—so infinitesimally small that it can have no effect whatever on the cost to the consumer. Besides, if any benefit is to be received from this change it will be received by the steel manufacturer, who is not asking it. No manufacturer of steel has asked that the tariff on this product should be reduced. Therefore I say that the only result of this legislation will be to punish the people who have invested their money in this enterprise, absolutely destroy their business, and throw 2,000 miners with remunerative wages out of employment.

Is this done to compete with a foreign country that mines fluorspar? No. If it were mined in England it might be said there would be something proper in adjusting the tariff so as to allow the difference in cost of production in this country and that. But it is not mined there. It is simply brought here, as I said, and dumped down. The only result of the reduction of duty would be the absolute destruction of the interest of our people and the absolute destruction of this industry.

Now, I can not believe that this Congress desires to do anything of that sort. But it will be said some revenue may be derived. How much revenue, with a duty of $1.50? You say you can get at any rate as much as you get now, because the quantity will be doubled that is shipped in. We will get about $60,000 revenue for the coffers of the National Government. We will be obtaining this paltry sum of revenue which at last is produced by the sale of the dump piles of the Old World as against our manufacturers, and to do this we will cut the tariff to $1.50. After our industry is destroyed the foreigner will increase the cost to the amount which is now paid.

I appeal to my friends on the other side of this Chamber. This is an injustice, and it is an injustice in behalf of the foreigner who has not a legitimate industry. It is an injustice, because it puts money into the hands of men who simply are taking advantage of an old situation while it destroys us.

I appeal to my friends on the other side to give us this duty of $3 a ton. I do not know whether that appeal will amount to anything or not. But I appeal to you not to destroy this new industry that has been developed by American genius and American workmen who have found the uses of this article and who have made it what it is.

It is now upon a semisecure basis. These people are not getting rich, but they are able to make the business profitable. I do hope that the Senate will not see fit to vote down the amendment which I have offered.

Mr. SIMMONS. Mr. President, I simply want to call the Senator's attention to the fact that in 1912 the price of fluorspar imported into this country without the duty was $2.78 a ton. In 1912, the same year——

Mr. BRADLEY. Where does the Senator find that?

Mr. SIMMONS. I find that in the statistical report of the United States Government.

Mr. BRADLEY. I find it just the other way.

Mr. SIMMONS. If the Senator will read the Democratic handbook here, he will see that those are the figures given by the department, and the figures as to import unit of value are taken from the official figures.

Mr. BRADLEY. Fluorspar sold in this country in 1912 was valued at about $7 a ton; to be exact, at $6.59.

Mr. SIMMONS. That is exactly the point I was going to call the Senator's attention to. That is exactly true. The unit of the price of fluorspar produced in this country last year was $7.02. That was the average price for the American product.

The imported product, less duty, was $2.78, making a difference between the price at which the article could be bought abroad and brought here, leaving the duty out, of nearly $5. What I wish to ask the Senator is this: Does he not think where we can buy an article for $2.78 that $7 is too much to require the people of this country to pay for that article, and does he not think that there ought to be something done in order to reduce the domestic price?

Mr. BRADLEY. Do I understand the Senator to say that this article can be bought in this country at $2.78?

Mr. SIMMONS. If the Senator will just refer to the handbook, he will see——

Mr. BRADLEY. I understand that, but will the Senator please——

Mr. SIMMONS. I am speaking of the handbook, giving the values.

Mr. BRADLEY. Does the Senator say it can be bought here for $2.78?

Mr. SIMMONS. Let me read from page 91, giving the imports, the value of imports, the unit of value, and the duties. The Senator will see that the imports of that year were 22,664 tons, and the value was $62,994, the average unit value $2.78.

Mr. BURTON. Will the Senator from Kentucky allow me?

Mr. BRADLEY. Certainly.

Mr. SIMMONS. Of course I can not speak for the accuracy of those figures; but I have now the Government's figures and they are just the same.

Mr. BURTON. I should like to ask the Senator from North Carolina a question, which in this case is of rather vital importance. Are those figures the foreign price, minus freight?

Mr. SIMMONS. They are the invoice price of the goods.

Mr. BURTON. That would be minus freight.

Mr. SIMMONS. Yes; the invoice price of the goods minus freight.

Mr. BURTON. That fact assumes a great deal of importance here—I think it has not been specially worthy of notice in most of the items taken up—because the freight from the place of origin is a very considerable item.

Mr. SIMMONS. Does the Senator know what it is?

Mr. BURTON. It would be at least a dollar a ton—probably more. Possibly it is brought as ballast from the shipping point.

Mr. SIMMONS. Assume that, and still you have a difference between the foreign price and the domestic price of about $7. That seems to me to be too much for the American people to pay. It is evident they are taking all the benefit of this duty and adding a little something to it, and that seems to me to be rather too much to expect the American people to pay.

Mr. BRADLEY. If the freight of $1 is added to the invoice price of $2.78, then the cost here was at least $3.78, and the Senator was mistaken when he said it could be bought for only $2.78 per ton.

Mr. President, in the first place, you not only add the freight, but you must add the cost of moving the fluorspar from the seacoast to the market at Pittsburgh. So that at last it will be found that the figures of the Senator from North Carolina [Mr. SIMMONS] are not illuminating. But suppose we admit that you can get it here for $2.78 a ton, then that is 22 cents less than the tariff of $3 a ton. If you can get it here for that amount of money, the tariff does not affect it, and the only result of the tariff has been to cheapen the article so that the consumer does not pay the tax.

Mr. SIMMONS. I will say to the Senator that the tariff under the present law is $3 a ton.

Mr. BRADLEY. Certainly.

Mr. SIMMONS. And you add that to this duty here. That would make about——

Mr. BRADLEY. That is all right, but what I am saying is that the tariff being $3 a ton, the article can be bought for only $2.78.

Mr. SIMMONS. I have not said the article sold in this country for $2.78. If there were no tariff on it then the article would sell in this country for $2.78 plus the freight, whatever that may be, and plus the profit.

Mr. BRADLEY. The Senator is again mistaken. If the invoice price is $2.78, the ocean freight $1, and the freight to Pittsburgh, say, $1.50, the net price here would be $5.28 per ton, when it costs in this country to dig the ore out of the ground $5 a ton, exclusive of any sort of transportation.

Mr. SIMMONS. That is exactly what I am saying. The unit value of this article imported is $2.78 a ton. The freight is probably another dollar. That is $3.78. The producers of this product in your State have added that tariff of $3; and they have added the freight, $1; and they charge $7 for it, which makes the foreign import price plus the duty plus the freight. They have taken advantage of it at the cost of the American people.

Mr. BRADLEY. Do I understand the argument of the Senator to be that, with $1 freight added, the foreign article is worth $3.78?

Mr. SIMMONS. Yes.

Mr. BRADLEY. And notwithstanding that fact, it can be sold for $3.78 when the producer in Illinois and the producer in Kentucky are selling it for $7?

Mr. SIMMONS. The Senator is mistaken. It can not be sold under the present law for $3.78 because it would have to pay a duty of $3 before it would get in, which would make the price $6.78. The domestic producer, therefore, takes advantage of the $3 tariff and of the whole of the $1 freight, if the Senator from Ohio [Mr. BURTON] is correct about the amount, and charges them to the American people upon every ton they buy in this country.

Mr. BRADLEY. Suppose that be true; that it is $6.78 a ton net after the tariff is paid, and yet the figures here show that the home product sells for only $6.50, and it costs $5 to mine it. The other is already mined and is brought here and dumped down on our people, and who have the advantage of only 19 cents a ton.

Whenever you repeal one dollar and a half of this tariff and allow this foreign article to come in here, the net price would be $5.28, and you would close every fluorspar mine in the United States, and that is the end of it. There is one thing certain, no one will ever come to this country to buy fluorspar piles, because there will be none here to buy, for we will never be able to take it out of the ground if this policy is to be carried out.

Mr. SHERMAN. Mr. President, I can not add very much to the concise statement made by the Senator from Kentucky [Mr. BRADLEY], but there is an entire community of interests between us, and as a celebrated Democratic authority stated at one time the tariff was a local question. I add some further comment. The view taken in that way stated it in a somewhat narrow but a very practical manner. The country is a combination of local and occasionally selfish interests, and that is what commerce is sometimes. But we are trying to maintain all those local interests for the purpose of promoting the general welfare of the whole.

I am not oversanguine of making any impression on my Democratic brethren, Mr. President, but "hope springs eternal in the human breast," and I return to the onslaught repeatedly. I do not know whether it is that alone or whether, as trial lawyers say, we are perfecting our record in order to go up on it some time. At least, if economically our brethren are right, then we have been everlastingly, eternally, and economically wrong, and the question had just as well be appealed and heard by some court of competent authority in order to find out if possible whether it can ever be settled. I am not oversanguine as to having any permanent settlement made in this Chamber by the passage or defeat of this bill.

With this one item, however, and that seemingly insignificant, Mr. President, there is tied up the employment or idleness of some hundreds of men in a State which temporarily I have the honor to represent. It is a part of this country that did not develop very rapidly in the early times. A considerable mineral value has been discovered in that part of the country. Some of the largest soft-coal mines in the world are found in that end of the State. In portions of southern Illinois there is a very large tonnage of soft coal mined. The veins run from 12 to 14 feet. With that development men began to examine other resources of that country. As far back as 1842, long before anyone dreamed of its having a commercial value, fluorspar was taken out and carried away as a curiosity because of its attractive coloring.

It is always found blended with a greater or less percentage of lead and sometimes other related products. Occasionally there is zinc, but generally the galena blend is the strongest of any other known mineral. In the early times of this mining question there was an opinion that it was an indication of lead. In the northwestern part of Illinois and in the southwestern part of Wisconsin the development of lead has been very profitable to those working that mineral. When it was found down in the fluorspar country it was supposed that lead deposits in profitable quantities could be developed. In the first instance, back in 1842, it was prospected solely for lead. It was not until along in 1862, some 20 years after, that it was discovered that fluorspar had a commercial value. Later it was worked in small quantities.

Something has been said here of prices. In this Democratic handbook I have made such investigation as I have been able, coupled with other information I have on the subject. The unit value here of the importation fixes $2.78 as the correct figure. The unit value is the invoice value abroad, free on board the vehicle of commerce. That invoice value is either on a car ready for transportation to the seaboard in Derbyshire or in points in England where it is found. It is quoted on board the vessel. I can not be entirely accurate as to saying which it is, but it is free on board at either the sea point or at the point where it is delivered to the car in the interior of the island, as stated.

The lead mines of England have been worked for centuries. They are like the stannary districts where the tin mines were in existence at the time Caesar crossed the channel and invaded England. Almost from that time the lead mines of England have been worked. The bullets that were molded in the ancient wars of England were taken from the very mines out of which those tailings come to-day to sell at Pittsburgh in competition with this product from the Ohio River.

The fluorspar has lately acquired industrial significance. In former years its use was largely confined to enameling, watch dials, for chemical purposes in refining antimony and lead, and making hydrofluoric acid; in later years to the production of aluminum, and it is also used in the manufacture of sanitary wares, as a bond in manufacturing emery wheels in making opalescent glass, and in making electrodes for flaming arc lights, increasing the illuminating power and decreasing the current. More recently it is used extensively in open-hearth steel furnaces. It is estimated that about 80 per cent of the American production is consumed in such furnaces in the United States. With the increasing use of steel the demand for fluorspar is constantly enlarging. Fluorspar is used as a flux in steel manufacture. Competent authority from the laboratory and furnace says it reduces the sulphur and phosphorus and increases the tensile strength of the steel. It saves more iron than any other flux.

There is a wider field of distribution, I apprehend, than the authors of this paragraph had anticipated in this article. It is distributed in the United States in the Appalachian areas from Maine to Virginia. In the Mississippi Valley the important producing districts are in Kentucky and Illinois, which lead all other portions of the Union. At Jamestown, Colo., in Arizona, and New Mexico, near Deming, of the West and Southwest produce considerable quantities. Tennessee produces some. Western Kentucky is second only in production. The deposits lie along the Ohio River. In Illinois Hardin and Pope Counties lead in the production.

A remarkable development of this product has been made in very recent years. In 1883 the first available statistics on fluorspar show there were 4,000 short tons, valued at $20,000, produced in the United States. In 1911 there were 87,048 short tons, valued at $611,447. In 1911 Kentucky reported a total sales of 12,403 short tons, valued at $96,574. From Illinois the same year there were 68,817 tons, valued at $481,635. This includes gravel spar, lump spar, and ground spar in both districts. Colorado, New Mexico, and New Hampshire produced 5,828 tons, at an aggregate value of $33,238. In foreign countries it was distributed for 1910—the last available statistics—as follows:

	Tons.
Austria (metric tons)	8,000
France	8,264
Germany (exports; this country no longer reports production)	17,988
Spain	180
United Kingdom	62,607

This is a total production abroad of 97,039 tons. The Senate handbook estimate is 40,000 tons of imports for 1913 and 1914, as against 22,664 tons imported in 1912 and 16,561 tons in 1910. This estimate shows our friends expect fluorspar imports to be doubled on a 50 per cent reduction. The largest production area in western Kentucky and southeastern Illinois furnishes under present conditions a large part of the domestic supply. England is our chief competitor. It is there derived, as stated, from waste dumps and tailings in the lead districts. Since 1903 there

has been a steadily increasing production from this source. Nearly 62 per cent of the entire British output was exported to the United States in 1910. Only small quantities were exported from England to continental Europe and Canada, estimated at from 17 to 25 per cent of the total production. Opinions on the quantity available in England differ. Some authorities there say that more than 90 per cent of the gravel spar is obtained from lead-mine dumps. Competent authority in that country says the supply is practically inexhaustible. Other authorities contradict this. It is produced there at a very low labor cost, and as it comes from waste dumps, its total production cost is low. It is carried as ballast in freight boats and is a highly competitive product with our domestic article. It competes as far west as Pittsburgh and extends southward in its entry to Birmingham, Ala. The latter is comparatively small, being confined to 39 tons for the port of New Orleans. The imports of this article are the largest at Philadelphia, being 21,129 tons; at Boston, 901 tons; New York, 391 tons; Baltimore, 78 tons; San Francisco, 50 tons, for 1912. The importations have fallen off since 1910. The total for the year ending June 30, 1912, being 22,588 tons.

The low ocean freights and low production cost in England make it a profitable article of export. Before 1909 fluorspar was free listed. Under the present law it is dutiable at $3 per ton.

The importations of this article have decreased since 1910, reaching 42,000 short tons in that year and falling to 32,764 tons in 1911. For 1912 there were 22,588 tons, and for the first nine months of the fiscal year 1912–13, 17,387 tons. It is significant that the importation of this article has decreased since the act of 1909 placing a $3 per ton duty on it. It is important to note that the average valuation of the imports per ton in 1909 was $3.78; in 1910, $3.18; in 1911, $2.46.

If, with this duty to equalize the production cost, the foreign product is still able to be competitive, the domestic product will meet destructive competition when it suffers the 50 per cent reduction made in this bill. An authority on this subject writing in 1905, prior to the imposition of the $3 a ton duty, says:

> Importers have now a slight advantage in the Pittsburgh market on this grade of ore. The American producers' only competitors are the importers, and competition with them is mainly a matter of transportation costs.
>
> The fluorspar imported from England is derived from waste dumps and is obtained at very little expense. A few years ago this did not exceed a cost of $2.31 per ton at Liverpool. As the material was generally carried as ballast, the freight rate to American ports was very low, and even with the addition of railroad freight and the tariff was able to compete with the American product at eastern points. Many fluorspar mines in South Durham and Derbyshire were idle and the production was only about half that of 1910. Few orders from the United States were given. The fluorspar mining in the United States must be carried on very efficiently under these circumstances in order to pay.

Considerable labor is required to put the spar in merchantable form. Birmingham, with its increasing industry, is using considerable of this product. The last reports available show that steel centers are taking a steadily increasing quantity. Many of the smaller companies, even with this increasing market, were idle in the Illinois-Kentucky district last year. The development of the mines and transportation facilities can be had only if the American market is kept intact. Fluorspar runs in veins. It is not merely a general rock deposit. It is mined as many metals are. Shafts must be sunk, tunnels driven, and the veins worked. They run in thickness from a few inches to 22 feet. The operation, sorting, and screening of the spar requires expensive machinery especially designed for that purpose for its economical production. The Kentucky area has declined until lately as compared with other points in this country.

This is attributed by those familiar with conditions to failure to appreciate the highly profitable, useful character of the spar, and that lead and zinc are usually by-products only; lack of competent engineering devices, lack of sufficient capital, and failure to provide adequate time for proper development; want of skilled miners and steady employment. With these latter conditions are combined the lack of good wagon roads at some producing points and other transportation facilities. The competitive import has helped hinder development until 1909 and 1910. Prior to 1909 its import value was $1.32 higher per ton than it was in 1911 after it was made dutiable. The imported article can be purchased advantageously, even under present conditions at any Atlantic port of entry. In the free-trade period of fluorspar the average cost to the consumer, including the $3 per ton duty, exclusive of freight, was $6.18 as compared with $5.43 for the domestic article.

It is evident that the future of this product in the United States depends upon the retention of the domestic market. The industry is not fully developed. It will be only under present conditions. If foreign fluorspar crowds the market in the eastern steel-producing centers, the Kentucky-Illinois developments will ultimately cease. British freight boats carrying the extracted fluorspar from the tailings and mine dumps of England will take the market of the eastern United States. The method of through freights from foreign shipping points to Pittsburgh and other interior steel centers facilitates the loss of American markets in this article. The railway freight from the Atlantic ports to Pittsburgh or other steel manufacturing points, figured in the through foreign rate, is so low as to be dangerous to the domestic article. When the freight rates in the United States from the fluorspar mines to the markets it must seek are put alongside of the combined ocean and railway rates to the United States, a material advantage to the foreign exporter is apparent in addition to the 50 per cent reduction in this bill. Whatever form it may assume, whether it be the commoner forms of earthenware made in Liverpool, Ohio, or made in northwestern Illinois, or other manufactured merchandise put on the market, are in the last analysis from 60 to 90 per cent labor cost, even if you take all the overhead charges of putting it on the market, cost of maintenance, and allow a liberal estimate for dividends on the amount of capital invested in the enterprise.

Fluorspar is in the same condition. It is a natural product. It is not earth that is shoveled up as is gypsum on the coasts of Nova Scotia and New Brunswick, but it runs in veins. It has a side wall and an underlying or foot wall. In the Rosiclare mine there is a shaft more than 300 feet deep with tunneling leading out from it following the veins through the various dips and directions they take. It requires skill for miners to work this article. It requires a special form of plant. The Rosiclare mine is the most complete of these enterprises in this country. It has a specially devised plant and machinery.

The men who do the work connected with this machinery are well paid. They are paid on an American standard of wages, as has already been stated. By the time it reaches the open-hearth furnaces in the city of Pittsburgh, at the price quoted of $7.02 a ton as a commercial article, it is fair to say that more than eighty cents out of every dollar on that ton is American labor down on the Ohio River that produces it. It is not profitable unless we have the market.

It means, as the Senator from Kentucky [Mr. BRADLEY] has said, the death knell of this industry in Kentucky and Illinois. It is perfectly evident from the authorities I have consulted—and I have read both sides of the question—that the future of this production in the United States depends upon the retention of the domestic market for the present producers of this article.

The industry has not been fully developed in this country. There is some in Tennessee awaiting development and a small outcropping in Arizona that nobody has developed so as to see whether it is sufficient to be profitable or not. There is a great deal of it undoubtedly yet in the State of Colorado; but a single plant at Pueblo, the Colorado Fuel & Iron Co., is now taking all that can be produced there and near Deming, N. Mex.

Mr. BURTON. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. SHERMAN. I do.

Mr. BURTON. Can the Senator give what that freight rate is?

Mr. SHERMAN. I can not give it.

Mr. BURTON. I was rather curious to know just what is the rate.

Mr. SHERMAN. I have not that freight rate. I wrote for it, and even telegraphed for it, but I have not been able to obtain it. If, however, the ocean freight on similar products is taken, I can generalize now without giving you the figures. It is a condition similar to that stated by the Senator from Iowa [Mr. CUMMINS] a few days ago when the discussion of another product raised the same question.

If the ocean freight be deducted from the joint ocean and rail rate from Liverpool to Pittsburgh, the rail rate from Philadelphia to Pittsburgh is lower than a domestic shipment between the latter points.

So there is competition in the matter of freight rates which we have to meet in addition to this destructive cut made in this bill of 50 per cent. These considerations taken together simply spell out the destruction of this industry.

Mr. JAMES. Mr. President, I am somewhat familiar with the fluorspar situation. Practically all the spar produced in Kentucky is mined in the county in which I live. I think my colleague, the senior Senator from Kentucky [Mr. BRADLEY], was mistaken when he said that it cost $5 a ton to mine it. I think the fact is that it costs about $2.50 a ton to mine it. The spar mines——

Mr. BRADLEY. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Kentucky yield to his colleague?

Mr. JAMES. I yield.

Mr. BRADLEY. I obtained my information from gentlemen engaged in the business in the Senator's county. I think Mr. Nunn was one of them.

Mr. JAMES. I think the Senator has confused the statement of Mr. Nunn as to the cost of production with his statement as to the cost of putting the product upon the railroad, because the mines are some 9 or 10 miles in the country, and it costs from $1.25 to $1.50 a ton to bring the supply from the country to the railroad track. The miners in my county are paid from $1.75 to $2 a day. The total number of people engaged in this work in the whole country is about 700. The best friends I have in the world are the men who own those spar mines, and if I were disposed to act like one of those gentlemen who want to place the products of everyone else on the free list and to have a tax placed on his own, I would be opposed to the reduction of this rate from $3 to $1.50 per ton.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Kansas?

Mr. JAMES. I yield.

Mr. BRISTOW. Will the Senator please advise us why a duty of 50 per cent is desirable on fluorspar, when 5 per cent on pumice stone and 10 per cent on gypsum are regarded as sufficient?

Mr. JAMES. Mr. President, the Senator from Kansas can not deflect my argument to wool grease or dextrine or some of those small things about which he has been arguing heretofore.

Mr. BRISTOW. If the Senator will pardon me, I was not trying to deflect it upon wool grease or dextrine, but upon gypsum and pumice stone.

Mr. JAMES. I will tell the Senator why this rate is placed at 50 per cent. It is placed at that rate solely to produce revenue. The Senator has heard the senior Senator from Kentucky [Mr. BRADLEY] say that it was not a protective duty. I am not in favor of a duty in this bill upon a product of my home county or anywhere else for the purpose of protection. I believe the taxing power can only be properly used for the purpose of obtaining revenue sufficient to run the Government.

Mr. BRISTOW. Would not a duty above 5 per cent produce more revenue on pumice stone than a duty of 5 per cent?

Mr. JAMES. Oh, Mr. President, the pumice-stone matter was argued out. The Senator took up about three hours on that proposition yesterday, and I thought he was properly enlightened, but if he will permit me, I merely want briefly to discuss the question that is now before the Senate. The duty on pumice stone has already been settled.

Originally the rate placed on this commodity by the House of Representatives in the Payne bill in 1909 was a dollar and a half a ton. That is all the producers thought they wanted then, and that is all which was thought necessary for the purpose of making competition between the home producer and the importer. That rate came to the Senate and was increased to $3 per ton. The House of Representatives, framing a Democratic tariff bill for the purpose of obtaining revenue without the purpose or intent or desire of protecting anybody, thought that a tariff rate of one dollar and a half on this article would produce revenue and at the same time afford fair competition between the importer and the American producer.

It is true, as the senior Senator from Kentucky [Mr. BRADLEY] has said, that a great deal of this spar in England is in old heaps, where in former days, as they were engaged in other mining and did not know of its value or its use, it was thrown out, and it is gathered up there now, perhaps, at a price of a dollar a ton, is screened, and then brought over here. The truth is that the spar-mine operators in Kentucky, in my home county, and in the counties of Illinois started this industry not under a protective tariff; they had no tariff at all, but had to meet the competition of the world, and they did meet it.

Mr. BRADLEY. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Kentucky yield to his colleague?

Mr. BRADLEY. I should like to ask my colleague a question.

Mr. JAMES. I yield.

Mr. BRADLEY. Was there any competition with the world at the time our people commenced this industry?

Mr. JAMES. Oh, well, as to the discovery of the use of fluorspar——

Mr. BRADLEY. Has not that competition grown up since we started the development of this enterprise and since we discovered the many new uses and value of fluorspar?

Mr. JAMES. Of course, none of it was imported here until its use was discovered; which has been within the last few years.

Mr. BRADLEY. Then, I will ask the Senator if it was ever valuable until its use was discovered?

Mr. JAMES. Certainly not. Of course, it could not have been valuable until its use was discovered; but I can say that in Kentucky, when fluorspar was first discovered, they used to go and take it right off the top of the earth; and there are many places there now where it can be found. Hundreds and hundreds of wagons loaded with fluorspar have been brought into the town in which I live, for which they did not have to go into the earth to mine it, but now they do have to mine far into the earth to obtain it.

As I was proceeding to say, the original rate upon fluorspar was $3 per ton, which was an ad valorem of 107.94 per cent. This rate is reduced to 50 per cent ad valorem, and therefore makes the rate $1.50 per ton. The peculiar conditions in England were the reasons urged for the tariff rate. Now, the House of Representatives have reduced this rate to $1.50 a ton, and the Democratic members of the Finance Committee of the Senate concur in their finding. We reckon that it will produce revenue to the extent of $60,000 annually.

It is almost a question of freight rates. In the part of the country in which I live, western Kentucky, the railroads have discriminated against the spar shippers. They give a fairer and a better rate to the spar shippers right across the Ohio River at Roseclare. They did that to such an extent that the owners of the spar mines in my own county appealed to me to appear before the Interstate Commerce Commission in their behalf.

The spar business in western Kentucky, in my judgment, will go on under this bill. One dollar and a half will make a fairly competitive rate for them and will produce revenue for the Government.

My colleague, Senator BRADLEY, proceeded in his usual good-natured and eloquent way to implore us to restore the rate of 107.94 per cent. His eloquence was most touching, and I thought that it was having considerable effect upon this side, until the Senator from Illinois [Mr. SHERMAN] rose and started to speak, and the longer the Senator from Illinois spoke the more thoroughly he became convinced of the hopelessness of the case, and at last he defied us and told us that he hoped for no relief at all.

In this bill as reported by the Finance Committee we leave a 50 per cent duty, while reducing the rate fifty-seven and some odd per cent. The spar mines in my county can live under it, and if they can not they are not entitled to survive.

Mr. BRADLEY. Mr. President, I understand my distinguished colleague to say that the cost of mining fluorspar in his county and putting it on the train is about $5 a ton. I will not take the time to discuss the difference between that statement and the statement which I made, that the labor cost is about $5 in getting it ready for the market.

The Senator says that with a duty of $1.50 a ton the spar mines in his county can live. Let us see how they can live. It costs $5 a ton to put this spar on the train; the freight rate to Pittsburgh is $2.50, so that, when it reaches Pittsburgh, it has cost $7.50. According to the statement of the distinguished chairman of the Finance Committee, the fluorspar in the Old World is valued at $2.78 per ton in the invoice. It costs a dollar a ton to bring it to this country. That makes $3.78. Let us say that it costs—put it as high as you please—a dollar a ton to take it from the coast to Pittsburgh. That will make a total of $4.78; and when the fluorspar from the county of my distinguished colleague reaches the Pittsburgh market, costing $7.50, it is confronted with spar delivered there at $4.78, with proposed rate of $1.50, making $6.28. I should like to know how the fluorspar industry in his county can live under these circumstances? Mr. Nunn says it can not.

Mr. JAMES. Mr. President, my colleague entirely misunderstood what I said. The Senator himself stated that it cost $5 a ton to mine fluorspar in Kentucky. I said that in my judgment, that was an error; that it did not cost exceeding $2.50. He then replied that some gentleman in my home town had given him that information, and I said that, perhaps, he had confused the cost of mining with the cost of hauling it from the mine, 7 or 8 or 9 miles in the country, to the railroad station. Now, I will read from the brief filed by Mr. Nunn, who appeared for these people. He states:

> In other sections of Illinois and Kentucky the hauls are made by wagon from the mines to the nearest railway station at a cost varying from $1.25 to $2 per ton.

I notice that the Senator from Illinois [Mr. SHERMAN] did not give the cost of mining spar. They speak of the competition which at a certain rate of duty will destroy them, but, singularly enough, they do not tell us how much it costs to mine it. Two dollars and a half a ton, in my judgment, is all that

it costs to mine fluorspar, and $1.25 or $2 a ton to bring it to the market. Mr. Nunn himself further states in this brief, that under the tariff rate of $3, if they could receive, approximately, $6 per ton at the Pittsburgh field, they would be satisfied.

Say that the import price is $3 a ton and that $1.50 is the tariff rate. That makes $4.50. The freight rate is at least $1.50 from England to Pittsburgh, Pa. That makes $6. The statement that I made is this—and I notice it has not been refuted—that these fluorspar mines in my own State never did close up. The Senator from Illinois is mistaken. The fluorspar mines owned by Blue & Nunn, practically all of them in Kentucky, were operated all the time, and were operating when they came here to appeal to Congress to give them this rate of tariff. They only asked for $1.50 a ton, but the Senate was overgenerous with them and made the rate $3 per ton. Now, the House merely put that rate back to $1.50, not for the purpose of protection, but for the purpose of revenue, and that alone.

Mr. BRADLEY. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Kentucky yield to his colleague?

Mr. JAMES. I do.

Mr. BRADLEY. I desire to correct my colleague in his statement as to nobody asking for $3 a ton duty, but only a dollar and a half.

Mr. JAMES. The Senator misunderstood me. I stated that in the House they asked for a duty of a dollar and a half a ton.

Mr. BRADLEY. Oh!

Mr. JAMES. At the time the Payne bill was framed and passed the House they got exactly what they wanted.

Mr. BRADLEY. I wish to say in that connection that I received quite a number of communications and talked to quite a number of people who were interested in the bill of 1909 who insisted that the amount fixed by the House was too small, and that they should have $3 a ton, and that $3 a ton was given to them by reason of an effort that I made in the Senate.

Mr. JAMES. That is true. I admit the statement of the Senator that it was through his influence that this rate was written into the law. I know that they appealed to the Senator and they petitioned him, and that they petitioned and appealed to me. If there is one class above another in all Kentucky for whom I have a genuine affection it is these men who own the spar mines. I grew up with them; I was a schoolboy with them. But I say this rate is a just rate, and their mines will not have to go out of business.

Mr. BURTON. Mr. President, I dislike to differ from my friends the Senators from Kentucky and the Senator from Illinois. If this bill were framed upon a different principle I might not take the view which I now take, which is that if the proposed legislation is to be consistent, if the pending bill is to be fair and equal to all commodities and all localities, there should be no duty on fluorspar.

It will be noticed that the proposition of the bill is for a duty of $1.50 a ton, which is 54 per cent on the invoice price. As regards the quantity used, it is for the most part utilized in the manufacture of open-hearth steel.

Let us notice now some other duties on articles of similar use. Iron ore is on the free list, although there has existed a duty for scores of years. Probably my own city and my own county are more interested in that commodity than any other portion of the United States; but I want to say that the owners of the iron-ore mines have acquiesced in the removal of that duty, or at least the most of them have. Coal is free from duty. Coke is free from duty. So are scrap iron, scrap steel, pig iron, and ferromanganese. Not even the most finished watch has a duty of more than 30 per cent, and yet on this article of fluorspar a duty of 54 per cent is levied. Where is the justice in that? How does that compare with the rest?

But it is said that it is for revenue that the duty is levied. Mr. President, I do not think there could be a more conclusive argument that revenue duties should be levied only on non-competing products than this item. The moment you levy duties on competing products you throw the door wide open for discrimination and unfairness to different portions of the country—most unconscious discrimination, no doubt.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. BURTON. Certainly.

Mr. JAMES. Do I understand the Senator now to be opposing the rate of $1.50 a ton?

Mr. BURTON. I say if this bill is consistent, if the proposed legislation is consistent, if this item is squared with other items in the bill, there ought to be no duty.

Mr. JAMES. I merely desire to direct the attention of the Senator to the fact that he voted for a duty of $3 a ton four years ago when the Payne-Aldrich bill was under consideration.

Mr. BURTON. Mr. President, I do not know how I voted. If I had noticed this item four years ago, I certainly should have criticized it, just as I did tungsten and a number of other items of that nature. I voted for the Payne-Aldrich bill. There is no doubt of that; but I do not recall this item.

Mr. JAMES. The Senator voted for the bill, and it was up before the conference, too, and the Senator made no objection.

Mr. BURTON. The Senator from Kentucky can not in any way prevent me from arguing as to what is a proper principle by saying: "Oh, you did something four years ago that is inconsistent with what you are doing now." If this rate of $3 was in the Payne-Aldrich law, and it is there, it was one of the worst blemishes on the bill.

I was just saying that, most unconsciously, those who frame tariff bills, where they levy duties for revenue on competing articles, some of which are produced at home and some abroad, exercise partiality for their own locality. Here is fluorspar, an article competing with the foreign product. There is wool; there is iron ore; there is sugar—all in the same category. If you are levying duties for revenue, why do you put a duty of 54 per cent on fluorspar, the product of Kentucky and Illinois, and remove every dollar of duty from wool? Could you not get a far greater revenue from levying duties on wool? Further, fluorspar is a product of only Kentucky and Illinois, while there is not a single State in the Union on whose hills sheep may not be found. If you are after revenue, why do you not pursue the course that we have been pursuing these 16 years and continue the duty upon sugar? Why do you with ruthless hand take off all these duties and leave 54 per cent—about the highest duty in the whole bill—on fluorspar, a raw material?

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. BURTON. I do.

Mr. BRISTOW. I think there was a higher duty on dextrine.

Mr. BURTON. Possibly there was. This is the highest one I have noticed.

The Senator from Kentucky [Mr. JAMES] yesterday said he thought gypsum ought to be on the free list. I was very much pleased with the remark of the Senator from Mississippi [Mr. WILLIAMS], in treating of gypsum, when he said that if there were a great supply up there in Nova Scotia that you could pile right on board the boat—perhaps he did not use so inelegant an expression as that, but he meant a supply that was very near the coast—it was a dispensation of Providence that our people should get it so cheaply, and they ought to allow it to come in free. If fluorspar abounds in the dump heaps of Durham and Derbyshire, why should we not regard that as a dispensation of Providence, and admit it entirely free?

The freight rate is a considerable protection to the domestic product. The ocean freight from the port on the other side, where it is invoiced at $2.78 could not be less than $1. At any rate, it would not be so low as that except for the fact that heavier freights go eastward, and they can carry westward loads of large bulk at a cheaper price, and this article might perhaps be carried as ballast. But it is evident that there is a joint or combination rate, steamship and railroad, to Pittsburgh. The railroad rate from Baltimore or Philadelphia to Pittsburgh, I take it, would be $2 or $2.50, and the total separate rates, $3 to $3.50. The Senator from Pennsylvania [Mr. OLIVER] can tell more about that than I can. What would be the rate from Baltimore or New York or Philadelphia to Pittsburgh?

Mr. OLIVER. I think the rate from Baltimore or Philadelphia or New York to Pittsburgh would not be less than $2.50 a ton; but I have no doubt that there is a through combination rate that would make it very much lower.

Mr. BURTON. I want to say to the Senators who have argued so earnestly on behalf of this article that if they really want to gain an advantage for their product, the best way for them to do is to advocate the abolition of these combination rates, both on imports and on exports. Suppose it did cost but $2.78 at the seaboard in Great Britain, after having been shipped from Derby or from Durham. If the freight tariffs were fixed in the same manner that they are in this country, the freight rate would make it cost per ton at least $6.28 at Pittsburgh. Then, again, there is a very large area near the localities where this fluorspar is mixed in which the demand will increase, because the center of iron and steel production is going westward. This area belongs to the domestic producers without duties.

In looking over the hearings, and noting the questions which were asked by the Democratic members of the Committee on Ways and Means, it seemed to me they were very decidedly unfriendly to any duty on fluorspar; and it seems to me they were right in manifesting that unfriendliness, because this duty

of $1.50 is entirely inconsistent with the rest of the bill. It is altogether out of keeping with the other rates which are fixed.

Mr. STONE. Mr. President, before the Senator sits down I should like to ascertain definitely whether he favors putting fluorspar on the free list?

Mr. BURTON. Mr. President, if you are going to pass this bill, if you are going to have the rates in it as they are fixed here, I should favor placing it on the free list. I very likely shall introduce no amendment, because it would be useless; but, as I have just said, it is quite out of keeping with other items in the bill.

Mr. STONE. Aside from whether we pass the bill or not, but confining himself to the merits of the single matter of fluorspar, would the Senator favor putting fluorspar on the free list in any bill?

Mr. BURTON. That is an academic question. It can not be answered by "yes" or "no." It would depend upon the general policy you are adopting. If there were a policy of protective duties, there would be grounds for imposing some duty upon it, although its bulk is such that there is a very good protection resulting from freight rates.

Mr. STONE. The senior Senator from Kentucky [Mr. BRADLEY] favors a duty of $3 a ton on fluorspar. The senior Senator from Ohio [Mr. BURTON], who is entitled to enter without challenge the sanctum sanctorum of Republican councils, thinks it ought to be on the free list. There is a house woefully divided against itself; and you know the old and true adage that such a house rarely stands.

Mr. BURTON. Evidently you are afraid it will stand, because on the other side there is no such thing as individual judgment, no such thing as independence, but instead the solid array of Members bound by a caucus, where each man assigns his mentality, his judgment, to the caucus and votes accordingly. I do not think I need apologize because I differ somewhat from some of my colleagues on a tariff schedule. I have differed in this respect, and I am ready to differ again. I think that is the right principle, the one that should prevail in representative government, and which should prevail especially in this Senate, where each Senator has his own responsibility, and should not turn that responsibility over to a binding caucus.

Mr. WILLIAMS. Mr. President, to surrender one's "individuality"—that is to say, one's opinion concerning an import duty here and there—to a caucus of one's party seems to be a mighty reprehensible thing; but to surrender one's "individuality" to a chairman of a Finance Committee—an ex-Senator from Rhode Island—seems to be a thing not reprehensible. With the exception of a very few Members on that side, and the so-called "Progressives," they voted with one voice against every amendment opposed by the late Senator from Rhode Island and for every amendment advocated by him.

That has nothing to do with this particular matter. I have a good deal of sympathy with some things that have just been said by the Senator from Ohio [Mr. BURTON]. Here is a product of very great value and very great importance in the manufacture of metals. The Englishman who is manufacturing these metals in competition with the American who is doing the same thing gets it at two dollars and seventy-odd cents per ton, whereas the price in America is $7.02 per ton. In other words, the American manufacturer who uses this article in the various processes of metal manufacturing is at a disadvantage of about four dollars and a quarter per ton in his use of the product. This duty is a singular instance of the unfairness and viciousness of a protective duty.

I want to show how the American price was reached by tariff process, and here it is: The invoice price of the foreign product f. o. b. is $2.78 per ton. The duty is $3 per ton. The freight, even in ballast, is $1 per ton. All these, footed up, come to $6.78. If the foreigner made 10 per cent profit, 67 cents is to be added to that. That makes a total of $7.45 per ton laid down in our port of entry on the seaboard. Nothing at all is added in this calculation for freight to the interior. The domestic producer simply fixed his price at $7.02 so as to fall under any possibility of the foreign producer bringing the stuff over and selling it at a profit wherever freight rates were equal or even 43 cents per ton less for the foreigner than for him; and as far as his calculation was correct he probably succeeded. He succeeded very largely, because it is shown that we imported only 22,500 tons, in round numbers, and we produced 87,000 tons plus, in round numbers. That is, four times as much.

If we now reduce the duty to $1.50 per ton, the figures will read thus: For the foreigner, $2.78, invoice price, f. o. b.; $1.50 duty; $1 freight; total, $5.28; 10 per cent profit, 52 cents; total, $5.80. So that even if the senior Senator from Kentucky was correct in saying that it costs about $4.85 to $5 per ton to mine it—and the junior Senator from Kentucky says that he is just about 50 per cent wrong in that, and that it costs only about $2.50—there is still an advantage in cost of production in favor of the domestic producer of 80 cents per ton, or if we allow the home producer 10 per cent profit, making a total cost for him at the mine, plus the profit, $5.50, then an advantage of 30 cents per ton, without counting the freight rates either way.

This is the calculation of the cost of the foreign product plus the profit at the port of New York, or at any other port of entry, whence it has to be sent to Pittsburgh or other places where it is used in these various processes of metal manufacture, and the calculation of the cost of mining plus the same profit at the mine in the United States. So there is an advantage in the cost price at the mine, even if it costs $5 per ton to mine it, of 30 cents over the cost price of the foreign product at the port of entry.

If the junior Senator from Kentucky be correct and the mining cost in Kentucky be $2.50 per ton, then the American producer has an advantage by force of the tariff of $2.80 per ton.

They struggle for the interior against one another, even with a duty of $1.50 a ton, possessing an advantage of 30 cents a ton, even on the contention as to cost made by the senior Senator from Kentucky. If there be any disadvantage to the American mine owner, it is one growing out of freight rates. In that case his remedy is to be sought before the Interstate Commerce Commission and not here.

Mr. BRADLEY. Mr. President, I want to see if I can get the estimate of cost, as between my colleague and myself, in some sort of shape. I understand my colleague to say that the cost of mining fluorspar is $2.50 a ton. The cost of transporting it by wagon to certain points down there is $2 a ton. That makes $4.50. The freight rate to Pittsburgh is $2.50. That makes $7. Now, turning to the other side, I understand the chairman of the committee to say $2.78 is the invoice price. The ocean freight rate is $1, making $3.78; and the rail rate to Pittsburgh is about $1, making $4.78.

Mr. BURTON. If the Senator from Kentucky will allow me to interrupt him, there must be a combination rate between the ocean carrier and the railway domestic carrier. It certainly would not be less than $2 from the Atlantic seaboard in our country to Pittsburgh.

Mr. BRADLEY. Then let us take that estimate, which makes $5.78.

Mr. BURTON. I will say to the Senator from Kentucky that I do not wish to be misunderstood. It is probable that there is a combination ocean-and-rail rate, which is less than the aggregate of the total.

Mr. BRADLEY. That is my idea.

Mr. SHERMAN. A joint rate.

Mr. BRADLEY. That would give the foreign product the advantage of from $1.22 to nearly $2 over the home product.

The Senator from Ohio [Mr. BURTON] undertakes to mix up fluorspar with wool. I think his mind runs principally on wool as being a product that should be protected. In other words, the wool has been pulled over his eyes. There is just about as much resemblance between fluorspar and wool as there is between a cross-cut saw and a pump handle. [Laughter.] Wool is not piled up on some foreign shore where it has been for 100 years and can be shipped into this country without any cost of production. Fluorspar is piled up where it can be shipped into this country without any cost of production. It seems to me the illustration of the Senator from Ohio is peculiarly unfortunate.

Another thing: As my distinguished colleague says, I can not for the life of me understand why when the present law passed in 1909 with a $3 rate of tariff on fluorspar there was no word of protest from the Senator from Ohio, either when the bill came up for its passage or when the item came before the Senate, whereas now he comes before the Senate with the statement that even $1.50 duty is too much, and undertakes to twit the other side because they do not make it free. Here are 700 or 800 men employed in Kentucky alone whose wages depend upon this business, at an average of $1.75 to $2, I believe my colleague states.

Mr. SMITH of Michigan. Mr. Nunn says $2.50.

Mr. BRADLEY. Two dollars and a half, which makes it still more important.

I will say that I have been a very modest Member of this body. There has been a great deal of talking done since this special session commenced, and I have not said anything until to-day, and I think this is my day to shine. [Laughter.] I want to have some sort of chance, and I am not prepared for this sudden departure on the part of the distinguished Senator from the State of Ohio.

Here is the testimony of Mr. Nunn as to wages:

As we see it, the imposition of that duty hurts no one. It has been the means of saving the industry in America. It has had this further effect: There are some 600 or 700 men employed in our county and in that district. Before 1909 they were getting from $1.50 to $2 per day wages. The average wage there now, not counting foremen, is about $2.50. It had the further effect of increasing the production of American fluorspar from 35,000 tons in 1908, I think, to 87,000 tons in 1911.

Mr. Nunn does not say the industry can live on $6 per ton in Pittsburgh, but that amount f. o. b. the cars in Kentucky.

I insist, Mr. President, that we should not give the foreigner this great advantage over this American product. The foreigner did not develop the value of this article. It was American enterprise that found out what fluorspar was good for. It was American enterprise that made it valuable. Up to that time we had no competition abroad. After our people had studied out this problem and developed it these people abroad leased those dump piles and are attempting to and are bringing them here and dumping them down and destroying American labor and a great American enterprise.

I insist that the duty of $3 now is just as proper as it was in 1909, and that the Senator from Ohio who voted for it then can not consistently vote against it now.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BRADLEY].

Mr. BRADLEY. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote. If allowed to vote I should vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and I therefore withhold my vote.

The roll call was concluded.

Mr. SUTHERLAND. I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. CHILTON. I have a general pair with the junior Senator from Maryland [Mr. JACKSON], which I transfer to the junior Senator from Arizona [Mr. SMITH] and vote. I vote "nay."

Mr. BANKHEAD (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF], who is absent, and I withhold my vote.

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Oklahoma [Mr. GORE] and vote "nay."

The result was announced—yeas 16, nays 60, as follows:

YEAS—16.

Bradley	Dillingham	Oliver	Sherman
Brandegee	Gallinger	Page	Smith, Mich.
Catron	Lodge	Penrose	Smoot
Clark, Wyo.	McLean	Perkins	Warren

NAYS—60.

Ashurst	Hughes	Nelson	Simmons
Bacon	James	O'Gorman	Smith, Ga.
Borah	Johnson, Me.	Overman	Smith, Md.
Brady	Johnston, Ala.	Owen	Smith, S. C.
Bristow	Jones	Pittman	Sterling
Bryan	Kenyon	Poindexter	Stone
Burton	Kern	Pomerene	Swanson
Chamberlain	La Follette	Ransdell	Thompson
Chilton	Lane	Reed	Thornton
Crawford	Lea	Robinson	Tillman
Cummins	Lewis	Saulsbury	Townsend
Fletcher	Lippitt	Shafroth	Vardaman
Gronna	Martin, Va.	Sheppard	Walsh
Hitchcock	Martine, N. J.	Shields	Williams
Hollis	Myers	Shively	Works

NOT VOTING—20.

Bankhead	Culberson	Jackson	Smith, Ariz.
Burleigh	du Pont	McCumber	Stephenson
Clapp	Fall	Newlands	Sutherland
Clarke, Ark.	Goff	Norris	Thomas
Colt	Gore	Root	Wecks

So Mr. BRADLEY's amendment was rejected.

Mr. STONE. I will ask if the committee amendment on line 23 has been agreed to.

The VICE PRESIDENT. It has heretofore been agreed to.

Mr. LA FOLLETTE. I ask to have paragraph 78 passed over. I shall desire to offer some amendments to that paragraph later. I prefer not to offer them now.

Mr. THOMAS. Paragraph 78 was just considered.

Mr. LA FOLLETTE. It is the one we were just considering. We voted on adopting the committee amendment and I was simply giving notice.

The VICE PRESIDENT. The Chair will state to the Senator from Wisconsin that the committee amendment has been agreed to.

Mr. STONE. There was a committee amendment there, but it has been agreed to.

The VICE PRESIDENT. It has been agreed to.

Mr. LA FOLLETTE. My attention was diverted. I perhaps should have made my request before the amendment was agreed to. If it is necessary, I will ask for a reconsideration.

Mr. STONE. All right; there is no objection to passing it over.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. I do not understand that the mere agreement to a committee amendment agrees to the paragraph at all.

The VICE PRESIDENT. The Chair does not so understand it, but the Chair did not want the Senator from Wisconsin to be under a misapprehension as to the action of the Senate.

Mr. STONE. I understand that when a paragraph has been disposed of and all amendments either agreed to or disagreed to the paragraph then itself is agreed to unless——

Mr. BRANDEGEE. If the Senator will look at the RECORD when the unanimous consent was given for the method of procedure under which we are operating, I think he will find it the other way.

Mr. STONE. Unless I understand a Senator requests to have a paragraph passed over, which has been done.

Mr. BRANDEGEE. I do not understand it that way.

Mr. STONE. If the Senator will wait until I am through, there would not be so much difference between us.

Mr. BRANDEGEE. I thought the Senator had finished. I will wait.

Mr. STONE. I said unless it was passed over by the request of a Senator, and then the agreement was that we might subsequently return to it. But tentatively it is agreed to, unless some one asks to have it passed over.

Mr. BRANDEGEE. I do not understand it so. Is the Senator finished now?

Mr. STONE. I have finished.

Mr. BRANDEGEE. My understanding of the matter is that there is no question of tentatively whatever about it; that by unanimous consent, although the paragraph has been read and the reading of the bill has been proceeded with, upon the request of a Senator at any time we shall return to that paragraph and amendments to it will be in order. If I am mistaken about it, I should like to have it cleared up now.

Mr. STONE. I did not say anything to the contrary.

Mr. BRANDEGEE. I understood the Senator's claim to be to the contrary, which was that the paragraph was subsequently agreed to unless a Senator announced that he would return to it.

Mr. STONE. No; I did not say that.

Mr. BRANDEGEE. The RECORD will show what was said by both of us. I, of course, may have misunderstood the Senator.

Mr. STONE. I did not say more than what I repeat, that if a Senator asks to have a paragraph passed over it will be passed over, and unless it is done then tentatively it is agreed to, with the right of any Senator afterwards to return to it. When I say tentatively agreed to, I mean that we ought to make some progress as we go along and have some kind of an understanding that paragraphs have been tentatively disposed of, or else we are reading to very little purpose.

Mr. BRANDEGEE. I think we are reading to very little purpose with the understanding that it is tentatively agreed to, and only tentatively, and may be recurred to at any time by request. However that may be, the Senator from Wisconsin has asked that this paragraph be passed over.

The VICE PRESIDENT. The Chair desires to make an announcement, which he thinks it would be well to look up. The Chair was under the impression that when we began to read the bill it should be read and amendments offered, and if a Senator requested that a paragraph should go over it was to go over. That has been the understanding of the Chair as to the agreement. He thinks it would be quite well to find out what the RECORD does say on the subject.

Mr. BRANDEGEE. I will abide, of course, as the Senate will no doubt, by what the RECORD discloses was agreed to on the request of the Senator from North Carolina, the chairman of the Finance Committee. There was some question about it at the time, I distinctly remember, and I ask, if it be within the possession of the Secretary to readily turn to what the agreement was, that it be now read to the Senate. I am no more interested in it than any other Senator, and I am just as much interested in it.

Mr. SIMMONS. There was no agreement at all. I tried to reach an agreement and failed, and I said that we would proceed under the rules of the Senate.

Mr. BRANDEGEE. Very well.

Mr. SIMMONS. And we have been proceeding under the rules of the Senate.

Mr. BRANDEGEE. Whatever was stated will be shown by the RECORD.

The VICE PRESIDENT. The Secretary will read from the RECORD what occurred.

The Secretary read from page 2951 of the RECORD of Wednesday, July 23, 1913, as follows:

Mr. SIMMONS. Mr. President, I have no sort of objection to agreeing that amendments may at all times be in order after action on committee amendments, but I would not desire to be a party to a unanimous-consent agreement which, in its effect, would make in order an amendment which otherwise would be contrary to the rules of the Senate. Furthermore, I think possibly we might have considerable controversy as to what we had agreed to, and, in that view, I withdraw my request and ask that we proceed under the rules of the Senate.

Mr. OLIVER. I call for the regular order, then.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

The next amendment of the Committee on Finance was to strike out all of paragraph 79 as printed in the House text in the following words:

79. Mica and manufactures of mica, or of which mica is the component material of chief value, 30 per cent ad valorem; ground mica, 15 per cent ad valorem.

And to insert in lieu thereof the following:

79. Mica, unmanufactured, valued at not above 15 cents per pound, 4 cents per pound; valued above 15 cents per pound and not above 75 cents per pound, 25 per cent ad valorem; valued above 75 cents per pound, 20 per cent ad valorem; cut mica, mica splittings, built-up mica, and all manufactures of mica, or of which mica is the component material of chief value, 30 per cent ad valorem; ground mica, 15 per cent ad valorem.

Mr. GALLINGER. I notice that in this item the method that the majority adopted in making ad valorem rates instead of specific rates has been departed from to some extent. I should like to ask why it is that mica, unmanufactured, valued not above 15 cents per pound, is given a specific rate of 4 cents per pound, while other forms of the same material are given ad valorem rates? There must be some reason for it.

Mr. THOMAS rose.

Mr. GALLINGER. I will await a reply to my question if any Senator chooses to undertake it.

Mr. THOMAS. I thought the Senator had something more to say. The rate of duty, as stated by the Senator, is 4 cents a pound on mica, unmanufactured, and valued at not above 15 cents per pound. The schedule which has been reported is one which seems to be satisfactory to some of the manufacturers and to some of the producers. The general average of the price of mica, I think, last year was 17 cents; and it was thought under the circumstances that this, being an average duty of about 26.6 cents on mica of that value, would be less somewhat than the House bill and at the same time in keeping with what seemed to be the views of some of the manufacturers and some of the producers.

Mr. GALLINGER. The query still rests in my mind why a specific rate was put upon unmanufactured mica and an ad valorem rate put upon that same substance in other forms, like cut mica, mica splittings, and mica valued above a certain price. Why have one form of the product a specific rate and others ad valorem rates?

Mr. President, I want to ask further from the committee or the Senator having it in charge as to these rates. I remember that the Senator from North Carolina [Mr. SIMMONS], the chairman of the committee, joined with me on a former occasion in making quite a contest for adequate rates upon mica. It was produced in North Carolina and in New Hampshire, and for once we were in accord in our endeavor to get a protective rate upon it, or a rate that we thought would protect the industry.

I will ask some Senator—because I have not investigated it this year—whether or not the rates of this bill are satisfactory to the men who produce mica, and particularly to those in North Carolina, who have a much larger interest in it than New Hampshire or any other Northern State has?

Mr. SIMMONS. Does the Senator refer to me when he speaks about the Senator from North Carolina?

Mr. GALLINGER. Yes; I refer to the Senator from North Carolina, the chairman of the committee.

Mr. SIMMONS. When did I join the Senator? I have no recollection of ever discussing the question of mica with him.

Mr. GALLINGER. I am not quite sure whether it was in 1909, but I think it was.

Mr. SIMMONS. It was not. We did not discuss the question of mica in 1909. The Senator is mistaken about that. But I will answer the Senator——

Mr. GALLINGER. However that may be, I am not at all mistaken that the Senator evinced a very great interest in this product, as I did, and it was for the reason that it was produced in the State that the Senator so ably represents as well as in the little State of New Hampshire.

Mr. SIMMONS. Yes.

Mr. GALLINGER. And my only interest in it now is to ascertain (because I confess that my people have not written to me particularly about this item this year) whether or not these rates are adequate, in the opinion of the Senator from North Carolina, to protect the industry from foreign competition.

Mr. SIMMONS. It is not a question of protection at all, Mr. President.

Mr. GALLINGER. The Senator will excuse me again; I did not use the word "protect" in the sense of protection. What I meant was whether or not they would be able to continue, in all human probability, the mining of mica in competition with foreign countries.

Mr. SIMMONS. I will try to answer the Senator, at all events, without any evasion and with absolute frankness.

The Senator's first inquiry is why we have placed a specific rate upon the manufactured product and why we have placed an ad valorem duty upon another part of the product. I will state to the Senator that that was done at the suggestion of those who are familiar with the business as a necessary method in order to deal fairly with the different products, because of the great variation in the price of the raw material.

I would myself much prefer an ad valorem rate on all these; that is, the rate the House placed upon it; but there is as great a variation in the price of mica as in any product that is produced in this country. The price ranges all the way from about 7 cents a pound up to as high in some instances as 90 cents per pound, although the 90-cent rate is probably a rare rate. You could not fix an ad valorem with that great variation in price that would not discriminate in favor of one class and against another class.

If the Senator will just make a calculation, he will see that in those conditions an ad valorem applying to all the articles would result in discrimination. All the producers of mica who came before us emphasized that fact. They said whatever rates were fixed, on account of the great variation in the price of this product, it is necessary that we should resort to a compound rate, or rather to a rate partly specific and a rate partly ad valorem. It was done for that purpose in order to equalize the rates, and if the Senator will make the calculation, as I have made the calculation—I do not want to undertake to do it now—starting with mica valued at 7 cents a pound, and going up to 15, and then to 30, 40, and 50, and higher than 50, he will see that a flat rate will work discrimination. It was to prevent that that the rates have been so fixed.

Mr. GALLINGER. And the Senator thinks it would have been difficult, if not impossible, to have put a specific rate upon the other qualities of mica enumerated in the paragraph, does he?

Mr. SIMMONS. It would not have been impossible, but the manufacturers suggested that after we passed a certain rate we might reduce the ad valorem; and the Senator will see that we did that. After we passed a certain valuation—75 cents a pound, I believe—then we reduced the ad valorem.

Mr. STONE. Above 15 cents.

Mr. SIMMONS. Above 15 cents; yes. The Senator from New Hampshire will see when it is not above 75 cents a pound the duty is 25 per cent ad valorem, and when valued above 75 cents a pound, 20 per cent ad valorem. Then we put a different rate, a rate of 15 per cent, upon ground mica and 30 per cent upon built-up mica. In other words, the committee tried, after conference with the manufacturers, to get a schedule of rates, using the specific and the ad valorem, that would be just to all classes of this varying product.

I will state to the Senator that after we had had this conference with the manufacturers we asked an expert of the Government to work it out so as, so far as it was practicable, to bring about uniformity in the rates. This schedule is the result of the recommendation of an expert of the department. Whether he has worked it out right or not, I am not myself absolutely sure; but it was referred to him, and he did work it out in this way and said he had worked it out so as to bring about an equality of these rates as to the various grades of mica.

Mr. GALLINGER. The further question which I propounded was as to whether or not, in the judgment of the Senator or of the committee, the rates in the bill are adequate to develop and

protect this article against competition. We imported last year nearly a million and a half pounds of it, if I read the figures correctly, and there is a pretty pronounced reduction in the rates in this bill as against those in the existing law.

Mr. SIMMONS. Do I understand the Senator from New Hampshire as complaining that the rates are too low or too high?

Mr. GALLINGER. I was inquiring as to whether they might not be too low. For instance, the specific rate on the first quality is reduced from 5 cents to 4 cents a pound. That is a reduction of 20 per cent.

Mr. SIMMONS. I will simply say to the Senator that we thought that this rate placed it upon a fairly competitive basis. I do not think there is very serious objection made to this rate in any direction. I think it is a very fair rate.

Mr. GALLINGER. I am glad to hear that from the Senator.

Mr. SIMMONS. There are already, as the Senator knows, considerable importations of this article.

Mr. GALLINGER. A million and a half pounds last year.

Mr. SIMMONS. Yes; there are considerable importations of it; but it is now not upon a thoroughly competitive basis, and I think these rates will adjust it so that it will be put upon a fair competitive basis.

Mr. GALLINGER. Before I take my seat I want to assure the Senator from North Carolina that I intended nothing invidious in suggesting that he and I on a former occasion were both interested in this item. It may be that it was in private conversation, rather than in debate in the Senate; but I do know the fact that we did confer about it. Although the industry is small in my State, yet our prosperity is made up of small industries, and I simply wanted to be assured that the rates were fair and that the reduction would not result in wiping out that little industry which we have in New Hampshire.

The explanation of the Senator of the necessity for making a specific rate on one class of mica and ad valorem rates on the other classes is not quite so clear to my mind as it might be, but I will take the Senator's word for it and believe that it is the best arrangement that under the circumstances could have been made.

Mr. SMOOT. Mr. President, there are some inconsistencies in this paragraph, and I desire to call the attention of the Senate to them. The present law provides:

Mica, unmanufactured or rough trimmed only, 5 cents per pound and 20 per cent ad valorem; mica, cut or trimmed, mica plates or built-up mica, and all manufactures of mica or of which mica is the component material of chief value, 10 cents per pound and 20 per cent ad valorem.

In other words, the law to-day provides that the duty on unmanufactured mica, irrespective of value, shall be 5 cents per pound and 20 per cent ad valorem. The equivalent ad valorem is 35.47 per cent. The Democratic members of the Finance Committee report the bill to the Senate with this provision:

Mica, unmanufactured, valued at not above 15 cents per pound, 4 cents per pound.

The Senator from North Carolina says that the value of mica is from 7 cents up to 90 cents per pound. The value of the great bulk of mica produced in North Carolina is from 5 cents to 17 cents per pound. Now, let me call the attention of the Senate to what the rates will be under the amended bill. Mica valued at 5 cents a pound under this bill carries 80 per cent; mica valued at 6 cents per pound, nearly 70 per cent; mica valued at 7 cents a pound, nearly 60 per cent; mica valued at 8 cents a pound, 50 per cent; and mica valued at 9 cents per pound, 44 per cent.

Mr. SIMMONS. Will the Senator work that out on the Payne-Aldrich rate of 5 cents per pound plus 20 per cent ad valorem? Suppose the Senator pursues the same method of calculation and takes mica valued at 5 cents a pound and applies the present rate, which is 5 cents a pound plus 20 per cent ad valorem, and the rate, I think, will be 120 per cent.

Mr. SMOOT. There is no need of my figuring that out. The Senator has already done that many times, I take it for granted. As the bill passed the House it read in this way:

Mica and manufactures of mica, or of which mica is the component material of chief value, 20 per cent ad valorem; ground mica, 15 per cent ad valorem.

The House simply carried out their policy in this paragraph, the same as they have done generally, providing for ad valorem rates; but when the bill comes to the Senate the rate is changed on all mica valued at less than 15 cents a pound.

Again, Mr. President, the pending bill provides:

Cut mica, mica splittings, built-up mica, and all manufactures of mica, or of which mica is the component material of chief value, 30 per cent ad valorem.

Under the present law the rate is 10 cents per pound and 20 per cent ad valorem, or an equivalent ad valorem of 30.97 per cent.

Mr. LODGE. Mr. President, if the Senator from Utah will permit me——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield.

Mr. LODGE. I hope the Senator from Utah does not intend to criticize adversely the return to the specific duty, because the Senator from Utah is as well aware as I am that the whole tendency of all the best economists and financiers of the world is to have specific duties wherever possible. I think in the tariffs of Germany and France there are nothing but specific duties; and it is pleasant to see this bill, which proceeds in exactly the opposite direction by imposing ad valorems, in the case of mica returning to the system which the world at large believes to be the soundest system.

Mr. SMOOT. I will say to the Senator that I have made that statement on the floor of the Senate quite a number of times in relation to specific and ad valorem rates.

The duty on ground mica is placed at 15 per cent ad valorem by the Democratic bill. That is a new provision. It has always come into this country, if at all, as a nonenumerated article at a rate of 20 per cent. I simply want to congratulate the producers and manufacturers of mica in the United States on being taken care of under this bill.

Mr. PENROSE. Mr. President, I desire to ask the Senator from Utah if he also extends his congratulations to the consumer?

Mr. SMOOT. Mr. President, in the case of mica, as with a great many other items in this bill, the consumer will never know that the rates have been changed. The reduction will never reach him, but it will be "lost in the shuffle."

Mr. SIMMONS. Mr. President, we have this situation: The Senator from New Hampshire is complaining that the rate on mica is too low, and we have the Senator from Utah complaining that the rate on mica is too high.

Mr. SMOOT. No, Mr. President; the Senator is wrong when he says that I have complained that the rate is too high. I was congratulating the producer in this country on being given a rate that at least would protect him. The equivalent ad valorem on manufactured mica under the present law is 30.97 per cent, and this bill provides 30 per cent; so he is pretty well taken care of.

Mr. SIMMONS. Mr. President, there is no question about the fact that the 30 per cent ad valorem rate fixed by the House would discriminate in favor of the high-priced mica against the low-priced mica, and it was that situation with which the committee had to deal. It was a fact that was brought to our attention by all the dealers in the country.

As I have said, this rate was fixed not so much by the committee, although they assented to it, as it was by a Government expert under the direction of the committee so to adjust these rates as to bring about equality and uniformity of taxation. We did not feel that we were bound by the House rate in this matter, as we have not felt we were bound by the House rate in other matters. Neither did we feel that we were bound by the present rate. Undoubtedly, Mr. President, this rate is a very great reduction from the present law, and undoubtedly as applied to the whole paragraph it is a reduction from the House rate also.

Mr. SMOOT. Mr. President, since he has made that statement, I want to ask the Senator a question. The bill provides:

Cut mica, mica splittings, built-up mica, and all manufactures of mica or of which mica is the component material of chief value, 30 per cent ad valorem.

Is that a great reduction from the rate provided in the present law?

Mr. SIMMONS. I was not speaking about any particular bracket in the paragraph, but I was speaking about the whole paragraph; and, taking the whole paragraph together, I say it is a very great reduction from the present law and a slight reduction from the House bill.

Mr. SMOOT. I wish to ask the Senator how many pounds of mica valued at above 75 cents a pound are produced in the United States?

Mr. SIMMONS. How many pounds of mica?

Mr. SMOOT. No; of mica valued at above 75 cents per pound.

Mr. SIMMONS. Oh, I can not answer that.

Mr. SMOOT. The amount is so infinitesimally small that it is not worthy of consideration. It is true that that grade of mica has been reduced to 20 per cent from an equivalent ad valorem of 25 per cent, but it cuts no figure whatever in the protection of mica in this country. I am speaking now of the great product that comes under this paragraph as a whole, and I ask the Senator if there is a reduction from the present rate on cut

mica, mica splittings, built-up mica, and all manufactures of mica or of which mica is the component material of chief value?

Mr. SIMMONS. Mr. President, the Senator takes the whole paragraph to get his 37.59 per cent average under the Payne-Aldrich law, and now he wants me to take one bracket and tell him whether that one bracket is more or less than the average upon the whole. If the Senator had waited I was going to say that upon mica worth less than 13 cents a pound the rate in the Senate amendment to this bill is a little bit higher than the House rate, but above 13 cents a pound the rate is lower than the House rate. The Payne rate on mica worth 5 cents is 120 per cent; the Payne rate on mica worth 10 cents is 70 per cent; the Payne rate on mica worth 15 cents is 43.20 per cent; all of which, of course, are very much higher than the general average which was 37.59 per cent in 1910 and 34.63 per cent in 1912. When you go above that to the higher grades, the rate on mica on a higher unit of value has been reduced. We slightly increase the rate on micas valued below 13 cents from the House rate, but on the higher units of value it has been reduced, and on mica averaged above 75 cents per pound the reduction is one-third of the rate established by the House bill, or a reduction of from 30 per cent to 20 per cent ad valorem. Thirty per cent on all grades as fixed by the House, as I have said, would be a discrimination against the lower-priced micas.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. Will the Senator yield to me for a moment?

Mr. SMOOT. I yield to the Senator.

Mr. GALLINGER. I trust the Senator from Utah will not make a serious assault upon the rates provided in this bill for mica. We are importing now twice as much as we produce, and I think our mica miners and producers ought to have a fair show.

Mr. SMOOT. So do I.

Mr. GALLINGER. And I am afraid they are not having it.

Mr. SIMMONS. I want to say to the Senator from New Hampshire that what the House was seeking to do was to bring about a competitive basis. The House evidently thought 30 per cent was a competitive basis. Thirty per cent was a flat rate, and we did not think that flat rate could be levied on all of the items in this paragraph with justice to all the items of the paragraph, and we sought to overcome that difficulty. But we have not sought to materially raise or to materially reduce the House rates. As a matter of fact, we have slightly reduced the House rates, if you take all of them.

Mr. GALLINGER. But it strikes me that under the existing law, when we are importing twice as much as we are producing, we have very serious competition now.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. Oh, a great deal of the imported mica does not come in competition with the mica here.

Mr. SMOOT. That is what I was going to say to the Senator. The Senator has already admitted it, and of course I entirely agree with him. I wish to say to the Senator that the high-priced mica is a class of mica that does not come in competition with the mica produced in the United States. That is why we find in this bill a reduction from 30 per cent to 20 per cent. The reason the reduced duty is levied on mica worth 75 cents a pound and over is because no such mica is produced in this country to any great amount, or, in my humble opinion, it would have been shut out just exactly the same as the lower-priced mica is.

I am not complaining of the 30 per cent rate imposed. I do not want our Democratic friends to think I am criticizing the rate that is in the present law. I only want to compare it and to ask why mica should be protected and nearly every other item in the bill reduced. There is some reason for it, and I should like to know what it is.

Mr. STONE. I should like to ask my friend from Utah what is the real burden of his complaint here as to the rate on the lower grade of mica. Does he think it is too high or too low?

Mr. SMOOT. I have already congratulated the Democratic members of the Senate Committee on Finance on making a change from the House bill and at least protecting mica that is produced in this country. It is a protection. It is not for revenue. It is a protective rate.

Mr. STONE. Why does the Senator think it is a protective rate? And if the Senator thinks this is a protective rate, why did he want to put it several times as high when he helped to frame the Payne-Aldrich bill?

Mr. SMOOT. Mr. President, in the Payne-Aldrich bill the values are not divided. Under the present law it is all unmanufactured mica and it all carries the same rate, whether it is 75 cents a pound or whether it is 5 cents a pound. The rate on all grades is 5 cents a pound and 20 per cent ad valorem.

The Senator asks me why I think this is a protective rate. I think any rate that is 80 per cent and 70 per cent and 60 per cent is a protective rate on a product that is easily dug from the ground.

Why, Mr. President, I believe the Senator from Missouri was a member of the subcommittee that had the woolen schedule under consideration. Woolen cloth is an article that is made from raw wool and put through at least 50 processes before reaching the finished stage, and you only put upon woolen cloth a duty of 35 per cent. Here is a product that is produced in North Carolina from the ground, and many of the manufacturers of this country call raw material, and we find on some of it a rate of 80 per cent, on some of it a rate of 70 per cent, and on some of it a rate of 60 per cent, whereas the finest, highest-priced, and most highly finished woolen cloth made in all the world enters into the United States at the rate of 35 per cent.

Mr. THOMAS. Does the Senator complain that this rate does not apply to the woolen schedule? Is that the complaint the Senator makes?

Mr. SMOOT. Oh, no, Mr. President. I was asked why I thought this was a protective rate, and I simply told the Senator why I thought so. Then, in comparison with this rate, I called the attention of the Senator to Schedule K and spoke of the difference as to producing one from the earth and the other through a great process where it takes at least 50 processes from the raw wool to the finished cloth, and on that you provide a duty of only 35 per cent.

Mr. THOMAS. Does the Senator desire to propose an amendment to this paragraph reducing the duty?

Mr. SMOOT. No; I am calling the attention of the Senate to the rates provided on mica, and I have congratulated my Democratic friends that at least there is one industry in this country that has been protected.

Mr. THOMAS. Mr. President, it seems to me that the statements of the Senator involve an admission that the rates in the present law are prohibitive and not protective in regard to this product. He says this is a protective duty, and yet we find that in the item of mica that can compete with the United States there is a large importation under the present law.

Here is the reduction as between the Aldrich bill and the present bill in cents:

On mica at 15 cents per pound there is 8 cents duty under the Payne-Aldrich bill, and a duty of 4 cents, just one-half, under this bill.

At 10 cents a pound the rate of the Aldrich bill would be 7 cents, and under this bill 4 cents.

At 5 cents a pound the duty under the Aldrich bill would be 6 cents, and under this bill 4 cents.

I understand that the cost of production, which, of course, has an influence, is somewhere in the neighborhood of 12 cents.

Mr. SMOOT. The Senator from North Carolina [Mr. SIMMONS] has just made the statement, upon the paragraph just before this, that the cost of production has nothing whatever to do with the rate that is provided.

Mr. THOMAS. I do not say it has anything in particular to do with the question of making this bill; but it has something to do with the cost of mica in this country, if it costs 12 cents a pound to produce, upon the theory that it would, at least, be sold for some small profit.

Mr. SMOOT. I welcome the Senator from Colorado into the ranks of those whose belief and theory of protection take into consideration the cost of producing an article in fixing a rate upon the article.

Mr. THOMAS. There is no theory about it. I am always very glad to say something that pleases my friend from Utah, but perhaps that pleasure will prove transient in the long run.

I have never pretended, and I do not think anyone else on this side has pretended, that, as a general proposition, if it costs 12 cents to produce something you are going to sell it for less than 12 cents unless you have to. What I want to say—and the reason why I alluded to this particular matter was for the purpose of emphasizing it—is that the average price of the American product is 17 cents, as shown by the reports of the Treasury Department. Consequently, that being the average price, there is a very large reduction upon the American product, notwithstanding the fact that it is still protected.

We find as another fact that the rate under the Payne-Aldrich law, although it is seemingly prohibitive, if we are to take the Senator from Utah at his word, is not prohibitive. It is to some extent competitive, because at least one-half of the amount of mica which is competitive in this country came here from abroad, as compared with the domestic product, in 1910. As

a consequence, if we are going to take item by item for the purpose of determining the reduction, it is very much more than has been stated by the Senator, and at the same time he says it is protective. Now, we find from the reports that this is a material in which there is competition, even under the present duty. The lowering of the duty, therefore, is not so great as it has been with reference to some other paragraphs, but still it is competitive.

Mr. SMOOT. I will ask the Senator, then, if he disagrees with the statement that was made by the Senator from North Carolina?

Mr. THOMAS. Not intentionally.

Mr. SMOOT. The Senator from North Carolina says that the mica that is imported into this country does not come in competition with the mica produced in the United States.

Mr. THOMAS. He says a great portion of it does not. The Senator knows that a great portion of it does not, and that was what the Senator from North Carolina said. On the other hand, the muscovite mica is the same as that produced here, and that is also imported from India. It is true that there are different grades and different classes; but that class is a competitive mica.

It seems to me the distinguished Senator from Utah is neither objecting to this duty nor is he at the same time disposed to regard it as anything but offensive. If he wants to offer an amendment to it, let us have it.

Mr. SMOOT. Mr. President, I am going to vote for the rates that are provided here by the Democratic members of the Finance committee.

Mr. THOMAS. Then I will return the compliment to the Senator and welcome him to the fold.

Mr. SMOOT. I do not have to come to the fold. I have been there all the time.

Mr. MARTINE of New Jersey. Mr. President, I should like to know what is the question? What is the motion of the Senator? I think we ought to get to a vote on this item. We have talked mica incessantly for two mortal hours. What is the motion of the Senator from Utah? I should like to know.

Mr. SMOOT. Mr. President, does the Senator object to the further discussion of this paragraph?

Mr. MARTINE of New Jersey. It seems to me mica has been pretty thoroughly discussed. It is now 10 minutes of 6, and I think it has been thoroughly washed out.

Mr. SMOOT. If the Senator desires to have it go over and have it voted upon to-morrow, I am perfectly willing. I like to accommodate the Senator in any way possible.

Mr. MARTINE of New Jersey. As far as my own desire and convenience is concerned, I should be very well satisfied to have the Senate go into executive session and take up the matter to-morrow.

Mr. SMOOT. I am perfectly satisfied to do that, Mr. President.

Mr. THOMAS. No, Mr. President. We must ask for a vote on this paragraph before we pass from it. As far as the committee is concerned, I want to say to the Senator from Utah that there is no disposition whatever to limit the discussion.

Mr. JONES. Mr. President, I should like to ask the Senator from North Carolina a question. I understood from the colloquy that took place between him and the Senator from New Hampshire that this paragraph is arranged so as properly to care for or protect the mica industry, and that that was done deliberately.

Mr. SIMMONS. I did not say anything of the kind, Mr. President. I said this adjustment was made for the purpose of bringing about uniformity in the rates.

Mr. JONES. I understood the Senator from New Hampshire to ask the Senator from North Carolina if this duty properly cared for this industry, and the Senator from North Carolina said that it did.

Mr. SIMMONS. I said it was a fair and just rate, in my judgment, to bring about a competitive condition in this industry.

Mr. JONES. I wondered why the committee should be so solicitous about caring for the mica industry and yet be so careful about framing the tariff upon gypsum, plaster rock, etc., solely on the revenue basis.

Mr. SIMMONS. Mr. President, the committee has had in view, in all of its dealings with the tariff, the fundamental principle laid down by the House of Representatives, and accepted by us, that we would put the rates upon a competitive basis. As a matter of fact, when you get to this item in the bill, it appears that we have been importing about half a million dollars' worth of it, and have been producing about $400,000 worth of it; so there was not the necessity in this case of the extreme reductions that there were in cases where there were no importations at all, and where the present condition did not approach a competitive condition.

Mr. CLARK of Wyoming. Mr. President——

Mr. SIMMONS. Let me finish, and then I shall have said all I want to say about this matter.

The Senator from Utah attempts to convey the impression that the duties carried in the Senate amendment are higher than those carried in the House bill. He attempts to convey the impression that the Senate rate is but a small reduction from the duties of the Payne-Aldrich bill. As a matter of fact, Mr. President, it is a very considerable reduction from the Payne-Aldrich duties, and it is an average reduction of 25 per cent from the House rates.

The Senator has made a calculation and given it to the Senate. The Senator from Utah is not infallible. I have known the Senator from Utah to palm off on the Senate a great many statements and a great many calculations and a great many assertions that I did not think at the time represented the true facts of the situation.

In making the statement that the Senate rate is very much lower than the Dingley rate and lower than the House rate I am not relying upon any calculations that I have made in regard to the matter. I have here before me the calculations made by the expert who made these calculations for the House and for the Senate, upon which the House relied and upon which the Senate up to this time in the discussion has been relying. I want to give to the Senate the result of these calculations made upon this whole paragraph by this expert of the Government, who served here in this capacity when we were making the Payne-Aldrich bill, who served the House this year when they were framing the Underwood bill, and who served the committee when we were framing amendments to that bill. Here are the calculations, upon page 92 of this book.

In 1905, under the Dingley law, the average rate under this paragraph was 46.11 per cent. In 1910, under the Payne law, the average rate was 37.55 per cent. In 1912, still under the Payne law, the average rate was 34.49 per cent. The estimated rate for 12 months under the House bill is 29.88 per cent. The estimated rate for a 12 months' period under the House bill, as reported to the Senate and as amended, is 25.81 per cent, or a difference of about 4 per cent.

Mr. CLARK of Wyoming. Mr. President, I should like to ask the Senator where the mica is produced that comes under the high rate in this paragraph.

Mr. SIMMONS. I do not know.

Mr. CLARK of Wyoming. I ask for information.

Mr. SIMMONS. I do not know.

Mr. THOMAS. It comes from India.

Mr. CLARK of Wyoming. No; it can not be that, because it is less than 15 cents a pound. I am asking where the mica that calls for the high rate under this bill is produced.

Mr. STONE. It comes from Canada and Germany.

Mr. THOMAS. Does the Senator mean the imported mica?

Mr. CLARK of Wyoming. No; I am not speaking of imported mica or mica domestically produced. I am speaking of the mica that comes under the first clause, the "mica, unmanufactured, valued at not above 15 cents per pound." Where in this country in that produced?

Mr. THOMAS. It is produced in North Carolina, in New Hampshire, in Vermont, in Maine, and, to some extent, in South Dakota.

Mr. CLARK of Wyoming. I will ask the Senator from Colorado where the most of it is produced.

Mr. THOMAS. My impression is that most of it comes from North Carolina. There is no secret about that.

Mr. GALLINGER. I feel sure, Mr. President, that we are ready to vote on this paragraph.

Mr. STONE. Then let us vote.

Mr. SIMMONS. If the Senator means by that to imply that I had any part in it, he is mistaken. This matter was fixed up by an expert, and the Senator from Colorado [Mr. THOMAS] had charge of it.

Mr. CLARK of Wyoming. The Senator meant to imply nothing at all. The Senator merely made an inquiry for information, which has not been furnished any too freely thus far in this bill.

Mr. THOMAS. If not, it is simply because it has not been called for.

Mr. SMOOT. Mr. President, I wish to say that the expert that framed the provision in the House bill is the same identical expert that made the change in the Senate bill. How did it

happen, unless there was some reason brought to his attention, that the change was made?

I am not going over these figures in answer to the Senator from North Carolina, because I myself want to vote upon the amendment, and am ready to vote upon it now.

Mr. STONE. Let us vote, then.

Mr. SMOOT. But I do know—and it conforms to what the Senator from North Carolina says—that the duty on all micas under 13 cents a pound is advanced by the Democratic members of the Finance Committee of the Senate over the bill as framed in the House.

Mr. STONE. Oh, Mr. President, the Senator states that he "knows" that such things have happened, when the facts right here before his eyes show that everybody else should know to the contrary.

Mr. SMOOT. Mr. President, I will ask the Senator from North Carolina, then. Let him be the judge. I will let him pass upon it, and see whether the statement I made was not correct. Is it not true?

Mr. SIMMONS. I did not hear the Senator.

Mr. SMOOT. Is it not true that all micas under 13 cents a pound are advanced by the Senate over the rates on micas as provided for in the House bill?

Mr. SIMMONS. I stated a little while ago, and in my report I state that on micas valued at less than 13 cents the rate was slightly higher than the House bill, and above that the rate was materially lower than the House bill.

Mr. SMOOT. That is exactly what I said.

Mr. SIMMONS. The average rate is 5 cents less than the House bill.

Mr. STONE. The average rate of mica is 16 cents in the United States, and I wish to say it must follow as a commercial necessity that very little mica under approximately 10 cents a pound can be mined in foreign countries and packed and the duty paid and imported into this country.

Mr. SMOOT. There is no need of protecting it if that is the case, but I think there is. The Senator and I disagree there. I think the protection ought to be given, and I do not think it is too high upon that account. But when the Senator says that the figures prove that what I stated was incorrect he certainly is mistaken, and I will let the Senator from North Carolina answer. I do not think it is too high for a protective-tariff duty.

Mr. BRISTOW. The Senator from Wyoming asked a few moments ago as to where mica is produced. I happen to have the statistics here. Of the 49 mines in the United States reported in operation, there are located in North Carolina, 28; in California, 10; in South Dakota, 3; in Georgia, 1; in Maine, 2; in New Hampshire, 2; in Virginia, 2; in New Mexico, 1. The value of the commodity varies from 2 cents per pound to $3 per pound.

Now, Mr. President, I want to vote on this question, but I just wanted to call the Senate's attention to the fact that upon this commodity, regardless of all differences of opinion as to whether the duty is 25 per cent or 80 per cent, everybody must admit that it is more than 25 per cent. It ranges probably from 25 per cent to 70 per cent on mica. It is a nonmetallic mineral or earth that is dug out of the ground.

On pumice stone the committee puts a duty of 5 per cent. On gypsum, which is a somewhat similar substance and secured in a similar way, which does not happen to be produced in Kentucky or North Carolina or Maine, the duty is 10 per cent. Fluorspar, that comes from the Ohio River on the Kentucky side and on the Illinois side, seems to require a duty of 50 per cent, while the Senator from North Carolina apparently is satisfied here with a duty of 30 per cent on mica. It is fortunate, indeed, for the manufacturers or producers of materials to be located in States that have able representatives upon the Committee on Finance. Their industries seem to fare well. It is unfortunate that the States from which the pumice and the gypsum come are not so ably represented upon that committee.

I simply wanted to call attention to the fact that this bill has not escaped the processes in construction that have been used in this country before, and which have been so vehemently criticized by different Senators upon this floor.

Mr. LA FOLLETTE. Rubber, for instance.

Mr. BRISTOW. Yes; I accept the suggestion as to rubber and a few other things; but I insist that it is not fair, it is not equitable, and it is not just to similar products to make such a wide discrimination as to the amount of protective duty that they shall have, and because mica happens to be produced in North Carolina or fluorspar in Kentucky that does not justify giving them a protective duty of from 30 to 50 per cent, while pumice stone, which happens to be produced in Nebraska and Kansas, should be content with 5 per cent, and gypsum from Iowa with 10 per cent.

Mr. JAMES. I should like to ask the Senator from Kansas a question.

Mr. BRISTOW. All right. I will answer it if I can.

Mr. JAMES. Does the Senator believe the statement he made that we were giving to fluorspar produced in Kentucky a protective rate when the rate has been reduced from 107.94 per cent down to 50 per cent, when fluorspar——

Mr. BRISTOW. Ah!

Mr. JAMES. Just a moment—when fluorspar was bearing a rate of 107 per cent the importation was more than one-third of the total consumption in the United States? Does the Senator believe that such declarations as that, groundless as they are, to the effect that by reason of the fact that a Senator from Kentucky was a member of the Finance Committee and was responsible for placing a protective rate in the bill, when the bill originated in the House of Representatives with this identical rate, which was a reduction from 107 per cent down to 50 per cent, and where the importation was almost one-third of the total consumption in the United States, are fair to himself or to me?

Mr. BRISTOW. I think my friend the Senator from Kentucky was very considerate when he permitted the reduction to be made from 107 per cent down to 50 per cent. I think that that is a very much more satisfactory reduction than the reduction made on mica from 34 per cent down to 30 per cent.

Mr. JAMES. The Senator knew that before he made the other statement. Why did the Senator state that I as a member of the Finance Committee was responsible for placing a protective rate in this bill when the facts were in front of the Senator and the Senator knew the statement was not true?

Mr. BRISTOW. Because the Senator from Kansas thinks that 50 per cent is a very, very satisfactory protective rate on any commodity that is produced.

Mr. JAMES. But the Senator knew, because he heard the argument disclose the fact in the Chamber not an hour ago, that under a rate of duty of 107 per cent the importations of fluorspar into the United States was one-third of the total consumption of the article and produced a revenue of many thousands of dollars. So if a 107 per cent rate was not protective or prohibitive, how on earth could a rate of 50 per cent be so?

Mr. BRISTOW. Mr. President——

Mr. WILLIAMS. Will the Senator pardon me?

Mr. BRISTOW. Will the Senator just pardon me a moment? If the Senator from Kentucky [Mr. JAMES] thinks that the 50 per cent is not protective because there is an importation, let me tell him that there are many articles which are imported upon which high duties are imposed. Take lead and zinc. There are large importations of many metals, and a duty of 100 per cent would not prevent the importation of some articles. Simply because there is an importation is not a conclusive proof that a duty of 50 per cent is not a protective duty.

Mr. JAMES. I will state to the Senator that, so far as fluorspar is concerned, the warmest personal friends I have in Kentucky and in my home town have appealed to me and implored me to try to raise this rate from $1.50 per ton to $3 per ton, because unless it was done the rate now proposed of $1.50 per ton would drive them out of business, and it would cause their mills to shut down. In the face of appeals and petitions I stood by the House rate. Yet the Senator would appear upon the floor and, for the purpose of making the character of argument he undertakes, say that I was trying to have a protective rate placed in this bill. If he will consult the Senator from Kentucky [Mr. BRADLEY], he will enlighten the Senator upon that proposition.

Mr. BRISTOW. I congratulate the Senator from Kentucky. I think he has been very generous. I have not been uttering any undue criticism against the Senator from Kentucky. I would not do that. I think he is a very——

Mr. JAMES. If the Senator will examine his remarks, he will in the sober second thought come to a different conclusion than the one he now arrives at—that he made no reflection upon the Senator from Kentucky.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. I have known the Senator from Kentucky [Mr. JAMES] for many years. I have had the pleasure of associating with him in public life, and I do him the credit of saying that, in my judgment, if he had not lived at Marion, Ky., the rate of duty on the product that is produced there,

which we have been considering, would have been higher than the rate now in the bill.

I think the Senator from Kentucky recognizes that the domestic industry in his own town, now in its infancy, is of such importance to his people that it really should have had better treatment than he in his position as a member of the Finance Committee could under party decree give it.

And in that respect, and I say it with the greatest kindness, he differs somewhat from my honored friend the chairman of the Committee on Finance. The Senator from North Carolina has many times during my service with him here gone out of his way to protect an industry in his own State. If he had not done so he would not have been worthy of the confidence of the people of his own State so often conferred, but the delicate regard for party consistency exhibited by the Senator from Kentucky toward an industry of comparatively recent origin in his home city is an unusual sight in this Chamber worthy of special note. He has taken the position that to be consistent he could not stand for a rate of duty on a product produced by his own friends at home which did not square with the principle upon which his bill is based, a false principle in my judgment and one that will bring ruin to established industry and check further industrial development here and stimulate growth and enterprise abroad, and in this general demoralization his local industry will suffer. Yet he is entitled to be respected for his consistency, and I honor him for it. I think he has been animated by the loftiest purpose and the purest motives in what he has done. Out of the wreck which is sure to follow the passage of this bill he would not be satisfied to emerge with a single Kentucky industry unscathed. In this respect he differs from some of his brethren of kindred faith who have already set their sails for a safe harbor in a threatening storm.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. BRISTOW. I yield.

Mr. SIMMONS. Mr. President, I do not care to answer the remarks of the Senator from Michigan with respect to myself. I have not stood for protection upon this product. I have stood for the same ratio of reduction from the Payne-Aldrich rate upon this product that I have stood for upon every other product.

Now, the Senator is criticizing me because this lower-priced mica is produced in my State, and he claims that the rate is a little higher than the House rate. It is, I have stated frankly, where it is worth less than 13 cents a little higher. Where it is worth more than 13 cents it is very much lower than the House rate.

Mr. President, let us see whether we have made a reduction upon this paragraph in proportion to the reductions that we have made in the balance of the bill. Start with the low-priced ore that you say is produced in my State, 5 cents a pound. The rate under the Dingley law upon mica valued at 5 cents a pound is 120 per cent. The Senate committee amendment reduces that rate to the extent of 66⅔ per cent. The rate of duty under the Payne law upon mica worth 10 cents a pound is 70 per cent. The Senate bill reduced that rate 37.7 per cent. So the average reductions made upon this low-priced mica is much greater than the average reduction made either in the Senate bill or in the House bill.

Mr. BRISTOW. Mr. President, my friend from Kentucky [Mr. JAMES] seemed to think that I was reflecting on his integrity. I was not. I have not the slightest intention of giving him any personal offense. I want to assure him of that. I think that he is a very sincere man and genuinely in favor of everything on the free list that is practicable to be put on the free list. Nevertheless, the fact remains that on the fluorspar, which is produced in his vicinity, the duty remains 50 per cent, and I think it is a high protective duty. I voted against increasing it above that amount because I think that is enough. There might be instances where I would vote for a larger protective duty than that, but it would have to be a very strong argument to induce me to do it.

I was simply calling attention to some patent facts to show that this bill is framed by similar methods that other bills have been. It is not fair to certain sections of the country. It discriminates against their commodities while it abundantly protects those of other sections of the country. That fact will be demonstrated in every schedule as we go through them day by day, and I intend to call the attention of the country to these discriminations with all the emphasis that I can, and I hope that my Democratic friends will not think that such criticism of the measure is a personal attack upon them.

My contention is that in framing a great bill like this we should get away from local influences as much as we can. We can not do it entirely, I know. Human nature is human nature; but we should certainly undertake to do it. I do not believe in carrying the Payne-Aldrich duties into this bill as was done in dextrine and then taking it off of other things that are just as worthy of consideration as dextrine.

Mr. GALLINGER. Mr. President——

Mr. STONE. Let us have a vote.

Mr. GALLINGER. Yes; if the Senator will just restrain his impetuosity a moment.

Mr. STONE. I beg the Senator's pardon.

Mr. GALLINGER. When I asked my simple question concerning mica I had not the least idea it would develop a discussion such as has ensued. I now simply want to say I am satisfied that the two little mines in New Hampshire—and they are insignificant affairs—will not suffer very much under the provisions of the bill as it came from the Senate committee, and I am prepared to vote for that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened, and (at 7 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, July 30, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 29, 1913.

CHIEF OF THE WEATHER BUREAU.

Charles F. Marvin, of the District of Columbia, to be Chief of the Weather Bureau of the United States Department of Agriculture.

COLLECTORS OF INTERNAL REVENUE.

Bernard M. Gannon, of New Jersey, to be collector of internal revenue for the fifth district of New Jersey, in place of Herman C. H. Herold, superseded.

Alexander Stuart Walker, of Texas, to be collector of internal revenue for the third district of Texas, in place of Webster Flanagan, superseded.

UNITED STATES ATTORNEY.

William H. Martin, of Arkansas, to be United States attorney for the eastern district of Arkansas, vice William G. Whipple, whose term has expired.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Edward Mason Parker, of the District of Columbia, to be first lieutenant in the Medical Reserve Corps, with rank from July 28, 1913.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Simon P. Fullinwider to be a commander in the Navy from the 1st day of July, 1913.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1913:

William Norris, and

Adolphus Andrews.

Lieut. (Junior Grade) Robert V. Lowe to be a lieutenant in the Navy from the 15th day of June, 1913.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1913:

William B. Howe, and

Claude B. Mayo.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Robert A. Burg, and

Jules James.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 14th day of July, 1913:

Charles E. Treibly, acting assistant surgeon, United States Navy, and

Percy F. McMurdo, a citizen of Oregon.

Thomas A. Fortesque, a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of July, 1913.

James L. Manion, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 16th day of July, 1913.

POSTMASTERS.

ARKANSAS.

H. L. Fuller to be postmaster at Waldron, Ark., in place of M. B. Leming, resigned.

FLORIDA.

S. D. Bates to be postmaster at Marathon, Fla., in place of Elbert A. Froscher, resigned.

Al Hogeboom to be postmaster at Panama City, Fla., in place of Belle Booth, name changed by marriage.

IDAHO.

E. H. Hilton to be postmaster at Elk River, Idaho, in place of Walter E. Hood, removed.

ILLINOIS.

Charles F. Buck to be postmaster at Lacon, Ill., in place of Charles F. Hacker, resigned.

Harry B. Fasmer to be postmaster at Yorkville, Ill., in place of John R. Marshall, resigned.

John Geiss to be postmaster at Batavia, Ill., in place of Frank J. Hooker, resigned.

Clyde V. Greenwood to be postmaster at Sherrard, Ill., in place of George M. Bell, resigned.

W. T. Holifield to be postmaster at Brookport, Ill., in place of John W. Black, removed.

Ross Lee to be postmaster at Casey, Ill., in place of John W. Hancock, removed.

J. M. Rumsey to be postmaster at Golconda, Ill., in place of William S. Jenkins, removed.

INDIANA.

Ernest E. Forsythe to be postmaster at Washington, Ind., in place of Benjamin J. Burris, removed.

IOWA.

Alfred B. Callender to be postmaster at Ocheyedan, Iowa, in place of Eunice A. Underhill, resigned.

John McGloin to be postmaster at Wall Lake, Iowa, in place of Charles B. Dean, deceased.

D. P. O'Connor to be postmaster at Lawler, Iowa, in place of William Lawrence, resigned.

Edwin Wattonville to be postmaster at Pomeroy, Iowa, in place of Malcolm Peterson, resigned.

KANSAS.

Sophia M. Dickerson to be postmaster at Gypsum, Kans., in place of John W. Willis, removed.

B. W. Hamar to be postmaster at Howard, Kans., in place of W. P. Heichert, removed.

KENTUCKY.

F. A. Casner to be postmaster at Providence, Ky., in place of Robert W. Hunter, resigned.

MASSACHUSETTS.

Patrick J. Dempsey to be postmaster at Williamstown, Mass., in place of James A. Eldridge, deceased.

Eben T. Hall to be postmaster at West Upon, Mass., in place of Lowell A. Jordan, resigned.

Edward W. Welch to be postmaster at Foxboro, Mass., in place of Walter E. Clarkin, declined.

MICHIGAN.

John Jay Cox to be postmaster at Scottville, Mich, in place of J. C. Mustard, deceased.

Henry Kessell to be postmaster at Orion, Mich., in place of O. H. P. Green, resigned.

LOUISIANA.

William H. Bennett to be postmaster at Clinton, La., in place of Elizabeth Reiley, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 29, 1913.

UNITED STATES ATTORNEY.

James C. Wilson to be United States attorney for the northern district of Texas.

UNITED STATES MARSHAL.

John Montag to be United States marshal for the district of Oregon.

POSTMASTERS.

MAINE.

Leon B. Clay, Lincoln.
William S. Mildon, Eastport.
W. H. Newbegin, Kezar Falls.
Stanley L. Wescott, Patten.
Oscar R. Wish, Portland.

OHIO.

Solomon C. Allison, Ashville.
C. C. Hadsell, Cortland.
Fred H. Johnson, Quaker City.
P. James McClain, West Carrollton.
Henry W. W. Spargus, Bainbridge.

GEORGIA.

Teressa G. Williams, Greenville.

WASHINGTON.

C. W. Grant, Toppenish.
Maury C. Hayden, Lind.
John F. May, Republic.

PORTO RICO.

Jose Carrera, Humacao.

REJECTION.

Nomination rejected by the Senate July 29, 1913.

Paul A. Jones to be postmaster at Coffeyville, Kans.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 29, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, whose care over us is without end and whose ministrations are new every morning and fresh every evening, help us to worship Thee in the beauty of holiness and conform our lives to the highest ideals in the excellency of our behavior, that we may be worthy recipients of Thy love and wonderful work to the children of men; and we will ascribe all praise to Thee, through Jesus Christ our Lord. Amen.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will be approved.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What Journal was it that was read?

The SPEAKER. Yesterday's Journal.

Mr. MANN. I ask for the reading of the Journal in full.

The SPEAKER. The gentleman asks what?

Mr. MANN. For the reading of the Journal in full.

The SPEAKER. The Clerk will read the Journal in full.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. In previous sessions of the House recently the Journal has not been approved. Now, is it the custom to approve all former Journals that were not approved, or just the Journal of the preceding day?

The SPEAKER. Either practice may be followed. Of course, each one of them has to be read before it is adopted. The last two Journals were never read at all. As soon as the Chaplain finished his prayer yesterday the gentleman from Massachusetts [Mr. GARDNER], who was acting minority leader, raised the point of no quorum. You can take it backward or forward. I do not think it makes a particle of difference in what order they are read.

Mr. MURDOCK. But they must be approved?

The SPEAKER. Yes; they must be approved. What the gentleman from Illinois [Mr. MANN] is doing is to demand the full reading of yesterday's Journal.

Mr. MANN. Mr. Speaker, I withdraw the request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws his request that the Journal of yesterday's proceedings be read in full.

Mr. GARDNER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER. To make a motion to correct the Journal. The Clerk read that "on the motion of Mr. UNDERWOOD the House adjourned." The motion was made by Mr. CLAYTON, of Alabama.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. TAYLOR of Arkansas. Mr. Speaker, on the last roll call I was recorded as not present. I was present and voted "yea."

The SPEAKER. That Journal has not yet been read. Without objection, the Journal of the proceedings of yesterday as read will stand approved.

There was no objection.

The SPEAKER. The Clerk will read the Journal of Saturday, July 26.

The Journal of the proceedings of Saturday, July 26, 1913, was read.

The SPEAKER. Without objection, the Journal of Saturday as read will stand approved.

There was no objection.

The SPEAKER. The Clerk will read the Journal of Friday.

Mr. CLINE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLINE. For the purpose of asking unanimous consent to extend my remarks in the RECORD by incorporating——

The SPEAKER. The gentleman will wait until we get through with the Journal——

Mr. MANN. And some other matters. [Laughter.]

The SPEAKER. The Clerk will read the Journal of Friday.

The Journal of the proceedings of Friday, July 25, 1913, was read.

Mr. TAYLOR of Arkansas. Mr. Speaker, on the last roll call on Friday, July 25, I am recorded in the RECORD as not voting. I was present and voted "yea," and I ask unanimous consent that the RECORD be corrected accordingly.

The SPEAKER. Without objection, the change will be made in the Journal and the RECORD.

There was no objection.

Mr. SMITH of Idaho. Mr. Speaker, I was present on the last roll call on Friday, but my name is not recorded in the RECORD. I voted.

Mr. MANN. Perhaps the last roll call contained only the names of the absentees.

The SPEAKER. A good many Members fall into the mistake of not finding their names in the list of absentees when they voted. They get hold of the wrong list.

Mr. SMITH of Idaho. I was referring to the record of those present.

The SPEAKER. Perhaps the gentleman did not read the heading. Without objection, the Journal of Friday, July 25, 1913, as read will be approved.

There was no objection.

EXTENSION OF REMARKS.

The SPEAKER. The gentleman from Indiana [Mr. CLINE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. For the present, Mr. Speaker, I shall object; perhaps not later in the day.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

INVESTIGATIONS OF THE SHIPPING TRUST.

The SPEAKER. When the House adjourned the last time there was not anything done; the unfinished business was that resolution which the gentleman from Missouri [Mr. LLOYD] had. The Clerk will report it.

The Clerk read as follows:

House resolution 205 (H. Rept. 36).

Authorizing the Committee on the Merchant Marine and Fisheries to continue investigations of the Shipping Trust.

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, authorized to continue during the Sixty-third Congress the investigations begun during the Sixty-second Congress under the provisions of House resolution 425, adopted March 5, 1912; House resolution 470, adopted April 11, 1912; and House resolution 587, adopted July 16, 1912, for the purposes and under the conditions therein stated; and that the expenses thereof, not exceeding the unexpended balance of the whole amount authorized by said House resolution 470, be paid out of the contingent fund in the manner provided by said House resolution 470 of the Sixty-second Congress, and House resolution 82, adopted May 8, 1913.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CAMPBELL. Mr. Speaker, the reading of the resolution would indicate that it authorizes the continuance of an investigation. By what authority or under what rule does the Committee on Accounts authorize investigations?

The SPEAKER. The continuance of the investigation has already been authorized, and this resolution simply appropriates the money.

Mr. CAMPBELL. Is that all that this resolution does?

The SPEAKER. That is the sum and substance of it.

Mr. CAMPBELL. The reading of it would indicate that it authorized the continuance of the investigation.

Mr. LLOYD. It only authorizes the expenditure of the unexpended balance of the $25,000 originally appropriated.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. J. M. C. SMITH, for two weeks, on account of important business.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded to call the committees.

DIGGS-CAMINETTI CASE.

Mr. CLAYTON. Mr. Speaker, on behalf of the Committee on the Judiciary, I desire to present a privileged report (H. Res. 212, H. Rept. 39); but before presenting that privileged report let me state to the House that it relates to the so-called Diggs-Caminetti case and to a resolution introduced by the gentleman from California [Mr. KAHN]. Mr. Speaker, I ask unanimous consent that this report may be considered for four hours, one half of that time to be controlled by the chairman of the Committee on the Judiciary, the other half to be controlled by the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK], and that at the expiration of that four hours the motion to lay the resolution on the table shall be in order without amendment or intervening motion. This is the same proposition I submitted to the House on July 18 and of which I gave notice on July 15.

The SPEAKER. The gentleman from Alabama asks unanimous consent that there shall be four hours debate on the Caminetti-Diggs affair, two hours to be controlled by himself and two hours by the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK], and he states that at the end of that time the gentleman from Alabama [Mr. CLAYTON] will make a motion to lay the resolution on the table, without intervening motion.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. The gentleman does not need to have unanimous consent to do what he indicates in the latter part of his statement. That is his right, anyway.

The SPEAKER. It is more in the nature of a notice than anything else.

Mr. CLAYTON. "The gentleman from Alabama" is aware of the fact stated by the gentleman from Georgia, but he wanted the unanimous consent in order to cover the range of debate of four hours.

The SPEAKER. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Alabama and to the House that I do not believe there is a single Member of the House who would object to the very fullest and freest discussion of this matter after the date of the trial of this case in California. I understand that the case is set for trial one week from to-day. I gather that information from the newspapers. I want to ask the gentleman from Alabama if he will modify his request so as to provide for this debate some time after August 5?

Mr. CLAYTON. Mr. Speaker, that proposition was considered, and I am acting in pursuance of the unanimous instructions of the Committee on the Judiciary. I regret to say to the gentleman from Tennessee that I do not feel authorized to modify my request as he has suggested.

Mr. BYRNS of Tennessee. Mr. Speaker, still further reserving the right to object, I want to say that I had hoped that the gentleman from Alabama would accede to my request, so that if the other side desired to object to it they could do so and thus show their real motive for wanting this discussion. I am not going to press my own views of the matter to the point of making an objection to this request, but I do want to ask the gentleman if he has asked for sufficient time to allow me some time, in the event that I should decide that I wanted to use it?

Mr. CLAYTON. In reply to the gentleman's first suggestion, to be perfectly frank with the gentleman, the gentleman from California [Mr. KAHN] was unwilling to agree to postpone this matter until after August 5, and he stated to me very candidly that he would not deal with the merits of the case to be tried out there at all, but that his speech would be in the line of a criticism of the Department of Justice here.

Now, as to his other inquiry, I can say to the gentleman from Tennessee that if the members of the committee do not need all this time I shall be very glad to give an opportunity to the gentleman from Tennessee; but I feel that I ought to reserve the two hours for the use of the committee. I think I will be able to give a part of it to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. I want to say in all frankness to the gentleman from Alabama that if we are to have a discus-

sion by unanimous consent, I do not think any Member of the House on either side ought to be cut off. We are not doing anything, we have plenty of time, and the gentleman can ask to extend the time allowed beyond four hours. I must have some assurance that I can have at least 15 minutes if in the progress of the debate it should appear necessary for me to take part. I would like for the gentleman, if he has not asked for sufficient time, to amend his request so as to extend the time to 2 hours and 15 minutes on a side, in order that he can assure me now that I shall have that amount of time.

Mr. CLAYTON. I can say to the gentleman what I said awhile ago—that I think the gentleman will be accorded some time; just how much I can not tell, because the members of the committee will want some time. The gentleman from Tennessee is well aware that the matter can be so put before the House as to limit all discussion to an hour, and that that hour would be under the control of the chairman.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. CLAYTON. Certainly.

Mr. MANN. I hope the gentleman from Alabama will modify his request so as to make the time for debate 2 hours and 15 minutes on each side, so that he may yield the gentleman from Tennessee 15 minutes.

Mr. CLAYTON. If that is agreeable to gentlemen on that side of the Chamber, I will agree to it.

Mr. McKELLAR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McKELLAR. I rise for the purpose of reserving the right to object. I want to say that I would have raised the point of order to the consideration of this matter before the trial of the case, and I want 15 minutes.

Mr. CLAYTON. Well, we will make it four hours and a half, and give the gentleman from Tennessee 15 minutes. Is there any other soul that wants to be made happy? [Laughter.]

Mr. McKELLAR. I want to say, if the gentleman is going to indulge in that kind of talk——

Mr. CLAYTON. Can not the gentleman from Tennessee understand a little pleasantry? He had a smile on his face and everybody else had a smile on his face, but the weather is hot, and I will excuse the gentleman.

Mr. DIES. Mr. Speaker, reserving the right to object, I want to interrogate the gentleman from Alabama for a moment.

Mr. CLAYTON. I will yield to the gentleman from Texas with very great pleasure.

Mr. DIES. I think it is possible that I may want 5 or 10 minutes to get into the RECORD and expatiate on the delivery of a speech by the gentleman from California [Mr. KAHN] on modern muckraking some little time ago, in which he adverted to charges against Washington, Hamilton, Jefferson, Christ our Savior, and all of the leading Democrats and Republicans. I want to know if this speech that he is about to make is an extension or an application of the former speech?

Mr. KAHN. In the same line.

Mr. CLAYTON. Does the gentleman from Texas put that question to me?

Mr. DIES. I want to know if I can get about 10 minutes?

Mr. CLAYTON. Mr. Speaker, I will modify my request by making the time for debate five hours, and then I will cheerfully yield to the gentleman from Texas to illuminate this abstruse question, if you will pardon the exaggeration.

The SPEAKER. The gentleman from Alabama modifies his request and asks that debate on this matter shall continue five hours, one half to be controlled by himself and the other half by the gentleman from Illinois and the gentleman from Kansas.

Mr. CLAYTON. And after the expiration of that time it shall be in order to lay the resolution on the table without amendment or intervening motion.

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair desires to ask if the gentleman from Illinois and the gentleman from Kansas have an agreement as to the division of the time on that side?

Mr. MURDOCK. That is just what I was going to inquire about. I want to know of the gentleman from Illinois if I can have 40 minutes out of the two hours and a half.

Mr. MANN. The gentleman from Kansas is to have 40 minutes.

The SPEAKER. And the gentleman from Kansas shall have 40 minutes of the time on that side, and at the end of the time the gentleman from Alabama is to exercise his inalienable right to move to lay the resolution on the table. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from Alabama yield for a moment?

Mr. CLAYTON. Certainly.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

There was no objection, and it was so ordered.

GOVERNMENT OF PHILIPPINE ISLANDS.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Philippine question.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the Philippine question. Is there objection?

There was no objection.

Mr. BURGESS. Mr. Speaker, the Democratic national platform of 1900 declared:

> We favor an immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America.

I was first a candidate before the people in 1900, and my attention was called to the third provision above in the platform by Mr. M. E. Kleberg, of Galveston, as being a misconstruction of the Monroe doctrine and a misapplication of it to the Eastern Hemisphere. This led me to a study of the question of how to get rid of the Philippine Islands, and led to my introduction of the following resolution:

> *Resolved, etc.*, That it is the purpose of the United States to cease exercising sovereignty over the Philippine Islands as soon as may be with justice to them and honor to the United States, and that it is the preference of the United States to accomplish this purpose by establishing an independent government in said islands; that in pursuance of such purpose and preference the President is respectfully requested to consider the expediency of opening negotiations with the Governments of Great Britain, Germany, France, Russia, Italy, Spain, and Japan with the view of effecting a joint treaty with such Governments by which it shall be provided that an independent government in the Philippine Islands, when established by the United States, shall be recognized and preserved; that pending the establishment of such independent Philippine government the Philippine Islands shall be neutral territory; that such Philippine government, when established, shall agree that it will maintain equality of trade relations toward all the signatory powers, and that in the event of war between any of the nations of the earth it shall be neutral; that such concessions as may be made the United States in the establishment of such independent government shall be recognized by all the signatory powers.

At the following session of Congress, when the Philippine tariff was before the body, on January 9, 1906, I discussed the question at length in the House, saying, among other things:

"No man will contend that the power, under our Constitution, of settling this Philippine problem is lodged anywhere save in the Congress of the United States. A great Senator, not a member of my party, but a man of the highest order of ability, has stated in a breath the constitutional situation as follows:

> "We have differed upon the Philippine question. Many Senators on the other side thought the United States ought not to have acquired the Philippines. There was fair ground for difference of opinion probably upon that proposition. I think there is no difference between the minority and the majority in this Chamber that we have acquired the Philippine Islands, and that to-day the United States is titular sovereign of the Philippine Archipelago. What the people of the United States will choose in the long run to do with the Philippines, what the ultimate policy of the United States will be as to the Philippines, no man can now say. There has been no committal by Congress, and it is a matter entirely under the Constitution for Congress to determine as to the ultimate attitude of this country toward the Philippines.

"So said Senator John C. Spooner March 17, 1905. No congressional enactment states what the will of the American people is on this subject."

I then proceeded to discuss the Monroe doctrine:

"And this brings me to this reason: I want to say to this House that there never has been a political doctrine asserted in the history of this country that has been so uniformly approved by every President and every Cabinet officer since its assertion as the doctrine known as the Monroe doctrine. Not a single President from Monroe down but has either directly or indirectly given his approval to this doctrine. Not a Secretary of State—and we have had many distinguished men in that high office—but has either directly or indirectly given his approbation to the Monroe doctrine.

"Perhaps the brightest jewel in the crown that decks the brow of one of the greatest living Democrats is the action of Grover Cleveland in the Venezuela controversy, when he stood for the Monroe doctrine, though it might mean war. McKinley and Hay, Roosevelt and Root, Cleveland and Olney, and so on, all along down the line, our statesmen have approved this doctrine as essential to the vitality, to the perpetuity, to the safety of this American Republic. What is that doctrine? What is its scope and force? What does it say to the world? What do we stand for when we stand for the Monroe doctrine? I have

seen no finer statement than this from an editorial in the Washington Post of December 14 last:

"The Monroe doctrine—

"says this editorial—

"was announced in response to a threat by a group of European nations known as the holy alliance to aid Spain in recovering her revolted Spanish colonies. Monroe and Adams admitted fully the right of Spain to reestablish her authority over them, but Monroe made the following declaration in his message of December 2, 1823. Referring to the allied powers in Europe, which had indicated a purpose of aiding Spain in the forcible recovery of her revolted colonies on this hemisphere, he said: 'We owe it therefore to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the Governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European nation in any other light than as the manifestation of an unfriendly disposition toward the United States.'

"'This, and this only,' says the Post, 'is the Monroe doctrine.'

"I understand that the Monroe doctrine, in plain United States, as we would say it down in Texas, means this: We say to the world we will not permit European monarchies to acquire territory and exercise dominion over it in the Western Hemisphere, and that is all.

"Now, it is true that a good deal of discussion has arisen as to the scope of the Monroe doctrine. Some great men have contended that it involves going further than merely saying this to Europe; that it involves the assertion of a protectorate over South American Republics and the thrusting of our fingers into their internal affairs, dictating to them or restraining them from contracting debts and entering into treaties with foreign nations. I myself do not subscribe to any such extension of the Monroe doctrine as that. But that is immaterial in this discussion. For the purpose for which I use the doctrine it is immaterial how much you extend its scope toward a protectorate over South American Republics. The point is that all of us are agreed it is a Western Hemisphere doctrine. It has and can have no application to a single inch of territory a part of the Eastern Hemisphere.

"Now, let us think a minute. Every session of Congress that goes by without an expression of the American people as to our ultimate will in the Philippines constitutes a menace to the vitality of the Monroe doctrine. Why? Because no man with sense can contend for America that Europe can not acquire territory on the Western Continent and exercise dominion over it, but that the United States can acquire and exercise dominion over territory in the Eastern Hemisphere. This doctrine has a reciprocity which constitutes the heart of the doctrine, the equity of it, the vitality of it, the force of it; and whenever you strike out that you ultimately whittle away the doctrine itself. When we promulgated that doctrine, accentuated it step by step in our history, we just as good as said to Europe, 'We will not dabble in your affairs and you shall not dabble in ours.' Whenever we abandon that position we abandon the Monroe doctrine. This is not a Democratic idea, this is not a Republican idea, but I am presenting to you an American argument for the declaration of our purpose there, in consonance with our Monroe doctrine, in consonance with our Constitution, in consonance with our Declaration of Independence, and, as I verily believe, in consonance with the views of a vast majority of the American people.

"Whether we ever adopt the rest of my resolution or not, whether a treaty neutralizing the islands and recognizing their independence can ever be negotiated or not, if we adopt this much of the resolution we shall at least proclaim an honorable position in the world, and we shall not mortgage the future with reference to the Philippines by doing it. I have only said that it is our preference to accomplish this purpose by setting up an independent government there. If that can not be done effectually and any door opens by which other righteous disposition may be made of the islands, it will be open to the American Congress to accept any such open door. For myself, I am frank to say that if the Japanese Government were to intimate even that they would like to have the Philippine Islands, I would offer them to them as a Christmas present, provided they would enter into a treaty to protect certain rights of life and liberty and property there. I would be glad to turn the whole bunch of trouble over to them, who could handle them and work out their destiny better than we could under all the commissions that we should be able to organize. Now, then, so much for the declaration which is the basis of the method by which I propose to solve this question."

I then proceeded to discuss the parliamentary history of the subject.

"On February 28, 1823, the House passed by a yea-and-nay vote of 131 yeas to 9 nays the following resolution:

"*Resolved*, That the President of the United States be requested to enter upon and prosecute from time to time such negotiations with the Federal maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade and its ultimate denunciation as piracy under the laws of nations by the consent of the civilized world.

"This resolution was offered to the House by Mr. Mercer of Virginia. An examination of the debate in the House not only shows no objection to the methods by any Member of the House, but a general recognition of the duty of Congress to declare the will of the people for the guidance of the Executive is observed in all the discussions; Mr. Wright of Maryland, voicing that idea in these words:

"Sir, this Congress ought to take upon themselves the responsibility of this measure by their positive opinion and leave it no longer a subject of doubt what is the will of the American people.

"Mr. SULZER. Will the gentleman allow me an interruption?

"Mr. BURGESS. Yes.

"Mr. SULZER. I would like to ask the gentleman when that resolution was offered.

"Mr. BURGESS. 1823.

"Mr. SULZER. Was it adopted?

"Mr. BURGESS. Yes; by the overwhelming vote of 131 yeas to 9 nays. There were only nine nays against it among the distinguished men that were Members of that House. Henry Clay was Speaker, and there were other big guns in the House, Webster and, perhaps, Calhoun—Webster certainly was there; I do not think he had then gone to the Senate.

"On December 23, 1823, Mr. Livingston, of Louisiana, offered the House a resolution that—

"The President of the United States be requested to negotiate with the Government of Great Britain for the cession of so much land on the Island of Abaco as may be necessary for the erection of lighthouses, etc.

"This was adopted without debate or objection. Henry Clay was Speaker; Daniel Webster and many other great names in our history were Members. On May 16, 1826, on motion of Mr. Livingston, a resolution was agreed to that—

"The President of the United States be requested to inform this House whether any arrangement had been made with the Government of Great Britain in consequence of the resolution of this House of the 23d of December, 1823.

"Verily, in those days the House asserted itself. In his message of December 3, 1833, President Jackson says:

"I have the satisfaction to inform you that a negotiation which, by desire of the House of Representatives, was opened some years ago with the British Government for the erection of lighthouses on the Bahamas has been successful.

"On April 23, 1879, in this House, Mr. Fernando Wood offered the following resolution:

"*Resolved*, That the President be respectfully requested to consider the expediency—

"And from this I have borrowed the verbiage of my resolution—

"of entering into a convention with the Government of France for the negotiation of a treaty which shall secure a more equal interchange of the products and manufactures of each country and serve to cement closer relations of amity, trade, and commerce.

"Many distinguished men were Members of this House, including such as Thomas B. Reed; W. P. Frye, Nelson Aldrich, both now Senators; Warner Miller, Frank Hiscock, Ben Butterworth, William McKinley, and the present Speaker of this House. The record shows no discussion, and the resolution was adopted without any dissenting vote of record.

"Now, such, in brief, is the parliamentary history of this sort of matters in the House. I shall quote, not at length, from the Senate Document No. 104, which is a reprint of an article by the senior Senator from the State of Massachusetts, dealing with the treaty-making powers of the Senate—a document which I recommend to every Member of the House regardless of his politics as affording one of the most interesting, clear, and accurate discussions of the office of the Senate with reference to treaty making that I have been able to find anywhere.

"He cites numerous instances similar to the resolution which I now offer. For instance, on March 3, 1835, the Senate passed the following resolution:

"*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

"On March 3, 1888, the Senate of the United States passed a resolution asking President Cleveland to open negotiations with China for the regulation of emigration from that country, and President Cleveland replied that such negotiations had been undertaken. So that, so far as the parliamentary status of this resolution is concerned, it is supported by the precedent both in the House and in the Senate without a break of nearly 100 years. It is perfectly right and proper to instruct the President to open any negotiations which we conceive to be for the benefit of the American people."

I then proceeded to discuss the propositions in my resolution, as follows:

"Now, as to the treaty method proposed, it is my confident belief that such a treaty could be easily negotiated. Why? If we should resolve here that it is our ultimate purpose to get out of the Philippines and that it is our preference to get out by setting up an independent government there, protected by treaty with different powers, drawing about it the magic circle of peace in the interest of the people as well as the peace of the world, any one of the European powers would hesitate not to approve the treaty for fear if the treaty failed we might make other disposition of the islands, either to Japan or to Germany or to Russia or to England, and, of course, all the others would not like that and would not want that to be done.

"So that an antagonism of interest between the powers would force an agreement to this method which would present a community of interests not only of Europe, not only of the United States, but of the civilized world. It would establish an open-door zone by treaty agreement between the powers of Europe and the United States. It would establish a peace zone where war could not enter. It would establish a peaceful opportunity, without fear of outside molestation, for independence to work itself out in the Philippine Islands. It would afford a fixed and definite relation upon which we could pitch all of our legislation so as to facilitate its accomplishment without involving any of our domestic institutions or theories. Nor do I take it that any European power would object either to neutralizing the islands or to preserving their independence when the government was set up by the United States.

"Nor would they object to its then agreeing to be neutral—to the open-door policy. Nor would they object, in my judgment, to such reasonable concessions being made to the people of the United States as the equities involved in our relation with them suggest. I think, for instance, that it would be entirely right and proper in the establishment of an independent government there for the Philippine people to make certain cessions to us as part of the enormous price in blood and treasure which we have expended to secure for them their independence.

"I think no European Government could or would object to such a provision as that. If they did, so far as I am concerned, rather than have the treaty fail and have the plan fail, I would freely give up any concession to us whatever and occupy precisely the same relation to them that any other Government did which was a signatory power to the treaty. I am not willing for the United States to ever set up a protectorate over an independent government in the Philippine Islands. I shall never vote while I am a Member of Congress to expand the Monroe doctrine and then extend it across the Pacific and thrust it upon a European country. The doctrine of an American protectorate over any sort of a government in the Eastern Hemisphere is, to my mind, utterly unstatesmanlike, utterly unbusinesslike, contrary to all our traditions and principles, and fraught with infinite danger to the American people. I would rather hold the Philippines in tutelage for years and years and years—aye, for centuries—than to give them an independent government under an American protectorate. That is worse than a European alliance, because with an alliance there is reciprocity, but with a protectorate you are responsible for all they do and they are responsible neither to you nor anybody else. But if we should have them hedged about by a treaty all these difficulties would disappear as if by magic.

"Nor is this idea any novel invention. It is not a new thing in the procedure of the nations of the earth. The history of the little Republic of Switzerland, lying nestled in the lap of the European powers for 75 years, is a vindication of the value to the world and the peace of the people of such a treaty agreement as this. Switzerland is the most advanced Republic on the face of the earth to-day, and it draws its life, imbibes its progress, has made its mighty evolution under an agreement of the powers to preserve and conserve its neutrality and its independence. We can do the same thing in the Philippines. All we have to do is to have the courage of free-born American citizens and vote like we believe and it will be done."

This resolution of mine was the first idea of the sort that was suggested and conflicted with the third provision of the Democratic platform of 1900. More than a year after I had introduced this resolution in the House the Anti-Imperialistic League got Mr. McCall, of Massachusetts, to introduce, by request, a resolution of simple neutrality of the Philippines, leaving out the declaration of intention or purpose on the part of the United States.

I have introduced the resolution in every Congress since then, and it is now pending before the Committee on Insular Affairs of the House. The Democratic national platform of 1912 declares:

> We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such government to be guaranteed by us until the neutralization of the islands can be secured by treaty with other nations.

It will be seen from the above quotation that the platform fixes no time for granting the Filipinos their independence, nor did the first expression on the subject in 1900, nor does the platform of 1904 or 1908, and the platform of 1912, which is the last expression of the people's will, comes very near to indorsing my resolution. You will observe that it abandons the third provision of the 1900 platform, namely, "the protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America," and comes to the original position of my resolution.

I hope to see favorable action taken by the House at least next winter.

WORKMEN'S COMPENSATION ACT.

Mr. CLINE. I renew my request to extend my remarks in the RECORD, Mr. Speaker.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLINE. Mr. Speaker, under permission given me to extend my remarks in the RECORD I propose to incorporate an address by Henry W. Bullock, chairman of the Workmen's Compensation Commission of Indiana, before the Indiana Bar Association July 10, on the proper administration of the compensation law, many features of which I indorse.

A proper workmen's compensation law, correctly administered, is in harmony with the age and our present social development. I am thoroughly committed to the principles involved in compensation statutes. They supplement the old law of liability statutes. Liability of an employer of labor to an employee provides only a method, under certain well-defined rules, for compensation for a wrong committed or a personal injury done by the employer. Compensation acts not only include a recovery for injury done, but they also include, because of economic and social conditions, a reasonable amount that should be paid to the injured and those dependent upon him without regard to the question of negligence unless the negligence be willful. The risk that the employee takes, and which he has always assumed, should be assumed by the society or community which he is serving when the injury is received. Society receives a benefit of his labor in the production of many lines of manufactured products, and it should assume with it the liability for the injury he receives in performing that labor. I favor a well-defined policy of administering the law. I want to see the workmen get the full benefit of the law and get it promptly, and because of that fact compensation ought to be collected and disbursed to those entitled to it at the minimum of expense and within the shortest period of time. The compensation should be ample to provide for the injured and those dependent upon him for support. As an illustration of the waste of the fund before it reaches the person the law designed it should benefit, it is said that the railroads pay yearly more than $11,000,000 for personal injuries. That after the cases had been fought through long legal battles up to the highest courts, that less than $3,000,000 found its way to the pockets of the injured. The remainder was eaten up by attorneys' fees, costs, witness fees, and general expense. The proper administration of a compensation law is one of the features of this burning question that should interest the legislator. I supplement this brief statement, in which I have not attempted to discuss the questions involved at all, with the able address above referred to.

WORKMEN'S COMPENSATION.

[Delivered by Henry W. Bullock, chairman of the Workmen's Compensation Commission of Indiana, before the Indiana Bar Association, July 10, 1913.]

"Mr. Chairman and members of the Indiana Bar Association. I wish to thank you for this invitation to address the association, but after listening to the report of Mr. Harris and his committee, and reading their comprehensive report of a year

ago, I am very much in the position of the smallest boy of three, who answered an advertisement for 'Boy wanted.'

"The oldest boy told the would-be employer that he could clean up the office and do numerous other things, which he enumerated. The second boy said that he could do anything that the oldest could do with a few additional things, which he named. When the smallest boy was asked what he could do, he said, 'I can't do nothin'; the other fellers have done it all.'

"Mr. Harris and his committee have done so much that I am relieved of much of the burden. Gov. Ralston has appointed a commission of five to study the cause and extent of industrial injuries, and to recommend some measure for their prevention and compensation. In this work we ask the hearty cooperation of the Indiana Bar Association, as a body, and of all of its members as individuals, and as citizens of a State of no mean importance in the industrial world.

"In social legislation Indiana has taken but little part for 50 years or more, until the last few sessions of the legislature. Almost 100 years ago Indiana was honored by having in her midst some of the greatest educators of the world, the foremost leaders of industrial education, and the most renowned zoologist and geologist of their time. These educators came to our State at the solicitation of Robert Owen, who, a hundred years ago, demonstrated to the world that industries can be conducted humanely and profitably at the same time. While Mr. Owen's communistic theories did not succeed at New Harmony, yet his humane principles and educational policies were of untold blessing to our State, and the statues of two of his sons now adorn our State capitol, placed there by loving hearts as memorials to humanity in commercial life.

"When we consider that every year 1 coal miner out of every 10 in Indiana is injured, 1 steel worker out of every 5, and 1 railroad worker out of every 20, with even a greater proportion in some of the building trades, we can more nearly comprehend the social problem with which we must deal. Annually ten times as many laborers in the United States are injured while in their various lines of duty as were engaged both on the Union and the Confederate sides in the Battle of Gettysburg, and every year practically as many American workmen are killed in the line of their employment as fell upon that field of valor and carnage 50 years ago. As these fatalities occur to workmen, whose average age does not exceed 35 years, their families, and society as well, are deprived of 30 years of productive labor. While their families must suffer, society also will suffer in defective citizenship with low-living standards, or you and I must make this up through our contributions to some social insurance fund, which will relieve the social shock now borne by a few. Justice demands that all citizens be well paid and cared for, and, if the wages received are not sufficient under all circumstances to provide against want in every contingency, then they are not a living wage.

"We have been permitting employers and employees to deal with this question between themselves, without regard to the social significance which it embraces. From time to time, we have enacted employers' liability laws, which impose duties of compensation, or, rather, provided for causes of action for the misconduct on the part of employers or their servants.

"We have finally succeeded in abolishing the fellow-servant rule which Secretary Ireland said 'Was invented in 1837; Lord Abinger planted it; Baron Alderson watered it; and the devil gave it increase.'

"These laws have been beneficial in that they secured payments in many instances to those seriously injured, but they have been found defective in that they do not provide for compensation in all cases of injury. Most foreign countries have gone further than we have, and have provided that in every case of disability there shall be compensation in proportion to the degree of the injury.

"There can be no argument brought against the theory that every man who commits a private wrong on another should pay the injured party. The employers' liability laws are right in principle, but are insufficient to meet the situation. Society does not demand their repeal but their extension. The objections to these liability laws are to their administration rather than to their principle. We must not confound a liability law with a compensation law or social insurance measure. Liability laws deal only with misconduct and wrongs. Compensation laws deal with social and economic conditions without regard to misconduct. The objections to the operation of liability laws can be summed up as follows:

"1. Only a small portion of injured workmen receive substantial compensation. Thus the standard of citizenship and of living is lowered, and the public is the sufferer.

"2. The system is wasteful, being costly to the employer, and to the State in maintaining courts, and to employees in their attorneys' fees.

"3. The system is slow in operation.

"4. The operation of the law breeds antagonism between the employers and their employees.

"5. It throws the burden of suffering upon a few directly and upon society indirectly.

"Many foreign countries have gone beyond compensation for misconduct, and have provided social insurance reaching all classes of disability, and have provided systems of insurance whereby the many who have profited shall divide the burden with the few who have suffered. Our Federal Government in 1908 recognized this principle and enacted a law for the compensation of a part of the civil employees of the United States. This law, as finally extended, covers about one-fourth of the 400,000 civilian employees of our Government. From August 1, 1908, to July 1, 1911, there were 21,033 injuries reported regarding Government employees, of which 670 were fatal. Claims were made on 363 of these fatal injuries, and on 7,622 of the nonfatal cases and $960,000 was paid for the same and out of the Federal Treasury. Thus 307 deaths and 13,104 lesser injuries were not compensated for out of the Public Treasury.

"Senator KERN, of Indiana, has introduced a measure in Congress to provide for compensation in all cases affecting Government employees, either by disease contracted while in service or from accident received while in the line of duty.

EXTENDING LIABILITY WITHOUT NEGLIGENCE.

"I do not deem it necessary to discuss at great length the constitutional question of liability without negligence. Our laws have written into the contract of employment that an employer shall be liable for certain negligence of himself or of his employees which inflict bodily injury to workmen. The laws have prescribed certain rules of conduct, which the employer and his servants must follow, and if the violation of these rules causes injury to a workman he may recover. This is as it should be. But there is a large number of industrial accidents—more than half, in fact—where the conduct of the employer is in strict accord with the law and where he is guilty of no legal shortcoming. These injuries result from the inherent hazards of industry—from the dangers which strictly adhere to and are a part of the industry itself—for which no one can be legally blamable.

"To my mind it is useless to discuss the academic proposition of compelling the employer to respond in damages, where he is guilty of no misconduct or negligence. Private wrongs or torts are personal; but the injuries occurring from the inherent hazards of industry are not personal, and should be charged against the industry, as a whole, and not against the individual employer.

"Society in its organized form may adopt any law, rule, or regulation it sees proper concerning property, life, or liberty. It is only a matter of expediency whether or not it does this. Constitutions are adopted that these changes may not be radical, and that certain rights may be guaranteed as long as the constitution endures. All property rights are created by law and can be destroyed or modified by law. All property is held, devised, and conveyed only by virtue of statutory and constitutional laws. We have no vested rights in rules of law or conduct, except as society has spoken through constitutions. So all laws regarding fellow servants, contributory negligence, and assumption of risk may be modified at the pleasure of the legislature.

"The police power extends to all public needs, and it may be broad enough to cover the economic needs of industry. It has been decided by the highest courts that sometimes an ulterior public advantage may justify the insignificant taking of property for immediate private purposes. Chief Justice Taney decided, in the License cases, that the police power is the power inherent in the Government to govern men and things. It is a conceded proposition that when property becomes affected with a public interest, it becomes subject to public control. All law limits liberty or individual action, but at the same time guarantees rights. Law may in some manner diminish property rights, but in some ways it also increases them by promoting the general welfare and creating conditions and opportunities for its enjoyment. Property is governed by law for the convenience of the public as well as the owner, as street improvements are ordered and special assessments laid for the general welfare.

"There are examples where the State collects funds from a large number of persons, by assessing a tax, and thus distributes the burden and lessens the social shock. Among these examples are the (a) bank guaranty laws, (b) sheep-killing dog laws, (c) care for the unfortunate and tubercular, (d) taxing insurance companies for the maintenance of fire marshals and injured firemen, etc.

"I am firmly convinced, however, that under our present constitution the courts of Indiana must always be open for

injuries done to the person of workmen, unless this right is waived by contract, and that the amount recoverable must be adequate for the damage sustained. In other words, there can be no compulsory compensation law in Indiana which will deprive workmen of the right to bring action in court for private wrongs. However, laws may create conditions which will make it impossible for them to obtain employment unless they waive this right.

"Social insurance, however, can be made compulsory by imposing an occupation tax on business or an excise on corporations for the right of doing business in their corporate capacity. This was decided by the Supreme Court of the United States in the cases involving the taxation of corporations. In fact, great latitude has always been allowed in the imposition of occupational taxes either for revenue or regulation. If employers really desire a compulsory compensation law they can assist in the passage of such a measure, as we believe it will be held valid.

SOCIAL INSURANCE.

"We should not view this question as extending personal liability to cases without fault. We should consider workmen's compensation as a scheme of social insurance, the whole theory being that the cost of caring for the sick and injured in industries should be added to the cost of production and borne by those who consume the articles produced by the unfortunate laborer. This shifts the proposition from that of the relation of master and servant to the relationship of society to the producers of wealth and comfort. The ingenuity of man has developed complex machinery which has reduced the cost of production, but has at the same time increased the waste of human life and limb. Society receives the benefit of the decreased cost and should bear the burdens of the increased waste, which cost should be added to the price of commodities and be distributed among the consumers of such commodities. Business conducted by employers is not their business. Society demands certain commodities, and employs manufacturers and transportation companies to secure these commodities. Thus the employers are agencies employed by society, and society has the right to say how its money paid for commodities shall be expended. Employers charge insurance rates against the consumer, and the consumer has a right to say how the price, which he pays for commodities, shall be expended for the common good. It then becomes a question of how a community shall tax itself, and how we shall spend our own money, so that we in our social organization shall receive the greatest benefit.

"Workmen's compensation or social insurance, in my mind, should not create a new relationship between master and servant by writing into the contract of employment new conditions, but rather should be a compact between the State or society at large and those who labor, so as to guarantee the care of those who labor as an economic necessity and social duty. It then becomes a social question, and not a matter between employer and employee.

"Society demands coal, lumber, automobiles, and other commodities, and asks men to risk their lives to produce them. If we enjoy their comforts, we should fully pay for all the energy and sacrifice required for their production. In other words, the inherent hazards of industry should be borne by the community at large where thus produced, but the negligence of employers should be a personal proposition, for which an action at law can be maintained. We should, by social insurance, distribute among the many the burdens received by the few, so that the social shock would not be felt by society at large, through defective and inefficient citizenship of the afflicted nor crime and ignorance of those immediately affected. This compensation should not depend on negligence or fault any more than the ordinary insurance policy. It should be a covenant to pay when the burden falls on the workman, unless the injury is intentionally self-inflicted.

PLANS OF COMPENSATION.

"Since the consumer or the public at large pays all of the expenses of production, the question is, How shall the community best tax itself to obtain the most efficient administration of the insurance fund? It is no longer a personal matter between employer and employee. To say that a scheme allows the greatest liberty to the employer is a condemnation for it rather than an argument for its existence. We have had liberty already, and it has brought dire results to the community. We must have regulation and control.

"We would have but little trouble in devising plans for the distribution of funds to cover industrial disability if only the injured parties and the public were concerned, but through the operation of liability laws third parties have come into the arena. Insurance companies with their attorneys, agents, and adjusters are in the field acting as buffers between employers and employees. They are writing practically $1,000,000 of insurance each year in Indiana and paying but a little more than $500,000 in claims. Their agents receive commissions approximating $200,000 annually and their attorneys and adjusters similar sums. These agencies are working for profit and are crying hard against the loss of profits which should not be considered in the solution of this problem. We also have another class of attorneys who handle personal-injury cases for workmen and who in the aggregate receive perhaps $150,000 to $200,000 a year from injured workmen and their families. One line of work is as honorable as the other, and while one may chase the ambulance the other haunts the grave and oftentimes imposes upon the widows and orphans through deception and inadequate payments. There is a margin of $700,000 to $800,000 wasted in handling the present fund, and if our commission can devise plans to distribute this fund more economically and efficiently, we will have promoted the general welfare through the saving of waste.

"Workmen's compensation laws provide for the distribution of the funds in the various States and counties, as follows:

"1. By employers direct or through their insurers without regulation or controlled by the State. This is a most unsatisfactory method, as it allows a cunning adjuster of liability companies to impose on an ignorant workman, and permits him to plunder the orphan and widow. It has a tendency to curtail the sums paid to the workmen, and thus defeats the purpose of such laws, through the incentive to save money, by making the payments small. Some States have this plan, with a State board to hear appeals.

"2. In some States and countries the fund is distributed by mutual insurance companies controlled by employers. This is almost as unsatisfactory as the first. Germany has this system, and 50 per cent of the cases there are appealed, because the employers cut down the allowance to reduce their expenses.

"3. Some States and countries require the funds to be administered solely by stock insurance companies. This method makes those financially interested the judge of their own cause.

"4. Other countries, and a number of the States, collect the funds through State agencies, and distribute the same through impartial State boards. Ohio, West Virginia, Washington, California, Nevada, Oregon, and a few other States have adopted this plan of State insurance, in whole or in part with success and have administered an insurance fund for the benefit of injured workers with economy. The experiments worked out in these States will compare favorably with Germany and other countries where social insurance has been in existence for a longer number of years.

"While all compensation laws in this country are experimental as yet, the general tendency is toward State insurance as productive of the greatest social efficiency. A joint control of the funds by employers and employees has worked well in Germany, during the first 13 weeks of disability. Under State insurance, the workmen receive all that the employer contributes. The element of profit is entirely destroyed. No workmen's compensation law will work well where there is a tendency to make profit out of the misfortunes of others. The greatest objection to employers' liability laws is that the employers pay large sums, while the employees receive but a fractional part of the amounts so paid.

"As an example of the defects of our present laws, especially those governing liability insurance, is that of the Prest-o-Lite Co., of Indianapolis, which employed contractors to erect a concrete building. The building collapsed and many workmen were killed. The policy in the first place was to protect the employers against loss which they would sustain or have to pay. The contractors became insolvent and nothing could be collected from them, and not having to pay anything the surety company was not liable; besides the surety company claimed it had issued a policy to the firm as general contractors and that at this time they were doing concrete work. The owners may or may not be liable under the dangerous employment act of 1911. At any rate, a large number of dependents were left, widows had to take to the washtub, the aged had to suffer, and children were deprived of the advantages which otherwise would have been provided for them. There was a social shock not alone to the workmen and their families but to the community. Justice would dictate that insurance policies should be issued for the benefit of the workmen if nothing more.

"Compensation could be provided with but little additional cost if the waste was out of the transaction and workmen received all that the employers pay. In 1911 there was more than $35,000,000 collected for liability insurance in the United States, $20,000,000 of which was paid in losses. Probably $8,000,000 of this was paid in attorney fees by workmen, leaving not more than $12,000,000 to go to the actual relief of the injured. Some of the companies writing this insurance are foreign corporations who began in this country by a loan or deposit of $200,000 to the American branch. These loans have been repaid many times and these foreign companies really have nothing invested in this country, but in 1911 on no investment one of the companies received from the American branch $565,000, another $153,000, another $96,000, another $63,000. This money was taken either from the workmen through decreased wages, from the employer

through the reduction in dividends, or from the consumer in an increase in price of products. In any event it lessened the comforts of the American people.

"Where workmen receive all that the employers collect the price of commodities is not enhanced in any material degree, as wages constitute only about one-sixth of the price of products. Liability rates are usually calculated on the pay roll. In Indiana we pay as much for liability insurance as the Ohio people do for compensation, as in that State the employers pay a certain percentage on their pay roll based on the hazard of the industry. In Indiana the liability rate on structural-iron work is $10.50 on the $100 of pay roll, in Ohio the compensation rate is $6. In Indiana the liability rate on concrete work is $5.60, while in Ohio the compensation rate is $4. In electric-light work in Indiana the rate is $5.25, in Ohio the compensation rate is $3.10. In shoe factories in Indiana, the rate is 35 cents to the $100 of pay roll; in Ohio it is 45 cents, while knitting mills in Indiana pay 42 cents and in Ohio 30 cents. Shirt manufacturers pay 21 cents in Indiana and 20 cents in Ohio. Publishers in Indiana pay 35 cents on every $1 of wages paid in the production of books and 30 cents in Ohio. Thus lawyers pay 35 cents to every $100 of wages paid, or 35 cents to every $600 worth of books purchased. Even if this rate would be doubled or tripled, the price of law books would not advance to any perceptible degree, and even at that we would have the pleasure of knowing our books were not printed in blood or bound in tears.

"The element of profit should not be considered in workmen's compensation any more than in conducting our courts, operating our schools, or caring for the sick and afflicted. We might as well turn our courts and schools over to private agencies as to permit private agencies to administer a social insurance fund. The private agency would conduct our Government with a view of profit, rather than efficiency, just as our utility companies have often attempted to do at various times to have a wide margin between a maximum of charges and a minimum of service. We do not want the service of our courts, schools, and administrative agencies skimped in efficiency. We want service for every dollar, but our first concern is service. Private agencies might employ our judges at a lower salary and our teachers for lower wages or they might conduct schools in competition with our State schools, but that would not be an argument for privately conducted government. We would not even turn the collection of taxes over to a savings bank or permit them to say in what manner our public funds should be administered. We pay the bills in the end and must decide how they must be paid. The question is not how little can we pay the workman or compel him to take, but what he is entitled to and what is the best for the common welfare.

"No man can be a judge of his own cause, and when an employer, a mutual or stock company, is permitted to decide how much a workman is entitled to, whether he received the injury in the course of his employment, how long he will be disabled and the percentage of his disability, the judge and paymaster are one and the same person, and the judge immediately turns financier and attempts to cheesepare the amount to be paid and there is strife and contention the same as under existing laws. Laws which permit such settlements are nothing more than liability laws which limit the amount of recovery and tie the hands of workmen so that there will be no recovery in the courts. We are told we must abolish waste. If this is true, we must abolish dividends, premiums, and commissions of insurance companies and their agents and we must abolish the fees of their attorneys. These are wastes just the same as the contingent fee of the attorney for the workman.

"Some welfare and pension schemes of employers are devised for the purpose of preventing compensation and as an insurance against strikes and demands for better living conditions. They should be regulated by law so that workmen have some vested rights and will not be placed in a position where their employment and accident funds will be hazarded in case they seek what is just. The funds provided for compensation and welfare schemes are produced by the labor of the workmen and are consequently withheld from their wages. If they were not produced by the workmen, they would not be in existence. The State should control their distribution and provide for their security. This should not be left to the whim of employers, however generous some may be. They are only human, and, having power to discharge employees, some may at times hold the possible loss of position, benefits, and pensions over the heads of workmen like Dionysius suspending the sword over the head of Damocles. An ever-present menace of the strong having the power to withhold subsistence from the weak is incompatible with either civil or religious liberty. Hamilton well said, 'In the general course of human nature the power over a man's subsistence amounts to a power over his will.' We can have no liberty, political or otherwise, when workers depend upon the arbitrary will of employers for their existence during days of misfortune. If the popular will of the Nation requires a Constitution as a safeguard against turbulence and passion, it is equally true that some security should be provided against passions and human weakness in industry.

"I once noticed a small boy go to a butcher shop with a bench-legged bulldog. I thought it was a useless animal. When he returned with a large piece of liver a hound attempted to share it with him by taking the larger part. The bulldog played an important part. As long as we have the hungry adjusters and attorneys of the insurance companies, the injured workman is entitled to his bulldog. We should attempt to create a condition where both classes of animals will become useless and the workman will be protected by an impartial administrative board, the same as he is supposed to be protected in the streets and at his fireside. Profits in administering this fund are incompatible with the very idea of social service and economic justice, as profits are charges and must necessarily be taken from the wages of the worker, who with his family must suffer, or taken from the consumer in the way of increased price, and this adds to the high cost of living and social want.

"The fund created for social insurance should be collected from the employer as a source or agency, as he is enabled to pass it on to the consumer by adding it to the price of the commodity, and thus distributing the cost among the large number of consumers. It should not be taken from the wages of the worker, as it would lower the living condition of our State and would be adding burdens to those engaged in hazardous industries instead of decreasing those burdens. We should not take premiums from workmen in dangerous employment. The theory of the law heretofore has been that dangerous employment should pay higher wages, but as this accident rate is the greatest it would be decreasing the income of workmen injured in hazardous employment more than those in any other industry. The employers do not pay these premiums. In all contracts and business insurance rates are estimated as a part of the overhead expense and in the construction of buildings all contractors make these estimates and landlords fix the rents according to the cost of construction and tenants pay the bill.

"Any law which may be drafted or enacted should provide ample relief and should not be formed on lines to save money at the expense of the common welfare. Most of the so-called compensation laws are a disgrace to this country. When it comes to paying a workman $150 to $200 for the loss of an eye or a limb, we have introduced European living conditions in the community where American dividends prevail. Sixty to 85 per cent of all injuries are of less duration than two weeks, and a law which exempts payment for the first two weeks of disability and then gives only one-half wages for a period of from three to five years is an ingenious scheme to defeat compensation and a plain illustration of how not to do justice. I know of the case of a coal miner who has been blind for 27 years, another who has been disabled for 33 years, and a law which gives compensation in a limited manner for five or six years for permanent disability is a disgrace to any State and is not as efficient as our employers' liability laws. I have in mind two cases where children were born after their breadwinners were fatally injured. A law which would allow a limited compensation for five or six years and leave them helpless during the period when their character is forming would be unworthy of our State. The law should be so formed that it will not raise the price of commodities beyond those produced in other States. Otherwise, in the competition that exists wages would have to be lowered or profits reduced in order to meet competition of articles produced in States that are less liberal and just; but we need have but little fear, as the rate on manufacturing establishments is so small that it would add very little to the cost of any commodity.

"The main object sought is to prevent industrial accidents and disablements. We are so constituted that our mind travels along the line of least resistance, and where there is no penalty the employer is apt to conduct his business without safeguards and without due care. That has always been the history of industry. If there is resistance in the way of penalties, greater care will be exercised, and where employers are liable to respond in damages for the disregard for safety appliances there will be fewer accidents and the insurance rate on each industry will be less. It is to the interest of the careful employer that the negligent ones should be subject to such actions as penalties, so that the accident and insurance rates can be kept at the lowest possible point.

"It might be best to have our bureau of statistics consolidated with the bureau of inspection, so that the department which gathers information regarding our industries can classify the same, that there shall be no duplication of services, and it might be the best that the department of inspection be changed

to a department of labor or an industrial commission, under the management of three or five persons, who can make the necessary inspections, distribute the insurance fund, investigate accidents and the extent thereof, and at the same time can give instructions on the better sanitation and conduct of industries. In this way there would be no duplication of service, for with the increased number of inspectors, which are even now necessary, an insurance fund for the benefit of workmen could be handled efficiently and with less expense than our courts are now handling accident cases, and a large amount of the $500,000 spent annually to maintain our courts and juries could be saved, as a large percentage of it is spent on account of litigation regarding personal injuries. In States where the insurance fund is collected and distributed through the agencies of the State there are boards of award or commissions, composed of three or more members and a sufficient staff to make inspections and handle the funds. Indiana should do nothing for herself of less consequence than this. The most just and effective plans should be chosen, that excessive rates may not be charged against employers, that amounts due workmen should not be withheld from them, that our industries should not be the prey of corporations organized for gain, but that the moneys collected from the consumers should all be spent in our State, not to enrich foreign treasuries. Any measure which is an improvement over our present laws must provide for the elimination of waste and profit to distributing agencies, must obviate delay, must provide security for the deferred payments of the compensation, and must provide some State board without financial interest in the fund to administer it. If it be objected that this State board would be a political agency, we would show that our State institutions, schools, and affairs are very well managed, and when our State employees are free they are usually employed by insurance companies either as solicitors, adjusters, attorneys, or managers, so that the employees of insurance companies are the same men who have served the State and are no better. Men under oath and bound to the State to decide controversies according to their duty are more apt to judge justly than when under the employment of one of the parties to a cause, with their employment depending on how they decide and the salary they receive upon the amount they retain from workmen upon whom they sit in judgment. The efforts of casualty companies to convince the public that 25 per cent of injured workmen 'malinger' during the adjustment of causes is an unwarranted effort to prejudice the case in the 'court of public opinion,' and their present efforts to extend the period for which no payments are to be made during disability are conclusive arguments against making them the judges of their own cause. They have recently filled our magazines with warnings against the successful efforts of the German people to care for their workmen through vocational training and social insurance. These systems are satisfactory to the employers of Germany, but are meeting the opposition of American casualty companies, because they are administered without profit for them and they are fearful that the American States will institute the same efficient, economic, and comprehensive schemes in this country on a practical basis, without giving Shylock a chance to take his pound of flesh and the blood from the American people. Montesquieo says, 'Constant experience shows that every man invested with power is apt to abuse it and carry his authority as far as it will go.' Hence companies organized for gain should have no authority to sit in judgment in matters which affect their income. Our parcel post and the Federal compensation law are examples of efficient public service.

"The problem before our commission is that of choosing some plan to distribute the social insurance fund economically and with the best results for the common good. Whether we should select one method or a combination of methods is yet to be determined by our commission and the people of the State. Much will depend on the intelligence and earnestness of our citizenship and much will depend on the lobby employed by financial interests and foreign capital to control the legislature. We have met with this opposition before. The American Association for Labor Legislation is favoring measures to report occupational diseases and injuries. Such a measure was defeated in the last legislature by lobbyists, on the theory that it would give ambulance-chasing lawyers information regarding accidents. Hours of exposure and fatigue increase industrial accidents, yet we met with lobbyists who opposed the reduction of hours of labor for women and children on purely selfish ground, and in that way the undesirable conditions of Indiana have been greatly increased. We trust that the president of the Indiana Bar Association will appoint a committee to assist us in counteracting the baneful influence of lobbyists who put their purse before their patriotism. Mr. Harris and the late John T. Dye have rendered great service to the State by their unselfish labor. I have met with them a number of years before legislative committees working for measures for the common welfare. Having reached the topmost round of their professional ladder they have given the people the benefit of their useful and valuable experience. Mr. Dye will be greatly missed in this constructive work. We trust that the committee appointed will be men of such high character that their service will be for the common good and not for their special clients; that their opinions will be controlled by their conscience, not by their retainers; that we may succeed in having enacted some measure which will reduce industrial calamities, improve the living conditions of workmen and efficiency of our citizenship."

NEW NATIONALISM.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish where gentlemen know what they are going to speak upon they would state the subject when asking unanimous consent to extend their remarks in the RECORD.

Mr. TAYLOR of Colorado. Mr. Speaker, my extension of remarks will be to insert in the RECORD brief addresses recently delivered by the governor of the State of Utah and the governor of the State of Colorado at the conference of western governors in Salt Lake City last month upon the subject of new nationalism.

The SPEAKER. Is there objection?

There was no objection.

THE TARIFF.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the insertion of a very brief quotation from the Textile World Record for July, 1913, showing the differences in prices between American and English grades of cotton yarns.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the subject of the tariff. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, under leave granted to extend my remarks in the RECORD I print an article which appeared in the July issue of the Textile World Record, comparing English and American prices for cotton yarn of the finer counts. This tabulation is supplemental to that for cotton yarn of coarse and medium counts, which, on May 23, I caused to be inserted in the RECORD:

ENGLISH AND AMERICAN PRICES FOR COTTON YARN.

The comparison of English and American prices for cotton yarn of coarse and medium counts, which appeared in our May issue, proved to be of great interest to the cotton trade, as it showed differences in values which would be equalized if the House bill became a law. This month we are able to give a similar comparison of prices for the finer counts of yarn. In transmitting the foreign quotations our English correspondent says:

"Quotations for the finer cotton yarns vary considerably according to the quality, and in comparing prices it is necessary also to compare samples. Wishing to obtain a fairly representative statement of current prices, I approached the Bolton Chamber of Commerce, and received from the secretary the quotations below, which indicate the general range of values. Bolton is the center of the fine-spinning industry, and has about 120 mills, with a capital value of probably $60,000,000. There are over 8,000,000 spindles, and they are principally engaged on 50s to 100s twist and 90s to 150s filling."

The following table gives the English quotation mentioned by our correspondent, also with proposed Underwood duty added, and Boston quotations for corresponding counts and grades. The tariff rates are those reported to the Senate by the Finance Committee. English prices have been reduced to cents per pound:

	English price.	Finance Committee rate.	English total.	American price.
		Per cent.		*Cents.*
Carded warp:				
40s	29 -31	15	33½-35½	33
50s	31½-35	17½	37 -41	38
60s	34 -38	20	40¾-45½	44
70s	38 -42	20	45½-50½	.....
Combed warp:				
70s	43 -48	22½	52½-59½	64
80s	47 -51	25	59½-63½	70
90s	50 -55	25	62½-68½	80
Carded doubling filling:				
40s	27 -31	15	31 -35½	33
50s	30 -34	17½	35½-40	38
60s	32 -36	20	38½-43½	48
70s	35 -39	20	42 -46½	.....
80s	38 -42	22½	46½-51½	.....
90s	41 -45	22½	50½-55½	.....
Combed doubling filling:				
70s	40 -45	22½	49 -55½	64
80s	43 -47	25	53½-58½	72
90s	46 -51	25	57½-61½	92

The following English quotations were obtained from another source for fine two-ply yarn:

	English price.	Finance Committee rate.	English total.
		Per cent.	
Combed plain:			
2/80s	57½	25	72
2/90s	63½	25	79½
2/100s	69½	27½	88½
Superwhite:			
2/120s	87½	27½	1.11

THE MONROE DOCTRINE.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief letter from myself, which accompanied a copy of an essay on the Monroe doctrine, sent to different Members of Congress.

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

[Copy of letter sent to Members of Congress.]

HOUSE OF REPRESENTATIVES,
Washington, July 24, 1913.

MY DEAR CONGRESSMAN: I would respectfully present the inclosed document for your careful consideration.

At this time of strain and stress, whether you agree with the author or not, you will surely be interested in his lucid exposition of his views of the matter discussed.

I fear that we are altogether too prone to talk about national duties and national honor in careless terms. We can not afford to set up controverted doctrines to be needlessly fought over. Many a man entitled to life will lose it if we heedlessly and unnecessarily adopt or uphold theories and policies that others feel justified in resenting.

For my part, I would go all lengths to sustain our right—

To name the qualifications for citizenship;

To declare who should own the soil of our country;

To protect the integrity of the race and to avoid the troubles certain to arise by the introduction of those who can not be assimilated.

But the lives of American soldiers should not be sacrificed, the people's treasure should not be wasted, in protecting "the property rights" of those of our citizens who, having gone beyond our borders, have "taken a chance" on the laws and conditions of peoples beyond our control.

As one financially interested in Mexico, inasmuch as I would not jeopardize my own life nor the lives of my sons to protect my property, I would be a coward and a murderer if I should send any of my countrymen to death in behalf of that property.

Yours, truly,

WILLIAM KENT.

MAINE MEMORIAL.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the address of former President Taft and others delivered recently at the Maine Memorial in New York, all being patriotic addresses.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I asked unanimous consent to extend my remarks in the RECORD by inserting several addresses delivered at the unveiling of the National Maine Monument in Central Park, New York City, on Memorial Day, May 30, 1913. All of these addresses are filled with patriotic thought and devotion to country, as well as impressing upon us our debt to the heroes of our Nation, living and dead.

The addresses referred to are those of former President Taft; Secretary of the Navy Daniels; Gov. Sulzer, of New York; Gov. Haines, of Maine; Señor Don Manuel de la Vega y Calderon, Cuban chargé d'affaires and president of the Cuban commission sent to the unveiling ceremonies; Chauncey W. Herrick, department commander of New York State, United Spanish War Veterans; Hon. William R. Hearst, of New York; and Maurice Simmons, New York City, past commander in chief of the United Spanish War Veterans, and are as follows:

FORMER PRESIDENT TAFT.

The monument we dedicate to-day is an enduring witness of three facts. The first is the gratitude that our country feels toward the men who went down on the Maine, in that they gave up their lives in her service. The second is the birth of a new people and the founding of a new nation through our disinterested aid and sacrifice. The third is the expansion of this Nation into a wider sphere of world usefulness and greater responsibility among the nations than ever before in its history.

The honored dead, to whom this is an appropriate memorial, were a heavy part of the cost to the country of our war with Spain. This is not to charge responsibility to the Spanish Government for the explosion of the *Maine*, except in so far as it may be said to be responsible for the protection of the warships of a friendly power in its own harbor. The careful report of two boards of sworn experts, however, leave no doubt that the explosion was due to an outside cause and to a hostile hand. The tense feeling between the two nations, growing out of the intolerable conditions in Cuba, intolerable to her people and intolerable to her neighbors, needed only the explosion of the *Maine*, under the conditions which existed, to render war inevitable; and the candid and careful historian must always date the coming of the Spanish-American War from the death of the brave jack-tars whose souls were hurried into the presence of their Maker on that night of the 15th of February in Habana Harbor 15 years ago. They were buried to destruction without the inspiration of anticipated battle or hoped-for victory, but they were on duty when they went down; they were wearing the uniform of their beloved country, and they have a right to a place in that roll of naval heroes whose steadfastness and courage have given the American Navy the high place it has in history among the navies of the world.

We have raised the *Maine* from the mud bottom of Habana Harbor and have given her wreck honorable burial in the blue waves of the Tropic seas. The mortal remains of those who gave the vessel her personality and made her a living weapon for the protection of national honor and vital interest we have brought from Cuba and have placed in the sacred soil of Arlington. We halted the wheels of Government and stayed the hum of industry in order that by an appropriate ceremony of interment we might officially recognize the debt we owed to those who yielded all they had and all they were for the Nation. We clothed the ceremony with all the solemnity of the honors of war, and we thus expressed the deep and lasting gratitude of a Nation to her martyred defenders.

We are now gathered upon this Memorial Day of the year, devoted by Nation and State law and custom to renewing the memories of all who have died for us in all our wars, here to dedicate a monument that shall stand in this metropolis of the country and in one of the greatest and busiest marts of the world, and shall recall men from the thoughts of their daily vocations and of their selfish interests to a contemplation of the sacrifices necessary from time to time on the part of some of their fellows that the Nation may live and that the march of human progress may go on. If a conviction of a Nation's gratitude, enforced in this beautiful sculpture of marble and bronze, with its eloquent allegory, shall inspire in others in times of future national need a willingness to make the same supreme sacrifice, one high purpose that prompted the erection of this monument will have been achieved.

Out of the Spanish War came the Republic of Cuba. Unlike most wars in history, it was fought by us without purpose or thought of aggrandizement. It was begun without a single selfish instinct, and was prompted by motives most humane. Its formal declaration was accompanied by a self-denying ordinance as to our future relation to Cuba, and sacredly has the pledge of that ordinance been maintained. Through the Platt amendment in our treaty with the new Republic we retain an influence that has never been exerted and will never be exerted save for the good of the people of that beautiful island. For two years we labored and expended such effort to frame the Cuban Republic. We fulfilled our trust and installed the new government. When in her subsequent course the ugly head of revolution reared itself we intervened again, and with our Army and Navy stayed the internecine strife and composed the differences that threatened again to drench the island in blood. As the Republic stumbled and almost fell, we helped her with our friendly arm and steadied her on her way to greater stability and the greater individual happiness of her people.

During the last year there has occurred in the island a national election, the result of which should legally transfer the political power in the Republic from one party to the other. Prophecies of impending danger, due to a change in administration, have been many, and they found their justification in experiences of the past, but the Cuban people have successfully met the test. One President has peacefully laid down his office and given it over to his successor, the threatened danger has been past, and the peaceful transfer of control of the State from one party to another strengthens hope for its stability. Long life to the Cuban Republic! May her people learn well the lesson which they must learn if their Government is to be a blessing to them, the lesson of self-restraint and of respect for the limitations of a constitution that they have imposed upon themselves, with a clear understanding that no popular government can live in which the majority does not respect in full the rights of the minority and the individual.

Cuba is our foster child. As she errs in the childhood and youth of her national life, we must bear with her and aid her. Again and again it has been said, but without a thought of the new responsibilities and the new burdens we would have to assume and the plighted faith we would have to break, that if Cuba again stumbles and the United States is obliged to intervene to prevent a fratricidal war and great disaster, then we must end the Republic and take over the island within our jurisdiction and protection. This is said without regard for our parental relation to her, our continuing duty to help her, and to be patient with faults that may be expected in her struggle to govern herself. We must hold to a persistent purpose to maintain her as an independent and self-respecting Republic. This monument, a witness, as it is, of the birth into the world of a new nation, made possible by the unselfish sacrifice of the United States, should typify in its enduring character the permanence of the new government, which it is our duty to preserve.

The third fact that this pile commemorates is the awakened consciousness on the part of the people of the United States that they have a new responsibility among the nations of the world that they can not avoid or evade. The isolation that they enjoyed in their separation from Europe and Asia by two oceans did for a century give them a feeling of immunity from the burdens that other nations had to carry and which other nations did carry in the march of human progress and the advance of human civilization; but methods of modern transportation and communication have put this country many days nearer to Europe and Asia than they were in the time of Washington. The wonderful material expansion in the development of this continent between the Atlantic and Pacific, the enormous increase in population, and the corresponding growth in national power have all given us a position among the countries of the world that we must recognize and that we must take with its corresponding responsibilities, whether we would or no. It needed only an episode like that of the Spanish-American War to bring out clearly and in their fullness the changes in our relations to the world and the nations of the world that our wealth, our population, our prosperity, and our national power now impose upon us.

Beginning a short war, with our eyes focused on Cuba, a month had hardly elapsed before we were carried to the uttermost parts of the world 7,000 miles to the west, to assume a guardianship over 7,000,000 people in the Philippine Islands, almost in the Antipodes and a part of Asia, and similarly over a million people in the island of Porto Rico, far on the way east toward European shores. The inevitable trend of international development has shifted responsibility for these two peoples from the shoulders of Spain, representing the monarchical tradition of 10 centuries, to us, who are the embodiment of the spirit of popular government, with national tradition of but one. Despite the acrimonious discussion and the bitter charges made against those who were responsible for our policy in respect to the Philippines and Porto Rico, but to take them over and give their peoples the best government we could, and to continue this policy until with experience and education they become a self-restrained people capable of self-government, when they can choose whether they would be independent of us or re-

lated to us by a friendly bond of union, the possession of this new territory thrusts upon us new relations with the rest of the world that we can not escape. It gives us an Asiatic status, brings us close to China, and doubles our interest in the Pacific. If we would exercise the influence that we ought to exercise for good in the world, we must accept responsibilities commensurate with our national strength and opportunities for usefulness. The nations of the world are all closer to each other than they ever were before. Their peoples have greater interest in each other. There is more sympathy between them than there ever was before, and this creates more neighborhood duties. There is an international public opinion slowly growing in its influence, suffering reverses at times, but gathering force in the intervals between war and manifesting itself in the diplomatic negotiations between nations, in the congresses of the powers, and in such movements as prompted The Hague conference and The Hague treaties. Many nations have a community of interest in the humane and civilizing work being done in the name of the Christian religion through the private generosity of church associations in spending money and effort in foreign missions that are the pioneer posts of Christian civilization.

If the Government of the United States conforms to the high ideals of our people and their purposes, it will encourage every movement toward mutual helpfulness among the nations. The American spirit is wanting neither in courage nor in willingness to meet responsibility. They mistake that spirit who would not maintain under present conditions an Army and a Navy practically necessary and adequate to preserve our national prestige and influence among the nations, on the one hand, and who would not, on the other, strive in every possible way to help a struggling people that appeals for our aid and to take all possible means to promote peace among the nations.

This movement marks the time in the life of our Nation when it awakened to the consciousness of its increased power for good in the world and its larger share in the burden of the world's advance.

SECRETARY DANIELS.

In the whole range of patriotic story, as it comes to me in tales of the sea, there is no finer illustration of heroism than that exhibited at the time of the blowing up of the *Maine*.

The sailors of the *Maine* in Habana Harbor, who were rudely disturbed from their slumber only to be hurried into what we mistakenly call eternal sleep, were at their places of duty. They surrendered what is most prized by other men in consecrating their lives to the defense of the Nation and its homes. They were the guardians of the lives and property of Americans at home and abroad.

I am thrilled as I see in my mind's eye that picture of a scene in the darkness of that dreadful night of Pvt. William Anthony saluting Capt. Sigsbee and reporting, "The ship is blown up and is sinking, sir." The incident gathers into a focus the Navy's loyalty to the flag.

If the Navy is the strong arm of the Government, the protector of our homes, and the defender of the Treasury, it is because of the harmonious and effective working together of these two types. In this meeting on the deck of the sinking *Maine* we have them brought together in a moment of glory, in an incident of heroism that has permanently lodged itself in history.

We speak of the heroes of the *Maine* as if they were dead; but ought we not to feel that they live always by their sacrifices, stimulating us to patriotic achievement?

GOV. SULZER.

Fellow citizens, that monument at the entrance of one of the grandest parks in the world will for years embellish our great city of New York.

For decades it will teach the country the patriotic duty of American citizens. It will be a lesson to the people of our land that no man who dies in the service of his country ever dies in vain.

All honor to the men whose foresight and whose patriotism have made that monument possible. All honor to William Randolph Hearst, to the members of the committee, to the patriotic citizens who contributed to rear that monument.

That monument will be an inspiration to generations yet unborn, because it typifies a great idea, because it stands for a great inspiration.

GOV. HAINES.

The State of Maine joins in these ceremonies, and places her floral tribute on this monument, with New York and the Nation, in memory of the honorable and brave sailors who lost their lives in the cause of human freedom and liberty by the blowing up of the U. S. S. *Maine* in February, 1898—this great disaster in the United States Navy ever to be remembered as one of the horrors of war.

The people of Maine, whose name this battleship bore, are pleased to assist in commemorating this event in the fullest spirit of respect and patriotism with the other States and the Nation, such as has always upheld the honor of our people and defended the cause of justice and humanity either at home or abroad.

While this monument represents a sacrifice of human life and establishes the event as well as it can be done with metal and stone, yet it is much more securely established in the memory of our people, and will ever stand on the pages of our history to our lasting credit as a self-sacrificing and patriotic people.

Every American feels justly proud of the part we took and the aid we gave to secure a greater freedom and wider opportunity for the people of Cuba through the establishment of a civil government which recognizes the equality of man; that it aided in the establishment of another democratic Republic on the Western Hemisphere.

And we can further rejoice to-day in the fact that our young sister Republic is so nobly sustaining herself as another "Land of the free and home of the brave," wherein the lives of all men are respected and made more secure. May the example of the history which this monument represents so beautifully forever stand as an encouragement to all people throughout the world in their struggles for a larger measure of right and justice and a greater safety of human life.

SEÑOR DON MANUEL DE LA VEGA Y CALDERON.

Mr. Chairman, ladies, and gentlemen, having been designated by my Government as president of the Cuban commission to attend the Maine memorial and the unveiling of the monument to the heroes of the *Maine* and the brave soldiers and sailors who died in the Spanish-American War, I am indeed glad of the opportunity of saying a few words on a subject so near to my heart.

In this same hospitable city, over 40 years ago, the remains of one of our great patriots, Francisco Vicente Aguilera, were laid in state in the city hall of New York at a time when my countrymen were struggling to obtain that which was then only an ideal. To-day we assemble here, the diplomatic representatives of the Cuban Government, the representatives of our Congress, of our sailors and soldiers, a delegation which represents this ideal now realized, to render tribute to those heroes that have taken so important a part in the birth of the Republic of Cuba.

Our presence here to-day on this memorable occasion carries with it the fervent and heartfelt sympathy of the President and people of Cuba to those martyrs to whom this monument is dedicated. Although they rest in peace, their remembrance will always live in the heart of every Cuban patriot.

And as our floral offering is placed by my Government on the monument unveiled to the sacred memory, let us hope that the remembrance of these solemn ceremonies will be the means of extending more and more the friendship and cordial relations that happily bind our respective countries.

CHAUNCEY W. HERRICK.

Gen. Wilson, ladies and gentlemen, it is fitting that this sacred day should be chosen to dedicate the National Maine Memorial Monument.

Forty-five years ago Gen. John A. Logan, in an order to the Grand Army of the Republic, set apart Memorial Day to "honor the brave men who gave themselves as a living sacrifice on the altar of freedom."

Year after year the beautiful custom of decorating the graves of our honored dead has been followed, until perhaps no other holiday serves so distinctly the purpose for which it was created.

It is therefore particularly appropriate that the United Spanish War Veterans, coming from various cemeteries where the morning has been spent in decorating the graves of our silent comrades, should assemble to take part in these ceremonies.

In its broader sense this monument is a tribute to every man who has followed the flag, but it is specifically dedicated to those shipmates of ours, both living and dead, who so splendidly upheld the traditions of the service when the *Maine* was destroyed.

It is easy to volunteer when the whole country is aflame with patriotism, but these men had enlisted in time of peace and were doing just what our soldiers, sailors, and marines are doing to-day—standing watch so that if trouble does come they can bear the brunt of it until our Volunteers can be trained and equipped to help.

Only by such a system could this country maintain its position with so small an armed force, and only by this force being composed of men of the character and high personnel that distinguishes the united service could we feel that our country and our national honor were being safely guarded.

The example of these shipmates of ours ought to be an inspiration to every one of us, no matter what his station or position in life may be. They gave their lives, not that Cuba might be free, not in a spectacular charge with the eyes of the world upon them, but quietly and simply because it came in their day's work.

Few have done as much, and no man can do more.

WILLIAM R. HEARST.

My friends, many of the speakers, in the goodness of their hearts, have given more credit to the committee, of which I am a minor member, than we think we deserve. The committee has done its best, but it has not played a predominant part in the erection of this monument.

The monument was designed by the architect, Mr. M. Van Buren Magonigle, and the sculptor, Mr. Attilio Piccirilli; it was passed upon by the art commission; the city of New York gave it this magnificent site; and the people of the United States erected it by popular subscription.

To my mind the important and significant fact in connection with this memorial is that it was erected by the whole people, for I think that in the defense and development of our country the one thing next in importance to heroism and devotion is appreciation of heroism and devotion by all the people.

We can not all be heroes, but we can all be grateful for heroism. We are not all privileged to lay down our lives in the service of our country, but we can all love and honor and remember the men who have made such splendid sacrifices.

And in remembering heroes dead, let us not forget heroes living. There are as many men in the Army and Navy to-day ready to sacrifice their lives for their country as ever there have been in the whole history of the Nation.

It is our duty as citizens to see that such sacrifices shall not be needless and fruitless. It is our duty as citizens to supply sufficient ships and guns in order that these heroes may have the means and munitions for our defense and in order that their devotion may not be either unappreciated or unavailing.

When we have done this, our duty as citizens, we will deserve to stand with the citizens to whom Abraham Lincoln referred when he wrote:

"All honor to the sailor and soldier everywhere who bravely bears his country's cause. All honor, also, to the citizen who cares for his brother in the field and serves, as best he can, the selfsame cause. Honor to him only less than to him who braves, for the common good, the storms of heaven and the storms of battle.

MAURICE SIMMONS.

To-day, as spring in unwonted sackcloth and ashes strews her freshest flowers over the graves of the heroic dead, let her linger here to sanctify the sod on which is dedicated this monument to the martyrs of the *Maine*. Green be their memory as the budding branches, and verdant still to the judgment day. No siren note of bugle beckoned them to the fray. The delirious god of battle never fevered their veins. Yet, their fame is as deathless as Thermopylae, and the glory of their going the heritage of all mankind.

Shall we recall the hour of their doom? Lotus fingered, the southern nighttime presses their eyelids as they enter the grotto of dreams. Suddenly the stillness is cleft by the flashing flames of hell. We see eyes rudely opened for an instant and then closed forever by the merciful seal of eternity. Silently they descend the swift, rushing waters—each humble sailor an ambassador of the Republic.

Boston Massacre, Harpers Ferry, Destruction of the *Maine*—what a holy trinity of sacrifice! Each in God's given hour wrought the salvation of a people. The blood of the innocents spilled on the old Kings Highway fertilized the garden of liberty, and over their sacred bones rose the sanctuary of the Revolutionary Republic. From the nerveless hands of John Brown, as he dangled on a Virginian scaffold, leaped the lightnings of the Lord, crumbling into the dust the feudal empire of the South and shattering the shackles on the limbs of the bondman. Bursting their slimy cerements in Habana harbor, these canonized dead summoned the angel of wrath, who, with flaming sword, drove the Spaniard from the gates of the Cuban paradise and lifted the lowly from the dust to the seats of the mighty. By the blood of the martyr is purchased the redemption of the race.

Yonder stands the chiseled effigy of the Italian superman whose courage brought a continent into being. Separated by four centuries, he and they whom we are here gathered to commemorate were actors in the same drama of destiny. What unconscious purpose has brought these classic shafts into such significant proximity? His sacrifices cradled the advent of Spanish dominion in America; their martyrdom confined its hopes on our hemisphere.

It is meet that we crown this spot with the incarnate bronze and memorial marble. Long may this storied structure nestle on the breast of the mother city. In our cosmopolis, watered by all the streams of earth, let us lift high this shaft to the memory of the men the dying spark of whose lives kindled a crusade for humanity. The deck they trod was the microcosm of the many-fibered Republic. The uncowed, square-jawed Briton, the patient, flaxen-haired Teuton, the generous, blue-eyed Celt, the daring, mystic Russ, the impulsive, chivalrous Frank, the rugged, fate-wrestling Norseman, all in the melting pot of the *Maine* were fused into the Yankee man-of-warsman. Here, in the city where the nations have pitched their tents, let us consecrate this shrine as a pledge and a prophecy to the generations yet unborn.

SANITATION IN PHILIPPINE ISLANDS.

Mr. WALTERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article on sanitation in the Philippine Islands.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALTERS. Mr. Speaker, the most striking feature of American occupancy of the Philippine Islands is the work performed by the medical representatives of our Army and the Public Health and Marine-Hospital Service. The article printed herewith gives a most succinct summary of that work:

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SANITATION IN THE PHILIPPINES.

WITH SPECIAL REFERENCE TO ITS EFFECT UPON OTHER TROPICAL COUNTRIES.

[By Victor G. Heiser, M. D., D. Sc., director of health for the Philippine Islands, passed assistant surgeon, Public Health and Marine-Hospital Service.]

It is now practically 10 years since the health organization under the American civil régime in the Philippines was put in operation, and it may not be amiss to review some of the results that have been accomplished during that decade. It is proper to state, however, that prior to the formation of civil government a board of health was organized under Army General Orders No. 15, under the authority of which Army officers did good work and made an excellent beginning in reducing the ravages of the diseases which they found so abundantly present on every hand. This early work was largely concerned with protecting the health of the troops and mostly confined to the city of Manila. When the civil health régime began, in addition to the deplorable sanitary conditions resulting from centuries of neglect, it found itself confronted with a severe outbreak of plague in Manila and in a number of the Provinces. To add further to its labors, it had scarcely opened its offices before one of the severest epidemics of cholera that has been known in modern times had its beginning.

Forty thousand persons were dying annually from smallpox, while the number of deaths from beriberi in jails and other public institutions was frightful. With the exception of the water system in the city of Manila there was not a reservoir, pipe line, or artesian well for the 7,200,000 people of the entire archipelago, and even the water for the city of Manila was known to be grossly polluted. The dead were buried in a most haphazard manner, it being a not infrequent experience to find as many as four or five interred in a grave. The bones of those who had died but a few months before were often ruthlessly cast out to bleach in the sun, in order to make room for a more recent death. The city of Manila, which had a population of over 200,000, had no sewer system, and foul human discharges found their way directly into the esteros, or canals, of which there are some 23 miles. The water in these was frequently stirred up by the lighters and other craft which are used so extensively in Manila for transporting cargo, with the result that nauseous gases were constantly being liberated.

There was no food law and the vilest class of food products was shipped into the country without let or hindrance. Amebic and other forms of dysentery soon affected the troops and others who had come to the Philippines to aid in governmental work. Subsequent experience has shown that these same diseases were responsible literally for thousands of deaths annually among the Filipinos. There was no hospital in the entire islands which had modern surgical equipment, and persons died on every hand of disease which could have been easily relieved by very simple medical procedures. It was not uncommon to find many persons horribly deformed by the scars which resulted from injuries or ulcers that could have been easily cured if skilled attention and facilities had been available at the time when they had their beginning. There were some 300,000 wild people living in a primitive state, among whom no attempt had been made to furnish medical relief. The prisons throughout the Islands were indescribably filthy and neglected.

In the days prior to American control the maritime quarantine was conducted upon a basis of graft rather than upon merit, with the inevitable result that an outbreak of any of the dangerous, communicable diseases, like plague, cholera, or smallpox, in the nearby foreign countries meant the early introduction of the disease into the Philippines. There was no proper inspection of animals before slaughter, and suitable slaughterhouses, where this work could have been done, were conspicuous by their absence. More than 5,000 lepers were at large throughout the Philippine Islands. A few hundred were taken care of as objects of charity, but there was no attempt made to segregate lepers with the view of avoiding the danger of infection to others or of lessening the ravages of this disease. Malaria prevailed in hundreds of towns in the Philippines, without quinine being available to combat it. It was no infrequent experience to find imitation quinine pills being sold at fabulous prices in the stricken districts, and the poor populace had no one to whom to apply with the hope of receiving any relief from this most intolerable condition. Sections of Manila, having a population of from 5,000 to 25,000, were built up with houses so closely crowded together that there was no room for streets or alleys, and egress from these sections had in many instances to be made by the residents crawling under one another's houses. Manila is located on a tidal flat, and formerly at high tide about half of the city was inundated. As this flat land consisted of soft, oozy mud the conditions can be better imagined than described.

There was no governmental provision for the insane, and it was no uncommon sight to see these unfortunates tied to a stake, under a house or in a yard, with a dog chain, and it often happened that during fires, which are so frequent in towns built of nipa, these unfortunates were burned because no one thought to release them. Foods and perishable provisions were sold under most filthy conditions, the common practice being to sell them from the ground, so that the dust and dirt of everyone who came to see was soon intimately mixed with the food that was on sale. There were no restrictions enforced in the construction of buildings, with the usual result so frequently seen in oriental countries—small, dark interiors, with practically no light and air, abounded everywhere. It was a frequent occurrence to find small rooms, often no larger than 8 by 10 by 8 feet, in which from six to eight persons were sleeping. Street cleaning was most indifferently carried on, with the result that large quantities of garbage and other filth accumulated in back yards and upon the streets. Tuberculosis was responsible each year for perhaps another 50,000 deaths throughout the archipelago. No effort whatsoever was made to teach the people how to deal with this scourge.

MAGNITUDE OF THE PROBLEM.

The task which confronted the American sanitarian seemed indeed impossible of accomplishment. With a population that was fully satisfied with the conditions as they were and not disposed to have any portion of the taxes which were being collected from them used for sanitary purposes, and with the determination to resist any change in their personal habits and the conditions which surrounded them, it must be admitted that the prospects for bringing about a better state of things were not very alluring, especially as the task had to be accomplished with an amount allotted to the board of health derived from revenues collected in the Philippines. In addition, the foreign medical men of the East, good-naturedly and sometimes not good-naturedly, ridiculed the efforts to bring about a better state of affairs. It was pointed out that in foreign colonies it was customary to take such steps as would safeguard the health of the persons who came from Europe to govern or to do business, and that the wisest policy was to let the masses live as they would; that it was impossible to reform the oriental, and that it was effort wasted that could be used more profitably in other directions. Observation of the work done by Europeans in far eastern cities showed that this practice was almost universally in force.

RESULTS OBTAINED.

But the American sanitarian was not daunted by these obstacles and set to work resolutely. His first large task was to combat the severe outbreak of cholera which has already been mentioned. It was then learned that the passive resistance of the oriental is a very much more subtle and difficult force to overcome than the active opposition which is so frequently encountered in the Temperate Zone.

On the whole, it may be said that the campaign waged against cholera in the beginning was not as successful as could have been hoped for, but the experience gained paved the way for attacking future outbreaks with considerably more success. It was soon learned that there was nothing to be gained by using actual force. The opposition which was engendered caused far more difficulty than the good which was accomplished in an individual case in which it was used.

The early efforts to combat plague resulted in similar lack of success. With this disease not only Filipinos, but the Chinese, had to be dealt with, and the efforts to bring the celestials to the ways of twentieth century hygiene would oftentimes have been ludicrous had the results not been so fatal. The lack of success of these efforts soon made it apparent that before much could be accomplished in the islands a set of laws would have to be prepared in which considerable deference should be given to local prejudices; that frequently a compromise would have to be accepted in order to gain the adherence of Filipinos who had large influence with their people. In other words, it became apparent that the sanitary regeneration of the Philippine Islands had to be brought about, not in spite of the Filipino people, but with their assistance. One of the first steps was to organize some 300 boards of health throughout the islands, with Filipinos in charge in the majority of instances. In many cases the officials who composed these boards were brought to Manila and given a course of instruction in modern sanitation and hygiene, and to their credit it must be said that after they began to learn the whys and wherefores of things much cooperation and assistance was obtained from them. It was but natural that a people should resist measures which they in their inmost hearts believed were being enforced by the governing power for the express purpose of making them miserable, unhappy, and uncomfortable. As soon as the better class of Filipinos observed, however, that no cases of cholera occurred among the Americans who drank water that had been boiled and ate only food that had been cooked and was served hot, this simple plan had many imitators, and much of the success that was obtained in later cholera campaigns may be attributed to the measures which the Filipino people themselves invoked.

During the early years of the existence of the board of health plans were made for the vaccination of the people of the entire archipelago. This was first attempted by permitting the local Filipino health authorities to take charge and vaccinate the persons in their immediate districts, but not much success followed these efforts. It was found that in most instances the health officer did not appreciate the necessity and importance of vaccinating every individual in a community. Often his friends or those whom he considered had political or other influence which they might use to his disadvantage were permitted to go unvaccinated. The result was that so long as soil remained for the implantation of smallpox contagion the disease continued to exist. When it was demonstrated to the Filipinos that this plan would not work, partially with their assistance another plan was tried. It consisted in having an American physician, with some 20 or 30 vaccinators, begin at one border of a Province and literally march across it, only going forward when all of those who were behind had been vaccinated. Upon the completion of the first work the expected result became a reality. In Provinces that before vaccination had some 2,000 to 3,000 deaths annually from smallpox there was not a single death or even a single case of this disease after its completion. The success of this plan was so overwhelming that the insistence for doing it by the former plan was largely withdrawn, with the result that all portions of the Philippine Islands to which it was possible to ship vaccine in a potent condition have now been almost entirely freed of smallpox. In a Province which has been vaccinated it is a unique sight to see anyone to-day who has any pits of smallpox received since the vaccination was completed. In the six Provinces which immediately surround Manila, where formerly there had been probably for centuries 6,000 deaths annually from smallpox, there was not a single death from that disease in the year following the completion of the vaccination, nor have there

been any deaths since that time among persons who were vaccinated in those Provinces. This work is still going on, and the net result is that there are now at least 30,000 less deaths annually than was the case before this work was begun.

Coincident with this work the island of Culion, which is roughly 20 by 10 miles, and, with the necessary deductions for indentations, has an area of a bout 150 square miles, was set aside for a leper colony. The property rights of such residents as were found on the island were purchased and the people removed to the near-by island of Busuanga. The construction of a modern town was begun, and when this had proceeded sufficiently far, the collection and transfer of lepers to Culion was commenced. By 1908 at least one collection of lepers had been made all over the archipelago, and in many Provinces a number of collections had been made, but there were necessarily quite a number who escaped the early collections and went into hiding, and also a considerable number who were in the incubation period of the disease from an infection which they had probably received through their association with cases of leprosy, so that, up to the present time, cases still come to notice, and these, as soon as discovered, are isolated and, at frequent intervals during each year, are transferred to Culion. Although it is entirely too early to furnish data with regard to this matter, it is roughly estimated that there were formerly at least 1,200 new cases of leprosy contracted each year, and it is believed that now, with the lessened opportunities for infection, this number has already been decreased one-half. If these estimates are correct, it means that at least 600 persons are being saved annually from contracting this most loathsome disease; that this number remain as useful members of society instead of being a burden upon the public during the remainder of their existence. The leper town of Culion, like towns in the United States, is constantly being improved and is assuming a more and more modern aspect. Houses of reenforced concrete are being built. A modern water and sewer system have been installed. A commodious hospital, with a capacity of 250 beds, where the acutely ill may be taken care of, has been provided, and there are constantly on duty the necessary doctors and nurses. The leper community has been made self-governing. No guards of any kind are employed. The people elect their own officials and govern themselves by laws which they make, so that not only are the people of the Philippine Islands relieved of the danger and undesirability of having lepers among them in places where they are constantly liable to convey the disease to healthy persons, but, on the other hand, the leper himself is no longer made to feel that he is an outcast. He has a place which he can call his home, where he is welcome and where he can indulge in most of those pursuits of human liberty which are held as necessary attributes to happiness.

In Manila a modern water system has been constructed at a cost of approximately $2,000,000, for which the water is now obtained from an uninhabited watershed. This improvement has already resulted in a reduction of approximately 800 deaths annually in Manila from the gastro-intestinal diseases. The quantity of water and the pressure has also been greatly increased, so that it is now available in all sections of the city, whereas heretofore it was limited to certain sections, and, unless storage tanks were placed on the roofs, water was not available above the first floor. At the cost of another $2,000,000 a modern sewer system was provided. This is one of the most modern of its kind and has been in very satisfactory operation for four years. The filthy latrine and cesspool are now rapidly giving way to the modern flush closet. Twenty-three miles of esteros have been cleaned of their accumulation of centuries, and, in most instances, are clean water courses and no longer canals for the reception of sewage. Hundreds of artesian wells have been bored throughout the islands, and work is under way for the installation of many hundreds of others. Wherever the water from an approved well has been exclusively used by a community, the death rate has often dropped 50 per 1,000. In other words, in a town of, for instance, 3,000 inhabitants there are now 150 less deaths annually than occurred before pure drinking water was furnished.

The jails throughout the islands have been cleansed and sanitary equipment installed. The loathsome skin diseases from which the prisoners suffered were cured, and the conditions have been made such that their contraction in the future is extremely unlikely.

Beriberi, which in former days caused frightful mortality in jails and other public institutions, and was responsible for 5,000 deaths annually in the archipelago, is now being rapidly reduced, owing to discoveries which were largely worked out in the Philippine Islands. It might also not be amiss to state, in passing, that it is estimated that there are at least 100,000 deaths from beriberi throughout the Orient each year, and through the efforts of the Far Eastern Association of Tropical Medicine, which had its origin and birth in Manila, the prospects are fair for united governmental action being taken with the view of greatly reducing the ravages of this disease, or perhaps of stamping it out altogether.

The evidence is almost conclusive that beriberi in the Orient occurs mostly among persons whose staple article of diet is white rice, which means rice from which the outer portion, or cortical layer, has been removed. Numerous experiments have shown that the disease is due to the fact that an essential element necessary to the proper nutrition of the human being is lacking from rice from which the outer portion has been removed. When rice is used as a staple article of diet there is no opportunity to obtain this lacking constituent from other foods. Europeans, for instance, seldom contract beriberi, because they use a diversified diet. Exactly what this missing substance on the outside of the grain is has not yet been definitely ascertained, but it has been repeatedly shown that if persons suffering from beriberi are given the outer portion of the rice grain, or, in other words, rice polishings, they soon recover from this disease unless they were hopelessly ill at the time treatment was begun.

Manila's streets are now swept daily, and it is the frequent comment of travelers that it is one of the cleanest cities of the world. Garbage is collected every night, so that there is no opportunity for the accumulation of filth of this kind, as was formerly the case. This condition does not apply to Manila alone, but to many of the towns of the Provinces.

Rules for avoiding cholera have been put into such simple form that it has been possible to teach them in the schools throughout the islands, and the pupils are now able to repeat them like a catechism. This campaign has not only benefited the pupils who were directly taught the means whereby cholera may be avoided, but their elders have been appreciably influenced by the example which their children have set them. It is now of frequent occurrence that when cholera makes its appearance in a community a request is immediately sent to the central government at Manila for the services of an expert who can advise the people of the stricken town as to the measures which should be invoked to bring the outbreak to a speedy close.

Plague has been completely extirpated, and no cases of this disease have occurred in the Philippines since April, 1906. Cholera has also been absent now for nearly a year, and even during the preceding year the number of cases was insignificant when compared with those which formerly occurred.

By making available better drinking water, and by active educational propaganda, the spread of amebic dysentery has been greatly reduced.

Cemeteries, properly laid out, have now been provided throughout the length and breadth of the island. All remains which are not cremated are decently interred, one in a grave, 3 feet under the ground.

Streets and alleys have been cut through the congested districts of Manila, so that the houses can now be approached by a street or alley. The improvement in the health of the people where this has been done can scarcely be estimated. In the event of the appearance of a dangerous communicable disease, it is possible to reach it promptly and remove cases to a modern "dangerous communicable disease" hospital, and thereby greatly reduce the danger of the spread of such diseases. Garbage carts now enter these sections daily, and in consequence filth no longer accumulates. A noteworthy incident in connection with the improved living conditions in these areas was the pride which the inhabitants themselves took in their new surroundings.

A modern insane hospital has been constructed in Manila, where there is room for at least all of the cases that are urgently in need of care. A large general hospital, with a capacity of 350 beds, has likewise been constructed in Manila. This is unquestionably the most modern and best equipped hospital in the Eastern Hemisphere, and will compare favorably with the most modern hospitals in Europe and America. Already patients are being treated at the rate of 80,000 a year in the out-patient clinic, which means that thousands upon thousands are receiving relief and are freed from pain, among whom only agony and distress existed heretofore.

A nursing school, with over 300 young Filipino men and women students, is in successful operation, and has already graduated two classes, the members of which have passed civil-service examinations and received grades which compare favorably with those received by American nurses. A medical school, with modern laboratories and the latest equipment for teaching by instructors who are specialists in their respective branches, was established six years ago, and has already graduated doctors from its five-years course. The entrance requirements, course of study, and practical hospital training are higher than the average in the United States. A modern hospital has been constructed in the very heart and center of the wild man's country, and with the assistance of the ministrations of the doctor and the nurse these people are being rapidly brought from a head-hunting, savage state to the paths of civilization, and are rapidly becoming useful, productive people.

A campaign against tuberculosis has been organized; camps for the treatment of incipient cases have been constructed at various places; many dispensaries have been opened; a hospital for incipient cases provided at Baguio and a hospital for chronic cases at Manila. A campaign of education has been waged on every hand; the aid of moving-picture films has been utilized; in short, everything is being done that is customary in enlightened communities of Europe and America.

INFLUENCE ON OTHER COUNTRIES.

The influence which this work has had upon other colonizing powers in the Orient it is almost impossible to estimate at this time. During the past four years representative sanitarians and others from Japan, China, Hongkong, Indo-China, the Straits Settlements, Java, India, the Federated Malay States, Australia, Ceylon, Siam, and other countries have come to the Philippine Islands for the purpose of studying the methods by which the results in the Philippines were brought about, with the view of having their Governments pass upon the question as to whether similar measures should not be introduced in their own countries. Many of these countries would perhaps resent having it stated that many of their sanitary reforms which they have brought about in the past few years were due to the example which had been set in the Philippines. Nevertheless, it can scarcely be gainsaid that the work of the United States in the Philippines must have been a very important factor in stimulating other countries to attempt similar measures. The success which has already been had by the introduction of sanitary methods has had a great influence in paving the way to the introduction of additional reforms. The recently organized Chinese Republic is making a noble effort to bring about the introduction of similar sanitary measures in China. With the view of having intelligent criticism passed upon that which they have done, a sanitary official from the Philippines was invited to come to China in order to suggest and advise them further with regard to their plans.

Many of the countries of the Orient no doubt feel themselves compelled to join the van of modern sanitation because public opinion, which is being slowly crystallized throughout the world, demands it more and more, as the results which America has accomplished in the Philippines become more widely known. Before the lepers of the Philippine Islands were segregated no country of the entire Orient, with the possible exception of Australia, had made any plans looking toward segregating the lepers found among the native peoples, whereas to-day at least three countries are arranging for this step, and contemplate accomplishing it in accordance with the plans and model which were used in the Philippine Islands.

At a conference which was held this year in Hongkong agreements have been reached among the oriental countries to impose similar quarantine restrictions. The desire to protect themselves was largely due to the success which has followed the quarantine measures which were enforced in the Philippine Islands. It is generally conceded in other oriental countries that the medical literature produced in the Philippine Islands is more voluminous and has a greater scientific value than that of all the other countries combined. These writings have also had an important influence in molding opinion with regard to medical and sanitary matters of other portions of the Orient.

The successful results in stamping out mosquitoes achieved in Panama and in many sections of the Philippines have been a great stimulus to other countries in carrying out similar work. No doubt the day is not far distant when the number of deaths from diseases which are conveyed by mosquitoes will be greatly reduced in many of the lands of the Orient, and this day is being greatly hastened by the example furnished by America.

Instead of viewing the medical men of the Philippines with suspicion, their medical brethren in other countries now meet them in full fraternity, and the effect that this has had in promoting a better understanding and the influence for progress can scarcely be estimated. The indirect effect of this has been excellent, because before America's advent into the Orient there was no fraternizing between the countries. Each remained within its own little sphere, and in many instances

there was much wasted labor and effort expended in solving problems that had already been successfully solved in other countries. By the free interchange of ideas which now takes place the knowledge gained in one country is available in a very short time in others.

The fact that the traveler can now go in safety to sections in the Tropics which meant almost sure death heretofore and that commercial enterprises can now be profitably carried on where disease among laborers made it impracticable formerly is largely due to the efforts of the American sanitarian in Panama, Cuba, Porto Rico, and the Philippines.

BATTLE OF GETTYSBURG.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an able and eloquent address delivered by our colleague from Pennsylvania, Mr. MOORE, at the anniversary of the Battle of Gettysburg.

The SPEAKER. Is there objection?

There was no objection.

DIRECT ELECTION OF UNITED STATES SENATORS.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from Hon. Ernest Lister, governor of the State of Washington, and a bill introduced into this House, both in reference to the method of electing United States Senators under the new constitutional amendment where the State statutes do not provide for that method.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, of course I have no objection to printing the remarks of the governor of Washington, but is this a bill that is pending in the House?

Mr. BRYAN. It is H. R. 3379, introduced by myself sometime ago.

Mr. MANN. It has never been customary to print in the RECORD bills pending in the House unless it be in connection with the consideration of a bill. Is this a very long bill?

Mr. BRYAN. It is a very brief bill amounting to about 21 lines.

Mr. MANN. I shall not object to that.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I want to call the attention of the gentleman from Illinois [Mr. MANN] to the fact that one of the distinguished gentlemen on that side of the House asked leave to extend his remarks in the RECORD some time ago, and printed all the bills which he had introduced in Congress in the RECORD. It seems to me that policy was wrong and ought to be objected to by both sides of the House.

Mr. MANN. I do not know to whom the gentleman from Colorado has reference, but whoever did that ought not to have done it. It is not good practice to print bills in the RECORD unless for some particular purpose.

Mr. TAYLOR of Colorado. Of course it is not a good practice.

Mr. BRYAN. Will the gentleman from Colorado permit an interruption?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BRYAN. The gentleman will state to the House that it has not anything to do with anyone standing on the floor now? In other words, I am not the one referred to?

Mr. TAYLOR of Colorado. It was one of the gentlemen from Oregon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Following are the letter and the bill referred to:

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, July 24, 1913.

Hon. Wesley L. Jones and Hon. Miles Poindexter, United States Senators; Hon. J. A. Falconer and Hon. J. W. Bryan, Congressmen at Large; Hon. Wm. E. Humphrey, Congressman, first district; Hon. A. E. Johnson, Congressman, second district; Hon. W. L. La Follette, Congressman, third district, Washington, D. C.

GENTLEMEN: No action was taken at the last session of the legislature in our State authorizing or providing for the election of United States Senators by a direct vote of the people. The two-thirds vote of the States was not known at the adjournment of our legislature, this being the reason for the action not having been taken.

I presume a great many other States are in exactly the same condition that is the State of Washington, each desiring not to be under the necessity of calling a special session of the legislature for the purpose of making it possible to elect United States Senators in 1914. Personally, I hope some method can be devised that will enable us to elect our United States Senator in Washington by a direct vote of the people in 1914 without the necessity of calling a special session of our legislature, and in this the great majority of people of the State agree.

I do not know whether or not it will be possible for Congress to pass a law doing away with the necessity of calling a special session. It might be, however, that a law could be passed providing for the selection and election of the next United States Senator in States where action has not already been taken by the legislature along lines followed and under the same conditions that now control in the selection and election of Congressmen.

I am writing this letter to each of our Senators and Congressmen in the hope that it will be possible for the Members of Congress from our State to work with the membership from other States who are in like position with us in this matter, and, if possible, formulate some method obviating the necessity of a special session.

Knowing that your interest in this matter is exactly the same as mine, I trust that this letter from me will be taken in the spirit in which it is sent, and I feel I can assure you if anything can be done it will meet with the approval of the great majority of the people in our State, and I presume that the same condition exists in other States.

Sincerely, yours,
ERNEST LISTER,
Governor.

A bill (H. R. 3379) to provide the method of electing United States Senators where no method is provided by State statute.

Be it enacted, etc., That until the legislatures of the several States provide a method for choosing United States Senators by direct vote and in accordance with the Constitution of the United States, candidates for the office of United States Senator shall have their names printed upon the ballots in primary elections, where there is a State direct primary law, and at general elections in each of the several States next preceding the occurring of a vacancy in the office of United States Senator in the same manner and after the same statutory method as the candidate for governor in each of the several States has his name printed thereon, and the vote on such candidates shall be counted, canvassed, and returned, and certificate of election shall issue to the successful candidate, or candidates, in case there are two Senators to be elected. It being the purpose of this act to apply to the election of United States Senators in each of the several States, until the legislatures shall provide otherwise, the elective system that is now provided in each of the States for the nomination and election of the governor thereof.

SWEET WINES.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the act of 1890.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on the act of 1890.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to know what act the gentleman refers to.

Mr. MANN. I suppose that is the only subject on which the gentleman has not printed remarks?

Mr. RAKER. It relates to the sweet-wine act.

Mr. MANN. Will the gentleman be for or against the proposition when it gets before the House? How would the gentleman vote on it?

Mr. RAKER. It is a long ways off, and I can not answer the question until I get there.

Mr. MANN. The gentleman, before getting permission, might inform us how he is going to vote.

The SPEAKER. Is there objection?

There was no objection.

DIGGS-CAMINETTI CASE.

Mr. CLAYTON. Mr. Speaker, in pursuance of the agreement reached by the House by unanimous consent, I offer in behalf of the Committee on the Judiciary a privileged report on House resolution No. 212, and ask that the Clerk read the report.

The Clerk read as follows:

[Rept. No. 39, 63d Cong., 1st sess., House of Representatives.]

UNITED STATES v. FARLEY DREW CAMINETTI AND MAURY DIGGS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report (to accompany H. Res. 212):

The Committee on the Judiciary, having had under consideration the resolution H. Res. 212, submit the following report:

The resolution as drawn by the author is in the following words:

"*Resolved*, That the Attorney General be, and he is hereby, directed to transmit to the House of Representatives a copy of his telegram dated May 16, 1913 (more than one month prior to the date when Mr. Wilson, Secretary of Labor, telephoned to the Attorney General in regard to a postponement of the Caminetti case), directing United States Attorney McNab to take no further affirmative action against Diggs and Caminetti under white-slave indictment until further directed by the Attorney General, and also copy of the memorandum placed in the files of the office of the Attorney General in connection with or relating to the sending of such telegram."

The attention of the Attorney General was called to this resolution, as has been done in other like cases. Afterwards, while the committee had the resolution under consideration, the following letter was transmitted to the committee by the Department of Justice:

DEPARTMENT OF JUSTICE,
Washington, D. C., July 28, 1913.

Hon. H. D. CLAYTON,
Chairman House Judiciary Committee, House of Representatives.

SIR: The attention of the department has been called to the following resolution:

"*Resolved*, That the Attorney General be, and he is hereby, directed to transmit to the House of Representatives a copy of his telegram dated May 16, 1913, 'more than a month prior to the date when Mr. Wilson, Secretary of Labor, telephoned to the Attorney General in regard to a postponement of the Caminetti case,' directing United States Attorney McNab to take no further affirmative action against Diggs and Caminetti until further directed by the Attorney General, and also copy of memorandum placed in the files of the office of the Attorney General in connection with or relating to the sending of said telegram."

In response to this resolution, I beg leave to herewith inclose a copy of the telegram.

In transmitting the file containing the correspondence in this case, in response to the first resolution, the fact that it did not contain the text of this telegram of May 16 was overlooked. You will observe, however, that this file contained a memorandum by the secretary to

the Attorney General which specifically called attention to the fact that such a telegram had been sent. You will observe that the entire substance of the telegram was set out in the opening paragraph of Mr. McNab's response thereto, dated May 21, 1913, which was a part of the file sent to the committee.

I also inclose a copy of the memorandum mentioned in the resolution, as a formal response thereto. This memorandum is contained in the file sent to the committee in response to the first resolution and is also in the printed report of your committee.

The Attorney General is absent from the city.

Respectfully, for the Attorney General,

SAMUEL J. GRAHAM,
Assistant Attorney General.

The telegram and memorandum accompanying the foregoing letter are as follows:

[Copy of telegram.]

MAY 16, 1913.

MCNAB, *United States District Attorney, San Francisco, Cal.:*

Please write me fully concerning charges against Caminetti and Diggs, and take no further affirmative action in respect of same until you receive advices from me. Answer.

MCREYNOLDS, *Attorney General.*

[Copy of memorandum.]

OFFICE OF THE PRIVATE SECRETARY,
May 21, 1913.

The telegram to United States Attorney McNab was sent by the Attorney General, personally, from his hotel on the evening of Friday, May 16.

COLE.

In view of the fact that copies of the papers called for by the resolution have been furnished and are embodied in this report and made a part hereof, your committee is of opinion that the purpose of the resolution has been accomplished, and therefore so report, and recommend that the resolution do lie on the table.

Mr. CLAYTON. Mr. Speaker, I desire to comply with the views of the committee and make a brief statement as to the form of this resolution before going into the matter of the resolution itself.

This resolution is not in proper form. The proper form would have been to have inserted the words, as a qualification, where the Attorney General is directed to do certain things, "if not incompatible with the public interest." Since I have been a member of the Committee on the Judiciary for some years under the different administrations those words, "if not incompatible with the public interest," have always been inserted in resolutions, either by the authors themselves or by the committee by way of amendment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MANN. Does the gentleman contend that the words "if not incompatible with the public interest" are usually inserted in resolutions addressed to the heads of departments?

Mr. CLAYTON. It is the practice of the Committee on the Judiciary invariably to insert them.

Mr. MANN. If the gentleman will permit me——

Mr. CLAYTON. I hope the gentleman will not take up my time in discussing a matter that is immaterial.

Mr. MANN. I think that is so material that I do not desire it to go unchallenged, if the gentleman will permit. Whatever the Committee on the Judiciary may have done since the gentleman has been chairman it certainly has not been the practice of the House.

Mr. CLAYTON. That practice was established by the committee long before I became chairman.

Mr. MANN. I will say to the gentleman that since I have been a Member of the House it has not been the practice of the House or of the Senate to insert those words in resolutions addressed to the heads of departments, but it has been the practice where a resolution has been addressed to the President.

Mr. CLAYTON. It has been the invariable practice of the Committee on the Judiciary, Mr. Speaker, under the chairman who preceded me during several Congresses.

Again, Mr. Speaker, this resolution is subject to criticism and perhaps would be deprived of its privileged nature by having inserted therein a parenthetical clause beginning with "more," in line 4, and extending down to the word "case," in line 7. It might fall under the rule of condemnation which holds that a "whereas," reciting facts, or a preamble to a resolution reciting facts, destroys the privileged nature of the resolution. But, Mr. Speaker, I do not desire to waste any time upon this immateriality. The committee thought, in view of the action it was going to take, looking to a final disposition of this resolution, that it was not worth while "to stick in the bark" by insisting upon an amendment. So, Mr. Speaker, we come now to the consideration of this resolution. The matter concerned is of such recent occurrence that I deem it hardly necessary to go into all the detailed facts pertaining to this resolution or into its origin, and, I may say, its evolution, into the final form that we have it here to-day.

It will be remembered that on July 2 a resolution covering this Diggs-Caminetti case was reported to the House from the Committee on the Judiciary, and that at the same time a resolution by the same author and of the same nature relating to the so-called Western fuel case, was reported to the House. In the latter case the recommendation of the committee that the resolution do lie on the table was agreed to without dissent. In the other case debate was demanded, and the question of no quorum was raised from time to time. I need not dwell upon that further than to say that afterwards that original resolution 181 went to the table upon motion and was thus disposed of.

Then the gentleman from California [Mr. KAHN] introduced this resolution (H. Res. 212) touching the same case, but specifying two certain papers that he desired to be forwarded by the Attorney General and which he said had been omitted from the original report made upon the resolution 181. These two papers are, first, the telegram sent by the Attorney General from his hotel to Mr. McNab in California. A former statement as to that telegram of the Attorney General was embodied in McNab's statement and the substance of it is to be found in the printed report; and the second paper, being the memorandum called for by the last resolution, is printed in the former report made on resolution 181.

Hence the committee, in view of the information which has been supplied under resolution 181—all the papers touching the matters, except the copy of the telegram, having been furnished under that resolution, and all the papers called for under this resolution having been supplied to the committee and presented by the committee as a part of its report the committee took the position that the purpose of this resolution having been accomplished, to wit, the production of these papers called for, and recommend that, the purpose of the resolution having been accomplished, the resolution do lie on the table.

Now, Mr. Speaker, that is the history of the case. As to the merits of the controversy, that subject has been thrashed out over and over again in the public prints, and I do not know that the House has a very lively interest in any discussion of it here to-day; and I do not know that I could give any enlightenment to the House on the subject to-day further than the committee has already done. And in view of the fact that this resolution will go to the table as having accomplished its purpose, I now reserve the rest of my time.

The SPEAKER. The gentleman from Alabama has used 13 minutes and he reserves the rest of his time. The gentleman from Illinois [Mr. MANN] is recognized for two hours and a half.

Mr. MANN. Mr. Speaker, I wish the Speaker would credit the gentleman from Kansas [Mr. MURDOCK] with 40 minutes of that time, to be used after the gentleman from California [Mr. KAHN] finishes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] yields a portion of his time to the gentleman from Kansas [Mr. MURDOCK].

Mr. MANN. Mr. Speaker, it is not my purpose to take the time of the House now, but I intend to yield one hour to the gentleman from California [Mr. KAHN].

While the Caminetti case, in the phase in which it is brought before the House, is one of great interest, yet the House has been having before it in the last few days a more important event than any prosecution could be or even than the failure of any Attorney General could be.

When we desired to obtain some information concerning the Attorney General, and had not obtained all of it, as is now admitted, and desired to have the gentleman from California [Mr. KAHN] address the House for the purpose of calling the attention of the House to the fact that the Attorney General had not transmitted all of the papers in his possession to the Committee on the Judiciary, as he now admits, the distinguished gentleman from Tennessee [Mr. BYRNS], representing, I believe, the home district of the Attorney General, endeavored to prevent, and did successfully prevent, this side of the House from having any opportunity to discuss the subject.

The distinguished gentleman from Tennessee [Mr. BYRNS] was collaborated with by his distinguished colleague [Mr. MCKELLAR] and that side of the House, unnecessarily violating an agreement which had been made by the gentleman in charge of the measure on the other side of the House and myself on this side of the House, with the concurrence of the gentleman from Kansas [Mr. MURDOCK], as I remember, undertook by gag to prevent a discussion of the matter in the House, or any other discussion which did not meet with the approval of the majority; and for the first time in my service in Congress a minority Member of the House who desired to discuss a measure

would have to go to the majority and ask whether the gag was to be applied to him or whether he would have a right to discuss a proposition in the House.

I hope that side of the House has discovered, as apparently it has by the surrender it has made, that no majority in any legislative body in this country can successfully apply the gag to the minority without at least proceeding to other important business. Day in and day out we have adjourned with nothing before the House, and the majority afraid, because the Attorney General and the administration were afraid—afraid to permit discussion and attempting to apply the gag. Well, whenever they do it they will find a healthy and smiling minority over here who will do what they can.

I yield one hour to the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized for one hour. [Applause on the Republican side.]

Mr. KAHN. Mr. Speaker, when the pending matter came up for discussion on this floor on the 15th of June in connection with House resolution No. 181, which called for all of the correspondence and data or memoranda on file in the Attorney General's office in the Maury Diggs and Drew Caminetti white-slave cases, the gentleman from Tennessee [Mr. BYRNS] interposed an objection to the discussion, on the ground that the discussion was intended to embarrass the administration.

In my humble judgment it has been the effort to suppress any discussion of the cases in this House by some of the friends of the administration on this floor that has had a tendency to embarrass the administration. The gentlemen at the head of the present administration might well exclaim in this instance: "The Lord deliver us from our friends." "Embarrass the administration!" Since when have the President and his Cabinet become sacrosanct?

"Embarrass the administration!" Why, the administration has embarrassed itself in this matter. It has had neither the courage nor the candor to deal with the subject as it should have been dealt with. I hope to make that fact perfectly clear as I proceed in this discussion.

Mr. Speaker, it will be a sorry day for the Republic when Members of this House shall be denied the right of frank, free discussion of the conduct of the executive officers of this Government. It has been asserted all too frequently of late years that we are rapidly drifting toward autocracy; indeed, it has been too frequently asserted that already we have arrived at that stage.

When the time shall come that the acts of the heads of the executive departments of this Government can not be freely and fearlessly discussed upon this floor lest we might "embarrass the administration," our vaunted freedom will have perished and in its place complacent obsequiousness will sit enthroned within this Chamber of the representatives of a free people.

Mr. Speaker, both the President of the United States and the Attorney General missed a glorious opportunity in this case. According to the report submitted by the Committee on the Judiciary, the telegram of Mr. McNab to the Attorney General announcing his resignation was received at 9.45 a. m. on the 21st of June. Mr. McNab's resignation was received at the White House nearly two hours later—at 11.40 a. m. The big, patriotic, broad-gauge, high-minded thing to have done under the circumstances would have been to wire the United States attorney at San Francisco to withdraw his resignation; that the telegram of June 18 ordering the postponements was sent under a misapprehension; that a mistake had been made; and that upon further consideration the United States attorney is instructed to proceed in the cases as he had been directed on May 27. That, I say, would have been the big, broad-gauge, high-minded, patriotic thing to have done. And when the Attorney General failed to take that step it would have been the part of wisdom on the part of the Chief Executive to have directed him to take it. The whole country would have approved and applauded his course. It would have been a powerful demonstration of the President's determination to support a public official who was trying zealously, earnestly, courageously, to perform his whole duty, notwithstanding the pressure of powerful corporation influence and the exertion of insidious political pull.

Political pull! political pull!
You are a power most wonderful;
The rich and the poor, the high and the low,
In cities, in towns, and wherever you go
This potential power they all learn to know,
And they work their political pull;
Oh, yes; they exert their political pull!

That an effort was made to exert political pull in the white-slave cases of Maury Diggs and Drew Caminetti and in the Western Fuel Co. cases, for conspiracy to defraud the United States, is abundantly evidenced by the documents and papers on file in the cases, either at the Department of Justice here in Washington or in the United States attorney's office in San Francisco. That the political pull did not work is due to the courage, the probity, and the integrity of John L. McNab, formerly United States attorney at San Francisco. [Applause on the Republican side.]

Of course, it is an easy matter to accuse a person who acts according to the dictates of his own conscience of being prompted by ulterior motives in the course he pursues. On Tuesday, the 15th instant, when this matter was up in the House, the gentleman from Tennessee [Mr. BYRNS] used this language:

Now, Mr. Speaker, I have always thought, and I think that everybody here in this House and the country believes, that the district attorney in California in sending his sensational telegram was simply burning a little red fire for his own personal and political advantage.

I have seen statements in print to the effect that Mr. McNab sent his resignation to the President because he hoped thereby to secure the nomination for governor of California. Mr. McNab has denied that he is a candidate. I am sorry for those unfortunate individuals who always look for the ulterior motive in every aggressive act of a man's life. They remind me of that individual, referred to by one of the great English literary lights, who never could see any beauty in the Thames River and could only see the dead dogs floating down that stream. I hope to show by the documents that have been submitted by the Attorney General and presented by the Committee on the Judiciary to the House that Mr. McNab's action was prompted by a high sense of duty and a due regard for his personal honor.

On the morning of Sunday, June 22, there appeared in the press of the country the resignation of John L. McNab from the office of United States attorney for the northern district of California. The resignation is as follows:

[Telegram.]

[The White House, Washington, 11.40 a. m., 21st.]

10 WU JM 460 NL

SAN FRANCISCO, CAL., *June 20, 1913.*

The PRESIDENT, *Washington, D. C.:*

I have the honor to tender my resignation as United States attorney for the northern district of California, to take effect immediately. I am ordered by the Attorney General, over my protests, to postpone until autumn the trials of Maury Diggs and Drew Caminetti, indicted for a hideous crime, which has ruined two respectable homes and shocked the moral sense of the people of California, and this after I have advised the Department of Justice that attempts have been made to corrupt the Government witnesses, and the friends of the defendants are publicly boasting that the wealth and political prominence of the defendants' relatives will procure my hand to be stayed through influence at Washington. In these cases two girls were taken from cultured homes, bullied and frightened, in the face of their protests, into going to a foreign State, were ruined and debauched by the defendants, who abandoned their wives and infants to commit the crime. On receipt of the Attorney General's telegram I prepared my resignation, to take effect at the conclusion of the trial of the Western Fuel directors and the J. C. Wilson stockbroker cases, both of which I had instituted and which I wished to bring to a successful conclusion before I could send my resignation. I received another telegram from the department ordering me to postpone the cases against certain defendants of the Western Fuel Co., and not to try them unless ordered by the department. In bitter humiliation of spirit I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influences which cripple and destroy the usefulness of this office. I can not consent to occupy this position as a mere automaton and have the guilt or innocence of rich and powerful defendants, who have been indicted by unbiased grand juries on overwhelming evidence, determined in Washington on representations on behalf of the defendants without notice to me. I seem unable to convey to the department an understanding of the serious situation in which its action will leave this office. If the department in future is to review the findings of grand juries and nullify their indictments, then this office might as well be abolished, for its functions will have ceased to exist. Neither my private honor nor sense of public duty can permit me thus to destroy the prestige of this office. With profound respect and regret that such step is necessary, I have the honor, in view of my absolute inability to agree with the department, to ask that I be, by wire, immediately relieved from duty in order that the Department of Justice may be permitted to carry out its policy in these cases without further obstruction by me.

JOHN L. MCNAB.

Mr. McNab had also sent a telegram to the Attorney General, which reads as follows:

[Telegram.]

1W. O. 262 N. L. 3 Ex. 167096-8.

SAN FRANCISCO, CAL., *June 20, 1913.*

ATTORNEY GENERAL, *Washington, D. C.:*

I am in receipt of your two telegrams in which you order me to continue until autumn the cases against Maury Diggs and Drew Caminetti, and also postpone indefinitely trial of certain directors of Western Fuel Co., and in which you say you will hereafter determine whether to try certain defendants as heretofore advised. I am profoundly convinced the action taken will destroy the prestige and ruin the usefulness of this office and result in the ultimate escape from punishment of certain of these defendants. I have notified you that it is publicly charged in this State that the prosecution of the Diggs-Caminetti cases would be stopped by appeals to Washington. In the meantime corruption and subornation of perjury will weaken and de-

stroy the cases long before autumn is here. If the Western Fuel defendants are innocent they need not apply to the department for protection, but should welcome the opportunity to present their defense to a jury and assert their innocence. The present grand jury yesterday again voted to indict all the directorate of the Western Fuel Co. With full appreciation of the delicacy of your position in the Caminetti case and with every desire that you shall not be embarrassed I will withdraw from this office therefore by reason of my inability to agree with the department's policy. I am compelled to respectfully tender my resignation to the President this day, and have the honor to ask that you secure if possible its immediate acceptance by wire. I will then have the cases continued as directed.

McNAB,
United States Attorney.
(9.45 a. m. 21st.)

These telegrams contain allegations of a most serious nature. They required serious consideration and a serious answer, if they were to be answered at all; but the same newspapers that carried the telegrams of resignation carried a story from Baltimore, Md., quoting the Attorney General of the United States as having commented upon the resignation in this language:

A Republican district attorney has resigned, and I am shedding no tears.

If the Attorney General made that flippant statement to Mr. McNab's serious charges—and I have never seen any denial from any source whatever—he made an egregious blunder. The day has gone by when any public official, no matter how exalted his station, no matter how great his personal popularity, can whistle down the wind with a supercilious sneer charges of as serious a nature as were contained in Mr. McNab's telegrams of June 21. When I read the thoughtless levity of speech of the Attorney General I concluded immediately that there would be a storm of protest throughout the country. The country demands the rigid enforcement of the white-slave laws, and any effort to impede court trials for its enforcement was bound to meet with protest. I felt that under the circumstances all the facts ought to be presented to the people of the United States, and therefore on June 23 I introduced in the House resolution No. 181, which reads as follows:

Resolved, That the Attorney General be, and he is hereby, instructed to transmit to the House of Representatives copies of all correspondence and other papers and memoranda on file in the office of the Attorney General or referred by the President to the Attorney General relating to the prosecution or trial of Maury Diggs and Drew Caminetti, or either of them, for violation of the Mann White-Slave Act.

That a storm did break is evidenced by the lengthy and apologetical statements issued from the White House on June 24. These statements gave the administration's version of the case. Chief among the papers issued from the White House and published in the newspapers of the country on June 25 is a statement of the Attorney General, which reads as follows:

JUNE 24, 1913.

The PRESIDENT, *The White House.*

DEAR MR. PRESIDENT: In view of the somewhat heated and sensational dispatches given to the press by United States Attorney McNab on Saturday, June 21, in connection with his resignation, and the widespread misapprehension which would naturally result therefrom, I desire to lay before you the facts relating to the Caminetti-Diggs case, and the Western Fuel Co. case, to which he refers.

The department was closed on Sunday, June 22, and it was not until yesterday that I had opportunity fully to acquaint myself with the contents of all the files and confer with my assistants. I send you herewith what, I am informed, are the complete files in each case, and specially request that you examine them with particular care.

DIGGS-CAMINETTI CASE.

The earliest paper in the files relating to this case is a "report made by C. Herrington," dated March 26, 1913, the pertinent part of which follows:

"Farley Drew Caminetti, a married man about 27 years of age, residing in Sacramento and connected in some clerical capacity with the State government, in company with Lola Norris, and Maury I. Diggs, a young married man of about the same age, residing in Sacramento, in company with Marsha Warrington (who, like Lola Norris, is a young unmarried girl), about 19 years of age (also the age of the Norris girl), left Sacramento for Reno via Southern Pacific Co. in the early morning of March 10, 1913.

"On arrival at Reno they registered at the Riverside Hotel, Diggs under the name of C. E. Enright and wife, of Los Angeles, and Caminetti under the name of F. F. Ross and wife. They remained there one night, occupying connecting rooms. The next day Diggs, who appears to have furnished all the money, rented a cottage in the outskirts of the city from Real Estate Agents Peck & Sample, of Reno; bought a supply of provisions, coal, etc., and the party went to housekeeping. They remained there for three or four days, when they were taken into custody by Chief of Police Hillhouse, of Reno, and Chief of Police William Johnson, of Sacramento, on accusations against the men for having violated a State law.

"They waived extradition and returned voluntarily to Sacramento. To Assistant District Attorney F. F. Atkinson, of Sacramento, William Johnson, and Arthur D. Ryan, of the detective force of Sacramento, they admitted the foregoing facts, but they all claimed that their purpose was not an immoral one and that there had been no illicit carnal intercourse among any of them on the trip or after arrival at Reno.

"It appears that the young men claimed to be unhappy in their marital relations, they had become attached to these girls, and that as their intimacy had become known in Sacramento, and as one of the papers was about to print a 'scandalous story,' they decided that it would be best for all concerned to leave the country for a time until the affair had blown over. That after residing for the statutory period (six months) required by the Nevada law, they would secure divorces from their wives and marry these girls.

"The girls were interrogated at considerable length by Mr. Atkinson, but insisted that there had never been anything that was improper, though there had been much that was imprudent, in their relations with the young men. Some of Miss Warrington's clothes were found in the room occupied by Diggs, and some of Miss Norris's clothes were in Caminetti's room.

"If the story of the girls is true, it is indeed an exceptional state of affairs.

"Caminetti is the son of a State senator, and all of the four are prominent in social life of Sacramento. A great deal of publicity was given the affair, and the friends of the wives, as well as those of the two girls, were greatly incensed against the young men.

"Informations were filed against Caminetti and Diggs, charging them with violating the white-slave-traffic act. There will be a hearing before the United States commissioner the latter part of this week unless defendants waive examination, and the matter will be presented to the grand jury by the United States attorney, who requests the assistance of this office in investigating the matter, and, unless otherwise advised, I will give the matter attention."

On May 16 I wired McNab, directing him to forward me a full report and take no further affirmative action in the case until further advised. In response he wrote such a report, under date of May 21, and this reached me on the 27th. In this, which covers more than a dozen typewritten pages, he details a version of the facts, with his inference therefrom, and expresses the opinion that the case was aggravated and should be vigorously prosecuted; also that there might be attempts to interfere with the due course of justice by improper influences.

On the same date, May 27, I replied by wire, saying:

"I think proper course is for you to set the cases and proceed with them as you have planned, and you are so directed."

The matter needing no further immediate consideration, it of course passed out of my thoughts. This litigation is only one of a great number of cases pending in the department some phases of which are constantly being brought to my attention for suggestions or directions, and it is utterly impossible for me to carry in my memory the details of them all.

I had no occasion to give the matter any further special consideration for some three weeks—June 18—when Secretary Wilson telephoned to me and told me of the embarrassment in which he was placed by the request from the elder Caminetti, father of one of the defendants, for leave of absence in order to attend the trial of his son. The elder Caminetti, as you know, is the newly appointed Commissioner of Immigration. The Secretary explained the exigencies of his department, which he thought imperatively required the presence here of the commissioner. He has written me a letter stating his recollection of the circumstances, and I herewith inclose it.

Impressed by Secretary Wilson's statement of his embarrassment, and desiring, of course, if possible, to relieve him, without stopping to go through the files and so refresh my recollections concerning any particular circumstances of the case, I sent the United States attorney the following telegram:

"The Secretary of Labor advises it is a matter of public importance that Commissioner of Immigration Caminetti remain at his post here. I do not now wish Government to be in position of insisting upon trial of young Caminetti and Diggs, charged with violating white-slave law, during enforced absence of the father, who is performing necessary public duties. In view of all facts you are instructed to postpone trial of these cases until the autumn."

The postponement of a criminal case, so recently instituted as this was, is not an unusual proceeding, and it did not occur to me that any malign motive would be attributed to me. If I had anticipated that any fair-minded man, knowing the facts, would place such a construction upon this ordinary act, I would have been scrupulously careful to avoid it. It is essential not only that the administration of justice shall be free from partiality or improper influence, but that even the appearance of such things should be avoided. I do not even hope to escape mistakes, but I am profoundly conscious that my actions are free from unworthy motives.

Mr. McNab, as United States attorney, held a position of peculiar trust and confidence, demanding the utmost loyalty to the department. If, as such an officer should do, he had availed himself of the opportunity to send a dispatch recalling my attention to the peculiar conditions which he thought rendered the proposed action inadvisable, as I had always theretofore done, I should have given earnest consideration to his suggestions, and with them before me could have acted with the local conditions fresh in my mind. Instead of pursuing this manifestly proper course, he waited until June 20 and then published the sensational telegrams wherein he imputed base motives to me. His conduct has, of course, made it impossible for him to continue in the prosecution of this case, however desirable that otherwise might have been. Under the circumstances the only course open is to accept his resignation.

I therefore suggest an immediate conference between us for the purpose of selecting some counsel whose ability, character, and reputation are so high as to insure the proper conduct of the case, and that he be put in immediate charge, with instructions promptly and vigorously to prosecute it to a conclusion.

WESTERN FUEL CO. CASE.

This is an indictment against five directors of the Western Fuel Co., charged with participating in a conspiracy to defraud the Government on coal drawbacks. It was found in February last.

So far as I can recall, there was no occasion for me to give this case any personal consideration until April 30 last, when I received a letter from Secretary Lane, in which he inclosed one from Sidney V. Smith, a defendant, without recommendation. Mr. Smith's letter sought to show that the things complained of were done by others; that although he was a director he was not a participant in any criminal act; and that the case should be dismissed as to him.

I sent a copy of the Smith letter to District Attorney McNab, with a request for his views. On May 20 he replied, giving a review of the evidence, and expressing the view that all five of the defendants should be prosecuted. I thereupon advised the district attorney of my concurrence in his conclusion, and directed him to proceed.

Thereafter, as I recall, Mr. Pringle, a San Francisco lawyer, representing either Smith or Bruce, or both, came to see me. I turned him over to Assistant Attorney General Harr, with instructions to give the matter particular and careful attention. After considering all the facts Mr. Harr finally concluded that the just solution of the situation was first to prosecute the three who were both directors and officers of the company, and that the case against the other two should be deferred until he could examine the evidence presented and determine the propriety of further proceedings. He reported this conclusion to me. I thought it right, and in pursuance of our understanding he sent the district attorney the following telegram:

"Upon further consideration of matter, department feels grave doubt as to guilt of Sidney V. Smith and Robert Bruce, indicted in Western Fuel Co. case. In order to avoid possible injustice, you are instructed

to continue case as to them until after the trial of the other three directors, who were officers of the company and active in its management. If latter are convicted, copy of proceedings at trial should be sent department, in order that it may determine what course should be pursued in regard to the two directors named. Wire receipt."

The receipt of this is one of the reasons alleged by Mr. McNab for giving out the dispatches described above and for imputing base motives to me.

I am still of opinion that the course recommended by Mr. Harr in respect of this case is the proper one to pursue. But in view of the insinuations spread broadcast by the district attorney, and for the same reasons as those stated for similar action in the Diggs-Caminetti case, special counsel should be selected to prosecute the cause under like instructions as those suggested there, and I think we should have an immediate conference for this purpose.

Respectfully,

J. C. MCREYNOLDS,
Attorney General.

Permit me to call to the attention of the House that almost at the very outset of his statement the Attorney General says to the President:

I send you herewith what I am informed are the complete files in each case, and specially request that you examine them with particular care.

I am satisfied that if the President did examine the papers in the white-slave cases "with particular care" he must have read Mr. McNab's report of May 21, which I shall refer to extensively later on, and which was so forceful a demand for early trial of the cases that upon its receipt the Attorney General himself directed the United States attorney at San Francisco to proceed and set the cases for trial. After having examined the files the President issued a letter to the Attorney General, which is probably one of the most remarkable state papers ever uttered by a President of the United States. It is as follows:

THE WHITE HOUSE,
Washington, June 24, 1913.

MY DEAR MR. ATTORNEY GENERAL: Allow me to acknowledge with sincere appreciation your letter of to-day, giving me a full account of the way in which the Department of Justice has dealt with the Diggs-Caminetti and the Western Fuel Co. cases, pending in California, and transmitting the documents connected with the two cases necessary for their elucidation. I am entirely satisfied that the course you took in both these cases was prompted by sound and impartial judgment and a clear instinct for what was fair and right. I approve your course very heartily and without hesitation; but I agree with you that what we may think of what has been done does not relieve us of the obligation to press these cases with the utmost diligence and energy. I approve very heartily of your suggestion that, in the circumstances, special counsel be employed—the ablest we can obtain. I will be very glad to confer with you about the selection. I hope that you will do this without delay. I am very glad indeed that you are giving your personal attention to the immediate and diligent prosecution of the cases, which I agree with you in regarding as of serious importance from every point of view.

Sincerely, yours,

WOODROW WILSON.

Hon. J. C. MCREYNOLDS, *Attorney General.*

Mr. Speaker, was there ever such an exhibition of backing and filling? The action of the President reminds me of the lines of the late William S. Gilbert in his celebrated satire, "Trial by jury":

Kind jurymen, take my advice;
All kinds of vulgar prejudice
I pray you set aside;
In stern, judicial frame of mind,
From bias free of every kind,
This trial must be tried.

And when amid the plaintiff's shrieks
The ruffianly defendant speaks
Upon the other side,
What he may say you need not mind,
From bias free of every kind,
This trial must be tried.

[Applause on the Republican side.]

It was evidently necessary to whitewash the action of the Attorney General. What McNab had to say was not to be minded. Translated into everyday English, the President's letter to the Attorney General amounts to this: I am perfectly satisfied that the course you took was right, but we can not afford to pursue it. Your demand for delaying the prosecution was actuated by "a clear instinct of what was fair and right," but we must prosecute these cases "with the utmost diligence and energy." Between the lines you will read that you have made an awful mess of things, but it is more than our lives are worth to admit it. [Applause on the Republican side.] P. S.—For heaven's sake, do not do anything like that again without consulting me. Yours, W. W. [Laughter and applause on the Republican side.] At least, that is the way in which the editor of the San Francisco Chronicle has interpreted the strange epistle, and I do not believe I can better the interpretation.

At the same time the President accepted the resignation of Mr. McNab in the following language:

[Telegram.]

WASHINGTON, D. C., *June 24, 1913.*

JOHN L. MCNAB, Esq.,
San Francisco, Cal.:

I greatly regret that you should have acted so hastily and under so complete a misapprehension of the actual circumstances, but since you have chosen such a course and have given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior, I release you without hesitation and accept your resignation, to take effect at once.

WOODROW WILSON.

Why the President saw fit to scold and censure Mr. McNab and at the same time adopt his policy of proceeding promptly with the prosecution of these cases passes all comprehension. If McNab did right in insisting on the early trial of these cases—and both the President and the Attorney General now adopt his views and insist that the cases must be tried promptly and with the utmost diligence—why should McNab have been censured? If insidious political pull was being successfully used to cause the Attorney General to order a postponement of the cases, why should the censure not have fallen upon the shoulders of the Attorney General? These are some of the questions that the people of this country are asking themselves. These are some of the things the people want to know.

The Attorney General says that on May 16 he wired McNab, directing him to forward a full report and take no further affirmative action in the cases until further advised. This telegram was sent on the evening of Friday, May 16, from the Attorney General's hotel. There was no copy of it in the papers sent by the Attorney General to the Committee on the Judiciary in response to my first resolution.

The Attorney General says, in his letter to the Committee on the Judiciary, which was inserted in the report of that committee on the pending resolution, that it had not been sent to the House in response to resolution No. 181 because it had been "overlooked."

I hope to show before I get through that there were a number of other papers in the Attorney General's office that were "overlooked" and that might have thrown light upon this controversy.

The telegram of May 16 was sent on the evening of that date from the Attorney General's hotel. As I said, there was no copy of it in the papers transmitted by the Attorney General to this House in response to my former resolution. The telegram was sent in the evening from the hotel of the Attorney General. Who saw the Attorney General that evening and requested his interference in these cases? Why was it sent from the Attorney General's hotel? Why was it not sent from the office of the Attorney General? True, there is a memorandum about this telegram in the file sent down from the Attorney General's office in response to resolution No. 181, stating that the telegram was sent from the Attorney General's hotel on the evening of May 16, but that memorandum was put into the files on May 21, five days after the original telegram had been sent to Mr. McNab. Now, who asked him to send it? I repeat, Who asked him to send it? What was the insidious political pull that was exerted? These cases were on the calendar to be set on May 19. On May 16 they are abruptly halted in this fashion by the telegram of the Attorney General. That was over a month before the Secretary of Labor interfered.

There was also on the calendar of May 19 to be set the white-slave case of Earl Fullerton. He, too, had been indicted for white slavery. He had been indicted on May 1, four weeks after Diggs and Caminetti had been indicted. His case had been continued to May 19 to be set. It was the same day on which these other two cases were to be set. Did the Attorney General send any telegram on the evening of May 16 from his hotel to the United States attorney at San Francisco asking the United States attorney there to take no further affirmative action in that case until he was directed from Washington by the Attorney General to do so, and also to make a report? No. We have no evidence of anything of that kind anywhere. As a matter of fact, the Attorney General did not stop that case. The trial of Earl Fullerton, who was without political pull, who had no powerful influence, so far as we know, was set on May 19 for trial on June 11; and his trial was commenced on June 12. On June 18 he was convicted of white slavery by the jury, and on June 21 he was sentenced to two years in the State penitentiary at San Quentin, Cal. That is the difference between the case of a friendless man who has no political pull and the case of men who have powerful political pull. [Applause on the Republican side.]

How did the Attorney General come to send that telegram of May 16 about the white-slave cases? I can readily understand how he came to send the telegrams in the Western Fuel cases. It was because Mr. Lane, the Secretary of the Interior, had sent up to the Department of Justice a letter from Mr. Sidney V. Smith, one of the defendants in the Western Fuel cases, in which he asked Mr. Lane to present the matter to the Attorney General with a view of having his case nolle prossed.

That letter of Mr. Smith was sent to the Attorney General by the Secretary of the Interior. A few days later the Attorney

General acknowledged its receipt, and in that acknowledgment he stated that he was sending to Mr. McNab in California for information and his opinion as to whether the case ought to be dismissed or not. Afterwards, when Mr. McNab's statement regarding this case was received at the Department of Justice, the Attorney General sent a letter to Mr. Lane, in which he told the latter that he had instructed the United States attorney at San Francisco to proceed with the trial of the cases.

So that we can understand how it is that he sent out for facts about the Western Fuel cases, but echo still asks, "Why, and under what circumstances, on the evening of May 16, did the Attorney General send out to California for facts in the Diggs and Caminetti white-slave cases? At whose request did he order the United States attorney, Mr. McNab, to take no further affirmative action until otherwise directed?" The answer has not yet been forthcoming. The department has not dealt candidly in this matter. It has not given the facts to the House or to the country, and we would like to know all the facts.

The statement of the Attorney General to the President shows that Mr. McNab forwarded a report in consonance with the request contained in the Attorney General's telegram of May 16, and that this report reached the Attorney General on May 27. On that date the Attorney General wired Mr. McNab. He had evidently promptly read the report of the United States attorney, Mr. McNab. He must have been convinced of the necessity for a prompt trial of the accused persons. He wired Mr. McNab as follows on that very day:

I think the proper course is for you to set the cases and proceed with them as you have planned, and you are so directed.

Mr. Speaker, that was the proper course for the United States Attorney General to take in these cases.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. MANN. Concerning the telegram from the Attorney General, dated May 16, sent from his hotel, the gentleman in his last resolution asks to have any memorandum in the Attorney General's office in connection with that transmitted, does he not?

Mr. KAHN. True.

Mr. MANN. Has anything been transmitted by the Committee on the Judiciary that throws any light on the sending of that telegram?

Mr. KAHN. Nothing whatever.

Mr. CLAYTON. Well, Mr. Speaker, I desire to say——

Mr. KAHN. And the only memorandum submitted was the one from the private secretary of the Attorney General, in which he states that the Attorney General sent it on the evening of May 16 from his hotel. But that memorandum is dated May 21—five days after the telegram had been sent. And there was no memorandum whatever inserted in the files by the Attorney General stating why he had sent the telegram, and his failure to insert such a memorandum is one of the things we want to have explained.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. KAHN. I am yielding to the gentleman from Illinois just now.

Mr. MANN. If the Attorney General, as he states, is not able to carry the details of all these cases in his head, how did it happen that, without having the details in his head and the files at hand, he sent the telegram on the 16th of May from his hotel to stop the further prosecution of these cases unless somebody with a pull was reaching him at that particular moment?

Mr. KAHN. That is exactly what I have been asking. I can not see, and I doubt whether anyone can show, how the Attorney General would have sent a telegram of that kind from his hotel without having his attention called to the matter or without having a request made upon him on that evening to do that very thing.

Mr. MANN. Now, perhaps the gentleman from Alabama [Mr. CLAYTON] can explain it.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Does the gentleman from California yield to the gentleman from Alabama [Mr. CLAYTON]?

Mr. KAHN. I will yield for a question.

Mr. CLAYTON. Oh, well, I want——

Mr. KAHN. Or for a short statement.

Mr. CLAYTON. I want to supply the information for the gentleman from Illinois [Mr. MANN] if he has not been satisfied.

The resolution of the gentleman from California says:

Also copy of the memorandum placed in the files of the office of the Attorney General in connection with or in relation to the sending of the telegram.

Mr. KAHN. True.

Mr. CLAYTON. The report to-day carries that very memorandum called for by the gentleman's resolution, and the memorandum supplies the desired information.

Mr. KAHN. It carries a memorandum supplied by the Attorney General's private secretary.

Mr. CLAYTON. And it is a part of the files.

Mr. KAHN. True; but I contend that there should be some memorandum from the Attorney General himself stating under what circumstances he sent that telegram on the evening of May 16 from his hotel.

Mr. CLAYTON. Very well. There is no other memorandum touching that matter in the files.

Mr. KAHN. That is what I say, and that is what I complain of.

Mr. CLAYTON. And the Attorney General has said so in effect, because he has furnished to the gentleman all the papers and all the memorandums there. And I may say to the gentleman that the Attorney General procured a copy of this very telegram to which this memorandum relates from the telegraph company a few days ago and supplied it to the committee. There has been no concealment anywhere about it at any time, because it was printed in the report presented to the House on July 2.

Mr. MANN. Mr. Speaker, will the gentleman yield to me?

Mr. KAHN. There is still some mystery about it. Yes; I yield to the gentleman.

The SPEAKER. Three gentlemen can not talk at once.

Mr. MANN. But we are doing it. [Laughter.]

Mr. CLAYTON. I thought the gentleman yielded to me.

Mr. KAHN. I yielded to the gentleman.

Mr. CLAYTON. If, on account of the heat, the gentleman is a little neurotic, I will excuse him.

Mr. MANN. Mr. Speaker, does the gentleman yield to me?

Mr. KAHN. I yield to the gentleman from Illinois.

Mr. MANN. The gentleman from Alabama says he has furnished all the memoranda in the office, and he has no other. Do I understand that it is the contention of anybody that the Attorney General of the United States, from his hotel or anywhere else, sends telegrams relating to cases, with no information before him, and makes no memoranda of it for filing in the case? Certainly no lawyer fit to appear before a justice of the peace would do that; and it is impossible to believe that the distinguished Attorney General, at the head of the Department of Justice, will from his hotel attempt to direct great prosecutions and furnish no information to his office concerning what he has done. [Applause on the Republican side.]

Mr. KAHN. I thank the gentleman for having put the matter in so forceful a manner. The chairman of the Committee on the Judiciary informs this House that the Attorney General had to go to the office of the telegraph company only a day or two ago to get a copy of this very telegram. It is a remarkable state of affairs when papers of this importance are not kept in the files of the Attorney General of the United States. [Applause on the Republican side.]

When Mr. McNab received this telegram of May 27, directing him to proceed, he immediately sent a letter of thanks to the Attorney General, which letter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY FOR THE
NORTHERN DISTRICT OF CALIFORNIA,
San Francisco, May 28, 1913.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: I am just in receipt of your telegram of May 27, 1913, in which you state that you think the proper course is for me to set for trial the cases against Diggs and Caminetti and in which you direct me to proceed.

I wish to thank you very sincerely for this prompt reply to my report. It is precisely what I expected to receive from the department. I did not feel at liberty, in the report on the evidence, to express too strongly my views in regard to the local situation. Owing, however, to the peculiarly aggravated character of the offense, public opinion throughout the State has been burning at white heat, and the press watches with a scrutinizing eye every action that is taken in court in regard to these cases. The comment has been freely indulged in—and I think this is due to certain indiscreet remarks of certain men in Sacramento—that unlimited influence would be brought to bear at Washington and here to indefinitely defer the cases, if not dismiss them. I know how absolutely futile such efforts are, but I am extremely jealous of the high regard in which your department is held throughout the country, and was particularly anxious to have the cases promptly disposed of, along with all other cases of similar character. Your telegram is encouraging to everyone in the office, and on behalf of the entire force I thank you for your prompt and vigorous action. The case will be presented just as every other case is presented, without bias or feeling, but with a due regard to the serious facts involved.

Respectfully,

J. L. MCNAB,
United States Attorney.

Mr. KAHN. Mr. Speaker, note this language in that letter:

The comment has been freely indulged in—and I think this is due to certain indiscreet remarks of certain men in Sacramento—that unlimited influence would be brought to bear at Washington and here to indefinitely defer the cases, if not dismiss them. I know how absolutely futile such efforts are, but I am extremely jealous of the high regard in which your department is held throughout the country, and was particularly anxious to have the cases promptly disposed of, along with all other cases of similar character. Your telegram is encouraging to everyone in the office, and on behalf of the entire force I thank you for your prompt and vigorous action. The case will be presented just as every other case is presented, without bias or feeling, but with a due regard to the serious facts involved.

Is that the language of a self-serving, aspiring office seeker, who wanted "to burn a little red fire for his own personal and political advantage"? I do not think a single Member can truthfully so assert. It is rather the language of a courageous, honest, sagacious, and efficient public servant who wants to perform his sworn duty to the best of his ability. It is the letter of a man whose loyalty to his superior officer stands out in every sentence. That letter of May 28, in addition to Mr. McNab's report of May 21, ought to have impressed the facts in the Diggs-Caminetti cases indelibly upon the mind of the Attorney General. Finally, when he had again turned down an appeal for continuance in the Caminetti case, Mr. McNab, on June 3, 1913, once more wrote the Attorney General regarding the matter, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY FOR THE
NORTHERN DISTRICT OF CALIFORNIA,
San Francisco, June 3, 1913.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: On May 16, 1913, I received your wire directing me to submit a report of the evidence in the cases against Caminetti and Diggs and instructing me to take no further action until notified by you.

On May 21, 1913, I forwarded you full report, accompanied by recommendation, and asked for instructions.

On May 27, 1913, I received your telegram approving my report and directing me to proceed with the trial.

I am in receipt of telegrams from Senator Caminetti requesting that the cases go over until after July or August. I had a letter, written prior to his departure for Washington, asking this.

I have the utmost sympathy for Senator Caminetti and for his good wife in this matter, but I feel it my duty, in view of the repeated telegrams, to state that I believe your direction wired to me is the only proper course to pursue. I have set the cases for trial July 26, 1913. I have no hesitancy in saying that the Government's case will be impaired by a long delay. Witnesses whom it is material that the Government should use may not be available if long postponements are granted. Evidence which is at hand may be difficult to secure at a later period. Furthermore, I have written to Senator Caminetti with the utmost candor and frankness, informing him of the condition of the public mind and saying to him that both he and this office will be subjected to the bitterest criticism if the cases are again postponed. I think the good of the service demands that I proceed in accordance with your directions. I would be only too glad to do anything in the way of accommodating Senator Caminetti, particularly in view of the fact that his present duties may require his presence in Washington, but I am forced to the conclusion from my knowledge of the case that another postponement will make it increasingly more difficult for the Government to proceed.

This letter is written not in reference to any messages received from you, but because I believe it to be my duty to keep you informed as to the progress of a cause concerning which you have inquired and relating to which I have your instructions.

Respectfully,
J. L. MCNAB,
United States Attorney.

In this letter the United States attorney points out the fact that Senator Caminetti, the father of the defendant Caminetti in one of the white-slave cases, had repeatedly tried to procure postponements of the case and had been repeatedly refused. This letter, in the ordinary course of the mails, should have reached Washington about June 8 or 9, only nine days prior to the time when the Attorney General sent his wire instructing Mr. McNab to postpone the trial of these cases until the autumn.

But in addition to these letters from McNab giving reasons for a speedy trial, a telegram protesting against postponement was also sent by Mr. C. K. McClatchy, editor of the Sacramento Bee, a leading Democratic newspaper of California, to Hon. Franklin K. Lane, Secretary of the Interior. I am reliably informed that Mr. Lane sent this telegram to the Attorney General, just as he had sent the letter from Mr. Sidney V. Smith in the Western Fuel cases. This telegram was as follows:

SACRAMENTO, CAL., *May 20, 1913.*

To FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.:

Strong intimations from certain leading Democrats have led me to believe, or at least to suspect, that a systematic effort is being made with the authorities at Washington to have the white-slave cases against Maury Diggs and Drew Caminetti either dropped or postponed, and postponed for the weakening of the prosecution or to permit pleas of guilty to carry with them totally inadequate sentences. It would be an infamous outrage if this were accomplished. It would be a stain upon justice in California. It would be a reproach to any Department of Justice which would permit this or even acquiesce therein. It would say to the people of California that there is one law for wretches without friends and a totally different law for wretches with a political pull, and it would provoke a universal contempt for all laws in this section of California, where the fathers and the mothers of growing girls are acquainted with all the facts of this most shameless case.

I say all these things also, although I am a warm personal friend of Senator Caminetti and also of Senator Marshall Diggs. But if there be one case above all others in northern California where justice should be allowed to have full sway, unhampered and uninfluenced, it is this Diggs-Caminetti case. I know personally that District Attorney McNab, while feeling strongest pity for the good folks of these defendants, feels that the strongest, most vigorous, and most tireless prosecution should ensue to the end that justice may be done, and that it should not be proclaimed once more in California that there is one law for the poor and friendless and another for the rich and influential. I have no acquaintance with the Attorney General, but you are at liberty to give him this telegram. I have no other object in sending it than a desire that justice shall not be frustrated and its administration stained.

C. K. MCCLATCHY.

Mr. MANN. Will the gentleman yield?

Mr. KAHN. Certainly; I yield to the gentleman.

Mr. MANN. Would it not be also just as well to order the Attorney General to send that telegram, as he has been ordered to do once before, when that side of the House laid the resolution on the table, saying that it had all the papers, when it did not have them?

Mr. KAHN. I had intended to refer to that matter later on, but will say to the gentleman that there are two or three other telegrams that are referred to in that very report made by the Committee on the Judiciary, but that were not sent to this House, and that I assume, therefore, were not in the files.

Mr. MANN. Does not the gentleman from California think that the Attorney General keeps a record of all letters and telegrams, so that he knows what he does have on the files?

Mr. KAHN. It would not appear so from the papers on file in this case, although there is no question but that he should do so.

Strange to say, this telegram of Mr. McClatchy did not appear among the papers sent by the Attorney General to the Committee on the Judiciary of the House of Representatives, in response to my resolution. This telegram emphasizes the need for prompt action in these white-slave cases; it was sent by a prominent Democrat to a member of the President's official family. It had in mind the welfare of the present administration. It came from a source absolutely friendly to the administration. In fact, it came from a man who was on the friendliest terms with the father of young Caminetti—and who did not want to see a blunder committed by the administration. And yet, with all these repeated warnings as to the seriousness of the charges and the need for the prompt trial of the cases, the Attorney General, in his statement to the President, says that after having directed McNab by wire to proceed with the cases as he had planned, the matter needed no further immediate consideration, and it, of course, passed out of his thoughts.

I can not conceive how a case that had been so strongly presented could have passed out of the thoughts of the Attorney General; but he says that he had no occasion to give the matter any other special consideration for some three weeks when Secretary Wilson telephoned him and told him of the embarrassment in which he was placed by the request from the elder Caminetti, father of one of the defendants, for leave of absence in order to attend the trial of his son; and thereupon he sent to United States Attorney McNab the telegram which brought about the latter's resignation.

The Attorney General in commenting upon the action of Mr. McNab says that it did not occur to him that any malign motive would be attributed to him; that if he had anticipated that any fair-minded man, knowing the facts, would place such a construction upon this ordinary act he would have been scrupulously careful to avoid it. I dare say that if he had known Mr. McNab as we who live in California, and who learned to know his worth as a fearless public prosecutor, have learned to know him, he would never have sent the telegram of June 18. The trouble with the Attorney General was this: He assumed that Mr. McNab was one of the ordinary class of job chasers whose sole ambition is to become attached to Uncle Sam's pay roll. It is possible that an insistent demand for political jobs has given him considerable experience with this class of would-be officials in recent months.

Mr. Speaker, Mr. McNab is made of sterner stuff. He took a pride in his work. Even at the time of his resignation he was highly complimented from the bench by the judge of the court before whom he had been trying his cases. The Attorney General complains in his letter to the President that Mr. McNab imputed base motives to him, the Attorney General. The Attorney General is jealous of his own honor, and properly so. He is solicitous that no one should accuse him of acting from ulterior motives. Personally I believe the Attorney General to be a man of the highest honor. I for one do not want to be understood as questioning his integrity, his honesty, and his probity. In these cases he simply allowed insidious political pull to influence him in ordering a postponement of these cases. As an

executive officer in an administration that proclaims there shall be no special privileges he should not have attempted to grant special privileges at the request of other high officials of this administration. Does not the Attorney General believe that Mr. McNab is just as jealous of his honor as the Attorney General is jealous of his own? When Mr. McNab had repeatedly written to him that it was openly asserted that personal and political pull would be exerted to secure an indefinite postponement of these cases in order that justice might be subverted, and that he, Mr. McNab, desired the office of the United States attorney at San Francisco to be kept free from the charge that he was unduly favoring these defendants, Mr. McNab was only making such representations in order to induce the department to prevent any possible attack being made upon his own honesty, his own probity as a prosecuting officer, and his own integrity as a man of honor.

Finding that his superior officer did not pay any attention to his repeated warnings, and in order to protect his own honor as a man, I firmly believe he was thoroughly justified in pursuing the course he did. The Attorney General, in his statement, complains that Mr. McNab did not send a dispatch recalling his attention to the peculiar conditions which he thought rendered the proposed action of postponement inadvisable, and says that if he had done so he—the Attorney General—should have given earnest consideration to his suggestion. Is not the boot on the other leg? Is it not the invariable custom for the chiefs of the departments, before overruling a subordinate officer upon the request of anybody, to send for that subordinate or to telegraph to that subordinate the facts that are being urged for a change in the course theretofore recommended by the subordinate officer, and calling for such comment as the subordinate officer might have to make in the premises? In all the years that I have been here in Washington I have found that that is almost invariably the course pursued in the departments. Obviously it ought to be the constant rule. I do not know of a single case myself where it has been departed from, and it seems to me that it would have been safer for the Attorney General if he had followed the usual course pursued in most cases. In other words, instead of demanding that Mr. McNab should have wired him protesting against the postponement after the telegram of June 18 had been received at San Francisco, the proper course, in my judgment, would have been for the Attorney General to have wired Mr. McNab, stating the facts set forth in the telegram of June 18, and asking him why the department should not carry out the suggestions contained in that telegram. That was what the Attorney General did when he sent the telegram on May 16, over a month earlier.

I will not go into the Western Fuel Co. cases, referred to in the Attorney General's letter to the President, further than to say that here the Attorney General admits that the personal attorney for an indicted director of the Western Fuel Co. had called upon him personally, here in Washington, in regard to the case, and that he had turned this attorney over to his assistant, Mr. Harr. Mr. McNab, in his telegram of resignation, uses this strong language:

> I can not consent to occupy this position as a mere automaton and have the guilt or innocence of rich and powerful defendants, who have been indicted by unbiased grand juries on overwhelming evidence, determined in Washington on representations on behalf of the defendants without notice to me.

He was not advised of the statements made by the attorney for the accused director. He was not present to answer or refute any possibly erroneous statements that might have been made and he was perfectly justified, in my opinion, in view of all the circumstances, in using the language that I have just quoted.

But to return to the white-slave cases. When Mr McNab's telegram of resignation, and the Attorney General's alleged flippant comment thereon, had been published by the press there came a wave of indignation that swept over the country from the Pacific to the Atlantic. The matter became serious. Popular indignation was voiced in the editorial columns of every reputable newspaper in the United States. The administration had to save its face. Somebody had to assume the rôle of "goat." Just then our former colleague, the present Secretary of Labor, Mr. Wilson, for whom all those who were permitted to serve with him in this House entertain the highest personal regard, came "abuttin' and aboundin'" into the arena as the official administration "goat" in this episode. [Laughter and applause on the Republican side.] He sent a statement to the Attorney General on June 24, which reads as follows:

167096-13

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 24, 1913.

MY DEAR MR. MCREYNOLDS: In view of the published statements that influence has been brought to bear upon you through the Secretary of Labor to postpone the trial in the Digge-Caminetti case, I desire to state to you that neither Commissioner General Caminetti nor anyone else either requested or suggested to me that I should ask you to postpone the trial.

The Department of Labor has been but recently created. It is in a formative state of organization. Congress has provided funds for the payment of the salaries of the Secretary, Assistant Secretary, Solicitor, private secretary and confidential clerk to the Secretary, and private secretary to the Assistant Secretary. Funds have not yet been provided for the other clerical help necessary for the proper organization and operation of the department. Consequently every person connected with the department has been working to his full capacity in an effort to keep up with the business. That is particularly true with regard to the Immigration Service. Any leave of absence at this time would seriously impair the service.

Before Mr. Caminetti took the oath of office he informed me that it would be necessary to ask for leave of absence in order to be present at the trial of his son. About the middle of June he again called my attention to his desire for leave of absence. I pointed out to him the difficulties we had to contend with; that the department was in a formative stage; that we had large contracts for feeding the immigrants at Ellis Island and other ports of entry to consider and dispose of; that Hindu immigration to the Pacific coast via Hawaii and the Philippine Islands was becoming an acute problem which ought to be worked out at as early a date as possible; that allegations were continuously being made that Chinese were being smuggled into the United States in violation of the Chinese-exclusion laws; that the administration of the immigration laws generally would require his close application for some time to enable him to grasp the details of the methods used by the department in enforcing the law; and that, in view of these conditions, it was imperative that he should remain here for a considerable period in order that he might assist in the work in this emergency and acquaint himself with the problems we had to work out. That, then, when he went to the Pacific coast he would be in a position to inspect the various immigration stations in a manner which would give beneficial results. I then asked him if it would not be possible for him to secure a postponement of his son's trial until the next term of court, so that he could attend the trial of his son and on the same trip inspect the Immigration Service on the Pacific coast. He replied that he did not know whether a postponement could be obtained or not; and I stated to him that I would take the matter up with the Attorney General and ask for a postponement of the case, with a view to carrying out the suggestion I had made. It was pursuant to this suggestion that I called you up on June 18, stated the circumstances, and asked for the postponement, which was granted.

Respectfully, yours,

W. B. WILSON, *Secretary.*

THE ATTORNEY GENERAL,
Washington, D. C.

Of all the naïve utterances that ever came from the pen of any man in public life, commend me still to this statement of Mr. Secretary Wilson. At the very outset he remarks:

> I desire to state to you that neither Commissioner General Caminetti nor anyone else either requested or suggested to me that I should ask you to postpone the trial.

You see he frankly assumes the rôle of "goat"; and then he continues—

> that the department was in a formative stage; that we had large contracts for feeding the immigrants at Ellis Island and other ports of entry to consider and dispose of; that Hindu immigration to the Pacific coast via Hawaii and the Philippine Islands was becoming an acute problem which ought to be worked out at as early a date as possible; that allegations were continuously being made that Chinese were being smuggled into the United States in violation of the Chinese-exclusion laws; that the administration of the immigration laws generally would require his close application for some time to enable him to grasp the details of the methods used by the department in enforcing the law; and that, in view of these conditions, it was imperative that he should remain here for a considerable period in order that he might assist in the work in this emergency and acquaint himself with the problems we had to work out. That, then, when he went to the Pacific coast he would be in a position to inspect the various immigration stations in a manner which would give beneficial results. I then asked him if it would not be possible for him to secure a postponement of his son's trial until the next term of court, so that he could attend the trial of his son and on the same trip inspect the Immigration Service on the Pacific coast. He replied that he did not know whether a postponement could be obtained or not; and I stated to him that I would take the matter up with the Attorney General and ask for a postponement of the case, with a view to carrying out the suggestion I had made. It was pursuant to this suggestion that I called you up on June 18, stated the circumstances, and asked for the postponement, which was granted.

Mr. Speaker, in the first place the Immigration Service is not in a formative stage. It was transplanted bodily from the former Department of Commerce and Labor to the present Department of Labor. The work in that service, so far as the present Commissioner General of Immigration is concerned, has been lessened, if anything, because under the new law creating this Department of Labor the Bureau of Naturalization has been segregated from the Immigration Service and has been created an independent bureau, with an independent commissioner. Besides, the Deputy Commissioner of Immigration, Mr. Larned, has proven an efficient officer, who is thoroughly familiar with all the details and the duties that devolve upon the officials of that service. He has held the post for years. He knows its every detail, and he was even recently acting in the place of his chief, for I understand that the present commissioner general was absent from his post of duty until last Saturday, and yet the service still lives; it is still performing its proper functions. The commissioner general was not even missed, so far as we have been able to learn.

The Secretary informed the Attorney General that he asked Mr. Caminetti if it would not be possible for him to secure a postponement of his son's trial until the next term of court,

so that he could attend the trial of his son and on the same trip inspect the Immigration Service on the Pacific coast.

Therein becomes apparent the remarkable naïveté of the Secretary of Labor.

Of course if the commissioner general were to leave Washington to go to San Francisco to attend the trial of his son at this time he would have to pay the expenses of the trip out of his own pocket, but if the case could be postponed until autumn, when he could attend the trial of his son and on the same trip inspect the Immigration Service on the Pacific coast, he would be making the trip in the interest of the Government service and the Government would pay his expenses. Thrift! Thrift! Horatio, and no mistake. I do not think that the Secretary of Labor ever contemplated anything quite as guileless as that.

The Secretary further informed the Attorney General that Mr. Caminetti replied to his query that he did not know whether a postponement could be obtained or not. That, to say the least, was a remarkable statement, for prior to the time he left California and up to and including May 31 the present Commissioner General of Immigration had repeatedly tried to induce the United States attorney at San Francisco, Mr. McNab, to postpone the trial. On May 21 Mr. McNab received a letter from State Senator Anthony Caminetti, who has since become the Commissioner General of Immigration, dated at Sacramento, Cal. This letter reads as follows:

When talking to you on the telephone in re setting of the case of United States v. Diggs and Caminetti I stated I would like to confer with you concerning same. I had reference to a request I desired to make in view of the probability of my appointment to a position in Washington, D. C., which was daily expected at that time and since. I did not feel that I could consistently make the request unless the appointment was made by the President.

Under the present circumstances, and with the practical certainty of my early departure for Washington, D. C., to assume the duties of Commissioner General of Immigration, I respectfully request, if consistent with your duty in the premises, that the time of setting said cases for trial be continued, as it is very uncertain and a matter not now under my control whether I could be present in June or July in the event that the cases be tried in either month.

I feel it my duty, and it is the wish of Mrs. Caminetti, that I attend if a trial takes place.

In behalf of Mrs. Caminetti and myself I thank you sincerely for the kind sympathy you expressed at the time of my conversation with you.

On May 27 Mr. McNab replied to Mr. Caminetti's letter, as follows:

I should be very glad to grant any request that I could which would be consistent with my duty here. I have continued the case two weeks at your request, as I understood you wished to talk to me about it. The case has again been continued for two weeks on my suggestion to the court that you desired to see me; but I regret to say that I can not give any assurance that the case will go over past June or July. Personally, I have the kindest sympathy for yourself and Mrs. Caminetti in the unfortunate position in which your son is placed. I sincerely trust that you will understand that in prosecuting this case I am merely performing my duty as an officer; but I would remind you that you, as well as the officers in this office, will be placed under public criticism if this case is indefinitely continued. Your well-known political prominence has already brought forth suggestions that the case has been continued for political reasons. I, of course, very well know that no political pressure has been brought to bear on me, nor, if brought, would have the slightest effect; but out of justice to yourself, I would respectfully urge that you offer no objection to this case going to an early trial. You, of course, know your own feelings best in the matter, but I can conceive of no good that can be accomplished by indefinitely delaying the trial.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman 20 minutes more.

The SPEAKER. The gentleman from California is recognized for 20 minutes more.

Mr. KAHN. And I want to say, in passing, that everyone must have the sincerest sympathy for Mr. and Mrs. Caminetti, the parents of the accused. They have occupied an honored position in California, and the heart of every man and woman in that State beats in sincerest sympathy for them in their present unfortunate position.

On May 31, Mr. McNab received from Anthony Caminetti, who was then in Washington, a telegram, reading as follows:

WASHINGTON, D. C., *May 31.*

JOHN L. MCNAB,
United States District Attorney, San Francisco, Cal.:

By request of Secretary of Labor came on to Washington concerning duties of commissioner, etc. As anticipated in my letter to you, my services necessary in June and July to inaugurate work of departments. Hence, for reasons suggested in said letter, I would greatly appreciate your kindness if you would avoid setting my son's case for the time being and allow same to stand over until after July, for reasons above set forth. After consultation Department of Justice has no objection to this course. Please answer at earliest convenience to-day, if possible.

A. CAMINETTI.

Note the concluding sentences of this last telegram:

After consultation Department of Justice has no objection to this course. Please answer at earliest convenience to-day, if possible.

With whom at the Department of Justice was the consultation had to which Mr. Caminetti refers? Who, at the Department of Justice, authorized Mr. Caminetti to inform the United States attorney at San Francisco that the Department of Justice had no objections to allowing his son's case to stand over until after July? Surely Mr. Caminetti did not send this telegram without having had some assurance from some one at the Department of Justice that his request for postponement would not be met with objection by the department. Who gave him permission to send such a telegram? These are some of the facts that the House and the country ought to know. And yet, in the face of all of this correspondence by telegram and by letter, the Secretary of Labor tells the Attorney General in his communication that Mr. Caminetti had informed him that he did not know whether a postponement of his son's case could be obtained or not.

Mr. MANN. Will the gentleman yield for a question,

The SPEAKER. Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. Certainly.

Mr. MANN. In the copy of the file submitted by the Attorney General, is there any memorandum of this consultation and this expression of opinion by the Department of Justice?

Mr. KAHN. There is not; at least not among the papers that the Committee on the Judiciary have reported to this House.

Mr. MANN. Another missing document?

Mr. KAHN. Well, this telegram was sent by Mr. Caminetti to the United States attorney at San Francisco. The department, perhaps, would not have a copy of that, but they should have a memorandum of the conversation.

Mr. MANN. They would have a copy of the agreement they had, unless Caminetti was lying?

Mr. KAHN. Well, Mr. Caminetti sent a telegram that there was no objection on the part of the Department of Justice for a continuance. Now, he must have had that understanding with somebody up there, and yet the files are absolutely silent on the subject. Mr. Caminetti certainly would not have sent that telegram unless he had had such an agreement.

Where is the agreement? With whom did he have it? That is another thing that the Members of this House would like to know. That is another thing that the people of this country are entitled to know, and that is another instance where the department has shown a lack of candor in dealing with these cases.

And now comes the most naïve statement of all the naïve statements in the letter of the Secretary of Labor. Without any suggestion from Caminetti to act in the premises, the Secretary of Labor stated to the former that he would take up the matter with the Attorney General and ask for a postponement of the case; that it was in pursuance to this suggestion that he called up the Attorney General and asked the latter for the postponement which was granted. You tickle me, and I will tickle you. Surely this is a case of "noblesse oblige," if there ever was one. Upon the mere request of the Secretary of Labor, the Attorney General, without again refreshing his memory from the files, issues a peremptory order for the postponement of certain white-slave cases. It is a remarkable story.

As I have already stated, on June 3 Mr. McNab sent a letter to the Attorney General, informing him of the efforts that were being made by Mr. Caminetti to secure a postponement in the white-slave cases. As I have already stated, that letter must have reached here either the 8th or 9th of June, only a few days prior to the order of postponement sent from Washington to Mr. McNab.

But while all this insidious political influence was being exerted for the postponement of the case of young Caminetti, what subtle and insidious influence was working the political pull for young Maury Diggs? That has not appeared anywhere on the surface. Young Diggs is the nephew of State Senator Diggs, of California. He is the young man who supplied the funds for the unfortunate escapade. It does not appear anywhere that his relatives were so occupied with governmental affairs, at Washington or elsewhere, that they could not attend his trial. Then why did the Attorney General order a postponement in that case? And why was the Diggs case always coupled with the Caminetti case? It does not appear in any of the records, so far as I have been able to learn, that the young men were to be tried jointly. And if the Attorney General had really become convinced that the presence of the elder Caminetti was absolutely necessary in Washington, why did he cause the hand of Mr. McNab to be stayed in the Diggs case? That also is a query the answer to which the country and those who have absolute faith in Mr. McNab's honesty and probity would like to know. But the official records submitted to this House and taken from the files of the Department of Justice are a blank upon that phase of the controversy. Truly insidiousness was never more patent than in the matter

of what might be considered an indefinite postponement of the case of Maury Diggs.

Mr. Speaker, the Secretary of Labor, in his written statement to the Attorney General, speaks of the enforcement of the laws regarding the smuggling of Chinese coolies into the United States. The records of the department will show that Mr. McNab has been singularly efficient in breaking up that practice. The business of smuggling Chinese into the United States has grown to be so dangerous, the chances the smugglers take are now considered so hazardous, that the price charged by the smugglers for every Chinese brought into the country in violation of the Chinese-exclusion laws has risen from $200 per contraband to $600 per contraband within the last year.

Mr. McNab at the time of his resignation still had three years to serve as United States attorney at San Francisco. He was ambitious to serve out his term and to do his duty fearlessly, faithfully, and honestly. As I have already stated, his letters to the Attorney General of May 28 and June 3 show the falsity of the statements of his opponents and those who seek to whitewash the action of the administration in this matter by saying that his resignation was prompted by political ambition.

That his course met the approbation of the people who knew him, the people among whom he lived, the people among whom he served, the people who had implicit confidence in him, is evidenced by this telegram sent by the grand jury of the northern district of California to the President of the United States at the time Mr. McNab's resignation was announced. And, Mr. Speaker, I ask unanimous consent to insert that telegram in the RECORD.

The SPEAKER. The gentleman from California asks leave to extend his remarks by inserting the paper he has named. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, I did not understand what it was.

Mr. KAHN. It is a telegram from the grand jury of the northern district of California to the President of the United States at the time that Mr. McNab's resignation was sent.

The SPEAKER. Is there objection?

There was no objection.

Mr. KAHN. This telegram reads as follows:

WOODROW WILSON,
President of the United States:

As the grand jury which returned the original indictments against the Western Fuel directors, we most respectfully, but strongly and vigorously, protest against the usurpation of power by the Attorney General of the United States in giving ear to the private appeals of certain defendants and then ordering that these defendants be relieved from prosecution. The defendants who have been thus selected by the Attorney General as marks of his peculiar favor were indicted on the same evidence introduced against all other defendants. For an administrative officer thus to single out certain defendants and refuse to permit them to be tried is to overthrow and destroy all established precedent and law; it is to publicly attempt to free a favored defendant after the exercise of influence in the privacy of the Attorney General's office, in the absence of the evidence and in violation of justice; it is an attempt to subvert the powers of the Federal grand jury, to make the Attorney General the substitute for the courts and to destroy the usefulness of the United States attorney's office. Any Attorney General who can thus declare men innocent can in the same way declare them guilty, and inevitable corruption and flagrant injustice will result. If these defendants were innocent, why did they not insist upon immediate vindication before a trial jury, instead of seeking to escape a trial by privately appealing to the Attorney General without notice from the United States Attorney? After the presentation of the evidence, leading to these indictments, our duty was plain. To have avoided it would have been to exhibit cowardice. We can not refrain from expressing our protest that after 10 days of earnest labor, devoted to the consideration of evidence against these defendants, our work is swept away by the autocratic act of an administrative official. This grand jury, reposing the highest faith in your rectitude of purpose, appeal to you to publicly discountenance the action thus taken and to uphold the hands of the United States attorney in a vigorous prosecution of all the defendants without fear or favor. This grand jury, which for four months was in almost daily contact with the United States attorney, John L. McNab, while he was engaged in the active performance of his duty, wish to declare that we repose the most implicit confidence in him, both as lawyer and as man, in all his official actions.

Burr D. Alton, James H. Ames, Walter N. Brunt, Giles N. Easton, Edward J. Duffey (foreman), E. W. Dunn, R. C. Dunbar, G. N. Dunster, T. H. Fallon, Jacob Goldberg, John J. Haviside, H. R. Hopps, J. D. Jessup, W. H. Little, Charles E. Lipp, A. C. F. Locke, William Mysell, Richard N. Nason, William J. Newman, H. V. Ramsdell, J. B. Stanford, W. A. Starr, W. B. Webster.

Mr. CLAYTON. Mr. Speaker, I hope the gentleman from California will be equally liberal when I prefer a similar request.

Mr. KAHN. I have no objection to any request by the gentleman from Alabama. I have always believed in letting in the light. That is what some gentlemen on the other side have not believed in.

Mr. Speaker, Judge Van Fleet, the judge of the United States District Court for the Northern District of California, in expressing his regret in open court at Mr. McNab's resignation, used this language:

Mr. McNab, I would be stating less than the truth if I failed to express my sincere regret. Without referring to the circumstances which have led to your departure, I want to say that the Government is losing the most efficient, vigorous, and painstaking prosecuting officer we have had at this end of the Department of Justice.

Surely such commendation would not have been given, under the peculiar circumstances of this case, if it had not been justly deserved.

When the Committee on the Judiciary brought in its report and asked that my first resolution lie on the table, we were not permitted to argue the matter because the motion to lay on the table is not debatable. Yet, if we had been given an opportunity to show that the files of the Attorney General, as they were submitted to the committee, did not contain all the papers in the case, I feel that this House would not have taken that action, but would have insisted on having what the resolution called for, namely, all the papers in the case.

Mr. Speaker, I have already explained about the telegram of May 16; but the powerful telegram of Mr. McClatchy, the editor of a Democratic newspaper in California, which was sent to Mr. Lane, and which Mr. Lane sent to the department, does not appear in the files of this case. Why not? In the Western Fuel cases the letter of Sidney V. Smith appears. The acknowledgment of the Attorney General of Mr. Lane's note sending Sidney V. Smith's letter to the Department of Justice appears, and the final action of the Attorney General on Smith's letter appears in the Western Fuel cases; but there is no reference whatever in the white-slave cases to this important telegram, asking that the cases be promptly tried. And where does that leave our friend, Mr. Lane? It leaves the Secretary of the Interior in this unfortunate position: He sent to the Department of Justice, according to the face of the records in the Western Fuel cases, a letter from a rich corporation director asking that his case be nol-prossed; but the record in the white-slave cases is absolutely silent and does not show that he also sent to the Department of Justice a telegram from a prominent Democratic editor of the State of California asking for the prompt enforcement of the law with regard to these white-slave cases. That telegram ought to be supplied in that report, in justice to Mr. Lane. It ought to be submitted to this House. It shows the facts in these cases, and that is what the country wants. The country wants the facts.

I ask that the letter of the Attorney General to Mr. Lane in the Western Fuel case be printed in the RECORD as a part of my remarks.

The SPEAKER. The gentleman asks to extend his remarks in the RECORD by printing a letter to Secretary Lane. Is there objection?

There was no objection.

The letter is as follows:

JCA—jsw

165862–7. DEPARTMENT OF JUSTICE, *May 27, 1913.*

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. LANE: I have received from United States Attorney McNab, of San Francisco, his report upon the letter of Mr. Sidney V. Smith, of that city, to you, of the 24th of April, asking that the district attorney be directed to dismiss the indictment against Mr. Smith.

The report of the district attorney clearly shows the existence of a conspiracy among several officers and directors of the Western Fuel Co. to defraud the United States and the accomplishment of the object of that conspiracy, so that the United States lost in several ways a large sum.

The district attorney states that in his opinion there was sufficient evidence to justify the indictment of Mr. Smith and Mr. Bruce and other directors of the company, and that the case should be submitted to a trial jury.

Upon the facts stated in the district attorney's report I thoroughly agree with him, and have therefore directed him to proceed to trial against all the defendants.

Faithfully, yours,
J. C. MCREYNOLDS,
Attorney General.

Mr. KAHN. But Mr. Lane's telegram from Mr. McClatchy in regard to the prompt prosecution of the Diggs and Caminetti white-slave cases is not in the papers submitted by the committee to the House. Was it, too, of such a character that it was incompatible with the public interest to have printed it? Is it not a fact that it was not in the files at all? There is no reply in the files from the Attorney General to Mr. Lane regarding the McClatchy telegram after he had heard from Mr. McNab about the white-slave cases. I repeat, Mr. Lane, according to the records presented by the Judiciary Committee to this House, is left in the awkward attitude of having sent to the Attorney General the letter of a wealthy director of a powerful corporation asking that his case be nolprossed, but as having failed to send to the Attorney General the power-

ful telegram of a prominent editor of a Democratic newspaper in California, in which that editor urged the prompt prosecution of the two violators of the white-slave law who had such powerful political backing behind them. It is an injustice to Mr. Lane to let this record stand as it is. It is only fair to Mr. Lane that these papers should be supplied before any action is taken to lay this pending resolution on the table. I repeat, I have positive assurances that Mr. McClatchy's telegram was sent to the Attorney General's office by Mr. Lane. It should be in the files in this case.

On page 11 of the report of the committee is a telegram from Mr. S. W. Finch to George F. Mikkelson, Esq., which reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF SPECIAL COMMISSIONER FOR THE SUPPRESSION OF THE WHITE-SLAVE TRAFFIC,
Baltimore, Md., May 20, 1913.

GEORGE F. MIKKELSON, Esq.,
Department of Justice, Washington, D. C.

DEAR MR. MIKKELSON: Referring to our conversation of yesterday, I would state that I find we wired Special Agent Herrington in reference to the white-slave case prosecuted in the northern district of California wherein the transportation was by means of an automobile. Mr. Herrington probably referred this telegram to the United States attorney, who for that reason sent you the wire concerning the Caminetti and Diggs case.

Yours, very truly,
S. W. FINCH,
Special Commissioner.

167096-2

Note the concluding sentence. Where is the wire that the United States attorney sent concerning the Caminetti and Diggs cases? It is not in the files presented to this House by the Committee on the Judiciary.

On May 17 Mr. McNab sent to the Attorney General his first answer to the telegram of the Attorney General of May 16 regarding a full report in the Diggs and Caminetti cases. That telegram reads as follows:

[Department of Justice, telegram received.]

7W 0 27 G. R.

SAN FRANCISCO, CAL., *May 17, 1913.*

ATTORNEY GENERAL, *Washington, D. C.:*

Answering your wire, full report testimony Diggs-Caminetti case will be forwarded to you at once. Regard case as aggravated one.

McNAB,
United States Attorney.

2.10 p. m.
H
167096-1

On May 20 he sent his second telegram in answer to the Attorney General's telegram of May 16. It reads as follows:

[The Western Union Telegraph Co.]

P. M. 7.46

Received at 120 A. S. D. 134 Govt. rate.

P. O., SAN FRANCISCO, CAL., *May 20, 1913.*

ATTORNEY GENERAL, *Washington, D. C.:*

In your wire of May 16 you direct no further affirmative action against Diggs and Caminetti under white-slave indictment until directed by you and ask for report. Full report testimony mailed you to-day. I desire to know if your direction is intended also as instruction to refrain from setting for trial indictment against Diggs and his attorney, Harris, for conspiracy to suborn perjury in same cases. These cases all on calendar for setting before Judge Farrington, of Nevada, who comes by request to try these and other cases. Judge Van Fleet reluctantly granted request for two weeks' continuance and notified counsel for defendant in court that cases must be disposed of in June, owing to peculiarly flagrant circumstances of all cases. Respectfully ask earliest practical reply.

McNAB,
United States Attorney.

7.44 p. m.

In his second telegram—in answer to the Attorney General's telegram of May 16—Mr. McNab propounds this inquiry to the Department of Justice:

I desire to know if your direction is intended also as instruction to refrain from setting for trial indictment against Diggs and his attorney Harris for conspiracy to suborn perjury in the same cases.

Where is the answer of the Attorney General's office to that query? Was it ever sent? If it was sent, why is it not among the papers in this file? If it was not sent, is that the way the Attorney General's office does business? This was a pertinent inquiry, and surely a proper inquiry from a United States attorney asking for information from the Department of Justice as to the course he is to pursue in a certain case ought to evoke some answer from the Department of Justice.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from California yield to the gentleman from Wisconsin.

Mr. KAHN. Certainly.

Mr. COOPER. Do I understand that Diggs and one of his counsel were indicted for perjury or subornation of perjury?

Mr. KAHN. Yes.

Mr. COOPER. In this case?

Mr. KAHN. Growing out of the prosecutions in these cases.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. MANN. I yield the gentleman 15 minutes more. If the gentleman will permit an inquiry, the question submitted by the gentleman from Wisconsin is fully answered in the letter of the district attorney to the Attorney General, which the Judiciary Committee and the Democratic Members of the House suppressed.

Mr. KAHN. The Committee on the Judiciary expressed some misapprehension that some of these papers——

Mr. CLAYTON. The gentleman is in error. There was no letter of that kind suppressed by anybody.

Mr. MANN. If the gentleman will allow me to print it in the RECORD, we will put it in with a full explanation in the letter itself which the committee suppressed.

Mr. CLAYTON. They are all before the House.

Mr. MANN. It was in the files transmitted to the Judiciary Committee, but not reported to the House.

Mr. KAHN. The situation is as the gentleman from Illinois has expressed it.

The committee in its report expresses apprehension that the publication of some of the papers or some parts of some of these papers in the file might be incompatible with the public interest. It refers in particular to the statement of facts in the case contained in the report of United States Attorney McNab to the Attorney General under date of May 21, 1913, and yet this report has been printed in almost its entirety in the newspapers not only here in Washington but even in California. I believe McNab's report should have been printed in full by the committee. Its contents were generally known not alone by the defendants but by the citizens and residents of Sacramento, where the defendants and their victims had been living. There is nothing therein, in my opinion, that is incompatible with the public interest. The publication of the report in full by the committee would have shown that Mr. McNab was fully justified in his attitude, and I therefore ask that this report be printed in full as a part of my remarks.

The SPEAKER pro tempore (Mr. LLOYD). The gentleman from California asks unanimous consent that he be allowed to print in the RECORD the report of Mr. McNab.

Mr. CLAYTON. I would like to hear what the gentleman's request is; there were so many talking near me I did not hear him.

Mr. KAHN. The report of Mr. McNab, May 21. It has been printed in almost its entirety in the Washington papers, the California papers, and some of the New York papers.

Mr. CLAYTON. I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. The report is as follows:

MAY 21, 1913.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: I am in receipt of your telegram of the 16th instant, in which you direct me to forward to you a statement of the facts in the cases pending here against Maury Diggs and Drew Caminetti, and in which you say that you wish no further affirmative action taken until directed by you.

THE INDICTMENTS.

The defendants Diggs and Caminetti are jointly indicted in this district for conspiracy to violate the white-slave traffic act in inducing two young women, Marsha Warrington and Lola Norris, to go from Sacramento, in the State and northern district of California, to Reno, in the State of Nevada, and to secure transportation for them to said place for immoral purposes, viz, that the young women should live with them as their concubines and mistresses, etc.

In addition to the conspiracy indictments, each defendant is charged in a separate indictment with a direct violation of the act, Diggs with having induced the Warrington girl to go and with having furnished transportation for her, and Caminetti with having been guilty of the same acts with regard to the Norris girl.

STATEMENT OF FACTS.

The testimony before the grand jury was not taken down. It was as follows: The defendant Diggs was a draftsman in the office of the State capitol in Sacramento. He is married and has two young children. He comes of a rich and locally powerful family, and his record has more than once brought that family into disgrace. But a short time before the actions hereinafter narrated he was involved in a forgery charge, and for a long time, by common repute easily substantiated by evidence, he maintained what has been denominated as a "private harem" at his rooms in a downtown block in Sacramento. Here, according to charges laid before me, he enticed many young women to go to serve his immoral purposes. Caminetti was his bosom companion. The defendant Caminetti has a vicious reputation for seducing young girls, and I have shocking instances which I can produce to establish this fact.

The two girls in question, both of whom are about 19 years of age, come of most respectable families. Marsha Warrington is the only daughter of the agent of the Santa Fe Railroad; Lola Norris is the only daughter of a retired business man of Sacramento. The girls had been reared in beautiful home surroundings and had only a short time before been permitted freely to attend social functions. Owing to certain clerical work done by one of the girls about the State capitol, the young women became acquainted with Diggs and Caminetti, who

rapidly ingratiated themselves into their good graces. The girls allowed themselves to be led into indiscretions. They were induced to go on auto rides, and finally clandestinely to go to wine suppers at a free-and-easy, but outwardly respectable, French restaurant. After going with the young women for some months the two defendants, who had determined to entice the girls away from home and take them to another State, began a systematic campaign of coercion and inducement to get them to flee the State with them. They told the young women that Mrs. Diggs and Mrs. Caminetti had found out about their relations and had procured warrants for their arrest from the juvenile court and were only awaiting the appropriate time to serve them. Repeatedly they were told that Chief of Police Johnson held warrants for their arrest, and that they were being shadowed night and day; that they would be taken into custody some night on their return home; that Mrs. Diggs and Mrs. Caminetti were relentless and intended to expose the whole matter, and that the families of the girls would be disgraced and ruined; that the matter had been given secretly to a leading morning paper, and that the girls' pictures were about to be published with lurid details of their escapades; that the only way to save the girls from disgrace was secretly to leave the city and go to another State, where they would acquire a residence; the men would divorce their wives and marry the girls, etc. This is only a brief résumé of the countless devices invented by the young men to prey upon the sensibilities of the girls, and all of which were unfolded by the young victims to the grand jury. The young women were in absolute terror. They repeatedly appealed to the defendants to allow them to remain at home and not to disgrace them, and begged to be allowed to unbosom their indiscretions to their parents and have their advice. The defendants had a powerful influence over them and never permitted a day to go by, after their planned journey, without impressing the uttermost necessity of their going and for secrecy. After several meetings at which the journey was proposed the four met by appointment at the Saddlerock Restaurant, in Sacramento, and the trip was then definitely decided upon. The girls bitterly reproached the men for their plight and entreated them to be allowed to remain at home. The four went to the Southern Pacific Depot in Sacramento and the men arranged for the transportation. Caminetti gave Lola Norris $20 to get her ticket, but at the station it was agreed between the men that Diggs should purchase all the tickets for the moment, and that he and Caminetti should subsequently settle between themselves, each man to pay for himself and for one of the young women. While awaiting the overland train at midnight the Warrington girl again rebelled, and finally refused to go, saying that she was convinced that there must be some trick back of it and that there could not be any charges pending against them; that while she had been indiscreet, she wanted to go back to her parents and make a clean breast of it. The young men taunted her and dared her, until finally both young women boarded the train and then, according to their testimony, evidently for the first time, abandoned all hope of going back and threw themselves in despair in with the plans of the men with whom they felt they had now cast their lot. The defendants had secured but one stateroom, and Diggs induced the Warrington girl to sleep with him; the Norris girl occupied the other berth with Caminetti.

Up to this time, according to the uncontradicted evidence, Diggs had been criminally intimate with Miss Warrington for a few weeks; the Norris girl had never had intercourse with a man in her life before this trip to Reno, and evidently did not have on the train, as will be shown hereafter.

On arrival at Reno in the early morning the party went to the Riverside Hotel, where Diggs registered for himself and Miss Warrington as "Enright and wife"; Caminetti for himself and Miss Norris by another name "and wife," all from "Los Angeles, Cal." They were assigned to bedrooms, Diggs and Miss Warrington occupying one room and Caminetti and Miss Norris the other. According to the testimony of the young women, they were wholly in the hands of their male companions. They had never been away from home or their parents before and felt that they were powerless to save themselves. They had no definite aim nor did they definitely know where the men were going to take them. Shortly after their arrival the men went to a real estate agent, secured a list of furnished cottages, and rented one. They then paid their bill at the hotel, and asking the clerk about the trains for Salt Lake stated they would walk to the depot rather than go by the bus. Instead of going to the depot they took the girls to the cottage they had secured. They then ordered a stock of provisions and such appurtenances of housekeeping as kitchen aprons and the like. There were two bedrooms in the house. Diggs and Miss Warrington slept in one bedroom, Caminetti and Miss Norris in the other. There they repeatedly had sexual intercourse. This, as suggested, is the first time that Miss Norris had ever had complete sexual intercourse. Her hymen was broken and her gown and bed linen were besmeared with blood that followed the first successful sexual act. The linen is in my possession. Appealing to the men to know what was to be done with them, the young women were told that their ruin was complete; that they would not desert them, but that the young women were to continue to live with them as their mistresses, and that they would take them to Salt Lake, where they would go into a "house." Whether this was to be a house of prostitution or a house where their shame would be that of private mistresses was not made clear to them except by inference. The grand jury had ample evidence before it in these statements to decide that the intent was to put them in a public place of prostitution; the purpose to keep them as mistresses was of course overwhelmingly proved and can not of course be denied.

The party was traced, and early in the morning of a subsequent day was caught in the house. An old-time friend of the Warrington and Norris families, Martin Beasley, accompanied the chief of police to the cottage. The men, half dressed, came to the door. They denied their identity. Beasley entered the house and called the girls by name. They rushed into his arms, sobbing pitifully, and begged to be taken home. They would not suffer themselves to leave Beasley and kept begging to be taken home, their chief fear being that their parents would never receive them and that on their return to Sacramento they would be taken into custody by the juvenile court as threatened by the defendants. Whenever they were in company of the men they were completely under their influence. They had been coached to say that there had been no breach of the sexual relation, etc., and tried for a time, when in the company of the men, to keep up the pretense. Released from their association they poured out their story of shame with the utmost freedom and every evidence of penitence.

Diggs, when arrested and taken to the station, turned to the young women and said, in the presence of several witnesses: "Now, remember, girls, it is up to you whether we go to the pen or not." Later, to an officer of his acquaintance, he boastingly stated that had he been given a few hours' start the party never would have been caught; that he had a friend, whose name we have secured, who had a ranch near Reno and from whom he could have procured all the funds he wanted; that then he and Caminetti were to take the girls to Salt Lake, where they could not have been found and where they could use the girls for their purpose.

The defendants, immediately after their arrest, affected to treat the matter lightly and then defiantly. They were secretly taken from the train and brought into Sacramento by auto to avoid lynching by the enraged citizens. Defendants secured counsel; among these is Charles Harris, of the Sacramento bar. He and Diggs immediately set about to defeat justice by corrupting a witness. Diggs wrote an appealing letter to Miss Warrington, under an assumed name, urging her to stand by a certain agreed story he had drilled her in while in Reno. The letter is in my possession. Then he and his attorney, Mr. Harris, met in the latter's office. They called on the telephone Miss Nellie Barton, a most estimable young girl of about 18 years, whom they knew to be a very intimate friend of Miss Warrington. Insisting that she could help Miss Warrington out of serious trouble, Mr. Harris prevailed upon Miss Barton to come to his office. On entering she found Mr. Diggs with Mr. Harris. They told her that if Mr. Diggs should be convicted Miss Warrington would also go to the penitentiary, and asked her if she would be willing to assist Miss Warrington out of that danger by taking a message to her. Miss Barton's parents were in quarantine for fever, and she had no one upon whom to rely for advice. On the urgent representation that Miss Warrington would go to prison and that she could save her Miss Barton was prevailed upon to call Miss Warrington on Mr. Harris's phone to arrange a meeting with her. The mother answering said Miss Warrington was ill, but would, of course, be glad to see her friend at the house. Harris and Diggs then drew a diagram of the Reno cottage and impressed upon Miss Barton that she must have Miss Warrington testify that the two young women slept in one room and the defendants in another; that the girls purchased their own tickets; and, on Mr. Harris's advice, she was to swear at the trial that she could not remember who paid for the Pullman reservation, as he "regarded that as immaterial, and it would look better to concede something and not make it look too strong." The bewildered girl left their office and called upon Miss Warrington and rehearsed the whole story. Miss Warrington repudiated the suggestion, and said she would frankly tell the whole truth in court. Miss Barton and her father then placed the whole matter before the grand jury. The grand jury has indicted Harris and Diggs for conspiracy to suborn perjury.

The representations made by Caminetti and Diggs that the girls were under suspicion and might be arrested were false.

The plan of the defendants was to take them to another State and live with them as their mistresses and, the evidence indicates, to put them into prostitution when they were through with them.

The results have been most unfortunate. Mrs. Caminetti, a young and faithful wife and mother, with a 5-weeks old babe, has been cast adrift in the world without a home, and has gone back to the mountains in Tuolumne County to start life over again.

Mrs. Diggs, with her children, must either take back the husband who has betrayed her or fight out the matter of securing a living alone.

Miss Warrington has given birth to a dead fetus as a result of her relations with Diggs and the fearful strain under which she labored.

Mrs. Norris is in despair and her reason is threatened. Both the Warrington and Norris families are left in a situation too painful to contemplate. The parents are eager for prosecution.

When this matter first came up many of the leading citizens, including the district attorney of Sacramento, appealed to this office. Not only was it to my mind a clear violation of the white-slave traffic act, but no State law could afford adequate remedy. Furthermore, if it could, I was assured by scores of the best men of Sacramento that the money of the Diggs family would corrupt any local jury that could be secured, and numerous instances were brought to my attention in which this appears to have been true. This prediction was followed by attempts of Diggs and Harris to corrupt one of the principal witnesses for the Government. I may add that I have the active assistance of the district attorney's office at Sacramento.

The friends of defendants are reported to have stated repeatedly that they could "easily fix the case"; that they had too much money and too much influence to command to cause them to worry. This seems to have come principally from the Diggs end of the case. I have not heard that Caminetti has made any such assertion. Caminetti is the son of Senator Caminetti, of the State senate, a man for whom I have high respect and keen pity. I have had a conference with Mr. Howe, of the Sacramento bar, representing the defendants, who stated to me that Mr. Caminetti would in all probability plead guilty. At Senator Caminetti's request I continued the setting of the case two weeks, as he stated that he desired to confer with me, but he did not call, and I heard no more from him.

No case in this part of the State has brought forth such universal condemnation; no case has so aroused the sense of public decency or called forth such bitter strictures from the press of California. The press, public, and bar of northern California are giving the Department of Justice more vigorous support in this case than any other this office has ever undertaken.

I, of course, have no means of knowing what appeals or representations of facts may be made to the department at Washington, but I sincerely trust that I may be permitted to immediately submit this case to a trial jury. It was on the calendar on May 19 ready to be set for the month of June. Acting on your instructions, I continued the cases two weeks; but in view of the fact that Judge Farrington, of Nevada, is to be here with the expectation that the case will be tried in early June, I most earnestly and respectfully ask that you wire me permission to set the case as planned. Judge Van Fleet wishes the case disposed of and so stated in open court. For these reasons I respectfully ask for your directions by wire.

I trust that you will not misunderstand the unfortunate situation which will arise here if the case is permitted to go over from week to week. The well-known political prominence of the defendants' relatives will subject this office to the public criticism that this office is unduly favoring these defendants, and I know that nothing is closer to your wishes than that this office is kept free from such strictures.

I trust you will pardon this suggestion, based upon an intimate knowledge of the conditions in this State: That should the department direct that no further affirmative steps be taken in the case I should be compelled in utter discouragement of spirit to give up any attempt to enforce the law or maintain the prestige of this office, which we have so sedulously striven to enhance. Such result, I know only too well, the department does not for a moment contemplate, and for this reason I have stated all facts at greater length than perhaps was necessary, so that you may see the entire situation.

Very respectfully,

JOHN L. McNAB,
United States Attorney.

Mr. TAGGART. Mr. Speaker——

Mr. KAHN. I decline to be further interrupted at this point. I have only a few minutes and I want to conclude.

Mr. Speaker, the Committee on the Judiciary also presents a letter from Mr. Clayton Herrington, which is printed on pages 11 and 12 of their report. It reads as follows:

[Report Form No. 1.]

5783. Report made by C. Herrington. Period for which made: March 24, 1913. Place where made: San Francisco. Date when made: March 25, 1913.

Title of case and offense charged or nature of matter under investigation: United States *v.* Farley Drew Caminetti and Maury I. Diggs, white-slave case.

Statement of operations, evidence collected, names and addresses of persons interviewed, places visited, etc.:

GENERAL PASSENGER AGENT SOUTHERN PACIFIC CO.,
Flood Building, San Francisco.

SIR: Will you please secure the signed portions of tickets sold at your depot ticket office, Sacramento, Cal., and used on train which left Sacramento for Reno at 12.40 a. m. Monday morning, March 10, 1913? These tickets were bought by Maury I. Diggs for himself and Mr. Caminetti, Martha Warrington, and Lola Norris. The party traveled together, occupying the same compartment in the standard Pullman on that train. This may enable you to identify these particular tickets.

I would also like to have the name and address of the conductor who handled this train into Reno; also the name and address of the Pullman conductor and Pullman porter of that particular car.

The information is needed by the Government, and I would appreciate it if you would secure this at the earliest possible moment, using the wire if necessary.

Respectfully,
CLAYTON HERRINGTON.

* * * * * * *

Copy of this report furnished to: Mr. John L. McNab, San Francisco, Cal.; Special Commissioner Sid. Finch, Baltimore, Md.

It simply shows in which direction Mr. Herrington was trying to get evidence, but the statement of the case by Mr. Herrington is carefully omitted from the papers submitted in the report of the Committee on the Judiciary. In speaking of Clayton Herrington's statement, the report says:

Your committee is also of the opinion, and so report, that the reports of the special agent of the Department of Justice should not be published at this time, because incompatible with the public interest, except the copy of the letter signed "Clayton Herrington" on the first page thereof, which copy is hereto attached.

I presume that letter is the one to the general passenger agent of the Southern Pacific Co. that has just been read. As a matter of fact, the statement of the Attorney General submitted to the President on June 24 quotes extensively from the report of Mr. Herrington, dated March 26, 1913. In order to bolster up the position of the Attorney General for having ordered the postponement of the white-slave cases, Mr. Herrington's report is not incompatible with the public interest, but when that report is called for under a resolution of the House it is suddenly discovered by the Committee on the Judiciary and by the Attorney General that to publish that report would be incompatible with the public interest.

Mr. Speaker, I want to say in passing in reference to Mr. Herrington that he, too, sent a red-hot telegram of resignation, but you on that side have not yet found out what office he is going to run for. I suppose you will assert he did that from ulterior motives also and that he, too, was looking for political preferment.

Mr. CLAYTON. I am willing to admit it.

Mr. KAHN. I say that you will be saying that, but nobody will believe it.

Mr. CLAYTON. Nobody has made any such charges, but I am willing to admit it.

Mr. KAHN. I said that you probably would charge it.

After Mr. McNab's resignation had been accepted, namely, on June 24, he sent a letter to the Attorney General, which is as follows:

[Copy.]

OFFICE OF UNITED STATES ATTORNEY,
San Francisco, June 24, 1913.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: I have your letter of June 17, 1913, "WRH 165862-9," in which you state to me that you do not consider the letter addressed by Sidney V. Smith to the Secretary of the Interior admissible against the other defendants in the trial of the Western Fuel Co. case.

I thoroughly understand that the declaration of a conspirator is not admissible against his coconspirators unless the declaration is made during the continuance of the conspiracy. However, you have been advised that the Western Fuel Co. directors have all been indicted again since the writing of your letter, and the letter of Sidney V. Smith is admissible. Furthermore, it would have been admissible against Smith himself as an individual defendant. It matters very little whether I take issue with the department now upon these matters or not, but I can not refrain from saying in closing my connection with this case that the policy of the Attorney General's office in instructing a United States attorney as to what evidence he shall or shall not use tends to the discouragement of the service. No man who cares a rap for his position is going to conduct a case along lines suggested by somebody else. If evidence is admissible at all, and tends to prove the guilt of a defendant, it ought to be admitted so long as its introduction sustains the Government and tends to convict the guilty. This, as I say, is written subsequent to my resignation and can in no wise affect any of my future conduct, but you may be glad to know that the United States attorneys in the various districts feel that they are crippled whenever suggestions as to how they should or should not conduct cases are sent to them by the department.

Respectfully,
J. L. MCNAB,
United States Attorney.

There is a world of meat in the suggestion that the policy of the Attorney General's office in instructing a United States attorney as to what evidence he shall and shall not use tends to the discouragement of the service. It is true that no man who cares a rap for his position is going to conduct a case along the lines suggested by somebody else. It is true that if evidence is admissible at all and tends to prove the guilt of a defendant, it ought to be admitted so long as its introduction sustains the Government and tends to convict the guilty. That letter is another evidence of the disinterestedness of Mr. McNab and the patriotic motives that impelled him to send his resignation to the President of the United States when he was ordered, over his repeated protests, to postpone until autumn the trial of these cases.

Mr. Speaker, I repeat, the people of the United States are determined to wipe out white slavery. Any prosecuting officer who fails in his duty in that regard will meet the just resentment of the people of the United States. Congress has appropriated large sums for the vigorous enforcement of the white-slave laws. Since the publicity that has been given to these prosecutions of Diggs and Caminetti under the provisions of the Mann White-Slave Act, it has been announced here in Washington that the law aids blackmail; that it has been assailed by the authorities here; that the cases brought under its provisions swamp our officials, and so forth. What bears the earmarks of an inspired article against the law appeared in the columns of the Washington Post of June 30 last. But such tactics will not succeed. The Mann white-slave law is one of the most popular on our statute books. It has come to stay. The people demand that prosecutions for its violation shall continue.

Mr. Speaker, instead of having been blamed and condemned, Mr. McNab should have been commended by the President of the United States. If the President had called upon him to withdraw his resignation and proceed with the trial of these cases, he would have made himself infinitely stronger with his countrymen. I believe he would have even aroused patriotism to the highest pitch of enthusiasm by such an approval of the spirit of fair play and the maintenance of official integrity. Instead of that he said one thing to Mr. McReynolds, but did the very thing that Mr. McNab had wanted done.

And how is it to be done, Mr. Speaker? By special counsel who will be paid large fees for doing the very thing that the United States attorney would have performed as a matter of duty. Oh, the administration has not come out of this controversy with honor and credit, and it is small wonder that the gentlemen from Tennessee [Mr. BYRNS and Mr. MCKELLAR] did not desire any discussion of these cases. Small wonder that they did not desire the light of publicity on the conduct of the Attorney General and the President of the United States in this matter.

Mr. TAGGART. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. LLOYD). Does the gentleman yield?

Mr. KAHN. Mr. Speaker, I have only a few minutes left. After I have concluded, if I have the time, I shall be glad to.

Mr. Speaker, the Department of Justice above all others must be above suspicion. It has long been believed by the masses that there is one kind of law for the rich and the politically powerful in this country and another kind of law for the poor, the friendless, and the weak. The action of the department in the Diggs-Caminetti cases and the Western Fuel Co. cases would seem to stamp these charges as true. Mr. McNab did the country a signal service when he sent his forceful resignation to the President of the United States. He did the country a signal service when he refused to be a party to a program that would have given verisimilitude to the statement that Diggs, Caminetti, and the Western Fuel Co. directors, being rich or politically powerful, could secure delay and thus possibly defeat justice. The Department of Justice and the President of the United States in the final analysis were compelled to accept his recommendations that these cases be tried promptly, but wherever there are honest, patriotic men and pure, chaste women in the United States they applaud and approve his course despite the gratuitous and undeserved reprimand of the President of the United States. [Applause on the Republican side.]

Mr. Speaker, I yield back the balance of my time, and ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore (Mr. LLOYD). The gentleman from California asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, the gentleman from California, as I understand it, asks unanimous consent to extend and revise his remarks. I think that in this case there ought not to be any revision.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from California modifies his request and asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MURDOCK. Mr. Speaker, I would like to know the reason for the objection on the part of the gentleman from Illinois. What is the distinction between revising and extending?

Mr. FOSTER. Mr. Speaker, if I may be permitted, under unanimous consent to revise his remarks in the RECORD, the gentleman from California might change them. I am not saying that he would, but that would give a Member the right to leave out or add to, whatever he might see fit, which would not be right in a case of this character, I think.

Mr. KAHN. I have no intention of doing that.

Mr. FOSTER. I do not think the gentleman has.

The SPEAKER pro tempore. Is there objection to the gentleman from California [Mr. KAHN] extending his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Speaker, inasmuch as I was one of those who interposed an objection to unanimous consent and who made a point of order against the consideration of this case in the House, I feel that it would be proper for me at this time to give my reasons for so doing.

I want to say at the outset, Mr. Speaker, that I have had a mere passing acquaintance with the distinguished Attorney General of the United States. Though he comes from the same State from which I come, I never had the pleasure of his acquaintance until he became the Attorney General of the United States. I have had no conversation with him about this matter, directly or indirectly, or with anybody else connected with this administration. I want to say here that in interposing points of order, aiding my friend here [Mr. BYRNS] by objections, it was upon my own initiative, and I alone am responsible and have no apologies to make.

I believe I will take that back, Mr. Speaker. I feel that I ought to apologize. I have not felt like apologizing before, but since listening to the labored effort of my distinguished friend from California and knowing how eloquent he is on ordinary occasions, how able in argument, after listening to the kind of speech that he made to-day, I feel that I owe this House an apology for not letting him unburden himself of it several days ago.

And, Mr. Speaker, from the daily papers and from the immense amount of manuscript I have seen the gentleman bring in here from day to day when he expected to make a speech, I was convinced that the Mexican controversy was to be nothing as compared with the explosion that he was going to make in the Caminetti case. I thought the great tariff and currency questions were going to be put out of business in this session of Congress by reason of the explosion to be made by the distinguished gentleman from California [Mr. KAHN]. But what have we heard? Why, Mr. Speaker, if we were trying this as a lawsuit before either court or jury and I occupied the other side, I would be content to submit the case to the court without further argument. But I want to say here that I am glad of one thing, namely, that the House has at last found out what reason the gentleman had in wanting to discuss the case and what was the cause of the whole trouble. He says it was because the Attorney General of the United States did not know McNab.

My God, Mr. Speaker, what a charge to bring against the Attorney General of the United States! He did not know McNab—McNab, the great statesman! Why, no man in this House can be so ignorant that he did not know McNab. McNab, the great reformer; McNab, the great publicist; McNab, the great patriot. Why, the children in California cry out, "We know McNab." The Hottentots in the far-off seas constantly ring with applause of McNab. Why, they tell me the wild animals in Africa that were chased by Mr. Roosevelt some time ago all unite in praise and commendation, to use the words of the gentleman from California [Mr. KAHN], of the great McNab.

The Attorney General of the United States, this unknown man from the little old State of Tennessee, is charged with the foul crime of not knowing McNab. Well, if it is parliamentary, I would like to know myself who in the blank is McNab? As it is not parliamentary, I will not use the word. I do not suppose, until the gentleman got to talking about it, or until this last telegram was read, that there were 15 people outside of California that ever heard of McNab. I am one of the ignorant kind myself. When I found the Attorney General was being abused for not knowing McNab, this great attorney in California, it seemed to me it was time to prevent an exposure of such ignorance on his part as to that.

But, Mr. Speaker, the gentleman from California says that my distinguished friend from Tennessee [Mr. BYRNS] and I declined to allow the light to come in. What light? Has the gentleman said anything that would make this House change its vote on that resolution? I doubt if there is a gentleman in this House who is not disappointed at the failure of an explosion over on the other side.

Now, Mr. Speaker, I want to give my reasons, and I think they have been substantiated by the speech that has been made here. The political harangue against the administration that has been made here this morning convinces me that my friend and myself were right when we interposed an objection. The idea of taking up five hours of time of this House in discussing whether the Attorney General should postpone a case for two or three months. The mere postponement of a case does not mean that there will be any harm done or injustice done to anybody. The majesty of the law is certain to be upheld when the department tries the case, and yet five hours of time of this House is taken up.

And in spite of the fact, Mr. Speaker, that the great Committee on the Judiciary of this House has unanimously reported—Republicans, Bull Moose, and Democrats—that there was nothing in this resolution, and that it ought to go to the table, why should we waste time in listening to the tirade of abuse about such an inconsequential and chinquapin point as the postponement of a case for two or three months, when no harm was done—a case of petty politics? That is all.

There is another matter that has arisen here, and for bringing it up I want to thank my friend, the distinguished gentleman from Illinois [Mr. MANN], whom, I want to say, I admire most extravagantly and have admired ever since I have been here.

Mr. MANN. That must be something awful. [Laughter.]

Mr. MCKELLAR. There is an objection over here. I will say to the gentleman from Illinois, but I am not going to heed it. The gentleman from Illinois stated this morning that there is something more in this matter than the Caminetti case. He asks whether the gag law shall be applied in this House. I want to call the gentleman's attention to what he said a day or two ago. He stated to this House that we ought to sell the courthouses, the Federal courthouses, of this country. Why? Because the Attorney General had directed the postponement of a case in far-off California about two months and a half. Oh, I can not believe that the gentleman believes any such "rot" as that; and when I use the word "rot" I use it in quotations, because that is a favorite word of his. And I want to say that I do not believe he would have given to this House any such "rot" as that unless he had been excited. He would not have said that this great Government ought to sell its courthouses, forsooth, because there had been a short postponement of a single case.

But be that as it may, Mr. Speaker, I want to say that another reason why I was opposed to hearing this case at this time was because I did not believe that this House ought to usurp the functions of the courts. What jurisdiction has this House got over the Caminetti case or any other case pending in the courts? If those cases are improperly tried, if justice is not done in those cases, then is the time for this House to act, but certainly not before they are tried.

I want to call the attention of gentlemen on that side of the House to this fact, that a distinguished gentleman in your party a few years ago—President Roosevelt—undertook to prejudge a case that was then pending in the courts by charging that the defendants were "undesirable citizens." Did that statement have any effect? No. It had no more effect than what we shall say here to-day. It was regarded as political buncombe, and that was all it was, and that is what this matter is going to be. I believe in the courts. I do not believe like the gentleman from Illinois we ought to sell our courthouses, because I believe the courts are the bulwark of our liberties.

I want to say here and now that I believe that the white-slave act is one of the most beneficent acts that this body ever passed, and I believe that the courts ought to enforce that act in every case, and if they do not do it, then will be the time for this body to act, and no objection shall then be heard from me.

In the next place, Mr. Speaker, there was another reason why I objected. There is no one in this House who has more admiration for the ability and skill and eloquence of the gentleman from Illinois than I have. It happens that he is in a hopeless minority in this House. We Democrats have about two-thirds or more, and as I understood the gentleman from Illinois the other day—it may be I saw it in the public print as coming from him—he said this House would do no business until this debate was allowed by the majority. I do not believe the gentleman from Illinois, however great his ability, however high his standing in this House or any other one Member of this House has the right to say what business shall and what business shall not be transacted by this House. In the short time I have been here I have had measures in which I was interested, and which measures should have been passed by this House, held up by a point of order by the gentleman from Illinois. I notice he makes points of order whenever he likes, and his points of order are always taken as a matter of course; but when anyone else exercises his right to make a point of order the gentleman from Illinois thinks it is a dreadful thing. It pleased me greatly last week to find that in spite of the gentleman's protest that we would do no business in this House, it did do business. My action was a protest against the dictatorial tactics of the gentleman from Illinois. I realize fully his greatness. I admire his splendid ability, but I think it is unfortunate that we members of the majority let him lord it over us as he so frequently does, and I for one want to say now I am unwilling that he should do it.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. McKELLAR. I will, if I have time.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. McKELLAR. If I have time I will, but my time is nearly out. No; I decline to yield.

Mr. MANN. Then I will yield a minute to the gentleman.

Mr. McKELLAR. Very well. I shall be delighted to yield.

Mr. MANN. I desire to say that the greatest strain I have ever had put upon me in the House, so far as influence was concerned, was when I was persuaded to help the gentleman from Tennessee [Mr. McKELLAR] in passing a bill for a bridge at Memphis. [Laughter.]

Mr. McKELLAR. Yes; and I remember that the gentleman from Illinois said he was just as much in favor of it as I was, and that is the way I got it through. It was a railroad project. I am very much obliged to the gentleman for that favor.

Mr. MANN. That was the greatest strain I ever had put upon myself. [Laughter.]

Mr. McKELLAR. While I am on that subject I want to say I have examined the records somewhat, and found that the gentleman from Illinois has not always been so solicitous about prosecutions in the Department of Justice. In 1910 there was a provision before this House appropriating $500,000 for the use of the Attorney General's office for the prosecution of the trusts, and a proviso was offered appropriating $100,000 of this sum for the prosecution of the Steel Trust in particular, and the gentleman from Illinois was right there on his feet with a point of order against this worthy proviso. He was unwilling that the Department of Justice should prosecute the great Steel Trust. He was unwilling to furnish the sinews of war for such a prosecution. But, oh, what a hullabaloo he has raised in this House when a Democratic Attorney General postponed a case for two or three months in California. Where was the gentleman's voice in favor of prosecuting the violators of the law then? In this connection I might ask where were the voices of the gentleman from Illinois and the gentleman from California when the late Paul Morton was under fire in the Roosevelt administration? He was charged by the newspapers for taking rebates for a railroad company, of which he was the president, in violation of the Sherman law. And yet these gentlemen were as silent as the grave about it. But when a case is postponed merely—no wrong done to the cause of justice and no wrong done to anyone, simply a matter of routine business—we find our distinguished friend using this chinquapin matter as an excuse for slinging mud at the administration. But when it comes to the prosecution of the Steel Trust the gentleman from Illinois [Mr. MANN] is on his feet with an objection.

Mr. MANN. Will the gentleman yield?

Mr. McKELLAR. Not now, because I have not time.

Mr. MANN. The gentleman is mistaken.

Mr. McKELLAR. I will submit the RECORD on that.

The SPEAKER. The gentleman from Tennessee will proceed.

Mr. McKELLAR. Mr. Speaker, it is easy for anyone to criticize. At the same time we all know that the three most prolific sources of criticism are ignorance and malice and politics. You can stand on any prominent street corner of this or any other city, where loafers congregate, and hear men, who have never done anything in their lives except gossip about their neighbors, criticize the President of the United States, criticize the Senate, criticize this House, and even criticize the Supreme Court. The fact they know nothing about the matter concerning which the criticism is made does not deter these worthy gentlemen in the least from making the most caustic criticism, as we all know. The criticism we have heard of the President and the Attorney General to-day must remind us of this street-corner, hotel-lobby criticism.

I want to say to you gentlemen on the other side of this aisle, you who are criticizing our able and fearless President, our upright, vigorous, and splendid Attorney General, that when the records of every man on that side of the House shall have passed away forever from the memory of man the name and fame of Woodrow Wilson will stand out as a shining and splendid example of one of America's greatest Presidents. There is no man in this country who has the confidence of the American people to a greater extent than has this kindly but firm and determined President of the United States. And the reason that you gentlemen are barking at him is that he has been a great disappointment to you. You imagined he was but a schoolteacher, and you found him an intellectual giant. You thought he was an untried professor, but you have found him to be a statesman of the highest order of ability. You thought he was a weakling, and you found him strong in righteousness, strong in truth, strong in purpose, and strong in action. You may say what you like about him, but the people of this Nation will not agree with you. They believe he is on their side. They know you are against them. He is able; he is courageous. He knows what the American people have elected him to do, and he is performing the service and performing it well. He has not made a mistake, but hits the bull's-eye every time, whether he charges the insidious lobby or whether he breaks up a worn-out and useless precedent. The darts which you gentlemen are attempting to fling at him and the members of his administration are too weak to hurt and fall harmless at his feet. It is doubtful if he even knows that you are even attempting to hurt him. You might as well be throwing confetti as this kind of Caminetti at him.

The SPEAKER. The time of the gentleman has expired.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, does the gentleman from Kansas [Mr. MURDOCK] desire to proceed now?

Mr. MURDOCK. I should like to go ahead for about 10 minutes, if it is agreeable to the gentleman from Texas [Mr. DIES].

Mr. CLAYTON. I had agreed to yield at this time to the gentleman from Texas [Mr. DIES], and if it will suit the gentleman from Kansas I will yield to the gentleman from Texas 10 minutes.

Mr. MURDOCK. Certainly.

The SPEAKER. The gentleman from Texas [Mr. DIES] is recognized for 10 minutes.

Mr. DIES. Mr. Speaker, I was delighted, about three years ago, when I listened to a speech by the distinguished gentleman from California [Mr. KAHN]. I did not realize then that the lofty principles he enunciated and the wholesome epigrams to which he gave birth would so suddenly and so certainly change when the shoe shifted to the other foot. I was so convinced of his patriotism and of his lofty purpose in defending public men against muckrakers abroad in the land that I circulated his speech in my district because I thought it was worth while for the youth of the land to know with regard to politics that Presidents and Supreme Courts and public men were generally honest and that muckrakers were generally wrong.

In that delightful speech the gentleman from California [Mr. KAHN] adverted to what the muckrakers had said of the father of our country. As I now recall, they accused him of using the Continental Army to preserve his tobacco crop and of having committed theft against the Treasury of the United States. I remember distinctly that in this antimuckraking speech of the gentleman from California [Mr. KAHN] he called attention to the fact that the muckrakers of those days had said that Thomas Jefferson, whose hand penned the immortal Declaration of Independence, had defrauded his sister-in-law out of an estate of £10,000 and that he was the father of three negro children. In that same speech the gentleman from California told what the muckrakers had said of Andrew Jackson and what

they had said of the immortal Abraham Lincoln. What he said about the muckrakers who traduced Lincoln appealed to me then because it was pathetic. He said:

Mr. Lincoln was so outraged by the obloquies, so stung by the disparagements, his existence was rendered so unhappy, that his life became almost a burden to him. Lamon, his lifelong friend, says that one day he went to the President's office and found him lying on the sofa greatly distressed. Jumping to his feet, he said:

"You know, Lamon, better than any living man that from boyhood up my ambition was to be President; but look at me. I wish I had never been born. I had rather be dead than as President be thus abused in the house of my friends."

My friend from California [Mr. KAHN] then prophesied that what had happened with reference to the muckrakers of other days would happen with reference to the then muckrakers against the then Republican administration—that their memories would rot in forgotten graves.

Now, I have just as little respect for a Democratic muckraker as I have for a Republican muckraker. I am not surprised that muckrakers charged the Father of our Country with defalcation and peculation in office. I am not surprised that muckrakers charged the author of the Declaration of Independence with defrauding an estate. I am not surprised that they broke the heart of the martyred Lincoln and made him rue the day that he was born; but I am surprised that the Congressman from California should lend his voice in this year 1913 to the smallest, most infinitesimal piece of muckraking I have ever heard of. [Applause on the Democratic side.] You know it is bad enough when we turn our committee rooms wide open to a cheap blackmailer like Mulhall, who received $1,500 a year for 10 years, which was four times as much as he was worth. But my friend from California [Mr. KAHN] now wants to open all the newspaper columns, stop all the wheels of progress, and turn the public mind upside down on account of a little fornication case in California. [Laughter.]

Mr. Speaker, the President of the United States is an honest man. The President of the United States was an honest man; the President of the United States will be an honest man. The Supreme Court is all right. The Department of Justice is all right; you are all right; the Congress and the Senate is all right; but, you know, if the gentleman from California and gentlemen on this side continue to make mountains out of mole hills—if we continue to make great important characters out of a $1,500-a-year Mulhall, who sells a Republican House with as much nonchalance one day as he turns over a Democratic House the next day—the gentleman from California will revolutionize and sensationalize this country by this character of proceeding, and I do not know what we will come to.

I do not know anything about the Attorney General of the United States. I think he is an honest man. I think the Attorney General who was in office when the gentleman from California [Mr. KAHN] made the muckraking speech was an honest man. As I read the history of my country, I do not recollect of an Attorney General of the United States who has not been an honest man. Grant that Mr. McReynolds was honest, grant that he was doing what he could to enforce the laws of his country and do his duty as a public servant, does not my friend from California think he is doing his country an injury, the public service an injury, to use this incident as a petty partisan political advantage? You had better teach the youth of California that McReynolds is honest; that all of our public men do their duty; you had better tell them that Taft was a great and good President; and you had better tell them that Mr. Wilson is the fountain of justice of the administration in this our great Republic; that everything was pure when Taft was at the White House, and that they are pure to-day, when the great New Jerseyan controls the destinies at the other end of the Avenue. Because while you know it is all right, and the Speaker knows that it is all right, and we all know that the country is in the hands of these patriots, you are going to fool a lot of muckrakers and small-headed uplifters into believing what you say, and that the fountain of justice and the administration has grown corrupt in this country, and then you will cry out, as we all will, for the mountains to fall upon us. Because when you teach the citizens of this country to believe that the public service is dishonest, we all, Republicans and Democrats alike, will rue the demagogic expression of partisan advantage that drove us to teach that damnable and pernicious doctrine. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. MURDOCK. Mr. Speaker, I have listened to the speech of the gentleman from California, the speech of the gentleman from Tennessee, and that of the gentleman from Texas. The gentleman from Tennessee said that this debate was buncombe. I think upon second thought he will change his mind. To my mind this debate goes beyond any mere partisan desire to attack or any mere partisan anxiety to defend. I think this debate, more than any previous one in this session, embodies something more than a mere game of battledore and shuttlecock between the political parties. I think the gentlemen here to-day, the gentleman from Texas in particular, have touched intimately upon the gravest thing before this country—popular distrust in the administration of justice.

Attorney General McReynolds first was the choice of President Taft, a Republican. He was latterly the selection of President Wilson, a Democrat. I submit to you that had Attorney General McReynolds been attacked a year ago, he would have been attacked by Democrats, and he would have been defended by Republicans. As it now is he is attacked by the Republicans, and he is defended by the Democrats.

Mr. AUSTIN. I suppose the gentleman desires to be correct. The Attorney General was appointed to office by Theodore Roosevelt.

Mr. MURDOCK. Whoever appointed him, he served under President Taft, under the last administration, and the precise thing that I have recited would have taken place. I am not concerned with the partisan proposition in this case, but I say to you that the thinking men and women of the United States are concerned seriously with some of the revelations of conditions in the administration of justice of which these cases are indicative.

You have heard recited at great length the Caminetti case, where privilege did seek special favor in the law. But I think that the Western Fuel case shows as clearly, and in a different way, the same insidious element working in the law. I think the story of Sidney Smith is typical of the time. Sidney Smith has been a practicing attorney for 40 years in San Francisco. He is one of the leading lights of the bar there. He is a man of high repute and much learning. He was a director in the Western Fuel Co. The Western Fuel Co. has a monopoly of the coal business in the harbor of San Francisco. Recently its officers and directors and some of its employees were indicted. The Western Fuel Co. did, among other activities, three things: It imported coal, it exported coal, and it sold coal to the Government. In the indictment found by the grand jury the directors of the Western Fuel Co., its officers, and three employees—who will be brought to answer to the law, depend upon it, as were the sugar employees—were charged with three things: With short weighting the Government on incoming coal imported, thereby lessening the customs duties to be paid; with registering overweights on the coal dispatched in American bottoms, upon which a drawback is permitted, and so depriving the Government of revenue at that point; and also with delivering coal to Government transports in short weights—that is, with short weighting the Government there, the practice alleged to be the weighing of 4 buckets out of every 60 delivered, with those 4 buckets overweighted and the others only partially filled. These manipulations amounted, it is charged, in the aggregate to profits on 60,000 tons of coal.

When the indictment was brought, as shown by the records submitted here, Sidney Smith turned first to the prosecuting attorney and sought to have his case nolled. The district attorney refused to do that. Then Mr. Smith turned to Washington. He wrote a personal letter to Secretary Lane, of the Interior Department, saying that he did not know of the false weights, and asked Mr. Lane to intercede for him and a fellow director, Robert Bruce. Secretary Lane sent that letter of Mr. Smith's to the Attorney General, Mr. McReynolds. Mr. McReynolds at once sent a copy of this letter to Attorney McNab at San Francisco and asked him for his view of the case. Mr. McNab on May 20—and I ask gentlemen to note these dates—wrote back to Mr. McReynolds a full statement of the Western Fuel cases, and thereafter on May 26 Mr. McReynolds wrote to Mr. McNab telling Mr. McNab to proceed with the case against the directors and to make no exception of anybody.

That letter I want to read into the RECORD:

DEPARTMENT OF JUSTICE,
May 26, 1913.

JOHN L. MCNAB, Esq.,
United States Attorney, San Francisco, Cal.

SIR: I have your letter of the 20th instant, in reply to mine of the 7th, reporting upon the indictment against Sidney V. Smith, Robert Bruce, and others, directors of the Western Fuel Co.

I inclose for your information copy of a letter sent this day to the Secretary of the Interior.

I think there is sufficient evidence to justify the filing of indictment against these two directors, and the question of their guilt should be determined by the petit jury.

Please proceed accordingly.

Respectfully, (Signed) J. C. MCREYNOLDS,
Attorney General.

On May 27, the next day, the Attorney General, Mr. McReynolds, wrote to Secretary of the Interior Lane, saying that he had so instructed Attorney McNab in San Francisco.

The gentleman from California [Mr. KAHN] has said that the documents and files in the Western Fuel case as submitted are complete. I do not think so. On June 18, 1913, this telegram was sent in cipher to the United States attorney at San Francisco.

[To be sent in cipher.]

JUNE 18, 1913.

UNITED STATES ATTORNEY,
San Francisco, Cal.:

Upon further consideration of matter department feels grave doubt as to guilt of Sidney V. Smith and Robert Bruce, indicted in Western Fuel Co. case. In order to avoid possible injustice, you are instructed to continue case as to them until after the trial of the other three directors who were officers of the company and active in its management. If latter are convicted, copy of proceedings at trial should be sent department in order that it may determine what course should be pursued in regard to the two directors named. Wire receipt.

MCREYNOLDS.

What happened between May 26, when Mr. McNab was ordered to proceed with this prosecution, and June 18, when he was forbidden to proceed with it? The record is silent. What happened in the interim? I think that Attorney General McReynolds owes it to this House and he owes it to the country and to himself to say what occurred between May 26 and June 18 which caused him to send this latter telegram.

Equally significant with this whole proposition and going to the heart of the matter which leads to this debate this afternoon is the attitude of Sidney Smith, a fellow citizen. I am not trying Smith. He asserts his innocence, and I hope he is innocent. But let us consider his action, characteristically responsive to the privilege-seeking spirit of the hour. He was learned in the law. He had practiced for 40 years. He knew the processes of justice in this country, the administration of justice, its usages. And yet, after 40 years of practice, brought face to face with the law, did he ask for speedy, open, public trial? Did he seek an absolving verdict from his peers? Did he ask for vindication? No; he turned for favor; he sought special privilege. He wanted some advantage through the private and personal processes of the law. He sought to nolle.

I say to you gentlemen who speak of muckraking, to you gentlemen who talk about buncombe in a debate of this kind, that the people do not think that this question as to this administration of justice is buncombe. [Applause on the Republican side.] I say to you there is an increasing number of people in this land who believe that there is one way in the law for the influential and another way in the law for the uninfluential. I say to you that the most insistent and earnest demand in this country to-day goes to this matter of the integrity of the administration of justice. I do not believe, and I think this debate to-day evidences it, that there is any relief in this country in this matter in the two old political parties [laughter]—fighting as usual your old sham battle and getting nowhere, as usual, parleying, as you have done for years, with privilege.

Mr. CLAYTON. Which side is the gentleman fighting on?

Mr. MURDOCK. I am fighting on the side that most of the people of the United States will be fighting on.

Mr. CLAYTON. On which side was the gentleman six or eight months ago?

Mr. MURDOCK. On my own side—the side, I will say to the gentleman from Alabama, which, if given power, does not propose to parley or compromise with privilege.

Mr. CLAYTON. Were you not fighting with the G. O. P. eight months ago?

Mr. MURDOCK. I was not.

Mr. CLAYTON. Well, a year ago.

Mr. MURDOCK. I was not. I have been fighting this thing for years, as the gentleman knows.

Mr. CLAYTON. When did you cease with the G. O. P.?

Mr. MURDOCK. I decline to yield further to the gentleman from Alabama. I want to say to him that the new party, if given power, will fight privilege, will fight it without compromise and without paltering with it.

Mr. DIES. And will never continue a case?

Mr. MURDOCK. And I will say to the gentleman from Alabama [Mr. CLAYTON] and the gentleman from Texas [Mr. DIES] that the only way to fight privilege is to make serious war upon it all along the line and not to indulge in a partisan debate over a serious matter of the administration of justice. There was action to be taken in this case, and it should have been taken, and if the Progressive Party had been in power it would have been taken.

I yield 10 minutes of my time to the gentleman from Pennsylvania [Mr. KELLY].

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] has used 13 minutes, and reserves the balance of his time, and yields 10 minutes. The gentleman from Pennsylvania [Mr. KELLY] is recognized.

Mr. MURDOCK. Mr. Speaker, how much time have I left?

The SPEAKER. Twenty-seven minutes. How much time did the gentleman yield to the gentleman from Pennsylvania [Mr. KELLY]?

Mr. MURDOCK. Ten minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLY] is recognized for 10 minutes.

Mr. KELLY of Pennsylvania. Mr. Speaker, I will not take the 10 minutes.

I have listened to this debate from the time the gentleman from California [Mr. KAHN] began his remarks until the present, and I feel, as has been well said, that it is not buncombe by any manner of means. It is not a matter of interest only to the people of California. It is not a matter of interest only to the Republican Party, but it is a matter which touches on every issue facing us. At this session of Congress there will be considered a number of important issues. The tariff question has already been considered, and the currency question and many others will come before the Sixty-third Congress.

We have heard and will hear all kinds of champions advocating all kinds of measures as panaceas for the evils of the day, but I say to you that no panacea will cure all the evils in this Nation. No particular measure will deal with all the problems and bring contentment and prosperity to the people. But there is one principle that will guide in the solution of all these problems that will be before this Congress; there is one principle of action which, if carried out, will be sufficient to solve them all, and that is the principle that was advocated by Thomas Jefferson, but which has been broken faith with in this instance by the party which claims him to-day. It is the principle of equal rights to all and special privileges to none. That is a principle big enough to solve all the issues and problems to-day, and that is a principle that is involved in this question under consideration.

Here is a monopoly charged with crime against the Government, and I make the charge and believe it true that whenever you have a monopoly without obligation of public service you will have crime against the Government. That has always been the result of private monopoly without the obligation of public service, and it will always be the same. This is the case of the Western Fuel Co. out in San Francisco, which had a complete monopoly of the coal trade of San Francisco Harbor. It had the business of handling the coal that went into the Government transports, and cheated by overweights. It imported its own coal, and cheated the Government by underweight, thus lessening the duties paid. It exported the coal, and by overweighting cheated the Government again on the drawback. When brought to book for such nefarious methods, the persons connected with it took the course monopoly always takes. They employed the tactics of all monopolies, namely, not to have a contest, not to have a fair trial before their peers, but to use subterranean influence and by means of star-chamber proceedings to secure special privilege and undue advantages.

We see that in this case Sidney V. Smith applied to the prosecutor in his office at San Francisco, and failing there, applied to Washington. We see the apparent result in the two decisions of the Attorney General, when he made a statement on May 26 that there was no reason why this case should not be dealt with at once, and on June 18 gave an order that it should be continued and should be postponed.

That suggests a query, and the report does not answer it. The question is, Why was that action taken by the Attorney General when he had demanded that there should be an immediate trial? There is the vital point of this case. There is a hiatus between these two messages, and in that hiatus is the only important point connected with the Western Fuel case. What is the reason for this change of mind, and why should there be this delay in the administration of justice?

Now, it may be said by some that it would be incompatible with the public interest to answer this question and make it public before Congress. I want to know what makes it incompatible with the public interest? What is the interest of the public in this matter?

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Florida?

Mr. KELLY of Pennsylvania. Certainly.

Mr. CLARK of Florida. Does the gentleman from Pennsylvania know the name of the Assistant Attorney General who has practical control of all these criminal prosecutions?

Mr. KELLY of Pennsylvania. The record shows that an assistant by the name of Harr dealt with this particular case.

Mr. CLARK of Florida. Does not the gentleman know that the Asssitant Attorney General is a Republican, and not a Democrat?

Mr. KELLY of Pennsylvania. I am not dealing with the partisan aspect of this case at all.

Mr. CLARK of Florida. Does not the gentleman know that fact?

Mr. KELLY of Pennsylvania. It has nothing to do with the case, as I see it.

Mr. CLARK of Florida. Does the gentleman think that it has no bearing, when all these matters are submitted to him and upon his dictum these cases are continued? How can the gentleman fairly charge the Democratic Party when the hand of this Republican Asssistant Attorney General is seen in every continuance and in every discontinuace of a prosecution?

Mr. KELLY of Pennsylvania. I want to assure the gentleman from Florida [Mr. CLARK] that I made no charges whatever on partisan grounds. Disclaiming all partisanship in the statement, I contend that there is a widespread feeling, a growing feeling, among the people of this Nation, brought about by many events, that there is one law for the rich and another law for the poor, and that special privilege, by subterranean influences and regardless of partisanship, always goes to the heart of the matter and seeks to secure advantages against the common good. That is what they have tried in this case, and they were successful in securing their desires. That is the point I was making, and I was paying no regard to the partisan side of the affair.

Now, what is this incompatibility with the public interests? What makes full publicity incompatible with the public interests in this question? I would like to know why the public should not have full light and information upon this matter. Why should a committee of this House, the creature of this House, be permitted by its own dictum to say what is incompatible with the public interests and it shall in its wisdom permit the public to see? It seems to me that right there is the question that reaches to the bottom of this matter, and that if this really is a Government in which the people's sovereignty is complete, the people certainly have the right to know about a matter which is so vitally important as a reflection on the administration of justice in this Nation. I believe that the people, sovereigns in power, have the right to know what influences prevented the Attorney General from prosecuting this case as he set out to do at first. I do not believe that if there is anything incompatible with the public interests it is the attempt to conceal the truth.

I wish to disabuse the idea in any gentleman's mind that there is any partisanship in my position on this matter. The people of this country are not declaring that because Mr. McReynolds was in a Republican administration as Assistant Attorney General he was guilty of any crime, or that because he is in the Democratic administration as Attorney General he is guilty of any crime. The people of the country want to know how justice is administered in this Nation. They want to know whether it is really true that we no longer have in force Jefferson's old mandate of "equal rights to all, and special privileges to none." They want to know whether rich men rule the law in this Nation, or if justice leans to the side on which the purse hangs. They want to know what influences have brought about the conditions of to-day, and they will learn that in spite of all the gag rules which this House can enforce upon the membership in an effort to prevent discussion of a question of this kind. The people are determined to know the whole truth, and they will know it in spite of halfway reports which come out from committees, with unanimous motions to lay important matters on the table without discussion.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. KELLY of Pennsylvania. Yes.

Mr. GARRETT of Texas. Does the gentleman have any idea what influences were brought to bear on Mr. Roosevelt when he was President of the United States to cause him to consent that the United States Steel Corporation might take over its greatest competitor, the Tennessee Coal & Iron Co.?

Mr. KELLY of Pennsylvania. The gentleman is far afield in mentioning things which have nothing whatever to do with this case, when we are considering this point. If the influence of special privilege was brought to bear in that case, it is just as much a matter of condemnation as in this, and no one would attempt to claim, because a man is a party hero or anything of that kind, that he was always right. We are now facing these questions of to-day, in a case where gag action on the part of the majority of this House prevented, for weeks, fair discussion of a matter which the people were determined to know about and which they had every right to know about, and no distorting of the issue will avail. We are discussing the matter of a half report, where a resolution required all the papers and where all the papers were not given and where they are not before this House at the present time. We are asking the question whether or not special privilege in this Nation has laid hands on the administration of justice and taken control of the prosecuting attorney of the Nation and of his office and dictated action in a matter which is vitally important to the people of the United States. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I desire to know how much time I have remaining, how much time the gentleman from Illinois [Mr. MANN] as remaining, and how much time the gentleman from Kansas [Mr. MURDOCK] as remaining.

The SPEAKER. The gentleman from Kansas has 17 minutes, the gentleman from Illinois [Mr. MANN] has 14 minutes, and the gentleman from Alabama has 1 hour and 54 minutes.

Mr. FERRIS. Mr. Speaker, will the gentleman from Alabama yield to a question purely for information?

Mr. CLAYTON. With pleasure.

Mr. FERRIS. I have been unfortunate in being out of the Hall of the House and have not heard all of this debate, and I have not read all the articles in the newspapers about it.

Mr. CLAYTON. Lucky man! [Laughter.]

Mr. FERRIS. I feel that I am. However, I want to ask the chairman of the committee having charge of this matter if there has been any question raised as to the sufficiency of the bonds of Caminetti and Diggs?

Mr. CLAYTON. It has not been raised here or anywhere else.

Mr. FERRIS. Does it not seem to the gentleman, as chairman of the committee having this matter in charge, that in order to make this a bona fide, nation-wide scandal they ought to make some attack on the bond and ought to show that it is insufficient before this really can amount to a scandal in any sense?

Mr. CLAYTON. They at least ought to bring some charge against somebody of having done some wrong somewhere; but there is an entire absence of any such charge.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. CLAYTON. Certainly.

Mr. COOPER. Just long enough to reply to the gentleman from Oklahoma?

Mr. CLAYTON. I yield to the gentleman for a question.

Mr. COOPER. May I ask the gentleman a question, then?

Mr. CLAYTON. Yes.

Mr. COOPER. In my opinion the sufficiency of the bond has nothing to do with it at all. Is it not a most significant fact that District Attorney McNab, of whom the judge of the United States district court, who knew him well——

Mr. CLAYTON. I hope the gentleman will not make a speech. The gentleman need not eulogize anybody. He may ask his question, and I will endeavor to answer it.

Mr. COOPER. Is it not most significant that he wrote to the Attorney General of the United States that already they were attempting to buy witnesses, that already he had indicted one lawyer for the defense for subornation of perjury——

Mr. CLAYTON. Mr. Speaker, I did not yield to the gentleman for a speech, and I now decline to yield further. I was perfectly willing to answer a question, but not for the gentleman to make a speech.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. COOPER. I will ask the question——

Mr. CLAYTON. I decline to yield further to the gentleman, Mr. Speaker. It seems that his interrogation point has been lost.

Mr. LAFFERTY. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Oregon?

Mr. CLAYTON. For a question, with pleasure.

Mr. LAFFERTY. Is it not always considered, in the practice of the law, a great advantage to the defendant in a criminal case to have a postponement of the trial?

Mr. CLAYTON. Well, I would not say always. Sometimes it is.

Mr. LAFFERTY. Generally that is true.

Mr. CLAYTON. And also in a civil suit it is sometimes considered of advantage to the defendant to have a continuance.

Mr. DIES. And sometimes it is not.

Mr. CLAYTON. And sometimes not. That depends upon the circumstances of the case. If I were defending the gentleman from Oregon, charged with crime, I should consider it a distinct

disadvantage to have the case continued, for I would want my good and pure client vindicated right then.

Mr. LAFFERTY. You are my lawyer. [Laughter.]

Mr. CLAYTON. Now, Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Speaker, I have listened with much interest to the discussion in this case that has been so long pent up in the gentleman from California and have analyzed that two-hour speech, and the gist of the whole offense charged is that the Attorney General agreed to and advised the postponement of a case that ordinarily could have been tried under the adultery or fornication statutes of the State of California. That is the offense that is charged. Now, that there may not be buried in oblivion acts of the preceding administration, when Mr. Wickersham, from the Republican Party, was Attorney General, I might mention that in the northern district of Texas a Federal district court, presided over by a Federal judge of the Republican faith, with a Federal district attorney of Republican faith, Hon. W. H. Atwell—a splendid gentleman, a magnificent officer, a lifetime friend of mine—a special grand jury was called in session to investigate certain acts done by the Standard Oil Co. and subsidiary companies and private individuals in the State of Texas under the Sherman antitrust law.

That grand jury was in session, hearing the witnesses, taking the testimony, and returned into court indictments against the Standard Oil Co. and other companies operating in the State of Texas and against private individuals, including Mr. Archibald and Mr. Flagler, of the Standard Oil Co., and warrants were issued by this court, presided over by a Republican judge and prosecuted by a district attorney who was a Republican. And yet some influence somewhere was brought to bear on the Attorney General then in the office so that the warrants should not be served in these cases on the higher officials of the Standard Oil Co. who resided outside of Texas. I do not know; it might be that the solution the gentleman from California offers may be the solution in that case. It might be by reason of political pull these warrants were not permitted to be served. In that case Mr. Wickersham, when an appeal was made to him, had District Attorney Atwell come 2,000 miles from the State of Texas to his office in Washington and confer with him about the indictments in these charges. Mr. Atwell insisted that he had a good case; that the case ought to be tried, and the warrants ought to be served; and he left with the conclusion, after conferring with the Attorney General, that that was what would be done.

What did the Attorney General do? He directed not that these cases be postponed, but he demanded that they be dismissed, and they were dismissed. If it be treason for a Democratic official to postpone a case that could be tried under the statutes of the State, a criminal offense involving moral turpitude, then there is no word in the English language strong enough to express the conduct of Mr. Wickersham in ordering these cases against this great corporation to be dismissed from the docket. [Applause on the Democratic side.]

But that is not all. Recently in Texas, under the antitrust statute in our State, based on the same facts, a suit was brought by our attorney general against this same concern and affiliated oil companies, and they did not get any further with the testimony than to take certain deposition testimony in the State of Texas when the Standard Oil Co. of New Jersey threw up its hands and wired their attorneys to settle the case, and that did they do by paying $500,000 into the treasury of our State for violating the antitrust laws of the State, and that is a case which was based on the same facts that were in the Federal case at Dallas when it was ordered to be dismissed. That, Mr. Speaker, was the record of the Attorney General of the Republicans. [Applause on the Democratic side.]

Mr. CLAYTON. Mr. Speaker, I now yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I would not feel inclined to occupy the time of the House in discussing this controversy were it not true that to keep silent would do violence to my own sense of justice and fair play. I hold no brief upon this floor for the Attorney General of the United States nor for the Commissioner of Immigration. I have but slight acquaintance with the Attorney General and none whatever with the Commissioner of Immigration and have never talked to either of them concerning these California cases. But it is so apparent that the enemies of this administration have sought to magnify and color this otherwise unimportant incident for petty political purposes that I can not refrain from calling the attention of this House to the blatant inconsistencies of those who are seeking to use the incident to revive a little life into their own dead political carcasses.

I desire also to state, before I proceed further, that I do not stand here as the defender of either young Diggs or of young Caminetti, who are charged with a violation of the white-slave law. If they are guilty to the extent indicated by the reports which have reached us through the newspapers, they should receive the swift and certain punishment which their offense deserves. But whether they be guilty or innocent, they are entitled under the Constitution of the United States to a fair and impartial trial, and the tribunal before which such a trial may be had is not the House of Representatives. We are not concerned here with their guilt or innocence, for that question must be determined alone by the courts of law. The only legitimate inquiry which we are at liberty to make here is whether there was any improper or unworthy motive which procured the postponement of the cases against Diggs and Caminetti and against the Western Fuel Co., which was given by the spectacular district attorney as the reason for his sensational resignation.

What are the true facts, Mr. Speaker, in connection with this whole affair? Two young men, Maury Diggs and Drew Caminetti, both of them married and having children, as I now recall, went from Sacramento, Cal., to Reno, Nev., in company with two young women of Sacramento for immoral purposes. It is useless to speculate as to the circumstances accompanying such conduct. If this charge is true, there is no condemnation too severe to be placed upon their conduct, and I include in that condemnation the young women as well as the young men. It would be silly to contend that any of them were blameless. The young men were indicted in the Federal court for a violation of the white-slave law.

It so happens that one of these young men, Drew Caminetti, is the son of a Democratic officer under the present administration. Before he took the oath of office as Commissioner of Immigration he informed the Secretary of Labor that he would have to ask for a leave of absence in order to attend the trial of his son. The Secretary of Labor, without any request from the elder Caminetti, suggested that he would undertake to have this case postponed because of the fact that the commissioner's services were greatly needed in his department; that the Department of Labor had just been created, and that it was necessary for him to remain in Washington at that time on account of the peculiar conditions surrounding the office which he occupied. He then volunteered to request the Attorney General to postpone the trial of the cases for a few weeks until the Commissioner of Immigration could be spared from his official duties. This request was made, and the Attorney General, acceding to a natural and ordinary request from a fellow Cabinet member, directed the district attorney to continue the cases until fall, explaining the reason therefor. This is one of the réasons given by the district attorney, Mr. McNab, for his resignation.

The other reason given by him is the fact that the Attorney General directed that the cases of Sidney Smith and Robert Bruce, indicted in connection with certain executive officers of the Western Fuel Co. for frauds against the Government, be not tried until the officers themselves were tried, and that if upon such trial the evidence were sufficient to warrant the conclusion that Smith and Bruce were guilty that they be then tried. Smith and Bruce were not executive officers of the Western Fuel Co. They could be punished only in the event they had guilty knowledge of the frauds of the executive officers. It was not only a natural but a proper thing to desire that those whose guilt was most certain should be tried and convicted first. No sensible prosecuting attorney would ever try his weakest case first where men were jointly indicted unless he desired to make the acquittal of the innocent man the excuse for turning all the others loose.

Upon these facts the district attorney resigned in a huff and threw up his hands in holy horror at what he called the interference of the Department of Justice with the enforcement of the law.

There might have been some reason, Mr. Speaker, for the manufactured indignation of this bold protector of the race if there had been any effort to declare men innocent, as is charged by Mr. McNab. If he had been instructed to drop the prosecutions against any of these men, there would have been grounds for at least a part of the noise which he made over the affair. But no such state of facts existed nor was intended to exist. Everybody who knows anything about criminal courts knows that it is a common thing to continue a criminal prosecution. But the gravamen of this offense, the milk in the political cocoanut, in this case was the fact that one of the defendants was the son of a Democratic officeholder recently appointed by President Wilson. Therefore no means must be spared to embarrass and humiliate the father and to place a false construc-

tion upon the acts of the Department of Justice. It was too good a chance to make a golden flare-up and administer a kick against the party in power. How his bosom must have expanded with pride as he thought of himself as the modern Perseus, going out after the Medusa's head, stopping on his triumphant return to break the chains that bound innocent womanhood to the lusts of men.

This whole outcry was born of political malice, and its occasion was the effort of a political mountebank to advertise his wares to the world. When did this holy district attorney discover that his pride and moral sensibilities were so delicately attuned that he considered any interference or manifestation of authority from Washington as evidence of a corrupt plot to defeat justice? Surely his conversion must have been recent, for only last year, according to Mr. McNab's own statement, a Republican Attorney General interfered with him by ordering the release of three notorious women and a dive keeper, charged with a violation of the white-slave law. Why did he not resign then? Were his moral nerves shocked by this despotic act of a Republican Attorney General? If they were it was not visible on the surface.

When did the good district attorney become the knight errant of innocent childhood? When did he become the bold crusader that he now proclaims himself? Certainly his enlistment in this cause was also strangely recent, for only a few months ago he was appealed to by a young and respectable woman in California to protect her by prosecuting a prominent physician, perhaps one of McNab's political or personal pets, who had sent to her a shockingly indecent letter through the mails of the United States. Did he march forth then with sword aflame and loins agirt to do battle against a dirty cur who had insulted a helpless woman? No. He spurned this woman's appeals, and gave as the miserable excuse for his failure to do his plain duty that the girl was an actress, and that good Dr. Samuel Weiss had been aroused by her acting upon the stage. What a wonderful man this man McNab must be. When he is directed to postpone a couple of cases for a couple of months by the Attorney General, acting in good faith, for reasons which he deemed sufficient, he hastens to bedaub the escutcheon of all who are connected with the Government and to proclaim himself to the world as the original saint. But when a helpless and insulted woman comes to him for redress against a cruel wrong he at once becomes the defamer of the weak and a libertine's apologist.

Mr. Speaker, I admire a brave man, one who can bare his breast to the storm of public denunciation without flinching, when conscious of the rectitude of his own purposes. I can applaud the man who is willing to suffer himself rather than that wrong and injustice be done to others. But I hold in superlative contempt the coward, who seeks to elevate himself upon the misfortunes of others, drawing his ample folds about him with saintly grace and sanctimonious hypocrisy and cries, "Lord, I thank Thee that I am not as other men." [Applause on the Democratic side.]

It is almost inconceivable that men could be found upon this floor who are so petty as to seek to make political capital for themselves out of the misfortunes and sorrows of an old and honorable man. It is manifestly unfair that the Commissioner of Immigration should be held responsible for the conduct of his wayward son. Neither should he be criticized for wanting to attend his trial. If any gentleman on that side of this House, or anywhere else in this broad world, says that he would do otherwise himself under similar conditions, I reply that he has neither heart in his bosom nor blood in his veins. When God gave to man the wonderful gift of reproduction, He gave him also the gift of love, and no matter how far our children may wander from the path of righteousness, we follow them with our prayers and hopes, and when misfortune or retribution overtakes them and they are compelled to reap the whirlwind, we cry aloud, like David of old, "O my son Absalom, my son, my son Absalom! would God I had died for thee, O Absalom, my son, my son!" For these young men I have no sympathy except that sympathy and pity we all feel for sinful and wayward men. But for the innocent who must suffer, the mothers and fathers of these young women and boys, whose hearts are crushed by this heavy sorrow, and for their wives and little children, I have the deepest sympathy. So have we all.

In order, Mr. Speaker, that this House and the country may have some knowledge of the feeling that prevails among the fair-minded press of California as to this coup de politics, I desire to call attention to the following editorials of some prominent California newspapers, Democratic and Progressive Republican. I submit the following from the Redlands Review of July 3, 1913:

NARROW PARTISANSHIP STILL SURVIVES.

There is less of the old-time blind, bitter, and unreasonable partisanship exhibited by even party organs to-day than was formerly the rule. But enough of the narrow-minded partisanship of former days is still exhibited to prove that the political millenium has not been attained so far. This has been particularly demonstrated in the passage at arms between United States District Attorney McNab and Attorney General McReynolds over the Diggs-Caminetti cases.

Many of the newspapers of California and the country are just and impartial, maintaining a fair and judicial attitude throughout. Others are bitterly partisan, and it is easy to see that the desire to make political capital at the expense of the Wilson administration has actuated them in the stand they have taken. Of course this exhibition of implacable political hostility and partisan bias has been manifested principally by the standpat Republican papers, followed by a few progressive papers, but not many. The aim has been to attribute the highest and best possible motives to Mr. McNab and the basest and most unworthy to Mr. McReynolds. President Wilson has also not been spared.

Granting for the sake of argument that Mr. McNab was right in desiring an immediate trial of the cases (including that of the Western Fuel Co.), the manner of his resigning, his telegrams to Attorney General McReynolds and President Wilson were theatrical and so framed up as to put the administration in a hole and prejudice public opinion. Without regard to the fact that Mr. McNab may have been entirely right in desiring no postponement of the trials, his dramatic performance looked very much like a grand-stand play for political effect.

The request made by Attorney General McReynolds to postpone the cases until fall was not extraordinary, neither was it necessarily contrary to demands of justice. If the evidence in the cases is as plain and conclusive as it is supposed to be, it is difficult to understand how justice would be thwarted by a delay. And the request from Secretary Wilson to Attorney General McReynolds for such delay was not unreasonably granted, notwithstanding Mr. McNab's insistence upon immediate trial.

It is absolutely unjust and an exhibition of narrow and malicious partisanship to charge Attorney General McReynolds with unworthy motives in deliberately endeavoring to protect the guilty and cheat justice in these cases. There is no evidence to justify it, and the Attorney General's record is all against such an unjust charge or assumption. Attorney General McReynolds may have made a mistake in ordering a postponement of a trial of the cases in view of all the circumstances and conditions, but, on the other hand, and especially in view of Secretary Wilson's statement that he made the request in order that Commissioner of Immigration Caminetti might not be compelled to leave Washington until fall to attend the trial, as he was needed there in reorganizing his department, the order of the Attorney General was not so strange. If Mr. McReynolds had not made the rather flippant remark when Mr. McNab's resignation was received, to the effect that he was shedding no tears over the resignation of a Republican officeholder, there would have been little to criticize in the action taken by him; and in any case, for any mistake in judgment which may have been made (and it was one that any official might have made under similar conditions), he made immediate amends by proving the sincerity of his desire and purpose to have justice take her course without delay.

President Wilson has been criticized for not having asked for Attorney General McReynolds's resignation, or for not having at least reprimanded him. Under the circumstances we do not see how he could justly have done so, even admitting that the head of the Department of Justice erred in judgment. And that is the most that can be fairly urged against him. But with a United States district attorney who did not take the trouble to ascertain the reasons for the postponement order, or who did not give his superior an opportunity to reconsider it upon further representations, but who sends a not very respectful telegram of protest to him, in which innuendo is conspicuous, together with a resignation to the President in a way that was a reflection upon him President Wilson did only what he should have done—immediately accept his resignation and, upon becoming acquainted with the facts, request an immediate prosecution of the cases. And in appointing Thomas F. Hayden as successor to United States District Attorney McNab and Matt I. Sullivan as special prosecutor to try the Diggs-Caminetti cases he made most excellent appointments. In the case of Mr. Hayden he selected one of the strongest and best progressive Democrats of San Francisco and placed the impress of his approval upon those who had been connected with the graft prosecutions in San Francisco. Both Mr. Hayden and Mr. Sullivan were connected with the graft prosecutions, the former as deputy district attorney and the latter as a volunteer with Hiram W. Johnson after Mr. Heney was shot. President Wilson's action in this matter has not only been above reproach, but he has also indicated on what side his influence will be exerted in San Francisco politics, which is certainly not the one which has sought to ostracize socially and defeat politically those who supported and carried out the graft prosecutions.

Of course the minority in the House of Representative, under Representative MANN, the reactionary leader, seeks to embarrass the administration in order to make political capital out of the affair, but nothing will come of the exhibition except to prove that old-time partisanship which seeks to put the other party in a hole, irrespective of the real merits or importance of the subject debated, still survives at Washington as elsewhere.

Also the following from the Fresno Herald of June 26:

CAMINETTI.

Anthony Caminetti, of Amador, was born at Jackson, in that county, of Italian parentage. He has represented his district in Congress, and for many years was a member of the State legislature, as assemblyman and senator. He has enjoyed educational advantages of which he has made the best possible use, and is a man of wide and deep learning, especially upon sociological questions and governmental affairs. In his profession as a lawyer he ranks high at the California bar. As a legislator he has consistently been thoroughly progressive, leading the movement for reform years before many of those now identified with that movement had seen the progressive light.

Added to these qualifications, Caminetti is one of the most industrious, untiring, hard workers in the United States. An iron constitution seems to make it possible for him completely to ignore all the rules of hygiene which other people are compelled to observe to continue their working power. To Caminetti's political and legislative associates, he is a marvel of unwearying industry. Not occasionally, but for days and weeks in succession, he will engage himself from very early in the morning until long after midnight in his legislative, political, and professional duties, and after but three or four hours of sleep, will have eaten his morning meal, read the newspapers, dealt with a voluminous mail, and be routing his associates out of bed long before the usual hour of rising of the average man.

Those who know Caminetti well, and therefore appreciate his ability, regard his appointment to the position of Commissioner General of Immigration as in every way admirable. He has made a deep study of immigration problems. Perhaps better than any other man on the Pacific coast he senses the problems which will be created by the influx of European immigrants to the Pacific coast consequent upon the completion of the Panama Canal. He is emphatically the right man in the right place, and apart from constitutional hastiness of temper, he is fitted in an extraordinary degree to the performance of a task likely to prove exceedingly onerous.

The selection of Caminetti, an Italian by descent, although a native-born Californian, was President Wilson's answer to the calumny industriously circulated during the campaign by the Hearst newspapers and other anti-Wilson agencies that Wilson held the people of southern Europe in contempt. That calumny, based upon an isolated sentence from his History of the American People, found its best answer in the appointment of Caminetti. That the wisdom of the appointment will be demonstrated there is no doubt.

Also the following from the Highland Park Herald:

M'NAB'S STYLE OF PROSECUTION.

United States District Attorney McNab's career as a prosecutor of crimes against the white-slave act is a fair subject of review.

About six months ago the readers of the daily press were startled by the details of a particularly revolting circumstance which occurred in San Francisco, and in which case the action of McNab was universally criticized, and with great severity.

Dr. Samuel Weiss, of San Francisco, sent a shockingly indecent letter to a young and respectable woman, who happened to be a chorus girl. It was a case akin to white slavery.

The district attorney's duty, of course, was to vigorously prosecute and unsparingly flagellate the dirty dog. Instead of doing so, he berated the woman in a newspaper interview, though she had pursued the only proper and lawful course she could in the matter by sending the letter to McNab's office. McNab declared she was "entitled to no consideration"; that her "chief ambition in life was to see herself clad in tights on the front page of the daily paper"; and that "her antics on the stage awakened Weiss's passion."

Also the following from the Sacramento Union of May 29, which was a comment upon the appointment of the elder Caminetti:

CAMINETTI'S APPOINTMENT.

If it be true, as asserted, that the only opposition to Senator Caminetti's appointment as Commissioner General of Immigration comes from Japanese, two things are true—first, it is to his credit that no man of Caucasian birth is found to oppose him; second, inasmuch as we may be presumed to manage our own affairs, Japanese opposition should not be counted as very formidable.

As a matter of fact, Senator Caminetti went further to gratify Japanese views than did most of our legislators. He voted to amend the act that was passed in accordance with the desire of President Wilson, and it was only on the failure of such amendment that he voted for the bill that is to be our law if it is not overridden by the people. Herein he stood very nearly alone, and herein, too, he came nearer to gratifying Japanese desire than did a majority of the legislators. If under such circumstances Japanese would protest against his appointment, there is almost no Californian to whom they would not object.

The people of California are delighted with this presidential appointment. They feel that Senator Caminetti has deserved well of any Democratic administration, and they are pleased by the honor thus accorded to him.

The San Francisco Star of July 5 had the following to say:

The past week has been full of significant events whose keynote is the growing recognition of the deathless value of publicity in all human affairs. "We, the people," are determined to have all our machines work in the open air, not in a lackey-guarded cellar. This especially applies to our social machines, such as county boards of supervisors, mayors, governors, and all the way up. Like Toddy, we want to "shee se wheels go round." One instance of this determination is the recent series of explosions over the Caminetti-Diggs and the Western Fuel Co. prosecutions. The President has undoubtedly managed the whole thing exceedingly well. It is also plain that canny John McNab means to rake up every scattered straw of political hay while the daylight holds, because he has honorable, though as yet unnamed, ambition. Nevertheless, McNab and his friend Herrington have gone quite too far in their continued criticisms of the Attorney General and of the President. They can not both have their cake and eat it. They seem to have expedited justice. Let them now retire and live on the consciousness of their virtue. The incident is closed, and further remarks from these gentlemen will only amuse the public.

But these things are incidental. The main point is that the demand made by the average citizen upon his employee, whether judge, Senator, or President, is, in plain Missourianese, "Show me, and stick all the facts out in plain sight."

Also the following from the Churchill County Standard of June 25:

Speaking of a potpourri of nonsense reminds one of the political capital that has been made over the resignation of John L. McNab, United States attorney for the northern California district. McNab alleged in his tendered resignation to the President that he had been hampered and ordered to discontinue prosecutions in white slavery and restraint of trade cases before the Federal court. The truth of the matter is that McNab is a Republican, and with his head due to fall into the basket he sought to make his official exit as spectacular as possible, which brings to mind the old saw that "No rogue e'er felt the halter draw with good opinion of the law."

On the 11th of July the San Diego Examiner contained the following editorial upon the Caminetti-Diggs cases:

"WHITE SLAVERY."

With the phrase "White Slavery" as a text, the Los Angeles Tribune makes a protest against the misuse of phrases.

The phrase was certainly misapplied in the case of Lola Norris and Marsha Warrington, who eloped with Drew Caminetti and Maury Diggs to Reno. It was a plain case of two girls, old enough to know better (one was 19 and the other 20), who eloped from their homes in Sacramento to Reno, 150 miles away, and began housekeeping with two young libertines.

The Mann law, designed to suppress the practice of importing women for the purpose of prostitution, made it crime for a man or woman to bring a woman from one State to another for immoral purposes. Diggs and Caminetti, therefore, unwittingly put themselves within the scope of that act. They were not guilty of "white slavery," as that queer term is generally understood; and had they remained at Truckee, on the western slope of the Sierras, within the boundaries of California, instead of traveling the remaining 38 miles to Reno; had they fled to San Francisco, to Los Angeles, to San Diego, or anywhere else within the borders of the State, they would not be liable to prosecution under the terms of the "white slave" act.

The chief sufferers thus far have been the innocent. Caminetti's father, an honest man, who has devoted most of his life to the service of the people, seems to have been hard hit, and the parents of the unfortunate young women are said to be heartbroken.

The law, supposed to be for the protection of women, has only been an added source of anguish and disgrace to the women involved in this case. The prospect of the trials of Caminetti and Diggs, of course, kept the unfortunate affair alive in Sacramento, where they live, and the dramatic resignation of McNab gave the case a nation-wide publicity that has effectually disposed of any chance the young women ever had of "living it down."

Attorney General McReynolds doubtless thought it a case of little importance when he granted Secretary Wilson's request to postpone the prosecutions until October. He did not reckon on the skillful use which Mr. McNab made of the "white-slave" phase of the case nor of the odium that could be pinned to the defendants with that phrase. He doubtless thought he was acting for the good of another department of the public service when, to permit Mr. Caminetti both to perform his immediate duties at Washington and to attend the trial of his son, he ordered a postponement of the cases until October. Mr. McReynolds made a mistake in considering the cravings of a father's heart; a public official should be a Brutus in such affairs.

Mr. McNab, notwithstanding the limelight halo about his righteous head, does not impress us as being altogether disinterested in his clarion call for justice. The peace officers at Reno and the Misses Norris and Warrington are the chief witnesses against Caminetti and Diggs. The young women are living in Sacramento under the parental roof and the parental eye. They have been there since February, and it is likely they will be there in October. As for the Reno peace officers, no one ever yet knew a sheriff to disappear during his term of office just because the defendant in a criminal prosecution wanted him to. When cases are tried sheriffs are usually to be found assisting the prosecution. The term of the present sheriff at Reno will expire on January 1, 1915, and it is safe to say he will be found there as late as the following Monday, when the county commissioners audit his salary account.

Mr. McNab's case would have presented a better appearance had he not in his zeal to "get back" at McReynold's assistant, revealed the fact that he (McNab) had seen fit to keep silence since the previous October—under another administration—about what he claimed was a perversion of justice in a genuine "white-slave" case.

Altogether we feel that Mr. McNab has cause to congratulate himself upon his smartness. Brother of the notorious Democratic machine politician and corporation representative of San Francisco, Gavin McNab, he has proved his superior in the domain of publicity. And in this day of the penny whistle and the big drum, the tinkling cymbal and the shrieking megaphone, that is the highest praise.

To sum it all up, Diggs and Caminetti will get five years apiece—for their conviction is practically assured—the two girls are disgraced for life, and their parents are heartbroken. And McNab will get a governorship—perhaps.

Also the following editorial in the Stockton Record of June 23:

MR. M'NAB.

"Suspend judgment pending investigation" was the advice Capt. Sigsbee wired from Habana to his enraged countrymen the morning following the destruction of the *Maine*.

It will be well at this time for California to suspend judgment and not hastily adopt John L. McNab's version of the causes leading up to his resignation.

The prosecution of Caminetti and Diggs and of the Western Fuel officials will not be quashed.

There is not one fact in evidence to show that Attorney General McReynolds ever contemplated more than a postponement of the trials.

Doubtless the records of California courts the last week will show that there have been a hundred cases postponed. We admit that in many instances the postponements have probably not been made in the interest of justice, but to assume that all have been made to defeat justice would be utterly unfair.

Nobody questions the right or propriety of Mr. McNab resigning if he thinks that he is not being properly supported by the Department of Justice. But the manner in which he proceeded suggests shoddy politics.

Several postponements of the Caminetti-Diggs case have been made up to this time. McNab does not charge that Attorney General McReynolds was responsible for these postponements. It is not of record that he opposed the postponements. In the Western Fuel cases it was only last week that Mr. McNab announced that the cases had gone over in order to permit him to prepare more effectively for the prosecution. On Friday additional indictments against some of the offending officials were returned. Mr. McNab's explosion of virtue was spectacular, but it is significant that he never before indulged in such excessive sentiment; and, further, the manner in which he gave out his letters to the President and Attorney General before those messages had barely reached their destination suggests that he was not averse to creating some sensation and doing a little politics. For be it remembered Mr. McNab was appointed United States attorney last year by President Taft, and he won his office for his well-known opposition to progressive policies. There is no official record that Mr. McNab ever before burned with noteworthy zeal for the enforcement of the white-slave act or for the punishment of malefactors of great wealth. It stands to reason that he has been expecting early decapitation, as the heads of the Federal stand-pat brigade in California are dropping into the basket with painful regularity. By seizing on the Caminetti-Diggs and Western Fuel cases Mr. McNab gained an opportunity of going out of office as a martyr to virtue. That he had the stage well set for his performance is suggested in the fact that those papers in opposition to the Wilson administration had his message to the President and Attorney General in type almost as soon as the recipients had the messages in hand.

Now, it is utterly ridiculous and preposterous for any yellow journal or stand-pat politicians to say that Woodrow Wilson or James Mc-

Reynolds seeks to aid white slavers to escape or to allow the Western Fuel officials to escape legal responsibility for their frauds.

Woodrow Wilson's whole life has been one of singular personal virtue and brave stand for public morals.

Mr. McReynolds was a special prosecutor of trusts in Roosevelt's time. He was dropped by President Taft not because he was not prosecuting the big malefactors effectively, but just the contrary. McReynolds had a reputation as a special prosecutor of trusts long before Mr. McNab was discovered by Mr. Taft and placed in his present office.

The Record desires to see the cases at issue go to trial soon. And we believe they will, and with a new district attorney prosecuting them. There is no occasion for undue excitement. There is good reason to view inquiringly the attitude of those yellow papers who seize the robes of virtue as cover for an attack on officials of highest character and intentions.

Likewise the following editorial from the same paper on the 25th of June:

M'NAB GETS HIS ANSWER.

"But, since you have taken such a course, and have given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior, I release you without hesitation and accept your resignation, to take effect at once."

With this pointed statement, President Wilson accepts the resignation of John L. McNab. It disposes of Mr. McNab very effectually.

If political influences have been at work in Washington in behalf of Caminetti, what shall be said of the shoddy procedure of Mr. McNab in seeking to involve the President in a "scandal," the circumstances of which the President knew nothing until it had been exploited over the country by a yellow and hysterical press?

Last Monday the Record said that the Caminetti-Diggs and Western Fuel cases would be prosecuted. And they will be. Not only will the President appoint a new district attorney who will act with firmness and circumspection, but he will also employ special prosecutors to insure a vigorous presentation of the charges against the indicted persons. This will be his answer to the attempt of a few schemers to make it appear that he or members of his Cabinet were seeking to obstruct the processes of justice.

Further, Mr. McNab's general charges against Mr. McReynolds are overturned by the direct and candid statements of the Attorney General, who admits that while in following ordinary procedure in consenting to a postponement of the cases he may have made an error of judgment but not of intent as to the proper final disposition of the cases.

The Record takes some satisfaction in the fact that it is the only paper that has yet come to notice which did not fall for the McNab play.

On Monday, while some of the papers were playing politics and others throwing themselves in the hysterics of virtue, the Record said:

"Now, it is utterly ridiculous and preposterous for any yellow journal or stand-pat politicians to say that Woodrow Wilson or James McReynolds seeks to aid white slavers to escape or to allow the Western Fuel officials to escape legal responsibility for their frauds. Woodrow Wilson's whole life has been one of singular personal virtue and brave stand for public morals. Mr. McReynolds was a special prosecutor of trusts in Roosevelt's time. He was dropped by President Taft not because he was not prosecuting the big malefactors effectively, but just the contrary. McReynolds had a reputation as a special prosecutor of trusts long before Mr. McNab was discovered by Mr. Taft and placed in his present office. The Record desires to see the cases at issue go to trial soon. And we believe they will, and with a new district attorney prosecuting them. There is no occasion for undue excitement."

We doubt if there is a single person of rightly ordered mind and pulsating heart who does not sympathize with Anthony Caminetti in the trying position into which the sin of his son has plunged him. While equal and exact justice must prevail, regardless of the personality or connections of an offender, men would be less than human if they did not go far to condone the zeal of a father in seeking to save his son from the ignominy of imprisonment. Broken-hearted parents are always the chief sufferers from an act like that committed by Caminetti junior. God pity the parent who has so far lost the divine instinct of parenthood as to stop short of any reasonable effort to defend even a guilty son.

We may assume, Mr. Speaker, that these papers have given expression to the sentiments of the fair-minded people of the great State of California, who have been actuated by a sense of justice rather than one of puny partisanship.

But in this hour of national night, we console ourselves with the reflection that God always raises up a leader when one is needed. In every clime, in every zone, in every crisis of man's experience, He has brought forth some great figure to bring deliverance to the children of men. When Israel was in bondage, and her children blistered under the lash of Pharaoh's cruelty, He spoke to Moses from the burning bush and commanded him to go forth and lead them into the land of Canaan. When Belshazzar feasted at a sumptuous table, surrounded by the glitter and glare of regal wickedness, it was Daniel who read the riot act to the assembled hosts. When the streets of Paris ran red with the blood of Frenchmen, and anarchy possessed that tempestuous city, it was the grim figure of Napoleon that rose out of the horizon to bring order out of chaos. When the American colonists revolted against England, declaring that taxation without representation was tyranny, it was into the hands of George Washington that God delivered the destiny of a new nation, the rays of whose light of liberty were to search out the corners of the earth. And later, when that Nation was rent with civil strife, when passion and prejudice walked hand in hand over the graves of their victims slain in fratricidal combat, it was Lincoln who, southern born and northern reared, was commissioned from on high to bind the Nation's wounds and bring peace to the bloody field. And so, even now, in this hour of national woe, when the black clouds of despair hover low above our heads, and a nation writhes in agony of soul, crying "Lord, what shall we do to be saved?" we need not lose heart or grow despondent. For out of the western sky there arises a stately figure, and upon the golden shores of California he stands forth in self-acknowledged purity as the chosen redeemer of a lost nation, the anointed prophet of the New Jerusalem, summoning a wicked and depraved people to forsake their wickedness. [Applause on the Democratic side.]

Mr. CLAYTON. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I hold no brief from anyone to say anything with reference to the matter now under discussion. I would not have anything to say had it not been for the fact that certain references have been made to me and to my action by the gentleman from Illinois [Mr. MANN] in the past and also by the gentleman from California [Mr. KAHN] to-day. Because of the fact that I happen to represent the district from which the present distinguished and high-minded Attorney General comes, the gentleman from Illinois has attempted to draw a conclusion that in my action in undertaking to prevent a discussion of this case I was acting at his instance or as a result of some sort of understanding with him.

I want to say to the gentleman from Illinois [Mr. MANN] that I acted upon my own initiative. I had no conference, no understanding, direct or indirect, with the Attorney General or anyone else when I made the objection to a discussion of this case and moved to lay the former resolution on the table.

The gentleman from Illinois [Mr. MANN] refers to gag rule. He seems to be laboring under the delusion that somebody on the floor of this House is trying to prevent a full and free discussion of this case. Mr. Speaker, I am certain that no man on this side of the Chamber desires to prevent a full and free discussion of this matter, but, for my part, I have thought it was improper for this case to be discussed in advance of the date set for its trial in California. I have thought that the House of Representatives was not the place in which to try a criminal lawsuit. I have felt that the courts of this country, and that in this particular case the court in California, was the place where the lawsuit should be tried, and that it was highly improper for a Representative of this great Republic to take advantage of the fact that he had a seat upon this floor, for the purpose of gaining political advantage, to rise and undertake to discuss a case now pending in the courts, and which is to be tried, as I understand it, next Tuesday—one week from to-day.

Now, the gentleman from California [Mr. KAHN] has undertaken to criticize me because I have said that somebody was trying to gain political or personal advantage out of this matter. He undertook to criticize me because I said Mr. McNab desired to promote his own political advantage. I have understood, Mr. Speaker, that Mr. McNab was looked upon at one time as a possible candidate of his party for governor of California, and I got my information shortly after this incident occurred from an interview in one of the Washington papers, with a Republican Representative from California, one of the gentleman's own colleagues.

The gentleman from California [Mr. KAHN] now states that Mr. McNab is not a candidate for any office. I am not surprised that Mr. McNab at this date has come to the conclusion that he will not ask the people of California to elect him to an office. Mr. Speaker, I think the gentleman from California [Mr. KAHN] should pardon me for thinking that perhaps he was interested in this matter to a certain extent on account of politics. I remember a few years ago that there was a great protest raised in this country because a Republican President of the United States—Mr. Roosevelt—permitted the United States Steel Co. to absorb the Tennessee Coal & Iron Co., in direct conflict with the law. The gentleman from California [Mr. KAHN] was upon the floor of this House, if I mistake not, at that time, and yet, Mr. Speaker, the records of Congress fail to disclose that he sought to criticize a Republican President because of that act. I remember that a short time ago a Mr. Townsend, if I mistake not, an Assistant Attorney General in the Department of Justice, made a report to a Republican Attorney General and to a Republican President as to the Harvester Trust—a report of facts which clearly justified a proceeding against the Harvester Trust—and yet a Republican Attorney General failed to proceed upon that report. The gentleman from California [Mr. KAHN] at that time had a seat upon the floor of this House, and yet he failed to rise in his seat and utter a single protest.

Mr. Speaker, we have just heard from the gentleman from Texas [Mr. YOUNG] of a more recent case—a case arising in

the State of Texas—where Mr. Archbold and some one else connected with the Standard Oil Co. were indicted by a grand jury in that State. We have heard how the recent Republican Attorney General, Mr. Wickersham, ordered the indictment quashed and refused to permit these men to be carried to the State of Texas, where they ought to have been carried and given a trial before a jury composed of their peers. The gentleman from California [Mr. KAHN] had a seat in this House at that time, and yet he did not see fit to rise in his place and condemn the Attorney General, Mr. Wickersham, for his unjustifiable action in that matter.

I remember also, Mr. Speaker, in the case of the great Tobacco Trust—a trust which was prosecuted in the civil courts by the present Attorney General ably, conscientiously, and fearlessly—I remember, I say, that there were some of us on the floor of this House who knew something of how that trust had oppressed the people in the tobacco-growing sections; we knew how it had denied the people who grew and raised tobacco a just remuneration as compensation for their labor. We felt that the men who controlled that great Tobacco Trust which the Supreme Court of the United States had declared was existing in violation of the law ought also to be criminally prosecuted under the Sherman antitrust law. I, for one, introduced under a Republican administration a resolution in this House calling upon the Attorney General to prosecute those who controlled and owned the American Tobacco Co.

The gentleman from California [Mr. KAHN] had a seat upon the floor of this House at that time, yet he failed to raise his voice or render any assistance, so far as I know, in securing the passage of that resolution. So I say, and I plead it in extenuation, that I think, Mr. Speaker, I have had possibly some just ground for my assumption that the gentleman from California was perhaps actuated, at least to some extent, by partisan and political motives in this particular matter.

Now, Mr. Speaker, I want to congratulate the gentleman from California [Mr. KAHN] that at last he has been permitted to take the center of the stage with Mr. McNab. But I can not refrain from commiserating with him to a certain extent at the same time, because the galleries have been largely deserted. The gentleman was not playing to the crowded house which he so fondly expected to play before, and I could not help thinking as he proceeded in his discussion of more than an hour that he fully realized that fact. I failed to catch the force, and the fire, and the eloquence which he usually displays in discussing a proposition.

The people, sir, are not in sympathy with any political play which may be made upon the floor of this House. Neither will they applaud the efforts of certain gentlemen to make a football of this case merely in order to reap some political advantage. They are more interested in knowing whether our laws are to be enforced without favor or partiality and whether the guilty shall be given just punishment, regardless of their situation or position in life.

The gentleman from Illinois [Mr. MANN] takes pride in the fact that he is the author of the white-slave act, and he has a just and proper cause for doing so. It is a wise and most wholesome law. But the gentleman does not do credit to himself if he lends his great ability and power to a vain effort to make the American people believe that the President of the United States and the Attorney General are not as sincerely anxious to see that law enforced to the fullest extent as he or any other citizen of this great Republic. The people, Mr. Speaker, have confidence in the patriotism and sincerity of the President and the Attorney General. But if it be true that their confidence in the administration is so little that it can be destroyed by any such effort as has been made here to-day, then that confidence is indeed very small.

Now, what are the facts in regard to this case? A certain member of the Cabinet requested his colleague in the Cabinet, the Attorney General, to continue this case for a month or two, in the interest of the public service in his department. The Attorney General agreed to do so. The postponement was only for a short time.

The request was not unusual, and I dare say that the records will show that there have been thousands of such instances in the past. But the district attorney out in California, Mr. McNab, a stand-pat Republican, out of sympathy with the policies of the administration and the great majority of the people of the United States, and realizing that he was soon to be succeeded in office by some one who was in sympathy with the administration, seized upon it as an excuse to create a sensation and to promote his own political fortunes at the expense of the administration which he had opposed and endeavored to defeat. Had the case been an ordinary one, free from sensational features, and if he had been actuated only by a desire to serve the people, I dare say he would never have thought of taking the course which he did take. He would have pursued a course more in accord with the sense of duty which should actuate every public official. He would have privately urged that the case be brought to trial before rushing into public print. The fact that he did not do so is to my mind the best evidence of his unfitness for the public office which he was holding.

Mr. McNab is commended in the speech made by the gentleman from California [Mr. KAHN], but the gentleman from California did not attempt to excuse Mr. McNab for this effort on his part to rush into print before he first called the matter to the attention of the Attorney General, and such is my confidence in the fairness of the gentleman from California that I believe that he intentionally refrained from offering an excuse for him.

Instead of doing what every fair-minded and conscientious official would have done, this man McNab sent a sensationally worded telegram to the President, and before it was received by the President gave it to the newspapers for publication, thereby showing that his action was not influenced so much by a desire to secure justice to the guilty in California and to protect the womanhood and purity of the State as it was to reap notoriety for himself. In all my observation I have never heard of a cheaper attempt to play to the galleries, and such is my faith in the discernment of the people of California that I was not surprised to hear the statement that he would not be a candidate for any office.

Mr. Speaker, those who are charged with this serious and disgraceful crime should be brought to an early trial, and if they are guilty they should be promptly and properly punished. The Attorney General has taken care to see that this is done, for he has ordered the trial set for August 5, and there is no reason, therefore, for this display of partisanship on the other side of this Chamber. But, disgraceful and serious as the crime is, all right-thinking people wish the defendants to have a fair and impartial trial, and for that reason, I repeat, I deplore the efforts of certain gentlemen to try this case on the floor of the House before it is heard in the courts. This is a legislative and not a judicial body, and I can not believe that it is proper for Representatives of the people to attempt to usurp the functions of the court, either to make political capital or for any other purpose. But, sir, in my judgment, there is something else behind the recent attacks which have been made upon the Attorney General throughout the country.

The gentleman from California is innocently lending himself to those who have a motive for these attacks. The President is in favor of enforcing the antitrust laws, and, firmly possessed with that idea, he has chosen an Attorney General for his Cabinet who has a record of performance behind him. He has chosen an Attorney General who is in thorough sympathy with the idea that laws are on the statute books to be enforced, and who at the same time has the courage and the ability to do his duty under all circumstances. It was Attorney General McReynolds who was charged with the stupendous task of undertaking the dissolution of the Tobacco Trust, which for so many years had oppressed the people of my section and other tobacco-growing sections of the country in violation of the Sherman antitrust law. He fought that case to a final and successful conclusion with an ability which brought him to the attention of the whole country. I regret that in drafting the decree of dissolution the former Attorney General did not permit him to have his way. If he had, the result of that victory would have been more lasting and beneficial to the tobacco growers.

He has recently brought to a successful settlement the suit against the Harriman merger of railroads, and over the combined opposition of the powerful railroads involved he has brought about a settlement in the interest of the shippers and the people. It has been my privilege to know him for over 20 years, and, in my judgment, at the end of his 4 years of service he will have made a record for ability and fearless devotion to duty unsurpassed by any of his predecessors in office. I am not surprised that the special interests which are doing business in violation of the laws of the country desire to be rid of him, and that they have seized upon this incident, which involved nothing more than the temporary delay of a case local in its nature, in order to try and manufacture sentiment against him. I regret that, as usual, their efforts find some aid and comfort on the Republican side. But these efforts will fail, Mr. Speaker, and in the end this distinguished and high-minded official will have more than justified the confidence reposed in him when he was chosen for this important position, and he will play his part toward carrying out the high purpose of the President to redeem the pledges of the

Democratic Party and restore this Government to the people, to whom it belongs. [Applause.]

Mr. CLAYTON. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Speaker, this whole matter has arisen out of an ordinary continuance which was granted in a white-slave case for a period of two weeks by District Attorney McNab to the two defendants under indictment at the request of Mr. Caminetti, the father of one of the defendants, and without the suggestion of anyone else. There was a further postponement of the cases for two weeks, and that was the only continuance granted at the request of the Attorney General. But this controversy has arisen because the Attorney General suggested that the cases might be continued until autumn. In one of the letters of McNab he states that he might be able to try the cases on July 26, three days ago. It is only six weeks from that time until autumn. And yet this man, who was willing to continue the case at the suggestion of the father of one of the defendants——

Mr. CLAYTON. And did continue it.

Mr. TAGGART. And did continue it at his request, became so incensed that for the first time he addressed the President of the United States in a letter, couched in the language of wrath, in which he resigned his office and suggested that special counsel be appointed. Why did he not request the President to order that the Commissioner of Immigration should have time to attend this trial? Why did he not request the President to appoint him as special counsel? He knew more about the case than anyone else. He was not in the employ of the Attorney General. He was the servant of the United States, and it was to the United States that he owed the highest duty and not to the Attorney General. There is no statute of the United States that required him to consent to a continuance, even at the suggestion of the Attorney General. There is no statute of the United States that would for a moment bind the trial court in the case to grant a continuance even at the suggestion of the Attorney General or of the district attorney. McNab had the matter wholly in his hands. And yet for the purpose of creating this sensation this man wrote that letter to the President of the United States, resigning his office. He is not entitled to the respect of the American people or of this House. [Applause on the Democratic side.]

The two unfortunate girls who were concerned in this matter are entitled to the sympathy of the great-hearted American people. The two married men who took them from their homes to another State ought to have inflicted upon them the full penalty of the law. [Applause.] But I say to this House that this man McNab has inflicted on those two girls a more terrible penalty than the law will visit upon the two men who took them out of the State for the purposes of immorality. He has blighted their lives. He has covered them with shame!

Mr. MANN. Too bad!

Mr. TAGGART. He has made their names a by-word among a hundred millions of people. He has held them up to the ridicule and scorn and prurient curiosity of every evil-minded person under the flag. Their pictures have been featured in the newspapers. In all this broad land there is no spot where they can find refuge from curious eyes, and the remainder of their lives must be lived in the agony of silence, when words would break the swelling heart.

I want to say also that the man McNab has visited upon their respectable parents a more terrible penalty than can ever reach these defendants. He has done all that for the purpose of creating a sensation.

But gentlemen say that because these defendants had parents or relatives who were rich and influential, they for that reason had concessions and special privileges granted to them. I wish to say to the gentlemen on the other side of the House that they are not in a position to discuss matters of that kind.

Mr. CLARK of Florida. May I ask the gentleman a question?

Mr. TAGGART. Certainly.

Mr. CLARK of Florida. Has the gentleman seen or heard any statement going to show that the prosecution in these cases has lost anything by this continuance?

Mr. TAGGART. On the very contrary, the President of the United States, with his usual tact and ready ability to grasp every problem, immediately directed that special counsel be employed, and, as I understand it, the cases will be tried at once.

I was a prosecutor for more than five years, and I believe that within the sound of my voice there are dozens of men who have performed the same duty, and we know that there was scarcely ever a criminal case tried in a court of the United States, or any other court, that involved a penalty so great as in these cases where a continuance was not had either on behalf of the prosecution or on behalf of the defendant. I want to say to the gentleman from California [Mr. KAHN], whose ancient morality has been stirred up [laughter] by the shocking revelations of this suggestion of a continuance, that I challenge him to produce the records made by Attorney John L. McNab in all of his cases, and I will abjectly apologize to the House if there was not a continuance in every case he ever had where the penalty was as great as in this case, unless there was a plea of guilty.

The defendants in this case may be sentenced to five years at hard labor in the penitentiary. They were indicted in March last. McNab says, in his letter of May 21, that he intended to try the cases in June.

According to the statement of Attorney McNab in his letter of May 21, Caminetti, one of the defendants in this case, will in all probability plead guilty. This same attorney, who deserted the United States in the breach, and who is entitled to the same consideration as the soldier who deserts his colors in the face of the enemy—this same man had such respect for Commissioner Caminetti and was so influenced by the high character of Mr. Caminetti that he agreed to a continuance in the case.

But to come to the point before I close, I want to call the attention of the House to a few cases that have occurred in past administrations. In the administration of the distinguished gentleman who has now retired from the White House, and whose "corse to the ramparts we hurried" last November, without "a drum being heard or a funeral note," there is much interesting history. In the Beef Trust case the civil case was dismissed by order of the Attorney General in order to avoid delay in the prosecution of the criminal cases and the danger of immunity pleas should testimony be taken simultaneously with or before the trial of the criminal case.

In the celebrated Standard Oil case, where Judge Landis imposed a fine of $29,000,000, upon appeal the case was remanded for a new trial, and at the rehearing the decision was adverse to the Government. The court directed a verdict for the defendant.

In the New Haven Railroad case, in the same administration, the case was ordered dismissed by the Attorney General on June 26, 1909. The State of Massachusetts having passed an act, which was approved by its governor, authorizing the holding of stocks of the Boston and Maine Railroad Co. by the Boston Holding Co., a corporation controlled by the New York, New Haven & Hartford Railroad Co., the Attorney General directed a dismissal of this action, inasmuch as the community most directly affected had consented by the act of its legislature to the combination theretofore complained of.

And in the administration of that great personage who is represented on the floor of this House by the distinguished gentleman from Kansas, that hero of the charge on the empty trenches at San Juan Hill, where he put a period to the military career of some child of Andalusia who was running for his life [laughter], there were two cases that attracted a great deal of attention. I will read the history of them.

In the celebrated Harvester Trust case——

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CLAYTON. Mr. Speaker, I shall ask the House to extend the time a little, and I will give the gentleman two minutes more of my time.

Mr. TAGGART. The prosecution of the Harvester Trust was ordered to be dropped by President Roosevelt in a letter to Attorney General Bonaparte on August 27, 1907, it being stated in this letter which is on file and can be found in Senate Document No. 604, Sixty-second Congress, second session, that George W. Perkins, of blessed memory, for he has now become only a recollection [laughter]—George W. Perkins, of the International Harvester Co., had requested that before the company was exposed to the certain loss and damage that the mere institution of a suit would entail, the investigation by Mr. Smith, Commissioner of Corporations, as required by Senate resolution, should be carried to completion.

And there was the Santa Fe Railroad rebate case in Roosevelt's administration, involving Paul Morton, a member of President Roosevelt's Cabinet. This is the case in which Gov. Harmon, of Ohio, and Mr. Judson, of St. Louis, were employed as special counsel, who recommended the prosecution of officials of the railroad, including Mr. Morton. The Attorney General held, however, that there was not sufficient evidence to warrant proceeding against the officials, whereupon special counsel resigned. Proceedings were then brought against the corporation, resulting adversely to the Government. The correspondence in this case is published in Senate Document No. 140, Fifty-ninth Congress, first session.

Gentlemen of the other side of the House, these cases are a part of the reasons why you are now so lonesome and so good. [Applause and laughter on the Democratic side.] You are trying to make a Pikes Peak out of the merest excuse of a molehill. You are trying to make it appear to the American people that the Attorney General arbitrarily and for the purpose of defeating justice ordered the dismissal of cases when he only suggested the continuance of one case and the continuance as to two defendants in another case.

The gentleman from California [Mr. KAHN] has made a vicious assault on Commissioner Caminetti, a distinguished and respected citizen of his own State. He said that Mr. Caminetti asked that the cases should be continued till autumn, so that he might be present at the trial of his son, and at the same time perform some of the duties of his office on the Pacific coast. Then the distinguished gentleman from California descended to the level of saying that the commissioner would have his expenses paid, because it would be an official trip, and the opportunity would arise to save his expenses. To clinch this argument, he quoted Hamlet, shouting "Thrift, thrift, Horatio." How astonishing that the distinguished gentleman's experienced fancy would lightly turn to thoughts of thrift. Ex-District Attorney McNab has more respect for Senator Caminetti than the gentleman from California. With all of McNab's talent for sensationalism, he still has a grain of reverence for the parental relation. He knows that the dictates of common humanity would revolt at the idea of refusing the parent an opportunity to be present at the trial of his son. Out of this very sentiment of humanity, invariably recognized by court and prosecutor throughout the civilized world, has come the whole proceedings that have caused this controversy. Secretary of Labor Wilson, whose reputation throughout his whole life has been without even a shadow of reproach, who distinguished himself in this House as the champion of those who work for a living, and whose high purpose, manifested in all his acts, is to do whatever he can to equalize the heavy burden of American life, was prompted by this sense of humanity and by the exigencies that required the presence of Commissioner Caminetti here in Washington for the next few weeks, to ask the Attorney General to request a continuance of the case until autumn, and the request was granted. This is the whole story. But Attorney McNab wrote the Attorney General on June 20, the day he resigned, that—

* * * in the meantime corruption and subornation of perjury will weaken and destroy the cases long before autumn is here.

We know that the principal witnesses are the two unfortunate girls. On their testimony alone the defendants can be legally convicted. Will they be corrupted or suborned? The tickets that were purchased were signed, and the general passenger agent of the Southern Pacific Railroad Co. was requested to secure them. Does McNab mean that the passenger agent will accept a reward to commit perjury? Will these witnesses disappear? Will the officers who made the arrest in Reno and who discovered the men, under circumstances that would warrant a conviction, commit perjury, or depart from the country? Will the railroad conductor and others who saw these parties on the train accept a bribe as the price of false testimony? Will the dozens of citizens of Reno, including the people in the hotel, who know the facts, sell their testimony for a price? Under the blizzard force of all this evidence, the defendants will have no refuge, and there is not the remotest chance of an acquittal. In his letter of May 20, to the Attorney General, McNab speaks of an indictment against the defendant, Diggs, and his attorney, Harris, for conspiracy to suborn perjury in the cases. He does not say whom they tried to corrupt or whom they suborned. Perhaps they sought for witnesses who, for a price, would contradict the testimony on the part of the Government. The whole correspondence of Attorney McNab shows conclusively that it would be impossible successfully to impeach or contradict the powerful array of testimony that is at the command of the Government in these cases. It is plainly evident that these statements of Attorney McNab were not made in good faith, but were made for the purpose of attempting to compromise the Attorney General.

The difficulties of featuring the Western Fuel Co. case in "yellow" journals, and the fact that it presents poor material for muckraking, makes it a rather uninteresting companion piece to the Diggs and Caminetti case. Five defendants were indicted for conspiracy to defraud the Government on coal drawbacks. Attorney McNab was instructed by the Attorney General to proceed against three of the defendants and continue the case against the other two until after the trial of the first three. McNab was not directed to dismiss any case by the Attorney General.

All of the cases will soon be tried by the ablest counsel that can be procured. Attorney McNab has deprived the Government of his services in the name of patriotism. His whole conduct in this matter forfeits to him the respect of every right-thinking man and woman in the United States.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the time allotted for discussion be extended 20 minutes, that I may have 10 minutes of that time, the gentleman from Illinois [Mr. MANN] 5 minutes, and the gentleman from Kansas [Mr. MURDOCK] 5 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time be extended for 20 minutes, that he shall have 10 minutes, the gentleman from Illinois 5 minutes, and the gentleman from Kansas 5 minutes. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, to what time will that bring the debate?

Mr. CLAYTON. To nearly 6 o'clock is my recollection.

Mr. MANN. It would undoubtedly bring us beyond 6 o'clock, because we did not begin until about 1 o'clock and there were five hours to begin with, and that has been interrupted somewhat.

Mr. CLAYTON. I think we began about 10 minutes after 12.

Mr. MANN. Mr. Speaker, until what time will that run the debate?

The SPEAKER. The debate began at 12.40 p. m., and this extension will run it until 2 minutes after 6. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CLAYTON. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. CHURCH].

Mr. CHURCH. Mr. Speaker, for one I am glad the hour that marks the end of this discussion is drawing to a close. I am pleased for a number of reasons. Am pleased to think the gentleman from California [Mr. KAHN], my colleague, has at last had an opportunity to get rid of this terrible load he has been carrying around for the last two or three weeks. His friends from California have been seriously concerned in regard to him, fearing he would not survive the terrible ordeal of delivery, but he has, and it now appears after a few days of rest, he will be himself and clothed again in his right mind. I am pleased to know and to hear from the gentleman's own lips just what the duty of the President of the United States is. I am glad to know what the duty of an Attorney General is, and what the duties are of the Secretary of the Interior, the Secretary of Labor, and the Commissioner of Immigration, for he has told us. I feel highly honored to-day to think that the man who has this remarkable ability to tell what these men in high places should do, hails from my native State—California. [Applause and laughter on the Democratic side.] I trust if the time ever comes when it is necessary to establish a new branch of the Federal Government and to appoint a man who shall be commissioned to tell the other Cabinet officers and the President what they should do, that the name of the gentleman from California, Mr. KAHN, shall not be forgotten. I know of no one who would be more willing to accept the task or who would start with greater confidence, knowing that he could fulfill the duties and rise to the occasion in every instance. [Applause and laughter on the Democratic side.]

Telling other people what to do is such an easy task, but how hard sometimes it is to know what one should do himself. Sometimes the problem is vexing to the heart. How often weak humanity stands at the crossroads looking and wondering what course to pursue, and afterwards, when it is too late, wakes up to the fact, in spite of it all, that they have taken the wrong way. How often the foundation supposed to be of solid rock turns out to be shifting sand. How often at nightfall, when the day of life is almost done, men and women who have been searching and sighing for the truth find mistake and blunder has marked every foot of the way. When I was younger I felt able to tell other people what they should do, but that notion has passed with the years. I have made so many mistakes that my power to criticize others has almost gone. In becoming better acquainted with myself I have lost the disposition to judge my fellow man. My colleague [Mr. KAHN] and myself seem to have learned a different lesson in the great school of life. The task that seems so easy to him seems to me so hard. To me he is a marvel. He tells what President Wilson, the Attorney General, the Secretary of the Interior, the Secretary of Labor, and the Commissioner of Immigration should have done. He does this notwithstanding he is but half clad with knowledge on the subject. He is hardly acquainted with the men about whose duty he knows so much. Mr. Speaker, an average man would have been obliged to have stood in these men's places and sat in these men's chairs in order to know

what they should have done; would have demanded real information before he would have considered himself qualified to tell the world what these gentlemen should have done; but not so with the gentleman from California.

Unacquainted with the men and their work, viewed from his own angle, and surrounded with a cloud of thick darkness in reference to the whole subject matter, he rises as a judge, discerns the secret thoughts and intents of the heart, and tells the less fortunate and waiting people of this country the truth, the whole truth, and nothing but the truth, and astounds one and all by showing these distinguished and heretofore highly respected men of this country to be guilty of entering into a plot to enable two young men charged with the violation of the white-slave law, to escape punishment. How strange the revelations which he has made; strange that President Wilson, always moral and high-minded heretofore, should stoop so low; that James McReynolds, now Attorney General, should be caught in such a net. How strange that Secretary Wilson, the poor man's friend, and Secretary Lane and Commissioner Caminetti should fall like Lucifer of old into such a pit, and now to this modern prophet, to this genius from the West, on behalf of the less fortunate, but ever appreciative people of these United States, I thank you for the astounding revelations which you have made.

However, I did not rise to speak along this line. In my judgment the fundamental desire causing all this explosive talk is to discredit certain Democratic officials and more particularly Senator Caminetti, Commissioner of Immigration, the father of the young man now charged with crime. The gentleman from Illinois [Mr. MANN], in whose ability I have great confidence, especially in his ability to bring on and maintain a filibuster on this floor, on the 26th day of June held Senator Caminetti up for ridicule, and in derisive tones used the following language:

> Fine man to place in that position, whose principal object is to leave his office in order to go to the side of his 27-year-old son under trial for a white-slave offense.

My purpose in rising was to say a few words in behalf of Mr. Caminetti, Commissioner of Immigration, the heart-broken father, the man referred to in the remarks of the gentleman from Illinois, and if I did not do so I would not consider myself worthy to enter these doors; but in doing so I fully realize no words of mine can place Caminetti's name higher than he has placed it during his long, conspicuous, and useful public career. I am glad the honor of a good man does not depend upon words of praise, and I am equally pleased to know that malicious and explosive words hurled at the head of a good man have no more effect upon his name than the bellowing of an angry bull has upon the mountains of the moon.

Anthony Caminetti is my friend; and a man who will sit idly by and hear the name of his friend reviled is not worthy to have a friend. Caminetti is a native son of the best State of the Union, the great sovereign State of California; born in Amador County, where his home now is and where he has lived all his life. Some of his revilers may have found it necessary for financial reasons and, as far as I know, for reasons of personal safety to move from one State of the Union to another, but Caminetti never has. Fifty-eight years ago he was born in Amador County, which is situated on the western slope of the great Sierra Nevada Mountains, a county from which the miner in days gone by brought down buckets full and tubs full of glittering gold; and I tell you the name of Senator Caminetti shines to-day back on his native hills, regardless of the dull words that have been spoken against him here, as the miner's gold shone 60 years ago.

At the age of 21, in the county in which he was born, he was elected district attorney, which position he held for six years. It is no small credit for a young man to be elected the highest peace officer of his county at the very moment he reaches his majority. From the office of district attorney he was sent to the State legislature, where he has been for the past 24 years save only the 4 years he spent as a Member of this body, being elected to the Fifty-second and Fifty-third Congresses of the United States. His last term of State senator terminated with the year 1912, after which he almost immediately assumed the position of Commissioner General of Immigration of the United States.

I have read that "a prophet is not without honor save in his own country." Commissioner Caminetti has reversed this wise old saying, for the people of his own land honor and love him as a brother, for back in California, God's country and Caminetti's country, he is honored and loved by all who know him. No man west of the Sierra Nevada Mountains has ever pointed the finger of scorn at him. His political adversaries have, however, focused upon him searchlights of investigation for the last 30 years, and baying, malicious, political bloodhounds have been upon his track for upward of a quarter of a century, but never yet have they startled or quickened his footstep. He never occupied a position of trust in his life that he did not fill to the full satisfaction of his constituency. The cause of the common people has always been his cause, and men and women of his native State believe in him and rely on him, because they know he is right; but out here upon this floor, 3,500 miles from home, for the first time in his life he is ridiculed, and insinuations are made that he is not a worthy man.

What has he done to call forth these denunciations? Simply asked for the privilege of being present at the trial of his son; asked to be permitted to stay in the court room and hear the verdict of the jury which would either incarcerate or liberate a member of his household.

Shame should fall deeply upon the faces of the men who seek to belittle Anthony Caminetti because his son is charged with crime. From Mount Sinai it was said 4,000 years ago that God would visit the iniquity of the fathers upon the children, but nowhere in history, sacred or profane, is there one example of either God or man holding responsible a faithful and loving father for the conduct of a wayward son. Had such a merciless doctrine been in vogue in this world many of the illustrious names now decorating the pages of history would have been lost from the great treasure house of the world. It is nowhere written that the honor of venerable, thoughtful, deserving fatherhood depends upon the inexperience and impulses of youth. I do not know whether young Caminetti is guilty of crime or not. If he is he should be convicted and punished according to the laws of the land, but I do know that Anthony Caminetti, having a father's love in his heart and a father's interest in his son, was clothed not only with a right but an imperative duty to attend, if he could, his son's trial and safeguard with a father's care the legal rights of his legal son. I know of no higher duty than this. A king for this purpose would be justified in laying down his crown and abdicating his throne.

I can not understand the spirit that possesses my friends on the other side in denouncing the elder Caminetti. They seek to debase the purest sentiment of humanity—a father's and a mother's love. Do you not know parental love follows the child from the cradle to the grave, and just in proportion as the storms gather about the head of a son or a daughter, just in that proportion does parental affection seek to spread its protecting wing above the loved and threatened head? Do you not know the laughing, cooing, cradle-child never grows so large and old to the father and mother but what it is their child still—child to love and child to protect? Do you not know, or does it not appeal to your cold, political mind and heart, that the parental love that caused Anthony Caminetti to ask for a leave of absence is a natural impulse implanted by the Creator in the parent's heart; and when you denounce him and insinuate, as you have, that he is not fit to occupy his present position because he possesses this quality, you lift your denunciation above the man and denounce the God who implanted this parental instinct in Caminetti's heart?

If politics, followed up, makes such demands upon its devotees, I want no more of politics. If long service in this House means the development of the mind only; if it means human affection must cease, that parental love must be dried up at the fountain; if it means the heart must become shrunken, withered, and cold—if it means all this I do not want to stay here any longer; I want to go home to the great West, where I can hear the waves of the broad ocean beating against my native shore, where I can see the sunset behind the sea, where I can wander among the high mountains and over the great plains, studying, wondering, and appreciating, mind and heart developing together with the years; back to California, where strong men are as tender in their affections as a little child; back where parental fires burn brightly about the hearthstone of every home, and where fathers and mothers are willing, if necessary, to lay down their lives even for a wayward son.

Mr. CLAYTON. Will the gentlemen on the other side occupy some of their time?

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Speaker, it is natural and commendable for a man to stand by his children when they are in trouble, even though that trouble be the result of the most disgraceful action imaginable. The old Spartan virtue that justified and commended a man in sentencing his own flesh and blood to prison and to death for the commission of a crime was a Spartan vice. Nearly all of the so-called Spartan virtues were vices when analyzed.

I have the greatest respect and deepest sympathy for Senator Caminetti and his family, and for the members of the Diggs family. Mr. Caminetti is an ex-Member of this House, and he

was a good Member. Years ago he and I were fellow members of the California Assembly. During the 12 years I was the secretary of the State of California, and for two years thereafter, until he resigned the office to accept the position of Inspector General of Immigration, he was a State senator. He has always been respected and admired in his native State of California as a good citizen, a good man, and a conscientious official. The Diggs family is one of the pioneer families of our State, and has always been prominent in the business, professional, and official life of our Commonwealth. It is an honorable and a distinguished family.

I also know intimately and well and number among my personal friends the families of the girls whom Drew Caminetti and Maury Diggs are said to have debauched and taken out of the State for immoral purposes. They also are people of high standing in the business and civic life of Sacramento. They are proud and sensitive and jealous of their good name. They not only have my heartfelt sympathy in their trouble, but the unspeakable outrage to which their daughters were subjected makes my blood boil with indignation.

What makes the crime seem more than ordinarily heinous is the fact that the debauchers of these young girls were married men and fathers. The wife of one of them was on a bed of sickness, recovering from the pangs and pains of childbirth at the time.

It seems to be the inexplicable and inexorable law of nature that in sins and crimes of this kind the innocent must suffer with if not more than the guilty, but our sympathy for the innocent members of their families ought not to deter the meting out of condign punishment to the guilty.

Drew Caminetti and Maury Diggs met these girls and made love to them under assumed names as single men. Such a state of affairs could not long last in Sacramento. The girls soon ascertained the truth and charged the men with their duplicity, which they admitted and stated—which was a lie—that their wives knew of their relationship with the girls and were going to have the girls brought before the juvenile court and sent to the detention home or some other institution, and have them kept there until they were of age; that the only thing for the girls to do to escape this was to run away with them to Nevada; and that if they would do so, as soon as the law allowed they would divorce their wives and marry them; and they may have intended to carry out that program.

Diggs is a member of one of the most prosperous architect firms in Sacramento and Caminetti, up to the day before the elopement, had been an employee in the office of the State board of control. When they were arrested at Reno Diggs had less than $5 and Caminetti less than $1 in his possession. At the time of the arrest the girls were not disposed to appear as witnesses against the men.

The determination to preserve the sanctity of the home circle of the American family is not monopolized by any political party, thank God. It is the natural instinct of all true American men. The purity of our homes must be maintained and the virtue of our daughters protected and their violators punished. But in the Caminetti-Diggs case the Department of Justice has swung from one extreme to the other and from treating flippantly the resignation of John L. McNab and slurring it as "the resignation of a Republican United States attorney for which it was shedding no tears," the department has gone to the other extreme and to save its face before aroused public opinion, it has employed special counsel at great expense to the Government to prosecute these cases.

If the administration doubts the ability or integrity of the gentleman whom it intends to name as Mr. McNab's successor that course is permissible, if not justifiable. But if some of those high in official authority in Washington had kept their hands off and let John McNab alone, he would have brought the cases to trial decently and in order, and would have prosecuted them according to law and the rules of evidence, and the country would not be put to the extraordinary necessity of employing special prosecutors to prevent the miscarriage of justice.

McNab has the respect and confidence of the people, and his ability and integrity and standing as a lawyer is unquestioned in California.

There ought not to be any party politics in this. While John McNab is a good Republican, he was an admirer of President Wilson, and his brother, Gavin McNab, is one of the leading Democrats in California, and has done as much for President Woodrow Wilson as any other man in that State.

What the people of California and the good people of this country, regardless of their political affiliation, want and demand is that the Caminetti-Diggs cases be tried fairly and decently and speedily, so that justice may be done.

The sentiment of our people is expressed by the father of one of the girls in a telegram he sent to me and which reads as follows:

SACRAMENTO, CAL., *June 23, 1913.*

Hon. C. F. CURRY,
Member of Congress, Washington, D. C.:

The integrity and bravery of John L. McNab has been my forlorn hope of justice for an irreparable wrong.

This is signed by the father of one of the girls. [Applause on the Republican side.]

That telegram is the epitome of the iterated and reiterated comment on McNab's resignation by nearly every newspaper published in California and, so far as I have been able to learn, by nearly every newspaper in the country.

I yield back my time.

Mr. CLARK of Florida. May I ask the gentleman a question before he takes his seat?

Mr. CURRY. I have no time. I have yielded back my time. I shall be glad to answer in the gentleman's time.

Mr. CLAYTON. Mr. Speaker, it does not come out of the time on this side.

The SPEAKER. The gentleman has stated that he has no time.

Mr. CURRY. I have no time. I shall be glad to answer the question if I can get time.

Mr. CLAYTON. I hope the gentleman from Kansas [Mr. MURDOCK] will use his time. I will say that I expect the gentleman from Illinois [Mr. FITZHENRY], a member of the Committee on the Judiciary, will occupy 10 minutes, and then I expect to conclude for our side. I hope the gentleman will be kind enough to use his time now.

Mr. MURDOCK. I yield 20 minutes to the gentleman from Washington [Mr. BRYAN].

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the arrangement a while ago extending the time, was five minutes accorded to me and five minutes to the gentleman from Kansas?

The SPEAKER. That is what the Chair understood, although it was not definitely stated.

Mr. CLAYTON. Mr. Speaker, that is what I stated.

The SPEAKER. That was the request of the gentleman from Alabama, and nobody objected.

Mr. MANN. The gentleman from Kansas yielded to me 2 minutes, and I supposed he had 20 minutes left.

The SPEAKER. That gave him exactly 20 minutes.

Mr. MURDOCK. Mr. Speaker, I have 22 minutes, and I expect to yield to the gentleman from Illinois 2 minutes.

Mr. MANN. I wanted that understanding with the Chair.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] is recognized for 20 minutes.

Mr. BRYAN. Mr. Speaker, the people of this country all over the Nation want law enforcement. We have listened to the debate that has been going on here to-day and we have heard the old Republican Party censured and we have heard the Democratic Party censured. If there were sitting in the gallery some diplomat of a foreign nation who knew nothing of the Republican Party and knew nothing of the Democratic Party, and if he should attempt fairly and squarely to render a decision as to whether these parties had been convicted of wrongdoing and failure in the enforcement of the law, I believe he would decide that both parties were guilty.

We have heard the different Presidents censured. We have heard President Roosevelt censured because he did not kill every lion in Africa and slay every trust in the United States during the period that he occupied the White House. We have, however, seen recognition of the fact all over this land that while he was there he did perform his duty; that he did discharge his obligations and that he did take an old statute to which the Democratic Party had paid no attention and gave to it new life. We saw him take the old antitrust law that five Democratic members of the United States Supreme Court had asserted was contrary to the Constitution, but which the other members of that court had declared to be constitutional—we saw him take that law which had been a dead letter during the entire administration of Grover Cleveland, that law to which Cleveland had paid no attention, and we saw him make something out of it. It is true he did not wipe out every trust that existed. It is true that the organizations of special privilege were busy and that the various avenues of power and strength were used during his administration; but I say that the fact stands out that both of the old parties have been convicted of courting special privilege. But we do not care anything about parties; we are not here to consider the question of partisan standards, but the people of the country want the law en-

forced. Out on the Pacific coast we have had an awful hard struggle, hard fights, and the people out there want the law enforced.

I remember reading a report from the pen of William Jennings Bryan when he was acting as correspondent at the Chicago convention, how he dwelt upon the magnificent speech of Gov. Johnson, of California, when he detailed before that convention the hard fight and the intense struggle that the people of California had against special privilege and the hard fight they had put up against corporate interests organized under the leadership of the Southern Pacific. The whole country was touched with the sincerity of his comments and the condition of things that prevailed at that convention.

So our people of Seattle, in the State of Washington, want the law enforced. We want the officers of the Government to be in such a position that they will not be subject to unreasonable criticism. We want the Government to be so close to the people in the matter of enforcing the law and asserting it in the true interest of the people that men can not consistently stand up and make violent criticism of it. We want the people to have such confidence in this Government that the public sentiment will not permit or grant any following to that kind of thing.

On Friday night, July 18, 1913, in my home city, Seattle, Wash., a large number of the enlisted men of the United States Navy, together with United States soldiers from the forts, led a riotous and lawless outbreak against constituted authority, in disgrace of the uniform and the American flag, and owing to the fact that the inhabitants of the city, with thousands of visitors from all over the Northwest, were engaged in a midsummer festival, which caused the streets of the city to be crowded and traffic of all kinds to be blocked, there was the greatest danger of bloodshed and loss of life and property from fire and incidental acts of lawlessness. It is asserted that if the police of the city had attempted to arrest the enlisted men or to stop the course of the mob led by them the inevitable result would have been bloodshed and the loss of lives, in which innocent bystanders would almost inevitably have fallen as victims.

These acts of violence by the enlisted men are defended by some on the ground that they were seeking vengeance and reparation because of an alleged prior assault upon some two or three enlisted men by street speakers who advocated doctrines antagonistic to their ideas of law and order. It is persistently contended, however, that no such incident occurred, but to the contrary, that one or two enlisted men, intoxicated and out for that sort of a good time which intoxication brings on, attacked a woman speaker on the streets and their attack was met by blows which resulted in a street fight.

As to the facts of this incident I am not fully informed. I do not know whether an enlisted man attacked the woman speaker, as is alleged by some, or whether a bystander struck the first blow by hitting the enlisted man, as is alleged by the men of the fleet. This is not the matter under consideration. In either case the incident was lawless and unfortunate. I insert in the RECORD a published statement bearing upon these facts. The sailors of the American Navy are men of worthy motives, and there is splendid discipline ordinarily maintained among them. Large numbers of these men in uniform are to be found in the Young Men's Christian Associations, in the churches, and in the lodges and fraternal organizations of our coast cities. They are welcomed in places of amusements, and there is a disposition on the part of the public to give them that meed of praise and credit to which the uniform entitles them. As a resident of a navy-yard town, Bremerton, Wash., for about eight years, I gladly accord honor to the boys on the American ships and am glad to testify to their courage and fidelity. I have met them in every capacity, some as brothers in lodge rooms, and I have met others in official capacity as prosecutor for the violation of city ordinances. I have heard them testify in religious meetings and have seen them engaged laboriously in enterprises of the highest merit. But everyone knows that there are among them men who are easily incited to violence and who are more than liberal in their views of civic government and order.

It is asserted that the crusade for vengeance which resulted in the destruction of property and in the promotion of lawlessness in the city of Seattle under the leadership of some of these men from the ships has been indorsed by officers of the Navy, and that their conduct was actually encouraged by some of their superiors. Without further evidence than I have now at my command I refuse to believe this statement, but I believed it to be my duty to call the attention of Congress to this case and let the country know that the lawlessness was not lawlessness of the citizens of my home city and State; that it was not the outburst of local anarchistic love of the red flag or hostility to constituted law on the part of my fellow citizens that brought on this disgrace, but that the lawless acts were committed by men from other States who were enlisted in the Government service and brought to the city of Seattle to participate in the merrymaking as guests of the city and representatives of one of the law-enforcing branches of our Government. In order to present the matter fairly and squarely I have offered the following resolution:

Whereas it is widely reported in the public press that certain enlisted men of the United States Navy did on Friday, July 18, 1913, at Seattle, Wash., engage in a riot and in wanton destruction of private property: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, requested and directed to give to the House full details and particulars of the said occurrence, together with the names of all enlisted men who participated, and a full record of any and all proceedings had to investigate the said lawlessness and punish the guilty parties.

Resolved further, That the Secretary of the Navy be, and he is hereby, directed to furnish a detailed statement of the losses incurred, to the end that full reparation may be made to such persons as may be found to be entitled thereto.

I have no consideration for any organization which tends to disregard the Stars and Stripes or, by lawless methods, to correct any alleged inconsistency which may exist in the Government under which we live. But I do know enough about the people of Seattle and their regard for law and order to be able to say here on the floor of Congress that the regularly constituted authorities in that city do not need rioting soldiers and sailors, or revolutionary I. W. W., or any other outsiders, to aid them in the performance of their duty. Respect for law is essential and anarchy is awful, but if anarchy and revolution must come I would rather it would come from the I. W. W., led on by some economic fallacy, than from uniformed officers of the Government.

The I. W. W. syndicalist who looks forward to the general strike will find his vision befogged by a myth and a farce, and will some day be disillusioned. When they quit philosophy and dreams they may become as violent as the sailors were on this Friday night. When they do this—and the people, not itinerant sailors, will be the judges of the time—violence will be met with violence, for the people know how to protect themselves from irresponsible mob law and they will fight anarchy and open lawlessness with a will. It is a different matter, however, when it comes to fight the uniformed officers of the Government itself. Uniformed lawless rioters present a worse problem than the I. W. W. I notice in the reports the suggestion was made among the rioting sailors that they had better go after Mayor Cotterill next. This was a perfectly natural conclusion for men to make when started on a career of lawlessness.

The rioters not only invaded the halls and buildings where the I. W. W.'s met and had their desks and belongings, but they tore into the Socialists' halls, removed pianos, song books, and lodge paraphernalia and made a bonfire of it all. They then entered a Salvation Army meeting place and continued their lawlessness, tearing down the mottoes "God is Love" and "God so loved the world that He gave His only begotten Son that whosoever believed in Him might not perish but have everlasting life." The report is that when they learned that they were in the Salvation Army quarters that they desisted from further destruction in that place. But all history bears evidence that a mob, once inflamed, does not draw nice distinctions.

NOT A FIGHT FOR THE FLAG BUT TO REGAIN LOST POWER.

This is not a fight for or against the flag at all, but the big fact back of all these incidents is that the city of Seattle has only recently gone through a mighty upheaval, in which the people of the city, the churches, the brotherhoods, the men's clubs, the civic and reform organizations have cooperated with men of labor organizations and others who had economic as well as moral grievances against the old Judge Hanford-Secretary Ballinger régime. I mention these names because the Nation knows of them. It took a congressional investigation conducted by the Judiciary Committee of the House to eliminate the judge from his position of autocracy and power, and Mr. Ballinger resigned as Secretary of the Interior after investigation for reasons which it is unnecessary to state here.

THE NATION KNOWS ONLY PART OF THE STORY.

This fight which the Nation knows about is only incidental to the struggle on the part of progressive and courageous men and women of my State to drive from power men enthroned by special privilege. It was an awful struggle. Every form of vice conceivable in the ramifications of development of that splendid city—the queen city of the Northwest and the gateway to Alaska, a seacoast city—united forces with organized privilege.

Timber thieves, public-domain land sharks, white slavers, dive keepers, gamblers, smugglers, joined hands with the railroad

interests, the timber interests, the money lenders, the fisheries trust, the water-power syndicates, the coal operators.

The Guggenheims wanted Alaska, the Weyerhaeusers wanted the forests, the syndicates wanted the waterfalls, the Jim Hills wanted the franchises and the mountain passes, and the Morgans wanted the securities. Shrewd lawyers and wily politicians adopted their usual tactics.

Judges were corrupted, through privilege United States Senators were bought and sold, patronage was controlled, pardons were peddled to the faithful in case of judicial accidents, which seldom happened, and crimes were condoned. Railroad attorneys read proofs of and corrected supreme court decisions before they were handed down.

Injunctions were ever ready, and the man who offered to fight the gigantic organization was confronted with ruin, financial and social, and maybe had to get out of the country or go to jail.

Mr. EVANS. Will the gentleman yield?

Mr. BRYAN. I will.

Mr. EVANS. Will the gentleman cite an instance in which a United States Senator was bought?

Mr. BRYAN. I will not mention any names, but if the gentleman does not know that Senatorships have been bought and sold in this country, he is not well informed. I do remember where the Senator from Illinois, Mr. Lorimer, was expelled for that very kind of thing.

Mr. EVANS. The gentleman did not say "United States Senatorships," but "United States Senators."

Mr. BRYAN. When a Senatorship is purchased and a man takes the office, what is the difference?

It was against this kind of an organization that the present mayor of Seattle fought both in and out of the Democratic Party. There were many other men of courageous and progressive bearing who fought valiantly, holding the fort for justice and righteousness in the name of the people against the awful odds that were presented. Throughout all these struggles under the black flag of piracy, the privileged crew rallied around the Seattle Times, whose editor, fresh from Minneapolis, combined in himself the characteristics that made him close both to the lowest of the lawbreakers and to those who always seek the aid of the vicious, but pretend to keep aloof.

DIRECT PRIMARY AND EQUAL SUFFRAGE OPENS THE WAY.

There were triumphs and defeats until a great struggle came on for the United States Senatorship between the reactionaries on the one side and the people on the other. It was an awful struggle. The people turned to the direct primary as an opening wedge. Sentiment was created for such a law, and while the old gang, like booty highwaymen, fought among themselves for the senatorial toga of Senator Ankeny, the Walla Walla banker, which he had paid for once and was ready to pay for again, the enactment of a fairly good direct primary law was forced.

Following up the primary election victory before the old gang had really formed themselves under the new order, the Progressives broke through a weak spot in the enemy's center and passed a legislative act submitting a constitutional amendment for equal suffrage. While the forces of reaction and destruction were being marshaled to defeat the suffrage amendment, the Progressives organized for a new attack, a charge all along the line for the election of a real United States Senator, instead of a figurehead of privilege. The people's candidate was MILES POINDEXTER, then a Member of Congress. The country newspapers rose in their strength against the big dailies of the Blethen-Wilson-Perkins news syndicate in western Washington. The people rallied everywhere, the grange, the labor organizations, the Progressive clubs. Well, the fight was so determined that they forgot the suffrage amendment, and it carried with a big vote, while MILES POINDEXTER swept the State and was elected to the United States Senate. [Applause.]

THE OLD ORDER CHANGETH.

Then came reenforcements. The women raised the Stars and Stripes and then the flag meant something. Not now the "refuge of scoundrels," but a sword in the hands of the faithful. Seattle had been a stronghold of corruption. The black flag of piracy was honored above every sentiment of justice and righteousness. The gamblers wagered the gold of Alaska in dens of iniquity; the men that go down to the sea and the loggers that come in from the camps found a restricted district of crime and criminals, where they were further depraved and permitted to lounge until their money was gone; the pirates of privilege were collecting a tremendous toll from fallen women and the devotees of the traffic; saloons were unrestrained and their income was all sufficient for their itching palms; rent from crib houses to the associates and friends of the higher-ups amounted to a fortune each month; the city council was handing out franchises on petition of certain inright lawyers who were paid the fees; the corporations were reaping a glorious harvest; the rich were getting richer and the poor were getting poorer. With the black flag of piracy at the head of their column these forces were making a clean sweep in the city of Seattle. They were triumphing over equal opportunity. They knew no principle of the square deal, no law of love.

"IF THE WORLD WAS LOST THROUGH WOMAN SHE ALONE CAN SAVE IT."

Like Christian crusaders, with the zeal of the followers of Peter the Hermit, the women came into the fight as reenforcements for the Progressives. They showed the men what real patriotism means, they demonstrated the fact that there is no sincere love of the things for which the American flag stands without integrity of purpose; that true patriotism springs from the heart, that humanity and brotherly love is the source of the only patriotism. They loved Seattle for the human beings who lived there; they were ready to sacrifice time and comfort to establish a better moral code; they hated saloons and the denizens of the restricted district, because these agencies all tended to make the people miserable, and to rob their city of its splendid mission. A poetic sentiment, a vision of hope, of "destiny unknown" nerved them on.

"Queen of the West! Fair city of our hope!
Seated like Rome, upon her seven hills,
With majesty of mountain girt about,
And at thy feet the sea. Mist-swathed at dawn;
Banded with jewels, like the sky, at night.
The soft Pacific wave that laps thy feet
Urges thy freighted ships to distant shores,
Bringing the treasures of the East again.
Here is thy throne of beauty; here we see
The last great monument that man has set
To mark his slow and painful westward way.
Mother of giants yet to be, all hail!
Pulsing with joyous life in all thy veins,
Rich, warm, and young!

"How beautiful thou art!
Stretching thine arms to greet the Orient;
Gazing with eyes of mystery, to pierce
The far sea spaces; dreaming, motherlike;
The boundaries of thy power still unset,
The wonder of thy destiny unknown."

BY THE WOMAN VOTE THE GANG MAYOR WAS RECALLED.

The gang mayor was recalled and defeated by George Dilling, and a new régime was instituted. Later the present mayor, George F. Cotterill, was elected. The incidents of his administration up to the recent disturbance by the enlisted men are fully set forth in a comprehensive and absolutely fair statement of the mayor, published in the Seattle Sun of July 21. This statement I shall place in the RECORD as a part of these remarks.

Mayor Cotterill is a progressive Democrat in politics. He is the head of the International Order of Good Templars. He is a civil engineer of recognized ability in the Northwest. Six years ago he was elected to the State senate in a very largely Republican district, he running as a Democrat. He was elected mayor on a nonpartisan ticket. He is a Christian gentleman, chivalrous, and faithful to duty. He is thoroughly informed on leading topics, and is known and admitted to be one of the first men in the Northwest, both in ability and intelligence.

It is to this man that Alden J. Blethen referred when he used and caused to be published all over the United States in an Associated Press dispatch, to the disgrace of the city in which I live, the following language: "Advocate of anarchy, the leader of a red-flag gang, and a loathsome louse."

CONGRESSMEN GRAHAM AND M'COY CAN TELL OF THE BLETHEN CHARACTER.

I call special attention to the fact that a congressional committee from this House went to Seattle and investigated Judge Hanford. The gentleman from Illinois [Mr. GRAHAM] and the gentleman from New Jersey [Mr. MCCOY] were members of that committee. If any Member of this House desires to verify the diabolical act of Editor Blethen, of the Times, referred to by the mayor in his statement published as part of these remarks, as an incident to show the character of the man—I refer to the photograph episode—let him go to Congressman GRAHAM, who has in his possession a description of the low, vulgar pictures of a naked human base to which this corrupt advertiser, at the expense of the flag and of order, this "patriot" who foams and froths about socialism, caused the head of Dr. M. A. Matthews, the moderator of the Presbyterian Church in America, to be affixed so as to form a new composite portrait—Dr. Matthews, a man of piety, courage, and civic faithfulness, who was at the time urging a grand jury which later caused Blethen-supported dives to be put out of business and a Blethen chum, Chief of Police Wappenstein, to be put in the State penitentiary, where he is now serving his term. The dirty, filthy picture manufactured by this "patriot" exhibits

an awful crime against nature. I can not here give even a suggestion of the filthy details.

Is it any wonder that a man who could invent such a scheme to discredit a zealous and faithful pastor of national renown, engaged in a splendid work of reform, would consider a man like Mayor Cotterill "loathsome"?

Seattle's mayor correctly sets forth the trouble with this low, vulgar charlatan. It is not the red flag of the socialist he abhors; it is the white flag of the pure and innocent that goads him. It is not the danger of anarchy that wrings his heart; it is the absence from the city of objects for his lascivious camera that makes him mourn. It is not a fear that honest business will be injured by this new régime of righteousness and law enforcement that makes him plead for a wide-open town; it is his lessened income from illegitimate sources—blood money—and his own realization that certain retribution will fall upon him and his house unless he can force a change of administration and a return to the day of control by the vicious, the gamblers, and the corruptionists that makes him rave and wring his hands in anguish.

OUR OWN COLLEAGUES ARE EYEWITNESSES.

My colleagues, you know Congressman GRAHAM, of Illinois, and Congressman McCOY, of New Jersey. They sit with us here as colleagues, and they have the profound respect of everyone. They went to Seattle on a public mission. They are not partisan. Ask them about this man Alden J. Blethen, who has thus brought all this world-wide criticism upon my home city. See what they have to say about him and his filthy newspaper, and then consider, if you will, the brazen nature of a man who will thus by falsehood and cunning attempt to incite irresponsible sailors and marines to sack and despoil a happy and prosperous city—a Nero who would dance while the city of Seattle, on its hills, its peaceful lakes, and salten shores, is thrown into disorder and danger of bloodshed and riot.

I love the Puget Sound country and the city of Seattle, with its splendid spirit of virility and progress. Secretary Seward visited the little village in 1869, and in Harper's Magazine for September, 1870, Mrs. A. A. Denny, that sweet, gentle, and courageous character, who is known as the mother of Seattle, tells how Secretary Seward was amazed when he observed Puget Sound, "the Mediterranean of the Pacific."

The winter—

the author continues—

is as mild as an eastern spring. Snow seldom visits, and never lies long on the ground. The rosebud may be plucked in the open air at Christmas and geraniums gathered on New Year's Day. A singularly healthful and delightful climate. No sweltering heats of summer cause sleepless nights. No savage winter frosts cramp and pinch the feeble frames.

The SPEAKER. The time of the gentleman has expired.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BRYAN. The Seattle Daily Sun publishes the following statement by the mayor:

CITY EXECUTIVE TO-DAY FLAYS EDITOR WHO INSTIGATED RIOT—PREPARES PUBLIC STATEMENT, GOING INTO CAUSES OF POTLATCH WEEK TROUBLE—TELLS OF BLETHEN'S PROMISE TO BE GOOD AND DISREGARD OF PROMISE—SAYS RED FLAG HAS WAVED ONLY IN COLUMNS OF TIMES.

[By George F. Cotterill, mayor.]

A PUBLIC STATEMENT.

Now that the riot emergency has been safely passed, a plain statement to the people of Seattle is opportune.

First, permit me to express my devout thankfulness that a situation of such acute danger under stress conditions fraught with great possibilities of injury to life and property has been worked out without loss of life or serious personal injury. To the chief of police and the officers and men under his command, both from the police force and the reserves drawn from the fire department, a debt of public gratitude is due for faithful, tactful service, performed under great difficulties and largely on extra time beyond their hours of regular work and compensation. The cooperation of the naval and military officers in supplying adequate safeguards to protect against any recurrence of riotous and destructive actions is gratefully acknowledged. To the Tilikums, the "white-suit brigade," who rendered special volunteer service in conjunction with the police in the checking and suppression of rowdyism along parade routes and in crowded thoroughfares, this public acknowledgment is made. By all these and other agencies, combined with the abounding good nature and patient self-control of the truly patriotic masses of our people, the closing day of which began in doubt and danger, ended in safety, pleasure, and satisfaction, despite all contrary efforts of those interested in fomenting discord and inciting riot for selfish and political purposes.

TRIED TO PRESERVE ORDER.

I simply endeavored to do my duty in the preservation of public peace and order, the protection of life and property from the influences which were threatening them. In the same spirit with which during the days preceding the potlatch I had given personal attention in cooperation with various city officers to be certain that the grandstands, bridges, wharves, gangways, railways, platforms, and other places where carnival crowds would congregate should be abundantly safeguarded against the possibility of any such disaster as that recently occurring at Long Beach, so when the demonstration of riot danger came with continuing threats on Friday night, it was my plain duty to use the emergency means with which the charter authorizes the mayor to apply the police powers for public protection at critical times.

WHY PEOPLE ELECTED ME.

In the face of the characteristic and expected storm of abuse and falsehood from that most evil and dangerous influence in Seattle—the Seattle Daily Times—a calm and deliberate review statement is timely.

I was elected mayor of Seattle in March, 1912, after a bitter campaign made upon the distinctly moral issue of a clean city, enforcing the law requiring a suppressive, nonrecognition attitude against commercialized vice. This campaign and election verdict was in continuance and confirmation of that rendered by the people in February, 1911, when Mayor Dilling was chosen by recall of Mayor Gill and a law-enforcement policy against vice thereby directly ordered by the voters. My previous public service and lifetime advocacy of this and other moral reforms were well known and always plainly stated. When the people elected me in March, 1912, again defeating Mr. Gill, whose opposite opinions, record, and policy upon the pending moral questions were equally well known and clearly stated, the majority thereby again indicated its clear demand for law enforcement and a clean city. Through 16 months I have endeavored to be true to that trust.

APOLOGIST FOR VICE.

The same campaign and election also distinctly involved certain progressive, economic issues in advancement and defense of the people's interests against franchise abuses and other forms of plundering the public for corporation special privilege and private gain at public expense. The protection of our public-owned utilities, the increasing of their facilities for public service, the lowering of their rates as reducing cost conditions permit, and the extension of the just and economic principle of public ownership to other forms of public utilities as opportunity can be found upon a safe financial basis, supplanting private-monopoly tribute with public service at cost and leaving the profits in the people's pockets.

Through several campaigns involving these moral and economic reform questions the Seattle Daily Times has stood and to-day stands as the newspaper advocate and apologist for vice and vicious interests, for crime and criminals, for public plunder, and for various forms of personal and private monopoly, grafters, legalized and otherwise, who profit from public plunder.

From the time of my election this paper, dominated by its editor in chief, Alden J. Blethen, determined upon and has continuously pursued a policy intended to discredit and destroy my influence and efforts to do my duty along the lines for which the people elected me. It has stopped at no slander, falsehood, misrepresentation, plot, or conspiracy in its efforts to accomplish its vicious purpose. It furnished the publicity breath of life for an election contest which miserably collapsed and for the vice syndicate attempt at recall, which dragged through six months of stimulated existence until finally and officially exposed as a fiasco of fraud and forgeries worthy of its source.

TIMES PROMISED TO BE GOOD.

At the beginning of my term there was an ostentatious declaration that the Times, despite its previous career of vice-interest championship, with its accompanying grand jury indictments of Alden J. Blethen and associates for participation in unlawful and vicious practices and profits, would accept the twice-given verdict of the people and cooperate with the new administration for united civic advance under clean city conditions. Suppressing doubts, I accepted that assurance as personally and publicly given shortly after my election. The almost immediate violation of that pledged cooperation was a disappointment, but not a surprise. I was informed by a mutual friend that this lapse was probably due to the absence of Alden J. Blethen from the city and urged to present the entire situation to him immediately upon his return in early May. I did so, spending two or three hours in consultation with him. The particular points of the campaign of misrepresentation and falsehood which had been launched during his absence were presented and an investigation and remedy promised. A few days later I received a letter from Alden J. Blethen ratifying the policy of his subordinates. Since then all hope of reform or fairness in that quarter has been abandoned by me.

THOSE OBSCENE PHOTOGRAPHS.

In the light of the despicable tactics which have been subsequently employed, an incident of that consultation of May, 1912, will demonstrate the desperate resourcefulness of the dominating personal factor whose enmity I have deservedly earned. At that time Alden J. Blethen was bitter in his denunciation of Dr. Matthews, Prosecuting Attorney Murphy, and others connected with the grand jury which had indicted him. With singular boldness he forced upon my attention two disgraceful photographs bearing the heads of the two gentlemen above named upon human figures in indescribably loathsome relations. He—Alden J. Blethen—explained in detail how and why he had conceived the idea of these vile photographs, secured foundation pictures by searching out some indecencies from a Paris collection, engaged one of our best Seattle artists to combine them with perfect photographic skill with the heads and faces of Dr. Matthews and of Prosecuting Attorney Murphy. The name of the photographer and the price he paid him for the making of these faked exhibitions of degeneracy was part of the Blethen recital. The memory of that disgusting and criminal conception has been a constant reminder of public danger from a source capable of conjuring and perpetrating such an infamy.

"Patriotism is the last refuge of scoundrels."

FLAG FOR ADVERTISING.

The Seattle Daily Times seized the American flag for advertising purposes, and daily desecrates the flag and denies or degrades the principles for which it stands.

Its specialty for 16 months has been a "red-flag campaign" for political effect in the desired destruction of Mayor Cotterill for the restoration of "wide-open" vice conditions and the unchecked rule of private monopoly corporations. The Times' misrepresentations have gone unanswered by me and largely unchallenged by anyone. Denial of Times' falsehoods is waste energy, for the reason underlying the dismissal of the latest Blethen indictment, viz, that the Times can not be guilty of libel because it is not necessary that its articles should be true. The people do not expect the truth from the Times.

What are the facts about this "red-flag agitation," "anarchist street speakers," etc.?

LAW, NOT "POLICY."

From the time I became mayor of the city of Seattle I have directed constantly that in the making of arrests without warrant no person shall be thus arrested unless the officer making the arrest has information of his own knowledge or evidence from some other person upon which to base a definite charge for the violation of some law or ordinance. So far as I have controlling influence, there has been and shall be no dragging of people to jail for detention and release without charge, or for nominal charge unsustained by evidence and expecting dismissal by the police judge.

The police department of this city is under orders to enforce the laws of Washington and the ordinances of Seattle—not any "mayor's policy."

ATTACKS ON FLAG PROHIBITED.

Free speech has been and shall be maintained in Seattle, subject only to laws and ordinances dealing with the abuse of it. The test of free speech is not my belief in or agreement with what the speaker says. It is popular in certain quarters to decry the "soap-box orator," and other choice epithets applied to street speaking. There is no law or ordinance prohibiting street speaking. When any street speaker unreasonably obstructs traffic, or uses profane, obscene, threatening, treasonable, flag-deriding, or riot-inciting language, either on the street or elsewhere, that speaker is not only abusing free speech but is violating some specific State law or city ordinance. From the beginning of my term as mayor it has been my constant and repeated instruction to police officers, through the chief, that any such abuse heard or observed by any officer, or brought to his attention by any hearer or observer able to furnish evidence, shall be promptly dealt with by arrest for the specific offense. When complaint has been brought to my attention of any such offense I have invariably called upon the complainant to support his charge with evidence, that an arrest and prosecution might follow. On occasion, when the Seattle Times has printed quoted treasonable statements alleged to have been made by some speaker, I have demanded from the reporter or city editor that they support by evidence a prosecution in the particular case which they claim to have heard. Such request has been refused.

ONLY ASKS EVIDENCE.

I can not lawfully, nor will I arbitrarily, attempt to suppress or curtail free speech anywhere on suspicion or rumor or Seattle Times' lies, even though their reiteration without answer may deceive a few people into belief. There may have been some abuse of free speech, just as the Seattle Times almost daily abuses the companion principle of a "free press," but no speaker has done so or can do so by authority or encouragement from the mayor of this city. Let me say publicly, what I have said a hundred times since becoming mayor, that if any person hears any speaker, on the street or elsewhere, using language or uttering sentiments in violation of any law or ordinance, have enough civic patriotism to give that information to the nearest officer, or to the chief of police, or to the mayor, and be willing to furnish the necessary evidence for a prosecution and a wholesome public example if the offender be found guilty. Policemen are not sufficiently numerous in Seattle to attend as auditors or censors throughout every street or other public meeting. They have other important duties, but they will always be found ready to act promptly on violations under their notice or brought to their attention.

The cold facts are that most of the "anarchist street speaking" occurs in the columns of the Seattle Times, and nowhere else. The usual complaint which comes to my attention simmers down to a difference of opinion between the auditor and the speaker on some question of religious or political belief involving no violation of law. I am a fundamental progressive Democrat, but I have no desire as a citizen nor as mayor to limit the fullest educational presentation of any and every other form of political belief, however much I may disagree with it.

Free speech shall be protected in Seattle to the limit of my power as mayor, and its abuse punished to the extent official knowledge and adequate proof of law violation can be brought to bear upon it.

NO RED FLAGS DISPLAYED.

Notwithstanding the fact that there has been an utter absence of any law or ordinance prohibiting the use of any red flag or banner any more than a yellow, green, or blue one, the only real "red-flag agitation" there has been in Seattle has been in the Seattle Daily Times as stock in trade for its destructive political purposes. It can be abundantly demonstrated by detail evidence that without the use of arbitrary power, but by more effective counsel and influence, the red flag has not been used in any procession or at any street meeting to my knowledge in Seattle since May 1, 1912. The banner then used in the Socialist celebration was carried contrary to my warning and counsel, but was accompanied by an American flag at the head of the procession. This arrangement was exactly in accordance with the request of a large committee representing all the local patriotic organizations.

PEACE PRESERVED.

During the 15 months following that procession the only red-flag carrying has been in the Seattle Times' riot-inciting articles. It may be that within their halls or headquarters, just as lodges have their banners, the Socialists or Industrial Workers may have a banner of that color on their walls. I have had no occasion to enter or attend their meetings and have no detail knowledge on that point. I do know that since the Times' manufactured, grossly exaggerated incident of 15 months ago no red banners have been carried by Socialists or Industrial Workers, and the public peace has been absolutely preserved despite the constant nagging and aggravation of the situation by the Seattle Times.

My attitude throughout has been one of constant warning and counsel against anything resembling red-flag carrying, and I have secured results without official tyranny.

"CAREFULLY PREPARED BOMB."

Such has been my attitude, record, and results along these lines of Times misrepresentations. So long as I felt able to preserve the public peace regardless, I paid no attention to its ulterior but transparent falsehoods. Although constantly seeking to incite riots, it was as impotent as it was false. Its "wolf, wolf," is an old story to Seattle citizens. On Friday, July 18, however, the Times deliberately threw a carefully prepared bomb into the Potlatch situation powder mill. An ordinary drunken-sailor street fight, occasioned by an attack upon a harmless woman speaker, was quickly and thoroughly handled by the police without serious injury to anyone. It was deliberately distorted by the Times into an organized attack by the Industrial Workers upon helpless soldiers and sailors. This report was shrewdly combined with a similarly distorted and exaggerated reference to the speech of Secretary of the Navy Daniels at the Rainier Club banquet. The net and intended effect of the publication was to incite the riotous attack which followed that evening, with the destruction of property and danger to human life attending it.

The climax day of the Potlatch was at hand and I applied every power at command to preserve the peace and prevent renewed rioting and threats to life and property. I will not comment upon the demonstration that a riot-inciting newspaper is superior to the emergency and protective police powers placed by its charter in the mayor as the supposedly representative peace officer for 295,000 people. Let the future solve that problem.

HAD FOUR HOURS' SLEEP.

I tried to do my duty as I saw it. I had 4 hours' sleep during the last 48 of the Potlatch, and the remainder was spent in public duty striving to protect and assure the public safety. I did not at any time "hide away" from service of any papers, and never for a moment indicated or suggested a possibility of disobeying the order of any court regardless of my opinion concerning it. The talk or threat of "bench warrants" or arrests never came to my notice until I read of it (in the Times) the next day. I constantly sought and followed the advice of the corporation counsel as my legal adviser in public duty. I went with that officer, as was my right and duty, to the court room of Judge Humphries, and a request was there made to present the evidence of the chief of police and myself as to the public necessity of the case in the hope of modifying the court's order, which had been granted without knowledge or hearing of the city's side. That request of the city was denied, and the court in refusing us the opportunity to be heard took occasion to spend half an hour or more in what the Times calls a "lecture." To just the extent of the time consumed in my respectful attention to that "lecture" of Judge Humphries the publication of the Times was delayed beyond what would otherwise have occurred. I simply awaited the conclusion of the "lecture," which included his ruling, to get the order to the police at the Times Building to release the situation. It would most certainly have been contempt of court for the chief of police or myself to have left the court room to go to a phone and transmit the order while Judge Humphries was directly addressing us. Perhaps we needed the half hour's "lecture" more than the people needed the Seattle Times.

REGARDING RECALL.

I have no apology to make for being British born nor that my father had the good judgment to choose America as our home when I was 4 years old, and thereby to endow me with the privilege of an American education, environment, and citizenship, with a patriotism that means service and not advertising. I love the flag for its principles, not for opportunity to plunder behind its folds. The Seattle Times may organize a new vice-syndicate attempt at my recall as fast as it chooses, and not a single technical objection will be placed in its path.

I have lived 29 years of open life in Seattle from boyhood, and Alden J. Blethen is welcome to find the spots upon it, and if not, to manufacture more fake photographs.

"Let the heathen rage and the people imagine a vain thing."

If I can be blown down by a putrid blast from the Seattle Times, I have no right or desire to publicly serve in a community which prefers government by one newspaper editor serving vice and plunder to government by the people for their own interest.

Its editor may spew, slime, and threaten suits, but so long as I am mayor of Seattle I will use every power at my command to fulfill the public trust imposed upon me in behalf of all the people and for their public service and safety.

GEO. F. COTTERILL, *Mayor.*

The Seattle Daily Sun contains the following editorial:

CAUSE OF FRIDAY'S RIOT.

Now that the smoke has cleared away and a calm and dispassionate judgment can be given of the causes leading up to the dangerous riot of last Friday night, the fact stands grimly out that but for the incendiary articles printed in the Seattle Times there would have been no riot and the fair name of the city would not have been besmirched.

It matters not how the fighting between a handful of I. W. W.'s and a squad of sailors began.

The Times exploited the affair and aroused a mob.

It took a most reckless course, jeopardizing the lives and property of the people of Seattle.

By great good fortune the crisis passed without a bloody battle in the streets and the application of incendiary torches.

If we are to have mob law instead of legally constituted laws, with order and safety, then only was the course of the Times justifiable.

But the Sun does not believe that the majority of the people of this city want mob law, no matter how strongly they may disapprove of the views of the I. W. W.'s.

When the Times leads a mob it becomes itself an I. W. W. to all intents and purposes, encouraging lawlessness and the destruction of property, just as the I. W. W.'s do.

The plain truth of the whole matter is that the Times was again befouling the American flag by using it for cheap advertising purposes. The wild, frothing outfit which edit that newspaper have no more real patriotism than the average law-abiding citizen possesses, and probably not half so much, but it has been one of the old dodges of the sheet to howl day after day about its marvelous loyalty to Old Glory and to print pictures in color of the flag, time and again, on billboards and on its front page, in a strenuous effort to make the public believe that everybody in the establishment would die martyrs' deaths in case the flag was attacked.

When the Times burned out a few months ago, owing to somebody dropping a cigarette stub in the waste paper in C. B. Blethen's upstairs office, the Times sought to make capital out of the incident by alleging that red-handed anarchists had tried to destroy the paper because of its loyalty to Old Glory.

And when its building was rebuilt the Times staff got up on the roof with a number of unwilling guests and made a fine spectacle by shooting bombs in the air and raising Ned in an effort to parade their patriotism.

The whole business caused ridicule from one end of town to the other.

The law forbids the use of the American flag for advertising purposes, but the Blethens use it freely upon every possible occasion.

It is the insane arrogance marking the conduct of the Times that has done more to discredit it than all other things combined.

The San Francisco Call says editorially of the disturbance in Seattle:

There is one dangerous result that may follow from the Seattle riot. It was created by uniformed men, who are supposed to be guardians of the peace and preservers of liberty. If soldiers and sailors take to rioting against civilians, no matter what the political views of the latter may be, it can hardly be expected that the lawless tendencies of the soap-box orators will be restrained; but, on the contrary, that rioting by the advocates of order will lead to rioting by the forces of disorder.

Mayor Cotterill, a Democrat and social uplifter, against whose administration, because he has made Seattle what is called a closed town, there has been much agitation by the agents of corruption and their supporters, seems to have acted with firmness and promptness in his attempt to suppress any further rioting. For their own good name and that of the coast the citizens of Seattle should support him unitedly until peace is restored.

The following is taken from the Seattle Daily Sun concerning the first altercation, alleged to have been the cause of the trouble.

Sworn affidavits of persons who saw or took part in Thursday night's fight and official reports of Army officers all go to show the truth of the following account.

REAL NAME BOEHMKE.

Wallace's real name is Boehmke. He is a sergeant at Fort Worden. He was injured in a street fight Thursday night, when he and two companions insulted a woman's rights speaker at Washington Street.

She was Mrs. Annie Miller, who is not a member of the I. W. W., and who made absolutely no reference to the red flag in her remarks. When Boehmke was taken to the police station with two companions he gave the name "Wallace." His companions gave their true names of Sergt. Frank Santerre and Pvt. Patrick Coyle.

All three were suffering with merely slight bruises and injuries, and were discharged from the city hospital in two hours. None of them was even near death, officers at the fort say.

FALSE IN NEARLY ALL DETAILS.

Accounts of this fight, which are being gathered by means of affidavits, say that the Times' account of this, which is combined with a perverted account of Secretary Daniels's speech at the Rainier Club, was false in almost every detail. In the Times story it was made to appear that the soldiers were set upon by members of the I. W. W. as a result of their resenting slurring remarks against the uniform. Facts, as gathered in affidavits from spectators, show:

That Mrs. Annie Miller, a street speaker, hired a stand and placed it at Washington Street, near Occidental. At the beginning of her talk a large sailor told her she had better "shut up," as, being a woman, she had always been a slave. Mrs. Miller paid no attention to him, and he disappeared.

About 15 minutes later he returned with other companions. They were all in various stages of intoxication, from "half shot" to "paralyzed." They began an attempt to break up the meeting by jeering. Mrs. Miller replied by advising them to be gentlemen and to respect her rights. They were persistent, profane, and obscene, and the meeting was closed. Uniformed men then took positions on the stool and conducted a mock meeting. At one time three of them tried to stand on it.

WAS ABOUT TO STRIKE WOMAN.

The crowd laughed at this, taking it as a drunken prank. Mrs. Miller, after a few minutes, attempted to get her stand back, to return it to the person from whom she rented it. The men in uniforms would not give it up. Several men then tried to get the stool, and Mrs. Miller tried again.

The large sailor who had first called her a slave and advised her to "shut up" raised his fist to strike her. A large, well-dressed man, with a diamond ring, who bore no resemblance to the typical I. W. W., then broke in.

"You would strike a woman!" he shouted, and struck the sailor with his fist a number of times. Mrs. Miller was then grabbed by one of the men, but escaped from the crowd through the aid of spectators. The fight started as she was being carried out. This developed into a general mêlée, which was stopped only by the arrival of the police, who rescued the men in uniforms and took them to the city hospital, where they were treated. It was there that Boehmke gave the name "Wallace."

Mr. CLAYTON. Mr. Speaker, I will ask the gentleman from Kansas to use his two minutes.

Mr. MANN. The gentleman from Kansas yielded his two minutes to me.

Mr. MURDOCK. I did, but I would like to have them back.

Mr. MANN. I yield back the two minutes to the gentleman from Kansas.

Mr. MURDOCK. I then yield two minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Speaker, I have listened to this debate, going on as it has for five or six hours, with a great deal of interest, and I have been very much interested during the filibuster for the past week or two to know what would become of this matter. If there is anything in the question at all that is of interest to the people it is the question whether justice goes unbought in this country, whether some interests can go to the Department of Justice and get advantages or privileges that are denied to people generally. It seems to me that this discussion, side-stepping an issue of great importance, has degenerated into a mere scrap between the two old parties. The Republican Party makes charges against the Democratic administration, and the answer to those charges are countercharges and recriminations on the part of the Democrats. The Republicans in all this debate practically say, "See what your Attorney General has done"; the Democrats say, "Well, see what your Attorney General has done"; all of which goes to show the people that perhaps there is more than mere suspicion behind the charges that there are privileges enjoyed by some that are not enjoyed by others. As I have heard these recriminations and scrappings and maneuvers for political advantage go on day after day, I am reminded of the case of the Kilkenny cats. You will remember how the doggerel goes:

There was once two cats in Kilkenny,
And each thought there was one cat too many;
And they fought and they bit, and they squalled and they spit,
Until prisently 'stead of two cats in Kilkenny
Be gorra th' wasn't any.

And these two old parties are proving by their recriminations and scrappings and maneuvers for political advantage that there is one law for the strong and another law for the weak; that "privilege" exists, while the thinking people of the country will conclude, "a plague upon both your houses."

Mr. MANN. Mr. Speaker, I ask to be recognized for one minute. If I had a little more time, I would criticize the action of the Attorney General in reference to these cases, and possibly the action of the President of the United States. There are, however, some things that these gentlemen have done that we do not wish to criticize and in which we all agree. I want now to congratulate the President of the United States and his Attorney General upon an act which has been recently performed by the President, undoubtedly with the approval and possibly on the advice of the Attorney General, and also to congratulate this House on the nomination and confirmation of one of its ablest and truest Members as Solicitor General of the United States. JOHN WILLIAM DAVIS, we all take off our hats to you. [Applause.]

Mr. CLAYTON. Mr. Speaker, this is indeed a pleasant diversion. I desire to depart from the resolution under discussion long enough to concur in the handsome tribute so deservedly paid to my associate on the Committee on the Judiciary, Mr. DAVIS of West Virginia. I want to thank the gentleman from Illinois for his thoughtfulness in bringing this particular matter to the attention of the House and for the graceful way in which he has referred to our most worthy colleague. I desire to say here that JOHN WILLIAM DAVIS is not only a lawyer of great acquired ability, but he is a natural lawyer. I sometimes think that it takes the hand of God Almighty to help make a great lawyer, because in some sort of way a man's brain must be so constructed in the beginning that he have the power of analysis, a natural analytical mind, so that by the development, through study and industry, of his powers he may become truly a great lawyer. No man without the power of analysis can become a great lawyer.

I am indeed gratified that the President of the United States and the Attorney General have seen fit to choose our distinguished colleague for this high position, and I am also gratified that the distinguished leader of the minority, as do all of us, concurs in the proposition that this honor has been most worthily bestowed. [Applause.]

Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. FITZHENRY].

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, if it should develop that there be no quorum present in the House and the House should adjourn, would this debate go over until next Friday under the order of the House?

The SPEAKER. The debate on this matter would be in order right after the reading of the Journal and the routine business upon Friday.

Mr. MANN. I understood that the gentleman from Alabama desired to make a few remarks, and he requested me, if I should feel disposed to make a point of order of no quorum, to permit him to make a few suggestions. I feel disposed to make the point of no quorum, because I think the gentleman from Alabama ought to have an opportunity to address the House when the House is fresh.

Mr. CLAYTON. Mr. Speaker, in reply to the suggestion made by the gentleman from Illinois [Mr. MANN] I have to say that I presumed the gentleman would insist this afternoon, as he has insisted heretofore, upon a roll call, and perhaps also the question would be raised either directly or indirectly, either in that way or otherwise, of the absence of a quorum. It is now within six minutes of the hour of 5. I have no desire to burden the House with any lengthy remarks of mine this afternoon. My friend Mr. FITZHENRY, of the Committee on the Judiciary, desires 10 minutes, and preferably he would rather deliver his speech at the next sitting of the House. For myself, it is immaterial. I am ready now or will be ready then, but I

think I owe it to the House to accede to the suggestion made by the gentleman from Illinois after I have made a brief statement.

Mr. Speaker, this unfounded and unjustifiable attack being made upon the Attorney General is only a part of the attack made upon him in different parts of the country, and I charge here that that attack is made in behalf of special interests who wish to destroy this able, fearless, and conscientious head of the Department of Justice.

Of course, the gentleman from California [Mr. KAHN] is one of the innocent instruments of special interests, for instance, like the Tobacco Trust and illegal railroad combinations, who are trying to destroy a great and a faithful officer. And as illustrative of this effort and of this well-systematized purpose to destroy this faithful official, I call the attention of the House and the country to this untruthful and unjustifiable utterance that I find printed in one of the morning papers under the date line of New York, July 29, saying:

Reports from the Department of Justice indicate that under the interpretation placed on the Mann White Slave Act by Attorney General McReynolds, the Caminetti-Diggs white-slave cases in California may not be brought to prosecution.

It is understood that the Attorney General has issued directions to all the United States attorneys that no prosecutions be brought under the Mann Act except those in which the defendant is shown to be sharing in the profits of the white-slave traffic.

I hold in my hand a copy of an authorized statement made by this high official of our Government. Under a sense of official responsibility, and in the presence of the American people, and in refutation of the unfounded charge, this statement is made by the Attorney General, and it will be found in the press, if not this afternoon, to-morrow morning. I have been this moment told that it has already been printed in one of the afternoon papers of this city. This is the statement made by the Attorney General:

The following statement was given out to-day at the Department of Justice in reference to the article in a local morning paper, purporting to be a quotation from a New York paper, to the effect that, under an interpretation placed by the Attorney General upon the white-slave traffic act, the Diggs-Caminetti cases in California may not be brought to trial, and that instructions had been issued to all United States attorneys confining the enforcement of the act to cases in which the defendants participate in the profits of the white-slave traffic:

"These statements are wholly incorrect and misleading. No construction has been placed by the Attorney General or by the department upon the white-slave traffic act which will interfere with the prosecution of the Diggs-Caminetti cases. Those cases are set for trial, and the department confidently expects that they will be tried, on August 5. They are in the hands of eminent special counsel, who have been directed to proceed without delay.

"As to the second statement, no general instructions have been issued to United States attorneys as to the enforcement of the white-slave traffic or as to the construction to be given it. In the enforcement of the act the general policy established during the previous administration has been adhered to."

[Applause.]

And there is nothing in the Diggs-Caminetti cases that shows any departure from the course pursued by the Department of Justice when predecessors of Mr. McReynolds were in that high office.

I hold in my hand the records in cases similar to this, where Attorney General Wickersham—and I am not questioning the propriety of his action—not only continued cases, but he instructed public officials to discontinue their efforts in the prosecution of some cases under the white-slave act. And I think that his conduct, if open to criticism, and if in following Mr. Wickersham in any respect this Attorney General has erred, it is the error that comes from following precedents and not an error from any intention to shield a criminal so that he might go unwhipped of justice.

You have in the person of the present Attorney General a great lawyer, a brave man, and a conscientious public servant, who has concealed nothing, who has nothing to conceal, who invites the fullest measure of criticism; and to show that he has not merited any criticism, the puny politics played by the gentleman from California [Mr. KAHN] here to-day, in the useless consumption of public time, that gentleman has not dared to attack the integrity, official or personal, of James C. McReynolds. [Applause on the Democratic side.]

Mr. Speaker, I accede to the request made by the gentleman from Illinois [Mr. MANN], and reserve the balance of my time until the next meeting of the House.

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. MANN] to withhold his point of order until a short message from the President of the United States can be read.

Mr. MANN. I have not made it yet.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ARTISTIC CHARACTER OF STRUCTURES OF PANAMA CANAL (S. DOC. NO. 146).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Interstate and Foreign Commerce and the message ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Commission of Fine Arts, containing their recommendations regarding the artistic character of the structures of the Panama Canal, made in pursuance of the authority contained in section 4 of the act of Congress to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, approved August 24, 1912.

WOODROW WILSON.

THE WHITE HOUSE, *July 29, 1913.*

The SPEAKER. The Chair will state that there is a note attached to that message, which says that the documents are sent to the Senate.

Mr. MANN. Mr. Speaker, we could not hear the statement made by the Speaker. I do not know whether it was addressed to the House or not.

The SPEAKER. The statement of the Chair was that there is a note attached to the message, which says that the documents are sent to the Senate.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that I may extend and revise my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. CHURCH] asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. THOMSON of Illinois, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the claim of George Q. Allen, S. 4535, Sixtieth Congress, second session, no adverse report having been made thereon.

ADJOURNMENT.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. CLAYTON. Mr. Speaker, it is evident that there is no quorum present. It is now after 5 o'clock, and the evening is hot. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned, under the previous order, until Friday, August 1, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of the Interior submitting an estimate of appropriation in the sum of $92 to reimburse William H. Galbreath for expenses incurred in going from Durango, Colo., to Muskogee, Okla., and return in February, 1911 (H. Doc. No. 168), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. J. M. C. SMITH: A bill (H. R. 7147) to increase the wages of all employees of the Treasury Department—firemen, watchmen, janitors, and day laborers; to the Committee on Expenditures in the Treasury Department.

By Mr. JOHNSON of Kentucky: A bill (H. R. 7148) to repeal an act entitled "An act to incorporate the Washington Market Co.," and for other purposes; to the Committee on the District of Columbia.

By Mr. SMITH of New York (by request): A bill (H. R. 7149) to authorize the construction and maintenance of a railroad tunnel under the waters of Buffalo River in the city of Buffalo, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 7150) to provide for the inspection in any State having an inspection system of any fruit, seed, or plant which the State requires to be inspected; to the Committee on Agriculture.

Also, a bill (H. R. 7151) to provide for the inspection of any parcel sent by mail which contains field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit, fruit

pits, and other seeds of fruits, and ornamental trees or shrubs, or cotton seed and other plants, and plants produced for propagation, except field, vegetable, and flower seeds, and bulbs and roots, at point of delivery in any post office of the United States that requests such inspection and where the requisite inspectors are provided by the States to perform such service; to the Committee on Agriculture.

By Mr. DOREMUS: A bill (H. R. 7152) to authorize and empower the Public Health Service to collect, maintain, and make available plans and descriptive matter relative to hospitals, asylums, dispensaries, and like institutions, and make provision therefor; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7153) requiring all ocean and lake going vessels propelled by machinery and over 15 gross tons to carry a message case for the purpose of communicating any accident on shipboard to people on shore when no other means are available; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Utah: A bill (H. R. 7154) to provide for the purchase of a site and the erection of a building thereon at the city of Ephraim, State of Utah, and making appropriation for the same; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of North Dakota: A bill (H. R. 7155) to create Bismarck, N. Dak., in the district of Dakota, a subport of entry; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 7156) for the protection of foodstuffs in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAVENNER: A bill (H. R. 7157) providing for the construction of a bridge between the Rock Island Arsenal, Rock Island, Ill., and the city of Moline, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7158) providing for the appropriation of $5,000 as a part contribution for a monument to mark the site of Fort Edward at Warsaw, Hancock County, Ill.; to the Committee on Appropriations.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 112) providing for the appointment of a joint committee from the Senate and House of Representatives to consider the question of our relations with Mexico growing out of the present disturbed conditions in that country; to the Committee on Rules.

By Mr. SMITH of Texas: Joint resolution (H. J. Res. 113) to repeal Senate joint resolution entitled "Joint resolution to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States," approved March 14, 1912; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLANCY: A bill (H. R. 7159) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of George W. Armstrong, jr.; to the Committee on Naval Affairs.

By Mr. DICKINSON: A bill (H. R. 7160) for the relief of the estate of Jacob Keeney, deceased; to the Committee on War Claims.

By Mr. DOREMUS: A bill (H. R. 7161) granting a pension to Guy I. Church; to the Committee on Pensions.

Also, a bill (H. R. 7162) granting a pension to Frank Morgan; to the Committee on Pensions.

Also, a bill (H. R. 7163) granting a pension to Catherine Coleman; to the Committee on Pensions.

Also, a bill (H. R. 7164) granting a pension to Mary Rush; to the Committee on Pensions.

Also, a bill (H. R. 7165) granting a pension to Antoinette Scholz; to the Committee on Pensions.

Also, a bill (H. R. 7166) granting a pension to Sarah J. Donaghy; to the Committee on Pensions.

Also, a bill (H. R. 7167) granting a pension to Percy M. Angle; to the Committee on Pensions.

Also, a bill (H. R. 7168) granting a pension to John T. Cunningham; to the Committee on Pensions.

Also, a bill (H. R. 7169) granting a pension to Eliza M. Tripp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7170) granting a pension to Mary A. Seele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7171) granting a pension to Nettie Weidenbein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7172) granting a pension to Lizzie J. Hoadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7173) granting a pension to Melissa L. Gomersall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7174) granting a pension to Mary A. O'Donnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7175) granting a pension to Nellie P. Dertinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7176) granting a pension to Mary Colby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7177) granting a pension to Frederick Leidenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7178) granting a pension to John Zanger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7179) granting a pension to George H. Lozon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7180) granting a pension to Edward Domine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7181) granting a pension to Mary Dunn; to the Committee on Pensions.

Also, a bill (H. R. 7182) granting an increase of pension to Riley Denman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7183) granting an increase of pension to Lewis B. Moon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7184) granting an increase of pension to Rhoda M. Le Gros; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7185) granting an increase of pension to Hannah Anglin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7186) granting an increase of pension to Nazaire Beaupre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7187) granting an increase of pension to Aphia M. Hough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7188) granting an increase of pension to Patrick Culhan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7189) for the relief of Lewis F. Phister; to the Committee on Claims.

Also, a bill (H. R. 7190) for the relief of Patrick Powell; to the Committee on Claims.

Also, a bill (H. R. 7191) for the relief of M. Hubert O'Brien; to the Committee on Claims.

Also, a bill (H. R. 7192) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: A bill (H. R. 7193) granting a pension to James Dolan; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy; to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 7195) granting an increase of pension to Isaac Lint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7196) granting an increase of pension to Mary R. Clarke; to the Committee on Invalid Pensions.

By Mr. MURRAY of Massachusetts: A bill (H. R. 7197) for the relief of James L. Dalton; to the Committee on Claims.

By Mr. STEPHENS of California: A bill (H. R. 7198) granting an increase of pension to James Ferguson; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 7199) granting a pension to Albert Rist; to the Committee on Pensions.

Also, a bill (H. R. 7200) granting a pension to William H. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7201) granting an increase of pension to Aries Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7202) granting an increase of pension to Andrew J. Oiler; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 7203) granting a pension to John W. McAndraws; to the Committee on Pensions.

By Mr. TUTTLE: A bill (H. R. 7204) granting an increase of pension to Mary T. Winans; to the Committee on Invalid Pensions.

By Mr. VAUGHAN: A bill (H. R. 7205) to correct the military record of H. S. Hathaway; to the Committee on Military Affairs.

By Mr. SHARP: Joint resolution (H. J. Res. 111) to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the McKinley Club, of Canton, Ohio, protesting against removing the portrait of William McKinley from post cards and substituting that of

Thomas Jefferson; to the Committee on the Post Office and Post Roads.

Also (by request), petitions of delegates from Locals Nos. 374, 444, 460, 470, and 504, and from George W. Dolan, Local No. 460, of Chicago, Ill., urging the carrying on by the Government of the work of deepening and broadening sounds and of the dredge work on the Great Lakes; to the Committee on Rivers and Harbors.

By Mr. BROUSSARD: Petition of Elie H. Flory, of Broussard, La., praying that his claim for property confiscated during the Rebellion be referred to the Court of Claims; to the Committee on War Claims.

By Mr. DALE: Petitions of the Pioneer Life Insurance Co., of Fargo, N. Dak., and the Maryland Life Insurance Co., of Baltimore, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the National German-American Alliance of the United States of America, of Philadelphia, Pa., protesting against a duty on German books; to the Committee on Ways and Means.

By Mr. DYER: Petitions of the Maryland Life Insurance Co., of Baltimore, and the Pioneer Life Insurance Co., of Fargo, N. Dak., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Western Fruit Jobbers' Association of America at Denver, Colo., protesting against a duty on bananas; to the Committee on Ways and Means.

Also, petition of C. B. Thompson, of New Orleans, La., protesting against the Clarke cotton-future tax amendment to the tariff bill; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the National Civil Service Reform League, protesting against the clause in the tariff bill referring to appointment of agents and inspectors relative to income-tax work without having passed the civil-service examination; to the Committee on Ways and Means.

Also, petition of the Scranton Life Insurance Co., of Scranton, Pa., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Interstate Cotton and Crushers' Association, protesting against the duty on colored oleomargarine and against the prohibitive duty on cottonseed oil by the Austro-Hungarian Government; to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Chamber of Commerce of Watsonville and the Pajaro Valley, favoring the passage of the bill granting 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the ninth annual convention of California Branch, United National Association of Post Office Clerks, opposing any change in the so-called Reilly eight-hour law; to the Committee on Labor.

By Mr. LONERGAN: Petition of the Banana Buyers' Protective Association (Inc.), of New York City, protesting against a tariff on bananas; to the Committee on Ways and Means.

By Mr. MURRAY of Massachusetts: Petition of the harbor and land commissioners of the Commonwealth of Massachusetts, requesting that the policy of the United States with regard to the improvement of rivers and harbors be so extended that it will permit cooperation of the various States; to the Committee on Rivers and Harbors.

By Mr. RAKER: Petition of the board of supervisors of Trinity County, Cal., favoring the reestablishment of the United States land office at Redding, as provided by H. R. 5490; to the Committee on the Public Lands.

By Mr. J. M. C. SMITH: Petition of sundry employees of the Treasury Department, asking for an increase in salary; to the Committee on Appropriations.

Also, petitions of the Pioneer Life Insurance Co., of North Dakota, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of 21 merchants of Charlotte, Mich., protesting against certain provisions of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the State of Michigan, protesting against certain provisions of the parcel post, and of H. P. Hathaway, against sending of "held for postage" cards; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of the Los Angeles Chamber of Commerce, of Los Angeles, Cal., favoring the passage of the Nelson-Madden consular bill (S. 134 and H. R. 1723); to the Committee on Foreign Affairs.

By Mr. WILSON of New York: Petition of the National German-American Alliance of Philadelphia, Pa., protesting against a duty on German books; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July 30, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read.

Mr. GALLINGER. I ask that the part of the Journal be again read at the point where the tariff bill was taken up.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

On motion of Mr. SIMMONS, the Senate, as in Committee of the Whole, resumed the consideration of H. R. 3321——

Mr. GALLINGER. I desire to call attention to the fact (and I notice that that phraseology has been heretofore used in the Journal) that it was not on motion but that by unanimous consent the bill was taken up. I ask to have that correction made, for the reason that those of us on this side are quite willing that the bill shall always be taken up by unanimous consent, and that has been the request which the Senator from North Carolina has made day by day.

The VICE PRESIDENT. That correction will be made, and with that correction, if there be no other, the Journal will stand approved as read.

Mr. GALLINGER. I ask that the Journals covering the period of the consideration of the tariff bill be corrected to correspond to the correction that was made in the Journal this morning, showing that the tariff bill has been taken up by unanimous consent.

The VICE PRESIDENT. That correction will be ordered, so as to show that the bill was taken up by unanimous consent, that being within the knowledge of the Chair.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 2374) providing for the care of the Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay, reported it with an amendment and submitted a report (No. 90) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2715) to amend the military record of John P. Fitzgerald, reported it without amendment and submitted a report (No. 91) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 2856) providing for the retirement of certain medical officers of the Army (with accompanying paper); to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 2857) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on Claims.

A bill (S. 2858) granting a pension to Phebe W. Chase; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2859) waiving the age limit for the appointment as assistant surgeon in the Medical Reserve Corps in the United States Navy in the case of M. B. Bransford; to the Committee on Naval Affairs.

WITHDRAWAL OF GOVERNMENT DEPOSITS, ETC.

Mr. LEWIS. I introduce a joint resolution which I ask to have read and that it take the usual course.

The joint resolution (S. J. Res. 61) authorizing the Secretary of the Treasury under certain conditions when established to withdraw Government deposits from certain institutions and to withdraw charters and to prevent further enjoyment of the same, was read the first time by its title.

The VICE PRESIDENT. Does the Senator from Illinois desire to have the joint resolution read at length?

Mr. LEWIS. I should like to have the joint resolution read at this time, Mr. President.

The VICE PRESIDENT. It will be read at length.

The joint resolution was read the second time at length, as follows:

Senate joint resolution (S. J. Res. 61) authorizing the Secretary of the Treasury, under certain conditions when established, to withdraw Government deposits from certain institutions and to withdraw charters and to prevent further enjoyment of the same.

Whereas the honorable the Secretary of the Treasury of the United States in his official capacity has proclaimed to the public by public expression that certain banks and banking institutions, existing by virtue of the laws of the United States, and doing business by favor of the laws of the United States, and exercising privileges by favor of the people of the United States, have banded themselves together in some form of arrangement and proceeded in execution of such arrangement to intimidate Congress and terrorize the citizens of the

United States through inciting fear of a panic; and in pursuance of their scheme have falsely depressed securities of the United States and discredited the bonds of the United States Government and placed them at dishonor before the world, all for the object of influencing legislation contrary to the popular will and to defeat the President of the United States, speaking in behalf of the people, and to force legislation along such lines as shall be profitable to the personal objects and purposes of such institutions; and

Whereas such course and conduct, if true as charged, is an offense against patriotism and in violation of the duty of such institutions, due to the citizens of America, to the prosperity of its people, and the honor of the Republic: Therefore be it

Resolved, etc., That the Secretary of the Treasury be authorized in all instances where he has evidence of such conduct on the part of any institution, corporation, association, or person, in combination with each other, in conjunction or separate, to duly cite before him the representative of such institutions or the agents or authorities of such institution or institutions, and, in due hearing, if the said fact be established to his satisfaction, he shall have the right and the privilege to publicly withdraw the Government deposits from such institution, corporation, or person, and make order prohibiting the said institution, corporation, association, or person from further enjoying any privileges or favors of the Treasury of the United States or of the public moneys of the people of the United States. Also, in cases and instances, in his judgment justified, he shall have the right and privilege by public order to withdraw the charters of the said institutions, wherever such charters are issued by or under the authority of the Department of the Secretary of the Treasury; and shall have authority and privilege to issue any other order and carry the same into effect, depriving the said institutions of any right or privilege by them or it enjoyed under the United States Treasury or the office of the Secretary of the Treasury of the United States: *Provided*, That any order of the Secretary of the Treasury made in pursuance of the above authority shall be subject to revision by Congress, through its appropriate committees, in the regular form of legislation as the procedure of Congress permits.

Resolved further, That the order of the said Secretary of the Treasury, within the heretofore-named authority vested in him, shall go into effect immediately upon the making of the said order by the Secretary of the Treasury and remain in effect until the same shall either be reversed or modified by the Secretary of the Treasury or by Congress through its appropriate avenues provided for revision or reversal of any order or action of the Secretary of the Treasury.

Mr. SMITH of Georgia. The joint resolution will be referred to the Committee on Banking and Currency, I suppose.

Mr. LEWIS. I accept the suggestion of the Senator from Georgia. His judgment of the propriety or appropriateness of the reference is better than my own.

I wish to announce that I will address the Senate on the joint resolution at a due and proper time.

Mr. GALLINGER. The resolving clause of the joint resolution manifestly ought to be changed, and if it is a concurrent resolution it also ought to be changed.

Mr. LEWIS. I accept the suggestion of the distinguished Senator from New Hampshire, and at a later time amendments will be made.

Mr. GALLINGER. All right.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Banking and Currency.

TAX ON OPIUM.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

BERLIN TREATY OF 1878.

Mr. PENROSE submitted the following resolution (S. Res. 143), which was read and referred to the Committee on Foreign Relations:

Whereas it is reported that the Roumanian Government has failed to observe that article of the treaty of Berlin of 1878 which provides that religion shall be no bar to the rights and privileges of citizenship in Roumania; and

Whereas the failure of the Roumanian Government to observe the provisions of the Berlin treaty would be discriminatory as against the native Jews of Roumania, affecting them prejudicially in matters of employment and preferment: Therefore be it

Resolved, That the Secretary of State be requested to inform the United States Senate whether any communication has been had with the Roumanian Government or the powers signatory to the treaty of Berlin in relation to the observance of said treaty or with respect to a naturalization convention between the United States and the Roumanian Government; and, if so, and no conclusions have been reached thereon, whether the United States has such interests with respect to said treaty and the operation thereof as to make further diplomatic negotiations desirable.

WATER-POWER DEVELOPMENT (S. DOC. NO. 147).

Mr. JONES. I have here a copy of the permit granted to the International Power & Manufacturing Co., of Spokane, Wash., with reference to the use of public lands and lands in forest reserves in connection with water-power development. The terms of the permit have been prepared with very great care by the Secretary of the Interior and the Secretary of Agriculture, and they have agreed upon the terms of the permit. It shows to a great degree the policy of these two departments with reference to the use of forest lands and public lands in connection with water-power development. I consider this to be a very important matter, and I ask that it be printed in the RECORD and also that it be printed as a public document.

There being no objection, the paper was ordered to be printed as a document and also to be printed in the RECORD, as follows:

DEVELOPMENT OF WATER POWER.

FINAL PERMIT INVOLVING POWER.

[Act of Feb. 15, 1901 (31 Stat., 790). Regulations of Mar. 1, 1913.]

DEPARTMENT OF THE INTERIOR.

Washington.

Applicant: International Power & Manufacturing Co., Spokane, Wash.

Principal works: Dam and power plant.

Location: Ts. 39 and 40 N., R. 43 E., Willamette meridian, Washington, on Clark Fork or Pend d'Oreille River.

Purpose of occupation and use of public lands: Construction, operation, and maintenance of works for the generation, distribution, and use of electrical power.

Date of initiation of priority: July 22, 1913.

Date of initiation of valid rights as against other claimants: July 22, 1913.

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AGREEMENT.

The International Power & Manufacturing Co., hereinafter called the permittee, a corporation organized and existing under and by virtue of the laws of the State of Washington, the office and principal place of business of said permittee being at Spokane, Wash., being the successor in interest of the Pend d'Oreille Development Co., a corporation organized under the laws of the State of Washington and authorized by act of Congress approved February 25, 1907 (34 Stat., 931), extended by act of Congress May 20, 1912 (37 Stat., 115), to construct a dam across Clark Fork or Pend d'Oreille River, in the State of Washington, for the development of water power, electrical power, and for other purposes, which said dam was to be constructed, maintained, and operated in accordance with and subject to the provisions of the act of Congress approved June 23, 1910 (36 Stat., 593), entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,'" approved June 21, 1906; and the said permittee in accordance with the provisions of the said act of Congress approved June 23, 1910, has submitted, under date of June 3, 1912, to the Secretary of War and the Chief of Engineers of the United States Army plans and specifications and maps showing the location of such dam and necessary works, and the said permittee having heretofore filed in the Department of the Interior an application, designated as Spokane .08319, and including the following-described map of location: Map of location of reservoir site and power plant, marked "Exhibit J1," bearing affidavit of M. H. Gerry, jr., engineer, and certificate of International Power & Manufacturing Co., by Wilbur S. Yearsley, vice president, under corporate seal of said company, filed in the General Land Office, Washington, D. C., on July 22, 1913; and said permittee having filed an application in the Department of Agriculture, including a duplicate of said map of location, said applications filed in the Department of the Interior and the Department of Agriculture, hereinafter called the final application, having been made for the purpose of obtaining permission to occupy and use certain lands under the jurisdiction of the said departments for the purposes of the act of Congress approved February 15, 1901 (31 Stat., 790), for the construction, operation, and maintenance of certain works, said lands and works being more particularly described in and located and shown by the final application, does hereby amend said final application to include this agreement, and, furthermore, does hereby covenant and agree, in consideration of and as a prerequisite to the giving of the permission applied for in the final application as thus amended, such permission being hereinafter called the permit, that the conditions of the permit, each and every one of which shall at all times be binding on the permittee, are as follows:

SECTION 1. The following terms, wherever used in this agreement, shall have the respective meanings in this section assigned to them:

(*a*) "Interior Department lands" means lands under the jurisdiction of the Department of the Interior for the purposes of the act of Congress approved February 15, 1901 (31 Stat., 790), and "national forest lands" means lands under the jurisdiction of the Forest Service of the Department of Agriculture for said purposes.

(*b*) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

(*c*) "Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

(*d*) "Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

(*e*) "Power project" means a complete unit of power development, consisting of a power house, conduit or conduits conducting water thereto, all storage or diverting or fore-bay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

(*f*) "Project works" means the physical structures of a power project.

(*g*) "Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

(*h*) "Customer" means the purchaser of electric current for redistribution and sale.

(*i*) "Consumer" means the user of current at the point of its final conversion into light, heat, or power.

(*j*) "Nominal stream flow" means the sum of (*a*) the average of the values estimated for the mean natural flow for the two-month (calendar) minimum-flow period in each successive five-year cycle or major fraction thereof, and (*b*) the increase in such average due to artificial means other than the project works.

(*k*) "Project storage flow" means the estimated increase in nominal stream flow made practicable by the project works.

(*l*) "Available stream flow" means the sum of nominal stream flow and project storage flow.

(*m*) "Load factor" means the ratio of average power output to maximum power output.

(*n*) "Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued product of (1) the factor 0.08; (2) the average effective head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

SEC. 2. The permit shall be subject to and the permittee shall be governed by the provisions of the act of Congress approved February 15, 1901 (31 Stat., 790), and to the regulations thereunder fixed by the Secretaries.

SEC. 3. The permit shall relate solely to the occupancy and use of the Interior Department lands and national forest lands necessary for the construction, operation, and maintenance of such works contemplated by the act of Congress approved February 15, 1901 (31 Stat., 790), as are described in the final application, to the extent of the ground occupied by such works and not to exceed 50 feet on each side of the marginal limits of works other than pipe lines and electrical transmission lines and not to exceed 50 feet on each side of the center of each pipe line or electrical transmission line, in conformity with the location of such works on said lands as shown by the maps of location hereinbefore described.

SEC. 4. The permittee shall construct the project works on the location shown upon and in accordance with said maps and plans submitted with the final application, and shall make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved by the Secretaries.

SEC. 5. Any approval of any alteration or amendment, or of any map or plan, or of any extension of time, shall affect only the portions specifically covered by such approval; and no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

SEC. 6. The permittee shall begin the construction of the project works and of the several parts thereof and shall thereafter diligently and continuously prosecute such construction to completion, unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee, within the respective periods, dating from the issuance of the permit, specified for such beginning and for such completion in the following schedule:

1. Project works as a whole, excepting installation of hydraulic and electric machinery, shall be begun within one year and completed within three years.

2. Installation of hydraulic and electric machinery: Machinery of 50,000 horsepower rated capacity shall be installed within three years; and additional machinery shall be installed as the conditions of the market will warrant or as the Secretaries or any duly authorized State agency may direct.

SEC. 7. The permittee shall, after their completion, operate the project works continuously for the development and transmission of electric energy for sale or other disposal, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretaries.

SEC. 8. No compensation for the permission given will be required prior to the year 1923; but on or before the 1st day of February in each year, beginning with 1924, the permittee shall pay, by certified check to the order of the Secretary of the Interior, or in such other manner as the Secretaries may direct, an amount calculated from the total capacity of the power site at rates per horsepower per year, varying directly as the square of the average price for electric energy charged to customers and consumers of the permittee as determined in subsection (*c*) hereof and varying inversely as the square of the proportional development of the power site, as shown by the following table:

When the average price in cents per kilowatt hour charged by the permittee is as shown by this column.	If the percentage of development of power site is—						
	Over 90.	90 and over 80.	80 and over 70.	70 and over 60.	60 and over 50.	50 and over 40.	40 or less.
	Then the rates of compensation to the United States per horsepower per year will be as shown below.						
0.2 and less	$0.05	$0.06	$0.08	$0.10	$0.14	$0.20	$0.31
0.3 and over 0.2	.11	.14	.18	.23	.31	.45	.70
0.4 and over 0.3	.20	.25	.31	.41	.56	.80	1.25
0.5 and over 0.4	.31	.39	.49	.64	.87	1.25	1.95
0.6 and over 0.5	.45	.56	.70	.92	1.25	1.80	2.81
0.7 and over 0.6	.61	.76	.96	1.25	1.70	2.45	3.82
0.8 and over 0.7	.80	.99	1.25	1.63	2.22	3.20	5.00
0.9 and over 0.8	1.01	1.25	1.58	2.06	2.81	4.05	6.33
1.0 and over 0.9	1.25	1.54	1.95	2.55	3.47	5.00	7.81
1.2 and over 1	1.80	2.22	2.81	3.67	5.00	7.20	11.25
1.5 and over 1.2	2.81	3.47	4.40	5.74	7.82	11.25	17.60
2 and over 1.5	5.00	6.17	7.82	10.00	13.80	20.00	31.25
3 and over 2	11.25	13.87	17.58	22.95	31.25	45.00	70.40
4 and over 3	20.00	24.70	31.25	40.80	55.60	80.00	125.00
5 and over 4	31.25	38.60	48.80	63.80	86.80	125.00	250.00
6 and over 5	45.00	55.60	70.40	91.80	125.00	180.00	281.25

It is expressly understood and agreed, however, that—

(*a*) At any time not less than 10 years after the date for the first payment under this section or after the last revision of the rates of compensation the Secretaries may review such rates after application by or notice to the permittee and impose such new rates of compensation, under a rule which shall be uniform for all permittees under like conditions, as they may decide to be reasonable and proper: *Provided*, That such rates shall not be so increased as to result in reducing the margin of income (including appreciation in land values) from the project over proper, actual, and estimated expenses (including reasonable allowance for renewals and sinking-fund charges) to an amount which, in view of all the circumstances (including fair development expenses and working capital) and risks of the enterprise (including obsolescence, inadequacy, and supersession), is unreasonably small; but the burden of proving such unreasonableness shall rest upon the permittee.

(*b*) For the purposes of this section complete development of the power site shall mean the construction of such permanent project works and the installation of such generating equipment as will provide for the full utilization of the total capacity of the power site.

(*c*) The average price for electric energy charged to customers and consumers of the permittee shall be determined by dividing the total actual and estimated annual receipts from the sale and disposition of electric energy by the total number of kilowatt hours generated: *Provided*, That in determining said total annual receipts there shall be included estimated receipts for any electric energy used by the permittee at a price which shall not be less than 2 cents per kilowatt hour, nor less than the cost per kilowatt hour of generating, transmitting, and delivering such energy to the point of use, taking into account proper operating and maintenance expenses, fixed charges and reasonable allowances for renewals and sinking fund: *And provided further*, That if the permittee shall sell or dispose of electric energy to any consumer, said consumer being an association or corporation which the permittee owns or controls in whole or in part, or in which the permittee may have, hold, or control any interest, direct or indirect, by stock ownership or otherwise, the sale price per kilowatt hour at which the aforesaid annual receipts from such energy so sold or disposed of shall be computed shall not be less than as herein provided for in the computation of estimated receipts for energy used by the permittee: *And provided further*, That if the permittee shall sell or dispose of electric energy to any customer, said customer being an association or corporation which the permittee owns or controls in whole or in part, or in which the permittee may have, hold, or control any interest, direct or indirect, by stock ownership or otherwise, the sale price per kilowatt hour at which the aforesaid annual receipts from such energy so sold and disposed of shall be computed shall not be less than the price paid for such energy by the consumers thereof, nor less than as herein provided for in the computation of estimated receipts for energy used by the permittee.

(*d*) Unless otherwise authorized by the Secretaries, the maximum price at which electric energy developed by or transmitted from the power project may be disposed of to customers or consumers shall not exceed 6 cents per kilowatt hour, and the maximum price at which such electric energy in excess of 2,000 kilowatt hours per annum with an average annual delivery of more than 35 per cent of the connected installation within the year may be disposed of to customers or consumers shall not exceed 2 cents per kilowatt hour, said maximum price being determined by dividing the total annual charge to the purchaser by the corresponding total annual delivery to him of electric energy. In contracts with its customers the permittee shall specify the maximum price of final sale or resale and shall reserve the right to cancel any contract or agreement for sale or resale of electric energy that provides for a price in excess of such maximum. Complaint by any customer or consumer of a price paid by him in excess of such maximum price will be received by the Secretaries in case of and after the failure of his attempts to obtain satisfaction from the permittee or other parties selling electric energy under the power system, and thereupon, after notice to all interested parties, with opportunity for hearing, the Secretaries will determine whether this condition has been violated.

(*e*) The permittee shall at no time contract for the delivery to any one customer of electric energy in excess of 50 per cent of the total deliverable capacity of the power site; nor shall the permittee deliver to any customer or consumer for use in its own manufacturing or other operations any amount of energy in excess of 50 per cent of said deliverable capacity if and when there are pending unfilled applications for energy from other customers or consumers.

SEC. 9. The total capacity of the power site shall be deemed and taken to be 112,000 horsepower.

It is expressly understood and agreed, however, that said total capacity of the power site may be adjusted by the Secretaries annually to provide for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 per cent or more, or for increase or decrease of 10 per cent or more in average effective head, or in degree of practicable utilization, and that the decision of the Secretaries shall be final as to all matters of fact upon which the calculation of the capacity or compensation depends.

SEC. 10. The permittee shall pay the full value as fixed by the Secretaries for all timber cut, injured, or destroyed on Interior Department lands and on national forest lands in the construction, maintenance, and operation of the project works.

SEC. 11. The permittee shall pay the United States full value for all damages to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

SEC. 12. The permittee shall install at such places and maintain in good operating condition in such manner as shall be approved or required by the Secretaries accurate meters, measuring weirs, gauges, or other devices approved by the Secretaries and adequate for the determination of the amount of electric energy generated by the project works and delivered under the power system and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; and shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretaries; and shall make a return during January of each year under oath of such of the records of measurements for the year ended on December 31 preceding made by or in the possession of the permittee as may be required by the Secretaries.

SEC. 13. The books and records of the permittee shall be open at all times to the inspection and examination of the Secretaries or other officer or agent of the United States duly authorized to make such inspection and examination.

SEC. 14. On demand of the Secretaries the permittee shall install a system of accounting for the entire power business in such form as the Secretaries may prescribe, which system, as far as is practicable, will be uniform for all permittees, and shall render annually such reports of its power business as the Secretaries may direct: *Provided, however*, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this clause in so far as they contain the information that may be required by the Secretaries.

SEC. 15. The permittee shall protect all Government and other telephone, telegraph, and power transmission lines at crossings of and at all places of proximity to the permittee's transmission lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and shall maintain the transmission lines of the project in such manner as not to menace life or property.

SEC. 16. The permittee shall clear and keep clear the Interior Department lands and national forest lands along the transmission lines for such width and in such manner as the officer of the United States having supervision of such lands may direct.

SEC. 17. The permittee shall dispose of all brush, refuse, or unused timber on Interior Department lands and national forest lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

SEC. 18. The permittee shall build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and shall build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

SEC. 19. The permittee shall do everything reasonably within the power of the permittee, both independently and on request of the Secretaries or other duly authorized officers or agents of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

SEC. 20. The permittee shall indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands and national forest lands by the permittee.

SEC. 21. The permittee shall sell power to the United States, when requested, at as low a price as is given to any other purchaser for a like use at the same time, and under similar conditions, if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contrast of sale: *Provided*, That nothing in this clause shall be construed to require the permittee to increase permanent works or install additional generating machinery.

SEC. 22. The permittee shall abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered: *Provided*, That for the purposes of this section any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts: *And provided further*, That in the absence of regulation of service and prescribing of prices by any State agency, jurisdiction in the premises will, in their discretion, be exercised by the Secretaries.

SEC. 23. Upon demand in writing by the Secretaries to surrender the permit to the United States or to transfer the same to such State or municipal corporation as the Secretaries may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied or used under the permit and then valuable or serviceable in the generation, transmission, and distribution of power: *Provided*, (*a*) That such surrender or transfer shall not be demanded in the case of a municipal corporation unless by condemnation such corporation shall have acquired, or unless by proceedings in a court of competent jurisdiction it shall have been determined that such a municipal corporation has the right to acquire the property of the permittee situated elsewhere than on public land, or unless such municipal corporation has the power to acquire the property and rights of the permittee in accordance with the following conditions: (*b*) That such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (*c*) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (*d*) that such reasonable value shall be determined by mutual agreement of the parties in interest, and in case they can not agree, by the Secretaries, under a rule which, except as modified by the requirements of this section, shall be the then existing rule of valuation for power properties in condemnation proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property then owned or held by the permittee on lands of the United States occupied or used under the permit.

SEC. 24. In respect to the regulation, by any competent public authority, of the services to be rendered by the permittee or of the prices to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee, or any part thereof, by the United States or by any State within which the works are situated or business is carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands or national forest lands thereunder, nor shall the permit or such occupancy or use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

SEC. 25. The works to be constructed, maintained, and operated under the permit shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of, or in any way effect any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States, or within any one State, in the generation, sale, or distribution of electric energy. Except as in this agreement specifically provided, the permittee shall not agree or arrange in any manner whatsoever with any other party generating or disposing of electric energy with a view to the avoidance of competition or the fixing, maintenance, or increase of prices for electric energy or service.

SEC. 26. This permit shall be indeterminate as to time during compliance with the conditions of this agreement by the permittee, or until the United States or any State or municipal corporation shall exercise its option to purchase as provided in section 23. It is expressly understood and agreed, however, that the permit may be revoked by the Secretaries, after due notice to the permittee, with opportunity for hearing, on a finding by them that any part of the amounts due for the compensation or the charges herein provided for, after due notice has been given, are in arrears for six months; or on a finding by the Secretaries that any of the provisions of this agreement or any of the regulations of the Secretaries or the provisions of the act of Congress to which the permit is subject as provided in section 2 hereof have been violated by the permittee.

It is further understood and agreed that under the terms of said act of Congress "any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or by his successor in his discretion."

It is further understood and agreed that at intervals of not less than 20 years, on application of the permittee or on demand of the Secretaries, this agreement and the permit shall be modified to conform to the then subsisting regulations fixed by the Secretaries under said act of February 15, 1901, or amendments thereto.

SEC. 27. The permittee shall, in the exercise of the permission given by the permit, at all times conform to and abide by such rules and regulations subserving the purpose of any reserved lands of the United States through which right of way is sought as may be prescribed by the officer having jurisdiction over such lands.

SEC. 28. The permit does not affect the rights to the occupancy of lands granted by the State of Washington or any rights, privileges, or franchises conferred upon the permittee by virtue of the act of Congress approved February 25, 1907 (34 Stat., 931), as amended by the act of Congress approved May 20, 1912 (37 Stat., 115), entitled "An act to extend the time for the construction of a dam across the Pend d'Oreille River, Wash.," or impair or affect the rights conferred upon the said permittee by compliance with the provisions of the act of Congress approved June 23, 1910 (36 Stat., 593), entitled "An act to regulate the construction of dams across navigable waters."

SEC. 29. On proper application by the permittee under subsisting regulations fixed by the Secretaries, the permit may be amended to provide for the construction, operation, and maintenance of additional project works and the use of additional rights of way for the power project. Any application for such amendment and approval thereof shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit.

SEC. 30. The permit and the right of way thereby afforded shall be subject to all prior valid rights and to a reservation of right of way for canals or ditches constructed by authority of the United States.

In witness whereof the permittee has caused these presents to be executed, in triplicate, by its vice president and agent and its corporate seal to be hereto affixed by its vice president, both thereunto duly authorized, this 28th day of July, 1913.

[SEAL.] INTERNATIONAL POWER & MANUFACTURING CO.,
By WILBUR S. YEARSLEY, *Vice President.*

Attest:
N. S. COMBS, Jr.
M. T. BUNCH.

ACKNOWLEDGMENT.

DISTRICT OF COLUMBIA, *ss:*

On this 28th day of July, 1913, before me, a notary public in and for said county, duly commissioned and sworn, my commission expiring November 6, 1913, personally came Wilbur S. Yearsley, to me personally known, who, being by me duly sworn, did depose and say that he resides in Spokane, Wash.; that he is the vice president of the International Power & Manufacturing Co.; that said company is the corporation that is described in and that executed the foregoing agreement; that he knows the seal of said corporation; that the seal affixed to the foregoing agreement is such corporate seal and was affixed to such instrument by order of the board of directors of said corporation; and that he signed his name thereto by like order; and the said Wilbur S. Yearsley acknowledged the foregoing agreement to be the free act and deed of said corporation.

Witness my hand and official seal the day and year first hereinbefore written.

[NOTARIAL SEAL.] E. C. OWEN, *Notary Public.*

My commission expires November 6, 1913.

PERMIT.

In pursuance of the act of Congress approved February 15, 1901 (c. 372; 31 Stat., 790), and in pursuance of the general regulations thereunder fixed, respectively, by the Secretary of the Interior and the Secretary of Agriculture, and in consideration of the conditions made and accepted in the foregoing agreement, permission to use the right of way through the public lands and reservations of the United States under the jurisdiction of the Department of the Interior and the Department of Agriculture, sought by and described in the application identified in the foregoing agreement, is hereby given to the said International Power & Manufacturing Co., subject, however, to the said general regulations and to the conditions in said agreement, such permission, subject to such regulations and conditions, having been found by us to be not incompatible with the public interest.

In witness whereof we have subscribed these presents, in triplicate, on this 29th day of July, 1913.

ANDRIEUS A. JONES,
Acting Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

CLAIMS AGAINST MEXICO (S. DOC. NO. 148).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, ordered to lie on the table and to be printed:

To the Senate:

In response to the resolution adopted by the Senate on April 24, 1913, I transmit herewith a report by the Secretary of State.

By the resolution mentioned the President was requested "if not incompatible with the public interest, to cause to be transmitted to the Senate—

"First. A full list of the names of claimants, if any, and the nature and amount of the claims for damages to person or prop-

erty made by citizens of the United States of America against the Republic of Mexico and filed or deposited with the Department of State at Washington, D. C., since the beginning of the Madero revolution in Mexico to the present time, together with the statement of fact on which said claims are based.

"Second. A full list of the names of all citizens of these United States, if any, who while leading lawful and peaceful lives in Mexico have been killed or wounded in Mexico or driven out of Mexico by Mexican soldiers or other armed bands on Mexican soil, together with the facts and circumstances attending such killing, wounding, or forceful deportation.

"Third. A full list, if any, of such peaceful citizens of the United States of America as have been forcibly seized and held prisoners for ransom in the Republic of Mexico during the time first mentioned, and what sums of money, if any, have been paid by any person or persons to secure the release of anyone so imprisoned or held.

"Fourth. What redress, if any, has been offered by Mexico in the premises, or demanded by the United States of America, and the result of such offer or demand, and what assurance of protection to the lives and property of our peaceful, law-abiding citizens in Mexico does that Republic offer."

I concur in the opinion of the Secretary of State that it would not be compatible with the public interest to transmit to the Senate at this time the lists and information requested by the resolution.

WOODROW WILSON.

THE WHITE HOUSE, *July 30, 1913.*

THE TARIFF.

Mr. SIMMONS. Do I understand that the morning business is closed?

The VICE PRESIDENT. If there is no further routine business, the morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. McLEAN. Mr. President, as we are now frankly told by those in charge of the pending bill that it rejects the "cost of production theory," I want to call the attention of those Senators who intend to vote for it to the fact that the Democratic Party is doing precisely what it promised not to do to the people of Connecticut and New England.

I have for many years hoped that the Democratic Party would some time adopt a tariff plank that would not be susceptible of two or more interpretations, because it has been my belief that if the Democratic Party would do this, very great benefits would result to the people of this country. It would improve the moral and mental tone of all the political parties if they would as far as possible avoid uncertainty of intent in their platform declarations, and I have always been glad that in this most important of all issues—the tariff issue—the Republican Party has had the courage of its convictions before as well as after election. And I regret that the Democratic Party has always found it necessary to deceive itself and a large percentage of the people of the United States upon this all-important question. And early in the debate upon this measure I want to put the proof of this statement where it can be read by every Senator who thinks he is obliged to vote for this bill because he is a Democrat. I think I can easily satisfy every fair-minded Member of this body that this bill is a complete betrayal of the people of Connecticut and New England, for I shall bring none but the very highest Democratic authority to my support.

In Connecticut, as the campaign advanced, the tariff soon became the only issue of real consequence, barring the personality of Mr. Roosevelt, who soon allayed the fears of his friends by standing pat for protection. Many Republicans voted for Mr. Roosevelt because of his opposition to Mr. Taft's low-tariff ideas as expressed in his defense of reciprocity with Canada. Other Republicans, fearing the popularity of Mr. Roosevelt and bitterly opposing his views upon other questions than the tariff, in order to make his defeat certain voted for Mr. Wilson. President Wilson many times during the campaign alluded to the tariff question, but his treatment of the subject was in the abstract only. His generalities did not glitter; things glitter by reflected light. President Wilson's generalities shone of their own inherent radioactive energy, but in their brightest rays we find nothing for or against free sugar or free wool or any one of the rates applied to the 4,000 items in this bill.

When Mr. UNDERWOOD, the author of the pending bill, came to Connecticut, he knew why he came, and when he met ex-Congressman Hill in joint debate at Waterbury the only subject mentioned was the tariff, and Mr. UNDERWOOD knew why. Mr. Hill was rapidly succeeding in convincing the mechanics of Connecticut that the tariff rates proposed and to be proposed by Mr. UNDERWOOD would compel a reduction of wages, and Mr. UNDERWOOD was sent for to allay the fears of the doubtful. It was an important meeting. Stenographers from all over the State were there. In my opinion the electoral vote of Connecticut and the election of five Congressmen depended upon Mr. UNDERWOOD'S tariff views as expressed that night. Mr. Hill opened the debate, and he gave his hearers Mr. UNDERWOOD'S record and quoted Mr. UNDERWOOD'S theories upon the tariff question and charged him with being in favor of a tariff for revenue only. Mr. UNDERWOOD took no chances. He admitted that he believed in the theory of a tariff for revenue only, "but"—and, as is the custom with Democratic orators in the North, he put great emphasis on that "but"—and then went on to explain that the expenses of the Government must be paid and legitimate industries must not be disturbed. Mr. Hill had argued for a tariff equaling the difference in the cost of production at home and abroad. And now I want to quote Mr. UNDERWOOD'S reply as taken by a stenographer on the spot and published in the leading Democratic newspaper of Connecticut on the following day:

EXTRACT FROM MR. UNDERWOOD'S SPEECH AT WATERBURY, CONN., OCTOBER 16, 1912, AS PRINTED IN THE HARTFORD TIMES.

Now let us see where the difference between these two great parties is. He—Mr. Hill—says we are a free-trade party. I deny it. There is a clean distinction. Whenever you cut off competition then you are damming back revenue, and your tariff is levied for the purpose of protecting somebody's profit, and not for the purpose of getting revenue for the Government. When you equalize exactly the difference in cost at home and abroad, if you can do it—it is impossible to do it exactly, but you may approximate it—but when you do that you have got a competitive tariff because each can come in the same field and fight for control of the market. And from that on down to 1 cent, the lowest tax you could levy, it is a competitive field, and it is a revenue field. It is a field in which you can collect a revenue tariff, because all below, after fixing the exact difference of cost at home and abroad on downward, is a revenue tariff. Now, what I said at the meeting at Hartford was that that being the case, and the Government needing all the revenue it could get—we have got to have it—we had to levy the taxes at the highest revenue rate consistent with our principles, which, of course, can not go above the difference of cost at home and abroad, because then you would be protecting profit; we have got to levy it somewhere near there in order to get a revenue to run the Government.

And again, before he closed his speech, he said:

Now, there are two sides to this question. There isn't a particle of possibility of the Democratic Party that it won't equalize the difference in labor cost at home and abroad.

Mr. President, this is what the people of Connecticut were promised by the man on the Democratic tariff throne, the chairman of the Ways and Means Committee then and now, the man whose word was then and would be the law for this great Nation upon that most vital of questions. Let me repeat the last sentence:

"There isn't a particle of possibility of the Democratic Party that it won't equalize the difference in the labor cost at home and abroad." In other words, I will do precisely what Mr. Hill tells you he will do if he is reelected.

This interpretation of the Democratic platform by Mr. UNDERWOOD, and this promise made by Mr. UNDERWOOD was heartily approved by the Democratic candidates for Congress in Connecticut, as I will show before I close. Mr. Hill was defeated, as were all the Republican nominees in the State. In Connecticut certainly the author of this bill did not reject "the cost of production theory."

I have said that President Wilson's ante-election interpretation of his party's tariff plank was faultless and was hailed by the Democratic press of Connecticut as indicating the highest degree of statesmanship and the deepest concern for the industrial interests of the State. In passing let me quote the part which was supposed to silence every Republican tongue and put the troubled Democratic heart at rest.

EXTRACT FROM PRESIDENT WILSON'S SPEECH AT NEW YORK, OCTOBER 29, 1912, AND PUBLISHED IN THE HARTFORD TIMES.

The Republicans are telling you—both branches of them—that if this wild-eyed schoolmaster becomes President we shall have free trade. Gov. Wilson does not sufficiently define his position on the tariff. The only thing they have to do to know Gov. Wilson's position on the tariff is to read and comprehend the English language. I have defined my position so often that, as I have told these gentlemen of the press who go around with me wherever I go to see that I do not get into mischief, that I am ashamed to tell again in their presence what my position is on the tariff. Well, for fear there are persons present who can not read the English language or who have just moved into the United States and never heard anything about this subject, I am going to define my position on the tariff. And here we have it as follows:

No thoughtful Democrat in the United States has so much as even proposed free trade. But every Democrat in the United States who knows anything knows that the schedules of the tariff almost from end to end conceal special privileges and private favors, which we are going to cut out without touching or endangering one single wholesome fiber or honest arrangement. Is that definite enough? Do you not suppose that Democrats live in the United States? Do you suppose

that Democrats have come to the conclusion that they had better pull the house down about their own ears? Are they so rich that they can now afford to retire from business? Are they going to commit economic suicide? Do they look like tyros and innocents and beginners?

I will refer this interpretation of the Democratic platform to the Senators from Louisiana, where it is admitted by Democrats even that legitimate industries are to be destroyed. I refer to it myself to show that the candidate for the Presidency was careful to take nothing from the strength of Mr. UNDERWOOD'S clean-cut promise to make good the difference in the cost of production.

On October 19, 1912, the Hon. THOMAS L. REILLY, then the only Democratic Congressman from Connecticut, taking his cue from Mr. UNDERWOOD'S speech in Waterbury, reaffirmed and repeated Mr. UNDERWOOD'S promise to the people of Connecticut in the following language:

EXTRACT FROM CONGRESSMAN REILLY'S SPEECH AS PUBLISHED IN THE WATERBURY AMERICAN, OCTOBER 19, 1912.

They say that no tariff should be enacted to protect anybody. The Democratic theory is that the American manufacturer should be given a fair chance with foreign manufacturers, and that the tariff should be used to equalize the cost of production here and abroad.

It is a pity that Congressman REILLY and the Finance Committee of the Senate could not have compared notes before election.

And the Hon. Simeon E. Baldwin, Democratic governor of Connecticut and candidate for President of the United States in the convention that nominated President Wilson, added his name and seal to the sacred promise—for all Democratic promises are sacred when made—in the following language:

EXTRACT FROM GOV. BALDWIN'S SPEECH AT NORWICH, CONN., OCTOBER 17, 1912, AS PUBLISHED IN THE WATERBURY AMERICAN ON OCTOBER 18, 1912.

The Democratic Party proposes in the next Congress to revise the tariff, but not in a radical way. They are not aiming at free trade. We mean to have a larger free list, and duties high enough to enable us to keep on paying the highest wages in the world, without unnecessarily raising the cost of living to every American family.

On the 30th of October, 1912, there was a great Democratic demonstration in the city of New Britain, Conn. This city is the center of the cutlery and hardware interests of the State. The speaker for the occasion was the Hon. William C. Redfield, now the Secretary of Commerce, in Mr. Wilson's Cabinet, the man who is to investigate and punish all those manufacturers who may be unable to perform the miracles required by this law. I ask the Senators who believe that their party is pledged to reject the "cost of production theory" to listen to the promise which their own Secretary of Commerce made to the people of New Britain, Conn. I quote from Secretary Redfield's speech as printed in the Hartford Times on October 31, 1912:

Finally, let not the bogy of what is called "free trade" scare sensible men longer. No one proposes it; it is known by those who cry aloud to be a false cry of wolf where there is no wolf. We must have revenue, and a very large part of that revenue must come from a tariff. There is no other way. The Democratic campaign is in the hands of thoughtful, experienced men of business, largely interested themselves in American manufactures, hoping for them to be prosperous and intending to open wide the door to a larger prosperity than we have ever known. They are not standing with axes ready to cut the rope that binds the ship of state to a safe anchorage. They are rather standing at the ropes which loosen the sails to a favoring wind that shall bring the ship of state into a safe and happy harbor.

These glittering gems of promise and poetry from Messrs. UNDERWOOD, REILLY, Baldwin, and Redfield, composed the message of Democracy to 35,911 spinners and weavers, 36,253 employees in the machinery plants, 16,817 in the brass and bronze factories, 37,763 in the foundry and machine shops, 5,217 hatters, and thousands of others in Connecticut.

Mr. President, Congressman UNDERWOOD, and Congressman REILLY, and Secretary Redfield, and Gov. Baldwin, and every Democratic candidate and newspaper in Connecticut promised to give the people of Connecticut precisely what Congressman HILL and every other Republican candidate promised, namely, "a tariff based upon the cost-of-production theory; i. e., the difference in the cost of production here and abroad."

Now let us come to Washington and consider the manner in which these promises have been kept. A few days ago the Senator from North Carolina [Mr. SIMMONS], chairman of the Committee on Finance, in his concluding remarks made in explanation of the pending measure, used the following language:

For the reasons given by the Ways and Means Committee of the House, your committee has rejected the cost-of-production theory. The grounds upon which this theory was rejected are so conclusive and so exhaustively stated in the several reports of the House committee upon this subject that it is not deemed necessary to restate them here.

On page 12 of the report of the Ways and Means Committee of the House of 1913, to which we are referred by the Senator from North Carolina, we find this statement:

COST-OF-PRODUCTION THEORY REJECTED.

The so-called theory of cost of production as a regulator of rates was fully discussed at the time tariff-revision bills were introduced by the Ways and Means Committee during the Sixty-second Congress. It will be recalled that much was said by protection advocates in support of the view that it was incumbent upon the United States to maintain a system of tariff rates that would cover differences in cost of production between the United States and foreign countries, in addition to a reasonable margin of profit. That doctrine became the basis of the work of the Tariff Board which furnished reports to the President, later transmitted by the Executive to Congress, concerning wool and woolens, cottons, pulp, and paper. Many manufacturers have presented arguments based on the doctrine of comparative costs. The statement is therefore made that no part of the committee's work has been founded upon a belief in the cost-of-production theory, and the theory is absolutely rejected as a guide to tariff making.

Let us now put the promise of the Democratic Party to the people of Connecticut and the manner in which it has been performed in parallel columns.

THE PROMISE.	THE PERFORMANCE.
UNDERWOOD'S promise, from his speech at Waterbury, Conn., October 17, 1912: "Now let us see where the difference between these two great parties is. He says we are a free-trade party. I deny it. There is a clean distinction. A revenue tariff must be a competitive tariff. Whenever you cut off competition then you are damming back revenue, and your tariff is levied for the purpose of protecting somebody's profit, and not for the purpose of getting revenue for the Government. *When you equalize exactly the difference in cost at home and abroad, if you can do it—it is impossible to do it exactly, but you may approximate it—but when you do that you have got a competitive tariff*, because each can come in the same field and fight for control of the market. And from that on down to 1 cent, the lowest tax you could levy, it is a competitive field, and it is a revenue field. It is a field in which you can collect a revenue tariff, *because all below, after fixing the exact difference of cost at home and abroad, on downward it is a revenue tariff.* Now, what I said at the meeting at Hartford was that that being the case, and the Government needing all the revenue it could get—we have got to have it—*we had to levy the taxes at the highest revenue rate consistent with our principles, which, of course, can not go above the difference of cost at home and abroad*, because then you would be protecting profit; we have got to levy it somewhere near there in order to get a revenue to run the Government. "Now, there are two sides to this question. *There isn't a particle of possibility of the Democratic Party that it won't equalize the difference in labor cost at home and abroad.*"	Report of the Ways and Means Committee of the House, adopted by the Finance Committee of the Senate July 8, 1913: "The so-called theory of cost of production as a regulator of rates was fully discussed at the time revision bills were introduced by the Ways and Means Committee during the Sixty-second Congress. *It will be recalled that much was said by protection advocates in support of the view that it was incumbent upon the United States to maintain a system of tariff rates that would cover differences in cost of production between the United States and foreign countries*, in addition to a reasonable margin of profit. That doctrine became the basis of the work of the Tariff Board, which furnished reports to the President, later transmitted by the Executive to Congress, concerning wool and woolens, cottons, pulp, and paper. Many manufacturers have presented arguments based on the doctrine of comparative costs. *The statement is therefore made that no part of the committee's work has been founded upon a belief in the cost-of-production theory and the theory is absolutely rejected as a guide to tariff making.*"

The italics are mine.

Is it strange, Mr. President, that the Democratic Congressmen from Connecticut were not satisfied with the bill as it came from the Ways and Means Committee of the House? Is it strange that the Hon. JEREMIAH DONOVAN, the successor of the Hon. E. J. Hill, used the following language in the House of Representatives on May 3 last in his patriotic but unsuccessful efforts to persuade Mr. UNDERWOOD and his colleagues in the House of Representatives that it was his and their duty to deal with the industries of Connecticut as he, Mr. UNDERWOOD, and his party promised they would deal with them before election?

EXTRACTS FROM SPEECH OF HON. JEREMIAH DONOVAN IN OPPOSITION TO THE UNDERWOOD BILL, DELIVERED MAY 3, 1913.

I am probably representing a class of labor which, in my opinion, is treated more cruelly than any other class from beginning to end of this report of the Ways and Means Committee.

But I am going to claim, too, that if this matter had been considered at the beginning of the hearings there is no question as to what the result would have been. *You will appreciate my point of view when I tell you that the distinguished chairman of this committee, though campaigning in a strange State, among a strange people, with the natural prejudices of those people against him and his associates in his section of the country, when he went amongst my people practically carried—yes, swept—the State from end to end with his eloquence. How?* By the same means that he carries this body whenever he so desires—by his personality. When you think that misfortune or errors may befall you, you have only to look upon that face and you forget them all. [Laughter and applause.]

Unfortunately, I am occupying a position here formerly filled by one of the most noted men of our country. Probably no man ever came out of that State so well known, either favorably or unfavorably [laughter] as my predecessor. *At home he said to his people since the election and within a few days that I am a free trader. The distinguished gentleman who is chairman of this committee says to his associates here in this body that the way I was returned and elected was that I accused Mr. Hill of being a free trader.* [Laughter.] *But that is neither here nor there. This can not affect our people,*

The personality of the gentleman from Alabama is what made our people politically go with him. On the 13th day of March of this year he repeated at the hearings of the Ways and Means Committee, in yonder office building, what he said to them in Connecticut. This is in his report as chairman, volume 1, page 3861: "Of course," says the distinguished gentleman from Alabama, "of course none is in favor of reducing the tariff if it is going to injure any American industry." That was on the 13th day of March. [Applause.]

The italics are mine.

The five Democratic Congressmen from Connecticut have done what they could to prevent this complete betrayal of the people of Connecticut, but to little or no purpose, and the reason must be plain to everyone.

Mr. President, there are "protection" Democrats and there are "tariff-for-revenue-only" Democrats, and when you try to mix them they will not mix, because they can not be mixed. This fact has been and will be the tragedy of Democracy, if not of the Nation, until something or somebody comes to the rescue.

A week before election President Wilson told the people of the country that the only thing they have to do to know his position on the tariff is to read and comprehend the English language. Now, let us turn to the only language used by President Wilson upon the tariff question which I have been able to find which can be read and comprehended without difficulty. I quote from his address before the tariff commission at Atlanta in 1883 as follows:

Protection also hinders commerce immensely. The English people do not send to this country as many goods as they would if the duties were not so much, and we are building up manufactories here at the expense of commerce. We are holding ourselves aloof from foreign countries in effect and saying, "We are sufficient to ourselves; we wish to trade not with England but with each other." I maintain that it is not only a pernicious but a corrupt system.

Replying to the question of Commissioner Garland, "Are you advocating the repeal of all tariff laws?" Prof. Wilson answered:

Of all protective tariff laws; of establishing a tariff for revenue merely. It seems to me very absurd to maintain that we shall have free trade between different portions of this country and at the same time shut ourselves out from free communication with other producing countries of the world. If it is necessary to impose restrictive duties on goods brought from abroad it would seem to me, as a matter of logic, necessary to impose similar restrictions on goods taken from one State of this Union to another. That follows as a necessary consequence; there is no escape from it.

So to-day we find the Democratic Party led, and I may say gently but irresistibly pushed, by President Wilson into the adoption of his views when so expressed that they can be understood. As a result, the "protection" Democrats in the Senate have agreed to a bill which they hope will not violate their views; and the "tariff-for-revenue-only" Senators have agreed to a bill which they hope will not violate their views. It must be very clear that, inasmuch as the days of miracles have passed, somebody on the other side of this Chamber is mistaken.

The Senator from Iowa [Mr. CUMMINS] and the Senator from Ohio [Mr. BURTON] and other Senators upon this side of the Chamber have indicated very clearly, I think, where the mistake lies. The "protection" Democrats have tried to compromise with the "free-trade" Democrats, and this, of course, is impossible. You can not compromise with the arithmetic or the compass. You are either there or you are not there. If 20 per cent does not protect, 10 per cent will not protect. My complaint is that the Democratic Party has broken its sacred promise to the people of Connecticut. This I have shown from the lips of those Democrats who alone had authority to do the promising. If adequate protection is found in any rate contained in this bill, it is there by accident only. A tariff which rejects the "cost-of-production theory" can not give protection except by accident. You can not intentionally give protection without taking into consideration the cost of production. You can not revise the tariff and not destroy legitimate industries unless you take into consideration the cost of production. Therefore, if any legitimate industry escapes the paranoiac assaults in this bill it will be an accidental escape. It may be that some industries of my State and the country will survive the effect of the Democratic brain storm contained within the eight corners of this bill. I sincerely hope so. Two woolen mills in Connecticut are already in serious trouble. The management of the more important one—the Yantic Mills—assigns the following as the cause:

Had it not been for the unsettled business conditions in our trade, owing to the proposed tariff legislation, we would never have gone into the hands of a receiver. The trade is at a standstill. We are getting only enough orders to produce one-third of our regular output. Our sales were close upon $1,000,000 a year. Now they have fallen below $400,000. Our fixed charges are so great that we can not continue to run with this limited production. Our firm is not an exception.

Is this a harbinger of Secretary Redfield's beautiful spring? I pray not, but if not it won't be the fault of this bill.

This bill has been described as a glaring example of invisible and inaudible government. It is not the way in which the conclusions of the committee have been reached; it is the effect of these conclusions that the people of Connecticut are afraid of. This bill may be an example of "invisible" and, as the Senator from Iowa so aptly added the other day, "inaudible" government, but it is a sample of minority government in complete betrayal of the promises of that minority to the people of Connecticut that I object to.

It has been asserted here by those responsible for this measure that they are merely carrying out as in duty bound the mandate of a majority of the whole people.

In Connecticut, as I have shown, Mr. UNDERWOOD in person solicited instructions to reform the tariff upon "the cost of production theory," and he got what he asked for. Now the Democratic Party in Congress repudiates those instructions upon the ground that it received a mandate from the people to do what it proposes to do, which I can not name, because it is nameless.

What happened on election day besides the defeat of the Republican Party? 6,292,600 votes were cast for Mr. Wilson; 8,602,042 votes were cast against him—1,655,230 less than a majority for Mr. Wilson and his platform, attractive and safe as Mr. UNDERWOOD had tried to make it; 1,655,230 more votes were cast for the principle of protection than for the tariff plank of the Democratic platform, whatever it meant.

I will not go into the views of the great Democratic scholars as to the danger which surrounds a popular government where the vox Dei comes from the throat of a minority of the vox populi. It is too late to talk about that or lament it. The voice of the majority has surrendered to the voice of the plurality, and if I am ever converted to the "referendum" it will be for the reason that in no other way can the people meet a great issue like the tariff, face to face, and a majority put their seal upon it with a plain yes or no, uninterfered with by other issues or the personalities of candidates.

It may or it may not be just to claim that the people by a majority of 1,655,230 votes instructed their Representatives in Congress to maintain the principle of protection, but certainly there is no foundation for the assertion that a majority of the people voted for free sugar or free wool or a tariff for revenue only. Would it not be nearer the truth to say that not one in a million had any knowledge of the precise rates which the Ways and Means Committee would fix if controlled by the Democratic Party? Indeed, when you come to rates—and nothing else is of consequence—when you come to crystallize promises and theories into a choice between specific and ad valorem duties and their alternating equivalents to be written into the proposed law there was only one man in the United States who knew what he was voting for, and that man was Mr. UNDERWOOD. He might have known that a Democratic victory meant the placing of cotton dyes on the free list and wool dyes on the protected list; he might have known that goats' wool was to be taxed and sheep's wool was to be free; that elephants' tusks were to be taxed and cotton bands put on the free list. But if so he was the only man.

The President in his address to Congress said that it is a case of sharpening wits. I agree with him heartily, but shall we sharpen our wits by giving up the only tools with which wits can be sharpened? Is Uncle Sam to acquire the dexterity and endurance necessary to win in the pending international industrial struggle by exercising his voting and advisory powers only? What particular industries shall we abandon and what shall we retain? For what particular market shall we surrender our own? For what particular oriental rainbow shall we exchange our pot of gold in hand? We are told that we must concentrate upon industries which by the test of experience we can sustain. After a century of test we know of none such in our country. On the contrary we know that there are none. Indeed, we can not expect to retain our own market without protection.

We know that as water seeks its level so wages will tend to equality where the physical conditions are equal. Shall we help the situation now by adopting a fiscal system that will lower or endanger in any way our present standard of wages? If we expect to excel other nations in naval warfare, we must practice—practice naval architecture and maneuvers constantly, and all of this will be of no avail unless we practice shooting. So in the great struggle for industrial supremacy that to-day faces the nations of the earth, if we would win the victory in weaving and spinning, we must weave and spin constantly. If we would conquer in any single line of production we must put and keep our people upon an equal footing with foreign peoples, where we may fairly expect to overcome the obstacles in the way, physical or economic. But our people will not experiment at a loss and the Congress can not compel them to experiment at a loss. A man will practice singing for the pleasure of it. He may practice oratory for the fame of it. But if he practices manufacturing, he does it for the money there is in it and for no other reason, and the prices and

bounties and taxes that have been paid by the nations of the world to invite, incite, and excite the sharpest rivalry among men in their effort to subjugate and enlist in their behalf the hostile forces of nature have been the best investments that have been made up to date. And that, I think, Mr. President, is one of the reasons why every civilized nation on the earth except England has discovered the economic wisdom of protecting opportunity by protective tariffs, and why every nation on earth including England has offered bounties and prizes to those who have advanced civilization by increasing the productivity of human toil.

I desire at this time to put into the RECORD a partial list of the Connecticut industries which will be affected by the pending bill. This list I take from the last census and the Connecticut factory and labor bulletins.

Later on I may appeal to those responsible for this bill to raise certain rates which are clearly demanded, but my purpose at this time is to show that the pending bill is in its entirety founded upon a tariff theory which, in my opinion, excludes the possibility of intelligent protection to American industries and which is in glaring violation of the pledges of the Democratic Party to the people of Connecticut.

STATISTICS CONCERNING MANUFACTURING INDUSTRIES OF CONNECTICUT.

[From Abstract of Thirteenth Census, 1910.]

In 1910 Connecticut had a population of 1,114,756 and ranked twelfth among the States with regard to the value of her manufactured products. There were 4,251 manufacturing establishments, which gave employment to an average of 233,871 persons during that year. She paid out $135,756,000 in salaries and wages. The value of manufactured products turned out was $490,272,000, and the value of the materials used in the manufacture of these products was $257,259,000, giving an added value by manufacture of $233,013,000. The expenses were $429,904,000, and the capital was $517,547,000.

Connecticut ranks second among the States in the production of rubber boots and shoes, measured by the value of the products, and the three gold and silver refineries of the State reported a greater value of the products than did any other State.

Textile industries.—These industries in Connecticut gave employment to an average of 34,192 wage earners, or 16.2 per cent of the total of all the manufacturing industries in the State. The value of the products amounted to $70,459,000, or 14.4 per cent of the total value of manufactured products. Of the total value of the products of the four branches of the textile industry, 34.4 per cent was contributed by the cotton mills, 29.9 per cent by the silk mills, 27.5 per cent by the woolen and worsted mills, and 8.2 per cent by the hosiery and knitting mills.

Brass and bronze products.—Connecticut ranked first among the States in the combined value, reporting 44.6 per cent of the total value for the United States.

Foundry and machine shops.—In the products of this industry the most important one consists of hardware, of which more than two-fifths of the total value reported for the United States was reported from Connecticut.

Firearms and ammunition.—This industry is mainly centralized in New Haven and Bridgeport, exclusive of governmental establishments. Almost four-fifths of the total value of ammunition and over one-fourth of the total value of firearms manufactured in the United States was reported from establishments located in the State. Connecticut was the leading State in the total value of products reported for the combined value.

Automobiles and parts.—This includes 8 establishments reporting the manufacture of automobiles, and 20 establishments "with about one-fourth of the total value of products for the whole industry."

Cutlery and tools.—Connecticut ranks second in this industry in the United States. The value of the products for this industry was $10,716,918.

Hats and fur felt industry.—Connecticut was second in importance in this industry, with 21.7 per cent of the total value of products for the United States.

Clocks.—Connecticut ranked first in clocks and watches in the value of products. Nine of the sixteen industries in the State were engaged primarily in the manufacture of clocks. This branch of the industry in Connecticut dates back as far as early in 1800, and much of its early development took place in that State, where it has been largely centralized.

The foundry and machine shops gave employment to 37,736 persons, or more than twice as many as any other single industry of the State. The average number of wage earners in the leading cities and towns were as follows:

Bridgeport	25,775
New Haven	23,547
Waterbury	20,170
Hartford	14,627
New Britain	13,513
Meriden	7,845
Danbury	4,810
Torrington	4,488
Norwich	4,470
Ansonia	4,127
Stamford	3,984
Naugatuck	3,464
Willimantic	3,020
Middletown	2,434
New London	2,225

Bridgeport.—This city was the foremost city in the State in manufactures, with 47.1 per cent in value of products and 37.2 per cent in average number of wage earners. Compared with other manufacturing cities of the country, Bridgeport ranked thirty-third in the value of products for 1910. The foundries and machine shops of this city turned out products valued at $9,752,000, or 14.9 per cent of the corresponding total for the State. The corset industry was also considered of importance, with an output valued at $6,899,000, or 53.8 per cent of the total value for the industry of the State.

New Haven.—This city was the second city of the State as measured by the value of products, with 28.8 per cent in value of products and 9.8 per cent in average number of wage earners.

Waterbury.—The third manufacturing city of the State, showed an increase of 55.6 per cent in value of products and 30.9 per cent in number of wage earners compared with that of 1904. The industries of this city are centralized in a single one—that of brass and bronze manufacturing. In 1910 the reported products amounted to $31,462,000, or 62.5 per cent of the total for the city. In 1910, 21 per cent of the value of all the brass and bronze products manufactured in the United States was reported from Waterbury. Over two-fifths of the total value of clocks and watches manufactured in the United States was reported from Waterbury. Other industries of importance were the manufactures of foundry and machine-shop products, gas, electric fixtures and lamps, needles, pins, hooks and eyes, and buttons.

Hartford.—The fourth manufacturing city of the State has showed an increase of 56.6 per cent in the value of products and 30.4 per cent in the number of wage earners compared with 1904. These gains were largely due to the increase in the manufacture of automobiles, foundry and machine-shop products, rubber goods, typewriter and typewriter supplies. The major portion of the value of the output for the State of dentists' materials, nails and spikes not made in steel works or rolling mills, feather belting, and machine screws was reported from this city.

Norwich shows the greatest gain in the value of products from 1904 to 1910 with 55.9 per cent, and New Britain the greatest in the number of wage earners with 34.2 per cent. The manufactures of New Britain are so centralized in the hardware industry that the output of this industry reports 52.9 per cent of the total value of products for the city; 44.2 per cent of the value of cutlery and tools made in the State for 1910 were reported from New Britain.

Norwich.—In this city the textile industries are of the most importance.

Ansonia and Torrington.—The most important industries of these cities are the manufactures of brass and bronze and machine tools.

Meriden.—The silverware and plated-ware industry is the most important in this city. In 1910 this city reported 65.9 per cent of the total value of gas and electric fixtures and lamps and reflectors manufactured in the State.

Naugatuck.—The leading industries are the manufacture of rubber boots, shoes, and rubber goods.

Middletown.—The most important industry is the manufacture of men's furnishings (elastic goods).

Danbury.—Its leading industry is the fur-felt hat manufactures. The output in 1910 was valued at $7,114,683 and formed 68.6 per cent of the total value reported for this industry in the State.

The manufacture of locks makes the machine-shop and foundry industry the most important in Stamford, and the textile industry predominates in Willimantic and New London.

Industry.	Number of establishments.	Persons employed.
Boots, shoes, cut stock, and findings	10	.....
Brass and bronze products	80	17,800
Buttons	20	1,133
Clocks	16	6,195
Cotton, small wares	52	14,887
Cutlery and tools	82	8,094
Dyeing and finishing textiles	10	1,817
Firearms and ammunition	10	9,205
Foundries and machine shops	403	42,101
Hats, fur-felt	94	6,509
Hosiery and knit goods	21	3,525
Musical instruments, pianos and organs, and materials	17	2,469
Needles, pins, hooks and eyes	8	2,825
Paper and wood pulp	51	1,920
Silk and silk goods	47	9,385
Tobacco	205	1,861
Typewriters	8	5,500

The typewriter industry of Connecticut is a very large one. The Underwood factory at Hartford, Conn., is one of the largest factories of its kind in the world and employs about 3,500 mechanics. The Royal Typewriter factory, of Hartford, is the second largest factory of its kind in the State, employing in the neighborhood of 1,000 mechanics. Besides these two factories there are four other typewriter manufacturing establishments in Connecticut, as follows: The Williams Typewriter Co., of Derby; the Yost Typewriter Co., of Bridgeport; the Blickensderfer Typewriter Co., of Stamford; and the Noiseless Typewriter Co., of Middletown.

FACTORIES IN CONNECTICUT, BY COUNTIES, WHICH WILL BE AFFECTED BY THE PROPOSED TARIFF BILL.

NEW HAVEN COUNTY.

There are 240 factories, 89 of which are located in the city of New Haven; 64 in Waterbury, which produces the largest amount of brass, clocks, and novelties of any city in the United States. It is a city of 80,000 inhabitants.

The city of Meriden has 33 manufacturing concerns. Ansonia and Derby have 22. The following towns and cities in New Haven County contain certain important manufacturing establishments:

Wallingford, Seymour, Naugatuck, Branford, Beacon Falls, Centerville, Mount Carmel, West Cheshire, Milford, and Clinton.

New Haven's population is 133,000, Meriden's population is 32,000, Ansonia's population is 15,000, and Derby's population is 9,000.

FAIRFIELD COUNTY.

There are 220 factories, 81 of which are in Bridgeport; Danbury, which is the center of the hat industry of the United States, and has a population of 23,500, has 57 factories engaged in this industry, together with the adjoining town of Bethel, with a population of 4,000 and 18 more factories.

There are 18 more factories in the hat industry in Norwalk and South Norwalk, and these two towns have a population of about 16,000, making a total of 93 factories in these four towns engaged in the hat industry.

Other towns which contain manufacturing interests are Stamford, Shelton, Fairfield, Brookfield, New Canaan, and Mianus.

HARTFORD COUNTY.

There are 208 factories in Hartford County, 79 of which are located in Hartford, the population of which is 99,000.

Bristol and Forestville, with a population of 23,000, have 20 factories.

New Britain, with a population of 44,000, has 22 factories.

Windsor Locks, with a population of 4,000, has 10 factories.

Plainville, with a population of 3,000, has 12 factories.

Southington and Plantsville, with a population of 6,500, have 9 factories.

Manchester, which is the center of the silk industry of the State, has a population of 14,000.

Other towns which will be affected are Glastonbury, Unionville, Thompsonville, Suffield, Avon, and Simsbury.

NEW LONDON COUNTY.

There are 72 factories in New London County.

Norwich, with a population of 20,000, has 22 factories.

This county has 50 factories engaged in the manufacture of cotton, woolen goods, and textiles. There are also 10 factories in this county engaged in the manufacture of paper and paper board. A great many guns and firearms of various descriptions are also manufactured in the town of Norwich. Other towns that will be affected are New London, Stonington, Taftville, Uncasville, Voluntown, Montville, Jewett City, Baltic, Mystic, and Oakdale.

MIDDLESEX COUNTY.

There are 56 factories in Middlesex County.

Middletown, with a population of 20,000, has 18 factories.

Deep River and Ivorytown, with a population of about 5,000, are the center of the ivory industry of the United States. Ivory tusks have always been on the free list and are free in every other country on the globe. This bill proposes to put a duty of 20 per cent upon ivory tusks. Other towns which will be affected by the bill are Chester, East Hampton, Higganum, Moodus, Centerbrook, Portland, and Rockfall.

WINDHAM COUNTY.

There are 52 factories in Windham County.

Willimantic, town of Windham, with a population of 13,000, has 12 factories.

Putnam, with a population of 7,000, has 14 factories.

Forty-two factories in this county are engaged in the manufacture of cotton and woolen goods and textiles. Other towns which will be affected are Danielson, Central Village, Dayville, Moosup, Plainfield, Wauregan, Sterling, Ballouville, Packer.

LITCHFIELD COUNTY.

There are 46 factories in Litchfield County.

Winsted, with a population of 9,000, has 9 factories.

Torrington, with a population of 17,000, has 7 factories.

Thomaston, with a population of 4,000, and Terryville, with a population of 5,000, have 5 factories. Other towns which will be affected are Hotchkissville, Lakeville, and Northfield, which towns are engaged in the manufacture of cutlery.

Oakville, with a population of 4,000, has factories which produce pins of all kinds and employ about 1,500 hands.

New Hartford has the largest brush factory in the State.

Bantam and New Milford are two other towns which will be affected by the bill.

TOLLAND COUNTY.

There are 43 factories in Tolland County, 35 of which are engaged in the manufacture of woolens, cotton, and textiles.

Rockville, with a population of 9,000, has 10 factories engaged in the manufacture of woolen goods and textiles and is the largest manufacturing town of woolen goods of any city in the State.

Stafford, with a population of 6,000, has 12 factories.

Other towns which will be affected are Somerville, Eagleville, Andover, Mansfield Center, Coventry, Talcottville, and Willington.

Mr. STONE. Mr. President, this Chamber seems to have within its walls a number of prophets of evil, croaking evangels of disaster. The atmosphere we breathe has become impregnated with the malodor, so to speak, of direful prophecy. It seems as if our friends on the other side, or many of them at least, are hungering for a panic. They are doing everything in their power to create distrust.

I wonder if they really want industrial depression; if they really desire that there should be a halt in the progress and prosperity of the country. It is hard to believe, and yet that is the impression being created here and elsewhere. Every Senator on that side who rises to speak has a blue tale of woe to tell, made up for the most part of doleful prophecies of certain disasters to come. I submit, Mr. President, that is not the spirit or the tone of that true Americanism that should find expression in the American Senate. I say this because it seems that there can be but one great underlying purpose behind this continuing story of evil prophecy, and that is to create distrust, artificially, and to bring about a state of industrial depression that may redound to the advantage of the Republican Party, on the theory that if something bad should happen the Democratic Party must answer for it and that the Republican Party would be benefited in some corresponding degree. All we hear now are tales of woe.

Mr. WARREN. Does not the Senator believe there could be some tales of woe told in consequence of what has already happened in certain markets in regard to certain commodities by reason of the threatened tariff bill? In my opinion the prophecies made, if made, have been very moderate, and opportunities have been passed over which, if complaint had been sought for the purpose of complaint, would only require that the truth be known as to what has already happened to many of these industries and is happening every day because of the threatened tariff bill to show that adversity is already upon us as to certain products.

Mr. STONE. That is the very kind of thing Senators are saying here every day, iterating and reiterating it, for absorption by the country.

Mr. WARREN. No; they are not being stated here. There are commodities that have not yet even been spoken of here on the Senate floor as to their market values that have greatly depreciated, and are on the market to-day at radically lower prices than heretofore, and the Senator must know it. I can give the Senator a very considerable list if he wishes it.

Mr. STONE. Mr. President, that scarcely touches the merits of the question. It is possible that some articles can be named the market price of which is lower now than months before, while it is equally true that numerous other articles can be named where the market price is higher now than ever. There are constant fluctuations in the prices of production in almost every line. I do not want to start any hornet's nest, Mr. President, here to-day, and prolong this discussion and waste time; but I yield to the Senator from New Hampshire, who is waiting to interrupt me.

Mr. GALLINGER. I shall not disturb the Senator if it is not entirely agreeable.

Mr. STONE. Oh, it is not disagreeable, except that I do not want to waste too much valuable time.

Mr. GALLINGER. I shall occupy very little time, as is my custom. I will ask the Senator if he really believes that those of us who honestly entertain the opinion that the passage of this bill will greatly disturb business, and possibly work irreparable injury to the manufacturing business of the country, ought to refrain from stating our views? I will ask the Senator, further, how he interprets the fact that the General Electric Co., which has always borrowed money heretofore at 4 per cent, had to pay 6½ per cent for an issue of one-year securities which it recently put on the market? Does it not indicate that there is already disturbance, and are we not justified in feeling that very likely there will be further disturbance?

Mr. STONE. Oh, there may be some disturbance here and there, traceable to one cause or another. That may happen, and does here and all over the world from time to time. Mr. President, if I were disposed to go far enough at this time to express my real convictions about some things that are going on in this country now—and I may have occasion to be more specific later on—I might say that the first fluttering of any industrial disturbance so far is the result of a deliberate purpose, if not a deliberate conspiracy, on the part of certain men representing important interests in this country to create a disturbance.

Mr. GALLINGER. Mr. President, the Senator surely does not believe, which has been heretofore asserted without authority, that the men who are carrying on the great industrial enterprises of this country want to create trouble for themselves?

Mr. STONE. For the present I pass that. I am now talking about Republican Senators who day after day are sending out to the country, through the Associated Press and otherwise, warnings and prophecies that we are on a downward toboggan slide to the "demnition bow wows"; that a storm is coming, and that wise men had better run to their cyclone cellars, and all that sort of thing.

Mr. GALLINGER. What does the Senator think of the pronouncements that are going out from the White House and from the Secretary of the Treasury?

Mr. STONE. I think they are very timely.

Mr. GALLINGER. Timely? I think they are very untimely.

Mr. STONE. Yes; I think they are timely. They are timely, for they are intended to advise the country and to discount and thwart the purpose—apparently the deliberate purpose—of men both in and out of Congress to create a feeling in the public mind of unrest with the expectation of some resultant industrial disturbance.

Mr. CLARK of Wyoming. Mr. President, a question of order. The Senator has stated, in effect, that Members upon this side of the Chamber are sending out reports for the purpose of creating disaster. The Senator having made that charge as to Members on this side, he should specify the Senators who have so done.

Mr. STONE. It would be altogether——

Mr. CLARK of Wyoming. It is a very serious charge, and only in line with utterances from other sources seeking to discount the effects of this bill; for instance, by the President of

the United States, who, as is reported, proposes to hang as high as Haman anybody who disagrees with his tariff program. It is, I think, also a proposition that comes from the Secretary of Commerce to investigate and put out of business any manufacturer who does not agree with him, and it is now seriously contended by the Senator from Missouri that if evil results follow the passage of this bill it will be because of the speeches of those opposed to the bill—rather a curious conclusion. Now, I ask what Senator on this side has sent out reports threatening disaster upon this Nation?

Mr. STONE. I have scarcely heard a speech made on the other side since this debate began that did not send forth these doleful messages.

Mr. CLARK of Wyoming. I ask the Senator to name the Senator.

Mr. STONE. I think probably the Senator himself is guilty.

Mr. CLARK of Wyoming. This Senator has not made a speech.

Mr. STONE. Then the Senator is not guilty in that form; whether he is guilty of this offense in some other form I do not know. But every Senator who has spoken on that side has in some way assured the country that ruin was coming by leaps and bounds. And, Mr. President, I believe it to be true that it is a part of the fixed program of the Republican side of this Chamber to create a widespread impression and a fear throughout the country of coming disaster, with the hope of precipitating industrial and commercial conditions that will redound to their party and political advantage. But, all the same, they will not succeed in accomplishing their purpose, Mr. President.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. STONE. I will yield.

Mr. KENYON. I only want to say, Mr. President, as the Senator from Missouri is charging this side en masse with such a purpose, I speak for myself and say that I have not hesitated, wherever an opportunity has been presented, to express the belief that the passage of this bill would not induce any panic or any industrial trouble; and in my State I have watched the sentiment pretty closely, and the farmers and the business men do not share in any such opinion. I trust the Senator will not impute it to everyone on this side.

Mr. STONE. I was not thinking of the Senator when I made the remarks to which he objects. I hardly had the Senator from Iowa, who has just spoken, and other Senators of his type and breadth of thought in my mind. I think that he and they proceed along a different and a higher line, both of thought and conduct, in the discharge of their senatorial duties.

Mr. President, I heard this morning the speech made here by the Senator from Connecticut [Mr. McLEAN], full, as the speeches of his colleagues have been, of a blue tale of woe. It so happens that this very morning also I saw a statement as to the commercial and industrial conditions in the country from a report of R. G. Dun & Co., which I propose now to read to the Senate by way of contrast to the typical Republican speech of the Senator from Connecticut. R. G. Dun & Co. is one of the great mercantile credit concerns of the United States. They have their agents in every neighborhood of the United States, who see with their own eyes what the crop prospects are, what the mines are doing, what manufacturers of different kinds are doing, what the merchants are doing, what the bankers are doing, and what business men generally are doing. They furnish reports to their employers, and out of these the central office, after careful analysis and consideration, prepare reports about all kinds of business and for the use of business men everywhere, giving the credit standing of individuals, and giving expression as to the general industrial and economic and commercial conditions of the country, and these are relied upon in great measure by business men throughout the country. Business men pay for the right and privilege of using the reports of this great concern.

Let me read what R. G. Dun said yesterday, and I will put that against what the Senator from Connecticut has said this morning:

Mr. GALLINGER. Mr. President, I simply desire to say, if it be true that the business and industrial interests of the country are guided by the business of R. G. Dun & Co., who are very industrious and usually accurate, any expression on the part of an individual Senator here would not be likely to create a panic.

Mr. STONE. I do not think expressions here will create a panic, no matter what the purpose of these expressions may be. I do not think we are going to have any panic, Mr. President; I know we are not. But at the same time I beg to say, with as little offense as possible, that if anything would foment a panic it would be just such a course as that being pursued by the majority of the minority on the other side.

Now, let me read this, clipped this morning from the New York American. It says:

Fall business is opening with every indication of a sustained boom. Merchants who hesitated placing extensive orders because of pending tariff legislation have been forced to make heavy purchases because of unexpected demands. The impetus foreshadows great and prosperous activity.

The settlement of the tariff controversy is looked forward to expectantly by business men. They are prepared to make new investments and embark on large enterprises the moment Congress acts, no matter whether it changes the tariff or not.

Many large merchants who a month ago complained of slack trade now report their shelves are almost empty.

The people are anxious to have tariff legislation ended. The business men of the country want it disposed of and out of the way at the earliest possible moment, so that they may settle down to something definite and have an end to uncertainty. But Republican Senators insist on holding it up. Yesterday we were threatened that it might be held up, and this by more than one Senator—held up even until the snow flies—unless Senators on this side will agree not to take up other legislation, especially currency legislation.

But I will continue reading:

The tone of general optimism pervading business circles was expressed by R. G. Dun & Co., mercantile agency, in the following statement to the New York American:

What I have read so far is an introductory preface by the American to the Dun statement. Now comes what the R. G. Dun Mercantile Agency itself said:

Prospects for fall business are satisfactory. Agricultural conditions which underlie the entire business fabric, have seldom been better at this time of the year than they are, and the large crops in practically every section of the country, which will be sold at remunerative prices, insure an active demand through the fall for all kinds of merchandise.

Labor generally is well employed and at remunerative wages. In many of the important manufacturing centers there is some complaint regarding the scarcity of labor, and as numerous advances in wages have been made it is reasonable to suppose there will be a continued good demand for the majority of the commodities which enter into general consumption.

That the people are well provided with funds and will purchase freely is indicated by the liberal orders placed by merchants for fall requirements, some wholesale dry-goods factors reporting they could dispose of more goods were they readily available, while in many instances the volume of business booked measures up very favorably with that of former years.

FOOTWEAR ORDERS.

In footwear, fall orders are being placed in normal volume, notwithstanding high prices, and some manufacturers, especially in the West, say their sales exceed those of any previous corresponding period.

The important iron and steel industry, after a short period of somewhat quieter conditions, appears to be improving and reports are remarkably uniform that prospects are decidedly encouraging.

The uncertainty regarding tariff revision has naturally had a restricting effect in some directions, but it has been more in the nature of curtailing production to current needs than of reducing consumption, and one of the most favorable features of the situation is the fact stocks in those lines which will be most affected are barely sufficient to meet the current actual demand.

Any effect tariff change may have on the future has, therefore, been very largely discounted. When the question is finally settled, there will undoubtedly be a marked revival in the demand for all classes of merchandise, which will tax the resources of the country to fill.

CURRENCY QUESTION.

Little attention is apparently being given in mercantile circles to the question of currency alterations, the general belief being whatever change may be made will be for the better. Reports from numerous leading centers state collections are reasonably prompt for this season, and merchants in the country districts expect easier monetary conditions with the movement of the crops.

Current statistics indorse reports of active business, railroad gross earnings being larger than ever before at this period, reflecting an enormous movement of freight, while bank clearings for the latest week made a favorable comparison with a year ago. Foreign trade is also very heavy.

Mercantile failures for the first half of the year showed a decrease in the number, so the strain during a trying period was not so severe, although, owing to an unusual number of large defaults, the amount of liabilities show some increase.

Mr. President, there is a note of optimism, based upon facts gathered by the most careful and widespread examination into the true conditions existing in practically every neighborhood in the United States. How it shines by contrast with this daily croaking here! I, for one, am growing weary almost unto death with this endless pessimistic chatter, and still more with threats that this chatter is to go on, and that the passage of this bill is to be delayed, although the business interests of the country need to have it settled at the earliest possible date, and although the business interests of this country are demanding that the chatter shall end and the legislation be completed without delay. It is time for the country to understand just what the trouble is.

Mr. GALLINGER. Mr. President, I do not wonder that the Senator from Missouri [Mr. STONE], in view of the discussion that has been had and that will be had on this bill, showing

its imperfections and its atrocities, is growing weary. It is natural that the Senator should grow weary. Considering the time that our Democratic friends took to consider this bill in committee and in a Democratic caucus covering a period of nearly three months, it is rather remarkable that the Senator from Missouri should find fault that we have kept it under discussion for two weeks in the Senate; but it does not appeal to me.

The Senator, Mr. President, is too excited this morning. I think the Senator came very near to violating a rule of the Senate this morning, which I will read—paragraph 2 of Rule XIX:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Now, Mr. President, the Senator has made very serious charges against Senators on this side of the Chamber. I think he has imputed to them unworthy motives, in violation of that rule, which ought always to be observed in debate.

I do not see nor can I feel that anything has been said or done that needs to excite the Senator from Missouri, or any other Senator on that side of the Chamber. We are proceeding in a very orderly way in debating this bill. Yesterday the Democratic side of the Chamber took quite as much time as the Republican side in the debate, and I was very glad to see them do that, because their silence heretofore has been a little oppressive to some of us. We will continue to debate this bill item by item and schedule by schedule until it is completed, and some of us will continue to do it in our own way. I speak for no one but myself. I regretted yesterday that the suggestion was made in debate that somebody was speaking for this side of the Chamber. It certainly was not me. I speak for myself only now and at every other time.

I hope that the suggestions and predictions of the house of R. G. Dun & Co. are based upon substantial foundations, but the Senator from Missouri suggested, before reading the article, that the shelves of our merchants were practically empty, so far as goods are concerned. That is natural. With three or four hundred million dollars' worth of foreign goods in bond to-day in the United States that are to be dumped upon the American market without the payment of duty if this bill passes in its present form, why should any merchant purchase goods and stock his shelves? I have talked with merchants on that point in my own State and elsewhere and they tell me they are not going to do it; that they are going to wait until they get cheaper goods. Why should any man buy wool to-day and pay the duty on it if he is to have free wool? Why should a merchant stock up with sugar and pay a duty on it if he is to have free sugar? And so on through the list.

I say to the Senator that I frankly join with him in the hope that we may not have any industrial disaster, but educated in the school that I have been educated in, believing as I do in the policy of protection, which I do not find in this bill, I can not free my mind from the conviction, which I shall express at all proper times, that the passage of this law will bring industrial disturbance and, I fear, industrial disaster to the people of the United States. That feeling is shared by the people whom I so inadequately represent. I would be very glad to disabuse their minds of that feeling if I could, but I share with them in that feeling, and I deplore the possibility of this bill ever becoming a law. That it will become a law I presume is to be expected, and when it becomes a law it will then be tested by the American people. If it works out as well as the Senator from Missouri thinks it will, the Democratic Party will have justified itself before the people of the United States. The Democratic Party will have proved that the Republican Party all through its history has been wrong, so far as its contentions on tariff matters are concerned; but if, on the other hand, it proves not to work well, if it proves a detriment to the people of the United States, if it brings industrial disturbance and commercial disaster to our people, then the Democratic Party will have failed in its contention and the country will return, as I believe it will return, to the policies and doctrines of the great Republican Party.

Now, Mr. President, let us keep good-natured about this matter. Let us go along with the consideration of this bill as best we can. Let us cross swords with our Democratic friends when we think they are wrong, and let them at such length as they choose try to convert us to the unsound views that they hold regarding this proposed legislation.

Mr. STERLING. Mr. President, I rise to a question of personal privilege, not relating at all to anything which has been said by the Senator from Missouri [Mr. STONE]; but the privilege I claim is that of gladly admitting my acquaintance with a gentleman in South Dakota, any knowledge of whom it would appear that I denied yesterday in my remarks on the tariff bill in a colloquy with the Senator from Montana [Mr. WALSH]. On page 2844 of the CONGRESSIONAL RECORD the colloquy occurs, and it appears I was asked if I knew Mr. A. E. Chamberlain, formerly of the agricultural department of the State. Later I was asked in regard to knowing him as connected with the agricultural college at Brookings. At the time of the inquiry——

Mr. JAMES. I should merely like to suggest to the Senator from South Dakota, if he is addressing himself to a question of privilege which relates to a colloquy had with the Senator from Montana [Mr. WALSH], that the Senator from Montana is not in the Chamber at this time.

Mr. STERLING. It does not involve the Senator from Montana at all, I will say to the Senator from Kentucky.

Mr. JAMES. I beg the Senator's pardon. I could not hear his suggestion, and I merely wished to suggest the absence of the Senator from Montana.

Mr. STERLING. There is no dispute between the Senator from Montana and myself as to what occurred; but at the time of the inquiry I did not catch the initials of the gentleman's name as given by the Senator from Montana, and I did not know of his connection with the agricultural department of the State, save that I had, of course, known that Mr. A. E. Chamberlain had been engaged in conducting farmers' institutes in the State. I did not know that he had had any connection whatever with the agricultural college at Brookings, nor, as the Senator stated, that my friend, A. E. Chamberlain, headed the delegation that came to Washington in connection with the reciprocity measure. Hence I said, in response to the questions of the Senator from Montana, that I did not know the gentleman. I am happy to say that I do know him, and he is a very estimable gentleman. I recognize him since I have learned his initials and ascertained that he is the gentleman to whom the Senator from Montana referred at the time.

Mr. PENROSE. Mr. President, the Senator from Missouri [Mr. STONE] has read an optimistic statement from the R. G. Dun Mercantile Agency, and I have myself noticed that the Dun reports have been remarkably optimistic during the tariff debate. It does not seem to me, however, that the statements are borne out by the facts.

Before briefly calling the attention of the Senate to several specific instances of failure, the closing of mills, and the general curtailment of business in Pennsylvania, occurring very recently, I should like to remind the majority of this body of the circumstances under which this legislation is now pending. It was held for nearly a month in secret conference. The minority have had little or no opportunity to learn why changes were made in the bill or what changes were made. The country expects of the minority to debate to a reasonable extent and to expose, from the point of view of the Republican protectionists, the objections to the pending measure. There is not the slightest desire on the part of anyone on this side of the Chamber to delay this bill one day. Three-quarters of the time consumed up to the present in the discussion of this measure has been occupied by the majority in control of this legislation. I have not seen the situation stated more concisely than in the clipping from the Washington Herald, which I shall now send to the desk and ask the Secretary to read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows from the Washington Herald of May 20, 1913:

BEHIND CLOSED DOORS.

In a recent issue of a monthly magazine President Wilson expressed some interesting ideas regarding the preparation of tariff and currency laws. His main contention was that "the people" were not heard. He objected to the fact that big manufacturers, bankers, and heads of railroad corporations were chiefly consulted when important legislation was to be enacted. But, most of all, he condemned the practice of considering these matters in secret under conditions which gave the people no opportunity to know how and why the legislators arrived at their course of action.

"I do not want," to quote President Wilson's own words, "a smug lot of experts to sit down behind closed doors in Washington and play Providence to me."

The administration of President Wilson, marked thus far by honesty and sincerity of purpose, can not afford to suffer the taint of secret manipulation. If the tariff bill which passed the House is to be changed in the Senate, the country has a right to know why the amendments have been made. The record should be public. The reason for changes must not only be apparent, but convincing, and it can not be either if the veil of secrecy envelops senatorial action.

Not only the Democratic administration but the Senate is on trial. Neither can hope to retain popular favor if tariff legislation is to be effected behind closed doors. It may be that Democratic Senators do not want to hear the warnings which would be uttered nor listen to statements which would make good campaign material for the opposition. We can not believe that fear inspires their line of conduct. This being the case, and it being equally certain that no Senator has any desire to do in secret that which he would not do in the open, there seems to be no ground whatever for the program of secrecy which has been entered upon.

Mr. PENROSE. Mr. President, the charge was frequently made when the Payne-Aldrich bill was being framed that the then majority in this Chamber surrendered their judgment to the chairman of the Finance Committee. It is evident that the method has only been slightly altered, if the truth of the charge made is to be admitted, which I do not admit.

There is, however, no question of the fact that the majority Senators in this body have absolutely surrendered not only their own judgment but the interests of their constituents to a Democratic caucus; and the only reply that has heretofore been made was the reply made yesterday by the Senator from Mississippi [Mr. WILLIAMS] that they were no worse than the Republicans had been four years ago.

As to these rosy views of Dun, I hold in my hand the statement of a failure, a complete closing of one of the largest textile concerns in southeastern Pennsylvania, occurring two or three days ago. I will ask the Secretary to read the short notice of it which I send to the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Philadelphia Public Ledger of July 29, 1913.]

CHESTER PLANT IDLE—HETZEL TEXTILE MILLS CLOSED, OWING TO TARIFF UNCERTAINTY.

CHESTER, PA., *July* 28.

George C. Hetzel, president of Hetzel & Co., owners of a large textile plant in this city, in explaining the cause for closing down for an indefinite period, declares that owing to the present tariff bill the wholesale clothiers who buy from them will not give orders for new goods.

Mr. Hetzel further said: "For the present we will run only the finishing and dyehouse. In former years we were always successful in having on hand sufficient orders to keep the plant running in between the seasons until the next season's orders began to come in. This year such has not been the case, owing to the present tariff uncertainty."

About 300 persons are affected as a result of the weaving department being closed. When the few orders on hand are finished the finishing department and dyehouse will be shut down.

Mr. PENROSE. In other words, Mr. President, 300 persons have already been thrown out of employment and several hundred more will be thrown out of employment in a short time.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. PENROSE. Yes.

Mr. JAMES. I should like to ask the Senator if it is not true that the reports of Dun & Co. and Bradstreet & Co. show that the failures this year, week by week, have been fewer than during the last year?

Mr. PENROSE. I have already admitted that a strange optimism prevails in the reports of these two mercantile agencies, but they are not borne out by the facts.

Mr. JAMES. Of course, mercantile agencies are not political organizations trying to further the interests of political parties. We should not infer, I hope, from the Senator's statement that he wants to have the country believe that Dun & Co. and Bradstreet & Co. are making false reports of the business conditions of the country.

Mr. PENROSE. Not intentionally; but I think their sources of information must be extremely poor.

Mr. JAMES. Does the Senator think, sitting in the Chamber here as a Senator from Pennsylvania, and, of course, very intensely in favor of protection, that he is a better judge of the business conditions of the country than these great business organizations?

Mr. PENROSE. I do, so far as Pennsylvania is concerned.

Mr. JAMES. These organizations ramify every part of the Nation and get daily and weekly reports of the condition of the business of the country.

Mr. PENROSE. I am only speaking for eastern Pennsylvania, and I think that I know a great deal more than does any mercantile agency about conditions there.

I will go further and state, for the information of the Senator, that in addition to the complete shutdown of this very well-known, long-established, and thoroughly solvent concern there is not a textile industry east of the Susquehanna River in the State of Pennsylvania that is working more than three days a week at the present time.

I took occasion to select a small county, the county of Lebanon, in eastern Pennsylvania, with a number of small, diversified industries, and I had a person go up there and find out just what was going on. I have a report, received in the last few days, which I should like the Secretary to read.

The VICE PRESIDENT. In the absence of objection the Secretary will read as requested.

The Secretary read as follows:

Colebrook furnaces, two in number, owned by the Lackawanna Iron & Steel Co., managed by Lloyd Wolfe, a Democrat, one shut down. Mr. Wolfe informed me that no men were laid off, as they were given work cleaning up and repairing, but in a week or so they would be compelled to proportion the work and have half the force work one week and alternate.

Mr. Wolfe reluctantly admitted that the shutdown was caused by the poor condition of the iron market; also that they were making iron at a loss and storing most of it waiting for better prices.

If matters do not change I am willing to say that several hundred men will be out of employment at this plant.

They are operating three other furnaces here, and there are rumors on the streets that they will close down also. Most of this information was given me by Wolfe confidentially.

Lebanon Blast Furnace Co., owned by the Melly estate (old-fashioned furnace), shut down tight; 100 men out of work. George Melly, one of the owners, very bitterly condemns and blames the Democratic tariff makers for the trouble.

Sheridan furnace, one, owned by the Berkshire Iron Co., located at Sheridan, Pa., this county, shut down tight; 200 men out of work. I could not learn from the manager the cause, for the reason that he was also dropped and, I understand, has left these parts.

The facts as stated are pretty reliable. I spoke with each one of the managers, except in the case of the one connected with the Sheridan furnace, and that information I got over the telephone from one of the leading business men in that section, so you can rely upon its being correct.

Mr. PENROSE. As I have said, Mr. President, Lebanon County is one of the smaller counties of the State. The 1,000 persons at present out of employment in that county can not find the wherewithal for their daily sustenance out of the rosy reports of the Dun Mercantile Agency.

I will ask the Secretary to read further an extract from the Lebanon Daily Times. I have purposely selected this small rural section, which the traveler on a train passing through would not suppose had an industry in it, to illustrate what must be going on all over the great Commonwealth of Pennsylvania, which is a seething mass of industrial establishments. I desire to state here that Mr. Coleman, who makes the comment, is one of the largest manufacturers in that section.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Lebanon Daily Times, May 15, 1913.]

MR. B. DAWSON COLEMAN'S COMMENT ON THE CLOSING OF INDUSTRIAL PLANTS—THE DIRECT RESULT OF THE ABANDONMENT OF THE COUNTRY'S POLICY OF PROTECTION TO AMERICAN LABOR.

It may seem like a matter hardly worth noticing in these times of general prosperity, when everybody who wants it has work to do, but, nevertheless, it would be a grave mistake on the part of anyone not to give at least a moment's consideration to the shutting down of the iron plants of this county. Not so long ago there were three more in operation than at the present time, and why is a question well worth asking. On no less an authority than the word of the resident manager of the Pennsylvania Steel Co., Mr. B. Dawson Coleman, the reason given is that it does not pay under present uncertain conditions growing out of the new tariff laws to run such plants at their top speed. To be in business and lose money is a very uncomfortable situation, and add to that the more uncertain future, and we have a situation that is almost unbearable. Like it as we may, it must be a source of satisfaction to men who during the last general election campaign made predictions that are now approaching their fulfillment, and yet at the time they were scoffed at as the statement of demagogues who were seeking to make political capital out of the situation. However much this is to be decried, when the men and the cause they represented are taken into consideration it is not too early for anyone to stand up and attempt to say that the danger flag was not sincerely waved and the situation was as plainly described as common language could make it. But the proof of the pudding is in the eating is an old saying, and now statements then made are being put to the test in a very uncomfortable manner. A decided change in the revenue policy of the country can not be made without the effect of it being felt in every walk of life, even down to the lowest-paid laborer who depends upon his hard-earned daily wage for support. The situation in connection with the closing down of one of the North Lebanon furnaces, owned and run by the Pennsylvania Steel Co., one of the largest and most prosperous in the country, under the management of one of Lebanon's most influential citizens, is cause enough to awaken earnest inquiry, and the answer comes as a thunder clap from a clear sky, leading to an awakening most terrifying. Most people not initiated are not aware that under present conditions pig iron in Lebanon is being made at a loss, pointing to a future so dark and forbidding from an industrial point of view, in the face of what the Democratic policy of the present administration is doing, as to make it almost suicidal for any manufacturer to continue to make or turn out a product in the faint hope of bettering conditions, in order that, from a humanitarian standpoint, labor may continue to find employment, as has often been the case. The situation is such at this time that capital must be conserved to meet unseen contingencies, and as a result the first to suffer most keenly will be labor. Sad as that is to contemplate, the fact remains and can not be gainsaid. This, then, brings up a subject too often slightingly alluded to, namely, politics. In the few addresses Mr. Coleman made on the stump, when his interest was aroused to an extraordinary degree by what he saw might be the result and from a kindly consideration for the many men in his employ who were being carried away on the wild tide of progessiveism, he then plainly foretold just what is beginning to be realized; and if that does not afford food for reflection, we hardly know what will. It is now a condition, not simply a theory, that confronts us; and sad as it is, it would be infinitely sadder if the occasion were allowed to pass by without some allusion to the cause, and our community, at least, is under a debt of obligation to Mr. Coleman and men like him who stand forth as captains of industry to have them tell the people the straight truth, so that should the occasion again present itself the right kind of an effort can be made by men with their better judgment aroused most keenly in a very drastic manner to correct the evils that now are upon us and threatening to grow with increased crushing power as the wailing, dying cry of murdered American industries rolls over the land.

Mr. PENROSE. Mr. President, I shall not detain the Senate by too many instances showing the lack of correct information which seems to exist on the part of Dun's Mercantile Agency; but I should like to have a short account of the closing down of furnace No. 3 in Lebanon read by the Secretary.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Lebanon Daily News, Lebanon, Pa., Tuesday, May 13, 1913.]

NO. 3 FURNACE WILL BE IDLE—NORTH LEBANON PLANT OF THE PENNSYLVANIA STEEL CO. WILL BE BLOWN OUT—SLUMP IN THE MARKET—RESIDENT MANAGER B. DAWSON COLEMAN GIVES EXPRESSION TO VIEWS.

While Democratic Congressmen at Washington and the Democratic press throughout the country are still preaching the doctrine of prosperity without a protective tariff, and while President Wilson is still threatening anybody who attempts to "start something" in the way of industrial trouble, the tariff tinkering is certainly having its bad effects; and Lebanon to-day feels its first effects in the shape of the stoppage of a furnace.

BLOWN OUT TO-NIGHT.

No. 3 furnace, of the North Lebanon plant of the Pennsylvania Steel Co., will be blown out to-night, and that furnace will be idle for an indefinite period. It remains to be seen whether the other furnace will also be blown out later. That is not in immediate prospect, however, for the Pennsylvania Steel Co. is an unusually large concern, and its manufacturing plants at Steelton and elsewhere may keep the remaining furnace in operation no matter what may happen. Such, at least, is the hope of the local officials.

MIGHT SUSPEND FOR REPAIRS.

Although it was announced some time ago that the Lackawanna Iron & Steel Co.'s Colebrook and Cornwall plants might suspend for repairs at any time, Supt. Wolfe stated this morning that no orders for a suspension had been received up to the present time.

IRON MARKET HIT.

B. Dawson Coleman, resident manager of the Pennsylvania Steel Co., was interviewed this morning on the subject of the proposed shutdown of No. 3 furnace.

"Is the proposed suspension necessary for repairs or is it occasioned by tariff possibilities?" he was asked.

"No. 3 furnace is in excellent shape," replied Mr. Coleman. "I do not want to say that the prospective tariff schedules are directly responsible, for I do not know that for a certainty, but I do know that some influence or other has hit the iron market very hard, for prices have been going down steadily during the past several months. And even at the reduction there is no demand for it. We have been storing some iron lately and we do not think it advisable to continue doing so under the uncertain conditions now prevailing."

"What is your opinion of the present tariff bill as it passed the House last week and as it is now under consideration by the Senate?"

"I have only a general opinion to make in this regard," replied Mr. Coleman, "and that is that I am sincerely afraid that the Democrats are going to make their usual mess of things. They were placed in power not by a majority of the people, but by a combination of circumstances in which the Bull Moose movement played a conspicuous part, and yet the Democratic Representatives at Washington presume to say that the American people want a tariff for revenue only. I do not believe it. I am firmly convinced that the majority of the people do want protection for American industries. And the wisdom of such a course is apparent in the fact that the mere mention of letting down the bars to admit foreign competition on a cheap-labor basis is sufficient to cause a slump in prices and hold up the demand for other products of American mills, as well as of iron."

Mr. PENROSE. Mr. President, these small industries which have suffered devastation as the result of the mere menace of this bill are in no way connected with any great combination or trust or aggregation of capital or industrial concerns. They are in the hands of small private owners. As I say, it has already affected one of the smaller counties of the State to such an extent that 1,000 men are thrown out of employment.

Going to another part of the country, I call the attention of the Senate to the fact that the Greystone Mills closed completely. Greystone, I believe, is somewhere near Providence, R. I. It was stated by the firm of Messrs. Joseph Benn & Sons that the provisions of the new tariff bill made it absolutely impossible for the firm to compete successfully with imported goods and that a stoppage of machinery would take place immediately.

At Greystone, Messrs. Benn & Sons are spinners and manufacturers of mohair and alpaca, and employed about 1,500 work people, who are now absolutely out of employment, and are supposed to receive consolation from the rosy reports of Dun's Mercantile Agency. The business has been built up under the shelter of protective duties until it has now reached a high state of prosperity. The Greystone mills were opened in February, 1905. Mr. Harrison Benn, in an interview, says:

There is nothing strange in it, nor is there anything that a person can not understand. Our business here is different from that of other manufacturers in this country in that we have two plants, one here in Greystone and the other in Bradford, England.

This is not the only instance, Mr. President, of two plants, one in this country and one abroad.

We make the same kind of goods in each mill from the same kind of stock, and for that reason, when we find that we can manufacture a style cheaper in one mill than we can in the other we transfer the order to that mill. In the present case I have asked the Congressmen from this State to try and have an adequate protective duty placed upon mohair and alpaca goods that we may be able to operate both of our plants.

This seems to be something that they either can not or will not do, and for that reason I find that under the proposed Underwood Tariff Act I can make goods in Bradford and land them in New York at about 4 cents a yard cheaper than I can make them in Greystone and ship them to New York.

One final case, and I am done—that of the Sharpless cream separator concern, located about 30 miles from Philadelphia, in the city of West Chester. The Sharpless cream separator is an invention of Mr. Sharpless, on which he has built up a plant there employing many men and women and children. His goods, the cream separators, are shipped not only all over the United States but all over the world, to China and to the Orient. Within a week that concern has completed the absolute transfer of its plant to Hamburg, and no longer is there a vestige of it left in the State of Pennsylvania.

Mr. MARTINE of New Jersey. Mr. President, I want to say to my distinguished friend and neighbor just across the Delaware River in Pennsylvania that the closing of mills in Pennsylvania is not a new thing. I have done a good deal of missionary work over in Pennsylvania, and I have found iron mills in Pennsylvania closed for the past 15 years under the reign and régime of the Republican Party and the high protective tariff system.

Mr. PENROSE. I should be glad if the Senator would mention a specific instance. I do not recall a mill that has been closed.

Mr. MARTINE of New Jersey. I will say furnaces, rather than mills. I have found furnaces and I have found mills in Pennsylvania that have been closed; and I have found, and know from my own knowledge, as the Senator does, of most disastrous labor troubles in Pennsylvania that have come about under the régime of the high tariff. I want to say further that, while the distinguished Senator comments adversely upon the reports of Dun's Agency and upon the calamity that has come to steel-mill owners, I hold in my hand a copy of the New York Times of July 30, to-day, which states in large letters:

Steel earnings up to $41,219,813—Quarter ended shows 15.70 per cent on common stock—Only three quarters so good.

Then it goes on further to state that this is the most remarkable in the history of the company.

Big gain over first period, and, compared with same months last year, increase is $16,100,000—Far better than expected.

Mr. OLIVER. Mr. President——

Mr. MARTINE of New Jersey. I submit that, really, for the past eight months, but certainly for the past six months, we have been living in an era of tariff reform. It was in the very atmosphere. The world knew it. Everybody knew it. Every manufacturer and every mill owner knew it throughout the length and breadth of our country; so our friends can not raise this calamity howl in the hope of catching votes. Your case, I am sorry to say for you, is past redemption and past hope.

I find that the New York Sun says——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. GALLINGER. It is too bad to interrupt this.

Mr. MARTINE of New Jersey. No; it is not too bad to interrupt me. I know exactly what the Senator from Pennsylvania will say.

Mr. OLIVER. Then the Senator had better say it, Mr. President. I will yield to him.

Mr. MARTINE of New Jersey. I know just what he will say. It will be hung all over with crêpe and sadness and sorrow. Everything is going to chaos, to death, and destruction, under your theory. Yet the fact is, as I said before, that in your own State the most calamitous strikes, that brought bloodshed, death, sadness, sorrow, and starvation to scores and scores of mill workers, have come under your régime.

Mr. OLIVER. Mr. President, I should like to ask the Senator to name one.

Mr. MARTINE of New Jersey. I will point to the Homestead strike and the Bethlehem Steel strike under your McKinley law.

Mr. OLIVER. Twenty-one years ago!

Mr. MARTINE of New Jersey. I do not care whether it is 21 or twice 21 years ago. We tried it out. The public knew it. It made the disturbance and has created the discontent of labor.

I want to say, further, that the New York Sun of to-day—and God knows nobody will claim that that paper is very much on our side of the question—goes on to speak, in its financial article, of "underlying firmness in stocks despite unfavorable influences."

What are the "unfavorable influences"? The "unfavorable influences" are the depression that the great financial interests would endeavor to bring about and the calamity that these two Senators, distinguished and capable though they are, have held up.

The article goes on to say——

Mr. OLIVER. Mr. President, I should like to ask the Senator from New Jersey to yield to me for just a minute.

Mr. MARTINE of New Jersey. Proceed; I will yield.

Mr. OLIVER. The Senator has alluded to "these two Senators." I desire to call his attention to the fact that if I am one of the two, I have not said anything so far. I have predicted no calamity. While the Senator from New Jersey has very kindly volunteered to anticipate what I was going to say, I regret to say that his anticipation of my remarks is entirely different from the remarks I intended to make.

Mr. MARTINE of New Jersey. I stand corrected, then. I should like to hear the Senator now give us a portrayal of glory and hope for the future.

Mr. OLIVER. Mr. President, I simply desire to say that my colleague alluded to a number of iron plants in the eastern part of Pennsylvania that had shut down. In reply to that the Senator from New Jersey has read a report of the earnings of the United States Steel Corporation.

The United States Steel Corporation does not own a single plant in Pennsylvania east of the Allegheny Mountains. Its entire holdings in that State are in the western part of the State. The United States Steel Corporation does not make one-fourth of the steel that is made in Pennsylvania.

I said a year ago, when a bill similar to this was before the Senate, and I say now, that so far as the steel industry is concerned, the industrial managers who have anything to fear from this proposed legislation are not the men who run the United States Steel Corporation, but the men who have the small plants, many of which are in eastern Pennsylvania, some in the western part of the State, and others scattered over the whole length and breadth of the land. They and the men they employ are the ones that will suffer from this change.

I am not here to predict disaster. I hope it will not come.

Mr. MARTINE of New Jersey. I do not believe it will come.

Mr. OLIVER. But I want to say that if it does come the Democratic Party can not unload the responsibility upon this side of the Chamber, but must shoulder it themselves. The responsibility lies with the majority, and not with the minority, whatever may come.

Mr. MARTINE of New Jersey. I beg to say to the Senator that the majority are broad enough and big enough to bear it and shoulder it. We are not going to shirk the responsibility. When the distinguished Senator refers to the fact that the particular interest to which I referred is not located in Pennsylvania, I care not. That is no argument. We are not making a tariff for Pennsylvania, but we are making a tariff for this broad land which shall affect all the industries, whether they be in Pennsylvania or in Oklahoma or in New Jersey. We realize this fact, and the public realize it.

Your system has been tried out to the letter, and we know its results. We know that the public are dissatisfied. We know, further, that the reduction of the tariff will, in reason, tend to decrease the enormous profits that have been made by the steel industry and by a thousand other industries.

But, lo; a new calamity came. And what was it? It took the Senator from Pennsylvania [Mr. PENROSE] to preach that. Why, the cows are going to cease to give milk, and there will be no more cream to separate. It will be all water. Hence the Sharpless Separator Co. in Pennsylvania have gone out of the business and are going to Hamburg.

Mr. President, there will be milk given by the cows, whether on the hillsides of New Jersey or on the hills and in the valleys of Lebanon in Pennsyvania; and cream will rise on the milk, and separators will be used, whether they are made by Sharpless or by anybody else. To my mind the idea is too silly to entertain.

Mr. PENROSE. Mr. President, I have no doubt that cows will continue to perform their functions, and that milk will be consumed by infants and by mature people; but the cream separator will not be the product of American labor, but it will be the product of German labor, brought over here in German vessels.

Mr. MARTINE of New Jersey. I can not believe that. It took American genius to make a Sharpless separator, and Sharpless separators will be used; or if not Sharpless separators, some other separator will be used. Sharpless never found a market for his separator—many a time have I wielded the crank—simply because it was made in Pennsylvania, or under the protective tariff. It found a market because it was an efficient separator of milk from cream.

But now, something else: The New York Times of yesterday—I do not know how I got so chock full of the New York Times, for I have damned it on some occasions [laughter]—the New York Times of yesterday tells another tale, a horrible tale. All mankind who are compelled to wear clothes in this great land of ours, of course, will clothe themselves now in sackcloth and ashes and go in sadness and sorrow because of the fact that the Times says:

Prices reduced—

By what? By the American Woolen Co., fattened for years with the iniquity of a tariff that robbed humanity. They are going to reduce the tariff and reduce the cost. This article says that they met in conclave yesterday, and men's wear fabrics—take courage, ye men of Pennsylvania, and laborers in Lebanon—men's wear fabrics for the spring of 1914 are cut from 10 to 12½ per cent. So even though some of the mills in Pennsylvania have closed down and riches have poured in the pockets of the owners, resulting from the toil and sweat of the miners and the workmen in your shops and mills, they, thank God, will get some benefits, some advantages from the Democratic Party in the matter of reduction.

Mr. WEEKS. Mr. President——

Mr. MARTINE of New Jersey. Now, give yourself no uneasiness about the Democratic Party. We are here, we believe, to stay. We are here for four years anyhow, and we believe that we will so brighten the dawn of human life in the struggle for bread that our lease of power will be prolonged for many years.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. PENROSE. I should like to ask the Senator from New Jersey how he is going to brighten the dawn for the 1,000 people at present out of work in Lebanon County?

Mr. MARTINE of New Jersey. We are going to brighten the dawn by giving them a fairer opportunity. It is not so much that which a man earns as that which he is obliged to spend. It matters but little to me if I get a rich stipend in wage if I am obliged for myself and family and little ones who may be around me to spend it all for the satisfaction and aggrandizement of some tariff baron.

Mr. PENROSE. Starvation and opportunity seem to be the motto of the Senator from New Jersey. Now, one more question and I am done, if the Senator will excuse me.

Mr. MARTINE of New Jersey. I trust we may both live long and that the Senator may have many chances to propound questions to me.

Mr. PENROSE. The river separates us, and we do not want to quarrel every day.

Mr. MARTINE of New Jersey. We do not quarrel now.

Mr. PENROSE. The Senator from New Jersey was indicating that a strike was going on in Philadelphia. I think he must have in mind the trolley strike which occurred there.

Mr. MARTINE of New Jersey. I did not say Philadelphia.

Mr. PENROSE. That had nothing to do with the mills.

Mr. MARTINE of New Jersey. I did not say Philadelphia.

Mr. PENROSE. I should like to ask the Senator what his explanation is of the march of Coxey's army and the strike which compelled President Cleveland to call out the United States Army under a free-trade régime?

Mr. MARTINE of New Jersey. I will say your so-called free-trade régime never originated Coxey's army. Coxey's army was originated from unfortunate conditions that led up to that crisis. The tariff system of so-called protection has been the foundation, I believe, of all the social evils that have permeated our system and cursed our land.

Mr. STONE. I ask that we may proceed with the bill.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill at page 20, paragraph 80.

The next amendment of the committee was, in paragraph 80, page 20, line 16, after the word "stoneware," to strike out "stoneware and earthenware crucibles," so as to read:

80. Common yellow, brown, or gray earthenware made of natural unwashed and unmixed clay; plain or embossed, common salt-glazed stoneware; all the foregoing, not ornamented, incised, or decorated in any manner, 15 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in paragraph 80, page 20, line 20, after the word "ware," to insert "not herein otherwise provided for," so as to read:

If ornamented, incised, or decorated in any manner, and manufactures wholly or in chief value of such ware, not herein otherwise provided for, 20 per cent ad valorem.

Mr. LA FOLLETTE. I ask that the paragraph be passed over with the understanding that I may offer an amendment later.

Mr. THOMAS. The entire paragraph?

Mr. LA FOLLETTE. Yes; paragraph 80.

Mr. STONE. Does the Senator desire to have it passed over without acting on the committee amendments?

Mr. LA FOLLETTE. I should like to understand the status, Mr. President. It was suggested yesterday, as I remember, by the Chair that it was necessary to submit the request to have a paragraph passed over before the committee amendments were finally all of them passed upon. If I am right about that——

Mr. STONE. If it is passed over I do not quite see how we can act on the committee amendments.

Mr. WILLIAMS. The committee amendments are to be considered fi

Mr. LA FOLLETTE. Very well.

Mr. STONE. Then I ask that a vote may be taken on the pending committee amendment.

The amendment was agreed to.

The next amendment was, in paragraph 80, page 20, line 21, after the words "ad valorem," to insert:

Stoneware and earthenware crucibles, 20 per cent ad valorem.

The amendment was agreed to.

Mr. LA FOLLETTE. I ask to have paragraph 80 passed over.

The VICE PRESIDENT. It will be passed over.

The next paragraph was read, as follows:

81. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; if plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 35 per cent ad valorem; if painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 40 per cent ad valorem.

Mr. LA FOLLETTE. I wish to make the same request in respect to this paragraph.

Mr. POINDEXTER. I notice that the amendment proposed by the committee in paragraph 82 has the effect of taking a large quantity of the cheaper kinds of earthenware that were covered by paragraph 81 as the bill came from the House and increasing the rate on them from 35 per cent ad valorem to 55 per cent ad valorem. I should like to know the purpose of the need for that change. I have examined the hearings before the Senate Finance Committee and I fail to find any statement contained in the testimony of manufacturers or importers which justified placing a 55 per cent tariff on the common earthenware which is described in this paragraph as semivitrified or semivitreous. In fact, it is the same earthenware apparently that is described as semiporcelain in the preceding paragraph.

Mr. STONE. Which paragraph is the Senator referring to?

Mr. POINDEXTER. Paragraph 82.

Mr. STONE. We have not reached paragraph 82 yet. Paragraph 81 was just read, and the Senator from Wisconsin asked that it be passed over.

Mr. POINDEXTER. The reason why I rose at the time I did was because of the request made by the Senator from Wisconsin to pass over the paragraph, and I desired to have the information at this time.

Mr. WILLIAMS. It was the previous paragraph that was passed over; not this one. This paragraph has not been read yet.

Mr. POINDEXTER. But there was a request made that this paragraph be passed over.

Mr. STONE. It was paragraph 81.

Mr. SIMMONS. That paragraph has not been read yet.

The VICE PRESIDENT. The paragraph will be read.

The Secretary read paragraph 82.

The next amendment of the Committee on Finance was, in paragraph 82, page 21, line 15, after the word "China," to strike out "and," and after the word "porcelain" to insert "and other"; in line 16, after the word "body," to strike out "having a vitrified or semivitrified," and insert "which when broken shows a vitrified or vitreous, or semivitrified or semivitreous," so as to make the paragraph read:

82. China, porcelain, and other wares composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, if plain white, or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; and manufactures in chief value of such ware not specially provided for in this section, 50 per cent ad valorem; if painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner and manufactures in chief value of such ware not specially provided for in this section, 55 per cent ad valorem.

Mr. POINDEXTER. That is the matter which I desire to get some information on before a vote is taken on the amendment, if there is any information to be had as to the purpose in increasing the rate fixed by the House, which seems to me to be a pretty high rate—35 per cent ad valorem—to 55 per cent ad valorem upon common earthenware, which is manufactured successfully and cheaply in this country. As I gather from the hearings, there is very little fear of foreign competition, so far as the ware described as semivitreous of semivitrified is concerned.

Mr. HUGHES. I will say to the Senator the only change the Senate committee made in this paragraph was a change suggested by the examiner at the port of New York, and it was intended simply to aid in the administration of the law. The bill as it came from the House read:

China and porcelain wares composed of a vitrified, nonabsorbent body having a vitrified or semivitrified fracture.

It was pointed out to us that china could not be classified in that way unless it had already a fracture; and in the interest of the administration of the law it was suggested that it be changed so that it would read:

Which when broken shows a vitrified or vitreous or semivitrified or semivitreous fracture.

It has been said in the public prints by certain importers that this language was inserted in the bill in the interest of the manufacturers and that it was in the nature of a joker. If it is a joker, it is one that was put over on us by the porcelain and china examiner in New York. I think the criticism made of the old language is justifiable and that this improves it. I do not think it will have the effect that certain importers claim it will have, of largely increasing the tax on goods that will be imported under the rate.

Mr. WEEKS. Mr. President, the criticism I have of this paragraph does not apply to manufacturers but to importers, who state that the language would be so confusing that it would carry those articles which are supposed to bear a 35 per cent duty up to 50 per cent and those which bear a 50 per cent duty to 55 per cent. What I wished to inquire was whether the information which the committee had was sufficiently reliable to warrant making the change in the House provision.

Mr. HUGHES. As I stated to the Senator from Washington, the change was made at the instance of the china examiner at the port of New York. The language in the bill as it came from the House is confusing, because the House language was:

China and porcelain wares composed of a vitrified, nonabsorbent body having a vitrified or semivitrified fracture.

The change in that language is simply in the interest of administration.

Mr. WEEKS. It seems to me it is a pretty technical question, and I do not see how any Senator is going to determine for himself what the effect will be.

Mr. HUGHES. Our information is that this sort of classification can be readily made by the examining officers under the proposed language, but that it could not be made under the old language without breaking a piece of the china or a part of the set. They tell us that there will be no difficulty about making the classification under this language.

Mr. BURTON. Will the Senator from New Jersey allow me?

Mr. HUGHES. Certainly.

Mr. BURTON. I have not heard what the examiner said in regard to this matter, but I will ask the Senator from New Jersey if it is not a mere possible juggle on words that caused this change? As it read when the bill came from the House, "having a vitrified or semivitrified fracture," might not the point be raised by an importer that the glass must absolutely be broken to come under that ruling, while the language is clarified by showing that when broken it shows a vitrified or vitreous fracture?

Mr. HUGHES. That is the idea I was trying to convey. I thank the Senator. That very point was made, and that is the only reason, so far as I know, why the change was made.

Mr. SMOOT. Mr. President, I fully agree with the statement made by the Senator from Ohio [Mr. BURTON]; and the only way to make it plainer than it is here, in my opinion, would be to adopt the wording of the present law. But, of course, if the Senator from New Jersey does not want to do that, then this is better than the language in the bill as it passed the House. There is no question as to the real meaning and intent of the paragraph.

Mr. POINDEXTER. Mr. President, it is perfectly obvious, I think, to anyone reading these two paragraphs together that the effect of paragraph 82 will be to very largely negative paragraph 81. Paragraph 81 puts semiporcelain at a rate of 35

per cent ad valorem. Paragraph 82, as it was framed by the House, puts porcelain—not semiporcelain, but porcelain described as having a nonabsorbent body and showing a vitrified or vitreous fracture—at a rate of 55 per cent ad valorem. The Senate committee did not change paragraph 81, and left semiporcelain at a rate of 35 per cent; but without changing it it adopts an utterly inconsistent provision, that porcelain having a semivitrified and semivitreous fracture shall bear a rate of 55 per cent. If it has a semivitreous or semivitrified fracture, it is semiporcelain, which, under paragraph 81, will bear a rate of 35 per cent. The effect here is a specific provision, of course, taking precedence over the general provision as to the great quantity of the cheaper kind of porcelain and earthenware. It is not confined to porcelain because after the words "china and porcelain" and before the word "wares" the Senate committee has inserted the words "and other." So it includes all earthenware of a semivitrified and semivitreous fracture and restores the rate of the Payne-Aldrich law upon that cheaper kind of ware.

Mr. SIMMONS. Mr. President——

Mr. POINDEXTER. I will yield in just one second. One objection that is made by some people who are interested in this matter is that so far from having the effect the Senator from New Jersey says of making the law plainer and easier of administration, it would confuse it and make it difficult of interpretation. It is plain to see how that would be the result when you provide that semiporcelain shall have a rate of 35 per cent and that porcelain having a semivitrified fracture shall have a rate of 55 per cent. How is that going to facilitate the administration of the law?

Mr. SIMMONS. Mr. President, I think the Senator's difficulty grows out of some little confusion as to what is embraced in paragraph 81 and in paragraph 82. If the Senator will look at the present law embraced in paragraphs 93 and 94——

Mr. POINDEXTER. There was no classification at all.

Mr. SIMMONS. The Senator will see that those two paragraphs provided a mixture of china, porcelain and earthenware, and stone and crockery ware. In paragraph 93 the duty imposed on china, porcelain, earthenware, and stoneware, when tinted or painted or enameled, was 60 per cent. It made no difference whether it was chinaware or stoneware; under that paragraph of the old law they were both taxed at 60 per cent if painted or decorated.

Mr. POINDEXTER. There is no classification.

Mr. SIMMONS. Now, in paragraph 94 chinaware and porcelain and earthenware and stoneware are put in one paragraph together, and if they are not painted or stained they are taxed at 55 per cent. The Senator will see that those two paragraphs combined the two and made no differentiation whatever between earthenware and chinaware.

Now, what the Senate and the House has attempted to do in paragraphs 81 and 82 is to classify these two wares, which, as everybody knows, are in all their essential qualities and attributes entirely different. The Senator's trouble, I think, arises from the fact that he fails to note that paragraph 81 deals entirely with earthenware and crockery ware.

Mr. POINDEXTER. Does it not deal with the same porcelain?

Mr. SIMMONS. No; it does not.

Mr. POINDEXTER. I think the Senator is mistaken about that.

Mr. SIMMONS. One is of nonvitrified absorbent character; the other is of vitrified nonabsorbent character.

Mr. POINDEXTER. The first part of paragraph 81 is as follows:

> Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware.

Paragraph 82 contains the words "and other wares," which includes all those.

Mr. SIMMONS. Paragraph 81 applies to nonvitrified; that is, not of a glassy character and possessing the attributes of absorption.

In the other paragraph we have provided for china and porcelain and other wares composed of vitrified—that is, a glassy nonabsorbent surface—making a clear differentiation between the two upon the one. Earthenware and crockery we have reduced the duty of 55 per cent from the Payne-Aldrich law to 35 per cent and 50 per cent. On the china and porcelain we have reduced the duties from 60 per cent to 40 and 55 per cent.

Mr. POINDEXTER. The Senator from North Carolina is entirely mistaken in his assumption that I have misunderstood the effect of these paragraphs. I have read them carefully, and the language is so plain that there can not be any two opinons about the fact that paragraph 82 modifies paragraph 81, increasing the duty from 35 per cent to 50 per cent. I was mistaken a moment ago in saying 55 per cent, because that rate of 55 per cent applies only when the ware is decorated; but it increases the rate from 35 per cent to 50 per cent upon the common kinds of porcelain, china, and earthen ware which are in most general use.

Mr. SIMMONS. Mr. President, the Senator is mistaken about that. Under the present law the kind of ware he is talking about is taxed, as I understand it, at 55 per cent.

Mr. POINDEXTER. No. When it is decorated the rate is 55 per cent.

Mr. SIMMONS. Yes; when it is not decorated.

Mr. POINDEXTER. It is 50 per cent.

Mr. SIMMONS. When it is not decorated it is taxed under the present law at 55 per cent.

Mr. POINDEXTER. I am speaking of the bill, not of the present law.

Mr. SIMMONS. Yes; and under the bill——

Mr. HUGHES. The proposed law——

Mr. POINDEXTER. Fifty per cent.

Mr. SIMMONS. It is taxed at 35 and 40 per cent.

Mr. POINDEXTER. The Senator undoubtedly places that construction upon the bill, and I hope now that the matter has been pointed out to the committee the committee will consent that this amendment be not adopted, because the effect of it is to put this ware which the Senator says bears a rate of 25 per cent at a rate of 50 per cent.

Mr. SIMMONS. No; it is just the reverse.

Mr. POINDEXTER. Not at all.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. POINDEXTER. I yield to the Senator.

Mr. HUGHES. I will say to the Senator that where I think he is in error, if he is in error, is in regarding as synonymous the terms "vitrified" or "semivitreous" and "porcelain" and "semiporcelain." I am satisfied, if my information is correct—and I got the information from a gentleman in whom I have the utmost confidence——

Mr. POINDEXTER. Let me ask the Senator a question.

Mr. HUGHES. Certainly.

Mr. POINDEXTER. Does the Senator from New Jersey contend that earthenware having a vitrified or vitreous fracture is the same as the earthenware described as having a semivitreous or semivitrified fracture?

Mr. HUGHES. No; what I say——

Mr. POINDEXTER. That difference is the substance of my complaint against this amendment.

Mr. HUGHES. The Senator is contending that this language "when broken shows a vitrified or vitreous fracture" carries the articles provided for in paragraph 82 back into paragraph 81.

Mr. POINDEXTER. Let me ask the Senator another question. If the Senator is correct as to the purpose of the committee not to modify paragraph 81, why did the committee insert the words "and other" before "wares" and after the word "porcelain"?

Mr. HUGHES. After the word "porcelain" in paragraph 82?

Mr. POINDEXTER. Yes; in line 1, paragraph 82, the words "and other" were inserted before "wares," so as to include all kinds of earthenware as well as porcelain.

Mr. HUGHES. One is an absorbent body and the other a nonabsorbent body. I will say to the Senator this is the same complaint that is made by certain importers with reference to this paragraph. It may be that from the standpoint of the importer the paragraph is unduly high, but the high rate was levied in order that the enormous amount of revenue that is collected from these items should continue to be collected, or as nearly the amount as possible. There is a very important item of revenue involved in the paragraph.

Mr. POINDEXTER. Does the Senator think that this is a proper object to select for the purpose of collecting revenue?

Mr. HUGHES. Undoubtedly, in my judgment.

Mr. POINDEXTER. Common earthenware?

Mr. HUGHES. This is not common earthenware.

Mr. POINDEXTER. Yes; it is.

Mr. HUGHES. The Senator is entirely mistaken about that. As I said, the examiner, the man who passes this commodity every day in the appraisers' stores in the port of New York——

Mr. POINDEXTER. Mr. President, it would not make any difference if a thousand appraisers should undertake to say it had that effect, because the language is to the contrary. You have added the words "and other" before "wares." You have modified it by inserting "semi" before the word "vitrified."

Mr. HUGHES. I think the Senator is mistaken about that.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. STONE. I should like to ask the Senator from Washington just what suggestion he makes or what amendment he offers?

Mr. POINDEXTER. I am rising to oppose the amendment proposed by the Senate committee. I think that the provision as it came from the House makes sufficiently high the rate of duty.

Mr. STONE. Does the Senator then desire to have the entire amendment stricken out?

Mr. POINDEXTER. I desire, at least, to have a vote upon the question whether we shall leave that clause of paragraph 82 as it was before it was amended by the Senate committee.

Mr. STONE. The Senator from Wisconsin [Mr. LA FOLLETTE] has asked that this paragraph be passed over.

Mr. HUGHES. Not paragraph 82.

Mr. LA FOLLETTE. I have not done so, but I am going to make that request.

Mr. POINDEXTER. I understood the Senator from Wisconsin to refer to paragraph 81.

Mr. STONE. I understand the Senator from Wisconsin asked that paragraph 81 be passed over, and he also indicated that he would ask that paragraph 82 be passed over.

Mr, LA FOLLETTE. Yes; I am going to ask that paragraph 82 be passed over.

Mr. STONE. I understood the Senator to so state, but it had not been read at that time. If it is to be passed over, I suggest that it might not be objectionable to let the amendment remain for further consideration. If there is anything of real merit in the suggestion of the Senator from Washington, the committee will desire to conform its labors to meet the objection. I do not think the objection is well founded at present, but I may be mistaken. Inasmuch as the paragraph is to go over, we shall take up the matter in the committee along with the paragraph itself, if that is satisfactory to the Senator.

Mr. POINDEXTER. I can not say it is satisfactory, because I might not be present at the exact time when it is reached; but I accede to the suggestion of the Senator from Missouri, and will defer any further remarks on the subject until it is again taken up.

Mr. STONE. Then, let us go on with the bill. Let the paragraph be passed over on the request of the Senator from Wisconsin [Mr. LA FOLLETTE], and let us take up paragraph 83.

Mr. THOMAS. Mr. President, just a word before the next paragraph is read. I think if the Senator from Washington will carefully examine the two paragraphs, he will find that they are entirely distinct one from the other and refer to different classes of commodities. The first covers all wares that are made of absorbent bodies; the second covers all wares that are made of nonabsorbent bodies. Consequently, the words "and other" were designed as an amendment to include such wares made from "other" nonabsorbent bodies as might not be included in the term "china and porcelain." I think that makes it very distinct.

Mr. POINDEXTER. Mr. President, apropos of the statement just made by the Senator from Colorado [Mr. THOMAS], I would say that I agree with him that there is that distinction between the two paragraphs. I did not claim that paragraph 82 corresponded in every respect with paragraph 81.

Mr. THOMAS. I understood the Senator to say that semiporcelain earthenware might be included in the classification of paragraph 82 because of the Senate amendment. I do not see how it is possible, as these wares are composed of nonabsorbent bodies, while semiporcelains are composed of absorbent bodies.

Mr. POINDEXTER. The best information I have is that practically all wares in common use by the ordinary people of the country are nonabsorbent wares and that they would all bear under the Senate amendment a rate of 50 per cent.

Mr. THOMAS. That may be. Of course, I am not conversant with the proposition.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 83, page 22, line 15, after the word "carbon," to insert "and manufactures of carbon not specially provided for in this section," so as to make the paragraph read:

83. Earthy or mineral substances wholly or partially manufactured and articles and wares composed wholly or in chief value of earthy or mineral substances, not specially provided for in this section, whether susceptible of decoration or not, if not decorated in any manner, 20 per cent ad valorem; if decorated, 25 per cent ad valorem; unmanufactured carbon, not specially provided for in this section, 15 per cent ad valorem; electrodes for electric furnaces, electrolytic and battery purposes, brushes, plates, and disks, all the foregoing composed wholly or in chief value of carbon, and manufactures of carbon not specially provided for in this section, 25 per cent ad valorem.

Mr. LA FOLLETTE. I will ask to have paragraph 83 passed over for the present.

The VICE PRESIDENT. Does the Chair understand that the Senator desires that the paragraph go over without agreeing to the amendment or that the amendment shall be first agreed to?

Mr. LA FOLLETTE. I do not wish to oppose any agreement to the amendment being disposed of at this time.

The amendment was agreed to.

The VICE PRESIDENT. The paragraph as amended will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 84, page 22, line 23, after the word "feet," to insert "carbons for flaming arc lamps, not specially provided for, and," so as to make the paragraph read:

84. Gas retorts, 10 per cent ad valorem; fava tips for burners, 15 per cent ad valorem; carbons for electric lighting, wholly or partly finished, made entirely from petroleum coke, 15 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 40 cents per hundred feet; carbons for flaming arc lamps, not specially provided for, and filter tubes, 30 per cent ad valorem; porous carbon pots for electric batteries, 15 per cent ad valorem.

The amendment was agreed to.

Mr. LA FOLLETTE. I ask to have paragraph 84 passed over for the present.

The VICE PRESIDENT. In the absence of objection, the paragraph as amended will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 85, page 23, line 6, after the word "merchandise," to insert "exclusive of those containing quicksilver," so as to make the paragraph read:

85. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered and uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not otherwise specially provided for in this section, and whether their contents be dutiable or free (except such as contain merchandise, exclusive of those containing quicksilver, subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof which shall be dutiable at the rate applicable to their contents), 30 per cent ad valorem: *Provided*, That the terms bottles, vials, jars, demijohns, and carboys, as used herein, shall be restricted to such articles when suitable for use as and of the character ordinarily employed as containers for the holding or transportation of merchandise, and not as appliances or implements in chemical or other operations.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Mr. President, I take it for granted that the reason those words are proposed to be inserted is that quicksilver in flasks will be taken care of in paragraph 161.

Mr. THOMAS. That is it precisely.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read paragraph 86, as follows:

86. Glass bottles, decanters, and all articles of every description composed wholly or in chief value of glass, ornamented or decorated in any manner, or cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand blasted, frosted, or printed in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), and all articles of every description, including bottles and bottle glassware, composed wholly or in chief value of glass blown either in a mold or otherwise; all of the foregoing, not specially provided for in this section, filled or unfilled, and whether their contents be dutiable or free, 45 per cent ad valorem: *Provided*, That for the purposes of this act, bottles with cut-glass stoppers shall, with the stoppers, be deemed entireties.

Mr. OLIVER. Mr. President, I have an amendment which I desire to propose to this paragraph. It applies entirely to the language and not to the rate. I will offer the amendment and ask that the paragraph go over, in order to allow the Senator in charge of the bill and the Committee on Finance to study the matter and see if they can not bring themselves to agree to the terms of the amendment. The object of the amendment is simply to make more certain the intent of the bill. I will ask the Secretary to read the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed to amend paragraph 86 as follows:

On page 23, line 25, after the word "glassware," insert "goblets and other glass stem ware"; on page 23, line 25, strike out the words "chief value" and insert in lieu thereof the word "part"; and on page 23, line 25, after the word "blown," insert a comma and the words "cast or pressed."

Mr. LA FOLLETTE. Mr. President——

Mr. OLIVER. If the Senator will allow me, I desire to say a word in explanation of the amendment. I will state that I am not offering an amendment to the rates, not that the

manufacturers of table glassware are satisfied with the rates mentioned, but I do not propose to take up time in offering amendments which I do not believe will meet with the approval of the committee or with a majority of the Senate. The phraseology of this paragraph is, however, faulty. I really think that if the Senator in charge of the bill will allow me to talk to him for a few moments I can convince him to that effect and that he will agree to this amendment.

Mr. THOMAS. The Senator's purpose is to perfect the paragraph?

Mr. OLIVER. It is solely to perfect the paragraph.

Mr. WEEKS. Mr. President, I think there is a general feeling among glassworkers—certainly among those in Massachusetts—that the reduction which is proposed in this paragraph will bring about a reduction of wages. I am not sufficiently familiar with the matter to demonstrate that fact, but I want to put in the RECORD the opinion of a labor organization, the American Flint Glass Workers' Union, No. 113, of New Bedford, Mass., to the effect that the reduction in the tariff will have a tendency to reduce the wages of glassworkers. They make a protest against the reduction which is contemplated.

The VICE PRESIDENT. May the Chair inquire of the Senator from Massachusetts whether he desires to have the document to which he refers printed?

Mr. WEEKS. I offer no amendment, Mr. President. I wanted to get the expression printed; that is all.

Mr. LA FOLLETTE. Mr. President, I rose to prefer a request that this paragraph, 86, might be passed over.

The VICE PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 87, page 24, line 7, after the word "Unpolished," to strike out the comma; and in line 8, after the word "glass," to strike out the words "not exceeding 150 square inches, ⅞ of 1 cent per pound; above that, and," so as to make the paragraph read:

87. Unpolished cylinder, crown, and common window glass, not exceeding 384 square inches, 1 cent per pound; above that, and not exceeding 720 square inches, 1¼ cents per pound; above that, and not exceeding 1,200 square inches, 1½ cents per pound; above that, and not exceeding 2,400 square inches, 1¾ cents per pound; above that, 2 cents per pound: *Provided*, That unpolished cylinder, crown, and common window glass, imported in boxes, shall contain 50 square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

Mr. CUMMINS. Mr. President, I think that paragraph ought to be recast, and I am sure, upon a moment's reflection, that it will be apparent to the committee that it ought to be revised. The present classification begins with "crown and common window glass, not exceeding 150 square inches." This bill, through the amendment which is proposed, extends that classification to take in all such glass, not exceeding 384 square inches, and the duty which is proposed is 1 cent per pound. I can not understand why our Democratic friends propose a duty of 1 cent a pound upon such a classification as this. The Tariff Handbook, before us, furnished for our information, shows that last year the average value of the glass here described, not exceeding 150 square inches, was 1.4 cents per pound. It is provided here that the duty upon that glass shall be 1 cent per pound, or 71 per cent of the foreign value. I see the handbook declares that it is 73.53 per cent. Why in the world do you propose to put a duty of 73.53 per cent upon this small window glass, glass that is a little more than 12 inches each way, the glass which ought to be the cheapest of all the glass in the market? I do not believe that there is any such difference in the cost of production of that kind of glass here and abroad as to warrant a duty of 73 per cent. The highest value of the glass imported under this whole bracket or classification, I believe, is 3.1 cents per pound; and even upon that the duty of 1 cent per pound would be more than 33⅓ per cent.

It is manifest that there is no reason for enlarging this bracket and taking in all the glass up to 384 square inches. Even from the standpoint of the protectionist the duty is altogether too high, and from the standpoint of the revenue man it can not be defended at all; and so I must think that it has been an error on the part of the committee.

I hope, Mr. President, that the Senate will not adopt this amendment, but will preserve the classification of the House, which did limit at least the first bracket to glass not exceeding 150 square inches with a duty of seven-eighths of a cent a pound. In my opinion, one-half a cent a pound would be abundant.

I grant you that it is a considerable reduction as compared with the present law; but while there are some duties upon glass in the present law that are not too high, there are many duties, as we demonstrated in the debate of 1909, that are very greatly in excess of the needs of protection.

Now, I should like to know from the Senator from Missouri why he wants to put a duty of 73 per cent on this small glass? If there is any reason, of course I will yield my contest against it at once. I await his reply.

Mr. STONE. Mr. President, I should like to have the Senator repeat his question; I did not hear what he said.

Mr. CUMMINS. Well, Mr. President, if the Senator from Missouri did not hear me, I despair of making him hear me, because I was using a reasonably loud tone of voice. Does the Senator from Missouri refer to any particular part of what I said?

Mr. STONE. I understood the Senator to ask a question. I was engaged here at the moment, and I did not understand what the question was.

Mr. CUMMINS. I asked the Senator from Missouri why he was desirous of imposing a duty of more than 73 per cent upon the small-sized, plain, common window glass?

Mr. STONE. I will say, Mr. President, as to the particular bracket to which the Senator refers and the class of glass to which he refers——

Mr. CUMMINS. I can not hear the Senator from Missouri.

Mr. STONE. The class of glass to which the Senator refers is embraced in the tables in brackets 1 and 2. Practically none of that glass used in this country is of domestic production, almost all of it being imported. It is not, in fact, used as a window glass, but——

Mr. CUMMINS. Mr. President, of course there is practically none of it imported because the duty upon it is prohibitive, and this duty will be prohibitive also.

Mr. STONE. This glass is used, as I understand, for pictures and photographic purposes, and is not used for window glass in buildings. It is an imported glass. I will say to the Senator that the manufacturers of glass in different sections of the country who came before the committee stated, as will appear in some of their hearings, that they were indifferent as to what duty might be placed upon glass of this character, for the reason that it was not manufactured in this country for domestic use.

Mr. CUMMINS. What difference does it make what the manufacturers say about it? They are not making this bill; and I am sure the Senator from Missouri will not declare that none of this glass is used, because last year of the glass in this bracket, not exceeding 150 square inches, we imported more than 1,900,000 pounds. Why should we make it expensive to those who have to use it by putting a duty of this kind upon it?

Mr. STONE. What I said to the Senator was that this glass in these sizes is not manufactured in the United States, and I said that the manufacturers who filed briefs, or who were heard by the committee, gave the committee that information, and I think that is correct information. It is imported from Belgium and other foreign countries, but not for window glass, for it is not used as window glass to any considerable extent, and it is not competitive with anything produced in the United States.

Mr. CUMMINS. Mr. President, I do not accept the statement of the manufacturer if he declares that it is not used in this country for window glass. It is named "window glass" in the very language of the bill; and the Senator from Missouri does not mean to say that that class of window glass, 10 by 14 or 12 by 14, is not used in this country as window glass. I know by observation that that is not true.

Mr. STONE. I do not know to what extent it is true; but I do know that the information we had before the committee, upon which we rested our belief, was that the window glass of the size described in these brackets was not manufactured in the United States and was not used for window-glass purposes unless to a very limited extent. While the Senator says that he would not take the opinion of the manufacturers as to that, I give a good deal of credence to it for this reason, if for no other——

Mr. CUMMINS. I would take the statement of a manufacturer as to a fact, but I would not take his statement as to what duty ought to be put upon an article.

Mr. STONE. No manufacturer ever suggested a duty on this particular description of glass. On the contrary, those who conferred about it with me or with the committee stated that they were absolutely indifferent about the duty on that commodity.

Mr. CUMMINS. Then, I am sure the Senator from Missouri, if they are indifferent about it, will be willing to reduce the duty at least to about 40 per cent.

Mr. STONE. I am not willing to reduce it.

Mr. SMOOT. Will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield to the Senator.

Mr. SMOOT. The Senator from Missouri is talking about one kind of glass and the Senator from Iowa about another. The Senator from Iowa calls attention to the first item, which

is unpolished window glass not exceeding 150 square inches, valued at not more than 1½ cents per pound. The equivalent ad valorem rate on that glass is 73.53 per cent. The next bracket refers to the same sized glass valued at more than 1½ cents per pound. That is the glass about which the Senator from Missouri is talking. The equivalent ad valorem rate on that is 28.57 per cent. That is the kind of glass which is used in framing pictures and in photographic work. The Senator from Iowa is correct in saying that glass not exceeding 150 square inches and valued at not more than 1½ cents per pound, in the bill as reported by the committee, carries an equivalent ad valorem duty of 73.53 per cent. Very little of it is imported into this country, but it is made in this country.

Mr. STONE. Well, the Senator from Utah, as usual, makes his statement in a somewhat dogmatic form.

Mr. SMOOT. I did not intend to do so, Mr. President.

Mr. STONE. He usually depends upon what the manufacturers tell him and quotes from them——

Mr. SMOOT. Oh, no; I do not.

Mr. STONE. Very largely so; and quotes from them more than any other Senator here, or as much as any other Senator here. Now, he seeks to discredit what they say with respect to it. I should think that the men who make glass in this country would have some notion as to the uses to which glass is applied.

Mr. SMOOT. The Senator does not disagree with me in this matter, as he will see if he will look at the bill as reported. I am perfectly aware that the glass costing over 1½ cents a pound is used in picture framing and photographic work, and of that kind of glass there are great importations—in fact, there were 15,632,000 pounds imported in 1912—but the glass about which the Senator from Iowa is talking is glass that is valued under a cent and a half a pound. The importations of that kind of glass are very small, and it is nearly all made in this country. The equivalent ad valorem at a cent a pound is 73.53 per cent, as the Senator from Iowa has stated.

I am not disputing the statement made by the Senator from Missouri that the glass under the second bracket, valued at over 1½ cents a pound, is largely imported and is not made in this country to any considerable extent. The equivalent ad valorem on that glass is only 28 per cent.

Mr. CUMMINS. Mr. President, I hope that I may be able to continue my discussion with the Senator from Missouri. The Senator from Utah has very kindly interpreted what I said and has interpreted it correctly. I have been speaking about that kind of glass upon which there is a duty placed of 1 cent per pound, which amounts to 73 per cent of its value. I thought I made that perfectly clear to the Senator from Missouri.

Mr. STONE. I know what the Senator said, but I do not think he is correct in his statement.

Mr. CUMMINS. In what respect am I wrong?

Mr. STONE. And I do not think the Senator from Utah is correct in his statement of fact. The House committee combined the first two brackets of the paragraph, as found in the present law, and reduced the rate from 1¼ cents per pound on the small-sized glass and 1⅞ on the larger size, putting both at 1 cent per pound. That is a very material reduction on the existing rate. Inasmuch as we contend that this glass is an imported article, entering but little into competition with the domestic article, after making a reduction such as was made and considering the uses to which it is put, it is an entirely legitimate subject for a good revenue for the Treasury.

Mr. CUMMINS. Mr. President, the Senator from Missouri, as it seems to me, attempts to defend an inordinately high duty by referring to the fact that the committee has reduced the duty upon some other article or an article of the same kind of a different class.

I repeat that plain window glass not exceeding 150 square inches in size is manufactured in this country and is used in this country by a great many people. The higher grades of glass that are above 1½ cents a pound in value, I agree, have been mainly imported. I am not dealing with them, however; and if the Senator from Missouri believes we do not manufacture much of this sort of glass and that there is substantially no competition upon it he is greatly in error. I can not think any manufacturer has so declared. If so, my information is altogether wrong.

But, however that may be, even for the sake of a revenue it seems to me we ought not to levy more than 40 or 50 per cent duty upon it. We are using it; every Senator knows we are using it. It is bought by the people who can not afford to buy high-priced glass. Yet we are putting, as we did before—and I am not distinguishing now between the Democratic majority and the former Republican majority—practically a prohibitive duty upon this kind of window glass, and I protest against it.

I did what little I could four years ago to prevent any such duty being imposed upon this article. As it was wrong then, it is wrong now. While the House provision does not entirely meet the demand of the times, it is better than the Senate amendment.

I therefore hope the Senate amendment in this particular will not prevail, because it is an increase over the House provision upon an article in general use—an increase that imposes a duty not required by any theory, principle, or doctrine of taxation.

Mr. OLIVER. Mr. President, there is no doubt whatever that the duties levied upon what is known as ordinary window glass, measured from an ad valorem standard, are rather high, and with very good reason. There is no industry of any magnitude in this country that has been less profitable to its owners during the past 20 years than the manufacture of window glass. The reason for this is, in the first place, that it must be made by workers of great skill, and it is made in competition with a country where skilled workers can be obtained at less wages than in any other country in the civilized world except in the Far East. Belgium secures work involving skill at less wages than any other country in Europe, and it is a country that is keen to find a market for its goods. For that reason, if this glass is to be made in America and not in Belgium, it is absolutely necessary that what might appear to be a high duty shall be imposed upon it.

Pittsburgh was formerly the seat of most of the window-glass manufacture of the country. There is comparatively little of it made in the Pittsburgh district now; but it is made generally throughout the Middle West. There are factories in Ohio, Indiana, Illinois, and quite a number in Kansas. It is not a severe tax upon the people or upon the builders of houses. The item of glass is a very inconsiderable item in any house, no matter how large or how small.

When this matter was up for discussion four years ago I had before me the plans of a house which had been built the year before in the city of Pittsburgh, the contract price of which was $4,200. All of the glass for that house was furnished delivered at the house for between $11 and $12. I make bold to say that if the glass had been imported under free-trade conditions the owner of the house never would have gotten it for so low a price as that.

Mr. President, I do not desire to take up time with the discussion of these matters. I do not think the duties provided in this paragraph are high enough. I have an amendment here I wish to offer, which I will ask the Secretary to read, and then I shall be willing to let the matter go to a vote without debate.

Mr. CUMMINS. Mr. President, before the Senator from Pennsylvania takes his seat, while I understand he believes this duty ought to be where it is or even higher——

Mr. OLIVER. Higher.

Mr. CUMMINS. I ask him whether he perceives any justification for putting upon the glass included in the first bracket glass not exceeding 150 square inches, valued at not more than 1½ cents a pound, a duty of 73 per cent, more than upon the glass included in the next bracket of the same size, but valued at more than 1½ cents a pound, which carries a duty of 28 per cent; or more than upon glass included in the next bracket, which is glass above 150 square inches, but not worth more than 1⅞ cents a pound, upon which a duty of 56.6 per cent is imposed; then dropping down on the next bracket to 32 per cent; then up on the next bracket again to 56.25 per cent? I ask whether he knows of any need of the trade or of the manufacturer that requires that discrimination or classification?

Mr. OLIVER. Mr. President, I am not standing here in defense of this bill. I think all of these duties ought to be higher. As far as the inconsistencies in the bill are concerned, I leave it to the Senators in charge to explain them. I do not propose to do it.

I ask for the reading of the amendment.

Mr. CUMMINS. Mr. President, is it true that the amendment of the committee is now pending?

The VICE PRESIDENT. The Chair does not know whether the amendment of the Senator from Pennsylvania is an amendment of the committee amendment or not.

Mr. OLIVER. I am not well versed in parliamentary procedure, but my amendment proposes to change all of the duties in the paragraph.

The VICE PRESIDENT. Then the Chair rules that the committee has the right to perfect the paragraph before other amendments are offered.

Mr. OLIVER. I am perfectly willing to have my amendment voted upon later.

Mr. STONE. Let us have a vote on the committee amendment now.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee in lines 8 and 9, page 24.

Mr. CUMMINS. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, I desire——

The VICE PRESIDENT. The yeas and nays have been called for and ordered.

Mr. STONE. Mr. President——

The VICE PRESIDENT. The yeas and nays have been ordered.

Mr. STONE. I was going to make the point of no quorum, so that we might have a quorum present at the time the vote is taken.

Mr. BRISTOW. I will wait until the roll is called before I make the remarks I desire to make upon this matter.

The VICE PRESIDENT. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Smith, Ariz.
Bacon	Gore	Nelson	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, Md.
Bradley	Hitchcock	Oliver	Smith, Mich.
Brady	Hollis	Overman	Smith, S. C.
Brandegee	Hughes	Page	Smoot
Bristow	James	Penrose	Stone
Bryan	Johnson, Me.	Perkins	Swanson
Burton	Johnston, Ala.	Pittman	Thomas
Catron	Jones	Poindexter	Thompson
Chamberlain	Kenyon	Pomerene	Thornton
Chilton	Kern	Ransdell	Tillman
Clapp	La Follette	Reed	Townsend
Clark, Wyo.	Lane	Robinson	Walsh
Clarke, Ark.	Lea	Sheppard	Weeks
Crawford	Lewis	Sherman	Williams
Cummins	Lodge	Shields	
Dillingham	McLean	Shively	
Fletcher	Martin, Va.	Simmons	

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum of the Senate is present.

RECESS.

Mr. KERN (at 3.17 p. m.). Mr. President, owing to the severe thunderstorm, which makes it impossible for Senators to be heard, I move that the Senate take a recess for 15 minutes.

The motion was agreed to, and the Senate took a recess for 15 minutes; and at the expiration of the recess the Senate reassembled.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The VICE PRESIDENT. The yeas and nays have been ordered on agreeing to the amendment of the committee to paragraph 87.

Mr. BRISTOW. Mr. President, I should like the attention, if I can have it, of the Senator from Missouri [Mr. STONE]. I listened with great interest to the discussion between the Senator from Iowa and the Senators from Missouri and Pennsylvania. The Senator from Missouri, if I understood him correctly, said that the duty in the first bracket on common window glass, unpolished, not exceeding 150 square inches, was levied for revenue and that there was very little of it manufactured in this country.

As I understand it, those are the small panes of window glass that are in common use, and we imported only 497,000 pounds in 1912. It seems to me that the importations must be very small. The duty under the present law, the Senator will observe, is 1¼ cents per pound, or approximately 92 per cent ad valorem. The House reduced that to seven-eighths of a cent a pound, or approximately 64 per cent ad valorem. The Senate committee increases it to 1 cent a pound over the House rate, or 73 per cent ad valorem.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. Certainly.

Mr. CUMMINS. I would be sorry if the Senator from Kansas were misled by anything that I have said. Therefore I want to call his attention to the fact that the bracket which he is now mentioning is not the entire bracket covered by the 1-cent-a-pound duty. It is limited to glass 150 square inches or less, valued at not more than 1½ cents per pound. Another glass of the same size valued at more than 1½ cents a pound is found in the next bracket, where the duty retained by the Senate committee is only 28 plus.

Mr. BRISTOW. Yes; I understand. But I was going to inquire why the committee found it necessary to increase the duty on these small panes of glass while it did not increase the duty on the larger panes of glass found in the third bracket. The Senator will observe that in the third bracket under the present law the equivalent ad valorem is 96 per cent, while the House reduced it to 56 per cent and the Senate committee leaves it at that amount.

Going on down to the fifth bracket, where panes of glass contain 720 inches, the equivalent ad valorem is now 117 per cent. That is reduced by the House to 56 per cent, and the Senate committee leaves that at 56 per cent, being quite a radical reduction.

In view of the fact that the duties on the large panes are radically reduced I would like to know why the Senate committee increased the duty on the small panes. The Senator can not say that it is for revenue, because the revenue collected in 1912 on the importations of this bracket amounted to only a little over $6,000, and the estimate of the Senate committee is for revenue only $5,000. I have not been able to find out the basis upon which this increase is made.

Mr. STONE. Mr. President, the attitude of our friends on the other side is a rather strange one. Some of them complain that the reduction is too great, and some of them complain that it is not great enough. I understand the Senator from Kansas to insist that the reduction in the smaller sizes, the rates fixed in brackets 1 and 2, are too high, while in brackets 3 and 4 they are not high enough.

Mr. BRISTOW. No; my complaint was that the duties in bracket 1 are too high. The duties in bracket 2 seem to be reasonable. It is an approximate rate of 28 per cent. That is on the larger sizes.

Mr. STONE. No; brackets 1 and 2 are the same sizes.

Mr. BRISTOW. It is a higher priced glass of the same size.

Mr. STONE. They differ in price and value.

Mr. BRISTOW. I stand corrected as to the higher priced glasses.

Mr. STONE. The Senator then complains that the rate fixed in bracket 1 is too high?

Mr. BRISTOW. Yes.

Mr. STONE. What does he say of bracket 2?

Mr. BRISTOW. The rate in bracket 2 seems to be very reasonable. It is only 28 per cent on the value.

Mr. STONE. It is the same rate per pound. What does the Senator say about brackets 3 and 4?

Mr. BRISTOW. It is 56 per cent in one instance and 32 per cent in the other. A reduction from 96 per cent to 56 per cent seems to be a pretty substantial reduction.

Mr. STONE. Then the Senator's complaint is confined to bracket 1?

Mr. BRISTOW. Yes; that is what I am complaining of now.

Mr. STONE. If we should reduce it to half a cent a pound, the Senator from Kansas would be satisfied?

Mr. BRISTOW. I think that half a cent a pound would be very much better than it is.

Mr. STONE. What about the Senator from Pennsylvania?

Mr. BRISTOW. That is for the Senator from Missouri and the Senator from Pennsylvania to settle between themselves. They seem to be in accord on this proposition.

Mr. CUMMINS. Mr. President——

Mr. BRISTOW. I yield to the Senator from Iowa.

Mr. STONE. He said it is too low now.

Mr. CUMMINS. Will the Senator from Missouri listen to me for a moment?

Mr. STONE. Always.

Mr. CUMMINS. I hope the amendment proposed by the committee will not be adopted. If it is not adopted, I intend to offer an amendment reducing the rate on glass not exceeding 150 square inches and worth not more than a cent and a half a pound to one-half a cent per pound.

Mr. HUGHES. The Senator will admit there is no value classification given here now.

Mr. CUMMINS. I can not hear the Senator.

Mr. HUGHES. There is no value classification in the proposed bill. Consequently the Senator's amendment would not be germane as he states it. It would not harmonize with the bill.

Mr. CUMMINS. No; but I intend to offer a value classification.

Mr. HUGHES. I see.

Mr. CUMMINS. I do not think that you can fairly attach a duty measuring it only by the pound when it is well known that the glass is of so greatly different value. That is evident here. We have two brackets of the same size of glass. Under

one, I think, the importations were valued at 1.4 cents per pound and under the other at more than 3 cents per pound. It is obvious that a duty of a cent a pound or any absolute sum per pound can not do justice to those two different kinds of glasses.

Mr. HUGHES. The Senator suggests offering an amendment preserving the old value classification with reference to this commodity. I am not asking the Senator a question; I am simply making a statement with reference to this item. He suggests offering an amendment which will preserve in part a low value classification. Both the House committee and the Senate committee decided after full investigation that that sort of a classification is absolutely impossible.

I suppose this glass paragraph is one of the most difficult paragraphs in the whole bill. Under the old law, where there was a value classification, the testimony and the Treasury figures developed the fact that glass in this country was often sold for less than the face of the duty. A most peculiar competitive condition exists in the glass industry in this country now. Right at this time there is being installed a new glass-making machine which, so far as it has been installed, has absolutely revolutionized the whole glass-making industry. The value classification that the Senator suggests even now with the progress that has been made in the installation of this machinery would become absolutely worthless.

I wish to call the Senator's attention to this fact. These great variations between the equivalent ad valorems are misleading. You will notice that both the House and the Senate committees made very slight and gradual increases as they went along on the higher priced glasses in the specific duties. It is misleading to attempt to compare the equivalent ad valorem. You only get a fair knowledge of what both committees were trying to do when you look at the specific rates themselves, because there is no relation between the value of the glass and the price at which it is sold.

Mr. CUMMINS. Mr. President, may I ask the Senator from New Jersey why he did not pursue the general policy of the bill and attach an ad valorem duty to glass?

Mr. HUGHES. For the reason that we discovered that a great deal of the glass that falls under this first bracket is a by-product of the manufacture of other glasses, and, as in many other paragraphs in the bill, we found it almost impossible to ascertain the value, because this production is incident to the production of something else. A ridiculously high ad valorem rate would have to be laid upon the commodity in order to collect any duty at all.

Mr. CUMMINS. I assume the Senator from New Jersey hardly means a by-product. What he means is that the manufacturers of other glasses find some pieces broken, and they are cut into smaller sizes.

Mr. HUGHES. Exactly. Great quantities of this glass are produced undesignedly, the manufacturer having something totally different in mind. This glass is on his hands and on the hands of the foreign manufacturer, too, and under an ad valorem rate it would be sent here in great quantities at very, very low values.

Mr. CUMMINS. The Senator from New Jersey has said—and I am sure he is right upon that—that hitherto there has been a great deal of glass sold in the United States for less than the duty imposed upon it. Now, does not the Senator know that some four years ago, I think shortly after the passage of the Payne-Aldrich bill, there was a trust organized in the window-glass business?

Mr. HUGHES. Yes.

Mr. CUMMINS. And it succeeded in putting up the price very greatly?

Mr. HUGHES. I used to be under the impression that the American Plate Glass Co. absolutely dominated the market, made a world of money, and had a very pleasant time generally.

Mr. CUMMINS. Does the Senator know——

Mr. HUGHES. But the information I received was that the American Plate Glass Co., over a very extended period of time, and the other American glassmakers in this country, habitually sold the product for less than it cost them to make it.

Mr. CUMMINS. Precisely. Then we come to the making of this bill. You find a condition which you want to change. You change it by leaving a duty of 73 per cent on common window glass not more than 150 inches square. Does the Senator from New Jersey assert that there is no way in which justice can be reached concerning that commodity?

Mr. HUGHES. The difficulty is, the Senator and I will never get together if he keeps talking about ad valorem rates and I am speaking about specific rates of duty. I think there ought to be a small specific duty on this glass for this reason: One of the biggest concerns in this country which makes it has a factory in Belgium. There is no doubt that glass can be made in Belgium more cheaply and more profitably and better, I think, than it can be made anywhere else in the world. The reason for that is that the glass manufacturers of Belgium have tremendous natural advantages. Of course, as the Senator knows, we did not go into the writing of this bill with the object of making a free-trade bill. As has often been said here, we were confronted by certain conditions.

Mr. CUMMINS. But the House put a duty of seven-eighths of a cent a pound upon glass not exceeding 150 square inches. What was wrong with that provision?

Mr. HUGHES. In the opinion of the committee it simply gave an additional advantage for the disposition of what is largely a by-product to a foreign——

Mr. CUMMINS. An advantage to whom?

Mr. HUGHES. To a foreign manufacturer. I was coming to that. One of the biggest concerns in this country has already established a factory in Belgium.

Mr. CUMMINS. How can a duty of seven-eighths of a cent a pound on glass of this size give a greater advantage to a foreign manufacturer than a duty of 1 cent a pound upon it?

Mr. HUGHES. I am trying to get to the point, if the Senator will permit me. Take the case of an American manufacturer who has a market in this country and selling agencies and means of distribution for this particular product and has also a large factory abroad. It was pointed out to me, I know—I do not know whether it affected the other members of the committee or not—it was pointed out to me by certain independent manufacturers in this country that an extremely low rate of duty would simply enable this American manufacturer to bring in the by-product of that factory and close his factory here or change its method of operation, and that the Government would simply lose that amount in revenue.

Mr. CUMMINS. Then the substance of all that is that the duty was raised to 1 cent a pound in order to protect the domestic manufacturers of this sort of glass. What I say is that that is too much protection.

Mr. HUGHES. The Senator says it is too much protection because there is an equivalent ad valorem of 74 per cent, but the equivalent ad valorem is obtained by taking the price of glass, which is the most unfixed and variable proposition that I know of, and comparing it with these specific rates of duty, and it is absolutely and altogether misleading, I will say to the Senator.

Mr. CUMMINS. I agree to that. I agree that when you turn ad valorem duties into specific duties and separate the commodities into classes or brackets the lower-priced commodities will appear to have tremendous rates of duty.

Mr. HUGHES. Tremendous rates of duty.

Mr. CUMMINS. That is undoubtedly true. Therefore the bracket ought to be divided so that this range would be as small as possible.

Mr. HUGHES. I will say to the Senator from Iowa that it is impossible to do it with a value classification, because the value of glass fluctuates to such an extent that that classification is really valueless. It is a difficult proposition. I do not mean to say that we have it exactly right, but we did the best we could with the information we had at hand. We started at this rate and we went up gradually and slowly and in an orderly way, increasing the specifics, knowing, of course, that any Senator could take a specific rate and change it to an ad valorem rate and show great variations in the different brackets. But that is caused, not by the rates that we propose to lay in this bill, but by the fluctuations of the glass market, the exigencies of the business, and the attempt on the part of this or that crowd to control the market at a particular time.

Mr. OLIVER. Mr. President, the Senator from New Jersey alluded to an American manufacturer who has a factory in Belgium. I am inclined to think that he is mistaken with regard to that having any application to this paragraph. I presume the manufacturer to whom he alludes is the Pittsburgh Plate Glass Co.

Mr. HUGHES. I think so. I know the representative told me himself——

Mr. OLIVER. The Pittsburgh Plate Glass Co. does not make any of this kind of glass.

Mr. HUGHES. They would be bound to make it in the manufacture of other glass.

Mr. OLIVER. I beg pardon. Plate glass is an entirely different commodity from what is known as window glass.

Mr. HUGHES. My recollection is that he made that very point, and I asked him that question.

Mr. OLIVER. But I think it is with regard to a subsequent paragraph treating of plate glass and not with regard to this paragraph.

Mr. STONE. Mr. President, Senators on the other side are not able to agree as to this rate of duty. Every day we hear complaints from that side that we want to ruin the country by having duties too low. Now, when we find some of them complaining that the duties are too high and that they ought to be reduced in the public interest, I feel very much inclined to give consideration to that remarkable expression of opinion. It may be we can reduce this rate somewhat. I do not say that it can be done or should be done; but since so many Senators on the other side think we have placed the rate too high, I will ask that the order for the yeas and nays be vacated and that the paragraph be passed over, and we will take it up and see if we can not accommodate our friends on the other side by a lower duty.

Mr. CUMMINS. That is very agreeable to me. I do not speak for any of my associates upon this side. I am sincere in the belief that the first bracket in this paragraph ought to be reduced below the rate named in the bill.

Mr. STONE. I understand the Senator's attitude. I am so much gratified at the disposition to lower duties that I will ask that the paragraph be passed over that the committee may look into it again.

The VICE PRESIDENT. The call for the yeas and nays is withdrawn, and the paragraph will be passed over.

The reading of the bill was continued as follows:

88. Cylinder and crown glass, polished, not exceeding 384 square inches, 3 cents per square foot; above that, and not exceeding 720 square inches, 4 cents per square foot; above that, and not exceeding 1,440 square inches, 7 cents per square foot; above that, 10 cents per square foot.

89. Fluted, rolled, ribbed, or rough plate glass, or the same containing a wire netting within itself, not including crown, cylinder, or common window glass, not exceeding 384 square inches, ½ cent per square foot; all above that, 1 cent per square foot; and all fluted, rolled, ribbed, or rough plate glass, weighing over 100 pounds per 100 square feet, shall pay an additional duty on the excess at the same rates herein imposed: *Provided*, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.

Mr. LA FOLLETTE. I ask to have that paragraph passed over.

The VICE PRESIDENT. The paragraph will be passed over.

The Secretary read paragraph 90, as follows:

90. Cast polished plate glass, finished or unfinished and unsilvered, or the same containing a wire netting within itself, not exceeding 384 square inches, 6 cents per square foot; above that, and not exceeding 720 square inches, 8 cents per square foot; all above that, 12 cents per square foot.

Mr. LA FOLLETTE. I ask that that paragraph be passed over.

The VICE PRESIDENT. The paragraph goes over on the request of the Senator from Wisconsin.

The Secretary read paragraph 91, as follows:

91. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates exceeding in size 144 square inches, shall be subject to a duty of 1 cent per square foot in addition to the rates otherwise chargeable on such glass unsilvered: *Provided*, That no looking-glass plates or glass silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate.

Mr. SMITH of Michigan. I ask that paragraph 91 be passed over.

The VICE PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed, and the Secretary read paragraphs 92 and 93, as follows:

92. Cast polished plate glass, silvered or unsilvered, and cylinder, crown, or common window glass, silvered or unsilvered, polished or unpolished, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated, shall be subject to a duty of 4 per cent ad valorem in addition to the rates otherwise chargeable thereon.

93. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished or unfinished, 35 per cent ad valorem.

Mr. LODGE. Mr. President, on paragraph 93 and the succeeding paragraph I merely desire to say that the reductions which have been made are extremely serious, if not disastrous, to these industries. The cost of production of spectacles, optical instruments, and so on, as anyone will readily find, is chiefly labor. The raw material is not an expensive part of the cost. The labor costs are very much greater, from two to four times greater, in this country than they are among our competitors. I do not care to argue the matter at any length, but I ask leave to submit and have printed as a part of my remarks a letter from a constituent of mine, a very large maker of these articles, at Southbridge, Mass.

The VICE PRESIDENT. In the absence of objection, permission to do so is granted.

The letter referred to is as follows:

SOUTHBRIDGE, MASS., U. S. A., *May 21, 1913.*

OPTICAL GOODS.

(House bill 3321, Schedule B, pars. 93, 94, and 95.)

Hon. HENRY C. LODGE,
United States Senate, Washington, D. C.

SIR: We have before us statements recently submitted to you by the United States Lens Co., the Tilton Optical Co., and the Bausch & Lomb Optical Co. in connection with these goods, and desire not only to record our concurrence in the truth and importance of these statements bearing on the tariff question, but to emphasize the fact that the proposed reduction will seriously injure a legitimate business without benefit to the consumer.

The consumer will not benefit by a reduction in the tariff rates, because the cost of the article itself is included in a much greater charge for professional services and is almost negligible. A difference of $1 a dozen would not show in the charge to the consumer, but would be extremely injurious to the manufacturer and the workman.

The workman and the manufacturer will be seriously injured, the reason being that the product as made in this country is from 70 to 85 per cent labor, and our labor cost is from two to four times greater than the labor cost abroad (Germany and France). Under the present rates the tariff is no more than competitive, and surely under these circumstances a one-third reduction in the tariff would be unwise and unsafe.

PERFECTION DEPENDS ON THE PERSONAL TRAINING OF THE WORKMAN.

The nature of eyeglasses and spectacles is such as to require the most delicate and accurate treatment, error being detrimental to the consumer. We know of no other industry where poor work on the part of the workman will show more quickly and be more injurious to the general public than in the preparation of accessories in the aid of eyesight. Commercial efficiency, furthermore, is obtained only by long years of careful training of the workman, years of patient care and endeavor to reduce the waste within practicable limits and secure the high grade of product manufactured.

If the industry were injured, it would take years to recover and the magnificent scientific progress of the art, which is tending to the betterment of the health and welfare of the consumer generally and fostered by wise and stringent optometry laws, would be stayed if not destroyed.

PRESENT PROGRESS HAS BEEN MADE WITHOUT INCREASED COST TO CONSUMER.

Owing to the activity and research of our oculists and optometrists the scientific requirements have increased, with a consequent increase in cost of production. Wages and raw materials also in our art, as well as in others, have generally increased in the last few years; but in spite of the increase in scientific requirements and in wages the consumer is getting better goods than ever before without increased cost to himself; and this is solely due to the fact that competition has kept well apace, if not ahead, trade conditions being healthy and prices to the trade strictly regulated by open, well-developed competition.

PRESENT-DAY CONDITIONS ARE NOT THOSE OF YEARS AGO.

It would be impossible to build up a successful going plant to-day under the triple burden of high and increasing scientific requirements, high and increasing wages, and a reduced tariff, in view of the highly developed domestic competition now existing. A careful study of the experience of the present manufacturers will demonstrate this fact, and it is therefore earnestly hoped that the present rates will be retained, for it will not only benefit the workman and his employer, but will also benefit the general public.

Respectfully submitted.

AMERICAN OPTICAL CO.,
C. M. WELLS, *President.*

Mr. STONE. Mr. President, I do not, of course, know what the Senator from Massachusetts has asked to have printed, and I have no wish to have it read; but I wish to be informed about it.

Mr. LODGE. It is merely a letter setting forth in detail the points which I myself have briefly made as to labor costs, as to competition, and the general character of the industry. The letter comprises only a page and a half; it is a mere discussion of the rates of duty; that is all.

Mr. STONE. Very well.

Mr. WEEKS. Mr. President, I want to add a word to what has been said by my colleague [Mr. LODGE] in connection with this subject. This is one of the industries which has been built up in the United States, not so much as a result of the duty imposed as on account of the excellence of the product and the development of machinery in connection with the industry. Our manufacturers for the last 20 or 25 years have been in advance of the rest of the world in that respect. They have been closely followed and copied from time to time. Foreign manufacturers have agents in this country who are trying at all times to copy or to conform to the methods which have been in use here.

The duty of 50 per cent which has hitherto prevailed has probably not had a great influence in developing the industry, and if conditions in the future were to be what they have been in the past a reduction to 35 per cent might not materially injure the industry; but conditions have so changed that now our foreign competitors have reached a point where they can manufacture as cheaply and develop a product as good as that manufactured in this country.

The rate of duty is an extremely small item in the total cost of an eyeglass. If a person goes to an oculist, pays three or four or five dollars for his opinion, and then goes to the dealer in eyeglasses, the price of the glass depends very largely on the

personal service performed by the dealer rather than the value of the glass. For instance, the glass which I have in my hand [exhibiting] would probably be sold by the manufacturers for not more than $3 a dozen, or 25 cents a pair, and yet the total cost to myself, including the fee to the oculist, was $7.50.

I want to give two or three of these figures, because they illustrate what a small item the duty is in the total cost. The duty under the prevailing law on glasses that cost 40 cents a dozen is 26 cents a dozen; on glasses that cost $1.50 a dozen, it is 75 cents a dozen; the duty on glasses that cost $3 a dozen is $1.50 a dozen. The reduction proposed would make the duty, instead of 26 cents a dozen, 14 cents a dozen; the duty proposed, instead of 75 cents on the next grade, would be 32 cents; on the next grade, instead of being $1.50 a dozen, it would be $1.05 a dozen. In the lowest grade it would be a difference of 1 cent a pair; on the next grade it would be a difference of 2 cents a pair; and on the next grade it would be a difference of 4 cents a pair.

Nobody can contend that that is going to have a great influence in affecting the price to the consumer when the cost of his glasses has been several dollars paid either to the oculist or to the dealer in glasses.

But the point I wish to make, Mr. President, is that the industry abroad has reached a state of perfection equal to that in this country, and we take great chances when we reduce duties under these circumstances, duties which are not burdensome on the consumer in this country under present conditions, and in cases where we make a reduction which is not going to bring any compensating advantage to the consumer. Nobody can tell just what the result will be in this case. It may not make any material difference for the time being, but it is opening the door to the possibilities of a serious change.

This industry has been developed after long experience and is an expensive industry to develop, because every workman engaged in it has to go through a long course of training in order to reach a stage of perfection which enables our manufacturers to put out the quality of product which they have done. Therefore I think it is inadvisable to make any change in a schedule of this kind which is not going to bring any advantage to anybody and which may be of serious disadvantage to every manufacturer and every workman engaged in it.

Mr. LODGE. Mr. President, I move to amend paragraph 93 by striking out "35" and inserting "45." I do not believe in the ad valorem system, but that is the nearest I can bring it——

Mr. STONE. The present ad valorem rate is 51 per cent in the brackets.

Mr. LODGE. I want to make it as high on the equivalent as the specific makes it. I will ask to make it 45 per cent. The present duties are specifics and these are ad valorems.

Mr. STONE. The duty was reduced by the House bill from "51" to "42.35" per cent. The fact is that in 1912 there were only sixty-three thousand and odd dollars worth of importations, as against a domestic production in 1910 of $11,734,000 worth. On these optical goods, I think, 35 per cent is certainly enough.

Mr. LODGE. I move to make the rate "45 per cent."

The VICE PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In paragraph 93, page 26, line 15, before the words "per cent," it is proposed to strike out "35" and to insert "45."

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 94, page 26, line 20, after the word "manufactured," to strike out "30 per cent ad valorem" and to insert "strips of glass, not more than 3 inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, 25 per cent ad valorem," so as to make the paragraph read:

94. Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses, wholly or partly manufactured, strips of glass, not more than 3 inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, at the top of page 27, to strike out paragraph 95, as follows:

95. Strips of glass, not more than 3 inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, 20 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 27, line 6, to change the number of paragraph "96" to "95," in line 6, on the same page, after the word "glasses," to strike out "telescopes, microscopes, photographic and projection lenses, and"; in line 7, after the word "optical," to strike out "and surveying"; in line 8, after the word "frames," to strike out "or" and insert "and"; and in line 10, before the words "per cent," to strike out "30" and insert "35," so as to make the paragraph read:

95. Opera and field glasses, optical instruments and frames and mountings for the same; all the foregoing not specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to insert as a new paragraph the following:

96. Surveying instruments, telescopes, microscopes, photographic and projection lenses, and frames and mountings for the same, 25 per cent ad valorem.

The amendment was agreed to.

The Secretary read paragraph 97, as follows:

97. Stained or painted glass windows, or parts thereof, and all mirrors, not exceeding in size 144 square inches, with or without frames or cases; incandescent electric-light bulbs and lamps, with or without filaments; and all glass or manufactures of glass or paste or of which glass or paste is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem.

Mr. LA FOLLETTE. I ask to have that paragraph passed over for the time being.

The VICE PRESIDENT. In the absence of objection, the paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 98, page 27, line 22, after the word "Fusible," to insert "and glass," so as to make the paragraph read:

98. Fusible and glass enamel, 20 per cent ad valorem; opal or cylinder glass tiles or tiling, 30 per cent ad valorem.

The amendment was agreed to.

The Secretary read paragraphs 99 and 100, as follows:

99. Marble, breccia, and onyx, in block, rough or squared only, 50 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness, 75 cents per cubic foot; slabs or paving tiles of marble or onyx, containing not less than 4 superficial inches, if not more than 1 inch in thickness, 6 cents per superficial foot; if more than 1 inch and not more than 1¼ inches in thickness, 8 cents per superficial foot; if more than 1¼ inches and not more than 2 inches in thickness, 10 cents per superficial foot; if rubbed in whole or in part, 2 cents per superficial foot in addition; mosaic cubes of marble or onyx, not exceeding 2 cubic inches in size, if loose, 20 per cent ad valorem; if attached to paper or other material, 35 per cent ad valorem.

100. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, or of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stones, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for in this section, 45 per cent ad valorem.

Mr. BRISTOW subsequently said: Mr. President, I should like to ask that paragraph 99 be passed over, because I have observed one or two duties in the paragraph into which I should like to look a little further.

Mr. JAMES. It is impossible to hear what the Senator says.

Mr. BRISTOW. I say I should like to have paragraph 99 go over with the other paragraphs that have gone over, because I desire to look into some of the duties contained in that paragraph.

Mr. JAMES. In regard to surveying instruments?

Mr. BRISTOW. No; in regard to marble, onyx, and surveying slabs.

Mr. STONE. The Senator refers to paragraph 99.

Mr. BRISTOW. Yes.

Mr. STONE. We have no objection, of course, if the Senator wishes that paragraph passed over.

The VICE PRESIDENT. In the absence of objection, the paragraph will be passed over.

The reading of the bill was resumed, and the Secretary read to the end of paragraph 101, which is as follows:

101. Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 25 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 3 cents per cubic foot.

Mr. DILLINGHAM. Mr. President, I wish to inquire of the member of the committee having this matter in charge what consideration moved the committee in reducing the rate of duty upon granite from 50 per cent to 25 per cent ad valorem?

Mr. GALLINGER. And the duty on unmanufactured granite from 10 cents to 3 cents per cubic foot?

Mr. STONE. Does the Senator refer to marble?

Mr. DILLINGHAM. The paragraph covers freestone, granite, sandstone, limestone, and so forth, but I am asking particularly in relation to granite.

Mr. STONE. That is the rate fixed by the House bill.

Mr. DILLINGHAM. But, perhaps, the committee can tell us upon what ground the reduction was made and what reasons were presented to it in the hearings why the reduction should be made.

Mr. STONE. It was reduced by the House one-half, from 50 per cent to 25 per cent, because the House presumed that the reduction was a proper one in the interest of the consumer and of the revenue.

Mr. DILLINGHAM. I have examined the House hearings, but have been unable to find that anybody recommended it, excepting Mr. Hanold, who represented the firm of Townsend, Townsend & Co., of 423 West Twenty-first Street, New York City. Mr. Hanold said that, in appearing before the committee, he represented the "National Wholesale Granite Dealers' Association, comprising 18 firms engaged in the business of selling domestic and imported granite monuments at wholesale," and so forth.

If anybody else appeared before either the House or the Senate committee recommending this reduction or giving any reason for it, I should be glad to know who it was.

Mr. STONE. I was just about to say that I do not recall that anyone appeared before the Senate committee in relation to this item; but my attention is now called to the fact that a granite manufacturers' association of Quincy, Mass., filed a brief.

Mr. DILLINGHAM. Yes; but they were opposed to the proposed reduction.

Mr. STONE. Yes; they were opposed to it.

Mr. DILLINGHAM. Now, I am asking upon what consideration the recommendation was made that the rate be reduced? Who asked for it?

Mr. STONE. Just upon the ground that it was thought that the rate was unnecessarily high and should be reduced. There are practically no importations.

Mr. DILLINGHAM. Does the Senator recall anybody except the band of importers in New York represented by Mr. Hanold who recommended the reduction?

Mr. STONE. I know nothing about "the band of importers" of whom the Senator speaks. They did not appear before the Senate committee.

Mr. DILLINGHAM. No; but Mr. Hanold says he represented 18 firms engaged in importing granite.

Mr. STONE. No; I do not know who appeared.

Mr. DILLINGHAM. Well, Mr. President, I do not think that anybody else appeared before the House committee demanding a reduction in the rate.

Mr. STONE. I do not think any person interested in quarrying or manufacturing marble or granite appeared before either committee to insist upon a reduction of the duties. I think not.

Mr. DILLINGHAM. I think not, too. No consumer in the United States asked for it, so far as I have been able to find by an examination of the record of the hearings. I do not think that anybody asked for it, except the importing companies in New York, and they recommended that the duty be reduced from 50 per cent to 20 per cent.

Mr. STONE. That may be so, if the Senator please. I do not know.

Mr. DILLINGHAM. In connection with this matter I want to call the attention of the Senate——

Mr. STONE. But I can not see how that affects the question of whether the reduction should have been made.

Mr. DILLINGHAM. Perhaps I can help the Senator to see that, because I think that a very great injustice has been done in this instance.

Mr. STONE. I am not asking to be helped.

Mr. DILLINGHAM. Mr. President, I desire to call attention to the fact that the granite output of the country that goes into monumental work is disposed of almost entirely by the class of firms that came and asked for this reduction, and they have——

Mr. STONE. Are they importers?

Mr. DILLINGHAM. Yes; they are importers and also dealers in the domestic article.

Mr. STONE. Well, now, will the Senator let me call his attention to the fact at this pertinent point in his statement that I find on looking at the data before me—official statistics—that in 1912 of all the articles mentioned in the paragraph, freestone, granite, and so forth, only $74,991 worth were imported——

Mr. DILLINGHAM. I was aware of that fact.

Mr. STONE. While there was a domestic production of these articles in 1911 of $76,966,000.

Mr. DILLINGHAM. I was aware of those facts.

Mr. STONE. Then, if the tariff would affect the question of importation of these heavy materials—in other words, if they are likely to be brought in any considerable quantity from abroad, the tariff was prohibitive, and it has been reduced one-half by the House bill. With a domestic production of over $76,000,000 against an importation of $74,000, and with a tariff either prohibitive in itself or which added to the cost of transportation from abroad makes it prohibitive, I rather think the House has not overleaped the bounds of wisdom in making the reduction.

Mr. DILLINGHAM. Mr. President, I can not find that either the House or the Senate committee has made any inquiry to ascertain what would be a fair competitive rate of duty upon this article. I would not stand here to ask for a prohibitive duty, but I do think that the duty should be equal to the difference in the cost of production at home and abroad; and it is to that question that I desire to address myself to the Senate for a moment.

Mr. GALLINGER. Will the Senator permit me just a word?

Mr. DILLINGHAM. Gladly.

Mr. GALLINGER. I presume that the Senator from Missouri [Mr. STONE] is aware of the fact that there is the most intense domestic competition in the production of granite. It is produced in several of our New England States and in other parts of the country, and the competition is so keen that there is really very little profit in that industry. I agree with the Senator from Vermont that the reduction proposed to be made is a violent reduction and that it will result in greatly reducing the domestic production and increasing the importations of the product.

Mr. DILLINGHAM. I was about to remark, Mr. President, that the class of firms that have come here and asked for this reduction substantially control the granite trade of the United States. I am referring now to the monumental trade, into which granite so largely enters. They employ artists to prepare designs, which are numbered, and every one of these firms has perhaps a hundred or a thousand different designs. They have their subagents all over the United States. Whenever they hear of a death in a family their agent immediately seeks an interview, submits prices upon which they will furnish different styles of monuments composed of this, that, and the other variety of granite, foreign and American. Having secured the contract for a monument, they submit plans and specifications for the same to different producers of granite in Vermont, in New Hampshire, in Maine, and in other parts of the country, and in the competition among the manufacturers for the job they secure the lowest possible price. In that way they have brought about the brisk competition which has been mentioned by the Senator from New Hampshire [Mr. GALLINGER]. So that the price of granite monuments is probably as low in this country to-day as it ever can be under the prices which the manufacturers are compelled to pay for wages in that industry. This is shown by the fact that the business is not in the hands of a trust. It is entirely in the hands of individual producers.

I live in the center of the granite industry in Vermont, and it is one of the largest industries of the State. The census reports show there are 51 quarries in operation in Vermont; that 21 of them are controlled by individuals, 12 of them by partnerships, and only 18 by corporations. It will, therefore, be seen that the business is not under the control of any trust nor of any combination whatever, but that it is an individual enterprise in every instance, and the competition that I have mentioned is always maintained.

The cost of producing granite and placing it on the market is almost wholly labor; and that is a matter that ought not to be overlooked. According to the report of the last census the element of labor entering into the cost of finished granite is given as at 80 per cent of the whole.

In the manufacture of granite the hours necessarily have to be short. They are universally eight hours a day for granite cutters. The minimum wage paid there is $3.25, and the daily wage is increased according to the skill of the person employed to $4.50 and in some instances to $5 per day.

Probably 2,000 persons are employed as cutters in this industry. I suppose that in the stone industry of Vermont there are 10,000 persons engaged. They are highly skilled workmen and command a high rate of remuneration. If the American manufacturers, paying these prices for labor, are to be driven into comptition with foreign producers, where, as in Scotland, the average rate of wages is only 15 cents an hour, while with us the minimum rate is $3.25 a day, Senators can see what that competition means.

In Barre, which is in the county where I reside, there are 104 concerns engaged in manufacturing granite, after conver-

ing the stock into monuments and selling them in all parts of the United States, largely through the firms in New York to which I have already called attention. In Montpelier there are 21, and in the towns of Hardwick and Bethel there are 74, making 199 in all. The minimum rate of wages paid, as I have stated, is $3.25 a day, or 40⅝ cents per hour, while in Scotland the same work commands only 15 cents an hour, or $1.35 for a nine-hour day.

Mr. STONE. Mr. President, if the Senator will permit me, I assume his figures as to wages in Vermont and Scotland to be correct. I can not assail them, because I do not know where he obtained his data.

Mr. DILLINGHAM. I obtained my information to some extent from the census but more largely from inquiry.

Mr. STONE. As to the Scotch rate?

Mr. DILLINGHAM. The Scotch rate comes to me from two different sources. I have it from Mr. Wishart, who is the secretary of the Granite Manufacturers' Association at Barre. I find it also given in a brief that has been filed with the committee, to which the Senator has called my attention, by the Quincy (Mass.) Granite Manufacturers' Association. In that brief, which the Senator mentioned a little while ago, they say:

> Monuments are a luxury, and the principal item in the cost of production is labor. We pay our granite cutters and granite polishers a minimum wage of $3.25 per day, many of our workmen getting $4 or $4.50 per day. In Scotland the pay is $1.35 per day. Our workmen have already given warning that as fast as existing agreements expire they will expect and demand a minimum wage of $4 per day. Without a tariff sufficient to offset the difference between what we pay and what is paid in Scotland it means Scotch monuments in our cemeteries instead of native monuments.

Mr. STONE. From what is the Senator reading?

Mr. DILLINGHAM. I am reading from a communication filed with the committee by the Granite Manufacturers' Association of Quincy, Mass., to which the Senator from Missouri called my attention a few moments ago.

Mr. STONE. Very well. It is but natural, and not improper, that manufacturers and others who have interests to promote before Congress should state their case as strongly as possible. They say that they pay some of their workmen as high as $4 a day. Then they give the average of the Scotch rate as $1.35. I should like to know a little more definitely, from less interested concerns, just what the average wage would be in this employment.

Mr. DILLINGHAM. I think I can speak with authority on that subject. I live in the center of the largest granite industry in the United States. The rate of pay there is fixed by agreement between all of the manufacturers and all of the workmen. It is entered into year by year. The present agreement between them is equivalent to $3.25 a day. The minimum rate is 40⅝ cents per hour. That is the equivalent of $3.25 per day for an eight-hour day. It is the union rate, and they are compelled to pay it. I have neighbors within a stone's throw of my house who are skilled laborers, who get $4 and $4.50 a day for their work.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. DILLINGHAM. I shall be very glad to yield to the Senator from New Hampshire.

Mr. GALLINGER. I chance to live in a city one of the chief industries of which is granite. The granite in the Congressional Library building came from my home town. The granite used in the first story of the Senate Office Building came from my home town. I know that the scale of wages that the Senator from Vermont says is being paid in Vermont is precisely the scale of wages that is being paid in Concord, N. H. It is the union scale.

I have no knowledge as to the rate paid in Scotland, except that it has been stated to me by parties who claim to know that the rate is as the Senator from Vermont has stated.

Mr. STONE. Can the Senator from Vermont tell me the cost of transportation, cutting, and so forth?

Mr. DILLINGHAM. The ocean freight rate is low. I will say in reply to the Senator that this Mr. Hanold, representing these importing firms in New York, made a computation, which he filed with the committee, on different classes of monuments, giving the price for which he thought they could be brought into New York under the proposed duty and what would be asked by the American manufacturers, delivered free on board the cars at the quarry, but not in New York. The Granite Manufacturers' Association of Quincy, Mass., have taken that table, and on page 291 of the documents relating to Schedule B, second print, they have compared the figures. They say that taking a monument costing $16 imported from Scotland, as represented by the gentleman to whom I have referred, it would cost $20 to put one of the same character free on board cars at Quincy from Quincy granite; that a monument that would cost $118 imported can not be reproduced in Quincy granite and delivered on the cars at Quincy for less than $134.

That is the statement of the Quincy Manufacturers' Association, which is a very reputable one, as the Senator from New Hampshire will be able to assure you.

I do not want the Senator to understand that I am opposing any reasonable rate of duty, but I insist that in an industry as large as this, one furnishing employment to such a large number of men, and in which 80 per cent of the cost of the product is labor, it is an absolute injustice to the men who have made the necessary investments, it is an absolute injustice to the industry and all who are dependent upon it, to open up competition with Scotland in such a way that wages must necessarily be reduced or the output curtailed. I do not think our friends on the other side want to do that. I do not think they want to make such a record.

Mr. HUGHES. Will the Senator permit a question?

Mr. DILLINGHAM. Very gladly.

Mr. HUGHES. I am informed that a very great proportion of the granite produced in this country is polished at the various penitentiaries throughout the country. Has the Senator any information as to that?

Mr. DILLINGHAM. I do not think that is the case.

Mr. GALLINGER. I do not think there is a foot of it.

Mr. DILLINGHAM. Not a foot of granite produced in Vermont is polished in penitentiaries.

Mr. LODGE. Not a foot of the Massachusetts granite is polished in penitentiaries. Our laws do not permit it.

Mr. HUGHES. Not in Massachusetts, not in my State, not perhaps in the State of Vermont, but in States where under the law convicts are permitted to labor for private contractors.

Mr. GALLINGER. Will the Senator please state what State he refers to?

Mr. HUGHES. My information is that in the State of Indiana a great deal of American granite, quite a considerable percentage of the total production, is polished by the convicts in the penitentiaries.

Mr. LODGE. It is rather hard to make Massachusetts and Vermont and New Hampshire all suffer for that.

Mr. HUGHES. I state that only as bearing upon the general labor conditions throughout the country, and as bearing upon the question of the tremendously high rate of wages paid in this industry.

Mr. GALLINGER. But, of course, it does not reduce the rate of wages in the New England States, where we are paying and are compelled to pay union rates.

Mr. HUGHES. I understand that; but the rate of wages in the State of New Hampshire, or any other New England State, is affected, of course, if there is anything in the Senator's argument, by the cost of production by convicts.

Mr. GALLINGER. Can the Senator indicate what proportion of the granite that is produced in this country is polished in penitentiaries?

Mr. HUGHES. My information is that it is a very large proportion; but my information is not sufficiently accurate for me to venture a statement as to the proportion.

Mr. GALLINGER. I think the Senator must be mistaken.

Mr. HUGHES. I will promise to make an investigation and state the result of it to the Senator in due time. I can not do it now.

Mr. DILLINGHAM. Mr. President, I move that the figures "25," in line 1, page 29, be stricken out and that "50" be inserted, that being the present rate.

Mr. WEEKS. Mr. President, before that motion is put, I desire to submit a letter on this subject from the board of trade of the city of Quincy, which I should like to have read as part of my remarks.

The VICE PRESIDENT. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

QUINCY BOARD OF TRADE,
Quincy, Mass., May 15, 1911.

Hon. JOHN W. WEEKS,
United States Senate, Washington, D. C.

MY DEAR MR. WEEKS: Realizing that any reduction in the duty on granite will be disastrous to our city, it was unanimously voted at a meeting of the Quincy Board of Trade on May 7 to urge upon the Government at Washington that every effort be made to prevent a reduction of that duty.

Upward of $2,000,000 is involved in the granite plants and industry in Quincy. We have 130 firms engaged in that business, employing 1,600 workmen, with an average pay roll of $25,000 weekly.

At the time that the duty on granite was only 30 per cent our stonecutters were walking the streets with nothing to do, and we earnestly hope that such a condition will not be repeated.

Respectfully,

JOHN O. HALL, *Secretary.*

Mr. WEEKS. Mr. President, it will be noticed that as far as the character of the industry is concerned, that statement bears out the statement which has been made by the Senator from Vermont. An industry employing a capital of $2,000,000 has connected with it 127 different firms, and they are all in active competition with one another, so there is not anything resembling in any sense a trust or a combination in the industry.

Mr. PAGE. Mr. President——

Mr. SIMMONS. Mr. President, I should like to ask the Senator one question before he takes his seat. If I heard correctly the reading of the document which was sent to the Secretary's desk, it said that when there was a duty of 30 per cent upon granite the people of that town were walking the streets without employment. What time does that refer to—the time when the Wilson bill was in effect?

Mr. WEEKS. I suppose it refers to the time the Wilson law was in effect. I did not look it up.

Mr. SIMMONS. The Wilson bill duty is 30 per cent, so I suppose it refers to that; but I find that the importations under the Wilson bill were only about $300,000 annually. It does not seem as if importations of $300,000, with the enormous production in this country, would throw everybody out of employment.

Mr. WEEKS. Under the operation of the Wilson bill nobody could buy monuments anywhere; it did not make any difference how cheap they were.

Mr. GALLINGER. It was too expensive to die then.

Mr. SIMMONS. That is the old gag that we have heard so frequently that it has lost its force and meaning to intelligent people—not meaning, of course, any reflection.

I want to call the attention of the Senator also to the fact that according to the report of the Geological Survey on "The mineral resources of the United States" for the year 1911 there seem to have been produced in the country 21,391,878 tons of granite, and I find that under the present rate last year there was imported into this country only $140,000 worth of granite.

The present rate would seem to be, speaking relatively, an absolutely prohibitive rate. I hope the Senator is not contending for a prohibitive rate. I hope the Senator is not contending that we ought to have a law with reference to this product of his State, which means that nobody on the outside is to be permitted to import any granite into this country.

That is the present condition. That is practically what the present law means. We are reducing the duty just one-half in the hope that it may bring about some competition.

If the Senator will permit me, I will ask him one other question. From whence does the Senator fear competition in this business?

Mr. WEEKS. I naturally fear competition from the only other point where granite which would enter into competition with our domestic product is mined and perfected, and that is in Scotland. The fact is, Mr. President, that I am quite familiar with the figures which the Senator has read, and it does seem as if there was relatively a prohibitive duty on granite. But the figures which he read need some explanation, because a very large percentage of that granite—quite likely 95 per cent; I do not know just how much—enters into the building trade and not into the trade that is in competition with this trade at all. It is not so much a question of a duty on the raw granite as it is of a duty on the finished product, although both involve a large percentage of labor.

The main point, however, is just what has been so well stated by the Senator from Vermont [Mr. DILLINGHAM], that this duty is being reduced 50 per cent without any information whatever being in the hands of the Finance Committee. There is no demand from anybody to reduce it 50 per cent or 40 per cent of 25 per cent. It is possible that if the subject were investigated it might be demonstrated that a reduction of 10 or 15 or 20 per cent might be made and increase foreign competition. There is ample domestic competition now. But no investigation has been made. Simply an arbitrary reduction of 50 per cent has been made, and it may be seriously damaging to an important industry.

Mr. SIMMONS. Mr. President, before the Senator takes his seat I wish to ask him whether he knows what is the freight rate on granite coming from Scotland to this country?

Mr. WEEKS. I have seen the figures, but I have not them before me just at this minute.

Mr. GALLINGER. Does the Senator ask the transportation rate?

Mr. SIMMONS. Yes.

Mr. GALLINGER. From Scotland?

Mr. SIMMONS. Yes.

Mr. GALLINGER. Some of it has been brought in ballast, I will say to the Senator.

Mr. SIMMONS. I am talking about the rate on the finished granite, the polished granite.

Mr. GALLINGER. I think it is safe to say that when we transport a monument, for instance, from Concord, N. H., to Boston, 100 miles, by rail, we pay a rate certainly as large as the water rate from Scotland to Boston.

Mr. SIMMONS. If you have to import it from Scotland, it comes and is landed at Boston; and if then you want to send it 100 miles inland you have to pay the additional rail rate, do you not, on the monument?

Mr. GALLINGER. I beg the Senator's pardon; I did not quite understand him.

Mr. SIMMONS. The Senator said the freight rate on a finished monument from Boston 100 miles into the interior was so much.

Mr. GALLINGER. Yes.

Mr. SIMMONS. If that same monument was imported from Scotland, was landed at Boston, and was destined for this point 100 miles from Boston, in addition to the ocean transportation the importer would have to pay the transportation to the interior, would he not?

Mr. GALLINGER. The foreign product would be largely sold in our large cities and we would pay the land transportation for 100 miles. If we wanted to get to New York, we would have to pay the land transportation two hundred and thirty-odd miles more by rail or else by water. So I think the matter of transportation can not be urged as against the domestic product.

It is a fact that granite has been brought to this country from Scotland in ballast, and if this violent reduction is made I have no doubt that pretty much all of it will come here at a rate as low as we can get transportation, and that the trouble certain Senators have because we are manufacturing so much in this country will be solved and American capital and American labor will be wiped out, to a very considerable extent, for the benefit of the producers of granite in Scotland, and to some extent in Nova Scotia.

Mr. WEEKS. Mr. President, if the Senator from North Carolina will look at the brief he has in his hand——

Mr. SIMMONS. What brief does the Senator refer to? I do not know what brief he is talking about.

Mr. WEEKS. I refer to the only information the Finance Committee has on the subject, and that is the brief filed by the Granite Manufacturers' Association of Quincy, Mass. The Senator will find on the last page of that brief that the price of Scotch or Swedish granite, free on board the dock in Boston and New York, for various classes of monuments, averages something like 15 or 20 per cent less than the local price on board the cars in Quincy, Mass., at this time.

For instance, in Exhibit A, the foreign granite is $16; the Quincy granite on board the cars is $20. In Exhibit B it is $24 as against $26; and so on down through the list.

Mr. SIMMONS. That is from what point?

Mr. WEEKS. That is granite that is imported from either Sweden or Scotland in competition with Quincy granite.

Mr. SIMMONS. The Senator is talking about the rough granite, is he not, that is brought over as ballast?

Mr. WEEKS. I am talking about monuments.

Mr. SIMMONS. The Senator makes a mistake when he says that is the only brief I have. The brief I have in my hand is a brief not filed with the Finance Committee at all, but filed with the Ways and Means Committee. I will read part of it to the Senator:

Mr. HANOLD. Mr. Chairman and gentlemen, I am not Mr. William M. Dodd. Mr. Dodd telegraphed me to represent him.

The CHAIRMAN. Give your name and address to the stenographer.

Mr. HANOLD. My name is Frank J. Hanold, of Townsend, Townsend & Co., 453 West Twenty-first Street, New York City. I might also say that you have allotted me from 3.40 to 3.50 p. m. on behalf of my own firm. In what I have to say as representing the wholesale granite dealers I will cover ground on behalf of my own firm at the same time, and it will be unnecessary to give me that time this afternoon.

The CHAIRMAN. What paragraph are you interested in?

Mr. HANOLD. Paragraph 114.

On behalf of the National Wholesale Granite Dealers' Association, comprising 18 firms engaged in the business of selling domestic and imported granite monuments at wholesale, I respectfully recommend that section B, paragraph 114, of tariff act of August 5, 1909, be amended by reducing the tariff on manufactured granite mentioned in said paragraph from 50 per cent ad valorem to 20 per cent ad valorem.

The present rate of 50 per cent ad valorem is prohibitive to that extent, that the cost of imported granite monuments is far in excess of the cost of the same article of domestic manufacture, so that the importation of granite monuments has diminished, resulting not only in preventing the imported article reaching the consumer of moderate means, but must have resulted in decreased revenue to the Government.

That seems to be the statement of the representative of the national association, representing 18 firms engaged in the manufacture of monuments in this country.

Mr. PAGE. Mr. President, I should like to call the attention of the Senator from North Carolina to another point that has

been omitted in the discussion of this matter, and that is where the larger part of the competition is likely to come from under this lower tariff.

Like my colleague, I live in a section very near the granite quarries. My colleague lives in the vicinity of Barre and Montpelier, while I live near Hardwick and Woodbury. I am very closely connected with the granite people there. When this matter came up I asked them where they thought their hardest and keenest competition would come from. They said: "We think not, perhaps, from Scotland, but from Canada." I said to them: "What is there in Canada that you must compete with?" They said that on the border line between Vermont and Canada, at a place known as Beebe Plain, there was a very extensive quarry; that the same class of granite that we produce in Vermont extends into the edge of Canada, and at Beebe Plain there is a very vigorous concern. In order the we might know more about that competition, I wrote and ascertained that the cost of labor there was $2.25 per day, and that the men were nonunion men and worked nine hours per day. In Vermont, as my colleague has said, everything is under the unions.

Mr. SIMMONS. Let me ask the Senator a question. Is the rate he has just given the wage paid to those who polish the stone, or is it the wage paid in the quarries?

I ask the Senator that question because it seems to have been pretty well understood here, in the discussion we have had about the relative wage scale in Canada and in this country, that there is practically no difference. They are the same kind of people that we are. They live in a prosperous country, as we do. They have the same standard of living over there that we do, and the wage scale, as a rule, is the same over there. If it is not the same in this particular industry, then it would seem to be an exception; and if there is a difference so near the border, if the difference were very great, the men would probably come across the line and work in the mines in the Senator's State, instead of working in the Dominion of Canada.

Mr. PAGE. The Senator certainly has a false idea in regard to the scale of living in Canada and the scale of wages paid there. You can almost see the difference in the civilization as you go across the line from Vermont into Canada. The houses are poorer, the churches are fewer, the schools are poorer, the scale of living certainly is different. There is no question about that. The Senator has only to travel there to recognize it. I live only about 35 miles from the line, and this quarry at Beebe Plain is probably 40 or 45 miles from my place. I have been there. Now, I will give the Senator my authority.

Mr. SIMMONS. The Senator has not yet told me whether he was referring to the wages paid in the quarries or the wages paid to the polishers.

Mr. PAGE. I will read what I have here from Charles H. Wishart, secretary of the Granite Manufacturers' Association of Barre. He says:

> The quarry owners also employ nonunion help, and I understand a first-class quarryman gets $2.25 per day for 9 hours.

He does say, in addition to that—I want to be perfectly fair about it—that they advertise there to pay from 29 to 38 cents per hour in Canada.

Mr. SIMMONS. That was the wage paid in the quarries in Canada. The Senator gave us a little while ago not the wage paid in the quarries in this country, but, as I understood, the wage paid to the polishers that polish the monuments. Now, can the Senator tell us the wage paid in the quarries in his State?

Mr. PAGE. My colleague has taken up the question largely of monumental work, but I want to address myself to the particular fact that the wages in this country were certainly more than 25 per cent in Barre than just across the line, on the Boston & Maine road, the same road in which these quarries are pretty much all situated in Vermont, and that in addition to the one hour of extra service per day they are not under union rule; and he says that when a man breaks a piece of granite there in that quarry he is compelled to pay for it. They have to have a great deal better scale in all the details for a union worker on this side of the line than they have for a union worker on the other side.

Now, speaking with reference to the polished granite, I want to ask the Senator——

Mr. SIMMONS. Let me ask what are the wages paid in the quarries in Vermont?

Mr. PAGE. The minimum wage in Vermont is $3.25.

Mr. SIMMONS. In the quarries?

Mr. PAGE. The granite cutters in Barre, Vt., have a minimum wage rate of $3.25 per day, although many are paid as high as $5 per day.

Mr. SIMMONS. I am talking about the quarries. I was trying to get the rate paid in Canada and the rate paid here.

Mr. PAGE. I want to say that as between the wages in Vermont and the wages in Canada I am assured that the wages in Vermont are at least 25 per cent higher than they are just across the line in Canada.

Mr. SIMMONS. If that be so, the 25 per cent allowed in this bill would amply cover the difference between the rates paid here and in Canada.

Mr. PAGE. But I should like to hear what the Senator says when he takes the bill and reduces the duty from 10 cents a cubic foot to 3 cents. Is there any other schedule that is reduced in that way? Why do you go to Vermont to select out that industry?

Mr. SIMMONS. I thought the Senator was talking about monuments, and that rate is reduced from 50 per cent to 25 per cent.

Mr. PAGE. I understand, Mr. President, that the rate on finished granite is as stated by the Senator; but I should like to ask why, because it all comes under the same schedule, they have taken Vermont's leading product and reduced the duty from 10 cents to 3 cents per cubic foot in the last part of paragraph 101.

Mr. SIMMONS. Let us see about that. The rate on monuments, not dressed, hewn, or polished granite, is 10 cents now. In 1911 the entire importation into this country amounted to only $3,185. It was almost prohibitive, almost to the point of absolute exclusion.

Mr. PAGE. I want to speak with the Senator with very great candor about that, because I have taken this question up with our people at Hardwick, who make very largely building stone. The Hardwick Granite Co. furnished the stone for the Union Station here. They are now furnishing the stone for the new post-office building here. They say to me that when there is active business everywhere the Canadian quarries are occupied in the manufacture of goods for their own market, and the Americans have the American market; but the moment there is any dullness in trade the Canadians can manufacture this stock, the rate on which you have reduced from 10 cents to 3 cents per foot, so as to drive them out of the market in spite of all they can do. They may be wrong about it, but they tell me that in all candor, and I believe that they believe what they say.

Mr. SIMMONS. Let me call the Senator's attention to a fact. He says when there is a dull time the importations are very great. I have understood the Senator and his colleagues on the other side as contending that there was not great prosperity in this country in 1896. At that time, when there were dull times according to your contention, there were imported into this country under the Wilson rate only 65,000 cubic feet, valued at only $21,000.

Mr. PAGE. But the Senator has not understood my question. Why has he selected this Vermont industry, and whereas you make an average reduction of only 27.4 per cent, why have you taken this industry and made a reduction of 70 per cent?

Mr. SIMMONS. The Senator will find, if he will follow these schedules and paragraphs, innumerable instances where we have found a situation like this. In cases where there were no importations we have made reductions of 66⅔ and 70 and 80 per cent. This is not an exception at all.

Mr. PAGE. Can the Senator name to me any industry as large as the granite industry, certainly as large as that industry is in proportion to the other industries of Vermont, where any such reduction as 70 per cent has been made?

Mr. DILLINGHAM. And an industry where 80 per cent of the production is labor.

Mr. SIMMONS. On the articles we were discussing yesterday, pumice stone and other things, the reduction was as much as that. A large part of this granite is building material. It is not used altogether for monuments; it is a building material. The Senator has just said that the magnificent station down here was built out of granite from his State. The use of that is as a building material, and all through this bill where an article was used for building purposes and purposes of that character we have been not simply reducing duties, but we have been putting them on the free list.

Mr. GALLINGER. Does the Senator from North Carolina think it would have been desirable that the Union Station should have been built of Scotch granite?

Mr. SIMMONS. No; and I think we only imported last year about $30,000 worth of Scotch granite. It would take about a hundred years at that rate to get enough here to build the Union Station.

Mr. GALLINGER. But if you reduce the duty one-half and open our markets to all the countries of the world——

Mr. SIMMONS. You can put this article on the free list and there will be practically no importations.

Mr. GALLINGER. I challenge the Senator to furnish the least scintilla of proof of that assertion.

Mr. SIMMONS. There are a great many heavy articles like this put on the free list, and there will not be any great increase in the importations.

Mr. GALLINGER. If that be so, is it wise to disturb the present rate? If putting it on the free list is not going to do any good, let the present rate remain. It will not do any harm.

Mr. SIMMONS. There will be some little importations, and we will get some little revenue from it.

Mr. PAGE. The Senator referred to the Vermont granite which appears in the Union Station here. We are very proud of our granite in Vermont. There is probably nothing in the world that equals the Bethel white which has gone into the construction of the post-office building here. I am very glad that has been referred to. When we commenced a few years ago we were down near the bottom of the list in regard to the production of granite. I think it was only as few years back as 1907 when we stood third or fourth in the list of granite-producing States. About 1910 we reached the second place, and in 1911 or 1912 we took the first place, and I think, perhaps, we are leading even more than formerly in the proportion of granite which we produce. We are very proud of it.

But I want to say when you take this industry, which is one of our leading industries, and reduce the duty 70 per cent—from 10 cents per foot to 3 cents per foot—I think you are doing us a great wrong.

Mr. DILLINGHAM. Mr. President, I think this debate has served to distract attention from the provision in the first portion of paragraph 101. In what I had to say in opening I addressed myself to that portion of the paragraph which provides that—

Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 25 per cent ad valorem.

Granite such as that which is being employed in the construction of the new post-office building comes in blocks, and that is what my colleague [Mr. PAGE] probably refers to as being competitive, in that it can be produced in Canada and be made available from that source. But when we come to monumental work the stone that goes into that work here comes mainly from Scotland. I want it distinctly known that when you have reduced the rate ad valorem from 50 per cent to 25 per cent, 80 per cent of the production being labor, you have put the labor of the Vermont cutter upon a basis where it is in danger and where it must necessarily be reduced if this rate is adopted.

The question of competition was suggested by the junior Senator from Massachusetts [Mr. WEEKS], the competition which comes through the men who want to import it. If you go into a Massachusetts or a Vermont community and see how the business is done, you will find a large number of individual cutters, men who have come right out from the ranks of workmen. They are Scotch, Italians, and Americans. They are men of individual character and initiative. They have started little industries and they get their work through the New York firms. Competition between them is extreme. It is that branch of the industry, and conducted in that way, that you are attacking in this measure. It is not a very large corporation or any combination of capital, but it is the small manufacturer.

Now, Mr. President, I withdraw the amendment that I offered, if I may be permitted to do so, and I will offer an amendment covering both passages in the paragraph.

The VICE PRESIDENT. The Senator from Vermont withdraws his prior amendment and submits an amendment, which will be stated.

The SECRETARY. On page 28 strike out paragraph numbered 101 and insert in lieu thereof the following:

101. Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 50 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 10 cents per cubic foot.

Mr. STONE. That is the present law.

Mr. LODGE. Mr. President, I desire to say only a single word about one point that was made by the Senator from North Carolina [Mr. SIMMONS]. I am aware that it is a waste of time to go into the question of labor cost. The differences of cost were not considered by the committee in making up these duties. They frankly put them aside. I admit that to consider comparative labor costs in production here and abroad is a difficult and complicated thing to do. It is much simpler to look at the amount of importations of last year of a given article, which only requires ability to read the statistical returns, and say, "Why, there is a great deal or there is very little. If very little, the duty is prohibitory, and we will cut the rate down; and if there is a great deal we will cut it so much." That system has much that can be said for it. It is a simple and a labor-saving system.

But when the Senator from North Carolina characterizes the statement made by the secretary of the Quincy Board of Trade that the workmen in the Quincy quarries and granite shops were walking the streets when the duty was low, at 30 per cent, as an old gag, that may be one way of disposing of it.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. Certainly.

Mr. SIMMONS. I wish to withdraw that word. I regretted it the minute I used it. I did not desire to do such a thing.

Mr. LODGE. I am obliged to the Senator. I only wanted to say in regard to that that whatever the cause at that time, the period when those rates of duties were in force was a period of very great industrial depression in my State as in others. The Quincy granite workers, like the workers in the woolen mills and all other industries, were largely unemployed; many stonecutters' yards were closed; there was a great deal of distress.

Of course, the importation of $300,000 worth of granite did not throw the Quincy workmen out of employment. There would have been a great deal more granite imported if anybody had had any money to spend on monuments. But when people are in distress and there is grave doubt as to where they are to get money to buy food they have a tendency to save on monuments. That is not one of the necessaries of life that they think of buying first. The business fell off, of course, when the community was in distress, and work was scarce, and people were economizing in every direction. The monument industry was one of the first to feel it, because, I will not say luxuries of that kind, but things of that kind are the first that people attempt to economize on. The result, of course, of this economizing in monuments was to produce great distress among the granite workers of Quincy and, I have no doubt, of Concord and of Vermont. The amount of imported granite did not increase very much; relatively to the total production of the United States it was a small amount.

The place where the competition would come with severity if this great reduction is made would, of course, be along the coast. I have no idea that Scotch granite will compete seriously with the granite which the Senator from New Jersey has told us is polished by convict labor in Indiana. I do not believe they will need fear any competition from the Scotch yards, but on the coast of New England, on the coast of New York, the great market of New York, Philadelphia, Baltimore, and all along this coast, which is densely populated, and where there is a very large market for articles of that description, owing to the density of population and also as a distributing point, of course the competition will be immediate and direct, because the ocean rates are extremely low, and a good deal is brought in ballast, as the Senator from New Hampshire said. Some years ago I had occasion in a tariff discussion to look into this matter with some care, as we have very large granite quarries in Quincy, and I found that the ocean rates on granite were almost negligible when it came to the question of competition.

The industry which is thus exposed to competition has been described so thoroughly and well by the Senators from Vermont, my colleague, and others who have taken part in the debate that it is not necessary for me to go into it. But I wish to emphasize the fact that the granite industry, in New England at least, is carried on by innumerable small manufacturers. There are some corporations, but comparatively few. They are men who come up, as the Senator from Vermont [Mr. DILLINGHAM] says, who have a small business, and competition is intense. They work entirely on the union scale of wages. The whole industry is unionized, from the men who take it out of the quarry up to the men who do the last work in carving and polishing the monument, who are a very highly paid class of labor. I know of scarcely any article in this entire tariff bill in the production of which American labor is brought so directly in competition with foreign labor. The margin of profit is extremely small and the wages are high. I think that should be considered in fixing the rate of duty on this particular article.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Vermont [Mr. DILLINGHAM].

The amendment was rejected.

Mr. GALLINGER. I offer the amendment which I send to the desk, and I desire to say a few words in reference to it.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 28 it is proposed to strike out paragraph 101 and to insert in lieu thereof the following:

101. Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 40 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 8 cents per cubic foot.

Mr. GALLINGER. Mr. President, that is a proposed reduction of 20 per cent from the present law, and as a matter of justice to this industry it is all the reduction that ought to be made.

The Senator from North Carolina [Mr. SIMMONS] has called attention to the fact that the Wilson law had a duty of 30 per cent on this article, and that under that there were no importations. That is true. During that period, whatever the cause may have been, the people were asking for bread and they were not willing to accept a stone, and especially a foreign stone, as a substitute. The people then did not purchase foreign granite nor did they purchase domestic granite to any very considerable extent.

Mr. President, this is an industry, as has so well been said by others, that is subject to the keenest possible domestic competition.

Mr. SIMMONS. The Senator from New Hampshire overlooks the fact that the American people did then buy several times as much as they did last year under the Payne-Aldrich law.

Mr. GALLINGER. I did not quite understand the Senator from North Carolina.

Mr. SIMMONS. I said that the Senator from New Hampshire overlooked the fact that under the Wilson law the people of this country did import from abroad more than twice as much as they did last year under the high rates of the Payne-Aldrich law.

Mr. GALLINGER. Yes; undoubtedly; because they had a 30 per cent duty. Now, if you give them a 25 per cent duty they will import still more, which will put out of work American artisans and reduce the production of American granite. If you make the rate 20 per cent, you will put out of employment more American workmen, if that is what you want to do. All you have to do is to reduce the duty still further, and you will accomplish your result beyond peradventure.

Mr. SIMMONS. What the Senator from New Hampshire wants to do is to make it impossible for any granite to be brought in here, and what we want to do is to make it possible for some to be brought in.

Mr. GALLINGER. The Senator from New Hampshire does not propose anything of the kind, and yet the Senator from New Hampshire will say that it never disturbs him when American artisans are employed and when American manufacturers, who have invested capital, are getting a fair return upon it.

I repeat, there is the keenest possible competition in the production of granite. Some years ago Mr. Batterson, of Hartford, came into my own State and invested a quarter of a million dollars in a plant for the manufacture of granite. Bids were asked for the Congressional Library in Washington. Citizens of the State of Maine wanted the contract; citizens of the State of Vermont wanted it; citizens of the State of Massachusetts wanted it; citizens of the State of New Hampshire wanted it; and Mr. Batterson, desiring to erect that great building of Concord granite, which is certainly as good granite as there is in the world, made a bid which was accepted and which resulted in a loss to him when he constructed that building. When it was decided to build the lower story of the Senate Office Building of granite Mr. Batterson's son, who had succeeded to the business, made a bid for the granite which did not net him a single dollar of profit, to my knowledge. He did it for the reason that citizens of Massachusetts, of Vermont, of Maine, and possibly of other States were competing for that work.

I say to Senators on the other side of the Chamber that this is an exceptional item in this bill. There is 80 per cent of labor in every cubic yard of granite that goes into a building or into a monument. It is not fair offhand to reduce this duty 50 per cent. It will undoubtedly result in tremendous foreign importations; it will undoubtedly result in placing the granite manufacturers of this country in an attitude where they will either have to curtail their production or reduce the wages of their operatives, which will be very difficult to do, because the labor unions absolutely control the wages in that great industry.

Mr. President, I now offer an amendment that proposes to reduce the duty 20 per cent. It is a fair reduction; it is a large reduction; but I am hopeful that the industry can stand that reduction; at least I am quite willing that it shall be tested. I think our Democratic friends ought not to resist this amendment, because it proposes as large a reduction by and large as has been made in the bill which is now under consideration. I shall have to ask for the yeas and nays on the amendment, because I am indulging the faint hope that it may prevail, and that the Senators on the other side of the Chamber may see that it is a proposition that is fair, and that they ought not to strike what I consider will be practically a deathblow at an industry so important to at least four New England States, and which, in my judgment, will be very seriously affected if the duty proposed in this bill becomes a law.

The proposition is a just one, a fair one, a generous one; and while I know that our Democratic friends hesitate to change any rate that they have reported in the bill, yet there are times when justice and fairness require that we shall yield our opinions and our convictions, when facts are presented such as we have endeavored to present in connection with this item. That is all I care to say about it.

Mr. STONE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] speaks somewhat flippantly and disparagingly of the action of the House committee and of the Senate committee by saying that they just offhand adopted this rate. I hardly think the Senator is justified in that statement.

Mr. GALLINGER. Well, Mr. President, I said that for the reason that the Senator from Vermont [Mr. DILLINGHAM] had stated that the literature on the subject does not show that the matter was gone into by either of the committees thoroughly or carefully. The Senator from Missouri will understand that I did not mean to impute any motive to those who have the bill in charge on the other side that they purposely did the wrong thing. I did not mean that at all; but I meant to imply that they had not gone into this matter with as much care and thoroughness, investigating the difference in the labor cost between this and other countries and the proportion of labor which is found in manufactured granite, as they might have done.

Mr. STONE. I did not understand the Senator as trying to be offensive at all, but rather as indicting the Democratic side, as he has now explained, for lack of proper attention to the details.

Mr. President, I have just a word or two to say in response. One manufacturer at least came before the Senate committee and filed a brief. He was opposed to any reduction of the rate whatever and undertook to show that it would endanger the industry. The senior Senator from Vermont [Mr. DILLINGHAM] read from a brief filed before the Ways and Means Committee by, I think he said, 17 men who were engaged in selling for monumental purposes marble and granite of American production and probably of European production, and that they were interested in getting a lower rate of duty so that they might avail themselves in some way of the foreign production in their business. Those 17 men are in a sense the agents of the purchasers.

Mr. SIMMONS. Seventeen firms.

Mr. STONE. Well, the 17 firms are in a sense the agents of the purchasers, because they are the users of the productions of the quarries of New England and elsewhere in the country. These matters, I am sure, were considered by the Ways and Means Committee when they fixed that rate; but here stands the one great insurmountable and indisputable fact, that under the rate of 50 per cent ad valorem, or about that, practically no imports of this commodity have been brought into the country, and the domestic producers have an absolute monopoly of the business. The rates imposed, plus the freight charges, have been prohibitive.

Mr. President, it seems to me that, in the face of these facts and in this situation, the committee was well warranted in saying this industry could not be injured by cutting the duty in two. Of course, no one wishes to injure a great industry in this country, and particularly in New England, but I believe that we ought to deal justly with the people who are purchasing marble, granite, and other kinds of stone, not only to build monuments over their dead, but for purposes of construction and in the industrial employment of the Nation.

I think the amendment ought not to be agreed to and that the House rate should stand.

Mr. GALLINGER. I will ask the Senator, Mr. President, if he does not think that a reduction of 20 per cent is likely to produce a sufficient influx of foreign granite? How large a proportion of the domestic production does the Senator want wiped out for the benefit of Scotland or any other country?

Mr. STONE. I do not want to wipe out anything.

Mr. GALLINGER. Well, it must necessarily do that if the foreign granites come in here as a matter of inundation under this very low rate.

Mr. STONE. Mr. President, as to how much will come I do not know, and neither does the Senator from New Hampshire know, nor does any other Senator; but I should think that if a fairly good proportion of the consumption of this country came from abroad it would not destroy our industry.

Mr. GALLINGER. But that will mean that a fairly good proportion of the men who are now employed will be dismissed and will have no employment.

Mr. STONE. I do not believe that.

Mr. GALLINGER. Well, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. I desire to ask the Senator from New Hampshire what is the price per cubic foot for granite?

Mr. GALLINGER. I am unable to answer that question, Mr. President.

Mr. STONE. Can either of the Vermont Senators answer it?

Mr. PAGE. It is about 50 cents in Vermont.

Mr. STONE. Fifty cents per cubic foot at the quarry.

Mr. GALLINGER. It would seem to me, Mr. President, that the majority members of the Finance Committee ought to be able to answer that, if they have investigated the matter.

Mr. STONE. But the Senator is criticizing what the committee did, and I am asking now upon what basis of information the criticism is made.

Mr. GALLINGER. Then I will ask the Senator if it would make any difference what the price per cubic foot is so far as the rate of duty is concerned?

Mr. STONE. Well, what is the foreign price?

Mr. GALLINGER. I do not know that. What difference does that make, so far as the rate of duty is concerned?

Mr. SIMMONS. I will state to the Senator that the unit price per cubic foot is 44 cents.

Mr. GALLINGER. Is that the foreign value?

Mr. SIMMONS. Yes; that is the foreign value.

Mr. STONE. Forty-four cents is the foreign price. The Senator from Vermont [Mr. PAGE] says it is 50 cents in Vermont. There is a very small difference in percentage between 44 cents and 50 cents.

Mr. OWEN. The freight would cover that.

Mr. STONE. As the Senator from Oklahoma says, the freight would cover that, to say nothing of the 25 per cent ad valorem duty.

Mr. GALLINGER. We do not admit that there is any difference in the freight rate. I think it is in favor of the foreigner rather than in favor of the domestic producer.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. JAMES. What is the question, Mr. President?

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. CHILTON (when his name was called). I transfer my pair with the junior Senator from Maryland [Mr. JACKSON] to the senior Senator from South Carolina [Mr. TILLMAN] and will vote. I vote "nay."

Mr. FLETCHER (when his name was called). I announce my pair with the Senator from Wyoming [Mr. WARREN]. If he were present, I should vote "nay." As it is, I will withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], whom I do not see in the Chamber. I will transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] is unavoidably absent from the Chamber on public business and that he is paired with the Senator from Florida [Mr. FLETCHER].

Mr. CLARKE of Arkansas (after having voted in the negative). I ask if the junior Senator from Nevada [Mr. PITTMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. In his absence I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. SAULSBURY. I have a pair with the junior Senator from Rhode Island [Mr. COLT], which I transfer to the Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. OVERMAN. I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. OVERMAN. I have a general pair with that Senator. In his absence I withhold my vote. If he were present and I were at liberty to vote, I should vote "nay."

Mr. THORNTON. I wish to announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. GRONNA. I desire to announce that my colleague [Mr. MCCUMBER] is necessarily absent on account of serious illness in his family.

The result was announced—yeas 27, nays 41, as follows:

YEAS—27.

Borah	Clark, Wyo.	Lippitt	Smith, Mich.
Bradley	Cummins	Lodge	Smoot
Brady	Dillingham	McLean	Sterling
Brandegee	Gallinger	Nelson	Townsend
Bristow	Gronna	Oliver	Weeks
Burton	Jones	Page	Works
Catron	Kenyon	Penrose	

NAYS—41.

Ashurst	Johnson, Me.	Pomerene	Smith, S. C.
Bacon	Johnston, Ala.	Ransdell	Stone
Bankhead	Kern	Robinson	Swanson
Bryan	La Follette	Saulsbury	Thompson
Chamberlain	Lane	Shafroth	Thornton
Chilton	Lea	Sheppard	Vardaman
Clarke, Ark.	Lewis	Shields	Walsh
Hitchcock	Martin, Va.	Shively	Williams
Hollis	Martine, N. J.	Simmons	
Hughes	Myers	Smith, Ga.	
James	Owen	Smith, Md.	

NOT VOTING—28.

Burleigh	Fletcher	O'Gorman	Sherman
Clapp	Goff	Overman	Smith, Ariz.
Colt	Gore	Perkins	Stephenson
Crawford	Jackson	Pittman	Sutherland
Culberson	McCumber	Poindexter	Thomas
du Pont	Newlands	Reed	Tillman
Fall	Norris	Root	Warren

So Mr. GALLINGER's amendment was rejected.

Mr. GALLINGER. Mr. President, this is a matter of extreme regret to me. I give notice that when the bill is in the Senate I shall offer an amendment to this paragraph, hoping that in the meantime my Democratic friends will look into this matter very carefully and see if they are not really making a reduction altogether too violent in the case of this American product.

Mr. President, I now ask for the yeas and nays on the paragraph itself.

Mr. SMOOT. Mr. President, before the yeas and nays are taken I should like to say just one word as to the phraseology. I want to call the attention of the Senator who has this portion of the bill in charge to the wording of the paragraph itself. Then I ask him to turn to paragraph 616, the paragraph under the free list.

In paragraph 101 "freestone, granite, sandstone, limestone," and so forth, "unmanufactured, or not dressed, hewn, or polished," are dutiable at 3 cents per cubic foot. Now, if the Senator will turn to paragraph 616 of the bill——

Mr. TOWNSEND. The same bill?

Mr. SMOOT. The same bill—he will find that the words "freestone, granite, and sandstone" are included in that paragraph, and are not included in the present law. They are made free under paragraph 616.

Does not the Senator think there is a conflict there? The bill says "cliff stone," and then it adds "freestone, granite, sandstone," and they are on the free list under that paragraph, whereas under paragraph 101 it says "unmanufactured, * * * 3 cents per cubic foot."

I wish to say that in paragraph 101 the bill refers to "freestone, granite, sandstone * * * suitable for use as monumental or building stone." In the free paragraph it uses the words "not suitable for use as monumental or building stone." I desire to ask the Senator, if it was unmanufactured, under paragraph 616, coming in free, how would it be known whether or not it was suitable for monumental stone?

Mr. STONE. One Senator suggests one thing to me and one another. That the general appearance of the stone would determine the matter is one answer. Another is that the common sense of the appraisers in looking at it would determine whether or not it was fit for such use.

Another thing, Mr. President. I think the criticism is hardly warranted——

Mr. SMOOT. I was asking the Senator for his opinion on that matter. I do not offer it as a criticism. I ask the Senator

because it seems to be left in such a position that it would have to be judged as to whether or not the stone was suitable for monumental stone.

Mr. STONE. I think we can very well leave it as it is.

Mr. BURTON. Mr. President, may I ask what paragraph of the free list that is?

Mr. SMOOT. Six hundred and sixteen.

Mr. GALLINGER. Mr. President, I ask for the yeas and nays on the paragraph.

The VICE PRESIDENT. The Chair will ask the Senator from New Hampshire to inform the Chair as to the right, in reading the bill in Committee of the Whole, to call for the yeas and nays on an unamended paragraph.

Mr. GALLINGER. Mr. President, it seems to me that if the demand is made a vote should be had on a contested paragraph, and that it is entirely proper to ask for the yeas and nays.

Mr. BACON. If the Senator will pardon me, I think that would not be according to the usual practice; but I suggest that the Senator would accomplish the same purpose by moving to strike out the paragraph. That would result in getting a vote on it.

Mr. GALLINGER. I am inclined to think the Senator from Georgia is right in the suggestion. I adopt it, and move to strike out the paragraph, on which I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement as on the last vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As I see he is not present, I will withhold my vote.

Mr. FLETCHER (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN]. As he is not present, I withhold my vote.

Mr. MYERS (when his name was called). I am paired with the junior Senator from Connecticut [Mr. MCLEAN]. As he is not present, I will withhold my vote.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I again announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN]. I ask that this announcement may stand for the day.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. As he is absent, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I transfer my pair with the senior Senator from California [Mr. PERKINS] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

The result was announced—yeas 12, nays 52, as follows:

YEAS—12.

Bradley	Burton	Gallinger	Oliver
Brady	Catron	Lippitt	Penrose
Brandegee	Clark, Wyo.	Lodge	Smoot

NAYS—52.

Ashurst	Hughes	Nelson	Smith, Ariz.
Bacon	James	Overman	Smith, Ga.
Borah	Johnson, Me.	Owen	Smith, Md.
Bristow	Johnston, Ala.	Page	Smith, S. C.
Bryan	Jones	Pittman	Sterling
Chamberlain	Kenyon	Pomerene	Stone
Chilton	Kern	Ransdell	Swanson
Crawford	La Follette	Robinson	Thompson
Cummins	Lane	Saulsbury	Thornton
Dillingham	Lea	Shafroth	Townsend
Gronna	Lewis	Sheppard	Vardaman
Hitchcock	Martin, Va.	Shively	Walsh
Hollis	Martine, N. J.	Simmons	Williams

NOT VOTING—32.

Bankhead	Fletcher	Norris	Smith, Mich.
Burleigh	Goff	O'Gorman	Stephenson
Clapp	Gore	Perkins	Sutherland
Clarke, Ark.	Jackson	Poindexter	Thomas
Colt	McCumber	Reed	Tillman
Culberson	McLean	Root	Warren
du Pont	Myers	Sherman	Weeks
Fall	Newlands	Shields	Works

So Mr. GALLINGER's motion was rejected.

Mr. GALLINGER. Mr. President, I offer the following amendment to paragraph 101:

In line 1, page 29, strike out "25" and insert "35"; in line 2, page 29, strike out "3" and insert "6."

Mr. President, as it is now the time for adjournment, I trust that this amendment will go over, to be considered to-morrow. I want Senators to dwell upon this matter and ask themselves seriously the question whether the reduction that I now propose is not a fair reduction.

Mr. SIMMONS. Mr. President, I want to ask the Senator if he will not permit the remaining two paragraphs of the schedule, which are very short, to be read?

Mr. GALLINGER. I have no objection.

Mr. SIMMONS. If there is any objection to them, they will go over. I think there will be no objection to them; they can be read, and we will finish the reading of the schedule to-night.

Mr. GALLINGER. I have no objection, except I wish paragraph 101 to go over with my amendment pending.

The Secretary read the next paragraph, as follows:

102. Grindstones, finished or unfinished, $1.50 per ton.

Mr. GRONNA. I should like to be heard briefly on this paragraph. I prefer to have it go over.

Mr. JAMES. We will take it up to-morrow.

Mr. SIMMONS. Let it go over. Let the Secretary read the next paragraph, and we will see if there is any objection to that.

The next paragraph was read, as follows:

103. Slates, slate chimney pieces, mantels, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for in this section, 10 per cent ad valorem.

EXECUTIVE SESSION.

Mr. SIMMONS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 31, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 30, 1913.

APPOINTMENT IN THE ARMY.

CORPS OF ENGINEERS.

Col. William T. Rossell, Corps of Engineers, to be Chief of Engineers, with the rank of brigadier general, from August 12, 1913, vice Brig. Gen. William H. Bixby, Chief of Engineers, to be retired from active service.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Henry T. Mayo to be a rear admiral in the Navy from the 15th day of June, 1913.

Commander Henry F. Bryan to be a captain in the Navy from the 1st day of July, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Alexander M. Charlton,
Archer M. R. Allen,
Paul E. Speicher,
Andrew D. Denney,
James C. Van de Carr,
Maurice R. Pierce,
William R. Purnell,
James D. Smith, and
Guy C. Barnes.

John D. Lane, a citizen of Vermont, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 21st day of July, 1913.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 25d day of July, 1913:

Thomas B. Holloway, a citizen of Pennsylvania, and
Louis Lehrfeld, a citizen of Pennsylvania.

First Lieut. Lauren S. Willis to be a captain in the Marine Corps from the 6th day of May, 1913.

POSTMASTERS.

ALABAMA.

C. E. Brooks to be postmaster at Fort Deposit, Ala., in place of William S. Smith, resigned.

Clifford T. Harris to be postmaster at Columbia, Ala., in place of Henry J. Godfrey, resigned.

W. G. Porter to be postmaster at Heflin, Ala., in place of John W. Kitchens. Incumbent's commission expires August 5, 1913.

ARKANSAS.

John F. Hunt to be postmaster at Mammoth Spring, Ark., in place of Bryant W. Ford, resigned.

CALIFORNIA.

Norman P. Cormack to be postmaster at Wasco, Cal. Office became presidential January 1, 1913.

Frederic S. Harrison to be postmaster at Patterson, Cal. Office became presidential January 1, 1913.

William K. McFarland to be postmaster at Jackson, Cal., in place of Henry E. Kay, resigned.

COLORADO.

F. W. McIntyre to be postmaster at Akron, Colo., in place of Mary A. Clark. Incumbent's commission expired June 16, 1913.

FLORIDA.

Thomas C. Fletcher to be postmaster at Lake Butler, Fla., in place of Henry O. Brown, resigned.

E. W. Irvine to be postmaster at Lake City, Fla., in place of David B. Raulerson, removed.

GEORGIA.

Gilbert B. Banks to be postmaster at Waynesboro, Ga., in place of Siegfried Schwarzweiss. Incumbent's commission expired July 23, 1913.

Custis Nottingham to be postmaster at Macon, Ga., in place of Harry S. Edwards, removed.

ILLINOIS.

Michael P. Bergen to be postmaster at Gillespie, Ill., in place of John F. Ahrens. Incumbent's commission expired May 13, 1913.

W. H. Clear to be postmaster at Mount Pulaski, Ill., in place of Warren J. Lincoln. Incumbent's commission expired December 14, 1912.

W. G. Cloyd to be postmaster at Bement, Ill., in place of G. M. Thompson. Incumbent's commission expired January 14, 1913.

J. E. Jontry to be postmaster at Chenoa, Ill., in place of A. O. Rupp, declined.

Cleve B. Schroder to be postmaster at Vermont, Ill., in place of George Kirkbride, declined.

Myrtle E. Smith to be postmaster at Depue, Ill., in place of Frank Fry, resigned.

Philip H. Sopp to be postmaster at Belleville, Ill., in place of Louis Opp, resigned.

J. V. Sperry to be postmaster at La Harpe, Ill., in place of Isaac F. Landis. Incumbent's commission expires August 4, 1913.

INDIANA.

Charles H. Ball to be postmaster at La Fayette, Ind., in place of George P. Haywood, removed.

M. E. Maloney to be postmaster at Aurora, Ind., in place of William H. Hathaway, removed.

Michael Scanlon to be postmaster at Boswell, Ind., in place of William S. Leffew, resigned.

IOWA.

William A. Cooper to be postmaster at Bayard, Iowa. Office became presidential April 1, 1913.

Charles Daniel Huston to be postmaster at Cedar Rapids, Iowa, in place of W. G. Haskell. Incumbent's commission expired June 23, 1913.

Otho C. McShane to be postmaster at Springville, Iowa, in place of James M. Burroughs, resigned.

C. S. Shanklin to be postmaster at Marion, Iowa, in place of J. S. Alexander, resigned.

John S. Sloan to be postmaster at Williams, Iowa, in place of Charles M. Stevens. Incumbent's commission expired December 14, 1912.

KANSAS.

Mildred K. Johnston to be postmaster at Meade, Kans., in place of James I. Stamper, resigned.

KENTUCKY.

S. F. King to be postmaster at Winchester, Ky., in place of John G. White, resigned.

J. D. McCoy to be postmaster at Greenup, Ky., in place of C. F. Taylor. Incumbent's commission expired July 3, 1913.

H. H. Poage to be postmaster at Brooksville, Ky., in place of Henry C. Metcalfe. Incumbent's commission expired July 13, 1913.

LOUISIANA.

Lear Mary Hesser to be postmaster at Bonami, La. Office became presidential July 1, 1913.

MAINE.

Joseph E. Brooks to be postmaster at Biddeford, Me., in place of Charles E. Atwood. Incumbent's commission expired January 11, 1913.

Arthur L. Newton to be postmaster at Buckfield, Me., in place of Alfred Cole, deceased.

Albert F. Donigan to be postmaster at Bingham, Me., in place of Fred W. Preble. Incumbent's commission expired June 9, 1913.

MASSACHUSETTS.

Patrick Curran to be postmaster at Scituate, Mass. Office became presidential July 1, 1913.

MICHIGAN.

John La Belle to be postmaster at Grosse Pointe Farms, Mich. Office became presidential July 1, 1912.

J. F. Matthews to be postmaster at Croswell, Mich., in place of Frank J. Battersbee, resigned.

William J. Nagel to be postmaster at Detroit, Mich., in place of Homer Warren, resigned.

MINNESOTA.

H. E. Hoard to be postmaster at Montevideo, Minn., in place of Lewis O. Norheim. Incumbent's commission expired April 5, 1913.

Emil A. Kurr to be postmaster at Sauk Rapids, Minn., in place of John Burski. Incumbent's commission expires July 30, 1913.

George Lien to be postmaster at Granite Falls, Minn., in place of Mary J. Dillingham. Incumbent's commission expired February 9, 1913.

MISSISSIPPI.

B. F. Lott to be postmaster at Collins, Miss., in place of Eugene E. Robertson, removed.

John R. Meunier to be postmaster at Biloxi, Miss., in place of James C. Tyler, removed.

B. Y. Rhodes to be postmaster at West Point, Miss., in place of Edward Dezonia, resigned.

NEBRASKA.

John S. Callan to be postmaster at Odell, Nebr. Office became presidential January 1, 1913.

James W. Carson to be postmaster at Edgar, Nebr., in place of J. J. Walley. Incumbent's commission expired May 15, 1912.

Frank C. Cooney to be postmaster at Overton, Nebr., in place of John A. Schleef. Incumbent's commission expired April 23, 1913.

William T. Cropper to be postmaster at Sargent, Nebr., in place of S. L. Perin. Incumbent's commission expired March 31, 1912.

Charles P. Davis to be postmaster at Bladen, Nebr., in place of William L. Bennett, resigned.

Joseph J. Heelan to be postmaster at Mullen, Nebr., in place of Richard R. McKinney, resigned.

Isaac T. Merchant to be postmaster at Adams, Nebr., in place of H. L. Watson, removed.

George W. Norris to be postmaster at Beaver Crossing, Nebr., in place of George H. Borden. Incumbent's commission expired December 17, 1912.

C. F. Smith to be postmaster at Elwood, Nebr., in place of Albert W. Searl. Incumbent's commission expired February 10, 1913.

C. R. Tweed to be postmaster at Bassett, Nebr., in place of C. E. Stockwell. Incumbent's commission expired December 17, 1912.

NEW JERSEY.

Henry N. Gillon to be postmaster at Berlin, N. J. Office became presidential October 1, 1912.

NEW MEXICO.

John A. Haley to be postmaster at Carrizozo, N. Mex., in place of Arthur Jay Rolland, removed.

NEW YORK.

William A. Hosley to be postmaster at Belmont, N. Y., in place of George M. Horner, removed.

Frank E. Ingalls to be postmaster at Brownville, N. Y., in place of Fernando H. Reeves, removed.

NORTH CAROLINA.

J. T. Dick to be postmaster at Mebane, N. C., in place of S. Arthur White, resigned.

NORTH DAKOTA.

John M. Baer to be postmaster at Beach, N. Dak., in place of J. Wells Brinton. Incumbent's commission expired June 23, 1913.

F. F. Burchard to be postmaster at University, N. Dak., in place of Thomas G. Johnson, resigned.

P. J. Filbin to be postmaster at Steele, N. Dak., in place of H. B. Allen. Incumbent's commission expired February 20, 1913.

Robert A. Long to be postmaster at Drayton, N. Dak., in place of Levi W. Patmore. Incumbent's commission expires August 5, 1913.

J. H. McLean to be postmaster at Hannah, N. Dak., in place of Charles B. McMillan, resigned.

Myrtie Nelson to be postmaster at Bowman, N. Dak., in place of William H. Workman, removed.

W. W. Smith to be postmaster at Valley City, N. Dak., in place of William H. Pray, removed.

OHIO.

John Palsgrove to be postmaster at Canal Winchester, Ohio, in place of Harry H. Dibble. Incumbent's commission expired January 21, 1913.

William J. Prince, sr., to be postmaster at Piqua, Ohio, in place of Joshua W. Orr, deceased.

James Sharp to be postmaster at Nelsonville, Ohio, in place of Pearl W. Hickman, resigned.

F. C. Thomas to be postmaster at Malta, Ohio, in place of Charles A. Tracy. Incumbent's commission expires August 4, 1913.

Robert T. Whitmer to be postmaster at Thornville, Ohio, in place of Solomon Rousculp. Incumbent's commission expired June 2, 1913.

OREGON.

Charles W. Ray to be postmaster at Freewater, Oreg., in place of J. C. Pritchett. Incumbent's commission expired June 14, 1913.

PENNSYLVANIA.

Robert H. Gracey to be postmaster at Glenside, Pa., in place of Sylvester C. Stout. Incumbent's commission expired February 9, 1913.

Oscar E. Letteer to be postmaster at Berwick, Pa., in place of Jennings U. Kurtz. Incumbent's commission expired February 20, 1913.

SOUTH CAROLINA.

B. K. Arnold to be postmaster at Woodruff, S. C., in place of Roberta McAulay. Incumbent's commission expired January 12, 1913.

Nevitt Fant to be postmaster at Walhalla, S. C., in place of E. M. Sloan, resigned.

Richard W. Scott to be postmaster at Jonesville, S. C. Office became presidential January 1, 1913.

SOUTH DAKOTA.

F. A. Nutter to be postmaster at Alcester, S. Dak., in place of Horace M. Green. Incumbent's commission expired July 3, 1913.

Frank Wall to be postmaster at Selby, S. Dak., in place of Fred deK. Griffin, resigned.

TENNESSEE.

John T. Clary to be postmaster at Bellbuckle, Tenn., in place of William A. Anderson. Incumbent's commission expired December 16, 1912.

TEXAS.

Allie M. Erwin to be postmaster at Loraine, Tex., in place of Irvin W. Baker. Incumbent's commission expired April 15, 1913.

Cora Dell Fowler to be postmaster at Lockney, Tex., in place of Homer Howard. Incumbent's commission expired July 30, 1913.

W. B. Junell to be postmaster at Cumby, Tex., in place of Charlie Smith. Incumbent's commission expires August 5, 1913.

R. C. Matthews to be postmaster at Palestine, Tex., in place of George W. Burkitt, jr., resigned.

Rufus W. Riddels to be postmaster at Electra, Tex., in place of Arthur N. Richardson, resigned.

Carrie E. Smith to be postmaster at Marble Falls, Tex., in place of Effie J. Cochran. Incumbent's commission expired December 16, 1911.

N. E. Tucker to be postmaster at Mercedes, Tex., in place of Henry A. Appel, removed.

VIRGINIA.

Thomas Hall Davis to be postmaster at National Soldiers' Home, Va., in place of John C. Tucker. Incumbent's commission expired May 20, 1912.

WASHINGTON.

W. E. Overholt to be postmaster at Farmington, Wash., in place of Jacob Blickenderfer, deceased.

A. J. Shaw to be postmaster at Zillah, Wash. Office became presidential July 1, 1913.

WEST VIRGINIA.

Charles M. Brandon to be postmaster at Follansbee, W. Va., in place of Mary Hateley. Incumbent's commission expired June 9, 1913.

Charles M. Brown to be postmaster at Mount Hope, W. Va. Office became presidential January 1, 1913.

O. C. Dawson to be postmaster at Janelew, W. Va. Office became presidential January 1, 1913.

WISCONSIN.

G. W. Bishop to be postmaster at Wonewoc, Wis., in place of Amanda Price. Incumbent's commission expired July 26, 1913.

George Burke to be postmaster at Thorp, Wis., in place of George B. Parkhill, resigned.

William H. Campfield to be postmaster at Hancock, Wis., in place of Frank J. Wiley. Incumbent's commission expired February 18, 1913.

Nicolaus Elmer to be postmaster at New Glarus, Wis. Office became presidential January 1, 1912.

George B. Keith to be postmaster at Milton Junction, Wis., in place of Charles S. Button. Incumbent's commission expired February 22, 1913.

John T. Lee to be postmaster at Corliss, Wis., in place of James W. Simmons. Incumbent's commission expired January 12, 1913.

Louis Locke to be postmaster at Shiocton, Wis. Office became presidential January 1, 1913.

John H. Moller to be postmaster at Bruce, Wis., in place of George M. Carnachan. Incumbent's commission expired January 12, 1913.

George Paquette to be postmaster at Shullsburg, Wis., in place of William Kuelling. Incumbent's commission expired December 14, 1912.

Simon Skroch to be postmaster at Independence, Wis., in place of Joseph M. Garlick. Incumbent's commission expired January 26, 1913.

Franklin C. Watson to be postmaster at Owen, Wis., in place of Thomas H. Wylie. Incumbent's commission expired April 5, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 30, 1913.

ASSISTANT TREASURER OF THE UNITED STATES.

William J. McGee to be Assistant Treasurer of the United States at San Francisco, Cal.

SUPERINTENDENT OF MINT.

Thaddeus W. H. Shanahan to be superintendent of the mint at San Francisco, Cal.

APPRAISER OF MERCHANDISE.

Ed E. Leake to be appraiser of merchandise in the district of San Francisco, Cal.

COLLECTOR OF INTERNAL REVENUE.

John P. Carter to be collector of internal revenue for the sixth district of California.

UNITED STATES ATTORNEY.

William H. Martin to be United States attorney for the eastern district of Arkansas.

POSTMASTERS.

GEORGIA.

Alice B. Bussey, Cuthbert.
H. O. Crittenden, Shellman.

INDIANA.

Ernest E. Forsythe, Washington.

KENTUCKY.

F. A. Casner, Providence.

OHIO.

D. C. Brown, Napoleon.
W. W. Daniels, Leroy.
Custer Snyder, Lorain.
Charles G. Stroup, Lynchburg.
Clate A. Wagner, Kenmore.

PENNSYLVANIA.

Charles H. Carter, Mount Pocono.
Andrew C. M. Crozier, Port Royal.
J. B. Esch, Spangler.
Henry W. Rinehart, Millerstown.
John J. Ryan, Centralia.

WASHINGTON.

Guy A. Hamilton, Leavenworth.

WISCONSIN.

Adolph H. Dionne, Lena.
T. J. Griffin, Prescott.
John P. Rice, Sparta.

WITHDRAWALS.

Executive nominations withdrawn from the Senate July 30, 1913.

POSTMASTERS.

OHIO.

T. O. Armstrong to be postmaster at Middle Point, in the State of Ohio.
Albert M. Sigle to be postmaster at Calla, in the State of Ohio.

SENATE.

THURSDAY, *July 31, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS FOR WOMAN SUFFRAGE.

Mr. CLAPP. Mr. President, in presenting petitions in behalf of the joint resolution designed to result in the amendment of the Constitution with reference to woman suffrage it is not my purpose to detain the Senate any longer than to say a word of encouragement to those who have come here with petitions and those whom they represent throughout the length and breadth of the land.

A few days ago the American Senate witnessed a strange spectacle, a spectacle that a few years ago no man in this body would have believed would ever have been witnessed within these walls within his own lifetime. During my own short service in this body I remember a plea I made for the right of the American people to elect their Senators, and it was met with scorn and derision by Members of this body, and one distinguished Senator could show his contempt for the proposition in no other way than by leaving the Chamber. But a few days ago the people of Georgia having elected a Member of this body that Senator was sworn into office, the first in the history of this Republic elected by a vote of the people themselves. And I want to say to the women who have come to Washington with these petitions, and through them and through this occasion to the women of America, that it took the men of America almost a century and a quarter to get the right to elect an American Senator.

But, Mr. President, there is a law of human nature in free government that is as resistless as the law under which the tide ebbs and flows. That law, briefly stated, is that if you give man the right to participate at all in free government you may throw around him every check which human ingenuity can conceive and it will prove fruitless, for he will burn away those checks and balances and will reduce free government to its last analysis, which is a government by the people. He will sooner or later bring himself directly in touch with the election of every officer connected with the government, and he will at the same time develop those instrumentalities of government which will make those to whom authority is temporarily and for the time being delegated servants and not masters of the people, who create the office and select the representative.

With that law in view and with the experience of the American people in finally effectuating the direct election of American Senators, I want to say to the womanhood of America that whatever the fate of this joint resolution may be, whatever the fate of this present movement may be, by that resistless law which I have referred to the time is not far distant, the time is inevitable, when the American people will confer upon American womanhood the only peaceable weapon known to free government for her own protection, for the protection of her property and the protection of her children, and that is the ballot.

Mr. President, on behalf of the women of Minnesota I take pleasure in presenting these petitions.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. CHAMBERLAIN. Mr. President, it was my pleasure and privilege with a number of Senators and Members of the House of Representatives to go to Hyattsville this morning to meet the ladies who are the representatives of the several States with petitions asking for the support of Congress to Senate joint resolution No. 1.

This is one of the progressive movements of the age, Mr. President. I know that in days gone by the man who advocated woman suffrage was looked down upon in the community in which he lived just as the man who advocated the direct election of Senators by the people was looked upon as a man "fit for treasons, stratagems, and spoils." But a movement which had for its purpose the direct election of Senators by the people has become a fixity in a law of Congress. So the movement now which has for its purpose the enfranchisement of woman, although in some sections of our country it is bitterly opposed, will eventually become a part of national law just as it has become a part of the law of several of the States.

It is a movement which is absolutely certain of accomplishment, Mr. President, because it is right. There is no reason in the world why the women of this country should not be permitted to exercise the right of suffrage. They are the equals of men in all that goes for the making of a better State, and they are the superiors of men in all that goes to make for a higher and loftier citizenship.

It can be safely said that in every State of the Union where a great moral question is involved and where the women have the right to exercise the privilege of voting, the woman is found also on the right side, because her heart is in the home, her home is her shrine, and she strives rather for those things which will be better for the home life than for those things which may be best for the building up of a political party.

I take great pleasure, Mr. President, in presenting petitions from the people of my State, which has only recently, after a battle of 30 years, enfranchised the women.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. BRISTOW. Mr. President, I desire to add my tribute to the eulogy that has been pronounced upon the women of the country by the Senator from Minnesota [Mr. CLAPP] and to state my approval of the position taken by the Senator from Oregon [Mr. CHAMBERLAIN].

Early in Kansas there was extended to the women the privilege of voting in the election of school officers and in the control of school affairs. Shortly after I made that State my home I attended a meeting for the election of school officers. I observed the farmers coming in from over the country with their wives to attend the meeting and elect the officers who would control the affairs of the schools for the coming year. It was an election carried on in the most orderly and creditable manner. That was my first observation as to the operation of woman suffrage, and I thought then that such a policy was a very fitting thing.

Later in our State there was extended to the women the privilege of voting in municipal affairs. That movement was resisted with great determination by the evil influences of society, and similar arguments to those that have been made against the present movement for woman's enfranchisement were made against the proposition to give them the right of suffrage in municipal elections. But the right was conferred, and the result has been a better condition in every town in Kansas than that which existed before this right was conferred.

The influence of the women in the municipal elections of Kansas has been for the betterment of moral conditions as well as business conditions in that State. It has made the polling place a more respectable place than it was before it was visited by their refining presence, and it has added to the intellectual as well as the moral uplifting of the municipalities of our State.

After a struggle of 20 years and more, the friends of woman suffrage succeeded last year in conferring the right of suffrage universally in our State, and, judging from the experience of the past, I know that it will have the same beneficial influence in State affairs that it had in our school affairs and in our municipal affairs.

The State that withholds the right from its women of participating in the affairs of its government is doing itself an injustice, because their participation in the affairs of the State will benefit every Commonwealth that enjoys that privilege. It has been my great pleasure to campaign the States where woman suffrage has been extended, and I observed in the audiences larger numbers of women than in the audiences where the right of suffrage had not been extended; and for intelligent understanding of intricate economic questions they are the equals of men. You will find a larger percentage of women in your audiences in a State where suffrage is enjoyed by them who understand and are informed in regard to the political and complex problems that confront our civilization than you will men. I have no patience with the argument that they have not the capacity to deal with questions relating to governmental affairs.

There is no sound argument that can be made against the extension of woman suffrage. Prejudices exist against it, but there is no argument against it. It is with great pleasure that I avail myself of this opportunity to speak a word in behalf of this great movement, and it is my opinion that when suffrage is universally extended, as it soon will be, the elevation of our political affairs to a higher moral plane will follow. The influence of women will place the political institutions of our country upon a higher plane than they have been in the past.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SMOOT. Mr. President, from the day Utah was granted statehood, more than 17 years ago, the women of that State have enjoyed the privilege of unrestricted suffrage, equal in every respect to that enjoyed by the men. Since that privilege was granted them they have taken an active interest in the precinct primaries and ward, city, county, and State conventions. They have participated in the deliberations of the primaries and conventions. Their advice and counsel have often been sought, received, and acted upon. It is true they have sought political office, and have been elected by the vote of the people to positions of great responsibility; but in no case has a woman become a candidate for an office for which she was not capable of filling or by nature fitted to hold. They have been elected as members of the State senate and house of representatives, and filled the requirements of those important offices with credit to themselves and honor to the State.

Mr. President, the three greatest callings the Master intended womankind to properly and successfully fill in this life are those of daughter, wife, mother. If I thought that the granting of equal suffrage would interfere with these divinely intended spheres of women, I would do all in my power to defeat it; but from the results following the granting of woman suffrage in my own State, I am pleased to say that no evil effects have followed, but, on the contrary, a better condition in public affairs has been the result. The granting of suffrage to woman has made no daughter less beautiful or chaste, no wife less devoted or loving, no mother less inspiring and watchful.

My wife has taken an interest in politics, but it did not rob her of any of her womanly instincts; it did not make her a less capable wife or interfere with her loving devotion to her children. I must admit that I have had fears of the result of woman suffrage in the great cities of this country; but it may be that laws can be passed that will eliminate the evils I have in mind. I have thought that a constitutional amendment was not necessary, because every State in the Union can grant complete suffrage to every woman within its borders if the legislature of the State so decides.

The logic of common sense has been the force that has removed prejudice against admitting women to equal rights with men, and I have no doubt but that it will become universal in this country. When that day arrives the credit for success should not, in my opinion, be given to the modern militant suffragette, but to the womanly woman of to-day interested in the subject, and to such women as J. Ellen Foster, Belva Lockwood, Clara Barton, Miss Anthony, and many women of our Western States. J. Ellen Foster did more for the cause of woman suffrage than a thousand Mrs. Pankhursts; Mrs. Belva Lockwood a thousand times more than the fanatical suicide Miss Davison. I do not believe it possible that the American people will give the credit for success to the great move for the betterment of women to the eleventh hour militant fanatical suffragettes, instead of the patient, honest, pure, and lovable women that are to-day fighting for the cause and those that were in the fight when it was an unpopular cause.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. JONES. Mr. President, Senate joint resolution No. 1 has been favorably reported by a standing committee of this body and is now on the calendar awaiting consideration by the Senate. That joint resolution provides for an amendment to the Constitution extending the right of suffrage to women. I have been asked to present to the Senate some petitions in behalf of the passage of the joint resolution. I am glad to present those petitions, because I think their prayer ought to be granted and that the joint resolution ought to pass. This petition from a part of the people of this country who have heretofore not had the right to vote would, if granted, make this Government in truth and in fact a Government of the people, by the people, and for the people.

I do not propose now to take the time of the Senate to discuss the merits of the proposition. That I shall do when the resolution is up for consideration. I simply want to say that I come from a State where the right of suffrage has been extended to women, and that none of the prophecies of those who were opposed to it have been fulfilled, and that practically all the hopes of those who were in favor of it have been realized. What has come to pass in my State I believe will come to pass in other States.

I hope the Senate will pass the joint resolution. If the Congress should not pass such a joint resolution, I am satisfied that, notwithstanding our failure to do so, the right of suffrage will be extended State by State until the women in every State in the Union will have equal rights to vote with men, and that the same advantages, the same benefits, and the same uplifting influence that have resulted in our State will result in the other States of the Union.

Mr. President, I am glad to present these petitions, and I hope that in the very near future the Senate will have an opportunity to consider and to pass joint resolution No. 1.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. THOMAS. Mr. President, the Commonwealth which I have the honor in part to represent in this Chamber was a pioneer in the field of woman suffrage. It followed the splendid example set in its Territorial days by the State which borders it upon the north, to the contagion of whose influence in that regard we yielded, and which, tested by the experiences of time, has been most salutary.

As I said in this Chamber a few mornings ago, woman suffrage in Colorado is no longer an experiment. It has been tried, and it has risen in full measure to the expectations of those who were originally its advocates. I think, therefore, I can speak as one with authority when I say that the extension of the franchise to both sexes simply extends the area of that privilege to the limit which is demanded by the principle of universal suffrage.

When I consider that every argument which is made against this right and every objection which is presented to its exercise have been the identical arguments and the identical objections with which every extension of it has been confronted and which have always been overcome, I am constrained to believe that they will be no more effective now than they have been in the past.

Manhood suffrage, Mr. President, has been a plant of somewhat deliberate growth. It has from a restricted condition been extended from time to time, until long ago it embraced all men professing allegiance to the Government of the United States; and, as was said by the junior Senator from Minnesota [Mr. CLAPP], this has simply been the obedience of progress to the law of evolution, the ultimate growth of which is the extension of the principle to the men and women of every State.

Mr. President, this is not a government of good men. Some contend that the high intelligence and morality of that part of the people, possessing these elements in an extraordinary degree, should alone be invested with the power and authority of government. Others inveigh against the extension and exercise of political power to those who are of low intelligence, who are immoral, who are indifferent, or who are criminal. Some would have the suffrage confined to those in the enjoyment and the possession of property; others think that an educational qualification should be the measure and the standard of the right of suffrage. All these contentions may be correct in the abstract; but each and all of them, Mr. President, seem to ignore the fundamental proposition that this is not a government of good people; it is not a government of indifferent people; it is not a government of wicked people; it is a government of all the people, which includes all sorts and conditions of men; and it could not be the government that it is were conditions otherwise. Men have the right and power of representation as units of that compendious whole which we call the people, composed of the good and the bad, the rich and the poor, the strong and the weak, and these should also include the women as they do the men of this country.

I am not one of those, Mr. President, who predicted at the time, or who has expected since, that the enjoyment of the suffrage by the women of my State would result in that tremendous change for the better which sentimentalists have ascribed as the chief basis of this mighty movement and which must result from its establishment. I have always recognized the fact that men and women are the components of a common race, inspired by the same ambitions, animated by the same passions, involved in the same destiny, and bound together by the indissoluble laws of nature for good and for evil. Each lives under the laws of a common country; each is responsible for their infraction; each should enjoy to the fullest extent their privileges. That being so, it follows logically that both

should have a part and parcel in the making, in the administration, and in the enforcement of the laws; and not until this right shall have become coequal with the physical boundaries of the country will this Government be in very truth "a government of, for, and by the people."

Mr. President, it was said many years ago that every civilization has its standard, and that standard is the position of woman in society. That is true. Precisely as she proceeds in an upward progress from the menial position of a slave to the equal of man will be the rise and progress of civilization from its rudiments toward its rounded and perfect end.

I look for no great transformation in morals or in conduct through equal suffrage; I look for no great transformation in ideals in the administration of our affairs in this country; but I do expect, as I have seen, a wondrous improvement in our public conditions, in our public morality, and in our Government by enlisting in the cause, the common cause, the public cause, all those elements of womanhood which man is always ready to acknowledge and which constitute the chief attraction and glory of our wives, our mothers, and our sisters. These are the elements which are needed to round out and make complete that political society which began with the organization of this Government under the Constitution of the United States and which has been in process of development ever since.

Mr. President, this result is coming; nothing can prevent it, because it is the necessary outgrowth of existing conditions. It may be retarded here; obstacles may interfere with its progress yonder; but just as surely as the procession of the equinoxes, State after State, unmindful of what we may do in the Congress of the United States, will join the phalanx of Commonwealths which now recognize the principle of universal suffrage, until every State in the Union shall have granted that boon to womankind, obstacles to the attaining of which, through toil, struggle, and persistency, shall have been overcome, as they have been overcome by the men of the land, who have wrested for themselves this great weapon from the strong hands of wealth and privilege.

I trust, Mr. President, that as soon as the pending important business of this Chamber shall be behind us we will take up, consider, and pass the joint resolution which has been favorably recommended to the consideration of this body by the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SHAFROTH. Mr. President, I present a number of petitions from citizens of the State of Colorado asking the adoption of Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Mr. President, it was said by an eminent writer that the powers of government are either delegated or assumed; that all powers not delegated are assumed, and all assumed powers are usurpations. When we examine the history of the formation of our Government we inquire where did woman ever delegate to man the power to make laws not only for himself but also for her without her consent or knowledge? We can find no answer to that except that there was no such delegation of power. As the power was not delegated, it was assumed, and hence was an usurpation.

We have recognized in our Declaration of Independence, the charter of our liberties, that the just powers of government are derived from the consent of the governed. Knowing that woman is an element of society that is governed, logically, under the Declaration of Independence, there must be a consent upon her part in order to make just government. As that consent under our system can only be obtained under the elective franchise, the moral right of woman to vote is clear and conclusive.

Objection is no longer urged upon that ground; it is now made upon the ground that it is inexpedient. It is claimed that we will inject into politics an element that will degrade our elections. Can that be true when we know who are the parties to be given the franchise? Who are they? They are our mothers, our wives, our sisters, and our daughters; and is there a man in high or low position who does not recognize that there can be no contamination from that source, but that it is an elevating influence? No man will admit that his mother, his sister, his wife, or his daughter would be more likely to commit election frauds than himself; and that being the case, where can women be an influence for evil?

But it is said that the good women will not vote and that the bad women will vote. The reverse of that is the true condition, as shown in those States which have adopted equal suffrage. We know that the good women do vote; we know that they vote in almost as large proportion as do the men.

It is said that in my State 80 per cent of the women vote, and it has been tested and shown to be true by a great many of the tabulations of the women's vote in various counties of my State. It is said that 85 per cent of the men vote, and that in the same way has been verified. In that proportion of 80 per cent you can readily see how many of the good women of the State of Colorado vote.

It is said that the bad women will control the elections; but we know that the reverse of that is true because they are so few in number. There is not over 1 per cent or, it has been estimated, one-half of 1 per cent of immoral women in the State of Colorado or in any other State, and it is impossible for that small proportion to have an appreciable influence upon elections.

But in the practical operation of woman suffrage we find that the bad women will not vote unless they are almost forced to do so, and there is a good reason for it. In the first place they do not want their names to be known. Nearly all of them go under assumed names. They do not want to go to the election polls. Generally, the police or the sheriff's office of a county commands them to vote in order to get them to go to the polls at all. Thus the contention that has been made that bad women would control elections, that bad women would be eager to go and vote, is absolutely untrue. They are the ones that want to shirk a vote. They know that they are liable to prosecution. They know that unless they cast their lot with the winning party they may lose out entirely and thus have their avocation stopped.

On the other hand, the good women are as much interested in proper government as men. Their properties are as liable to excessive or wrongful taxation and assessment as those of men. Their personal liberty and rights are as sacred to them as to men. The election polls, except a few in the low parts of the cities, are as respectable places of meeting as dry goods stores. Consequently they readily go to the polls and cast their votes.

Since we have no law of primogeniture in the United States every generation now has property conveyed by will or by descent to men and women in equal parts. Thus, in every generation one-half of the entire property of the United States goes to women. We declared in our colonial days the principle that taxation without representation is tyranny. Is it possible that taxation of women's property, when every generation places in their hands one-half of all the property in the United States, is not subject also to the same criticism that was made in the days of 1776? Should not woman have the right to protect herself against excessive assessments and taxation upon her property?

The influence of woman has always been for good, both in conventions and elections. Let a man of immoral character become a candidate for office in my State and his chances of nomination or election are very slight.

All of us know that to a great extent many feel the obligations of party; and when a man is put forth as the candidate of one's party they often say, "Well, we were not for him, but we will take him and let the judgment of the party stand." Often you hear a man say, "I know that the candidate who received the nomination is a rascal, but I must have my party record consistent." He has a motive in that declaration; he expects to seek political preferment in the future. But woman has no record to keep consistent. She is not a seeker after office. She is an independent element in politics. Therefore, when she casts her vote, she votes for the candidate whom she thinks is best qualified to fill the position.

Consequently, from the standpoint both of right and good government, this joint resolution should be adopted. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions presented by the Senator from Colorado will be referred to the Committee on Woman Suffrage.

Mr. WORKS. Mr. President, I have the honor to represent here in part a State that has granted the franchise to its women. I am proud of the women of my State. For intelligence, refinement, and patriotism they have no superiors in any other State or nation. I have always taken pride in the campaign that they waged in my State to secure the franchise. It was a dignified, earnest appeal to the judgment, reason, and conscience of men. There were no parades, no displays, no attempts to appeal to the passions or the prejudices of men. I am proud of the men of my State who were broad minded and far seeing and patriotic enough to grant the franchise to their women.

I am sorry to hear any woman demand the suffrage as a right or claim it as a privilege. I should rather hear her call for it as giving her the opportunity to perform a sacred duty she owes to her country and her State, an opportunity that will

enable her to assist in raising the standard of politics, of citizenship, and the purity of our civic life.

It has been claimed that if granted the right, most women would not exercise the suffrage, and that of those who did vote the majority would be women of low degree and immoral women. The contrary has been proved in my State. I have here an account given of an election held in the city of Los Angeles within the last few weeks. That city is one of the most progressive in this country. It was an election for city officers that should have called out the full vote of the city. I have said many times and I should like to impress it upon this presence, that one of the greatest dangers confronting this country to-day is the indifference of the voters, and especially of the so-called good citizens. It is not an unusual thing to find after the polls are closed in a hotly contested campaign that less than 50 per cent of the registered votes have been cast. In this particular instance the votes cast by the men and women of my home city are compared in detail in a tabulated statement, and following that is this statement of the result:

A notable piece of political science work was accomplished recently by a committee of earnest women in the checking up of the 90,000 votes cast at the recent city election to discover what percentage of the vote was cast by their sex. Immediately after the election the statement was made in several newspapers that only 20 per cent of the vote was cast by women. As that would call for only 18,000 feminine votes—and there were 73,000 women registered—it seemed to show a sad lack of interest on the part of the newly made voters.

The election books were thrown open by the city clerk and the names of voters were checked. Where a woman signed as "Mrs." or "Miss" or where the first name was evidently feminine the vote was credited to the woman's column, but in the case of mere initials, like "E. A. Smith," which might have been Emma A. Smith, it was surrendered to the men. Even with this margin against them, the percentage of registered women voting was 50.2 per cent as against the 54.2 per cent by the men. The women's share of the total was 41.3; and on separating the vote by districts the interesting fact appeared that the highest percentages of women's vote appeared in the most prosperous residence districts and the smallest in the poorest districts. This was a valuable bit of investigation.

C. D. W.

Mr. President, I am not going to take up the time of the Senate in reading this statement, but I ask unanimous consent to include it as a part of my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and permission is granted.

Mr. WORKS. I am strongly in favor of this amendment.

The matter referred to is as follows:

[From the California Outlook, Saturday, June 21, 1913.]

THE RECORD WOMEN MADE AT LOS ANGELES ELECTION.

It has been a more or less popular argument with opponents of woman suffrage that, having once attained to the ballot, women would not vote. But a more frequently used declaration was that fashionable and highly cultured women would not visit the polls, leaving that duty of citizenship to their humbler sisters. Both of these arguments seem to have been proven fallacies by the result of the recent municipal election in Los Angeles. At any rate, it was demonstrated that the women established a voting average which compares quite favorably with that of the men, this notwithstanding the fact that voting is new to women, while the men have been schooled to it through generations.

The total registration in Los Angeles, qualified for the municipal election, was 171,025. The number of men registered was 97,186, or 56.9 per cent of the total. The registration of women footed up 73,839, or 43.1 per cent of the total.

The total vote was 89,831—only 52.5 per cent of the registration.
The vote by men was 52,731.
The vote by women was 37,100.
The percentage of registered men voting was 54.2.
The percentage of registered women voting was 50.2.
The percentage of the total vote cast by men was 58.7.
The percentage of the total vote cast by women was 41.3.

From these figures it will be seen that the women did their duty as citizens just about as well as did the men, and perhaps, all things considered, a little better.

For the benefit of those who like to make deductions we present herewith a table, classified into well-defined districts or sections of the city, showing the way the vote was cast and the percentage made by women voters. A study of this table will prove interesting and instructive.

As a key for the guidance of readers not familiar with the city of Los Angeles, it may be stated that Hollywood, Westlake, Wilshire, and West Adams are rated as the so-called "exclusive" sections, while the Highland district is also populated largely by people of the leisure class. In the other sections the population runs largely to people of smaller means and humbler social station.

With this as a basis, you may entertain yourself for an entire evening with the figures in the table.

Here is an interesting comparison, in addition, drawn from precinct returns. In precinct 31, at Macy and Avila Streets, 144 men and 31 women voted. In precinct 32, at Amelia and Jackson Streets, 138 men and 14 women voted. In precinct 33, on North Los Angeles Street, 169 men and 6 women voted. Socially rated, these are among the humblest precincts in the city.

Now take two of the "exclusive" precincts: 451, which includes Chester Place and St. James Park, 61 men and 79 women; 427, at 1627 West Seventh Street, 90 men and 105 women. A conservative precinct like 79, on West Temple Street, showed as follows: 96 men and 112 women. At Wilmington, precinct 280, 55 of the 63 registered women voted.

Table showing how men and women voted.

Location.	Vote cast.	Men vote.	Women vote.	Women, per-centage.
10 precincts in Highland	3,060	1,556	1,504	0.49
11 precincts in Hollywood	2,698	1,348	1,350	.50
17 precincts in Angeleno Heights	3,533	2,104	1,429	.40
21 precincts in East Side	5,281	3,154	2,127	.40
44 precincts in Boyle Heights	6,104	3,619	2,485	.40
84 precincts in Down Town and Industrial	15,734	10,907	4,827	.31
24 precincts in Westlake	7,768	4,201	3,567	.45
8 precincts in Edendale	2,324	1,313	1,011	.43
28 precincts in Wilshire Northwest	6,685	3,708	2,977	.46
61 precincts in West Adams	12,288	7,456	5,832	.47
64 precincts in Southwest	11,647	6,551	5,096	.44
69 precincts in Southeast	11,679	7,290	4,389	.38
14 precincts in Wilmington-San Pedro	2,113	1,420	693	.32
Total	89,831	52,731	37,109	

Mr. WORKS. Mr. President, I take pleasure in presenting the petition of the women of California.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Woman Suffrage.

Mr. ASHURST. Mr. President, I present to the Senate a petition signed by a large number of citizens of the United States urging the passage of Senate joint resolution No. 1, extending the right of suffrage to women, the joint resolution being upon the calendar, accompanied by Report No. 64, and I embrace this opportunity to make the following observations:

"Government is simply a tool in the hands of the people for the fashioning of that people's civilization." Government is strong or weak, capable or deficient, according to the people who control and make up that government. In this Republic the people constitute the Government. They are its creators and its maintenance; they are the Government. That the granting of the elective franchise to women would add to the strength, efficiency, justice, and fairness of government I have not the slightest doubt, and this is especially true in the United States, where all power is reposed in the people, with universal suffrage as the primal basis of its exercise. "The people" includes women, who can not be denied those political rights and responsibilities which men claim and assert for themselves without doing violence to the fundamental principles of our Government.

In this Republic we are in constant warfare against fraud and violence, avarice and cupidity, and in behalf of liberty and justice, whose success will be accelerated by extending the franchise to women, a class of voters which looks to all laws and movements as to how such laws and movements will affect her children; how such laws and conditions will promote morals, human health, and human progress more especially than as to how this or that particular law or polity will develop or serve material or property interests. In other words, as has been said, "Man looks after the affairs of life, but woman looks after life itself."

Woman's sphere, her ideals and her duties, make her the inescapable and essential conservator of human life, charged as she is with the duty of conserving the human race; and it is in harmony with political and natural justice to accord to her the right to say what laws shall assist her in bringing about the betterment of economic conditions.

I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition presented by the Senator from Arizona will be referred to the Committee on Woman Suffrage.

Mr. LODGE. Mr. President, I desire to present sundry petitions signed by women of the Commonwealth of Massachusetts in favor of the adoption of an amendment to the Constitution of the United States granting votes to women, which I ask may be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions presented by the Senator from Massachusetts will be referred to the Committee on Woman Suffrage.

Mr. OLIVER. Mr. President, I present petitions signed by several hundred men and women of Pennsylvania, praying for the adoption of Senate joint resolution No. 1, granting the right of suffrage to women. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. BURTON. Mr. President, I desire to present numerous petitions signed by women of Ohio, favoring the adoption of a constitutional amendment extending the right of suffrage to women. I ask that the petitions be appropriately referred.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. GALLINGER. Mr. President, I was surprised a moment ago to be summoned to the corridor to meet a delegation of ladies who recently have made a tour of the New England States, conferring with the governors of the several States and securing names to petitions in favor of the constitutional amendment which has been reported to the Senate. I take great pleasure in presenting these petitions, many of the signers being citizens of New Hampshire, and I will say a word regarding my own attitude on the subject.

For almost 50 years I have believed in woman suffrage. Long ago I asked myself the question: "Why should not a woman vote, provided she has the qualifications for suffrage that are required of men?" and I have never received a satisfactory answer to the question. The simple truth is that woman is not allowed to vote simply and solely because man says she shall not be allowed to do so. That is all there is to it as a fundamental proposition.

I have long believed that woman suffrage is inevitable in my own State, throughout the United States, and in the other civilized countries of the world. I hold to that conviction to-day. Forty years ago, in the New Hampshire Legislature, it was my privilege, as chairman of a special committee, to report a bill in favor of granting school suffrage to the women of my State. It became a law, and the women have exercised that right since, to the great advantage of our schools. They are now asking for wider opportunities to participate in public affairs, and, beyond a question, those wider opportunities in due time will be granted to them.

I do not expect, when that time comes, that the political millenium will arrive, or the social millenium, but I have every conviction that it will work for the benefit of society and for the benefit of our political institutions. Holding those views, it is but natural that I should cheerfully respond to the request that has been made of me and present to the Senate of the United States the petitions that lie on my desk, with a further suggestion that when the resolution that has been reported by the Committee on Woman Suffrage comes before the Senate it will give me great pleasure to vote in favor of the proposed constitutional amendment. I ask that the petitions be received and appropriately referred.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Woman Suffrage.

Mr. POINDEXTER. It is not my intention, Mr. President, to detain the Senate with a discussion of the merits of the joint resolution. I can not let the occasion go by, however, without taking advantage of it to publicly express my approval of the resolution and to say in a very few words what I understand to be the basic principles upon which it is founded.

This movement for woman suffrage is a part of the general tendency of the age toward enlarging the participation of the people in the Government. It is also a part of the age-long rise of women from the state of servility and subjection which they formerly occupied in domestic as well as in political affairs.

I should imagine that it would be more difficult, considering this proposition as an original one and from a universal view, for anyone to state a reason why the right to vote should be a question of sex than to state reasons why women who are otherwise qualified should have the right to vote. In other words, it is difficult to conceive of a valid or logical objection to the proposition.

I suppose that the exclusive privilege now given in some States to the male citizens to take part in the elective franchise is based upon superior physical strength. I think we have arrived at a day and age when it is universally conceded that that is not a high nor a just principle upon which to base the privilege of the franchise. If it were, then we should pick out those who are physically the strongest and give them superior rights in the State.

In the case of a man like Jack Johnson, who at one time was the champion prize fighter in the world, if the highest privilege, the highest right, which a citizen can enjoy is to be based upon physical superiority, I suppose he would stand very high in the favors of the State.

I read a document which defaced the CONGRESSIONAL RECORD here a few days ago—and which gives intrinsic evidence that it is the production of a perverted mind——

The VICE PRESIDENT. The Chair will be compelled to state to the Senator from Washington that that matter has been expunged from the CONGRESSIONAL RECORD.

Mr. POINDEXTER. I understand that it has been expunged from the RECORD, but I nevertheless may refer to it, because it was printed in the RECORD, and I have it before me now.

The VICE PRESIDENT. The Chair made the observation only through fear that the Senator was not present and was not aware of the action the Senate had taken.

Mr. POINDEXTER. It is an attack upon the proposition that women should have the franchise, and yet I read in this article directed against equal suffrage this statement:

> In brute force, in all that constitutes the mere animal frame and nature, women are inferior to men; but in purity of mind, in refinement of sentiment, in all that most nearly assimilates our race to the good angels above, they are superior to men.

Yet the writer of the article who entertained those views is of the opinion that those qualities which he compares to the Divine Being's above are not of a sufficiently high order to be a test of the right to vote.

Mr. President, it is objected that the National Government, the Congress of the United States, should not interfere, but that this matter should be left to the action of the States. I find, however, in the Constitution of the United States already a list enumerated of the rights of citizens. They are guaranteed in the Constitution—a privilege which attaches not only to citizens but to every person—protection against unreasonable seizures and searches. They are guaranteed due process of law and protected in the right to own property, given the right of trial by jury, insured the privilege of free speech and of a free press. If those privileges were of sufficient importance, and they undoubtedly were, to be embodied in the Bill of Rights and placed in the Constitution of the United States, that privilege which is of a still higher order, namely, the right to participate in the primary functions of government, is also not only of sufficient importance but is appropriate to be protected in the Constitution itself.

Every woman born or naturalized in the United States, by the terms of this Constitution, is a citizen of the United States. In view of her intellectual attainments, her moral character, her ability to comply in every respect with those tests of fitness for the franchise which are applied to men, a consideration in justice and fairness of her status and duties as a citizen entitle her to the same prerogative.

The fourteenth amendment to the Constitution guarantees to every citizen the privileges and immunities of citizenship and enjoins any State from abridging or denying them. The writing of one addtional word into the fifteenth amendment of the Constitution, the addition of a word of one syllable to this Constitution, would accomplish throughout the Nation the great object for which this movement has been instituted and carried on with so much perseverance.

Mr. President, I am in favor of the joint resolution, and I submit certain petitions in its support.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. STONE. Mr. President, I hold in my hand a petition in support of the joint resolution under discussion, handed to me by Miss Laura S. Runyon, a teacher of history in the Warrensburg Normal School, of my State, one of several great institutions of that character of a highly cultivated and most excellent nature.

These petitions favor the adoption of the joint resolution proposing an amendment to the Constitution granting the right of suffrage to women, and I take pleasure in presenting them. I ask that the petitions be appropriately referred.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. MARTIN of Virginia. Mr. President, I present a petition, very largely signed by women of Virginia, asking for the passage of the joint resolution amending the Constitution of the United States so as to give the right of suffrage to the women of the country. I ask that the petition be referred to the appropriate committee.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. BACON. I present sundry petitions from women of Georgia on the same subject, which I ask may be likewise referred.

The VICE PRESIDENT. The petitions presented by the Senator from Georgia will be referred to the Committee on Woman Suffrage.

Mr. SHEPPARD. I present a number of petitions signed by citizens of Texas in favor of an amendment to the Constitution granting the right of suffrage to women. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SWANSON. In behalf of some ladies and at their request I present petitions signed by sundry citizens of Virginia in favor of the adoption of Senate joint resolution No. 1. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SMITH of Georgia. I desire to present a petition, signed by numerous ladies of Georgia, in behalf of Senate joint resolution No. 1. I ask that the petition be appropriately referred.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. JAMES. I desire to present, in behalf of the women of Kentucky, a petition in favor of Senate joint resolution No. 1. I ask that the petition be appropriately referred.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. JOHNSON of Maine. I present a petition on the same subject, signed by citizens of Maine, and in the absence of the Senator from New York [Mr. ROOT] I present in his behalf a like petition. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SMITH of Arizona. I present a similar petition, signed by a large number of women of my State, in favor of the adoption of Senate resolution No. 1. I ask that the petition be appropriately referred.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. MYERS. I present a petition signed by a large number of citizens of Montana on the same subject. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. VARDAMAN. Mr. President, the sentiment favorable to woman suffrage is not very strong in Mississippi, but there are some very excellent women in that State and a few men who are very earnestly for the measure. I take pleasure in presenting their petitions to the Senate, and I ask that they be appropriately referred.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. DILLINGHAM. At the request of Vermont ladies present this morning I beg leave to present a petition in favor of the passage of Senate joint resolution No. 1.

I ought to say in this connection that, while I have not received from the State a formal petition to be presented upon this occasion, I have had numerous letters from representative people of the State requesting action on my part favorable to this movement. I only say this because had I known that the matter was coming up this morning I would have brought the letters with me and presented them as a part of the representation to the Senate of the United States. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition presented by the Senator from Vermont will be received and referred to the Committee on Woman Suffrage.

Mr. KENYON. On the same subject I present sundry petitions signed by citizens of the State of Iowa. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. WEEKS. I present resolutions and indorsements upon the same subject. I think I ought to say that the large number of petitions which I hold in my hand has been the result of public meetings held at different towns and cities of Massachusetts. I ask that they be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SHERMAN. Mr. President, I present sundry petitions of a like character with those already presented. I do not content myself with merely the idle presentation on my part of those petitions. They are signed by citizens of the United States. They are not voters of the United States because of certain constitutional limitations. The first line I read in the Federal Charter is—

We, the people of the United States.

The women of this country are not in a governmental sense any part of the "people" of the United States at this time, unless in those States or jurisdictions where by State legislation or by constitutional provision that right has been guaranteed to them.

Mr. President, there are in round numbers about 100,000,000 human beings in this Republic at this time. The potential vote in November, 1912, of its male citizens was 22,000,000. Of that 22,000,000, 15,000,000 saw fit to exercise the right conferred by the laws of their country; 7,000,000 were busy, disabled, sick, or unable to get into the returns for various reasons. One-third of the male lords of creation, now by the laws of the country given the right of self-government, voluntarily absented themselves from the polls last November.

It is said that women will not and do not vote when the right is extended to them. Neither do nor will the men in any larger proportion. Therefore I am moved to say that the appreciation of the responsibilities imposed by the right to vote will be as thoroughly felt by the women of this country as by the men who now have and in part exercise that right.

Mr. President, the law of physical force ought not to be an argument on this joint resolution. We hope that the human race is traveling toward a better age; that the days of armaments on land and sea will cease; that it will no longer be a question of battleships and military force; that it will be a question of right and wrong. I hope that we are rapidly traveling toward that time when justice will sit enthroned in the human heart as the supreme arbiter between nations and between men.

In that age, however far distant it may be, the influence and the vote of womankind will be as powerful as that of men. Men themselves have only been enfranchised as the result of many struggles in the centuries past. Who has forgotten the charter fights in England? Who has forgotten the fights in the earlier history of the older States of this Republic? Only by degrees have the limitations of property qualifications to vote been stricken off year after year. Only here and there we can remember the time when constitutional restrictions, when the limitations upon the right of men to vote, were removed by the great impulsive movements that came from those who felt that the sense of justice no longer permitted those limitations.

So the history of the right for us to vote, my fellow men, has been checkered by the vicissitudes of the slow-moving progress of humanity.

Women now vote in many of the States. In the third largest State in the Union, with a vote cast of more than 1,200,000 last November, a limited right of suffrage has been granted by an act of our general assembly. By that statute women are given the right to vote for candidates for all public offices except those created and existing by virtue of the State constitution. It is a partial advance, but it is no more partial than the advance that has been made in every State and in every country where the English tongue is spoken. Wherever the common law of the mother country has been practiced, wherever the personal and the property rights of women have been subject to the common law, we have seen the gradual advance of womankind from the condition of marital serfdom and economic vassalage until she has advanced to the full panoply of property rights, holding her individual estate or community property according to the laws of the several States granting to her her personal rights.

At one time woman upon entering into the state of matrimony lost her personal identity, and at the same time the possession as well as the title of all her property was vested in her husband. The husband was the absolute proprietary lord of her means. That was the common law of our English ancestors. I do not wonder that sometimes even now man thinks this is an innovation. He is almost like a Mohammedan. The Koran tells us that every reform is an innovation, every innovation is an error, and every error leads to hell-fire. If that is so, we who favor this joint resolution are headed for a warmer country than Washington. [Laughter.] I am going to take a chance on it, Mr. President, because in the very nature of things, if womankind has had some of her limitations removed, and no injury has resulted in years past, we had as well take the other limitations off and make the opening words of the Constitution of this Republic a living, active, dynamic force in the great Republic of the Western Hemisphere.

It is said to me that woman does not want to vote, and that, besides, she is not a soldier. For my part, if I had lived in the days of the Civil War and had worn either a gray uniform or a blue I would rather have carried a Confederate or a Union musket than have been a woman who stayed at home and waited for news from the far line of battle or the hospital's wasting breath.

The bravest of battles that ever was fought,
Shall I tell you where and when?
On the maps of the world you will find it not;
It was fought by the mothers of men.

No marshaling troop, no bivouac song,
No banners that gleam and wave;
But, oh, its struggles they last so long,
From babyhood down to the grave.

Somebody has said to me, Mr. President, in private conversation on this question, that womankind will not improve politics. Well, if she does not, if she only keeps it from getting any worse, I am willing to take a chance on it.

If we and others who have, through ourselves or through our ancestors, for many years been engaged in the management of the dear public's affairs have made what we have of it, with investigation heaped upon investigation, with hill on hill and Alp on Alp arising, with which we are endeavoring to issue a certificate of moral character to ourselves—if we have not got any further along than that in some hundreds of years, for the Lord's sake let us give woman a chance and see if she can not get us on a little higher level than we now are.

What good will it do to increase merely the body of the electorate? That is what this is. The mere multiplication of units avails nothing unless the quality of the unit is improved. I believe woman is a better unit than man, though not possibly on the intricacies of the tariff schedules, not possibly in discussing the niceties of peanut oil or the solvency or insolvency of banks or the intricacy of currency bills and regional reserves. She will need a little preliminary drilling on those subjects, and I think some Senators will also have to have a little preliminary drilling before they are ready to vote. So it is an even score when we mark it upon the wall in that way.

Will it do any good? I think it will, Mr. President. Does not a woman protect her babe in the cradle? Is not her maternal instinct stronger than the instinct of the other parent? Does not she use all her efforts for that purpose? Do not her power, her intuition, her diplomacy, her arguments, and her imperial influence with man go to defend her own? They do.

For myself, if nothing else were at stake with me, if the woman has a right to defend with her life her honor, with her life her babe in the cradle, I would put the ballot in her hands in order that when the babe grows to be an adult she still might defend him on land and sea and wherever in the wide world he might be. Woman is infinitely the superior of man on moral questions. We are of coarser fiber; we think in lower terms. But the woman, enlisted in the cause of moral progress, will protect her babe in infancy and she will protect the same babe in the years when he is an adult. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. LANE. Mr. President, I take great pleasure in presenting a petition from many women who wish the Senate to vote in favor of Senate joint resolution No. 1 in regard to this matter. As a matter of fact, I have always believed in the right of women to vote. I do now believe in it, and I say "now" without equivocation and without any mental reservation.

Women vote in Oregon, and the last city election in Portland was, I am told, decided by the votes of the women. In my family there are four persons—my wife, two daughters, and myself. They and I are registered voters. As a matter of fact, my sympathy is with the women. I have always done all I could to secure to them the right of suffrage, and have labored with others in Oregon until finally we now have the women as full voters in every election.

Several arguments in favor of woman suffrage have been presented here, but there are many things not usually presented in relation to this question which appeal to me. I am by profession not a lawyer; I am a physician; and probably I look naturally upon this question from the standpoint of a physician. As a matter of fact, it is not true that men have greater physical endurance than women. Women can stand and, as a rule, do stand more pain than the bravest and most courageous man is able to endure.

I have never known any reason why women should not vote. They are our full partners in all of the affairs of life. From the hour in which we are born until the day on which we die they accompany us through all our lives in every circumstance. We can not do without them, and we do not wish to. There is no reason on earth why they should not participate with us in all of the joys and privileges of life, as they do now in our sorrows and adversities.

There is no reason for denying, and I can not understand why anyone should deny, women a right to vote, if the women wish to vote. If a woman does not wish to vote, that is a different matter. Under the joint resolution, if enacted into law, if she does not wish to vote, she does not have to do so. As the Senator from Illinois [Mr. SHERMAN] has pointed out, many men decline to vote, and women have a perfect right to decline if they so desire; but those women who do wish to vote should be allowed to do so.

The interest of women in good and bad legislation is as great as is ours. Good legislation and properly conducted government go right into the homes of the families of this country and bear directly upon the happiness, the fate, and the fortunes of the family, including the women. The woman is more interested in her offspring than is the male. Naturally it will be to her interest to have in the country good government, sound government, government which will protect the home and which will protect and promote the health and the happiness of her offspring. It is her desire that her offspring shall be happy; that they shall be prosperous and healthy. Men have not as much interest in the welfare of their offspring. Quite naturally, then, and logically, woman should have a voice and a share in saying what manner of government should be placed upon herself and her children. I do not see how anyone can question the logic of that statement. As I have said before, I have for that reason at all times been in favor of women voting. I have gotten over the idea that women would not vote as intelligently as men. Women may make mistakes if they get the right to vote. We make many of them. If women do not make more mistakes than we do they are going to do very well, indeed. It is not within the realm of possibility that women can make more mistakes than we do, and if they do they have a right to make them and then correct them afterwards, if they care to do so. I hope and trust, Mr. President, that the joint resolution will pass. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Woman Suffrage.

Mr. KERN. Mr. President, I present a number of petitions, numerously signed by some of the best people of the State of Indiana, both men and women, praying for the adoption of Senate joint resolution No. 1. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. PENROSE. I present petitions signed by over 10,000 prominent and leading citizens of Pennsylvania in favor of the passage of Senate joint resolution No. 1. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. COLT. I present several petitions from women of Rhode Island in favor of the passage of Senate joint resolution No. 1, relating to woman suffrage. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. RANSDELL. I present petitions, signed by a number of male residents of Louisiana, urging the adoption of Senate joint resolution No. 1, giving the right of suffrage to women. I desire to say that I am in favor of the joint resolution, and shall do what I can to secure its adoption. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. THORNTON. Mr. President, at the request and in behalf of certain ladies in the State of Louisiana, I wish to present a petition in favor of the female suffrage amendment now pending before this body. In doing so, I wish to say that I am opposed to the passage of that proposed amendment to the Constitution, because the effect of its passage will be to take away from my State the constitutional right which she now enjoys in that respect. I have not the slightest objection to other States conferring the right of suffrage on women in their States if they so desire; but I am unalterably opposed to other States forcing the State of Louisiana to do so, whether that State wishes to do so or not; and I will do everything I can honorably do to prevent the passage of the proposed amendment. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Woman Suffrage.

Mr. LEWIS. Mr. President, I desire to inform the Senate that the resolutions handed me by ladies of Illinois I have taken the liberty to leave with the filing clerk of the Senate. I respectfully inform the Senate that I present those resolutions in behalf of the ladies of Illinois and of the delegation that represented them who are here visiting in Washington. I ask that the resolutions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Woman Suffrage.

Mr. SMITH of Maryland. I desire to present several petitions signed by ladies in my State on the same subject. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. WARREN. Mr. President, I represent in part the State of Wyoming, which 44 years ago, as a Territory, adopted equal suffrage and equal rights and privileges for men and women. That has been the law since, and it has been accepted and supported by all parties. When, some twenty-odd years ago, after having lived under that law for over 20 years, the Territory of Wyoming knocked at the doors of Congress for admittance into the Union she had in her constitution the provision for equal suffrage. In the constitutional convention of the new State, composed of about 80 delegates of all parties, but 3 recorded their votes against the provision.

I do not at this time present any petition, but I simply give the record of that State. The law is universally respected and indorsed, and if I occupied hours of time I could not say too much in its favor.

It is true that a large number of the people in Wyoming believe it is unnecessary to have a constitutional provision or amendment, because each State could settle the matter for itself. I myself have formerly, while a member of the Committee on Woman Suffrage, reported in favor of such an amendment as proposed in these petitions, and personally I should take pleasure in supporting such an amendment, though I find no fault with those who believe otherwise and think each State should settle it for itself.

Mr. BANKHEAD. Mr. President, on behalf of a very few of the good women of the State of Alabama I present a petition favoring the passage of Senate joint resolution No. 1. I shall vote against the passage of the joint resolution. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be received and referred to the Committee on Woman Suffrage.

Mr. SMITH of Michigan. Mr. President, I take pleasure in presenting a petition, signed by the people of my State, in favor of Senate joint resolution No. 1. I send to the desk a letter received this morning from the governor of our State, and ask that it may be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

STATE OF MICHIGAN, EXECUTIVE CHAMBER,
Lansing, July 28, 1913.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

MY DEAR MR. SMITH: I am writing an exact duplicate of this letter to Senator CHARLES E. TOWNSEND. I must confess that I am not familiar with just what is pending in relation to the proposed amendment to the National Constitution granting suffrage to women. If such a bill is pending and is due to come up for approval or disapproval, I am quite willing that you should know my feelings in regard to granting suffrage to women. I favor such an amendment, not because the right of suffrage to women would reform the United States in 30 days, but because I believe they are entitled to the right and privilege of suffrage. On that basis I am hoping that you will hold a similar opinion and vote accordingly. After all, I am not writing this letter by way of instruction, but in order to express to you my own wishes. It is not necessary for me to write pages on this subject, because I have stated my reason for supporting the right of suffrage to women in one sentence. With best wishes, I am,

Very sincerely, yours,

WOODBRIDGE N. FERRIS, *Governor.*

Mr. SMITH of Michigan. Mr. President, I simply desire to say that I voted for the constitutional amendment in the State of Michigan last year. I shall vote for it here when I have an opportunity.

I presume few, if any, Senators here have had the distinguished honor which I have personally enjoyed of accompanying my mother to the polls as a full-fledged voter in the State of California. I did not feel that the dignity of the American people or the strength and perpetuity of the Republic were endangered by that course. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition presented by the Senator from Michigan will be received and referred to the Committee on Woman Suffrage.

Mr. JOHNSTON of Alabama. Mr. President, at the request of one lady I am presenting a petition signed by 13 ladies of the city of Washington, favoring the passage of Senate joint resolution No. 1. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be received and referred to the Committee on Woman Suffrage.

Mr. SMITH of South Carolina. Mr. President, at the request of a lady from my State I am presenting a petition in favor of Senate joint resolution No. 1.

I find that in the petition there is no signature from the State of South Carolina. I am presenting the petition as a matter of courtesy to the lady from my State who handed it to me. I am not in a position to state just what is the sentiment of the people of my State in reference to the joint resolution until I hear from them, as we generally do on subjects in which they are interested.

I think this explanation is necessary to show that there is not on the petition any signature from my State. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition presented by the Senator from South Carolina will be received and referred to the Committee on Woman Suffrage.

Mr. PITTMAN. Mr. President, I have the honor to present, on behalf of the women of Nevada, petitions in support of the joint resolution.

While I do not intend to make any argument in support of it, as I do not believe it is required, and because there are others who can more ably discuss the matter, I can not refrain from stating that the men of my State believe women should have the right to vote. We realize that the purification of the administration of our Government is the most important question before the people to-day. We believe that the absolute and unrestricted enfranchisement of women will do more to purify our Government than all of the corrupt-practices bills that can be enacted into law.

On two separate occasions the legislature of my State has passed almost unanimously a resolution amending the constitution so as to grant to women the unrestricted and absolute franchise in the State. I feel that I am able to say that at the next election the men of the State will almost unanimously confirm the action of the legislature. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. TOWNSEND. Mr. President, I have the honor of presenting petitions in behalf of the proposition to amend the Constitution of the United States.

I do not care at this time to say more than that I am in hearty sympathy with the joint resolution. I have so expressed myself on very many occasions. While there is a great difference of opinion in the State of Michigan as to whether or not women should vote, I here and now protest against the statements which have been given circulation to the effect that only women of the most undesirable classes are favoring woman suffrage. So far as Michigan is concerned, this is grossly incorrect. I know that many of the very best mothers and wives of my State are in hearty sympathy with this movement. Believing, as I do, that woman should have the same political rights as man, I shall cheerfully do what I can to secure such rights for her. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. THOMPSON. Mr. President, I take pleasure in presenting petitions from numerous intelligent and accomplished ladies of the State of Kansas asking me to support the suffrage amendment; and I take this occasion to say a few words in behalf of the amendment.

Kansas is the infant State in the suffrage movement. While we have had woman suffrage in one form or another in educational and municipal affairs perhaps longer than most of the States, we have had complete woman suffrage, equal suffrage, only since the last general election.

Last year the Kansas women modestly, but earnestly, without flourish of trumpets, asked the men to grant them this right, and we generously responded by a most decisive vote.

No nobler women, no more devoted wives, or more loving mothers, and no better housekeepers can be found anywhere on earth, and we have no fears of their losing these excellent qualities by extending that which of right belongs to them. I congratulate them upon their splendid victory and heartily welcome them into their new field of labor. The temperance question, always alive in my State, and all other moral questions are now perfectly safe and secure in the hands of the voters for the first time in the history of the State.

I have always favored woman suffrage because I believe that under the Constitution of the United States, and under the fundamental laws, woman is justly and legally entitled to it. I look at it as much from a legal standpoint as from any other, although from a moral standpoint it can be urged with even greater force.

In this connection I desire to read a few sections from the Constitution of the United States bearing out this contention.

Section 2 of Article IV provides:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

The fourteenth amendment provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the

State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The fifteenth amendment provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It will hardly be argued by anyone that women are not citizens. If they are admitted to be citizens, their legal right to vote is already clearly established by law.

While I believe no constitutional amendment is really necessary to give the right of equal suffrage, yet if it will aid in any way to bring about equal suffrage throughout the United States I am certainly in favor of the proposed amendment. The only reason we have not enjoyed woman suffrage throughout the United States is because the men have originally assumed the right and the power to deprive the women of this legal right of suffrage. In the early days the men in my State, who perhaps were not then as just and chivalrous as they are in this day, met and framed the constitution of the State. In doing so, while under the Constitution of the United States the women were equal citizens with them, they deprived them of their most sacred right of citizenship, that of voting.

I have often wondered what the result would have been had the women assumed this right and met and framed the constitution of Kansas, and deprived the men of the right to vote. I feel that the men judges of the various courts would have held long ago that such action would have been unconstitutional. So if it would have been unconstitutional for the women to have framed the constitution of Kansas and to have deprived the men of the right to vote, I say it is unconstitutional for the men to have met and denied the women of this right and privilege. To use a rather homely, but forcible, familiar expression: "What is sauce for the goose should be sauce for the gander." If it would have been unconstitutional for the women to have done this, it was also unconstitutional for the men. I believe that under the fundamental law of this land and under the highest authority we have—the Constitution of the United States—they are legally entitled to vote, and should not longer be deprived of that right by the men.

I shall gladly support the constitutional amendment, and hope later to take more time to discuss the question from a moral standpoint, whereby it will secure equal justice, nobler purposes, better government, and the highest and purest citizenship. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. OWEN. Mr. President, in presenting these petitions of the women of Oklahoma, asking for the adoption of the Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States extending the right of suffrage to women on the same basis as the suffrage enjoyed by men, I do so in no mere perfunctory way, because personally I strongly favor the proposed extension of the franchise. I believe that it will be better for the Government of the United States, better for State government, better for county government, better for city government, better for the home, better for the safeguarding of the health of the people, better for the safeguarding of the rights, interests, happiness, and general welfare of the children, of the women, and of the men that the women of the Nation should have a right to register their wishes with regard to government upon an equal basis with men.

The reasons for this request on the part of the women in the country are overwhelmingly unanswerable, and the time has come when they must be considered with dignity, with unbiased minds, free from prejudice or passion, in the interest of the welfare of the human race.

What are these reasons? They have been succinctly set forth in the memorial which I had the honor to present (S. Doc. 519, 61st Cong., 2d sess.) and which I had the honor, as a friend of this cause, upon the counsel and advice of the women representing the National American Woman Suffrage Association, to prepare:

First. The women of the United States are citizens of the United States, entitled by nature to an equal right to enjoy the opportunities of life.

Second. They perform half the work of the United States.

Third. They bear all the children of the United States.

Fourth. They educate these children.

Fifth. They inculcate in these children lessons of morality, of religion, of industry, of civic righteousness, and of civic duty.

Sixth. They deserve to be honored by the children of the country as equal to men in dignity and honor.

Seventh. They pay half the taxes of the United States.

Eighth. They possess half of the property of the United States, or, at least, they are entitled to possess half of the property of the United States by virtue of labor performed and duty well done.

Their property and their right to liberty and to life are subject to law. The law controls the property as well as the rights of the women to life, liberty, and the pursuit of happiness, and therefore women should have the right to a voice in the election of Representatives to write the statutes and to execute them.

Mr. President, I do not understand how a man, loving and honoring women, believing in their intelligence and integrity of mind, believing in their moral and ethical sense, believing in their upright character, believing in their right as human beings, can deny these overwhelming reasons justifying suffrage or offer them a Barmecide feast of empty gallantry while denying them the solid food of actual power.

I do not understand how any man, in the presence of God, can deny the validity of these reasons. If you attempt to answer these sound reasons with a sensitive conscience, it seems to me you are compelled to yield to the righteous demand of the women of America.

You well know, as students of history and as students of statecraft, that the right to the ballot is the right protective of every other right, and, knowing this, how will you thus deny women equal opportunity to earn equal wages for equal labor and to protect their own lives and that of their children by the ballot?

Will you suggest that good women will not vote and bad women will vote? This most untrue and unkind suggestion has been emphatically and finally answered by history, which demonstrates that the same percentage of women vote as men, and that the vote of undesirable women is an utterly negligible quantity; that women are not to be regarded as bringing to suffrage a preponderance of evil, but that their vote has brought to the State an important influence in the interest and well-being of children, new and stronger laws for the protection and advancement of the interests of mothers and of girls, new and better laws for the preservation of the public health, new and better laws for decency in administering and beautifying cities, and more worthy candidates by all parties are offered where women vote.

The right of suffrage is justified by every natural right; can not be denied by conscientious, thoughtful, studious men who desire to deal justly with all human beings alike. I greatly desire to see these rights established in order to raise in dignity and power the mothers of this Nation.

No nation ever rises higher than the motherhood of the nation; and the welfare of the Nation is not promoted by denying to the mothers of the Nation the elementary right of suffrage which is essential not only to protect their own rights of life, liberty, property, and the pursuit of happiness, but especially to enable them better to protect their children, the children of the Nation—the boys and girls—who must have charge in a few years of this great Republic. The children of the Nation are taught by women their manners, their morals, and their standards of life, their ambitions, their industry; their good qualities are stimulated by women far more than by men. Women should have the right to protect their children "from the treacherous pitfalls which lie in the pathway of life"; to protect their children against disease and insanitary conditions; to protect their children against the liquor traffic; to protect their children against the brothel; and in protecting their children they will protect as well the men of the Nation and establish in their hearts higher and better standards.

The whole world is beginning to realize the enormous importance of giving greater power to women. Many of our own States have given full suffrage to women within the last few years, including Oregon, Arizona, Kansas, California, Alaska, Washington; and Wyoming, Idaho, Colorado, and Utah have long given women full suffrage with beneficial results to the school system, and to the charities of the State, to better conditions protecting the lives of the women and children of those States, and no just objection has been found against it where it has been exercised. Full suffrage has been given by many other great self-governing, highly civilized communities, as South Australia, Western Australia, Australia itself, New South Wales, Tasmania, Queensland, New Zealand, and Finland. Illinois has recently extended suffrage on a large scale, and I want to register my earnest hope that the Senate of the United States will recognize its great obligation to the human race in extending

this measure of justice to the women of America, so that this great Republic may reach the highest ideals of Christian civilization.

I will not appeal to men from a party standpoint or call their attention to the effect which may be expected to follow if either one of the great parties should go so far as to offend the nearly 4,000,000 women who now have the full suffrage in America by contemptuously denying a right so obviously just and so obviously necessary to the welfare, to the progress, and to the happiness of the people of America, but I will remind you that many great groups of men, such as the Farmers' Union, the National Grange, the American Federation of Labor, the Labor Party, the Socialist Party, the last with over 648,000 votes, have declared for this progressive movement; and I remind you also that a great party, with high ideals, casting over 4,000,000 votes last year, has declared for woman suffrage, and that this question can no longer be ignored.

I congratulate the Senate and the country that 22 Senators have to-day publicly expressed their favorable opinion of this reform.

During the delivery of Mr. OWEN's speech,

The VICE PRESIDENT. The morning hour has expired, and the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside until the Senator from Oklahoma has concluded.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Oklahoma will proceed.

After the conclusion of Mr. OWEN's speech,

Mr. CLAPP. If the Senator from North Carolina will yield, I think an explanation is due relative to the petition handed in by the Senator from South Carolina [Mr. SMITH], who stated that the petition was not signed by residents or women of his own State.

These petitions were brought here this morning, and the petitioners were met at Hyattsville. In the short time it was impossible to place all the petitions in the hands of the Senators from the particular States. An effort was made there as far as possible to give to each Senator the petitions of his own State, but in the hurry and confusion it was impossible to make the distribution complete.

I have no doubt the Senator will find upon examining the petitions filed with the Senate that there are petitions signed by women of his own State.

Mr. BRANDEGEE. Mr. President, I trust the Senator from North Carolina will allow the unfinished business to be laid aside until the rest of the petitions have been presented.

Mr. SIMMONS. I assume that very little more time will be required upon this matter, and trusting that Senators will recognize the fact that two Senators have given notice that they will speak to-day on the unfinished business and will abridge their comments as much as possible I now ask that the bill be temporarily laid aside until all the petitions are presented.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. I present several petitions of constituents of mine in the State of Connecticut in behalf of Senate joint resolution No. 1, and ask that they be properly referred.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SAULSBURY. I present petitions signed by many estimable ladies from the State of Delaware in favor of the woman-suffrage joint resolution which I ask may be properly referred. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. STONE. I presented some petitions from women in favor of the amendment relating to suffrage this morning. I have now in my hand some petitions sent to my colleague [Mr. REED], who is not present in the Chamber, being absent on official business. In his behalf I present the petitions. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. CLARKE of Arkansas. I send to the desk certain petitions which have been received from women of Arkansas on the same general subject. I ask that they take the usual course.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Woman Suffrage.

Mr. WARREN. I send to the desk six several petitions favoring the adoption of the constitutional amendment. They are variously signed by citizens of different localities. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions presented by the Senator from Wyoming will be referred to the Committee on Woman Suffrage.

Mr. CHILTON. On behalf of some citizens of West Virginia, I present a petition favoring the adoption of Senate joint resolution No. 1. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. CHILTON. I desire also to present in behalf of my colleague [Mr. GOFF], who is necessarily absent, certain petitions on the same subject. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SHIELDS. I present a petition signed by many splendid women of Tennessee in support of Senate joint resolution No. 1. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition of the Senator from Tennessee will be received and referred to the Committee on Woman Suffrage.

Mr. POMERENE. Mr. President, I have the privilege of presenting some petitions signed by some of the splendid women and men of Ohio in support of the proposed amendment to the Constitution. In doing this I desire to say that at the last constitutional election in the State of Ohio I voted in favor of the amendment granting the right of suffrage to women. It failed by a very substantial vote. If the opportunity presents itself to vote for an amendment to the Ohio constitution on this subject, granting the right of suffrage to women, I shall vote for it again.

I have never had any sympathy with the stock arguments which are used in opposition to woman suffrage, but at the same time, while on my feet, I desire very briefly to present my views upon this subject.

Many people when they discuss the subject refer to suffrage as a privilege, and in one sense of the word it is a privilege. Others speak of it as a right, and in one sense of the word it is a right when it is bestowed. But I have never looked upon the right of suffrage so much as a privilege or a right as I look upon it as a solemn duty. When we speak of the right of suffrage as enjoyed by men, I prefer to look upon it as a duty which American manhood owes to our country, and instead of granting the privilege to vote, if it were in my power, to any class of our citizens who are given the right, I would make it a duty, and I would penalize those who did not perform the duty.

That leads me to this suggestion, and I suggest it rather in the interest of woman suffrage than against it: In the State of Ohio, for instance, it has not yet appeared that the majority of the women there want to vote. I wish they did want to vote; and, if I may be pardoned the suggestion, it seems to me that the very minute the majority of the women of any State show to the men of that State that they want the right to vote they will speedily be given the right to vote.

And that leads to this thought: It has not yet appeared that the women of Ohio or the majority of them want to vote. In some of the Western States it appears that they do want to vote; and in some of the States, as has been suggested by several Senators on the floor to-day, there is no general sentiment in favor of woman suffrage. The question therefore is, Shall the men and women of a State who want to vote have the right to confer upon the women of a State who do not want to vote that privilege or duty, whichever we may call it? And, on the other hand, if the women of a State do not want to vote, should they have the right to prevent the women of another State from voting if they want to vote?

With this thought in mind, and with the hope that the women of the country may some time in the near future have the right to vote if they want to vote, permit me to suggest that the first step in this campaign should be to teach the women to want to vote, and after they have been taught to want to vote the right will be given. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. MARTINE of New Jersey. Mr. President, I present petitions favoring woman suffrage signed by many of the most estimable women of my State and home town. Whatever may be my

personal view on this matter, I would be a veritable coward did I not present the petitions. I believe in the right and privilege of petition. Personally, I am frank to say, with admiration and love for woman not surpassed by any man in this Chamber or elsewhere on God's footstool, I believe it would not tend to enhance or advance the well-being of women, nor do I believe it would accrue to the well-being of this beloved land of ours.

I present these petitions, and ask that they be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. MARTINE of New Jersey. Mr. President, these petitions, also from my Commonwealth, were handed to me by citizens of my State asking that they might be given to my colleague [Mr. HUGHES] to present. They said that in the event he was not here in time to present them they wished that I would present them. So at their request and in the name of my colleague [Mr. HUGHES] I present them. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. SIMMONS. In behalf of a number of most excellent women of the State of North Carolina I present a petition in favor of woman suffrage. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition presented by the Senator from North Carolina will be received and referred to the Committee on Woman Suffrage.

Mr. McLEAN. I present sundry petitions signed by a large number of women in the State which I have the honor in part to represent. I ask for their proper reference.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. LA FOLLETTE. Mr. President, I present petitions, numerously signed by citizens of Wisconsin, in favor of the joint resolution for a constitutional amendment extending suffrage to women, and on behalf of my colleague [Mr. STEPHENSON], who is unavoidably absent, like petitions addressed to him for presentation on this occasion.

At this time, Mr. President, with the business of legislation immediately in hand pressing upon us, I shall not take the time of the Senate for more than a word. But I believe that it will be helpful for the passage of the joint resolution when it comes up regularly for consideration in this body for Senators now to declare their position upon this question.

I can not remember a time, Mr. President, when I was not in favor of extending the suffrage to women. I have always believed in cosuffrage, as I have always believed in coeducation, equality of property rights, and, in short, sir, equality of opportunity for men and women alike; that civilization is best and most advanced where men and women cooperate and mutually respect each other; that democracy is safest where its entire citizenship is most enlightened, most interested, most alert. If the ballot educates men in citizenship and is a source of power and protection to them, surely it is of equal value to women.

Government is organized, Mr. President, for the good of society; and the very basis and foundation of all organized society is the home. Every act of government reacts for good or evil upon the home. The tariff now under consideration, the laws regulating trusts, the statutes for the control and regulation of banking and currency, the laws regulating interstate transportation, and all legislation of like character strikes directly at the home life, because it bears directly upon the cost of living and the ability to maintain the home. The women of this country are as directly interested in everything pertaining to the economies of government and of the home as are the men. They understand it as well as do the men, and their potential influence, even when handicapped by the denial of the right of suffrage, has been felt in the Halls of Congress. The long struggle to write upon the statute books legislation protecting the home and the life of the family against the adulteration of food products would have been going on to this hour except for the organized effort the women of the country put back of that great reform movement.

And, so, Mr. President, just as it is essential that we should have the cooperation of the women of the country in the development of the home life, so we should have the cooperation of the women of the country in the legislation which underlies the home life and is foundational to all our social relations.

At another time, when it will more directly bear upon the passage of the joint resolution extending suffrage to women, I shall address the Senate in support of that resolution.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. GRONNA. I present petitions numerously signed by citizens of North Dakota praying for the passage of Senate joint resolution No. 1.

Mr. President, in my State the privilege of universal suffrage has not been extended, but I believe I may be permitted to say that the potential influence of women has been felt in that State to a degree or more so than it has in any other State. Ultimately this question will be settled by the States. I have confidence that the people of my State will, when that question is presented to them, settle it with the same courage and patriotism that other questions of reform and progress have been settled.

When the question comes up for a vote in the Senate, I will give to it the same consideration that I give to other questions. I am here as a servant of the people of my State. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

Mr. GRONNA. Mr. President, I also present, on behalf of my colleague [Mr. MCCUMBER], who is necessarily absent, due to illness in his family, another petition. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. CRAWFORD. Mr. President, I shall not detain the Senate with any extended remarks.

I will say that on two former occasions the people of my State voted upon the question of granting suffrage to women. The proposition was defeated both times, but the sentiment in its favor has continued to grow steadily with the years, and it is now for the third time submitted in the form of a proposal to amend our constitution, and will be voted upon at the next general election.

I am satisfied that the measure will now carry. I am satisfied that the demand for it has grown so steadily and spread so widely throughout the State that many men upon reflection who were formerly opposed to it are now fully convinced that the principle of universal suffrage is right.

I have always voted for it. I have never believed that it would bring the millennium or work any great revolution, but I have always voted for it because I have felt that, as a principle of absolute justice, it is unfair to withhold it from intelligent women who ask for such a right upon the ground that it is a protective one, helpful to them. I shall support it again in my State, and I have no hesitation in frankly saying that I shall vote for it here.

I present a petition, not a large one, from a number of intelligent men and women of my State asking for the adoption of the joint resolution. I ask that the petition be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. PERKINS presented petitions signed by a large number of citizens of California, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. SUTHERLAND presented petitions of 40,000 members of the National American Woman Suffrage Association, of 75 members of the Socialist Party of Ogden, Utah, and of sundry citizens of the State of Utah, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. BRYAN presented petitions signed by a large number of women of the State of Florida, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. FLETCHER presented petitions signed by a large number of citizens of the State of Florida, praying for the adoption of an amendment to the Constitution of the United States granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. OWEN (for Mr. GORE) presented petitions of sundry citizens of Oklahoma, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. SHIVELY presented petitions of sundry citizens of the State of Indiana, praying for the adoption of an amendment to

the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. THOMAS (for Mr. O'GORMAN) presented petitions signed by a large number of citizens of the State of New York, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. LODGE (for Mr. ROOT) presented petitions of sundry citizens of the State of New York, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. PAGE presented a petition signed by Gelson Gardner, V. L. Stoddard, and a large number of citizens of the United States, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition signed by Daniel A. Hastings, Fred Larsen, and John W. Benson, of Cheyenne, Wyo., praying that certain members of the Organized Militia of the State of Washington and certain sailors of the United States Navy who participated in the recent so-called riot in the city of Seattle be dishonorably discharged from the service, which was referred to the Committee on Naval Affairs.

Mr. POINDEXTER presented a petition of the Chamber of Commerce of Anacortes, Wash., praying that an appropriation be made for dredging and improving Edison Slough, Skagit County, in the State of Washington, which was referred to the Committee on Commerce.

Mr. WEEKS presented a paper to accompany the bill (S. 2784) granting an increase of pension to Sidney Williams, which was referred to the Committee on Pensions.

Mr. WILLIAMS presented a paper to accompany the bill (S. 2810) for the relief of the heirs of Joshua Nicholls, which was referred to the Committee on Claims.

Mr. SMITH of Maryland presented memorials of sundry citizens of Takoma Park, Md., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

COLVILLE INDIAN RESERVATION, WASH.

Mr. STONE. From the Committee on Indian Affairs, I report back favorably with an amendment in the nature of a substitute the bill (S. 2711) to provide for the acquiring of station grounds by the Great Northern Railway Co. in the Colville Indian Reservation, in the State of Washington, and I submit a report (No. 92) thereon.

Mr. POINDEXTER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That there be, and hereby is, granted to the Great Northern Railway Co., a corporation organized under the laws of the State of Minnesota, subject to and upon compliance by the company with all the provisions of the act of March 2, 1899, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, Indian allotments, and for other purposes," and the acts amendatory thereto of June 21, 1906 (34 Stat. L., 330), and June 25, 1910 (36 Stat. L., 859), and the regulations issued by the Secretary of the Interior thereunder, additional station grounds adjoining the right of way of the said railway company in the Colville Indian Reservation, in the State of Washington, adjacent to the village of Okanogan, in the county of Okanogan, in the said State, and at the said railway company's station known as Chilliwist, located in lots 4 and 6, section 1, township 32 north, range 25 east, Willamette meridian, in the Colville Indian Reservation, in the State of Washington, to the extent of not to exceed 200 feet in width by a length of 3,000 feet for each of said station grounds: *Provided*, That if any of the lands to be acquired by the railway company under the provisions of this act shall have been tentatively selected by Indians as a part of their allotments they shall be entitled to receive, upon the approval of their allotments, the compensation for damages to said lands and improvements thereon paid by the said railway company: *And provided further*, That such station grounds are granted subject to the right of the United States to cross the same and the works constructed thereon with canals or water conduits of any kind, or with roadways, or with transmission lines for telephone, telegraph, or electric power, or with any other public improvements which may now or in the future be built by or under authority of the United States across such grounds; and the said company shall build and maintain at its own expense all structures that may be required at such crossing, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, transmission lines, and other improvements.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators; to the Committee on Privileges and Elections.

A bill (S. 2861) authorizing mineral entries on lands of the Spokane Indian Reservation, State of Washington, classified and reserved as timberlands; to the Committee on Indian Affairs.

A bill (S. 2862) for the condemnation of land in the interior of square No. 159, District of Columbia, and for other purposes; and

A bill (S. 2863) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan:

A bill (S. 2864) granting an honorable discharge to William G. Lang;

A bill (S. 2865) to remove the charge of desertion from the record of David Houk; and

A bill (S. 2866) to correct the military record of William G. Lang (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2867) granting a pension to Martin Malone; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2868) granting an increase of pension to Lucy P. Wheeler (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2869) granting an increase of pension to Sarah E. Arnold (with accompanying paper); to the Committee on Pensions.

ELIZABETH T. BUTLER.

Mr. KERN submitted the following resolution (S. Res. 145), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Elizabeth T. Butler, widow of Maj. George Butler, late a member of the Capitol police of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ROCK CREEK BRIDGE.

Mr. GALLINGER. I ask unanimous consent to submit a resolution that will not result in any debate and for which I ask present consideration.

Mr. SIMMONS. I shall not make any objection to the resolution, but after this I shall ask for the regular order.

Mr. GALLINGER. That is right.

The resolution (S. Res. 144) submitted by Mr. GALLINGER was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Commissioners of the District of Columbia are hereby directed to communicate to the Senate at the earliest practicable day all information concerning the construction of a bridge across Rock Creek at Q Street NW., for which an appropriation was made in the act approved March 2, 1911, which appropriation proved to be inadequate under the plan that was submitted for bids, stating whether or not it is desirable to have a new plan made upon which fresh bids shall be invited, or whether it is feasible, without destroying the symmetry and beauty of the structure, to modify the existing plan so as to bring it within the appropriation.

THE TARIFF.

Mr. SIMMONS. I ask for the regular order.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Senator from North Carolina demands the regular order and it will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from New Hampshire [Mr. GALLINGER], which will be stated.

The SECRETARY. On page 29, line 1, strike out "25" and insert "35," and in line 2, strike out "3" and insert "6," so as to make the paragraph read:

101. Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn,

dressed, or polished, or otherwise manufactured, 35 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 6 cents per cubic foot.

Mr. SIMMONS. The Senator from Louisiana [Mr. THORNTON] gave notice that he would address the Senate this morning.

Mr. THORNTON. Mr. President, I desire to preface the remarks that I am now about to make on the tariff bill by the statement that the preparation of those remarks was, so far as my part of it was concerned, completed last Monday before the session of the Senate of that day. I make this statement because those who heard or may have read the address of the Senator from Wyoming [Mr. WARREN] on that Monday afternoon and who now hear or may hereafter read my own address may notice that there is a striking similarity of thought and expression in those two addresses on a certain question discussed by each of us.

I wish to preface my remarks by the further statement that I request my brother Senators that I be not interrupted during the presentation of my argument for any cause whatever, as I should like to have my address appear in connected form. In making this statement I am asking no more of others than I have always done for others, for during my term of service here I have only twice interrupted Senators in debate, and then each time because I knew they would like to be interrupted by me, and in each case they have afterwards thanked me for it. In my opinion the liberty of interruption in debate in this body is very greatly abused.

Mr. President, it is well known that I notified the Senate Democratic caucus that I could not vote for the Underwood tariff bill while it contained the free-sugar provision placed in it by the House and retained by the Senate Finance Committee and approved by the caucus and presented to the Senate as a Democratic Party measure.

It is also known to my brother Democrats that I expressly reserved in the caucus the right to offer amendments in the Senate, or vote for amendments offered there by others, having reference more particularly to agricultural products, while expressly stating at the same time that if such amendments were voted down I would subordinate my judgment in such matters to the party judgment, as nothing but the sugar provision of the bill would, in my opinion, justify me in refusing to vote for it as a whole, not only on account of party ties, but because I am in accord with by far the greater part of its provisions.

My reasons for refusing to vote for it without amendment of the sugar clause were given to my brother Democrats in the caucus and fully understood by them, but in justice to myself I wish these reasons to be known to the Senate as a body and to the country at large.

I hold, in the first place, that in my position as a Senator of the State of Louisiana my primary allegiance is due to that State and that I would not be justified in allowing my action to be controlled by the party caucus on any matter that concerned the vital interest of Louisiana when such acquiescence would have the effect of having me vote adversely to that vital interest.

These are the views I hold with reference to my duty to my State and to my party respectively, and by them I must abide as long as I have the honor of holding in this body the commission of the State of Louisiana.

I criticize no Senator for holding a different view as to his own duty, or even for thinking that I hold an erroneous view as to my own, but if any such there be, I ask them to remember that it is to my own State I am responsible and that I, not they, must bear the burden of that responsibility and the judgment that will be meted out to me by the people of Louisiana for my official actions here as their representative.

I hold, in the second place, that the promises I made to my people on any given question before they so highly honored me by selecting me for this position are binding on me in conscience and in honor when that question comes before me here for consideration.

I hold, in the third place, that when the people of my State have signified in an unmistakable manner their wishes on any public matter coming up for action before the body to which they have accredited me it is my bounden duty to carry out their wishes, so far as I can, and that irrespective of my own.

Having submitted these three propositions embodying my views as to the general principles which should govern my official action as a Senator of the State of Louisiana, I will now attempt to show their application to the special case under consideration.

It is hardly necessary to attempt to prove that, under my view of my duty to Louisiana, as defined by me under the first proposition, I am justified in opposing by all honorable means in my power the enactment of this bill, for I think there is no contention against the conclusion that the sugar clause of it affects the vital interest of my State most unfavorably.

It has been admitted on the floor of the House of Representatives both by Mr. HARDWICK, chairman of the Subcommittee on Ways and Means that took the first testimony on the subject, and by Mr. UNDERWOOD, the chairman of the full committee that took the last, that free sugar would destroy the Louisiana sugar industry, though both feel justified in their course on sugar because they think the general welfare will be subserved by it.

It was in recognition of this fact that President Wilson requested and obtained the three years of grace that have been accorded us, in order that those in Louisiana who have been and are still dependent on the cultivation of cane as their means of livelihood might have this time in which to try to make arrangements for their livelihood in other ways.

I appreciate this consideration on the part of the President and thank him for it in the name of the people of Louisiana principally interested, even while deeply regretting that he considered it his duty to insist on ultimate free sugar, that being legislation which in their opinion, and in my own, is neither sanctioned by the principles of necessity nor the general welfare nor justice.

On the second proposition, the proper regard for pledges made to my constituents, I wish to say that just previous to my election by the General Assembly of Louisiana in the beginning of December, 1910, that body passed a resolution inviting all candidates for the Senatorship to appear before it and give an expression of their views on national questions, with special reference to the tariff question, and the four candidates for the office appeared before the legislature and gave an expression of their views, and I now make the following quotation from my address, which was published in the Louisiana papers immediately afterwards:

> The statement published in a New Orleans paper that on last Thursday night, at a conference of my friends, I had recanted my statement of Wednesday and said I would yield in my tariff views on sugar, rice, and lumber, if necessary, to be in line with the action of a Democratic caucus, is false. Those gentlemen from every part of the State who attended that large conference know how false is the statement that I had recanted. They know that my answer to the question as to whether I was a Democrat and would abide by the action of a Democratic caucus on these matters was, that while I was a Democrat, I would never abide by the action of any caucus that might force me to strike a blow at any of the great industries of my State. This has been my unwavering position from the beginning.
>
> I do not feel that this is or ought to be made a test of fealty to the National Democratic Party. I hope and I believe that I will never be placed in the position where my duty to my national party will come in conflict with my duty to my people. But, if ever the time does come, those who have placed their faith in my plighted word will find that their faith was not misplaced.
>
> If my mother is to be stabbed, some other hand than mine must be found to wield the knife.

I will now quote an extract from my speech of acceptance after my election, which was also at once published in the Louisiana papers:

> But tariff duties must be levied. Agriculture is the great basic foundation of the prosperity of Louisiana, and it will continue to be so. Because the agriculturists of the United States generally raise more than our own people consume we are exporters of such products, and thus they do not receive the benefit of a protective tariff, while bearing so many of its unjust burdens. So, if a tariff can be levied that will help, or protect, if you please, those who follow agriculture as a livelihood, I think it should be done. In Louisiana at least two of our great soil productions can be helped or protected by a tariff duty; those two are sugar and rice.
>
> And so I can certainly justify myself in doing what I can in the Congress of the United States to help these great agricultural products of Louisiana. This accords with my sense of right to those producers, with my sense of duty to my State, and with my individual sentiments as well, for I am descended from a long line of agriculturists, am a son of the soil, and racy of it.
>
> I do not see why party fealty should prevent me from standing by these great industries of Louisiana, but, as I have said, if it does, national fealty must yield to State fealty, as it did in the time of the Civil War.

These were some of the words spoken by me to the members of the General Assembly of Louisiana, including three who honored me by their votes then who have since been themselves honored by being elected to the Congress of the United States, and who further honored me by coming from their Chamber to-day to listen to these remarks.

It will be noted that in my preelection address I unequivocally declared that I would not only stand for a duty on sugar, but would not abide by the action of any Democratic caucus that sought to restrain me on this question.

It will be further noted that in my postelection address I reiterated this statement, thus doubly binding myself.

It seems to me that every member of this body should readily recognize the fact that under these circumstances I can not vote for the passage of the present bill while it carries the free-sugar provision without personal dishonor and the attendant

loss of my own self-respect, as well as the respect of the people of my State and of my brother Senators, all of whom now understand my situation.

On the third proposition, the voice of the people of Louisiana expressing their views on the subject, I will say that in the first days of June, 1912, a convention of the Democratic Party of the State of Louisiana, composed of delegates from every part of the State, met in its capital city of Baton Rouge to select delegates to the approaching National Democratic convention at Baltimore and to adopt a platform setting forth the principles of the State Democracy of Louisiana.

That convention overwhelmingly refused to adopt a minority report of the committee on resolutions, signed by one member thereof, declaring for a "tariff for revenue only" and overwhelmingly adopted the following resolution:

We are in favor of a revision of the tariff which will meet the revenue requirements of the National Treasury and will abate the protective system with the least possible abatement of our business fabric.

We hold that the tariff is a tax paid by the consumer, but in reducing it to a purely revenue basis we would not sanction the injustice of crudely remodeling the tariff schedules in such a way as to force any one industry, previously dependent on the tariff, to sell in a free-trade market and buy in a protected one; nor would we contemplate the turning of the American market over to manipulation of foreign tariffs and export bounties, where the results would be the wiping out of an American industry by a temporary lowering of prices and a subsequent raising of prices under foreign control for foreign enrichment.

We espouse these principles not solely because they would forbid the heavy and cruel blow proposed against Louisiana, but because they are applicable to any industry in any State and because they are the necessary guides to all just men striving for a tariff reform which will destroy evils for the consumer without creating them for the producer.

It is evident that this platform resolution of the Democratic Party of Louisiana is an unmistakable expression of hostility to the free-sugar provision of the present tariff bill, the resolution specially referring to the free-sugar bill that had passed the House and was then pending in the Senate.

And so I feel that under each and all of the three propositions laid down by me in the beginning as a guide for my action in this matter, I am forbidden to vote for this tariff measure unless amended by striking out the provision removing all duties from sugar at the end of three years.

Aside from these special reasons which would prevent me as a representative of the State of Louisiana from favoring this new-fangled Democratic doctrine of free sugar, I can say with perfect sincerity that I would feel most hostile to the abolition of the sugar duty, not only because of my well-known and often-expressed views in favor of legislation that would advance the agricultural interests of any part of my country, but because of the tariff policy of the Democratic Party, with which I have been identified since I was old enough to cast my first vote.

To me it seems almost incredible that the great political party which has always stood so steadfastly for the doctrine of a revenue tariff should now appear willing to abandon its settled and unassailable doctrine on the question of a duty on sugar.

The saying that sugar is an ideal article for a revenue tax is trite and has never been disputed, and no Democrat, not even a free-sugar Democrat, can be found hardy enough to deny it, even at this time.

This is due to the admitted facts of the case, viz, the universal consumption of the article, the consequent fairness of the distribution of the tax among all classes of the people, the ease and certainty of its collection by the Government, and the fact that three-fourths of the duty goes into the Government Treasury for the benefit of all the people, while only one-fourth inures to the protection of the sugar producer.

For these reasons sugar has always been held in the past by the Democratic Party to be a subject most eminently fitted for the imposition of a revenue tax, and it is just as much fitted for it in the present and for the future as it has been in the past.

I have briefly condensed above the reasons why the Democratic Party has in the past so steadfastly upheld the justice of a tax on sugar, but they are given far better in the language of the minority members of the Finance Committee in their report submitted to the Senate on July 27, 1912, on the Underwood free-sugar bill, which had passed the House, the said minority report advocating a reduction of 33⅓ per cent from the existing rate in the Payne-Aldrich bill and abolishing the refiners' differential and Dutch standard, while the Republican majority report advocated the retention of the present duty, and also abolished the refiners' differential and Dutch standard, which operates solely in the interest of the cane-sugar refiners, giving neither protection to the producers nor revenue to the Government.

I quote herewith such part of the minority report as is applicable to the point:

The tariff on sugar is peculiarly a revenue tariff. Very much the major part of the tax levied upon the consumer of sugars and sweets goes actually into the United States Treasury for the use and behoof and benefit of the American people. A minor part of the tax goes into the pockets of the producers. Upon numberless articles in the Payne-Aldrich tariff bill the duties are either prohibitive or very nearly prohibitive, or highly exploitive, and in all these cases very much the major part of the tax levied upon the consumer goes into the pockets of the American producers, a special and favored class, and very scantily and sometimes not at all reaches the Treasury. In the next place, the majority of the tariff schedules which have been adopted by the House and sent over to the Senate during this Congress make a reduction of about one-third. In the face of its record in connection with other bills, the House reduced the duties upon sugars and the products of cane and sugar beets 100 per cent; in other words, entirely canceled the existing duties. It seemed to us that this was not in keeping with the promises of Democratic platforms to reduce present protective duties "gradually" toward and finally to a revenue basis. We have seen no reason why sugar should have been excepted from the general policy advocated by the Democratic Party and believed by us to be right.

Again, in levying an import duty upon sugar for revenue purposes, we are imitating the time-honored and time-justified precedents.

This report was signed by such stalwart tariff-for-revenue Democrats as Joseph W. Bailey, F. M. SIMMONS, W. J. STONE, JOHN SHARP WILLIAMS, JOHN W. KERN, and CHARLES F. JOHNSON, all of whom, with the exception of the first named, are still members of the Senate.

In this report they enunciated the soundest Democratic doctrine and imitated, as they correctly said, "the time-honored and time-justified precedents" of the Democratic Party.

No Democrat in this body dreamed of denying the absolute correctness of this statement considered as an exposition of Democratic doctrine.

It was true then, and it is as true now as it was then.

If it is not correct Democratic doctrine, I wish some Democratic Senator to rise in his seat after I have concluded, or at later thereafter as he sees fit, and show wherein it is incorrect.

These words were quoted by my colleague from Louisiana in his great and unanswerable argument on this question addressed to the Senate on June 2 last, but I choose to repeat them in this address, for they can not be repeated too often in these times of dangerous Democratic departure from Democratic doctrine, and they should be burned into the brains and hearts and consciences of Democratic Senators.

Small wonder is it that in the debate on the sugar bill on that same 27th of July, 1912, the senior Senator from Mississippi [Mr. WILLIAMS], than whom no member of this body is better posted on the history of the Democratic Party, including necessarily its tariff policy, should have said:

There is not the slightest anticipation in the mind of any intelligent man that it will be placed on the free list, not even if a Democratic Senate and a Democratic House and a Democratic President come into power.

His thorough knowledge of Democratic principles in regard to the tariff fully justified the Senator from Mississippi in making this statement, but we now see verified the truth of the saying: "It is the unexpected that happens."

I am not false to the principles of the Democratic Party in refusing to follow it along the strange and devious pathway it is now pursuing with regard to the tariff on sugar.

I am true to those principles, and it is the Democratic Party itself that is seeking to depart from them.

I am no traitor to the Democratic Party because loyalty to my State forbids me to vote for this bill in its present form.

Not since the time I cast my first vote in 1868 for the National Democratic Party have I ever faltered in my allegiance to its nominees.

More than once in the dark days of Louisiana politics, days that have happily passed forever, I have taken my life in my hands at the polls in the effort to aid their election, and twice during that stormy time I was arrested by United States marshals and carried to the city of New Orleans, 250 miles from my home, charged with alleged violations of the Civil Rights Bill, though my experience in these matters was the experience of hundreds of other Democrats in my State and probably in her sister Southern States.

Not in all that time have I failed to vote in any election, and never have I scratched a Democratic ticket—national, congressional, State, district, parochial, or municipal.

There have been times when my judgment was strongly opposed to certain policies of the National Democratic Party, notably in 1896 on the free-silver question.

But while to the knowledge of all in my community I was a Gold Democrat, it never entered into my mind to think of leaving the regular Democratic Party to train with those Democrats who followed another standard, although its followers embraced many of the ablest and best men of my State.

On the contrary, I presided over the parish ratification meeting held in my city and told them there was only one National Democratic Party in the country and its nominees were Bryan and Sewall and not Palmer and Buckner.

And I did my best to steady my people against the tide of opposition that was running high among the business interests of my State, and when the election came, against the remon-

strance of my family and friends, I rose from a bed of severe illness of many days' duration and was driven to the polls in order to deposit my ballot, accompanied by my family physician, with his hand on my pulse and assisting my tottering steps, in the discharge of what I considered a political duty, and hoping to set a good example to others.

And since I have been a Member of this body I have attended every Democratic caucus held and have never failed to vote in every respect in accordance with the expressed wish of those caucuses, except in the solitary instance of the sugar tariff bill of last year, when I refused to vote for a reduction of 33⅓ per cent, under which the sugar industry of my State could not survive.

I have the right to say that in so far as concerns the performance of duty to my party at all times in the past my conscience is void of offense.

And the people of Louisiana have at all times retained their allegiance to the National Democratic Party in spite of the fact that the economic policies of that party were not as favorable to the development of their great material resources and industries as were the economic policies of the Republican Party.

Yet I have no hesitation in saying that the National Democratic Party owes more to the State of Louisiana than the State of Louisiana owes to the National Democratic Party.

Louisiana received no aid from the National Democratic Party when she overthrew carpetbag and negro rule and established the right of the intelligence and virtue of the State to control it instead of its ignorance and corruption.

Through the courage and determination of her white people she established white supremacy in the face of national Republican domination and with Federal bayonets at the polls, stationed there in the attempt to coerce her people, and she maintained it under successive national Republican administrations, and she will maintain it forever, no matter what party may be in power at Washington.

Happily for Louisiana and for the country at large, the time has long passed when the Republican Party had either the ability or the inclination to coerce the States of the South, and the time will never come again in the history of this country.

The great majority of the present generation in Louisiana have grown up since the dark days of reconstruction and know nothing of it save by tradition.

And the only difference they have seen in the State, arising from changes of national administrations, is the difference of a few Federal officeholders.

They have seen the hand of the General Government under Republican administrations always stretched out to afford them relief in their times of distress due to pestilence and floods, and they know that the National Democratic Party, if it had been in power, could have done no more for them in this regard.

They know nothing of what their fathers endured in the 10 years that followed the Civil War, and their thoughts are of the present material conditions of their State and not of the animosities of the past.

But we, the fathers, remember, and we have constantly striven to steady the impulses of the sons in favor of the National Democratic Party and keep them true to the faith.

And now they are to be slain by the party in which they have placed their trust and for which the people of Louisiana have given of their time, labor, money, and even their blood in the earlier days, and of their time, labor, and money in the later days to establish in power; and when the fair form of Louisiana has been pierced by this poisoned shaft, like the stricken eagle of which the poet tells, she can view in her body, while writhing in agony, the fatal arrow tipped with a feather from her own wing.

It is hard; very, very hard.

But the Democratic House has decreed free sugar and the Democratic Finance Committee and Democratic Senate caucus have ratified the action of the House, and the blow will probably fall on Louisiana, unless the consciences of some Senators are quickened sufficiently to make them stay their hand before the final act of the tragedy is concluded.

Some alleviation of the blow is given in consequence of the three years of grace granted at the instance of President Wilson, and in allowing the present duty to remain until March, 1914, a concession urgently requested by both the eastern cane-sugar refiners and the Louisiana cane-sugar and western beet-sugar producers; and for this much we are thankful.

In this connection I wish in behalf of the people of Louisiana to thank the senior Senator from Mississippi [Mr. WILLIAMS] for having vainly tried in both the majority subcommittee and full committee to keep a duty on sugar, and while we regret that he would not vote for the retention of the duty in the Democratic Senate caucus, we appreciate his having done as much for us as he did, he being the only Senator, so far as I am advised, who so voted in either the sub or full committee.

And I wish to give in the name of the State of Louisiana special thanks to my honored and respected friend, the senior Senator from South Carolina [Mr. TILLMAN], who was the only southern Senator, and, indeed, the only Senator from any State not interested in the sugar industry, who voted to the last in the caucus against free sugar and only yielded to its dictate when further resistance to its evident will was unavailing, he being moved in his action not only by sympathy for his fellow Democrats of Louisiana, but by his knowledge that this step was not only a departure from the true principles of the Democratic Party but was in his judgment a grave economic error as well.

I wish to assure him now that while he has long commanded in the past the respect of my people on account of the great force as well as the sterling integrity of his character, in the future that respect will be combined with gratitude and affection.

No attempt has been made and none probably will be made on this floor to show that this act of the Democratic Party is not a most radical departure from its "time-honored and time-justified precedents."

The reports of both the House and Senate majority committees on the reasons for this change are singularly meager, the first body contenting itself with saying:

> The action of the committee with regard to sugar shows an appreciation of the commercial conditions involved and the committee's desire to respond to the public demands for free sugar,

while the latter gave no reasons at all.

Considering that they were all Democrats it is not surprising that they preferred to give as little discussion as possible to the subject.

An effort has been made, however, on this floor, to prove that the Baltimore platform of the Democratic Party calls for free sugar, and to justify this legislation on that ground. This is a very far-fetched conclusion, but some justification must be sought for this sudden departure from "the time-honored and time-justified precedents" of the Democratic Party, and this is a case of "any port in a storm."

I not only deny that the Democratic platform calls, even by inference, for free sugar, but claim that, on the contrary, its spirit, if not its letter, clearly forbids such legislation, though I admit that under its letter, though not its spirit, a material reduction of the duty on sugar is justifiable.

The statement therein that "material reductions be speedily made upon the necessaries of life" would in its letter apply to the duty on sugar, assuming it to be a necessary of life and admitting it to be such for the purpose of argument; but we must consider that the spirit of these words was intended to apply to such necessaries of life as have greatly advanced in price during the last 10 years, and therefore are conducive to the present high cost of living; but this can not apply to sugar, because it is the one necessary of life that has steadily lowered in price during that time while all others have increased.

But at the utmost it could not be claimed that this clause provided for more than a material reduction in the duty on sugar.

The positive inhibition against free sugar is found in the clause:

> We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

If the Louisiana cane and Western beet-sugar industry of this country that has been built up under "our system of tariff taxation," and which represents over $100,000,000 of capital invested in factories alone, to say nothing of land, teams, and implements, and which in cultivation and harvesting alone gives employment to more than 200,000 laborers, and directly or indirectly contributes to the support of 2,000,000 people of the United States, is not a legitimate industry, I should like to know what is.

My colleague, in his address already referred to, has pointed out the immense importance of the industry in those dependencies of the United States—Porto Rico, Hawaii, and the Philippines, the representatives of the first two named insisting that their prosperity is entirely dependent on the production of sugar and that the abolition of the duty thereon would bankrupt them through the consequent destruction of the industry, while the representatives of the last named insist that they can not continue the industry, which is a large and growing one with them, without the aid of a duty; and I shall not dwell further on that phase of the question.

I repeat that the Democratic platform never demanded expressly or inferentially the total abolition of the duty on sugar.

The platform committee of the Baltimore convention was composed of a representative from each State, and that committee appointed from its ranks a subcommittee of 11 to draft the platform for submission to the full committee, which in turn submitted it to the convention for ratification.

That subcommittee consisted, among others, of Senators KERN, O'GORMAN, WALSH, MARTIN of Virginia, POMERENE, and CLARKE of Arkansas, all of whom are still Members of this body.

It is *fairly* safe to assume that these gentlemen knew what they meant by the language they used and *certainly* safe to assume that they understood what they meant better than do those who were not members of the committee and had nothing to do with framing the resolutions.

If any of these Senators considered at the time they framed this platform that it demanded the total abolition of the duty on sugar, I would like to have them say so at the conclusion of my remarks or at any time thereafter that may suit their convenience.

I appprehend that none of them will so state, believing that the most liberal construction of the language by any of them would be that it left the matter open for the future consideration of the Democratic Party.

We know from what has previously been said on this floor that the Senator from Nevada [Mr. NEWLANDS], who acted as a member of the full committee, considered that the language committed the party against free sugar, and he preached that interpretation of it throughout the campaign.

We know that the Senator from Montana [Mr. WALSH], who was a member of the subcommittee, held and proclaimed the same view in his campaign, and, as was very properly stated on this floor by the Senator from Mississsippi [Mr. WILLIAMS] on the 15th of May last: "There sits before me the Senator from Montana [Mr. WALSH], who made several campaigns in the West in the bravest possible manner for the Democratic Party, and he was faced by his opponent in one of those campaigns, who said: 'If the Democrats came into power they would put sugar upon the free list.' The Senator denied it, and he had every right to deny it."

Through the address of my colleague on May 15 last, previously referred to, we have the statement of Congressman BROUSSARD of Louisiana, who will succeed me in this body in 1915, and who was himself a member of that subcommittee of 11 selected to draft the platform.

Mr. BROUSSARD, who was particularly interested in the formation of a platform that would not indicate a spirit of hostility to the great sugar industry of his State, and who I feel morally sure was placed on that subcommittee because of the fact that he represented the greatest sugar-producing district of Louisiana (though I have no warrant from him to make this statement), and who had exceptional opportunities for knowing the mind of the committee on that question, not only most emphatically denied in that statement that the language of the platform was intended to convey the idea that the Democratic Party advocated free sugar, but asserts positively that, on the contrary, the committee refused to consider the telegrams with which it was being bombarded at the time by Frank C. Lowry, agent and representative of the Federal Sugar Refining Co., asking the committee to include in the platform a plank for free sugar.

Mr. BROUSSARD says further that the ardent plea of the Senator from Kentucky [Mr. JAMES] for free sugar made before the drafting of the platform met with no response from either the subcommittee that drafted the platform or from the full committee.

It is absolutely certain that Mr. BROUSSARD was convinced of the truth of this statement.

He was a Wilson delegate at the Baltimore convention, and was very largely instrumental in influencing the Democratic Party of Louisiana to select a number of Wilson delegates.

He returned to Louisiana and assured the people of that State that in the event of the election of Gov. Wilson through the success of the Democratic Party the great sugar industry of Louisiana would neither be destroyed nor materially injured, and dwelt on the platform declaration of the Baltimore convention as an evidence of the correctness of his statement.

Col. Robert Ewing, national committeeman from Louisiana, like Mr. BROUSSARD, a strong Wilson man, and, like him, powerfully instrumental in securing the selection of Wilson delegates and who went to the convention as a Wilson delegate himself, and who had great opportunities of knowing what might be called "the secret history" of the Baltimore convention, was also fully satisfied that under the platform of the party the sugar industry of his State would be safe and he, too, preached that doctrine to her people, never believing that anything more than a reduction of the present duty would be possible under a Democratic administration.

Some of the largest sugar planters of Louisiana went to the Baltimore convention as Wilson delegates and they returned home entirely satisfied that their industry was safe.

The press of Louisiana, that discussed the situation, fully agreed with this view and throughout the length and breadth of the State not a single newspaper expressed a contrary view.

The people of Louisiana relied on the representations of their delegates to the Baltimore convention and on the statements of the press and on the assurance given them by the language of the platform.

The speech of acceptance of the Democratic nominee further fortified their minds on this question and no public word that fell from his lips during the campaign was calculated to remove the impression they had received.

In this connection I wish to say that I feel morally sure the presidential nominee of the Democratic Party did not expect at the time of his nomination or during his campaign to become an advocate of free sugar. I feel morally sure that his determination on this point was reached at some period after his election.

I have no warrant from him or anyone speaking for him for this conclusion of mine, but I must believe it to be a correct conclusion unless he states it is an erroneous one.

I know of no clearer exposition of this question, considered with reference to the meaning of the Democratic platform in relation to sugar and the position of the people of Louisiana on the sugar question than that given by Col. Robert Ewing, national committeeman from Louisiana, heretofore alluded to, in an editorial written by him in one of his newspapers, the New Orleans Daily States, on 24th March last and which is reproduced in its entirety below:

SUGAR AND THE PARTY PLATFORM.

Our excellent contemporary, the Mobile Register, ridicules the Picayune's suggestion that a "free-sugar" bill in the House involves any conspiracy against the sugar industry.

"It is well to remember," says the Register, "that the party platform was written plainly and put before the people, and the people knew what they were doing when they elected the party to full control of the Government."

That is quite true, but our Mobile contemporary will find nothing in the platform or the speeches of the Democratic nominee that either imposes on the party an obligation to put sugar on the free list or would justify it in action certain to be destructive to the industry.

The inner history of the Baltimore convention has never been written; but the official records show that, although Senator JAMES, the permanent chairman, declared for free sugar, the convention in its platform eliminated sugar by name and put therein no language which even by implication could be construed into a pledge or promise to strike it from the dutiable list.

What the convention said in substance at Denver was that all industries should stand on the same relative level and that no reduction should be made that would paralyze or destroy any industry. At Baltimore it reaffirmed that doctrine.

President Wilson in his speeches followed literally the language and the spirit of the platform. He declared unequivocally for a revision downward of the tariff duties. But nowhere did he assert a duty ought to be removed or so radically cut as to carry with it extinction of any industry.

Louisiana is making no demand for a violation of the party pledges. It is not seeking to stand in the way of a vindication of party pledges. It could not afford to do so without inviting inevitable disaster. It is only asking that its industry shall not be singled out, discriminated against and destroyed, when that industry produces an article which the Democratic Party from its birth has considered an ideal article on which to levy tribute to meet the expenses of the Government, and when in the latest expression of the party and its candidate we find the solemn pledge that revision shall be gradual and fair, so as not to bring about commercial, industrial, or financial cataclysms.

Louisiana opposition to free sugar involves no sacrifice or surrender of Democratic principle. It is in perfect harmony with party tradition and contemporaneous party expression.

Louisiana does not expect to see sugar picked out for special favor by the retention of the duty now imposed on the foreign product. It expects to see sugar cut. But it is appealing for fair play, for equal treatment with the industries of other States, for a lowering of the rate that will still leave the planter a margin of profit, at least until there is opportunity for a readjustment of agricultural conditions.

Our Mobile contemporary is not within the record when it suggests, inferentially, that free sugar is a party pledge. The "party platform was written plainly." Louisiana is perfectly willing to abide the result if the platform is carried out in its letter and spirit.

I quote an extract from another editorial in the same paper headed "Louisiana and the Tariff" appearing in its issue of June 2, 1913:

LOUISIANA AND THE TARIFF.

What Louisiana Democrats ask, therefore, is not a concession of protection for the sugar industry, but a mere abiding by the pledges of the party in the last campaign and the carrying out of a time-honored Democratic policy of preserving sugar as a revenue producer.

The language of National Committeeman Robert Ewing correctly represents the attitude of the people of Louisiana on the question of a tariff on sugar.

They understood the possibility or even probability of a reduction of the duty and they were prepared to accept it, assuming it to be a reasonable reduction that would permit the industry to survive.

They did not expect it to be specially favored over other industries, but they certainly did not expect it to be specially singled out for destruction by the Democratic Party as is now sought to be done.

They would submit to the present reduction, and strive bravely and intelligently to make a living under it, if only the duty would be permitted to continue.

And the deductions and conclusions of Col. Ewing as to the meaning of the tariff plank of the Democratic platform are such as would be most naturally drawn by any unbiased person of ordinary intelligence who had no personal or political interest in seeking to twist the meaning to coincide with his own wishes.

My people hold, and their Senators hold with them, that the destruction of their industry through a removal of the duty is not only a cruel injustice to them but a violation both of the party platform and of the settled tariff policy of the party, and many thousands of voters in the country will claim and believe that their votes for the Democratic Party were obtained under false pretenses.

The circumstances attending this complete reversal of the policy of the Democratic Party on the question of a tariff on sugar make it all the harder for those who must suffer on account of that reversal, for it is well known to all who have posted themselves on the subject, though all of them may not be willing to admit it, that the agitation for free sugar which has culminated in the present action of the Democratic Party was begun and carried forward to successful completion by the group of eastern cane-sugar refiners that I call the American Sugar Trust, composed of the American Sugar Refining Co., the Federal Sugar Refining Co., the Arbuckle people, and two or three other corporations, none of whom cultivate either sugar cane or sugar beets in this country.

I know that the name of "Sugar Trust" was appplied originally to the American Sugar Refining Co., the most powerful of these concerns, and that some of the others, and also some Democrats, would be unwilling to admit that the others are a part of the "trust," but I claim that for all practical purposes they have been in a combination for years.

It is also well known to all who have read the testimony before the various committees, though all of them may not be willing to admit it, that these cane-sugar refiners are united in their demand for either free sugar or a large reduction in the present duty. The American Sugar Refining Co., on account of its large sugar holdings in Cuba, does not wish perhaps for absolute free sugar because it would then cease to receive the benefit of the 20 per cent Cuban preferential it now enjoys, and would be content with a heavy cut, but even that company would prefer free sugar to a retention of the present rate.

It is also well known to all who have read the testimony, though all of them may not be willing to admit it, that the reason why this group of refiners desires either free sugar or a great reduction in the rate of duty is because of the tremendous and ever-increasing development of the beet-sugar industry of the Western States, that has been competing with them in the sale of sugar and forced their prices down.

They were forced to admit this on the witness stand, and yet some Democrats seem willing to believe that these people were actuated by the desire to reduce the price of sugar to the consuming public.

Four years ago, when this agitation for free sugar was begun by these refiners, there was no complaint by the American consumers on account of the price of sugar. They knew the price was low, knew that the price had fallen while the price of other necessaries of life had steadily risen, and they were not complaining at paying 5 cents per pound for the finest white refined sugar.

The refiners did not care about the Louisiana product, for they used that themselves, it being principally what is technically called "raw sugar."

But the beet-sugar industry of the West turned out ready for consumption the same grade of refined sugar as they did, and was constantly increasing its output until it was encroaching on what these eastern refiners were pleased to designate in their testimony as "our territory," meaning the territory east of the Mississippi River.

It became necessary to check this strong competition, which, as they admit, was reducing their profits too greatly.

And so this agitation was started, being conducted by the Federal Sugar Refining Co., of which Mr. C. A. Spreckels was the head, under the supervision of its sales agent, Mr. Lowry, fraudulently pretending to be the "Committee of Wholesale Grocers" of the United States, which fraud was finally exposed through the testimony given before the Hardwick committee.

And by representations to the people that they would get sugar from 1½ to 2 cents per pound cheaper under free sugar they succeeded in working up the sentiment in its favor that the Democratic Party thinks it would be good political policy at the present time to defer to, even at the cost of the subversion of party principle.

The testimony on these points has been detailed by my colleague and by other Senators who have preceded me in debate, and I will not repeat it here.

And what will be the result of this action of the Democratic Party, so ardently desired by this Cane Sugar Trust? Certainly the admitted destruction of the Louisiana industry and also of the western industry if its representatives are to be believed; but if not entirely destroyed, at least partially so, and its further development permanently checked, so that it will no longer be a successful competitor of this Eastern Cane Sugar Trust that I have alluded to, forcing it to lower its prices to the American consumers.

And then what will result? By every law of business that governs in such cases and by the experience of the past this Cane Sugar Trust will raise its prices when the competition against it is removed.

It will no longer fear that the advent of the beet-sugar crop on the scene of action in a time of scarcity will cause it to lower its prices from 1½ to 2 cents per pound, as it did in 1911. It will be in supreme control of the market, its only competitor having been killed by the action of the Democratic Party, and the consuming public will be at its mercy.

But it seems to be the policy of the Democratic Party at this time to pay far more regard to the interests of the eastern cane-sugar refiners than to the interests of the American cane and beet sugar producers, and to defer entirely to the opinion of the refiners as to the effect of free sugar that they were demanding, ignoring entirely the opinion of the producers.

Thus in the report of the majority on the House free-sugar bill of last year the opinion of Mr. Claus Spreckels alone as to the desirability of free sugar is quoted, he arguing for it, of course.

Likewise, in the same report he is quoted to prove that the price to the American consumer would be reduced by the full amount of the duty.

The report is very unfair in attempting to prove the same thing by Mr. Willett, the sugar expert, by quoting a fragmentary statement of his testimony.

Mr. Willett can only be fairly judged by his last expression on the subject, which was that the abolition of the duty might reduce the price here at times, and at other times it would not, but that if the domestic production was destroyed the American price would necessarily be set by the world price, which was often higher that here; and that the only certain way to make a permanent reduction of price here was to increase the domestic production, the increase of the domestic production being more to the interest of the American consumer than the abolition of the duty.

This statement was fully set forth by the Senator from Utah [Mr. SMOOT] in his recent address to the Senate, and I will not quote it here.

The report says "the industrial position of refining requires primary consideration."

Certainly, in so far as the position of the eastern cane-sugar refiners is concerned, they received "primary consideration" in the last sugar-tariff bill and in the present one. They have been given all they asked, and they could not well expect more.

This is the same Mr. Claus Spreckels who contributed $5,000 to the Democratic campaign fund last year, just 50 times what I felt able to contribute, and then compelled to give it in two monthly installments; but he had a great special interest to be subserved by the success of the Democratic Party, while I had only the general interest of a citizen.

Moreover, he naturally felt sore against the Republican Party, it being through that party he had been sued to return to the Government $119,000 of the sum it claimed his company had defrauded it out of through false sugar weights, as has been shown by my colleague, and besides he knew he could not expect free sugar from the Republican Party. How much more was subscribed by the Sugar Trust under various names I do not know.

It can safely be assumed that these eastern refiners will contribute heavily to the next national Democratic campaign fund, for if gratitude does not compel them to do so, self-interest certainly will.

The chairman of the House Ways and Means Committee very plainly showed that his sympathies were with the eastern refiners and against the great and growing beet-sugar interests of this country by his remarks in the House last May when he said the beet-sugar people were after taxing the American people in order to finally bring their sugar to the Atlantic seaboard and drive out all competition.

But suppose they did drive the eastern sugar trust out of business, which is the very danger the refiners fear from the expanding beet-sugar industry?

They can only do it by underselling them; that is, by giving the consumers cheaper sugar than the trust could give them, and I thought cheaper sugar was the party slogan.

The sugar-beet people, operating 500 or 1,000 factories by that time in at least 20 States, could not form a trust as these half dozen cane-sugar refiners have done and can always do.

But if it was possible for the beet-sugar people operating over so great an area to form a trust and put up the price of sugar they could at any time be curbed by abolishing the duty; but if the domestic industry is destroyed it can not be renewed readily and the eastern refiners could not be restrained in their extortion because sugar would be free already.

And if any interest is to be destroyed, which is best to destroy—the business of the eastern refiners, who, as my colleague told you, produce nothing and employ only 10,000 men, or the great sugar-beet industry, producing all its product in field and factory and giving employment to hundreds of thousands of people in farm and factory work?

Think of the possible result to this country if this great necessary of life, the production of which all other countries so sedulously foster, should be no longer produced here and we should have a war with a strong foreign power! All our sugar would have to be brought from over seas and a stronger naval power than ourselves could prevent its transportation. Owing, I am very sorry to say, to the action of the Democratic Party during the last two years, we are falling so far behind in naval preparation that at the present rate we will become a fifth-rate power in four years, inferior even to Japan. Is not this food for thought?

Mr. Willett is undoubtedly right in claiming that the increase of production will bring about the decrease of price to the American consumer; and I deny the assertion that the people of Louisiana are enriching themselves at the expense of the remainder of the people.

I claim that on the contrary they are assisting in keeping down the price of sugar in this country through their production of it, a production which would greatly expand in Louisiana if there was some stability in the sugar-tariff question.

Can it be supposed that the price of an article in a country will decrease on account of the decrease of its production in that country?

Yet that is the theory on which the free-sugar advocates in the Democratic Party seem to be working.

I am not fighting free sugar solely because it is a Louisiana product and because the destruction of the industry there will inflict incalculable damage on my State—damage from which it will take her long years to recover and from which she will not recover in my lifetime.

I am not a sectionalist. I wish for the prosperity of all parts of my country, and I am unwilling to see any part of it suffer.

I stood on this floor in 1911 fighting against the Canadian reciprocity treaty because it was unjust to the farming interests of some parts of the country, though not injuring any agricultural product of Louisiana, and said that I stood for the agricultural interests of every section of this country—North, South, East, and West—and that the interests of the wheat and oat and barley growers of the Northwestern border States and of the Middle West, and of the dairy producers of New York and Vermont would receive from me the same consideration that I would extend to the agricultural interests of Louisiana or any Southern State.

And even if Louisiana should be injured, I would wish other States to be uninjured.

After seeking unavailingly in the Senate Democratic caucus to have the free-sugar provision of the bill stricken out, so that the duty could permanently remain at 1 cent per pound, I voted for the resolution of another Senator fixing the permanent duty at one-half cent per pound after May, 1916, saying to the caucus that I knew the Louisiana industry could not live under that rate of duty, but even if the cane-sugar industry had to die I wished the beet-sugar industry to live if possible, not only because it was a great agricultural interest of the West, but because in its survival lay the only hope of salvation of the American public from the domination of the American Sugar Trust, composed of the group of eastern cane-sugar refiners.

No; I wish to contribute as well as I can to the prosperity of the agricultural interests of every part of my country as well as that of my own State, and where they can be helped by the imposition of a duty on foreign products that compete with their own I am always ready to give it to them.

And therefore I am glad that the citrus-fruit growers of Florida have been given protection by this bill, even though the Senators from that State are willing to see the Louisiana sugar industry destroyed.

And I do not stop at agricultural interests, although they appeal to me more closely than do manufacturing interests, for, as I said in that same Canadian reciprocity speech that I have previously alluded to, I did not wish to see destroyed a single industry of my country that was assisting in her development and giving employment to her citizens, and therefore I am glad that the cotton manufacturers of Georgia, South Carolina, North Carolina, and Virginia also have been given protection by this bill, even though the Senators from those States are willing to see the Louisiana sugar industry destroyed.

And as no warrant has been given by the platform of the Democratic Party to pass a free-sugar bill, so has no warrant been given it to do so by the vote of the American people at the last national election, nor for that matter was any indorsement given by that vote to the Democratic theory of a tariff for revenue only.

The Democrats did not win on the tariff issue, though in certain localities that issue contributed to their success.

I hear Senators occasionally say on this floor that the verdict of the people last year was against protection and the doctrine has been repudiated by the country. In the face of the vote I marvel how such statements can be made.

The returns show that the combined Republican and Progressive vote outnumbered the Democratic vote by more than 1,250,000, and we know that not less than three-quarters of a million regular Republicans voted the Democratic ticket just in order to defeat Col. Roosevelt in States where it was not possible for the Republicans to win, and the Democratic presidential ticket received a majority vote over all other candidates in only 11 out of the 48 States of the Union, all of them being Southern States.

President Wilson could most correctly say at Newark, N. J., on May 1:

> I want everybody to realize that I have not been taken in by the results of the last national election. The country did not go Democratic in November. It was impossible for it to go Republican, because it could not tell what kind of Republican to go.

And likewise Speaker CHAMP CLARK spoke correctly when, in a speech delivered in Washington on June 2, he said, speaking of the Democratic Party:

> We are in power by a 2,000,000 minority.

I have heard remarks on this floor to the effect that the Democrats in their tariff policy are embodying the views of the Progressive Party also, and quoting its platform declaration of condemnation of the Payne-Aldrich bill; but they seem not to be familiar with or ignore that part of the Progressive platform which unequivocally indorses the principle of a tariff for protection in these words:

> We believe in a protective tariff which shall equalize conditions of competition between the United States and foreign countries both for the farmer and the manufacturer and which shall maintain for labor an adequate standard of living,

and also unequivocally denounced the tariff policy of the Democratic Party in these words:

> The Democratic Party is committed to the destruction of the protective system through a tariff for revenue only, a policy which would inevitably produce widespread industrial and commercial disaster.

It was not the belief of the American people in the tariff policy of the Democratic Party that elected its candidate, but the split in the Republican Party that gave him a plurality election.

Whether the Democratic Party will succeed next time depends on two facts—the practical working of the new tariff law and the ability of the Republicans to get together again.

If the new law works well, the Democrats may succeed even if the Republican breach is healed. If it is not healed, the Democrats will certainly win; but if it is healed and the law works injuriously to the interests of the country, then the Democrats will surely lose.

I, however, now venture the prediction that in the event of Democratic defeat in the next national election that party will never again declare for a tariff for revenue only, but will sacrifice its tariff policy on that subject then just as it is sacrificing it now on sugar, and for the same reason, the hope of profiting politically thereby.

There are many shades of belief in this country on the question of the tariff, ranging from high tariff to free trade, though the latter is not practicable now; but certainly those who believe in a tariff for revenue only are necessarily obliged to be free traders if they could find a way to pay the expenses of the Government without the imposition of import duties.

In my younger days I was taught that the difference between the tariff policies of the Republican and Democratic Parties was that the former believed in a tariff for protection with incl-

dental revenue, while the latter believed in a tariff for revenue with incidental protection.

That was the accepted definition of the tariff views of the opposing parties then.

Of course every tariff levied for revenue purposes solely gives just as much protection to the home article to the extent of the duty imposed on the foreign article as if it had been levied for protective purposes.

Personally I believe in a tariff for revenue but not in a tariff for revenue only, because if I believed in a tariff for revenue only, I must dismiss from my mind any consideration whatever for the help of citizens of my own country against those of foreign countries, in so far as the application of the tariff policy is concerned, and that I can not bring my mind to consent to.

I believe in imposing a moderate duty on all articles of foreign manufacture that come in competition with articles of home manufacture, a duty just high enough to enable the American producer to make a reasonable profit through the exercise of diligent and intelligent application to his business, but not high enough to permit extortion or create monopoly by destroying competition.

I do not wish to see foreigners given an advantage over Americans, and, if necessary, I do not object to giving a little more for an American than for a foreign-made article, for I do not feel that I am losing anything by helping American people to live, whether they be farmers, manufacturers, or factory workers.

Of course this doctrine should not apply where conditions of production in this country are such that the duty would lay too heavy a burden on the people of this country.

The rule of reason should prevail, but such arguments against protection per se as "raising bananas in hothouses" and "raising bananas or lemons in Maine" have no application.

I do not know whether the doctrine I have just enunciated makes me liable to the charge of being a protectionist, but if being willing to see tariff duties levied on foreign articles that will help Americans and particularly American workingmen to live decently and respectably makes me a protectionist, then I can say that I am neither ashamed nor afraid to wear the name.

Under the principles I have enunciated, sugar is one of the proper articles on which to levy a revenue duty which will also permit it to succeed in this country in competition with the foreign product, under the moderate protection thus given, and, indeed, if no sugar at all was produced in this country it would still be a proper article to tax under the Democratic theory of taxation.

I insert here an editorial from Henry Watterson's paper, the Louisville Courier-Journal, of 11th April, entitled "Tariff on sugar, true Democratic usage":

> Sugar is conceded the world over to be the ideal revenue producer. In all countries and everywhere it is both a necessity and a luxury. There is not a man, woman, or child in America that does not consume sugar in some form, whether in necessaries, such as tea, coffee, drugs, medicines, and canned foods, or in luxuries, such as cakes, desserts, pastries, confectionery, cordials, chewing gum, and the like. Sugar is consumed in greater quantities by the well-to-do than by the poor. A tax on sugar is therefore the fairest, squarest, most equitable, and just tax that can be levied. Its effects are felt least by the poor, and its burdens, if any, are borne by the rich.

These are the very considerations that induced the English Parliament to reject this year, by a decisive vote, after full debate, a proposition to remove the duty from sugar, the friends of the proposition urging the abolition of the duty on the same grounds urged here—that it was a necessary of life and would reduce the cost of living.

We all know that Col. Watterson is one of the ablest and most consistent advocates of the Democratic theory on the tariff, and no smell of protection has ever adhered to his garments.

No Democrat will dispute the correctness of the statement.

Then, why will the Democratic Party depart now from its true prineiples, for the hope of gaining a temporary political success? It may receive present benefit, but I believe it will receive permanent injury by its depature from political principle, and in this case from political morality as well.

Why should the Democratic Party, with its revenue tariff record, sacrifice the great revenue from sugar while obtaining a less revenue through protection of other articles not nearly so legitimate a source of revenue as sugar, and which are also necessaries of life, as clothing, for example?

For this bill does give protection to some manufacturers, and it is not denied.

I find no fault with that, for I wish them to live, and the Democratic platform promised that revision should be gradual.

What I protest against is the observance of the platform promise with respect to some articles and a violation of it with regard to this great industry of Louisiana.

No other State has been so discriminated against.

Coal is the principal production of West Virginia, but free coal will not close a single mine in that State; and coal was put on the free list last year on the motion of a West Virginia Senator, himself one of the largest coal operators of the State.

Zinc is a very large and very important mineral industry of Missouri, but free zinc or free lead will not begin to injure Missouri as free sugar will Louisiana.

Sugar is the most important agricultural interest of Colorado at the present time, but the destruction of it in Colorado will not disastrously injure one-third of the people that it will in Louisiana, where the people of one-half of the State directly or indirectly are dependent on its prosperity for their own, and where the other half will feel the bad results for years, due to diminished revenues to support the State expenses, resulting from decrease of values.

I have no hesitation in declaring that as an economic proposition the people of Louisiana can far better afford to live under the Payne-Aldrich tariff bill than have the sugar industry of the State destroyed.

There is not a Senator in this body who, if his State was as disastrously affected by this bill as Louisiana is, would vote for it.

He may say now he would and he may think now he would, but if he was put to the test he would shrink back and refuse to do it. If he did not, in my opinion at least, he would not be worthy to represent his State.

The destruction of the sugar industry of this country would not only greatly injure Louisiana for a long time, but the results would be seriously felt in other States.

I doubt if any one industry in this country has greater ramifications throughout its length and breadth or sets in operation more wheels of commerce in more States of the Union than does the sugar industry of Louisiana.

I have with me a statement, which I will show to any Senator desiring to see it, of the list of supplies purchased and used in the erection of a sugar factory on Georgia plantation, at Mathews, in the parish of Lafourche, La., and where they were manufactured.

I will not encumber the RECORD by giving a list of these articles, but 14 States contributed to their manufacture, viz, Alabama, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee.

And what is true of the cane-sugar factories of Louisiana in this respect is also true of the beet-sugar factories of the West.

I also have a statement, which I will show to any Senator desirous of seeing it, giving the list of supplies used in the cultivation of Georgia plantation, which I will not enumerate here, but will state they were furnished by 18 States, viz, Alabama, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin; the mules, I may add, being furnished exclusively by the free-sugar State of Missouri and the half free-sugar State of Kentucky.

And, of course, the water and rail transportation of the country are utilized in bringing to the factory site from those various States all the supplies needed for its erection and maintenance and bringing to the plantation all the supplies necessary for its cultivation and carrying from it all of its yearly produce.

Can any other industry be found which contributes more generally to the prosperity of other States of the Union? And this is the industry which has been fostered by the tariff policy of the Democratic Party from its birth and which the same party now seeks to destroy from the face of the earth.

This factory of which I have spoken cost about $400,000 to bring to its present state of efficiency, and three years from now, after it shall have manufactured its last crop of cane, its value will have been practically destroyed, for its complicated and costly machinery can not be used for other purposes and will bring only the price for which it will sell as old junk.

And what is true of this particular sugar factory in Louisiana in this respect is true of the 200 other factories in that State, aggregating some $40,000,000 in value, for it is true, as was said by the senior Senator from Mississippi [Mr. WILLIAMS] on the floor of this Chamber on the 15th day of last May, speaking of the effect of free sugar on Louisiana:

> I am perfectly willing to admit that free sugar will dismantle every sugar house in Louisiana. I know it as well as my name is John Williams.

And this confiscation of property and the resultant bankruptcy of so many, which will be its effect, is wrought by the Democratic Party, while the people of my stricken State look despairingly on while they are being slaughtered in the house of those who should be their friends.

Oh! the pity of it; oh! the shame of it!

I do not say the people of Louisiana who are directly or indirectly dependent on the sugar industry for their livelihood will never recover from this cruel and needless blow, for such is not my belief.

But they must tread the paths of adversity for long years to come while struggling to adapt themselves to the new situation, and many who have lived in comfort will die in poverty.

But in all this land there are no more courageous or resourceful men, no more devoted or self-sacrificing women, than those of my own dear native State of Louisiana.

They have proved these traits of their character time and again in the past, through the direful stress of war and pestilence and flood, and they will continue to prove them in the future.

They may be stricken to the earth for a time by this blow dealt in utter disregard of their rights, but they will rise again through the inherent virtues of their proud and self-reliant natures.

I owe to these people of my State a far higher measure of devotion than I owe to the Democratic Party.

They sent me here, relying on my plighted word given before my election, that in such an extremity as that with which I am now confronted my duty to my State would outweigh my duty to my party.

I told them after my election that they who had placed their trust in my word would never be able to say that their trust had been misplaced.

Honor and duty alike demand that I vote against this bill while it embodies the provision denounced by the State Democratic convention of Louisiana that met in June of 1912 as "a heavy and cruel blow against Louisiana."

And I repeat here and now what I said to the Legislature of Louisiana on the 5th day of December, 1910: "If my mother must be stabbed, some other hand than mine must be found to wield the knife." God helping me, I will stand by my word and by my people to the end.

Mr. GRONNA obtained the floor.

Mr. CRAWFORD. Mr. President, in view of the fact that the Senator from North Dakota [Mr. GRONNA] is going to discuss this bill largely from the standpoint of the vast agricultural interests of the country, I think we should have more Senators here than are now present; and so I raise the question of the lack of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Owen	Smith, S. C.
Bacon	Hitchcock	Page	Smoot
Bankhead	Hollis	Penrose	Sterling
Brady	James	Poindexter	Stone
Bandegee	Johnston, Ala.	Pomerene	Sutherland
Bristow	Jones	Ransdell	Thomas
Bryan	Kenyon	Robinson	Thompson
Burton	Kern	Saulsbury	Thornton
Catron	La Follette	Shafroth	Tillman
Chamberlain	Lane	Sheppard	Townsend
Chilton	Lea	Sherman	Vardaman
Clapp	Lewis	Shields	Warren
Colt	Martin, Va.	Shively	Weeks
Crawford	Martine, N. J.	Simmons	Williams
Cummins	Norris	Smith, Ga.	
Gallinger	Oliver	Smith, Md.	

The VICE PRESIDENT. Sixty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. GRONNA. Mr. President——

Mr. CATRON. Just a moment, if the Senator please. I wish to give notice that on to-morrow, after the close of morning business, I shall address the Senate on the tariff question.

Mr. GRONNA. Mr. President, it is with some hesitation that I proceed at this time to a general discussion of the tariff bill. Were it not for the fact that the chief industry of the State which in part I have the honor to represent is most vitally and, as I believe, injuriously affected, I would at this time forego the privilege of addressing the Senate; but I desire to call attention to the fact, which I believe I can demonstrate, that the United States, the greatest commercial nation of the earth, will be among the few nations capable within their own borders of producing a sufficient amount of foodstuff to supply their own needs to discriminate against the agricultural industry. So, I say at the outset that I shall try to show that, with the exception of one or two important nations and two smaller nations, the United States will be the only great commercial nation which discriminates against this legitimate industry.

Mr. President, the tariff bill now under consideration has been framed by the members of a party which has proclaimed its belief that protection as a policy is unjustifiable and that the imposition of tariff duties in order to encourage domestic industries is an unconstitutional exercise of power by Congress. At the same time the spokesmen of that party have not followed their line of reasoning to its logical conclusion and declared for free trade, either now or in the future, but have insisted that they favor a tariff for revenue. Whether they are able to see a difference between a tariff when it is levied by a party believing in protection as a policy and that same tariff when levied by a party which denies a belief in that policy, or whether the denial that they favor free trade has been made because they feared the possible political consequences, I shall not undertake to say. To be consistent the party should, in repudiating protection, have declared for free trade, either immediately or by a gradual scaling down of duties, because a tariff system similar to that of England is the only one which will not be protective to a greater or less extent, depending on the rates of duty imposed. Merely calling a tariff a revenue tariff or a protective tariff does not change its nature. Whether it is the one or the other depends on what articles the duties are levied on. If a duty is levied on any article which is produced in this country, it gives the producer of that article an advantage in the markets of this country over the producers of other countries, and to the extent of this advantage it is a protective tariff, and it is protective to the same extent whether found in an avowed protective-tariff measure or in one alleged to be for revenue only.

It has been stated that this tariff bill is a competitive-tariff bill as distinct from a protective-tariff bill; that these rates are competitive instead of protective. I have not noticed, however, that anyone has undertaken to explain just what a competitive-tariff rate is as used in this bill. If it is meant that these rates will permit more or less competition on the part of foreign manufacturers and producers with domestic manufacturers and producers—in other words, that these rates are not prohibitive—then there is no reason why these rates should be called competitive rates any more than the rates of other bills, because while some of the rates in former tariff bills may have been prohibitive, most of them have not, as our imports evidence. If, on the other hand, it is meant to imply that the rates in this bill are such as will permit foreign and domestic producers to compete in our markets on equal terms, then, so far as the principle is concerned, this bill is as much a protective-tariff bill as any which has preceded it. The principle would be the same, namely, that because of different conditions abroad the domestic producer needs a certain amount of protection in order to place him on equal terms with his foreign competitor; and the lower rates in this bill would not be due to its being framed on a different principle but to the fact that its framers considered less protection necessary than the framers of former bills did. There may be those who will explain that competitive rates are such as will invite competition from abroad whenever the domestic producers attempt to raise the prices too high. The fact is, however, that any rates which are not prohibitive will invite competition from abroad whenever domestic prices are high enough so that it will be a profitable venture for foreign producers to ship their goods to this country. If a competitive-tariff rate is such a rate that when a foreign producer imports an article to this country and sells it for the same price as the domestic producer, and his profit, after paying the tariff duty, is exactly equal to that of the domestic producer, then a competitive-tariff rate is merely a protective-tariff rate under a different name, because all that the domestic producer is entitled to under the principle of protection is a rate which will measure the difference of the cost of producing the same article to him and his foreign competitor.

I believe it has also been stated that this is solely a revenue measure, drafted with a view to raising revenue for the Government and with no regard to whether or not it will afford protection to any industry. If this is true, if the sole purpose of this bill is to raise revenue, if no advantage is to be given to any producer or set of producers because of tariff duties levied by this bill, then, to be consistent, on every article produced in this country and protected by a tariff duty, whether that tariff is called a revenue duty or something else, there should be placed an internal-revenue duty equal in amount to the benefit derived by the producer of that article from the tariff on it. And if the Democratic position is correct, if no encouragement should be given to industries by means of tariff duties, and, further, if tariff duties result in increasing the price in this country to the full amount of the duty, and if the higher rate of wages in this country is not in any way dependent on the tariff duties, and if, as is contended, the profits from a protective tariff go wholly into the pockets of the producers, then it would be the duty of the framers of this measure to place an internal-revenue tax on such articles. If the Democrats are correct in assuming that the American producer can produce his

products just as cheaply as the foreign producer, then there is no excuse for a Democratic Congress, if it finds it necessary in order to raise revenue to place tariff duties on articles produced in this country, for failing to place an internal-revenue tax on the articles produced here in order that the producer of them may not, because of the necessity of raising revenue for the Government, enjoy an advantage which other producers do not. If the Democratic position is the correct one, you can not either explain or excuse the imposition of the high rates on silk manufactures on the ground that they are necessary in order to raise revenue and that such manufactures are luxuries bought by such as can afford to pay the enhanced prices. If those articles can be manufactured as cheaply here as abroad, and if the imposition of the tariff duties results in increasing the prices of those articles, then you are simply putting that much more money into the pocket of the producers of those articles, and the mere fact that most of these products are bought by rich persons who can afford to pay these prices does not change the principle; the only just thing to do would be to place an internal-revenue tax on the manufactures of silk equal in amount to the tariff duty, thereby increasing the revenue to the Government and collecting such increase from those who can afford to pay it. As raw silk is admitted free there would be no need of a compensatory duty.

I have no wish, however, to be unfair to the framers of this bill. The rates contained therein are for the most part very much lower than those in the present law, although it appears to me that the reductions have been very unevenly made. I apprehend that in framing the bill consideration was had of what reductions in duties could be made without injuring the industries benefited by the present duties. I can understand how an irreconcilable free trader in drafting a tariff bill for a country that had enjoyed a protective tariff for a number of years would be careful in reducing the various rates in order that the different industries might adjust themselves to the changed duties with as little inconvenience as possible and in order that there might be no industrial depression because of such tariff revision, even if he considered protective tariff duties on principle indefensible. Indeed, unless the last campaign was carried on by the Democrats on a pretense, I do not see how the members of the majority in this Congress can avoid taking these facts into consideration. It was stated authoritatively in the campaign last fall that the Democratic tariff revision would be undertaken in such a way that no "legitimate" industry would be injured. If the question of whether the reduction of duties will or will not injure any industry has not been considered in the framing of this measure, then the Democrats are as guilty of breaking campaign pledges as they would have been if they had failed to revise the tariff at all. It appears to me that it is just as necessary and just as proper to discuss this bill in the light of its probable effect on our industries as if it had been frankly a protective tariff measure, and that if it is found that certain rates, or the reduction of rates, injures an industry, or gives those engaged in one industry an undue advantage over those engaged in others, it is no defense to say that the bill is framed as a revenue measure merely.

Aside from the character of this bill, I can not say that I can indorse the way in which this measure has been drafted and the way in which it is being passed. It is my belief, and has been for a long time, that in the enacting of tariff legislation the services of some kind of tariff commission are necessary. We should have a commission or body which would not only conduct hearings the way committees of Congress do, but which would actually examine the books of the industries which claim they are in need of protection, and thus determine, or at least aid in determining, what industries will survive a reduction or removal of tariff duties, and in cases where it is found that tariff duties are necessary, if the industry is to prosper, what rate of duty is necessary. With such facts before us we could then proceed to consider the bill with a clear view of its consequences, and instead of trying to determine with inadequate means what the probable effect of the proposed changes will be we could accept the conclusions of the tariff commission as to the effect of reducing the rates to a certain point, or removing them entirely, and consider the other question of whether or not the policy as applied to the different industries was a wise one, whether a certain industry which it was found could not subsist without a certain rate of duty was of such importance and the carrying on of it of such benefit that this would more than outweigh the increased cost of its product which might result from the retention of that duty. Balancing the advantage of having the industry operate in this country against the disadvantage of a possible higher cost to the consumer, each Member of the Senate and of the House could then cast his vote accordingly as he believed that one outweighed the other. At present, with a mass of testimony and statements all of which no Senator or Member can take time to read, and as to which he has no means of knowing to what extent they may be prejudiced and biased, with authoritative statements lacking as to conditions both at home and abroad, with limited time, the individual Members of the Senate and of the House can no more than scratch the surface of the vast subject, and tariff bills are framed on what is little better than guesswork.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. GRONNA. Certainly.

Mr. CLAPP. I should like to ask the Senator one or two questions, if it will not interrupt him or interfere with his argument.

Mr. GRONNA. It will not. I shall be glad to answer them if I can.

Mr. CLAPP. Is there any question at all but that under the conditions existing to-day there should be some protection upon wheat, for instance?

Mr. GRONNA. Mr. President, I think it was clearly shown in the Senate and before the Committee on Finance during the time the reciprocity treaty was pending that the tariff had benefited the farmer to the extent of an average of about 11 cents a bushel since 1905.

Mr. CLAPP. Now, I will ask the Senator if, in his judgment, any commission could make that fact any plainer than it is to-day?

Mr. GRONNA. Speaking of a commission, I favor that, as a general proposition, to handle all tariff matters.

Mr. CLAPP. Yes; so do I. What I want to get at, however, is this: I am in favor of a commission; but even if we had a commission, and the system were still maintained of three or four men in a party committee getting a majority of that committee in accord with them and then making their bill a party measure, whipping a party into line, and absolutely standing against the most reasonable amendment on earth that might be suggested, we would still have no remedy. Is not the evil in the system by which tariff bills are framed and whipped through Congress through committee, caucus, and appeals to party loyalty?

Mr. GRONNA. I agree with the Senator on that point.

Mr. CLAPP. That is what I wanted to make plain.

Mr. CRAWFORD. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. GRONNA. Certainly.

Mr. CRAWFORD. While I agree with the statement of the Senator from Minnesota [Mr. CLAPP], yet I think it is only fair to say that the report made by the Tariff Board, which was legislated out of existence last year, furnished very valuable information in relation to the market price of wheat, the value of the lands in different parts of Canada, and the cost of labor in different parts of Canada, as compared with the cost of labor in the several States of the Union. It was also very valuable in the way of throwing light upon the difference in the situation in the production of barley, in the production of wheat, in the production of flax, and the products made from these cereals, as between Winnipeg and Minneapolis and as between the Maritime Provinces and the Eastern States.

Mr. CLAPP. Yes. If the Senator from North Dakota will pardon me for a moment longer—I want no misunderstanding as to my attitude—I believe there should be a tariff commission; but the report that was then made by the tariff commission was absolutely ignored under the force of the party lash, and the bill went through; and notwithstanding the existence of that report, to suggest an amendment in consonance with the report was to be charged with having the purpose of assassinating the pending bill.

Mr. CRAWFORD. The Senator is right about that.

Mr. CLAPP. You may have tariff commissions, and I believe in them, and as long as I am in the Senate I am going to fight to get a tariff commission, but that will not remedy the situation if there is maintained the system which permits of two or three men getting a majority of the majority side of a committee, and then pronouncing their verdict as a test of party loyalty and whipping a bill through under that sort of inspiration, permitting no change, no matter how plain the necessity for the amendment may be.

Mr. GRONNA. Mr. President, the Senator from South Dakota [Mr. CRAWFORD] is correct in his statement that the Tariff Commission made such a report. I intend to quote verbatim from part of that report relating to the cost of various products in the United States and in Canada.

Mr. SHERMAN. Mr. President, will the Senator from North Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. GRONNA. I yield.

Mr. SHERMAN. I should like to ask if the Senator also believes, in the event that wheat is placed on the dutiable list, that flour ought to carry some compensatory or corresponding duty?

Mr. GRONNA. I believe it should. I am frank to say that I do not believe the producer of wheat would get the benefit of the duty on wheat unless a compensatory duty were put on flour.

Mr. SHERMAN. I ask that in view of the fact that the Senator comes from a large wheat-producing area of the United States, much larger than the part of the country I come from; but we have very large milling interests that take a very great volume of your wheat, and a large part of it is not used for domestic consumption, but is for the export trade.

Mr. GRONNA. I believe that is correct.

Mr. KENYON. Mr. President, I do not want to interrupt the Senator, as I know he wants to finish to-day.

Mr. GRONNA. I gladly yield to the Senator from Iowa, Mr. President.

Mr. KENYON. In answer to the question of the Senator from Minnesota [Mr. CLAPP], the Senator suggested a proposition that is interesting to me, and I want to ask him about it, because I know he has superior knowledge on matters pertaining to agriculture.

Does the Senator believe the tariff on wheat increases the amount per bushel that the producers of wheat receive?

Mr. GRONNA. Does the Senator ask me that question, or the Senator from Minnesota?

Mr. KENYON. I understood the Senator from North Dakota, in answer to the Senator from Minnesota, to say that it did.

Mr. GRONNA. I made the statement, Mr. President, that I believed it was shown to the Committee on Finance and to the Senate, at the time the reciprocity treaty was pending, that unquestionably the tariff on wheat benefited the farmer to a certain extent; but I will say that so far as wheat is concerned, I do not believe it has ever benefited the farmer to the full extent of the duty.

Mr. KENYON. But has the Senator preached the doctrine in his State to the farmer who raises wheat that a tariff on farm products increases the price to the producer to the extent of the tariff? Has it not always been said, rather, that the tariff on farm products, or, rather, the general tariff system, benefited the farmer only in the incidental benefit that came from the general prosperity of the country?

I have never, except in recent years, heard it preached that the tariff on oats or corn or wheat increased the price to the producer.

Mr. GRONNA. Mr. President, as I understand, whenever there is a surplus of a commodity, especially an agricultural product which no monopoly can control, it must be obvious to anyone that the price of that product, to a certain extent, will be based upon the world's price. But I do say, and I make the statement without fear of successful contradiction by anybody, that for the last six or seven years the farmers of the United States have profited to a considerable extent by the duties on farm products.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota again yield to the Senator from South Dakota?

Mr. GRONNA. I do.

Mr. CRAWFORD. I will ask the Senator with reference to two cereals that are largely produced in his State and also in the State which I, in part, represent, and in the great Northwest generally, whether or not it is a fact that instead of exporting a surplus of those cereals we consume all we produce and import largely of them? I refer to barley, which supplies the great breweries in the United States, and to flaxseed, the oils from which are an important farm product, or the result of the farm product. Is not the question of the world's market price excluded in that case, and is it not a fact that the price is affected by the tariff because we consume our whole supply in this country and import instead of exporting it?

Mr. GRONNA. We consume more and more the products of the farm; and it seems to me such a plain and simple proposition that it must be easily understood by everybody.

Mr. CRAWFORD. Is not that particularly true of flax and barley, two staple products of the farm?

Mr. GRONNA. I believe it is; but before I go into that subject I want to answer the question of the Senator from Iowa, which deserves considerable attention.

Take the case of corn, a product which is produced very largely in the State of Iowa. No one will contend, I suppose, that those who produce corn have benefited to the amount of the duty of 15 cents per bushel on corn; but if we look up the statistics we find that practically no corn is exported. It is fed to the live animals of this country, and in this very bill it is proposed to take off all the duty on those animals. While the farmer does not receive a direct benefit from the duty on corn, as the Senator from Iowa has said, I believe he does get the benefit from the tariff on the animals to which the corn may be fed.

Mr. KENYON. Not under this bill.

Mr. GRONNA. Not under this bill; no. There is no tariff on those things in this bill, as I am going to show later on.

Mr. NORRIS rose.

Mr. GRONNA. I will yield to the Senator from Nebraska in a minute.

In response to the question asked me by the Senator from South Dakota [Mr. CRAWFORD], I invite the Senator's attention to the price of flax during the fall of 1910 and the following winter and summer. During that time there were more than 10,000,000 bushels of flax imported into this country, paying the full duty. There was a shortage in the production of flax, and consequently flax went to the enormous price of more than $2 a bushel. I know that no Senator will deny that at that time and on that particular product the farmers did receive the full benefit of the duty of 25 cents a bushel on flax.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. GRONNA. I yield.

Mr. JONES. I understood the Senator to say a moment ago that it was conclusively shown, when the reciprocity bill was up, that the tariff upon wheat benefited the farmer to the extent of about 11 cents per bushel.

Mr. GRONNA. Yes; I believe it was.

Mr. JONES. That was a direct benefit to the farmer from the tariff?

Mr. GRONNA. Yes; I believe so. That is my belief.

Mr. KENYON. Does the Senator from North Dakota believe that if the tariff on wheat were a direct benefit to the producer to the extent of the tariff, thereby increasing the cost of bread to the consumers of the country, any such tariff duty would stand?

Mr. GRONNA. I believe not.

Mr. KENYON. The Senator believes not?

Mr. GRONNA. I believe not; but I think I did show—and I know other Senators showed, and proved conclusively—that the price of wheat was not the cause of the high price of bread. I do not believe anyone will contend that a loaf of bread will be sold any cheaper whether wheat is worth 50 cents a bushel or 75 cents a bushel or a dollar a bushel. In the nineties wheat was sold for less than 50 cents a bushel, and yet the same price was paid for a loaf of bread.

I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I did not want the Senator to leave the subject of wheat, to which the Senator from Iowa [Mr. KENYON] had called his attention, without explicitly stating the benefit that would come to the producer of wheat on account of the tariff on wheat, although I think probably the Senator has fully answered it. I wanted to suggest, however, that as we approached the time when we consumed all the wheat we produced, the benefit received by the farmer who raised wheat continued to increase. While the Senator says, and says correctly, that although the tariff on wheat was 25 cents a bushel the farmer did not get the full benefit of it, the reason was, as illustrated by the tariff on barley and flax, that we were not consuming all of the wheat we produced.

I believe it is conceded that if we did not consume any wheat the tariff would not do any good; but if we consumed all the wheat we produced, the benefit received by the producer would be measured by the tariff itself. Those are the two extremes.

It has been demonstrated over and over again from statistics—and the Senator from Iowa can easily look it up and demonstrate for himself—that on an average, taking the price of wheat on one side of the line in the United States and the price of wheat on the other side of the line, in some instances just across the street—for instance, in the case of Portal—there has been a difference of more than 11 cents most of the time, going up as high as 15 cents, where it was shipped on the same railroad, to the same market, perhaps in the same car, or at least in the same train. There has been that difference in the price when there was no difference in freight rates—all the conditions being the same—the wheat being raised in the one case on the Canadian side and in the other case on the Dakota side of the line. I think it has been demonstrated, whatever the theories may be, that that is the fact. It was also demonstrated here the other day by the Senator from

North Dakota that the same thing held true in regard to the price of wheat in Minneapolis and in Liverpool, for instance.

But I am reminded that I am taking up too much of the time of the Senator from North Dakota.

Mr. GRONNA. I agree that the facts are as stated by the Senator from Nebraska.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. GRONNA. Just a moment and then I will yield. I want to be perfectly fair, and I do not intend to make any misstatements. Of course, I am now expressing only my own belief.

During the year 1912 the United States produced 750,000,000 bushels of wheat. That is more wheat than we can consume. As a natural consequence the price of wheat went down. Unlike the manufacturer, the farmer does not control the price of his product. The farmer brings his product to the so-called elevators, and the price is fixed by the buyers. When there is an overproduction of wheat it is but natural that the price to the farmer will be fixed to a certain extent by the world's price. But it has been demonstrated over and over again that when consumption equals or very nearly equals production, the farmer receives the benefit of the tariff on his products as well as the manufacturer receives the benefit of the tariff on his products.

I now yield to the Senator from Massachusetts.

Mr. WEEKS. Mr. President, in order to complete the assertion and demonstration which the Senator from North Dakota has made about the price of a loaf of bread, I wish to ask him if the size of a loaf is the same now as it was in the nineties, the time to which he refers?

Mr. GRONNA. Mr. President, in my home we practice economy, and we always bake our own bread. I wish the Senator from Massachusetts would put some other witness on the stand to answer his question. I am hardly a competent witness.

Mr. WEEKS. I did not know but that the Senator had looked up the matter and had found that the loaf of bread which is usually sold by bakers to-day is the same size that it was 10 or 15 years ago. I think it is. I did not know but that the Senator could answer that question.

Mr. GRONNA. No; I do not know as to that. I believe the Senator from Massachusetts knows more about it than I do.

I desire to finish my speech to-day, and for that reason I should like to proceed. I shall say some things about the Democrats this afternoon, but it is with charity and in the hope that they will profit by what I may say.

Further, I do not believe in legislating by means of a caucus. We are elected to come to the Capital and legislate according to our own views of what will be for the benefit of the people of this country, and no one has a right to surrender his views, either to a secret caucus or to any individual, however prominent. If a person votes for or against a measure contrary to his own convictions, I do not see how the fact that a party caucus had passed on that measure can change circumstances or can relieve that Member from his responsibility, and I do not believe the people of this country will consider that it does relieve him of the responsibility. Moreover, the debates in caucus are behind closed doors, the deliberations are secret. The people are given no information as to what reasons are advanced for or against any proposal, or what considerations governed in the enactment of a certain measure. The people have a right to know not only what their representatives do, but also why they do it. This is the reason why it is a fundamental principle of our Government that debates of legislative bodies shall be open to the public, and it appears to me that legislating in secret conclave is just as much fraught with danger when done by the majority party of the Senate as it would be if done by the two parties jointly.

While there may be a question, however, as to on just what principle this bill has been based, there is one feature that is immediately noticeable, and that is its discrimination against the farmer. Why it should be necessary to cut the duties which may benefit him lower than those that benefit the manufacturer has not been made plain by those responsible for this bill; why it should be necessary to remove the duties on his products while retaining the duties on manufactures has not been explained. Agriculture is fundamentally the most important of our industries. It is absolutely necessary to have food, while we can at a pinch do without the products of many other industries. It does not appear to me to be farsighted statesmanship to discriminate against such an industry. Almost without exception the other nations attempt to give the farmer the same benefits from their tariffs that they give the manufacturer and to place no burdens on him not also placed on others.

We have in former years followed the same course, and while the farmer may not have profited as much from the protective policy as those engaged in other industries, that was because of the conditions of the industry; because of the fact that in former years the prices of our farm products were not fixed in our home markets to the same extent as at present. Now, however, certain classes are apparently becoming afraid that the farmer will benefit from protection to a greater extent than formerly, and it is therefore proposed to make him sell his products entirely in a competitive market while still making him buy what he consumes in a protected market. The Democrats have very generally maintained, especially when campaigning in the agricultural sections, that the farmer derives no benefit from the duties on his products; but from the reasons that have been advanced for the placing of his products on the free list it is evident that there is a belief that the duties on those products will serve to enhance their prices. If that is not the reason, then why the talk of a "free market basket"? And why the statement that it is the policy of the Democrats to remove the tariff on food products, which are a basic necessity? If removing the tariff on these products is not going to lower their price, then why the pretense of that being the purpose of the reduction? And if it is going to lower the price, how can it be maintained that the producer of those products is not benefited by the tariff on them? Our Democratic friends appear to have got into this difficulty by having two sets of reasons why the tariff should be removed from farm products inconsistent with each other, using the one or the other as the occasion might seem to demand, and now attempting to use both at the same time. If the removal of the tariff on farm products is going to give the consumer cheaper foods, then the tariff on those products gives the producer a better market, and the producer is benefited by it. On the other hand, if, as has been contended, the tariff on farm products is of no benefit to the producer of them, it can only be because the tariff does not increase the price of those products; and if it does not increase the price, then where is there any excuse for stating that the removal of the tariff is going to benefit the consumer and give him cheaper food?

But, while it must be true that if the consumer is to get his food cheaper by the removal of the duties on farm products the tariff on those products must be of some benefit to the producer of them, the converse is not necessarily true, and it does not follow that because the tariff on his products is of benefit to the farmer that the removal of that tariff will give the consumer his food cheaper or benefit him in any way. Because of the many hands through which the farmer's product passes before it reaches the ultimate consumer, it is more than probable that in most cases the consumer will not profit from the lower price which the farmer will receive for his product. For instance, I do not suppose that anyone will contend that the price of a loaf of bread will be reduced by the removal of the duty on wheat.

In discriminating against the farmer in the levying of tariff duties, the Democrats are adopting a policy which is not pursued by any other nation which is capable of producing enough food within its own borders for its people. Even England, which has for a long time been dependent on other countries for its food supplies, does not discriminate against its agriculturists. It is true that they have to sell their products in competition with the entire world, but they also have the privilege of making their purchases in a competitive market. If it has been the intent of the Democrats to approach as nearly as possible the tariff system of England, they have overlooked this fact: While England has the benefit of a protective policy to a certain extent, it does not give this benefit to one class of producers by discriminating against another class. They receive this benefit because of the preferential tariff duties of the English colonies. Canada has three rates of duty on most articles—the general tariff, the intermediate tariff, and the British preferential tariff. The general is the highest rate, the intermediate the next lower, and the British preferential the lowest. Imports from the United States pay the general rate. By special trade agreements countries may get the benefit of the intermediate rate.

With few exceptions, the British preferential rate is only from 50 to 75 per cent of the general rate, thus giving the British producer a protection equal to from 25 to 50 per cent of that enjoyed by their own producers. In many cases articles dutiable when imported from other countries are admitted free from England, thus giving the British producer of these articles the same protection as the Canadian producer. In the same way, on articles imported into Australia the British producer is given a lower rate, the rate being in most cases from 50 to 80 per cent of the rates assessed against the same goods imported from other countries. New Zealand has a similar system, charging a surtax in some cases as high as a hundred per cent on articles imported from other foreign countries over

that charged on the same articles imported from British dominions. In most cases this surtax is from 20 to 50 per cent. In other words, a producer in this country, for instance, exporting an article to New Zealand has to pay a duty from 20 to 50 per cent higher than the British producer exporting the same article. While the English manufacturers thus have the benefits of protection given them by the English colonies, it is to be noted that there is no burden falling on the English farmer because of this protection. He can still purchase whatever he needs in a competitive market. The Democrats, however, propose to make the farmer in this country sell his products in a competitive market and make his purchases in a protected market; they aim to give him no better market for his products than the British producer has, and by retaining a tariff on the products of other industries compel him to make his purchases in a higher market than the English farmer.

The report of the Finance Committee gives the average rate of duty in the agricultural schedule of this bill as 15.21 per cent, while the average rate of the entire bill is 26.67 per cent. This method of comparison, however, does not disclose the real nature of the bill, since it does not show the number or importance of the products placed on the free list. As a matter of fact, it is misleading. The Senate bill carries a number of agricultural products on the free list on which the bill as it passed the House imposed a duty, and yet the comparison just referred to gives the average rate of duty of the agricultural schedule on the Senate bill as higher than in the House bill. The comparison simply gives the average duty of the schedule, and really shows little as to the real character of the bill. Products which the farmer has to sell which are on the free list in the pending bill and on which there formerly was a tariff are as follows:

Broom corn: The Payne Tariff Act provided for a duty of $3 per ton.

Buckwheat and buckwheat flour: On buckwheat the Payne and Dingley rates were 15 cents per bushel; the Wilson Act provided for a tariff of 20 per cent ad valorem. On buckwheat flour the rate in the Payne Act is 25 per cent ad valorem; in the Dingley and Wilson Acts it was 20 per cent.

Mr. SHEPPARD. I do not like to interrupt the Senator, but I want to get one point clear at this stage of his remarks. Does he consider buckwheat flour and corn meal as manufactured products?

Mr. GRONNA. I will ask the Senator from Texas if he has been here during the time I have made my remarks on this bill?

Mr. SHEPPARD. I have been; but I understood the Senator to be enumerating farm products that were put on the free list, and I wanted to understand if buckwheat flour is a manufactured product. I simply want the information; that is all.

Mr. GRONNA. I have just stated it. I am sorry the Senator did not hear my statement. I said on buckwheat the Payne and Dingley rates were 15 cents a bushel, and the Wilson Act provided for a tariff of 20 per cent ad valorem; and that on buckwheat flour the rate in the Payne Act was 25 per cent ad valorem and in the Dingley and Wilson Acts 20 per cent. I am simply reading a list of articles that are placed on the free list in this bill.

Mr. SHEPPARD. I thought the Senator was reading a list of farm products placed on the free list.

Mr. GRONNA. All these are farm products.

Mr. SHEPPARD. Is not flour a manufactured product?

Mr. GRONNA. Certainly, it is a manufactured product. I agree with the Senator on that. I think we all agree on that point. If we would have no more difficulty in disposing of this bill than that, I think it would be so changed before its passage that even the agricultural classes would get some benefit from it.

Corn: The duty under the Payne and Dingley Acts was 15 cents per bushel; under the Wilson Act 20 per cent ad valorem. On corn meal the Payne rate is 40 cents per 100 pounds; the Dingley rate was 20 cents per bushel; and the Wilson rate was 20 per cent ad valorem.

Eggs: The present rate is 5 cents per dozen; the Dingley rate was 5 cents; the Wilson rate 3 cents.

Flax straw: A duty of $5 per ton under the Payne and Dingley Acts; free under the Wilson Act.

Hides: These were placed on the free list by the Payne bill and are retained there by the pending bill. The Dingley Act had a tariff of 15 per cent ad valorem on hides.

Milk: Rate under the Payne and Dingley Acts, 2 cents per gallon; under the Wilson Act, free.

Cream: Rate under the Payne Act, 5 cents per gallon; under the Wilson Act, 10 per cent ad valorem.

Potatoes: Rate under the Payne and Dingley Acts, 25 cents per bushel; under the Wilson Act, 15 cents per bushel.

Rye: Rate under the Payne and Dingley Acts, 10 cents per bushel; under the Wilson Act, 20 per cent ad valorem.

Swine: Rate under the Payne and Dingley Acts, $1.50 per head; under the Wilson Act, 20 per cent ad valorem. Twenty per cent ad valorem was really a higher rate than the rate of the present law.

Cattle: Payne and Dingley rates, less than 1 year old, $2 per head; others valued at less than $14 per head, $3.75 each; if valued at more than $14 per head, 27½ per cent ad valorem. Wilson rate, 20 per cent.

Sheep: Payne and Dingley rates, less than 1 year old, 75 cents per head; 1 year old or over, $1.50 per head. Wilson rate, 20 per cent ad valorem.

Wheat: Under the Payne and Dingley Acts 25 cents per bushel; under the Wilson Act 20 per cent ad valorem.

Wool: Payne and Dingley rates, on wool of the first class, 11 cents per pound; on wool of the second class, 12 cents per pound; on wool of the third class, if valued at 12 cents per pound or less, 4 cents per pound; if valued at more than 12 cents, 7 cents per pound. Under the Wilson Act wool was free.

It is true that agricultural implements have been placed on the free list, but that does not alter the fact that this bill discriminates against the farmer, because the farmer purchases other things besides agricultural machinery. He is a consumer of the products of the other industries in this country, similarly as the producers of those other products are consumers of his products, and when you place a duty on those articles that he has to buy and place his products on the free list you are forcing him to sell his products in a free market in competition with the entire world, while compelling him to make his purchases in a protected market. While this bill as it stands contains great reductions in the duties on manufactures, it is a gross discrimination against the farmers, especially of the North and West.

This bill provides for a countervailing duty on wheat and wheat flour as against countries imposing duties on those products. I wish I could have the attention of those who have the countervailing duty in charge. I believe I am in a position to enlighten that subcommittee on this particular item. What it is expected to accomplish by this provision has not, so far as I have noticed, been explained by its authors. So far as the farmer is concerned, this provision is of no value. If it is pretended that by its means the farmer's market for wheat will be extended, it is a mere pretense and nothing more. The countries which find it to their interest to maintain a duty on wheat or on flour are those countries which have no wheat they want to sell us, which have no flour they want to sell us, and to which it consequently makes no difference whether or not we maintain a duty on wheat and flour. It does not affect them. Why, then, should the fact that we are willing to remove our duties on these products be any incentive to them to remove theirs? On the other hand, countries which have wheat they wish to export in any considerable quantity to this country—and this consideration applies especially to Canada—have no market for our wheat; they will, no doubt, very willingly remove their duties in return for our admission of their wheat free of duty. But will we really receive anything in return? The American farmer, whose market it is proposed to barter away, will receive nothing; Canada has no market for our wheat. It is a matter of supreme indifference to the American farmer whether he can ship wheat to Canada free of duty, because Canada has no market for it; Canada has a market for only a small part of its own production.

It is possible that some of our millers may be in a position to benefit if Canada should remove her duty on flour, but if they do, it will be at the expense of the American farmer; it will mean the sacrifice of the interests of the American farmer for the benefit of the Canadian farmer and the American miller. It also seems to me that it is possible to construe this proviso in such a manner as will permit Canada to ship her wheat to this country free, merely removing her duty on wheat and retaining her duty on flour. I believe under the provisions of this bill that will be possible. In that case no one will benefit from it except the Canadian wheat grower. It is the same old story of the Canadian reciprocity agreement over again in a slightly altered form, surrendering the market of the American farmer to the foreign producers and either getting nothing in return or something of benefit merely to the manufacturer. The aim is apparently to delude the farmer into believing that his interests are to be looked after, and that this countervailing duty is to be used to enlarge his foreign market for wheat by inducing foreign countries to remove their duties on wheat and flour. As a matter of fact, the proviso will do nothing of the kind. It will not make more accessible a single foreign wheat market, but it will in all probability make more accessible the American wheat market to the Canadian farmer and the wheat

growers of other countries who may care to avail themselves of the opportunity offered them. We place ourselves in the position of offering the American wheat market to the wheat growers of any country that may care to apply for it, and in return we secure nothing, because such countries as will avail themselves of this do not, nor will they ever expect to, have any market for our wheat. And as to the countries that might offer a market for our wheat, we offer them nothing that would be any inducement to them to open their markets. To those countries that export wheat and are anxious to enter our market we offer that market for nothing. From the countries to which we export wheat and flour and whose markets we are desirous of entering on more favorable terms, we ask that they admit our wheat and flour free, and we offer them nothing in return for the favor. We give favors gratuitously to some countries and then apparently expect that other countries will be equally shortsighted and give us favors, knowing that we will give them nothing in return. If we ask favors from certain countries, we should expect to grant them favors in return of somewhat approximately equal value. And when we grant favors we should take at least a little precaution to see that the assumed favors which we are to receive have a little value.

This provision, I presume, is offered in the nature of reciprocity. Reciprocity seems in recent years to have come to mean the surrender of the market of the American farmer to the farmers of other countries in return either for no benefits at all or else benefits merely to the manufacturers. The manner in which the removal of the duty on wheat would injure the American wheat grower I explained at length at the time when the Canadian reciprocity agreement was under discussion in the Senate two years ago; it has also been discussed by other Senators during the present session. I do not intend to go into it again at this time and will content myself with calling attention to a few facts having to do with the manner in which the free admission of Canadian wheat will affect our farmers. The wheat which is produced by the States of Minnesota, North Dakota, and South Dakota is northwestern hard spring wheat. It is distinct from the softer grades produced farther south either as spring or winter wheat and has superior milling qualities. The yield per acre is not so great as it is of winter wheat. In ordinary years none of this wheat is exported, all of it being consumed by American mills. I have also been told by millers that the flour made from this wheat is not exported, being consumed in this country. The wheat that figures in our export is the softer winter wheat, and also to some extent the wheat known as macaroni or durum wheat. The kind that Canada raises is the northwestern hard spring wheat, and the wheat that the Canadian wheat will compete with directly is that raised by the farmers in the three States above mentioned. The cost of raising a bushel of this wheat is less in Canada because the new lands there will produce larger crops than the older lands on this side of the line and because the land is cheaper than in the United States. The Tariff Board in its report on the Canadian reciprocity agreement made the following statement in regard to the land values in the two countries:

> In the great farming States of Iowa, Indiana, and Illinois the values of farm lands are very much higher than in any of the Canadian Provinces. In Illinois and Iowa they are a little more than twice as high as in Ontario.
>
> The increase of land values between 1900 and 1910 has been marked in both countries. In certain of the Provinces the rate of increase has been higher than in any of the States. The highest rates of increase in the States are found where the highest land values obtain, namely, in Illinois, Indiana, and Iowa. But, on the other hand, Ontario, while reporting the highest Canadian land value, shows the lowest Canadian rate of increase. It is worth noting that Ontario is feeling the competition of western Canada just as some years ago the eastern part of the United States felt the competition of our western lands.
>
> It is impossible to make any significant comparative study of land values in western Canada and those in the United States. Western Canada is a virgin region; railroad lands have been sold to settlers at low prices and on liberal terms of payment; the Government has given away millions of acres under a liberal homestead law. In Manitoba the value of land per acre is $29, or $7 less than in Minnesota and Michigan; but owing to the recent settlement of Manitoba, the rate of increase during the last 10 years is much greater than in those States.
>
> The prices of occupied land in Saskatchewan and Alberta are $22 and $20, respectively.

The board further gave the farm prices for 1910 as follows: Minnesota, 94 cents per bushel; North Dakota, 90 cents; South Dakota, 89 cents; Manitoba, 80 cents; Saskatchewan, 69 cents; Alberta, a little less than 68 cents.

Mr. GALLINGER. That refers to wheat?

Mr. GRONNA. That refers to the price of wheat and is from the report of the Tariff Board. It proves conclusively that we were receiving more for our wheat than they were receiving in Canada.

The farm prices, of course, depend, among other things, on the distance from market, and the above, therefore, is perhaps not a fair comparison of the market prices in the two countries. On comparing the markets at Minneapolis and Winnipeg the board found that in 1910 the price at Minneapolis was from 6½ cents to 12¼ cents above that at Winnipeg. In 1909 it ranged from five-eighths cent to 24½ cents above the Winnipeg price.

The Canadian grain grower has for a number of years looked with hungry eyes at the American grain market, from which he has been barred by our tariff. That the reciprocity agreement did not go into effect was not the fault of the Canadian grain grower, but due to the efforts of other Canadians who do not produce grain and who did not care whether the Canadian grain growers secured entry to the American market. Other issues, which to us appear irrelevant, and fears which to us appear unfounded, were joined with the issue of reciprocity, and the result was its defeat. At this time, however, the privilege of entering the American market on equal terms with the American farmer is handed to them without asking anything in return which they will hesitate in granting. And who will profit from thus surrendering the American market? The millers will undoubtedly profit to the extent of securing cheaper wheat in ordinary years and under ordinary circumstances, and they may also profit by being in a position to compete with the Canadian millers for Canadian markets. The American farmer will not be benefited in any event, and will be damaged to the extent that his wheat market is invaded by Canadian wheat growers.

So far as the European markets or markets of Asia are concerned, where we have to ship our surplus of wheat and of wheat flour, the provision will not result in securing admission on more favorable terms to a single market, as none of the countries to the markets of which we would desire admission expect to ship us either wheat or wheat flour, and our retention of a countervailing duty on wheat and wheat flour is therefore a matter of indifference to them. Does anyone imagine that France, for instance, will remove her duties of 37 cents per bushel on wheat, or $2.75 per barrel on flour, in return for our removing the duties on wheat and flour imported from France? As France does not expect to sell us either wheat or flour it is immaterial to her whether or not we have a duty on these products. Or can anyone see why our free admission of wheat and flour should be any inducement to Germany to remove her duties of 49 and 36 cents per bushel on wheat, or $2.02 and $1.10 per hundred pounds on flour? In quoting the two rates of duty I refer to the general duty and the conventional duty. Germany does not expect to sell us either wheat or flour and does not care in the slightest whether we have a duty on either or both. Or take the case of Japan. Can anyone conceive why our removal of the duties on wheat and flour as against Japan should be any incentive for that country to remove her duties of 29 cents per bushel on wheat and 70 cents per 100 pounds on flour? Is it not evident to everybody that the only countries that will take advantage of our willingness to admit wheat and wheat flour free of duty will be those countries that have wheat and flour which they wish to sell us—as, for instance, Canada—and that the countries where we find now, and would expect to find, a market for our wheat and wheat flour will be given no incentive to remove their duties? Are we not giving something for nothing in the one instance, with the apparent hope of receiving something for nothing in the other? And does anyone believe that any of those countries whose markets we are seeking will grant us any favors unless we grant them something in return?

If anyone expects that, I fear he is doomed to disappointment. In foreign countries the tariffs seem to be constructed with the idea of encouraging domestic industries, and the agricultural industry is well taken care of in most of them.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator from North Dakota if Germany, France, and Japan have for many years in the past had those extremely high rates of duty on wheat?

Mr. GRONNA. Yes; they have had them for a number of years, I will say to the Senator.

Mr. GALLINGER. And those high rates are fixed so as to encourage the domestic production and keep out the wheat of other countries which may have a surplus?

Mr. GRONNA. Absolutely, because both France and Germany produce a sufficient amount of wheat to supply food for their own people.

Mr. GALLINGER. So that what they are doing in those countries is along the same line on which we have been operating when we have had a duty on American wheat?

Mr. GRONNA. Exactly; only their rates have been higher than our rates.

It apparently has never occurred to them what a great blessing it would be to their farmers to surrender their markets to such of their foreign competitors as care to indicate their willingness to accept them. If we wish to extend our market for wheat and flour in those countries by securing more favorable tariff rates, it would seem reasonable to believe that we would be more likely to obtain this by offering to reduce or remove the duties on some of the articles which those countries produce and export to this country. If we wish to secure the removal of the duties on wheat and flour imposed by Germany and Belgium, for instance, would it not be more effective to offer to remove the duties on zinc, which those countries export and the rates on which I note have been increased over the House rates, rather than to offer to remove our duties on wheat and flour? If we wish to secure better rates from France, why would it not be better to offer to remove the duties on silks or other goods that France is exporting rather than the duties which are of no earthly interest to her? If we really wish to extend our markets abroad by securing more favorable tariff rates, why not make offers meaning something to countries which can give us a market for our products, rather than throw our own markets open to countries which will give us nothing in return?

Mr. President, this is so absolutely contrary to the policy advocated by that great statesman, James G. Blaine, that I do not want anyone to believe or think that he can delude the American farmer and make him believe that this is reciprocity such as was advocated by that great statesman. It does not take a very wise man, it seems to me, to know that a nation, as an individual, if it wants to extend commerce or trade relations, must give something in return for what it expects to get. This countervailing duty is all a farce, and you will not be able, I say, to delude the American farmer and make him believe, because you have a provision in this bill for a countervailing duty, that you are treating him fairly. You are not; you know that. You are aware of it as much as I am, and if any of you are aware of it you are doing an injustice to the people engaged in a great legitimate industry.

Mr. STONE. Does the Senator mean by that to say that he thinks the Democrats are consciously and intentionally doing the farmers an injustice?

Mr. GRONNA. Well, Mr. President, I am going to say a little later on that I do not really entertain the opinon that they consciously want to do the farmer an injustice.

Mr. STONE. But that is what the Senator says.

Mr. GRONNA. But I am also going to say, and I say now, that there are men in the Senate who know as much and more about the great American industry of agriculture than does President Wilson. I am going to say further that I believe there are Senators on this floor who know as much about the existing condition of the American farmer as does the majority of the Senate Committee on Finance. If I am mistaken in that, Mr. President, then the majority has knowingly done the farmer an injustice.

Mr. STONE. Does the Senator mean to say that if he is mistaken in supposing that the President and the majority members of the Finance Committee know less about the farming industry than the Senator himself or some of his colleagues, therefore they are doing a willful injustice?

Mr. GRONNA. Well, Mr. President, if they knew as much about the industry as does your humble servant, who is now addressing the Senate, I do not believe they would place the farmer's products on the free list; and if they do know as much about it as does your humble servant, then it would appear to me they have not given the subject the consideration to which that great industry is entitled.

Mr. STONE. We give the farmer, so far as taxation goes, pretty much everything the farmer buys free of duty. We put practically everything the farmer uses in his industry on the free list. The things which he buys to eat and wear, the comforts and necessaries, have been put on the free list or they have been very radically reduced. Does the Senator think that the farmer gets no compensation in that?

Mr. GRONNA. I mean in the course of my remarks to give the Democratic Party credit for having taken the duty off of farm machinery. I intend in my speech to give them credit for whatever they have done. I also intend to refer to the fact that in this bill the duties have been very substantially reduced on many articles.

Mr. STONE. Is not that good for the farmer?

Mr. GRONNA. I want to be fair, and I am trying to be fair with the Democratic Party. I can not give the Senator a categorical answer. I am going to try to explain it, if the Senator will only honor me by his presence.

Mr. STONE. I ask the Senator, then——

Mr. GRONNA. I shall try to enlighten the Senator on the subject.

Mr. STONE. The Senator is himself a farmer, and is largely interested in farming.

Mr. GRONNA. Yes, sir; that is true; I am largely interested in farming.

Mr. STONE. I have heard the Senator say that several times.

Mr. GRONNA. Yes.

Mr. STONE. Now, being personally informed with regard to that industry and personally interested in it, I ask would the Senator have the products of his farm put on the protected list and at the same time put the things the farmers, the Senator's constituents, buy, and that he himself as a farmer must buy, plows, mowers, thrashing machines, and many other things, on the free list, and reduce to a low tariff rate other things that he consumes, and still leave what he produces on a high-tax basis? Is that the view of the Senator?

Mr. GRONNA. Mr. President, I do not entertain any such views, nor am I advocating them. I will say, since the Senator has alluded to the fact that personally I am a farmer, that I do not believe the Senator alludes to that with any motive whatever. I know he does not. If farming were an industry that could be a monopoly, I might refrain, as Senators sometimes do, from even voting on this schedule. But there are nearly 10,000,000 farmers engaged in the industry, and no man will contend that farming can ever be made a trust or a monopoly. I feel that I am only doing my duty, as the Senator is doing his duty to his constituents and to the people of the United States, when I call attention to what I believe is a great injustice to the farmer. I intend to show that with the exception of Russia there is no other country than the United States which produces within its borders a sufficient amount of food products for its own consumption which does not protect the industry of farming as well as the industry of manufacturing.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. GRONNA. Certainly; I yield.

Mr. CUMMINS. An observation just made by the Senator from Missouri [Mr. STONE] interests me very much. I repeat it in order to be sure that I understood him correctly.

Does the Senator from Missouri mean to say that he and his associates realize that by taking off the duty upon agricultural products they have caused a great loss to the American farmer, and in order to compensate him for that loss they have put on the free list certain things which the farmer uses, and have very greatly reduced the duties upon certain other things which the farmer uses? Is that practically the statement just made by the Senator from Missouri?

Mr. STONE. No, Mr. President. I think the farmers of the country have been treated with especial consideration in this bill. A number of agricultural products have been put on the free list—some absolutely, and some under what is called the countervailing duty.

I never have believed—and I would have to hear something more than I have yet heard to convince me—that a duty on farm products is a real benefit to the farmer, even under a protective tariff. I do not believe that is the case; but that is an argument which has been made and gone over very often, and this is not the occasion to enter upon it.

I do say, however, and I did say, and I meant to be understood as saying, that the farmers will receive a very great benefit under this bill if it becomes a law, as I think it will, by having their implements of industry practically all—as far as I recall now, I think I may say all—put on the free list; and not only the implements of their industry, but by having many things which they purchase for other uses put on the free list, and practically everything that they consume put at a very much lower rate of duty, thereby taking off of them the burden of taxation. I think these things are for the benefit of the farmer, and, taken as a whole, the farmer gets far more consideration than almost any other class of our people, so far as this bill goes.

Mr. CUMMINS. Mr. President, I do not intend to enter upon an argument as to whether a duty upon agricultural products raises the price of those products or not. I shall not interrupt the admirable address of the Senator from North Dakota to enter upon a discussion of that subject. But I understood the Senator from Missouri to say, and I have heard it said a good many times here, that something especial had been done for the farmer, and that it had been done because the duties had been taken from the farmer's products. I thought the Senator from Missouri stated that proposition so

clearly that it ought to be emphasized, for I understood him to say: "It is true that we have taken the duties from the farmer's products; but we have made up the loss, and more than the loss, by taking off the duties upon something else which he uses."

Mr. STONE. Evidently the Senator did not mean to say just what he did say—that I have contended, or that anyone on this side has contended, that the farmer was benefited by taking off the duty on his products. I have not said that. I do not think he is injured by the removal of the duties, but I do not think it is a benefit to him. A thing may not hurt one, may not injure one, and yet at the same time may not be of any immediate or especial benefit.

Mr. CUMMINS. I was quite sure that when the Senator from Missouri was reminded of what he had said, as I heard it, he would at once retire to the old position which I fancy all of our friends upon the other side——

Mr. STONE. But I never said anything of that kind. I never said anything of that kind, and the Senator will not say I did.

Mr. CUMMINS. I understood the Senator as saying so, and therefore I asked the question. Of course, I can do nothing more than appeal to the RECORD when it shall have been printed; and if it there appears that I totally misconceived the Senator, he will be vindicated. But I believe when he reads what he said he will find it bears the interpretation I have put upon it.

Mr. WALSH. Mr. President, I dislike very much to interrupt further the address of the Senator from North Dakota, but before the Senator from Iowa takes his seat I should like to have him be a little more specific. I understood him to say that it had been repeatedly declared on this side of the Chamber that the farmer, having been subjected to certain losses by reason of the removal of the duties on his products, an effort had been made to compensate him for such losses by the removal of the duties upon agricultural implements and otherwise. Can the Senator be a little more specific in respect to individual and time?

Mr. CUMMINS. Oh, Mr. President, I do not think I am called upon to name Senators and name dates. I have heard this question debated now for four years or more. What I said with regard to that was my recollection and my interpretation of what I have heard a great many times. I heard it repeatedly stated during the time we were considering what was known as the farmers' free list last year. That, however, is a mere matter for appeal to the CONGRESSIONAL RECORD.

Mr. WALSH. Let me inquire of the Senator, then, whether that took the duties off the farmer's products so that it could possibly be said that the other changes were in compensation therefor?

Mr. CUMMINS. It did not take the duties off the farmer's products as a whole.

Mr. GRONNA. Mr. President, if the purpose of the removal of the duties on wheat and flour is not to extend our markets, but to reduce the cost of flour to the consumer, then the insertion of this provision is inexcusable. In that case the lower cost of flour, which is presumably what would be aimed at, would depend on the willingness of a foreign country to remove her own duties. If some of our duties have the effect of increasing the cost of living to such an extent that they should be removed, then the logical way would be to remove them without waiting, as is proposed, until other countries shall give their sanction to such action. If the cost of wheat and flour is so great in this country that it is necessary to place those commodities on the free list in order to bring relief to the consumer, then why is it necessary to wait until Canada gives her sanction, or some other country gives her sanction, before removing the duties? The proposal is as inexcusable, if the purpose is to reduce the cost of flour, as it is useless if its purpose is to extend our foreign markets for wheat and flour.

In examining the tariffs of other countries which expect to produce enough agricultural products for their consumption, or nearly so, I find that in the framing of their tariff laws attention is given to the welfare and prosperity of the farmer as well as of the manufacturer. Of course, in the case of England, that country frankly confessed years ago that it could not produce enough agricultural products for its own consumption, and it has no tariff on such products any more than on manufactures.

On cattle the present law provides for a tariff of $2 per head if less than 1 year old, $3.75 per head if more than 1 year old and valued at less than $14 per head, and 27½ per cent if valued at more than $14. The Senate bill proposes to place them on the free list. Now let us consider the tariffs of other countries. England admits cattle free. France has a general duty of $2.63 per 100 pounds, live weight, and a minimum duty of $1.75 per 100 pounds. The general rate applies to imports from the United States. Germany has a general duty of $1.94 per 100 pounds and a conventional duty of 86 cents per 100 pounds. The conventional rate applies to imports from the United States. Austria-Hungary has a rate of $3.65 per head for young cattle, $6.09 per head for cows, and $12.18 per head for oxen. In the case of oxen there is a conventional rate of 87 cents per 100 pounds, live weight, which applies to imports from the United States. Belgium has a tariff of from 26 cents to 44 cents per 100 pounds, live weight, on cattle. The Netherlands admits cattle free. The general rates and conventional rates of Italy both range from $1.54 to $7.33 per head, with an additional tax, called a statistical tax, of 2 cents per head. The conventional rate applies to imports from this country. Spain assesses duties ranging from $8.59 to $15.44 per head on cattle, with lower duties ranging from $6.76 to $15.44 per head on imports from more favored nations. Russia admits cattle free. Our neighbor on the north—Canada—imposes an ad valorem tariff of 25 per cent as a general rate, with an intermediate rate of 22½ per cent.

The general rate applies to imports from this country and most other countries. Our nearest neighbor on the south, Mexico, admits cattle free. Cuba imposes a duty of $1.33 per 100 pounds, live weight, on cattle, with a special duty of 79 cents per 100 pounds on imports from the United States. Brazil imposes a duty of $14.23 per head on cattle. I will say at this point that the given Brazilian duty is higher, but as 65 per cent of the duty is payable in depreciated paper currency and only 35 per cent is payable in gold—unless there has been a change made recently—this has the effect of reducing the duty actually paid to the figures given above. The same observation holds true as to the other Brazilian rates which I shall cite. In computing these duties they have been computed on a basis of 65 per cent being payable in paper and 35 per cent in gold. Argentina admits cattle free. Japan levies an ad valorem duty of 10 per cent. Australia protects her stock growers by a duty of $2.44 per head of cattle. New Zealand also levies a tariff of $2.44 per head.

Now, let us see what the commercial nations of the world do with regard to the rate on horses.

Horses are protected by the Payne Act by a duty of $30 per head if valued at $150 or less, and an ad valorem duty of 25 per cent if valued at more than $150. The Senate bill reduces this to 10 per cent ad valorem on all horses. England, of course, admits horses free. The general duties in France range from $28.95 to $43.42 per head, and the minimum duties from $19.30 to $28.95 per head. The German general duties range from $21.42 to $83.68 per head, and the conventional duties from $17.40 to $83.68 per head. Austria-Hungary has a general rate of $20.30 per head if more than 2 years old, and $10.15 if less than 2 years old, with a conventional rate of $12.18 if more than 2 years old, and $6.09 if less than 2 years. Belgium has no tariff on horses. The Netherlands admits them free. Italy has a tariff of $7.72 per head. Spain levies duties ranging from $18.72 to $28.95 per head. Russia admits them free. Canada has a rate of $12.50, if valued at less than $50, and a general rate of 25 per cent ad valorem, an intermediate rate of 22½ per cent on horses valued at more than $50. Mexico has a duty of $24.85 per head on geldings, others free. Cuba has a general rate of $18.75 per head, with a special rate of $15 on horses imported from the United States. Brazil has a duty of $27.38 per head. Argentina admits horses free. Japan has a duty of 5 per cent ad valorem. New Zealand has a duty of $4.87 per head. Australia assesses a duty of $2.40 per head.

Mr. GALLINGER. Mr. President——

Mr. GRONNA. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator has been speaking almost two hours. The day is excessively hot and some of us have been sitting here every moment for six consecutive hours. It has been understood that we would adjourn about 6 o'clock, and I will ask the Senator from Missouri if he does not think we might well take an adjournment now?

Mr. STONE. I should like to ask the Senator from North Dakota about how much additional time he thinks he will occupy in concluding his remarks?

Mr. GRONNA. I will say that I had very much hoped that I would be able to finish to-day. I do not object to interruptions, but I have been interrupted so much that I am not quite half through with my speech.

Mr. STONE. Not quite half through?

Mr. GRONNA. Personally I feel very much like going on and finishing, because I remember that two years ago when I took up the time of the Senate for the better part of two days I was criticized for taking so much time.

Mr. LEWIS. Mr. President, may I interrupt the distinguished Senator from North Dakota? Having heard him state that he has not finished more than half of his very well prepared, studious oration upon this subject, I should like to ask the Senator if it would comport with his convenience that he resume to-morrow, and that we at this time, at 6 o'clock, turn to some other business, perchance an executive session on the motion of the Senator from Georgia, and that the Senator from North Dakota resume to-morrow, if he is at a stopping point in his speech now?

Mr. GRONNA. I, of course, will gladly yield to the wishes of the Senate.

Mr. LEWIS. I thank the Senator, but I think it might consult the convenience and the physical relief of the Senator to pause at this time.

Mr. GRONNA. So far as I am concerned it is convenient for me to go on at any time. To-morrow will do, of course, just as well as to-day; but I want it understood that it was not especially my desire, nor is it my desire, I will say with all candor, to delay the Senate in considering the bill paragraph by paragraph. I realize as much as those who are, perhaps, more directly responsible for this legislation than I am that they want to get through with the bill, and so far as I am personally concerned I shall be very glad to go on to-day with my speech.

Mr. SIMMONS. If the Senator could go on for about an hour——

Mr. BACON. We have some matters of importance to consider in executive session.

Mr. PENROSE. I take it for granted that the Senator from North Dakota will have the floor in the morning to continue his remarks. That will follow as a matter of course.

Mr. LEWIS. Any other course than that would be discourteous. No one on this side of the Chamber contemplates any other course.

Mr. SIMMONS. Of course the Senator would go on with his speech to-morrow if we go into executive session now.

Mr. PENROSE. And then we can either adjourn or have an executive session.

Mr. BACON. We have some matters of importance to consider in executive session.

Mr. SIMMONS. I think probably we had better have an executive session.

Mr. GRONNA. I will say to the Senate that if it is expected to hold an executive session I will gladly yield at any time for that purpose.

Mr. PENROSE. Or for adjournment.

Mr. GRONNA. Or for adjournment, with the understanding, of course, that I will be permitted to finish the few observations that I have to make to-morrow.

Mr. SIMMONS. Of course.

Mr. PENROSE. That goes without saying. That is the Senator's right.

EXECUTIVE SESSION.

Mr. BACON. I think possibly the public business may be expedited by having a short executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 6 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 1, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 31, 1913.

ASSISTANT APPRAISER OF MERCHANDISE.

Frederick Kuenzli, of New Jersey, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Charles W. MacDonough, resigned.

COLLECTORS OF INTERNAL REVENUE.

Jack Walker, of Arkansas, to be collector of internal revenue for the district of Arkansas, in place of Frank W. Tucker, resigned.

Duncan C. Heyward, of South Carolina, to be collector of internal revenue for the district of South Carolina. (New office.)

POSTMASTER.

ILLINOIS.

L. F. Meek to be postmaster at Peoria, Ill., in place of Henry W. Lynch, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 31, 1913.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. John H. Beacom to be colonel.
Lieut. Col. Willis T. May to be colonel.
Maj. Leon S. Roudiez to be lieutenant colonel.
Capt. Albert C. Dalton to be major.

MEDICAL CORPS.

Capt. William L. Little to be major.

FIELD ARTILLERY ARM.

First Lieut. Neb B. Rehkopf to be captain.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

James Crowe Burdett.
James Bayard Clark.
William Elnathan Clark.
Melvin Starkey Henderson.
Harold Lyons Hunt.
William McCully James.
William Fletcher Knowles.
Daniel Francis Mahoney.
Scott Dudley Breckinridge.

RECEIVER OF PUBLIC MONEYS.

Le Roy E. Cummings to be receiver of public moneys at Pierre, S. Dak.

CHIEF OF THE WEATHER BUREAU.

Charles F. Marvin to be Chief of the Weather Bureau.

POSTMASTERS.

ARKANSAS.

H. L. Fuller, Waldron.

FLORIDA.

S. D. Bates, Marathon.
Al Hogeboom, Panama City.

ILLINOIS.

Charles F. Buck, Lacon.
Harry B. Fasmer, Yorkville.
John Geiss, Batavia.
Clyde V. Greenwood, Sherrard.
W. T. Holifield, Brookport.
Ross Lee, Casey.
J. M. Rumsey, Golconda.

IOWA.

Fred C. Boeke, Hubbard.
Alfred B. Callender, Ocheyedan.
Warren A. Edington, Sheldon.
J. J. McDermott, Manilla.
John McGloin, Wall Lake.
John S. Moon, Kellerton.
D. P. O'Connor, Lawler.
Edwin Wattonville, Pomeroy.

LOUISIANA.

William H. Bennett, Clinton.

MICHIGAN.

John Jay Cox, Scottville.
Henry Kessell, Orion.

NEW MEXICO.

L. A. Chandler, Cimarron.
Viola Keenan Reynolds, Springer.
George F. Williams, Mogollon.

SOUTH DAKOTA.

A. A. Closson, White Lake.
Michael Dougherty, Mount Vernon.
William J. Quirk, Kimball.
W. R. Veitch, Groton.

WITHDRAWAL.

Executive nomination withdrawn from the Senate July 31, 1913.

POSTMASTER.

J. F. Matthews to be postmaster at Croswell, Mich.

SENATE.

FRIDAY, *August 1, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

THE SHARPLES SEPARATOR CO.

Mr. STONE. Mr. President, I do not wish to correct the Record, but I do desire to correct a mistake of fact which the senior Senator from Pennsylvania [Mr. PENROSE] unwittingly fell into on Wednesday, when the Senator from Pennsylvania, joining in the wailing chorus of jeremiads sweeping over the Senate, among other things called attention to numerous cases of industrial depression and suspension of industrial enterprises. Among others was the Sharples Separator Co. I desire to read what the Senator said on that occasion with respect to the Sharples Separator Co. The Senator from Pennsylvania said:

One final case, and I am done—that of the Sharples cream separator concern, located about 30 miles from Philadelphia, in the city of West Chester. The Sharples cream separator is an invention of Mr. Sharples, on which he has built up a plant there employing many men and women and children. His goods, the cream separators, are shipped not only all over the United States but all over the world, to China and to the Orient. Within a week that concern has completed the absolute transfer of its plant to Hamburg, and no longer is there a vestige of it left in the State of Pennsylvania.

This morning I clipped from the Philadelphia Inquirer——

Mr. PENROSE. I saw it.

Mr. STONE. A communication from the Sharples Separator Co., by L. P. Sharples, one of its officials, and I will ask the Secretary to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

SHARPLES SEPARATOR TO REMAIN.

To the Editor of the Inquirer:

Owing to the state of the weather everybody in our home office and main factory at West Chester woke up this morning wishing we were anywhere except on the job.

In consequence it was like kicking a man when he was down to find that your paper this morning quoted Senator PENROSE as having said on the floor of the Senate that we are bag and baggage in Germany. If it were not for the necessity of filling orders, the personnel of our organization would like to be.

We would appreciate being set straight in this regard, as there is no question but what Senator PENROSE has been misinformed.

The following states our position and may be used as your editorial sense dictates:

The information on which Senator PENROSE based his assertion in Congress, Wednesday, was absolutely incorrect. The Sharples Separator Co. has no intention of transferring any part of its American works to its Germany factory.

Regardless of the passage of a tariff bill, adverse to their interests, the Sharples works, their sales and service organizations will remain in full force in the United States. Sharples has been too long on American soil that it can move to any other and prepare to call it home.

Very truly, yours, THE SHARPLES SEPARATOR CO.,
L. P. SHARPLES.

WEST CHESTER, PA., *July 31.*

Mr. STONE. The other corporation referred to by the Senator has not yet been heard from; we have had no returns. I simply put in this one now.

Mr. PENROSE. I expected this to be brought up this morning, Mr. President, and I will have by Monday the full facts in connection with the Sharples Cream Separator Co. to submit to the Senate.

Mr. MARTINE of New Jersey. Mr. President, it does seem cruel that this should be perpetrated on the Senator from Pennsylvania at this particular time. But I do want to say, just in addition to the little I said regarding the Sharples separators, if the Sharples Co. are not only, according to the Senator's statement, furnishing separators for milk in the United States, but are shipping them all over the earth, to China and the Orient, my God, what more can they want in a tariff bill? Do they want to supply Mars and all the other planets? It seems to me they are pretty thoroughly established and work very nicely under the present régime, and they are perfectly satisfied.

Mr. PENROSE. As I said, Mr. President, I will have the precise facts in this case to submit to the Senate on Monday.

Mr. STONE. Mr. President, I desire to say, in response to what the Senator said, that I think it would be very wise if all Senators on the other side would have the precise facts at hand before they put statements of that kind in the RECORD.

Mr. PENROSE. I only made a general statement, and if the Senator from Missouri wants details I shall be ready to furnish them to him next week, when I get them.

Mr. SMITH of Michigan. Mr. President, the statement of the Senator from Missouri is so broad as to include every reference to cases of this nature. I want to say to the Senator from Missouri that the day the tariff bill came over here I made the statement that the Hoe Printing Press Co. were getting their London office and factory in shape to manufacture presses there after the passage of this bill. I give as my authority for the statement the word of the president of the company, who told me so at his office in New York before I made the statement.

Mr. CLAPP. Mr. President, would the Senator from Missouri object to modifying his suggestion so as to apply to all Members of the Senate, that they shall be certain that they have the facts before they proceed to state them? His suggestion was limited to one side. I see no objection, if the Senator sees none, to enlarging it to take in the entire Senate.

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. Petitions and memorials are in order.

TARIFF DUTY ON IVORY TUSKS.

Mr. BRANDEGEE. I present three petitions from workmen in ivory piano key factories, asking that ivory tusks be left upon the free list. They are from Pratt & Read & Co., 413 men; Comstock & Cheny & Co., 545 men; and the Piano & Organ Supply Co., 339 men; the total being 1,297 laborers in these factories.

I suppose, Mr. President, that ivory tusks, which have always been upon the free list, have been placed upon the dutiable list with a duty of 20 per cent on the theory that they are a luxury. I am informed that of the 375,000 pianos annually manufactured in the United States, 90 per cent of them go into the homes of mechanics and people of small means, and that this percentage is sold on the installment plan with average payments of less than $5 a month. Later on amendments will be presented to restore that product to the free list.

The VICE PRESIDENT. The petitions will be referred to the Committee on Finance.

TARIFF DUTIES ON WOOL.

Mr. BRANDEGEE. While I am on my feet, Mr. President, I desire to say in connection with the petition which I presented the other day that I have received a letter from the Hockanum Mills Co., of Rockville, Conn., a part of which I will ask the Secretary to read, and then I will make a few remarks upon it.

There being no objection, the Secretary read as follows:

THE HOCKANUM MILLS CO.,
Rockville, Conn., July 30, 1913.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am much pleased to see in the paper this morning that you have moved to have a date set for the going into effect of the free wool and the woolen goods duties.

We are now offering for sale goods for next summer and we are greatly embarrassed, because we do not know when we will get free wool nor when the goods duties go into effect.

We should have five or six months between free wool and the new goods duties, and that has been the custom in all former tariff legislation, I believe.

Our light-weight goods season for next summer begins, as I said, now, and deliveries of those goods should end next February or March.

All of the mills of the country, with very few exceptions, are running on less than 25 per cent production, as stated in Mr. Hill's letter to you, and if we can not get some positive dates fixed the mills are apt to be less employed than 25 per cent.

As I said before, we are all very much pleased that you have taken up this matter in such a positive way, and are in hopes that the powers that be can get together and enact some positive date so that the woolen mills can either do a little business or get out of business.

I am yours, sincerely,

F. T. MAXWELL, *President.*

Mr. BRANDEGEE. In connection with the same matter I have a statement from the Trans-Atlantic Import Co., made by Mr. Harry Rosenbaum, which I will ask the Secretary to read.

There being no objection, the Secretary read as follows:

TRANS-ATLANTIC IMPORT CO.,
New York, July 30, 1913.

Senator BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SIR: Have read with a great deal of pleasure in to-day's paper your suggestion of the passage of a joint resolution setting forth when the new rates on textiles would become effective.

I congratulate you on having grasped the situation and personally thank you, and you have the thanks of a great many other people engaged in the textile business to-day.

I inclose you herein copy of an interview published on the 19th of April, more than three months ago, setting forth your views exactly. If the Senate to-day were to appoint a committee to visit the cutting-up markets of New York, Cleveland, and Chicago and see the state of the textile industry, they would be simply amazed at the chaotic condition in which it exists.

Merchants as a rule have anticipated the tariff bill to be passed as early as July or August, and where the House states explicitly the bill to be effective immediately upon its passage, and the Senate report of the Finance Committee making Schedule K effective on January 1, 1914, has caused such an uncertainty in the trade that business in textiles of all descriptions is at an absolute standstill, and business conditions to-day, one thing reflecting upon another, are in a worse condition than they have ever been in any panic times we have had in this country for 20 years.

The credit of the cutter up of merchandise has been impaired owing to the uncertainty. The cutter up of merchandise will not accept his deliveries. The retail merchant and department-store buyer has been

instructed not to buy, expecting a revision at some time or other, prior to the sale season or before there will be any consumption. Manufacturers of textiles in this country have all curtailed their output. Importers of textiles have canceled the better part of their European contracts, and should the tariff bill take effect in the immediate future, the consumer will not be benefited in any way whatsoever, because there will be a scarcity, and the demand will come the moment the consumption starts and then it will be a question of supply and demand.

If, as you suggest, a joint resolution were passed, stating the date, it would allay this panicky feeling, settle the uncertainty, people would go to work and make the best of the situation, and would anticipate the future.

The country has been reconciled, ever since Wilson's election, that we were to have a tariff revision. This has been discounted. We believe it to be inevitable, but if a date were set, you will pardon my English, "both the Senate and the House can chew the rag indefinitely," and people would go about their business.

Were I selfishly inclined, the tariff bill could not take effect too soon, but considering the best interests of the country as a whole, any date is better than the uncertainty.

I hope sincerely that your suggestion will be presented and that it will pass, and assure you in advance that you would receive the congratulations of many thousands of textile men throughout the United States.

Pardon this long discourse, and awaiting your reply, I am,

Sincerely, yours,

H. ROSENBAUM.

Mr. BRANDEGEE. Mr. President, I ask the Secretary to read an interview published in the Commercial and Financial World of April 19, 1913, on this same question.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Commercial and Financial World of Apr. 19, 1913.]

A matter in regard to which there is the greatest criticism is the fact that no date has been set for the taking effect of the new bill. A few months earlier or later will make all the difference in the world to importers and domestic manufacturers, and it is no more than right and fair that they should know just what they have to face.

Mr. Harry Rosenbaum, of the Trans-Atlantic Import Co., of 105 Fifth Avenue, has pointed out this feature of the situation in a very clear and convincing fashion. He says:

"Unless importers and domestic manufacturers are advised promptly when this bill is to go into effect, business will be stagnant until we receive this vitally important information. Were I obsessed of selfishness I would say the sooner the bill became operative the better for ourselves. But considering the best interests of the country as a whole, we favor January 1 next, which will give merchants ample time to adjust themselves to the new state of affairs. Enactment without plenty of time for preparation would be ruinous to many small merchants."

And it is not only the importers who need to know the date as to when the bill is to become law. Manufacturers of domestic goods say that millions of dollars' worth of orders and raw material of great value stand in danger of being greatly injured unless definite time is fixed.

It is proposed to call the attention of Congress to this omission through trade associations and other commercial bodies. It is stated by handlers of domestic and foreign goods that heavy losses will have to be taken in the shape of a smaller business and the liquidation of stocks in the hands of all distributors unless a date is fixed at once.

Buyers are requesting that no goods be shipped until something definite is known regarding when the new rates are to go into effect, and this was one of the primary reasons why factors who cater to the cutting-up trade began to bestir themselves. Another phase of the business was that many purchasers advised mill agents they would make commitments for immediate requirements only and that they were beginning already to adjust themselves to the conditions they anticipated would arise in the near future.

Mr. Rosenbaum also calls attention to the fact that the duty on pile fabrics in the new tariff will be 50 per cent ad valorem, while the duty on the same fabrics made into garments on the other side and imported as finished garments will be only 35 per cent, which is not sufficient duty to protect the large American cloak industry.

Mr. BRANDEGEE. Mr. President, a few days ago, when I brought this matter to the attention of the Senate, the Senator from North Carolina [Mr. SIMMONS], the chairman of the Finance Committee, was kind enough to say that he would confer with members of the Ways and Means Committee of the other House and see if some date could be fixed upon by them, with a view of notifying the interests concerned as to when the new tariff duties would go into effect. I noted in one of the morning newspapers that some such conferences had been held, but that they had "borne no fruit," in the language of the newspaper. I now ask the chairman of the Committee on Finance if he is ready to make any statement to the Senate as to the result of his interviews or conferences upon this subject?

Mr. SIMMONS. Mr. President, what the manufacturers of wool seem to desire is that before we pass a tariff bill we shall make provision outside of the bill for the wool industry. I have stated that I recognized some embarrassment would come to that industry from the conflict between the provisions of the House and the Senate bill with reference to the time when this schedule should go into effect and was willing to do what I could toward ascertaining whether that difference could be reasonably adjusted in advance of a meeting of the conference. I have conferred with the chairman of the Ways and Means Committee of the House of Representatives, and I find that he does not feel authorized, in advance of the conference, to recede from the position of the other House, and I do not feel authorized, in advance of the meeting of the conference, to recede from the position taken by the Finance Committee in the amendment proposed to the Senate. Of course, if the Senator from Connecticut desires to introduce any resolution on the subject, he is at liberty to do so, and it can take its course between the two Houses. It does not seem to me, however, Mr. President, speaking frankly about it, that there is any remedy for this situation except the speedy passage of the bill, and I hope we may have that.

I wish to ask the Senator from Connecticut, Does he prefer the House provision to the Senate provision with reference to the time when this schedule shall go into effect?

Mr. BRANDEGEE. Mr. President, I have no fixed idea of my own about it, not being familiar with the technicalities of the woolen business. I can, however, see the force of the position of those who are interested in it.

Mr. SIMMONS. The Senator will understand, if he will pardon me for a moment, that this postponement of the date was in the nature of a concession, which we thought was proper under the circumstances. Of course, if the concession brings about difficulties of more consequence than the advantages, the committee will be glad to have the views of Senators on the other side about that.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I do.

Mr. SMOOT. I should like to ask the Senator from North Carolina if he thinks the House conferees will agree to the Senate amendment as to the time the rates take effect.

Mr. SIMMONS. I am utterly unable to answer the Senator with respect to that; I am not authorized to say whether they would or would not. I think probably the chairman of that committee feels the same delicacy in speaking in advance for the conferees of the House that I would feel in speaking in advance for the conferees on the part of the Senate.

Mr. SMOOT. I will frankly say to the Senator that I believe both the growers and the manufacturers of wool would prefer the provision reported by the Committee on Finance of the Senate to the House provision, but what they do want, if possible, is to know when the rates are to take effect. The lightweight season of the woolen-goods business is on; people have to place their orders——

Mr. SIMMONS. I understand that.

Mr. SMOOT. And it is for that reason that some definite understanding, if it be possible, should be had. I do not say, however, that it is possible.

Mr. SIMMONS. Does not the Senator see the difficulties about that?

Mr. SMOOT. Yes, Mr. President; I do see the difficulties, and I am not complaining at all. I simply wanted to know if the Senator had any idea whether the House committee would agree to the Senate amendment, because, if they would, I think that at least an intimation could then be given to the purchasers of woolen goods that that would be the case.

Mr. SIMMONS. I can only say to the Senator that I have seen and heard of no disposition upon the part of the House to yield its position upon that question.

Mr. LIPPITT. Mr. President, will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. I yield to the Senator.

Mr. LIPPITT. The Senator from North Carolina asked the Senator from Connecticut which of the two provisions, the Senate or the House provision, he preferred.

Mr. SIMMONS. I meant, of course, which one the woolen industry preferred. I did not mean to inquire as to the preference of an individual Senator, but I meant the woolen industry.

Mr. LIPPITT. I so understood, and I was simply going to say that, while I am not a woolen manufacturer any more than is the Senator from Connecticut, I do think there is very little doubt that the woolen manufacturers, as a rule, and the entire woolen trade, as a rule, would very much prefer the Senate provision. I also want to say that I think the situation in which the introduction of the Senate amendment has left this whole question is infinitely worse than though the Senate committee had taken no action at all, because I think the trade could take steps to accommodate itself as well as might be to either course if they knew which course was going to be pursued.

Under the present condition two very different courses have been suggested; and the situation is left in the position where there is no man in the woolen trade who knows whether the provisions of this bill affecting wool are to go into effect at one date or the other. While I believe the members of the Finance Committee of the Senate in adopting this amendment did so with a view to helping the woolen manufacturer, it seems to

me that it was most unfortunate that in proposing such a change they did not first get some idea as to whether or not their suggestion would meet with favor at the other end of this building.

Mr. JAMES. Mr. President, I should like to suggest to the Senator——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Kentucky?

Mr. BRANDEGEE. I have yielded to the Senator from Rhode Island, but if I have a right to yield to more than one Senator at the same time I yield cheerfully to the Senator from Kentucky.

Mr. JAMES. I merely want to say to the Senator from Rhode Island, in connection with his suggestion that the action of the Senate committee in extending the time when this bill was to take effect would do the woolen industry greater injury than to have readily agreed to the House provision, that many representatives of the woolen industry appeared before our committee and requested this amendment. Certainly they knew that we were merely a coordinate branch of the Government, and that our action was not a finality as to what would be the law; that the House had to be considered; but they very urgently requested the Senate to extend the time as of vital importance to them.

Mr. LIPPITT. Mr. President, what the Senator says in regard to the woolen manufacturers knowing the condition in regard to the two Houses agreeing is perfectly true. They ought to have known that; but, as a plain matter of fact, very few of them thoroughly realize that very feature in the passage of a bill. They are not technically informed in that respect. What they came down here to urge—and did urge, I believe, very strenuously—was that there should be a fixed, definite date in advance of the final passage of this bill upon which the duty on wool should go into effect, and another date, subsequent to that date by three or four months, as the case might be, upon which it should go into effect upon the manufactures of wool. They hoped, if such a provision were put into this bill in the form of an amendment, that it would be with the idea that it should be the final policy of those who are responsible for the bill.

If it is simply put in the bill with the strong probability that when the bill actually becomes a law the policy of the House of Representatives will prevail, or even with uncertainty as to which policy is going to prevail, almost anybody, no matter how little technical he is, can readily see the confusion of mind into which every merchant and manufacturer connected with the business is put. I think that is perfectly plain.

Mr. SIMMONS. Mr. President——

Mr. JAMES. Mr. President, if the Senator from North Carolina will permit me, while as an ordinary proposition some of these small manufacturers would not be familiar with the technicalities of legislation, yet I do recall that Mr. Whitman, if I am not very much mistaken, made an argument before our committee in which he cited the Wilson bill as extending the time and as a precedent that we ought to follow. Certainly Mr. Whitman understood, as I have no doubt the Senator will agree, that the Senate committee could only recommend this action to the Senate, and, of course, that would not be binding upon the House.

Mr. LIPPITT. I do not want to take too much of the time of the Senator from Connecticut, but I want to say that we all know how legislation is accomplished. We all know that people who are prominent in the councils of a party, as the chairman of the Finance Committee is prominent and as the chairman of the Ways and Means Committee of the House is prominent, can agree on such a thing as this or can have some harmony of view upon it. All that was necessary to have had this matter definitely understood, with a strong probability of the final result, was that before any change in the policy was suggested in this body it should be known that in a general way the chairman of the Ways and Means Committee sympathized with that view. Simply to suggest here a policy opposed to the policy of the chairman of the Ways and Means Committee adds no beneficial effect to the situation, but, on the contrary, as I am trying to explain, increases the confusion manyfold.

Mr. SIMMONS. Mr. President, I trust the Senator understands that in making amendments to this bill the Senate committee did not consider whether or not the House was going to agree to the amendments and desist from making them because it did not know what might be the final attitude of the House with reference to the amendments. We, of course, made the amendments that have been made upon our judgment.

Mr. LIPPITT. I am sure the Senator from North Carolina will not deny that it would have relieved this confusion very greatly if the situation I have tried to describe, of a harmony of opinion between the two branches, had been arrived at before some different policy had been suggested.

Mr. SIMMONS. Mr. President, of course the situation we have now was not anticipated; and if it had been anticipated I suppose Senators would have felt a delicacy in going over to the House and inquiring of the House Ways and Means Committee whether they would agree to an amendment if we made it.

I have said all I can say about the matter, and that is that I have seen no disposition on the part of the House committee to indicate any purpose to recede from its action. It might be well for us to consider what course we would pursue in that respect, in view of the fact that Senators state that rather than have this uncertainty it would be better to accept the House proposition. That is a matter about which I can express no opinion, but it is one that might be considered.

I want to say, in addition, before I finish, that there is one thing that might be done, and only one thing that I can see now; and so far as I am concerned I will do what I can to have that course pursued. When the conferees meet, in view of this situation, it can be arranged, I think, to take up this item in conference first, and try to reach some final conclusion about it; and in that way the final settlement of the matter might be advanced.

Mr. LIPPITT. I hope such a course will be pursued.

Mr. BRANDEGEE. Mr. President——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Mississippi?

Mr. BRANDEGEE. If I may.

Mr. WILLIAMS. I want to submit a couple of favorable reports in regard to routine matters from the Committee to Audit and Control the Contingent Expenses of the Senate. I am sure the resolutions will pass without any question.

Mr. BRANDEGEE. I have no objection whatever, but I think it is in violation of the rules of the Senate.

Mr. WILLIAMS. But I ask unanimous consent to do it.

Mr. BRANDEGEE. I shall not raise the question.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. WILLIAMS. I ask immediate consideration for the resolutions. I am sure there will be no objection. One of them is to give six months' pay to the widow of a dead employee and the other is to add to the pay of a clerk of one of the committees.

Mr. BRANDEGEE. Mr. President, personally I have no objection whatever to this matter being interpolated at this time. My impression is, however, that the rule provides that a Senator shall not be interrupted to present a matter of this sort, and that it shall be the duty of the Chair to enforce the rule without his attention being called to it. I may be mistaken about that, but I will yield if I can.

The VICE PRESIDENT. That is the rule.

Mr. WILLIAMS. I am still waiting to get the consent of the Senator from Connecticut. I had no idea of presenting the reports without his consent.

Mr. BRANDEGEE. If the Senator from Mississippi had heard me, he would have realized that I had given my consent three times, when once was enough.

Mr. WILLIAMS. Then if the Senator——

Mr. BRANDEGEE. I now give it for the fourth time.

Mr. WILLIAMS. If the Senator has given his consent, then I ask immediate consideration for the resolutions. They will take only a minute. They are matters of routine business.

The VICE PRESIDENT. Will the Senator from Mississippi tell the Chair how the Chair is to get out of enforcing the rule?

Mr. WILLIAMS. I suppose anybody with intelligence can do anything by unanimous consent, Mr. President. I do not know. A man can do it; two men can do it; three men can do it; six men can do it; any organization I have ever heard of can do it. I have asked unanimous consent, and if unanimous consent is granted there is nothing in the way.

Mr. CLAPP. Mr. President——

Mr. WILLIAMS. All the Chair has to do is to put to the Senate the request for unanimous consent.

The VICE PRESIDENT. The rules say that the Chair shall not do it. The Chair does not have much intelligence, but the Chair can read the rules.

Mr. WILLIAMS. Mr. President, this is still the morning hour, I think.

The VICE PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] has the floor, and we have not yet reached reports of committees.

Mr. WILLIAMS. I will wait until we do, then.

Mr. BRANDEGEE. I am very sorry the Senator could not get the matter attended to at this time.

The statement of the Senator from Kentucky [Mr. JAMES] that the Senate committee made this change in the date at the request of certain woolen interests seems to me to have no bearing upon this case. Admit that the Senate amendment is better than the House provision——

Mr. JAMES. If the Senator will pardon me, I did not state that we had made it at the instance or request of the woolen interests. I did state that they appeared and urged it.

Mr. BRANDEGEE. I did not mean to intimate that the committee was unduly under the influence of the woolen interests. Far from it. What I meant to say was that even if the Senate amendment was proposed by the committee after the woolen interests had suggested that it would be an improvement, it seems to have no relevancy to the present difficulty. The trouble is that the House has proposed one time and the Senate has proposed another.

After this matter has been called to the attention of the Finance Committee, and after everybody admits the embarrassment to this great trade in all its branches all over the country, for the Senator to say that if somebody else wants to introduce a resolution to try to smooth out this trouble there is no rule to prevent his doing so, and to prophesy that while it might be considered it probably would produce no remedy, is hardly the attitude that, it seems to me, the great Finance Committee of the Senate ought to take on this matter.

Here is a situation which imperils the whole woolen industry of this country. Authoritative documents have been put into the RECORD showing that the business is running on 25 per cent of its possibilities of production at the present time, and that there is a panicky feeling all through the business, from the production of the raw material to the sale of the manufactured product. To have the great Finance Committee of the Senate and the great Ways and Means Committee of the House stand here saying that they can not consider the remedy until the disease has proved fatal seems to me to be an admission of impotency that I exceedingly regret to discover in the Congress of the United States. The fact that after the bill gets into conference, at some indefinite date in the future, they may then take up this as one of the first matters to be considered in conference would have no tendency to calm the excited feeling in this trade which now exists. If the matter were taken up in conference as the first item, there is no assurance whatever that it would be reported independently and in advance of the entire conference report, if the conferees shall be able to agree.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am in full sympathy with the desire expressed by the Senator from Connecticut that this time should be extended, certainly as long as provided in the Senate amendment; but I do not quite see, and I ask the Senator from Connecticut if he sees, any way in which the matter can be determined at the present moment. The House has passed the bill. It has been sent to the Senate, and the Senate proposes to amend it. However friendly the Finance Committee or the Senate itself may be to the Senate amendment, does the Senator think there is any method by which we can get assurance from the other body that they will agree to the Senate amendment?

Mr. BRANDEGEE. None except what I suggested the other day, which was that the Finance Committee of the Senate should report a joint resolution fixing the dates and send it over to the House of Representatives, and then let the House of Representatives act upon it, and, if necessary, appoint a conference committee upon the joint resolution if there is disagreeing action. That was the only way I could think of.

Mr. GALLINGER. I do not know whether there are precedents for that or not; but at first blush it strikes me that before a bill has been passed and before it goes to conference it would be rather extraordinary for us to pass a joint resolution of that kind.

Mr. BRANDEGEE. It might be extraordinary.

Mr. SIMMONS. Mr. President, when the Senator had this matter up before I suggested to him that it would be not only an extraordinary thing but a very difficult thing to draw a resolution of that sort.

Mr. BRANDEGEE. I do not anticipate any difficulty in drawing it.

Mr. SIMMONS. I think when the Senator undertakes to do it he will find that there is difficulty.

Mr. BRANDEGEE. I am not sure but that I shall undertake it, notwithstanding the warning of the Senator from North Carolina.

Mr. GALLINGER. I have full knowledge of the fact that some of my own constituents are extremely solicitous about this matter, and if there is any remedy I hope we shall find it. But, as I look at the parliamentary situation, it seems to me the remedy is not visible to the naked eye, and that we shall find great difficulty in discovering it. That is my impression.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. I do.

Mr. BORAH. I understand the difficulty which the Senator from Connecticut is seeking to obviate is the fact that the bill as it comes from the House provides that the duties shall go into effect immediately upon the passage of the bill and the Senate amendment provides that they shall go into effect on the 1st of January. As I understand, this change in the time when they shall go into effect is made at the request of the woolgrowers of the West.

Mr. SIMMONS. The woolgrowers of the West asked for it, yes; that is, through their representatives. I do not recall now that any woolgrower himself came, but the representatives of that section of the country asked for it.

Mr. BORAH. The Senator from Connecticut is not insisting upon a particular date, but upon a date?

Mr. BRANDEGEE. Yes; not only a date when the duty upon raw wool shall go into effect, but a date arranged with relation to that, in view of the seasonal nature of the trade, when the duties upon manufactured products of wool shall take effect; and that the two shall be arranged with proper reference to the time between the laying in of the raw material and the time when the manufacturers have to make contracts for the production of the manufactured article.

Mr. BORAH. The Senator is not objecting particularly, then, to the fact that the bill provides at this time that it shall go into effect on the 1st of January?

Mr. BRANDEGEE. No; and of course my idea about which particular dates would be best for the trade is no better than that of any other Senator. In fact, other Senators' ideas are much better than mine, for they know more about the business.

I have said all I care to say about the matter this morning. I think in the near future I shall introduce a joint resolution which I hope will have the consideration of the Finance Committee.

Mr. GALLINGER. I venture the suggestion that if the Senator from Connecticut, using his persuasive methods, which we all understand, could induce the Senators on the other side who will be on the conference committee to stand out, not only a week or a month but as long as might be necessary, against the House conferees, and insist that this amendment should be agreed to, we would then have a practical solution of the matter.

If the bill shall be passed as it has come from the committee of the Senate, with this very desirable amendment, I hope the conferees on the part of the Senate will conceive it to be their duty to make a special contest to carry their point; because, laying aside all controversy about the duties on raw wool or manufactures of wool, there is no question that our manufacturing interests, at least—and I speak simply from a general knowledge—are very much disturbed over this particular phase of the proposed legislation.

Mr. SMOOT. I just want to add to what has been said by the Senator from New Hampshire that they may well be disturbed, for the reason that from the time the raw wool is taken into the mill, if its manufacture is immediately started, it is generally four months before it is made into cloth; and the manufacturers ought to have that difference so as to protect themselves in regard to the wool they have on hand.

PROTECTION OF AMERICAN CITIZENS.

Mr. SHEPPARD. I present resolutions adopted by the Senate of the State of Texas relative to conditions in Mexico. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the Senate of the United States is now engaged in debating a resolution offered by a distinguished United States Senator from the West concerning the policy that should be pursued by the Government of the United States in defense of the rights of its citizens in Mexico; and

Whereas American lives have been jeopardized and American property destroyed in Mexico by a persistent refusal of this Government to extend the proper protection to its citizens and their property in that country, when other foreign countries were protecting their citizens and their property rights by a firm attitude; and

Whereas a firm and dignified policy which recognizes and respects the rights of our neighboring Republic and demands in return respect of the rights of our citizens there would tend to preserve peace by promoting mutual respect; and

Whereas the national Democratic platform adopted at Baltimore on July 2, 1912, contains the following declaration of party faith, to wit:

"We pledge ourselves anew to preserve the sacred rights of American citizenship at home and abroad. The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property":

Now, therefore, be it

Resolved, That it is the sense of the Senate of Texas that the Government of the United States should redeem and give meaning to the foregoing pledge of party faith in vindication of the national honor; be it further

Resolved, That the secretary of the senate be instructed to forthwith transmit this resolution by mail to the President of the United States and to the Senators and Representatives from Texas.

The above resolution was this day adopted by the Senate of Texas.

W. V. HOWERTON,
Secretary of the Senate.

Mr. SMITH of Michigan. Will the Senator from Texas permit me to make an inquiry? I should like to inquire of him whether his resolution was to be read?

Mr. SHEPPARD. I did not ask that it be read. If the Senator would like to hear it, it can be read. It is brief.

Mr. SMITH of Michigan. What was the reference?

The VICE PRESIDENT. The resolution was ordered to be printed in the RECORD and referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS.

Mr. CLAPP presented petitions of sundry citizens of Minneapolis, Minn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. OLIVER presented a memorial of the Civil Service Reform Association of Pennsylvania, remonstrating against the adoption of Paragraph O, section 2, of the pending tariff bill, relating to the collection of the income tax, which was ordered to lie on the table.

Mr. SAULSBURY. I present sundry petitions signed by many estimable women of Delaware, favoring the adoption of an amendment to the Constitution granting the right of suffrage to women. I ask that the petitions be referred to the Committee on Woman Suffrage.

The VICE PRESIDENT. The petitions will be referred to the Committee on Woman Suffrage.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. CLARK of Wyoming (for Mr. CHAMBERLAIN), from the Committee on Public Lands, to which was referred the bill (S. 1673) authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the county of Grant, State of Washington, reported it without amendment and submitted a report (No. 94) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 2576) for the relief of John Q. Adams, reported it without amendment and submitted a report (No. 96) thereon.

SALARY OF ASSISTANT COMMITTEE CLERK.

Mr. WILLIAMS. I report back favorably with amendments from the Committee to Audit and Control the Contingent Expenses of the Senate Senate resolution 133, submitted by the Senator from Alabama [Mr. BANKHEAD] July 15. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 5, before the words "per annum," to strike out "$2,000" and insert "$1,800," and in line 6, before the words "to be paid," to strike out "$560" and insert "$360," so as to make the resolution read:

Resolved, That the chairman of the Committee on Post Offices and Post Roads be authorized to employ one of his three assistant clerks, each now drawing a salary of $1,440 per annum under the act of March 4, 1913, at the rate of $1,800 per annum, the difference of $360 to be paid from miscellaneous items, contingent fund of the Senate, until otherwise provided by law.

The amendments were agreed to.

The resolution as amended was agreed to.

SARAH W. PATRICK.

Mr. WILLIAMS. I report back favorably with an amendment from the Committee to Audit and Control the Contingent Expenses of the Senate Senate resolution 140, submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] July 21. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, after the name "Sarah," to insert "W.," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Sarah W. Patrick, widow of Lewis S. Patrick, late clerk to the Committee to Investigate Trespassers on Indian Lands, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

PUBLIC BUILDING AT NEWARK, N. J.

Mr. MARTINE of New Jersey. I report back favorably without amendment from the Committee on Public Buildings and Grounds the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, and I submit a report (No. 93) thereon.

I will state that the bill authorizes the advertisement and sale of the present post-office building and grounds in the city of Newark, N. J. Newark is the largest city in our State, having approximately a population of half a million. We have outgrown the present quarters. The bill proposes to grant authority to sell the present post-office building and grounds for a sum not less than $1,800,000 and then to devote $800,000 for the purchase of a site that shall be fitting and proper according to the department, and it provides further for the use of $1,000,000 for the erection of a building. It is quite essential that the matter be taken in hand at once, and I ask unanimous consent for the immediate consideration of the bill.

Mr. GALLINGER. Let the bill be read for the information of the Senate.

Mr. MARTINE of New Jersey. It will cost the Government nothing. There are no amendments to the bill.

Mr. SIMMONS. I do not wish to object to its consideration and I will not do so, with the understanding that if it leads to any debate the Senator will withdraw it.

Mr. MARTINE of New Jersey. I certainly will acquiesce in that. There are no amendments and the bill is reported by the committee unanimously. I can see no reason for debate. If it should lead to debate, I certainly would withdraw it.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC LAND ENTRIES.

Mr. STERLING. From the Committee on Public Lands I report back favorably with amendments the bill (S. 2419) permitting male minors of the age of 18 years or over to make homestead entry or other entry on the public lands of the United States, and I submit a report (No. 95) thereon. The bill is accompanied by a letter from the Secretary of the Interior, which I ask that the Secretary may read, with a view of asking unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The SECRETARY. The letter of the Department of the Interior is as follows——

Mr. SIMMONS. Is it necessary to read that letter in connection with the report?

The VICE PRESIDENT. The Senator from South Dakota has asked that the letter be read to show the necessity for the present consideration of the bill.

Mr. SIMMONS. I shall object to the present consideration of the bill.

The VICE PRESIDENT. The bill goes to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Wyoming:

A bill (S. 2870) to provide for the punishment of certain crimes against the United States; to the Committee on the Judiciary.

By Mr. GRONNA:

A bill (S. 2871) to amend section 99 of the Judicial Code; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 2872) granting an increase of pension to Patrick J. Conway; and

A bill (S. 2873) granting an increase of pension to David N. Taylor; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2874) granting a pension to Catherine Kelly (with accompanying papers); to the Committee on Pensions.

DUTIES ON COTTON MANUFACTURES.

Mr. LIPPITT. I submit a proposed amendment which I desire to offer to the tariff bill, and I should like to have it read and lie on the table.

The amendment was read, ordered to lie on the table and to be printed, as follows:

Beginning on page 73, strike out paragraphs 255 to 271, inclusive. In lieu thereof insert the following:

"PAR. 255. From and after the day following the passage of this act, in lieu of the terms and provisions of Schedule I of the act of Congress approved August 5, 1909, the terms and provisions of Schedule I of the act of Congress approved July 24, 1897, shall be substituted: *Provided*, That the rates of duty shall be the same as those imposed in said Schedule I of the act of July 24, 1897, less 20 per cent thereof."

GOODS IN BOND.

Mr. SUTHERLAND. I offer a resolution (S. Res. 146) for which I ask present consideration, and for fear the Secretary may not be able to follow my handwriting I will read it:

Resolved, That the Secretary of the Treasury is directed to furnish for the use of the Senate the following information:

1. The value of imported commodities now held under bond for warehousing or other purpose which have been entered without payment of duty.

2. The value of such commodities so held at the same time in the year 1912.

3. An estimate of the total amount of the duties payable upon such commodities under existing tariff laws.

4. An estimate of the amount of duties which would be payable under the proposed tariff bill, H. R. 3321, as the same is reported to the Senate by the Finance Committee of the Senate.

I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. I shall not object to the request, for the resolution is pertinent to the proposed amendment to the tariff bill submitted by the Senator from Utah on July 18.

The resolution was considered by unanimous consent and agreed to.

SEGREGATION ORDER IN POST OFFICE DEPARTMENT.

Mr. CLAPP (by request) submitted the following resolution (S. Res. 147), which was ordered to lie on the table:

Whereas it is reported that there has been a segregation order issued by some unknown source or authority in the Post Office Department; and

Whereas the clerks and employees have worked together peacefully for over 50 years; and

Whereas the said segregation order will cost the Government of the United States over $150,000: Therefore be it

Resolved, That the Committee on Post Offices and Post Roads be, and they are hereby, authorized to inquire into and to report by what authority the said segregation order was issued and what necessity, if any, exists for such order in the executive department after 50 years of perfect peace among the employees of the department, which order makes it very inconvenient for the clerks.

LIEUT. ROY C. SMITH.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 148), which was referred to the Committee on Naval Affairs:

Resolved, That the Committee on Naval Affairs or a subcommittee thereof are hereby authorized, empowered, and directed to investigate the charges preferred against Lieut. Roy C. Smith, formerly with the Asiatic Squadron, upon which his resignation was demanded after threatening trial by court-martial.

The said committee or subcommittee are for this purpose authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use.

THE TARIFF.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], at the top of page 29. The Senator from North Dakota [Mr. GRONNA] is entitled to the floor.

Mr. GRONNA. Mr. President, when the Senate took an adjournment yesterday I was about to proceed to discuss the tariff on sheep.

Our present law has a duty on sheep of 75 cents per head if less than 1 year old and $1.50 per head if more than 1 year. The Senate bill places sheep on the free list. France has a general duty of $3.50 per 100 pounds and a minimum duty of $2.19 per 100 pounds. Germany has a general duty of $1.94 per 100 pounds and a conventional duty of 86 cents per 100 pounds. Austria-Hungary has a duty of 51 cents per head; Belgium 39 cents per head. England and the Netherlands admit sheep free. Italy imposes a duty of 58 cents per head plus the statistical tax of 2 cents. Spain has a duty of 77 cents per head, with a lower rate of 58 cents on sheep imported from favored countries. Russia has no duty on sheep. Canada has a general tariff of 25 per cent ad valorem, with an intermediate tariff of 22½ per cent. Mexico admits them free. Brazil has a rate of $2.05 per head. Argentina has no duty on sheep. Japan assesses them $1.49 per head. Australia protects her sheep with a rate of 48 cents per head. New Zealand admits them free.

The present law has a tariff of $1.50 per head on swine. The Senate bill places them on the free list. Other countries have duties on swine as follows: England, free; France, general duty $2.19 per 100 pounds, minimum duty $1.31 per 100 pounds; Germany, general rate $1.94 per 100 pounds, conventional duty 97 cents per 100 pounds; Austria-Hungary, 30 cents each on sucking pigs, $2.44 on others weighing less than 264 pounds, and $4.47 on hogs weighing more than 264 pounds; Belgium, free; the Netherlands, free; Italy, 58 cents each if weighing less than 22 pounds, $1.93 each if weighing more than 22 pounds; Spain, $2.12 each; Russia, free; Canada, general rate 1½ cents per pound, intermediate rate 1¼ cents per pound; Mexico, 50 cents per 100 pounds; Cuba, general rate, $1.25 each, special rate to the United States, $1 each; Brazil, $2.56 per head; Argentina, free; Japan, 20 per cent ad valorem; Australia, $1.20 each; New Zealand, free.

The Senate bill reduces the present rate of 30 cents per bushel on barley to 15 cents. The rates in some other countries are as follows: England, free; France, 13 cents per bushel; Germany, general rate, 36 cents per bushel; conventional rate, 21 cents per bushel; Austria-Hungary, general tariff, 18 cents per bushel; conventional tariff, 12 cents per bushel; Belgium, free; the Netherlands, free; Italy, 17 cents per bushel plus a statistical tax of a little less than one-half cent a bushel; Spain, 17 cents per bushel; Russia, free; Canada, general tariff, 15 cents per bushel; intermediate tariff, 12½ cents per bushel; Mexico, 35 cents per bushel; Cuba, 14 cents per bushel; if for brewing purposes, 11 cents per bushel; Brazil, 39 cents per bushel; Argentina, 16 cents per bushel; Japan, 10 cents per bushel; Australia, 23 cents per bushel; New Zealand, 23 cents per bushel.

On oats our present rate is 15 cents per bushel; the Senate bill reduces this to 6 cents per bushel. In other countries the tariffs are as follows: England, free; France, 8.4 cents per bushel; Germany, general rate, 24 cents per bushel; conventional rate, 17 cents per bushel; Austria-Hungary, general rate, 18½ cents per bushel; conventional rate, 15 cents per bushel; Belgium, 8 cents per bushel; the Netherlands, free; Italy, 11 cents per bushel; Spain, 11 cents per bushel; Russia, free; Canada, general tariff, 10 cents per bushel; intermediate tariff, 9 cents; Mexico, 12 cents per bushel; Cuba, 7½ cents per bushel, with the usual 20 per cent reduction on American imports; Brazil, 29 cents per bushel; Argentina, 21 cents per bushel; Japan, 8 cents per bushel; Australia, 12 cents per bushel; New Zealand, 6 cents per bushel.

On rice the Senate bill reduces the present duty of 2 cents a pound, cleaned, and 1¼ cents, uncleaned, to 1 cent and five-eighths cent a pound, respectively. Other countries have rates as follows: Great Britain, free; France, 70 cents per 100 pounds; Germany, pearled rice, general rate, 65 cents per 100 pounds; conventional rate, 43 cents per 100 pounds; rice, not cleaned, 43 cents per 100 pounds; Austria-Hungary, general rate, 55 cents per 100 pounds; conventional rate, 33 cents per 100 pounds; Belgium, free; the Netherlands, free; Italy, 96 cents per 100 pounds; Canada, cleaned rice, general rate, 75 cents per 100 pounds; intermediate rate, 65 cents per 100 pounds; uncleaned rice and paddy, free; Mexico, 2 cents per pound; Cuba, 54 cents per 100 pounds, with a 40 per cent reduction if imported from the United States; Brazil, $3.22 per 100 pounds; Argentina, 95 cents per 100 pounds; Japan, 38 cents per 100 pounds; Australia, $1.46 per 100 pounds; 81 cents per 100 pounds, if uncleaned; New Zealand, 18 cents per 100 pounds. The committee has treated the rice growers fairly well compared to the treatment accorded other farmers. The only above countries having a higher duty on rice than the proposed rate

are Russia, 1½ cents per pound; Mexico, 2 cents; Brazil, almost 3¼ cents; and Australia, about 1½ cents.

Wheat, the great staple product of the Northwest, and also extensively raised in the Middle West, is at present protected by a duty of 25 cents per bushel; the Senate bill places it on the free list. Other important countries have rates as follows: Great Britain, free; France, 37 cents per bushel; Germany, general rate 48½ cents per bushel, conventional rate 35½ cents; Austria-Hungary, general tariff 43 cents per bushel, conventional tariff 36½ cents; Belgium, free; the Netherlands, free; Italy, 39 cents per bushel; Russia, free; Spain, 42 cents per bushel; Canada, general rate 12 cents per bushel, intermediate 10 cents; Mexico, 44 cents per bushel; Cuba, general rate 16 cents per bushel, to the United States 13 cents; Brazil, 14 cents per bushel; Argentina, seed wheat free, other wheat 25 per cent ad valorem, wheat except seed wheat is not specifically mentioned in the tariff act and would therefore be dutiable under the general provision that all goods not specifically charged with a duty and not exempted from duty shall pay a duty of 25 per cent ad valorem; Japan, 17 cents per bushel; Australia, 22½ cents per bushel; New Zealand, 11 cents per bushel. Great Britain, Belgium, the Netherlands, and Russia are the only ones of these countries to place wheat on the free list.

The duty on flaxseed is reduced by the Senate bill from the present duty of 25 cents per bushel to 15 cents per bushel. In other countries we find the following rates: Great Britain, free; France, if used for seed, general rate 23 cents per bushel, minimum rate 17 cents per bushel, if used for any other purpose than for seed, free; Germany, general rate 4½ cents per bushel, conventional rate free; Austria-Hungary, free; Belgium, free; the Netherlands, free; Italy, 23 cents per bushel; Russia, general rate 20 cents per bushel, conventional rate 12 cents; Spain, 5 cents per bushel; Canada, 10 cents per bushel; Mexico, 14 cents per bushel; Cuba, 32 cents per bushel with a 20 per cent reduction if imported from the United States; Brazil, $1.13 per bushel; Argentina, flax for seed free, other flax 25 per cent ad valorem; Japan, 13 cents per bushel; Australia, 27 cents per bushel; New Zealand, free.

On potatoes there is at present a duty of 25 cents per bushel; the Senate bill places them on the free list. Other countries, I find, have rates as follows: Great Britain, free; France, if imported between March 1 and June 1, general rate 32 cents per bushel, minimum rate 16 cents per bushel; if imported at any other time, general rate 16 cents per bushel, minimum rate 2 cents; Germany, from February 15 to July 31, general rate 16 cents per bushel, conventional rate 6 cents; from August 1 to February 14, free; Austria-Hungary, general rate $1.02 per bushel, conventional rate free; Belgium, free; the Netherlands, free; Italy, free; Russia, free; Spain, 6 cents per bushel; Canada, general tariff 20 cents per bushel, intermediate tariff 17½ cents; Mexico, 44 cents per bushel; Cuba, 18 cents per bushel; Argentina, free; Brazil, $1.03 per bushel; Japan, 30 per cent ad valorem; Australia, 13 cents per bushel; New Zealand, 13 cents per bushel.

On corn there is at the present time a duty of 15 cents per bushel; the Senate bill places it on the free list. Tariffs in other countries are as follows: Great Britain, free; France, 15 cents per bushel; Germany, general rate, 30 cents per bushel—conventional rate, 18 cents; Austria-Hungary, 21 cents per bushel general rate—14 cents conventional rate; Belgium, free; the Netherlands, free; Italy, 37 cents per bushel; Russia, free; Spain, 11 cents per bushel; Canada, not for distillation, free—if for distillation, 7½ cents per bushel; Mexico, 11 cents per bushel; Cuba, 10 cents per bushel; Brazil, 35 cents per bushel; Argentina, seed corn, free—other, 25 per cent ad valorem; Japan, 6 cents per bushel; Australia, 21 cents per bushel; New Zealand, 10 cents per bushel.

The Senate bill reduces the present duty of 6 cents per pound on butter to 2½ cents. The most important commercial countries have tariffs as follows on butter: Great Britain, free; France, general tariff $2.63 per 100 pounds, minimum tariff $1.75 per 100 pounds; Germany, general rate $3.23 per 100 pounds, conventional duty $2.16; Austria-Hungary, general rate $3.22 per 100 pounds, conventional rate $2.20 per 100 pounds; Belgium, $1.75 per 100 pounds; the Netherlands, free; Italy, $1.31 per 100 pounds; Russia, $1.07 per 100 pounds; Spain, $7.44 per 100 pounds; Canada, 4 cents per pound; Brazil, $28.82 per 100 pounds; Argentina, almost 4½ cents per pound; Japan, $11.14 per 100 pounds; Australia, 6 cents per pound; New Zealand, 30 per cent ad valorem.

On cheese, on which the Senate bill reduces the present duty of 6 cents per pound to 2½ cents, I find that foreign countries have duties as follows: Great Britain, free; France, general tariff, $3.06 per 100 pounds, minimum tariff, $1.05 to $1.75 per 100 pounds, depending on kind; Germany, general rate, $3.25 per 100 pounds; on certain kinds of cheese there is a conventional rate of $1.62; Austria-Hungary, general rate, $4.60 to $5.52 per 100 pounds; on certain kinds there is a conventional rate ranging from $1.10 to $1.30 per 100 pounds; Belgium, on certain kinds, $1.05 per 100 pounds; other kinds, free; the Netherlands, 91 cents per 100 pounds; Italy, general rate, $2.09 per 100 pounds; conventional rate, 86 cents to $1.31 per 100 pounds; Russia, general rate, $12.83 per 100 pounds; conventional rate, $10.27; Spain, general rate, 7 cents per pound; lower rates ranging from 1¾ to 5¼ cents on certain kinds; Canada, 3 cents per pound; Mexico, $3.73 per 100 pounds; Cuba, $2.95 per 100 pounds; 40 per cent reduction on imports from the United States; Brazil, $23.06 per 100 pounds; Argentina, 9 cents per pound; Japan, $7.72 per 100 pounds; Australia, 6 cents per pound; New Zealand, 30 per cent ad valorem.

On milk and cream there are at present duties of 2 cents and 5 cents a gallon, respectively. The Senate bill places both on the free list. Tariffs of other countries are as follows: Great Britain, free; France, general rate, 44 cents per 100 pounds; minimum rate, 22 cents; higher rates on condensed milk; Germany, free; Austria-Hungary, free; Belgium, free, unless intended for the manufacture of condensed milk or artificial butter; the Netherlands, free; Italy, free; Spain, general rate, $6.57 per 100 pounds; certain countries enjoy a lower rate of $4.38 per 100 pounds; Canada, general tariff, 3¼ cents per pound; intermediate tariff, 3 cents; Mexico, free; Cuba, 13 per cent ad valorem; Brazil, 13 cents a pound; Japan, $2.09 per 100 pounds; Australia, 4 cents per pound, if sweetened, 2½ cents, if unsweetened; New Zealand, 37½ per cent ad valorem.

Eggs, which are at present dutiable at 5 cents per dozen, are placed on the free list by the Senate bill. Other countries have duties on eggs as follows: Great Britain, free; France, general tariff, 88 cents per 100 pounds; minimum tariff, 53 cents; Germany, general rate, 65 cents per 100 pounds; conventional rate, 22 cents; Austria-Hungary, general rate, 74 cents per 100 pounds; conventional rate, free; Belgium, free, Netherlands, free; Italy, free; Russia, 26 cents per 100 pounds; Spain, first tariff, $1.75 per 100 pounds; second tariff, $1.31 per 100 pounds; Canada, general tariff, 3 cents per dozen; intermediate tariff, 2½ cents; Mexico, free; Cuba, $2.95 per 100 pounds; Brazil, free; Argentina, $1.05½ per 100 pounds; Japan, $2.26 per 100 pounds; Australia, 12 cents per dozen; New Zealand, 30 per cent ad valorem.

The pending bill further proposes to reduce the rates of 3 cents per pound on live poultry and 5 cents per pound on dead poultry to 1 cent and 2 cents, respectively. Great Britain, of course, has no tariff on poultry; France has a general rate of $2.63 per 100 pounds and a minimum rate of $1.75; in Germany the general rate is 65 cents per 100 pounds and the conventional rate 43 cents; in Austria-Hungary the general rate on live poultry is 74 cents per 100 pounds; on dead poultry, $2.30; the conventional rate is 37 cents per 100 pounds on live poultry and $1.47 on dead poultry; Belgium, admitting live poultry free, assesses a duty of $2.63 per 100 pounds on dead poultry; Netherlands, free; Italy, 44 cents per 100 pounds; Russia, free; Spain, 10 cents each; Canada, general tariff, 20 per cent ad valorem; intermediate tariff, 17½ per cent; Mexico, free; Cuba, $4.72 per 100 pounds; Brazil, 32 per cent ad valorem; Argentina, free; Japan, 20 per cent ad valorem; Australia, various rates; New Zealand, 30 per cent ad valorem.

On hay there is at present a duty of $4 per ton. This the pending bill proposes to reduce to $2 per ton. Other important countries have duties as follows: Great Britain, free; France, general rate, $1.30 per ton; minimum rate, 86 cents; Germany, general rate, $2.15 per ton; conventional rate, free; Austria-Hungary, free; Belgium, free; the Netherlands, free; Italy, no tariff duty, but subject to a statistical tax of about 19 cents per ton; Russia, free; Spain, $1.75 per ton; Canada, general rate, $2 per ton; intermediate rate, $1.75; Mexico, free; Cuba, $5.30 per ton, with a 20 per cent reduction on imports from the United States; Brazil, $20.70 per ton; Japan, $1.36 per ton; Australia, $4.34 per ton; New Zealand, 30 per cent ad valorem.

On straw there is at present a tariff of $1.50 per ton, which the pending bill reduces to 50 cents per ton. Other countries have duties as follows: Great Britain, free; France, general tariff, $3.40 per ton, minimum tariff, $1.76; Germany, general tariff, $2.16 per ton, conventional tariff, free; Austria-Hungary, free; Belgium, free; the Netherlands, free; Russia, free; Spain, fine straw, 88 cents per ton, straw for fodder, $1.76; Canada, general tariff, $2 per ton, intermediate tariff, $1.75; Cuba, fine straw, $20.98 per ton, if for fodder, $5.30 per ton; Brazil, if for fodder $20.70 per ton, if for other purposes, from 86 cents per 100 pounds to $4.14 per 100 pounds, or from $17.24 per ton

to $81; Japan, 5 to 10 per cent ad valorem; Australia, $4.35 per ton; New Zealand, 30 per cent ad valorem.

On rye there is at present a duty of 10 cents per bushel, which the pending bill proposes to remove. I find that other countries have duties on rye as follows: Great Britain, free; France, 15 cents per bushel; Germany, general rate, 42 cents per bushel, conventional rate, 30 cents; Austria-Hungary, general rate 36 cents per bushel, conventional rate, 30 cents; Belgium, free; the Netherlands, free; Italy, 22 cents per bushel; Russia, free; Spain, 20 cents per bushel; Canada, general rate, 10 cents per bushel, intermediate rate, 9 cents; Mexico, 42 cents per bushel; Cuba, 20 cents per bushel, with a reduction of 20 per cent if imported from the United States; Argentina, 26½ cents per bushel; Japan, 15 per cent ad valorem; Australia, 21 cents; New Zealand, 10 cents per bushel.

On wheat flour there is at present a duty of 25 per cent ad valorem, which this bill proposes to remove. Other countries have tariffs on flour as follows: Great Britain, free; France, 96 cents to $1.40 per 100 pounds, according to quality; Germany, general rate, $2.02 per 100 pounds, conventional rate, $1.10; Austria-Hungary, $1.36 per 100 pounds; Belgium, 18 cents per 100 pounds; the Netherlands, free; Italy, $1.01 per 100 pounds; Russia, 64 cents per 100 pounds—it will be noted, Mr. President, that, while wheat is admitted free into Russia, there is a duty on flour of 64 cents per hundred pounds—Spain, $1.23 per 100 pounds; Canada, general rate, 60 cents per barrel, intermediate rate, 50 cents; Mexico, $2.48 per 100 pounds; Cuba, 59 cents per 100 pounds, with a reduction of 30 per cent if imported from the United States; Brazil, 58 cents per 100 pounds; Argentina, free; Japan, 70 cents per 100 pounds; Australia, 61 cents per 100 pounds; New Zealand, 29 cents per 100 pounds.

The pending bill also places all kinds of wool on the free list. Other countries have tariffs on wool as follows: Great Britain, free; France, raw wool, free; Germany, free; Austria-Hungary, free; Belgium, free; the Netherlands, free; Italy, free; Russia, slightly more than 4½ cents per pound; Spain, first tariff, $2.18 per 100 pounds; second tariff, $1.72 per 100 pounds; Canada, on wools such as are grown in Canada, general tariff, 3 cents per pound; intermediate tariff, 2½ cents; Mexico, 1¾ cents per pound; Cuba, raw wool, 20 per cent ad valorem; Brazil, a little more than 4 cents per pound; Argentina, 25 per cent ad valorem; Japan, free.

Mr. President, I believe the foreign tariffs cited are sufficient to show the policies of those countries with regard to agricultural products. With the exception of such countries as Great Britain and the Netherlands, which do not expect to produce sufficient agricultural products for their own needs, and rely on other countries to furnish them with these necessaries, it is the policy of other countries to give the farmer as well as the manufacturer such benefit as he may derive from a tariff on his products. The mere fact that the products of the farmer are primary necessaries, while many manufactures have been made necessary by advancing civilization, is to my mind no reason why the producer of products of the soil should be discriminated against. Many manufactures are as much necessaries as the products of the farm, and as to those that are not I can not see why it is a wise policy to encourage the production of what may be called luxuries rather than of necessaries. We are able to produce enough farm products for our needs, and there is no reason to believe that we shall not be able to do so in the future. It is no answer to the objection of placing farm products on the free list to say that this is not a protective-tariff bill. No matter what you call the tariff, the effect of the duties imposed is the same. Whether you say that the purpose of a given duty is to raise revenue or to protect a domestic industry, if a duty is levied it will result in giving the producer of that article in this country an advantage in protecting to a greater or less extent his market from the competition of producers of the same article in other countries; and when you place a duty on the products of one man and place the products of another on the free list you discriminate against the latter to the same extent, whether you call your tariff a revenue tariff or a protective tariff.

The Democratic Members of Congress were responsible for the passage of the Canadian reciprocity treaty. It is true that some of the Republican Members, together with President Taft, supported this measure, but a majority of the Republican Members of both Houses opposed the measure and voted against it. When the Canadian reciprocity treaty was first presented to Congress it looked quite respectable. It had strong supporters back of it, it was the pet measure of President Taft, and was strongly indorsed by ex-President Roosevelt. The powerful influence of the press was behind it; the great milling industry favored it; the American Brewers' Association, whose baneful and sinister influence has been felt more than that of any other trust, not only welcomed it but championed its cause. Even some of our Republican leaders were led to believe that it could do no harm but might be of some benefit, and it was not until some of the Members of the agricultural districts took a courageous stand against this iniquitous measure, and showed beyond a question of doubt that it was a discrimination and rank injustice to the American farmer and of no benefit to the consumer that the people realized the injurious effects of this measure. The leaders of the Democratic Party evidently saw the advantage to be gained by their party, and almost unanimously voted for and became the ardent supporters of the administration measure, and viewing it from a partisan standpoint it did not take a very bright mind to clearly see the political advantage to be gained by the Democratic Party in giving their support to this measure.

From a Democratic standpoint it worked well; it was an entering wedge toward free trade and was the means of widening the breach already existing in the Republican Party. So far as the Democrats were concerned it was, "Head I win, tail you lose."

The progressive Republicans in both branches of Congress attacked the Payne-Aldrich tariff bill not because it was a protective measure nor because they favored free trade, but because a promise was given the American people in the Republican national platform of 1908 that the tariff should be revised, and that this revision meant a downward revision there was no doubt. It was contended by these progressive Republicans that some of the items in the tariff bill were protected by duties unduly high. It was a mistake of both factions of the Republican Party not to agree upon a compromise measure, but, unfortunately, some of the leaders of the dominant party of that day had been in power so long that it was not an easy matter to convince them that they were neither omnipotent nor omniscient. There were then and there are now Republican Senators and Representatives possessing the honesty and the courage of their convictions who were not afraid to criticize and to rebel against the leadership that is contrary to the fundamental principles of the Republican Party. But it seems that in the councils of war that were held it was agreed to apply the steam-roller process to this little band of insurgents rather than to counsel with them; and so the inevitable has happened. The members of the party became hopelessly divided and the Democratic Party has again, as it always does, profited by the dissension and division in the Republican ranks, and as a result the country is again in the hands of Democracy.

You, my Democratic friends, have the President, the Senate, and the House of Representatives. I know that you will say that you gladly assume the responsibility of leadership; but, in my judgment, after four years of misrule you will again be hunting for excuses and explaining why we had hard times, if not a panic, and why millions of unemployed, willing workers were walking the streets looking for work and thousands of able-bodied men compelled to beg for bread. Such conditions as existed under the Cleveland administration are yet fresh in my memory, as it must be in the memory of everyone within the hearing of my voice, and while I hope and pray that such a calamity will not again befall the American people, yet the penalties imposed by writing into law the provisions of this bill lead me to believe that it is impossible for the American people to escape the dire punishment.

But you seem to have adopted the same method that the leaders of the Republican Party, to whom I have referred so strongly, used and abused. I believe there are Senators on that side who are dissatisfied with this bill; I believe there are Senators on that side who, if permitted to follow their own free will, would prefer to change many of its provisions, but the party lash has been applied by a most benevolent leader, the same as it was attempted to be applied by the leaders of the Republican Party when that party was dominant in the councils of this Nation. It ought to be manifest to everyone that our leaders erred, and I believe you are making the same mistake. By using the "Star-Chamber method," with the curtains carefully pulled down and the doors well guarded, you have made it possible for a minority of the Senate to control legislation which so vitally affects every industry and every individual citizen of this great land.

I am not complaining because the Democratic Party insists on passing a bill which is in accordance with their views. You have a majority in both branches of Congress, and you have a right to expect to pass a bill that will be satisfactory to the members of your own party, but I have the right to complain of the mode of procedure; I have the right to condemn—and I do condemn most severely—the action you have taken by making a bill in secret caucus. You have excluded the reporters of

the press; you have excluded Republican Senators; you have excluded the citizens of this great country who are engaged in the industries and are vitally interested and entitled to be heard.

Mr. President, I do not wish it to appear that it is in any spirit of partisanship that I refer to the Chief Executive of our Government, for it will be remembered that when the reciprocity treaty with Canada was pending before this body I did not hesitate to criticize a Republican President.

Mr. President, I came here with an open and receptive mind, believing it to be my duty as best I could to assist the Senate in making this bill; of course, not expecting it to fully meet with my approval, but to make it a better bill than it now is. But, Mr. President, I have had no opportunity to help draw this bill, nor do I expect that any suggestions I might make will meet the approval of the majority. When this bill passed the House it provided for a duty of 10 cents per bushel on wheat, and according to newspaper reports the Senate committee to which the agricultural schedule was referred was reported as favoring the provisions of the House bill with an amendment providing for a compensatory duty on the manufactured articles of wheat. But it has been said that the committee, at the request of President Wilson, placed wheat, together with practically all agricultural products, on the free list.

There are Senators in this Chamber who claim to know more, and I believe do know more, about the agricultural schedule than does President Wilson. There are Members in this body who know as much, if not more, about the needs of the agricultural classes in this country, especially the agricultural industry of the West, as the majority members of the Finance Committee, and if I am not wrong in my statement, then, Mr. President, the majority members of the Finance Committee have knowingly committed an injustice against the toiling millions who are engaged in that industry.

Mr. President, I know there are Senators on that side of the Chamber who rebelled against the secret caucus. I believe that you were warned by progressive Senators on that side and advised not to proceed to make this bill in the darkness of a secret caucus. I have been told that Members on that side rebelled against legislating in a secret caucus. Perhaps some Senator will say that the Republicans have nothing to do with this bill and that it is none of our business what kind of a bill the Democrats make, as they alone are willing to take the responsibility for this legislation.

I say in answer to that, it is our business; I say that so long as this bill is pending before this body I feel that it is not only our privilege but our duty to call attention to the great injustice that will be done to the people of this country by enacting this legislation. The great industry of agriculture is again the subject of an unjust onslaught and discrimination. Why is the Democratic Party so bitter in its opposition to the great industry of agriculture? What has the farmer done to incur the choler and hate of the Democratic Party? Perhaps Senators on that side will deny that they have any grievance against the farmer, but I call your attention to the fact that in my State alone, where in 1912 we raised more than 143,000,000 bushels of wheat, with short crops in foreign countries, under the provisions of this bill our farmers would lose in a single year more than $15,000,000 on wheat. North Dakota produced last year nearly 13,000,000 bushels of flax, and the farmers who produce that crop will lose more than a million dollars a year under the provisions of this bill. Under the provisions of this bill the farmers of my State alone will lose from fifteen to twenty millions of dollars annually as long as it remains a law on the Federal statute books. Why, Mr. President, should I not be opposed to such an unjust measure?

Mr. President, I come from an agricultural State, and, knowing the true conditions of the people and the hardships they have to endure, the toil and labor they have to perform, the long hours of labor the farmer, his wife, and his children must, if they are going to keep the wolf from the door, of necessity perform, I feel justified in making this protest. I have said before and I repeat that I believe the farmer receives less pay per hour for his labor than any class of men engaged in any other industry. Not only that, but I believe that he receives smaller returns upon his investment than any other class engaged in any other industry. Farming is certainly a legitimate industry, and we had your assurances, my Democratic friends, that you would do no harm to any legitimate industry. The farmers have for these many years listened to coined phrases and beautiful, well-rounded sentences of eminent statesmen that agriculture is the foundation of all sources of wealth, and yet you ignore the demand of the farmers and refuse to write into this bill a provision that would in the future give them some protection, and with complacency you add to their burden, which, under existing conditions, is much heavier than it ought to be.

The chairman of the Finance Committee said in his able speech in reporting this bill the other day that while the committee had placed wheat and other agricultural products on the free list, the committee had also made provisions in the bill to place agricultural implements on the free list. If I understood the Senator from North Carolina, the chairman of the Finance Committee, correctly, he did not deny that there would be a loss to the American farmer by reason of placing his products on the free list, but that the farmer would be recompensed for this loss by the reduction in the price of farm implements. No doubt this statement was made in good faith and represented not only the views of the Senator from North Carolina, but the views of the majority members of the committee. But let us see for a moment to what extent the farmer will be compensated. The present law provides for a duty of 15 per cent on plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, and cotton gins, with this proviso:

Provided, That any of the foregoing, when imported from any country, dependency, province, or colony, which imposes no taxes or duty on like articles imported from the United States, shall be imported free of duty.

In a report on the International Harvester Co. of America made by the Department of Commerce and Labor, Bureau of Corporations, under date of March 3, 1913, I find that the average factory cost of binders to the International Harvester Co. at its domestic plants for two years, 1910 and 1911 combined, was $56.32. Admitting, for the sake of argument, that this company takes advantage of the duty imposed and no more, the factory price of harvesters would be $56.32 plus the 15 per cent duty, or $8.45; total, $64.77. The farmer pays for these harvesters in North Dakota about $150. The International Harvester Trust is a monopoly, and I believe it controls the business not only in the United States but in foreign countries. Now, what difference will it make to this great monopoly if the duty is taken off? In no way could they profit by the tariff any more than the figures I have quoted, $8.45. It is not my wish to do anybody an injustice, but certainly I am not pleading for any protection for this or a like monopoly.

Mr. President, I do not believe that the protective tariff is alone responsible for the formation of this monopoly or trust; I believe it makes no difference to such large concerns as this whether they are protected by a tariff or not. The proportion of the harvesting-machine business of the United States controlled by the International Harvester Co. in 1911 was as follows: Grain binders, 87 per cent; mowers, 76.6 per cent; rakes, 72 per cent.

Mr. President, my sympathy is not with the great industrial trusts, but with the laborer, which includes the farmer, and with the small manufacturer, who at all times is struggling against opposition and unfair competition. This bill in no way injuriously affects the great trusts and monopolies of this country. They have grown so strong that no foreign competition can or will affect them. I believe that no one seriously contends that tariff regulation has much, if anything, to do with an industrial monopoly. Antitrust legislation is what is needed rather than tariff legislation to properly regulate the trusts.

Mr. President, I have gone into this question for the purpose of showing that great harm and injustice will be done to the struggling masses engaged in the pursuit of labor and other legitimate industries by a drastic change in the tariff policy of this country. I am sure that our Democratic friends are sincere in their belief that this bill will help the consumer. My belief, however, is that the consumer can not prosper unless the business of the country prospers. No great commercial country which is a large producer of agricultural products has ever succeeded by inaugurating a policy such as is embodied in the provisions of this bill. With the exception of England, which is practically a free-trade country—except, as I have stated before, in all her colonies the people are protected by a heavy tariff or duty, and all those colonies give to the people of England a protection, because they give to the people of England a preferential rate which is just as beneficial to the people of England as a protective tariff is beneficial to the people of the United States—Russia is the only country that is a large producer of agricultural products that does not provide for heavy tariff duties on her agricultural products. I admit that any country which produces a large surplus will be, to a certain extent, dependent on the world's market for the price of her products, but in a country where the consumption equals production there can be no question about the benefit

of a protective tariff on the products of the farm as well as the products of the factory.

The title of this bill reads, "To reduce tariff duties and to provide revenue for the Government, and for other purposes." The duties have not only been reduced, but on certain articles and on one certain schedule—the agricultural schedule—the duties have been practically removed. I believe I may be permitted to say that there is no protection to the farmer in this bill. The tariff duties remaining in this bill are certainly not going to benefit the farmers in the West; a discrimination seems to have been made between the East and the West. I do not wish to array section against section or one class against another class, but the bill speaks for itself. The farmer of the West is denied duty on his wheat, but the rice grower of the South has the benefit of a tariff duty on rice. All through this bill there is a discrimination against the farmer of the West. It is manifest that the framers of this bill have had in view the idea of benefiting the consumer; but who is the consumer? Statistics prove to us that more than 33,000,000 people live on farms and are actually engaged in the industry of farming. More than 49,000,000 people live in what is called the rural districts. Only about 42,000,000 live in cities that have more than 2,500 population, so that a majority of the consumers live in the country and not in the city.

The farmer is not only a large consumer of food products, but a heavy purchaser of all kinds of manufactures. He must buy his wearing apparel, as well as the consumer in the city. It may be admitted that the consumer in the city uses large sums of money for luxuries, such as theaters, wines, liquors, and beer. It is natural, of course, that the farmer has incurred the enmity of the brewers and liquor trusts because of his strong support of the cause of temperance. It is perfectly evident that the farmer is not the brewer's friend. Is it not reasonable to believe that if the consumer in the city would follow the example of the farmer in practicing economy, denying himself of the luxuries just as the farmer of necessity must do, there would be less reason for complaint about the "high cost of living"?

In my opinion, this tariff bill is not framed on the scientific principles of either free trade or protection. It is neither "fish, fowl, nor herring," and I am as firm in my belief as I am earnest in pleading for certain amendments, that it will not benefit the consumer, because, to a great extent, it will injure, if not destroy, the producer.

The decree from the White House has, by the dark-lantern method in a "Star-Chamber caucus," been ratified by the Democratic majority, and it is perfectly manifest that any attempt to amend this bill is as impossible and will have no more consideration than would a popular demand by the common people of Russia petitioning the Czar for a more popular government.

It is obvious that party solidarity is playing a strong hand in the making of this bill; on many of the items a vote has been taken, and after lengthy and intelligent discussions by the Republicans, and when it has been clearly shown that the bill should be changed you have voted unanimously to sustain the action of the majority members of the committee. Judging from your action and the votes already taken on certain items in this bill, I believe that you will stick together in solid phalanx, right or wrong, and no matter what kind of an amendment is presented, whether it is to vote the tariff up or down, no Senator on that side will dare to break away, but will follow the plan mapped out for him by his leader, because breaking away might be the means of disintegrating party solidarity, which at the present time is playing such a prominent rôle and is of such great importance to the Democratic Party, but of no value to the country.

I believe there are a few on that side who are smarting under the party whip, but for fear that it might be said that you are not good Democrats you fear breaking away. I want to call your attention to one important fact—that you won your victory in the last election by reason of the division in the Republican Party and by reason of your declaration and pretense that it does not make so much difference to which party we belong if we are right with the people.

In the Western States, where the Republicans are in an overwhelming majority, you have for years conducted your campaign upon this demagogic pretense that it is a question of patriotism and not partisanship. I am not charging you with anything except what the people of the country will be ready to sustain me in. I want to say right now that I believe the people will not again be deceived by your pretense and false promises, nor by your pretended indifference to party solidarity. At any rate, your statements to that effect will not go unchallenged, because the people are entitled to know the truth. History will again repeat itself, and the stone that was laid aside will again be selected as the corner stone of the grand structure. The Republican Party, which at the last election was humiliated by the American people, will again be triumphant and reunited upon patriotic, progressive principles as laid down by Abraham Lincoln. Selfishness and personal ambition will not be mistaken for patriotism and progress, for the seed of envy and deception will find no fertile soil in which to fasten its destructive roots; certain it is they will find no place in the hearts of the rank and file of the American people. Under our changed conditions the people will be the leaders and will select men to represent them who by their acts have demonstrated that they believe in the fundamental principles of a people's government.

Mr. WALSH. Mr. President, I desire to give notice that at the conclusion of the routine morning business to-morrow I shall address the Senate on the pending bill.

Mr. CATRON. Mr. President, it appears that the majority party in Congress propose to enact a tariff law so as to change the existing law without regard to results. Our country has been enjoying a higher degree of prosperity under the tariff law now in force than ever existed previously. Just now while there is more money per capita in the land than ever before, there is a stringency in the money centers due to the proposed tariff changes and consequent unsettling of business affairs. The people are discounting the action of Congress, knowing there is a majority in each Chamber pledged to make radical alterations in the law, so that duties will be imposed for revenue only, and that a protection of our industries will be ignored.

The tariff question is far-reaching. It enters into every ramification of business. By its wise administration all kinds of business will be fostered and advanced. By its unwise administration every character of industry will be injuriously affected. Both private and public credit may be made the objects of its adverse influence. Business will become torpid, clogged, and stagnated. We should consider what happenings may be occasioned thereby in the commercial and business circles and affairs of our people and of the Government. What produces the condition of prosperity we now enjoy? Is it not that those who are endowed with energy, intelligence, and physical capacity are availing themselves of favorable opportunities to forge ahead? Nearly all are gathering in more of wealth than they expend. Industrial incomes exceed expenses. The Nation's income exceeds its expenses. The large balance of trade in favor of our country and its business is rapidly enriching our people and constantly pours wealth into their laps. This balance of trade in our favor amounted to over six hundred millions for the fiscal year last past. This is due mainly, if not entirely, to the existing tariff law, which enables us to build up our industries and not only supply our wants, but export largely in excess of what we import. The greatest industry in New Mexico is that of wool and sheep. It has been said that the sheep and woolen industries in the United States have existed since the formation of this Government—that they are not now self-sustaining and do not furnish enough wool to supply this country—that consequently they should not be protected. We do not furnish enough wool to supply all the wants of the United States.

The amount of wool consumed in this country during the year 1912 was about 496,000,000 pounds. Of this amount we produced 304,000,000 pounds and imported about one hundred and ninety-three and a half million pounds, of which amount we exported about one million and a half. The woolen industry of to-day can not be said to be the woolen industry which has existed since the commencement of our Government, for the reason that since the acquisition of the Louisiana purchase and the territory ceded by Mexico and the opening up of the West the growing of wool has in a great measure gravitated to the plains and prairies near to and in the range of the Rocky Mountains. The sheep raiser who went there has had much to contend with. First, he had to meet the savage who was constantly depredating upon and raiding his flocks. He was compelled to guard against predatory wild animals. He was far removed from the center of industry and markets, and was compelled to meet high rates of freight, sometimes amounting, in early days, to 10 and 15 cents per pound. The cost of his living was fivefold what it is now. He was not always able to obtain sufficient labor of a proper kind to care for his flocks. But he was opening up the great West, building up that portion of the country which was unsettled and unoccupied. He was performing the part of a pioneer—the man who builds countries and empires and lays the foundation on which to make them grow. During the Civil War the woolgrowers supplied the loss of cotton, which had been advanced to over a dollar per pound. Without the woolgrowers' aid, the cost of clothing to the Union Army would have been threefold greater than it was. Can it be

wondered that the sheep industry, which drifted to the West under such circumstances as this, did not build up as fast or as rapidly as was anticipated or expected by the people living in the Eastern States, who did not know that such difficulties were encountered or to be encountered? The Indian or savage question has to a certain extent been determined. In determining it large tracts of land, amounting in many instances to as much as a thousand acres for every man, woman, and child of the Indians, have been set apart for their use. The sheep raiser has been driven from the borders thereof and prohibited the use of a single blade of grass thereon. He has been compelled to hunt other and different grazing grounds. As this industry in the West increased and became more profitable on account of the savage being restrained and limited in his field of operations, the killing off of wild animals, and greater facilities for cheaper rates of freight, the wool business from year to year in that section of the country grew more prosperous. All portions of the Rocky Mountain region may be said to be valuable for sheep and Angora goat raising; the sheep occupy the prairie ranges and slopes of the mountains, the goats go into the rough and rugged hills and amongst the brush where sheep can not go without losing a portion of the wool. That portion of the country has not yet filled up to its full capacity. Some portions of it are better adapted to sheep raising than others. In the northern portion sheep have to be fed a portion of the year and sheltered. In the southern portion such is not the rule. The northern sheep, however, grow larger and quicker and produce a heavier fleece of wool and in a measure compensate for the extra expense that they have to bear.

There has been another drawback to sheep raising through the entire country, and that is just such action as is now being taken by the party in power, which from time to time as it acquired control has taken away from the wool and sheep industry the protection it had against the foreign cheap industries, foreign cheap labor, and foreign cheap lands. To-day the sheep raiser in the West is not only confronted with a large number of Indian reserves of great area, from which he is entirely excluded, but he is confronted with various other kinds of reservations of public land, such as forestry reservations, which have been established in all of the Western States, some of them to the extent of at least half the entire area of the State, and in all of the Western States to the extent of absorbing nearly all of the water which is necessary for the use of live stock in ranging and grazing. To-day nearly every sheep owner in New Mexico is compelled to rent lands from the Government for the ranging and grazing of his sheep during those seasons of the year when there is no rainfall or precipitation. He is compelled to pay therefor on an average of 12 cents per head. Some very small herds are able to exist otherwise because their owners happen to have title to lands where they have water sufficient to supply such small flocks. The large flock owners do not own sufficient land on which to range their flocks. They are compelled to go upon the public domain, where there is no water except during the rainy season or in the winter. During the other seasons of the year, when there is no rain or precipitation, they are compelled to rent from the Government on the forest reserves for a few months. This has been the practice for the last 10 years or more. The public domain in New Mexico is fast being occupied. Water can be found sufficiently near the surface to enable the sheep raiser to pump it for the use of his flocks, provided he is assured in some way that he can have land enough around and near his well at all times to enable him to get to it and to utilize it. As a rule this can not be done; the adjacent lands are generally taken up by others. There is much of the land in the West which can never be reduced to practical farming. Dry farming in some localities has proven a success while they do not have a drought.

The Government has adopted a policy of not allowing a homesteader to acquire more than 320, and in some localities not more than 160 acres of land. These lands have no running water on them. They must be supplied by precipitation or by sinking a well and pumping it. This makes it too expensive for the homesteader to raise a crop or live stock, especially in view of the fact that when, in the changes occasioned by political party strife, that party which is now in power gets hold of the reins of government and endeavors to take away the protection which the sheep grower has, not only for his sheep but for his wool, and place him in competition with the cheap labor of the Argentine Republic and Australia, where there are no predatory animals, where there are no savages, where ample ranges can be had and sheep cared for at a minimum cost. During such times the number of our sheep is always reduced in quantity. By the Wilson-Gorman bill wool was placed upon the free list. Sheep were taxed 20 per cent ad valorem. This bill puts them on the free list. The number of our sheep during nearly four years of the existence of that enactment went down from 52,000,000 to 36,000,000.

The value of sheep in New Mexico went down from $3 per head to 75 cents per head; the value of wool from 18 cents per pound to 4 and 5 cents per pound. The number of sheep in New Mexico was reduced at least one-half. The sheep raiser was discouraged. The small flock owner, not having means beyond his previous current income to support himself and family adequately, was compelled to sell out and dispose of his holdings. These were naturally purchased by those who were able to command sufficient cash with which to do it. If he could not find a purchaser of that kind, he sold them for mutton, and they went to the slaughter pen. In this way one-third of the sheep of the country at large, which amounted to about 52,000,000, the same as now, went out of existence, and three-fourths of the value of the remainder was lost. This loss not only fell upon the sheep owner, but also upon the State and upon the people at large. If this bill is carried into law, which it seems the majority have determined upon, a blow will be given to the sheep industry which will extinguish it, unless those people interested in sheep shall do as they did in 1894 and 1895—buy up all the holdings of the small owners and carry the large flocks into what would be denominated by the majority in power as a trust or monopoly.

This act is simply an act to create a wool and sheep monopoly, which will concentrate into the hands of a few most of the sheep of this country which may be retained from the slaughter pens. It will not only compel the small holder to sell his sheep, but it will compel him to sell his farm or his ranch in the Western States. The sheep owners in Ohio and in some of the Eastern States may be able to retain their property by reason of the fact that they are in very small flocks upon the farms and are a mere incident to the conduct of the farm, cared for at comparatively little additional expense. They are small enough so that shelter in the winter can be had for them, and cheap food is accessible. Is it policy to break down this industry simply because it does not furnish enough wool to supply the wants of the entire country? That can not be claimed for the purpose of raising a revenue. Its value is now $250,000,000 for sheep alone. Do you believe that by breaking down this industry, curtailing the number of sheep in the United States, forcing our people to go abroad to obtain the manufactured articles or to obtain wool with which to manufacture will cheapen the cost of clothing?

The duty that is now on wool amounts to less than 20 cents per pound on the scoured product; probably does not exceed 12 or 15 cents per pound, owing to the fact that foreign imported wools only shrink 45 per cent; and a majority of all the wool which is imported comes in under the third class and pays duty mostly at the rate of 4 cents in the grease, some of it at 7 cents, while nearly two-thirds of that amount is immediately put into the manufacture of cloth and thus competes with our clothing wools, which is practically the only kind we produce in the United States. Assuming that the duty on wool as it now stands would be as much as 15 cents on the scoured product, and that 5 pounds of scoured wool is more than enough to make an average suit of clothes, we have 75 cents in a suit of clothes at the outside which represents duty. Can it be said that that is a great reduction in the cost of living? No more than one woolen suit in a year is used by each individual on the average; not that much. For an average family of six people that would be four dollars and a half. But are we sure that if we put wool upon the free list we will correspondingly reduce the price of the manufactured article?

We have been inveighing in this country against trusts and monopolies. We know comparatively little about the operations of trusts and monopolies, when that trust and monopoly is formed in a foreign country to operate on the outside of that foreign country and in our own borders. We have no means of controlling it. We can not reach it, except by a tax upon its products or its property here.

A few years since, on a visit to London, I conferred with one of the proprietors of the largest wholesale operators in woolen goods there and informed him that I would like to make some purchases. His first question to me was, "Where do you desire to take them or have them delivered." I stated in the United States. He then said, "We have an agent in New York from whom all purchases of our goods must be made. We will not sell except through him and at the prices which have been fixed for him there." I informed him that I knew of his agent, but that the price which he had fixed on their merchandise was much above the price which they held in London on the same, even with the freight to New York and the United States duty added. In fact, it exceeded it by at least one-third. He stated

that he knew that, but that that was their privilege. They knew that we had to have these goods and they would fix their own price.

I asked him if there was not competition through other firms. He stated that two other firms on the Continent of Europe furnished the same kind of articles they did, but that I could not buy from them because they already had an agreement that no goods should be sold for delivery in America except at the prices fixed by their New York agent. He then stated to me there was not an industry in Europe wherein the different operators thereof could not be combined within 24 hours to fix a price for delivery in a foreign country, like ours, so that the same could not be had for less than the fixed price. The experience of this country has been that when the tariff duties on different articles which we were furnishing in this country, but not in sufficient quantities to supply the entire demand, were reduced below the standard of protection, foreign dealers have, as soon as the tariff rate took effect, poured into our country at a reduced price, large amounts of their products until they have destroyed our manufactories. They have gone below a competing price so as to break up the business here. As soon as that had been accomplished, they not only restored the old price, but put it much higher.

It will not be necessary in this case for the woolgrower in Australia and Argentina to sell his wool in this country at a loss. He can bring it here and sell it at 10 cents a pound and break up every woolen industry we have. Freights for him are not more than one-half what they are for us. His means of handling are better. The woolen manufactories are mostly upon the Atlantic coast and are easily accessible to him. When the sheep grower can not run his sheep at a profit, he will be compelled to dispose of his holdings at whatever price he can get, if he can not look ahead and see there will be a change in the condition of things and be able to hold his flocks until such change comes.

It is said by some that sheep can be raised for mutton. The sheep in the West can not so be raised profitably. A mutton sheep requires to be fed. The stock of sheep which is held in New Mexico is of the merino grade, which is a small sheep and produces a very little carcass. It costs at least $2 per head a year to actually care for sheep. If the sheep is sold the first year you can not realize more than that amount on it.

It has to be freighted to the market; it must be fed up to make it of a marketable quality; and while it may sell in the market at Chicago or Kansas City or farther east for $5 or $6 a head, you can not get more than 5 cents a pound at the best for it on the plains in the West, and the lambs which are produced never average more than 50 pounds to the head. The older sheep do not sell for so much per pound as they increase in age. The prices for their meat depreciates, and yet the expense for caring for them goes on. It is estimated at least 5,000,000 of our people are depending upon the sheep and woolen industry in the United States. As said, there are about 52,000,000 sheep in the United States. The raising of wool necessitates the employment of three men, on an average, for every 1,500 sheep. This means if all the sheep were in herds of 1,500 that there would be 100,000 employees thrown out of employment by the destruction of that industry, but as probably three-fourths of the sheep are in smaller herds than that it means that about 150,000 herders would be thrown out of employment if the sheep industry should be destroyed by putting wool and sheep on the free list.

In their program the majority propose to reduce the duty on the woolen manufactures at least 50 per cent. This means now what it meant in 1894 and 1895, the closing up of nearly every mill—in fact, of every mill where the proprietors have not the means of holding on for four years longer until the people, recognizing the outrage which will have been placed upon them by the enactment of this bill into a law, shall turn the majority out and put those back who will look after their interests and their welfare in a more substantial way. But in these manufactories there are now employed about $460,000,000 and about 169,000 employees. It is safe to say that three-fourths of these employees will be discharged if this bill is enacted into a law. The remaining one-fourth will have their salaries reduced at least one-third. The 5,000,000 people depending on wool and its industries will practically have their means of livelihood cut off. They will have to go out and hunt labor or starve. If they go into the field of other labor, competition immediately arises. The operator is naturally human; he is looking out for his own interest and his own welfare; he will employ labor where he can get it the cheapest, taking into consideration its efficiency. It will not be difficult to train factory hands who have been engaged in a business such length of time as these woolen employees have to engage in any other enterprise. If it is thought that putting wool upon the free list and reducing the duty on the manufactured article 50 per cent will contribute to cheap living, I think that those who have such belief will find they are mistaken. A foreign monopoly will intervene and keep the prices up. If it is thought that a greater revenue may be obtained, that would be more than doubtful. In order to get a greater revenue you must import more than double the amount of merchandise of that quality to make up for the reduction in the rate of duties. When you do that, what is the result? You send out of the country the necessary money to purchase the same or to purchase the wool to make the same. That money is a portion of our wealth, a wealth which should be permanent and kept permanently with us, but which will be sent away to pay for this increased importation. The amount of circulation per capita will by that means be reduced throughout the entire country.

The 52,000,000 sheep in the United States must be run in flocks not exceeding 1,800 head to the flock. A flock of 1,500 head is even more profitable. When they get below 1,500 head the cost of caring for them becomes greater per head. It requires in New Mexico three men to each flock of 1,500 or 1,800 to care for them. They receive to-day an average of $30 per month for wages, and also receive their board and camping facilities. Their board will average $20 per month. The wages and board of each man per year would be $600; for the three men, $1,800; or about an average of $1 per head per sheep, which can be safely run in a flock. But this is not all the expenses of a herd. The owner has to pay the Government 12 cents per head for a range or grazing right. The loss from his herd is about 15 per cent each year by deaths from predatory animals and disease and estrays. It costs him about 6 cents a head to shear his sheep; as much more to attend to the lambing; 15 cents per head as taxes. He is compelled, if he has more than one herd, to employ an extra high-priced man, at $100 per month, to look after all the herds.

He has the expense of 5 cents a fleece for sacking and hauling his wool to market. He has an investment of at least $5 per head on which he should receive, according to the bankable rates in New Mexico, 8 per cent interest, which would amount to 40 cents per head. Not only does he have all these expenses, but he has a number of other incidental expenses which can not be accurately estimated, all amounting to more than $2 per head per annum. Before he markets his male lambs, he has the same proportionate expense as to them, amounting to at least $1 per head, to be deducted from the amount realized on them. He is also subject to the loss of his entire herd from drouths, snowstorms, prairie fires, and disease epidemics. It is not infrequent that whole herds have been lost in snowstorms. During the present year in New Mexico there has been a drouth, and the average crop of lambs will not exceed 30 per cent. It is said they will not exceed the number of the amount of losses of the old sheep, which have died on account of the drouth, so that practically this year there has been no increase in the flock which can be sold off as a profit. The wool has had to pay the whole income.

It has been selling at from 10 to 12 cents during the year, the sheep averaging not exceeding 6 pounds per head, or about 66 cents to the head, so that every sheep owner in New Mexico during the present year has lost at least $1.34 cents on every head of sheep. These are casualties which happen to the sheep industry. The income of 1,500 head of sheep is 9,000 pounds of wool at 11 cents per pound, or $990; 900 lambs, one-half males, worth $2.50 per head, or $1,125; or a total of $2,025, while his expenses amount to $4,270. This leaves him a loss of $2,245 per year against which he has 450 ewe lambs, less 270 old sheep loss, or 180 ewe lambs increase in his flock of ewes. He has also other depreciations, such as in the use of bucks and camp supplies. The ewe lambs will be worth $5 per head, or $900 for the 180 increase, leaving his total loss $1,345 per year, at the value which will be produced by the present law, but his sheep will not retain their value of $5 per head under this proposed law. It will go down. As time moves on and the sheep owner improves his financial condition, he will be able to provide shelter and furnish food for the winter when required.

The predatory wild animals are being killed off; lately, however, New Mexico has been flooded with them by their being driven over from Texas lands, which have been filled up with settlements. Better means are provided to guard against disease. The sheep owner is able from year to year to better care for his flocks and herds. But under the present bill within a year or two after it takes effect there will not be more than 250 sheep owners in New Mexico, while to-day there are over 2,500, owning herds from 250 head to ten and twenty thousand in quantity. While you are undertaking to reduce the cost of

living by reducing the price of wool and the price of sheep you are creating a monopoly which is taking away from the poor man his sheep at an insignificant price and placing them in the hands of the wealthy or monopolists. This will be the result with reference to sheep. It will also be the result with reference to sugar.

New Mexico is not a sugar-producing State at present, owing to the fact that we have been kept in the condition of a Territory, where our laws were subject to be repealed at the will of Congress and interpreted and administered by men who were not the choice of the people, but were appointed by an Executive not acquainted with our conditions and circumstances, and residing 2,000 miles away from us. We have never been able to induce capitalists to invest their means in sugar plants so as to enable us to grow the beets to supply them, for the reason that while we were a Territory no capitalist was willing to place his money where the laws could be repealed by a superior authority to that which enacted them, as could have been done by Congress, leaving no remedy in the courts or elsewhere. Since we became a State the attention of capitalists has been directed to New Mexico, and much inquiry and investigation has been had in regard to the availability of the lands of New Mexico for producing the sugar beet and manufacturing sugar. Many capitalists have been making contracts for the procuring of the lands so that they could be used for supplying the necessary beets for factories.

They have also been getting their means ready, and many of them had already provided means for the erection of sugar-beet factories in New Mexico at the time the election in November, 1912, took place. Then the people, acting upon the experience which they had and the example which had been given to them by the action of a Democratic Congress and a Democratic administration which was elected in 1892, absolutely ceased to make any further advance by way of opening up New Mexico to beet-sugar culture or to the production of sugar. Contracts which have been made have been forfeited. Moneys which have been provided have been otherwise disposed of. The capitalists have gone in other directions or are holding their means in safety vaults awaiting to have the Democratic landslide of destruction go by. And he will wait till the end of four years, until the people at the polls can see the results of the action of this Congress in passing this bill, when they will no longer tolerate a party in power to act regardless of the welfare of the people and in restraint of prosperity. The soils of New Mexico have been extensively tested for their capacity to grow sugar beets, and it has been found that they produce as rich beets in sugar-producing qualities as any soils in the world.

Most all of our soils are composed of the richest mountain loam, from 3 to 10 feet deep. They have every quality in them which is necessary to grow the beet which produces the most sugar. We have a rich and bright sunshine for 300 days in the year, which it is said adds to the sugar-producing quality of the beet. It is also claimed that we can produce two to three times as many beets to the acre in our valleys by reason of the fact that they have to be irrigated, than can be produced in the Eastern States, where they rely upon the rainfall. The crop is absolutely sure and is always of a uniform quality. It is true the cost is greater where rains do not prevail. In our States ditches have to be dug, water has to be obtained from distant sources. These ditches have to be kept in repair; men have to be employed to let the water upon the land and to distribute it constantly, an expense which does not attach to rainfall. In a country which would have a steady and constant rainfall, possibly like the State of Louisiana, to supply its want with water, without ditches and irrigation and extra labor for that purpose, they can probably produce the cane sugar as cheaply as the beet sugar, although they can not produce as much to the acre.

There is no conflict between the cane producer and the beet-sugar producer. We use in the United States about 7,966,000,000 pounds of sugar annually. Of this amount we produce in the continental United States 1,922,840,000 pounds, and we bring in from Porto Rico, Hawaii, and the Philippines 2,375,325,000 pounds, making a total of about 4,298,165,000 pounds which the United States and its dependencies produce and about 3,668,368,000 pounds which we import from foreign countries. In 1890 we produced in continental United States 301,000,000 pounds of cane sugar and 5,000,000 pounds of beet sugar. Since that time the cane sugar, which has increased with some variations annually, has gained steadily until it has reached 728,000,000 pounds. The beet-sugar industry has advanced steadily each year until it has reached 1,200,000,000 pounds, the cane-sugar increase during the last year being nearly 14,000,000 pounds. It has been said that this industry has existed and had protection for 100 years and has not succeeded in producing as much sugar as we require. We respectfully submit that an increase of nearly 150 per cent in the cane-sugar industry in the last 20 years shows a very respectable increase, one that should not be deemed an industry which is lagging behind.

We also submit that an increase from 5,000,000 pounds of beet sugar to 1,200,000,000 pounds, an increase of 2,400 per cent in 20 years, is a very respectable showing. Each of these industries has increased much faster than the growth of population or the increase of general wealth in the country, there being such an increase in the last 20 years of the two. Can it be said that this is an industry that ought not to be fostered or ought not to be helped, when it is making such extraordinary strides toward prosperity and toward furnishing the wants of the whole people? Every pound of sugar we introduce from abroad we have to send away money to pay for it, which is loss to us. Every pound of sugar that we produce in the United States saves that much money from going abroad and retains it for circulation and for use in the general development and progress of our country. Germany, which is a large beet-sugar producing country, pays a bounty for every pound of sugar exported by her people. The beet-sugar industry has not existed in the United States in any appreciable degree more than 20 years, and, in fact, so that it could be felt in the market, more than 13 years.

In the year 1900 it reached the amount of 163,000,000 pounds. That same year cane sugar produced 333,000,000 pounds. In the year 1900 we consumed in the United States 4,477,000,000 pounds of sugar, and we supplied only about 1,100,000,000 pounds on the continent, and from Porto Rico, Hawaii, and the Philippines less than one-fourth. So that it will be seen that the sugar industry is growing much faster than the consumption. We must in time supply all the sugar we consume, and that time is not far distant. We have area enough in the United States of the best sugar-beet producing lands, not only to supply the present wants of the United States, but what we will need probably for hundreds of years to come. It is stated by prominent Senators of the majority that they know that placing sugar upon the free list will destroy the industry. That can not be advocated either in the interest of revenue nor in the interest of cheapening the product. If you destroy four billions and a half of pounds of the product produced in the United States, we will have to import it from foreign countries. The labor which is necessary to produce it here will be thrown out of employment. To-day our laborer has not only to compete with the cheaper labor of Germany, but the German laborer gets a bonus from the Government for his work.

The capital amounting to hundreds of millions of dollars which is invested in it will go to ruin as it is not fitted for any other purpose. The lands which are now occupied by them may be occupied by something else, but whether it will be as profitable will have to be ascertained by an experiment.

It is said that the balance of trade, when in our favor to any considerable amount, shows prosperity, and certainly it must help to produce prosperity.

In the year 1893, namely, for the fiscal year commencing July 1, 1893, and extending to June 30, 1894, the imports exceeded the exports by about $19,000,000. This was a year in which the majority party now in power had the entire administration of the Government, including the President and a majority in both Houses of Congress and every Cabinet position. They had come into power on the 4th of March before that year commenced. It is claimed that the Wilson-Gorman bill, which was enacted in 1894, had no influence upon the panic which was prevailing during that time, but that the panic had commenced some 13 or 14 months prior to the enactment of the Wilson-Gorman bill.

A claim of that kind certainly is made without reference to the intelligence of the business people in this country. The Democratic Party went into power under the election held in November, 1892, on a platform almost identical with the platform which was adopted at Baltimore and under which they have gone into power again, especially on that portion of it which refers to the tariff. They having been elected, of course, on a platform of that kind and pledged to carry it out, the American people and the American business men then looked forward to the results which were going to happen. They were like John Hay says about the engineer, Jim Bludso, on the *Prairie Belle*, when she was afire, when he said:

> I'll hold her nozzle agin the bank
> 'Till the last galoot's ashore.

And Hay says:

> And they all had trust in his cussedness
> And knew he would keep his word.

The American business man in 1893 had trust in the cussedness of the Democratic Party, and knew they would keep their

word. They discounted what you would do, and they did not make any mistake. You did, then, exactly what you said you were going to do.

The result was that in anticipation of what you were going to do, relying upon it, having trust in your cussedness, a panic was commenced in this country which culminated after the enactment of the Wilson-Gorman law, in the greatest sacrifice of wealth and prosperity that has ever been known in the history of any country. It is true that at that time the conditions of the country were not as prosperous as they are now. It may be that you will be enabled to enact this law in carrying out your cussedness, but you can not do it without producing a stringency in business, without creating trouble financially. In fact, as it was in 1893, we are beginning now to feel the effects of this proposed law. To-day stocks in the market have a downward tendency. The banks have their vault doors close shut against the man who is asking aid to enable him to invest in new business or carry on the old. The great prosperity that exists now may prevent, and I hope will prevent, a panic such as that of 1894. But you can not throw out of employment the wage earners who will be thrown out by this bill and cause them to compete with others who are holding positions, without creating great want and a great dimunition in the amount of wages.

What use is the cheap cost of living to the wage earner if he has not the means with which to pay it? If you are going to fix it so that he will lose what he has, entirely, or a large portion of it, by the reduction of a third or a half of his income, simply to reduce his living expenses, that will add nothing to his prosperity, to his business, or to the happiness and comfort of his family. They must live, they must exist, they must have some comforts. Will you take away from them all of the conveniences of life and throw them into want? You will do it by the enactment of this law, unless something else may intervene. The only thing that will prevent you from bringing on a more destructive panic than that of 1894 will be the good sense of our people, their present state of prosperity, the fact that most of them have a surplus of means on which they can draw, the fact that they will look forward to the time when another party will take your place in the administrative and legislative branches of this Government and restore to the people the capacity to reclaim the prosperity which they now have, and which you will have destroyed or greatly damaged.

Wool and sugar are not the only features of this bill to which I desire to call attention. New Mexico is also a mineral-producing State, not as great as several others of the Western States, but still possessing within her borders great mountain ranges filled with mineral of all kinds. No duties are imposed upon gold, silver, and copper, when imported. The precious metals do not need protection. They have the same value the world over. No law could be passed to make them possess a different value, except in a coined state as money. Copper is furnished in this country in greater abundance than any other and is easier extracted and marketed. But New Mexico and various other Western States produce zinc and lead. These articles are also produced in some of the Eastern States, like Missouri and Illinois. Probably the greatest amount is produced near the western border of Missouri and the eastern border of Kansas. Under the existing law there is 1½ cents duty per pound on the lead in the ore which may be imported. There is a duty of 1 cent a pound upon all zinc in the ores which carry as much as 25 per cent. There is a heavy freight rate from New Mexico to the east as far as Kansas City on lead and zinc ores.

Unless the ores are high grade, it is almost impossible to carry them to the reduction works. Smelters have been established at Pueblo, Colo., and El Paso, Tex., to which points nearly all the zinc and lead ores extracted from the mines of New Mexico must be carried. The rates of freight for these hauls are very great. As the zinc and lead must be shipped in ore, the rate of freight necessarily is very high when applied to the amount of actual metal therein. Lead and zinc ores run from 10 to 40 and 50 per cent. Zinc is worth in the market to-day about 5 cents a pound and lead about 4 cents a pound. The freight from the mines in New Mexico to any of the smelters must equal at least 1 cent a pound, or about 20 per cent of the value of lead or zinc. The largest deposits of zinc and lead in the United States, probably, are found at the mines near Joplin, in Missouri and Kansas. They have the advantage of being in large bodies, close to the East, and with good railroad facilities and cheap transportation. They have fully the benefit of 1 cent a pound by way of freight over the New Mexico metals. Yet when the metals of New Mexico get in the market they do not bring to the owner any more than the metals from Joplin, Mo.

The House of Representatives placed a duty in this bill of 10 per cent upon the metal in the zinc ore, to be determined at the port of entry. The Senate committee has increased that amount to 12½ per cent ad valorem, while the duty under the present law was equal to an ad valorem of 46.64 per cent. In 1910 we imported zinc to the value of $668,476. This was before it was known what policy of the Democratic Party might be installed with the present administration in power. But from the 1st of July, 1912, to the 30th of June, 1913, the importations were only $77,672 in value of zinc in the ore. These figures show that the people long before the session of this Congress had begun to realize what would happen; that zinc ores would be reduced in value by taking off the duty. No greater supply was imported than was needed. The supply which was on hand was disposed of. The duty on lead of all kinds under the present law when it exceeded 3 per cent is 1½ cents per pound on the lead contained in the ore. The House in this bill put a half a cent per pound on the lead and the Senate increased the same to three-fourths of a cent, just exactly half of the rate that is in effect under the present law.

Under the present law, in 1910, there was imported lead to the value of $145,426, and in 1912 lead only to the value of $22,735. The duty under the present law is the equivalent of 55 per cent ad valorem. Under the proposed bill as it passed the House it was equivalent to 20 per cent ad valorem, and as now in the Senate is equivalent to 30 per cent ad valorem, scarcely more than one-half of the duty which exists under the present law. But, again, these figures show that the lead producer and lead dealers are looking to the future and to the present enactment. It shows that there is a falling off in the importations of seven-eighths of the amount. This means that the dealers are laying in no additional stock, but are getting rid of their old supply. They are expecting this bill to reduce the values, and, as a consequence, they desire to get the benefit of the cheaper product. It is estimated that the increase in the importation of the lead ores will reach $1,600,000 in value, as against the importations amounting to $582,194 for last year under the present law, or that the importations will be about three times the amount during the present fiscal year they were during the last fiscal year.

This means that we will have to expend $1,000,000 over and above what we spent during the last fiscal year for lead. This extra amount will have to be paid out of the moneys of our country and sent abroad to remain there, and is an item of evidence as to what the present tariff will do toward keeping up the prosperous times existing under the present law. The current rate of wages of a lead or zinc miner in the State of New Mexico is about $3. If three-fourths of a cent is taken off the value of lead, it can not compete with any other lead in the United States nor with the lead of any foreign country. There is not that much margin on it. If 34.14 per cent ad valorem is deducted from the duty on zinc in New Mexico; that is, nearly three-fourths of the present duty, we will be unable to compete with zinc in any foreign country. The business must close up. The present troubled condition in the Republic of Mexico makes it practically impossible for any ores to be brought from that country, yet there are zinc and lead reducing plants stationed at El Paso on the border of Mexico for the purpose of receiving the ores of New Mexico, Arizona, and Old Mexico. Zinc and lead ores from Old Mexico, if peace was prevailing there, could be furnished to the El Paso smelters at one-half the cost they could be furnished in New Mexico or other parts of the United States, owing to the cheap labor in Old Mexico, which runs from 12½ cents to $1 a day for ordinary labor.

One of these plants has been compelled to close up because of two facts: One, the condition of Mexico, and because of this it is impossible for them to get ore enough to supply their plant; another, agitation of the tariff bill which threatens to almost certainly reduce the tariff on ores to such an extent that the New Mexico and Arizona ores can not be handled. There is no certainty that these smelters will resume business. The passage of this bill will close every lead and zinc mine in New Mexico and Arizona, and probably those in Colorado. It is claimed by the majority that lead and zinc are mined by laborers at a wage of about $1.55 per day. That is the claim made in the letter of the gentleman from Providence, R. I., which was placed in the RECORD a few days ago by the Senator from Mississippi [Mr. WILLIAMS].

I have wired to the cashier of the Joplin National Bank, at Joplin, Mo., to obtain the current wages of zinc and lead miners there and have a telegram from him saying:

Answering telegram to-day, wages of miners in this district now run about as follows: Ground men, classified as shovelers, $3 to $5 per day, depending on number of cans of dirt filled at rate of 7 to 8 cents per can. Machine men, $2.75 per day; helpers, $2.50; trackmen, $2.75;

tub hookers, $3 to $3.50; top men, classified as hoistermen, $2.75 to $3 per day; jig men, $25 per week; engineers, $2.75 to $3 and $3.50 per day; blacksmiths, $3; screen men, $2.25 to $2.50. These wages about average on present prices of zinc with ore at $45 to $50; wages probably 25 cents higher per man per day.

J. E. CARMEN, *Cashier.*

Also I wired to Mr. C. T. Brown, of Socorro, N. Mex., the largest zinc and lead operator in New Mexico, for the current wages there, and have a telegram from his clerk saying:

Mr. Brown out in field; impossible to catch him for several days. We pay timbermen and machine men $4.50 and $4; miners, $4 to $3; muckers, $2.75 to $2 per shift of eight hours.

C. E. MOFFETT, *Clerk.*

These telegrams do not bear out the calculations made by the gentleman in Providence, R. I., which was printed in the RECORD of July 28, on page 3124. According to the rates shown by the cashier of the bank at Joplin, Mo., if the calculations of the Providence expert were correct, the wage earners at Joplin, who, he says, are about 75 per cent of the whole in the United States, would more than exhaust the whole amount paid for wages and the other one-fourth would get nothing or have to pay something from their pockets to the Joplin wage earner. This shows the criticism of the Senator from Utah on that communication must be correct.

The duty of the present bill may be of benefit to the lead mines in Joplin, Mo., and Kansas, because it will remove from them competitors who now compel them to keep their ores down to a reasonable dividend condition. If they have no competitors, the country at large will be at their mercy, or, at least, at theirs and those who are in the Mississippi Valley, who may combine to make the market as they will. To-day the lead and zinc mines in the Rocky Mountain region keep down the prices of lead. Can it be possible that Senators are legislating in the immediate interest of their own State to the injury of others? It would seem so by the way the duties are being fixed by the Senate on those two products.

Time will demonstrate. There are other products in New Mexico which will be affected by the tariff, among them coal and lumber, of which New Mexico has large quantities. No coal or lumber comes into New Mexico to compete in our individual markets, for the reason that we supply much more than our home market and ship out of the State both lumber and coal. New Mexico supplies most of the coal market of Arizona and southern California and a large portion of northern Texas. By taking the duty off of coal, the markets New Mexico has may be invaded by foreign producers. Australian coal can be brought across as ballast and delivered at San Diego and Los Angeles, without a duty, cheaper than the New Mexico coal. In fact, it can be brought into Arizona and there compete sharply with the New Mexico product. Coal from other countries, especially from Nova Scotia, will be brought into our country on the eastern coast and drive back the supply of coal that is now shipped from the interior to the Atlantic seaboard. The railroads along the line of the Atlantic coast and all seagoing vessels will get their supply from the foreign product. This will necessarily drive the coal in the Allegheny Mountains and in the Mississippi Valley farther west to find a market or close up their mines, or at least curtail their output to such an extent that they will be compelled to discharge large numbers of their employees and throw them upon the world without means of support, as beggars for a living.

In the years 1894, 1895, and 1896 nearly every woolen mill, nearly every spindle in the United States, was standing still; no fires were burning in the furnaces; the chimneys were dead and smokeless; people were without employment, without substantial clothing, and without a sufficient means of support; money could not be had from the banks; business was at a standstill. Would you produce by the passage of this bill a similar condition? I pray that the bill may not pass, and that if it does pass a different condition may result. It has been said that the tariff of 1894 did not produce the panic. The people anticipated the passage of that act. They relied upon the declarations of the party which went into power. The force of those declarations took effect upon them immediately. Upon the result of the election being known times grew hard, money tight, business began to be drawn in, people began to prepare for hard times.

When the Wilson-Gorman bill was passed the panic was practically on. But it was a panic of anticipation, growing out of the declarations of the party in power then; the same party which is in power now. That condition of things continued until the election of McKinley and a Republican Congress, under a declaration that they would inaugurate a tariff for protection and restore the prosperity. Again the people, before McKinley could call the Congress together or take action, discounted the condition of things; prosperity commenced to show itself long before the enactment of the Dingley law; business grew better; the idler obtained work; credit was extended; money began to circulate; business life sprang up.

When the tariff was lowered by the enactment of the Wilson-Gorman bill times grew hard. When the Wilson-Gorman bill was repealed and the Dingley bill enacted hard times ceased; losses were stopped; prosperity commenced; labor was had; the manufactories started up; money circulated; people were able to obtain better clothing and better food; the world looked better, seemed better, and was better. The act passed by a Republican Congress and approved by a Republican President, providing for $500,000,000 emergency fund, may save us from the worst features of a panic. Such fund has been placed in the hands of the Secretary of the Treasury with power to use the same for protection against financial distress. He can use it to break down a threatened or impending run upon the banks. He can use it to supply currency which may be needed to meet extraordinary contingencies—such contingencies as may grow and develop out of the disturbances arising from the effects of this bill if enacted into a law. That fund and the experience which the people now have, gained from a knowledge severely earned by experience under the Wilson-Gorman bill and its workings, may save the country from as great disaster as existed in 1894 and 1895. But even all these things can not prevent financial troubles and difficulties. They can not prevent a stringency in the money market and a tightening up and slumping of the business of the country if this bill becomes a law. They can not make it possible to keep a large balance of trade in the face of the proposed enactment. Such will have the effect to minimize business interests in this country, to compel the people having such business to close down or curtail their transactions here and in foreign countries, our dealers to go abroad and purchase in outside markets those things which should be manufactured at home and disposed of here as well as exported.

It can not prevent the expenditures of large volumes of money abroad or in foreign markets which should be kept at home and made to help our own markets. The more you reduce the tariff, the easier you make it possible for the foreign producer to compete more favorably with our manufacturers and producers; the more you will enable him to take from our markets, carry away from our shores the moneys which now circulate among the people; the more you will cause thereby to be imported from abroad and the less you will enable our people to produce so as to send abroad into foreign trade. You will cause less exportation and vastly increase the importation. You will have to more than double the imports in order to get the revenue on such decreased rate of duty. You can not expect that it will be even possible to evade the importation of foreign products into the United States to the extent of double the amount we now import, for which extra amount we will have to send the cash to pay for them. You can not expect when our manufactories and business shall be curtailed or destroyed that we will be able to furnish the same amount of products to ship to foreign countries in order to obtain the amount of moneys which have been flowing for the last 20 years into our treasuries. If you are infatuated with an idea that you can do that, it is well for you to stop and think. If you destroy four and one-half billion pounds of sugar product, which we produce, and compel our people to buy that amount in foreign markets, where does the money come from which is to purchase it? What will fill its place? If you destroy two hundred and fifty millions worth of sheep, or their woolen product, what will take its place, except wool and woolen goods from foreign markets? If you reduce the duty one-half or more on woolen manufactures, if the amount of importation should not be increased, you will lose one-half of the duties now collected. If you place wool on the free list you will lose all the duties on that, amounting to about fourteen millions and a half per year. If you put sugar on the free list you will lose fifty-two millions a year collected as duties thereon.

These are not all the articles on which you are reducing the duty to any great extent. You will lose on them the amount corresponding to the duties now existing and necessarily must increase the amount of importations in order to make up the full complement of income.

You claim that the income tax will make up for the loss on wool and sugar. Possibly it will. The income tax, however, is an experiment. While good financiers may form some approximation as to the amount which will be received thereby, you must wait for its operations. You must see how much the income of individuals will be divided up among families to get the amount of exemption; how much may be applied for the various kinds of losses which they are allowed to charge off; how much the conscience of the individual may be tested and stretched in order to enable him to reduce the amount to be

paid to a minimum. The people in this country are not unlike, in the main, the people of any other civilized country. They all have the same failings, the same human instincts, the same desire to obtain and retain wealth and fortune. You have got to meet these attributes of the man and find how well he can stand the test which this bill, under the income-tax provision, will impose on his conscience.

It seems to me that this bill, in principle, is keeping up the policy heretofore indulged in by Congress and every administration against the West; that is, depriving it of everything possible, for the aid of the East.

Our principal products outside of gold and silver are sugar, coal, lumber, lead, zinc, and cereals, nearly all of which go onto the free list, and those which do not have the duty reduced from two-thirds to three-fourths.

Do you think we in the West can endure privation and poverty more than those in the East? Do you think as a reward for the loss of kindred and friends by the slaughter of the same and the destruction of their means of livelihood by savages we are used to such things and do not need consideration or help? I am not prepared to believe such is the fact.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martin, Va.	Shively
Bacon	Gronna	Martine, N. J.	Simmons
Borah	Hitchcock	Norris	Smith, Ariz.
Brady	Hollis	Oliver	Smith, Md.
Bristow	Hughes	Overman	Smith, S. C.
Bryan	James	Page	Smoot
Burton	Johnson, Me.	Penrose	Sterling
Catron	Johnston, Ala.	Perkins	Stone
Chamberlain	Jones	Pittman	Sutherland
Chilton	Kenyon	Poindexter	Swanson
Clapp	Kern	Pomerene	Thomas
Clark, Wyo.	La Follette	Reed	Thompson
Crawford	Lane	Saulsbury	Thornton
Cummins	Lea	Shafroth	Vardaman
Dillingham	Lewis	Sheppard	Walsh
Fall	Lodge	Sherman	Williams

Mr. BACON. I wish to announce that my colleague [Mr. SMITH of Georgia] has been unavoidably called away from the city this afternoon.

Mr. JAMES. On behalf of my colleague [Mr. BRADLEY], I desire to state that he is unavoidably absent from the city.

Mr. THORNTON. I desire to announce that the junior Senator from New York [Mr. O'GORMAN] is unavoidably absent today.

Mr. GRONNA. I wish to announce that my colleague [Mr. MCCUMBER] is necessarily absent on account of illness in his family.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is necessarily absent to-day. He is paired with the junior Senator from Wyoming [Mr. WARREN].

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. GALLINGER. Let the amendment be stated, Mr. President.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment, offered by the senior Senator from New Hampshire [Mr. GALLINGER], is at the top of page 29, as follows: In line 1 strike out "25" and insert in lieu thereof "35," and in line 2 strike out "3" and insert "6," so that, if amended, the paragraph will read:

101. Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 35 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 6 cents per cubic foot.

Mr. GALLINGER. Mr. President, believing that the rates of duty in the bill as it came from the Committee on Finance would work very great injury to the granite industry of the country, the senior Senator from Vermont [Mr. DILLINGHAM] offered an amendment restoring the duties of the present law.

That amendment was rejected. I then offered an amendment proposing a reduction of 20 per cent from existing rates, and that amendment was rejected. Laboring under a misapprehension, I moved to strike out the paragraph, and that motion was very properly negatived.

I have now offered an amendment proposing a reduction of 30 per cent from the amount named in the bill for manufactured granite and 40 per cent of unmanufactured granite, and while it may be a vain hope, I have a slight hope that the Senators on the other side may see the justice of the amendment I have offered and agree to it.

I desire to speak very briefly on the amendment I have proposed and to present some statistics that will, at least, be of historical interest, if they do not materially contribute to the discussion.

In 1909 there were 707 different enterprises engaged in the manufacture of granite in the United States. There were 825 quarries. The capital invested was $25,422,307. The expenses of operation, and so forth, were $16,192,138. The wages paid were $12,181,727. The value of the product was $18,997,976. The total number of persons engaged was 22,211, and the number of wage earners was 20,561.

Of the entire industry New England had 316 distinct enterprises, being 45 per cent of the whole. She had a capital invested of $12,842,980, which was about 45 per cent of the whole. She paid wages to the amount of $6,098,280, being 50 per cent of the whole. The value of her products was $9,497,135, being 50 per cent of the entire production, and her wage earners were 45 per cent of the entire number. These figures are for the New England States.

New Hampshire has not a very large stake in this matter, and yet it is of very considerable consequence to our little State. She has 40 different enterprises. Forty-six quarries are being operated. The capital invested in 1909 was $891,030. The expenses of operation were $1,053,085. The wages paid were $880,762. The value of her products was $1,215,461. The number of persons engaged was 1,385, and the number of wage earners engaged, 1,305.

Turning to the Mineral Resources of the United States, 1911, I find these figures as to the value of the granite product in the United States, and also in the State that I in part represent:

Granite produced in the United States.

In 1907	$18,661,709
In 1908	18,420,699
In 1909	19,581,597
In 1910	20,541,967
In 1911	21,391,873

New England produces practically 50 per cent of the entire amount year by year.

Granite produced in New Hampshire.

In 1907	$647,721
In 1908	807,628
In 1909	1,215,461
In 1910	1,230,629
In 1911	1,047,272

In addition to these figures I have a statement showing the value of granite, trap rock, sandstone, limestone, and marble used for various purposes in 1910 and 1911, which is of statistical interest, and I shall ask to have it inserted without reading.

The VICE PRESIDENT. If there is no objection, it will be so ordered. The Chair hears none.

The matter referred to is as follows:

Value of granite, trap rock, sandstone, limestone, and marble used for various purposes in 1910 and 1911.

1910.

Kinds.	Building (rough and dressed).	Monumental (rough and dressed).	Flagstone.	Curbstone.	Paving stone.	Crushed stone.
Granite	$5,609,313	$4,716,561	$44,338	$1,019,529	$2,823,772	$4,208,112
Trap rock	87,832	.....	.....	.....	225,645	5,084,998
Sandstone	2,778,892	.....	649,079	881,902	899,595	1,408,553
Limestone	5,272,624	.....	36,807	165,781	464,857	15,665,302
Marble	2,357,795	2,170,981	.....	.....	.....	.....
Total	16,105,856	6,887,542	730,224	2,067,212	4,413,849	27,364,556

1911.

Granite	$6,395,370	$4,265,773	$24,640	$975,104	$2,787,713	$4,346,547
Trap rock	81,836	.....	.....	.....	197,477	5,877,447
Sandstone	2,317,074	.....	749,604	1,124,760	689,829	1,450,074
Limestone	4,721,800	.....	27,499	153,893	482,268	16,548,557
Marble	2,910,267	2,621,213	.....	.....	.....	.....
Total	16,426,341	6,886,986	801,653	2,253,757	4,157,284	28,496,625

Mr. GALLINGER. Mr. President, the value of granite represented nearly 28 per cent of the total value of stone in 1911. The increase in value was from $20,541,967 in 1910 to $21,391,878 in 1911, an increase of $849,911. Granite for building and crushed stone increased in value, but there was a decrease in the value of granite for monumental work, curbing, flagging, and paving.

Rough granite for monumental work, granite sold dressed for monumental work, granite for paving blocks, crushed granite

for roads, railroad ballast, and concrete, and granite for miscellaneous purposes not specified in the returns, increased in value; rough granite for building purposes, granite sold dressed for building purposes, and granite sold for rubble, riprap, curbing, and flagging showed a decrease. Fourteen States each produced granite valued at more than $500,000 in 1911, in the following order: Vermont, Massachusetts, Maine, California, Wisconsin, Washington, New Hampshire, Rhode Island, Georgia, Maryland, Minnesota, North Carolina, Oregon, and Connecticut. Of these States the first seven produced granite valued at more than $1,000,000 each, and six of them, Vermont, Massachusetts, California, Washington, Rhode Island, and Connecticut, showed an increase in the value of the output.

Now, Mr. President, I do not desire to say anything further at this time on this question. The amendment I offer now proposes a decrease of 30 per cent from the rate fixed in the Senate bill, from 50 per cent on manufactured granite to 35 per cent, and a decrease of 40 per cent on unmanufactured granite, from 10 cents to 6 cents per cubic foot. It is a very large reduction and it is a recognition freely made that, in my judgment, this product can stand a considerable reduction from the terms and rates of the existing law.

The matter is of very considerable interest to some of us. It touches particularly five New England States that have been for a long time engaged in this industry, and that have great pride in the industry, producing as good granite as there is in all the world. Those States are in open and active competition with themselves and in open and active competition with all other States in the American Union that produce granite. They are furnishing the product at a price that does not give them very large profit to-day, and if the bill as it is now proposed shall be enacted into law it may entirely destroy that profit; at least it will very materially affect the industry itself.

I will content myself, Mr. President, now by asking for the yeas and nays on the amendment I have offered, repeating the faint hope that our Democratic friends may see the justice of the amendment and give it a majority.

The VICE PRESIDENT. The yeas and nays are called for by the Senator from New Hampshire on the amendment presented by him.

Mr. HOLLIS. Mr. President, I shall be obliged to vote against this amendment. My family has been engaged in the stone industry in Massachusetts and New Hampshire for many generations—for over 100 years. It is well known in New Hampshire that my family is so engaged. But I have received no protest or complaint of any sort against the reduction suggested by the bill, except from one manufacturer in the western part of the State.

I have heard this matter discussed for years, and it is not the opinion of the manufacturers of granite or of the owners of granite quarries in New Hampshire that they are materially helped by the present rate. They realize that many duties on articles they consume have been reduced in their interest, and they believe that they should take their share of the reduction.

Granite is so bulky that there is very little of it imported. Now and then some one wants a Scotch granite monument or headstone; and if some widow or widower or daughter wants a Scotch granite headstone instead of a domestic one, there is no reason why that mourner should not have it without paying a large tariff rate.

I know of no demand to have the present tariff rate kept up. There is substantial competition among the different producers of granite all over the country.

It was asked the other day how they could tell the difference between granite that is intended for monumental and building purposes and those stones which are not. I will say that it is so expensive to work a quarry and ship stone that none of our granite is used for building and monumental purposes unless it is what they call good color, and good color and clear stock are very readily recognized. The only poor color and poor stock that is quarried and transported at all is for the purposes of edging and paving. So it is very easy to tell the difference.

For the reasons that I have suggested, Mr. President, I shall vote against the reductions suggested by my colleague.

Mr. STONE. Mr. President, I had intended to make some observations in reference to the pending amendment, but I think the two New Hampshire Senators have sufficiently debated the question, and I ask for a vote.

Mr. SIMMONS. Mr. President, I simply want to say that my State, as well as the State of New Hampshire, is quite a large producer of granite. I believe there are only eight States in the Union that produce more than North Carolina. We produced in 1910 nearly 1,000,000 tons.

Like the Senator from New Hampshire [Mr. HOLLIS], I have heard of no complaint from my State about this matter, and I do not now recall that we have had any from any source. I am not quite sure about that, however. I have not examined the testimony to see, but I do not recall anyone who has spoken to me about it or anyone who appeared before the subcommittees while I was present.

I rather think, Mr. President, that the apprehension of our friends the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Vermont [Mr. PAGE] is without foundation. The Senator from Vermont had great apprehension with reference to competition from Canada. I sent for the book that corresponds to our geological survey of the natural resources of the country, published by the British Government, and I can not find that there is any granite of any consequence produced in Canada except in Quebec. That is where all the granite that need to be feared, I suppose, by New England would come from.

I find that in 1908 there were produced in Quebec only 30,000 cubic yards of granite, and that it was valued at 51,000 pounds. According to the calculation I have made, that is 30 cents a cubic foot, which seems to me very much higher than the price of granite here.

But what I was purposely getting at was some little statistics with reference to competition existing now in New England between the different States where granite is produced. I think the real thing that they need up in New England is some little protection against each other. I have here the Mineral Resources of the United States, giving the production and the price of granite for building purposes and for monumental purposes in the States of Vermont and Maine, and this is what I find:

In 1910 the value of granite for building purposes in Vermont was 57 cents per cubic foot in the rough. In Maine in the same year it was 22 cents per cubic foot in the rough. Dressed in 1910 in Vermont it was $4.13 per cubic foot. In Maine, when dressed, it was $2.09 per cubic foot. In Vermont in 1910 and 1911 rough monumental granite was $1.91 per cubic foot. In Maine in that year, 1911, monumental granite in the rough was worth 67 cents per cubic foot. Granite, monumental, dressed in Vermont that year, was worth $3.47 per cubic foot. In Maine in that year monumental granite dressed was worth only $3.03 per cubic foot. So there seems to be a pretty sharp competition between Maine and Vermont in the price of granite, and probably the difference between the price in those two States is very much greater between the price in this country and any other country.

Mr. GALLINGER. Mr. President, a single observation.

It is absolutely incomprehensible that for the same quality of granite there can be any such difference in price as between Maine and Vermont. There is granite and granite in our country, and it would be well to compare the qualities before we determine the relative price in the different communities.

Mr. President, I listened with interest to what my colleague [Mr. HOLLIS] said on this subject. It is true that his family at some time, or one or more members of his family, were engaged in the granite business, but I believe they are not engaged in it now. It is a surprise to me that my colleague has not received any communications on this subject from the men who quarry granite and manufacture granite in various towns in New Hampshire. I have received quite a number of communications, one of them coming in my mail this morning, a very earnest appeal that the rates named in the pending bill should be modified to some extent. But I am not going to quarrel with my colleague over that matter. His vote will speak for itself and mine will speak for my position on this and all other subjects.

I had hoped that this concession would be freely granted. Evidently it is not, because the attitude of my colleague, I take it, would settle it if anything was needed to settle it; and I am ready now, as I was 15 minutes ago, to have the yeas and nays taken on the amendment I have offered.

Mr. DILLINGHAM. Mr. President, in reply to what was said by the junior Senator from New Hampshire [Mr. HOLLIS] as to the question whether there was any demand for the maintenance of the duty upon granite products I beg leave to read briefly from a letter which I have just received from the secretary of the Granite Manufacturers' Association in Barre, which is undoubtedly the largest granite center in the United States. In this letter he says:

It appears that the tariff on granite was reduced at the request of Mr. Frank J. Hanold, of Townsend, Townsend & Co., New York City, representing the National Association of Wholesale Granite Dealers, composed of about 15 to 20 firms engaged in selling monuments at wholesale. It is interesting to note that this request for a reduction

in the tariff comes from an organization composed of a few men who get their living by handling what some one else produces. They are not all interested in the production of the goods which they handle, nor do they care what it costs to produce them. They are only interested in the dollars which they can squeeze out of the producer and the consumer; and in case they succeed in getting the tariff reduced, the ultimate consumer will pay just as much for his monument as he does to-day, and what is saved on duty will go to swell the coffers of the wholesaler. It will mean that the wholesaler will push the foreign goods, because he can make a larger margin than he can on the home products. It may be hard for one not familiar with the monument business to understand this particular line of reasoning, but among those who know the business it is a well-known fact that the dealer can sell most any kind of granite which he desires to push. This is specially true of the ordinary sized jobs, as the consumer usually buys but one monument in his lifetime and naturally takes the word of the dealer as to the quality, etc., of the article which he purchases. Working from this premise, it is easily to be understood why the wholesale dealer is so anxious to have the tariff reduced. I understand that no manufacturers were heard at any of the hearings when the schedule was being made up, and it is particularly hard for us to realize that the committee recommended the lowering of the tariff on the strength of the representations made by an organization which is in a way antagonistic to the best interests of the legitimate manufacturer.

If granite were a necessity and the reduction in the tariff would cheapen the ultimate price of the finished monument to the consumer, we would not feel like entering a protest; but the consumer will never know that there has been a reduction, and why throw open the door to foreign granite for the benefit of the importer at the expense of the American manufacturer and the American laborer? The granite cutter in Barre to-day is receiving 40¾ cents per hour, minimum; in Scotland he receives 15 cents per hour average. What protection are you giving the American laborer by this proposed reduction?

I do not care to quote further, but that I think very fairly states the position of the granite manufacturers in Vermont.

My colleague [Mr. PAGE] was not here when the Senator from North Carolina was speaking of the granite industry in Canada. I do not know what information he has upon that subject. I have very little except I know that the Canadian Government places a duty of 35 per cent ad valorem on dressed granite, and that duty is so great that no American stock, no New England stock, can enter Canada in a cut or finished condition. All the sales that we can make in Canada of our granite are sales of the product as it comes from the quarry where it has not been improved by the expenditure of money for American labor.

Mr. JAMES. I ask for a vote.

The yeas and nays were ordered.

Mr. LA FOLLETTE. Mr. President, as bearing upon this question I wish to submit a fact which I ascertained through the Interstate Commerce Commission. I was curious to know whether the freight rate upon granite would afford any protection to the American producer as against the producer of the only sort of monumental granite that is imported into this country.

Upon investigation I found that the freight rate on a short ton of granite from Dundee, Scotland, to New York is $1.15\frac{6}{10}$; upon a long ton, $1.25.

A short ton of granite contains from 11.8 to 12.5 cubic feet. I figured out the cubic feet in a monument that was diagrammed and the dimensions given accompanying a letter which I received from a granite-producing firm located at Quincy, Mass., and the only one, I believe, which made any protest before either the Ways and Means Committee or the Finance Committee as to the reduction of these duties, at least so far as I could ascertain from an examination of the testimony.

Mr. DILLINGHAM. If the Senator will permit me, I think he will find that the association at Barre, whose secretary wrote me the letter I quoted this afternoon, did file their protest.

Mr. LA FOLLETTE. With the Finance Committee?

Mr. DILLINGHAM. With the Finance Committee.

Mr. LA FOLLETTE. Possibly that is so. I could find but one.

Mr. President, figuring the cubical contents of the small monument which was diagrammed in this letter of protest I found it contained about 1 ton of material. Now, taking a ton of granite as having a content of 12 cubic feet and applying the duty to it fixed in the present law of 10 cents per cubic foot the Aldrich duty would be $1.20; that is, $1.20 would be the duty on a ton of granite. The freight rate from Scotland to New York is $1.15. The duty, at 3 cents per cubic foot, would be 36 cents, to which would be added the freight rate of $1.15, giving the producer in this country, with duty and freight added, a protection amounting to $1.51 per ton of 2,000 pounds, or, on the basis of a long ton, protection amounting to $1.61 per ton.

The freight rate from Beebe Junction, Canada, to Chicago and perhaps a dozen distributing points in the United States is almost exactly the same as the freight rate given to the American producer of granite from New York, Baltimore, Barre, Vt., and a number of other points in this country. So there is no protection in the American freight rate as against a foreign producer, but there is a protection in the ocean freight rate.

Now, the question naturally arose in my mind as to whether the shipper of granite from Scotland could not avail himself of a combination rate which would put him more nearly on a competing basis with the American, but the Interstate Commerce Commission, whose assistance I had in ascertaining these rates, inform me that there is no combination rate; that the ocean freight rate would be added to the freight rate in this country on a shipment of granite from Scotland to any interior point in the United States.

Mr. GALLINGER. Mr. President, I will ask the Senator from Wisconsin, with his permission——

Mr. LA FOLLETTE. Certainly.

Mr. GALLINGER. Why a combination freight rate may not be made on this product as well as on other products that we are importing, concerning which great complaint is being made now?

Mr. LA FOLLETTE. I am not prepared to give to the Senator any reason based upon the transportation business why such rate might not be granted. I simply state that I am informed that it does not exist at the present time.

Mr. GALLINGER. It does not now; but the added suggestion I would make is that if this violent reduction of duty of 50 per cent should result in a very largely increased importation of Scotch granite, would they not avail themselves of that privilege which seems to be accorded to other importers?

Mr. LA FOLLETTE. I should think they would seek to avail themselves of the lowest rate that they could get. Indeed, it is fair to presume that they have sought and failed to secure such combination rate. There may be, sir, some reason, based upon some rule of transportation with respect to this sort of product, which leads the transportation companies to refuse to give such combination rate. Be that as it may, this rate is the prevailing freight rate now in this country, as I understand it.

Mr. President, as I am on my feet, I will add just one more fact as bearing upon this question, which is rather interesting, and which, I think, must be taken into account in our consideration of tariff reductions.

Great changes have come during the last few years, in a comparatively limited period at least, in the elements affecting cost production in this as in many other businesses. Not long ago the number of men employed in quarries for producing a given quantity of granite was necessarily much larger than now, and I think that we who stand for a reasonable tariff, one that shall be protective of American industries under existing conditions, must give special weight to these changed and changing conditions.

In quarrying granite, Mr. President, the modern drill, which has been put in operation in all of the principal quarries in this country—I think in all of them—enables one man operating that drill, the power for which is furnished by electricity or by compressed air, to drill a hole 3 inches in diameter 8 feet per hour. One man operating that drill can do the work that it required three men to perform in the same time only a few years ago. The wonderful efficiency of this drill enables the sinking of a hole perpendicularly a distance of 25 feet. In one engineering authority I find it stated that in firing a single blast in quarrying granite 70,000 tons of granite were freed and made ready for loading—a sufficient quantity in bulk and weight to load a freight train 3 miles long.

Mr. DILLINGHAM. Will the Senator from Wisconsin tell us where that was done?

Mr. LA FOLLETTE. That was done in the granite quarries of Scotland.

Mr. DILLINGHAM. We never do that in America.

Mr. LA FOLLETTE. The Scotch quarries are equipped, according to this authority, with precisely the same machinery that the Senator will find in the quarries in his State and that are to be found in the granite quarries of Wisconsin.

Of course, that quantity of granite would have to be subdivided, but these modern appliances for blocking this granite are equally improved, and increase the output enormously over the appliances used only a few years ago. Therefore, Mr. President, the difference in the wage scale is not so material a factor in the production of granite as it was a few years ago.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Vermont?

Mr. LA FOLLETTE. I yield.

Mr. PAGE. I should like to ask the Senator from Wisconsin if he regards the report of the census as correct? I believe that report says that the percentage of cost of granite is 80 for labor.

Mr. LA FOLLETTE. Well, Mr. President, I do not believe that statement means the wage cost in a unit of production. I have no doubt that that term as used in the census report refers to the conversion cost. It is inconceivable that it should

be the wage cost. Why, the wage cost in the production of woolen cloth, going through some nine different processes in converting the raw material to the finished product, is, as I recall, from 20 to 45 per cent. It is preposterous to suggest, as it seems to me, that the labor cost of quarrying granite and preparing it for market, drilling and blasting and polishing, which is done largely with labor-saving machinery, is 80 per cent of the total value of the product.

Mr. PAGE. Will the Senator from Wisconsin allow me to interrupt him further?

Mr. LA FOLLETTE. Certainly.

Mr. PAGE. I presume the Senator from Wisconsin is correct in saying that the 80 per cent covers the labor after the blast has thrown out from the side of the quarry the great blocks of granite. I imagine the 80 per cent covers the sawing, which is done largely, though perhaps not altogether, by machinery, and the polishing, which is done by machinery. As the Senator says, the conversion is really pretty much all there is to the work on granite. The work of drilling and getting it out from the side of the mountain is comparatively cheap; but it is true, I think, that the cost of labor which enters into granite—into the finished monument—is about 80 per cent of the entire cost after the granite has been drilled and has been blasted out of the quarry.

Mr. LA FOLLETTE. I am very certain, Mr. President, that the Senator from Vermont is mistaken if he means by the labor cost the wage cost—the sum paid to labor for converting a ton of granite from the raw material as it lies in the ground to the finished product ready for shipment.

Mr. PAGE. I have no means of verifying the figures that are given in the census report. It may be, as the Senator from Wisconsin says, that they include the expense of power.

Mr. LA FOLLETTE. Oh, yes; it includes all overhead charges; it includes depreciation; it includes the interest on the investment; it includes everything that goes into the conversion cost.

Mr. PAGE. I do not know that that is a correct statement as to the cost of manufacture. The cost of manufacture, so far as we know, is very largely labor after the granite has been thrown out by the blast.

Mr. LA FOLLETTE. The Senator has now furnished the definition, or, in other words, he has now correctly quoted the census report, which gives us exactly the definition for which I am contending—that is, the total manufacturing cost—that is, the total cost of conversion.

I am not surprised, Mr. President, that there is such a dearth of information before the Senate upon this, as there is upon so many of the other items in this tariff bill. The only firm that responded to the questions that were sent out to those protesting against a change in tariff rates, in so far as shown by the printed report of the committee, is the Granite Manufacturers' Association of Quincy, Mass. It is surprising to read the answers which that association makes, through its secretary, to the questions propounded by the committee, the Finance Committee questions being 29 in number. I will only detain the Senate to merely read the answer to one question.

Mr. DILLINGHAM. Would the Senator from Wisconsin tell us the date when those questions were sent out?

Mr. LA FOLLETTE. The letter of the chairman of the Committee on Finance [Mr. SIMMONS], transmitting these questions, is printed in the document I hold in my hand and is dated May 24, while the answer is dated June 2.

Mr. DILLINGHAM. What is the answer?

Mr. LA FOLLETTE. The Senator will find it, if he has the document, on page 44.

Mr. DILLINGHAM. Did the Senator from Wisconsin state what company had made the answer?

Mr. LA FOLLETTE. The Manufacturers' Association of Quincy, Mass.

Mr. DILLINGHAM. If the Senator from Wisconsin will look at another document he will see that this company addressed the committee as early as May 13, before the questions were sent out. They wrote to the committee.

Mr. LA FOLLETTE. That is a report which was submitted before that?

Mr. DILLINGHAM. Yes.

Mr. LA FOLLETTE. But, as I understand it, they were also sent these questions——

Mr. DILLINGHAM. I am not disputing with the Senator from Wisconsin about the matter.

Mr. LA FOLLETTE. Because I am informed that the committee submitted these questions to every manufacturer or producer in this country who had filed a brief or filed any protest with the committee.

Mr. DILLINGHAM. Perhaps I misapprehended the point the Senator from Wisconsin was making. As I understood the Senator, the point was that these companies did not wake up to the importance of this matter until after they received those questions. As a matter of fact, this company woke up to their importance as soon as they found that these New York firms had appeared asking for the reduction.

Mr. LA FOLLETTE. I was not making that point at all. I will read but one question and answer, Mr. President, from the reply made by the Granite Manufacturers' Association of Quincy, and printed on page 44 of the document. The question submitted referred to the percentage of labor cost to the total cost of a unit of product in this country. That question was presented in one or two different forms, and could not have escaped the attention of anyone to whom it was sent. Anyone will search in vain in the answers made to these questions for any informing answer to those questions. Questions 24 and 25 are as follows:

24. What is the total cost of production per unit of the same products as yours in competing countries? In answering this question give the exact source of your knowledge or information.

25. What is the percentage of labor cost to the total cost of a unit of product in competing countries? In answering this question, give exact source of your knowledge or information, stating the countries separately.

The answer given by the association to which I have referred in response to these two questions combined is this:

Nos. 24 and 25. We can only answer this by stating that the minimum wage for our granite cutters is $3.25 per day of eight hours, and the wage in Scotland is $1.35 per day of nine hours. Our information is obtained from members who keep in touch with affairs at their former homes.

It will be observed that they do not state that the wage of $1.35 in Scotland is for the same class of employment as the minimum wage of $3.25 which they pay.

Mr. GALLINGER. But, Mr. President, if the Senator will permit me——

Mr. LA FOLLETTE. Certainly.

Mr. GALLINGER. Is it not reasonable to assume that it is?

Mr. LA FOLLETTE. I do not think that it is reasonable to assume that such an answer is an entirely candid and frank answer to those questions when you take into account not only those two questions but the further questions likewise submitted to them:

What is the total cost of production per unit of product in this country?

What is the total cost of production per unit of product in competing countries?

What is the percentage of the labor cost to the total cost of a unit of product in this country?

What is the percentage of the labor cost to the total cost of a unit of product in competing foreign countries?

Mr. GALLINGER. If the Senator will permit me, he must remember that those are pretty technical questions to address to a man who is engaged in the granite industry. In my own city we have a great many Englishmen engaged in the granite industry, and they tell us frankly what the difference is between the wages paid in Concord, N. H., and in Scotland, and I apprehend that they mean the same class of work. I never questioned it.

Mr. LA FOLLETTE. I would suggest to Senators interested in ascertaining the relative cost of production in this and in competing countries that an examination of the answers to the questions sent out, made by the few who responded at all, fails to furnish very much specific information on the subject. This would indicate that it was a subject that did not trouble them sufficiently to lead them to inform themselves upon it, or else it tends to show a want of the utmost frankness on the part of a very large proportion of those who responded at all.

Mr. President, I believe in an intelligent application of the production-cost theory to tariff making, and I shall have something further to say on that later. I do not believe that it is a magic formula, but I shall contend—and I think can successfully maintain the contention—that without it you have no guide whatever for the making of any sort of a tariff, whether it be a tariff for revenue or a competitive tariff, or a reasonably protective tariff. I believe——

Mr. GALLINGER. Mr. President——

Mr. LA FOLLETTE. Just a moment, if the Senator please. I believe that on a product of this character, with a minimum of the conversion cost being really wage cost or labor cost, we are reasonably safe if we fix duties at a low rate.

We have, in the State of Wisconsin, a considerable production of granite; we have a very extensive field of it of a very fine quality. I have not received—and I had my files consulted only yesterday—any protest from those engaged in that business in Wisconsin. I have been somewhat surprised to find that there is only one—possibly two—protesting manufacturers or producers of granite in all of the hearings before the Ways and Means Committee of the House and the Finance Committee of the Senate. For that reason I shall feel constrained to vote

against the amendment increasing the rate fixed in the pending bill, upon which the roll call has been ordered.

Mr. GALLINGER. Before the Senator takes his seat I might say that I voted with great avidity for the questions which the Senator formulated and presented to the Senate; but I thought then, as I think now—and I apprehend the Senator will agree with me—that to reach the difference in labor cost we will have to get some different machinery than simply addressing an individual manufacturer; in other words, we shall have to have a commission who will give their time to it and who will be able to investigate that matter personally, or through agents in foreign countries as well as in this country, which an individual manufacturer can not do.

I can see the great difficulty that those men had, many of them untrained in anything but their own industry, in trying to give categorical answers that would satisfy so technical a mind as that of the Senator from Wisconsin; but I can not believe that they personally made answers to mislead the committee or the Senate.

In reference to this particular matter of the granite industry, I can readily understand, taking the manufacturers in my own town, that those technical questions would stagger them very much. They might sit up two or three nights in endeavoring to formulate an answer that would not at all be acceptable to the Senator or to a committee or to the Senate itself. They might do the very best they could, very much like a man in the country who gets a letter from the Senator may sit up a night or two trying to formulate an answer. He does the best he can, but the letter is not very well expressed when he gets through with it.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. If the Senator will permit me to reply first to the Senator from New Hampshire, I will then yield to him with pleasure.

Mr. President, I did not offer the questions which were submitted as an amendment to a motion to refer this bill to the Committee on Finance with any suggestion or thought in my mind that the answers to those questions would enable us to dispense with a tariff commission. I believe, sir, in the establishment and maintenance of such a commission, a commission composed of experts, a commission of nonpartisan character; but I do not agree with the Senator that there is any business of very great importance conducted in this country that can not make intelligent answer to every one of the 16 questions which I submitted, in spite of the fact that there were but few responses to the questions sent out, which numbered something like 2,500, if I remember correctly.

Mr. SIMMONS. Over 2,000, I think.

Mr. LA FOLLETTE. I was informed that something over 2,500 were sent out.

Mr. SIMMONS. Probably that is correct.

Mr. LA FOLLETTE. And the answers, I think, returned, numbered only some sixty-odd.

Mr. SIMMONS. There were 66 answers upon 32 subjects.

Mr. LA FOLLETTE. I now yield to the Senator from Indiana.

Mr. SHIVELY. Mr. President, touching the answers made to the particular inquiries addressed to the Massachusetts Granite Manufacturers' Association, I can easily see that it might be difficult for the ordinary man to ascertain precisely the percentage of labor cost per unit of product in foreign factories. He might have some difficulty in that respect; but did this association answer as to the percentage of labor cost per unit of product in this country?

Mr. LA FOLLETTE. It did not, even as to its own business. I will say to my friend from Indiana that I have little doubt that most concerns of importance in this country will be found to be pretty well informed upon the subject of cost of production. They know to the fraction of a cent the labor cost of production in every unit of their own product. It is not an absolute and continuing thing; it will change with the seasons and from time to time; it will vary; but they know very definitely at the end of the year the cost in every unit of product turned out, and if they have been at all apprehensive of competition from abroad they will be found to be pretty well informed as to the conditions of the principal competing industries in the principal competing countries.

Those that are very large institutions have agents abroad all the while observing, inquiring, investigating, and keeping close watch upon the industries, in order to avail themselves of any improvement that may be made there over the operations in this country, or anything in their systems which in any way can affect the interests here.

Mr. PAGE and Mr. JAMES addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Vermont?

Mr. LA FOLLETTE. I do.

Mr. PAGE. Mr. President, the Senator lives in a State where the tanning industry is very large, and I presume he is cognizant of the fact—for I think it is a fact—that the chemicals used in tanning which are brought from Germany are delivered at Milwaukee at a rate of freight not higher than the freight rate from the Atlantic seaboard to Milwaukee. Is the Senator aware of that fact?

Mr. LA FOLLETTE. I was not aware of that particular fact until the Senator stated it; but I do know that combination rates are very common and that the foreign producer is given that advantage over the domestic producer, which in many instances is an element that must be reckoned with.

Mr. PAGE. Mr. President, has the Senator any doubt in his own mind that if the duties are reduced from 50 per cent to 25 per cent on imported monuments and other manufactures of stone it will materially increase the importations?

Mr. LA FOLLETTE. I do not believe it will harmfully increase the importations. I believe the duty will be at about the line which will measure the difference in the cost of production. I am not absolutely certain of that because of the dearth of data; but I purpose in voting for duties to vote with the best light I am able to get on each item, with a view, if I can, of reaching that measure of duty which will cover the difference in the cost of production.

Mr. PAGE. But is it not true, Mr. President, that in making these computations the Ways and Means Committee of the House and the Finance Committee of the Senate were always keeping in mind the barrier of extra freight, and did not that enter into their consideration very much in deciding on these rates of duty?

Mr. LA FOLLETTE. I am bound to say that where freight rates afford more protection than duties which in themselves are almost prohibitory, they ought to be taken into account. Otherwise, in a combination between the transportation companies and the beneficiaries of high protective duties, the people of this country would be wholly at the mercy of that combination and could be charged double and treble prices.

Mr. PAGE. If the Senator will allow me, when this question of the duty upon granite was taken up I went to my granite friends in the quarries of my home locality and asked them where they thought the strongest, keenest, most dangerous competition would be found.

I do not think the conditions in the Hardwick and Woodbury quarries are exactly like the conditions in the Barre quarries, because the Barre quarries are very largely producers of monumental granite, while the quarries of Woodbury and Hardwick produce a great deal of building stone.

I want to say that those men were eminently fair. They said to me in 1909: "We are Republicans. The Republicans have promised to reduce duties and we want the granite producers to stand their share of reduction. We do not object to a fair reduction in the tariff; but you ask us what we are apprehensive of, and we simply say that if there ever comes a time when we are not all doing all we can the first trouble will be with the Canadian producer."

As I remarked the other day, the stratum of granite in Vermont extends through into Canada, and there is quite a large concern at Beebe Plains, to which I referred yesterday. I do not know how extensive it is, but I am told it is quite extensive. I want to say to the Senator that Beebe Plains, Hardwick, Woodbury, and Barre are all situated on the Boston & Maine railway system and the freights from all those points are substantially identical. Hence the protection which would be given in the matter of freight to the Hardwick and Woodbury producers, and other producers at that point of the granite-producing section, would not amount to anything, because the rates are the same. I think that fact should be taken into account in considering the duty that ought to be placed upon this commodity.

If it is true that they have at Beebe Plains the same quality of granite, and if it is true that they have a large and well capitalized manufacturing concern, and if it is true—as I am informed, I think, correctly—that the quarry owners there employ nonunion help at $2.25 per day of nine hours as against a minimum of, I think, $3.25 paid in this country, the question of labor cost of course comes in. In addition to that, where they work their shops with nonunion men they are able to be more exacting than are the quarries in this country, where the working conditions are prescribed by organizations. I mentioned yesterday the fact that in Canada, where a workman injures a piece of granite, it is charged to his account. That can not be

done on this side. The union men would not suffer it. They think it is not right. The Canadian employers, however, are able to exact that as well as a greater number of hours of work per day.

It is true that, as far as some parts of Vermont are concerned, we make a superior kind of granite. I think the Bethel white, as it is called, has no counterpart in this country. I am told there is something that approaches it, but nothing that equals it. If any of you will take the trouble to look at the new post-office building you will see that it is almost of the whiteness of marble. Those people who produce this high quality of granite are protected by the product itself, so that they have nothing to fear, as there is no foreign granite that is equal to it.

These men have all through the year, and year after year, all the work they can do; and they have not been so solicitous in regard to the tariff as the men who have been confronting different conditions. But the moment you bring the matter to their attention they take their figures and begin to compare what they have to meet in Canada with what they have to meet here; and I believe they are sincere in saying that the labor cost there is very much less than here.

By the way, I want to correct myself in regard to labor cost. The junior Senator from Kentucky [Mr. JAMES] has kindly informed me that the labor cost is practically 36 per cent. The Senator from Wisconsin was correct in saying that the total cost of conversion or manufacture is 80 per cent.

Another point I want to bring to the attention of the Senate is that in Canada they work extra hours without extra pay. On this side our granite workers are able to exact one and a quarter pay for every hour worked over the eight-hour period. The men go into the quarries at 7 o'clock in the morning and work until 12; then they commence again at 1 and work until 4. You will often see them in our granite producing towns come from work at 4 o'clock in the afternoon.

I want to say further, Mr. President, that this is an industry of which we ought all to be proud. The men engaged in it are thrifty, intelligent, and, many of them, educated men. They are men who live well and dress respectably, and I believe our friends on the other side of the Chamber who have this particular part of the bill in charge will make a great mistake in reducing the tariff from 10 cents a foot to 3 cents a foot on unmanufactured granite and from 50 to 25 per cent on manufactured granite. I do not believe it is right. I think it is an attack upon a leading Vermont industry more severe than has been made upon any other leading industry in the country.

I want now to revert to what has been given as one of the fundamentals of the new tariff, and that is that there should be competitive conditions and strong competition. I am connected in a business way with these granite men, and I know that there is nothing in this country that is more competitive than the granite business. Aside from one or two large concerns in Hardwick and Woodbury, the whole business is in the hands of little men who have come up from the quarries. They finally find themselves able to hire a little shop; they employ 10 or 20 or 30 men, and then they reach out all over the country for business. I presume there are not only hundreds but perhaps thousands of concerns, nearly all small ones, bidding for business in a way that makes it so thoroughly competitive that they have to be pretty thrifty in order to make any more than a fair daily wage.

I wish the Senator from Missouri could say that in his heart of hearts he does not believe this reduction is right, and change it, although I am frank to say that my faith is hardly up to the scriptural "grain of mustard seed" in regard to the matter, and so believing I will not take up the time of the Senate further in discussing this section of the bill.

Mr. GALLINGER. Mr. President, this is an interesting discussion, and it opens up some new questions. I wish to ask a question of the Senator from Wisconsin [Mr. LA FOLLETTE], and then I shall be through.

In answer to a question propounded by the Senator from Vermont [Mr. PAGE] as to whether the Senator did not believe this reduction would increase importations, the Senator from Wisconsin said that in his judgment it would not to any appreciable extent.

Mr. LA FOLLETTE. Not to any very considerable extent.

Mr. GALLINGER. If it does not, what good is it going to do? It is going to reduce the revenue that our Democratic friends are searching for so assiduously and it is not going to affect the business, so what good will the reduction do unless it does to a very considerable extent increase the importations? And if it does largely increase the importations, of course it does that relative amount of injury to the domestic industry and to the men who are engaged in quarrying and manufacturing the granite.

Mr. LA FOLLETTE. Mr. President, if I was understood to say, or if I said or left the impression upon the Senate, that I did not think it would be felt in importations, I was misunderstood or did not state myself as I should. I am desirous of seeing the duty so framed that unreasonable prices, when charged in this country, will lead to importations. I think the present prices in this country on many of the necessaries are unreasonable. I am going into that subject more fully at a later period in the consideration of the bill and shall not take the time of the Senate to do so now.

I am obliged, as every Senator here is obliged, to vote upon these various propositions without complete information. I wish we had more. But I am going to follow the best light I can find, and at any moment during the consideration of the bill when it shall be made reasonably plain to me that I have erred in voting for too low a duty or for too high a duty I shall hasten to correct any error or mistake I may thus make. But for the present I am convinced that the duties fixed in this bill are reasonably protective to the particular industry under consideration, and therefore I shall not vote to increase them above the amounts named in the bill.

Mr. GALLINGER. I desire simply to add that unless the reduction in the duties on granite results in increased importations it will be about as idle a piece of legislation as could be conceived of, because it will reduce the revenue on what little is now imported, and it will do no good whatever so far as fixing prices is concerned. I believe it will largely increase the importations from Scotland, from Quebec, and from Nova Scotia. Believing that, I repeat my regret that there is little hope of securing agreement to the very generous reduction that I suggested in my amendment; and I doubly regret that the Senator from Wisconsin can not see his way clear to vote for that amendment.

Mr. LA FOLLETTE. Mr. President, right upon that point, I regretted not being able to furnish the Senate some information with respect to the prices of granite of different dimensions for monumental purposes and the variation of those prices covering a period of years. I can only state my impression, but I am very confident, from having been obliged to ascertain as to the prices of monumental work of modest pattern, that notwithstanding the wonderful development in the methods of production that have taken place in recent years the prices of all monumental work have increased very rapidly in the last 10 or 15 or 20 years.

Mr. WORKS. Mr. President, I should like to understand a little better the position of the Senator from Wisconsin. The Senator referred to labor-saving machinery that is used in this kind of work at the present time. Does he find that there is any difference between this country and foreign countries in that respect, as far as granite is concerned?

Mr. LA FOLLETTE. I do not, Mr. President.

Mr. WORKS. Then I presume that has nothing to do with the question of the rates to be fixed as between the two countries.

Mr. LA FOLLETTE. I can not agree at all with that statement of the question. That is, I think the element of protection which the labor of this country has heretofore required is reduced as machinery takes the place of men in production.

Mr. WORKS. Then it is only a question as to the percentage of actual labor used in the production of the article?

Mr. LA FOLLETTE. Whatever may be the controlling idea with others, with me the difference in the labor cost will be the principal element that will influence my vote in the matter of duties.

Mr. WORKS. Yes; and in this case, according to the Senator, the labor employed is practically the same in foreign countries and in this country.

Mr. LA FOLLETTE. I do not say anything of the sort. I say that the same kind of machinery is operated in the Scotch quarries that is operated in the granite quarries of this country. The operation of that machinery has brought into employment about the same number of men in the quarries, turning out the same quantity of product; but the number of men has been constantly diminishing with the increase in the use of machinery, so that the wage element or labor cost per unit of production cost is a very much less important matter than when wages constituted so much of the entire cost of production.

Mr. WORKS. The Senator has brought another element into this discussion that is quite important from my point of view, and that is the question of the effect of freight rates. Upon an amendment offered by me a few days ago, based partly upon the larger freight rates which our own people were compelled to pay, it was maintained on the floor of the Senate that freight rates ought not to be considered at all in determining what the

tariff rate should be. Does the Senator agree with that doctrine?

Mr. LA FOLLETTE. Mr. President, that takes us into quite another subject, and a very important one. I think it would be necessary for us to determine whether that freight rate is a reasonable freight rate. Yet I concede that it is a question of very vital importance to an industry remote from market, and in some cases I might give considerable weight to it. I do not want to see our industries destroyed. In view of the fact, however, that we correct our tariffs at such infrequent periods, I should be reluctant to vote for the continuance of duties which, according to the best information we could get, were at the top notch, because the product is at the present time subject to an excessive freight rate. It seems to me that we must take into account the fact that there is constantly going on in this country important work in the direction of a better regulation of our transportation systems. I am hopeful that within a very few years, when we have acquired all the information necessary and when Congress has become as responsive as I hope to see it ultimately, we may reach a time when we can enforce reasonable transportation charges in this country. I hope that time will come within the next three or four years.

Mr. WORKS. I asked the question because the Senator from Wisconsin proposes in this instance, where the freight rate is against the foreign producer, to use that as a reason for not increasing the tariff.

Mr. LA FOLLETTE. The Senator does not quote me correctly. I know he does not intend to misquote me. I stated the amount of the freight rate, and stated that it was an additional and excessive protection. I think the rate fixed in the bill, without taking into consideration the freight rate from Scotland to New York, is a protective rate upon rough granite.

Mr. WORKS. I so understood the Senator from Wisconsin. I think I did not misunderstand him. It seems to me it is entirely inconsistent that this rule should not work both ways.

Mr. NELSON. Mr. President, will the Senator from California yield to me at this point?

Mr. WORKS. Certainly.

Mr. NELSON. I think the competition we have to encounter is not from Scotland; it is right across the line in Canada. There is no end of granite there, and in the nature of the case the transportation will cut but a limited figure. Take it over in Ontario; take it in Winnipeg and Owen Sound in Canada. There is enough granite there to answer every purpose in this country right on our borders; and it is that competition rather than the competition of Scotland that we have to fear, if any at all.

Mr. WORKS. I was referring to it more as a matter of principle than anything else, because it is going to be or may be a very important matter in determining the rate that is to be allowed upon other commodities produced in this country. I merely wanted to get at the exact view of the Senator from Wisconsin upon that subject, because, unless he is ready to admit that the difference in freight rates should be taken into account in determining the rate of the tariff where the disadvantage is with us, it seems to me inconsistent to use it as he has done in this instance.

Mr. SUTHERLAND. Mr. President, in the light of this debate it might seem that we have exhausted all the phases of the granite question. But I find in the Tariff Handbook a statement which seems to me somewhat curious, and I should like to put a question about it to the chairman of the committee or whoever may be in charge of this particular branch of the bill.

It is recited in the handbook that the importations in 1912 brought a revenue of $7,499, and that the average unit of value was 41½ cents. The estimate for a 12-month period under the pending bill is for a revenue of $3,000 a year, and the average unit is estimated at 44 cents. So it would seem, under the reduction which is proposed to be made from 10 cents to 3 cents per cubic foot, that the average unit of value will increase from 41½ cents to 44 cents per foot, and the revenues derived therefrom will be considerably reduced—more than one-half. I wish to ask how those figures were arrived at, and how it was discovered that the reduction in the duty will result in an increase of the average unit of value? Can the Senator from Missouri tell me?

Mr. STONE. I did not understand the Senator, Mr. President. The Senator spoke in such a low tone of voice that it did not reach this side. Do I understand him to ask how it happened that the House has reduced the tariff from 50 to 25 per cent, and has reckoned that the duties collected will be decreased about one-half?

Mr. SUTHERLAND. No; that was not the question I propounded. The question I asked was how it happens, with a reduction of the duty upon this article from 10 cents to 3 cents per foot, that that will result in an increase of the price of the article from 41½ cents per foot to 44 cents per foot?

Mr. SIMMONS. If the Senator from Missouri will allow me, I do not know that I am able to tell the Senator offhand the way in which the estimate is made; but it is my impression that in estimating the unit value the expert takes the unit of value for several years, and in that way arrives at the average unit of value. The Senator will see that the unit of value for 1912 is 41.5 cents, as he has stated. For 1910 it was 49.8 cents. It is probable, and I think it is true, that in estimating the unit value here the expert took the three preceding years, and got the average value from that.

Mr. SUTHERLAND. That would hardly be correct, because in 1905 the value was 35.8 cents.

Mr. SIMMONS. I did not mean to say that the expert took 1905; I said "the three preceding years." In this bill there are given the figures for 1912 and 1910, but not the figures for 1911. I think he has taken the three preceding years as being probably the best index of values.

I wish the Senator to understand that I am not stating that with certainty, but I am under that impression. I will try to ascertain how that is, and enlighten the Senator a little bit later; but I think that is the method that has been pursued in making the estimate.

Mr. SUTHERLAND. The fact still remains that the unit of value in 1912, which consisted of 12 months, being the usual number, was 41.5 per cubic foot.

Mr. SIMMONS. Yes.

Mr. SUTHERLAND. For the next year it is estimated that it will be lifted to 44 cents per cubic foot as a result of decreasing the duty more than one-half.

Mr. SIMMONS. The Senator will also see that the unit of value for 1910 was 49.8. So if you take those two years, 49.8 for 1910 and 41.5 for 1912, and add them together you would have an average of about 44 cents.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SUTHERLAND. Certainly.

Mr. OLIVER. I understand that value per unit is the foreign price. Am I not correct in that?

Mr. SUTHERLAND. I understand that.

Mr. OLIVER. I think it is easily explained how it will be advanced. I presume that the committee estimates that the foreign manufacturer, by reason of the reduction of duties and the elimination of American competition, will be enabled to advance the price. It is easy of explanation.

Mr. SIMMONS. I do not think that ever entered the head of anybody except the Senator from Pennsylvania.

Mr. SUTHERLAND. Whatever may be the explanation of it, it seems to me rather absurd for us to reduce a duty upon an article if the result of the reduction is simply going to be to increase the price of the article on which we reduce the duty. I understand the principal object of the bill, as announced by the Democratic majority, is to produce revenue and also to decrease prices. Now, if it has exactly the opposite effect from what its proponents announce and desire, it does not seem to me that there is a great deal of sense in reducing the duty.

Mr. SIMMONS. The Senator overlooks the fact that if there is a greater importation from abroad it will act as a regulator of prices in this country.

Mr. SUTHERLAND. I imagine the Senator or whoever was responsible for the estimates must have known what he was about. It is estimated that the quantity will be increased only about one-fourth, namely, from substantially 75,000 to 100,000 cubic feet. That will result in a decrease of duties of considerably more than one-half, namely, from the present amount of $7,499 to $3,000 per annum.

Mr. SIMMONS. The Senator is talking about the reduction of the unmanufactured. It is estimated that as a result of that reduction there will be an increase in importations from $31,000 to $44,000. Of course we all know, as has been stated here repeatedly and as it was stated in the House, that these estimates are not to be accepted as importing absolute verity. They are simply the result of a calculation. But the Senator will see that of dressed granite the importations last year were $145,000, and it is estimated that they will be increased to $200,000 as the result of the reduction.

There may be but little change; there probably would not be much change in the foreign price of the product as a result of our tariff legislation. That is not the question. The question is, What effect will be produced upon the domestic price by an increase of importations? What will be the difference upon the domestic price between a prohibitive duty upon importa-

tions and a duty which is competitive and will allow the foreign product to come in when the domestic product is maintained at too high a level?

Mr. PAGE. Mr. President, I should like to call the attention of the Senator from Utah to the fact that under the estimate of the committee the duty to be received under the bill before us will be $50,000, as against $72,905 in 1912. In other words, the bill is not a success as a revenue producer. Its only success, as far as I can see, will be in throwing out of employment some of our Vermont labor.

Mr. SUTHERLAND. That is quite in harmony with the other sections. The policy of it seems to be to decrease the revenue and increase the price of the article.

Mr. PAGE. This matter of the average unit is very unreliable for consideration anyway. It depends very largely on where the granite comes from. There is a great deal of granite in this country, like the "Bethel white," probably worth a dollar a cubic foot. On the other hand, the ordinary cheap gray granite is probably worth in the vicinity of 50 cents a cubic foot. The foreign price as given here is 41.5, against 48.8 in 1910. That difference is very likely because the granite in 1910 came quite largely from Scotland, while the importations in 1912—I do not state it as a fact, but as a probability—were, I presume, more from Canada, where they have a cheaper kind of granite.

Mr. GALLINGER. The yeas and nays have been ordered on the amendment.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER].

The Secretary proceeded to call the roll.

Mr. JAMES (when Mr. BRADLEY's name was called). I wish to make the announcement that my colleague [Mr. BRADLEY] is unavoidably absent and is paired with the junior Senator from Indiana [Mr. KERN].

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON] and withhold my vote.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). My colleague [Mr. CULBERSON] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is absent. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I wish to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and his pair by transfer with the Senator from Maine [Mr. BURLEIGH]. I ask that this announcement may stand for the day.

Mr. BACON (when the name of Mr. SMITH of Georgia was called). My colleague [Mr. SMITH of Georgia] is necessarily absent from the Chamber this afternoon. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I observe that the Senator from Arkansas [Mr. CLARKE] is not present. I am paired with that Senator and on that account I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and I withhold my vote.

The roll call was concluded.

Mr. KERN. I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Louisiana [Mr. RANSDELL] and vote. I vote "nay."

Mr. LEA. I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. SAULSBURY. I have a pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SUTHERLAND. I will transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

Mr. CHILTON. I transfer my pair with the Senator from Maryland [Mr. JACKSON] to the senior Senator from Virginia [Mr. MARTIN] and vote. I vote "nay."

Mr. GRONNA. I wish to announce that my colleague [Mr. MCCUMBER] is necessarily absent on account of sickness in his family and that he is paired with the senior Senator from Nevada [Mr. NEWLANDS]. I will let this announcement stand for the day.

Mr. LEWIS. I wish to announce that the junior Senator from Florida [Mr. BRYAN] is paired with the Senator from Michigan [Mr. TOWNSEND], and also that the senior Senator from Florida [Mr. FLETCHER] is paired with the Senator from Wyoming [Mr. WARREN].

The result was announced—yeas 19, nays 44, as follows:

YEAS—19.

Brady	Cummins	Nelson	Sherman
Brandegee	Dillingham	Oliver	Smoot
Bristow	Gallinger	Page	Sutherland
Burton	Jones	Penrose	Works
Clark, Wyo.	McLean	Perkins	

NAYS—44.

Ashurst	Johnson, Me.	Overman	Smith, Md.
Bacon	Johnston, Ala.	Pomerene	Smith, S. C.
Borah	Kenyon	Reed	Sterling
Chamberlain	Kern	Robinson	Stone
Chilton	La Follette	Saulsbury	Swanson
Crawford	Lane	Shafroth	Thompson
Gronna	Lea	Sheppard	Thornton
Hitchcock	Lewis	Shields	Tillman
Hollis	Martine, N. J.	Shively	Vardaman
Hughes	Myers	Simmons	Walsh
James	Norris	Smith, Ariz.	Williams

NOT VOTING—33.

Bankhead	du Pont	Martin, Va.	Smith, Mich.
Bradley	Fall	Newlands	Stephenson
Bryan	Fletcher	O'Gorman	Thomas
Burleigh	Goff	Owen	Townsend
Catron	Gore	Pittman	Warren
Clapp	Jackson	Poindexter	Weeks
Clarke, Ark.	Lippitt	Ransdell	
Colt	Lodge	Root	
Culberson	McCumber	Smith, Ga.	

So Mr. GALLINGER's amendment was rejected.

Mr. GALLINGER. Mr. President, I had intended to offer another amendment, which I think I will offer in a modified form. I am a little curious, but will not pursue it to any extent, to understand how it happens that an amendment that I offered fixing a duty of 40 per cent got a good many more votes than a duty fixing 35 per cent, but I presume we are drifting to free trade day by day, and very soon we will be ready to vote to put everything on the free list.

I had intended to offer an amendment fixing the rate at 30 per cent, but I presume I would not get any vote but my own if I should do that. So I shall desist.

But I do want to call attention to one matter in this item that is so palpably unfair that I will risk a viva voce vote in the hope that a few Senators may be willing to raise their voices when they would not record their votes in favor of it.

On unmanufactured granite, Mr. President, the Wilson tariff law—which we allude to sometimes as a free-trade measure—granted a duty of 21.28 per cent. The Dingley tariff law raised it to 35.34 per cent. The Payne law kept it at 20.41. It is proposed now to reduce it to 6.82; in other words, to reduce the tariff from 10 cents to 3 cents per cubic foot on unmanufactured granite.

There may be some reason for it, some occult reason that is not capable of being understood, and probably any attempted explanation would only increase the uncertainty and darkness of the subject. So I am not going to provoke discussion, but I am going to move, Mr. President, that the numeral "3" be stricken out and "5" inserted, reducing the present duty 50 per cent, and I do hope that Senators will in a viva voce vote see the justness and fairness of that proposition and amend the bill to that extent.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 2, before the word "cents," strike out "3" and in lieu thereof insert "5," so that it will read:

Unmanufactured, or not dressed, hewn, or polished, 5 cents per cubic foot.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was rejected.

Mr. STONE. Paragraph 102 was passed over at the request of the Senator from North Dakota [Mr. GRONNA]. I would be glad to have it disposed of now.

Mr. GRONNA. I wish to know from the Senator who has the schedule in charge why it is necessary to have a duty of $1.50 a ton on grindstones. I find that a very small quantity is being imported. In 1912 there were only 6,335 tons. From the amount of the importations, the figures would indicate that the tariff is now prohibitive.

Mr. STONE. Mr. President, the fact is, as stated by the Senator, that, I think, something like $900,000 of value of this commodity represented the production in this country as against

a very small importation—about one hundred and twenty thousand and odd dollars of importation.

Mr. GRONNA. That is what I say, Mr. President.

Mr. STONE. The Senator from North Dakota is right as to that statement. The duty of $1.75 carried in the present law was reduced by the other House to $1.50. Whether that reduction would result in larger importations, and how much greater importations, of course is probematical. The reduction, I will say, manifestly is not very large. Does the Senator from North Dakota desire that the rate shall go still lower?

Mr. GRONNA. I should like to see grindstones on the free list. They are one of the articles used mainly by the farmers. The farmer's wheat and other products are put on the free list, so I do not see why he should be taxed on his grindstone. It is true you have reduced the duty by eighty-eight one-hundredths of 1 per cent.

Mr. STONE. The Senator makes an appeal to me that rather touches me; I will not say it is wholly convincing. However, I do not know but he may be nearer right than wrong. It may be that there ought to be a greater reduction on this article.

Mr. GRONNA. I will wait to hear the Senator from Missouri give some reason why there should be a duty of $1.50 on grindstones. Under the present law the duty of $1.75 per ton must be prohibitive, for there have been no importations of any considerable amount.

Mr. STONE. They have not been very large.

Mr. GRONNA. The duty assessed on the farmers I can not figure out from the amount of importations, but the amount the farmer will be taxed upon the quantity imported is insignificant, only about $7,500; but multiply that by 9, and it amounts to quite a considerable sum. I will let the item go by, because I do not care to delay the passage of this bill; but on lime, which is a product which is mainly used by the farmer—and lime is the poor man's cement—you tax him $7,500,000 a year. Is that to compensate him for putting his agricultural products on the free list?

Mr. STONE. We will go back to lime in a few moments. I suggest that we might dispose of grindstones at present.

Mr. GRONNA. Very well.

Mr. STONE. What does the Senator from North Dakota wish with reference to it?

Mr. GRONNA. I wish grindstones to be put on the free list. They are a necessity, viewing the matter from the farmers' standpoint. The smallest farm in the country could not get along without a grindstone.

Mr. STONE. It might be well to put grindstones on the free list or to reduce the duty on them; I do not know. If the Senator wishes to have that paragraph passed over, I have no objection, and the committee will consider it.

Mr. GALLINGER. Would the Senator from North Dakota [Mr. GRONNA] or the Senator from Missouri [Mr. STONE] kindly inform some of us who are in an inquiring frame of mind this afternoon just what effect this will have upon the American manufacturers? It would be interesting for us to know. Is it desirable that the farmer should get a grindstone at a very cheap rate and put out of business the manufacturers of grindstones in this country?

Mr. GRONNA. Well, Mr. President——

Mr. GALLINGER. That is what we pretty nearly did for another industry a moment ago.

Mr. GRONNA. I admit, Mr. President, that I voted for it.

Mr. STONE. It is a very small matter one way or the other in the amount involved either in the manufacture or in revenue. If the Senator from North Dakota is insistent upon passing over the paragraph still further, I have no objection.

Mr. GRONNA. I should like to have it passed over; but before I take my seat, Mr. President, I wish to state, in reply to what has just been said by the Senator from New Hampshire [Mr. GALLINGER], that it was simply for the purpose of giving the farmer cheap tombstones that I voted for the paragraph as it is found in the pending bill.

Mr. GALLINGER. Mr. President, if I could select the victims I might agree with the Senator from North Dakota. [Laughter.]

Mr. GRONNA. I ask that the paragraph be passed over.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. STONE. I do.

Mr. HUGHES. I presume the Senator from North Dakota is interested in the small grindstones which are usually used upon farms for sharpening agricultural implements. The same situation arises with reference to this item as would arise with reference to many others. I presume the consumption of such grindstones would be affected very slightly by anything that was done with the rate as proposed to be levied here. The grindstones that are referred to here are very large stones, 20, 30, and 40 feet in diameter. Those are the stones that I understand are largely imported into this country. They are used in file grinding, in saw grinding, and in industries of that kind. It is doubtful upon the particular grindstones in which the Senator from North Dakota is interested if there would be any reduction as a result of placing grindstones generally upon the free list, and we would lose the eleven or twelve thousand dollars of revenue on the large grindstones which are annually imported into this country for file makers and saw makers.

Mr. JAMES. But I will suggest to the Senator from New Jersey that the Senator from North Dakota made, to my mind, a right good Democratic argument. He said that while the amount of revenue collected would be $11,000, yet the farmers of the country would have to pay nine times that much upon the theory that the production of this country was nine times as much as the importations, and that the manufacturers here add the amount of the tariff to the cost price to the consumer, which strikes me with considerable force.

Mr. HUGHES. I did not want to interject a political discussion.

Mr. STONE. The Senator from North Dakota asks to have the paragraph passed over, and of course we will have it passed.

Mr. HUGHES. Mr. President, I am against throwing away this revenue, and I wanted to state my position. A great many of these small grindstones are made out of the large grindstones that are worn down. There is a very large file factory in my State.

Mr. SMOOT. The Senator from New Jersey does not claim that the importations of grindstones are of small grindstones?

Mr. HUGHES. No; of large grindstones. That is what I say. In the effort to give the farmers these small, insignificant grindstones free we are throwing away the revenue which we should collect on the great big grindstones which are used by the file and saw manufacturers of the country, out of which the little grindstones are finally made when the big ones are worn out. I am opposed to throwing away this $11,000 worth of revenue, and I wanted to state my position.

Mr. STONE. Well, Mr. President, the request of the Senator from North Dakota [Mr. GRONNA] is that the paragraph go over.

The VICE PRESIDENT. The paragraph will be passed over at the request of the Senator from North Dakota [Mr. GRONNA].

Mr. STONE. Mr. President, I should like to take up and see if we can dispose of paragraph 75, relating to lime, which was passed over at the request of the Senator from Washington [Mr. JONES]. He has stated that he has no objection to taking up the paragraph now.

Mr. JONES. Mr. President, I offer an amendment to paragraph 75.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, paragraph 75, line 6, it is proposed to strike out all after the word "lime" and insert "17½ per cent ad valorem, including the value of the barrel or package: *Provided*, That if any adjoining country shall levy and collect duties on importations of lime from the United States under a rate less than 17½ per cent ad valorem the President shall from time to time fix the rate on importations of lime from such country at the rate charged by such country."

Mr. JONES. Mr. President, I do not understand just why the rate was fixed in the bill as it is. It could not be for the purpose of raising revenue, because the estimate is that it will produce less revenue than is produced under the existing law. It can not be intended as a protective duty, because it is very materially reduced below the present law. The only effect of it that I can see is to discriminate against our own lime manufacturers in favor of the lime manufacturers of Canada. I am satisfied the committee did not intend any such discrimination; that it was not done purposely; but it seems to me that will be the inevitable result and the only effect of this reduction.

The tariff under the present law is 5 cents a hundred pounds, including the barrel or package in which the lime is imported. That is the same as the duty imposed by the Wilson law. According to the handbook, reduced to an ad valorem equivalent, the duty under the Wilson law is 28½ per cent; in 1905, under the Dingley law, it was equivalent to an ad valorem of 26.28 per cent; in 1910, under the Payne law, according to the handbook, it was equivalent to an ad valorem of 11.23 per cent; and in 1912 to 9.17 per cent.

I do not understand just how these figures have been obtained. In the handbook the average unit of value in 1896 is given at 17 cents and a fraction a hundred pounds; then in 1905 the unit value is given at 19 cents a hundred pounds. In 1910

the unit value is given at 44 cents and a fraction per hundred pounds, or more than double what it was in 1905; and in 1912 the unit value is given at 54½ cents per hundred pounds, or nearly three times what it was in 1905.

In the statement with reference to the production in this country the handbook gives the total production as 3,467,523 tons, valued at $13,763,604. If you will figure it out on the basis of a unit of 100 pounds, that will give a little less than 20 cents, or practically the same as the unit value for 1896 and 1905, or one-half of the unit value given here upon which the ad valorem duty is computed.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. STONE. So far as unit value is concerned, that is determined by the value of the product per unit as it comes into the customhouse from year to year. That often materially varies from year to year. The variation may be due to one cause or another, according to the product. It may be due, for example, to a cornering of the product by manipulators, or it may be due to shortage of the product in foreign countries and a consequent enhancement of the value there. But the unit value, as the Senator knows, of course, is computed on the value at the place from which the importations come.

Mr. JONES. They would not import lime from a country where it is valued at 44 cents a hundred pounds into a country where they can only get less than 20 cents per hundred pounds for it.

Mr. STONE. I will say to the Senator that for the year 1912, to which the Senator refers, we imported 99,853 units of 100 pounds.

Mr. JONES. Nineteen hundred and ten is really the year to which I am referring now.

Mr. STONE. One hundred pounds is the unit. We imported 99,853 of these units that year, and the value was $54,459. It is a simple process of division to ascertain the unit value on that year's importations.

Mr. JONES. Oh, yes; that is true, but it seems to me that the valuation there is wrong. I do not see where they get that valuation, when the value of the production in this country is only 20 cents a hundred pounds.

Mr. STONE. I can not go beyond the appraisements upon which the duties were paid on the importations.

Mr. JONES. I am merely calling attention to the situation with reference to the figures. I do not know, however, that the point is very material with reference to the amendment which I have offered.

Mr. STONE. I will call the attention of the Senator to the further fact that of lime we imported in 1912 $54,459 in value, and exported $138,958 worth, or more than twice as much.

Mr. JAMES. Two and a half times as much.

Mr. STONE. The Senator from Kentucky says two and a half times as much.

Mr. JONES. I make no question as to that.

Mr. STONE. In addition to that, the uses of lime are numerous. Out of a total production of over $13,000,000 worth in this country, we imported practically nothing; in other words, wherever we imported $1 worth we made over $254 worth.

Mr. JONES. I understand that. I do not think the Senator catches the point to which I was calling attention.

Mr. STONE. Now, $500,000 worth of this kind of lime was used for fertilizing purposes. It is used for chemical purposes; it is used for building purposes. The uses are very great.

Mr. JONES. Oh, I understand that.

Mr. STONE. I can see no logical reason why this practically prohibitive duty should not be reduced, and I do not think the reduction is greater than it should be.

Mr. JONES. Mr. President, the point to which I was calling the attention of the committee is that while the unit of value of the imports is given as 44 cents in 1910, according to the other figures the value per unit in this country was only 20 cents, or less than 20 cents, substantially the same as was shown for the other years, from 1896 to 1905 there being a gradual increase. That is, I could not understand why in 1910 the unit of value was more than twice what it was in 1905, when the home value was practically the same as it was in 1905.

I do not know that that is very material with reference to the point I want to make, however, in regard to the duty. It is probably one of the discrepancies in the handbook.

Mr. SIMMONS. I should like to say to the Senator that I assume there are practically no importations into this country, except probably in that year of high-priced lime. There are a great many of what we might call freak importations. We find that to be the case all through the bill. There are cases where there are a few importations, and when you begin to investigate the matter it is found that it is some special quality that is not produced in this country, or, at least, not produced in the section of the country where it is imported.

Mr. JONES. That is a new characteristic.

Mr. SIMMONS. As a matter of fact, there is hardly anything that varies so much in price in this country as lime. In my section of the country we produce lime that sells for from $3.75 to $4.50 a ton. We buy from other sections of the country a lime for which we pay from $9 to $11 a ton. There is a vast difference in the quality of lime, and the domestic price is low. I believe 20 cents is about what the domestic price in 1910 figures out. It is very low, because they took all the limes, those of low quality and those of high quality, and averaged them; and of course the low quality brings down the price of the high quality. I assume that in that year the importations were of the higher grade of lime.

Mr. JONES. Mr. President, the main point I want to present with reference to this proposition is simply this: The rate on lime going from this country into Canada is 17½ per cent on the lime and on the package. In other words, we can not put our lime into that territory except by paying a duty of 17½ per cent. You are going to permit them to put their lime into this country at only 5 per cent, which can have no other result than to favor the Canadian manufacturer and producer of lime.

I want to discuss this matter also from the standpoint of the peculiar conditions out in our section of the country. We have some lime manufacturing plants in our State, right along the border. There are also large deposits of lime in British Columbia. They have a great deal of Chinese labor over there that is paid about $1.75 per day, while the labor in this country is paid $2.87 per day, on an average, for the same kind of work. So they have a decided advantage in that respect.

Then there is a difference in the price of wood, which is largely used in the manufacture of lime. The Canadian purchases his wood for from $1.40 to $1.65 a cord.

In this country the manufacturers of lime have to pay from $2.50 to $3.25 per cord for their wood. So in that respect they have a decided advantage. Why give them a further advantage by a reduction of the tariff? You will not get any more revenue. According to your own estimates, you will get less than you do under the present rate. According to your own estimate of the ad valorem rate, it is now only nine and seventeen one-hundredths per cent. That certainly is not high—simply a revenue duty. Why reduce it, then, when you do nothing more than simply give the advantage to the Canadian manufacturer?

It seems to me that while this legislation ought to be for the benefit of the American consumer and the American people, it ought not to be framed in such a way—I do not say with the purpose, but in such a way—as actually to discriminate against our own people and in favor of the people of Canada. This matter was argued very strongly the other day by the Senator from Iowa [Mr. CUMMINS] with reference to gypsum rock, and I am not going to repeat the arguments he then presented. They apply to this matter even more strongly than they did in that instance.

The amendment I have proposed simply puts us upon an equality with Canada. It simply proposes that we shall put an ad valorem duty of 17½ per cent upon the lime and the package, with a proviso that if any country adjoining ours reduces its rate below 17½ per cent we can reduce our rate to the same figure. It puts us upon an equality so far as the rate is concerned.

In letters that I have from our people they say that all they ask is that we shall place them upon an equality so that they can compete with the Canadian on an equal rate of duty. They do not ask anything else, although labor is higher in this country than it is in Canada, and although wood and material of that kind are higher in this country than in Canada.

Mr. JAMES. Mr. President, will the Senator yield for a moment?

Mr. JONES. Yes.

Mr. JAMES. The statement that labor is higher in this country than in Canada is not borne out by the report of the investigating committee, of which Mr. MANN was the chairman, when they were making an investigation on regard to pulp and timber. They reported that in the lumber manufacturing industry the wages were higher, if anything, in Canada than in the United States.

Mr. JONES. Of course, the Senator knows there was a great difference of opinion and also a great difference in the

facts in reference to the different localities. I am not talking about the general condition of labor in Canada. I am talking about the labor in the lime mills bordering on the State of Washington. When I talk about that, I talk about a matter that I know something about. I know that they do employ a great deal of Chinese labor in Canada and that they do not employ Chinese labor in our country, and that the Chinese labor there gets less wages than the American labor in this country.

Mr. JAMES. I suppose the Senator might find certain parts of the United States where they pay a higher wage in one State for the same kind of labor than they pay in another part.

Mr. JONES. Oh, certainly.

Mr. JAMES. I take it that Canada does not differ much from our own country in that respect.

Mr. JONES. But you will find it to be true that wherever Chinese labor is employed it is cheaper than American labor.

Mr. JAMES. What really good reason can the Senator give the Senate for reducing the tariff duty on an article where our exports are two and a half times as great as our imports? In other words, what fear of importations need American manufacturers have when they now export two and a half times as much as is imported here? When the importer has to stand the duty of 5 per cent, which we leave in the bill, what fear of importations need there be when we are now going into his own market and paying the freight rate in order to get there?

Mr. JONES. I want to say to the Senator from Kentucky that the Senator from North Carolina suggested one answer to that question, and that is that the tariff does not at all affect the matter in the interior, but it does affect it along the border line. You might take off the tariff and it would not affect it in North Carolina or in the interior. You might raise it 100 per cent and it would not affect it one way or the other, but it does affect it along the border. That is the condition I have in mind, and that is the condition that I think we ought to try to meet, if it does not injuriously affect the other sections of the country. I would not ask a duty be placed upon an article that my State produces simply for local benefit if it was an injury to all other parts of the country. I would not do that at all.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Certainly.

Mr. NORRIS. What the Senator from Washington is saying appeals to me quite strongly, but it seems to me his amendment goes too far. The amendment, as I heard it read, increases the duty to 17½ per cent, does it not?

Mr. JONES. It does.

Mr. NORRIS. If the Senator is only trying to equalize conditions along the border, would he not accomplish that better by leaving the duty as it is, and adding the other part of the amendment? That would make the duty against Canada the same as Canada imposes against us.

Mr. JONES. That is what my amendment does.

Mr. NORRIS. But the Senator's amendment, as I understand, goes further, and under it lime imported from any other country would have to pay 17½ per cent.

Mr. JONES. No; it says "adjoining countries."

Mr. NORRIS. It applies only to adjoining countries?

Mr. JONES. It applies only to adjoining countries.

Mr. NORRIS. It struck me that the Senator's amendment ought to contain only the reciprocal clause——

Mr. JONES. That is what is intended.

Mr. NORRIS. And let the duty remain as it is in the bill.

Mr. JONES. Of course if the duty is left as it is in the bill, it allows the discrimination to continue. I will say frankly that I have in mind the situation in Canada. They charge us 17½ per cent duty on lime and the package. That is what I put in my amendment, with a proviso that if they reduce their tariff the President is authorized to fix our tariff at the amount they fix. If they put lime on the free list, he is authorized to put it on the free list.

Mr. NORRIS. Suppose the Senator's amendment were adopted, and lime were imported from some country that was not an adjoining country?

Mr. JONES. My amendment expressly says "adjoining country."

Mr. NORRIS. I think the Senator's amendment strikes out "lime."

Mr. JONES. Yes.

Mr. NORRIS. And, as I remember, it strikes out everything after "lime."

Mr. JONES. It does. I suppose that would put lime from other countries into the basket clause, if there is a basket clause. I had not thought about that.

Mr. SIMMONS. Does not the Senator think that if his amendment were to be confined to adjoining countries we would come in conflict with the treaties we have with all the other countries of the world?

Mr. JONES. I hardly think so.

Mr. SIMMONS. I think very clearly we would. I want to suggest to the Senator that I rather think there is no reason why this product should not be on the free list, so far as I can see. The truth is, as the Senator states, that it is largely a border proposition. There will be, at some point of the border on our side, the limestone out of which this product is made. There will be no limestone on the other side of the international line. At another point there will be one of these deposits on the other side of the line, and none on our side. I take it that importations from Canada are made only where there is a deposit on the other side that is nearer to a community on this side than any domestic deposit. In that case, lime would be imported into this country. We imported from Canada last year only $34,000 worth of this material. The balance of the imports came from elsewhere. Only $34,000 worth came from Canada.

Mr. JONES. That is more than half of the total imports, according to your figures.

Mr. SIMMONS. Yes; 20 per cent came from Germany. If there is a deposit across the line on the Canadian side near some American community, but there is no American deposit for a considerable distance, it is very much to the advantage of the Americans to buy from the Canadians in that case, on account of the freights. It is well known that this is not only a bulky product, but it is a dangerous product; and the danger of transportation, growing out of the combustibility of the product, adds very much to the freight transportation charge. By reducing the duty, or putting the material on the free list, we save American communities the remission of the duty or the reduction of the duty, as the case may be.

Mr. JONES. I suppose there is not a State in the Union that does not produce lime. I do not know of one, although there may be some particular locality along the border. But you do not provide any way by which we can get into the Canadian locality, where they have no lime.

Mr. SIMMONS. There is hardly a State in the Union where they do not produce lime of some kind; but they do not produce all kinds of lime.

Mr. JONES. I am not splitting hairs on this matter at all.

Mr. SIMMONS. In the Senator's State the price of lime is somewhere near $8 a ton. In my State the price is only about $4 a ton. You produce one quality in your State and we produce another quality in our State. While your State may produce one quality of lime, it may not produce another quality that your people desire and must have. In that event it will be better to buy it from Canada than to have it shipped from some far-distant point in this country.

Mr. JONES. We produce lime in our State at $2 a ton, so that the figure of $8 a ton does not apply to us at all.

Mr. SIMMONS. That is the average.

Mr. JONES. I am simply discussing the general condition there. I should like to see some method by which we could put our people, in a general way, on an equality with the people of Canada.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I think there is some force in the Senator's claim; but it seems to me it would be better to pass this item now, and make a draft of the amendment which would confine it to the situation described by the Senator, and remove from it any question of its having a general application.

Mr. JONES. I should be perfectly willing to let it go in that way. An amendment was offered the other day using very much this language, and no question of that kind was raised. It had not occurred to me.

Mr. NORRIS. If the Senator will permit me. I think if he will take the amendment which was offered the other day by the Senator from Iowa [Mr. CUMMINS] he will find that it does not follow the course that the Senator from Washington is now pursuing. As I remember, however, if he will take the latter part of the amendment offered by the Senator from Iowa, and offer it as an amendment at the end of this line of the bill, he will then do all he wants to do, and reach the situation to which I have called the Senator's attention.

Mr. JONES. Would that meet the 17½ per cent duty imposed by Canada?

Mr. NORRIS. It would mean that any country imposing against us a duty greater than that levied in the bill would

meet the same kind of a duty when it came to export lime into this country. I think it would fully meet the situation.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. Certainly.

Mr. CUMMINS. I think the Senator from Nebraska is in error about that. The amendment that I offered applied only to the duties between adjoining countries. It did provide that Canada could not come in here on any better terms than Canada permitted us to go there. That was the substance of the amendment.

I agree with the Senator from Nebraska, however, that it would be better if there were no attempt to change the duty provided in this bill. If the Senator provides that the duty shall in no event be less than Canada charges us, he will accomplish his entire purpose.

Mr. JONES. Oh, certainly. I can not see how that really makes any difference, however, because the rate is 17½ per cent now. In other words, the provision of the Senator from Iowa would raise the rate.

Mr. NORRIS. Will the Senator from Iowa tell me on what day he offered his amendment so that I may look it up in the RECORD?

Mr. CUMMINS. I have forgotten the day, Mr. President. I do not remember.

The VICE PRESIDENT. The Secretary has it.

Mr. CUMMINS. I ask that the Secretary may read it.

The SECRETARY. The amendment was offered on July 28, and appears in the RECORD at page 3131, as follows:

Provided, That the duties levied and collected upon the commodities covered by this paragraph shall in no event be less than the duties levied and collected by any adjoining country upon the importation of said commodities into such adjoining country from the United States.

Mr. JONES. I think that will cover the situation. The only difference is I propose to put into the bill exactly the rate Canada charges without raising it in an indirect way.

Mr. NORRIS. But the Senator must see, it seems to me, that putting that rate in as applied to other countries——

Mr. JONES. It applies only to adjoining countries.

Mr. NORRIS. He strikes out of the bill, however, the duty provided; and it would, at least, throw lime into the basket clause.

Mr. JONES. That might be true.

Mr. STONE. If the Senator from Washington is satisfied to have his amendment read by the Secretary substituted for the one he has offered, let us have a vote on that.

Mr. JONES. I would be satisfied to have that done, but there is some further argument that I want to present.

Mr. STONE. The Senator is not through?

Mr. JONES. I am not through. I will state that I suppose I would have been through long before this time but for the interruptions. I will ask the Secretary, if he can do so, to fix up the amendment and let it be read as a substitute direct.

Now, here is the situation in our State. The present tariff is used to injure our industry in a way I know no man will approve of and no man will desire to encourage if it can be avoided. I have here a letter from a very responsible man in our State with reference to the competition of the Canadian people in our own market, and I would like the attention of Senators to his statement:

This unequal contest has encouraged British Columbia real estate schemers to open up lime properties in a more or less primitive way, and then, while lying behind their 17½ per cent wall of protection, attack the American markets with the avowed purpose of forcing American manufacturers to either subsidize them to remain out of our markets or to buy them out entirely, in order to maintain a living price for the product from their own kilns in their markets.

Now, notice what the writer of this letter says here:

Just now this exact condition is prevailing. A certain manufacturer on the British Columbia side is continually shipping small quantities of lime into our markets, both to Puget Sound and the Hawaiian Islands, cutting the prices down to an unprofitable basis, and openly and defiantly saying to us "There is just one remedy for you—pay us a sufficient subsidy or buy our plant at our figure as the price of peace in your own markets."

Mr. GALLINGER. Mr. President, if the Senator from Washington will yield to me I would be glad personally to have a vote on this amendment if we could reach it in the near future, but I think it is not probable. I will ask the Senator from North Carolina if he thinks we have not put in a pretty good day's work?

Mr. SIMMONS. I think our arrangement was that we should adjourn at 6 o'clock. I wish to say before that is done, however——

Mr. STONE. Will the Senator from North Carolina allow me?

Mr. SIMMONS. Certainly.

Mr. STONE. If the Senator from Washington is about through, I should like to have a vote on his amendment.

Mr. JONES. It would take considerable time, and the Senator from Ohio [Mr. BURTON] has an amendment also to offer to this same paragraph. So I suggest that it will probably take 15 or 20 minutes or it may be half an hour.

Mr. PENROSE. I should like to ask the chairman of the Finance Committee whether he would not be willing to have the metal schedule go over until Monday on account of the absence of several Senators.

Mr. BURTON. I thought it was to go over until Tuesday.

Mr. PENROSE. Monday, I think, was the understanding.

Mr. SIMMONS. I am perfectly willing to let it go over until Monday. We have conferred about it. The Senator from Pennsylvania said that he and his colleague and the Senator from Massachusetts [Mr. LODGE] would be absent to-morrow. They are interested in the metal schedule, and we were perfectly willing, after conferring with the subcommittee, to let it go over until Monday.

Mr. BURTON. I do not wish to insist at all for my personal convenience, but I shall be absent on Monday, and I understood the postponement was to be until Tuesday.

Mr. BRISTOW. Does that mean that the sugar schedule will be taken up to-morrow?

Mr. SIMMONS. That would mean that Schedule D would be taken up, and if that was finished we would get, then, to the sugar schedule. D is the wood schedule.

Mr. BRISTOW. I should object to taking up the sugar schedule to-morrow, because——

Mr. PENROSE. The wood schedule could come up. The Senator from Montana [Mr. WALSH] has indicated his intention of addressing the Senate to-morrow, and we will have a full day, I have no doubt.

Mr. SIMMONS. I suppose if we get through with Schedule D we could go to some other schedule, if the Senator from Kansas was not ready to take up the sugar schedule. I do not know about postponing the metal schedule until Tuesday, unless the Senator from Ohio has some special reason.

Mr. BURTON. I do not really wish to have it postponed to that time unless it is entirely in accordance with the convenience of Members of the Senate. However, it was my understanding that the consideration of that schedule would be postponed until Tuesday morning.

Mr. PENROSE. That was a misunderstanding. My understanding was Monday.

Mr. SIMMONS. The understanding was that it would be postponed until Monday.

Mr. BURTON. I have an amendment to propose to this paragraph relating to lime, and I ask to have it printed in the RECORD. It was submitted on the 24th of April.

The amendment was ordered to be printed in the RECORD, and it is as follows:

On page 18, at the end of line 11, change the period at the end of the line to a semicolon and add the words: "*Provided*, That lime shall be subject to a duty of 10 per cent ad valorem when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on lime imported from the United States of 10 per cent or more ad valorem."

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Was unanimous consent given that the metal schedule should go over until Monday?

Mr. SIMMONS. I did not know that it required unanimous consent. The committee indicated its purpose to let it go over until Monday.

Mr. BRANDEGEE. The committee will ask to have it passed over until Monday?

Mr. SIMMONS. Yes; and take up another schedule.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. SIMMONS. From the Committee on Finance I report back favorably without amendment the bill (S. 2433) providing for the free importation of articles intended for foreign buildings and exhibits at the Panama-Pacific International Exposition, and for the protection of foreign exhibitors.

I should like to have unanimous consent for the present consideration of the bill, because it has been very much delayed. Of course, I will not insist upon it if there is any objection.

Mr. GALLINGER. It proposes to let the articles come in free?

Mr. SIMMONS. Yes. At the suggestion of the Senator from Utah [Mr. SMOOT] I will simply report the bill, and I will ask unanimous consent to take it up to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 2, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate August 1, 1913.

PROMOTIONS IN THE NAVY.

Ensign Harold W. Boynton to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

Ensign William B. Cothran to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1913.

The following-named assistant paymasters with rank of ensign to be assistant paymasters in the Navy with rank of lieutenant (junior grade) from the 30th day of July, 1913:

George S. Wood,
Ulrich R. Zivnuska,
Alonzo G. Hearne,
Hervey B. Ransdell,
Harold C. Shaw,
Henry R. Snyder,
Smith Hempstone,
Harry W. Rush, jr.,
Harold C. Gwynne, and
Robert W. Clark.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 1, 1913.

COLLECTOR OF INTERNAL REVENUE.

Jack Walker to be collector of internal revenue for the district of Arkansas.

POSTMASTERS.

FLORIDA.

Thomas C. Fletcher, Lake Butler.
E. W. Irvine, Lake City.

ILLINOIS.

W. H. Clear, Mount Pulaski.
W. G. Cloyd, Bement.
J. E. Jontry, Chenoa.
Cleve B. Schroder, Vermont.
Myrtle E. Smith, Depue.
Philip H. Sopp, Belleville.
J. V. Sperry, La Harpe.

INDIANA.

Charles H. Ball, La Fayette.
M. E. Maloney, Aurora.
Michael Scanlon, Boswell.

KANSAS.

B. W. Hamar, Howard.

KENTUCKY.

S. F. King, Winchester.

LOUISIANA.

Lear Mary Hesser, Bonami.

MAINE.

Joseph E. Brooks, Biddeford.
Albert F. Donigan, Bingham.
Arthur L. Newton, Buckfield.

MISSISSIPPI.

B. F. Lott, Collins.
John R. Meunier, Biloxi.
B. Y. Rhodes, West Point.

NEBRASKA.

John S. Callan, Odell.
James W. Carson, Edgar.
Frank C. Cooney, Overton.
William T. Cropper, Sargent.
Charles P. Davis, Bladen.
Joseph J. Heelan, Mullen.
Isaac T. Merchant, Adams.
George W. Norris, Beaver Crossing.
C. F. Smith, Elwood.
C. R. Tweed, Bassett.

NORTH CAROLINA.

J. T. Dick, Mebane.

OHIO.

D. F. Akers, New Carlisle.
Charles Lee Burns, Andover.
Jacob Fraker, Sherwood.
Harry E. Marshall, Bergholz.
John W. Sanford, Clarington.

PORTO RICO.

Ramon A. Rivera, Arecibo.

SOUTH CAROLINA.

B. K. Arnold, Woodruff.
Nevitt Fant, Walhalla.
Richard W. Scott, Jonesville.

SOUTH DAKOTA.

F. A. Nutter, Alcester.
Frank Wall, Selby.

TEXAS.

Allie M. Erwin, Loraine.
Cora Dell Fowler, Lockney.
W. B. Junell, Cumby.
R. C. Matthews, Palestine.
Rufus W. Riddels, Electra.
Carrie E. Smith, Marble Falls.
N. E. Tucker, Mercedes.

WEST VIRGINIA.

Charles M. Brandon, Follansbee.
Charles M. Brown, Mount Hope.
O. C. Dawson, Janelew.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 1, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Take us, O God our heavenly Father, into the inner sanctuary, the holy of holies, that we may renew our faith and confidence; be strengthened, purified, ennobled by the contact, and lifted above the petty, the sordid self-seeking ambitions, destructive to the larger life and possibilities which wait on the faithful; that we may satisfy the longings of our better self, which makes for righteousness in the soul, and speeds it on to victory under the divine leadership of the Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of Tuesday, July 29, 1913, was read.

The SPEAKER. If there be no objection, the Journal will be approved.

Mr. MANN. Mr. Speaker, the Journal recites that the message of the President was ordered printed, "with the accompanying documents."

The SPEAKER. The words "with the accompanying documents" should be stricken out, because the Chair announced——

Mr. MANN. Was not that the message concerning the Fine Arts Commission report on the Panama Canal?

The SPEAKER. Yes.

Mr. MANN. As I understood, the Speaker stated that the accompanying documents were sent to the Senate. The Senate ordered the message printed without the accompanying documents. I think myself it would be well, if the House could get hold of the accompanying documents, to have them printed, perhaps. I do not know whether we can get them or not.

The SPEAKER. The Journal will be corrected in that respect, because the Chair announced that there was a note tacked onto the message stating that the documents had been sent to the Senate.

Now, does the gentleman from Illinois ask that the documents be printed?

Mr. MANN. If we have not possession of the documents, I do not know that that would do any good.

The SPEAKER. I suppose that is correct, too, although we are entitled to a copy of the documents if we want them. If there be no objection, the Journal as corrected will stand approved.

There was no objection.

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection?

There was no objection.

ADDRESS OF JOHN SKELTON WILLIAMS.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a speech of Hon. John Skelton Williams, Assistant Secretary of the Treasury, before the annual convention of the Maryland Bankers' Association, at Blue Mountain, Md., June 26, 1913, on the question of finance and currency.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Hon. John Skelton Williams, Assistant Secretary of the Treasury, on the subject of finance and currency. Is there objection?

There was no objection.

The address referred to is as follows:

AROUSED THOUGHT, ADVANCING NEEDS, AND OUR FINANCIAL EMANCIPATION.

[Address of John Skelton Williams, Assistant Secretary of the Treasury, before the annual convention of the Maryland Bankers' Association, at Blue Mountain, Md., June 26, 1913.]

"Mr. President, Gov. Goldsborough, and gentlemen of the Maryland Bankers' Association, I feel that you have conferred upon me not only an honor but a privilege by asking me to address you, and at this place and this time. My business and personal relations with many of you have been pleasant, with some of you intimate, so that I feel I am talking face to face with friends, associates, and neighbors, men whose interests I have shared and understand, for practically all my active life until now has been in banking. A large part of my dealings have been in Baltimore and Maryland, and I know your needs and feelings, your views and experiences.

"This place is especially appropriate for some frank, face to face, man to man, banker to banker discussion of the relations between the banks and financial and commercial interests of the country, and the country itself—the Government and the people—and of the principles and purposes that should guide and govern that relationship. We are near Gettysburg, most famous of the battle fields of a great war, ground hallowed and consecrated by the blood and gladly yielded lives of brave men on both sides, who fought and died on the point of principle and for pure love of country and cause. On that ground, too, in honor of the soldiers who had volunteered to die, a great man, destined soon to die, delivered to the world a deathless message and invoked all his countrymen to unite in the solemn vow that government of the people, by the people, and for the people should not perish from the earth.

"It is gratifying to be allowed to speak to you at this time, because it is a time of consideration of questions vital to all of us, and when some, whose interests or inclinations bind them to pessimism, are trying to sow seeds of doubt. Having gone directly from participation in your interests and activities to take a small part in that side of a new national administration which is most closely identified with you and your affairs, I believe I can bring you from my observation and knowledge of the motives and methods of this administration a message of cheer and assurance.

"The Democratic Party has not come to the financial and industrial interests of our land as the Goths and Huns and Vandals descended upon Rome. It has not come to attempt to apply any theories of pedantry or to undertake unconsidered experiments. President Wilson has been called 'the schoolmaster' in derision; but the name, like some others in history, given hastily or with intent to injure, has already become one of honor and affection. This great schoolmaster, with a class of a hundred million free people and a schoolroom consisting of a continent, an archipelago, some great islands and some small, in two oceans, besides being a statesman, also is a student, profound, painstaking, laborious, intent on getting down to the ultimate roots and causes of things and grasping the philosophy of them.

"I am an amateur in politics and in affairs of government, but a business man, forced to learn to study men keenly and to analyze their work and methods and motives. I do not know quite how far I am justified in recording here my opinions of my superior officers, formed after three months of association with them. Yet it may be proper to say that from internal and intimate view of the administration, I am impressed deeply with the conviction that all its chiefs and potent factors are intent on the purpose expressed by Mr. Lincoln, near this place, that we shall have a government of, for, and by the people, and that it shall endure. It will not endure unless the people prosper. It can not be destroyed by internal violence, by assaults from without or by any other power but that of corruption within itself, eating its vitals, sapping its strength, destroying its life. The one sure way to establish it securely, to be certain of its expanding prosperity and greatness, and of its continuing health is to see that its foundations are in honesty; that all its policies are clean; that the management of its affairs is guided by correct and high principles of fair and open dealing. I most earnestly believe the attainment of these results to be the single and united purpose of this administration.

"Honesty, fairness, stability, consistency are essential, most especially in the department of the Government with which I have the honor to be connected, and in its necessarily intimate relations with banking and finance, the currency, commerce, and the great industries of the country. I feel justified in saying that these principles will govern whatever currency and banking measures or propositions the administration may suggest or support.

"I am not here to denounce or accuse anybody or to make a political speech or to assail any party. In some of the problems before us perhaps all of us are to blame, more or less, we business and banking men of all parties, as much as anybody. It is no violation of confidence to say that since I have been in the Treasury Department, and so had access behind the scenes, I have learned of some strange and sinister doings in the past, not general, thank God, and not affecting the financial structure as a whole. The men inside the department learn quickly that the vast majority of bankers and business men of America are straigh' and honest and deserve, as I believe they will receive, the careful protection and consideration of the administration, which understands and honors the need and value of their service and function in the great machinery of commerce.

"Yet the corrupt spots are dangerous and demoralizing and spread infection. Speaking for myself, I know they should be removed. Speaking from what I have learned of this administration, I believe they will be removed, and all of us and the entire country and its business will be better for the removal. No house is fit to live in while important timbers are worm-eaten or unsound. No society can be clean or stable while the seeds of moral infection and disease are floating in the atmosphere. Cleanliness and light, honesty and open dealing are the sanitation of our commercial and social life.

"We must and will learn the difference between earning money and getting money. In banking we must draw the broad line between the banker who by sagacity and labor serves his depositors and on fair terms earns proper dividends for his shareholders and the banker who misuses the money of his depositors and betrays the confidence of his stockholders to graft for his own personal enrichment. In other departments of business we must make clear difference between those who seek honest profit by doing public service and supplying products and those who by cunning systems of double bookkeeping and by arbitrary forcing or inflation attempt to create fictitious values and get for themselves actual money in exchange for artificial increase or unjustified and unsustained imaginings or anticipations. The purpose and labor of all of us should be to get all business as nearly as possible to a basis of actual value and service, of fair returns for investment and brains, honestly used, and of trading on reasonable expectations and accurate statement.

"To hasten these conditions and make them possible we need new currency and banking laws. Every thinking business man in the country, every foreign student of our conditions, knows this, and all of us have known it many years. We have been stumbling and feeling our way along endeavoring to work and carry on our affairs permanently with a system evolved in an emergency; to maintain ourselves on a makeshift. But for the mercy of the Almighty, the almost superhuman courage and recuperative powers of our people of all classes, and the majestic strength of our principles of government we would have been destroyed by the continuance in time of peace and vast growth of war measures of finance and currency.

"We have a system which makes our prosperity a danger; the very diligence of the farmer and the fertility of the soil an annual threat and cause of fright. The more abundantly kindly Providence has blest us with great crops, the more alarm we have had at financial centers at the drain on resources required to move them. We have had alternating chills of fear and stagnation and deadly interest rates, fevers of abundant and cheap money, overconfidence, and desperate speculation. We have had at one time of the year gluts of money, heaped at the centers with nobody wanting or employing it; at another

time such scarcity that legitimate business was denied the means with which to move and the best collateral went begging. The effect of this has been to increase and harden constantly and steadily the concentration of financial power in a few places and a few hands.

"Mr. J. Pierpont Morgan, who died recently, was widely regarded as the king of American finance and the dominant factor in our commercial life. Perhaps it is propinquity to Gettysburg that keeps Mr. Lincoln in my mind. Nobody can be near that field without impressions of that wonderful and beautiful improvised masterpiece of his. Aside from that, he had a way of saying and writing memorable and pithy things in short sentences which everybody could understand. He said—I do not exactly recall the words, but in effect—that God Almighty never made a man good enough to be absolute master of another man.

"So I say that the Almighty never made a mortal man good or strong enough to be master of the destinies, to control the prosperity or adversity, the contentment or misery, of a hundred millions of free and honest people.

"My personal hope is, and I tell it to you frankly, that the present administration will transfer the financial control and direction of this country from any man or group of men, responsible to nobody but themselves, working in secret with their motives and designs guessed at obscurely, to the Government itself—directly responsible to the people, and with all its purposes and plans spread before the people who create it and for whose service it is created and exists. Mr. Morgan's plans and policies were known to himself and his few intimates and were revealed only as he saw fit to allow them to be given by word of mouth or through the newspapers. The innermost policies and purposes of the Government will be spread with 'pitiless publicity' before the people in official documents and in the debates in Congress, for and against, and every business man, banker, and farmer, to the farthest and most remote sections of the country, can know as much of the financial conditions and prospects as Mr. Morgan's intimates and partners knew while Mr. Morgan was the financial king.

"I think I can promise you further that with the currency and banking laws as they are being considered, and as they probably will be enacted, there will be no possibility of political, social, or personal influence. The purpose is that these laws shall work naturally and automatically, as free from outside pressure or individual considerations as any well-set and well-geared machine. They will be made to avoid glut or famine; to supply and make safe honesty, energy, and sagacity, and righteous and legitimate needs; to force crookedness, dishonesty, and folly to surrender and get out of the way before they rob or destroy. I believe we are about to secure a solid basis of currency with which we can face the world and which will make an American currency note as good and as thoroughly trusted and as readily acceptable anywhere on this planet as the gold dollar physically in hand.

"Notwithstanding the mistakes and difficulties of the past, we are now in good condition for the change of system. Providence seems to have prepared for us the circumstances and the psychological moment. The country never has been in better or sounder condition than it is; never has had better assurance of commercial stability than it has to-day. Working with inadequate and dangerous tools, we have arrived at a point where we can remove danger of such collapses as have overtaken us at times. We can provide for the future and for all the development and expansion we know must come. We can devise and install new and fit machinery without the disturbing and distracting influence of fear, with deliberate foresight; for we are on strong foundations.

"Recently a prominent officer of a well-known bank in New York City delivered before an association of bankers an address in which he contended that serious perils may be ahead of us. Copies of this address were scattered widely. Because of the position of this gentleman, the present importance of the subject he discussed, and the gravity of the possibility he suggests, I have studied and analyzed with some care his figures and deductions. My conclusion is that he is wrong and mistaken in nearly every essential point he presents. Permit me to detain you a few minutes to show you why I think he is wrong. It is essential that all of us give careful thought to the situation and try to get to accurate understanding of it, even at the cost of dealing with statistics on a large scale.

"Possibly it is unnecessary for me to undertake the task of contradiction. There is a touch of humor in the fact that I find the gentleman who has sent abroad the pessimistic pamphlet, or prophetic warning, to which I have alluded is controverted squarely and directly by the president of the bank of which he is vice president—two men of ability, looking from the same viewpoint at substantially the same facts and reaching diametrically opposite conclusions, one arriving at a peak, the other at a wall. Let me show you what they say:

"The vice president of the bank last month, speaking of American credit, expressed the fear that during the next year or two we will be unable to hold our stock of gold, the basis of our credit. Although we have a credit balance with Europe of more than $500,000,000 annually, he contends that this is but nominal; that Europe may, and probably will, present a bill which will wipe out our credit balance and demand of us in settlement five hundred million more. This demand against us, the vice president says, consists of interest and dividends on our securities held abroad, of ocean freights on foreign vessels, of incomes of Americans living abroad drawn from here, of travelers' expenses, immigrants' remittances, insurance premiums, and other items. To this time, says the vice president, Europe has preferred generally to invest all this money in our securities rather than call on us to pay it in gold. Now, he argues solemnly, Europe practically has ceased to buy our securities, having other uses for her money, and may exact gold, making an annual drain on our credit base of $500,000,000. So he threatens that our great stock of gold may be ravished from us within four or five years.

"So much for the vice president.

"The president of the same bank, a financial expert, who held several years the office I have the honor to occupy, wrote in a magazine article on 'America's commercial invasion of Europe,' published in 1902, as follows:

"If our foreign trade is to continue to hold the same relation between imports and exports that has been ruling for the last few years; if we are to go on selling Europe, say, six hundred millions a year more than we buy, there will be, then, after liberal reductions for travelers' expenses, ocean freights—an item which the development of American shipping may materially decrease—and immigrant remittances, a balance due us of between three hundred and four hundred millions a year.

"Between the dismal arithmetic of the vice president and the joyous mathematics of the president there is a discrepancy of a matter of eight or nine hundred million dollars. One says Europe will devour our trade balance of five hundred millions and extract from us five hundred millions more, which is ten hundred millions. The other figures that Europe is accumulating a debt to us of from three hundred to four hundred millions a year.

"The president of the vice president's bank added that he had asked 'every finance minister of Europe and the head of every imperial bank' for an answer to this problem and that 'nearly every important financier' there had already reached, after much 'pondering,' the conclusion that the one possible solution, from the European standpoint, was that Americans must enter the European securities market and buy there, exactly reversing conditions, as the only way to collect our trade balances.

"When the president wrote his diagnosis, the American trade balance against Europe was considerably smaller than it is now. This country's excess of merchandise exports over imports for the 10 years preceding 1902 had averaged less than $325,000,000, and for 1902 was $478,000,000. Yet the president of that bank, experienced and able financier, estimated our net credit balance at three hundred to four hundred millions a year, after deducting substantially the same items suggested by the vice president 11 years later. He also stated at that time that there was pretty good reason to believe that there were then but few American securities left in Europe to be returned; that he had in fact inspected the vaults of some of the great banks abroad where securities are kept and had found the sections set apart for American securities owned abroad already practically empty—'only here and there scattered packages.' He also added that 'this was the visible evidence of what an examination of investors' strong boxes would show in all those European countries' which had in years past 'found in America the most profitable field for investment.'

"For the 10 years which have elapsed since then the excess of our exports of merchandise over imports has averaged four hundred and eighty millions annually, or more than our credit balance for the fiscal year 1902, and the excess of export merchandise and silver over imports for the past 12 months has given us a gold credit abroad of about seven hundred millions for the year. If this president's theories were right, and he tells us they were affirmed by the finance ministers and chief financiers of Europe, the European countries must have accumulated an indebtedness to us in these past 10 years of between two and three billion dollars.

"Probably much of this has been absorbed by our own investments in Europe, Canada, Mexico, South America, and other

countries, as well as by our purchases and recall to this country of American securities which were once held in Europe. As interest and dividends on these latter have ceased to go abroad and now stay at home, a natural and inevitable conclusion is that our credit balance against the world is growing instead of diminishing and that if it came to a final settlement and balancing we would collect abroad vast sums, in gold, instead of being forced to pay.

"Putting aside the optimistic president and the pessimistic vice president of the same bank—but keeping in mind the fact that the vice president's address, so widely circulated in pamphlet form, demands careful consideration because of its tendency to arouse alarm just at the moment when we need confidence and the girding of our loins to march forward with the enterprise, strength, and purposes of the country—let us look at the actual, plain facts.

"Not only have our credit balances against the rest of the world increased to huge figures—helping, incidentally, to give assurance of peace—but our stock of real, present, solid gold has grown almost beyond comprehension. At the beginning of the year 1896, the total monetary supply of gold in the United States amounted to scarcely $500,000,000. April 4, 1913, the stock of gold in the country was $1,859,000,000, a gain in 17 years of $1,359,000,000, or 272 per cent. The United States has gained in these 17 years in its stock of gold an average of $80,000,000 a year. Great Britain's supply has gained $5,000,000 a year for the same period. Our gain is fifteen times as much as that of the Empire, long rated as the richest on the planet. In this connection, it is well to take note that the world's production of gold, since the beginning of 1900, 13 years ago, has been one-half the production of the 400 preceding years, and the actual production of gold for the current year is likely to exceed that of any year in the world's previous history. Last week the Bank of Germany reported its gold holdings at the highest figure ever attained. The latest reports, brought to about the 1st of this month, show that the great banks of France, Belgium, the Netherlands, Spain, Sweden, Norway, Italy, and Russia, all have gold holdings well in excess of a year ago.

"The balance of trade in our favor for the fiscal year ending next week will be greater than we ever have known, adding another great block of millions to what the world owes us.

"Our internal commerce shows conditions distinctly encouraging. Bank clearings for the month of May for the country outside of New York City show a gain of 2 per cent over the same month of a year ago; for the five months ending June 1, an increase of nearly 4 per cent. The decrease in New York City clearings is not discouraging, because it indicates decrease of speculation. The increase outside the metropolis means increase of actual business. The surplus reserve of the clearing-house banks of New York City last Saturday exceeded $40,000,000 and is the greatest known at this season in 15 years, with two years excepted.

"The world is prosperous, and the prosperity of the world at this time means solidity and assurance for us, because the world owes us. We know it can pay. Germany's exports for the four months to May 1 show 20 per cent increase; her imports 2 per cent. The United Kingdom increased its domestic exports 12 per cent, its imports 5 per cent, in the five months to June 1. France reports 7 per cent increase of exports, 3 per cent in merchandise imported for the four months to May 1.

"Referring to the conditions which prevail in Europe at the present time, an eminent English economist recently expressed publicly the hope that those who have for many months past been hoarding large amounts of money in the leading European countries will appreciate the fact that the dangers against which they have made provision have passed, and he furthermore declared that to continue this policy of hoarding would be a criminal proceeding, calculated to restrict and damage the good credit of the respective countries. This hoarded fund, he said, 'should now be returned to general use, so that productive industry may be resumed at once and the means for paying wages and purchasing material become available.'

"In the 11 months of this fiscal year to June 1 we have exported eleven millions of gold more than we have imported. But in the same 11 months we have received from our mines from eighty to ninety million dollars of gold, and our stock of the metal is now the greatest on earth, exceeding by 55 per cent that of France, by about 100 per cent that of Russia, and by more than 160 per cent that of the United Kingdom.

"We exported during the fiscal year now closing manufactured products approximating $1,200,000,000, while in 1899 our total exports, manufactures, agricultural, and all, including cotton and wheat, were practically no more than our manufactures alone now are. Our total exports for this year will be $2,500,000,000, exceeding by $300,000,000 any year of our history. We are garnering bountiful harvests, adding untold new millions to our store of values.

"In our own country intrinsic conditions are sound. The workingman is receiving higher wages than at any time in the previous history of the country, and at the same time official figures show that our great enterprises generally are running full time, with constantly increasing earnings. For the past 12 months our country has been enriched from the products of the farm to the extent of $8,000,000,000; our mines have yielded approximately $2,000,000,000; the products of our forests and fisheries a billion and a half; while our manufacturing establishments have added to the value of raw materials, through the process of manufacture, $10,000,000,000 more.

"In many European countries American securities are a specially favored class of investment, for the reason that they are regarded as always having a ready market. In fact, the London Statist has recently declared that the American securities which are held in certain leading countries of the world are now regarded as a kind of reserve, owing to their ready convertibility. Leading bankers estimate that this country has purchased from Europe and paid for in the past 12 months, covering the period of the Balkan War, securities amounting in the aggregate to from $350,000,000 to $500,000,000.

"Pessimists who distrust this country or minimize its resources and power may do well to consider that the earnings and income of this people, over and above the cost of living, and representing their savings, nearly all of which are available for reproductive employment and investment, are now estimated, by an authority so conservative and well informed as the London Statist, at more than $5,000,000,000 per annum, and in all human probability this amount will increase materially from year to year.

"We have the gold; we have the crops; we have the credit; we have the people. We have a comfortable balance against a prosperous and now generally peaceful world. Certainly it is the time of all times for us to change our gauge from narrow to broad and not only get our banking and currency system into line with the world's best commercial and financial thought, but show the world that a real Republic can deal with that most intricate of all problems of civilization, involving finance, currency, banking, commerce, and government, making the five work together for the common weal, the general wealth, the common advancement along all lines of endeavor and progress, and the glory and honor of the country and people.

"The success of any plan for banking and currency reform will largely depend on whether or not it shall provide:

"First. A currency which will at all times be worth its face in gold in all sections of the country.

"Second. A plan by which the amount of this currency can be increased to meet the legitimate demands of agriculture, industry, and commerce, and be automatically reduced when the occasion for the increase has passed and the additional currency is no longer required.

"Third. A governmental supervision or direction sufficiently powerful to prevent at all times domination and exploitation by any set of men or group of interests, however philanthropic their alleged intentions, or however beneficent their designs.

"These three objects, it is believed, can be obtained by the currency measure now before the country. The bill is not perfect. No thinking man would expect any product of human thought or purpose, however clean the thought or high the purpose, to be born perfect. I believe it is far better than any measure along the same line ever put before our Congress. It will be pruned and, I hope, strengthened, and when it has passed the Senate and House will come out a powerful impetus, a safeguard for thrift and enterprise, an assurance to all legitimate business.

"It is reported that the provisions of the new currency bill which have elicited criticism in certain quarters are those which provide governmental control of the reserve banks, and the Government's issuance of the new currency, and there are some who have been so rash as to predict that serious consequences will follow the adoption of these policies. My memory takes me back to the year 1887, when the bill to create the Interstate Commerce Commission was pending in Congress. Calamity howlers were then much in evidence. The 'interests,' railroad and financial, especially in Wall Street, were loud in their declarations that direct misfortunes must follow such supervision and control, or, as they chose to express it, 'interference' from the Government with the people's enterprises and investments; and panics and depressions were freely predicted. For your amusement, and as a matter of historic interest, I submit to you contemporaneous comments on the interstate-commerce bill, some of which have curious resemblance to present criticism of the currency bill and serve to remind us

that fear of innovation, hate of the new, and resistance to all reform, meaning change of habits, are supported by venerable precedents, younger, as they are older, than the Bourbons. Hear these extracts from newspapers and speeches of 1887, expressing widely disseminated, in some instances honestly held, sentiments.

"Senator Nelson W. Aldrich, of Rhode Island, in 1887, discussing the then pending interstate-commerce bill, said:

"What I find fault with is that in order to cure evils which are apparent to the farmers of Illinois or Michigan you propose to demoralize the whole commerce of the country; you propose to establish an arbitrary, unjust, unreasonable, impracticable rule, which, while it will do what you say, will do much more.

"The CONGRESSIONAL RECORD quotes Senator Platt, of Connecticut, as follows:

"It seemed to me, with my knowledge of the history of the management of railroads, and with my knowledge of legislation upon this subject, that the result would be an immediate rate war by all the railroads of the United States.

"Senator Hoar, of Massachusetts, in expressing his disapproval, said:

"Here is a proposition which, in my judgment, would be destructive to great business interests in the country, especially to the export business of the principal city of the State which I represent.

"And Senator Leland Stanford, of California, is quoted as follows:

"If this bill shall become a law its consequences will be most disastrous, in my judgment, to the varied business interests of the country.

"Congressman Hanback, of Kansas, was equally pronounced in his opposition. The CONGRESSIONAL RECORD quotes him as saying:

"My judgment * * * leads me to believe that the legislation proposed by the bill in question will be fatal to the best interests of my State, as well as to the whole country. * * *

"I think it is safe to say * * * that these great lines of industry, the product of capital and the employer of labor, ought not to be interfered with, as they will be by the provision of this bill.

"The opinion entertained by the Republican leader at that time, Congressman Charles H. Grosvenor, of Ohio, is summed up in the following words:

"It will unsettle rates, disorganize the industries of the country, and thus force a reconstruction of systems of production. In the meantime labor will suffer, the farmers' products will lack a remunerative market, and uncertainty will discourage industry. It is a dangerous stride toward a centralization of power in the hands of the few to the hindrance, vexation, and permanent injury of the many.

"The New York Tribune, in an editorial on January 31, 1887, in expressing its disapproval of the measure, says:

"This bill is intended to help western farmers especially. The Tribune believes that it will do them more harm than good, not because many of its aims are not meritorious, not because it lacks excellent features, but because it contains provisions which will increase the cost of transportation for producers and consumers alike, will bury transporting companies under mountains of litigation, interfere with the building of new roads where they are needed, and in the end do much to bring into disrepute and odium restrictive measures undertaken with sincere purpose for the public good.

"And in its editorial of March 24, 1887, the New York Sun has this to say:

"Of all haphazard legislation that Washington has ever known this paternal governmental interstate-commerce act now appears to us as perhaps the most thoughtless and mischievous that has ever been put forth. If the combined legislative force of the Nation had done a thing as remote from reason and common sense as would be the ruling of an ape upon the Supreme Bench, and if upon its consequences, which are supreme, the greatest interests of the country must hang in doubt, peril, and confusion, what would we expect as its first results?

"Despite these direful predictions, as one intimately acquainted with the railroad as well as the banking interests of the country for 20 years past, I frankly say to you here that it is my judgment and my conviction that if the 'wide-open' policies under which our railroads were being operated before the inauguration of the Interstate Commerce Commission had not been curbed, systematized, and regulated by the Interstate Commerce Commission, which was first appointed in 1887 by President Grover Cleveland, that license and their unbridled operations and reckless selfishness would have led the country to panic and the roads to ruin. It is also clear to me that subsequent laws, enlarging the powers of the Interstate Commerce Commission, have been of great value to the railroads themselves, as well as to the public. Some of us can remember the wolfish and wrecking wars the railroads waged against each other, the strong destroying and devouring the weak, hidden financial powers seizing the corpses and fragments, honest investors ruined, and the public suffering. We can remember, too, how the pools, which were concealed menaces to legitimate business, stifled competition and made investment without 'ground-floor' information a doubtful guess.

"I firmly believe that the supervision which the new currency plan bestows upon and secures to the General Government will prove not only of supreme value to the people as a whole, but will be of inestimable value to the shareholders and owners of our banking institutions, both far and near, insuring the stability and safety of their investments and preventing the exploiting of the resources of banks for the benefit of unscrupulous men, whether they be within or without the banks. I believe, too, that the public will come to approve the currency system that will be adopted as heartily and universally as it does the interstate-commerce laws.

"There is no accepted principle of social or political economy which views with disfavor the issuance of currency by a government rather than by the banks, but if in time past, under peculiar conditions in smaller countries, there have been instances where currency issued by a bank may have met trade conditions better than government money, such exceptional cases can not be successfully imitated here.

"Under the wise guidance and direction of the Interstate Commerce Commission, our railroad mileage has grown from 133,606 miles in 1886 to 250,000 miles in 1913. The gross earnings per mile of the roads has increased from $6,570 in 1886 to $11,534 for 1912, and net earnings per mile increased from $2,376 in 1886 to $3,538 in 1912. The total gross earnings increased from $820,000,000 in 1886 to more than $3,036,000,000 in 1912, while net earnings over operating expenses have increased from $300,000,000 in 1886 to $943,000,000 in 1912, and for the first nine months of this fiscal year gross earnings show a further increase over last year of $200,000,000 and net earnings an increase of about $80,000,000.

"These figures are not suggestive of strangulation or ruin, and we may surely expect that our banks will grow and prosper more than ever with the nonpartisan governmental supervision or direction now proposed. Under the supervision of men of the same high and unimpeachable character as those who compose the Supreme Court or the Interstate Commerce Commission, it is my belief that our banks will advance more safely and more solidly than ever before. A successful and conscientious banker, controlling millions of deposits, said to me the other day that he would welcome the establishment of Government control and Government currency, and that if there was not relief from the present antiquated conditions he intended to retire from the banking business altogether and look for some other occupation.

"Some have tried to make it appear that the administration is hostile to the great railroad interests, and that as Pharaoh required the chosen race to make bricks without straw, so our Government is now requiring the roads to find money to pay high costs of labor and materials without increasing the rates they collect from freight and passengers. This administration is the friend of all honestly operated business enterprises, large or small, public or private. It is a maxim of the law that he who asks equity must do equity, and that a plaintiff must come into a court of equity with clean hands.

"The Interstate Commerce Commission can not be charged with a disregard for the safety and prosperity of the roads if it should suggest, before putting into effect a 5 or 10 per cent advance in rates, that the roads themselves purge and reform, on the one hand, those departments of their service concerned with the purchase of materials and supplies, including rolling stock, having freshly in mind the miserable example of a leading western line, which was defrauded of an amount estimated at $5,000,000 in a short space of time by its own employees and ex-employees, under the very eyes of an honest president and an intelligent board of directors. Next it is also fair to suggest to the roads to look into and apply reforms where needed at the financial end of their business and to consider the overhead charges, sometimes imposed by directors for their own purposes, without consultation with shareholders or consideration of commercial results.

"Gentlemen, we have come to a time of doing business on business principles, of consideration of public and general rights, and we may as well face it and adapt ourselves to it. The day of the soft snap and the easy thing is going, if it has not gone. People of all kinds and grades must earn what they get by giving service and for value received—railroads, banks, and all.

"It is almost 50 years to the day, and within a few miles of this place, when men went by, described in the strong words of the poet:

"Pickett's Virginians passing through;
Supple as steel and strong as leather,
Dusty of hat and rusty of shoe,
Enured to hunger and war and weather;
Peerless and fearless, an army's flower.
Sterner warriors the world saw never,
Marching lightly that summer hour
Sterner warriors the world saw never,

"The history of our nation is strewn thickly with heroic incidents on land and at sea. Our men and boys, battling with each other on the issue of principles, have confronted each other with the plying of rifle butts, the thrust of bayonets, and

at the muzzles of cannon. Our women, generation after generation, have endured willingly deadly pain and gone to the gates of death to give sons and daughters to the Republic. Having these splendid stories before us, surely it behooves us, with our special responsibilities, to be true to our obligations to aid loyally and patriotically in the work of keeping our standards high, our finance clean, our business methods honest, to make sure that we shall not permit internal decay and corruption to sap away the life of our Republic or to cause a Government of the people and by the people to perish."

UNITED STATES STEEL CORPORATION, ETC.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman if he is going to extend his remarks on the subject of our amendment?

Mr. CULLOP. No; on the subject of a recent editorial in the Washington Times, concerning the report of the United States Steel Corporation and other industrial matters.

The SPEAKER. Is there objection?

There was no objection.

SOCIAL INSURANCE.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of social insurance.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of social insurance. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Speaker, the task of preventing social waste is preeminently the task of America to-day. No other problem approaches it in magnitude, for its varying aspects make up the phases of the social question, which contains in itself much of menace and much of peril.

The business and industrial interests of this country have realized the importance of the problem of waste of material, and in recent years the desire to prevent this waste has been the greatest aim of these interests. Establishments and corporations have experimented long and at great expense, with the result that they are to-day making millions of dollars from the vast stores of materials which formerly went to waste and were counted of no value.

The steel industry is utilizing its disfiguring mountains of ore dust by pressing it into briquets to be used again. It is utilizing the slag from its furnaces in the manufacture of cement in immense quantities. It is using in a dozen ways the blast-furnace gas, which was formerly a complete loss, but which now not only drives giant engines, but is used in making paving materials, aniline dyes, and many other valuable products.

The lumber industry has solved the problem of the waste of sawdust, and the great heaps which were formerly a source of danger are now of value in the production of wood alcohol and a number of other commodities.

The packing industries are making a hundred valuable products from by-products, and cattle to-day become everything from beefsteak to buttons, and pork is used in a hundred ways, from sausage to the painter's brush.

Waste paper is used for the manufacture of more paper; waste iron becomes the highest form of steel; waste rubber is valuable for other products; and even garbage from the streets of cities become fertilizer and fuel.

In fact, the utilization of waste products has become the most interesting and most profitable study on the part of the manufacturer and chemist and inventor of to-day. Fortunes have been made and are being made from waste. Once we threw away everything but the main product, but to-day we use the waste and transform it into countless articles of comfort and luxury. Seldom is an industry started but its by-product is disposed of at a profit. The waste of one industry is the raw material of another, and we have learned that there is no material thing without economic value.

But American business and industry, while solving the problem of waste in materials, have forgotten the far greater problem of the waste of life. I do not mean to say that all business men and all leaders of industry have overlooked this vital question; but, taken in the whole, the dollar-and-cent issue back of the conservation of materials has blinded business and industry to everything save the fact that human life is cheap and that the place left vacant by accident or death or disease is quickly filled from the ranks of those who clamor for it.

Now, I want to lay down the proposition that viewed from a purely financial standpoint alone, the economic loss caused by sickness, invalidity, industrial accidents, and unemployment form the greatest drain to-day on the Nation's resources, and that it is a matter of dollars and cents for every American citizen that this waste be prevented. I will prove that the Nation is the loser of a stupendous fortune every year through this waste, caused by misfortunes which may come to every worker, but which many escape. They are risks not ordinarily considered, and against which no provision is made, and for that reason become matters of collective action.

First of all, we must admit that the Nation has really never recognized this waste, for only partial and haphazard reports are available in the effort to learn just how many persons are sick in this land and how many workers suffer through accident and unemployment.

But even these partial reports of governmental departments bear out the statements I have made as to the magnitude of this waste, and their inaccuracy err on the side of minimizing rather than exaggerating its extent.

ACCIDENTS.

As regards industrial accidents, the 1908 mortality statistics of the United States Census Bureau, covering but one-half of the population of the country, reports that 19,970 persons lost their lives in mine and mill and factory in the year reported. It is a most conservative estimate to say that 20,000 industrial wage earners lose their lives every year while in the discharge of their daily duties.

As to the nonfatal accidents, great variations appear in the estimates of investigators, based on partial reports. Frederick L. Hoffman, reporting for a great insurance company, states that there were more than 2,000,000 nonfatal industrial accidents in 1908. Prof. R. P. Falker, in an address before the National Civic Association, declared that the number for that year would not exceed 500,000. Taking his estimate, which is admittedly the lowest possible, the fact remains that the industrial establishments as at present conducted send a worker every minute to the surgeon or the undertaker.

That means a tremendous loss in dollars and cents, for these maimed and killed workers are persons reared to the point of productive efficiency by the expenditure of millions of dollars on the part of society.

It has been estimated that in Pennsylvania it costs the State $1,000 for every native-born child reared to the age of 21. It has also been estimated that the economic value of an able-bodied worker in the prime of life is in excess of $10,000. Through industrial accidents the loss is either complete, as in the case of death, or, instead of being of assistance to society and adding to the production of the Nation, these injured ones become a dead weight, to be carried as a burden by society at large.

George E. McNeill, of the International Underwriters' Association of America, has estimated that the loss to the State of Massachusetts by fire is one-half the total loss of earnings by accidents in all gainful occupations. If that basis be taken for the Nation at large, and it is a crying condemnation that it is the only basis upon which we can figure, the annual loss of earnings to the workers of this Nation through accidents is $350,000,000 each year. And that takes no account of the expense of medical attendance and funeral expenses.

SICKNESS AND INVALIDITY.

As regards sickness and invalidity, we face the deplorable situation that in order to estimate their extent we must have recourse to figures and tables compiled by other nations.

English reports show that for every death there are two years of continual illness. The mortality statistics of the United States in 1908 state that 1,500,000 deaths occurred in the year reported, which would indicate that 3,000,000 persons were continuously ill that year. That means an average loss of 15 days a year for every man, woman, and child in the United States.

Two-fifths of the number sick, or 1,200,000, are from the ages of 20 to 65, or the productive period of life. If we figure the United States census average yearly income of wage earners—$435—the loss in earnings alone is $500,000,000.

The United States Bureau of Labor reports that the average family spends $27 a year for medicine, which adds another total of $500,000,000 to the sick bill of the Nation, and this does not include the cost of medical attendance nor funeral expenses. In other words, sickness and invalidity among wage earners costs the Nation, through loss of earnings and medicine alone, a total of a billion dollars every year.

UNEMPLOYMENT.

In considering unemployment, the most bitter and unjust misfortune that can come to the wage earner, we find again that the

Government has made no systematic and thorough effort to secure accurate and comprehensive figures.

But even the partial reports furnished us are astounding revelations of the social waste involved in unemployment. The census reports for 1900 show that 6,468,964 persons, or about 1 out of every 5 wage earners, was idle for a period of from 1 to 12 months during the year reported. These figures are more than borne out by the reports of the United States Bureau of Labor, which made a special investigation in certain sections of the country.

The Bulletin on Unemployment, issued by the bureau October 15, 1912, throws an interesting side light on the assertion which is often made that all desiring work in this country can secure it, and that those who are idle are idle from choice. The bulletin says:

> Brief consideration of unemployment is sufficient to establish as fallacious the frequent assertion that all who desire work in the United States can obtain it. Even if at the best seasons of the best years, industrially, all who wanted work were employed, some would be out of work the next month. Those who became unemployed would of course be the less efficient, but if all were equally capable some would lose their jobs simply because industry could not use them.

Taking the census reports and figuring on the basis of $435, the average annual income of the wage earners, we find that the loss in earnings alone, due to unemployment, amounts to the stupendous total of $847,600,000. This is obtained by taking the average number idle for the average period for which they are unemployed.

Thus taking the most conservative possible figures the total waste every year in this Nation from industrial accidents, sickness and invalidity, and unemployment amounts to $2,197,600,000.

Surely that forms the preeminent problem of waste from the dollar and cent standpoint that America is facing to-day. Beside it the saving of materials which were formerly waste products dwindles into insignificance. Even the question of preventing the waste of natural resources, great as that question is, can not be compared with the importance of preventing the waste of health and life and limb.

The packing industry has inaugurated many devices for utilizing by-products, but the total value of all products of the slaughtering and meat-packing industry in 1909 was $1,370,568,000, only a little over half the waste through sickness, accidents, and unemployment.

The lumber industry has sought out ways to prevent the waste of sawdust and other by-products, but the entire product of the lumber and timber interests of this Nation in 1909 was $1,156,129,000, or a billion dollars less than the waste of humanity through these misfortunes.

The steel industry has spent millions to devise ways for utilizing its ore dust and slag, but the entire product of the iron and steel industry in 1909 was $985,723,000, less than half the amount represented in the waste of humanity values through sickness, accidents, and unemployment.

The paper industry is using waste material after expensive study and testing, but the entire value of the product of the paper and wood pulp industry in 1909 was only $267,567,000, or but one-ninth of the money wasted through these misfortunes.

That waste is more than the value of all the live stock on all the farms east of the Mississippi River; it is more than the value of all the manufactured products of the State of Pennsylvania; it is far more than our entire foreign trade, imports and exports; it is a loss of $60 annually for every man, woman, and child engaged in gainful occupations, or $25 annually for every man, woman, and child in the United States.

WHO PAYS THIS WASTE?

That the waste is going on can not be denied; but the question arises, Who pays it? It is a sad commentary on our ideas of social and industrial justice that we are obliged to say that this social waste, these misfortunes met with in the service of society, fall with all their crushing power upon the shoulders of the wage earners themselves.

No fair-minded observer of actual conditions will say that the toilers of this Nation should be forced to bear the burden of this waste unaided and alone. It might be argued that they should if, in our industrial system, we weighed the waste as well as the productive portions of life. If the loss from sickness, accident, and unemployment during the 50 years of the assumed productive life were considered in the wages paid, it would admittedly be the duty of every worker to pay the cost of his own misfortunes.

But the fact is, and it is well known to all, that contracts for employment cover no such elements. Sickness, accidents, old age, and unemployment are ignored entirely, and the income, which should be based on the entire period of life, is based only upon that period when the worker is able-bodied, strong, and efficient.

No such specious arguments as the virtue of "free play of supply and demand" will avail to-day. There is no free play of supply and demand under industrial conditions of the present. There is always an oversupply of labor, with countless recruits to the very lowest classes of labor, added each year through just these misfortunes we are considering.

There can be no equality between a single workman bringing his labor to the giant corporation and endeavoring to market his commodity. He is a suppliant and he is obliged to take what is offered or go without employment.

No; it is assuredly not justice to demand that the workers should bear the entire weight of this burden.

SHOULD INDUSTRY PAY FOR IT?

The business and industrial interests of this Nation voluntarily pay the expenses of costly and toilsome experiments to utilize materials which were formerly only waste products, but the business and industrial interests will not voluntarily assume the payment of the waste in humanity values. That statement is beyond question.

And business and industry can not be justly required to bear all the burden caused by sickness, accident, and unemployment any more than the wage earners can be justly required to bear all of this waste. Some part of it does belong to business and industry, however. For instance, each industry should be responsible for the payment of fair compensation for accidents and occupational diseases, the direct result of industrial operations. But the question of ordinary illness, unemployment, and old age are each different, for they concern directly every citizen and they are questions distinctly social.

No man can be sick to himself alone, especially in a crowded factory or tenement. No man can suffer from enforced idleness and suffer alone. The bitterness and desperation which comes from the inability to earn his bread in the sweat of his brow, although he pleads for the opportunity, do not concern the toiler alone. The potentialities of such a condition concern every member of society. It is a question which vitally concerns the common welfare of the Nation.

GOVERNMENT MUST DEFINE JUSTICE.

The duty of defining the responsibility in each of these sources of waste must rest with government. Voluntary action has not and can not meet the problems and deal with them. Social and industrial justice will never come voluntarily from great corporations. None of the great combinations of capital, engaged in vast industrial enterprises, will uphold justice when it lessens the golden stream into the strong box. Of the few and halting steps made by certain corporations, and which are pointed out by the forces of reaction as seven-league strides, not one but has been a frankly avowed attempt to increase earnings and dividends.

It requires a power greater than business and industry, a power that represents the interests of all classes, to define justice and to maintain it, and that power in this Nation can be nothing save the power of the people's Government.

The collective will of the people, expressed through their Government, can alone deal with this colossal problem of waste and devise measures for its prevention as far as possible and the distribution of the burdens of any part that is inevitable.

THE SOCIAL UNREST.

I have dealt with these questions from a financial standpoint exclusively to show that on business grounds the Nation should cope at once with this wanton waste of resources. But to my mind that is not the most important phase of the question, for the cost in money alone is not to be compared with the cost in other ways of the social and industrial injustice represented in the figures I have given. And securing social and industrial justice in this Nation will of itself solve the problem of the financial waste of humanity values.

From this standpoint the question presents a menacing front, and one which demands immediate and effective treatment. With 10,000,000 Americans in poverty, and with 72 per cent of pauperism caused by these misfortunes and risks I have mentioned, this problem is interwoven with the entire social question, and it becomes the supreme task of America to deal with it wisely but promptly.

That task can not be ignored in safety nor brushed aside with lofty indifference or cool disdain. That policy, pursued by blind reactionaries in the past, has but dammed up the floods of discontent, hatred, and prejudice, creating new and greater perils for a later day.

Fanned by such tactics, there is to-day a smouldering flame of discontent throughout the Nation, especially in the great industrial districts. That flame can not be put out with the puffs of sneers or the sprinkling of indifference. The weak pleas of the self-satisfied to let well enough alone, the worship of vested

rights are but as cobwebs before a storm of revolutionary ideas never dreamed of before in this Nation, but which are to-day filling men's hearts with the bitterness of despair and leading them on in reckless desperation to unseen destinations.

This social unrest burns and crackles in the streets and alleys where hunger holds sway. It embitters and enrages those who are stretched on beds of pain and suffering and who see dependent ones suffer with them. The shouts of revolt and insurrection go up from the great army of the unemployed who have sought for work and could not find it. It grows greater at the sight of old and worn-out workers who after long and faithful service have nothing left but the degrading shelter of the poorhouse.

IS DUE TO INJUSTICE.

To my mind the social unrest, which has become a threatening feature in our national life, is due almost entirely to social and industrial injustice. It does not find its inspiration to any great degree in the unreasoning attitude of the shiftless and those who are idle from choice, nor from the malice and wantonness of the criminal and the anarchist. It is instead due to the sight of flagrant injustice in the eyes of the people, the pressure of unjust conditions upon millions of citizens in a land conceived in liberty and dedicated to equality.

Industrial and social injustice is sowing the seeds of suspicion and wrath and hatred with lavish hand. Unless checked the harvest will certainly be in kind, a harvest of anarchy and social and political disintegration.

Surely no more important duty rests upon the American Congress than that of seeking to learn the facts of the situation and to meet the conditions with promptness and firmness; for rest assured that the question is not how long these brutal conditions will continue, but rather what will succeed them. Whether the change will be orderly and constructive or chaotic and destructive rests in large measure with the lawmaking body commissioned to act for the people.

The first task is to learn the full extent of the problem, and it is high time that the National Government recognized the need of exact knowledge in a situation of such vital importance to the common welfare. We must go honestly to the root of the matter and no longer attempt to sugarcoat the truth and cloak the facts in a lying livery of misrepresentation.

LET IN THE LIGHT.

We need to learn whether it is true that the workers who give the Nation its riches and make it great and strong are themselves left without the means of existence in times of misfortune, such as accident, sickness, and unemployment. That is the very heart of the problem and an honest study of its phases, in the light of full knowledge, will put us on the road to the solution. For when we find that such is the condition, and none can doubt but that that will be the finding after honest inquiry, the task of insuring workers against such calamitous waste will be a duty admitted by all.

With collective action dealing with these diseases of the social body will come measures along the line of their prevention. If the burden of waste falls upon all alike, the importance of preventing waste will be immediately perceived by all. If preventable sickness, accidents, and inexcusable unemployment lay their toll of cost upon all, it will at once become the common task to put an end to such a drain upon the wealth and prosperity and productiveness of the Nation. Such action anticipates no pauperizing of workers or payment of any demands rightfully charged against the individual. The expenses included in the cost of living must be met by the individual, but the contingencies to which all are liable but which many escape, the misfortunes which are not foreseen and for which no provision is made, these should be met by governmental action, prescribing the method in each case most consistent with right and justice.

If such a plan be opposed because it is new, I answer that the conditions are new and teach new duties. The blood-rusted keys of the past will not open the door of the present. Conditions have vastly changed since Thomas Jefferson could say that he never saw a native American begging in the streets, or Charles Dickens exclaimed "A beggar in Boston would be like a flaming sword."

The rapid evolution of civilization has caused some forces that served their time well, under other conditions, to lose their virtue in the present. They must be put aside or changed to meet the conditions of to-day. The problem of social and industrial justice demands a solution and it must be given here. No new land beckons the descendants of the founders of this Nation to come to other lands and work out old problems under new conditions. There is no farther west, and here in this Nation of ours, for the first time in all history, men are compelled to settle their problems with finality, face to face.

NO CAUSE FOR PESSIMISM.

The social unrest of to-day and the fact that the problem must be solved here give no ground for pessimism. It is rather a hopeful omen, for it proves that Americans have not degenerated from the days of independence and protest against injustice. Their discontent to-day has in it something of the divine, for it is the urge eternal in human hearts, driving men and women along paths that lead upward and ever onward.

Those who are voicing their protests against injustice are to-day the true successors of the Americans of seventy-six and the sixties. They recognize that charity, philanthropy, and generosity are worthy qualities, but they know that they are not substitutes for justice. They have around them schools and libraries and museums that make their appeals to the mind and direct the thought along the lines nearest and closest, the struggle for a livelihood. They are glad that even though the workingman to-day should be better fed, better clothed, and better housed than ever before, he is still more greatly changed in himself, and the bare necessities of life, which might once content him, are to-day only a part of the demands he makes of a twentieth century civilization.

That is the explanation of the nation-wide movement which is sweeping this Nation in its demand for social and industrial justice. The people have come to see clearly that the willful waste of any kind of resources is criminal, but that the greatest crime is the waste of human health and life and limb. As life is more than meat and the body than raiment, so the saving of humanity values is greater and more important than preventing the waste of property and possessions, especially when the waste of life is also the greatest waste of money in the Nation.

THE PEOPLE'S DEMAND.

The American people are calling upon their representatives to attend to this greatest of all questions. They demand that the whole extent of the problem be learned through careful study and investigation. They know that no panacea will furnish a patent solution for every phase of the problems involved, but they do ask that an honest effort be made to better conditions and that their Government be used as the machinery for promoting the common welfare, for securing as full a measure as possible of social and industrial justice.

The bill which I have introduced has those ends in view. It provides for the creation of a commission of social insurance to study all the phases of this problem and report its conclusions. It means that this Government may properly inquire into the causes of social unrest and seek to allay it. That it shall learn how far industrial conditions contribute to economic waste and then adopt the method in each case which is soundest in economic principles and most consistent with justice.

This measure would enable us to discover the good and the bad in our industrial and social conditions and enable us to uphold the one while we assail the other. It would consider the faults and wrongs as well as the things to be commended. It would mean the securing of the actual facts, to be followed by prompt and efficient action based on those facts. It would enable us to know the truth, in the belief that only the truth will ever make us free.

VOTES FOR WOMEN.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER. The gentleman asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, in that two minutes I desire to have read an editorial from the Sacramento Bee of July 26, in relation to a statement made by Secretary Daniels while in California, as to woman suffrage.

The SPEAKER. The gentleman asks to have the editorial read as a part of his remarks. Is there objection?

There was no objection.

The Clerk read as follows:

DANIELS SAYS WOMAN SUFFRAGE WILL SURELY COME.

SAN FRANCISCO, *July 26.*

Secretary Daniels, of the Navy Department, told the women of the San Francisco Civic League last night that whatever the opinion of individuals about the wisdom of woman suffrage "We may as well get ready for the inevitable, for women are going to vote."

"Only last month," he continued, "Illinois gave them the ballot for all except constitutional offices, and the present generation will witness complete woman suffrage in every State in the American Union. And when it comes the Constitution will not be broken and the home will not be dethroned.

"For 6,000 years infants have been permitted to die by impure milk, impure food, disgraceful sanitary conditions, unhealthy surroundings, death-hole tenements, and typhoid and other preventable germs. We have spent millions to protect infant industries until they have grown into giants and we continue to feed them. We have spent only a pittance to protect the infants."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2711. An act to provide for the acquiring of station grounds by the Great Northern Railway Co. in the Colville Indian Reservation, in the State of Washington.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2711. An act to provide for the acquiring of station grounds by the Great Northern Railway Co. in the Colville Indian Reservation, in the State of Washington; to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. ADAMSON, by unanimous consent, was given leave of absence for 10 days on account of very important business.

THE MONROE DOCTRINE.

Mr. KENT. Mr. Speaker, I ask unanimous consent to print in the RECORD a few paragraphs from the Scriptures commenting on the Monroe doctrine.

The SPEAKER. The gentleman from California asks unanimous consent to print in the RECORD a part of the Bible. Is there objection?

There was no objection.

Mr. KENT. We can well consult some ancient guideposts as to the path of wisdom in our present uncertainties. In the Book of Proverbs are found the following:

My son, if thou hast become surety for thy neighbor, if thou hast stricken thy hand for a stranger, thou art snared with the words of thy mouth.

He that passeth by and vexes himself with strife that belongeth not to him is like one that taketh a dog by the ears.

He that is surety for a stranger shall smart for it.

DIGGS-CAMINETTI CASE.

Mr. HINEBAUGH. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD in reference to House resolution 182, now before the Committee on Rules, relative to the Diggs-Caminetti case.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend remarks in the RECORD on resolution 182, the Kahn resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, does the gentleman state that the resolution is now before the Committee on Rules?

Mr. HINEBAUGH. It is before the Committee on Rules. It was first referred to the Committee on the Judiciary, but that committee was discharged and it was referred to the Committee on Rules.

Mr. GARRETT of Tennessee. Mr. Speaker, there has been an agreement here in regard to debate on the Diggs-Caminetti case, and I think that everything that is said about the case ought to be said on the floor of the House.

Mr. MANN. If the gentleman from Tennessee will yield, I want to say that every gentleman who spoke on that side on Tuesday asked and obtained leave to extend remarks in the RECORD, and some of the gentleman have inserted remarks in the RECORD that were not uttered on the floor and to which no exception is taken.

Mr. GARRETT of Tennessee. I think everyone who spoke got permission to extend remarks.

Mr. HINEBAUGH. I do not think the gentleman from Tennessee would object if he knew the nature of the remarks.

Mr. ADAMSON. If it is on our side it is all right. [Laughter.]

Mr. HINEBAUGH. I hope it is not on either side.

Mr. GARRETT of Tennessee. I will withdraw objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. HINEBAUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of House resolution 182, relative to the Diggs-Caminetti "white-slave" case. The resolution is as follows:

House resolution 182.

Whereas the United States district attorney, John L. McNab, of San Francisco, Cal., has tendered his resignation to the President of the United States; and

Whereas the said John L. McNab in tendering his resignation to the President used the following language: "In bitter humiliation of spirit I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influences which will cripple and destroy the usefulness of this office"; and

Whereas Mr. McNab in his resignation charges that his hands are tied by the Attorney General of the United States in the prosecution of Maury I. Diggs, former State architect, and Drew Caminetti, son of Mr. A. Caminetti, Commissioner General of Immigration, both of whom are under indictment for the violation of the Mann White-Slave Act; and

Whereas said Diggs and Caminetti are charged in said indictment with the ruination of two high-school girls of Sacramento, Cal.; and

Whereas it is charged by said United States District Attorney McNab "that in these cases two girls were taken from cultured homes, bullied and frightened into going into a foreign State, and were ruined and debauched by defendants, who abandoned their wives and infants to commit the crime"; and

Whereas it is charged that certain powerful influences are being brought to bear on the authorities having this matter in charge to permit these men to go unwhipped of justice: Therefore be it

Resolved, That the Judiciary Committee be, and it is hereby, directed to investigate fully and completely the facts in this case and report their findings to this House.

This resolution was introduced on the 24th day of June, and on the same day and at about the same time House resolution 181, relative to the same subject, was introduced by Mr. KAHN, of California.

Originally both of these resolutions were referred to the Committee on the Judiciary. On the 25th of June I was notified to appear before said committee at 11 o'clock the following day for the purpose of granting me an opportunity to be heard on my resolution.

At the session June 25 the Judiciary Committee was discharged from the further consideration of my resolution and it was referred to the Committee on Rules, where it has peacefully slumbered ever since.

Mr. Speaker, my purpose in presenting House resolution 182 was not intended in any sense to embarrass this administration. Its only purpose was to call the attention of the administration somewhat vigorously to the evident blunder which had been made by the Department of Justice in this case, in order that a prompt correction of the error might be made, and because I did not want the Department of Justice, under a possible misapprehension of the facts, even to seem to lend itself to delay in these cases.

As a trial judge in former years I had been amazed and grieved to hear the charge boldly made by apparently intelligent people that the courts were the most unjust institutions in the land and that the poor man had no redress where the rich and powerful were concerned, and so in discussing my resolution at the time I stated in substances that—

"One of the most frequent criticisms urged by people generally against the courts is the delay in bringing cases to trial and the powerful influence of money and politics in the rendition of justice. Frequently it is boldly asserted that men of wealth or political influence are beyond the reach and operation of criminal law.

"We are now presented with the alarming spectacle of a member of the President's Cabinet requesting the Attorney General of the United States to delay the trial of the son of still another high Government official, the son being held under indictment for a most heinous offense.

"And the reason given by the Cabinet officer in question for requesting the delay is that it 'is in the interest of the public service.'

"Since when has the demand of the public service operated to the extent of nullifying an act of Congress?

"And how does the public service extend to the son of the Commissioner General of Immigration?

"In my opinion the interests of the public service, as well as of the Nation in its entirety, hinge on the strict enforcement of the Criminal Code. The law should take its course without regard to the wealth or political connections of the defendants."

In all of this there was no thought of embarrassing the administration.

Of course every man worthy of citizenship in our Republic believes the law should take its course, without regard to the wealth or powerful political influence of any of the parties connected with the subject matter of the litigation. It was because I believe it is exceedingly important to the future welfare of my country that this belief should continue and be justified that I wanted the Department of Justice to change its policy of delay in these particular cases.

The punishment of individuals when proven guilty of crime or the violation of law is, of course, important, but the continued respect and support by our people for the law and courts is vastly more important for the future welfare of the Nation.

I hope to live to see the day when no truthful man can charge that any action by our Department of Justice or by our courts is the result of political pull or any ulterior motive. If truth and justice are to prevail, it behooves us to guard our courts and

Department of Justice with "disciplined valor and ancient renown." And this can only be done by placing men of unimpeachable character and highest honor in these powerful places. "You do not hitch a race horse to the plow, nor should you expect me to do the work of which every man is capable."

This sentiment should be, and really is, as applicable to men who aspire to positions on the bench and in our Department of Justice as in any other walk of life.

The importance of bringing our courts and public officials generally to the highest standard, free from any suggestion of the power of the invisible government, is emphasized when men in public debate give expression to such ideas as this:

If the church means organized imposture and systematic duplicity, then we are opposed to it, and we make no bones about saying so. And if the state means a great, brutal police army, whereby the workers are to be kept down in the mud in order that a privileged few can climb onto their backs up into the sunlight at the top, then, sir, we are opposed to the state, and we make no bones about that, either.

But if the church means organized fellowship in human affairs, whereby the commercial cutthroatisms of to-day—every man's hand against his brother's throat, throttling the life out of his competitor—if the state means justice instead of organized, systematic greed; if the state means beauty instead of ugliness and banality of our dividend-seeking industrialism to-day; if the state means the industrial kingdom of God upon earth, then we Socialists not only are not opposed to that kind of a church and that kind of a state, but I ask you to consider and to register your decision—if not to-night, next fall at the ballot box, and for all time hereafter; I ask you, in the name of truth and righteousness and eternal fellowship, to say that only under socialism can a proper kind of a church and state exist, because in the night that is now darkening upon the world, in this growing chasm between the rich and the poor, in this day of liberty's decline, unless we can socialize our day's work and socialize our commerce, socialize the secular life of to-day, a free church and a worthy state will never more be possible.

Because of these things there should be no party politics in such a resolution and no thought on the part of anybody about embarrassing the administration. Every Member of this House should consider such resolutions on the basis of the highest patriotism rather than from the low level of political advantage.

In the face of Mr. McNab's statement that rich and powerful political influences were being brought to bear to have these men go unwhipped of justice, it at once became the duty of the President and the Attorney General to insist that the cases be pushed for trial; and to the credit of the President it may be said that he immediately took that position and ordered the cases to proceed to trial; and we now know that a trial will be had the first week in August. All of which is most salutary.

The duty of the Chief Executive, however, it must be conceded, does not end here; for the reason that the Department of Justice is under fire and the motives of the Attorney General impugned, surely the President must satisfy himself that his Attorney General was and is above suspicion in these cases, unless we are to believe it possible that party fealty is so strong that patriotic duty must be surrendered at the door of party expediency.

In these days of Mulhall confessions, which have opened at least one chapter of the book of the invisible government, and at a time when an important Cabinet official believes himself warranted in making the charge that certain New York banks have organized a campaign to depress the Government 2 per cent bonds for the purpose of influencing the proposed banking and currency legislation, it seems to me that the time was never more ripe for the representatives of the people in Congress to cease playing the game of practical politics and devote themselves to the herculean task of cleaning their own Augean stables.

VOLUNTEER OFFICERS IN THE CIVIL WAR.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a communication from Col. L. C. True on the subject of the retirement of Volunteer officers in the Army of the United States.

The SPEAKER. The gentleman from Kansas asks unanimous consent to have printed in the RECORD a communication from Col. True on the subject of the retirement of Volunteer officers. Is there objection?

There was no objection.

The communication is as follows:

KANSAS CITY, KANS., *July 19, 1913.*

Hon. JOSEPH TAGGART, M. C.,
Washington, D. C.

MY DEAR SIR: I write hurriedly to make a few suggestions as to the merits of the pending legislation in the interest of the Volunteer officers of the Army in our Civil War.

If I may be allowed to indulge in a little irony, I would say the bill ought to be entitled "An act to redeem the pledges and promises of the Government made to its soldiers when it needed their services and broken when they were no longer needed." It should have a preamble reciting that—

"Whereas most of the men are dead who were in their lifetime entitled to the relief herein granted to the living; and

"Whereas the few surviving are rapidly passing away, and it will not cost a great deal to now make good the promises made 50 years ago: Now therefore

"*Be it enacted* * * *."

But I wish seriously to give a few of the reasons why the bills should be passed, as follows:

First. The acts of Congress in force and the proclamations of the President and the governors of the loyal States when volunteers were called for were the law of the land and constituted part of the contract of enlistment.

Second. On the 22d day of July, 1861, Congress passed an act calling on the States for volunteers, in which it was provided that they, the volunteers, should receive the same pay and emoluments of similar corps of the Regular Army, and if wounded in battle or otherwise disabled in the line of duty they should be entitled to the same benefits which had been or might be conferred on persons in the Regular Army.

This act, together with the proclamations of the President and the governors, stating the same things, constituted part of the contract of enlistment and justified the volunteers in believing that they would receive as Volunteers the same benefits in every respect as was provided or might be provided for Regulars.

Third. Afterwards in the same year, on the 3d day of August, 1861, Congress passed an act for the retirement of Regular Army officers who had become unable to perform their duties from wounds or otherwise, on pay proper for life, but omitted to include such Volunteer officers as had become unable to discharge their duties from wounds or otherwise. Pay proper for a lieutenant colonel of Regulars was $1,640 and two rations. If Volunteers became disabled they could not be retired even for the short terms of their enlistment, but must take pensions, if anything, and then the maximum pension for a lieutenant colonel was $360. I wish casually to remark that there is some difference between $1,640 and $360. This was the first act of discrimination and injustice after the promise was made, but the Volunteers were patriotic men, and this bad faith did not prevent them from going into action whenever they heard the long roll sounded.

Fourth. Forty-three years after the Revolutionary War an act was passed (May 15, 1828, to apply 2 years before the act passed—41 years after the war) giving officers and soldiers half pay for life.

Did not our Volunteers have the right to expect something equivalent to this 41 years after the Civil War?

Fifth. During the Revolutionary War the Army consisted of both Regulars and militia. On the 4th of March, 1831, an act was passed extending the benefit of the half-pay act to the militia.

Were the militiamen any more a part of the Regular Army in 1831 than our Volunteers in 1861–1865? Have we been given such treatment as that?

Sixth. During the Mexican War, 1846–1848, the Government needed soldiers just as it afterwards did in 1861, and to obtain them it held out inducements, both to Regulars and Volunteers alike, by passing the act of May 13, 1846, putting disabled men on half pay proper for life.

Seventh. Now, 52 years after the beginning of our Civil War, when the promise to treat Volunteers the same as Regulars was made, nothing of the kind has been done, nor have pensions equivalent thereto been granted. Why not? Did any soldiers of this country ever render more valuable services than the veterans of 1861 to 1866? Have the officers been treated as they should have been under the promise? Pensions have been granted at such rate that soldiers receive more than the equivalent of half pay, and in most cases more than full pay, but not so as to officers. Officers had more responsibilities and incurred more dangers than soldiers did and should be rewarded accordingly, especially after having the solemn promise of the Government. It is sometimes contended that officers got pay enough to reward them, and half pay now would be unjust discrimination between them and the soldiers.

Officers did not get pay from which there could be a savings account made. They had to buy their own uniforms and swords and pay as much for them as half their salaries, while the soldiers were furnished everything they were required to have. Mounted officers had to furnish their own horses, and turn them over to the enemy in case of capture without indemnity.

I think the Government ought to keep faith with the Volunteer officers—the few now living—by putting them on half pay, just as it did the Revolutionary soldiers and the Mexican soldiers, and I hope this act of simple justice will not be delayed until 99 per cent of those entitled to it are dead. That would be a poor time to give them a law by the terms of which they might have it, if they had not been mustered out before its passage. I understand 72 per cent of them are gone now, while 28 per cent still believe that Uncle Sam is honest enough to keep his promise some time. Yes; some time (?).

Respectfully,

L. C. TRUE,
Ex-Private, Company E, Thirty-eighth Illinois Infantry, and Ex-Lieutenant Colonel, Sixty-second Illinois Infantry.

WOMAN SUFFRAGE.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to have read a telegram which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama asks unanimous consent to have a telegram read. Is there objection?

There was no objection.

The telegram is as follows:

PITTSBURGH, PA., *July 30, 1913.*

Hon. J. THOMAS HEFLIN,
House of Representatives, Washington, D. C.:

The Western Pennsylvania Association Opposed to Woman Suffrage extend hearty thanks and congratulations to you for your opposition to movement to give vote to women and trust you will continue in your opposition until the movement is defeated.

MRS. JAMES H. REED, *Chairman.*

Mr. NEELEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the Clerk's desk.

Mr. CLAYTON. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from Alabama objects.

Mr. CLAYTON. I do not know what the resolution is, but it will interfere with the order of the day.

DIGGS-CAMINETTI CASE.

The SPEAKER. The gentleman from Alabama has 64 minutes remaining for debate in the Diggs-Caminetti case, and the gentleman from Illinois has 9 minutes.

Mr. CLAYTON. Mr. Speaker, I ask that the gentlemen on the opposite side of the aisle consume the balance of their time. I expect to use all the time allotted to me in one final speech.

Mr. MURDOCK. How much time is that?

Mr. CLAYTON. I have 64 minutes and the opposition has 9 minutes.

Mr. MANN. Mr. Speaker, the two girls involved in the Diggs-Caminetti case are each 19 years of age, and only daughters of highly respectable families and connections. They made the acquaintance of Diggs and Caminetti because one of the girls, and at least one of the men, were employed at the statehouse in Sacramento. They went on automobile rides together, and on a few occasions went into an apparently outwardly respectable French restaurant and drank wine. The men represented to the girls after a little while that the girls were going to be arrested. The girls were told by these men that warrants had been issued for their arrest. They were told that a newspaper was prepared to publish a sensational article concerning them, with their pictures, and that as a result of their arrest and the publication of the article the girls would be disowned by their parents and driven on the street. The men offered to obtain divorces from their then wives and marry the girls. These two girls were urged to fly with these men from California to Nevada. Up to the very last the girls begged that they be not taken out of the State. They begged that they be not made to leave, and when they said a word in favor of their own protection they were told they would be arrested; that the chief of police had warrants for their arrest, and they would be arrested if they did not flee. At the train, where they met to go, the girls again refused to go, and begged that they be permitted to return home. They were again told that unless they went they would be arrested, and forever dishonored.

At that time Diggs with a wife had two small children. At that time Caminetti with a young wife had a babe 5 weeks old. The men said that they would obtain divorces from their wives and marry the girls if the girls would go with them to another State. They finally yielded to the threats and persuasions and went to Reno.

Up to that time the Norris girl, who became the companion of Caminetti, had never had sexual intercourse with a man, as is proven by her own testimony and the condition of her nightgown and the sheet of the bed where they first laid. After the first night the girls were told they were ruined; there was no longer any talk of marriage, and the men told them they proposed to take them to Salt Lake City and put them in a house of prostitution. Yet the gentleman from Texas [Mr. DIES] refers to this as a mere fornication case.

No meaner case has ever come within your knowledge. These facts are facts which were brought to the attention of the Attorney General along with many others. He says that he had forgotten the facts. I do not doubt his statement. On June 18 he telegraphed the district attorney to postpone the cases, and said that the reason he did that was because the Secretary of Labor had asked him to do it as a matter affecting official business. But the Attorney General had sent from his hotel a former telegram, on May 16, to the district attorney, directing the district attorney to take no further steps in the case until he received further orders. I do not doubt that the Attorney General desires to prosecute cases that ought to be prosecuted. What we have complained of here is that political influence has reached the Department of Justice and influenced it. Everyone knows that political influence may attempt to reach, but in this case let the Attorney General, who says that his telegram of June 18 was inspired by a telephone request from the Secretary of Labor, Mr. Wilson, tell who inspired his telegram of May 16, ordering that no further steps be taken in the case, and when he has told that and purged himself from yielding to political influence he will have absolved himself from criticism in the case.

Mr. Speaker, gentlemen on the Democratic side of the aisle have very eloquently shed tears in their voice, if not in their eyes, for the elder Caminetti in his distress over the actions of his son. The gentleman from California [Mr. CHURCH] especially was very tearful. I am quite willing that you should shed tears for the elder Caminetti. Perhaps he needs them; but I shed my tears for the wife of young Caminetti, for his 5-weeks-old babe. I shed my tears for the wife of Diggs and his two young children. I shed my tears for the only daughter of the two old people, the father and mother of the Norris girl, who was debauched by young Caminetti. I shed my tears for the young Warrington girl, who was debauched by Diggs. I shed my tears for the mother of the Norris girl, now almost insane as the result of these exposures. I shed my tears for those who have been led astray, who have been debauched through fear and force. I shed my tears in behalf of the innocent, while you endeavor to protect the guilty. [Applause on the Republican side.]

Mr. CLAYTON. Mr. Speaker, I suppose inasmuch as the gentleman made no reservation of the balance of his time he does not wish to make any further remarks.

Mr. MANN. I did not have any more time or I should have used it.

Mr. CLAYTON. Then the time on that side, as I understand it, is exhausted.

The SPEAKER. Yes.

Mr. CLAYTON. Mr. Speaker, before beginning my remarks I desire to say that on yesterday I called the attention of the gentleman from California [Mr. KAHN] to an error that I thought he had inadvertently made in his statement contained on page 3243 of the RECORD, in which he attributes to the chairman of the Committee on the Judiciary and to the gentleman from Tennessee [Mr. BYRNS] and to the Attorney General a desire, and perhaps I might infer from the language, a cooperation to suppress the publication of all the facts pertaining to the Caminetti matter, and it may also be inferred that the gentleman meant to say that the chairman of the Committee on the Judiciary had endeavored to prevent him from delivering his long-pent-up remarks in regards to the Caminetti resolution.

Now, Mr. Speaker, the gentleman told me that he would make the proper correction in the permanent RECORD, and I suppose he will, for the gentleman well knows that if the chairman of this committee is believed, and if his public acts here in the presence of this House are to be taken as sufficient testimony, the chairman of the committee and the committee itself have persistently and insistently asked that this matter be given the fullest and freest publicity and the amplest opportunity for discussion be afforded. And, again, if the members of the Judiciary Committee, and particularly the members of the subcommittee, composed of two reputable members of the leading Republican minority faction and one reputable member of the Progressive minority faction, together with four of the minority members, are to be believed, they acquit, in their report made to this House under their solemn responsibility as Members of this body, the Attorney General in any effort, directly or indirectly, to withhold or suppress any facts, and they, more than that, told this House, in the shape of a formal report, that the Attorney General not only did not want anything suppressed, but he submitted to the committee and the House the whole file in this case, and rested upon the judgment of the committee as to how much or if all of it should be printed, expressing the desire on his part that everything pertaining to the case, everything that he had done or failed to do, should be laid before this House and the country. So the gentleman gets his facts wrong, and I presume he will correct his statements in the permanent RECORD so that they will conform to the truth.

Mr. KAHN. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] yield to the gentleman from California [Mr. KAHN]?

Mr. CLAYTON. I hope the gentleman will not take very much time.

Mr. KAHN. I do not desire to take very much time, if the gentleman will permit me. My notes came to the House very late, and I did not revise them as thoroughly as I should have done. The gentleman states what is true. He has tried to have discussion—true, at the beginning, a very limited discussion—but he has asked for a discussion of these cases, and I shall be glad to set the gentleman right in the permanent RECORD.

Mr. CLAYTON. And twice since, according to my recollection, I have asked for four hours' discussion, and neither the chairman of the Judiciary Committee nor the committee nor the Attorney General is in anywise responsible for the failure to have this discussion some days ago; and I trust, Mr. Speaker, that the gentleman from Illinois will accept the statement made by the gentleman from Tennessee [Mr. BYRNS], in which the latter said that by no sort of cooperation or suggestion with or from the Attorney General did he interpose the objection which has been criticized by the gentleman from Illinois [Mr. MANN]. The gentleman from Tennessee stated that what he did was of his own initiative, and I may say to this House it has never met the approval of the Attorney General.

Mr. DYER. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. CLAYTON. Certainly.

Mr. DYER. I wish to corroborate what the chairman of the committee has said. At no time in the Committee on the Judiciary has the chairman attempted in any way to withhold anything concerning this matter from the House. What was withheld was done by the unanimous wish of the members of the Judiciary Committee. It is not my recollection that it was the suggestion of the chairman of the committee that certain parts of reports touching this case be withheld. It came at the request of some member of the committee and was concurred in by every member of the Judiciary Committee, Democrats, Republicans, and Progressive. We felt that to publish everything that was sent to us from the files of the Department of Justice would interfere with the prosecution of these cases and possibly defeat justice, in that the defendants would become aware of the exact evidence against them. I think the action of the committee in this regard was proper and wise.

Mr. CLAYTON. Mr. Speaker, I thank the gentleman for his statement. The gentleman from Illinois [Mr. MANN], in his remarks a bit ago, referred to the French restaurants in San Francisco.

Mr. KAHN. Sacramento.

Mr. CLAYTON. Was it Sacramento? I assume the French restaurants in Sacramento are about like the French restaurants in San Francisco, and I have a very interesting pamphlet here showing what sort of disgraceful institutions those restaurants are, and I take it that no woman who regards her sense of decency and wants to hold the self-esteem of the community would go into one of those places either in Sacramento or San Francisco, as the two young women involved in this case seem to have done frequently. The gentleman from California [Mr. KAHN] is familiar with the report published in pamphlet form, to which I have referred, made by a commission of which our colleague, Mr. KENT, was a member, but I have not time to air that. I think that the exposure made in the city of San Francisco is enough to arouse the virtuous people of that city to the highest tension of indignation.

The gentleman from Illinois [Mr. MANN] also says that political influence has been exercised upon the Department of Justice. Mr. Speaker, I think that that is hardly a fair statement. What are the facts? The truth is the district attorney, Mr. McNab, declined to continue these cases and the Attorney General approved. This first effort at the continuance of the case was made by State Senator Caminetti, the father of one of the young men under indictment.

The Attorney General instructed Mr. McNab to proceed with the trial. Afterwards, upon the representation of Mr. Wilson, the Secretary of Labor, that he was organizing the Department of Labor and that Mr. Caminetti, sr., had recently been appointed Immigration Commissioner and his department was in a formative state, it was suggested that he would like to have Mr. Caminetti present in Washington for a brief period during the formation of his department—a reasonable request, communicated by Mr. Wilson to the Attorney General—the Attorney General, recognizing that the father, with the love of a father for a son, although it might be an erring son, would naturally want to be present at the trial, especially when that father himself was an experienced and distinguished lawyer and one of the leading citizens of the State of California, to whom Mr. McNab himself and gentlemen on the opposite side of this Chamber, including the gentleman [Mr. KAHN] and several of his colleagues, have paid high tribute. Upon that request he, the Attorney General, acceded to it. As he said in his letter to the President, it was nothing unusual. There appeared to him to be a good reason, and he agreed to a brief continuance. He frankly stated this in substance, and he also said in effect that it was impossible for him to carry in his mind all the facts and circumstances in the multitude of cases arising in the different courts throughout the country. This is the truth, and it can not be tortured into any sort of reflection upon an able, hard-working, faithful, and unterrified Attorney General.

Now, that is the sum total of political influence, so far as the Department of Justice is concerned, and so far as the facts in this case are concerned, until when? Until the gentleman from California [Mr. KAHN] sought to back up Mr. McNab in his sensational entrance into the political arena by furnishing him some political thunder at this end of the line. Was that for pure patriotic purposes, or was it for puny, petty, peanut politics? [Applause on the Democratic side.]

The country has answered it that it is politics. The reputable newspapers of the country have said so. A few days ago the Washington Post, in an editorial which I shall put into the RECORD, said in effect that it was politics. It is politics, pure and simple. Has it not been demonstrated to be politics here on the floor of this House? Nothing but politics of a miserable, and I think I violate no parliamentary language when I say of a contemptible, nature.

Mr. Speaker, in the beginning our fathers were wise enough in constructing our Government to have three coordinate departments. In the Constitution of the United States Article I, section 1, provides that—

> All legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

Article I, section 2, provides—

> * * * and (the House of Representatives) shall have the sole power of impeachment.

Article I, section 3, provides—

> The Senate shall have the sole power to try all impeachments.

Article II, section 1, provides—

> The executive power shall be vested in a President of the United States of America.

Article III, section 1, provides—

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Mr. Speaker, the wisdom of the fathers in adopting this scheme of government is still respected by the American people. It was a plan that the fathers themselves, it is said, derived from the writings of that great Frenchman, Montesquieu. But wherever they got the idea, they have framed an instrument of organic government, they have put under that a government in operation, and they have carried forward for more than 125 years the most perfect and the best scheme of popular representative government—the best government that has ever been instituted upon this earth to bless mankind by its successful operation. [Applause.]

Mr. Speaker, it is true that Congress has the right to have resolutions of inquiry passed, and it does not follow that when Congress propounds an inquiry to the legislative departments it is necessarily interfering with the business of the executive department.

But let us inquire what are the purposes of such resolutions. Such resolutions have for their object the ascertainment of an abuse, an official abuse; the ascertainment of a public necessity for legislation on some given subject. Such a resolution is proper for information to guide the legislative body in the correct performance of its duties. Such a resolution may also have for its purpose an inquiry into the official conduct of an officer of the executive department for the purpose of seeing whether that officer has been guilty of an offense or of misfeasance or malversation in office of such a degree as to warrant his impeachment.

First, Mr. Speaker, who will say that this resolution was introduced to give us any information to guide us in our legislative action here? Is there any matter pending, is there any bill introduced, is there any subject matter of complaint involved in any legislative proposition whereby this resolution sought information to aid us in the discharge of our public duty? The answer is no. Then, Mr. Speaker, on the other hand, is it for the purpose of condemning by impeachment an officer of the executive department? Oh, the gentleman from California [Mr. KAHN], however bitter he may be in his partisanship, however misguided he may be in his sense of public duty as a part of the American Congress, and however unable he may be to rise above petty party rancor, he is still a lawyer and would not in his responsible place dare say that he can bring or has brought anything that so reflects or so tends to reflect upon the conduct of the Attorney General as to warrant summary action. So, Mr. Speaker, it is apparent that the gentleman's sole purpose is to manufacture some political campaign material for his bosom friend and supporter, McNab, out in California. Oh, I commend the gentleman for his fidelity to his friends. The gentleman himself is faithful to his friends. I do question the propriety of the gentleman's resolution here criticizing a high public officer of this Government, and with no better ground than a lot of unfounded or unfair assertions and a sort of buncombe movement, to the delight of the miserable muckrakers who sometimes inflict their dirty effusions upon a suffering public. They do this to degrade the Government in the eyes of the American people. This is as bad as outright anarchy, for anarchy is blatant and brazen. The method of the muckraker is detestable cunning and insidious insinuations.

Mr. Speaker, let us come now to this case. I shall not undertake to recite the harrowing details of the pathetic story of the woman's side of the Caminetti-Diggs case. That has been put in the press. The Judiciary Committee sought to keep out of the public press some of the facts in that case given before the

grand jury; but either the gentleman from California or Mr. McNab, or possibly somebody else, gave the whole of those disgusting facts to the newspaper press, and they were printed in extenso in a recent issue of the Washington Post, not by direction of this House, not by direction of the Department of Justice, but by some one that professes love for these poor fallen women. Some unfriend procured the publication of the complete story of their shame. And whoever did it, let me say, I think the gentleman from California will live to see the time when the penitential mood will come, and he will cry out upon himself and cry out upon them, "Shame upon me and shame upon them for publishing those disgusting details."

Now, the House is familiar with what Diggs and Caminetti did. They took two women, I believe each of them 19 years old or more, who went with them voluntarily to Reno, Nev. But whether they went voluntarily or not has nothing to do with this case here charged against the Attorney General. What was done there I shall not recite; but those two young men were indicted for that in the State court, and the indictments against them are still pending in the State courts of California. And they were indicted also in the Federal courts. Why do we not hear some outcry of delay on the part of the courts of California to prosecute these men guilty of so heinous a crime? Is the State of California so impotent? Are her legal authorities so dull to the appreciation of their duties that they let criminal cases in the State court lag and linger for the lack of trial? Yet we hear no lofty declamation from the gentleman from California. We do not hear him declaiming against the impotency of State courts.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. I will.

Mr. KAHN. Can the gentleman tell the House what the indictment in the State court was for?

Mr. CLAYTON. I am informed that there are three charges pending in the State court in Sacramento County since early in March of this year.

Mr. KAHN. What are they?

Mr. CLAYTON. I am unable to tell the gentleman the exact nature of those charges.

Mr. KAHN. There is a charge of desertion of a minor child. That is the only offense that was committed in California; and I understand that those cases are to be pressed for trial as soon as possible. The indictments were found very recently.

Mr. CLAYTON. Let me complete the statement. I am informed that there were three charges pending in the State courts in Sacramento County early in March of this year. I am further informed that whereupon the State courts permitted the defendants to go on their own recognizances so as to allow the United States marshal to arrest them on a complaint filed in the United States district court in San Francisco. Thereafter they were indicted in the United States district court, as indicated in the record. I am also informed that nothing was done in the State courts after that until the request of the Attorney General to continue the cases until next term, when the State court brought in an indictment for felony on one of the charges pending therein and upon which the defendants have been arraigned.

The indictment for conspiracy found in the record upon which the case was set for trial was the only indictment in United States courts upon which defendants were arraigned until Wednesday of this week. Last Wednesday the defendants were arraigned on second indictment—United States court—the contents of which are not at hand.

It seems to be the main feature of the speech of the gentleman from Illinois [Mr. MANN], who spoke about the abandonment of the 5-weeks-old babe in its mother's arms, and according to his own statement he shed half a bushel of tears right down there this morning over that proposition. [Applause on the Democratic side.]

Mr. MANN. Gentlemen on that side applaud the abandonment of a 5-weeks-old baby.

Mr. CLAYTON. They are applauding the fact that you were able to shed half a bushel of tears over it. [Applause.]

Mr. MANN. You on that side can not shed tears over the abandonment of a 5-weeks-old baby. I can.

Mr. CLAYTON. We have the very ludicrous position of the gentleman from Illinois, getting down before this House and shedding tears and keeping on shedding tears. He could not make any case before this House or before the country, and, to use the Latin phrase, hinc illæ lacrimæ, "hence these tears," of which he has shed half a bushel. [Laughter and applause on the Democratic side.] You have got no case; therefore you cry.

Mr. MANN. We have got a good case without crying.

Mr. CLAYTON. I have heard of lawyers trying to laugh cases in or out of court, and sometimes trying to cough cases in or out of court, and sometimes trying to cry them in or out. You have got no case, and you know it. You have failed on your facts. Your indictment has fallen to the ground. You are ashamed of your miserable performance, and you come here now and shed repentant tears this morning. [Applause on the Democratic side.]

Mr. KAHN rose.

Mr. CLAYTON. I hope the gentleman from California will not be nervous, after all the time he took the other day. I have only 60 minutes, and the gentleman spoke 2 hours.

Mr. KAHN. But I yielded to the gentleman.

Mr. CLAYTON. Oh, I will have to do it.

Mr. KAHN. If the gentleman does not want to yield he need not.

The SPEAKER. The gentleman from Alabama has yielded.

Mr. KAHN. The gentleman from Alabama has not yet informed the House who called upon the Attorney General on the night of the 16th of May and got him to send that telegram stopping these cases. That is one of the things that my resolution tried to develop.

Mr. CLAYTON. If I were to judge some other parties in another case where intervention was sought to arrest the proceedings of the Department of Justice, I might attribute undue interference with the administration of public justice to the gentleman from California himself, for in a well-known criminal case out there, where two or three prostitutes in California, and, I believe, foreign prostitutes, were brought into this country and were being handled by the Department of Justice, the gentleman from California submitted a letter, accompanied by a pathetic letter from a lawyer out there, in their behalf. [Applause on the Democratic side.] Oh, the gentleman's resolution simply called for certain documents and papers. He did not in his resolution inquire as to who got the Attorney General or anybody else to send any telegram. You wanted the papers. That is all you called for, and you got them.

Mr. KAHN. Will the gentleman yield?

Mr. CLAYTON. Yes, I will.

Mr. KAHN. If the gentleman's constituents appeal to him to present a matter to the Department of Justice, does he refuse?

Mr. CLAYTON. No; I do not. And I may also say that I have been prosecuting attorney, and when I thought it right and proper to continue a case I did so; and you did it, and every other prosecuting attorney has done so at some time; and that is all there is in this case.

Mr. KAHN. The right of petition has not yet been obliterated.

Mr. CLAYTON. Nobody denies that. I hope the gentleman from California, if he has got any questions to ask, will confine himself to questions. Do not lose your interrogation point. [Laughter.]

Mr. KAHN. The gentleman made some statements when I was speaking, and I did not object.

Mr. CLAYTON. Now, Mr. Speaker, I want in this connection to commend to the gentleman from California something I will read from a Book that he may have heard of. I read from the Gospel according to St. Matthew, Chapter VII. When the gentleman comes to consider the Attorney General and to criticize people, he may think of himself and think of what he has done. The Scripture says:

1. Judge not, that ye be not judged.
2. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.
3. And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?
4. Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?
5. Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

[Applause on the Democratic side.]

Search the Scriptures, follow the teachings of the lowly Nazarene, and you may yet hope to reach the dignity of a full-grown American statesman. [Laughter and applause on the Democratic side.]

Mr. MANN. I do not know why they applaud over there; I suppose it is because it is new to that side.

The SPEAKER. The gentleman from Illinois and all other gentlemen must first get leave to interrupt.

Mr. MANN. I was making a remark to my side companion.

The SPEAKER. But the gentleman was looking directly to the gentleman from Alabama. [Laughter.]

Mr. CLAYTON. Sam Jones, in a sermon a long time ago, said, when he was interrupted by some miserable old unwashed sinner: "Go it, my brother, it's only the hit dog that hollers." Let the gentlemen over there holler if they want to. I will say to the Speaker that I will try to take care of myself the

best I can, but let them holler. [Applause on the Democratic side.]

Now, as to this resolution. What was done with it? It was referred to the Committee on the Judiciary, and the Judiciary Committee investigated all the facts fully from start to finish. It went over every paper in the files of this case, and incidentally all the files in some cases that the gentleman from California [Mr. KAHN] had a great deal to do with and tried to delay or defeat justice. Now, I do not criticize him for that; perhaps he thought it was his duty to do it, but he should take the beam out of his own eye before he discovers a mote in somebody else's, or somebody will say, "Thou hypocrite." [Laughter on the Democratic side.]

Now, then, as to the Western Fuel case. The gentleman said something about that. As a matter of fact, in the Western Fuel case a nolle prosequi was refused, and severance was finally granted by whom? Not by the Attorney General, but by Assistant Attorney General Harr.

Mr. Speaker, let me say right here, by way of digression, that this House in the nature of things knows it is utterly impossible for the Attorney General to carry in his mind all the detail workings of that great department, with some nearly one hundred judicial districts, with that many district attorneys, with some ninety-odd district courts. It is impossible with this multitude of business for him to keep in his mind the details of all the various transactions. All he can do is to exercise over most of those cases a sort of supervision, for the country knows that since the present Attorney General has been in office he has been compelled to give most of his attention to measures of the largest national importance. He has been compelled to consider the Pacific Railroad merger. He has been compelled to consider the Tobacco Trust case. These are but few of the cases of great magnitude to which he has had to devote his time and attention.

Mr. Speaker, the gentleman from Illinois [Mr. MANN] was frank enough to say that the Attorney General could not have carried all the facts of the Diggs-Caminetti case in his mind, nor could he have carried all the facts of the Western Fuel case in his mind. But the criticism of the gentleman from California [Mr. KAHN] leveled at the Attorney General on account of the Western Fuel case is not well taken. Mr. Harr handled that particular matter and made a severance, and is there anything unusual or horrible about that? I have here in my hand a statement given me by Mr. Harr himself, and so far as I know and believe, having come in contact with him for some years during his service in the Department of Justice, I believe Mr. Harr to be an able lawyer and a most estimable gentleman, notwithstanding the fact that he is a Republican. [Laughter on the Democratic side.] I have no criticism to make of the Attorney General for retaining this Republican in office, for, strange as it may seem, in this day of the degenerate Republican Party, occasionally you can find an honest man still adhering to that old party. [Laughter on the Democratic side.] I hold in my hand a memorandum of Assistant Attorney General Harr in regard to the postponement of the trial of two of the directors of the Western Fuel Co., and with the permission of the House I will insert it at this point:

Memorandum by Assistant Attorney General Harr in regard to the postponement of the trial of two of the directors of the Western Fuel Co.

My attention was first called to this case about June 14, when the Attorney General asked me to consider what Mr. J. S. Pringle had to say with reference to the matter. Accordingly I gave Mr. Pringle a hearing on the subject. He was asking that the cases as to Sidney V. Smith and Robert Bruce, two of the directors of the company, be nolle prossed, on the ground that, even assuming there was evidence of fraud on the part of those connected with the management of the company, there could be no evidence whatever connecting the two directors named, who, he said, were innocent. He stated to me what he understood to be the charges against the indicted parties; but as I had not examined the files in the case I told him to call the next day, when I could discuss the matter with him more intelligently.

Mr. Pringle came the next morning. In the meantime I had read carefully Mr. McNab's report of May 20 upon the case and observed the department's action thereon. When Mr. Pringle arrived I told him that the United States attorney's report disclosed that there was some evidence suggesting that the two directors referred to, Sidney V. Smith and Robert Bruce, might have had knowledge of the alleged frauds, and that therefore it would be impossible for me to recommend that the case as to them be nolled. Mr. Pringle then left, and I supposed that the matter was ended. I did not say anything to the Attorney General about the conclusion I had reached at that time.

A day or two later, to wit, on the morning of June 17, Mr. Pringle returned. He then showed me a copy of the San Francisco Bulletin of June 6, 1913. This, as I recall, he stated was the reason for his coming back to see me. The paper referred to contained an article about the Western Fuel Co. matter. It started with a dispatch from Washington reporting the effort to have the case as to Robert Bruce and Sidney V. Smith nolle prossed, and stating that such attempt had been unsuccessful. The article then stated that United States Attorney McNab had been shown the Washington dispatch and that he had refused to discuss it, saying that he had neither time nor the inclination to try the Western Fuel Co. case in the newspapers; that he believed all the parties indicted to be guilty, and that he would try hard to convict them. Then followed a statement as to the nature of the case and the evidence before the grand jury, which was stated at length. It was evident at once to me that this statement had been copied from Mr. McNab's report of May 20 to the Attorney General about the case, and a comparison which I made at the first opportunity after Mr. Pringle left showed that to be the fact. Mr. Pringle then proceeded to discuss the case with me in the light of the evidence as stated in this newspaper article. I did not advise him that the article was evidently taken from the United States attorney's report, although I do not doubt he assumed that it was a pretty accurate statement of the Government's case. He discussed the case with reference to the matters supposed to implicate Messrs. Bruce and Sidney V. Smith, upon the assumption that this was the evidence upon which the Government was relying. When he left I told him simply that I would discuss the matter with the Attorney General. During the day I did take up the case with the Attorney General. I called his attention to the publication of the evidence in the case in the Bulletin, manifestly taken from McNab's report, and he directed me to ask Mr. McNab to explain. I then referred to the nature of the evidence in the Western Fuel Co. case, and told him that I had reached the conclusion, upon reflecting over the matter, that the wise course to pursue, in order to avoid any possible injustice against these two directors, as to whose guilt I felt very doubtful, was to continue the cases as to them and simply try the cases of the three directors who were officers of the company and active in its management at this time, leaving the question as to the prosecution of the two directors named to be determined in the light of the developments on that trial.

The Attorney General approved my recommendation and authorized me to instruct Mr. McNab accordingly. I then prepared two telegrams—this being the afternoon of the 17th—one calling the attention of Mr. McNab to the publication in the Bulletin, manifestly taken from his report, and asking him to explain, and the other directing him to postpone the cases as to the two directors referred to. The telegram requesting the explanation as to the publication in the Bulletin was sent at once, but I held up the telegram directing the postponement over night, thinking I might receive a reply to the former telegram the next day. No telegram came from Mr. McNab on this subject on the 18th. On the evening of the 18th I had my secretary add the words "wire receipt" to the telegram directing the continuance of the cases as to the two directors. She did this, and, thinking I intended the telegram to be sent, had it sent without saying anything further to me about it. The next morning—June 19—Mr. McNab's telegram, dated June 18, was received by me. I then asked my secretary for the telegram to him which I was holding as to the continuance of the cases against the two directors, but she said that she had sent it. I told her that was all right, as I intended to send it anyhow.

Mr. Speaker, I think before we get through with this we will have the gentleman from California [Mr. KAHN] defending himself. Mark my words. It will not be a week from now before the gentleman from California [Mr. KAHN] will be getting up here either asking permission to explain his conduct or getting into the RECORD in some other way. I know prophesying is a dangerous thing, but I think he is going to have something to say about this matter in defense of himself.

In his partisan rancor and zeal he overshot the mark. He has been mixed up, as his correspondence shows, with some of the lawyers of some of these people who have been guilty of violation of the seventh commandment. I want to commend to him again to read the seventh commandment and to have nothing to do with scarlet women. Do not even write to the department appealing letters or submit appealing letters in their behalf. Let the scarlet women go the way of the unrighteous, and let the penalties of the law fall upon them. Do not transmit a begging letter of a lawyer or indorse it, and thereby ask consideration of the Department of Justice in behalf of those women who have been condemned under our immigration laws. We are trying to enforce the Mann white-slave law. We are trying to enforce the immigration law. We exclude such women, and yet you wanted them admitted to bail, and you submitted to the Attorney General—or you wanted a degree of leniency shown to them to which I do not think they were entitled, especially from your viewpoint of the Caminetti case. You want to punish everybody who has anything to do with such a case, to visit upon them not only condign punishment, but speedy punishment. The gentleman criticized the Attorney General for what he did in one case. May not the gentleman himself be amenable to criticism for interfering with the course of justice in another similar case?

Mr. Speaker, I want to read a letter of the Congressman, written from his high place. The puny little lawyer out there, the downfallen women, were all of no avail in their efforts, and they invoked the aid of a friend. They invoked the aid of a man high and mighty in power, close to the throne in the last administration, close to the fountain of justice, which, he said, should be pure and unpolluted. He goes to the fountain of justice in behalf of those miserable creatures, and he writes this letter:

House of Representatives, United States, Washington—

He was not going to let that escape the department—

San Francisco, Cal., September 6, 1912. The honorable the Attorney General, Washington, D. C. My dear sir—

Most of us say "Sir," but he said "My dear sir." [Laughter.]

I inclose letter from Thomas A. Keogh, Esq., which is self-explanatory.

I do not know any of the parties referred to in Mr. Keogh's letter, nor do I know any of the circumstances connected with the case, but I

hope you may give the matter your kind attention and act in the premises in accordance with the custom in such cases.

Very truly, yours,

JULIUS KAHN.

[Applause on the Republican side.]

Mr. MANN. Shame!

Mr. CLAYTON. The letter is beautifully worded. The gentleman from Illinois [Mr. MANN] now may content himself. It is too hot now. The gentleman is generally amiable with me, and I hope he will be amiable to-day. So content yourself. I did not turn red in the face a single time when the gentleman was speaking. Now, he has turned red five or six times. Do not do it any more. I am afraid he will have apoplexy.

Now, listen to the letter of the gentleman from California [Mr. KAHN]:

I do not know any of the parties referred to.

He does not know any of the parties. It is an innocent disclaimer. It may be true——

Mr. KAHN. It is true.

Mr. CLAYTON (continuing)—

I hope you may give the matter your kind attention.

Asking the kind attention of the Attorney General to the case. This seems to me an indorsement of the request made in behalf of these women who had violated the law.

With his high official indorsement, that letter goes to the Attorney General, and I shall ask leave, Mr. Speaker, to print that in the RECORD, and also the telegram from the same gentleman, dated San Francisco, October 3, 1912. It was not merely the submitting of the letters and letting it go at that that he felt his duty. Oh, no. He is not that sort of a man. He is tenacious when he starts out on a thing. So we find the gentleman from California sent this telegram:

(53423–235.)

SAN FRANCISCO, CAL., *October 3, 1912.*

UNITED STATES IMMIGRATION COMMISSIONER,
Department of Commerce and Labor, Washington, D. C.:

Friends of Louise Savart and Helene Morequa called to see whether department has taken any action on their request to be admitted to bail pending determination of appeal to United States Supreme Court from order denying writ habeas corpus. Will you kindly give matter prompt attention and advise action by wire?

JULIUS KAHN.

(October 4, 1912; 9.19 a. m.)

[Applause on the Republican side.]

Now, then, I shall ask to print that. Mr. Cable, Acting Secretary, answers:

(Telegram.)

OCTOBER 4, 1912.

Hon. JULIUS KAHN,
San Francisco, Cal.:

Question release Louise Savart and Helene Morequa on bail referred Attorney General.

BENJ. S. CABLE,
Acting Secretary.

Now, he could not get the Department of Justice to do just what he wanted and goes to the Department of Immigration and makes them do what the Department of Justice did not want done.

Let me read a memorandum from Mr. Cable, Acting Secretary of Commerce and Labor, as follows:

[Memorandum.]

DEPARTMENT OF COMMERCE AND LABOR,
October 15, 1912.

IMMIGRATION:

I have carefully read Mr. Harr's letter, and send it to you with the file. I do not see how I can very well refuse to release on bail the aliens in this particular case, in so much as I practically promised to do so if it were determined that I had the right. It will be difficult, perhaps, to refuse now in similar cases, but it need not necessarily result in adopting this as a general rule; and while each case will have to be decided by itself, I should say that in future we should probably follow the wishes of the Department of Justice. These three aliens may be released on bail.

B. S. C.

And another memorandum from the files of that department is as follows:

[Copy.]

DEPARTMENT OF COMMERCE AND LABOR.

As Mr. Cable says, this department is committed to the release of these particular aliens, and is therefore not free to conform to the wishes of the Department of Justice in these cases.

C. E.

Whom did they promise, let me ask, that they would turn down the execution of justice as the Department of Justice saw it ought to be and appeal to the Department of Labor and carry out the wishes of these people who had violated the law? Evidently the gentleman from California himself, when he defeated the Department of Justice of having its way in those cases, appealed to the Immigration Department and had his way. Now:

[Telegram.]

IMMIGRATION SERVICE, OCTOBER 15, 1912.
San Francisco, Cal.:

Release Mrs. Dubois, alias Lena du Puis; Louise Savart, alias Alphonsince Dirken; Helene Morequa, alias Mme. Delaporte; and Marie Cardonnol under bond one thousand each, pending Supreme Court decision, by direction Acting Secretary. Letter follows.

KEEFE.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is not discussing the matter before the House. I make it because he has only a few minutes in which to discuss the matter before the House, and he has not commenced that yet.

Mr. CLAYTON. Now, Mr. Speaker, I trust the gentleman will see the impropriety of that observation, and I trust that this is not coming out of my time.

The SPEAKER. If the gentleman from Illinois [Mr. MANN] insists on his point of order, the Chair will have to sustain it.

Mr. CLAYTON. I am discussing it, Mr. Speaker.

Mr. MANN. Mr. Speaker, inasmuch as it is evident that the gentleman does not intend to discuss the case before the House, I will not make the point of order.

Mr. CLAYTON. Now, Mr. Speaker, it seems to me there are——

Mr. NORTON. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] yield to the gentleman from North Dakota [Mr. NORTON]?

Mr. CLAYTON. For just a question. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has used 46 minutes of his 64 minutes.

Mr. CLAYTON. I yield to the gentleman for a question.

Mr. NORTON. Does the gentleman from Alabama desire the House to understand that the letters he has just read into the RECORD answer the question why the Attorney General, on May 16, sent that telegram?

Mr. CLAYTON. Mr. Speaker, I decline further to yield to the gentleman. The gentleman from Alabama is making the application in this case to the gentleman from California, who criticizes the Department of Justice and the Attorney General. The resolution does not call for any reason, and perhaps a resolution calling for a reason would not have been privileged. It called for the papers, and they have been produced and are now before the House. I have stated this several times. The gentleman seems not to have heard me. And the gentleman from Alabama is defending a great Democratic official; when Republican officials, placed in high positions, have departed from the line of rectitude they are defended by the gentleman from Illinois.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. I decline to yield, Mr. Speaker.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. CLAYTON. Of course that is a common form of horseplay. When gentlemen on the other side are getting the worst of it, it is their pleasure to inject irrelevant matters or foolish questions.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. CLAYTON. Yes; "the gentleman from Alabama declines to yield," and again the gentleman informs you, pointing at you directly, that he will not yield to you. I do not know your name or where you are from. I hope to learn both.

Mr. MANN. Mr. Speaker, the gentleman from Alabama is violating a rule which every Member of long service ought to observe.

Mr. CLAYTON. The gentleman from Alabama understands the rules equally as well as the gentleman from Illinois does, and does not violate them any oftener than he does. [Laughter.]

Mr. MANN. I hope the gentleman from Alabama will observe the rule.

The SPEAKER. The rule of the House is that gentlemen must address each other in the second person, and there is good sense in the rule.

Mr. CLAYTON. If you gentlemen on that side will subside, the gentleman on this side will soon be through. [Laughter.]

Mr. MANN. We are all gentlemen on this side.

Mr. CLAYTON. I hope that the gentlemen on that side will act as gentlemen and not interrupt the gentleman from Alabama simply because he is opposing the gentleman's bald political play here. [Applause on the Democratic side.]

Now, Mr. Speaker, I ask leave to put into the RECORD these letters relating to this Savart case, to which I have referred, in order to do full justice to the gentleman from California and in order that the full facts may be shown. I see the gentleman nods his approval.

Mr. MANN. They have all been read, have they not?

Mr. CLAYTON. They were not.

The SPEAKER. The gentleman already has leave to extend his remarks.

Mr. CLAYTON. I wished everybody to know what I was doing. Some new, fresh gentleman on that side might object [laughter], and if there is going to be any objection I want him to object now. The gentleman from Illinois [Mr. MANN], with his long experience, and the gentleman from California [Mr. KAHN], with his long experience, are unable to handle their case, and hence we find a new volunteer rushing in now and then. [Laughter.]

But, Mr. Speaker, even personal malice and partisan rancor may at times overshoot itself, and it has clearly done so here. It was Assistant Attorney General Harr who advised his chief, in the interest of justice, not to try Bruce and Smith until the cases against other directors of the Western Fuel Co. had been heard, and he, too, has fallen under the ban of Mr. McNab's condemnation and is included in the newspaper campaign which Mr. McNab and his friends seem to have inaugurated against the Department of Justice.

On the 24th of June, 1913, Mr. McNab rushes into the San Francisco Examiner in a statement that Assistant Attorney General Harr had interfered with the prosecution of immoral women who had been ordered deported by the local immigration officers and had ordered certain immoral women to be admitted to bail. As usual, correspondence of Mr. McNab's, or portions of it, were furnished to the papers and liberally quoted from. I read from the San Francisco Examiner of June 24, 1913:

The French women who were admitted to bail on orders from Washington, said to have issued from Harr, were Lena du Puis, Helen Morequa, and Louise Savart. This order was made after McNab had in letters and telegrams to Harr told of the supposed attempts at bribery and had protested against every proposal of leniency in their cases. * * *

After this communication had been sent to Washington, Harr replied that after conferring with the Secretary of Commerce and Labor he had given orders that the women be admitted to bail. He prefaced his declaration with a long interpretation of the law in the case, which he construed as meaning that bail should be withheld only in "exceptionally notorious cases."

"If these cases were not notorious, I do not know what you could say about them," said McNab. "Every one of the women against whom we had proceeded were of exceptionally vicious character, and had been absolutely proven to have been engaged in immoral business, clearly in violation of the Federal statutes.

"When I was in Washington, after our campaign against these women had been blocked, I put this up to Harr as forcibly as I knew how, and told him that I thought it was an outrage to dismiss or admit to bail persons held on such charges.

"Harr has interjected himself into this case by volunteering a defense of McReynolds. If you ask who Harr is, my reply is that he is the man who has blocked our performance of our duty by overruling in summary and high-handed manner the finding of the courts and the proven testimony gathered by the immigration officials here."

So says Mr. McNab. If you ask me who Mr. Harr is, I answer that he has been for 10 years in the Department of Justice as an Assistant Attorney General appointed under Theodore Roosevelt, continued under William H. Taft, and, so far as I know and believe, subject to no criticism, except that he is a member of the Republican Party. The Democratic Party is not responsible for his appointment and I hold no brief in his defense. That might better come from those of his own political faith; but, after inspecting correspondence on file with the Department of Justice and investigating the facts in the case as referred to, I do not hesitate to denounce the attack on him by Mr. McNab as wholly false, unfounded, and malicious.

I shall ask leave to insert in my remarks at this point, without reading it, Mr. Harr's own statement of the circumstances, and a memorandum by Assistant Attorney General Graham, which are as follows:

Memorandum by Assistant Attorney General Harr.

My attention has been called to the following statement in the Sacramento Union, of June 24, 1913, in regard to certain cases that arose and were disposed of during the last administration:

"United States Attorney John L. McNab, while awaiting a reply from President Wilson to his telegram of resignation to-night, launched another broadside at Washington by exposing an indirect attempt to bribe him in a white-slave case, and by declaring that Assistant Attorney General Harr, even though advised of this attempt at corruption, overruled the judgment of the United States district court and ordered released from custody three notorious French women who had been ordered deported from the United States. Mr. McNab made the direct accusation that Harr has, for some unknown reason to himself, distinguished himself during his occupancy of office by violating a procedure of the United States courts and releasing women of notorious character from arrest and deportation orders, even when apprised of an indirect attempt to bribe the prosecutor of the cases against these women. It was declared by McNab that Harr by undue interference in cases brought by the Government against Lena du Puis, Helen Morequa, Louise Savart, Valerie Calmels, Marie Louise Calmels, Marious Calmels, Marie Cardonnel, and Pedro Garcia, the latter alleged to be a wealthy keeper of a Vallejo house of ill fame, had succeeded in blocking many efforts of the United States attorney's office here to suppress white slavery and deport prostitutes."

The statements that I ordered the release from custody of three notorious French women who had been ordered deported, and by undue interference had succeeded in blocking many efforts of the United States attorney at San Francisco to suppress white slavery and deport prostitutes, are unqualifiedly false, and are inconsistent with the records of the department and of Mr. McNab's own office, as the latter personally knows. The official correspondence between Mr. McNab and myself in regard to the cases named in the above publication shows that I was in thorough sympathy with his view that the Secretary of Commerce and Labor should not admit to bail alien prostitutes ordered deported pending the prosecution of their appeals in habeas corpus proceedings, and that I earnestly cooperated with him in endeavoring to put a stop to any such practice. It is true Mr. McNab did not agree with the department as to the authority of the Secretary of Commerce and Labor to admit to bail pending an appeal in a habeas corpus proceeding; but this was simply a difference of opinion on a question of law, this department concurring in the view of the Solicitor of the Department of Commerce and Labor that the Secretary had the power in question. At the same time, I had earnestly cautioned the Secretary against the exercise of the power, in view of the invidious consequences that might ensue, and Mr. McNab was so advised. If any of the women referred to were admitted to bail, such action, as Mr. McNab was advised, was taken by the Department of Commerce and Labor in the exercise of its own discretion and with knowledge of the fact that the Department of Justice deprecated the exercise of such power.

Notwithstanding the difference of opinion on the question of the power of the Secretary of Commerce and Labor to admit aliens to bail in such cases, Mr. McNab wrote the department expressing his appreciation of the cooperation and support rendered him by this department, through me, in this matter. The following is a copy of his letter on the subject:

OFFICE OF UNITED STATES ATTORNEY FOR THE
NORTHERN DISTRICT OF CALIFORNIA,
San Francisco, October 21, 1912.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: In response to your letter of October 12, 1912, "163123-4 & 10, W. R. H.-W. C. H.," *I beg to express my appreciation of your action in writing to the Secretary of Commerce and Labor, urging that the right to appeal in the case of deportable aliens who have resorted to the court for relief should be exercised only in the most exceptional cases.* The cases in which the honorable Secretary of Commerce and Labor has issued the order admitting to bail are about as flagrant as any that will be found in the department. These women are notorious keepers of resorts and not merely women who are occupying them. Therefore, I think it extremely unfortunate that the Secretary should have exercised his discretion in these particularly flagrant cases. However, my particular reason for feeling strongly about these cases arises from the following facts:

The class of men who interest themselves in cases of this description usually comprises saloon keepers, gamblers, and others of like ilk. These men have got in touch with every one who is even remotely acquainted with anyone in this office, and have not hesitated to throw out all manner of hints that if this office would only abandon its opposition to bail any amount of money could be had for the favor. Generally, that class of individuals deals with police courts and ordinary State courts, and I was particularly anxious to teach them a lesson by letting them understand that the Federal courts and the Department of Commerce and Labor are not responsive to any suggestion of that description. Of course, you will understand that these people do not get word to this office or to anybody in the Federal department in a form which will permit us to seize them or charge them with crime, but in a hundred different ways have caused the suggestion to be made to others and conveyed to us. For this reason, I think it peculiarly unfortunate that the department has exercised its discretion in favor of the women, and I trust that the Attorney General will not regard me as overzealous if I conscientiously and vigorously insist in each case as it comes up that bail should not be granted. The doorway is now opened to a new method of practice. All that these people desire is to secure writs of habeas corpus, have them denied, and then during the long interim between adjudication here and final decision at Washington, have the women at large.

I trust that I am not troubling you too much if I ask you to convey my reasons, as herein stated, to the honorable Secretary of Commerce and Labor. I regret that my views do not concur with yours on the legal aspect of the case. I still adhere to my opinion that the Department of Commerce and Labor has no right to admit to bail, and hope that an opportunity may some time arise in which the question can squarely be presented to the court.

Appreciating your attitude and thanking you for your support, I beg to remain,

Yours, very truly,

J. L. MCNAB,
United States Attorney.

The statements of Mr. McNab as to the character of these women and the reasons for not admitting them to bail were, as Mr. McNab was advised, at once communicated by me to the Secretary of Commerce and Labor with the statement that "this department feels that the views of the United States attorney at San Francisco as to the local conditions there are worthy of careful consideration."

The matters above stated related to the cases of Lena Depuis, Helen Marequa, Louise Savart, and Marie Cardonnel. There appears to be nothing on our files about the Pedro Garcia case, and my attention was never called to that case until the publication in the Sacramento Union of the article referred to.

As to the two Calmels women, the records of the department shew that they had been ordered deported by the Secretary of Commerce and Labor along with their husbands and father, upon the ground that the women were employed in a house of prostitution, the one as a chambermaid and the other as a housekeeper, and the men on the ground that they were "receiving, sharing in, and deriving benefits from the earnings of prostitutes."

They instituted habeas corpus proceedings and brought their cases to the Supreme Court. Upon an examination of the cases, it being my duty to prepare them for argument in that court, I came to the conclusion that those against the men could not be sustained, because the records therein, including the records in the deportation proceedings

before the Department of Commerce and Labor, failed to show that the women were prostitutes, but, on the contrary, indicated that they were honest women, living with their husbands, nor was there any suggestion that they had been prostitutes before their arrival in this country. In view of this state of facts, I advised the Department of Commerce and Labor that the Secretary had exceeded his authority in ordering the deportation of the men, and that it would be advisable, in order to avoid an adverse decision by the Supreme Court, to revoke the orders of deportation in their cases. I also submitted for the consideration of the Department of Commerce and Labor whether, since the evidence indicated that the women were honest, although employed in a house of prostitution, and therefore within the letter of the statute, they came within the real purpose of the statute, and whether it would not be well to revoke the orders of deportation as to them also. In this view the Secretary of Commerce and Labor concurred, and for that reason set aside the orders of deportation as to all the Calmels family, whereupon the appellants dismissed their appeals.

WILLIAM R. HARR,
Assistant Attorney General.

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MEMORANDUM BY MR. GRAHAM.

As pointed out by Mr. Harr in the above statement, the cases referred to in Mr. McNab's charges against him, as reported in the Sacramento Union of June 24, 1913, arose and were disposed of during the last administration.

Mr. Harr's statement shows what scurrilous and unfounded attacks may be made upon public officers who are simply endeavoring honestly to discharge their duty.

It is interesting to note in this connection—not, however, for the purpose of making any suggestion of improper conduct on the part of the public official concerned, but simply for the purpose of showing how an entirely proper and considerate act may involve such an official in malicious attack by evilly disposed persons—that the case of two of the alleged notorious French women (Helen Marequa and Louise Savart), whom Mr. McNab is reported to have charged Mr. Harr with having improperly ordered released from custody, was first called to the attention of the department by the Hon. JULIUS KAHN, Representative from California, who has so zealously taken up the cudgel in support of Mr. McNab's scurrilous attack upon the Attorney General.

The files of this department show that Mr. KAHN, under date of September 8, 1912, transmitted to the department a letter to him from Thomas A. Keogh, an attorney of San Francisco, requesting his assistance in behalf of the two women referred to. According to the records, Mr. KAHN was advised by Mr. Harr, as Acting Attorney General, that, as the trial court had denied the writ of habeas corpus in the case of these women, under the rules of the Supreme Court the defendants could not be admitted to bail by the trial court pending their appeal, but that, as they were then in the custody of the immigration officials, it was possible the Department of Commerce and Labor would have power to act in the matter, and accordingly a copy of his letter and inclosures had been transmitted to that department for its consideration.

Now, if one were disposed to be evil-minded, and, as Mr. McNab charges, these notorious women were admitted to bail through improper influences, who would such an evil-minded person suggest as having exerted such improper influence? Of course, there is no foundation, in fact, for any such suggestion of improper influence in this matter on the part of Mr. KAHN. Every fair-minded person knows that he could have had no improper purpose in bringing the cases of these two unfortunate women to the attention of the Department of Justice, but unfortunately such are the little things upon which calumny breeds and grows and spreads and by which a man's fair character is defamed, because so many people are not fair-minded, and so many people, with political or other axes to grind, are disposed to prey upon the lust for scandal that lies in the human heart and so frequently overpowers the good therein.

It is also an interesting commentary upon Mr. John L. McNab's ideas of the proper relationship between a district attorney and the Attorney General that, under date of June 24, 1913, he wrote the department, excepting to the department's view as to the admissibility of a certain letter about which he had written the department, and stating that, although his letter was written subsequent to his resignation and could in nowise affect his future conduct, the department "might be glad to know that the United States attorneys in various districts feel that they are crippled whenever suggestions as to how they should or should not conduct cases are sent to them by the department." This statement, in view of the fact that it is the duty of the Attorney General under the law to supervise the conduct of United States attorneys, is rather curious to say the least. Of course, the Department of Justice does not ordinarily instruct United States attorneys as to the minute details of their cases, and there was no disposition to do so in the case to which Mr. McNab referred. But he had written to the department, asking that it furnish him with a letter which was in its possession for the purpose of using it as evidence, and the department felt called upon to instruct him as it did in the particular instance.

The correspondence with special reference to the two cases of Helen Morequa and Louise Savart is interesting from more than one point of view, and I ask the particular attention of the gentleman from California [Mr. KAHN] to it, because of the personal familiarity which he has with the facts and circumstances attending it. When we inquire how the cases were called to the attention of the department, we find that the gentleman from California [Mr. KAHN] was himself the intermediary by whom this was done. Under date of September 5, 1912, Mr. Thomas A. Keogh addressed to him a letter, which is as follows:

KEOGH & OLDS,
ATTORNEYS AT LAW,
San Francisco, September 5, 1912.

Hon. JULIUS KAHN,
Merchants Exchange Building, San Francisco, Cal.

MY DEAR SIR: There are two foreign women now confined at the immigration station at Angel Island, who were apprehended for deportation under an act of Congress with relation to aliens being in any manner connected with houses of prostitution. Both of these unfortunate creatures had been in the United States for about 12 years before the passage of the amendment of the act under which they were arrested. They were conducting the premises from which they were taken, and after the customary hearing before the immigration commissioner, the proceedings were forwarded to Washington and an order was made for their deportation. They had been admitted to bail in the sum of $1,000 pending the disposition of their cases by the Immigration Commission, and immediately upon the above order coming from Washington they surrendered themselves to the immigration commissioner for this station. An affidavit for a writ of habeas corpus was made and the court simultaneously made an order admitting them to bail in the sum of $2,000. The writ was denied and the prisoners removed to the custody of the immigration commissioner, where they have been confined for about one month. An appeal has been taken to the superior court of the United States, but no bail has been fixed pending the hearing and determination of the same. As it will undoubtedly be some time before the cases are disposed of, it certainly seems a hardship upon these unfortunate women to keep them incarcerated pending a determination of the same without bail.

It is for that purpose that I address this communication to you, soliciting whatever valuable assistance you may be able to render in the premises. The women are none too well physically and, like most of these unfortunates, become broken in health after a few years of the hardships they undergo, and that, together with their confinement, would naturally bring about a more serious state of ill health. I have been requested by several of their friends to ascertain if it were not possible to obtain an order releasing them on bail pending the determination of their appeal. Aside from that I have no interest whatever in the proceedings, and my services are gratuitous and principally from a humane standpoint of view, as I feel that it is certainly a hardship upon the women to keep them in restraint in view of the above circumstances.

You are personally acquainted with my standing in the community, both as a citizen and practitioner, and know that in all my acts I have endeavored to deal fairly and justly with all conditions and all classes.

With the aforesaid object in view and knowing you to be always willing to assist any unfortunate creature, who by reason of their lot has entered the darkened world of the abandoned, I address this communication.

The names of these two women are Helen Marequa and Louise Savart.

Thanking you for any assistance you might render, I remain,

Sincerely, yours,

THOS. A. KEOGH.

And on the 6th day of the same month Mr. KAHN transmitted it to the Attorney General with the request for his kind consideration. What followed can best be told by reading the following letters from Mr. Harr to the Secretary of Commerce and Labor, under date of September 12, 1912. Mr. KAHN'S letter of transmittal is as follows:

(House of Representatives United States, Washington.)

SAN FRANCISCO, CAL., *September 6, 1912.*

The honorable the ATTORNEY GENERAL,
Washington, D. C.

MY DEAR SIR: I inclose letter from Thomas A. Keogh, Esq., which is self-explanatory.

I do not know any of the parties referred to in Mr. Keogh's letter, nor do I know any of the circumstances connected with the case, but I hope you may give the matter your kind attention and act in the premises in accordance with the custom in such cases.

Very truly, yours,

JULIUS KAHN.

Here are the letters from Mr. Harr:

(163681–1.)

SEPTEMBER 12, 1912.

Hon. JULIUS KAHN,
San Francisco, Cal.

SIR: The department is in receipt of your letter of the 6th instant inclosing, for my consideration, a letter addressed to you by Thomas A. Keogh, Esq., an attorney in your city, in which he requests that this department take action looking to the release on bail of two women now being held for deportation by the immigration authorities for some violation of the laws respecting aliens, the execution of the order of deportation, however, being suspended until an appeal which they have perfected in certain habeas corpus proceedings instituted by them has been finally determined.

As the trial court denied the writ in the first instance, under paragraph 1 of rule 34 of the Supreme Court rules, the defendants could not be admitted to bail by the court pending their appeal. As they are now, however, in the custody of the immigration officials, it is possible that the Department of Commerce and Labor would have power to act in the matter. I have accordingly transmitted a copy of the correspondence to that department and have also written Mr. Keogh along these lines.

Respectfully,

W. R. HARR,
Acting Attorney General.

—

(163681–1.)

SEPTEMBER 12, 1912.

The SECRETARY OF COMMERCE AND LABOR.

SIR: I have the honor to transmit herewith, for your information, a copy of a letter, and its inclosures, received from Hon. JULIUS KAHN, in which it is desired to have action taken looking to the admission to bail of certain women now being held for deportation by representatives of the Immigration Service of your department, the execution of the order, however, being suspended pending the determination of an appeal which it is stated these defendants have perfected in certain habeas corpus proceedings.

I have advised Mr. KAHN, and also Mr. Keogh, that as the trial court had denied the writ, under paragraph 1 of rule 34 of the Supreme Court rules, they could not be admitted to bail by the court, but that as they were now in the custody of the immigration officials, perhaps your department might be in a position to grant the desired relief, if thought proper.

Respectfully,

W. R. HARR,
Acting Attorney General.

(Inc. No. 18995.)

From Mr. Harr, on the same date, to Mr. Thomas A. Keogh, and also to the gentleman from California [Mr. KAHN]:

(163681-1.)

SEPTEMBER 12, 1912.

THOMAS A. KEOGH, Esq.,
Foxcroft Building, San Francisco, Cal.

SIR: I have received, by reference from Hon. JULIUS KAHN, your letter of the 5th instant addressed to him, in which you urge that action be taken which will result in the admission to bail of two women now being held for deportation by the immigration officials for some violation of the laws relating to aliens, it being stated that the execution of the order has been stayed until an appeal which they have perfected in certain habeas corpus proceedings instituted by them can be determined.

As the trial court, according to your representation, denied the writ, under paragraph 1 of rule 34 of the Supreme Court rules, they could not be admitted to bail by the court pending the appeal. However, as they are now in the custody of the immigration officials, it is possible that the Department of Commerce and Labor would have the power to grant the desired relief. I have accordingly transmitted a copy of your communication to that department for its action.

Respectfully,

W. R. HARR,
Acting Attorney General.

From Mr. Harr to the Secretary of Commerce and Labor on October 9, 1912:

OCTOBER 9, 1912.

The SECRETARY OF COMMERCE AND LABOR.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in reference to the release, by the Secretary of Commerce and Labor, on bond, of certain alien women who are now held in custody by the immigration officers at San Francisco, together with certain inclosures and two opinions of the solicitor of your department, one dated January 21, 1909, and the other dated September 25, 1912.

It appears from the papers that these women were taken into custody and warrants of arrest issued pursuant to sections 20 and 21 of the immigration act of February 20, 1907 (34 Stat., 904, 905). After hearing, and upon due consideration of all the facts, warrants for the deportation of the aliens were issued by the Secretary of Commerce and Labor. Before these warrants could be executed, petitions were filed for writs of habeas corpus on their behalf, and orders were issued to show cause why the writs should not issue. On the hearing the United States circuit court refused to issue the writs and dismissed the petitions, and remanded the aliens to the custody of the immigration officers. From this order denying the writ an appeal has been taken on behalf of the aliens to the Supreme Court of the United States. The aliens now desire to be released from custody on bond under the provisions of section 20 of the act of February 20, 1907, but the United States attorney at San Francisco is opposed to such a course, on the ground that the aliens are still in a sense in the custody of the court, and that to allow them to go at large on bail would be contrary to rule 34, subdivision 1, of the rules of the Supreme Court, which provides: "Pending an appeal from the final decision of any court or judge declining to grant the writ of habeas corpus, the custody of the prisoner shall not be disturbed."

After having given due consideration to the two briefs of the Solicitor for the Department of Commerce and Labor, and to the arguments of the United States attorney at San Francisco, I have reached the conclusions: First, that the power of the Secretary of Commerce and Labor to release aliens under a bond as authorized by section 20 of the immigration act is effective up to the time of the actual deportation of the aliens and is not limited to the time when the order of deportation is made. On that point it does not seem necessary to add anything to the opinion of the solicitor of your department of January 21, 1909; second, that the rule of the Supreme Court referred to above clearly indicates that the custody of the Department of Commerce and Labor shall be undisputed in cases where the petition is denied and shall be left with all the legal incidents it had prior to the application for the writ, of which one is the possibility of a release on bail by the Secretary of Commerce and Labor, under section 20, aforesaid. This is necessarily so, because the writ is denied for the reason that the petitioner's own showing make out no case to justify an interference by the court with his present custody, and the only action the court would take in any event would be to remand him to the same custody. (Ex parte Milligan, 4 Wall., 2, 110, 111.) I therefore agree with the opinion of the Solicitor of Commerce and Labor dated September 30, 1912, and I am satisfied that the Secretary of Commerce and Labor has the power to release these aliens on bail, notwithstanding their petitions for habeas corpus and their appeals from the orders denying these petitions.

It is to be observed that the release of the aliens on bail, pending these appeals, will not conflict with any possible action by the Supreme Court.

In your letter, however, you state that you intend to act in these cases on the view that the executive authority to arrest and hold an alien in confinement for means of making deportation effective; that aliens held for deportation are entitled to their liberty so far as may be consistent with that end; and that it is no part of the duty of the department to exercise its authority in such a way as to constitute its treatment of aliens a punishment for having been found in the United States in violation of the immigration law. If you mean by this that these aliens are entitled as of right to release upon bail in every case where an appeal has been taken from an order denying a writ of habeas corpus, I am unable to concur. The denial of the writ means that the petitioner has made out no probable case for release from the custody in which he is held and that custody should not be disturbed. To hold the aliens in custody after such an order, and pending an appeal therefrom, is not a punishment of them but is merely making the law effective, and differs not at all in principle from the custody which takes place between the original hearing and the order of deportation.

Upon the hearing of the petition for a writ of habeas corpus the correctness of the finding of the immigration officials can not be questioned. Upon that point they are the final judges. The only questions which can be raised on such an application are: First, the jurisdiction of the commissioners; second, whether the hearing was such as to constitute due process of law; and, third, whether the law is constitutional. The judgment of the circuit court refusing the writ is an adjudication that there was not even probable ground for supposing that the detention of these aliens was in any respect unlawful. If, therefore, they choose to take an appeal from that order, they voluntarily subject themselves to such further detention as may be necessary pending the appeal.

The policy of permitting aliens to be released on bail pending appeal in cases of this character is one to which this department strongly objects, and I think it should only be entered upon in cases of an exceptional character. If it becomes universal, appeals will be prosecuted in all these cases merely for the purpose of delay, the aliens will be put to costs and expenses for no useful purpose, this department will be burdened with the conduct of cases of this character, and the execution of the law will be brought into disrepute. The United States attorney at San Francisco, in a telegram received to-day, states that if these parties are admitted to bail the department will be flooded with similar applications, and that the utmost these parties can desire is release during a long period awaiting decision on appeal, during which their practices are as flagrant as before. Where the case is one which admits of doubt as to the validity of deportation the United States circuit court will undoubtedly grant the writ. Where it refuses to grant the writ the only conclusion can be that the case is a frivolous one, and that the aliens' only desire is to escape the enforcement of the order of deportation during the period the appeal is pending.

Respectfully, for the Attorney General,

W. R. HARR,
Assistant Attorney General.

From Mr. McNab to the Attorney General, under date of September 27, 1912:

SEPTEMBER 27, 1912.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Recently three disreputable women, namely, Lena de Puis, Helene Morequa, and Louise Savart, were ordered deported by the immigration authorities. The action of the immigration authorities was approved by the District Court for the Northern District of California. Appeal was perfected to the Supreme Court. Bail was refused. In this respect the cases are identical with that of Marie Cardonnel, whose case you will find by referring to your letter "WRH WCH 143937-31."

A persistent effort has been made by the attorneys for these women to have them admitted to bail, despite the rules of the Supreme Court. I am not advised what arguments or facts have been presented to the Secretary of Commerce and Labor relative to the release of these women. I presume much has been made of the seeming hardship of keeping them in detention pending the long period of appeal to the Federal Supreme Court, but as I represented to you in the case of Marie Cardonnel, the only way that we can put a stop to the practice encouraged by the attorneys for these women is to relentlessly insist upon the enforcement of the rule of the Supreme Court, which forbids bail in these cases.

In this matter I have the most active and vigorous support of the immigration authorities at Angel Island. The Immigration Commissioner will, however, of course yield to the advice and follow the instructions of his superior. Yesterday I was informed that the Secretary of Commerce and Labor had wired to the commissioner here, instructing him to consent to the release of the three women above named on bail of $1,000 each. Doubtless the honorable Secretary of Commerce and Labor was under the impression that the court here had the power to release. Appeal having been perfected, jurisdiction here is of course lost. The custody of the immigration officials is purely technical and subordinate to the jurisdiction of the Supreme Court.

I have your assurance, contained in the above-described letter of August 12, 1912, that you will oppose any attempt to have the Cardonnel woman admitted to bail. I thank you for this assurance, and I most respectfully ask that if application is made on behalf of any of the above-named three women the same resistance be offered to the motion. There would be some justification for our action in refraining from resisting bail if there was any merit in the cases presented, or if the women were women of decent character. In view of the admitted fact that they are not, and that their presence here is a menace to society, I feel that we are not only justified in resisting bail but would discourage the Immigration Service here if we were to consent to bail.

Respectfully,

J. L. MCNAB,
United States Attorney.

From Harr to Mr. McNab, under date of October 12, 1912:

OCTOBER 12, 1912.

UNITED STATES ATTORNEY,
San Francisco, Cal:

I beg to acknowledge the receipt of your letter of the 27th ultimo and your telegram of the 7th instant, both relating to certain aliens who were ordered deported by the immigration authorities, and I desire to thank you for the zeal you have shown in this matter, which the circumstances entirely justify.

After giving your telegram careful consideration, and also considering the briefs submitted by the Solicitor for the Department of Commerce and Labor, I feel convinced that the Department of Commerce and Labor has the right under section 20 of the Immigration act to release these aliens on bail at any time prior to their actual final deportation, and that the rule of the Supreme Court does not affect this right, but merely leaves the custody of the aliens as it was before, subject to all its prior legal incidents, including the right to release on bail. It is to be observed that the release of the aliens on bail pending their appeals will not conflict with any possible action by the Supreme Court.

I have, however, written to the Secretary of Commerce and Labor, strongly urging that this right should be exercised only in the most exceptional cases, and submitting to him your arguments as to the evils which would ensue from the practice of releasing aliens on bail. I do not believe that in the future he will exercise this right except in very strong cases, if any, although I am under the impression that he feels himself obligated to release the particular aliens to whom you refer on account of promises he has made to that effect.

For the Attorney General,

W. R. HARR,
Assistant Attorney General.

From Mr. McNab to Mr. Harr under date of October 21, 1912:

OCTOBER 21, 1912.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: In response to your letter of October 12, 1912, "163123-4 and 10. W. R. H. W. C. H.," I beg to express my appreciation of your ac-

tion in writing to the Secretary of Commerce and Labor urging that the right to appeal in the case of deportable aliens who have resorted to the court for relief should be exercised only in the most exceptional cases. The cases in which the honorable Secretary of Commerce and Labor has issued the order admitting to bail are about as flagrant as any that will be found in the department. These women are notorious keepers of resorts, and not merely women who are occupying them. Therefore I think it extremely unfortunate that the Secretary should have exercised his discretion in these particularly flagrant cases. However, my particular reason for feeling strongly about these cases arises from the following facts:

The class of men who interest themselves in cases of this description usually comprises saloon keepers, gamblers, and others of like ilk. These men have got in touch with everyone who is even remotely acquainted with anyone in this office and have not hesitated to throw out all manner of hints that if this office would only abandon its opposition to bail any amount of money could be had for the favor. Generally that class of individuals deals with police courts and ordinary State courts, and I was particularly anxious to teach them a lesson by letting them understand that the Federal courts and the Department of Commerce and Labor are not responsive to any suggestion of that description. Of course, you will understand that these people do not get word to this office or to anybody in the Federal department in a form which will permit us to seize them or charge them with crime, but in a hundred different ways have caused the suggestion to be made to others and conveyed to us. For this reason I think it peculiarly unfortunate that the department has exercised its discretion in favor of the women, and I trust that the Attorney General will not regard me as overzealous if I conscientiously and vigorously insist in each case as it comes up that bail should not be granted. The doorway is now opened to a new method of practice. All that these people desire is to secure writs of habeas corpus, have them denied, and then during the long interim between adjudication here and final decision at Washington have the women at large.

I trust that I am not troubling you too much if I ask that you convey my reasons as herein stated to the honorable Secretary of Commerce and Labor. I regret that my views do not concur with yours on the legal aspect of the cases. I still adhere to my opinion that the Department of Commerce and Labor has no right to admit to bail, and hope that an opportunity may some time arise in which the question can squarely be presented to the court.

Appreciating your attitude and thanking you for your support, I beg to remain,

Yours, very truly,

J. L. MCNAB,
United States Attorney.

From Mr. Harr to the Secretary of Commerce and Labor under date of October 29, 1912:

OCTOBER 29, 1912.

The SECRETARY OF COMMERCE AND LABOR.

SIR: I have the honor to advise you that I am in receipt of a letter from the United States attorney at San Francisco in reference to the matter of allowing alien prostitutes who have been ordered deported to be released on bail pending their appeal, and I take the liberty of quoting a portion of the United States attorney's letter for your information:

"These women are notorious keepers of resorts, and not merely women who are occupying them. Therefore, I think it extremely unfortunate that the Secretary should have exercised his discretion in these particularly flagrant cases. However, my particular reason for feeling strongly about these cases arises from the following facts:

"The class of men who interest themselves in cases of this description usually comprises saloon keepers, gamblers, and others of like ilk. These men have got in touch with everyone who is even remotely acquainted with anyone of this office, and have not hesitated to throw out all manner of hints that if this office would only abandon its opposition to bail any amount of money could be had for the favor. Generally, that class of individuals deals with police courts and ordinary State courts, and I was particularly anxious to teach them a lesson by letting them understand that the Federal courts and the Department of Commerce and Labor are not responsive to any suggestion of that description. Of course, you will understand that these people do not get word to this office or to anybody in the Federal department in a form which will permit us to seize them or charge them with crime, but in a hundred different ways have caused suggestions to be made to others and conveyed to us. For this reason I think it peculiarly unfortunate that the department has exercised its discretion in favor of the women, and I trust that the Attorney General will not regard me as overzealous if I conscientiously and vigorously insist in each case as it comes up that bail should not be granted. The doorway is now open to a new method of practice. All that these people desire is to secure writs of habeas corpus, have them denied, and then during the long interim between adjudication here and final decision at Washington have the women at large."

This department feels that the views of the United States attorney at San Francisco as to the local conditions there are worthy of careful consideration.

Respectfully, for the Attorney General,

W. R. HARR,
Assistant Attorney General.

Under the same date to Mr. McNab and from the Acting Secretary of Commerce and Labor, Mr. Cable, to the Attorney General under date of November 1, 1912:

OCTOBER 29, 1912.

UNITED STATES ATTORNEY, *San Francisco, Cal.:*

I beg to acknowledge the receipt of your letter of the 21st instant in reference to allowing bail to aliens who have been ordered deported and who have appealed their cases, and to advise you that I have communicated the substance of your letter to the Secretary of Commerce and Labor.

For the Attorney General,

W. R. HARR,
Assistant Attorney General.

NOVEMBER 1, 1912.

The honorable the ATTORNEY GENERAL,
Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of October 29 (WRH–163681–3), quoting a portion of a report received from the United States attorney for the northern district of California, in reference to the subject of allowing alien prostitutes who have been ordered deported to be released on bail pending an appeal from an order denying the issuance of a writ of habeas corpus.

The views of the United States attorney, together with the opinion expressed in your communication of October 9, 1912, in reference to the same subject, will receive careful consideration in connection with future cases that may arise.

Respectfully,

BENJ. J. CABLE,
Acting Secretary.

Mr. McNab tells us that Assistant Attorney General Harr directed that these women be admitted to bail, and yet he knew that, as this correspondence shows, Mr. Harr had written to the Secretary of Commerce and Labor strongly urging that this right should be exercised only in the most exceptional cases, calling his attention to the evils which would arise from the practice of it. This does not conclude the interesting documents bearing on this subject.

The good offices of the gentleman from California [Mr. KAHN] with reference to these individuals were not exhausted when he had transmitted the letter of Mr. Keogh to the Department of Justice, for later, on the 3d of October, 1912, we find him wiring the telegram which I have already read.

The memoranda from the files of the Department of Commerce and Labor to which I have heretofore called attention speak for themselves as to these cases and make it clear beyond all possibility of dispute by any candid mind that, in the language of the memoranda themselves, the Department of Commerce and Labor was not able to follow the wishes of the Department of Justice, represented by Mr. Harr, but admitted to bail the aliens in these particular cases because it had promised to do so if it had the right.

I do not know to whom this promise was made, whether to the gentleman from California [Mr. KAHN] or some one else; but, certainly, no matter to whom it was made it was carried out against the wishes of the Department of Justice, against the recommendations of Mr. Harr, and any statement to the contrary is false upon its face and could only have been resorted to in the effort to pile one misrepresentation upon another.

Let me say, Mr. Speaker, in justice to the gentleman from California [Mr. KAHN], that I make not the slightest insinuation against him of any improper conduct in this matter. No doubt, in communicating to the Department of Justice and to the Department of Commerce and Labor, he did no more than any other Member might have done at the request of a constituent; but how easy it would be, if malice were to be met with malice and insinuation with insinuation, to give to the entirely innocent conduct of the gentleman from California [Mr. KAHN] in this matter a color as damaging as it would be false. In these days when the character of all public men seems a favorite subject of attack, when suspicion is equivalent to accusation, and accusation in turn equivalent to conviction, does it not behoove the gentleman from California [Mr. KAHN], as well as others in public life, not to join in a hue and cry lest they themselves become its victim?

I dismiss Mr. McNab and his charges against Assistant Attorney General Harr with the reading of a letter written by him on the 13th day of March, 1913. Before reading it, I ask to have it remembered that the charge against Mr. Harr has to do with things which happened in the year 1912, at which time, according to Mr. McNab, he was engaged in blocking "our performance of our duty." Compare with this eleventh-hour indignation of Mr. McNab and his present rage against Mr. Harr this letter written by Mr. McNab on the 13th day of March, 1913, which I will read.

Is it not inconceivable, Mr. Speaker, that any man should for personal aggrandizement or partisan malice exhibit himself in an attitude so bristling with untruth and inconsistency? I now read the following letter:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY
FOR THE NORTHERN DISTRICT OF CALIFORNIA,
San Francisco, March 13, 1913.

WM. H. HARR, Esq.,
Assistant Attorney General, Washington, D. C.

MY DEAR MR. HARR: I wish to express to you my heartiest congratulations on the victory of the Government in the recent white-slave cases.

I know full well the character of work which you performed in those actions, and I have before me your masterly brief which you prepared for submission to the court and which I have not the slightest doubt most strongly influenced them in bringing them to the conclusion which they have so sweepingly expressed.

I look back to my meeting with you in Washington with the greatest pleasure and hope that we may have an opportunity to meet frequently.

Yours, very truly,

J. L. MCNAB,
United States Attorney.

MARCH 19, 1913.

Hon. JOHN L. MCNAB,
San Francisco, Cal.

MY DEAR MR. MCNAB: Thank you very much indeed for your letter of congratulations on the victory of the Government in the white-slave cases. I appreciate your commendation and the remembrance which it indicates very highly. In addition, as the saying goes, "A little flattery now and then is relished by the wisest of men."

It was a real pleasure to meet you, and I join in the hope that that pleasure may be frequently renewed. I may add that, from the remarks that have been made about you, you made a number of friends here in Washington on your recent trip.

Yours, sincerely,
W. R. HARR.

That was just three days after this case was started.

Now, Mr. Speaker, there is another significant feature to this case. A news dispatch was sent out from Washington on June 20, which evidently reached San Francisco and was called to Mr. McNab's attention on the same day; for that night he made haste to send a night lettergram to the President, containing his resignation, and the President promptly accepted it. He could not have done otherwise, because Mr. McNab himself took that course. The news dispatch referred to is as follows:

[From San Francisco Examiner, June 21, 1913.]

M'NAB AND FISK ON THE TOBOGGAN—FEDERAL ATTORNEY AND POSTMASTER MARKED FOR SLAUGHTER.

WASHINGTON, *June 20.*

In addition to the skids which are being carefully prepared for Postmaster Arthur Fisk, of San Francisco, another set is being greased for United States District Attorney John McNab, who will be replaced by a Democrat.

No reason save that of political expediency is given for replacing McNab. He will soon receive an invitation to resign, and is expected to accept the suggestion as one of the fortunes of politics.

It is understood that a request for Fisk's resignation may be made any day, and that he and McNab will probably go out at the same time.

Gentlemen complain about McNab's "removal." Mr. McNab removed himself. He did it in a fit of passion, and the President merely says in effect, in accepting his resignation, you leave me no alternative; you wholly misunderstand the reason for the order that was given to you; you have acted hastily, you have made an undue reflection on the Department of Justice, and you peremptorily put in your resignation, and there is nothing left to be done but to accept it.

And if McNab had acted with any sense of proper decency, with a regard to the public business, he would have done as a district attorney in another State recently did, whom the Attorney General contemplated removing from office. The Attorney General wrote him a letter, which meant he was going to remove him from office for the good of the service. This district attorney wrote back a respectful reply, saying, in effect, that the court was soon coming on, that there were some cases there that he thought he could handle better than anybody else. The Attorney General let him stay there and hold that court; and I dare say, had McNab acted decently and respectfully here, he would be in charge of the prosecution of these cases in California to-day. [Applause on the Democratic side.] He left no alternative, and I think it is really for the success of this administration and for the good of the public service that he no longer was allowed to serve under this great Democratic administration.

I read the following excerpt from an editorial appearing in the San Francisco Star of June 28, 1913, on McNab's resignation:

But—and bear this point in mind—the incidents to which McNab refers occurred in September and October, 1912, before Wilson was elected President or McReynolds could have been thought of for Attorney General.

In view of the reason given by McNab to Attorney General McReynolds and President Wilson for resigning the office of district attorney—because he was hampered in the performance of his duty—is it not "passing strange" that he did not tender his resignation in September or October last to Attorney General Wickersham and President Taft?

Surely he had as much cause to do so then as he had last week.

I now submit McNab's resignation and the President's acceptance.

[Telegram.]

WASHINGTON, D. C., *June 24, 1913.*

JOHN L. MCNAB, Esq.,
San Francisco, Cal.:

I greatly regret that you should have acted *so hastily and under so complete a misapprehension of the actual circumstances*, but since you have chosen such a course and have given your resignation the form *of an inexcusable intimation of injustice and wrongdoing on the part of your superior*, I release you without hesitation and accept your resignation, to take effect at once.

WOODROW WILSON.

[Telegram.]

[The White House, Washington, 11.40 a. m., 21st.]

10 WU JM 460 NL

SAN FRANCISCO, CAL., *June 20, 1913.*

The PRESIDENT, *Washington, D. C.:*

I have the honor to tender my resignation as United States attorney for the northern district of California, to take effect immediately. I am ordered by the Attorney General, over my protests, to postpone until autumn the trials of Maury Diggs and Drew Caminetti, indicted for a hideous crime, which has ruined two respectable homes and shocked the moral sense of the people of California, and this after I have advised the Department of Justice that attempts have been made to corrupt the Government witnesses, and the friends of the defendants are publicly boasting that the wealth and political prominence of the defendants' relatives will procure my hand to be stayed through influence at Washington. In these cases two girls were taken from cultured homes, bullied and frightened, in the face of their protests, into going to a foreign State, were ruined and debauched by the defendants, who abandoned their wives and infants to commit the crime. On receipt of the Attorney General's telegram I prepared my resignation, to take effect at the conclusion of the trial of the Western Fuel directors and the J. C. Wilson stockbroker cases, both of which I had instituted and which I wished to bring to a successful conclusion before I could send my resignation. I received another telegram from the department ordering me to postpone the cases against certain defendants of the Western Fuel Co., and not to try them unless ordered by the department. In bitter humiliation of spirit I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influences which cripple and destroy the usefulness of this office. I can not consent to occupy this position as a mere automaton and have the guilt or innocence of rich and powerful defendants, who have been indicted by unbiased grand juries on overwhelming evidence, determined in Washington on representations on behalf of the defendants without notice to me. I seem unable to convey to the department an understanding of the serious situation in which its action will leave this office. If the department in future is to review the findings of grand juries and nullify their indictments, then this office might as well be abolished, for its functions will have ceased to exist. Neither my private honor nor sense of public duty can permit me thus to destroy the prestige of this office. With profound respect and regret that such step is necessary, I have the honor, in view of my absolute inability to agree with the department, to ask that I be, by wire, immediately relieved from duty in order that the Department of Justice may be permitted to carry out its policy in these cases without further obstruction by me.

JOHN L. MCNAB.

THE WHITE HOUSE,
Washington, June 24, 1913.

MY DEAR MR. ATTORNEY GENERAL: Allow me to acknowledge with sincere appreciation your letter of to-day, giving me a full account of the way in which the Department of Justice has dealt with the Diggs-Caminetti and the Western Fuel Co. cases, pending in California, and transmitting the documents connected with the two cases necessary for their elucidation. I am entirely satisfied that the course you took in both these cases was prompted by sound and impartial judgment and a clear instinct for what was fair and right. I approve your course very heartily and without hesitation; but I agree with you that what we may think of what has been done does not relieve us of the obligation to press these cases with the utmost diligence and energy. I approve very heartily of your suggestion that, in the circumstances, special counsel be employed—the ablest we can obtain. I will be very glad to confer with you about the selection. I hope that you will do this without delay. I am very glad indeed that you are giving your personal attention to the immediate and diligent prosecution of the cases, which I agree with you in regarding as of serious importance from every point of view.

Sincerely, yours,
WOODROW WILSON.

Hon. J. C. MCREYNOLDS, *Attorney General.*

(167096–13.)

JUNE 24, 1913.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In view of the somewhat heated and sensational dispatches given to the press by United States Attorney McNab on Saturday, June 21, in connection with his resignation, and the widespread misapprehension which would naturally result thereform, I desire to lay before you the facts relating to the Caminetti-Diggs case and the Western Fuel Co. case, to which he refers.

The department was closed on Sunday, June 22, and it was not until yesterday that I had opportunity fully to acquaint myself with the contents of all the files and confer with my assistants. I send you herewith what, I am informed, are the complete files in each case, and specially request that you examine them with particular care.

DIGGS-CAMINETTI CASE.

The earliest paper in the files relating to this case is a "report made by C. Herrington," dated March 26, 1913, the pertinent part of which follows:

"Farley Drew Caminetti, a married man about 27 years of age, residing in Sacramento and connected in some clerical capacity with the State government, in company with Lola Norris, and Maury I. Diggs, a young married man of about the same age, residing in Sacramento, in company with Marsha Warrington—who, like Lola Norris, is a young unmarried girl about 19 years of age, also the age of the Norris girl—left Sacramento for Reno via Southern Pacific Co. in the early morning of March 10, 1913.

"On arrival at Reno they registered at the Riverside Hotel, Diggs under the name of C. E. Enright and wife, of Los Angeles, and Caminetti under the name of F. F. Ross and wife. They remained there one night, occupying connecting rooms. The next day Diggs, who appears to have furnished all the money, rented a cottage in the outskirts of the city from Real Estate Agents Peck & Sample, of Reno; bought a supply of provisions, coal, etc., and the party went to housekeeping. They remained there for three or four days, when they were taken into custody by Chief of Police Hillhouse, of Reno, and Chief of Police William Johnson, of Sacramento, on accusations against the men for having violated a State law.

"They waived extradition and returned voluntarily to Sacramento. To Assistant District Attorney F. F. Atkinson, of Sacramento, William Johnson, and Arthur D. Ryan, of the detective force of Sacramento, they admitted the foregoing facts, but they all claimed that their purpose was not an immoral one and that there had been no illicit carnal intercourse among any of them on the trip or after arrival at Reno.

"It appears that the young men claimed to be unhappy in their marital relations, they had become attached to these girls, and that as their intimacy had become known in Sacramento, and as one of the papers was about to print a "scandalous story," they decided that it

would be best for all concerned to leave the country for a time until the affair had blown over. That after residing for the statutory period (six months) required by the Nevada law, they would secure divorces from their wives and marry these girls.

"The girls were interrogated at considerable length by Mr. Atkinson, but insisted that there had never been anything that was improper, though there had been much that was imprudent, in their relations with the young men. Some of Miss Warrington's clothes were found in the room occupied by Diggs and some of Miss Norris's clothes were in Caminetti's room.

"If the story of the girls is true, it is indeed an exceptional state of affairs.

"Caminetti is the son of a State senator, and all of the four are prominent in social life of Sacramento. A great deal of publicity was given the affair, and the friends of the wives, as well as those of the two girls, were greatly incensed against the young men.

"Informations were filed against Caminetti and Diggs, charging them with violating the white-slave traffic act. There will be a hearing before the United States commissioner the latter part of this week unless defendants waive examination, and the matter will be presented to the grand jury by the United States attorney, who requests the assistance of this office in investigating the matter, and, unless otherwise advised, I will give the matter attention."

On May 16 I wired McNab, directing him to forward me a full report and take no further affirmative action in the case until further advised. In response he wrote such a report, under date of May 21, and this reached me on the 27th. In this, which covers more than a dozen typewritten pages, he details a version of the facts, with his inference therefrom, and expresses the opinion that the case was aggravated and should be vigorously prosecuted; also that there might be attempts to interfere with the due course of justice by improper influences.

On the same date, May 27, I replied by wire, saying:

"I think proper course is for you to set the cases and proceed with them as you have planned, and you are so directed."

The matter needing no further immediate consideration, it, of course, passed out of my thoughts. This litigation is only one of a great number of cases pending in the department, some phases of which are constantly being brought to my attention for suggestions or directions, and it is utterly impossible for me to carry in my memory the details of them all.

I had no occasion to give the matter any further special consideration for some three weeks—June 18—when Secretary Wilson telephoned to me and told me of the embarrassment in which he was placed by the request from the elder Caminetti, father of one of the defendants, for leave of absence in order to attend the trial of his son. The elder Caminetti, as you know, is the newly appointed Commissioner of Immigration. The Secretary explained the exigencies of his department, which he thought imperatively required the presence here of the commissioner. He has written me a letter stating his recollection of the circumstances, and I herewith inclose it.

Impressed by Secretary Wilson's statement of his embarrassment, and desiring, of course, if possible, to relieve him, without stopping to go through the files and so refresh my recollections concerning any particular circumstances of the case, I sent the United States attorney the following telegram:

"The Secretary of Labor advises it is a matter of public importance that Commissioner of Immigration Caminetti remain at his post here. I do not now wish Government to be in position of insisting upon trial of young Caminetti and Diggs, charged with violating white-slave law, during enforced absence of the father, who is performing necessary public duties. In view of all facts, you are instructed to postpone trial of these cases until the autumn."

The postponement of a criminal case, so recently instituted as this was, is not an unusual proceeding; and it did not occur to me that any malign motive would be attributed to me. If I had anticipated that any fair-minded man, knowing the facts, would place such a construction upon this ordinary act, I would have been scrupulously careful to avoid it. It is essential, not only that the administration of justice shall be free from partiality or improper influence, but that even the appearance of such things should be avoided. I do not even hope to escape mistakes; but I am profoundly conscious that my actions are free from unworthy motives.

Mr. McNab, as United States attorney, held a position of peculiar trust and confidence, demanding the utmost loyalty to the department. If, as such an officer should do, he had availed himself of the opportunity to send a dispatch recalling my attention to the peculiar conditions which he thought rendered the proposed action inadvisable, as I had always theretofore done, I should have given earnest consideration to his suggestions, and with them before me, could have acted with the local conditions fresh in my mind. Instead of pursuing this manifestly proper course, he waited until June 20 and then published the sensational telegrams wherein he imputed base motives to me. His conduct has, of course, made it impossible for him to continue in the prosecution of this case, however desirable that otherwise might have been. Under the circumstances the only course open is to accept his resignation.

I therefore suggest an immediate conference between us for the purpose of selecting some counsel whose ability, character, and reputation are so high as to insure the proper conduct of the case, and that he be put in immediate charge, with instructions promptly and vigorously to prosecute it to a conclusion.

WESTERN FUEL CO. CASE.

This is an indictment against five directors of the Western Fuel Co., charged with participating in a conspiracy to defraud the Government on coal drawbacks. It was found in February last.

So far as I can recall, there was no occasion for me to give this case any personal consideration until April 30 last, when I received a letter from Secretary Lane, in which he inclosed one from Sidney V. Smith, a defendant, without recommendation. Mr. Smith's letter sought to show that the things complained of were done by others; that although he was a director he was not a participant in any criminal act, and that the case should be dismissed as to him.

I sent a copy of the Smith letter to District Attorney McNab, with a request for his views. On May 20 he replied, giving a review of the evidence, and expressing the view that all five of the defendants should be prosecuted. I thereupon advised the district attorney of my concurrence in his conclusion, and directed him to proceed.

Thereafter, as I recall, Mr. Pringle, a San Francisco lawyer, representing either Smith or Bruce, or both, came to see me. I turned him over to Assistant Attorney General Harr, with instructions to give the matter particular and careful attention. After considering all the facts Mr. Harr finally concluded that the just solution of the situation was first to prosecute the three who were both directors and officers of the company, and that the case against the other two should be deferred until he could examine the evidence presented and determine the propriety of further proceedings. He reported this conclusion to me. I thought it right, and in pursuance of our understanding he sent the district attorney the following telegram:

"Upon further consideration of matter, department feels grave doubt as to guilt of Sidney V. Smith and Robert Bruce, indicted in Western Fuel Co. case. In order to avoid possible injustice, you are instructed to continue case as to them until after the trial of the other three directors, who were officers of the company and active in its management. If latter are convicted, copy of proceedings at trial should be sent department, in order that it may determine what course should be pursued in regard to the two directors named. Wire receipt."

The receipt of this is one of the reasons alleged by Mr. McNab for giving out the dispatches described above and for imputing base motives to me.

I am still of opinion that the course recommended by Mr. Harr in respect of this case is the proper one to pursue. But in view of the insinuations spread broadcast by the district attorney, and for the same reasons as those stated for similar action in the Diggs-Caminetti case, special counsel should be selected to prosecute the cause under like instructions as those suggested there, and I think we should have an immediate conference for this purpose.

Respectfully,

J. C. MCREYNOLDS,
Attorney General.

(167096-13.)

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 25, 1913.

MY DEAR MR. MCREYNOLDS: In view of the published statements that influence has been brought to bear upon you through the Secretary of Labor to postpone the trial in the Diggs-Caminetti case, I desire to state to you that neither Commissioner General Caminetti nor anyone else either requested or suggested to me that I should ask you to postpone the trial.

The Department of Labor has been but recently created. It is in a formative state of organization. Congress has provided funds for the payment of the salaries of the Secretary, Assistant Secretary, Solicitor, private secretary and confidential clerk to the Secretary, and private secretary to the Assistant Secretary. Funds have not yet been provided for the other clerical help necessary for the proper organization and operation of the department. Consequently every person connected with the department has been working to his full capacity in an effort to keep up with the business. That is particularly true with regard to the Immigration Service. Any leave of absence at this time would seriously impair the service.

Before Mr. Caminetti took the oath of office he informed me that it would be necessary to ask for leave of absence in order to be present at the trial of his son. About the middle of June he again called my attention to his desire for leave of absence. I pointed out to him the difficulties we had to contend with; that the department was in a formative state; that we had large contracts for feeding the immigrants at Ellis Island and other ports of entry to consider and dispose of; that Hindu immigration to the Pacific coast via Hawaii and the Philippine Islands was becoming an acute problem which ought to be worked out at as early a date as possible; that allegations were continuously being made that Chinese were being smuggled into the United States in violation of the Chinese-exclusion laws; that the administration of the immigration laws generally would require his close application for some time to enable him to grasp the details of the methods used by the department in enforcing the law; and that, in view of these conditions, it was imperative that he should remain here for a considerable period in order that he might assist in the work in this emergency and acquaint himself with the problems we had to work out. That, then, when he went to the Pacific coast he would be in a position to inspect the various immigration stations in a manner which would give beneficial results. I then asked him if it would not be possible for him to secure a postponement of his son's trial until the next term of court, so that he could attend the trial of his son and on the same trip inspect the Immigration Service on the Pacific coast. He replied that he did not know whether a postponement could be obtained or not; and I stated to him that I would take the matter up with the Attorney General and ask for a postponement of the case, with a view to carrying out the suggestion I had made. It was pursuant to this suggestion that I called you up on June 18, stated the circumstances, and asked for the postponement, which was granted.

Respectfully, yours,

W. B. WILSON,
Secretary.

The ATTORNEY GENERAL,
Washington, D. C.

Now, Mr. Speaker, I would like to talk about the scope of this "white-slave traffic act," as it is called in the last paragraph of the law itself. I want here to take occasion, although I may exhaust a part of my time in doing so, to say that every man in this House would profit by reading the report on the white-slave traffic act of June 25, 1910, presented by the gentleman from Illinois. It does him great credit, both as a lawyer and a statesman, and it is a valuable contribution to the legislative literature of our country. I wish I had time to read from it. I shall avail myself of the opportunity of printing the text of his report as an appendix to my remarks.

Mr. Speaker, in accordance even with the view of the gentleman from Illinois and the view of the Supreme Court, as expressed in the Florida case and in the Texas case, and in accordance with the views expressed by the former Attorney General, the present Attorney General has done nothing whereby it can with the least semblance of truth be charged that he is trying to invalidate or to nullify by inaction the success of the white-slave traffic act. I hold in my hand here memoranda prepared for former Attorney General Wickersham of cases of alleged violations of this act and his instructions with regard to the same indorsed thereon. I shall make brief reference to the cases now and will print the memoranda in full as an appendix to my remarks.

On December 12, 1911, Gertrude De Witt, 15 years old, was taken on a freight train caboose and carried to another State for a criminal purpose. Mr. Wickersham directed that the prosecution be turned over to the State authorities.

On March 21, 1912, in the case of Boyce, out in Texas, who had run away with Mrs. Sneed, the Attorney General said that was a case for the State courts, not for the Federal courts.

On June 22 James Monroe had taken Helen Gergley, a 14-year-old girl, in an automobile from St. Louis across the State line into Illinois. The facts in that case were perhaps more harrowing than in this case, for in the Diggs-Caminetti case the girls were 19 years old and they went knowing where they were going and for what purpose. This 14-year-old girl, Helen Gergley, was taken in an automobile from the city of St. Louis over into Illinois, out into the woods, and there that helpless 14-year-old child was outraged. She was of humble parentage. The man told her that he wanted her to go to his house to be the nurse for his children. Then he ran her over into another State and outraged her. Yet Attorney General Wickersham gave instructions that the State authorities be allowed to handle that case. I am not criticizing Mr. Wickersham, for whom I have high esteem.

Then there was the case of Elizabeth Maloney, on June 22, 1912, and another case of November 23, 1912, in which a man named Long, a deputy sheriff of Philadelphia, enticed Laura and Catherine McClintock, aged, respectively, 15 and 17 years, to a clubhouse on the Jersey coast and there committed with them and permitted some of his friends to commit with them acts too shameful and indecent to be named here. Yet in all these cases Attorney General Wickersham instructed that they be left for the State courts to deal with. [Applause on the Democratic side.] And the critics of the present Attorney General, I have no doubt, would defend Attorney General Wickersham if he were assailed.

The editorial from the Washington Post of July 30 referred to is as follows:

THE CALIFORNIA PRECEDENT.

While Attorney General McReynolds makes it quite clear that there is to be no postponement of the Diggs-Caminetti case, and that he has not issued any instructions to the various Federal attorneys to construe the Mann "White Slave" Act only in a literal sense, it has become apparent to most lawyers that this act is being stretched to cover cases which should be handled by the States.

Such cases as the one that has stirred the resentment of all decent citizens in California should be prosecuted vigorously. The State authorities, however, and not the Federal Government should do the prosecuting. The "white-slave" act was designed to put an end to the traffic in women for immoral purposes, to prevent the importation of women from one State to another for purposes of profit.

The Federal Government, in the Diggs-Caminetti case, is virtually establishing the principle that prosecutions affecting domestic infelicities or seduction should be handled from Washington rather than by the States themselves. It would be just as logical for the Department of Justice to institute prosecutions against burglars who ply their trade in one State but dispose of their illegal profits in another on the ground that they are violating the interstate-commerce act.

If the Mann "White Slave" Act is stretched to cover such cases as the one in California it will mean a stretching of all other Federal statutes to cover purely local offenses. The prosecuting attorneys of the States and counties might then surrender all their functions to the Washington authorities.

The Attorney General is right in permitting the Diggs-Caminetti case to be tried under the "white-slave" act, for the simple reason that it has been made a political issue, and turning the prosecution over to the State authorities, within whose province the matter lies, might be misconstrued and create scandal.

Nevertheless care should be taken to avoid any further invasion of State territory, the danger being not mere usurpation of functions belonging to the States, nor costly duplication, but failure of the States to diligently prosecute certain cases on the theory that the Federal Government would attend to them later on.

Let me say, Mr. Speaker, that there really remains but little else to be said about this matter. For lack of justifiable facts to support the complaint made by the gentleman from California [Mr. KAHN], and therefore for his lack of ability to make any argument touching the merits of this controversy, he, the gentleman from California, took occasion to say that the administration is embarrassed by want of candor. The gentleman narrows his whole case to this proposition. Let us refer to the facts: The Attorney General has been entirely candid, open, and communicative of every detail of the matter covered by the resolution. He gave every paper called for to the committee, and told a subcommittee of the Committee on the Judiciary that he had done so and that he had no concealments to make. The committee by its unanimous report has, in substance, made this finding: Mr. McNab acted hastily and disrespectfully toward his superior officer. He himself, in a fit of passion or on account of the lure of possible political preferment and without a knowledge of the facts or without asking the Attorney General to reconsider his instructions, wired his unconditional resignation to the President. So there was no lack of candor here on the part of the present administration. The President had no alternative but to accept the resignation, and he has done so in a wise and statesmanlike utterance accepting the resignation. Great things—that is, great affairs of state—may sometimes perplex the present fearless and able Chief Executive; but neither he nor his Attorney General, who is assailed here, has done anything to embarrass the administration in the just and fair judgment of the American people.

The gentleman from California further says that all the papers in the file of the Department of Justice were not submitted to the committee. All the file papers were submitted to the committee, and a copy of the telegram, a note of which was printed in the report on House resolution 181 some days ago, has been forwarded by the Attorney General to the committee and is now embodied in the report on the pending resolution. The committee has found by its two reports, one on House resolution 181 and one on House resolution 212, that the Attorney General has furnished to the committee and to the House all the papers in his files touching this matter and every paper called for by the two resolutions.

The gentleman from California [Mr. KAHN] says that the Attorney General culled from Herrington's report. The Attorney General did no such thing. He furnished the whole of Herrington's report to the committee, and the committee furnished a part of that report to the House in its report on House resolution 181 and gave the reason why the committee did not furnish it all, the Attorney General having stated that he had no objection to the publication of all of it and left it to the committee to determine whether the publication of all of that report would be compatible with the public interest.

Thus one by one do the roses fall and the gentleman from California will be left in his moments for calm reflection to gather up these faded blossoms out of which he expected to make a blooming bouquet for his political ally, Mr. McNab. [Applause.]

The gentleman from Illinois [Mr. MANN] criticizes the Attorney General for making no memorandum of the telegram of May 16 sent from his hotel in Washington. His acting secretary, Mr. Cole, made such memorandum for him. He is hypercritical when he says that the Attorney General should have made the memorandum in his own handwriting. If the Attorney General should undertake to do all the clerical work of his department he would need a great deal of help and would not have any time to attend to the real business of his office. So this rose, so dear to the heart of the gentleman from Illinois, must likewise fade in the light of practical experience and common sense.

The gentleman from Illinois [Mr. MANN] fails to make any case against the Attorney General and therefore resorts to the cheap trick of pretending to weep over an abandoned babe. We have no excuse to offer for the inhuman father, and I hope that if the evidence shows his guilt he will be speedily and adequately punished. The gentleman can not divert the attention of the House from the fact that he and his colleague, the gentleman from California [Mr. KAHN] have utterly failed to show any ground for real criticism of the Attorney General. The truth is, that as soon as the Attorney General was reminded of the gravity of the California case he directed its trial, and I am informed the case is set for trial on the 5th of this month. What will then be done with it is for the court, where this case ought to be tried instead of having been aired here, and aired for no public good, and merely in pursuance of a political horseplay. [Applause.]

Let me say a few words on behalf of the Judiciary Committee of this House, where I have served and worked so long. Those of you who were here last Congress will bear me out that the chairman of that committee gave no aid or comfort to those who made skullduggery attacks on Attorney General Wickersham. That committee reported every resolution of inquiry directed to the Attorney General which came to it. The committee then pursued the course that it has pursued here—brought the resolution back to the House without making any mud-slinging charges.

In no case did that committee encourage skullduggery against a Republican Attorney General and in no case did that committee attempt to use whitewash. Undisturbed by political frenzy the committee has pursued the same course here. There is no mud to fling on the present Attorney General, and he needs no whitewash from that committee or from this House. This House has faith in the unanimous finding of that committee and in the unsullied character of the distinguished Attorney General. [Applause.]

Now, just a word as to the Attorney General. He is a man of character and ability and is above reproach. A former Republican administration invoked his great services in the prosecution of the Tobacco Trust, and this distinguished lawyer conducted that prosecution to a successful conclusion, so that the Tobacco Trust is not now oppressing all of the people. Down

in Kentucky "where the meadow grass is blue" and where those good people raise most of the burley tobacco of the country, the farmers are selling that great product in competitive markets at a fair price and are no longer compelled, as they were compelled when the Tobacco Trust was in full sway there, to sell their product at 5 or 6 cents per pound, but are now getting, according to grade I believe, from 9 to 30 cents per pound. Down there this man, abused here by some Republicans, is revered and honored. The country cried out against the Pacific Railroad merger. This maligned Attorney General broke up that merger, and yet did not precipitate a panic by having thrown on the market some $130,000,000 of railroad securities. I print as an appendix to my remarks an account of the settlement of this case. This work stamps Mr. McReynolds not only as a great lawyer, but as a thoughtful and constructive statesman and a faithful official. [Applause.]

The gentleman from California [Mr. KAHN] refers to the present administration. He need not be apprehensive on that score. The Democrats of the country voted last year to make Woodrow Wilson President. Every man who voted for Taft hoped and prayed that Woodrow Wilson would be elected, and every man who voted for Roosevelt likewise hoped and prayed that Woodrow Wilson would be triumphant in the last presidential contest. [Applause.] He and this Democratic House have been given the commission of the American people. This House will help make the laws of the country, and Woodrow Wilson as the Chief Magistrate will live up to his high obligations and see to it that the laws of the land, every one of them, are faithfully executed.

Those now in control of national affairs can not be deterred from their course of rectitude by the carping criticisms uttered here or elsewhere. We have and will continue to have, I hope indefinitely, a good government at Washington in the interest of all the people of our beloved country. [Applause.]

APPENDIX A.

MEMORANDUM FOR THE ATTORNEY GENERAL.

DEPARTMENT OF JUSTICE,
June 22, 1912.

I have the honor to invite your attention to two complaints of alleged violations of the white-slave traffic act, which have been brought to the attention of agents of this bureau.

1. James Monroe, an ex-convict, as the result of an advertisement, called at the home of Helen Gergley, a 14-year-old girl in St. Louis, and employed her as a nurse for his alleged twin babies. He stated that he would return for them in two or three days. He did return and took the girl from St. Louis to a point in Illinois, where they left the cars and went some distance into the woods, where he threw her upon the ground, showed her a bottle of poison, threatened her with death if she made an outcry, and raped her. He then took her back to St. Louis on a car leaving the Illinois point in the middle of the night. She immediately complained to an officer on reaching St. Louis, and the man is now a fugitive. The girl is poor, but is said to be absolutely good and pure. Her parents are poor, but entirely respectable and their reputation excellent.

The district attorney at St. Louis desires to prosecute this man in the Federal court for violation of the white-slave traffic act. Should we proceed with this investigation, or should it be turned over to the State authorities for a prosecution for rape?

Considerable data has already been gathered which will be useful in apprehending this man, and as our facilities for locating him are probably superior to those of the local authorities in Illinois, it seems to me that we may, in any event, cooperate with them in endeavoring to locate the defendant.

2. James Cartwright Rust, of this city, married, went to Chicago two years ago to obtain a divorce, met Elizabeth Maloney, now 18 years of age, a girl of excellent reputation and character, proposed marriage to her, eloped with her on January 27, 1912, took her to St. Joseph, Mich., where he secured a license to marry her from the proper officer, showed it to her, explained to her that that constituted a lawful marriage in Michigan, lived with her as husband and wife, returned with her to Chicago, in one month deserted her and abandoned his divorce proceedings. She is now in a delicate condition. Rust is in this city, or near by, and asserting his desire to marry her as soon as he can secure a divorce from his present wife. He is also endeavoring to have the girl join him, and is apparently considering joining her in Chicago. He is said to have caused trouble for other girls. One of Rust's brothers has written the girl's mother, condemning his actions and excusing him on account of his mental condition, but as to this alleged infirmity we have no information.

It appears that they arrived in St. Joseph about 9.30 p. m., too late to obtain a marriage license, and that the license was not obtained until the following morning, although they stayed at a hotel together that night.

Should this investigation be proceeded with?

Respectfully submitted.

A. BRUCE BIELASKI,
Acting Chief Bureau of Investigation.

Indorsement of Attorney General Wickersham:

1. Turn this over to the local authorities and cooperate in every way with them in bringing the man to justice. (In handwriting of Attorney General Wickersham.)

Indorsement of Attorney General Wickersham:

2. This, too, seems to be clearly a case for the local authorities. We should bring it to their attention and do everything possible to assist in the prosecution. (In handwriting of G. W. W., Attorney General.)

DEPARTMENT OF JUSTICE,
BUREAU OF INVESTIGATION,
Washington, November 23, 1912.

Memorandum for the Attorney General.

I have the honor to submit herewith a letter from Special Agent Garbarino, who has charge of our office at Philadelphia, concerning the actions of one Harry Long in taking two young girls from Philadelphia to Stone Harbor, N. J. The situation seems to be very well and clearly stated in the agent's letter.

I have the honor to request your instructions as to whether or not a prosecution shall be instituted. If your decision is in the affirmative it would seem best that the proceeding should be in New Jersey.

Respectfully submitted.

A. BRUCE BIELASKI,
Acting Chief.

Indorsement of Attorney General Wickersham:

The conduct of these men was most reprehensible and deserving of punishment, but I don't think the offense is within that class the Mann Act was directed against, and therefore should not be prosecuted under it. (In the handwriting of G. W. W., Attorney General.)

DEPARTMENT OF JUSTICE,
BUREAU OF INVESTIGATION,
Philadelphia, Pa., November 22, 1912.

White-slave matters.

A. B. BIELASKI, Esq.,
Acting Chief Bureau of Investigation, Washington, D. C.

DEAR SIR: Director of Public Safety Porter, through Lieuts. Tate and Wood, reported the following case to this office yesterday:

On Thursday, November 7, 1912, one Harry Long, a deputy sheriff in this city, took Laura and Catharine McClintock, aged 15 and 17, respectively, to Stone Harbor, N. J., saying they could spend a pleasant week at his cottage. He purchased the tickets, and on arrival there they found it was the clubhouse of the Quaker City Gun and Rod Club. A Mrs. Knox and son were the caretakers. That night Long had relations with Catharine, the youngest, and a man named Wallace, also of the sheriff's office, slept with Laura, but did not have intercourse with her. The same conditions existed Friday night. Saturday afternoon Long told the girls that a few gentlemen friends were coming from Philadelphia; he further told Laura if any of them wanted to stay with her he would see that they got money for it. That night Long would not let Catharine stay with anyone, he sleeping with her. Laura had intercourse with a man named Chick McDevitt, who offered to pay her $5, but never gave her the money, and one Sam Lane, an employee of the sheriff's office, who earlier in the evening had given her $2. Sunday some other friends came down, and they had two women with them, and one McCue offered Catharine money to stay with him. Sunday afternoon, about 20 minutes before train time, the girls said they were going to return to Philadelphia, which they did, alone. Long gave Catharine $5 for expenses.

I have interviewed both girls, one of whom is detained in the house of detention, and the other in the Magdalen Home; their stories agree. I further learned that their mother works out at service, and for the past two years they have been living with friends; that they were both seduced about a year ago by a young man named Riley; that since then they have from time to time had immoral relations with other men; Catharine was employed as telephone operator until they found she was too young, and then she was discharged.

Laura has worked at different places up to three months ago; as a result of a quarrel with Mrs. Harmon, with whom they lived, they left home about two weeks ago.

Catharine will be 16 next February, but looks to be about 18; Laura will be 18 in April—looks about 20.

While it appears that Harry Long has violated the Federal white-slave act, District Attorney Swartley has advised against prosecution, taking Judge McPherson's interpretation of the act as his reason, believing that one should not be prosecuted unless he traffics in the girls, sending them from house to house for purpose of prostitution; that Congress never intended that cases of immorality of such character as described above should be prosecuted in Federal courts.

In talking with Commissioner Finch over long distance this morning, he was of opinion that the case should be taken up in Federal courts. I immediately went to Commissioner Craig and explained the case, saying I would have it tried in the district of New Jersey. However, as defendants' witnesses were here he suggested the case be taken up in this district, whereupon I called on Assistant Douglas, who later took up case with Mr. Swartley with result as above. Personally saw Mr. Swartley later in day, and he advised against taking up case, as did Mr. Brinton.

All of persons involved are county officials. Long is a man past 50, as is Wallace, the youngest being McDevitt, who is about 38.

Will you advise me by wire in morning what further I should do in the matter—whether to take it up with United States attorney in New Jersey or the local prosecutor of Cape May County?

These week-end frolics of politicians at their favorite club houses along Jersey coast, generally taking prostitutes along, are quite frequent, but it certainly is overstepping the mark when youngsters like above are subjected to such treatment, notwithstanding they are immoral girls.

I am satisfied a prosecution in this district would be unsuccessful, in view of attitude of district attorney's office. We might fare better in the district of New Jersey. I doubt if the local prosecutor of Cape May County would get any results. If nothing else, as suggested by Mr. Brinton, I can put the matter up to Sheriff Acker, who no doubt would discharge the employees involved in this affair.

Very truly, yours,

(Signed) FRANK L. GARBARINO,
Special Agent.

(Not to be released until and unless advised of the anticipated action at St. Paul on Monday, June 30, about 10 a. m.)

APPENDIX B.

United States v. *Union Pacific Railroad Co. and others.*

To-day at St. Paul, Minn., the Union Pacific Railroad Co. and the Oregon Short Line Railroad Co. presented to the United States judges another petition wherein in substance they propose the following new plan for disposing of the $126,000,000 of Southern Pacific Railroad

Co. stock which in December last the Supreme Court decreed was unlawfully held by them:

1. They withdraw the plans heretofore proposed. These had been objected to by the Attorney General.

2. They ask permission to sell $38,292,400 of such Southern Pacific stock to the Pennsylvania Railroad Co. and to accept in exchange $42,547,200 Baltimore & Ohio Railroad stock, this being all of such stock owned by the Pennsylvania Railroad Co. or any of its subsidiaries.

3. A trust company shall be appointed to receive and hold as custodian and depositary of the court and subject to its further orders and decrees the remaining $88,000,000 of said Southern Pacific stock which petitioners will then hold; and that they must also assign to the trustee the unpaid dividends thereon, commencing with the one due April 1, 1913. This stock will be registered in the name of the trustee, but can not be voted except by direction of the court.

4. Prior to November 1, 1913, the petitioners shall offer pro rata to all stockholders of the Union Pacific Co. the right to subscribe to certificates of interest to be issued by the trustee representing the Southern Pacific shares transferred to it, together with any accumulated dividends thereon, at a price which they shall specify, payable $25 per share at the time of subscription, remainder within a year, with 6 per cent interest. Negotiable receipts shall be given for part payments. Neither the petitioners nor anyone acting for them shall acquire any of such certificates; but, if necessary, any underwriting syndicate may be formed to take any not subscribed for by the stockholders.

5. The trustee shall execute and issue negotiable certificates, according to a prescribed form, representing the shares transferred to it, upon full payment of the subscription price. The holder of a full-paid certificate may, at any time prior to January 1, 1916, by presenting and surrendering the same to the trustee, receive the number of shares of Southern Pacific stock represented thereby, together with all dividends declared thereon, beginning with that of April 1, 1913 (but without interest), but only upon the express condition that he make an affidavit in the form prescribed showing in substance that he does not own in his own right any shares of the capital stock of the Union Pacific Railroad, that he is making the application in good faith in his own right, and that he is not acting for or on behalf of any stockholder of the Union Pacific Co., or in concert, agreement, or understanding with anyone seeking to control the Southern Pacific Co. in the interest of the Union Pacific Co.

6. The trustee shall pay over to the petitioners from time to time the money received for the beneficial certificates, and shall collect all dividends due or to become due upon the stock in its hands.

7. If after January 1, 1916, any certificates of interest remain outstanding the court may direct the trustee to sell the stock represented thereby and pay the proceeds to the lawful holders. The trustee shall become a party to the cause and shall at all times be subject to its orders and decrees. Any party may, whenever so advised, apply to the court for such further orders or decrees as may be necessary fully to carry into effect the decree of the Supreme Court. Provision will be made requiring the trustee to report to the court at frequent intervals, and likewise upon request to the Attorney General of the United States.

In response to the petition the Attorney General filed the following reply:

In the District Court of the United States for the District of Utah.

The United States of America, complainant, *v.* Union Pacific Railroad Co., Oregon Short Line Railroad Co., and others, defendants.

REPLY OF THE UNITED STATES TO THE PETITION AND THIRD AMENDED PLAN OF THE ABOVE-NAMED DEFENDANTS.

On behalf of the United States, I respectfully submit the following reply to the petition filed June 30, 1913, by defendants Union Pacific Railroad Co. and Oregon Short Line Railroad Co. wherein they withdraw all pending plans heretofore presented and propose a third amended plan for disposing of the Southern Pacific Co.'s stock owned or held by them in violation of the antitrust act, as adjudged by the Supreme Court in a decision rendered December 2, 1912.

I.

The proposed sale to the Pennsylvania Railroad Co. of 382,924 shares ($38,292,400) of the capital stock of the Southern Pacific Co. now owned or controlled by the Union Pacific Railroad Co. (being about 14 per cent of the total capital stock of the Southern Pacific Co.) in exchange for 425,472 shares ($42,547,200) of the capital stock of the Baltimore & Ohio Railroad Co., now owned by the Pennsylvania Railroad Co. (being all of such stock held by the latter and 20.04 per cent of the entire share capital of the Baltimore & Ohio Co.), obviously goes far to separate the Southern Pacific Co. from the Union Pacific Co., and to that extent breaks up the particular unlawful combination between them assailed in the original bill and now before the court for dissolution. Moreover, it divests the Pennsylvania Railroad Co. of a large amount of the capital stock of an active competitor—the Baltimore & Ohio Railroad Co.—and thereby remedies a highly objectionable condition. So far as I am able to ascertain, such exchange would not result in creating any new combination in restraint of trade nor any other condition in violation of existing law.

Should the exchange be made, the Union Pacific Railroad Co. would then own 38.66 per cent of the capital stock of the Baltimore & Ohio Railroad Co. and the Pennsylvania Railroad Co. would own 14 per cent of the capital stock of the Southern Pacific Co.

Since the proposed exchange would be a substantial step in the dissolution of the particular unlawful combination now under consideration, and at the same time would destroy the stockholding relation between two other actively competitive systems—the Pennsylvania and the Baltimore & Ohio—and since no new conditions contrary to existing law would result therefrom, I think the court may properly grant leave to make it, subject to the condition hereunder stated.

While the lines of the Pennsylvania system appear to be noncompetitive with those of the Southern Pacific system, and the lines of the Union Pacific system noncompetitive with those of the Baltimore & Ohio system, it is manifest that the Pennsylvania lines and the Southern Pacific lines do not connect so as to form a continuous route, nor do those of the Union Pacific and the Baltimore & Ohio.

Furthermore, while at present no Federal law forbids one railroad company from owning stock in another noncompetitive line, Congress may hereafter deem it advisable to change the national policy in that regard; and the courts may interpret existing laws so as to give them meanings different from those now accepted.

Wherefore, in order that any future legislation by Congress on the subject of the holding of stock by one railroad in another, and also all existing laws, may certainly apply to the holdings which the Pennsylvania Railroad Co. and the Union Pacific Railroad Co. would acquire by the proposed exchange, said exchange should only be permitted subject to the following express condition, in substance:

That such permission shall not be taken or construed as affecting the obligations, powers, rights, or duties under either present or future laws of any person or corporation not a party to this cause, nor be taken or construed as an adjudication that any party hereto has the right to acquire or hold the shares of stocks so sold or exchanged, nor as an exemption of any such party in respect of such acquisition or holding, from the operation of any law now in force or which may hereafter be enacted.

Not only would this proviso leave unobstructed the power of Congress hereafter to legislate in respect of the stocks or transactions in question, but if any illegal conditions should result from the proposed exchange of stocks under existing law the Government could freely assail it, if so advised.

II.

I think the court with propriety may approve of the provisions contained in the aforesaid third amended plan for the disposition of such shares of the Southern Pacific Co. owned or controlled by the Union Pacific Railroad Co. as shall remain after the proposed sale of 382,924 shares to the Pennsylvania Railroad Co., and of its entire holdings if such sale be not consummated.

These provisions put the disposition of such shares under the direction of the court. The proposal is to transfer them to a trust company, which shall become a party to the proceeding and in effect an arm of the court. The trustee has no power to vote the shares except when and as directed by the court. Union Pacific stockholders will be entitled to subscribe for certificates of interest issued by the trust company representing the shares in its custody, payment to be made either in full at the time of subscription or $25 per share then and the remainder within 12 months, with interest at 6 per cent. But the holders will have no voting rights and will receive no dividends until their certificates are converted into stock of the Southern Pacific Co., and such conversion can only be made upon affidavit that the applicant owns no shares of the Union Pacific Railroad Co. and is not acting for or on behalf of any stockholder thereof, or in concert, agreement, or understanding with any other person, firm, or corporation for the control of the Southern Pacific Co. in the interest of the Union Pacific Railroad Co., but in his own behalf in good faith. Further, the holders of such certificates can receive no interest on the dividends collected and held by the trustee.

At monthly intervals the trustee is required to report to the court the names of all persons, firms, or corporations who shall have converted such certificates into shares of stock of the Southern Pacific Co. where the conversions involved more than 100 shares, and the Attorney General may require of the trustee any other information relating to the carrying out of the plan.

If by January 1, 1916, the certificates of interest have not been converted by persons not Union Pacific stockholders into shares of the Southern Pacific Co., the court may order the sale of the Southern Pacific shares represented thereby.

These provisions seem well designed to bring about a distribution of the shares of the Southern Pacific Co. unlawfully acquired and controlled by the Union Pacific Railroad Co. among persons not stockholders of the latter and thus effectually dissolve the unlawful combination. If they unexpectedly fail the disposition of the stock will remain subject to the further order of the court.

III.

I suggest that before approving the plan now proposed the court should direct that it be published, and that all who may be interested, whether parties to the cause or not, be given opportunity to present any objections which they regard as worthy of consideration.

J. C. McREYNOLDS,
Attorney General.

JUNE 28, 1913.

If the court sees fit to hear any persons who may wish to present objections, some time—possibly not very long—will elapse before a final decree can be entered. If, however, the court thinks that it is already sufficiently advised, it may act promptly. In either event, if the plan be approved, a carefully drawn decree will be entered to carry its general purposes into effect.

The Attorney General thinks the indications are favorable for a successful solution of the very difficult situation which has necessitated such protracted consideration. The plan now proposed would destroy the domination of the Pennsylvania Railroad in the affairs of the Baltimore & Ohio system, leaving the latter free to serve the interests of those along its lines; and it provides what appears to be a feasible method for bringing about a distribution within a reasonable time of the Southern Pacific Co.'s stock unlawfully held by the Union Pacific amongst persons who are not stockholders of the latter. The success of the plan would insure a real dissolution of the unlawful combination which the court condemned. Carefully guarded language will make it sure that the resulting relationship between the Union Pacific and the Baltimore & Ohio on the one side and between the Pennsylvania and the Southern Pacific on the other will be subject to all provisions of present and future law; and if at any time the Government should regard the same as unlawful there will be nothing to prevent a proceeding in courts which may be determined upon the merits.

If present expectations concerning subscriptions to the beneficial certificates should not be realized within four months, the court may make such further orders as seem proper for the disposition of any unsubscribed stock, and in the meantime the court will hold the matter within its complete control.

APPENDIX C.

[House Report No. 47, Sixty-first Congress, second session.]

WHITE SLAVE TRAFFIC.

(December 21, 1909.—Referred to the House Calendar and ordered to be printed.)

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany H. R. 12315:

The Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12315) to regulate and prevent the transportation in interstate and foreign commerce of alien women and girls for immoral purposes, and for other purposes, begs leave to report the bill back, with sundry amendments, with a recommendation that the amendments be agreed to and the bill as amended do pass.

The following amendments to the bill are recommended:

On page 2, line 9, strike out the words "or evidence of the right to" and insert, after the word "transportation," in line 10, the words "or evidence of the right thereto."

On page 5, in line 7, after the word "procuration," insert the word "of."

On page 6, in line 16, strike out the word "and" and insert the word "or."

On page 7, lines 2 and 3, strike out the word "conclusively." Page 7, in line 7, after the word "include," insert the words "the District of Alaska." Page 7, line 9, strike out the word "impart" and insert in lieu thereof the word "import."

Amend the title so that it will read as follows: "A bill to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes."

POLICE POWERS OF THE STATES NOT INTERFERED WITH.

It is not the purpose of the bill to interfere with or usurp in any way the police powers of the States. The bill reported does not endeavor to regulate, prohibit, or punish prostitution or the keeping of places where prostitution is indulged in. The prohibition of prostitution and other immoral practices and the punishment of the practice of prostitution or the keeping of houses of ill-fame, or other immoral places, in the several States, are matters wholly within the powers of the States and the Federal Government has no jurisdiction over those subjects. On the other hand, it has been shown in the investigation relating to the "white-slave traffic" that persons engaged in that business in some of the large cities felt quite free to engage in the traffic as between the States, when they hesitated about engaging in the traffic wholly confined to one State.

PROVISIONS OF THE BILL.

Most of the provisions of the bill are based upon the power of Congress over interstate and foreign commerce. In the second section of the bill it is made a crime for anyone to knowingly transport in interstate or foreign commerce any woman or girl for the purpose of prostitution, or for the purpose of inducing, enticing, or compelling a woman to become a prostitute; and in the same section it is also made a crime for anyone to knowingly procure a ticket to be used by a woman in interstate or foreign commerce going to a place for the purpose of prostitution, whereby such woman shall be actually transported in interstate or foreign commerce, or in any Territory, or the District of Columbia.

Section 3 of the bill makes it a crime for any person to knowingly persuade, induce, entice, or coerce any woman or girl to go from one State to another for the purpose of prostitution, and who shall thereby knowingly cause such woman to go or be transported as a passenger upon the line of any common carrier in interstate or foreign commerce.

Section 4 applies only to a girl under the age of 18 years, and is practically the same as section 3, except that it makes a higher penalty apply to the crime of leading a girl under 18 to become a prostitute and transporting her in interstate commerce for that purpose. The provisions of section 2 of the bill make the crime, first, to knowingly transport, and, second, to knowingly furnish a passenger ticket for transportation for the purpose of prostitution, when accompanied by the use of such ticket in interstate or foreign commerce. Section 3 makes the crime to knowingly persuade, induce, entice, or coerce a woman into prostitution, and thereby cause her to go and to be carried or transported as a passenger in interstate or foreign commerce.

DISTRICT OF COLUMBIA AND THE TERRITORIES.

All of the provisions which make the crime depend upon transportation in interstate or foreign commerce are made applicable to the District of Columbia, the Territories and possessions of the United States, including the Panama Canal Zone, without regard to the crossing of District, Territorial, or State lines, and apply within the Territories to the same extent as they apply in cases outside of the Territories in interstate or foreign commerce.

PENALTIES.

The penalties provided by the bill are a fine of not more than $5,000 and imprisonment for not more than 5 years, except that the penalty where the girl is under 18 years of age is not to exceed $10,000 fine and imprisonment not to exceed 10 years; and it is provided that prosecution may be in any district where the violation was committed, or from, through, or into which the woman is carried contrary to the provisions of law.

INTERNATIONAL AGREEMENT.

Section 6 of the bill is based in part upon the right of Congress to regulate foreign commerce and in part upon the right to legislate in furtherance of an international treaty. The United States in 1908 became a party to an international agreement for the suppression of the white-slave traffic, and section 6 makes certain provisions to aid in carrying out by the United States the international agreement. It provides that the Commissioner General of Immigration is designated to receive and centralize information concerning the procuration of alien women with a view to their debauchery, to receive their declarations, establish their identity, ascertain from them who induced them to leave their native countries, and to exercise supervision over them. It also provides that every person who shall knowingly keep or harbor in any house of prostitution any alien woman within three years after she shall have entered the United States shall file with the Commissioner General of Immigration a statement concerning such woman, and if such keeper shall fail to file such statement within 30 days, then he shall be guilty of a misdemeanor and subject to $2,000 fine and two years' imprisonment. If the keeper furnishes the statement, the woman under the immigration law will be deported in accordance with existing law. If the keeper fails to furnish the statement, the keeper will be punished.

AS TO THE VALIDITY OF THE PROPOSED ACT.

A careful examination of the Constitution, the authorities, and the decided cases seem to show that the provisions of the bill, dependent upon the commerce clause of the Constitution, come within the power of Congress and are constitutional.

It is no longer open to question that the transit of individuals from State to State is interstate commerce. The statement in Mayor *v.* Miln (11 Pet., 102) that persons are not the subject of commerce was overruled in the Passenger cases (7 How., 429, 432, 436) in the opinion of Justice Wayne, holding that the statement to that effect in the Miln case was dictum and was not adopted by the majority of the court. (See further, Mobile County *v.* Kimball, 102 U. S., 692; Gloucester Ferry Co. *v.* Pennsylvania, 114 U. S., 196; Pickard *v.* Pullman Southern Car Co., 117 U. S., 34; Covington & C. Bridge Co. *v.* Kentucky, 154 U. S., 204.) Indeed the mere transit of persons arriving at our ports of entry is without reference to traffic the subject of congressional regulation, because it is commerce. (Head Money cases, 112 U. S., 580; Nishimura Ekiu *v.* U. S., 142 U. S., 651.) The same must be true of the transit of persons from State to State, assuming that foreign commerce is the same as interstate commerce, with the exception of the locus in quo.

Congress, therefore, having the power to regulate the transportation of persons in interstate commerce, it remains to be considered whether or not the proposed regulation is concerning a matter directly connected with interstate commerce or only remotely connected with it. In determining this the same tests are applicable as those which are pertinent in considering the transportation of property in interstate commerce. As stated in the Lottery cases (188 U. S., 321, 357):

"As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the 'widespread pestilence of lotteries' and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. In legislating upon the subject of the traffic in lottery tickets, as carried on through interstate commerce, Congress only supplemented the action of those States—perhaps all of them—which, for the protection of the public morals, prohibit the drawing of lotteries, as well as the sale or circulation of lottery tickets, within their respective limits. It is said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. We should hesitate long before adjudging that an evil of such appalling character, carried on through interstate commerce, can not be met and crushed by the only power competent to that end. We say competent to that end, because Congress alone has the power to occupy, by legislation, the whole field of interstate commerce. What was said by this court upon a former occasion may well be here repeated: 'The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically committed to its charge.' In re Rahrer, 140 U. S., 545, 562.) If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both National and State legislation in the early history of the country, has grown into disrepute, and has become offensive to the entire people of the Nation. It is a kind of traffic which no one can be entitled to pursue as of right."

Certainly in the case of lotteries there is nothing harmful in the mere transportation of the pieces of paper. The injury resulted from the connection which existed between those tickets and the entire scheme of the lottery. It was the purpose for which the tickets were used which made them an instrument of injury to the public.

The sections above proposed have been so drawn that they are limited to cases in which there is the act of transportation in interstate commerce of women for purposes of prostitution. The use of interstate commerce in sending prostitutes from one State to another in connection with this traffic in women would seem to be as directly connected with interstate commerce as the sending of tickets from one State to another in furtherance of the operation of a lottery. It is true the act of prostitution is not committed in connection with the interstate transportation nor was the drawing in connection with the lottery a part of interstate commerce.

The sections proposed do not amount to an interference with the police power of the State. The simple test, as pointed out in the Rahrer case and in the Lottery cases, is whether or not the State, in the exercise of its police power, could have prohibited the things at which the act is aimed. Manifestly a State could not enact that a person who induced a woman to go from one State to another for purposes of prostitution should not aid or assist in her transportation from one State to another, or that the common carrier should not transport the prostitute. To do so would be a plain attempt to regulate interstate commerce. (Leisy *v.* Hardin, 135 U. S., 100.) Where the subject upon which Congress can act in the exercise of the power to regulate commerce is local in its nature or sphere of operation, such as harbor pilotage, the construction of bridges over navigable rivers, the erection of wharves, piers, and docks, which properly can be regulated only by special provision adapted to their localities, the State can act until Congress interferes and supersedes its authority. Where, however, the subject is national in its character, and demands and requires uniform regulation, and affects all the States, such as transportation between the States, including the importation from one State to another, Congress alone can act on it and provide the needed regulation. (Bowman *v.* Chicago & N. W. R. Co., 125 U. S., 465, 567.)

The rule just stated with reference to the transportation of property of course applies to the transportation of persons. The subject matter of the legislation being, therefore, one over which the States have no control, it must be, as pointed out above, within the domain of proper Federal legislation.

HISTORY OF THE DEVELOPMENT OF THE LAW.

The history of the development of the law forbidding the importation of alien women for purposes of prostitution is as follows:

The first provision relating to this subject was contained in the act of March 3, 1875 (18 Stat. L., 477; also 1 U. S. Comp. Stat., pp. 1286–1287), as follows:

"SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import or cause any importation of women into the United States for the purposes of prostitution, or shall knowingly or willfully hold or attempt to hold any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned not exceeding five years and pay a fine not exceeding $5,000."

Section 5 of the same act also contained the following:

"That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, * * * women 'imported for the purposes of prostitution.'"

The foregoing provision was superseded by section 3 of the act of March 3, 1903, entitled "An act to regulate the immigration of aliens

into the United States" (32 Stat. L., 1213; also 1905 Suppl. to U. S. Comp. Stat., p. 276), which provides as follows:

"That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned not less than one nor more than five years and pay a fine not exceeding $5,000."

It is to be observed that the provision in question underwent several important changes in the reenactment, as follows:

First. The old act covered the importation only of "any woman." The new act was extended to cover "any woman or girl."

Second. The clause in the old act declaring void contracts or agreements in relation to importing women for the purposes of prostitution was omitted in the new act.

Third. The old act used the language "knowingly and willfully" import and "knowingly and willfully" hold or attempt to hold any person in pursuance of such illegal importation, etc. The new act eliminated the "knowingly and willfully" and made it an offense to import or to hold or attempt to hold any person in pursuance of such illegal importation.

Fourth. The penalty in each act was the same.

Both of the foregoing provisions were superseded by the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" (34 Stat. L., 898; 1907 Suppl. U. S. Comp. Stat., 392), as follows:

"SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution or for any other immoral purpose is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien woman or girl for the purpose of prostitution or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place for the purpose of prostitution or for any other immoral purpose any alien woman or girl within three years after she shall have entered the United States shall in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than $5,000; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution at any time within three years after she shall have entered the United States shall be deemed to be unlawfully within the United States and shall be deported as provided by sections 20 and 21 of this act."

The changes introduced into the new provision worthy of note are as follows:

First. The new law forbade the importation of any alien woman or girl for the purpose of prostitution and added the clause "or for any other immoral purpose."

Second. The new law added the words "directly or indirectly" in the clause "and whoever shall, directly or indirectly, import or attempt to import," etc.

Third. The new law added the following important and also absolutely new provision: "Or whoever shall keep, maintain, control, support, or harbor in any house or other place for the purpose of prostitution or for any other immoral purpose any alien woman or girl within three years after she shall have entered the United States."

Fourth. The new law added to the section express authorization for the deportation of any alien woman or girl in the following language: "Any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution at any time within three years after she shall have entered the United States shall be deemed to be unlawfully within the United States and shall be deported as provided by sections 20 and 21 of this act."

SUPREME COURT DECISION CONSTRUING SECTION 3 OF THE ACT OF FEBRUARY 20, 1907.

Section 3 of the act of February 20, 1907, has received the consideration of the Supreme Court in two cases.

In the first case, that of the United States *v.* John Bitty (208 U. S., 393), the Supreme Court held that a foreign woman being brought to the United States as the personal, private mistress of a man living here was being imported "for other immoral purposes," and that, therefore, the importer was subject to the penalty of the statute and the woman to deportation.

This decision is not pertinent to the phase of the subject under discussion, and is mentioned only in passing.

The second case was that of Joseph Keller *v.* United States (213 U. S., 138). In the Keller case the Supreme Court was called to pass squarely upon the constitutionality of that portion of the provision in question which made it an offense to harbor or maintain for the purposes of prostitution any alien woman or girl within three years of her entry into the United States. The exact language of the provision in question is as follows:

"Or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, etc."

The opinion of the court (attached hereto as Appendix C) was delivered by Mr. Justice Brewer. Mr. Justice Holmes delivered a dissenting opinion (attached hereto as Appendix D), which was concurred in by Justices Harlan and Moody.

The case was a typical case of "harboring" exclusively. The uncontradicted testimony was to the effect that the woman, Irene Bodl, came to this country in November, 1905; that she remained in New York until October, 1907; then came to Chicago and went into a house of prostitution in South Chicago, which the defendants purchased in November, 1907, finding the woman then in the house; that she had been in the business of a prostitute for only a few months prior to the trial of the case, in October, 1908, and that the defendants did not know her until November, 1907.

The question of the power of Congress to enact a law for the punishment of anyone "harboring" an alien woman within three years of her arrival, regardless of whether or not she was a prostitute voluntarily or had entered that state against her will, was squarely presented by the facts in the case. The court held that Congress was without power to pass such a law, its position appearing from the statement contained in the following paragraph from the opinion of the court:

"While the keeping of a house of ill fame is offensive to the moral sense, yet that fact must not close the eye to the question whether the power to punish therefor is delegated to Congress or is reserved to the State. Jurisdiction over such an offense comes within the accepted definition of the police power. Speaking generally, that power is reserved to the States, for there is in the Constitution no grant thereof to Congress."

Bearing in mind the facts in this case—namely, that so far as appeared in the case presented the defendants had nothing whatever to do with the importation of the woman in question; that so far as they were concerned she was not in a house of ill fame against her will; and that she was an inmate of the house when the establishment was purchased as a going concern—the following suggestions of the court, contained in the opinion with reference to the conclusion the court might have reached had the facts been different, are important: For instance, the court says, page 144:

"It is unnecessary to determine how far Congress may go in legislating with respect to the conduct of an alien while residing here, for there is no charge against one; nor to prescribe the extent of its power in punishing wrongs done to an alien, for there is neither charge nor proof of any such wrong. So far as the statute or the indictment requires, or the testimony shows, she was voluntarily living the life of a prostitute, and was only furnished a place by the defendants to follow her degraded life."

Also on page 147, the court says:

"The question is, therefore, whether there is any authority conferred upon Congress by which this particular portion of the statute can be sustained. By section 2 of Article II of the Constitution power is given to the President, by and with the advice and consent of the Senate, to make treaties, but there is no suggestion in the record or in the briefs of a treaty with the King of Hungary under which this legislation can be supported."

The Government stated in its brief these two propositions:

"The clause in question should be held valid because it relates to and materially affects the conditions upon which an alien female may be permitted to remain in this country and the grounds which warrant her exclusion. * * *

"The validity of the provision in question should be determined from its general effect upon the importation and exclusion of aliens."

The court then, without stating whether or not either of these propositions was well taken, dismissed them with the statement that "the act charged has no significance in either direction."

In considering the decision of the Supreme Court in the Keller case attention is especially called to the fact that in the opinion the court made the following suggestions:

"By section 2 of Article II of the Constitution, power is given to the President, by and with the advice and consent of the Senate, to make treaties, but there is no suggestion in the record or in the briefs of a treaty with the King of Hungary under which this legislation can be supported."

It is manifest that this is a most pregnant suggestion. A showing that the legislation in question was supported by a treaty could not be made at that time, however, for the reason that at the time of the enactment of the legislation the United States was not a party to the international agreement covering the subject. In fact, this Government did not adhere to the international agreement until a date subsequent to the commission of the offense charged against Keller.

In this connection the chronology of events is important. The existing statute on the subject of the importation of alien women for immoral purposes is contained in section 3 of the act approved February 20, 1907. The alleged illegal act of which the defendant stood convicted was the harboring of an alien woman on June 1, 1908. The United States did not become a party to the international agreement for the repression of the trade in white women until June 15, 1908, at which time this Government adhered to the agreement by virtue of a proclamation issued by President Roosevelt. It appears, therefore, that the statute in question became a law, and the offense involved was committed, previous to the date on which this Government became a party to the international agreement.

So far Congress has not enacted legislation to insure the carrying out of the provisions of the treaty in question.

The following clearly appears from an analysis of the Supreme Court decision above mentioned:

First. That Congress may properly enact legislation affecting the conduct of an alien while residing here for a period of at least two or three years after the alien's arrival.

Second. That Congress may provide for the punishment of wrongs done to an alien during the probationary period—that is to say, the Supreme Court intimates very broadly that Congress has the power to enact a law making it an offense to "harbor" for immoral purposes, by force or against her will, an alien woman or girl within the limited period referred to.

Third. That in the carrying out of a treaty obligation Congress has the authority to pass an act making it an offense to harbor an alien woman or girl for immoral purposes, even in the absence of a showing that force or restraint is used—that is to say, in the decision above referred to the Supreme Court suggests that a different conclusion might have been reached under the very clause then under consideration had it appeared that the provision in question was the carrying out of a treaty agreement.

EXISTING LAWS.

Section 3 of the act of February 20, 1907 (34 Stat., 898; also 1907 Suppl. U. S. Comp. Stat., p. 392), is as follows:

NOTE.—The italic portion of the following section is the portion which was held unconstitutional by the Supreme Court in the Keller case:

"That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, *or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose any alien woman or girl, within three years after she shall have entered the United States*, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than $5,000; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deported as provided by sections 20 and 21 of this act."

Section 2 of the same act provides as follows:

"That the following classes of aliens shall be excluded from admission into the United States; * * * prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose;" * * *.

"THE WHITE SLAVE TRADE."

A material portion of the legislation suggested and proposed is necessary to meet conditions which have arisen within the past few years. The legislation is needed to put a stop to a villainous interstate and international traffic in women and girls. The legislation is not needed or intended as an aid to the States in the exercise of their police powers in the suppression or regulation of immorality in general. It does not attempt to regulate the practice of voluntary prostitution, but aims solely to prevent panderers and procurers from compelling thousands of women and girls against their will and desire to enter and continue in a life of prostitution.

The evil, as a present day existing evil of widespread dimensions which has arisen, has been given careful attention by the representatives of most of the civilized nations of the world, and has been made the subject of an international agreement. Thousands of public-spirited citizens have combined in various National and State organizations for the purpose of lending their aid in its suppression. The white-slave trade has been so prevalent that prosecuting officers, both State and Federal, even under inadequate and insufficient laws, have been able to secure many notable convictions. It is an evil which many State legislatures have attempted to regulate within the past two or three years by means of the enactment of State statutes. Inasmuch, however, as the traffic involves mainly the transportation of women and girls from the country districts to the centers of population and their importation from foreign nations, the evil is one which can not be met comprehensively and effectively otherwise than by the enactment of Federal laws.

Investigations conducted by Government agents disclose the fact that a national and international traffic exists in the buying, selling, and exploitation of women and young girls for immoral purposes. This traffic has come to be known the world over as "the white-slave trade." It is referred to by the Paris conference as "the trade in white women."

There are few who really understand the true significance of the term "white-slave trade." Most of those who have given only a casual thought to the subject have the impression that women who lead immoral lives in public houses are there voluntarily, either because they are attracted by the excitement of such a life or because they have found it an easy way of earning a living. In many cases such is not the fact. The results of careful investigation into this subject disclose the fact that the inmates of many houses of ill fame are made up largely of women and girls whose original entry into a life of immorality was brought about by men who are in the business of procuring women for that purpose—men whose sole means of livelihood is the money received from the sale and exploitation of women who, by means of force and restraint, compel their victims to practice prostitution. These investigations have disclosed the further fact that these women are practically slaves in the true sense of the word; that many of them are kept in houses of ill fame against their will; and that force, if necessary, is used to deprive them of their liberty.

The characteristic which distinguishes "the white-slave trade" from immorality in general is that the women who are the victims of the traffic are unwillingly forced to practice prostitution. The term "white slave" includes only those women and girls who are literally slaves—those women who are owned and held as property and chattels—whose lives are lives of involuntary servitude; those who practice prostitution as a result of the activities of the procurer, and who, for a considerable period at least, continue to lead their degraded lives because of the power exercised over them by their owners. In short, the white-slave trade may be said to be the business of securing white women and girls and of selling them outright, or of exploiting them for immoral purposes. Its victims are those women and girls who, if given a fair chance, would, in all human probability, have been good wives and mothers and useful citizens.

The preamble of an existing international agreement on this subject states that the several governments, "being desirous to assure to women who have attained their majority and are subjected to deception or constraint, as well as minor women and girls, an efficacious protection against the criminal traffic known under the name of trade in white women ('traite des blanches'), have resolved to conclude an arrangement with a view to concert proper measures to attain this purpose."

It is the purpose of the proposed laws, in so far as it may be possible for Congress to do so, to protect women and girls against this criminal traffic by providing for the punishment of those engaged in that traffic and by regulations established by the act.

Extensive investigation by government commissions and prosecuting officers in various parts of the country disclose the fact that in many cases involving women and girls imported into this country, and those transported from one State to another, the procurers resort to all of the means and devices known to the criminal classes to accomplish their purposes. Liquor, trickery, deceit, fraud, and the use of force are resorted to by the procurer to place the girl under his power. In some cases those who have been induced to come to the large cities are first introduced to the house of prostitution under the influence of liquor; in others, the procurer enters into a pretended marriage with his victim; in many cases involving the importation of women and girls from abroad and their transportation from one State to another the inducement is the promise of legitimate employment with handsome compensation. Hundreds of men in large cities live from the earnings of the victims of the white-slave trade, and in many instances the more extensive of international procurers live in affluence. The books kept by a notorious importer of French girls, who was arrested in Chicago a few months ago, disclosed his earnings for the year previous to his arrest, largely from his importation and wholly from his exploitation of girls, to have been more than $102,000.

The investigations into this subject conclusively show the fact that for some time after they are first unwillingly forced to take up a life of prostitution many of the victims would at once abandon it were it possible for them to do so. The facts are that in order to insure her continuance in the degraded life, to which she has unwillingly been forced to submit, the procurer has resort to physical violence and the maintenance of a system of surveillance which makes her, to all intents and purposes, a prisoner. Obviously the portions of the act which require the proprietor of a house of ill fame to report to the Federal authorities concerning the arrival in the establishment of an alien woman or girl would, at least so far as concerns aliens, make unlawful detention practically impossible.

The national and international importance of suppressing this criminal traffic is clearly shown by reference to the treaty, the preamble of which is given above, and reports of governmental officers and others on the subject.

The Secretary of Commerce and Labor, in his annual report for 1908, page 18, refers to the matter in the following terms:

"It is highly necessary that this diabolical traffic, which has attained international proportions, should be dealt with in a manner adequate to compass its suppression. No punishment is too severe to inflict upon the procurers in this vile traffic."

The act of February 20, 1907 (sec. 29), created an immigration commission, the membership of which was to consist of three Senators, three Members of the House of Representatives, and three persons to be appointed by the President of the United States. In a preliminary report submitted February 27, 1909 (Doc. 1489), the commission says:

"The commission has made an extensive investigation into the question of the importation and harboring of women for immoral purposes. The results show that many women are being regularly imported under conditions which often amount to absolute slavery.

* * * * * * *

"It is believed that as a result of this investigation the commission will be able to make recommendations which will put a very decided check upon this horrible traffic, if, indeed, it will not practically break it up entirely."

THE TRAFFIC IS SYSTEMATIC AND EXTENSIVE.

Governmental investigations which have been conducted disclose the fact that the importation of women and girls from foreign countries has been systematic and continuous, and has not been limited to isolated and accidental cases. The facts in connection with investigations conducted by the district attorney at Chicago may be taken as typical of the situation in many other cities.

At the time of the arrest of several notorious French importers in Chicago a large amount of correspondence and other documentary evidence fell into the hands of the authorities. This evidence showed beyond a reasonable doubt that there was in existence an organized system, or syndicate, having for its purpose the importation of women from foreign countries to Chicago and other cities in the United States for immoral purposes. This syndicate had headquarters and distributing centers in New York, Chicago, Omaha, Denver, San Francisco, Los Angeles, Seattle, and Nome, Alaska.

It is conservatively estimated, from an examination of the data and information at hand, that the syndicate has imported annually during the preceding 8 or 10 years on an average of about 2,000 women—largely French. It also appears that the syndicate regularly sent agents to Europe to procure girls, at stated prices, to be brought to the United States, where they were placed at the disposal of the keepers of houses of prostitution. The usual method employed in evading the immigration officers at the ports of entry was to pass the women as the wives or sisters of the procurers with whom they arrived.

One of the chief members of this syndicate was the Frenchman Alphonse Dufaur, who was the defendant in six indictments, in the Chicago district, charging him with harboring alien women in violation of the existing law. Dufaur and his wife subsequently forfeited bonds in the sum of $25,000 and became fugitives from justice.

Another active importer and procurer was Henry Lair, who operated establishments in Chicago and San Francisco. One of Lair's agents was a man named Louis Paint, who some time ago was convicted of importing in New York and who is now serving a sentence of four years in the penitentiary at Atlanta, Ga., for importing women for Lair. On the recent trial of Lair, in Chicago, Paint testified that he had been given $800 by Lair and told to go to Paris for the purpose of procuring two girls for Lair's establishment in Chicago. Lair was convicted and sentenced by Judge Landis to serve two years at hard labor in the penitentiary at Fort Leavenworth and to pay a fine of $2,500.

Various arrests have been made in the Chicago district which disclose the existence of a traffic in girls from Hungary, Sweden, Norway, Denmark, Great Britain, and other countries.

In this connection it is of interest to note the profits realized by those engaged in the importation of alien women for the purpose of prostitution. For this purpose the information in the possession of the Government, as the result of prosecution against the French procurer Dufaur, which is definite and accurate, may be taken as typical of the remunerative character of the traffic. The books of account kept by Dufaur show that his income, from his establishment in Chicago, realized largely as a result of his success as an importer, was, for the 12 months immediately preceding his arrest, upward of $102,000. These books also show that during the month of May, previous to his arrest, the earnings of one girl, a recent importation, were $723. In almost every instance which has come to the attention of the authorities the girls who were imported from France by the French syndicate were compelled to turn over every day to the proprietor of the establishment in which they were detained all their earnings. They were usually allowed only enough to purchase the clothing necessary to make them attractive to frequenters of the place.

INTERNATIONAL AGREEMENT FOR THE REPRESSION OF THE TRADE IN WHITE WOMEN.

A project of arrangement for the suppression of the white-slave traffic was, on July 25, 1902, adopted for submission to their respective Governments by the delegates of various powers represented at the Paris conference for the repression of the trade in white women.

The stipulations of this project of arrangement were confirmed by preliminary agreement signed at Paris, May 18, 1904, by the Governments of Germany, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Portugal, Russia, Sweden, Norway, and the Swiss Federal Council.

By its resolution of March 1, 1905, the Senate of the United States advised and consented to the adhesion by the United States to the said project of arrangement, and therefore, on June 6, 1908, the President announced the adherence on the part of this Government to the project, and this adherence was on June 15, 1908, covered by the proclamation of the President. This treaty was published in pamphlet form by the State Department as Treaty Series, No. 496, and a complete copy is attached hereto as Appendix B. The preamble of this agreement recites that the various Governments, being desirous to assure to women who have attained their majority, and are subjected to deception or con-

straint, as well as minor women and girls, an efficacious protection against the criminal traffic known under the name of trade in white women—"traite des blanches"—have resolved to conclude an arrangement with a view to concert proper measures to attain this purpose.

The terms of the agreement as set forth in the various articles are as follows:

"ARTICLE 1. Each of the contracting Governments agrees to establish or designate an authority who will be directed to centralize all information concerning the procuration of women or girls both in a view to their debauchery in a foreign country; that authority shall have the right to correspond directly with the similar service established in each of the other contracting States.

"ART. 2. Each of the Governments agrees to exercise a supervision for the purpose to find out, particularly in the stations, harbors of embarkation, and on the journey, the conductors of women or girls intended for debauchery. Instructions shall be sent for that purpose to the officials or to any other qualified persons, in order to procure, within the limits of the laws, all information of a nature to discover a criminal traffic.

"The arrival of persons appearing evidently to be the authors, the accomplices, or the victims of such a traffic will be notified, in each case, either to the authorities of the place of destination or to the interested diplomatic or consular agents, or to any other competent authorities.

"ART. 3. The Governments agree to receive, in each case within the limits of the laws, the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status and to ascertain who has induced them to leave their country. The information received will be communicated to the authorities of the country of origin of the said women or girls, with a view to their eventual return.

"The Governments agree, within the limits of the laws and as far as possible, to confide temporarily and with a view to their eventual return, the victims of criminal traffic, when they are without any resources, to some institutions of public or private charity or to private individuals furnishing the necessary guaranties.

"The Governments agree also, within the limits of the laws, to return to their country of origin, those women or girls who ask their return or who may be claimed by persons having authority over them. Return will be made only after reaching an understanding as to their identity and nationality, as well as to the place and date of their arrival at the frontiers. Each of the contracting parties will facilitate the transit on his territory.

"The correspondence relative to the return will be made, as far as possible, through the direct channel.

"ART. 4. In case the woman or girl to be sent back can not pay herself the expenses of her transportation and she has neither husband nor relations nor guardian to pay for her the expenses occasioned by her return, they shall be borne by the country or the territory of which she resides as far as the nearest frontier or port of embarkation in the direction of the country of origin, and by the country of origin for the remainder.

"ART. 5. The provisions of the above articles 3 and 4 shall not infringe upon the provisions of special conventions which may exist between the contracting Governments.

"ART. 6. The contracting Governments agree, within the limits of the laws, to exercise, as far as possible, a supervision over the bureaus or agencies which occupy themselves with finding places for women or girls in foreign countries."

Articles 7, 8, and 9 provide for the adhesion of the nonsignatory States, that the present arrangement shall take effect six months after the date of the exchange of the ratifications, and for the formalities attending the ratification and exchange of the agreement, respectively.

The SPEAKER. The time of the gentleman from Alabama has expired, and all time has expired.

Mr. CLAYTON. Mr. Speaker, I now move that House resolution 212 do lie on the table.

The question was taken; and on a division (demanded by Mr. MANN) there were 93 ayes and 57 noes.

So the motion was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Tuesday, August 5, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting a draft of a bill for the amendment of section 2965, Revised Statutes of the United States, relative to charges to be paid on unclaimed goods in the hands of collectors of customs (H. Doc. No. 169); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Public Printer, submitting an estimate of appropriation in the sum of $11,147.10 for the fiscal year ending June 30, 1914, to meet expense of handling and disposing of the waste paper from the various departments of the Government in Washington (H. Doc. No. 170); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate of appropriation for relief and transportation of destitute American citizens in Mexico (H. Doc. No. 171); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS, ETC.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (S. 2319) authorizing the appointment of an ambassador to Spain, reported the same without amendment, accompanied by a report (No. 37), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 2318) authorizing the appointment of envoys extraordinary and ministers plenipotentiary to each Paraguay and Uruguay, reported the same without amendment, accompanied by a report (No. 38), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the letter of the Secretary of Commerce (H. Doc. No. 128), transmitting a schedule of useless executive documents in that department, submitted a report (No. 40) thereon, which was ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4605) granting a pension to Zella Ruby Kilmer, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 7206) to amend an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved March 4, 1913; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 7207) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 7208) for the erection of a public building at the city of Placerville, State of California, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

By Mr. BELL of California: A bill (H. R. 7209) authorizing the Secretary of War to donate to Long Beach Post, No. 181, Grand Army of the Republic, Department of California and Nevada, a cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 7210) to authorize the Public Utilities Commission to acquire for the Government of the United States, by condemnation proceedings, the gas works, plant, and equipment of the Georgetown Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and power, or for any public use, in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 7211) to authorize the Public Utilities Commission to acquire for the Government of the United States, by condemnation proceedings, the gas works, plant, and equipment of the Washington Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and power, or for any public use, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ADAMSON: A bill (H. R. 7212) relating to the anchorage of vessels in navigable waters of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. CULLOP: A bill (H. R. 7213) to regulate the purchase and leasing of railroads and the issuance of stocks and bonds by common carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 7214) to provide for the erection of an armory in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. GODWIN of North Carolina: A bill (H. R. 7215) to provide for the purchase of a site and the erection of a building thereon at the city of Dunn, State of North Carolina, and making appropriation for the same; to the Committee on Public Buildings and Grounds.

By Mr. GORDON: A bill (H. R. 7216) to repeal the internal-revenue tax of 10 cents per pound on the manufacture, sale, and use of domestic oleomargarine, and to repeal the internal-revenue tax of 15 cents per pound imposed upon the sale, transportation, and use of imported oleomargarine, and to amend certain sections of such acts; to the Committee on Agriculture.

By Mr. MAHER: A bill (H. R. 7217) to provide for an increase in salaries for the United States customs employees; to the Committee on Ways and Means.

By Mr. NEELEY: Resolution (H. Res. 215) directing the Committee on Banking and Currency to investigate certain charges made by Secretary of the Treasury William G. McAdoo relative to a conspiracy to depress the value of certain Government bonds; to the Committee on Rules.

By Mr. HOWARD: Resolution (H. Res. 216) directing the Commissioners of the District of Columbia to deliver certain documents relating to contracts for curbing; to the Committee on the District of Columbia.

By Mr. MURRAY of Massachusetts: Resolution (H. Res. 217) requesting the Departments of Commerce and Labor and the Interstate Commerce Commission to furnish information relative to coal, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Resolution (H. Res. 218) calling on the Commissioners of the District of Columbia for information concerning the condition of the Aqueduct Bridge; to the Committee on the District of Columbia.

By Mr. MONDELL: Resolution (H. Res. 219) calling upon the Secretary of the Treasury for facts relative to the cause of the recent decline in the price of United States 2 per cent bonds; to the Committee on Ways and Means.

By Mr. HULL: Joint resolution (H. J. Res. 114) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 7218) granting a pension to Mary E. Spraberry; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 7219) granting an increase of pension to Margaret E. Hursey; to the Committee on Pensions.

By Mr. BELL of California: A bill (H. R. 7220) granting a pension to Ida M. Williams; to the Committee on Pensions.

By Mr. BRYAN: A bill (H. R. 7221) granting a pension to Harry Yates; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 7222) for the relief of the legal representatives of John D. Sheridan and J. M. Johnson; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 7223) granting a pension to Jerry Fitzpatrick; to the Committee on Pensions.

Also, a bill (H. R. 7224) granting a pension to Grace Nuckles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7225) granting a pension to Mary Followill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7226) granting a pension to J. B. Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7227) granting a pension to Joseph Brauchman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7228) granting a pension to Louisa Squires; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7229) granting a pension to Christina Kraft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7230) granting a pension to Frances E. Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7231) granting a pension to John William Willbrandt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7232) granting an increase of pension to Edgar J. Kempinsky; to the Committee on Pensions.

Also, a bill (H. R. 7233) granting an increase of pension to Tony Hartstine, alias Stephen Potter; to the Committee on Pensions.

Also, a bill (H. R. 7234) granting an increase of pension to John R. Owen; to the Committee on Pensions.

Also, a bill (H. R. 7235) granting an increase of pension to Hiram Hardwick; to the Committee on Pensions.

Also, a bill (H. R. 7236) granting an increase of pension to Joseph A. Lupton; to the Committee on Pensions.

Also, a bill (H. R. 7237) granting an increase of pension to Philip Shay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7238) granting an increase of pension to James W. Hollenbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7239) granting an increase of pension to Benjamin F. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7240) granting an increase of pension to George Hagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7241) granting an increase of pension to Stephen Glanden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7242) granting an increase of pension to John L. Worsham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7243) granting an increase of pension to George W. McCree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7244) granting an increase of pension to Benjamin P. Levick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7245) granting an increase of pension to James S. Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7246) granting an increase of pension to Charles Beckmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7247) granting an increase of pension to Worcester H. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7248) granting an increase of pension to Ezra H. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7249) granting an increase of pension to Conrad Klinge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7250) granting an increase of pension to A. W. Rollins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7251) granting an increase of pension to William L. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7252) granting an increase of pension to Rachel A. Chadwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7253) for the relief of John Blackston; to the Committee on Military Affairs.

Also, a bill (H. R. 7254) for the relief of George W. Morgan; to the Committee on Military Affairs.

Also, a bill (H. R. 7255) for the relief of George P. Thomas; to the Committee on Military Affairs.

Also, a bill (H. R. 7256) for the relief of Dr. W. W. Macfarlane; to the Committee on War Claims.

Also, a bill (H. R. 7257) for the relief of William R. Price; to the Committee on War Claims.

Also, a bill (H. R. 7258) for the relief of Peter A. Bratton; to the Committee on War Claims.

Also, a bill (H. R. 7259) for the relief of Henry L. Heckmann; to the Committee on War Claims.

Also, a bill (H. R. 7260) for the relief of R. O. Hatfield; to the Committee on War Claims.

Also, a bill (H. R. 7261) for the relief of Mary Jones Smith, daughter of Jonathan L. Jones, deceased; to the Committee on Claims.

Also, a bill (H. R. 7262) to correct the military record of Philip Sappington; to the Committee on Military Affairs.

Also, a bill (H. R. 7263) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 7264) to reimburse Marion Williams; to the Committee on Claims.

Also, a bill (H. R. 7265) referring to the Court of Claims the claim of John H. Frick; to the Committee on War Claims.

By Mr. DILLON: A bill (H. R. 7266) granting a pension to Charles Hartsough; to the Committee on Pensions.

By Mr. EAGAN: A bill (H. R. 7267) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 7268) granting an increase of pension to John W. Baker; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 7269) granting an increase of pension to John Sepin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7270) granting a pension to Edgar C. Harris; to the Committee on Pensions.

Also, a bill (H. R. 7271) granting an increase of pension to Margaret E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7272) granting an increase of pension to Sarah J. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7273) granting an increase of pension to Nancy J. Lazelle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7274) granting an increase of pension to Joel R. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7275) granting a pension to Rebecca Wayman; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 7276) granting a pension to Daniel P. Andrus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7277) for the relief of John Cummings; to the Committee on Military Affairs.

By Mr. HULINGS: A bill (H. R. 7278) granting an increase of pension to Alma A. Shephard; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 7279) to place the name of ex-Maj. Joshua R. Hayes upon the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. PROUTY: A bill (H. R. 7280) granting an increase of pension to Joseph M. Johnston; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 7281) granting a pension to Henry Sprick; to the Committee on Pensions.

Also, a bill (H. R. 7282) for the relief of the estate of Samuel Very, jr.; to the Committee on the Library.

By Mr. ROGERS: A bill (H. R. 7283) granting a pension to Cassie L. Lowden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7284) granting a pension to Maria M. Goodrich (Emery); to the Committee on Invalid Pensions.

Also, a bill (H. R. 7285) granting a pension to Sarah B. H. Sawyer; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 7286) for the relief of J. Will Morton and the estate of Clarissa H. Morton, deceased; to the Committee on War Claims.

By Mr. REILLY of Connecticut: A bill (H. R. 7287) for the relief of Edward A. Thompson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Society of Tammany or Columbian Order, relative to the needs of the American Navy; to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Petition of sundry merchants of the State of Florida, asking for certain amendments to the interstate-commerce law; to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: Petition of Ligonier Union of the Woman's Christian Temperance Union, of Ligonier, Ind., favoring an amendment to the Constitution providing for woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry business men of the State of Indiana, favoring a change in interstate-commerce law which will permit mail-order concerns to be taxed for the benefit of localities where they get their business; to the Committee on Interstate and Foreign Commerce.

By Mr. DALL: Petition of the National Association of Hosiery and Underwear Manufacturers, relative to the cost of production and marketable price of a commodity; to the Committee on Ways and Means.

Also, petition of the Society of Tammany or Columbian Order, relative to the needs of the American Navy; to the Committee on Naval Affairs.

Also, petition of the Society of Automobile Engineers of New York City, protesting against the passage of any bills changing the patent laws; to the Committee on Patents.

By Mr. DILLON: Petition of the South Dakota Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of the Society of Tammany or Columbian Order, relative to the needs of the American Navy; to the Committee on Naval Affairs.

Also, petition of the North Carolina Pine Association, of Norfolk, Va., favoring the retention of the Commerce Court; to the Committee on the Judiciary.

Also, petition of the National Association of Hosiery and Underwear Manufacturers, relative to the cost of production and marketable price of a commodity; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Inventors' Guild, favoring the appointment of a commission and opposed to the Oldfield bill; to the Committee on Patents.

Also, petition of the Maryland Life Insurance Co., of Baltimore, Md., and the Pioneer Life Insurance Co., of Fargo, N. Dak., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. LA FOLLETTE: Petition of sundry citizens of Skagit County, Wash., favoring the dredging of Edison Slough; to the Committee on Rivers and Harbors.

By Mr. LEVY: Petitions of the Pioneer Life Insurance Co., of Fargo, N. Dak., and the Maryland Life Insurance Co., of Baltimore, Md., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Pennsylvania Society, of New York City, protesting against the proposed duty on books in foreign languages; to the Committee on Ways and Means.

By Mr. PROUTY: Petitions of sundry citizens of Indianola and Winterset, Iowa, favoring certain changes in the interstate-commerce laws; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petitions of sundry citizens of the State of Connecticut, asking the right to be allowed to vote on the amendment giving the right to women to vote; to the Committee on the Judiciary.

Also, petition of sundry citizens of Connecticut, protesting against woman suffrage; to the Committee on the Judiciary.

Also, petition of the Federation of the German Roman Catholic Society of Connecticut, protesting against the duty on German books proposed by the tariff bill; to the Committee on Ways and Means.

Also, petition of the National German-American Alliance, of Philadelphia, Pa., protesting against the proposed duty on German books; to the Committee on Ways and Means.

By Mr. SCULLY: Petiton of the Order of Railway Conductors of America at Cedar Rapids, Iowa, protesting against a workmen's compensation law; to the Committee on Labor.

By Mr. WILLIS: Petition of the National German-American Alliance, protesting against the levying of customs duties on the importation of German books; to the Committee on Ways and Means.

Also, petition of the McKinley Club, of Canton, Ohio, protesting against the order of the Postmaster General for the removal of the portrait of William McKinley from the United States postal cards; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *August 2, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

COLLECTION OF INCOME TAX.

Mr. WORKS. Mr. President, I have here a telegram which I ask to have read and referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

[Telegram.]

LOS ANGELES, CAL., *August 1, 1913.*

Senator JOHN D. WORKS,
United States Senate, Washington, D. C.:

The Municipal League of Los Angeles, of 600 representative taxpayers and citizens, protests against the provision in the income-tax act whereby all the inspectors, agents, collectors, etc., employed in that work are to be exempt from civil service and are under the old spoils system. This is the most serious attack on the efficiency of public service made in recent years, and we are at a loss to understand how it can be contemplated by an administration pledged to progressive modern government. Will you please present this protest to Senate Committee on Finance.

FRANK SIMPSON, *President.*
H. S. RYERSON, *Acting Secretary.*

Mr. SIMMONS. Mr. President, I simply wish to say with reference to the telegram that the provision, as I now remember it, is almost entirely an exact copy of the provision dealing with the same subject in the denatured-alcohol act passed only a few years ago.

Mr. WORKS. Does the chairman of the committee understand that it has the effect stated in the telegram to take these employees out of the civil service?

Mr. SIMMONS. I simply wish to make the statement that it was taken from the denatured-alcohol act. As that act does, it provides that certain employees may be appointed for two years without reference to the rules of the civil-service law.

The VICE PRESIDENT. The telegram will be referred to the Committee on Finance.

PERSONAL EXPLANATION—PARCEL POST.

Mr. BRYAN. Mr. President, I rise to a question of personal privilege, and ask to have read at the Secretary's desk a letter which I have just received.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE FARMINGTON TIMES-HUSTLER,
Farmington, N. Mex., July 26, 1913.

Hon. NATHAN P. BRYAN,
United States Senate, Washington, D. C.

DEAR SIR: I have just been reading in the papers reports of your efforts to cripple the parcel post. I would like to inquire of you in whose interest you are working. You are supposed to represent the

people of Florida directly and the people of the United States indirectly. Do you believe that in increasing the efficiency of the parcel post an injury is being done the whole people? If not, then are you truly representing those you are paid your salary to do?

You call yourself a Democrat, and so do I. My idea of Democracy is to have the Government do that which will be of greatest benefit to the greatest number, having a care, of course, not to encroach on the ethical rights of the minority in so doing. The parcel post is doing this very thing, and we of "the common herd" clearly understand and feel this, and we will hold to strict accountability any representative of ours who attempts to injure us in the interest of the express companies, which have robbed us so unmercifully in the past. We know that the escape from express robbery lies through the extension of the parcel post to the 100-pound limit, just as Postmaster General Burleson suggests, and we further know that the Congressman or Senator who opposes this, whatever his pretext, is working for special interests and not the public good.

THOMAS WM. BUTLER.

Mr. BRYAN. Mr. President, I also send to the desk and ask to have read a clipping from the De Land News, a newspaper in my State, under date of July 30.

The Secretary read as follows:

[From the De Land News, July 30, 1913.]

The News does not doubt the patriotism or the sincerity of Senator NATHAN P. BRYAN, of Florida, but if Senator BRYAN had ever had much experience with express companies and rates we doubt if he would have introduced his resolution in the Senate to prevent the Postmaster General from enlarging the service of the parcel post. Senator BRYAN, who uses postal franks like all Members of the Senate, probably does not know that the express companies are now "real good" in comparison to their acts before the passage of the parcel-post law. The News hopes that the parcel post will be enlarged from time to time so that it will soon be doing all the business now handled by the express companies; that there will eventually be only two classes of freight traffic—parcel post and actual freight. The express traffic has been only a wart on the hand of business. It was inaugurated to give the transportation lines a chance to charge a little more for the service for which they were supposed to be organized. Senator BRYAN is probably hearing from his constituents by this time.

Mr. BRYAN. Mr. President, both the letter and the clipping from the paper evidently refer to some item sent out by the Associated Press or some other press association. I did not see the article that went out, but the letter is a fair sample of some I am receiving.

Of course, the newspaper is mistaken if it supposes that Senators can send parcel-post packages under the franking privilege.

Mr. President, I had never thought that it would fall to my lot to rise to a question of personal privilege. It so happens, however, that the action I have taken with reference to a certain paragraph in the Post Office appropriation act of August 24, 1912, has been referred to, and that the Postmaster General, assuming to act under the authority of that act of Congress, has made certain changes in the weight limit and the rates of postage.

Mr. President, I was opposed to the insertion in the Post Office appropriation bill of the paragraph under which the Postmaster General undertakes to make these changes. That paragraph was not written into the law by either House of Congress; it was inserted by the conferees. I think no man can read it without coming to the conclusion that it was drawn without much deliberation, because the language is so involved that it would hardly be fair to say that the conferees with much time would have made so important a change and expressed that change in language so clumsy. That language is as follows:

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

During the same Congress I introduced a bill to repeal that provision. It goes without saying that I did so without reference to who the new Postmaster General would be, because the bill was introduced before that fact was known even to the present Postmaster General himself. It expressed my idea that the place for legislation is in the legislative branch of Congress, and that I was unwilling to turn over to a single individual the great rate-making power assigned to him by this provision.

At the beginning of the present session of Congress I reintroduced the bill. Of course, Senators understand that our attention has been devoted almost exclusively to tariff legislation. Again, it was urged that no change would be made; that the Postmaster General could only act "on experience," and that the parcel post had been in operation only since the 1st of January. It was also urged that he could only make the change with the consent of the Interstate Commerce Commission, and that the Interstate Commerce Commission could only give its consent after it had made an investigation. It was further supposed that the Interstate Commerce Commission could not very well reduce the postal rates and leave the express rates where they are.

But, Mr. President, all those things have taken place. Congress in the same identical bill which enlarged the parcel post provided for a joint committee of the two Houses to further consider the question of the parcel post and ascertain whether or not it could be enlarged and extended. The chairman of that committee is the Senator from Kansas [Mr. BRISTOW]. Another member is the junior Senator from Michigan [Mr. TOWNSEND], and I have had the honor to serve as the other member of the committee on the part of the Senate.

On the 6th of March last the chairman of the committee wrote a letter to our own department, and he wrote a letter to be presented to the principal countries of the earth which have a parcel post. He heard from all the other countries, but had received no reply to his letter from the Postmaster General of his own country, within half a mile of the office of the joint commission, until after the order making the changes had been issued by him.

So, Mr. President, it was hardly to be supposed that a change would be made without communicating with the committee; or to state it in another way, if the Postmaster General could not give the information asked for by the committee he would hardly be in a position to make a change in the rate and in the weight limit.

I wish to be fair to the Postmaster General and to say that he stated before the Committee on Post Offices and Post Roads that the information asked for was hard to obtain, and it would be given to us the day after the order was issued; and it was.

That may be so, Mr. President. I can easily understand that a new man taking charge of a great department has many things to contend with; but the joint committee to consider the reduction of railway mail pay has been working continuously in an effort to make it possible to lower rates and to put them, if possible, on a self-sustaining basis. The chairman of the joint committee was the former chairman of the Committee on Post Offices and Post Roads, former Senator Bourne, who had devoted a whole year to the study of the parcel-post system before these rates were put into effect by Congress. He heard nothing from either the Postmaster General or the Interstate Commerce Commission. The bill I introduced to repeal this section was referred by the Committee on Post Offices and Post Roads of the Senate to the Postmaster General for his opinion upon it on April 19, 1913. Neither had that committee been informed of the position the department would assume with reference to that bill.

I was astounded when I saw in the newspapers that an order was about to be issued raising the weight limit from 11 to 20 pounds and materially reducing the rate of postage. The committee invited the Postmaster General and the chairman of the Interstate Commerce Commission to appear before it. I ought to say when I saw that statement in the newspaper, out of an abundance of caution I put my bill into the shape of a joint resolution, because I was informed that under the rules of the other House a joint resolution could be taken up without reference to a committee. It appeared at that hearing before the Committee on Post Offices and Post Roads that the matter was presented by subordinates to the Postmaster General on June 17 of this year; that he considered it along with his other duties until June 26; and he approved the change and transmitted his approval to the Interstate Commerce Commission on June 29, so that they could give their consent. The Interstate Commerce Commission gave their consent to the promulgation of the order on July 7. The Postmaster General considered, only for nine days, this subject that had received the consideration of a committee of the Senate for a year. The Interstate Commerce Commission gave a like time to its consideration, if they devoted all of the time they had the matter before them to a study of it. The Postmaster General, however, rather apologized for not having acted earlier than the 26th of June, and gave to the committee his reasons for that.

Another order was issued, to which I object, and it goes back to the proposition that legislation had better be enacted by the legislative branch of this Government. In this parcel-post law was a provision that a distinctive stamp should be used. The purpose of that was to find out by actual experience the revenue derived by the operation of the parcel post, so that we might in a measure hereafter know what the receipts amounted to, and then we would not have to estimate both expenditures and receipts. Of course, even with a distinctive stamp, we would still have to estimate the expenditures, but that would be comparatively easy, because statistics show that the receipts of the Post Office Department have increased during the last 10 or 12

years on an average 7 per cent. Then, with further increase in expenditures, we would have known that it was due to the parcel post, because there was no other and further addition to mail matter.

The Postmaster General bases his right to make that change on the words in this paragraph, "condition of mailability." He did that without reference to the solicitor of the department; without taking legal advice upon it. It is difficult to construe exactly what that paragraph means; but my understanding, on reading the whole section, is that "condition of mailability" refers to one of three things: First, the size of the package, which can not be greater than 72 inches in length and girth combined; second, to the form or kind of matter likely to injure persons in the postal employ or to damage the mail equipment; or, third, to mail matter not of a character perishable within the period reasonably required for transportation and delivery. So I doubted his right to make that change. I doubt it now.

Further, that could not be made except on experience. There had been by the former Postmaster General but two months' experience with the parcel post. On the 6th of March the Postmaster General, on two days' experience, said he would not prohibit the delivery of packages which had on them the ordinary stamp; and in June the distinctive stamp provided for by act of Congress was abolished. So now we can not know, except by estimate, either the revenues of the Government or the expenditures of the Government in this branch of the service.

Mr. President, if this order lowering the rates and increasing the weight limit shall produce a deficit, it will be much more difficult to find it with the only means of ascertaining the revenues the Government derives stricken out of the law by departmental order.

I am rather inclined to believe that the Senator from Kansas [Mr. BRISTOW], who has studied this matter for a year, could have explained to the Postmaster General why the mail-order houses of Chicago would like to have the distinctive stamp abolished. They receive pay for packages in ordinary stamps; they can not use those stamps in remailing the packages with the requirement standing that a distinctive parcel-post stamp must be used; they have to sell those stamps at a discount; and so, of course, they would be interested in having the distinctive stamp abolished in order that they could use the ordinary stamp in mailing back to their customers the articles desired.

I do not know whether or not the rates established in this new order will be self-sustaining. I do not claim to have that intimate knowledge of rate making to enable me to assert that they will or will not; but I do know that they will not be self-sustaining if the cost of transportation is the same in August, 1913, as it was in August, 1912, because the same department gave figures to the committee which would show a loss under these rates. Under the figures given before the law was enacted, it would cost the Government 29.88 cents to deliver a 20-pound package 150 miles away, while under the Postmaster General's order the Government will receive 24 cents for the transportation of such a package, a net loss of nearly 6 cents.

We were told that it costs 3 cents for the first pound and 20 per cent additional for each additional pound for handling packages. That would make a 20-pound package cost 14.4 cents for the handling. We were told that it cost 2.58 mills for the transportation of 1 pound 50 miles under the rates the Government pays to the railroads. Then it would cost 15.4 cents freight and transportation; and if you add the handling cost to the transportation cost it will show the loss above stated.

There is another most peculiar thing in this order, which I believe will result in one of two things: Either in the raising of the rates affected by the order issued or a reduction in the next zone, and when you reduce in the next zone you will have to reduce in the one next to that, and when you carry the package beyond the third or fourth zones it is admitted that the Government will lose money. Our profit must be made in short hauls. The express companies have been giving the long haul to the Government all these years because of that very fact.

Under the law as drawn an 11-pound package could be sent in the first zone, 50 miles approximately, for 35 cents, and in a zone of 150 miles for 46 cents. In the next zone an 11-pound package would be carried by the Government for 57 cents. Now the Postmaster General imposes a charge of 24 cents for 20 pounds and consolidates the first and second zones. Therefore a 20-pound package can be sent 150 miles for 24 cents.

As I have said, I do not know much about rate making, but I never before heard of anybody who claimed that the sum of two local rates ought to be less than the through rate; and yet I undertake to say that, under this provision, the shipper of a parcel-post package weighing 20 pounds can send it 150 miles to the end of the second zone established by law, and then reship it another 150 miles for another 24 cents. Then, what have you? You have the Government carrying a 20-pound package, and required to handle it an additional time, 300 miles for 48 cents, and you charge on this through rate for an 11-pound package 57 cents. If, then, a man wanted to divide his 20-pound package, which he could not send by through shipment to the third zone because of the weight limit, he would put 11 pounds in one package and 9 pounds in another. He would have to pay $1.04 for 20 pounds on a through rate, but the Postmaster General will now allow him to ship twice on the local rates for 48 cents, a difference of 56 cents. It seems to me, Mr. President, that that would be a sufficient inducement to a man to ship twice, because by so doing he would save over half a dollar on each 20-pound shipment.

Mr. President, I hold no brief for the railroad companies or the express companies. I do not know a single gentleman financially interested in either who voted for me when I was a candidate for the United States Senate. All of them I have heard of were opposing me, as they had a right to do.

I have never considered that the proper scope of the parcel post is to raise the weight limit to a hundred pounds, as suggested by the gentleman who wrote the letter and as was suggested in conference in the Committee on Post Offices and Post Roads. I know it was argued and presented to the committee a year ago, when it was making up the Post Office appropriation bill, that we ought to pay the express companies $40,000,000 for their franchises and take over their business. We would have as little use for their franchises as a city would have use for a franchise for doing an electric-light business or furnishing water to its own inhabitants. I have said that I could not understand the economic necessity for an express company and that I believed railroad commissions and commerce commissions, National and State, should not take into account in fixing rates the money the railroad companies pay to the express companies, because that is simply an inducement to take out a part of their earnings and deliver them to a separate corporation in order that these earnings may not be taken into consideration in the fixing of railroad rates.

I believe the transportation companies, the railroads, ought to be made to do the transportation business of the country. If they farm it out that is their business, and not the business of the State or the Government. But will some gentleman who criticizes me, and charges me with working in the interests of the railroad companies, show me how this order of the Postmaster General damages them in the slightest degree?

Ordinarily, when a railroad rate is lowered, it affects the railroad company, but not when the Government lowers a rate of the parcel-post system. Instead of paying less than we did when this law was enacted, we pay 5 per cent more, because of the additional freight that would be carried by the railroads. If the Government wants to carry this mail at a loss and pay the railroads the same rate, I do not see how it can be argued that a reduction of the rate injures the railroad companies. It can not do it.

It seems to me it must be self-evident, however, that we can not compel the railroad companies to carry the mails at a loss to them. The Supreme Court of the United States has said that they are entitled to earn a reasonable return upon their investment. I would not be unfair or unjust to them. If we can not compel them to carry the mails at less than cost—and we can not, and ought not—how can the Government take the place of the railroad, and carry cheaper than the railroad company can?

It is a fact, as shown by the Hughes Commission, that the Government loses 7.39 cents per pound on second-class mail matter. That is the reason we can not have 1-cent postage for letters; yet this reduction, except as to the first pound, is as low as that. Will somebody figure out how it is that we have to carry second-class mail matter, newspapers and magazines, at a loss of 7.39 cents a pound, and yet we can carry fourth-class mail matter, more bulky, at 1 cent a pound and make a profit, and pay the same rate to the railroads for the carriage of both? It is less trouble to deliver newspapers and magazines than it will be to deliver 20-pound packages over the rural routes of this country.

Mr. President, I understand that the object of gentlemen who urge this legislation is to increase the weight limit to 100 pounds. I can not understand, however, how the chairman of the Interstate Commerce Commission, without an investigation, can certify that it is for the best interests of the Government to carry these parcels at this price, nor why he believes the Government will make money by it, and yet allow the express rates to stand as they are to-day. If the Government can do that, the

express companies can carry parcels at as low a rate; yet the Interstate Commerce Commission spent 20 months and $200,000 in an investigation of express rates, and has not reduced them.

Another thing, Mr. President, the rates established by law are lower than the rates charged by express companies. I ask permission to insert in my remarks, without reading, a table showing the rates charged under the present law, before it shall be changed by the Postmaster General, and the rates charged by express companies from 100 to 1,000 miles.

The VICE PRESIDENT. In the absence of objection, permission will be granted.

The matter referred to is as follows:

Comparison of present parcel-post rates and rates by express.

Pounds.	First zone, 100 miles.	Second zone, 200 miles.	Third zone, 300 miles.	Fourth zone, 400 miles.	Fifth zone, 500 miles.	Sixth zone, 600 miles.	Seventh zone, 700 miles.	Eighth zone, 800 miles.	Ninth zone, 900 miles.	Tenth zone, 1,000 miles.
1 pound:	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Present	6	7	7	8	8	8	9	9	9	9
Express	[1]16	[1]16	[1]16	[1]16	[1]16	[1]16	[1]16	[1]16	[1]16	[1]16
2 pounds:										
Present	10	12	12	14	14	14	16	16	16	16
Express	25	30	30	30	30	35	35	35	35	35
3 pounds:										
Present	14	17	17	20	20	20	23	23	23	23
Express	30	35	35	35	40	45	45	45	45	45
4 pounds:										
Present	18	22	22	26	26	26	30	30	30	30
Express	30	35	40	40	45	50	55	55	55	60
5 pounds:										
Present	22	27	27	32	32	32	37	37	37	37
Express	35	40	45	45	50	55	60	60	60	70
6 pounds:										
Present	26	32	32	38	38	38	44	44	44	44
Express	35	45	50	50	55	60	70	70	70	80
7 pounds:										
Present	30	37	37	44	44	44	51	51	51	51
Express	35	45	50	55	55	60	70	70	70	80
8 pounds:										
Present	34	42	42	50	50	50	58	58	58	58
Express	40	50	55	55	60	70	75	75	75	90
9 pounds:										
Present	38	47	47	56	56	56	65	65	65	65
Express	40	50	55	60	60	70	75	75	75	90
10 pounds:										
Present	42	52	52	62	62	62	72	72	71	72
Express	40	50	55	60	60	70	75	75	75	90
11 pounds:										
Present	46	57	57	68	68	68	79	79	79	79
Express	40	55	60	65	65	75	85	85	85	100

[1] If prepaid.

Mr. BRYAN. In every instance the rates established by parcel post are lower than the rates established by the express companies, except for 10-pound packages going 100, 200, 400, and 500 miles and 11-pound packages going the same distance; and in those instances there is nowhere a difference of more than 5 cents for an 11-pound package. Yet the chairman of the Interstate Commerce Commission admits that the Government pays more money to its employees than the express companies do. The figures given to me by the former Senator from Oregon, Mr. Bourne, are that the express companies pay an average of $45 per month and the Government pays an average of $97 per month. Besides this, the Government pays more money for the transportation of its mail than the express companies pay for the transportation of their freight.

If these rates are successful, I shall be pleased. I do not believe they will be, however; and I suppose in the performance of a public duty I ought to say so before the Committee on Post Offices and Post Roads. If they be not successful, we shall face a very heavy deficit.

A former Postmaster General issued an order under which the Government carries the mail by freight. The present Postmaster General, if he continues this to 100 pounds, as he thinks he will, will carry freight by mail. If this thing keeps up, pretty soon people will have to go to the freight office to get their mail and to the post office to get their freight.

The papers have stated that the Committee on Post Offices and Post Roads has indefinitely postponed a resolution I introduced. I think the rules will permit me to state that I prepared a resolution, not affecting the order issued but providing that no more orders should be issued changing the rates of postage, the zones, or the weight limits. My understanding of the committee's action is that the resolution was not indefinitely postponed, but that action on it was deferred. I would vote for it to-day.

I did not intend, after the committee took that position, to have anything to say about the matter. I was unwilling, however, to remain quiet under these statements. I think I am within the limits when I say that the Postmaster General did not wish the committee to take any action upon the resolution, because it might be a reflection upon the order issued by him. Sooner or later the matter will again come before Congress, and whenever it does come I do not hesitate to say that I shall vote to take away from any one man the power to make these important changes, and that I shall go as far as any man to make reasonable, fair reductions by act of Congress. I do not think any disposition has been shown by any of the committees not to make reductions wherever they can be made; but we were under the impression that perhaps it would be better to act after investigation than to act first and then have the investigation.

Mr. President, these are the reasons for the conclusion I reached. It may be that my conclusion is wrong, but, nevertheless, it is honestly entertained.

Mr. BRISTOW. Mr. President, I was surprised when I heard read the letter which was sent to the desk by the Senator from Florida [Mr. BRYAN]. I was surprised that the action he has taken should be construed as it was by the writer of the letter.

It has been my great pleasure to serve on a number of committees with the Senator from Florida, and I have never in my experience in public life found a man more devoted to the public interests and freer from the control of any sinister influence. The fact that he saw fit to introduce a resolution that would take from an executive officer the power to change existing law does not justify any allegation that he is endeavoring to serve some special interest. The fact that he opposed the changing of the rates on parcel-post matter until the committee of which he is a member should have completed an investigation, which it was charged by Congress to make, is certainly to his credit.

The difficulty in changing the rates which the parcel-post law now provides is that the Postmaster General can reduce his income, but he can not reduce his expenses. The law fixes a certain rate which the Government pays the railroads for handling the mails. That rate can not be changed by the Postmaster General. Any reduction in postal rates simply reduces the revenues of the Government, and leaves the revenues of the railroads from the Government the same.

In changing an express rate the Interstate Commerce Commission faces a different situation. The railroads get a percentage of the gross receipts of the express companies as their compensation for handling the express business, the percentage being approximately 50 per cent. Therefore, when the Interstate Commerce Commission reduces an express rate it also reduces the amount the railroad receives for handling the express matter. The reduction is shared equally by the railroad and the express company. When the Postmaster General reduces a parcel-post rate all of the reduction comes from the Government, and none of it from the railroad.

Like the Senator from Florida, I was surprised when I learned that the Interstate Commerce Commission had authorized the reduction of postal rates on parcel-post business far

below those charged by the express companies, and had left the express rates as they are, much in excess of those which the Government charges. If the Interstate Commerce Commission, after expending more than $200,000 and devoting two years' time to an investigation of the express business, had reduced express rates, it would have taken from the railroads a part of their profits for handling express business. It has not yet undertaken that service to the public, however, but with an investigation of nine days it can authorize the reduction of the rates on parcel-post matter to a point far below the express rates. By such a reduction it does not in any degree affect the compensation of the railroads, while the reduction of express rates would. If we lose money through this order of the Postmaster General, the Government pays the bill, not the railroads.

I have made this statement because I think it is due the Senator from Florida that the Senate and the public should understand what he was undertaking to do, namely, to protect the revenues of the Government. If we could reduce parcel-post rates, as, in my judgment, we could in the first and second zones, as created by the law, we should first undertake to reduce the rates of pay which the railroads receive. The two operations ought to go together and ought to be considered at the same time, and ought to become effective at the same time. Unfortunately, however, whatever might have been the desire of the Postmaster General as to the compensation of the railroads, he has no power to reduce his payments to them. He can only reduce his receipts, and there is no doubt but that for the second zone the rates he has established will result in loss to the Government, but not to the railroads.

DOCUMENT ON WOMAN SUFFRAGE.

Mr. CHAMBERLAIN. Mr. President, I ask to have published as a public document Senate joint resolution No. 1, with the report of the Committee on Woman Suffrage upon it, and a part of the RECORD of Thursday's proceedings with reference to the receipt of the petitions by the Senate.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I did not hear the last statement made by the Senator from Oregon.

Mr. CHAMBERLAIN. In the RECORD of Thursday's proceedings the addresses that were delivered when petitions were received in support of Senate joint resolution No. 1.

Mr. SMOOT. I dislike to have to call the attention of the Senator to it, but when I do he will understand it. Under the rules when an address is delivered in the Senate or in the House it is never published as a public document. That rule has been adhered to strictly in the past and I believe it ought to be in the future, because if it were otherwise a Representative or a Senator could deliver an address, have it printed as a public document and at public expense, and sent to his district or State in a campaign or at any time he might desire.

Mr. CHAMBERLAIN. This document will not be made up entirely of the proceedings in the Senate on Thursday. It embraces the joint resolution proposing an amendment to the Constitution and the report of one of the Senate committees thereon, and in addition the addresses which were delivered in the Senate on Thursday.

I may say that this is not my suggestion, but it is made at the request of the ladies who presented the petitions, and the document has been prepared entirely by them. If the Senator from Utah objects, it is all right.

Mr. SMOOT. No; I do not want the Senator——

The VICE PRESIDENT. May the Chair inquire if there is a rule on the subject?

Mr. SMOOT. No Senate rule, but there is one by the Joint Committee on Printing.

Mr. LA FOLLETTE. Has it been printed?

Mr. SMOOT. I do not know whether it has been printed or not, but it has been strictly adhered to in the past. I could call the attention of the Senate to Representatives who have delivered speeches in the House and Senators who have delivered speeches in the Senate, and asked that they be printed as a public document.

Mr. CLARK of Wyoming. May I ask the Senator a question? He speaks of a rule. Is it one of the standing rules of the Senate?

Mr. SMOOT. It is a rule of the Joint Committee on Printing of the House and Senate.

Mr. CLARK of Wyoming. Of the Joint Committee on Printing?

Mr. SMOOT. Of the Joint Committee on Printing.

Mr. CLARK of Wyoming. But not a rule of either House of Congress?

Mr. SMOOT. Not a rule of either House of Congress.

I am rather in sympathy with the desire to print the remarks in connection with the joint resolution. There is no objection at all to printing the joint resolution and there are no objections at all to printing the report of the committee, but to print the speeches would be simply printing as a public document speeches that were delivered in the Senate of the United States.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I want to get this matter clearly in my mind, if possible. A Senator can have a reprint of what was said the other day and send it out under his frank. What difference does it make? If this is a public document, he has to pay for the printing of additional copies to send out, if he desires to do so.

Mr. SMOOT. Of course, a Senator can do that by paying for it, but that is not what this request is. The Government of the United States will pay for this printing.

Mr. GALLINGER. No; the Government of the United States will pay for a few hundred copies.

Mr. CLAPP. A Senator can not get a reprint of a speech delivered by him and make it a public document without the consent of the Senate.

Mr. GALLINGER. Oh, yes.

Mr. CLAPP. At his expense?

Mr. GALLINGER. Certainly. If this is printed as a public document, I will ask the Senator from Utah how many copies will be printed?

Mr. SMOOT. About 1,672.

Mr. GALLINGER. And about 1,300 of those are sent around to libraries and the departments. So a Senator can send it out under his frank if he has it reprinted at his own expense.

Mr. SMOOT. That is not altogether what I have reference to. The chairman of the Joint Committee on Printing can order printing up to $200 worth with no action on the part of either the House or the Senate. Then above that amount, of course, the order would have to be made by either House. Similar requests to this have always been refused in the past. If the Senate wants to set the rule aside, well and good.

Mr. GALLINGER. There is not much danger of the Joint Committee on Printing investing in this propaganda, if it may be so called, if they are so hostile to the entire matter. I can not see any objection to printing 1,600 copies of this document.

Mr. CHAMBERLAIN. Mr. President——

Mr. SMOOT. I am not going to object, since I have brought it to the attention of the Senate. The only excuse that could be offered for printing the speeches now is that they are in connection with other matters.

Mr. CHAMBERLAIN. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. CHAMBERLAIN. I should like to ask the Senator if he understands that the Senate and House of Representatives, or either body, is bound by the rules of the Joint Committee on Printing? The Senate can do anything it desires, notwithstanding any rule which that committee has adopted.

Mr. SMOOT. That was discussed in the Senate the other day quite fully. The printing has by law been put in the hands of the Joint Committee on Printing to a certain extent. I do not want to go all over that ground again, because it was covered pretty thoroughly here 10 days or more ago. I can see danger in this proceeding, as far as the expense to the Government is concerned, if carried out; but, as I said, I am not going to object to it. I have done my duty in calling attention to it.

Mr. GALLINGER. What attracts my attention particularly, Mr. President, is that we are constantly ordering printed as public documents speeches delivered by Senators outside the Chamber, while speeches delivered in the Senate are to be discriminated against.

Mr. SMOOT. That is true. There is no rule against that and no objection to it.

Mr. GALLINGER. There never has been an objection raised when that has been requested. I suppose senatorial courtesy governs that. In view of that fact, why an objection should be raised to printing remarks made in the Senate Chamber when a Senator has a right to have it reproduced at his own expense and sent out under his frank, I can not quite understand.

Mr. SMOOT. One reason is because it is in the RECORD already. It is a part of the RECORD, and under the law a Senator or Representative can have printed at the Government Printing Office as many copies at his own expense as he wishes, at the actual cost plus 10 per cent.

Mr. GALLINGER. In the other case the speech appears in a newspaper in some part of the country, and we order it printed here, and it is sent out under a frank.

Mr. SMOOT. That is exactly the situation, Mr. President.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. THORNTON. I should like to inquire, before the request is put, just what it is that the Senator from Oregon asks to have printed.

Mr. MARTINE of New Jersey. I ask that the title-page be read.

Mr. CHAMBERLAIN. There is not anything secret about this on its face. The ladies who ask to have the document printed intend to use it for educational purposes in the country. There is not any question about it. They have collected together, first, the joint resolution (S. Res. 1), which has for its purpose the amendment of the Constitution so that women may vote; second, there is the majority report of the Committee on Woman Suffrage; and, third, extracts from the proceedings which were had in the Senate Thursday when those ladies representing the different States presented their petitions. That is all there is to it.

Mr. THORNTON. I did not ask the Senator from Oregon to state the reason for the publication, nor do I ask for the language of the resolution. I should like to know exactly what it is he asks to have printed. I understood him to say that it is the speeches favoring the amendment he desires to have printed.

Mr. CHAMBERLAIN. Oh, no; all the speeches that were made.

Mr. THORNTON. Everything that was said by any Senator at the time he presented petitions?

Mr. CHAMBERLAIN. I may say with reference to that, I did not read it over, but just took it as presented by these ladies; and I presume the speeches are intact.

Mr. THORNTON. The point I make is that I am not willing to have simply the statements of Senators favoring the amendment printed, leaving out the statements of certain Senators giving the reasons why they do not favor it.

Mr. CHAMBERLAIN. We will put it all in. I request that it all be put in, if that is not already provided for.

Mr. MARTINE of New Jersey. I ask that the title-page be read.

Mr. CHAMBERLAIN. There is no resolution attached to the request.

Mr. MARTINE of New Jersey. I did not say resolution; I said the title of the document that the Senator proposes to print. What is it?

Mr. CHAMBERLAIN. Let the Secretary read it.

The SECRETARY. All that is written as a title-page is the following:

Write, wire, or see your Senators and Representatives. Urge them to submit the equal-suffrage amendment to the 48 States for ratification or rejection.
Extracts from CONGRESSIONAL RECORD, Thursday, July 31, 1913.
Presented by Mr. CHAMBERLAIN.

Mr. GALLINGER. Manifestly the first paragraph ought not to go in the document.

Mr. CHAMBERLAIN. That can be erased.

Mr. JONES. It seems to me that the Senator from Oregon had better examine what he has asked to have printed as a document so as to be sure that it is right.

Mr. CHAMBERLAIN. Mr. President, I have said frankly that it was not prepared by me. It has been presented by me at the request of the ladies. So far as the title-page is concerned I do not care anything about it. Let it be printed in the usual form of all matters which are printed as public documents.

Mr. JONES. I wish to call the Senator's attention to the fact that the title-page says "extracts" from the speeches delivered the other day, from which one would naturally infer that it does not include the speech, for instance, of the Senator from Louisiana.

Mr. GALLINGER. The Senator from Oregon had better withdraw his request for the present and examine the document.

Mr. THORNTON. I want my speech to be there, and, if not, I shall object to anybody else's going there.

Mr. CHAMBERLAIN. I am anxious to have the speech of the Senator from Louisiana put in, if it is not already there.

Mr. BRANDEGEE. Mr. President, the other day we all remember that there was inserted in the RECORD a document which afterwards the Senator at whose request it was inserted admitted that he had not read, and he asked the leave of the Senate to have it expunged from the RECORD, which was done.

Mr. CHAMBERLAIN. If the Senator will permit me——

Mr. BRANDEGEE. I yield.

Mr. CHAMBERLAIN. In order that there may be no question about this matter, I will ask permission to withdraw the request for the present. I will go through it and see that there is nothing objectionable in it and that all the speeches are embraced in it.

Mr. GALLINGER. That is right.

Mr. BRANDEGEE. To resume what I was saying, I desire to complete my statement, although I yielded to the Senator not for the purpose of withdrawing his request, but I supposed he wanted to ask me a question. Inasmuch as the Senator has admitted that he has not read the document which has been sent to the desk, and inasmuch as it does not appear to be a complete account of all the proceedings that took place in connection with the event which the document concerns, I am very glad the Senator has asked leave to withdraw it for the purpose of making a complete examination of it.

The VICE PRESIDENT. The request is withdrawn for the present.

PETITIONS AND MEMORIALS.

Mr. NORRIS presented petitions of sundry citizens of Paxton and Lincoln, in the State of Nebraska, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

He also presented memorials of sundry citizens of Collegeview, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. MARTINE of New Jersey presented a petition of sundry citizens of Moorestown, N. J., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 2875) relating to the anchorage of vessels in navigable waters of the United States; and

A bill (S. 2876) to amend an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved March 4, 1913; to the Committee on Commerce.

By Mr. HUGHES:

A bill (S. 2877) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860; to the Committee on Foreign Relations.

By Mr. STERLING:

A bill (S. 2878) granting an increase of pension to Dallas Wamsley; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 2879) to provide for the acquisition of a site and the erection thereon of a public building at Salida, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. McLEAN:

A bill (S. 2880) granting an increase of pension to Julia J. Athington (with accompanying paper); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL.

Mr. GALLINGER. I submit an amendment to the tariff bill and ask that it be read, printed, and referred to the Committee on Finance.

The amendment was read and referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. GALLINGER to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Add to the bill the following:

"SEC. —. That the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, is hereby amended as follows: Strike out the words 'first month' where they occur in section 9 of said act approved May 30, 1908, and insert in lieu thereof the words 'first three months.'"

ADDRESSES AT NAVAL ACADEMY (S. DOC. NO. 143).

Mr. SWANSON. Mr. President, at the commencement exercises of the United States Naval Academy at Annapolis June 6, 1913, a very splendid address was delivered by the Secretary of the Navy to the graduating class. I think it is of sufficient value to justify its being printed as a public document. It gives his ideals as to the personnel of the Navy. At the same time the Senator from Maryland [Mr. SMITH], president of the Board of Visitors, delivered an address. I ask unanimous consent that the two addresses be printed together as a public document.

Mr. CLAPP. Mr. President, of course I could not object to the request, as it would be charged as partisan bias. I think there is only one remedy for this situation, and that is for every Member of the Senate upon his own behalf to put his foot down against using the RECORD for speeches that are made out-

side of Congress when matter is sent to us with a request that it be printed in the RECORD.

Mr. SWANSON. This is not a request to print in the RECORD; it is a request to print as a public document. I think it is a very valuable contribution as to the ideals of the personnel of the Navy, what should be the purposes and designs of officers and men. I think it would be very well to have it printed as a public document, with a view of sending it to the officers and men.

Mr. CLAPP. I will not object.

Mr. SWANSON. I do not ask that it be printed in the RECORD.

Mr. CLAPP. It may be a desirable document to print, but when placed in the position of saying what is desirable and what is not desirable, we are thrown in the attitude of partisan bias as objecting to things that may come from other political quarters. We are simply loading the RECORD and we are printing matter as public documents which ought not to be printed. There is only one remedy, and that is for each Senator to put his own foot down and say he will stand against it, because the moment a Senator makes such a request every Senator in this Chamber naturally is required, while he may protest, to say that he does not feel like objecting.

Mr. GALLINGER. Mr. President, I do not rise to object. I remember making an address once before the graduates of the Naval Academy and I am glad it was not printed as a document, because my view of its value might not be the view of others. But I will ask the Senator from Virginia whether the Secretary of the Navy in this address advocated what he has advocated somewhere else, if not on that occasion, that the officers and the sailors of the Navy should be required to mess together?

Mr. SWANSON. This was an address by the Secretary of the Navy. His remarks are usually very appropriate and sensible in all his addresses. It was an address to the graduating class trying to form ideals in life for the men in the Navy. It is a very fine address, and I think it would be a great deal better to print it as a document than a great many that have already been printed.

Mr. GALLINGER. I assume that it was not on that occasion that the Secretary of the Navy advocated what I stated?

Mr. SWANSON. It was not on that occasion. I do not know whether he ever delivered an address of that kind or character.

Mr. CLARK of Wyoming. I ask the Senator from Virginia if that was the address which was said to be the cause of the riot at Seattle?

Mr. SWANSON. Neither this nor any address by the Secretary of the Navy has ever occasioned any riot. This is not a political address; it is an address that I think it would be very well for young men entering the Navy to read.

Mr. KERN. Mr. President, I was about to ask the Senator from New Hampshire if he was quite sure that the Secretary of the Navy on any occasion had declared in favor of the sailors and officers of the Navy messing together?

Mr. GALLINGER. I think there can be no question about it. It has been published broadcast and never denied.

Mr. KERN. There are hundreds of allegations made in the newspaper press of the country affecting not only the utterances of public men but their character that are not denied. I understood the statement in an entirely different sense from that stated by the Senator from New Hampshire.

Mr. GALLINGER. Will the Senator state what his understanding about it is?

Mr. KERN. The question has come up repeatedly under the former régime as to whether a meritorious sailor should receive promotion as an officer, no matter how meritorious he was. I have an instance in my mind now where a clean, bright-eyed, studious, hard-working sailor had prepared himself that he might be an officer of the Navy, and when the application was made before some board—I do not know the name of it—the proposition was made that it would not do to advance him, because it would not do to take such a man as that, a common sailor, into the mess with the officers of the Navy. I understood that the Secretary of the Navy is opposed to that kind of a declaration of caste in the Navy. The declarations were to the effect that where a common sailor, a seaman of any kind, had worked himself up and become capable of becoming an officer of the Navy, it did not lie in the face of any of the perfumed officers of the Navy to object to him because he had been a common sailor and because they did not feel like sitting at the same mess with a man who had been a common sailor.

I have heard the Secretary of the Navy express a sentiment opposed to that sort of a declaration as to caste, that sort of an un-American proposition. I have never heard him make any statement that a common sailor and the officers of the Navy should mess together. I have no sort of doubt that the declaration he made, that I have given just now, has been distorted so as to give it the color which has been given by the Senator from New Hampshire.

Mr. GALLINGER. The Senator from Indiana has not heard the Secretary of the Navy say certain things. Probably the Secretary of the Navy has said a great many things which the Senator from Indiana has not heard him say. I think, when the Senator makes careful inquiry into this matter, he will find that his ebullition this morning was unwarranted; and I will suggest to him that the Secretary of the Navy has rescinded that order——

Mr. KERN. What order?

Mr. GALLINGER. Admitting that it was not correct. That is my understanding of it.

Mr. KERN. I understood the Senator from New Hampshire a while ago to disclaim any personal knowledge on the subject at all.

Mr. GALLINGER. The Senator from New Hampshire did not make any such disclaimer. He has just as good knowledge on that subject as has the Senator from Indiana, and has the same sources of information.

Mr. KERN. The Senator from Indiana, when the charge was made, called for some proof of the charge, which was a cruel one if untrue, and he understood that the Senator from New Hampshire knew nothing on the subject.

Mr. GALLINGER. Well, Mr. President, the Senator from New Hampshire will exercise his liberty under the rules of this body to ask a respectful question at any time of any Senator, and it does not lie in the mouth of the Senator from Indiana to read a lecture to him because he has done that. That may be as well understood now as at any other time.

Mr. KERN. I know that it has been the rule here—perhaps I should not say it has been the rule, but there has been an impression in certain quarters—that a young Senator, a man who has only been here a short time, should not dare to express his opinion against the opinion of one of the older Senators without being criticized for an "ebullition," or some other contemptuous remark being applied to him.

Mr. GALLINGER. Now, Mr. President, the Senator from Indiana has made a most remarkable discovery. The Senate knows better than that, and the Senator from Indiana knows better than that. He knows that there is not a Senator here, however short his term has been, who has not been at liberty to occupy all the time he desired in the Senate, and that no objection has ever been made to it. The pages of the CONGRESSIONAL RECORD will abundantly prove that statement to be correct.

Mr. KERN. No objection has been made on the floor of the Senate.

Mr. GALLINGER. Well, the Senator from Indiana must have some information that the rest of us have not, if it has ever been made either in the Senate or anywhere else.

Mr. KERN. I think it is pretty generally understood.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none, and the addresses will be printed as a public document.

SEGREGATION ORDER IN POST OFFICE DEPARTMENT.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 147) submitted on the 1st instant by Mr. CLAPP, as follows:

Whereas it is reported that there has been a segregation order issued by some unknown source or authority in the Post Office Department; and

Whereas the clerks and employees have worked together peacefully for over 50 years; and

Whereas the said segregation order will cost the Government of the United States over $150,000: Therefore be it

Resolved, That the Committee on Post Offices and Post Roads be, and they are hereby, authorized to inquire into and to report by what authority the said segregation order was issued and what necessity, if any, exists for such order in the executive department after 50 years of perfect peace among the employees of the department, which order makes it very inconvenient for the clerks.

Mr. BANKHEAD. Mr. President, I think perhaps that resolution had better go to the Committee on Post Offices and Post Roads for consideration.

Mr. CLAPP. Mr. President, of course, the resolution, as its preamble recites, is based upon the report that some such an order has been made in the Post Office Department as that referred to. The object in introducing the resolution was to ascertain whether that report is correct; and if so, what is the authority for it. I quite agree, as it affects the investigation at the hands of a given committee, that before the resolution is acted upon it is only due, as a matter of courtesy, that it be referred to the committee. I trust the committee, without any

unnecessary delay, will report one way or the other on the resolution.

The VICE PRESIDENT. The resolution will be referred to the Committee on Post Offices and Post Roads.

THE TARIFF.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321, the tariff bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. SIMMONS. Mr. President, I should like to make an inquiry of the Senator from New Hampshire [Mr. GALLINGER]. Of course, we all are anxious to make headway with this tariff legislation and are doing our best, but we are unable to get to its consideration, as a rule, before 1 or half past 1 o'clock daily. I wish to inquire of the Senator from New Hampshire if he thinks it might meet with approval—because at this stage I do not wish to unduly press the Senators on the other side of the Chamber—if we should meet at an earlier hour, say, at 11 o'clock? If the Senator is not able to answer now, I merely make the suggestion at this time so that he may inquire among Senators on his side of the Chamber before answering.

Mr. GALLINGER. Mr. President, I will make a frank answer. I am not authorized to speak for my associates as to that matter. Personally, I should not object to meeting at 11 o'clock, commencing, say, the middle of next week; but I can not speak for anyone else. I will say to the Senator from North Carolina that I will take the matter up with some of my associates and report to him within a day or two what the feeling is regarding it.

I appreciate, as the Senator does, that we are not making very rapid progress; and while I have been quoted, incorrectly as a rule, as desiring to obstruct the consideration of this bill, I do not feel at all in that spirit or mood. I want to see the consideration of the bill go along as rapidly as it can. There are a great many subjects yet to be debated—the metal schedule, the wool schedule, the cotton schedule, the income-tax provision, and the concluding provisions of the bill—which will necessarily take a good deal of time. While I feel, as the Senator doubtless does, that we ought to have every proper facility for expressing our views as individual Senators on any matter that concerns our States or the country, yet we ought to make as much progress as is consistent with a full and fair consideration of the various schedules.

That is all the answer I can now give the Senator, promising him that I will take the matter up and report to him what the feeling is on this side on the question.

Mr. SIMMONS. I hope we may be able to do that after, say, Tuesday, at the furthest.

Mr. ROBINSON. Mr. President, I did not hear the request of the Senator from North Carolina.

Mr. SIMMONS. I did not put it in the form of a request, but I made an inquiry whether it would be agreeable to Senators on the other side to meet daily at 11 instead of at 12 o'clock.

Mr. ROBINSON. I should like to ask the Senator from North Carolina and the Senator from New Hampshire if they do not think it possible and practicable to meet at 10 o'clock instead of at 11 o'clock? We have been debating this bill now for several weeks, and the progress that has been made is deplorably slow. This fact is recognized generally throughout the country. I should like to be informed by the Senator from North Carolina if he does not think it practicable to meet at 10 o'clock?

I will state, in this connection, that I am informed that there are still a number of general or so-called set speeches to be made; but the country is becoming quite impatient with reference to the consideration of this bill. It is a conceded fact that the bill is going to pass; and what I want to know is why we can not meet at 10 o'clock, so as, if possible, to that much more hasten the consideration and passage of this measure?

Mr. LEWIS. Mr. President, if I may be permitted to take the liberty to intrude a suggestion to all Senators who are now engaged in this thought, it is impossible, as I view the situation, for Senators to avoid the duty imposed by their constituents and the necessities of their position of attending to business in the different executive departments in the morning. It is almost impossible for them to escape those obligations, and, since they must be performed, I take the liberty of suggesting to the distinguished Senators from North Carolina and New Hampshire that as we are so situated we should continue meeting at the regular hour of 12 o'clock, but have evening sessions, as the morning time undoubtedly must be occupied in duties respecting the departments. I have nothing further to add than to make the suggestion that such was the course adopted by the House of Representatives on this bill——

Mr. GALLINGER. Mr. President, speaking for myself, I think it is impracticable at present, certainly, and it will be in the immediate future, to meet as early as 10 o'clock, and it is quite out of the question that we should at this stage of the proceeding have evening sessions. Later on we will doubtless be willing to hurry the matter in any way that is necessary, but I think the request made by the Senator from North Carolina as to meeting at 11 o'clock is a very proper one, and I think we had better first give that serious consideration.

Mr. SIMMONS. Mr. President, I personally would be very glad if we could meet at 10 o'clock. I think a little later, if, after the general speeches have been finished, we do not make better headway, we might meet a little earlier than 11 o'clock; and if we then do not make reasonably rapid speed, we might have night sessions. I think, though, that the general speeches are about over. There are a few more to be made; but I think next week we will not be troubled so very much with them.

I want to say that we have been on this bill only two weeks, and in the consideration of no other tariff bill which has been presented since I have been here have we advanced so far during the first two weeks as we have in the consideration of this bill.

Mr. WALSH. Mr. President, I regret very much indeed to observe that the senior Senator from the State of North Dakota [Mr. MCCUMBER] is not in his seat this morning, because it is my purpose to pay some attention to the address delivered by that Senator on this floor some time since. During the early part of the week I inquired of his colleague whether he would be likely to return soon, and was told by him that he hoped he might be here by this time. As the desire is general that the discussion proceed without any undue delay, I trust I shall not be considered guilty of any impropriety in proceeding accordingly as though the Senator were here, more particularly as he has indicated his purpose again to address the Senate before the close of the present debate.

The debate on the pending tariff bill may be said to have been begun after it was reported by the Finance Committee by the address of the senior Senator from North Dakota on Monday, July 14. It was a characteristic speech, assuming as an indisputable proposition that universal business ruin was to follow in the train of the enactment of the bill under consideration—the product of economic incompetency with an admixture of malevolence on the part of those responsible for it against every legitimate industry in general and toward agriculture in particular. It is worthy of note that nowhere in the remarks of the Senator was there any intimation that any reduction in the existing rates should be made—at least not in the agricultural schedule. Nothing that transpired during the consideration of the Payne-Aldrich bill—the terrific onslaughts of the ablest men among his party associates on this floor nor that has happened since; the political revolution which got its irresistible impulse from those assaults—has disturbed his sublime confidence in the sacred character of that measure.

He is determined neither to yield nor to waver in his conviction that the Nation-wide depression of 20 years ago was due to the effort to revise the tariff, though the senior Senator from Wisconsin should say that "it is puerile to attribute it to the Wilson tariff law of 1894," or the senior Senator from Iowa should assert that he concurs in the sentiment thus expressed. It is on the basis of the historic fact thus assumed to exist that he indulges in predictions of woe unspeakable to flow from the measure before us. In the name of the American farmer, whose convictions he presumes to speak, he protests, vainly he concedes, but vigorously nevertheless, against the removal or the reduction of the duties upon farm products. The entire bill is a conspiracy, he conceives, against the farmer who provides bread, in the interest of the denizen of the city who eats it. The lot of the farmer is a deplorable one at best, as he pictures it. Unremitting toil is rewarded in his case by a bare living, and the slightest reduction in the price of the products of his labor must entail bankruptcy and destitution. Now he stands face to face with them.

Upon whom does the Senator suppose this doleful tale and dire prediction, uttered so oracularly, are to make an impression? How have these conditions, the prospect of the passage of the act that promises so much misery, affected those most vitally concerned—the people whose thoughts turn to the cultivation of the soil as an avocation alluring above all others for the rewards it offers to honest endeavor?

The agricultural possibilities of the great State which I have the honor in part to represent in this Chamber, have,

except so far as they rest upon artificial irrigation, been but recently revealed. They were scarcely contemplated by our own people six years ago. It was assumed, without any real serious test, that, except within very restricted areas, it was impossible to raise annual crops in Montana without irrigation. The reverse of this is now thoroughly established and generally recognized. It is the exception rather than the rule that aridity forbids the cropping of lands that may be tilled. Great railroad systems are projecting new lines across the State and contending with each other for favorable terminal sites because doubt has been dispelled as to the availability of our lands generally for farming. No matter how numerous or how important may be the works of irrigation prosecuted by the Government or promoted by private capital, the area covered or to be covered by them must remain insignificant in comparison with the vast regions that must depend for moisture upon the natural provision.

If you refer to a map of the State exhibiting the areas irrigated by the Government works, or which it is intended shall be irrigated by them, the disparity will be found so great as to be scarcely believable. They appear as comparatively insignificant strips along the rivers supplying the water. Yet they are only relatively trivial in extent, the remainder being so interminably vast. These limitless wastes, the grazing ground by turns of the buffalo and his domesticated brother, are now being turned into grain fields, the irrigated sections affording an affluence of forage and inviting the production of crops requiring or justifying intense cultivation. The rapidity with which this is being accomplished, as disclosed by the figures issued by the Department of Agriculture, is as gratifying as it is startling.

The acreage sown and the crop harvested in Montana, in the case of the principal cereals during each year since 1904, are shown in the following table:

WHEAT.

Year.	Acreage.	Bushels.
1905	119,469	2,843,326
1906	137,389	3,297,336
1907	139,000	4,003,000
1908	153,000	3,703,000
1909	350,000	10,764,000
1910	480,000	10,560,000
1911	429,000	12,299,000
1912	803,000	19,346,000

OATS.

1905	178,911	7,389,024
1906	196,802	8,501,846
1907	240,000	11,760,000
1908	254,000	10,566,000
1909	300,000	15,390,000
1910	350,000	13,000,000
1911	425,000	21,165,000
1912	476,000	22,848,000

BARLEY.

1905	15,227	502,491
1906	14,313	472,329
1907	17,000	646,000
1908	25,000	875,000
1909	50,000	1,900,000
1910	52,000	1,456,000
1911	31,000	1,070,000
1912	39,000	1,424,000

FLAXSEED.

1908	9,000	104,000
1909	10,000	120,000
1910	60,000	420,000
1911	425,000	3,272,000
1912	460,000	5,520,000

We produced just a little less than 20,000,000 bushels of wheat in 1912 from 803,000 acres. Our area in wheat was nearly double that devoted to that grain the year before, when we sowed 429,000 acres, returning a little more than 12,000,000 bushels.

We had 460,000 acres in flax in 1912 as against 60,000 in 1910, yielding 5,520,000 bushels of seed. Montana stood second among the States of the Union in the production of that grain last year.

Our total cultivated area in 1912 exceeded that of the year before by upward of a half a million acres, an increase in the area cultivated to wheat of 87 per cent; of oats, 12; barley, 26; rye, 25; corn, 20; flaxseed, 8; and potatoes, 37.

I might say in passing that the average yield of wheat per acre in the United States is 15.9 bushels, while in Montana the average is 24.1 bushels. Those best qualified to venture upon prediction undertake to say that within 10 years Montana will lead the Union in the production of wheat.

Evidently there is a multitude of people who have recently come to believe that farming pays in Montana, however the case may be in North Dakota.

Mr. GRONNA. Mr. President, will the Senator object to an interruption?

Mr. WALSH. Not at all.

Mr. GRONNA. The Senator from Montana knows that the great development of the agricultural industry in Montana can be attributed to the fact that a bill was passed by Congress a few years ago permitting settlers to take what was called an enlarged homestead—320 acres.

Mr. WALSH. I should not like to admit that.

Mr. GRONNA. I state that as a fact, Mr. President. There are hundreds of people who have gone from my State into the State of Montana and have taken lands under the 320-acre act; and that is one of the reasons why farming has developed as rapidly as it has in Montana.

Mr. WALSH. I am glad of the suggestion. I have no doubt it was a factor. Are they being deterred from embarking in the business because of dread that disaster may overtake them in consequence of the effects of the pending tariff measure on the price of farm products, either directly or indirectly? Not at all. They are coming faster this year than ever before.

The land office records disclose that 10,645 homestead entries were made during the first half of the current year, the distribution among the various land offices of the State being as follows:

Office.	First quarter.	Second quarter.
Billings	113	405
Bozeman	158	283
Glasgow	477	633
Great Falls	230	1,071
Havre	1,319	2,155
Helena	160	264
Kalispell	60	91
Lewistown	315	995
Miles City	652	1,140
Missoula	98	65

This does not represent the total number of settlers who have come to the State within the period named, for many must have established themselves on land not yet surveyed. It will be understood that no record of the claims of such settlers can be made until the official survey has been approved, when they become entitled to a preference right of entry. Scarcely a mail arrives that does not bring appealing letters asking that the public land surveys be speeded. I trust that before this session comes to a close an adequate appropriation may be made to meet this urgent necessity. It is safe to say that more than 12,000 strangers have come to our State in the past half year to engage in the business of farming.

A most comforting feature of this remarkable immigration is that among those now coming to Montana are a very considerable number from the Canadian Provinces to the north of us, including not a few born under our own flag, who have been allured by persistent effort, by generous advertising, and by a wise and liberal public land policy, in marked contrast with our own, temporarily to expatriate themselves.

The Montana department of agriculture and publicity has a list of the names and addresses of 1,700 people who have come to that State from Canada this year.

I allude at the present time to the figures given as conclusive proof not only that the business of farming remains attractive for the rewards it offers, but that despite the repressive policy which has unfortunately obtained in reference to the appropriation of our public domain by settlers, those seeking new homes thereon with a purpose to engage in the cultivation of the soil appear to share very little the dread that excites the mind of the Senator from North Dakota of competition from the Canadian farmer. Neither do his constituents. They have exhibited no such feverish interest in the present bill as was evoked by the reciprocity measure. At least their neighbors of South Dakota have been most marvelously indifferent to the catastrophe that is said to be impending. Senator CRAWFORD, testifying before the lobby investigating committee, said:

> Not a single citizen from my State has appeared in Washington for the purpose of discussing this tariff legislation. * * * Two or three years ago, when we had the Canadian reciprocity bill before the Senate, the people of my State were very much wrought up over it. They were indignant over that bill. They felt that it directly injured them in removing the tariff from flax and barley and wheat, and also the discrimination was so marked they felt personally grieved about it, and I received letters by the score. A delegation of farmers came down here from my State and went before the Committee on

Finance, and I have remarked more than once to myself the difference in the manifestation of interest in that bill and in the tariff bill now pending. I have been puzzled to some extent to find a reason for the difference in the attitude of the people at that time and now.

The explanation of the condition thus adverted to is not at all difficult. The intelligent farmer of South Dakota recognizes that he has nothing to lose in a general revision of the tariff; that lowering the rates of duty generally promotes competition in the commodities he must buy, even though he may occasionally profit by a duty on some grains he raises.

Mr. CRAWFORD. Mr. President, will the Senator permit me there?

Mr. WALSH. Certainly.

Mr. CRAWFORD. How does that explain the difference when, if there be any effect at all, the effect of the reciprocity bill and the effect of this bill must be very much the same? Does the Senator think our people have grown so much more intelligent in the short span of only two years? Does he think that is the explanation of it?

Mr. WALSH. I thought I had made my idea clear when I stated that there being by this bill a general reduction in all the duties—not a reduction in the duties on their products alone, leaving subject to the higher rates of duty everything they are obliged to buy and everything they consume—they might very readily object to the reciprocity measure and find nothing particularly to complain of in this.

Mr. CRAWFORD. Yes; but there was a certain percentage of reduction in the manufactured products.

Mr. WALSH. True; but there was a reduction only on importations from Canada.

Mr. CRAWFORD. And in the same Congress bills were introduced and passed which at that time were openly said to be compensatory bills for the farmer, putting agricultural implements on the free list, and that sort of thing; and yet the stream of letters came. I have been inclined to think they were simply accepting a situation in regard to which they thought it was not worth while to make any protest because it was a foregone conclusion.

Mr. WALSH. Possibly some Senator might draw a different conclusion. I am giving mine.

It was against a convention that admitted free the products which came into competition with his while he was required to buy in a highly protected market that the farmer rebelled. Had the agreement arrived at pursuant to which the reciprocity bill was introduced embraced provisions according to him such advantages as accrued from the farmers' free-list bill, he would have exhibited, in all probability, as little concern as he does now over the pending measure. He sees compensation in this bill already adverted to in the debate, even if it be admitted that a duty on wheat accorded to him some advantage. It was the absence of such in the reciprocity measure that provoked his wrath; and it can not be rekindled by any such figures as were adduced in support of the gloomy views expressed by the Senator from North Dakota. Take those in relation to flax, for instance. It is the very general conviction, even among those who entertain the most fixed convictions of the error of the theory upon which the bill is framed, that it represents an honest, studious, patriotic effort to meet the just expectations aroused by the success of the party in power—an earnest attempt to put into law the fiscal policy of the Democratic Party. In the general denunciation leveled against it in the address referred to as being the product of minds utterly unable to cope with the subject with which they presumed to deal, the Senator took occasion to say:

> I dare say there is not a man among those who cut down the flaxseed duty who has the faintest idea what it costs to thrash a bushel of flaxseed, much less what it costs to raise it.

My State, Mr. President, bordering his, in the same latitude, stands next to it in the production of flaxseed, as stated. Why should he arrogate to himself and his party associates such superiority of knowledge concerning this important field product? I can not refrain from expressing my regret that he should feel, much less publish to the world, so ill an opinion of the equipment which the Senators from Montana brought to the discharge of their duties here. I came prepared to advise the Senate, not only what it costs to raise and thrash flaxseed in Montana, but what it costs to raise and thrash it in the State of North Dakota as well; and as the figures will be more or less instructive and illuminating I shall trespass so far upon the patience of the Senate as to descend into detail.

A lady residing in my town had owned for a great many years 160 acres of land in Wells County, N. Dak., a region that has been settled since the early eighties. The county is traversed by two lines of railroad. It is situated about in the center of that portion of the State which lies east of the Missouri River. The land in question, as the sequel will show, is as good as there is in the State outside of the Red River Valley. She had been trying vainly to sell it, hoping eventually to realize $25 an acre for it. She was finally offered $2,800, and, being about to close the deal, was dissuaded and induced to have it plowed up and sowed to flax. She entered into a contract with a gentleman, who undertook to break the land at $2 an acre, provided he might crop it on the terms he proposed, the regular price for breaking being $3.50 per acre. By the contract she was required to pay for the seed and one-half the thrashing bill and was to receive one-half the crop. Owing to the lateness of the season only 108 acres were broken, the seed, one-half bushel to the acre, costing $135. This, with the cost of breaking, made her total outlay $351. The crop thrashed out 1,296 bushels and 24 pounds and sold in Minneapolis at $1.39½ per bushel, or $1.29 at the shipping point, yielding $1,655.26, of which she received $827.63, less one-half the cost of thrashing, at 25 cents a bushel, $162, and the cost of hauling $71.28. The lady was able to pay out of the crop for the breaking of the land, and she had left better than 8 per cent on the highest price she could get for the land. If credit is taken for the difference between the cost of breaking and ordinary plowing at $1.50 per acre, a liberal allowance, her profits amounted to $557.35, or a little less than 20 per cent on the value of the land.

Mr. GRONNA. May I ask the Senator during what year that was?

Mr. WALSH. Last year; 1912.

Mr. GRONNA. I was simply going to say to the Senator that in the locality where I live we can not get breaking done at that price. If I understood the Senator correctly, he said the breaking was done for $2 an acre.

Mr. WALSH. Only on the condition that he could crop the land on the terms he offered, the ordinary price being $3.50.

Mr. GRONNA. In the case of land which has formerly been broken, we are paying for plowing this year from $2 to $3 per acre.

Mr. WALSH. Of course, I am giving the actual figures here of an actual transaction. The correspondence I have here in my files.

The man who did the work seems to have been quite satisfied with his returns, for he took the contract to break and crop the remainder of the unbroken ground and to work that already broken for one-fourth the crop, he to provide everything and pay all expenses. If the equivalent of the flax crop of last year be returned this year in other grain, she will get $3.90 per acre, or about 22 per cent on the price of the land. But that was a big yield she got—better than the average of North Dakota for last year, which was only 9.7 bushels to the acre. It would not be extraordinary at all in Montana, whose average yield last year was just what she got—12 bushels. But even if she does as well this year as the average of last year, she would make better than 17 per cent on her money, and if the crop should be as near a failure as it was in 1911, when the average was 7.6 bushels, she will make 14 per cent. And even then the man who works the place will come out even, for his share of the crop will bring him $7.41 an acre; and extensive experiments, reported in Bulletin 73 of the Department of Agriculture, show that flax is raised in Minnesota at an average cost of $5.314 per acre, exclusive of land rentals, and $6.514 on $20 land, figuring 6 per cent on the land value.

The farmer "should receive for his wheat at least, per bushel, $1.40; for his flax $2," the distinguished Senator says in connection with professions of his capacity to speak from personal experience and study. I can assure anyone interested that he can come to Montana and grow rich on wheat at 80 cents and flax at $1.25, though I hope as sincerely as the Senator possibly can that he may get even better than $1.40 for the one and $2 for the other.

I have said thus much, and perhaps tediously, because I felt that the general circulation of the speech of the Senator in his State and others adjacent would have a tendency to deter some from coming to our State to help us develop its rich resources or prompt them to choose rather to swell the tide of emigration which, to our reproach, has in recent years rolled across the boundary to the Canadian northwest.

What is the complaint, Mr. President, that is made in respect to flaxseed? What is this terrific blow that has been dealt the farmer of the Northwest? The duty has been reduced from 25 cents a bushel to 15 cents. And it is this that is to carry desolation to the already gloomy fireside of the poverty-stricken farmer, brought to the verge of ruin by eight-hour legislation and similar oppressive enactments.

The Montana farmer will get along handsomely with an advantage of 15 cents over his Canadian competitor, however it may be with his North Dakota neighbor.

I believe with Thomas Jefferson that "cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its interests by the most lasting bonds."

I have trespassed to some extent upon the patience of the Senate lest silence should be construed into an indorsement of a mendicant plea uttered on this floor in the name of those who have brought distinction to my State in the pursuit of this eminently honorable calling.

I should quit the subject of flax here were it not for another distressful cry sent up in this remarkable address, characterizing not only the spirit in which it is made, but, in a lesser degree, much of the criticism that has been leveled against this bill. I refer to that part of it which arraigns the Democratic Party for putting flax tow on the free list, pursuant to the policy of the bill to free list the raw material of all fabrics—cotton, wool, flax, and hemp. This is taking the black bread of poverty from the mouth of wasted hunger. I quote his language from the RECORD:

> From the best information I can secure I am convinced that free tow of flax will close every tow mill in the country and thereby render worthless every ton of flax straw raised in the United States, amounting, I believe, to about 8,000,000 tons.

That amuses, I see, his colleague. And well it may.

Why, the manufacture of tow in this country, Mr. President, is so inconsequential as that it finds no place in the census reports.

There are a few small mills in the State of Minnesota, the fiber product being used for upholstering and similar purposes, but the output is inconsequential and the price paid so trifling that the straw will not stand shipment any distance. The lady to whom I referred wrote to her agent at Fessenden about the possibility of disposing of her flax straw. He answered:

> As to flax straw, will say that our farmers burn it. Of course there is less flax raised here every year, but at the same time the acreage amounts to quite a little, but probably not enough to warrant anyone in putting in a flax-fiber mill. I talked this matter over with Mr. Brinton (the lessee) to-day, and he had in quite a few acres of flax besides what he had sown on your land. He told me that he wrote several mills and that their quotations were all about the same. He said that he remembered that the Union Fiber Co. of Minnesota offered him $4.40 per ton f. o. b. Fessenden. He said he figured out what it would cost for baling, labor, hauling, freight, etc., and that it would amount to $3.50 or $3.75 per ton. And he said that no money could be made at that rate. He said he believed, however, that the large expense of preparing the flax straw for shipment was due to the poor facilities for handling a proposition of that kind.

Now, if it be true, as asserted and as seems to be the case, that even where there is a market at all, the price flax straw will command is just barely enough to pay for hauling to the mill, how can it be possible that tow mills will be driven out of business, as the Senator from North Dakota says he is informed will be the case, by the removal of the duty from their products? Can it be hauled any more cheaply in Canada or the mill be operated any less expensively there? They send their wheat to Minneapolis to be milled because it can be done more cheaply by reason of the power there. Is not this straining to the bursting point and beyond in order to discover something with which to find fault? I may say in passing that my information is, as the conditions suggest, that the duty on flax tow is merely nominal in the case of the product of straw which has been allowed to mature in order to produce seed.

A huge conspiracy between the brewing interests on the one side and the Democratic Party on the other to fleece the farmer is scented in the paragraph reducing the duty on barley from 25 cents to 15 cents a bushel. The junior Senator from South Dakota, in the course of his thoughtful address delivered some days since, counseled a reduction in the duty on barley, proposing 20 cents instead of 15. Is it to be understood that he, too, is involved in the conspiracy referred to, or are we to infer that he has entered into one of his own? Is not 15 cents a sufficient margin upon which to permit the American farmer to compete with the Canadian in barley, a grain the average farm price of which on December 1 last was 50.5 cents a bushel, and never went beyond an average of 86 cents on that date, assumed to be in the marketing season, in 20 years?

Mr. GRONNA. Mr. President, I do not want to interrupt the Senator, but the Senator in quoting the average price of barley of course gets his figures the same as the rest of us get them, from reports. However, the Senator from Montana knows that the farmers of his State or of my State receive no such price as he now quotes. I myself sold thousands of bushels of barley last fall at 32 cents a bushel.

Mr. WALSH. The point I am making is that this is the average price throughout the Union. Of course, we out there, contending against enormous freight rates, do not get even this much. I undertake to say that out in our country we do not ordinarily get more than from 30 to 50 cents a bushel for barley, upon which we are protected under the bill now before the Senate 15 cents a bushel.

Mr. GRONNA. But, if the Senator will permit me, it is not only the freight rate but it is the combination which we have in the country which buys our barley. It is true that the farmer of this country is in the hands of the American brewer when he comes to sell his barley. It is true that the farmer, even with the protection, has not received the price for his barley that he is entitled to. It is also true that in years with a short crop he has received the benefit of the full amount of the duty of the present law—30 cents a bushel. But in years when we have had a large surplus he has not received the benefit of the full amount.

Mr. WALSH. Why, it was shown by the testimony of a witness as well qualified to speak as any man in the United States, Prof. A. E. Chamberlain, formerly with the Agricultural College of South Dakota, on the hearing before the Senate Finance Committee on the reciprocity bill, a witness produced to combat that measure, that the difference in the cost of producing a bushel of barley in this country and in Canada is only 5 cents. (Vol. 1, Reciprocity with Canada, 117.)

Bear in mind that is the difference between the average cost throughout both countries. I am not prepared to admit that they raise barley any cheaper anywhere in Canada than we can in Montana. The lessened cost there arises from their greater average yield per acre, but they get only 30 bushels per acre, while our average for 10 years is 34.61.

Upon what theory does the Senator base his complaint of a duty three times the difference in the cost of production here and abroad, or is he not a subscriber to the doctrine that such difference should measure the rate of the duty? Is his address to be taken seriously, or is it to be regarded as a piece of humor, more or less embittered by the political revolution in consequence of which he finds himself in the minority?

I have no disposition to open up the discussion precipitated by the reciprocity measure, as to whether the farmer derives any more benefit from a duty on wheat than he would on corn or cotton, all of which are among our leading exports, but simply append, in answer to the figures he submitted showing that wheat prices ruled higher in Winnipeg, at times, than in Minneapolis, a table indicating how they have ranged throughout the present year, from which it will appear that since the 1st of March the advantage has been decidedly with the Winnipeg market. Without reading this, Mr. President, I will ask leave to have it printed as an appendix to my remarks.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The Chair hears no objection. [See Appendix 1.]

Mr. CRAWFORD. I am not sure that I got correctly the last statement of the Senator. Was it that the Winnipeg market with reference to barley was more favorable to the farmer than the Minneapolis market?

Mr. WALSH. With reference to wheat.

Mr. CRAWFORD. Oh, it was wheat. I thought it was barley.

Mr. WALSH. In the general catastrophe in which the northwestern farmer is to be involved, as the Senator prophetically sees him, the sheep and wool raiser is to disappear utterly. That he may survive has not entered into the calculation of the Senator at all. True he does not trouble himself with particulars or proof; he contents himself with stating the fact. Possibly he does not feel that degree of familiarity with the details of the subject as he enjoys in respect to flaxseed. Anyway, he advises the Senate that though raw wool carries a duty of 11 cents a pound, the producer "has actually received a benefit of from 7 to 9 cents." He does not deem it necessary to give any authority for this statement. If it were true, his predictions of calamity to this industry might be verified. But it is not true, I am happy to state. The tariff never did increase the price of wool to exceed 4 cents a pound, according to Judge William Lawrence, president of the National Woolgrowers' Association, in an address to that body delivered in 1897, or 5½ cents, according to Hon. Fred Hagenbarth, also president of the same association, in his annual address for the year 1911. In the course of the debate on this floor on the Underwood wool bill, coming here from the House during the Sixty-second Congress, my predecessor, Hon. Joseph M. Dixon, on July 12, 1911 (CONGRESSIONAL RECORD, p. 2860), stated that the difference in the price of raw wool in Boston and in London was then and for six months had been no more than 2 cents per pound. He attributed the approximation of the price in the two markets named to the agitation for free wool, a contention that is disproved by the following table of wool prices that have prevailed in Montana for the past 10 years, taken from the last report of the bureau of agriculture of that State, page 167:

	Cents.
1903	14.50
1904	15.00
1905	21.00
1906	20.00
1907	21.00
1908	15.00

	Cents.
1909	20.00
1910	18.00
1911	17.00
1912	20.50

The current price for 1911 was only 1 cent per pound lower than that which prevailed in 1910, but it was 2 cents higher than that received in 1908. It is not unlikely that the pendency of the tariff bill was utilized by the buyers to drive a better bargain, just as it is this year. In fact, the risk of tariff legislation has been used to bear prices to such an extent that many well-informed growers insist that prices are now on a free-wool basis. Such was the opinion of the Hon. William Lindsay, United States marshal of our State, an exceptionally well-informed student of wool prices and an extensive grower, expressed in an interview given out at the opening of the present season. I ask to have it read from the desk as it appears in a newspaper account thereof.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OPTIMISTIC VIEW OF THE WOOL MARKET.

HELENA, *April 14.*

"Considering the conditions of the trade, the conditions of the clip, and the decreased number of sheep there are in the United States I do not expect to see the price of wool go lower than it has been for the last three years," said United States Marshal William Lindsay to-day. Mr. Lindsay is one of the largest sheepmen of the State.

"Prices for the last three years have been down to a free-wool basis," he continued, "and for this reason sheepmen should not be influenced by any change in the tariff. They should not allow the arguments that the wool buyers will advance to cause them to accept any lower prices than they have been getting.

"The wool lofts in the East are empty, the manufacturing plants are pretty well employed, and conditions generally are such that prices should not go lower.

"It should not be forgotten either that everybody looked for raw hides to drop when the tariff was removed. Instead, however, the prices of hides advanced, and so did the price of shoes."

Mr. SMOOT. Will the Senator yield?

Mr. WALSH. Yes.

Mr. SMOOT. Does the Senator say that the price of wool in Western States is as high as it was last year?

Mr. WALSH. I do not say so.

Mr. SMOOT. I thought the Senator did in his statement.

Mr. WALSH. I am going to reach that in just a minute, when I will answer the Senator's question.

Mr. SMOOT. Then I wish to ask another question. Does the Senator think the manufacturer will buy wool to-day upon any other basis than free wool when he knows that there will be free wool within a month or so?

Mr. WALSH. Of course, I do not undertake to say what he will do.

Mr. SMOOT. The Senator knows that whenever a manufacturer buys wool in the grease by the time he buys it in the Western States and gets it into the factory and puts it through the factory into cloth six months will have elapsed; that is true, is it not?

Mr WALSH. Of course, I am not entering into a general discussion of the wool question. I am simply presenting and having read at the desk the views of a very prominent wool-grower of my State, a Republican Federal official, a very excellent gentleman, for whom I entertain the very highest regard, and I am giving you his idea about the matter.

Mr. SMOOT. I wish to say to the Senator that last year there was a shortage in the wool crop in the world of over 240,000,000 pounds. That is why wools are so high in the world to-day. But wait until the normal conditions come back.

Mr. WALSH. Of course, the Senator is venturing upon a prediction.

Mr. SMOOT. Then I will ask if the Senator does not know that when normal conditions return the wool prices of the world will be less than they are this year?

Mr. WALSH. I was going to advance some ideas a little later on which will indicate the view I have that the prices will not be any lower than the are now.

Mr. SMOOT. The only way, of course, that that could possibly happen would be that there would be a shortage of the wool crop in the world; and last year there was a shortage of the wool crop of the world of over 240,000,000 pounds.

Mr. WALSH. Recently Hon. Charles Williams, the president of the Montana Woolgrowers' Association, addressed an open letter to the members of that organization counseling them to hold their clips for 20 cents, and asserting that the market conditions entitle them to that price.

Mr. President, as the article is somewhat long, I do not like to detain the Senate with reading it, but will content myself with reading the heading of the article:

Montana wool should bring 18 to 20 cents.—C. H. Williams, president of Montana Wool Growers' Association, issues statement.

I ask that the same be printed as an appendix to my remarks.

The PRESIDING OFFICER. If there is no objection, that will be done. [See Appendix 2.]

Mr. WALSH. Few have realized as much as 20 cents, but an unusually large quantity has been shipped on commission in the expectation of obtaining approximately that amount. Three companies with which I am associated were offered 17 cents, but declined and consigned. Two of these clips brought 20 cents last year, and the third 19. If we realize 18 cents we shall receive approximately the average price of the last 10 years and from 2 to 3 cents more than the prevailing price when I went into the business in 1903 after the Dingley law had been in force six years.

It is growing more and more expensive to run sheep in the West, because of the narrowing of the range. Great areas devoted exclusively to pasturage only a few years since and regarded as valueless except for such use are now cultivated farms. Owing to that condition, more or less prevalent throughout the West, our flocks are being rapidly depleted. We are losing a quarter of a million annually in Montana, and the number of sheep in the Nation is diminishing, as indicated by the following figures from the last Yearbook:

Number of sheep in United States.

Jan. 1, 1910	57,216,000
Jan. 1, 1911	53,633,000
Jan. 1, 1912	52,362,000
Jan. 1, 1913	51,482,000

The high-water mark was reached in 1903, when we had 63,965,000. Since then we have lost practically 12,500,000 head, while our population has increased in round numbers 14,500,000, or 18 per cent.

Our sheep have been going, in numbers increasing annually, to the slaughtering pens, the Crop Reporter for February, 1913, giving the following numbers absorbed by the principal stock markets. In—

1909	10,284,965
1910	12,406,767
1911	13,556,108
1912	13,743,843

New South Wales suffered a loss of 6,000,000 head last year, according to official figures, as a result of a drought. The depletion of our western flocks because of the absorption of the range will continue in all reasonable probability at an accelerated rate for some years, until eventually the industry will be confined to localities adjacent to the mountain pasturage. There is bound to be a dearth of mutton in a few years, if not of wool. Those obliged to retire from the business by the advancing settlement of the country more than recoup their losses by the increasing value of their land holdings. Those situated so as that they can remain in the business have every prospect of reasonable returns, as mutton prices are bound to advance with the curtailment of the supply. Sympathy over the deplorable plight of the sheep grower is altogether gratuitous. He is not asking it. Give him a law which will prevent the fraudulent dealer from imposing upon the public by palming off as a pure-wool fabric of original manufacture from the long fiber goods that are largely cotton or the product of renovated rags, shoddy, or other waste; give him free access to the public range, the mountain pastures with their sparse herbage which becomes a menace to the forests unless grazed, and he will ask no odds.

The world price, fixed by the London sales, protects him against any such loss as attended the industry when the experiment of free wool was last tried in the midst of financial disturbances and business depression that involved and overwhelmed the Old and the New World alike.

The duty on wool has assumed an importance politically out of all proportion to the significance of the industry in the economy of the Nation. Schedule K has been, as it was denominated by ex-Senator Aldrich, the very citadel of protection. No tariff law, constructed in professed conformity to the teachings of that system, which has gone into force in the last half century, could ever have been passed except by compliance with the demands of those insisting on a duty on wool. The projectors of both the Dingley law and the Payne-Aldrich measure needed the votes of western Senators from woolgrowing States, and got them by conceding all that was asked. Patriotic Republican Senators inveighed against this schedule on the passage of the bill, and a Republican President, while commending the act as a whole, denounced this particular schedule as indefensible—a commentary that the stoutest defenders of Schedule K when it was in process of enactment will not now controvert.

Occupying thus the unique position of the keystone in the arch of the protective system, Schedule K suffered in the public estimation, not only because of its own iniquities, but

vicariously for the accumulated villainies of the completed measure of which it formed a part. When the advocates of a wool duty, with a fatuity that must now seem to them incomprehensible, prevailed upon President Taft to veto a relief bill that carried a 29 per cent ad valorem rate the deluge came.

What is there of magnitude in the industry to justify the preeminence it has had in the determination of the fiscal policy of the Government? It has been the dominant influence in controlling the politics of a half dozen Western States. Montana leads the Union in sheep and in the production of wool, and yet our flax crop last year yielded almost as much as our wool—flax returning $6,182,000 and wool $6,870,970, according to the figures given by the Montana Bureau of Agriculture. Four years ago the culture of flax in our State was almost unknown.

Ohio is, and for many years has been, first among the States east of the Mississippi in the production of wool. Its political life has been to no small degree colored, if not fundamentally affected, by the question of a duty on wool. But it produces eggs, to say nothing whatever of poultry, in value more than five times that of its annual wool clip.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. WALSH. I do.

Mr. STERLING. If the Senator from Montana will excuse me, was not the chief objection to Schedule K on account of the tariff on woolens rather than on account of the tariff on wool?

Mr. WALSH. I am sure that that is the case; and it acquired an odium, so far as raw wool is concerned, that was not deserved by reason of that which justly attached to the other end of the schedule.

Mr. CRAWFORD. Will the Senator yield to me just for a word there?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. WALSH. I do.

Mr. CRAWFORD. The Senator from Montana has just now referred to the importance of the production of flax in his State, and a short time ago he discussed the production of barley. I desire to call the Senator's attention to the figures taken from the report of the Tariff Board both in relation to the production of flax and of barley in the Senator's State, and comparing the prices with the prices in Saskatchewan, a Province, I think, adjoining Montana on the north. For instance, as to flaxseed, the figures reported by the Tariff Board show the price per bushel for 1910 in Montana of flaxseed to have been $2.40, while in Saskatchewan, the Province adjoining Montana, the price was $2.08, making a difference in the State of Montana of 32 cents.

In the same report with reference to wheat, the price per bushel in Montana was 86 cents and in Saskatchewan 65 cents. I have the table here for wheat and flax, but not the figures as to barley in this table, except that in the report of the same board giving the differences in price, they say that from the year 1900 up to 1909, the Chicago price as compared with the Winnipeg price was in favor of Chicago from 1 cent to 46 cents; and that during half of the time the difference in favor of Chicago would average above 13 cents. Now I ask the Senator whether, in view of those figures, he does not think it is better for Montana, as well as for that entire agricultural region, to preserve this discrimination?

Mr. WALSH. Of course, Mr. President, the Senator from South Dakota will scarcely ask me to undertake to answer that question without an opportunity to analyze those figures which he quotes.

Mr. CRAWFORD. They are from the report of the Tariff Board.

Mr. WALSH. I shall be very glad to consider them at the proper time. I was not arguing that matter at all, but I was endeavoring simply to combat the proposition that this thing means ruin to the farmers; that is all. Whether the farmer does actually obtain the benefit or does not obtain the benefit is aside from the purpose of my present argument.

Mr. CRAWFORD. I do not think the contention is that this proposed action will necessarily ruin the farmer; but it will certainly injure the farmer and destroy a discrimination in his favor that is as marked as these figures show.

Mr. WALSH. Of course I do not now undertake to answer those figures at all.

I was discussing, Mr. President, the relative importance of flax and wool in the State of Montana. The distinguished senior Senator from Utah, whose profound acquaintance with the details of the tariff schedules has awakened my admiration, has heretofore been disposed to regard as sacrilegious any assault upon Schedule K, whose valiant champion he became when a revision of the tariff was last attempted. If eggs bring 30 cents a dozen in his State—and you can never buy them for less in mine—the hens of Utah contribute of that product an aggregate in value two-thirds of that of the wool shorn from its sheep.

Mr. SMOOT. Mr. President, I take it for granted that the Senator from Montana does not impute to me——

Mr. WALSH. Responsibility for the hens?

Mr. SMOOT. No; belief in a protective tariff in case it only benefits my State.

Mr. WALSH. Certainly not. I simply spoke of this——

Mr. SMOOT. I am a protectionist in every fiber of my soul. I believe in protection to every section of this country. I offer no apology for it. I believe just as surely as I believe that I am alive that it is for the best interest of this country. I am glad to say that I am for protection for Arizona, for Utah, for New England, for the South, for every section of this country. It makes no difference to me whether it is wool or whether my State raises wool or not; I care not for that.

Mr. WALSH. I was simply selecting the Senator's State because it happened to produce about as much from hens as from sheep. It is quite time that the destinies of a great Nation should cease to be turned in accordance with the demands of an industry important to individuals, of course, but relatively painfully inconsequential.

We have listened to predictions of ruin to the beet-sugar industry in consequence of the provisions of the pending bill, should it become a law, since the first day it appeared before us, and probably shall not hear the last of them until the consideration of it closes. Many of these are made as unreflectingly as those that voice the dark forebodings as to barley and flax straw. More are but the echoes of the threats uttered by the sugar lobby to coerce concurrence in their greedy purpose so richly satisfied in former tariff acts.

The duty on sugar has become particularly odious owing to a combination of circumstances with which the public is familiar. The Sugar Trust was the prototype for the gigantic combinations that have become offensive by reason of their contempt of the law and their monopolization of industry. Its despicable thievery from the Government by false weights gave a character to every enterprise with which it happened to be associated of the most unenviable nature. Its jugglery with the Wilson bill is remembered with execration. The sugar interests got what they asked in the Dingley Act, and then proceeded immediately to capitalize the extortion it permitted, launching beet-sugar companies with stock representing a modicum of money and a profusion of water.

They have for more than 20 years maintained at Washington a most industrious and efficient lobby to resist every measure, however patriotic its purpose, that might have any tendency to interfere with the tremendous subsidy the laws accorded them. Every change, if they were to be believed, spelled ruin to the beet-sugar industry. We wanted Hawaii for purposes of national defense. They acclaimed that it meant ruin to beet sugar. This prophecy was vain.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH. I do.

Mr. BRISTOW. Let me inquire what was the production of sugar at the time we acquired Hawaii?

Mr. WALSH. I have not the figures. It was in 1898, and the production was quite small compared with what it is at present.

Mr. BRISTOW. I thought we had acquired Hawaii long before 1898.

Mr. WALSH. We have had a reciprocal agreement with that country since 1876.

Mr. BRISTOW. Yes; so the acquisition in 1898 did not affect the sugar business at that time, because we had had free sugar for years.

Mr. WALSH. I am simply stating the character of opposition that was offered to the acquisition of Hawaii by the sugar lobby declaring that it meant the ruin of that industry.

Mr. BRISTOW. When we had had free sugar from Hawaii for many years prior to that?

Mr. WALSH. I am not responsible for any inconsistencies there may have been in the argument. I shall quote the testimony of the head of it concerning his attitude with respect to the matter.

Mr. BRISTOW. And certainly arguments like that would have no influence with intelligent men, and it seems to me would hardly be worthy of the Senator's recognition in a very able argument, such as he is now making.

Mr. WALSH. The Senator did not do me the honor to remain and has not had an opportunity to follow the course of the discussion. I have no doubt in the world that he was taken away by important business; but I have simply been addressing myself to the claim of the threatened destruction to the beet-sugar industry, and I have been endeavoring to trace a large portion of it to the lobby maintained here in its interest; that is all.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Montana if he does not believe that free sugar will destroy the local production of sugar in this country?

Mr. WALSH. I do not think it will destroy it in the State of Montana, if the Senator desires to ask me that question.

Mr. SMOOT. The Senator does not think it will destroy it in Montana?

Mr. WALSH. I do not think so at all.

We incurred an obligation to Cuba in which the national honor was involved and undertook to repay it by a reciprocal trade agreement. Again ruin impended, but the prophets of evil proved false prophets. The Philippines alone of all our territories and possessions were excluded from our markets. It was proposed to admit 300,000 tons of sugar from them free, and again the representatives of the Nation were told that the beet-sugar industry would be blasted. It has remained reasonably healthy, and it is believed in Montana to be paying splendidly on the money invested.

In fact, the magnificent beet-sugar factory in that State has paid so well that the handsome profits it has been able to make have never been given publicity. In all the literature the company conducting it has issued, it has studiously refrained from advising the public just how much it has been making. If it were not asking for legislation to enable it to obtain a reasonable return on the money invested the public would, perhaps, have no proper concern in its profits. Asking the people generally to burden themselves with a tax in order that it may exist, it ought to be quick to disclose what advantage it enjoys under the concession now granted the industry.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. Certainly.

Mr. SUTHERLAND. The Senator, in answer to a question put by my colleague, thought that the sugar industry in Montana would not be injured by the proposed legislation.

Mr. WALSH. I would not like to have the Senator understand that by that I mean they will continue to make as much profit as they have been making.

Mr. SUTHERLAND. The Senator, then, thinks they will not make as much profit?

Mr. WALSH. Certainly.

Mr. SUTHERLAND. But the Senator thinks they will make a sufficient profit?

Mr. WALSH. Yes.

Mr. SUTHERLAND. Let me ask the Senator how many sugar factories there are in Montana?

Mr. WALSH. One.

Mr. SUTHERLAND. One. The possibilities of the production in Montana have, of course, not been reached nor anywhere near reached?

Mr. WALSH. Certainly not.

Mr. SUTHERLAND. Does the Senator think that the promise of free sugar will have any tendency to prevent the building of new factories and the investment of further money in that industry?

Mr. WALSH. Frankly I should say that it would.

Mr. SUTHERLAND. Does the Senator not think that that would be an unfortunate thing?

Mr. WALSH. It would be unfortunate, as a matter of course, for those immediately benefited. As to whether it would be an unfortunate thing for the people of the country at large is a question quite aside from the purpose of my discussion.

Mr. SUTHERLAND. Does not the Senator think it would be an unfortunate thing for Montana, for Utah, for Idaho, for Oregon, and for all those States which are peculiarly adapted to the raising of sugar beets, if the growth of this industry should be checked?

Mr. WALSH. Of course, the Senator will understand that it was not my purpose at this time to discuss the merits or demerits of the tariff. I am simply endeavoring to confine myself to an inquiry to meet the charges of ruin—that is all; and I must refuse to enter into a general discussion at this time with the Senator on that question, which, of course, will be thoroughly canvassed when Schedule E is reached.

Mr. SUTHERLAND. Of course I would not ask the Senator these questions or any questions if he is unwilling that I should do so; but I was anxious to have the Senator's view upon that matter, as to whether or not the placing of sugar upon the free list, in the Senator's opinion, would have the effect to greatly retard the development of that industry in those States?

Mr. WALSH. I have not the slightest doubt in the world that it will.

Mr. SUTHERLAND. Of course, whatever may be said of the remainder of the country, it would certainly be injurious to those States.

Mr. WALSH. Injurious is another thing. I have canvassed a little later on in my discussion just about what it costs us, and it is a question of balancing cost against benefit.

Mr. SUTHERLAND. In view of the Senator's answer upon that matter, let me ask the Senator another question. Does the Senator think that the effect of placing sugar upon the free list will be to reduce the retail price of sugar?

Mr. WALSH. I have not the slightest doubt of it. It appears to be universally conceded that it will, at first at least.

Mr. SUTHERLAND. To what extent does the Senator think it will?

Mr. WALSH. I shall likewise discuss that later on.

What is the subsidy it now enjoys, or that part of it contributed by the people of Montana? The duty on Cuban raw sugar is now $1.34 per hundred. Under free sugar the price will drop that amount, or, say, $1.25. Each individual in the United States consumes annually 80 pounds of sugar. If the price is reduced as suggested, he saves just $1 annually on his sugar bill. If there are 500,000 people in Montana, the State is paying $300,000 annually to keep up the sugar-beet business. It is said, however, that of the total of 80 pounds annually assigned to each individual of the total consumption of sugar in this country all but 54 pounds goes into the preparation of articles of food, like preserves and canned goods, the price of which will show no reduction. But even if that were admitted, Montana is to-day paying more than a quarter of a million as a subsidy to the beet-sugar factory. If it were proposed to levy a tax by our legislature of $250,000 annually to subsidize beet-sugar factories in the State, I apprehend no public man would lend the idea the least countenance, nor would there be the slightest prospect of its adoption by our State government, even though it had the power constitutionally to levy such a tax.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. WALSH. Certainly.

Mr. STERLING. Do I understand the Senator to say that each individual in the United States consumes 80 pounds of sugar a year?

Mr. WALSH. That is the estimate.

Mr. STERLING. Each individual?

Mr. WALSH. Each individual.

Mr. STERLING. Does not the Senator mean that that is the average consumption throughout the United States?

Mr. WALSH. That is the average consumption, certainly.

Mr. STERLING. That includes not only sugar consumed in household use in the ordinary way, but it includes the sugar manufactured into candy, and so forth.

Mr. WALSH. I have so stated.

Mr. POMERENE. It is consumed nevertheless.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. Yes; but I should like to get through.

Mr. SMOOT. If the Senator objects, I shall not interrupt him.

Mr. WALSH. Not at all.

Mr. SMOOT. I wanted to call the Senator's attention to the fact that in 1911, when the beet sugar of this country was disposed of early in that year, all of the sugar, not only that used in Montana, but in other Western States, was furnished by the sugar refiners of this country. The people of Montana then were placed in a position where they will be placed when the production of sugar in this country ceases. The sugar refiners of this country in 1911, because of the fact that the sugar produced in this country had been exhausted, advanced the price of sugar to 7¾ cents a pound, and it remained at that figure until the beet-sugar production of this country came upon the market. During those three months the people of this country paid to the sugar refiners over $20,000,000 of extra profit.

Mr. WALSH. Of course, the fact of a rise in the price of sugar at that time and its subsequent depression is perfectly well known. It has been stated in the discussions here time and again.

Mr. THOMAS. It was due to the law of supply and demand.

Mr. SMOOT. But there was no shortage of sugar in Russia at that time, and had it not been for the fact that the sugar

of the world came under the control of a powerful organization located in Germany, which would not allow the Russian sugar to come into this country, there would not have been a shortage, nor would there have been a shortage all over the world; but on application to Russia to ship sugar into this country, they were allowed to ship a limited number of tons and no more.

Mr. WALSH. If I may be permitted to interrupt the Senator for a moment, I am now simply considering how much it costs us. It does not cost us any more or any less because of the facts stated by the Senator from Utah. Of course that is a consideration that might be urged as an offset to the burden of the tax—that is to say, that it might be claimed there is some compensation for it—but I am simply talking now about how much of a tax it is upon the people of the State of Montana.

Mr. SMOOT. The Senator must understand that the people of Montana would not save this tax if they were under the control of the sugar refiners, who would charge them even more than the tax.

Mr. WALSH. If they were under the control of the sugar refiners, if there was no beet sugar produced in this country at all, and the Sherman law would permit the sugar refiners to combine and fix prices, as a matter of course the people of Montana would be under their control. I shall refer to that now.

It is but just to say that the advocates of the duty maintain that by its removal the domestic industry will be destroyed and then the importers will by concert raise the price in the absence of competition. But the answer to that argument is, first, that the beet-sugar industry will not be destroyed. That suggestion, in view of the history adverted to, has lost its terrors. It has been used too often. The second answer is that there are going to be no more combinations organized in palpable violation of the Sherman Act. Its penal provisions have begun to alarm.

I listened with the keenest sympathy a few days since to the recital by my esteemed friend the junior Senator from South Dakota [Mr. STERLING] of the hopes of the people of his State for the establishment there of the beet-sugar industry, for which its soil and climate are highly adapted. But has the Senator stopped to count the cost? His State has a population of over 600,000 souls. Is he willing to take the stump and advocate before his people, should Congress withdraw the aid it now extends, that they tax themselves to the extent of $300,000 annually and turn the amount over to such companies as shall construct and operate beet-sugar factories in South Dakota?

Mr. STERLING. Mr. President, I hardly understand the Senator's allusion and the reason why he says the people of South Dakota would be taxed $300,000.

Mr. WALSH. The Senator from South Dakota in the course of his address the other day spoke of the hope of his people of the establishment among them of sugar factories.

Mr. STERLING. I did not understand the Senator's first allusion.

Mr. WALSH. The question I propound to the Senator is, Suppose now that Congress does pass this law and withdraws the aid accorded by the existing law, is the Senator willing to go upon the stump in his State and advocate that his people tax themselves to the amount of $300,000 annually and turn that over for the support of the sugar factories in his State?

Mr. STERLING. Does the Senator mean by that the additional cost of sugar that there would be to the people of my State?

Mr. WALSH. I have figured out that that is what it costs your people.

Mr. STERLING. In the first place, Mr. President, I think the Senator in making the statement that it will cost $300,000 additional to the people of my State assumes facts not proven. I will say further, in answer to the Senator, that that which will bring diversity of industry to my State, which is engaged largely in the raising of corn, wheat, oats, and flax, will be of great benefit to the people of that State. It may be that they will pay for sugar the price they are paying now without any reduction, yet the advantage and the benefit it would be to the State of South Dakota in the end to have this diversity of industry would more than counterbalance any additional amount they have to pay, or more than counterbalance the present price they are paying for sugar.

I think the Senator admitted a while ago in the course of his argument, in answer to a question, that the placing of sugar on the free list would prevent the establishment of any beet-sugar factories in the State of South Dakota. Anything that will prevent the establishment of an important and valuable industry like that, as I have said, will be in the end an injury to the people of South Dakota, a State whose soil and whose climate are adapted as well as that of any State in the Union to the raising of sugar beets.

Mr. WALSH. As indicative of the spirit that ordinarily actuates the beneficiaries of tariff legislation, it might be noted that one C. S. Morey, president of the Great Western Sugar Co., which owns the stock of the Billings Sugar Co., being asked before the Hardwick committee what reduction in the present duty on sugar might properly be made, replied that the beet-sugar business could stand no reduction. For the sake of accuracy, I quote his testimony:

Mr. MALBY. Something has been said with respect to the effect upon the beet industry in case of the repeal of the present tariff. Is that found to be advantageous?

Mr. MOREY. We could not live without the present tariff. I do not believe there would be a beet factory in the United States if the tariff were removed. That is my honest opinion.

Mr. MALBY. Is the industry sufficiently established, in your judgment, so that it could operate successfully and profitably by any considerable reduction in the tariff?

Mr. MOREY. No, sir; I think not.

Mr. MALBY. Your idea about it is that if the beet industry is to be preserved that you require a tariff?

Mr. MOREY. Yes, sir.

Mr. MALBY. Equal to the present one?

Mr. MOREY. Yes, sir; we could not stand any reduction and have the business reasonably profitable. The smaller factories can do as well as we can, but we could not make a fair return.

Now, having that item of testimony in mind, I desire to direct the attention of the Senate to certain evidence elicited from Henry T. Oxnard, who for years figured conspicuously in Washington in connection with the beet-sugar lobby that has been maintained here scarcely without interruption for 20 years, given before the committee now by authority of this body engaged in investigating lobbying and lobbyists.

Prior to the passage of the Dingley law, Oxnard, in association with his brothers and certain bankers in New York, had erected and was operating four beet-sugar factories in the West, the title to which was held by four separate companies. Promptly upon the passage of that act he unfolded to the banking house of Kuhn, Loeb & Co., of New York, a scheme of consolidation. He showed them what he had been doing and what he could do in the future in view of the "protection" afforded by the newly made law. The prospect was an alluring one to the financial interests appealed to. The American Beet Sugar Co. was organized with a capital of $20,000,000—$5,000,000 preferred and $15,000,000 common. Kuhn, Loeb & Co. put up all the money that was contributed, $5,000,000, for which they received all the preferred stock and an equal amount of common. The other common stock went to Oxnard and his associates. Four million dollars of the $5,000,000 thus raised were paid for the factories, the remainder being used with the accruing surplus to build two additional factories in 1900. Bear in mind, he did not put a dollar into the enterprise, but got $10,000,000 of common stock. The factories he had owned were bought and paid for at their full value.

The American Beet Sugar Co. has now been operating 15 years. It has paid regularly 6 per cent on its preferred stock. It paid one dividend of 6 per cent on its common stock. It has accumulated a surplus of $2,500,000, and has built the new plants referred to and made betterments, so that it has plants, modern and completely equipped, worth $8,500,000—that is to say, it has added $3,500,000 to its accumulations in that way. In other words, it has actually made, during the 15 years of its existence, just a little less than 15 per cent on the cash capital invested, meanwhile paying a salary of $20,000 annually to its president, $10,000 to Mr. Oxnard, its vice president, and $10,000 more to his brother, occupying some subordinate position. But the interesting part of the story is this: The common stock went on the market at $38 and at one time rose to over $70, indicating that some people believed that eventually regular dividends would be paid on the $15,000,000 of water in the stock—three-fourths of the entire capitalization. Oxnard, knowing the actual conditions, "got out from under." He sold his stock at prices ranging from $15 to $50, according to his testimony before the Hardwick committee; $25 to $35, by his testimony before the Senate committee. In either case the average is $30. So that he actually plucked $3,000,000 out of the atmosphere by this transaction, realized the dream of the alchemist and turned water into gold. Presumably Kuhn, Loeb & Co. were equally provident in respect to their $5,000,000 of common. It is a reasonable inference that they got at least as much as $2,000,000 for theirs; in other words, that the public was fleeced to the extent of $5,000,000 by this particular piece of high finance.

There are still among the Members of this body some who voted for the imposition of the duty that made possible the perpetration of that scandalous transaction—yea, and who spoke for it, in the confident belief that they were performing a patriotic service to their country, endowing an industry that must otherwise perish, fixing a rate of duty that Mr. Morey, in the face of such conditions, asserts must be maintained in order

that it may live. There are more who voted for the continuance of the same rate in the Payne-Aldrich measure, acting from equally worthy motives, but impelled by the same cry of impending ruin to the beet-sugar industry.

To what extent did the conclusions thus arrived at owe their origin to the persuasive powers and arguments of the lobby which, under the name of the American Beet Sugar Association and the United States Beet Sugar Industry has haunted the corridors and committee rooms of the Capitol for 20 years, the moving spirit in it being ever and always the same Henry T. Oxnard, of whose genius for finance the corporation referred to is the product? For some reason, the nature of which the most searching examination failed to disclose, the associated interests operating legislatively under the name of the American Beet Sugar Association for many years took the name two years ago of the United States Beet Sugar Industry. Its activities were in no respect changed, its policy remained the same, but on the change in name two years ago, about the time a Democratic House began looking into things, it occurred to the wizard who directed its energies that the books of the association were a cumbersome burden to it, and he had them destroyed. Of his activities I let this dean of the lobby himself speak:

I have been here for 23 years, Senator. I came here and argued before the Finance Committee in 1890, and not one single Senator that was there in that body is here to-day.

The CHAIRMAN. Every Congress since that time you have been here?

Mr. OXNARD. I have been here on the Cuban reciprocity, fighting that; fighting the annexation of Hawaii, when they started to annex that; fighting the Wilson bill, when that was on, about 20 years ago; Cuban reciprocity; the Philippines—I have been through five tariff bills, the Wilson bill, the McKinley bill, the Dingley bill, and the Payne-Aldrich bill, and I do not know how many more.

The CHAIRMAN. You have exerted all your strength in that direction?

Mr. OXNARD. Every bit; I have brought all of it to bear to develop this industry.

The CHAIRMAN. And you spent all the money you could get?

Mr. OXNARD. All that I could get voluntarily. But I will say this: Not one cent was ever spent in an illegitimate way; not one.

The CHAIRMAN. You have spent a great deal of money?

Mr. OXNARD. I should say, roughly speaking of course, in twenty-odd years, I do not know whether it is $10,000, but I think perhaps we spent $60,000 during the Cuban reciprocity, and Mr. Havemeyer or Mr. Donner told me that the trust spent $750,000 on the opposite side of the question at that time. (Lobby Inquiry, pp. 1188–1189.)

Without the aid of the books recording the amounts spent under his direction, he was unable to speak with accuracy, of course, but on reflection the amount stated by him as having been annually expended appeared to him altogether too low, and he changed his estimate to $20,000, whereupon he was asked, touching the aggregate sum that he had disbursed in 20 years:

You think, in round numbers, it would be half a million dollars?

To which he answered:

Somewhere in that neighborhood.

Appreciating the force of public opinion it did not content itself with presentation of the statistics compiled and briefs prepared to Members of Congress. It got wide circulation through "boiler plate" and "canned editorials," furnished gratis to the press throughout the country for articles more or less attractive in matter and style, all pointing to the wisdom of a high duty on sugar. These articles appeared as emanating from the usual news-gathering sources or as the expression of the views of the editor upon the topics to which they related.

A regular campaign was inaugurated to "place" these convenient "fillers," a skilled expert writing to the man in the field thus:

CINCINNATI TIMES-STAR,
Washington Bureau, October 23.

Mr. C. C. HAMLIN,
Colorado Springs, Colo.

MY DEAR CLARENCE: Yours of the 18th to hand this morning. You will have mine of yesterday, probably, before this reaches you, so have an idea of what I am doing here. I trust the clippings meet with your approval. My idea of your needs in this cause is that you should gradually hammer into the public intelligence not so much a loud demand for higher tariff or no tariff tinkering, but the conviction that the beet-sugar industry is an American institution of tremendous importance to the West and Middle West; that all good Americans should do their utmost to help it along; and that there is big money in it for every man that plants a beet. As soon as this percolates through their skulls not an M. C. west of the Hudson will dare vote for a tariff reduction * * *.

In your hotel interviews around the beet-sugar States or the potential beet-raising States it seems to me it would be an excellent idea to say that you are in town to consult a number of prominent men with a view to acquiring a tract of land to go into the beet-raising business. Every paper thereabouts that goes in for local "improvements" will editorialize to beat the band, and almost before they know it they'll be planting beets and making them into sugar—on paper, anyway. You can get all the newspaper space you want if you only give the papers something they think will make a hit with their readers' pockets.

Just about this time it seems to me we ought to get a good deal of space in the Sunday papers—the magazine sections—if we go after them. Have you any real good pictures of the process from seed to granulated? Pictures of the work in the fields, the gathering, shipping, transportation, slicing, etc.? If you have, send me, say, 15 or 20 sets and I'll write a story, duplicate it, and send it to as many papers, beginning, say, at St. Louis and traveling west and north to the coast. If I inclose a note to the Sunday editor telling him that he can have the story and pictures gratis, I'll guarantee that we can land three-fourths of them.

Ever,

R. H. HAZARD.

(Lobby inquiry, 1438–9.)

Generous contributions were made to meet the expenses of the annual meeting of such associations as the Irrigation Congress or the Trans-Mississippi Congress with a suggestion, usually effective, to those in charge of the arrangements of the propriety of a resolution "boosting" the beet-sugar business. The following letter will illustrate:

NOVEMBER 6, 1911.

Mr. W. A. DE RICQLES,
Denver Club, Denver, Colo.

DEAR DE: Herewith check for $500, being our contribution to the stockmen's convention.

I have taken up the matter of securing a suitable man to deliver a paper and will put you in touch with him as soon as possible.

We will prepare such resolutions concerning the sugar industry as we think should be adopted, and will depend upon you to see that this matter is attended to. I should have given you this check before leaving Denver, but was crowded for time.

C. C. HAMLIN.

It prosecuted diligently the device of deluging Senators and Congressmen with letters and telegrams from their constituents, calculated to impress them with the idea that a powerful sentiment prevailed in their respective States or districts to which they might deem it wise, considering their political future, to defer.

It provided for the convenient use of such statesmen as cared to avail themselves of opportunities so afforded elaborate tables of statistics and other like matter calculated to exercise a persuasive influence in debate or to afford justification to the country for a predetermined plan of legislation.

Another line, related in character, in which it specialized is exhibited in the following letter, which fell into the hands of the committee:

AMERICAN BEET SUGAR CO.,
Rocky Ford Factory, July 17, 1908.
(Frederick Wietzer, manager.)

DEAR MR. PALMER: I have a letter from Mr. Morey, in which he says that Mr. Gove will go around trying to educate Congressmen. Will you please give Mr. Gove any data or statistics he may desire? I believe you have already supplied him with some. I think Gove an excellent man, and he can help us. It would be different if it was Hathaway. I am off to California to-night.

HENRY T. OXNARD.

(Lobby hearing, p. 1416.)

It was suggested to this instructor of Congressmen that some exacting official was complaining about his expense account. He was accordingly admonished mildly to itemize the same, but the task was made easy, for he was told that—

with reference to itemizing accounts, will say that anything that you particularly do not like to itemize might be put under the head of "miscellaneous." (Lobby hearing, p. 1401.)

This course was suggested in response to the following letter from the worthy who was engaged in the high-class educational work to which he was assigned:

EBBITT HOUSE,
Washington, D. C., August 4, 1911.

MY DEAR HAMLIN: I have yours, with inclosures. Thank you for the bank errand.

You are quite right in itemized expense, and it will be easy; but if an auditing board, as you intimate, is to check you up, some skill will be necessary in extending account items.

Heretofore I have orally accounted to my principal.

These multitude investigating suspecting committees now on deck in governmental affairs are a lesson to anyone who has accounts to be audited by a "board."

AARON GOVE.

(Lobby hearing, pp. 1399–1400.)

It will be observed that he was to be more fully equipped for the task he undertook under the tutelage of one Truman G. Palmer, chief statistician to the United States Beet Sugar Industry, with headquarters in the city of Washington, where enlightenment was deemed most needed. Palmer has been secretary of the association named since it came into existence, and held a like place with the American Beet Sugar Association for many years, his talents being of so high an order as to command a salary of $10,000 per year. His specialty is statistics. He has frequently, however, indulged in argument, his contributions to the literature of the sugar industry having been repeatedly spread broadcast at the public expense in the guise of public documents.

The circulation of his Sugar at a Glance taxed the mail service to an extent that would have required the payment from less-favored organizations seeking to influence legislation in their behalf of $20,000.

On the occasion of the pendency of every one of the historic measures referred to in which the fortunes of the sugar industry were involved, he has been prepared with statistics to demonstrate that its very life was at stake.

Fortunately the public have ceased to regard with great seriousness the professions of profound alarm with which many of the interests affected greet every effort to revise the tariff or the predictions of ruin that invariably accompany any such. It is to the credit of the business men of the country whose interests are more or less directly involved that they have generally exhibited a complacency touching the pending tariff measure and a resolute purpose to accommodate themselves to the new conditions it imposes quite in contrast with the storm of protest that has accompanied like efforts in the past toward alleviating the burdens of tariff taxation.

Their example might well be emulated in this Chamber. The daily repetition on this floor of predictions of inevitable ruin to this, that, or the other industry in consequence of the reduction of the duties on the commodities produced in it, and general financial depression as the aggregate result, can have no other effect than to contribute to bring about the very condition so eloquently deplored. One would scarcely turn loose a flock of political and financial Cassandras in the market place who was really apprehensive of a business panic. I shall have served the purpose for which the regular consideration of the bill was interrupted if I have succeeded in showing that with respect to some items of the bill, and one at least that promises to occupy a place near the storm center of the debate, the dread aspect in which the future has been depicted will vanish when contemplated in the light of the actual conditions that surround the particular industry involved.

Mr. THORNTON. Mr. President, before the Senator from Montana takes his seat I should like to ask him whether since the evening of the 7th of July, which was the time of the adjournment of the Senate Democratic caucus, he has become a convert to the doctrine of free wool and free sugar, as I judge he has from his argument to-day?

Mr. WALSH. Of course the Senator misinterprets the argument. I have made no argument to-day in favor of either free wool or free sugar. I have simply undertaken to show that neither will destroy those industries so far as my own State is concerned.

APPENDIX 1.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, July 24, 1913.

For Hon. T. J. WALSH,
United States Senate, Washington, D. C.

Weekly averages of closing prices for No. 1 northern wheat at Minneapolis, Duluth, Chicago, and Winnipeg during 1913.

Week ending—	Minneapolis.	Duluth.	Chicago.	Winnipeg.[1]
	Cents.	*Cents.*	*Cents.*	*Cents.*
Jan. 4[2]	83 7/8	82 1/4	89 1/8	81 1/8
Jan. 11	85 1/4	84 1/8	90 5/8	81 5/8
Jan. 18	87 1/8	86 1/4	92 1/8	83 1/8
Jan. 25	86 1/2	85 1/4	91 3/8	82 1/8
Feb. 1	86 1/8	86 1/8	91 1/2	82 1/8
Feb. 8	87 1/8	87	92 1/8	83 1/8
Feb. 15	[3] 86 1/8	[3] 86 3/8	[3] 92 3/8	87 3/8
Feb. 22	[4] 87 1/8	[4] 86 1/8	[4] 91 1/8	84 1/8
Mar. 1	87 1/8	86 1/8	[5] 91 1/2	85 1/8
Mar. 8	85 3/8	84 1/4	90 1/8	84 1/8
Mar. 15	84 3/8	84 1/8	89	85 3/8
Mar. 22	[6] 84 1/8	[7] 83 1/8	[6] 88 1/8	[7] 88 1/8
Mar. 29	85 1/8	[8] 84 1/8	89 1/8	86 1/8
Apr. 5	86 1/8	85 3/8	91 1/8	87 1/8
Apr. 12	87 1/8	87 1/8	92 1/8	89 1/8
Apr. 19	87 1/8	87 1/8	92 1/8	90 1/8
Apr. 26	90 1/8	90 1/8	94 1/8	92 1/8
May 3	90 1/8	91 1/8	93 1/8	93 1/8
May 10	88 1/8	90 1/8	89 1/8	[9] 93 1/8
May 17	90 1/8	89 1/8	91 1/8	92 1/8
May 24	91 1/8	91 1/8	[10] 93 1/8	[10] 93 1/8
May 31 [8]	93 1/8	92 1/8	94 1/8	94 1/8
June 7	91 1/8	[9] 91 1/8	90 1/8	[9] 91 1/8
June 14	91 1/8	92 1/8	93 1/8	[9] 97 1/8
June 21	92 1/8	93 1/8	94 1/8	98 1/8
June 28	92 1/8	92 1/8	94 1/8	97 1/8
July 5	[7] 92 1/8	[7] 91 1/8	[7] 93 1/8	[11] 97 1/8
July 12	91 1/8	91 1/8	92 1/8	[6] 98

[1] Prices are for wheat in store at Fort William and Port Arthur.
[2] Three days; no quotation for Wednesday, January 1.
[3] Five days; no quotation for Wednesday.
[4] Five days; no quotation for Saturday.
[5] Five days; no quotation for Tuesday.
[6] Five days; no quotation for Friday.
[7] Four days; no quotations for Friday and Saturday.
[8] Four days; no quotations for Thursday and Friday.
[9] Five days; no quotation for Monday.
[10] Four days; no quotations for Tuesday and Saturday.
[11] Three days; no quotations for Monday, Tuesday, and Saturday.

APPENDIX 2.

To the Woolgrowers of Montana:

Conditions in the wool trade are such as to justify the belief that those who can hold their clips for even a short time will receive more for their wool than the present offers would indicate.

Buyers began early in the season to beat down the price of wool by sending out depressing reports and by staying out of Montana. They made efforts, as usual, to get a few clips at remarkably low prices, hoping to start selling at the lowest possible figures, but even isolated clips have been held up by the growers in most cases and the buyers are just beginning to make offers.

As near as can be learned, the price paid for Montana clips of any considerable size has been around 17 cents, while several large clips have brought 18 cents.

HOLD THE FLEECES.

It is believed those who can hold their clips will receive from 19 to 21 cents. There is every reason to believe the bulk of Montana wool will bring 20 cents.

From the Boston correspondents of the leading commercial papers it is learned that the Colorado clips have sold there at 18 to 20 cents; the Nevada clips for 17 to 19 for fine and fine medium, with medium at 21 to 22 cents; and Utah at 18 cents for fine, and fine medium at 21 cents, with 22 cents for medium.

Wool people are adjusting themselves to the free-trade basis, and according to the Commercial Bulletin of Boston "a more optimistic attitude has been adopted by the wool trade during the last week. There is a disposition to operate more freely."

DELAY STRENGTHENS MARKET.

Even the delay in passing the wool tariff schedules is said by Boston buyers to have had a strengthening effect on the wool market. A writer in the New York Commercial says: "The longer the passage of the tariff bill is delayed the further the cost of wools will advance. The business of consignments has diminished and the dealers have been buying outright. The consignment business has been limited to the heavier and defective staples."

Manufacturers are demanding domestic grades to an unusual extent, and it is said manufacturers would now find it too late to arrange for the use of foreign wools even if they were desirable.

We find this significant statement in the Boston wool letter of the New York Commercial:

"Wool buyers and manufacturers daily become more convinced that no legislation will arise to interfere with the marketing of this year's domestic clip."

This simply means that if the placing of wool on the free list eventually influences prices to remain about where they are now, or drives them lower, the manufacturers and buyers of Boston have "become convinced that no legislation will arise to interfere with the marketing of this year's clip."

BUYERS KNOW SITUATION.

In other words, they are justified in paying as good prices for the wool of the West this year as any other year. Suppose the tariff bill does not pass before September or October. The buyers and manufacturers are then given three months to liquidate their business as done under present conditions. No wool could be imported on the new basis until next year.

The Senate Finance Committee has agreed that the change in the sugar schedule shall not go into effect until 1914, and it is believed some such arrangement will be made as to the wool schedule.

During recent years importations have been wools to suit a special purpose other than that for which domestic fleeces are wanted, and manufacturers do not look upon the possibility of increased competition of foreign wools with any great concern.

LIGHT SHRINKAGES.

Woolgrowers should bear in mind that the present year is a year of light shrinkage for Montana wools. This is by reason of the snowy winter, followed by a wet, backward spring, with the result that there has been no dust on the ranges and no extended warm weather to bring out the grease in the wool.

This all tends to make the wool much lighter than is usual at shearing time.

The average shrinkage of Montana wools is generally placed by buyers at about 66 per cent. This was no doubt the case when Montana was growing heavy shearing sheep exclusively. Of late years most of the bands have been mixed with coarse wool, making the shrinkage probably 5 to 7 per cent less than formerly.

DEMAND FOR DOMESTIC WOOL.

Few growers appreciate the fact that a shrinkage of 5 per cent less in their wool very materially increases the price of the fleece.

Taken as a whole there is every reason to believe the present clips will bring 20 cents or above if they are held and the growers are not too easily influenced to sell. If free wool eventually makes for lower prices, it is regarded as too late to have any real effect on the market this year. This year's clip can be bought on the same basis as that of last year, and it will be in the hands of manufacturers or in clothing before the tariff bill of the present administration could have any real effect on the wool market. It will then be too late for manufacturers to buy foreign wools on a free-wool basis.

The best way to do is to hold the clip and not be bluffed into accepting the first offer made by buyers who have for years beaten down the price paid for Montana wool with one argument and another.

This letter has been prepared so that the woolgrowers may be informed of the facts as this association sees them. There has been such a great lack of definite information among the woolgrowers on the subject of prices, values, etc., that it is believed that a statement of the true status of affairs is due them, which we believe has been given in this letter.

CHARLES H. WILLIAMS,
President Montana Woolgrowers' Association.

Mr. MYERS. Mr. President, I give notice that on Monday next, immediately after the close of the morning business, I shall address the Senate on the pending tariff bill, and especially on the free-raw-wool clause thereof.

Mr. STONE. Mr. President, I desire to supplement the magnificent address made by the Senator from Montana [Mr. WALSH] by reading a short telegram which I clipped from the Washington Times of yesterday. I am very sorry the senior Senator from Pennsylvania [Mr. PENROSE] is absent, since this dispatch is from Altoona, a city in his State, and is somewhat like the letter of the Sharples Separator Co., which saw fit to enter a protest against the statement of the Senator from Pennsylvania that it had gone out of business. You will all

recall the wail of woe that issued from the pallid lips of the Senator from Pennsylvania two or three days ago.

The dispatch to which I refer is as follows:

PENNSYLVANIA ROAD BREAKS FREIGHT RECORD.

ALTOONA, PA., *August 1.*

All records for freight movement in the history of the Pennsylvania Railroad were broken during July, when 180,113 cars passed Denholm. This is an increase of almost 1,000 cars a day over July, 1912, and more than 1,000 higher than the best previous record.

The dispatch speaks for itself. I put it in as being apropos to the speech just delivered by the Senator from Montana.

Mr. MARTINE of New Jersey. Mr. President, I should like to say further, with reference to many of the statements made by the distinguished Senator from Pennsylvania [Mr. PENROSE], that I have received a letter or two from Pennsylvania utterly disproving the statements made. Instead of universal calamity in the great Commonwealth of Pennsylvania in the way of furnaces going out, they are being relined and reconstructed for more business. I also have a number of clippings from prominent papers in the very county of which the Senator from Pennsylvania spoke, utterly setting aside his deductions and conclusions. I have hesitated to present them to-day, thinking it would be more courteous and more pleasing to the Senate, as it would be infinitely more to my liking, that I should hold them until the Senator himself is here. I shall reserve them, mayhap, until Monday.

Mr. SIMMONS. Mr. President, I ask that the Secretary proceed with the reading of Schedule D.

Mr. CLARK of Wyoming. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Wyoming suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smith, Ariz.
Bacon	Gore	Owen	Smith, S. C.
Borah	Gronna	Page	Smoot
Brady	Hollis	Perkins	Sterling
Brandegee	Hughes	Pittman	Stone
Bristow	James	Pomerene	Sutherland
Bryan	Johnson, Me.	Ransdell	Swanson
Burton	Jones	Reed	Thomas
Catron	Kenyon	Robinson	Thompson
Chamberlain	Kern	Saulsbury	Thornton
Chilton	Lane	Shafroth	Tillman
Clark, Wyo.	Lewis	Sheppard	Townsend
Clarke, Ark.	Martine, N. J.	Shields	Vardaman
Crawford	Myers	Shively	Walsh
Dillingham	Nelson	Simmons	Williams

Mr. GRONNA. I wish to announce that my colleague [Mr. MCCUMBER] is necessarily absent on account of illness in his family. He is paired with the senior Senator from Nevada [Mr. NEWLANDS].

Mr. JAMES. I desire to announce the unavoidable absence of my colleague [Mr. BRADLEY].

Mr. BACON. I wish to announce that my colleague [Mr. SMITH of Georgia] is necessarily absent from the city to-day. During his absence he is paired with the senior Senator from Massachusetts [Mr. LODGE].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SIMMONS. Mr. President, in requesting that the Secretary proceed with the reading of Schedule D, I overlooked the fact that when we adjourned on yesterday afternoon the Senator from Washington [Mr. JONES] had the floor.

Mr. JONES. I desire to withdraw the amendment I offered yesterday, and offer in lieu thereof the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 19, paragraph 75 reads as follows:

Lime, 5 per cent ad valorem.

The Senator from Washington proposes to add to the paragraph the following proviso:

Provided, That the duty levied and collected by this paragraph shall in no event be less than the duty levied and collected by any adjoining country upon the importation of lime into such adjoining country from the United States.

Mr. JONES. Mr. President, this proviso meets the situation which I described yesterday as existing between this country and Canada. I will say briefly that under existing conditions the Canadians impose a duty of 17½ per cent on our lime going into that country, while on lime coming into this country the duty is 5 cents per hundred pounds, including the package. According to the handbook, that is equivalent to an ad valorem duty of 8 or 9 per cent. So that the Canadians practically shut us out of their market, while under the existing law we give them an advantage in ours.

The effect of the proposed law is to leave the barrier that Canada has erected against us, and to take down still further whatever barrier between this country and Canada exists on our side. In other words, they will maintain their 17½ per cent duty on our lime and the package in which it is imported, while we propose to reduce our tariff to 1 cent per hundred pounds.

At the conclusion of the proceedings yesterday I had just read a letter from one of the leading men in our State, giving the course that is pursued by Canadian manufacturers under the law as it exists now. I want to recall that letter to the attention of the Senate, because, as I said yesterday, I am satisfied that the members of the Finance Committee do not desire to discriminate against our own people in favor of another people or another country; and I am satisfied that they are perfectly willing to avoid such discrimination if they possibly can do it.

The result of the situation is, according to this gentleman, that as matters stand now some of the owners of lime properties in British Columbia partially develop their lime, load some of it onto ships, bring it over into our markets, put the price away down, and practically say to our people: "You buy us out, or we will continue this cutting"; and they can possibly afford to do that, and sell out their interests.

I desire to read briefly from this letter what I read yesterday afternoon, so that Senators may have the situation clearly in their minds. I wish to say that I know this gentleman personally. He is one of the most responsible citizens of our State. He says:

This unequal contest—

That is, the contest under the condition that our tariff on their lime is only 8 or 9 per cent and their tariff on ours is 17½ per cent—

This unequal contest has encouraged British Columbia real estate schemers to open up lime properties in a more or less primitive way, and then, while lying behind their 17½ per cent wall of protection, attack the American markets with the avowed purpose of forcing American manufacturers to either subsidize them to remain out of our markets or to buy them out entirely, in order to maintain a living price for the product from their own kilns in their markets.

* * * * * * *

Just now this exact condition is prevailing: A certain manufacturer on the British Columbia side is continually shipping small quantities of lime into our markets, both to Puget Sound and the Hawaiian Islands, cutting the prices down to an unprofitable basis, and openly and defiantly saying to us: "There is just one remedy for you—pay us a sufficient subsidy or buy our plant at our figure as the price of peace in your own markets."

Then he says:

The institution that is just now assailing our markets at every quarter has been trying for the past two years to sell their property to us and to other local manufacturers.

Then he asks that this condition of things be remedied. He states that their plant has been running at only a 50 per cent capacity during the last five years. He feels satisfied that if we are given a fair field in this matter, if we are placed upon an equal basis with the Canadians across the line, then we will be able to meet them in our markets and possibly in their own markets.

The purpose of the proviso that I have just offered is to place us upon an equal basis with the Canadians in this important business. Over a million and a half dollars are invested in these enterprises in our State alone. Several hundred men are employed. Some communities depend entirely upon the lime manufactured in their vicinity. Unless there is some remedy for this condition of things these plants must close, these men must be thrown out of employment, and these communities will be practically destroyed.

I can appreciate that our friends on the other side do not take into account the difference in labor cost, if there is such a difference. I understand that their theory of the bill does not take that into account. I have no quarrel with them for it. I am simply going to appeal to them on the basis that we ought to put our own people upon an equality with their competitors across the line and in the passage of legislation in the interest of our own people we ought not to frame that legislation in such a way as to discriminate against our people in favor of others.

I think that is a proposition which does not involve any special tariff principle whether for revenue or for protection, but it does involve the fair treatment of our own people by our legislative body. Upon that basis alone I appeal to our friends on the other side to put us on the same basis as the lime manufacturers of Canada. If the Canadian Government should take the tariff off of lime entirely, then we would be perfectly willing to have it taken off on lime coming into this country, but at any rate give us a fair field in our own market and in the markets that are adjacent to us. The situation as it now is enables the Canadians to do this.

It was suggested yesterday that at many localities along the border line there would be places in our territory where lime could be manufactured and taken over to territory across the

lime, and that we ought not to put a tariff on lime which would prevent it from being brought into localities on our border where they do not have the lime production.

Now, what is the result of the present policy? The result of it, as a general rule, is simply that where there is a lime deposit on our side there are lime deposits on the other side; it is simply a continuation. The result is simply this: The Canadian has his market; he holds it by the 17½ per cent tariff; and if we start a manufactory of lime on this side he can afford to come in and reduce the price of his lime so to stop that factory and drive it out of business or prevent its development and prevent its working. And when that is assured he can put his price up to the equivalent price on the other side. He can afford to do that as a business proposition, because he knows we can not take the market on his side of the line and he can get into our market with the comparatively small duty.

If you pass the bill as it is here, at only 1 cent per hundred pounds, we simply increase the size of the trust that the Canadian manufacturer of lime has now to crush out any possible development of the lime industry on our side and take our market away from us and supply it with his own product and put his price at practically what he may desire.

Mr. President, that is all I desire to say on the matter. It seems to me there is just one proposition, whether or not you want to help our own people by placing us upon an equality with those across the line, whether you simply want to insure that we shall have the same equality with them in our own market and in their market that they have in our market, or whether you want to increase the size of the trust with which they can destroy our industry.

I have here a letter prepared on behalf of several of the lime manufacturers in our State, which I desire to place in the RECORD without reading. It presents the matter very clearly and very fully. There is one statement in this letter, however, that I think is a mistake. I think the gentleman who wrote it had in mind the provisions of the bill rather than the existing law. I desire to call attention to it. He says:

The United States Government, on the other hand, allows the Canadian manufacturer of lime to ship his products into this country at a specific tariff duty of $1 per ton with package free.

That is a mistake. The present law imposes a tariff of 5 cents per hundred pounds on lime, including the weight of the package, but under the present bill the tariff is left at 5 per cent on lime and the package comes in free. With that correction I ask that this letter be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The letter referred to is as follows:

SEATTLE, WASH., *April 21, 1913.*

Hon WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SIR: At a meeting of the owners of all the lime plants located in the northwestern tier of counties of this State, which practically includes all its available limestone deposits, I was requested to take up and lay before you the conditions of this industry at the present time, and to ask you to use your best endeavors to have the iniquitous tariff conditions we are now operating under adjusted on some fair and equitable basis.

The industries are owned by citizens of the State of Washington who have invested their capital and earnings, and many of them have spent the best years of their life in building up the business in the hope of securing a reasonable return on their venture, but for the last few years this has been impossible, owing to industrial conditions that have placed them at the mercy of competitors across the boundary line in British Columbia.

The lime deposits of British Columbia are located upon Vancouver Island and have deep-water transportation not only to the principal markets of their own country, but likewise to the principal markets of the States of Washington and Oregon. In addition to this the railroads absorb their local freight charges to interior points; that puts them on an equality with our home manufacturers with the added privilege of employing Chinese labor, which averages but $1.75 per day, while the average white labor in the lime plants of this section is $2.87½ per day.

At the lime kilns in British Columbia, where the product is put up in barrels, the Chinese contract the cooperage at 5 cents per barrel, while our manufacturers are compelled to pay 7 cents per barrel. The British Columbia manufacturers were given by the Government of that country large areas of timbered lands from which to draw their fuel supply for burning the lime, and their average cost of wood ranges from $1.40 to $1.65 per cord, while the manufacturers of the State of Washington are compelled to pay from $2.50 to $3.25 per cord for the same class of wood delivered to their kilns.

These physical conditions are a very serious handicap to the lime manufacturers of this section, when they have to come in competition with British Columbia manufacturers on equal terms, and much more so when our Government places a bounty in the shape of a preferential tariff in favor of these foreign manufacturers, as is the case at the present time and has been for some years last past.

The Canadian Government places a duty upon manufactured American lime and ground limestone going into Canada of 17½ cents ad valorem, which also includes the cost of the package, *and compels our manufacturer to invoice his shipments at his selling price to jobbers,* which means that we must pay a duty, not only upon the manufacturing cost but also upon the anticipated profits. For violation of this clause or the slightest attempt at undervaluation they invoke what is known in Canada as the dumping clause which adds to the 17½ cents a penalty for double that amount. *This places the ordinary duty of our lime entering Canada under the present prices at $1.92½ per ton.*

The United States Government, on the other hand, allows the Canadian manufacturer of lime to ship his products into this country at a specific tariff duty of $1 per ton *with package free,* notwithstanding the fact that the manufacturing cost of this package equals, if it does not exceed, the cost of the lime it contains, and they are then able to sell the empty barrels at from 10 cents to 15 cents each in direct competition with the American cooperage factories and which gives a tariff advantage to the Canadian manufacturer, in addition to all the other physical advantages, of from 92 cents to $1.05 per ton, and makes this country the dumping ground for the surplus product of the British Columbia lime manufacturers, which they have been quick to take advantage of, as every manufacturer knows that the cost of producing a certain article is decreased in proportion to the increased volume of the output of the plant and his ability to keep his plant running continuously.

Just as an example and to show the actual conditions I will quote two instances:

The Roche Harbor Lime Co.'s plant at Roche Harbor is one of the largest on the Pacific coast, operating 14 kilns with an investment of more than $1,000,000. For the past two years this plant has averaged but little more than two and one-half kilns in constant operation, and there have been times when not even a kiln was burning.

The Pacific Lime Co.'s plant, of British Columbia, has been during the same period running full blast and have installed additional kilns to more than double their capacity. The British Columbia markets have not been able to absorb their entire output, but with the very favorable tariff regulations they could very conveniently dump their surplus upon this market and cut the price below where it could be profitably produced by our own manufacturers.

When the schedule of tariffs for the bill now before Congress reached us, we found that instead of getting relief from the condition already prevailing it is proposed to wipe out the last vestige of industrial stability for this product by reducing the already low tariff by 50 per cent. It hardly seems reasonable to any citizen of this country that men elected to a high legislative office will deliberately plan to ruin their own citizens for the benefit of a foreigner or to carry out the theoretical idea of an economic problem. The placing of this tariff upon the statute books means nothing more or less than the formation of a trust between the United States Government and the British Columbia lime manufacturers which will destroy the property of their own countrymen, who are compelled to pay taxes from which the executioners derive a yearly revenue.

If the manufactured article in question was one in use by a class of people whose earning power was limited, or had any relation to the high cost of living or any of the various economic questions that confront us to-day, there might be some excuse for this action; but in this particular instance the contrary is true. Lime to-day is not used by the poor man. His house is plastered by a cheaper article than lime can be possibly produced, known as gypsum hard wall plaster. His chimneys, owing to the known danger of fire, are to a large extent laid up in cement mortar, and the use of lime therefor is largely restricted to brick and terra cotta construction in large and massive office buildings, factories, warehouses, and the like, and for which we in turn are compelled to pay the highest rate for occupancy and use. Therefore, from an economic standpoint, it has no relation whatever to the abstract question but is purely one of business judgment.

On behalf, therefore, of the lime manufacturers of this country, and especially those of the Northwest, I have been delegated to file with our delegation a most emphatic protest against the reduction of the present tariff and to ask, instead, that a reciprocal tariff be demanded between these two countries, whose boundary line is imaginary instead of physical, and to ask that you use your best effort to see that this industry and the men who have invested their entire resources and years of effort be not destroyed.

The lime manufacturers of this section are not asking for protection, but justice, a fair field and no favors, an equality of opportunity to invade the foreign field on the same terms and conditions that they are allowed to enter here, and we submit that under the present conditions we are entitled to a specific duty of $2 per ton on manufactured lime entering this country from foreign ports.

If it is impossible to raise the tariff on this class of goods shipped from British Columbia into the United States equal to that demanded by the Canadian Government at the present time, I would suggest that some provision be made whereby the President and his Cabinet would have the right, after proper investigation, where certain tariffs were working hardships against the citizens of the United States and no other redress were possible, to suspend the tariff and make it equal to that of the foreign country. This is now being done and has been for years in Canada, where the tariff law can be changed at will, by the simple process of making what is known as "an order in council."

Trusting that you will give this question your prompt attention, and be able to secure some reasonable adjustment on a fair basis to the citizens of this country, I remain,

Very respectfully, J. J. MANEY.

N. B.—A similar letter is being sent to each member of our congressional delegation.

J. J. M.

Mr. STONE. Mr. President, I do not care to take any time in prolonging this discussion. A great many demands have been made upon the Committee on Finance in advocacy of countervailing duties. In numerous products a provision similar to that embodied in the amendment offered by the Senator from Washington has been suggested and urged by people interested in them. We can not apply the principle of countervailing duties to articles generally. There should be very rare and exceptional reasons for doing it, or else there would be no substantial relief of the kind supposed to result from the passage of this measure.

While, as the Senator says, there is a duty of 17 cents on lime going into Canada as against about a 9 per cent duty under the present law on lime coming into the United States, the fact remains that we have imported practically no lime into the United States and have exported two and a half times as much as we have imported. I see no reason for applying a countervail-

ing duty, such as is proposed here, or any other kind, for that matter.

Mr. JONES rose.

Mr. STONE. As I said, I do not wish to prolong the debate, and I hope we shall have no more speeches on it.

Mr. JONES. I wish to suggest to the Senator with reference to importations that it is not a prohibitive duty we have now; that in 1896, when we had the same duty, we imported 42,806,000 pounds of lime. In 1905, with that same duty, we imported 46,148,700 pounds, a very considerable importation. Then in 1910 we imported 18,085,600 pounds and in 1912 9,985,200 pounds. While some years show small importations, other years show a very large importation, and what the next year might show with the 5 cents a hundred duty of course no one can tell.

Mr. STONE. Mr. President, I ask now that we may have a vote on the amendment.

Mr. BURTON. Mr. President——

Mr. STONE. Does the Senator desire to address himself to the pending amendment?

Mr. BURTON. To this amendment.

Mr. STONE. I understood that the Senator had an amendment of his own to offer.

Mr. BURTON. Mr. President, this item affords an excellent object lesson. It shows the futility of the plan adopted in this bill. I think it would be well to have free trade in lime with Canada. Geographical considerations would largely determine on which side of the line the supply would be furnished. Freight rates enter prominently into the problem. The same considerations that apply here would apply to coal and some other heavy materials.

But here is the proposition: Canada has a duty on our lime of 12½ cents per hundred pounds. As I figure it, on the basis of pending prices that is more than 17½ per cent; it is about 23 per cent. So the Canadian duty is 23 per cent, approximately. Our duty at present is between 9 and 10 per cent, and it is proposed to diminish that to 5 per cent. What good is that going to confer upon this country? Are we acting for ourselves or are we acting in the interest of our Canadian neighbors in making this change?

The whole theory upon which this bill is founded is that we should buy where we can buy the cheapest, and that in exchange for those things which we buy from foreign countries we should export to them something which we can furnish more cheaply.

I have little doubt but that in most localities on the border we can furnish lime more cheaply than Canada. Our plants are better organized and the business has been longer established. But this article which we can furnish more cheaply is shut out from Canada. It can not go in there unless we pay a duty of 23 per cent. So the whole argument for the bill, the whole theory of freer-trade tariff revision, fails in this place.

There is one point I wish to take up in this connection. Is anybody illogical enough to believe that the lowering of this duty is going to lower the price to any American consumer?

Here is a country with a population of about one-tenth of ours. Their supply of lime is perhaps one-fifteenth of ours. Our market is represented by 15 units to 1 unit. What is going to determine the price of lime in the United States? The fifteen-sixteenths consumed and the fifteen-sixteenths furnished in the United States or the one-sixteenth furnished by Canada? What will be the inevitable result? If any Canadian desires to send into this country a carload or cargo of lime, he will ascertain what the price is in the United States. He will be actuated by no altruism. He will sell at the price in this country.

Suppose there are 15 men engaged in a certain trade who were receiving $2 a day, and one man comes along who has been receiving $1.75 a day. Why, according to the theory of some here, the 15 men would all lower their wages to $1.75. But what is the result? The one man conforms his compensation to that of the other 15, and the wage is raised from $1.75 to $2.

Now, it has been said that these countervailing duties can not be generally adopted. There are a number of cases in this bill where they should be adopted, where the lowering of duties under which articles are imported in this country will confer no benefit whatever upon us in the way of cheapness of price, because the foreign producer will charge the same figure which he finds to be prevalent here. There is a variety of causes for that. For instance, the one I have just named, the volume of our consumption is so great that the greatest demand and the greatest supply control effectively. Theoretically there would be a very small, an almost infinitesimal decrease in the price in such a case as I have named, but actually it does not occur.

But, Mr. President, this is fundamental. This is not the place where we can base our policy on what we call international economy. National economy, that which is for our benefit, should be the argument which should govern our action in such cases.

I have introduced an amendment here which is somewhat different from that introduced by the Senator from Washington [Mr. JONES]. It was presented on the 24th of April. It shows satisfaction with the duty of 5 per cent, but adds the proviso that in case lime is imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on lime imported from the United States of 10 per cent or more, then the duty shall be 10 per cent. It does not propose in any case to raise the duty above 10 per cent, but does rest upon the unfairness of giving away our market.

Mr. President, it is surprising to me that the Senate should insert a provision in the bill—and there are many of them scattered all through this measure—where the most elementary principles of trade demonstrate that the bill seeks to benefit not ourselves but another country.

Carrying out to its logical result the idea that we can produce a number of things more cheaply than other countries, how will you get a market for them? When you must pay for your imports with exports, how will you dispose of your exports in such cases as this where the currents of trade are stopped and the market is closed to you?

Thus, with this insignificant duty of 5 per cent, we give away, without consideration, the most valuable market in the world.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. JONES. I think I will have to ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, I desire to say that as a rule I am not in favor of countervailing duties, because it gives in the hands of the foreign country the power to make our tariff laws; but this, I think, can be made an exception to that rule, because it will simply affect the border of the country along the Canadian line. It seems to me that the arguments as presented by the Senator from Washington [Mr. JONES] and the Senator from Ohio [Mr. BURTON] are quite conclusive that it would be unfair to the producers of lime along the Canadian border to permit their Canadian competitors to come into their market on a duty of 5 cents, while the American producer adjacent to the line must pay more than three times that much to get into the market of his Canadian competitor.

Therefore, I shall vote for this amendment for that reason; but I do not wish it to be understood as an indorsement of the general policy of countervailing duties, because I do not believe in them as a rule.

Mr. JONES. I ask that the amendment be read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 6, paragraph 75, which reads, "Lime, 5 per cent ad valorem," add the following proviso:

Provided, That the duty levied and collected by this paragraph shall in no event be less than the duty levied and collected by any adjoining country upon the importation of lime into such adjoining country from the United States.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. JAMES (when Mr. BRADLEY'S name was called). I wish to announce the unavoidable absence of my colleague [Mr. BRADLEY] and to state that he has a general pair with the junior Senator from Indiana [Mr. KERN].

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and vote. I vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "yea."

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY], and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], and therefore withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair for the afternoon with the junior Senator from Florida [Mr. BRYAN], who is detained from the Senate. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent. He is paired with the Senator from Florida [Mr. FLETCHER].

The roll call was concluded.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], who is absent. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the senior Senator from Alabama [Mr. JOHNSTON] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I am paired with that Senator and therefore withhold my vote.

Mr. BACON. I again announce the necessary absence of my colleague [Mr. SMITH of Georgia] and that he is paired with the senior Senator from Massachusetts [Mr. LODGE].

Mr. GRONNA. I again wish to announce that my colleague [Mr. MCCUMBER] is necessarily absent on account of illness in his family, and that he is paired with the senior Senator from Nevada [Mr. NEWLANDS]. I wish this announcement to stand for the day.

Mr. VARDAMAN. The senior Senator from Mississippi [Mr. WILLIAMS] is unavoidably absent. I understand that he is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. GALLINGER. I was requested to announce a pair between the Senator from Rhode Island [Mr. LIPPITT] and the Senator from Tennessee [Mr. LEA].

Mr. SMOOT. I desire to state that the junior Senator from Wisconsin [Mr. STEPHENSON] and the senior Senator from Delaware [Mr. DU PONT] are unavoidably detained from the Senate. I will allow this announcement to stand for the day.

Mr. LEWIS. I wish to announce a pair between the Senator from Texas [Mr. CULBERSON] and the Senator from Delaware [Mr. DU PONT]. I make this announcement for the day.

The result was announced—yeas, 22, nays 35.

YEAS—22

Borah	Clark, Wyo.	La Follette	Sterling
Brady	Crawford	Nelson	Sutherland
Brandegee	Dillingham	Norris	Townsend
Bristow	Gallinger	Page	Works
Burton	Jones	Sherman	
Catron	Kenyon	Smoot	

NAYS—35.

Ashurst	Hughes	Ransdell	Smith, S. C.
Bacon	James	Reed	Stone
Bankhead	Johnson, Me.	Robinson	Swanson
Chamberlain	Lane	Shafroth	Thompson
Chilton	Lewis	Sheppard	Thornton
Clarke, Ark.	Martine, N. J.	Shields	Tillman
Gore	Owen	Shively	Vardaman
Gronna	Pittman	Simmons	Walsh
Hollis	Pomerene	Smith, Ariz.	

NOT VOTING—39.

Bradley	Goff	Martin, Va.	Saulsbury
Bryan	Hitchcock	Myers	Smith, Ga.
Burleigh	Jackson	Newlands	Smith, Md.
Clapp	Johnston, Ala.	O'Gorman	Smith, Mich.
Colt	Kern	Oliver	Stephenson
Culberson	Lea	Overman	Thomas
Cummins	Lippitt	Penrose	Warren
du Pont	Lodge	Perkins	Weeks,
Fall	McCumber	Poindexter	Williams
Fletcher	McLean	Root	

So Mr. JONES's amendment was rejected.

Mr. BURTON. I desire a vote on the amendment, and will ask to have it read at the desk. I will state, however, that it provides that the duty of 5 per cent may remain, that being the general duty; but where the duty of any country, dependency, or other subdivision of government is 10 per cent or more the duty shall be 10 per cent.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Ohio [Mr. BURTON].

The SECRETARY. On page 19, paragraph 75, at the end of the paragraph, it is proposed to insert the following:

Provided, That lime shall be subject to a duty of 10 per cent ad valorem when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on lime imported from the United States of 10 per cent or more ad valorem.

Mr. GRONNA. Mr. President, I shall vote against this amendment as I voted against the amendment proposed by the Senator from Washington [Mr. JONES]. I am opposed to the idea of permitting a foreign Government to say what our duties shall be. In a measure, although conditions are somewhat different, it is similar to the provision in the bill for a countervailing duty on wheat. Every Senator knows that Canada has no market for our wheat. Every Senator knows that we surrender our market, which is a valuable one, to a nation that has no market for our products. I do not wish to delay the Senate this afternoon, and for that reason I shall not go into the subject any further; but I simply desire to state that I am opposed in a general way to this method of legislating. We should assume the responsibility ourselves and levy such duties as the industry is justly entitled to.

Mr. BURTON. Mr. President, I have already stated that the arguments used by the Senator from North Dakota [Mr. GRONNA] can have no possible application, and would not govern the price in this country in the least degree. I ask unanimous consent to change the figures "10 per cent" in the proposed duty to "9 per cent," so that it may be in no event more than the present duty.

The VICE PRESIDENT. The amendment will be modified as proposed by the Senator from Ohio. The question is on the amendment as modified.

The amendment as modified was rejected.

Mr. STONE. Mr. President, that paragraph having been disposed of, I will state, to the Senate that it will end the consideration of Schedule B, except as it relates to paragraphs to which the Senate will later revert. Several paragraphs were passed over at the request of the Senator from Wisconsin [Mr. LA FOLLETTE], and one, as I recall, at the request of the Senator from North Dakota [Mr. GRONNA]. Except those paragraphs which have been reserved, the paragraphs of the schedule have been considered and passed upon. Perhaps there may be other reserved paragraphs, but, in any event, we shall return to them in due time.

The metal schedule is the next one in line; and that is to go over until Monday. I now understand that it is the purpose of the chairman of the committee that we proceed to the consideration of Schedule D, the wood schedule.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in Schedule D, page 50, line 9, to strike out paragraph 171, as follows:

171. Sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all cabinet woods not further manufactured than sawed, 10 per cent ad valorem; veneers of wood, 15 per cent ad valorem; and wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem.

Mr. BURTON. I should like to ask a question in regard to the proposed amendment. What do the words "wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem," mean? What is included in that? I refer to the clause on page 51, lines 2, 3, and 4.

Mr. JOHNSON of Maine. I will say to the Senator, Mr. President, that that includes all woods except those specially provided for as mentioned in the section—all unmanufactured woods not specially provided for by the section.

Mr. BURTON. That would include oak, pine, and every other variety of wood?

Mr. JOHNSON of Maine. Either on the free list or on the dutiable list.

Mr. BURTON. Is there not, then, a duty imposed upon that class of wood, while finished woods are made free?

Mr. JOHNSON of Maine. I do not know that I fully understand the question of the Senator.

Mr. BURTON. Take the paragraph in the free list relating to this matter——

Mr. JOHNSON of Maine. In the free list it is paragraph 649.

Mr. BURTON. There you will find:

And all like blocks or sticks, rough hewn, sawed, or bored; sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved; clapboards, laths—

And so forth.

Does not this propose to impose 10 per cent on unmanufactured wood, while the finished woods, being tongued and grooved and made into clapboards, made into palings, shingles, and ship timber, are free?

Mr. JOHNSON of Maine. I can not specify the different kinds of wood which might be included, but we have in this paragraph specified some of the cabinet woods, such as mahogany, satinwood, granadilla, rosewood, and any other woods unmanufactured, which will bear this duty of 10 per cent, unless specially provided for in the paragraph.

Mr. BURTON. If the Senator will allow me, this refers to all classes of woods unmanufactured, does it not, and not merely to ebony, mahogany, rosewood, and the woods mentioned in the paragraph?

Mr. JOHNSON of Maine. Certainly; it includes all woods not specially provided for.

Mr. TOWNSEND. Mr. President, as I understand it, mahogany and other similar woods either come into the country manufactured, which is a small proportion of the amount, or else they come in the form of logs. I believe in a protective duty wherever a duty is necessary in order to maintain a legitimate industry in the United States. The fact is that we do not grow any mahogany in this country. It now comes in with a duty of 15 per cent, and it is proposed in this bill to impose a duty of 10 per cent upon it. Can it be that a duty is imposed for the purpose of encouraging an American industry? Why, I repeat, we produce no mahogany logs and the total cost of manufacturing logs into lumber, I am informed, does not exceed $3 a thousand, and the excessive duty of 10 per cent is not needed for the purpose of protection. This lumber, of course, is very high priced, and a 10 per cent duty on lumber which is worth more than a hundred dollars a thousand is too high. It will not produce as much revenue as the present duty, so far as that is concerned, if revenue is what Senators desire.

Mr. President, lumber of this kind should come into the United States free of duty. I am in favor of it, not only because imposing a duty does not in any manner encourage or protect an American industry, does not give employment to a single American laborer, but it does necessarily increase the price of that product to the consumer. Mahogany and other valuable tropical woods should not be burdened with an unnecessary duty. May I ask the Senator in charge of this portion of the bill why he considers the duty necessary?

Mr. JOHNSON of Maine. Mr. President, the mahogany that comes into this country comes in free now; it comes in in the log free. I find, upon referring to the statistics, that in 1912 mahogany to the value of $3,044,966.70 came in free of duty in the log. It is here sawed into different forms. It is only the sawed mahogany which bears the duty of 10 per cent, as the Senator from Michigan [Mr. TOWNSEND] will perceive in this paragraph. On mahogany, when sawed into boards, planks, deals, or other forms, the present duty is 15 per cent upon manufactured mahogany, and that has been reduced to 10 per cent.

Mr. TOWNSEND. The duty proposed in the bill is 10 per cent, as I understand it, not only upon boards but upon logs.

Mr. JOHNSON of Maine. Not upon the logs. The logs will come in free, as they always have done, as the Senator will perceive. The different woods when sawed into boards, planks, deals, or other forms will bear the duty.

Mr. TOWNSEND. That is not the way I understand it. I do not read it that way. Does the committee assert that there is no duty upon any of the lumber described in this bill except upon such as is sawed?

Mr. JOHNSON of Maine. That is our understanding of it—that the woods under paragraph 650 come in free; and they are mentioned.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. TOWNSEND. I yield.

Mr. SMOOT. I desire to ask the Senator from Maine a question. I agree with the Senator that mahogany, when sawed into boards, planks, deals, and other forms, carries under this paragraph a duty of 10 per cent, but he will notice in paragraph 171, line 2, on page 51, after the words "ad valorem," the words "and wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem." If mahogany is not specifically mentioned in the free list, then, of course, it would carry a duty of 10 per cent.

Mr. JOHNSON of Maine. I will say to the Senator from Utah that if he will refer to paragraph 650 he will find that the following woods are all on the free list: Cedar, including Spanish cedar, lignumvitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only, and red cedar (Juniperus virginiana) timber, hewn, sided, squared, or round.

Mr. SMOOT. Mr. President, I have not turned to the free list to examine paragraph 650, but there is no question, taking the two paragraphs together, that mahogany is on the free list.

Mr. TOWNSEND. I had not noticed the subsequent paragraph; but I submit that anyone reading paragraph 171, without any reference to the other, could not come to any other conclusion than that there is a 10 per cent duty on mahogany logs.

Mr. JOHNSON of Maine. I can not understand how the Senator can arrive at that conclusion, when the different forms of wood are mentioned, and then the paragraph provides that "all the foregoing when sawed into boards, planks, deals, or other forms," shall be dutiable.

Mr. HUGHES. Does the Senator understand that the word "section" applies both to the dutiable paragraphs and to the free list?

Mr. TOWNSEND. I did not understand that these woods were carried into the free list.

Mr. HUGHES. The word "section" applies both to the dutiable list and to the free list.

Mr. BURTON. Mr. President, the expression "and wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem," I take it, is intended as a sort of basket clause, to include any form of unmanufactured wood not placed on the free list.

Mr. JOHNSON of Maine. Or not provided for in the dutiable list.

Mr. BURTON. Can the Senator from Maine give any illustration of what would be included in the term "wood unmanufactured, not specially provided for in this section"?

Mr. JOHNSON of Maine. It would include any wood. I do not know that I have any particular wood in mind, because without referring to the bill I can not tell what woods are specially mentioned in the free list and in the dutiable list, but if any woods have not been mentioned this paragraph would cover them.

Mr. BURTON. It attracts attention very naturally, of course, because so large a variety of finished forms of lumber has been placed on the free list.

Mr. JOHNSON of Maine. But this is to cover a possible omission of woods which are not provided for. It is the same clause that is used in the present law, only there the duty is 20 per cent. I will read from the existing law——

Mr. BURTON. I am familiar with that, Mr. President, although there is no objection to the Senator from Maine reading it.

Mr. JOHNSON of Maine. The provision of the existing law reads as follows:

And wood unmanufactured, not specially provided for in this section, 20 per cent ad valorem.

We have followed the same language, only the duty is reduced to 10 per cent.

Mr. BURTON. That provision, however, is in a law in which there is a duty, for instance, of $1.25 on boards and sawed lumber and duties upon different kinds of lumber——

Mr. JOHNSON of Maine. That is manufactured lumber.

Mr. BURTON. It seems incongruous to have this provision for a duty of 10 per cent on unmanufactured wood when there seems to be almost a complete enumeration of manufactured woods which are to be admitted free.

Mr. JOHNSON of Maine. If any have been omitted, then from an abundance of caution this paragraph is designed to make them dutiable.

Mr. NELSON. Mr. President, I desire to suggest to the Senator from Maine that the phrase "and wood, unmanufactured, not specially provided for in this section, 10 per cent ad valorem" be made perfectly clear by the insertion of the word "such" between the word "and" and the word "wood."

I think the section is intended to apply only to those kinds of unmanufactured wood referred to previously in the section, but as it reads it might include not only those woods but all other woods, like oak, pine, and so forth. I think if you would insert the word "such" there you would accomplish the purpose which you intend.

Mr. BURTON. Mr. President, I distinctly asked that question. If this paragraph is limited to cedar, lignum-vitæ, rosewood, mahogany, and so forth, it is clear enough; but I asked the question of the Senator from Maine if it did not refer to all kinds of wood, such as oak, pine, and every other native variety of wood, and I understood him to answer that this was comprehensive and included not only the woods specifically mentioned in this paragraph but all woods.

Mr. JOHNSON of Maine. The suggestion made by the Senator from Minnesota [Mr. NELSON] would destroy the very purpose of the provision.

Mr. NELSON. I think if you use the word "such," so as to read "such wood," it would be perfectly clear.

Mr. JOHNSON of Maine. I will say to the Senator that that would destroy the very purpose for which this language was inserted.

Mr. NELSON. Is it the intention by that language to make all kinds of wood free?

Mr. JOHNSON of Maine. All wood that is not specially provided for is made dutiable at 10 per cent. If we were to use the word "such," we would confine it to the woods enumerated here in the paragraph, which is not the intention.

Mr. NELSON. I desire to call the Senator's attention to the fact that if that is the purpose, the matter would be left in this condition: You put a duty of 10 per cent on all logs, whether pine, oak, or other logs—the raw material—and put the manufactured lumber on the free list. That is what it would lead to, as you will see if you compare paragraph 171 with the free-list paragraph.

Mr. SIMMONS. No, Mr. President; the Senator has overlooked the fact that there are two paragraphs in the free list that deal with wood. Reference was made a little while ago to paragraph 650. There is also paragraph 649, which reads as follows:

Wood: Logs, timber, round, unmanufactured, hewn or sawed, sided or squared.

It is only to provide for cases as to which no provision is made. It is a catchall clause. I myself do not think there is any wood that has not been specifically provided for; but if by inadvertence we have failed to provide for anything in unmanufactured lumber, then under this provision that lumber would pay the duty mentioned.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. I should like to reply to the Senator from Maine.

Mr. NORRIS. I thought the Senator from Maine had the floor. I was going to make a suggestion along the line of that made by the Senator from Minnesota.

Mr. NELSON. I should like to call the attention of the Senate to the inconsistency between section 649 and the last part of paragraph 171. There is an apparent inconsistency. I quote from paragraph 171:

And wood, unmanufactured, not specially provided for in this section, 10 per cent ad valorem.

The woods provided for in this section are "cedar, commercially known as Spanish cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, and satinwood; all of the foregoing"——

Mr. SIMMONS. The Senator overlooks the fact that that is not a section; that is a paragraph. And by the word "section" is included everything from Schedule A down to the income-tax provision.

Mr. NELSON. The paragraph further provides—

and wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem.

Mr. SIMMONS. The words "this section," as I was proceeding to say, refer to everything beginning with Schedule A and ending with Schedule N, sundries. It includes everything in the dutiable list and the free list. It includes everything in the bill except the income provision, the cotton-tax provision, and the administrative provisions.

Mr. NELSON. That would leave an apparent inconsistency between the two paragraphs.

Mr. SIMMONS. No.

Mr. NELSON. If the Senator is satisfied with that provision, very well.

Mr. SIMMONS. The words "otherwise provided for in this section" mean anywhere in the bill, because all of the schedules, including the free list, are comprised in section 1 of this bill. The income-tax provision is section 2.

Mr. TOWNSEND. Mr. President, I desire to refer further to the proposition of retaining a duty of 10 per cent on these articles in paragraph 171. The provision, according to the statement of the chairman of the committee and others, clearly imposes a duty of 10 per cent upon the tropical woods that are used in the manufacture of furniture. The duty on furniture coming into the United States has been reduced in the bill from 35 per cent to 15 per cent, while the duty on these woods, which are not produced in the United States at all, is reduced 33⅓ per cent; that is, reduced from 15 per cent to 10 per cent. I would like now to ask the Senator in charge of this schedule if I am correct in saying that it is proposed to impose a duty of 10 per cent, or of any per cent, on the tropical woods which are used in the manufacture of furniture?

Mr. JOHNSON of Maine. I do not think any of these woods come in in a manufactured form; they are imported in the log.

Mr. TOWNSEND. Well, furniture comes in.

Mr. JOHNSON of Maine. These woods do not come in to any considerable extent manufactured into boards and deals and planks. The importations must be quite small.

Mr. TOWNSEND. I will say to the Senator that there was about a million dollars worth of furniture imported last year.

Mr. JOHNSON of Maine. According to the tables given here, the importations of sawed boards, planks, and deals were only $280,692 in 1912; but logs came in very extensively, and they are on the free list.

Mr. TOWNSEND. They are on the free list?

Mr. JOHNSON of Maine. They are all on the free list.

Mr. TOWNSEND. As I said a moment ago, I think the records will disclose that there were about a million dollars' worth of furniture imported last year, paying a duty of 35 per cent. Furniture is made from these imported woods. This bill proposes to reduce that duty to 15 per cent. Evidently there will be an increase of importations under the pending bill when enacted into law.

The lumber used in the manufacture of high-priced furniture is practically all obtained from the owners of sawmills who, as the Senator states, import the logs into the United States free. Is it not going to be a discrimination against the manufacturers of furniture, for instance, in this country to reduce the duty on furniture and retain a duty on the lumber imported from which the furniture must be manufactured, without the hope of gaining any particular increase of revenue from the change?

What I am contending for, Mr. President, is, inasmuch as no good can come from retaining any duty at all upon this high-priced lumber, that it should be removed; that instead of imposing a duty of 10 per cent on mahogany, for instance, it should come in free. What is the objection to that from the standpoint of the chairman or of the committee?

Mr. JOHNSON of Maine. The only objection is that those have always been dutiable; and following the same course that we have followed in regard to other items in the bill, we have reduced the duty in this case.

I remember particularly in regard to cedar, commercially known as Spanish cedar, that parties appeared before us who import the log from South America and saw it into very thin boards, used for making cigar boxes. There were several industries concerned, and they said that without the duty, if it were on the free list, the cedar would be sawed into the thin stuff down there and the boxes sent here. Having regard to the condition in which they were, we lowered the duty somewhat, but left the duty upon the product which they manufacture.

The Senator speaks of furniture. I call his attention to the fact that we exported $6,231,000 worth of furniture in 1912. In 1910 we exported $5,572,191 worth. Our production that year in this country was $245,764,343. The importations in 1912 were only $810,255. In a year when we exported over $6,000,000 worth we imported only $810,000 worth of furniture. The furniture business would seem to be in a condition to compete; and the slight reduction in the duty which has been made here ought not to be a hardship with that showing.

Mr. TOWNSEND. I do not understand that the furniture manufacturers are complaining about a duty. I do not know that they would complain if furniture were placed on the free list. What they are complaining about is the reduction of the present duty on furniture from 35 per cent to 15 per cent, or a reduction of four-sevenths of the existing duty, while maintaining a duty on the lumber from which they manufacture their furniture, and which they can obtain from no one in the United States except from the manufacturers of foreign logs. The domestic furniture manufacturer must purchase his material either from the American sawmill owner who imports the logs which he saws or from the importer of foreign sawed lumber. Even from a protective standpoint the sawmill owner is entitled to no more than the reasonable difference between the cost of sawing the logs here and the cost abroad. Yet this proposed duty is seven or eight times the total cost of sawing in the United States. Are you not placing the furniture manufacturer too much in the power of the sawmill owner? Why not give him at least the benefit of fair competition? What occurred to me was that if there is to be a reduction in the duty on furniture, there should be an equal reduction upon the material out of which the furniture is manufactured.

Mr. JOHNSON of Maine. Mr. President, I should like to ask the Senator a question, if he will yield.

Mr. TOWNSEND. I will.

Mr. JOHNSON of Maine. Do not some of the furniture manufacturers import the mahogany log and saw it themselves, and have sawmills in connection with their plants?

Mr. TOWNSEND. I think that is true.

Mr. JOHNSON of Maine. Then they get their mahogany free in that way.

Mr. TOWNSEND. That is true of those who have the mills and who can saw it; and, therefore, they have an advantage over the manufacturers who do not saw their own logs, but who are trying to get the material with which to compete with their more favored rivals.

No good can come from this duty. It is not encouraging a single industry in the United States. It is not a revenue producer. The reductions which have taken place should have been more equitable. I can see no reason, from a Democratic standpoint, why the material from which this furniture is manufactured should not be on the free list.

Mr. BRANDEGEE. Mr. President, I want to ask a question of the Senator in charge of this schedule.

In paragraph 171, the last clause on page 50, extending over on page 51, reads as follows:

And all cabinet woods not further manufactured than sawed, 10 per cent ad valorem.

Then, in the next line:

And wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem.

It will be noted that the first quotation I have made speaks of wood "not further manufactured than sawed," and the next quotation speaks of "wood, unmanufactured." Suppose wood comes in that is sawed, but that has not been specially mentioned; is it subject to the duty of 10 per cent or not?

Mr. HUGHES. It also says "not specially provided for." The Senator must read that in his quotation after "unmanufactured."

Mr. BRANDEGEE. What I mean to ask is, Does the word "unmanufactured," as used in line 2 of page 51, include sawed wood or not?

Mr. JOHNSON of Maine. Will the Senator repeat his question? I did not hear it.

Mr. BRANDEGEE. I will.

At the bottom of page 50 the language of the bill is:

And all cabinet woods not further manufactured than sawed.

Then, in the next line, it provides:

And wood manufactured, not specially provided for in this section, 10 per cent ad valorem.

Mr. JOHNSON of Maine. The first applies to woods which may be classed as cabinet woods.

Mr. BRANDEGEE. I know it; but what I am trying to do is to get the Senator's definition of the word "manufactured." In the first instance which I have cited it says, "woods not further manufactured than sawed," which looks to me as though the authors of the bill considered sawing as manufacturing.

Mr. JOHNSON of Maine. It is true to that extent.

Mr. BRANDEGEE. Therefore, under the last quotation I have made, if sawed wood comes in that has not been specially mentioned, is it manufactured or not? That is, is it subject to a duty of 10 per cent or not?

Mr. HUGHES. It is manufactured.

Mr. TOWNSEND. May I ask that this paragraph be passed over? I want to prepare an amendment to it. I shall not debate it at length hereafter; but I would like to present an amendment to be offered at the proper time and when I shall have it prepared.

Mr. JOHNSON of Maine. Certainly.

Mr. BRANDEGEE. Mr. President, if that is going to be done, I will ask leave of the Senate to insert in the RECORD at this point the statement of the domestic manufacturers in relation to this paragraph, as given in the House hearings. It is found on page 2228 of the hearings on Schedule D. I will send it to the Secretary's desk, and ask to have it inserted in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

BROOKLYN, N. Y., *January 10, 1913.*

Hon. OSCAR W. UNDERWOOD,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

DEAR SIR: Re Schedule D, wood and manufactures of, section 203, sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadillo, mahogany, rosewood, satinwood, and all other cabinet woods not further manufactured than sawed, 15 per cent ad valorem; veneers of wood, and wood unmanufactured, not specially provided for in this section, 20 per cent ad valorem.

We respectfully ask that the present duty of 15 per cent on sawn woods and 20 per cent on veneers, as above provided, be retained in the new tariff bill now under consideration.

The logs, either in the round or square hewn, are admitted free of duty, and this has always been the policy of the Government. Under this arrangement these tropical woods are converted here into lumber and veneers.

This industry is very important, supporting many mills in New York, Boston, Philadelphia, Baltimore, New Orleans, Louisville, Mobile, Chicago, Cincinnati, and the Pacific coast, giving employment to a great number of skilled mechanics and representing heavy capital investments.

During the past few years the importation of thin cedar boards from the mills of Mexico and Cuba has become very heavy, the imports of 1912 having increased more than 63 per cent over those of 1911, thus evidencing the fact that the foreign mills can pay the duty and still compete successfully with our own manufacturers.

The foreign mills have an advantage in freights, as the steamship lines charge a less rate per cubic foot on the manufactured product than on logs.

The owners and operators of the American cedar mills fear their business will be entirely destroyed if the 15 per cent protection is removed.

We would furthermore suggest that in writing the new tariff, in section 203, "and all other cabinet woods not further manufactured than sawed," the word "other" be dropped, so that importers of sawn cedar or sawn lancewood or sawn lignum-vitæ may have no grounds for asking free entry on the plea that these woods are not used exclusively for furniture.

The agents of the West Indian mills have recently endeavored by appeals to the Board of Appraisers to have cedar admitted free of duty on the plea that it is not a cabinet wood and that it is used chiefly for cigar boxes, and this notwithstanding the fact that Congress has specifically enacted that sawn cedar, mahogany, etc., shall pay a duty. The omission of the word "other," as we have mentioned, would avoid all controversy.

As a matter of fact, Spanish cedar has always been considered a cabinet wood, both by the trade here and in the fine-woods trade in Europe. It is botanically one of the mahogany family, and the cost of both woods is the same.

Very truly, yours, WM. E. UPTEGROVE,
(Representing 19 firms).

The reading of the bill was resumed, as follows:

172. Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods, 10 per cent ad valorem.

Mr. BURTON. Mr. President, I move that paragraph No. 172 be stricken out and transferred to the free list as paragraph No. 651½.

It seems to me this paragraph in its present form falls little short of an absurdity. Paving posts are in very general use in cities. Railroad ties are in demand for railways, and the demand for them causes more of a strain on the timber supply than almost anything else. A duty of 10 per cent is placed on telephone, trolley, electric-light, and telegraph poles of cedar or other woods, very raw forms of lumber and in very general use.

Now, let us turn to paragraphs 649 and 650 and see some of the things that are on the free list. I will read most of the two sections:

Wood: Logs, timber, round, unmanufactured, hewn or sawed, sided or squared; pulp woods, kindling wood, firewood, hop poles.

They are all on the free list, while telegraph poles go on the dutiable list.

Hoop poles go on the free list; fence posts go on the free list; but paving posts go on the dutiable list.

Hangle bolts, a much more highly finished form of lumber; shingle bolts, gun blocks for gunstocks, rough hewn or sawed or planed on one side; hubs for wheels, which require very careful attention and much labor—they are placed on the free list, but railroad ties are dutiable at 10 per cent.

Posts—if it were not for the specific description of telegraph posts and paving posts, these latter would go on the free list, for posts in general are free, while paving posts, which are very much used in our streets, are dutiable at 10 per cent.

Heading bolts—it is no sinecure to prepare one of those—stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, rough hewn, sawed, or bored; sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved—that is, lumber that is tongued and grooved—all these are free, but a post or pole that is put up for a telephone line must pay a duty.

Now, let us notice some more articles that are on the free list: Clapboards, laths, pickets, palings, staves, shingles, ship timber, ship planking, broom handles, and so forth—all of those are on the free list.

What is the object of putting telephone poles on the dutiable list at 10 per cent in the face of such a list as that? In fact, Mr. President, in the case of paving posts, the law might be evaded by importing the log free and then cutting it up. In the case of railroad ties you might import without duty the whole log, or you might import under the form of scantling, squared timber, and then change it to a railroad tie. The former would be free and the latter would be dutiable. It would be more difficult to evade the provision in regard to telephone, trolley, and telegraph poles.

I will read a few more items here that are on the free list, at the end of paragraph 650. Cedar, including Spanish cedar, lignum-vitæ, lancewood, and so forth, and all forms of cabinet woods, in the log, rough, or hewn only, are all on the free list. Fine mahogany comes in free; but the cheaper kinds of timber, used for telephone posts, are dutiable.

Look here at the end, and see to what extent the bill has gone in placing woods on the free list:

Other woods not specially provided for in this section, in the rough or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.

Why should the stick for a lady's sunshade come in free, while the telephone pole that provides for a telephone system perhaps between one farmhouse and another is put on the dutiable list?

Umbrella sticks, which oftentimes are covered with metal, are free, but railroad ties are dutiable. Why, Mr. President, it seems to me this paragraph must have been overlooked. I introduced an amendment with reference to this matter some two months ago, I think, to straighten out these duties.

There is still another point in regard to it. We are having no end of agitation with regard to the conservation of our timber supply. Some very excellent men, like Mr. Pinchot and Dr. Schenck, for whose judgment I have the highest respect, say we ought to have a duty on timber to stimulate the domestic supply. I do not quite agree with that idea. It has always seemed to me that a duty on the log, at least, was a destructive tariff rather than a protective tariff, because this is a material which is one of the essentials of life which we must have, and the supply of which is rapidly diminishing, and we should frame the most liberal regulations, at least as to the admission of the timber in its unfinished form.

But suppose you levy a duty of 10 per cent on telegraph and telephone poles; what will be the result? Timber which has not reached its greatest value, which has not gained any great degree of maturity, will be cut down, because it will command a special or added price, due to this 10 per cent. At least it will command 10 per cent more, if the theory of the Senators on the other side of the aisle is right.

I recognize that the duties of the members of the committee have been very arduous, and I want to ask them if they are not willing that this item shall go out?

Mr. JOHNSON of Maine. Mr. President, I will say that this matter was not overlooked by the committee, because the Senator from Ohio would not allow us to overlook it. I remember that he appeared before the committee——

Mr. BURTON. Mr. President, I did not flatter myself that necessarily the brief call I made produced such an impression that the Senator would remember it.

Mr. JOHNSON of Maine. I will say that we took under full consideration what was said to us by the Senator. I want to call the attention of the Senate, however, to the fact that under this paragraph we collected $77,559 in revenue last year; and by putting on the free list the woods which the Senator from Ohio has mentioned we have taken away the opportunity to get revenue under this schedule. We must produce some revenue under the wood schedule, and I know of no better subject for bearing duties than railroad ties, electric-light poles, and telegraph poles. Certainly the users of those articles can pay this duty, or an additional price caused by the duty. I will say, also, that we have simply followed the provision of the existing law, which places a duty of 10 per cent upon those items. We have cut very heavily the sources of revenue in this schedule. In order to raise some revenue, and the part which this schedule ought to raise, it is necessary to maintain some things upon the dutiable list.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BURTON].

Mr. BURTON. On the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). I transfer my pair with the junior Senator from Maryland [Mr. JACKSON] to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "nay."

Mr. GALLINGER (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. I shall therefore withhold my vote, unless it becomes necessary to make a quorum.

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The VICE PRESIDENT. He has not.

Mr. STONE. I have a general pair with that Senator. I transfer the pair to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I again announce my pair for the afternoon with the junior Senator from Florida [Mr. BRYAN], who is necessarily detained from the Chamber. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. WALSH (when his name was called). Mr. President, I desire to announce to the Senate, as disclosed in the hearings before the lobby investigating committee, that I am interested in timberlands in my State. Articles coming under this paragraph constitute an element of the value of those lands. I am not yet satisfied, however, that a Senator ought to decline to vote simply because he has a more or less direct interest in the matter, although I may be convinced later on that that is the proper attitude to take. However, the disadvantage accruing to my interests from the bill as a whole quite outweighs any advantage that might accrue from this particular paragraph. I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Alabama [Mr. JOHNSTON] and vote "nay."

I also desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. I will let this announcement stand for the day.

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] has been called from the Chamber. He is paired with the junior Senator from Colorado [Mr. SHAFROTH].

Mr. GALLINGER. I have been requested to announce that the senior Senator from California [Mr. PERKINS] is unavoidably detained from the Chamber, and is paired with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. WILLIAMS (after having voted in the negative). I have just learned that the senior Senator from Pennsylvania [Mr. PENROSE] did not vote. I have a pair with him, and I therefore withdraw my vote.

Mr. SHAFROTH. I am paired with the senior Senator from Vermont [Mr. DILLINGHAM], and therefore withhold my vote. If I were privileged to vote, I should vote "nay."

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. ROBINSON. The senior Senator from Arkansas [Mr. CLARKE] is paired with the junior Senator from Utah [Mr. SUTHERLAND]. The senior Senator from Arkansas is unavoidably absent from the Chamber.

Mr. THORNTON. I desire to announce that the junior Senator from Alabama [Mr. JOHNSTON] is unavoidably detained from the Chamber. I desire further to announce that the junior Senator from New York [Mr. O'GORMAN] is unavoidably absent. I ask that this announcement may stand for the day.

The result was announced—yeas 18, nays 34, as follows:

YEAS—18.

Brady	Clapp	La Follette	Smoot
Brandegee	Colt	Nelson	Sterling
Bristow	Crawford	Norris	Townsend
Burton	Gronna	Page	
Catron	Kenyon	Sherman	

NAYS—34.

Ashurst	Jones	Robinson	Swanson
Bacon	Lane	Saulsbury	Thomas
Bankhead	Lewis	Sheppard	Thompson
Chamberlain	Martine, N. J.	Shields	Thornton
Chilton	Myers	Shively	Tillman
Hollis	Owen	Simmons	Vardaman
Hughes	Pomerene	Smith, Ariz.	Walsh
James	Ransdell	Smith, S. C.	
Johnson, Me.	Reed	Stone	

NOT VOTING—44.

Borah	Fletcher	McCumber	Root
Bradley	Gallinger	McLean	Shafroth
Bryan	Goff	Martin, Va.	Smith, Ga.
Burleigh	Gore	Newlands	Smith, Md.
Clark, Wyo.	Hitchcock	O'Gorman	Smith, Mich.
Clarke, Ark.	Jackson	Oliver	Stephenson
Culberson	Johnston, Ala.	Overman	Sutherland
Cummins	Kern	Penrose	Warren
Dillingham	Lea	Perkins	Weeks
du Pont	Lippitt	Pittman	Williams
Fall	Lodge	Poindexter	Works

So Mr. BURTON's amendment was rejected.

The reading of the bill was resumed.

The next amendment was, in paragraph 174, page 51, line 13, before the word "pomelos," to strike out "or," and, after the word "pomelos," to insert "or other fruits," so as to read:

174. Boxes, barrels, or other articles containing oranges, lemons, limes, grapefruit, shaddocks, pomelos, or other fruits, 15 per cent ad valorem.

Mr. SMOOT. Mr. President, I desire to say to the Senate that, in my opinion, the addition of those words to this paragraph means that all coverings of fruits that carry specific duties or are free of duty will be assessed one-half of their value in returning to this country. Under the present law it is true that we impose that one-half duty upon orange and lemon boxes; but with the change that has been made in this paragraph, by adding "or other fruits" on lines 13 and 14, and striking out "orange and lemon" on line 16, and "orange and lemon" on lines 17 and 18, and adding "fruit" before the word "boxes" on line 16, and "fruit" before the word "box" on line 18, and "fruit" after the word "lemons" on line 19, it simply means that hereafter all boxes containing fruit of any kind exported from this country to another country and returned to this country will be obliged to pay a duty.

Under the present law, under paragraph 500, it is provided that they shall be returned to the United States free of duty with the exception of those specifically mentioned in paragraph 211, which is the same as the paragraph under consideration in the pending bill. Does the Senator from Maine understand that as I understand it?

Mr. JOHNSON of Maine. I certainly do. I do not believe, however, that many boxes or coverings for other than oranges and lemons are exported from this country to be filled and then imported here. The committee could see no reason why boxes for other fruit besides oranges and lemons should not be treated exactly the same way, and for that reason the words "or other fruits" were inserted.

Mr. SMOOT. They always have been treated that way. The only reason why lemons and oranges were treated in that way in the present law was, I suppose, that with the rate of duty which was imposed upon them they could afford to pay that one-half duty when the boxes were returned. If the Senator understands that, then I ask him to turn to the corresponding paragraph of the free list.

Mr. JOHNSON of Maine. I do not know that I correctly understood the Senator. Did I understand him to say that there are some fruits upon the free list in this bill?

Mr. SMOOT. I never referred to fruits at all.

Mr. HUGHES. I understand the Senator from Utah to make the point that under the provision of this paragraph containers of certain articles, although free, have to pay a certain rate of duty.

Mr. SMOOT. Exactly.

Mr. HUGHES. Is that the point?

Mr. SMOOT. That is the point.

Mr. HUGHES. It applies to fruits?

Mr. SMOOT. Certainly.

Mr. HUGHES. I just wanted to know for information. I did not know that any fruits were on the free list.

Mr. SMOOT. No; nor are lemons and oranges.

Mr. HUGHES. I wanted to know if there was anything the Senator knew that would be affected by it.

Mr. SMOOT. I know that fruits, other than oranges and lemons, shipped to Canada would be affected by it. The small fruits that go up into Alberta or Saskatchewan or the western Provinces of Canada would be affected.

Mr. HUGHES. As far as exports are concerned?

Mr. SMOOT. No; as far as the return of boxes is concerned.

Mr. HUGHES. I wanted to get the Senator's idea.

Mr. SMOOT. The way the provision is in the bill now, they will have to pay one-half the duty, but in the past they have always been allowed to come into this country free.

Mr. JOHNSON of Maine. Will the Senator from Utah yield to me for a minute?

Mr. SMOOT. Yes.

Mr. JOHNSON of Maine. Does the Senator understand that the completed box is not what is exported from this country, but the staves, thin boards, and so forth, which go to make the box are sent to Sicily? The preparation of those is quite a large industry in the United States.

Mr. SMOOT. No, Mr. President; that is not what this refers to.

Mr. JOHNSON of Maine. Oh, yes.

Mr. SMOOT. This refers to wherever there is an export of any fruit.

Mr. JOHNSON of Maine. Let me tell the Senator just why that amendment is offered. In the first place, there is quite a large industry in Maine which makes the material which goes into lemon boxes. The staves and thin boards are sent to Sicily and made into lemon boxes over there, and when those are returned they are to pay half the duty that the foreign-made box pays. It is a discrimination in favor of domestic-made boxes for packing lemons and oranges.

Mr. SMOOT. That is the discrimination I am speaking of. The present law discriminates only as to orange and lemon boxes, and as to all other fruit they would come in free.

Mr. JOHNSON of Maine. But I know of no other fruit. There are no fruits that are upon the free list in this bill. If a box is used for bringing in some other fruit than oranges and lemons, the committee could not see why it should not be treated just the same as an orange box or a lemon box.

Mr. HUGHES. Do I understand the Senator to mean now that certain boxes containing fruit are sent into Canada and that under the present law those empty boxes can be sent back into this country without the payment of a duty?

Mr. SMOOT. Yes. I refer the Senator to paragraph 500 of the present law, which says:

Articles the growth, produce, or manufacture of the United States, not including animals, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes.

Under the present law they can be returned into this country free, but under the provision here they will have to pay one-half duty.

There is another point to which I wish to call the Senator's attention, and that is the inconsistency, as I see it, in the bill itself. If he will turn to the free list, paragraph 412, he will find that this is what it says:

Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; steel boxes, casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes.

I am simply calling the Senator's attention to what seems to me to be an inconsistency there, and I think it ought to be corrected.

Mr. HUGHES. Upon a hasty examination I am inclined to agree with the Senator. I suggest that we pass over the paragraph.

Mr. SMOOT. If we pass it over, that will be satisfactory to me.

Mr. JOHNSON of Maine. I think we have the same provision as appears in the existing law. I will be willing to let it go over and examine the provision carefully.

The VICE PRESIDENT. The Chair would like to understand what goes over.

Mr. JOHNSON of Maine. Paragraph 174; the whole paragraph.

The reading of the bill was continued.

The next amendment of the Committee on Finance was, on page 52, line 5, after the word "vegetable," to insert the words "or animal," so as to make the paragraph read:

176. Toothpicks of wood or other vegetable or animal substance, 25 per cent ad valorem; butchers' and packers' skewers of wood, 10 cents per thousand.

The amendment was agreed to.

Mr. JONES. I ask that the paragraph may go over, to be taken up in connection with paragraph 649 of the free list. I desire to move to transfer shingles and possibly some other articles to this paragraph, and I should like to take the two together. I have no objection to any of the provisions here in the paragraph.

Mr. SIMMONS. If the Senator has no objection to any provision in the paragraph, why should it go over?

Mr. JONES. I want to move to put certain articles now on the free list in the paragraph. That is the idea.

Mr. SIMMONS. I understand.

The reading of the bill was continued, as follows:

177. Porch and window blinds, curtains, shades, or screens any of the foregoing in chief value of bamboo, wood, straw, or compositions of wood, not specially provided for in this section, 20 per cent ad valorem; if stained, dyed, painted, printed, polished, grained, or creosoted, and baskets in chief value of like material, 25 per cent ad valorem.

Mr. SMOOT. I ask the Senator from Maine if that paragraph would not be very much more comprehensive by striking out the words "porch and window"? It seems to me the paragraph is ambiguous. Do the words "porch and window" refer to blinds, curtains, shades, and screens, or do they simply refer to blinds? The way I read it they refer to curtains,

shades, and screens. If so, it would be inconsistent. It seems to me that if you would simply say "blinds, curtains, shades, or screens any of the foregoing in chief value of bamboo, wood," and so forth, there would not be any question about it.

Mr. JOHNSON of Maine. We followed simply the language of the existing law.

Mr. SMOOT. That may be true.

Mr. JOHNSON of Maine. That is exactly the language of the existing law, and we have had no difficulty brought to our attention in the administration of the paragraph.

Mr. BRANDEGEE. Let me suggest to the Senator from Utah that I think the reason why the ambiguity appears here is because the existing law has not been followed, but the word "baskets" as it appears in the existing law has been dropped, which brings the words "window blinds and curtains" together, whereas the existing law says "window blinds, baskets, curtains."

Mr. SMOOT. That is what I was going to call to the attention of the Senator from Maine. If he will turn to the existing law, paragraph 214, he will find that it reads:

Porch and window blinds, baskets, curtains, shades—

and so forth. But the bill as reported drops the word "baskets"; and then, of course, it applies to porch and window blinds and porch and window curtains and porch and window shades.

Mr. HUGHES. Of course, the Senator sees that in the whole of those items the subject of chief value is bamboo?

Mr. SMOOT. Yes; but there are a good many shades and a good many curtains made of bamboo that are not porch and window curtains or shades. I believe that if the paragraph is left as it is there will be a great deal of misunderstanding about it. There will be suits instituted, and it will be a long time before it can be finally decided.

Mr. HUGHES. Of course, the Senator's objection can be eliminated by placing a semicolon in lieu of the comma, in any event; could it not?

Mr. SMOOT. But it seems to me that by striking out the words "porch and window" there could not be any question about it.

Mr. HUGHES. Very well; I will move to strike out the words "porch and window," so that it will read:

Blinds, curtains, shades, or screens—

and so forth, following the rest of the language.

Mr. SMOOT. That will be all right.

The VICE PRESIDENT. Is there objection to the amendment proposed by the committee to strike out the words "porch and window"? The Chair hears none, and the amendment is agreed to.

Mr. GALLINGER. Mr. President, I can not refrain from expressing my deep gratification that an amendment has been made to the bill without its having been considered in a Democratic caucus.

Mr. HUGHES. I will say to the Senator that he will not have any difficulty in getting proper amendments made at any time.

The reading of the bill was continued to line 22, on page 52, the last two lines read being as follows:

Schedule E—Sugar, molasses, and manufactures of.

Mr. GALLINGER. I apprehend the Senator from North Carolina will not think it wise to enter upon the consideration of the sugar schedule this afternoon.

Mr. SIMMONS. I would not. Senators who desire to be heard upon that schedule are not in the Chamber, and I would be willing to lay the bill aside now.

Mr. THORNTON. I thought the metal schedule came before the sugar schedule. Am I mistaken about that?

Mr. SIMMONS. The metal schedule will be taken up on Monday.

Mr. THORNTON. That is ahead of the sugar schedule?

Mr. SIMMONS. It is.

Mr. THORNTON. That is why I did not understand the talk about taking up the sugar schedule now.

Mr. SIMMONS. We agreed to lay the metal schedule aside for to-day, and if we had proceeded with the next in order it would have been the sugar schedule.

Mr. THORNTON. I understand it now.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. SIMMONS. I ask unanimous consent for the present consideration of Senate bill 2433. It is a bill to permit certain foreign Governments to bring in material to be used in connection with their exhibits at the Panama Exposition free of duty. There seems to be some urgency about the passage of the bill, and I trust that I may have unanimous consent for its consideration this afternoon.

Mr. SMOOT. Did the Senator ask to lay the tariff bill temporarily aside?

Mr. SIMMONS. I stated a little while ago that I was willing to have it laid aside for the day.

The VICE PRESIDENT. Is there objection to the consideration of the bill indicated by the Senator from North Carolina?

Mr. GALLINGER. I understand this is a new departure. I think that such articles have never heretofore been admitted free of duty; but I think there is a good deal of reason why they should be admitted free of duty. So I certainly will not object to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2433) providing for the free importation of articles intended for foreign buildings and exhibits at the Panama-Pacific International Exposition, and for the protection of foreign exhibitors.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN RUSSELL.

Mr. JONES. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1243) directing the issuance of patent to John Russell. It is a short bill of local character reported by the Committee on Public Lands.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that a patent under the homestead laws be issued to John Russell for the land occupied by him situated approximately in sections 4 and 5 of township 13 north, range 13 east, of the Willamette meridian, in the Mount Rainier Forest Reserve, State of Washington, notwithstanding any withdrawal heretofore made affecting the same, upon his submitting satisfactory proof of the agricultural character of the lands and his compliance with the homestead laws applicable thereto; but patent shall not issue until the lands have been surveyed by metes and bounds under the direction of the surveyor general for the State of Washington.

Mr. WALSH. Mr. President, that is a most extraordinary bill, and I should like to hear more about it from the Senator from Washington.

Mr. JONES. Mr. President, the situation is this: This man settled on the lands mentioned in 1884. Of course, the lands were unsurveyed. He has lived there continuously ever since, and raised a family. After the act of 1906 was passed, he applied for the listing of his land as agricultural land in a forest reserve, but it was thought that possibly the land might at some future time be necessary for a reservoir site in connection with an irrigation project. So the lands were withdrawn under the reclamation act. He is living there yet and has earned his homestead over and over again; has made improvements worth five or six thousand dollars; and has the land actually under cultivation. The committee considered all the facts which were presented, and thought it was wholly unjust that the man should be denied a patent, which, as I have said, he has earned many times over.

Mr. WALSH. By what committee has the bill been considered?

Mr. JONES. By the Committee on Public Lands.

Mr. WALSH. Is it a unanimous report?

Mr. JONES. I understand so.

Mr. SMOOT. I should like to ask the Senator if the reclamation project was abandoned?

Mr. JONES. No; the project has not been abandoned, and it is said that at some time the lands may be necessary in connection with the Yakima project, for storage purposes. When they will be necessary or when they will be used, if ever, can not now be told, but whether they be used or not, this man has earned his homestead over and over again, so far as settlement and compliance with the law are concerned.

Mr. WALSH. I should like to inquire further. Was any recommendation submitted from the Department of the Interior in regard to the bill?

Mr. JONES. The bill was submitted to the department, and the department said that by reason of the withdrawal of the land and the possible necessity for its use, it would not recommend the passage of the bill, but notwithstanding that letter from the department, the committee considered the matter very carefully, and they thought that this man was entitled to a patent to the land.

Mr. CHAMBERLAIN. Mr. President, if the Senator from Montana will permit me to interrupt him, I believe that it was practically the unanimous opinion of the committee that this bill ought to pass. It is one of those peculiar cases where a

man had been in actual possession, living on the place; had made valuable improvements; and not only that, but had raised a large family on this very land. We thought there was no question but that his right ought to precede any right that the Government or anybody else had.

Mr. WALSH. I have no objection at all.

Mr. JONES. Mr. Russell has been there since 1884.

Mr. VARDAMAN. How many acres are there in the tract?

Mr. JONES. There are 160 acres—a homestead tract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CLERK TO THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD. Mr. President, yesterday the Senate passed a resolution (S. Res. 133) authorizing the Committee on Post Offices and Post Roads to employ an additional clerk at a salary of $1,800. It appears that the resolution does not quite conform to the law on the subject, and the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate [Mr. WILLIAMS] has prepared a substitute for the resolution. I see he has now come into the Chamber. He asked me to present it in his absence. It is exactly the same resolution, but the language has been slightly changed. It has the same effect. I move that the vote whereby the resolution was agreed to yesterday be reconsidered and that the resolution be indefinitely postponed.

The motion was agreed to.

Mr. WILLIAMS. I now report from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution (S. Res. 149) as a substitute for the resolution which has been reconsidered and indefinitely postponed.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the resolution just reported.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads be, and it is hereby, authorized to employ an assistant clerk, at a salary of $1,800 per annum, to be paid from the contingent fund of the Senate until otherwise authorized by law, to serve in lieu of an assistant clerk now authorized by law at an annual salary of $1,440.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 32 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until Monday, August 4, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate August 2, 1913.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. of Engineers Francis Ellery Fitch to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 23, 1913, in place of Second Lieut. of Engineers William Lindsay Maxwell, promoted.

REGISTER OF THE TREASURY.

Gabe E. Parker, of Oklahoma, to be Register of the Treasury, in place of James C. Napier, resigned.

SECRETARY OF LEGATION.

Henry F. Tennant, of New York, now second secretary of the embassy at Mexico, to be secretary of the legation of the United States of America at Caracas, Venezuela, vice Jefferson Caffery.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 2, 1913.

SECRETARY OF LEGATION.

Henry F. Tennant to be secretary of the legation at Caracas, Venezuela.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Asst. Surg. Charles M. Fauntleroy to be passed assistant surgeon.

Asst. Surg. Herman E. Hasseltine to be passed assistant surgeon.

Asst. Surg. Lawrence Kolb to be passed assistant surgeon.

Asst. Surg. James P. Leake to be passed assistant surgeon.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Simon P. Fullinwider to be a commander.

The following-named lieutenants to be lieutenant commanders:

William Norris.

Adolphus Andrews.

The following-named lieutenants (junior grade) to be lieutenants:

William B. Howe.

Robert V. Lowe.

Claude B. Mayo.

The following-named ensigns to be lieutenants (junior grade):

Robert A. Burg.

Jules James.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps:

Charles E. Treibly.

Percy F. McMurdo.

Thomas A. Fortesque.

James L. Manion.

John D. Lane.

Thomas B. Holloway.

Louis Lehrfeld.

First Lieut. Lauren S. Willis to be a captain in the Marine Corps.

Capt. Henry T. Mayo to be a rear admiral.

Commander Henry F. Bryan to be a captain.

The following-named ensigns to be lieutenants (junior grade):

Alexander M. Charlton.

Archer M. R. Allen.

Paul E. Speicher.

Andrew D. Denney.

James C. Van de Carr.

Maurice R. Pierce.

William R. Purnell.

James D. Smith.

Guy C. Barnes.

POSTMASTERS.

ALABAMA.

C. E. Brooks, Fort Deposit.

Clifford T. Harris, Columbia.

W. G. Porter, Heflin.

ILLINOIS.

Clifford W. Brewer, Knoxville.

L. F. Meek, Peoria.

IOWA.

Henry Africa, Kanawha.

William A. Cooper, Bayard.

Otho C. McShane, Springville.

Charles Loyd Paul, Ireton.

John S. Sloan, Williams.

I. G. Winter, Sioux Center.

KENTUCKY.

J. D. McCoy, Greenup.

H. H. Poage, Brooksville.

MICHIGAN.

Joseph Fremont, Bad Axe.

OHIO.

P. W. Guilday, Milford.

James Sharp, Nelsonville.

F. C. Thomas, Malta.

Robert T. Whitmer, Thornville.

PENNSYLVANIA.

Charles M. Harder, Catawissa.

W. B. Reisinger, Wrightsville.

SOUTH CAROLINA.

W. A. Hill, Newberry.

WITHDRAWAL.

Executive nomination withdrawn from the Senate August 2, 1913.

REGISTER OF THE TREASURY.

Adam E. Patterson, of Oklahoma, to be Register of the Treasury, in place of James C. Napier, resigned, Mr. Patterson having declined the appointment.

UNIV. OF MICHIGAN,
MAY 18 1914